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the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them." This language and the idea are almost identical with those used by Mr. Buchanan in his veto of the first homestead bill passed by Congress. In that message he said: "This bill will prove unequal and unjust in its operations, because from its nature it is confined to one class of our people." That is true, but it is a class without restriction and discrimination, and the class to whom the lands rightfully belong—the class whose labor adds so much to their value, while contributing so largely to the development and growth of the country and its general welfare.

What property rights did the Government acquire from the Indian by these later treaties different from those acquired by all other treaties heretofore made? The Government paid him or has agreed to pay him for what? Just what the Government has always acquired heretofore in the treaties which have been made from time to time since the landing of the Pilgrims.

The Government secured by such treaties the willing consent of the Indian to move onward, leaving the pioneer settler to rear his cabin home on his receding footsteps, without fear or danger of torch or tomahawk. No matter how much money the Government pays or agrees to pay for such a purpose, it is far better and more humane thus to secure his willing consent to leave his old hunting grounds and find new ones than to drive him forth with powder and ball.

Mr. FARIS. Mr. Speaker, will the distinguished gentleman permit an interruption and a question?

Mr. GROW. Certainly.

Mr. FARIS. I desire to preface my question with the admission of my great interest in what the gentleman has said, and call attention to the fact that we have witnessed a remarkable scene in this House by the gentleman incorporating in his remarks utterances that were made by him in this presence longer ago than many of us have been living, in substantial harmony with his present views. I desire to ask the gentleman, as an incident in his distinguished career, if he has in all these years espoused with the same fidelity and the same consistency other great public questions so happily maintained by him in the matter he is now discussing? I ask him this as a matter for our information.

Mr. GROW. Mr. Speaker, I do not know of any inconsistency in my public career. As the gentleman has appealed to my egotism, I will say that if I had my life to live over I would not change my action on the great political questions upon which I have been called upon to act, whether as Representative or private citizen.

Mr. FARIS. Mr. Chairman, I interrogate my distinguished friend as a matter of information to us who are enjoying his speech, and without the least reflection that he was inconsistent in his public career. My thought is respectful and deferential.

Mr. GROW. I so understand the gentleman. I may have been wrong; but there is no vote I ever gave in this Hall as a representative of the people that I would change if I was called upon to vote again under like circumstances. [Loud applause.] My maiden speech as a Representative in Congress was made on the right of the pioneer settler to his home, without money and without price, for the reasons stated in part in the extract just read. I have continued in that same sentiment.

In my early boyhood that portion of northeastern Pennsylvania immediately around my home was somewhat of a wilderness. The first settlers there were, most of them, just building their log cabins, with tall forest trees in close proximity on every side. A sled path winding among these trees led out to the grist mill, post-office, store, and blacksmith shop of the neighborhood. By the labor of the settler alone the forest was to be felled, the land cleared, a family supported, and the claimant to the soil was to be paid. So long years of ceaseless toil must intervene before the settler could call his humble cabin home his own. As I passed along these winding sled paths, not infrequently would the query arise with myself, Why should this man for years contribute all his earnings, save a scanty support for his family, to some person living miles away, whose only claim to the land was that years before the claimant or his ancestors sent a surveyor and axman, and by blazed trees marked a surveyor's line through the forest?

At a later period, as a student in the schools the query came, as it comes to all in the course of historic reading, What was the cause of the unexampled prosperity and greatness of some nations at one period of their existence and their subsequent decay and utter ruin? This question, under the head of the Rise and the Fall of Empires, is the great puzzle of all philosophizing on the real causes of national decay. I closed my course of historic reading in the schools with the firm conviction that no nation ever yet died or ever will, no matter what the extent of its territory or how vast its population, if governed by just laws and its people are imbued with a spirit of humanity as broad as the race.

On reading in Hooke's History of Rome a description of the condition of Italy more than two thousand years before, as given in a speech by Tiberius Gracchus, then a tribune of the people, my early, crude idea was greatly strengthened that the true policy for a government was to secure its unoccupied public lands in limited quantities to the landless of its people, and to prevent by law so far as possible the earnings of labor from being absorbed in any other way than the making of the laborer's home comfortable and his fireside happy. After leaving school and entering a law office, I read in Blackstone's Commentaries—the first book given to a law student—that—

> There is no foundation in nature or natural law why a set of words on parchment should convey the dominion to land. The use and occupancy alone gives to man an exclusive right to retain in a permanent manner the specific land which before belonged generally to everybody, but particularly to nobody.

From that time forth the crude idea and shadowy opinion which had flitted through my brain in casually observing the labor and trials of the early settlers near my home became a fixed conviction as to one of the fundamental rights of man. The other conviction is equally fixed—that governments are bound to see to it, so far as possible, that none of the earnings of labor are taken from the laborer without returning an equivalent for those earnings alone are all he has to make his home comfortable and his fireside happy. The pillars of empires and states rest upon the comfort and happiness of the fireside of labor. [Applause.]

Why should the settler be required by his Government to pay for the privilege of occupying a portion of an uncultivated wilderness, just as it was when created by the God of nature and in the same condition in which it was when the morning stars sang together? What equivalent does the Government return to him when it takes $1 or $3 or more an acre from his hard earnings, which he needs to make his home comfortable, to build the church and the schoolhouse, to develop all the elements of a higher and better civilization? This legislation, which was begun in 1889, is a greater wrong to the settlers upon those lands than was ever perpetrated by the Government under the old system of selling the public lands to the highest bidder, and for that reason I desire to call the attention of the House to the fact that there is a bill pending to correct this wrong. Pay the Indian whatever the Government agrees; I care not what the amount is. But what rightful claim of ownership can he have or anybody else in the soil of a wilderness without cultivation? The only evidence of the occupation of the land by the Indian is his moccasin trail through the forest or along the banks of its winding streams. He bounds his claim of ownership by rivers and mountain ranges, and within these circumscribed limits he claims ownership not only to the land but to the wild beasts that hide in its jungles; to the fish that swim in its running waters, and in the birds of the air that disport in the foliage of its green forests.

The evil spirit standing beside our Saviour on the high mountain, overlooking the kingdoms of this world and the glories thereof, had just as good title and rightful ownership in them all as has the Indian standing on the highest mountain peaks of a continent, and claiming ownership as monarch of all he surveys, because his ancestors, in the years of the bygone, roamed over it with fishing rod and bow and arrow, and at a later period with shotgun and rifle, their only implements of husbandry and civilization. But their claim of title and ownership in the soil of an uncultivated wilderness is just as good as the claim to a continent by the mightiest monarch of the nations because a subject of his was the first white man to gaze upon its shores, or to sail across one of its flowing rivers. The right of discovery, so long recognized by the nations, is well enough when applied, as it should be, to the dominion over the institutions—the social organisms—that may be established by or for the inhabitants of the newly discovered country. But how can discovery confer any rightful ownership to the soil, any more than to the atmosphere that floats over it, or to the waters that rush from its mountain sides to the sea. How can the Indian, any more than anybody else, acquire a rightful ownership in the soil, when the only evidence of his habitation and occupancy is the smoke that curls from his wigwam, covered with the skins of wild beasts.

Since the delivery of the speech in the old Hall, from which I have just read, the pioneer settler has crossed the great central valley of the Mississippi, and scaling the snow-crowned summits of the Sierras, has built a mighty cordon of free States on the shores of the Pacific, rearing everywhere along his pathway through the wilderness temples of science and civilization on the ruins of savage life. The achievements of the pioneer settler since he first overleaped the Alleghanies in his march westward has been the achievements of science and civilization over the elements, the wilderness, and the savage.

Under the old land system the Government by its regulations permitted the speculator to exact from the settler from $3 to $5 or more per acre, without rendering any equivalent. By this new system which this bill, if passed, would supplant, the Government itself takes directly from the settler from $1 to $3.75 per acre, and returns no equivalent, any more than did the speculator under the

old system. What justice can there be in legislation which thus absorbs the earnings for long years of these hardy sons of toil who contribute so much to the greatness and glory of the Republic?

There is no excuse for such a policy. Take from the white settler, who is struggling to make a home for himself and his family and to educate his children—take from him his earnings, for what? To keep the Indian tramping around in moccasins and idleness! The white man working to maintain the Indian in idleness is equally bad with the old land system which permitted the speculator to take from the settler four or five dollars or more an acre.

Mr. Chairman, the present law of Congress compels the settler, who cultivates the soil, developes the resources of our country, and is a brave soldier in the hour of peril, and bares his bosom in defense of the Republic, to pay out of his hard earnings to support the Indian in idleness, because the Government of the United States has to pay the Indian for these lands. Let the Treasury pay. The willing consent of the Indian to leave is of more consequence than any amount of money that is paid to him; but there is no reason why the Government should, by an independent act of legislation, compel the settler to pay from his earnings into the Treasury for these lands any more than there was in the old times, under the old system, which has been repudiated by the American people.

Mr. Chairman, in 1860 the Republican party adopted as one of its cardinal principles and embodied it in its party platform, "Free homesteads for the settlers on the public domain." To-day it is in the platform of every political party that had a candidate for the Presidency in the field at the last election except our gold Democratic friends who met at Indianapolis, and the glare of the yellow metal, I suppose, so dazzled their vision that they overlooked the homestead settlers. [Laughter and applause.]

In 1860 the Republican party platform was almost identical in words with those in its platform made at St. Louis, and on which it was victorious at the last election.

Six homestead bills, substantially the same, passed the House of Representatives before the final enactment of the law. The first three never received any action in the Senate. The fourth was supplanted in the Senate by a motion to lay it aside to take up a bill to purchase from Spain the Island of Cuba. Had that been done, then we might have been spared the sad spectacle witnessed now of a people struggling through heroic deeds for the inalienable rights of mankind. [Applause.] That ended all efforts to take up the homestead bill in that Congress.

The next Congress, beginning in December, 1859, consumed over a month in electing a Speaker. As soon as the House was organized, early in January, 1860, the homestead bill, which had been defeated in the Senate in the preceding session, I again introduced, and it passed the House. Some time in March or April following it was taken up in the Senate, and a substitute offered by Andrew Johnson, of Tennessee, was adopted. The House refused to accept the substitute, which was merely a graduation in price of the public lands, making it 25 cents an acre to the settler on five years' cultivation and 62½ cents for preemptors. After some weeks the committee of conference of the two Houses agreed to the Senate's substitute, which the House finally accepted on the principle that "half a loaf is better than no bread." This bill President Buchanan vetoed in June, 1860. At the extra session of Congress convened by President Lincoln July 4, 1861, the same old homestead bill, which had previously passed the House five times, was introduced, and at the following regular session of the Thirty-seventh Congress passed both Houses and became a law, as I have stated.

I call attention to the history of these transactions to show that while it was a cardinal doctrine of the Republican party at that time, even when it was in its cradle, it has been adopted by every political party and embodied in the platform of all excepting the party that met at Indianapolis last year. Now, while a party platform may have or may not have merit, those who adhere to the party are bound to see that its pledges are carried out faithfully. The will of the people is to be respected according to the verdict at the ballot box. [Applause.]

But, sir, to return to the point I had in view, I claim that the Indian should not be forced from the old hunting grounds of his fathers without his consent; and that should have been the policy of the Government from the beginning. Never was so unwise a policy adopted by a government in reference to any people as that which was adopted by ours in reference to these people—recognizing them as an independent nation, owning a part of the earth's surface, with whom we must treat. They had just as good a right perhaps as the mightiest monarch of any nation has in his claim of ownership to a continent, because one of his subjects was the first white man to look on its shores or sail across one of its navigable rivers. I know that this is the doctrine of the books and of international agreement. Nations who have discovered new lands have the right to control the social organisms, institutions, and governments that may be built upon them. But how can they gain a title to the soil by a mere act of discovery any more than to the atmosphere that floats over it or the waters that leap from its mountains to the sea?

But, sir, I have no desire to trespass upon the patience of the committee. I have done what I wished to do, and called their attention to a bill now pending in this House, as an amendment to a House bill, that provides for relieving these settlers from these unjust and excessive burdens and restore these lands to the same provisions as all other lands of the Government under the free-homestead law.

Why should the Government continue this innovation upon the homestead policy, by which greater injustice and wrong is perpetrated upon the settler than was ever perpetrated upon him under the old system of selling the lands to the highest bidder? If the homestead policy is to be discarded, why double and thribble the amount ever before exacted of the settler? The passage of this bill would place all the public lands alike, no matter how or when acquired, under the provisions of the free-homestead law, which, previous to this innovation, has existed uninterruptedly for more than a third of a century, and under which the wilderness has been made "to bloom and blossom as the rose."

I yield the rest of my time to the gentleman from Illinois. [Laughter and applause.]

Mr. CANNON. I thank the gentleman very much. I am not quite so proud as my respected friend from Pennsylvania, who would not take time from me. I will take time from him.

Mr. GROW. Because it is worth nothing to me. [Laughter.]

APPENDIX.

Free Homes for Free Men.

SPEECH OF HON. GALUSHA A. GROW,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 29, 1860.

The House being in Committee of the Whole on the state of the Union—

Mr. GROW said:

Mr. CHAIRMAN: At the close of the Revolution the colonies claimed dominion, based upon their respective colonial grants from the Crown of Great Britain, over an uninhabited wilderness of 220,000,000 acres of land, extending to the Mississippi on the west and the Canadas on the north. The disposition of these lands became a subject of controversy between the colonies even before the Confederation, and was an early obstacle to the organization of any government for the protection of their common interests.

The colonies whose charters from the Crown extended over none of the unoccupied lands claimed, in the language of the instructions of Maryland in 1779 to her Delegates in Congress—

> That a country unsettled at the commencement of this war, claimed by the British Crown and ceded to it by the treaty at Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct.

The propriety and the justice of ceding these lands to the Confederation, to be thus parceled out into free and independent States, having become the topic of discussion everywhere in the colonies, Congress, in order to allay the controversy and remove the only remaining obstacle to a final ratification of the Articles of Confederation, declared by resolution on the 10th of October, 1780—

> That the unappropriated lands which may be ceded or relinquished to the United States by any particular State * * * shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States, etc. That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them.

In pursuance of the provisions of this resolution, New York, Virginia, Massachusetts, Connecticut, South Carolina, North Carolina, and Georgia ceded their claims, including title and jurisdiction, to the waste lands, as they were called, outside of their respective State limits; all of them, except Georgia and North Carolina, without any conditions annexed to their respective grants save those contained in the resolution of Congress just referred to. The reservation in the grants of Georgia and North Carolina were not, however, as to the future disposition of the lands, but a condition that slavery should not be prohibited therein

by Congress. The territory thus conditionally granted is contained within the States of Tennessee, Mississippi, and Alabama. With the exception of the grants of North Carolina and Georgia (and the reservations even in those relating only to the form of their future government), the public lands claimed by the colonies at the close of the Revolution were ceded to the General Government, to be settled and disposed of "under such regulations as shall hereafter be agreed on by the United States in Congress assembled."

Since that time the Government has acquired by treaty—of France, the Louisiana purchase; of Spain, the Floridas; of Mexico, Utah, New Mexico, and California, containing all together over 1,200,000,000 acres of land. So the General Government, by cessions from the original States and purchases from other nations, has acquired, exclusive of water, as computed by the Commissioner of the Land Office, 1,450,000,000 acres of public lands, of which there have been sold to September 30, 1859, 147,088,274 acres, and otherwise disposed of in grants and donations to individuals, corporations, companies, and States, including grants since June 30, 1857, 241,770,052 acres, leaving of public lands belonging to the Government, undisposed of on September 30, 1859, 1,061,141,675 acres.

What disposition shall be made of this vast inheritance is a question of no small magnitude. Three times within seven years a homestead bill has passed this House and been defeated each time by the Democratic majority in the Senate. On the vote on the homestead bill in the House last Congress, out of 130 Democrats, but 31 voted for it; and in the Senate, on the test vote between taking up the homestead bill, after it had passed the House and only required the vote of the Senate to make it a law, so far as Congress was concerned, or to take up the bill for the purchase of Cuba, but 1 Democrat voted for the homestead, and only 8 at any time; while every Republican in the Senate and every one in the House, with a single exception, was for the homestead. Of all the Representatives of the slave States, but 3 in the House voted for it, and but 2 at any time in the Senate. So the Democratic party, as a party, arrayed itself in opposition to this beneficent policy. The Republican party, on the other hand, is committed to this measure by its votes in Congress, by its resolves in State conventions, and by its devotion to the great central idea of its existence—the rights and interests of free labor.

Early in this session I introduced a bill, which now awaits the action of the House, providing that any person who is 21 years or more old, or who is the head of a family, may enter 160 acres of any land subject to preemption, or upon which he may have a preemption claim, and by cultivating the same for five years shall be entitled to a patent from the Government on the payment of the usual fees of the land office and $10 to cover the cost of surveying and managing.

The land policy, as now conducted, permits the President in his discretion to expose to public sale, by proclamation, any or all of the public lands, after the same are surveyed. Every person settled on the lands so advertised for sale must before the day fixed in the proclamation of the President pay for his lands, or they are liable to be sold to any bidder who offers $1.25, or more, per acre. During the days of sale fixed by the President, anyone can purchase at $1.25 per acre as many acres of land not before preempted as he desires, selecting his own location. The lands that remain unsold at the expiration of the days of sale fixed by the President are subject to private entry; that is, any person can enter at the land office any or all of the lands that are at that time unsold at $1.25 per acre, if the same have not been offered for sale more than ten years; if for a longer period, then at a less price, according to the length of time they may have been in the market. Thus, under the existing policy, there is no restraint on land monopoly. The Rothschilds, the Barings, or any other of the world's millionaires may become the owners of untold acres of our public domain, to be resold to the settler at exorbitant prices, or to be held as an investment for future speculation.

Congress, as the trustee of the whole people, is vested, by the condition of the grants from the States and by the Constitution itself, with the sole discretionary power of disposing of these lands. But, in the exercise of a sound discretion, it becomes its duty to dispose of them in the way that will best promote the greatness and glory of the Republic. And how can that be accomplished so well as by a policy that will secure them in limited quantities to the actual cultivator at the least possible cost, and thus prevent the evils of a system of land monopoly—one of the direst, deadliest curses that ever paralyzed the energies of a nation or palsied the arm of industry? It needs no lengthy dissertation to portray its evils. Its history in the Old World is written in sighs and tears. Under its influence you behold there the proudest and most splendid aristocracies side by side with the most abject and debased people; vast manors hemmed in by hedges as a sporting ground for the nobility, while men are dying beside the inclosure for the want of land to till. Under its blighting influence you behold industry in rags and patience in despair. Such are some of the fruits of land monopoly in the Old World; and shall we permit its seeds to vegetate in the virgin soil of the New? Our present system is subject to like evils, not so great in magnitude perhaps, but similar in kind.

* * * * * * *

The Government, by its existing land policy, has thus caused to be abstracted from the earnings of its hardy pioneers almost seventeen hundred million dollars for the mere privilege of enjoying one of God's bounties to man. This large amount has been abstracted from the sons of toil without rendering any equivalent, save a permit from the State to occupy a wilderness, to which not a day or hour of man's labor had been applied to change it from the condition in which the God of nature made it. Why should governments seize upon any of the bounties of God to man, and make them a source of revenue? While the earth was created for the whole human family, and was made its abiding place through the pilgrimage of this life, and since the hour of the primal curse, "In the sweat of thy face shalt thou eat bread," man has been forced to the cultivation of the soil to obtain subsistence for himself and the means of promoting the welfare of the race, why should governments wrest from him the right to apply his labor to such unoccupied portion of the earth's surface as may be necessary for his support until he has contributed to the revenues of the state any more than to permit him to breathe the air, enjoy the sunlight, or quaff from the rills and rivers of the earth? It would be just as rightful, were it possible to be done, to survey the atmosphere off into quarter sections and transfer it by parchment titles, divide the sun into quantum of rays and dole it out to groping mortals at a price, or arch over the waters of the earth into vast reservoirs and sell it to dying men.

In the language of remarks heretofore made on this subject, why has this claim of man to monopolize any of the gifts of God to man been confined by legal codes to the soil alone? Is there any other reason than that it is a right which, having its origin in feudal times—under a system that regarded man but as an appendage of the soil that he tilled, and whose life, liberty, and happiness, were but means of increasing the pleasures, pampering the passions and appetites of his liege lord—and, having once found a place in the books, it has been retained by the reverence which man is wont to pay to the past and to time-honored precedents? The human mind is so constituted that it is prone to regard as right what has come down to us approved by long usage and hallowed by gray age. It is a claim that had its origin with the kindred idea that royal blood flows only in the veins of an exclusive few, whose souls are more ethereal, because born amid the glitter of courts and cradled amid the pomp of lords and courtiers, and, therefore, they are to be installed as rulers and lawgivers of the race. Most of the evils that afflict society have had their origin in violence and wrong enacted into law by the experience of the past and retained by the prejudices of the present.

Is it not time to sweep from the statute book its still lingering relics of feudalism, to blot out the principles ingrafted upon it by the narrow-minded policy of other times, and to adapt the legislation of the country to the spirit of the age and to the true ideas of man's rights and relations to his Government?

For if a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence; for these are the necessary and indispensable means for the enjoyment of his inalienable rights of "life, liberty, and the pursuit of happiness." And is it for a Government that claims to dispense equal and exact justice to all men, and that has laid down correct principles in its great chart of human rights, to violate those principles and its solemn declarations in its legislative enactments?

The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents. And in that struggle is it for the Government to stretch forth its arm to aid the strong against the weak? Shall it continue, by its legislation, to elevate and enrich idleness on the wail and the woe of industry?

For if the rule be correct as applied to governments as well as individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in the public domain. For it is not denied that Congress has the power to make any regulations for the disposal of these lands not injurious to the general welfare. Now, when a new tract is surveyed, and you open the land office and expose it for sale, the man with the most money is the largest purchaser. The most desirable and available locations are seized upon by the capitalists of the country who seek that kind of investment. The settler who chances not to have a preemption right, or to be there at the time of sale, when he comes to seek a home for himself and his family must pay the speculator three or four hundred per cent on his investment or encounter the

trials and hardships of a still more remote border life. And thus, under the operation of laws that are called equal and just, there is taken from the settler three or four dollars per acre and put in the pocket of the speculator—thus, by the operation of law, abstracting so much of his hard earnings for the benefit of capital; for not an hour's labor has been applied to the land since it was sold by the Government, nor is it more valuable to the settler. Has not the laborer a right to complain of legislation that compels him to endure greater toils and hardships, or contribute a portion of his earnings for the benefit of the capitalist? But not upon the capitalist or the speculator is it proper that the blame should fall. Man must seek a livelihood and do business under the laws of the country; and whatever rights he may acquire under the laws, though they may be wrong, yet the well-being of society requires that they be respected and faithfully observed. If a person engage in a business legalized and regulated by the laws, and uses no fraud or deception in its pursuit, and evils result to the community, let them apply the remedy to the proper source; that is, to the lawmaking power. The laws and the lawmakers are responsible for whatever evils necessarily grow out of their enactments. What justice can there be in the legislation of a country by which the earnings of its labor are abstracted for any purpose without returning an equivalent?

In order to secure to labor its earnings so far as is possible by legislative action, and to strengthen the elements of national greatness and power, why should not the legislation of the country be so changed as to prevent for the future the evils of land monopoly by setting apart the vast and unoccupied territory of the Union and consecrating it forever in free homes for free men?

Mr. MAYNARD. May I be allowed to ask my friend from Pennsylvania a question?

Mr. GROW. Certainly.

Mr. MAYNARD. It is this: Whether he is in favor, or otherwise, of allowing the old soldier or his assignee to locate his land warrant on the public domain——

Mr. GROW. I would provide in our land policy for securing homesteads to actual settlers, and whatever bounties the Government should grant to the old soldiers I would have made in money, and not in land warrants, which are bought in most cases by the speculator, as an easier and cheaper mode of acquiring the public lands. So they only facilitate land monopoly. The men who go forth at the call of their country to uphold its standard and vindicate its honor are deserving of a more substantial reward than tears to the dead and thanks to the living; but there are soldiers of peace as well as of war, and though no waving plume beckons them on to glory or to death, their dying scene is oft a crimson one. They fall leading the van of civilization along untrodden paths and are buried in the dust of its advancing columns. No monument marks the scene of deadly strife, no stone their final resting place; the winds sighing through the branches of the forest alone sing their requiem. Yet they are the meritorious men of the Republic—the men who give it strength in war and glory in peace. The achievements of our pioneer army, from the day they first drove back the Indian tribes from the Atlantic seaboard to the present hour, have been the achievements of science and civilization over the elements, the wilderness, and the savage.

If rewards or bounties are to be granted for true heroism in the progress of the race, none is more deserving than the pioneer who expels the savage and the wild beast, and opens in the wilderness a home for science and a pathway for civilization.

> Peace hath her victories,
> No less renowned than war.

The paths of glory no longer lead over smoking towns and crimsoned fields, but along the lanes and by-ways of human misery and woe, where the bones and sinews of men are struggling with the elements, with the unrelenting obstacles of nature, and the not less unmerciful obstacles of a false civilization. The noblest achievement in this world's pilgrimage is to raise the fallen from their degradation, soothe the broken-hearted, dry the tears of woe, and alleviate the sufferings of the unfortunate in their pathway to the tomb.

> Go say to the raging sea, be still;
> Bid the wild, lawless winds obey thy will;
> Preach to the storm, and reason with despair;
> But tell not misery's son that life is fair.

If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home—give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve your almshouses, close the doors of the penitentiaries and break in pieces the gallows, purify the influences of the domestic fireside, for that is the school in which human character is formed, and there its destiny is shaped; there the soul receives its first impress and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a moral fireside and an agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, are nourished the virtues that counteract the decay of human institutions, the courage that defends the national independence, and the industry that supports all classes of the State.

It was said by Lord Chatham, in his appeal to the House of Commons, in 1775, to withdraw the British troops from Boston, that "trade, indeed, increases the glory and wealth of a country; but its true strength and stamina are to be looked for in the cultivators of the land. In the simplicity of their lives is found the simpleness of virtue, the integrity and courage of freedom. These true, genuine sons of the soil are invincible."

The history of American prowess has recorded these words as prophetic. Man, in defense of his hearthstone and fireside, is invincible against a world of mercenaries.

* * * * * * *

Even if the Government had a right, based in the nature of things, thus to hold these lands, it would be adverse to a sound national policy to do so, for the real wealth of a country consists not in the sums of money paid into its treasury, but in its flocks, herds, and cultivated fields. Nor does its real strength consist in fleets and armies, but in the bones and sinews of an independent yeomanry and the comfort of its laboring people. Its real glory consists not in the splendid palace, lofty spire, or towering dome, but in the intelligence, comfort, and happiness of the fireside of its citizens.

> What constitutes a state?
> Not high-raised battlement or labored mound,
> Thick wall or moated gate;
> Not cities proud, with spires and turrets crowned;
> Not bays and broad-armed ports,
> Where, laughing at the storm, rich navies ride;
> Not starred and spangled courts,
> Where low-browed baseness wafts perfume to pride.
> No; men, high-minded men—
> * * * * * *
> Men, who their duties know,
> But know their rights, and knowing, dare maintain;
> Prevent the long-aimed blow,
> And crush the tyrant while they rend the chain:
> These constitute a state.

The prosperity of states depends not on the mass of wealth, but its distribution. That country is greatest and most glorious in which there is the greatest number of happy firesides. And if you would make the fireside happy, raise the fallen from their degradation, elevate the servile from their groveling pursuits to the rights and dignity of men, you must first place within their reach the means for supplying their pressing physical wants, so that religion can exert its influence on the soul and soothe the weary pilgrim in his pathway to the tomb.

But as a question of revenue merely, it would be to the advantage of the Government to grant these lands in homesteads to actual cultivators, if thereby it was to induce the settlement of the wilderness, instead of selling them to the speculator without settlement.

* * * * * * *

The settlement of the wilderness by a thriving population is as much the interest of the old States as of the new. The amount now received by the Government of the settler, for the land, would enable him to furnish himself with the necessary stock and implements to commence its cultivation.

For the purposes of education, building railroads, opening all the avenues of trade, and of subduing the wilderness, the best disposition to be made of these lands is to grant them in limited quantities to the settler, and thus secure him in his earnings, by which he would have the means to surround himself with comfort and make his fireside happy; to erect the schoolhouse, the church, and all the other ornaments of a higher civilization, and rear his children educated and respected members of society. This policy will not only add to the revenues of the General Government and the taxable property of the new States, but will increase the productive industry and commerce of the whole country, while strengthening all the elements of national greatness.

The first step in the decline of empires is the neglect of their agricultural interest, and with its decay crumbles national power. It is the great fact stamped on all the ruins that strew the pathway of civilization. When the world's unwritten history shall be correctly deciphered, the record of the rise, progress, and fall of empires will be but the history of the rise, development, and decline of agriculture. Hooke, in describing the condition of agriculture among the Romans more than two thousand years ago, the process of absorption of the lands by the rich, and their consequent cultivation by slaves, furnishes the student of history with the secret causes that undermined the Empire and destroyed its liberties.

* * * * * * *

Had the policy advocated by the Gracchi, of distributing the public lands among the landless citizens of the nation, been adopted, the Roman fields would have been cultivated by free

men instead of slaves, and there would have been a race of men to stay the ravages of the barbarian. The Eternal City would not then have fallen an easy prey to the Goth and Vandal, but the star of her empire might have floated in triumph long after the ivy twined her broken columns.

With homes and firesides to defend, the arms and the hearts of an independent yeomanry are a surer and more impregnable defense than battlement, wall, or tower. While the population of a country are the proprietors of the land which they till, they have an interest to surround their firesides with comfort and make their homes happy—the great incentive to industry, frugality, and sobriety. It is such habits alone that give security to a government, and form the real elements of national greatness and power.

National disasters are not the growth of a day, but the fruit of long years of injustice and wrong. The seeds planted by false, pernicious legislation often require ages to germinate and ripen into their harvests of ruin and death. The most pernicious of all the baleful seeds of national existence is a policy that degrades or impoverishes labor. Whenever agricultural labor becomes dishonorable, it will, of course, be confined to those who have no interest in the soil they till; and when the laborer ceases to have any interest in the land he cultivates, he ceases to have a stake in the advancement and good order of society, for he has nothing to lose, nothing to defend, nothing to hope for. The associations of an independent freehold are eminently calculated to ennoble and elevate the possessor. It is the lifespring of a manly national character and of a generous patriotism; a patriotism that rushes to the defense of the country and the vindication of its honor with the same zeal and alacrity that it guards the hearthstone and the fireside. Wherever freedom has unfurled her banner, the men who have rallied around to sustain and uphold it have come from the workshop and the field, where, inured to heat and to cold and to all the inclemencies of the seasons, they have acquired the hardihood necessary to endure the trials and privations of the camp. An independent yeomanry, scattered over our vast domain, is the best and surest guaranty for the perpetuity of our liberties; for their hearts are the citadel of a nation's power, their arms the bulwarks of liberty. Let the public domain, then, be set apart as the patrimony of labor, by preventing its absorption into large estates by capital, and its consequent cultivation by "tenants and slaves," instead of independent freeholders.

The proposition to change our land policy, so as to accomplish so desirable a result, by securing to the pioneer a home on the public domain at the bare cost of survey and transfer, is often rejected by those who have given but little thought to the subject, as leveling and agrarian. When was there ever an effort made, since the world began, to wrest from power its ill-gotten gains or to restore to man his inalienable rights but it has been met with the shout of leveling and agrarian? That is the alarm cry of the devotee of the past, with which he ever strives to prevent all reforms or innovations upon established usages. Behind such a bulwark old abuses intrench themselves and attempt to maintain their position by hurling against every assailant terms of odium and reproach, made so by the coloring of the adherents of prerogative and power. Until within a very recent period, the chroniclers of the race have been, for the most part, sycophants of the reigning classes; and, being allied with the State, have glossed over its contemporaneous despotism and wrongs, while they have branded the true defenders of the rights of the people and the champions of honorable labor as outlaws of history.

Because the Roman Gracchi proposed to elevate the Roman citizen, by dignifying his labor and restoring him to the rights of which he had been unjustly deprived by the oligarchy who controlled the State, their name was made synonymous with infamy and as arch disturbers of all that was good in society, till Niebuhr tore off the veil of two thousand years of obloquy and vindicated to future times their memories as true defenders of the rights of the people and advocates of the best interests and glory of their country. Such has been the fate of the world's reformers. Is it not time to learn wisdom from the chronicles of the past and cease a blind reverence for customs or institutions because of their gray age? Why should not American statesmen adapt the legislation of the country to the development of its material resources, the promotion of its industrial interests, and thereby dignify its labor and make strong the prime elements of national power?

Let this vast domain, then, be set apart and consecrated as a patrimony to the sons of toil; close the land office forever against the speculator, and thereby prevent the capital of the country seeking that kind of investment, from absorbing the hard earnings of labor without rendering an equivalent. While the laborer is thus crushed by this system established by the Government, by which so large an amount is abstracted from his earnings for the benefit of the speculator, in addition to all the other disadvantages that ever beset the unequal struggle between the bones and sinews of men and dollars and cents, what wonder is it that misery and want so often sit at his fireside, and penury and sorrow surround his deathbed?

While the pioneer spirit goes forth into the wilderness, snatching new areas from the wild beast, and bequeathing them a legacy to civilized man, let not the Government dampen his ardor and palsy his arm by legislation that places him in the power of soulless capital and grasping speculation; for upon his wild battlefield these are the only foes that his own stern heart and right arm can not vanquish.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10329, had come to no resolution thereon.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole House for the further consideration of the general deficiency appropriation bill; and pending that, I ask unanimous consent that all general debate be considered as now closed, except that the bill may be read through under the five-minute rule for debate and amendment; that when we reach the Southern Pacific Company item, that we will pass it over until after the bill has been finished, and then return to that provision with the understanding that an hour and a half debate on each side shall be had, or so much of that time as is necessary, after which a vote shall be taken.

Mr. SAYERS. In this connection, Mr. Speaker, I would suggest to the gentleman that there will also be an amendment to except from the audited claims the payment of any amount due to the Pacific railroads.

Mr. CANNON. Oh, certainly.

The SPEAKER. Will the gentleman now state his request?

Mr. CANNON. That general debate be considered as closed in Committee of the Whole upon this bill, with the exception that the bill shall be read through under the five-minute rule, passing over the item covering the Southern Pacific Railroad Company, and that at the close of the bill we may recur to that item, and that there shall be general debate upon it, and a motion that the gentleman from Texas [Mr. SAYERS] gives notice of, for an hour and a half on a side; and that at the end of that debate a vote shall be taken.

Mr. WASHINGTON. I wish to ask the gentleman a question before the agreement is made.

Mr. CANNON. Yes.

Mr. WASHINGTON. Does that proposition exclude the offering of proper amendments as the bill is being read under the five-minute rule?

Mr. CANNON. Oh, no.

Mr. GROUT. There are several of those Pacific railway items, are there not? I suppose the understanding refers to them all.

Mr. CANNON. The Union and the Southern Pacific. The gentleman can have that passed over if he desires.

Mr. GROUT. There are several items relating to the Southern Pacific.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the general debate be considered as closed; that the bill be read through under the five-minute rule, omitting the paragraphs relating to the Southern Pacific Railroad and Union Pacific Railroad, and that after the bill has been read through the committee may recur to these items, and after an hour and a half of general debate on a side these items shall be open to amendment and action of the committee. Is there objection?

There was no objection.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole on the state of the Union, with Mr. SHERMAN in the chair, for the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will report the bill by sections.

The Clerk (proceeding with the reading of the bill) read as follows:

Amounts due Union and Kansas Pacific railroad companies: To pay the amounts due the Union and Kansas Pacific railroad companies, and settlements in favor of the Central Branch, Union Pacific Railroad Company, as fully set forth in House Document No. 183 of this session, $16,277.91.

Mr. SAYERS. Mr. Chairman, I will say to the gentleman from Illinois that this is one of the items to which I propose to offer an amendment.

Mr. CANNON. That is right; it may be passed over.

Mr. SAYERS. Let that item be passed over.

The CHAIRMAN. The gentleman asks to have this item passed over, to be returned to later. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Public schools: For amount required to pay for care of schoolrooms at Miner School building for the current year, $140.93.

Mr. CANNON. Mr. Chairman, I ask to have the item which has just been read, lines 5 to 7, inclusive, on page 21, passed over until the bill is finished, and that we may return to the item then.

Mr. SAYERS. What item is that?

Mr. CANNON. The gentleman from New Hampshire [Mr. BAKER] wishes to offer an amendment when he gets the facts.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the paragraph indicated be passed over, to be returned to again. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Defending suits in claims: For defending suits in the United States Court of Claims, $2,000.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Illinois what the nature of the claim is for which this appropriation is made? The language is:

For defending suits in the United States Court of Claims, $2,000.

I want to know what class of claims is referred to.

Mr. CANNON. I will say to the gentleman that this is a general fund for the defense of suits involving all claims against the District of Columbia. But, as I understand it, the deficiency arises mainly from the defense of suits under the law that we, so far as the House by its action could do so, repealed the other day, on the District bill.

Mr. RICHARDSON. I find later on in the bill an appropriation to pay judgments of the Court of Claims.

Mr. CANNON. Yes.

Mr. RICHARDSON. I did not know why it was necessary to have a separate item.

Mr. CANNON. Well, this is entirely different. This is for defense of suits.

Mr. RICHARDSON. Yes, I understand; but I did not know what class of suits was referred to.

Mr. CANNON. Well, everything; generally.

Mr. RICHARDSON. I want to ask the gentleman in charge of the bill, inasmuch as I do not see any provision in the bill to pay the findings of the Court of Claims under the Bowman Act, if he will object to an amendment paying a portion of these claims when we reach that portion of the bill?

Mr. CANNON. The Bowman Act!

Mr. RICHARDSON. I want to say, Mr. Chairman, that I think these claims ought to pass. I want to say that for years we paid these claims upon the warrant and certificate of the Quartermaster-General. Now, when we have a court organized to try the preliminary question, first, the question of the loyalty of the claimant; and when we have found this favorably, then you have a second investigation, to prove that the property was taken from this loyal claimant, that it was for supplies, and not for use and occupation of property, not for damages to property, such damages as were necessarily incidental to occupation of the States in rebellion by the Federal Army during the war, but that they were for supplies taken for the use of the Army, upon a contract that the Government would pay for these supplies, and when it is found that the claimant was loyal, it seems to me, at this late day, these claims ought to be paid without objection.

Now, I ask the gentleman, inasmuch as the Fifty-first Congress, the last Republican Congress, paid $550,000 of the findings of the Court of Claims in this class of cases, what objection can there be to the payment of similar claims now—claims that have been found favorably by this Court of Claims, composed of five Republican judges, the fact of loyalty having been pleaded as a plea in bar of the jurisdiction of the case, the judges finding on this plea in favor of the claimant, the case having again been remanded to the court, and proof taken not only of the loyalty of the claimant, but having shown the justice of the claim, and shown the fact that the property was taken, that the claimant was loyal, and the supplies were for the Union armies? It seems to me we ought not, Mr. Chairman, to be banking up these claims without paying some of them.

Now, I understand there is a bill ready which appropriates $400,000 or $500,000 for these claims, and I appeal to the committee and to the gentleman not to make a point of order when we reach that portion of the bill, but to let these claims be put upon this bill and be provided for. I would like my friend to answer me if I am not right about this.

Mr. DOCKERY. You are wrong.

Mr. CANNON. You are wrong. I will say to the gentleman from Tennessee that whatever merit or demerit there is in these claims, I will not discuss it from either standpoint now. Under the rules of the House they do not belong to a general appropriation bill. It is true that an appropriation was made in the Fifty-first Congress——

Mr. RICHARDSON. That is true.

Mr. CANNON (continuing). To pay a block of these claims; but it was made by an act entirely independent of a general appropriation bill. Now, there are many claims eminently just, but under the rules of the House they do not belong on general appropriation bills, and I do not care to discuss the merits of them.

Mr. MEREDITH. If they are just, what is the objection to letting them go into an appropriation bill?

Mr. CANNON. Simply because we do not intend to do justice for all the world, and, to use the language of a former President, "the rest of mankind," under the rules of the House, on a general appropriation bill.

Mr. MEREDITH. But you do bring in a rule to repeal some as a rider on a general appropriation bill.

Mr. CANNON. I have not the honor to be on the Committee on Rules, but I will let each bill and each subject take care of itself and will cross the stream, if I have to, when I come to it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RICHARDSON. But the gentleman from Illinois has had the floor.

Mr. WALKER of Massachusetts. I will ask the gentleman from Illinois to tell us how we are ever to reach the stream that is before us and mighty near us?

Mr. CANNON. Well, I have great respect for the House of Representatives, and I think it would be impudent to make any suggestions to it. It is quite competent for the House to make rules, modify rules, and do in an orderly way whatever it chooses to do. I am always proceeding under the direction of the House and its rules.

Mr. STEELE. Read!

Mr. WALKER of Massachusetts. It is all well enough to "read;" but there are creditors of this Government, her own citizens, that want to be paid now. Will the gentleman inform us some way by which we can reach this stream, so near and yet so far?

Mr. CANNON. I will tell the gentleman one way by which it can not be done. It can not be done against the rules of this House, out of order, on a general appropriation bill.

Mr. MEREDITH. But you have repealed them on a general appropriation bill.

Mr. WALKER of Massachusetts. That is not my question. My question was how could it be done?

Mr. CANNON. The gentleman is just as competent as I am to answer that.

Mr. WALKER of Massachusetts. But he has considerably less power.

Mr. RICHARDSON. Mr. Chairman, I offered the pro forma amendment in order to ask the gentleman from Illinois if he would consent to an amendment, when we reach the proper place in the bill, for the payment of these Bowman claims. Now, the gentleman did not answer me exactly yea or nay, but I am persuaded to think he meant nay; but I will reserve my right, withdrawing the pro forma amendment, to offer it at that time.

Mr. CANNON. I think the gentleman knows his rights as well as any gentleman on the floor, and is quite able to maintain them.

Mr. RICHARDSON. I do not know how to get them.

Mr. DOCKERY. No gentleman on the floor is more familiar with the rules than the gentleman from Tennessee.

The Clerk read as follows:

State or Territorial Homes for Disabled Soldiers and Sailors: For continuing aid to State and Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for, $65,000.

Mr. DOCKERY. Mr. Chairman, I desire to offer, at the end of line 21, page 27, the amendment which I send to the desk.

The amendment was read, as follows:

Add after line 21, page 27, the following:

"That all funds and property, real or personal, except bequests or donations from individuals, now held or that may hereafter be acquired for or on account of the National Home for Disabled Volunteer Soldiers, or any interest or business connected therewith, shall be held to be public funds or property, to be used, set apart, and disposed of for and on account of the objects for which said money or property was received; and all officers responsible for such money or property shall render to the Secretary of War direct, full, and complete vouchers, accounts, and returns for the same, to be approved by him, and under such regulations as he may prescribe: *Provided, further*, That the money accounts shall be rendered monthly and the property returns at least once in six months."

The amendment was adopted.

The Clerk read as follows:

Pension Office: Salaries, Pension Office, 1893, payment to Louis Garesche for eighteen days' service as clerk, at $1,000 per annum, May 2 to 19, 1892, inclusive, being the amount disallowed that date but subsequently allowed by the Secretary of the Interior, June 28, 1894 (balance of appropriation went to surplus fund before voucher was presented for payment), $49.45.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer an amendment to come in after line 18, on page 37.

The amendment was read, as follows:

Page 37, after line 13, insert:

"For stationery and other necessary expenses at pension agencies, to be approved by the Secretary of the Interior, $4,000."

Mr. WILLIAM A. STONE. Mr. Chairman, to show the necessity for this amendment, I send up to be read a telegram which I have received from the Commissioner of Pensions.

The telegram was read, as follows:

PENSION OFFICE, *February 19, 1897.*

Hon. WILLIAM A. STONE:

The deficiency bill reported to the House yesterday does not provide for deficiency of $4,000 for contingent expenses of pension agencies. This amount is essential to meet demands to June 30 next, otherwise the service will be crippled. What will be done in the matter? Answer.

D. I. MURPHY,
Commissioner of Pensions.

The amendment was agreed to.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Tomah, Wis., at $167 per annum each, and for general repairs and improvements, being a deficiency for the fiscal year 1896, $2,572.08.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. My purpose is to ascertain if the chairman of the Committee on Appropriations, having this bill in charge, can furnish the items which constitute the amount mentioned in this provision, and particularly to ascertain if among those items is included two months' salary for the superintendent, which is in arrears.

Mr. CANNON. All I know about it is this: The amount in the bill is just what was estimated for by the Commissioner of Indian Affairs, and the clerk from the Indian Office, when questioned about it, said this:

It comes in this way: Last year the superintendent absconded, taking all the public funds and leaving a good many employees and bills unpaid. One thousand eight hundred dollars of that $2,300 is to pay employees, and about $300 of it is to pay for medical attendance by local physicians. The balance is for supplies furnished the schools, and so on.

The amount in the bill is the full amount of the estimate submitted by the Secretary. That is all the knowledge I have upon the subject.

Mr. GRIFFIN. My information is that the proper deficiency there is $3,300; so that this item is between $700 and $800 less than sufficient to discharge the obligations.

Mr. CANNON. Well, the simple way is to proceed upon the estimate, and if it should turn out in the future that the Commissioner of Indian Affairs is wrong about the amount and that the gentleman's informant is correct, the error can be cured in another deficiency bill.

The Clerk read as follows:

For payment to Special Assistant Attorney John A. Marshall for services rendered under appointment, notwithstanding the fact that he failed to take an oath of office, as required by law, being for the fiscal year 1896, $300.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word. I find appropriations in this bill to pay special attorneys of the United State $9,509.45 in one paragraph and $4,450 in another. These appropriations are for special attorneys employed to defend the very suits to which I called attention a few moments ago, cases in which judgments have been rendered. We are proposing now to pay these attorneys for defending those suits——

Mr. CANNON. No; the gentleman is mistaken. These are amounts now due by the accounting officers of the Treasury for pay of attorneys of the United States courts in special cases.

Mr. RICHARDSON. Special attorneys employed in the United States courts, attorneys who have been employed to defend the cases to which I have referred, the Bowman Act cases.

Mr. CANNON. No; those cases only come before the Court of Claims, and these appropriations are not for the payment of attorneys employed to go before the Court of Claims.

Mr. RICHARDSON. Well, Mr. Chairman, it seems these particular appropriations are not for paying the assistant attorneys who have defended these Bowman Act claims in the Court of Claims; the gentleman from Illinois says so, and he is sustained by his two able lieutenants on this side of the House, the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY].

But these gentlemen will certainly not deny that they have appropriated $25,000, if I am not mistaken in the sum, to pay assistant district attorneys of the United States to defend the United States in these cases under the Bowman Act. For years that sum has been expended for that purpose, and simply the purpose of paying attorneys to defend these very cases that we decline to furnish the money to pay when we lose them.

Mr. SAYERS. The gentleman is mistaken in that. These attorneys receive a regular salary, and the appropriation is necessary to pay for depositions and other matters in connection with the defense of the suits.

Mr. RICHARDSON. The gentleman says that this appropriation is to pay the expenses of witnesses.

Mr. SAYERS. No; the expense of taking depositions.

Mr. RICHARDSON. Well, that is the expense of witnesses.

Mr. SAYERS. Oh, no. There is a difference between paying the expenses of witnesses and the expense of taking depositions.

Mr. RICHARDSON. It takes a witness to make a deposition, does it not? However, we will not quarrel about that.

But the point is that we are paying $25,000 a year for the expenses of these litigations, and thousands of dollars a year to attorneys to defend these suits against the United States.

Now, these suits go into the Court of Claims, and the best defense possible is made by able attorneys; and notwithstanding the court finds the claimants loyal and that their property was taken for the use of the Army of the United States, yet we can not get an appropriation to pay a single cent of the money due to them.

Mr. Chairman, the question in these Bowman Act cases for the court to consider is not whether the claimant was loyal when his property was taken, but the question is, Was the claimant loyal throughout the war to the Government? And that fact must be found affirmatively by the court before the court will take jurisdiction. It is not the man who becomes suddenly loyal after his property is taken by the United States Government, and for which he hopes to get paid; not the man from "whose eyes the scales fall" when he loses his property by misfortune or the adverse circumstances of war, but the man who is found to be affirmatively loyal to the Government throughout the whole war.

You appropriate thousands of dollars here to defend the Government from liability for taking the property of the people, and yet you do not appropriate a dollar to pay the judgments when they are ascertained.

I submit, sir, if we will not pay them we ought to stop this expenditure of thousands upon thousands of dollars for defense of these suits. If we are not to pay them when we lose them, we had better save at least this much. That is the true principle. My friend from Illinois ought not to put into the bill this expenditure to defend the suits if he will not agree to pay the suits when the Government loses.

Mr. CANNON. I will say to the gentleman that I would be quite content, in the proper way, to repeal the Bowman Act if he chooses to do so.

Mr. RICHARDSON. But that issue is not here now. That is not the question before us.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RICHARDSON. I would like to be permitted to proceed for five minutes longer.

There was no objection.

Mr. BOATNER. Now, before the gentleman proceeds, I would like to ask him a question in connection with this matter, whether this amount, payable to these attorneys, as appropriated in this bill, is not a payment for the suits that the Government wins, and we are not paying anything for the cases against the Government, either to the claimant or to the attorney?

Mr. RICHARDSON. Why, the Government has to pay the costs in the cases that go against the Government; but it must pay its cost anyway, when it loses or gains the case——

Mr. BOATNER. The gentleman does not understand me. I mean is this not a payment, not for the cases that go against the Government, but these are for the cases that the attorneys for the Government win?

Mr. RICHARDSON. Well, be that as it may, I do not want to be diverted from the point I am making. The gentleman from Louisiana can discuss that point himself. I think he agrees with me very fully on this question.

I have said, Mr. Chairman, that they did not pay anything. I will take that back. In the Forty-ninth Congress we paid $8,627.97; in the Fiftieth Congress we paid $119,510.75; in the Fifty-first Congress we paid $573,763.30, without one word of opposition, when the House was strongly Republican.

Mr. LOUD. How much did the Fifty-second Congress pay?

Mr. RICHARDSON. Only $597; and the Fifty-third, which was Democratic also, paid $48,000, in round numbers. If these two Congresses had paid one-half as much as the Fifty-first Congress, there would be but a few hundred thousand dollars left of all these claims to be considered. But the Fifty-second and Fifty-third Congresses refused to pay anything, practically.

It seems to me that the only way for this class of claims to secure payment is through a Republican House. I come, then, to appeal to the Republicans of this body to do justice to these loyal claimants and to this class of claims. Do right at least once.

Mr. CANNON. Does my friend from Tennessee expect to be more powerful with a Republican House than he was with the Democratic House when he advocated these claims in the Fifty-second Congress? These gentleman were then sympathizing with you——

Mr. RICHARDSON. Mr. Chairman, I do not wish to be diverted from the point I am pursuing. I will say in response to the gentleman that I am not powerful anywhere. I did all I could in

the Fifty-second Congress to secure the payment of all of this class of claims, and made the same effort in the Fifty-third Congress, when it was Democratic. I appealed to the Speaker and other members in authority, but gentlemen who directed the public sentiment in both bodies were unwilling to take what I regarded as the necessary steps to secure the payment of these claims. I thought they ought to have paid the few hundred thousand then found favorably by the Court of Claims, and if they had, as I state, there would only be about $100,000 or $200,000 for this Congress to pay.

But, Mr. Chairman, it seems to me it is foolish to appropriate $50,000 to $75,000 a year to meet the expenses incident to the defense of these claims and then, when you lose, refuse to pay the judgment, like a dishonest gambler who refuses to pay his bet. The Government makes the very best defense that it can make. It loses upon both grounds, and then it says, "Oh, well, we will repudiate the debt," the solemn finding of its own court.

Now, Mr. Chairman, it seems to me that is not right. I appeal to the majority here, because my appeals were made to the majority of the Fifty-second and Fifty-third Congresses in vain. I appeal to the majority here to do justice to this meritorious class of claims. We can do it. We need not pay all at this time. If there are too many, divide them, but make an earnest of attempting to do right by paying a portion of them if we can not pay them all at this time. There never was a more honest or just lot of claims presented. I said a moment ago that prior to the passage of this Bowman Act we paid from half a million to a million of dollars every year of what were called Fourth of July claims, as my friend from Illinois [Mr. CANNON] knows. What were they? Nothing in the world but these claims for supplies taken from loyal men in the South during the war to feed the Army.

As I said a moment ago, these claims are not "for the use and occupation of property," because under the usages of war the Government had a right to occupy property there in order to suppress the rebellion; but for supplies taken from the loyal people of the South you agreed to pay, and you did pay thousands of dollars year by year upon the simple report of the Quartermaster-General of the Army. He sent his captains and his lieutenants and his other officers to the South. They found what was due, and upon the simple finding of one of these agents of the Quartermaster-General, agents who were not lawyers, upon the recommendation of the Quartermaster-General, you paid out half a million to a million dollars a year, and these bills when they came here passed this House unanimously. They were called up by unanimous consent and passed without objection on either side. Now, when you come to pay this same class of claims for supplies taken from loyal men during the war to support the Union soldiers, objection is made to their payment, and Congress refuses to pay them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman have three minutes more.

There was no objection.

Mr. RICHARDSON. I say we paid these quartermaster claims without objection, verified as they were only by the finding of an agent of the Quartermaster-General who was sent into the country where this property was taken. But now, under this Bowman Act, for the same kind of property, taken at the same time, under exactly the same circumstances, instead of paying, as you did under the 4th of July act, upon a finding of the agent that the party from whom the property was taken was loyal, you refuse payment when you have a solemn adjudication of a Republican Court of Claims, composed of five Republican judges. After there is a trial, after the issue is made up and witnesses are subpœnaed and arguments are heard pro and con on the part of the attorneys for the claimant and the able attorneys of the United States Government, after the finding that the party was loyal and that his property was taken and used for the support of the United States Army—after all this you ignore that solemn finding of this Court of Claims, when formerly you were willing to pay twice or thrice as much upon the simple report of an agent of the Quartermaster's Department.

Mr. Chairman, I want to call attention to this. It may be claimed that it is a little out of order perhaps, but at the proper time, when the point is reached in the bill, I am going to offer a proposition to pay these Bowman claims to the amount of about $500,000. There are seven or eight hundred thousand dollars of them, found, I am told, since there was any payment. But I am going to offer to pay $500,000 of them, and I am going to beg the able chairman of the Committee on Appropriations [Mr. CANNON] not to make the point of order against them. I do not believe he will. He may suggest to some of his friends to make it, but I do not believe he will make the point of order. If any gentleman does make the point, I shall simply beg him to withdraw it and let us do justice to these long-neglected claims. [Applause.]

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8926) to correct the war record of David Sample;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

The message also announced that the Senate had passed the bill (S. 621) for the relief of the legal representative of George McDougall, deceased; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 205) granting a pension to Mary O. H. Stoneman: and

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 321) granting a pension to James W. Dunn.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I want to say a word to the gentleman from Tennessee [Mr. RICHARDSON], who has given notice of what he intends to do. I want to say to him, first, that I generally have the courage to make a point of order, if I am in charge of a bill, without asking somebody else to make it.

Mr. RICHARDSON. I did not think you would be afraid, but I thought you would be too clever to do it.

Mr. CANNON. I feel quite sure that, if nothing happens, I will make the point of order, if the gentleman insists on offering the amendment. Now, a word upon this subject. I do not want to get into a discussion about these Southern claims.

Mr. RICHARDSON. I hope my friend will not call them Southern claims, because they come from Northern States as well.

A MEMBER. Call them war claims.

Mr. CANNON. Very well, wherever they come from. They are claims arising out of the late war, and principally come from the gentleman's State. I say this in answer to his confident statement.

At a proper time, when, under the rules of the House, legislation is pending to pay the findings of the Court of Claims, I will support or oppose it as I may deem right and proper; but I beg the gentleman to recollect one thing, and the House to recollect one thing. Notwithstanding the gentleman's statement, it is almost a generation since the close of the war. Now, every one of these claims has had a status before commissions or officials with jurisdiction to pass upon them. First, the Southern Claims Commission. That is the first day in court. Second, before the Quartermaster-General of the Army. That was the second day in court, running through many years. And, in addition to that, there was money appropriated from the Treasury to agents of the Quartermaster-General to go all through the country where the witnesses of these claimants were and investigate and report to the Quartermaster-General. There were large sums of money appropriated to pay the findings of the Southern Claims Commission. There were large sums of money appropriated to pay findings of the Quartermaster-General. These claims, with two chances in court, were rejected not once, but twice.

Mr. RICHARDSON. Mr. Chairman, I do not want to interrupt my friend——

Mr. CANNON. Oh, certainly.

Mr. RICHARDSON. But of course he wants to be correct. Many of these claims, I will state to him, were pending in the Southern Claims Commission, and the gentleman knows that the Southern Claims Commission was terminated without having heard more than one-half of the claims brought before it. Those not heard when the Southern Claims Commission expired on the 1st day of January, 1880, were dumped into the committees of this House and the other branch of Congress, and the claimants were denied a hearing. One further fact. I hope the gentleman will pardon me. He knows that the Southern Claims Commission was limited to a certain amount—that is to say, if the claim did not exceed $10,000, if I remember correctly, the Southern Claims Commission did not have jurisdiction. I think at one time persons presenting their claims before the Southern Claims Commission were required to bring all their witnesses to Washington,

and those poor claimants who had claims for $1,000 or $2,000 could not bring them here, as the gentleman knows.

Mr. CANNON. Now, then, I say again, they had their day in court before the Southern Claims Commission. But if the gentleman be correct, then before the Quartermaster-General of the Army, with a corps of clerks numbering hundreds and with special agents that were paid from the Treasury, who went upon the ground and investigated. Having their day there, and hundreds of thousands of dollars being paid, these claims in the main were turned down and rejected by the Quartermaster-General. Then comes the Bowman Act. In the meantime the years have passed by. Under the Bowman Act they got a status in the Court of Claims for the Court of Claims to find. The years had passed by, the witnesses had died, the knowledge of people as to the loyalty and many other matters had faded out, prejudices had gone, and these findings were had. Now, maybe they are proper; I will not at this time say they are not proper, because it is not material to us. I say under the rules of the House they have no place upon this bill.

Mr. MEREDITH. I move to strike out the last word.

Mr. Chairman, I desire to say at the outset that I have no sympathy with these claimants. I believe that my friend has called them Southern claims. If a man lived in the South, I think that he ought to have been loyal to his State. But I am not controlled, Mr. Chairman, by any such sentiment as that; and I am not in sympathy with the gentleman who is at the head of this committee, who attempts to do what the Government will not permit one of its own citizens to do, and that is to plead the statute of limitations; for, while he says he is not willing to say that these are not just claims—some of them—he claims before this House that they are stale, and the inference from his argument is that they ought not to be paid because the people have slept upon their rights.

I do undertake to say to him, and I do undertake to say to this House, without having any sympathy for these claimants, for God knows that while everything that I expected to inherit had been taken by the Government of the United States when I was a mere child, I would not make affidavit that I was loyal to this Government at that time if it would give me the possession of the United States. I believe that these people ought to have been loyal to their State, and therefore, I repeat, I have no sympathy with them. But when the Government establishes a court, and when these people are permitted to go before the court established by the Government itself; when the very first thing to prove is their loyalty, because it was a bar and pleaded in bar; when they have taken that step and proved that they were loyal to the Government; when they had taken the second step required and proved that their property had been taken for the uses of the Government, and the amount of its value had been ascertained by that court, I do maintain, upon principle and upon equity, upon justice and upon right, that wherever they may have lived, whether they were in the South or in the North, those gentlemen ought to be paid by this Government, and the Government ought not to be permitted to plead, as my friend has attempted to do, the statute of limitations.

The Government is a thief not to pay a just claim when it has been ascertained and determined by a tribunal composed of members selected by the Government itself. If the claims are honest and just, they ought to be paid. And, Mr. Chairman, what matters it to the Government whether payment is made on an appropriation bill or by a special bill? My friend from Illinois, who is a member of the Committee on Rules, found out a few days ago a way by which a law could be repealed which gave certain claimants against this Government the privilege of going into the courts and having their claims determined. As a member of the Committee on Rules, he ascertained that that law could be repealed by a rider upon the District appropriation bill, and the Committee on Rules brought in a rule by which it was repealed, so far as this House is concerned, in that way.

Mr. SAYERS. The gentleman from Illinois [Mr. CANNON] is not a member of the Committee on Rules.

Mr. MEREDITH. I beg the gentleman's pardon; I thought he was. My friend from Texas, however, is.

Mr. SAYERS. Not at all. [Laughter.]

Mr. MEREDITH. Then I beg my friend's pardon, also. But it still remains true that the Committee on Rules did ascertain a way by which a law passed by the last Congress could be repealed by a rider upon an appropriation bill, and my friend from New Jersey whom I see before me [Mr. PITNEY] will justify me in that statement, because he was a leader in that transaction.

Mr. PITNEY. The House passed the rule. The Committee on Rules did not pass it.

Mr. MEREDITH. Yes; the House passed the rule, but it did it on the suggestion of the Committee on Rules. Now, I agree with my friend from Tennessee [Mr. RICHARDSON] that it is of little consequence to the Government whether it pays these claims by special bills or by an amendment to an appropriation bill. The only question that should be considered here is: Are these honest claims? Have they been ascertained and determined in a legal way? Does the Government of the United States owe these sums of money, as ascertained by the Court of Claims? If it does, it ought to pay them. It seems to me that, having ascertained the facts in these cases, if this House is convinced that the court has investigated and determined the cases honestly and fairly, and that these claimants were loyal to the Government during the war, then they ought to be paid; and, I repeat, what difference does it make whether they are paid by special bills (which we shall never be able to get up before the House) or by an amendment on an appropriation bill?

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, the gentleman from Massachusetts [Mr. WALKER] desires to be heard five minutes, and I yield to him. After that I do hope that we shall go on more rapidly with the reading of the bill.

Mr. BOATNER. I shall want about three minutes.

Mr. WALKER of Massachusetts. Mr. Chairman, I do not think there is anything that illustrates and impresses more strongly upon this House, and that ought to impress more strongly upon the country, the condition of our fathers but a short time ago, when they were under the tyranny of perhaps the best men that ever lived, than the action of the Committee on Appropriations in its treatment of the honest claims of citizens of this country against the Government of the United States, and, furthermore, their treatment of this House in the favoritism which they manifest. [Laughter.] The favor which they show in all matters in which they are interested, and the absolute impossibility of getting a hearing on matters that they are not interested in, is emphasized beyond measure, and becomes a question of human liberty. [Laughter and applause.] Why, Mr. Chairman, what a mockery it is for the chairman of this Committee on Appropriations to stand on this floor and say that he "would be very glad to consider this legislation when it is before the House!" In God's name, how are we to get such legislation before this House? Will anybody tell me how you are going to get the payment of just claims and the awards of the Court of Claims before the House? How are you going to get this or any legislation before the House, however much members of this body or the people of the country may need it or desire it?

Mr. SAYERS. If the gentleman will permit me, I will answer his question. I will tell him how he can get it before the House.

Mr. WALKER of Massachusetts. How?

Mr. SAYERS. When the House is organized in the next Congress, frame your rules so that you can get it. [Laughter.]

Mr. WALKER of Massachusetts (derisively). Oh, yes.

Mr. SAYERS. Yes; it will then be within your power; you and your party will constitute a majority of the House. But so long as the present rules stand and constitute the rule of conduct for the guidance of this House, no appropriation of the kind which you desire to put upon this bill will be in order.

Mr. WALKER of Massachusetts. Mr. Chairman, I want to say that under the rules of this House the members get mighty few rights. [Laughter and applause.] You go before the Committee on Appropriations and they refer you to a subcommittee, and you may cool your heels there day after day. [Laughter.] When the subcommittee meets, there is perhaps one member out of the five present, and he tells you that he knows all about the matter, and intimates that you are boring him if you longer stay, and, practically, that you had better leave and attend to your especial business. Then when he reports against you and you request a hearing before the full committee, busy as it necessarily is, maybe you will find one or two members there, and you feel that you had better leave. [Laughter.] That is all it amounts to. [Laughter.]

I have some figures in my hand, but before I present them let me say I do not imagine that there are in this country the same number of men who are any more fair minded or any more honest in their intentions than the members of the Appropriations Committee; but, with the immense amount of business that crowds upon us here, and with rules that give nobody any rights on any subject whatever, we have grown into a system of tyranny, gross tyranny, upon the members of this House generally. [Laughter and applause.]

This condition is not chargeable to one party more than the other, or to any one individual. It has rapidly grown up, beginning in its present form under Speaker Randall.

Legislation! Represent your district! Represent your district; how? I ask members of this House who hear me now what chance any of us have to present here anything our districts want? How many have done it in the last ten years, in the last five, the last four years, or even in the last two years? Present matters of interest to your constituents! How?

Mr. Chairman, the way that our public business is being conducted with reference to the erection of public buildings alone shows a loss of 25, 33, and even 50 per cent on the expenditures made. It ought to be exposed to the House and to the country.

Why? Because it is impossible under present conditions for the House to do anything to correct it until the light is turned on. These men assume that this Government must not, shall not, pay its honest debts. They claim we have not the money to do so, and that the Congress and the people ought not to know what the honest debts of the Government are, for if they did know it would be scandalous. It will be a greater scandal if they can not find it out. If they ask for information, if they seek to ascertain what their Government actually owes its citizens, they are told that the items are in this document, a part of them in that document, and in a dozen other documents, and so on. [Laughter.]

Ah, Mr. Chairman, this has got to come to an end some time. Our people are essentially honest. Finding the items of our indebtedness is a good deal like the boy with the jackknife. He said he had not lost it, because he knew where it was. When he was asked where it was, "Why," he said, "at the bottom of the well." So it is with these items of indebtedness. These things are not lost, because we know where they can be found; but we have a right to know, and to know what documents they are in, and to know what claims have been reported against and what claims have been reported in favor of claimants by the committees of this House and by the courts of this land, and in one document in convenient form. And when framing legislation in the Committee on Ways and Means, it is the duty of that body to so frame fiscal legislation that there shall be revenue enough to pay all of these claims that are honestly due by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I ask for a few minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. WALKER of Massachusetts. Oh, but you say the claims are "old." Old! old! Yes; they are old. When the chairman of the committee is dead, and I am dead, and this House is dead, the claims will then be older. [Laughter.] Will they be paid? Old! Why, Mr. Chairman, we whose constituents all over the country have these claims have had them refused $20,000,000 or $30,000,000 for thirty years piling up and piling up, and if they had been paid originally we should have had a clean slate. But they have been accumulating and kept on accumulating, until there will be a hundred millions more, I presume, before the end.

I protest against this dishonest policy. I am ashamed of this Government. I am ashamed of its action toward its own people. My cheeks tingle with shame at the dishonorable conduct of the Government I love, in its dealings with its private citizens—this refusal of justice in paying their honest claims. [Applause.]

Mr. SAYERS. Mr. Chairman, if the gentleman from Massachusetts will give me his attention but a very few moments I will tell him how to get his claims paid. I believe to-day is Friday—private bill day.

Mr. WASHINGTON. And we have not had a private bill day this session.

Mr. SAYERS. If the majority of this House——

Mr. WALKER of Massachusetts. And this day has gone where all of our other private bill days have gone.

Mr. SAYERS (continuing). If a majority had so decided, to-day could have been devoted to private bills. Who was the cause of the failure? A majority of this House, without regard to party, determined that instead of considering bills on the Private Calendar they would consider the general deficiency bill. So the Committee on Appropriations are not responsible for the use of this day which is set apart for the Private Calendar. Nor are they responsible for the fact that the claims which the gentleman from Tennessee [Mr. RICHARDSON] speaks of are not upon this bill. By the rules of the House, and I believe by the rules of every House since I have been a member of this body, the findings of the Court of Claims, under what is known as the Bowman Act, are not in order on the general appropriation bills.

Mr. MAHON. Will the gentleman state why, please?

Mr. WILLIAM A. STONE. Because the rule prevails to prevent it.

Mr. SAYERS. Because the House, whether Democratic or Republican, has adopted a rule which does not make them in order.

Mr. MAHON. What rule prohibits it?

Mr. WILLIAM A. STONE. Clause 2 of Rule XXI.

Mr. SAYERS. As the gentleman says, clause 2 of Rule XXI prohibits it. But I do not want to enter into a discussion with the gentleman on that point.

Mr. MAHON. There is no rule that prohibits them as an amendment to this bill.

Mr. SAYERS. It is safe to say, Mr. Chairman, that every Speaker of this House that we have had for years, and every Chairman of the Committee of the Whole who has presided in this body for years, each one, has uniformly ruled on these particular claims that they are not in order on a general appropriation bill. That, I think, is a sufficient answer to the gentleman from Pennsylvania.

Now, if the gentleman from Pennsylvania, or any other gentleman on this floor, desires to have these claims paid, let them join with the gentleman from Massachusetts and secure a majority of the House, of both parties, or all three parties, and then so change the rule that this particular item shall be in order upon the appropriation bills. And, further, let them have a majority at their backs in favor of appropriating for the claims, and they will get them through, and not otherwise. It is the duty of the chairman of the Committee on Appropriations to set his face firmly against all appropriations of this character that are not in order on the general appropriation bills. He would be derelict in his duty to this House if he should permit this class of claims or any other kind of claims, however meritorious, they being purely claims, to be put upon this bill without presenting objections to the House, so that they could be stricken out.

In conclusion, I want to say to the gentleman that he ought to begin to organize his forces right now. We expect to have a special session of Congress, beginning on the 15th day of next month. Let the gentleman have his forces well in hand when the rules are presented to this House for its consideration. Then let him shape the rules, in order to accomplish what he believes to be right and proper. [Applause.]

Mr. WALKER of Massachusetts. I move to strike out the last two words.

Mr. WASHINGTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. WASHINGTON] is recognized.

Mr. WASHINGTON. Just a word in answer to my good friend from Texas [Mr. SAYERS], who, as he always does, appears so exceedingly fair in telling us how we can get consideration of all just claims which have been favorably reported by the several committees of the House. While by the rules of the House every Friday is set apart for the consideration of private bills, including war claims, it is well known that every Friday this session has been taken up by appropriation bills reported by the gentleman's committee, or by some other class of legislation, under a special order from the Committee on Rules, with the express purpose of preventing the consideration of what are known as war claims.

Mr. SAYERS. With the consent of the majority of the House.

Mr. WASHINGTON. Of course we understand how that is worked. Whenever the chairman of a committee, representing the majority, makes a motion to do away with the regular order for Friday, the other side of the House, as a matter of courtesy, stands by the chairman of the committee and passes whatever motion he may make, and in that way "private-bill day" has been invariably taken away from the House. Such has been the course adopted by the majority, not only during this session, but during the whole of the last session of Congress. Indeed, in the Congress before this very little time was given for the consideration of this class of claims. The result has been that these war claims have piled up and up until the amount will soon be so large that it will appall not only the House of Representatives but the country. But because the aggregate amount of these claims which have been allowed by the Court of Claims is large it does not necessarily follow that the claims are fraudulent, or that they are not just obligations of the Government.

It is quite true, as has been charged, that the greater part of these war claims are Southern claims. I admit that a large number of them do come from our section of the country, but it should be borne in mind by the House that the claimants have affirmatively proven their loyalty throughout the whole war to the satisfaction of a court which, it is well known, has been politically biased against the Southern people. Gentlemen ought to remember that to be loyal in the Southern States throughout the whole war meant sacrifice and privation. Frequently not only social ostracism, but persecution. I maintain, sir, that these people are entitled to and should receive from Congress the same consideration as those who joined the Northern army and bore arms in defense of the country. The loyal people of the South freely gave their provender, their horses, their substance, in order that the Union might be preserved. It was the supplies furnished by them which enabled the North to wage to a successful issue the war between the States. In the vast majority of cases all the claimant ever got was a voucher to show that his property had been taken for the use of the Army.

During the period of active hostilities, there was no way to collect the amount of these vouchers except to sell them at a heavy discount to some claim agent or broker. In many cases, owing to the unsettled conditions which followed the war, and the doubt in the minds of many that anything would ever be paid, some years elapsed before these claims were filed. It comes with poor grace from anyone now to charge that these claims should be branded as false, or should be repudiated, because they have remained unpaid so many years. Most of the claimants have been knocking at the doors of Congress or seeking a hearing before some sort of a commission or a court ever since the close of the war, and I insist

that they are entitled to just and to generous treatment. The Government should set the example of doing no wrong. Congress can not afford to put the Government in the attitude of pleading the statute of limitations in these cases.

Mr. BOATNER. When she herself creates the delay.

Mr. WASHINGTON. Yes, when, as suggested by my friend, the Government itself creates the delay. These cases would not be thirty or thirty-five years old to-day if the claimants had been allowed time and place and opportunity to present and prove their claims.

I know that we have all frequently heard gentlemen cite the Southern Claims Commission and the other boards that were organized after the war to hear and determine these war claims. It is well known how imperfectly much of the work of those boards was done. It has been stated that these claims were tried and rejected in the Quartermaster's Department. The action of the Quartermaster's Department at best was a one-sided investigation. Frequently, I am informed, the claimant had no knowledge that his case was under investigation until it had been reported for rejection. The size of a claim was almost invariably a presumption against it. The mere fact that a man alleged that he had lost thousands of dollars' worth of property was considered to be ample evidence that he was trying to rob the Government.

I repeat, the worthy claimants who have passed successfully through the Court of Claims ought to have speedy justice.

In addition to these individual claims, there are many just claims which have been filed by educational institutions, by colleges and universities, whose buildings were used for barracks and hospitals. In many of these cases the libraries, the philosophical and scientific instruments, and other valuable collections were totally destroyed. These institutions were of priceless value to the Southern country. They in no way gave aid and comfort to the rebellion. Some of those in Tennessee were seized almost at the outbreak of the war and held until after the close of hostilities. From 1865 until now these colleges have been knocking at the doors of Congress and in vain pleading for relief. They should be heard. Their claims ought to be tried on their merits, and should not be dismissed with a contemptuous insinuation of fraud. There surely must come a day when reason, not passion and prejudice, shall control. Until that time we must wait.

Mr. SHAFROTH. Let me have five minutes.

Mr. CANNON. I will not press it. I hope to close debate and get on.

Mr. SHAFROTH. Mr. Chairman, it is generally considered the right thing for members to rise in this House and accuse the Government of taking advantage of its citizens in refusing to pass claims barred by the statute of limitations. Every few days we have some one rise and point with shame to the Government's action concerning claims that are made against the Government; and yet when we come to examine these claims and they are presented to this body, we generally turn them down. Why, sir, there are claims aggregating millions of dollars pending in this Congress that are one hundred years old. What chance has the Government to obtain evidence to defend against such claims. The theory that the Government should not plead the statute of limitations is something that is absolutely opposed to all legislation of modern times; and to say that it should not, would be to place the Government at such a disadvantage that millions and millions of dollars would be taken from the Treasury. Why, Mr. Chairman——

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. MAHON. Do you know how much this Government has paid since the war closed on claims of this kind, the total amount?

Mr. SHAFROTH. I do not remember, but I want to say as a matter of fact that in any claim that is barred by the statute of limitations the United States is at a disadvantage in attempting to prove its side of the case.

Mr. BOATNER. Will the gentleman yield to a question there?

Mr. SHAFROTH. No; I can not yield, I have only a few minutes. I want to say, on the general principle, for any gentleman to get up here and abuse the statute of limitations, when as a matter of fact every government on earth that is civilized respects it, and says it is proper, is something that seems to me to be very much out of place. If the statute of limitations is not right, the only way to do is to repeal it. We all admire the man that will not plead the statute of limitations for himself. Why? Because he is paying out his own money. But are we acting in that capacity here? What would you think of a guardian who failed to plead the statute of limitation for his ward? What would you say even in the case of a trustee of express trust, if he failed to plead the statute of limitation for his beneficiary? Why, sir, we would say that it was reprehensible, if not criminal, and the law absolutely imposes upon him the obligation to pay it himself.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I will say that we surcharge him with it when he files his final account.

Mr. SHAFROTH. Now, Mr. Chairman, we are not exactly acting in the capacity of guardians, but as members of Congress and as representatives of the legislative branch of this Government we are acting more in the capacity of trustees of an express trust than in our individual capacity. We are not paying money out for ourselves; and when some old claim comes up and it is barred by the statute of limitation it is not proper to abuse members of the House because they believe that it should not be paid and that to pass many would bankrupt the Government. Mr. Chairman, it seems to me that they ought to consider in what capacity we are acting. We are acting for the people. The people pay these claims. It is not ourselves. If we ourselves paid them, we could very well say, "We are satisfied with the claim and will pay it." Acting as trustees in coming here, we should scrutinize all claims closely. I say it is not becoming in the members to charge that our Government is dishonest when it has always discharged its obligations with scrupulous honesty, and when the conservative members are desiring to protect the Treasury. [Applause.]

Mr. CANNON. Mr. Chairman, I ask unanimous consent that we may close this general talk, that is upon no subject in the bill, in, say, twenty minutes; perhaps ten would be enough.

Mr. BOATNER. I want five minutes.

Mr. RICHARDSON. I want five.

Mr. CANNON. I want to go on with the bill. I will say twenty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate upon this subject shall be closed in twenty minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MAHON. Mr. Chairman, I want to say I have no fault to find with the rules that prevail in this House, because I helped to make them; and I will help to make them, perhaps, in the next Congress; and I have no fault to find with the chairman of the Committee on Appropriations. I can fully appreciate the burden that rests upon that gentleman to keep down the appropriations; but I want to answer a few of the arguments here. Every time these claims are brought before this House gentlemen get up and talk about it bankrupting the Government; it will take billions of dollars to pay these claims!

Now, Mr. Chairman, the gentleman who makes that statement upon the floor of this House does not know what he is talking about. I have carefully compiled in the Department the claims that have been paid by the Government since 1865 for losses that occurred all along the border States, where war raged for four years for 3,000 miles, and where this Government took property from people who were loyal, and the total amount shown in the Quartermaster-General's Department, the War Department, the Navy Department, the Southern Claims Commission, the Tucker Act, and the Bowman Act, paid since the war closed, was $11,934,-721.69, a sum less than we appropriate every year on rivers and harbors.

Now, Mr. Chairman, I have compiled this statement in order to get rid of the bugaboo that is held up here constantly—the enormous amount of these claims. Let this Congress appoint a commission of any five men they may select, and give that commission $10,000,000; and I undertake to say that they will wipe out of existence every claim of this kind that exists to-day or that can possibly be brought against the Government. This amendment is for $500,000. Why, sir, the other day we appropriated nearly half a million dollars to improve the Yazoo River—one river in this great country! Talk about these claims not being just! I have been familiar with this subject ever since the war closed. I have made it a study. The United States Government came into my county during the war and took hundreds of thousands of dollars' worth of property. The great war governor of Pennsylvania, Governor Curtin, was organizing and equipping one regiment of cavalry after another, and they came into the county in which I lived and took 1,200 of the best horses in that county and sent them to the front. Three thousand four hundred horses were pressed into the service of the Government of the United States from the county of Franklin, in my State, and from that day to this not one dollar has ever been paid to the owners of those horses. I think it was James A. Garfield who made the statement, or else it was General Butler, that if this Government was an individual and he treated his creditors as it treats its creditors, he would spend two-thirds of his life in the penitentiary with a striped suit on.

Mr. Chairman, there is only one of two things to do in this matter; either repeal the Bowman Act and stop these claimants from going into court and proving their claims, or else let the act stand, and, after your own court has found in favor of the claimants, pay them. [Applause.] There is no escape from the payment of these claims. Congress created that court because it could not itself investigate the claims as they should be investigated. But that court does investigate them thoroughly. I have stated that the total sum paid in all these years upon these claims amounts to only about $11,000,000. Why is the amount so small? Because, if

you will examine the records of the Court of Claims, you will find that of all the claims presented the court has allowed only about 8½ per cent. It has rejected the balance because of the death of the parties, the inability to procure witnesses, and for various other reasons.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, I am a member of the House of Representatives of the United States [laughter], and, if I live, I expect to be a member of the next House of Representatives.

Mr. HENDERSON. Then the gentleman is not going into the Cabinet? [Laughter.]

Mr. GROSVENOR. And I want to say very briefly that I repudiate the statement, come from whatever source it may, that this House has not the power to execute its own will. It is a very plausible excuse with which to go to the country that somehow or other our responsibility as individual members is taken away by charging that we have disfranchised ourselves and have made ourselves the subject of some "tyranny" somewhere. I denounce such a statement. There is no tyranny that controls this House except the mere inertia of the House itself. [Applause.]

Now, Mr. Chairman, I am not going to discuss the question of the payment of these claims. On that I stand where the gentleman from Pennsylvania [Mr. MAHON] stands; but I want to point out to him how futile are his estimates of the expenditure that would be required when they are based only upon claims for actual and tangible property taken. If the door could have been closed upon all other claims than those for property appropriated by the Government, I doubt not that long ago these war claims would all have been paid.

Mr. MAHON. That is what the Bowman Act covers.

Mr. GROSVENOR. That is what the Bowman Act covers, but there come up a train of claims of quite a different character, claims for use and occupation of property, claims for the destruction incident to war, claims of an indeterminate character, unliquidated damages—phenomenal amounts which no man can estimate—and those claims have come here to clog the way and stand across the path of the payment of claims which I admit are legitimate and ought to be paid as soon as possible.

But, to get back to the other question, what rule of this House strangles the action of the House? If there is any rule here that does that, who is responsible for it? I take my share of the responsibility. I voted for every rule that we have. I have seen no man attempt to exercise a power in this House that was not conferred by the rules of the House. [Applause.] And, Mr. Chairman, when I do see any man, great or small, attempt to exercise a power not conferred by the rules of the House, I will appeal to the House. I know how to appeal to the House of Representatives against any improper exercise of power, and so does the distinguished gentleman from Massachusetts [Mr. WALKER], and if I choose to sit by and recognize the action of any power in this House without objection, I am a party to it and have no right to complain. The rules of the House are in the interest of the forwarding of the business of the House. Where would we be to-day if every man in this House was at perfect liberty to just rise here and, without asking consent of anybody or asking recognition of anybody, or giving any explanation of any purpose to anybody, present his bill or his claim? We would be in a beautiful condition to do business inside of the first fifteen minutes, and would grow worse as long as we stayed in an organized body.

Mr. Chairman, the rules of the House have grown up from the gathered wisdom of the greatest and most intelligent body of legislators on earth, to wit, the House of Representatives of the United States of America. That House has never yet yielded its power to control its own business. And now, as illustrative of that point, this morning this House, by a majority vote, could have proceeded, had it so decided, to the consideration of the Private Calendar under its rules. But it saw fit to do differently, and decided, by an affirmative vote, to proceed with the measure now pending. Having done so, every individual member of this body is estopped to complain of the "tyranny" of the rules, or of any officer who is called upon to enforce those rules.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, it appears to me that it is about time for the House of Representatives to throw off the disguise which it has worn so long, and to inform the owners of what are known as Southern war claims that they will never be paid. The Republican side of the House will not believe that the claimants were loyal, and hence from a Republican standpoint the claimants are not entitled to any consideration. A large number of Southern Democrats know that numbers of these claimants were loyal to the Union during the war, and hence from the Southern standpoint they are not entitled to consideration. So, between these two sentiments, the Southern war claimant has few friends. So long as the Committee on Appropriations is influenced to the extent that it now is by the distinguished gentleman from Illinois [Mr. CANNON], by my distinguished friend from Missouri [Mr. DOCKERY], and my other equally distinguished friend from Texas [Mr. SAYERS], it is idle to expect that anything practical will be done in the way of ascertaining the amounts due on these claims, and of paying them.

Hope deferred, Mr. Chairman, maketh the heart sick, and it would be a mercy to the owners of these claims to have the question settled for all, and the debts repudiated. I say repudiated, because the action of Congress in refusing to pay them can not be properly characterized in any other language. For many years the contention was that the testimony adduced before the committees was not satisfactory; the Government had no proper means of defense, of showing that the claimants were not loyal men, that the accounts were grossly exaggerated, and other facts tending to show that it was not indebted in the amounts claimed.

In order to correct this evil the Bowman Act was passed, under which the parties were referred to the Court of Claims, there to establish the facts which would show the indebtedness of the Government for military supplies taken for the use of the Army. The Court of Claims can not be said to be biased toward claimants. I am informed that it only finds in favor of the claimants to the extent of about 8½ per cent of those presented for consideration. Yet the findings of that court remain unprovided for by Congress, and parties who, at the solicitation, or rather by the direction, of this body, have gone to the expense of establishing the indebtedness of the Government to them, find themselves as far from their money as ever.

We can not successfully defend ourselves against this indebtedness in court or on the floor of this House. We can not exonerate ourselves either in law or in morals. Yet, by indirection, by delay, we refuse to do what, under the requirements of the Constitution, of common justice, and of decency, we ought to do. The Constitution declares that private property shall not be taken for public uses without adequate compensation; that no person shall be deprived of his property without due process of law. Yet, where property has been taken from the loyal citizen for the use of the Government and applied to its use, at a time when the laws were silent and when the citizen was powerless to prevent the taking if he had so desired, that loyal citizen is told that his property was taken under the exigencies of war, if it was taken at all; that he was not loyal, whether he proves it or not; that his property was not worth what he and his witnesses say it was, notwithstanding there may be no evidence in support of that contention, and that, from motives of economy, the Government does not propose to discharge the debt if it exists. This course, if pursued by a private individual, would be justly characterized as knavery. If the party had any property, the strong arm of the law would subject it to the payment of his debts; but the sovereign, the great American Government, may properly and honorably pursue a course which in a private individual would excite the reprobation of all honest men.

And now, Mr. Chairman, the gentleman from Colorado [Mr. SHAFROTH] comes to the front with a new proposition, one as startling as it is novel, and which is that, by refusing for years to give consideration to these claims, to provide any means by which the claimants could assert and enforce their rights, they have become barred by the statute of limitations.

This is the first time, Mr. Chairman, I ever heard the idea advanced that the statute of limitations would run against a party who could not sue, and that the sovereign, which can not be sued, and which can therefore interpose as much delay as it sees fit, may plead the delay which it itself has caused in bar of an obligation which the creditor could not enforce except by the consent of the State.

But the gentleman overlooks another familar principle of law, which is that where time operates to the extinguishment of an obligation that bar must be established by express law. There is no statute of the United States that I know of applicable to this class of cases. The law establishes the Court of Claims for the purpose of hearing suits on certain specified contracts entered into by officers of the Government. Its jurisdiction is limited and defined by law, and it follows, as a matter of course, that any creditor or person claiming rights under a contract of which the Court of Claims has jurisdiction, who should not avail himself of his right to sue in that court and to enforce his remedy within the time specified by the statute of limitations, would be barred. But the Court of Claims has jurisdiction to enforce judgments of this class. That is to say, there is a standing provision of law providing for the payment of all judgments rendered by the Court of Claims. The Southern war claims are not of this class. They are referred to the Court of Claims merely for the findings by that court of certain facts. These facts, when found, are reported by the court to Congress. Congress then provides or refuses to provide, as it sees fit, for the payment of the debt found due by the court. It does not give to the findings of the Court of Claims the dignity of a judgment. It does not even respect these findings as final upon the questions of fact. It is hard to say what effect it does give to these findings, or for what purpose they are authorized to be made. If designed originally to amuse the creditors of the Government; if designed to obtain delay in the payment of

the debts which should be found due; if designed as a means of escaping payment, the subterfuge has served its purpose, has been used long enough, and the intention of Congress in resorting to it may as well be avowed. It can not, however, either upon reason or authority, be treated as a discharge of such obligations as the Government may be under by the statute of limitations, because the statute of limitations has not the most remote application to cases of this kind.

I confess, Mr. Chairman, that I have never been able to understand the attitude of many honorable gentlemen on this floor with regard to the creditors of this Government—gentlemen who themselves would scorn to defraud anyone, gentlemen of high character, who, if the question arose as to whether the interest on the public debt should be paid in anything except the best money in the world, would repudiate with indignation the suggestion that the United States should act on any but the highest principles of honor and integrity in dealings with its creditors, complacently turn their backs upon citizens whose claims have been adjudicated by courts, whose rights are unquestioned, and whose sole offense is that they have been prevented by demagogues, masquerading under the disguise of economists and watchdogs of the Treasury, from being able to obtain payment of what is due to them.

There is now, sir, a large amount of money in the Treasury which the Supreme Court of the United States has decided belongs to a large number of citizens of this character.

I refer to the proceeds of property taken by officers of the Government under the provisions of the "captured and abandoned property act of 1863."

This money the Supreme Court, I repeat, sir, has held, not once, but several times, belongs to the owners of this property, and is held in trust for them by the Government. Construing the act of Congress under which the property was taken, disposed of, and the proceeds paid into the Treasury, the Supreme Court holds that it never was the intention of the act to vest the title of the proceeds in the Government, and, in fact, no such object could have been lawfully contemplated. The property of no citizen could be taken, confiscated, and condemned to the public without legal proceedings on the part of the Government, and opportunity to the owner to defend his rights.

But, sir, notwithstanding the repeated adjudications by the highest tribunal in the land; notwithstanding the unquestioned right of the owners of this property; notwithstanding that the Government to-day occupies the relation to them of a fraudulent, an embezzling, and a defaulting trustee, this House has steadily refused ever since I have been a member of it to even consider a bill allowing the owners of this fund to assert their rights in a court of justice. Such a policy may, in the opinion of some gentlemen, be a wise and an economical one. It may comport with the dignity and honor of this Government. I can not express my opinion of it in parliamentary language. It is well enough to be economical, but it is necessary to be honest; and just how the representatives of the people reconcile their consciences to taking the money of private citizens and using it for public purposes; to deny to the owners of such property the right to be heard in court in the assertion of their claims; to allow men and woman to spend their lives in penury, poverty, and misery when they are creditors of the Government in large sums, or in any sums at all, passes my comprehension and understanding.

Unfortunately, now and then a claim of doubtful propriety is carried through this body by dint of personal, political, or social influence. The claimant who is able to invoke the assistance of a lobby or to exert the influences which I have described is occasionally rewarded with an appropriation. But the great mass of the creditors of the Government are helpless, and I repeat that it would be a mercy to them, if this House proposes to pursue the policy of economy which has heretofore been so popular with reference to the payment of this class of public debts—it would be a mercy to those whom it owes to inform them once for all that the United States does not intend to pay them; in other words, intends to repudiate the debt.

Mr. CANNON. I yield two minutes and a half to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, there has been enough said from time to time by members of the House when these claims have been talked about to indicate a lingering suspicion in the hearts of a large number of members that many of these claims ought not be paid at all, because they originated in at least partial disloyalty to the Government of the United States. There is that suspicion lingering among the membership of the House.

Now, Mr. Chairman, inasmuch as I was a citizen of what was regarded as a border State when the war began, I know the people of that State, and know personally that a large majority of those people were as true to the Union of the States as were the people of any State in the Union. I know that the people of that State furnished 209,000 volunteers for the Union Army. I know further than that, about the character of many of these claims, and that they are just claims. For about a year and a half I acted in the capacity of quartermaster for a post. I sent out forage train after forage train into the country after forage supplies for the soldiers of the Union Army. I know the character of the people from whom I took these supplies, and know that in a vast majority of cases they were as loyal as any men who were enrolled in the Union Army. Yet I gave those people no opportunity to refuse to furnish the supplies for which I sent. I did not even give them the opportunity to put any price upon them. The Government of the United States, through me, fixed the price; and yet those claims in a large number of instances are still unpaid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRACEY. I am sorry I could not have had a few minutes more.

Mr. CANNON. Mr. Chairman, I shall be glad to occupy just a minute before we proceed with the reading of the bill. For more than an hour there has been a discussion here, without any substantial amendment. I was very glad that the House consented to close the debate in twenty minutes. I hope we can go on now and read the bill. I only want to say, in reply to the gentleman from Massachusetts [Mr. WALKER] and others who have seen proper to criticise this committee, over which I have the honor to preside, that the House is greater than the committee. The House made the rule, and if, as chairman of that committee, in charge of the bill, I did not protect the rights of the House by insisting substantially upon an enforcement of the rules, I should not be true to myself, I should not be true to the House and the committee over which I have the honor to preside, and the House itself would be a laughing stock and a thing to be despised by its members and by the country.

Now, that is all I desire to say touching that matter. I do not mind the scolding of the gentleman from Massachusetts. I guess he can not help it. I reckon he is built that way. [Laughter.] I do not think it is necessary to reply to him. I undertake to say when anybody has had business before the Committee on Appropriations they have always had a respectful hearing. I do not desire to criticise the gentleman's committee. I will not plead any set-off.

The CHAIRMAN. Debate is closed; and the Clerk will proceed with the reading of the bill?

Mr. RICHARDSON. Was the entire twenty minutes consumed?

The CHAIRMAN. The entire twenty minutes was consumed.

The Clerk (proceeding with the reading of the bill) read as follows:

For allowances to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in contested-election cases, namely:
To J. N. Kendall, $2,000;
To JAMES C. C. BLACK, $2,000;
To Thomas E. Watson, $2,000; in all, $6,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 53, in lines 20 and 21, strike out "in all, $6,000" and insert:
"To J. William Stokes, $340;
"To Taylor Beattie, $2,000;
"To Andrew Price, $2,000;
"To CHARLES J. BOATNER, $1,856; in all, $12,196."

Mr. CANNON. These amounts are certified.

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For miscellaneous items and expenses of special and select committees, $20,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 53, after line 23, insert:
"For stationery for members of the House of Representatives, $250."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,202.48.

Mr. LOUD. Mr. Chairman, it is pretty hard for members to discover what certain amounts in this bill are for. I should like to ask the chairman of this committee to whom this $12,202.48 is to be paid?

Mr. CANNON. It will go to a number of members of the Fifty-third Congress who did not receive their entire salaries. The gentleman will recollect that under the refusal of the Speaker to certify the vouchers, various members—I do not know how many, but quite a number—did not receive their pay, because of alleged absence from the House. Possibly, without liberal certification, a good many more might not have received their pay. The gentleman recollects it.

Mr. LOUD. I was a little in doubt about it, Mr. Chairman, but my recollection is about this: That members of this House were allowed to interpret the law; and several members, I believe, did

interpret the law and certified that they were not entitled to certain amounts of money. I think my memory is also correct that certain members walked around this House with a proud sense of apparent honesty in having surrendered back to the United States Government a certain amount of money which they had certified they were not entitled to. Now, I suppose this item is to give these gentlemen this amount of money in this quiet manner, without mentioning their names, and they are still to have the credit of having been "more honest than thou."

Mr. CANNON. I do not know of anybody who is proud of having a part of his salary withheld. I know a good many people who were profane because their pay was withheld on account of absence that could not very well be avoided.

Mr. MEREDITH. And a good many more were sick.

Mr. CANNON. The same rule has not obtained in this Congress, nor, so far as I know, in any other Congress. It takes the $12,000 to pay the members what was not paid to them.

Mr. LOUD. I suppose a great deal of it goes to our Democratic friends who interpreted the law——

Mr. CANNON. I think some of it goes on that side of the House and some on this side of the House.

Mr. LOUD. Of course, the gentleman well knows that members were allowed to interpret this law.

Mr. BOATNER. The gentleman is mistaken about that.

Mr. LOUD. I have my opinion about it. I think if you will take one of those old certificates you will find that a member was not called upon to certify to absence alone, but you will find that it was very carefully worded, so that each member should determine for himself as to whether certain amounts should be deducted under certain existing statutes. It was very carefully drawn so as to permit a man of tender conscience, like myself, I am willing to say, to certify. But there probably were some gentlemen who had such tender consciences that are willing now to accept it without being mentioned by name in the appropriation bill.

Mr. MAHON. I want to make a suggestion as to these claims. I did not dock myself under that rule, because I did not think it right; but I suggest that these claims be referred to the Court of Claims, so that these gentlemen may excuse their consciences.

Mr. CANNON. It is subject to that amendment, if my friend will offer it.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. HOPKINS of Illinois. One moment. I desire to ask the chairman of the committee if we have passed lines 1 to 4 on page 55?

Mr. CANNON. No, sir; we are just beginning to read. We have almost passed it; but my colleague is in time.

Mr. HOPKINS of Illinois. When the proper time comes, I want to be recognized.

Mr. CANNON. It seems to me that now is the proper time.

Mr. HOPKINS of Illinois. Why, Mr. Chairman, I would like to have an explanation from my colleague upon that.

Mr. CANNON. I have just given one to the gentleman from California [Mr. LOUD].

Mr. HOPKINS of Illinois. I was not fortunate enough to hear that.

Mr. NORTHWAY. He has been spending five minutes in that way.

Mr. HOPKINS of Illinois. More than five minutes should be taken up in giving an explanation of this matter. I have a very distinct remembrance, Mr. Chairman, of our Democratic colleagues insisting that the order that was made and enforced by the Democratic Speaker of this House was proper and legitimate; and I am surprised that economists like my friend from Texas [Mr. SAYERS]——

Mr. SAYERS. I do not control the committee. Your colleague is chairman.

Mr. HOPKINS of Illinois. And my friend from Missouri [Mr. DOCKERY] would permit an item of this kind to go into this bill. If I remember correctly, hardly three days have passed since my friend from Missouri grew red in the face in an eloquent denunciation of the extravagance of this House, and especially the Republican members. If I remember correctly, also, he is one of the men who insisted that a rule of this kind should be adopted during the time that the Democrats had control of this House. Now, if the gentleman can give an explanation to the country as to the consistency of his utterances on public expenditures and his support of this proposed appropriation, I would like to have him do it. I was opposed to that nonsensical and absurd position that was assumed by the gentleman and the then Speaker of the House. I did not believe it was in accordance with law or proper practice in this House, but it was enforced; and being enforced, I see no reason why the Republicans of the House should permit those members to get the money back that was deducted from them by their Democratic colleagues.

Mr. COOPER of Wisconsin. They made their own certificates.

Mr. HOPKINS of Illinois. And especially as the rule was a part of the Democratic policy and was made a matter of political virtue with them while they were in control of the House. If that was a proper deduction from them, Mr. Chairman, how can the gentleman from Missouri reconcile his mind to refunding them this money?

Mr. MEREDITH. Will the gentleman yield to me for a question?

Mr. HOPKINS of Illinois. Yes.

Mr. MEREDITH. Were you away at any time during that period?

Mr. HOPKINS of Illinois. I never was away so as to violate that rule.

Mr. MEREDITH. Were you away any day?

Mr. HOPKINS of Illinois. I was not away so that the money due to me as a member of the House of Representatives could legally or morally be taken from me.

Mr. MEREDITH. Were you ever away any day?

Mr. HOPKINS of Illinois. I think I have answered the question sufficiently for any man of common intelligence to understand it.

Mr. MEREDITH. You were on the sick list when you were away.

Mr. HOPKINS of Illinois. Now, Mr. Chairman, if it is in order, I desire to enter a motion to strike out line 25 on page 54, and lines 1, 2, 3, and 4 on page 55.

Mr. CANNON. Mr. Chairman, pending that motion, I move that the committee do now rise.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HOPKINS of Illinois. Let us come to a vote on this.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 54, strike out line 25, and on page 55, strike out lines 1, 2, 3, and 4.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10329, and had come to no resolution thereon.

PASS A LOUTRE.

The SPEAKER. The Chair appoints as conferees on the bill S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, Mr. HOOKER, Mr. REEVES, and Mr. CATCHINGS.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Speaker, I present the conference report which I send to the desk.

The conference report was read, as follows:

This committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of Representatives 10040, an act granting an increase of pension to George W. Ferree, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the amount named in the bill; and the House agree to the same.

WILLIAM E. ANDREWS,
GEORGE C. CROWTHER,
WILLIAM BAKER,
Managers on the part of the House.
LUCIEN BAKER,
W. A. PEFFER,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement:

As passed by the House, the bill carried $30 per month, which was reduced by the Senate to $20. The effect of the conference report is to grant the beneficiary $30 per month, as the bill passed the House.

Mr. ANDREWS. Mr. Speaker, I move that the conference report be adopted.

Mr. MEREDITH. Mr. Speaker, we would like to hear what the reasons are. My friend opposed me the other day on a conference report.

Mr. ANDREWS. The disagreement arose from a misunderstanding on the part of the Senate committee as to the nature of the case. It was presumed that the disability had not originated in the service, but the papers show conclusively that the disability is of service origin. The claimant was unable to cover the entire period by evidence showing the continuance of medical treatment. There was an interval of one or two years, and that was the technical element in the case which caused its rejection at the Pension Office.

Mr. WILLIAM A. STONE. Is it not the fact that this conference report presents the measure as it passed the House?

Mr. ANDREWS. Yes, sir.

Mr. WILLIAM A. STONE. Then I do not see any necessity for further explanation.

Mr. ANDREWS. I was making the explanation for the satisfaction of the gentleman from Virginia, who requested it.

The conference report was adopted.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made as follows:

A bill (H. R. 3494) granting a pension to Frances M. Roberts—from the Committee on Invalid Pensions to the Committee on Pensions.

A bill (S. 3230) for the relief of the estate of Richard Lawson—from the Committee on War Claims to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain;

A bill (H. R. 8197) for the relief of John J. Guerin; and

Joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army—to the Committee on Invalid Pensions.

A bill (S. 3683) to amend the river and harbor act of August 18, 1894—to the Committee on Rivers and Harbors.

Joint resolution (S. Res. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for the evening session, on account of sickness in his family.

To Mr. FLETCHER, for the evening session, on account of indisposition.

To Mr. CODDING, for the evening session, on account of illness in his family.

To Mr. PITNEY, for the evening session, on account of important business.

To Mr. COCKRELL, for the evening session, on account of sickness in his family.

To Mr. LEISENRING, for to-night and to-morrow, on account of important business.

To Mr. DOVENER, for one week, on account of important business.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

Mr. HEPBURN. Mr. Speaker, I move that the House take a recess until 8 o'clock.

The SPEAKER. Under the rule, the hour of 5 o'clock having arrived, the House will take a recess until 8 o'clock this evening, when the gentleman from New York, Mr. SHERMAN, will please act as Speaker.

EVENING SESSION.

The recess having expired, the House reconvened at 8 o'clock p. m.

Mr. SHERMAN, as Speaker pro tempore, called the House to order and caused the rule to be read, as follows:

The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. WOOD. Mr. Speaker——

Mr. TALBERT. Mr. Speaker, I ask the gentleman to yield to me while I ask unanimous consent for the consideration of a Senate bill.

Mr. WOOD. Let the bill be read, pending objection.

LOUISE A. RICE.

The bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise A. Rice, widow of Brig. Gen. and Bvt. Maj. Gen. Samuel A. Rice, at the rate of $75 per month, in lieu of the pension of $30 per month she is now receiving.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WOOD. Let the report be read.

The Clerk proceeded to read the report.

Mr. WOOD. I withdraw the request for the reading of the report.

Mr. MADDOX. I renew the request.

Mr. KEM. Mr. Speaker, is this proceeding by unanimous consent?

The SPEAKER pro tempore. It is pending unanimous consent.

Mr. KEM. It is out of the regular order, is it not?

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] has asked unanimous consent that this bill be now considered, and the Clerk is about to read the report.

Mr. KEM. I demand the regular order.

Mr. TALBERT. I will say to the gentleman that this is not my bill. I have no interest in it whatever. I was requested by my friend, Mr. LACEY, from Iowa, to ask unanimous consent, in his absence, for the consideration of this bill. It happens to be a bill for the pensioning of the widow of a soldier who was killed in battle, and I wanted first to hear it discussed upon its merits, as reported by the committee. All these bills ought to be discussed to see if they are meritorious.

Mr. KEM. I am not objecting because the gentleman from South Carolina has made the request for unanimous consent, but I insist upon the regular order.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order, and pending that, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That House bills, as they are reached on the Calendar, be passed over without prejudice, and that Senate pension bills only be considered.

The question being taken on the resolution, the Speaker pro tempore declared that the ayes seemed to have it.

Several members asked for a division.

The House divided; and there were—ayes 53, noes 3.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore (having counted the House). Eighty-five members are present—not a quorum.

Mr. TALBERT. I would like to ask the gentleman from Pennsylvania if he would not consent to the request that we pass over all bills providing for the removal of charges of desertion and pensioning "coffee coolers," bounty jumpers, and so on, and get at the pensions on the Calendar for some of the good old soldiers?

Mr. WOOD. I will state to the gentleman from South Carolina that the passage of the resolution would prevent the consideration of any bills for the removal of the charge of desertion. It expressly provides that Senate bills only are to be considered.

Mr. TALBERT. That is the reason I ask the gentleman to withdraw the point of no quorum.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania insist on the point?

Mr. ERDMAN. I do.

Mr. MAHON. Mr. Speaker, it is evident that if the House bills are passed at this late hour of the session they can not reach the President in time for his action, and the object of the motion of the gentleman from Illinois is to take up only the Senate bills in their order on the Calendar and act upon them. If the gentleman from Pennsylvania will insist upon his point of no quorum, this House might just as well adjourn. I ask him whether or not he intends to insist on the point?

The SPEAKER pro tempore. The Chair will state that this debate is only by consent.

Mr. ERDMAN. In reply to my colleague as to taking up the Senate bills only to be considered under this rule, I wish to state that they have received less consideration than any set of bills from the Pensions or Invalid Pensions committees, and I have not had an opportunity to examine them, or anybody else, as far as I know, and we do not know anything about them. That is the reason I make the objection.

Mr. RANEY. But they have been examined by the committee, have they not?

Mr. ERDMAN. By the Senate committee.

Mr. WOOD. I would suggest that they have all been considered by the House committee, and there is no opposition in the Committee on Invalid Pensions to their consideration, nor is there any intention to restrict any reasonable debate upon the Senate bills. I hope the gentleman will withdraw his objection.

Mr. MAHON. It is evident that if the gentleman insists we shall do nothing; and I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 34, noes 44.

So the House refused to adjourn.

Mr. ANDREWS. With the permission of the Chair, I would like to make a brief statement covering the general condition of the Senate bills on the Calendar.

The SPEAKER pro tempore. Is there objection to allowing the gentleman from Nebraska to make a brief statement to the House?

There was no objection.

Mr. ANDREWS. Mr. Speaker, those bills that have been before the House Committee on Invalid Pensions and there reviewed have disclosed clearly the fact that there are many Senate bills here that ought to be passed in the interest of the beneficiaries named in the bills. The Senate has treated the House quite courteously in the consideration of private pension bills that have gone from this body to the Senate, and it seems to me, in view of the fact that there are some House bills now pending in the Senate that ought to be considered, and whose passage might be secured, that we ought to-night, in view of the lateness of the session, to take up for consideration only the Senate bills on our Calendar, which can be considered, and many of them are unquestionably of a meritorious character. I refer to the consideration of the Senate bills alone if this order is adopted. I hope the question of a quorum will be withdrawn, and that we may consider a few of these bills that are so urgent in their character.

Mr. TALBERT. I ask unanimous consent that my colleague, Dr. STOKES, be excused to-night on account of illness. I have just left his bedside.

There was no objection.

Mr. MAHON. To meet further the objection of the gentleman from Pennsylvania that we should not consider any particular character of bills, I will make the general motion to go into Committee of the Whole to consider the bills on the Calendar in their order under the rule.

The SPEAKER pro tempore. That motion could not be made now. There is no quorum present; and the House must either adjourn or proceed with a call of the House under the rule, for which a motion will have to be made, as the rule does not apply to the Friday night sessions. We can not go into committee unless the point of no quorum is withdrawn by unanimous consent.

Mr. WOOD. I ask that the House proceed under the rule when the House finds itself without a quorum.

The SPEAKER pro tempore. But no measure is pending.

Mr. WOOD. I understand there is a measure pending, and that is the vote on the resolution. There being a want of a quorum disclosed, the roll must be called, as I understand it, under the rule.

The SPEAKER pro tempore. That is a mistake; no motion is pending to that effect. The motion to go into Committee of the Whole could not be entertained after the point of no quorum had been raised. A motion for a call of the House would be in order, if the gentleman desires to make that motion.

Mr. WOOD. I do make that motion.

The question was taken; and on a division there were—ayes 45, noes 18.

So a call of the House was ordered.

Mr. HEPBURN. I move that the House do now adjourn.

Mr. TALBERT. I rise to a question of order. Under the rule for proceedings on Friday night sessions, the motion to adjourn must be seconded by a majority of the members present.

The SPEAKER pro tempore. The point of order is overruled.

The question was taken on the motion of Mr. HEPBURN, and the House proceeded to divide.

Mr. TALBERT. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The Chair rules that the appeal comes too late.

The members voting in favor of the motion to adjourn were announced as 47.

Before the announcement of the vote in opposition to the motion,

Mr. McRAE said: Mr. Speaker, I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 74, answered "Present" 1, not voting 227; as follows:

YEAS—53.

Arnold, R. I.	Dockery,	Hubbard,	Spalding,
Avery,	Doolittle,	Jenkins,	Stewart, Wis.
Bishop,	Erdman,	Kerr,	Stone, C. W.
Black,	Fowler,	Kleberg,	Strong,
Burton, Mo.	Gardner,	Latimer,	Strowd, N. C.
Calderhead,	Gibson,	Mahon,	Sulloway,
Chickering,	Gillet, N. Y.	Martin,	Talbert,
Clardy,	Griffin,	McDearmon,	Tracey,
Clark, Iowa	Griswold,	Meyer,	Treloar,
Clark, Mo.	Grout,	Milnes,	Turner, Va.
Crisp,	Hartman,	Moody,	Wilson, Ohio.
Curtis, Kans.	Heatwole,	Mozley,	
Danford,	Hepburn,	Parker,	
Daniels,	Howell,	Poole,	

NAYS—74.

Aitken,	Baker, N. H.	Bull,	Cooper, Fla.
Anderson,	Bankhead,	Burrell,	Cooper, Wis.
Andrews,	Bartholdt,	Burton, Ohio	Cox,
Arnold, Pa.	Bell, Colo.	Connolly,	Crowther,
Baker, Kans.	Broderick,	Cooke, Ill.	Crump,
Draper,	Hunter,	McEwan,	Sherman,
Ellis,	Hyde,	McRae,	Simpkins,
Fenton,	Johnson, N. Dak.	Mercer,	Snover,
Graff,	Kem,	Meredith,	Sorg,
Hanly,	Kiefer,	Miller, W. Va.	Sperry,
Hardy,	Kirkpatrick,	Minor, Wis.	Steele,
Harrison,	Leighty,	Neill,	Swanson,
Hatch,	Leonard,	Noonan,	Terry,
Henry, Ind.	Little,	Otey,	Tyler,
Hermann,	Long,	Pugh,	Warner,
Hilborn,	Maddox,	Raney,	Watson, Ohio
Hill,	Maguire,	Ray,	Wood.
Howe,	Mahany,	Reeves,	
Hulick,	McCleary, Minn.	Shafroth,	

ANSWERED "PRESENT"—1.

Aldrich, W. F.

NOT VOTING—227.

Abbott,	Dinsmore,	Linton,	Sauerhering,
Acheson,	Dolliver,	Livingston,	Sayers,
Adams,	Dovener,	Lorimer,	Scranton,
Aldrich, T. H.	Eddy,	Loud,	Settle,
Aldrich, Ill.	Ellett,	Loudenslager,	Shannon,
Allen, Miss.	Evans,	Low,	Shaw,
Allen, Utah	Fairchild,	Marsh,	Shuford,
Apsley,	Faris,	McCall, Mass.	Skinner,
Atwood,	Fischer,	McCall, Tenn.	Smith, Ill.
Babcock,	Fitzgerald,	McClellan,	Smith, Mich.
Bailey,	Fletcher,	McClure,	Southard,
Baker, Md.	Foote,	McCormick,	Southwick,
Barham,	Foss,	McCreary, Ky.	Sparkman,
Barney,	Gamble,	McCulloch,	Spencer,
Barrett,	Gillett, Mass.	McLachlan,	Stahle,
Bartlett, Ga.	Goodwyn,	McLaurin,	Stallings,
Bartlett, N. Y.	Grosvenor,	McMillin,	Stephenson,
Beach,	Grow,	Meiklejohn,	Stewart, N. J.
Belknap,	Hadley,	Miles,	Stokes,
Bell, Tex.	Hager,	Miller, Kans.	Stone, W. A.
Bennett,	Hainer, Nebr.	Milliken,	Strait,
Berry,	Hall,	Miner, N. Y.	Strode, Nebr.
Bingham,	Halterman,	Mitchell,	Sulzer,
Blue,	Harmer,	Mondell,	Taft,
Boatner,	Harris,	Money,	Tate,
Boutelle,	Hart,	Morse,	Tawney,
Bowers,	Heiner, Pa.	Moses,	Tayler,
Brewster,	Hemenway,	Murphy,	Thomas,
Bromwell,	Henderson,	Murray,	Thorp,
Brosius,	Hendrick,	Newlands,	Towne,
Brown,	Henry, Conn.	Northway,	Tracewell,
Brumm,	Hicks,	Odell,	Tucker,
Buck,	Hitt,	Ogden,	Turner, Ga.
Cannon,	Hooker,	Otjen,	Updegraff,
Catchings,	Hopkins, Ill.	Overstreet,	Van Horn,
Clarke, Ala.	Hopkins, Ky.	Owens,	Van Voorhis,
Cobb,	Howard,	Patterson,	Wadsworth,
Cockrell,	Huff,	Payne,	Walker, Mass.
Codding,	Huling,	Pearson,	Walker, Va.
Coffin,	Hull,	Pendleton,	Wanger,
Colson,	Hurley,	Perkins,	Washington,
Cook, Wis.	Hutcheson,	Phillips,	Watson, Ind.
Cooper, Tex.	Johnson, Cal.	Pickler,	Wellington,
Corliss,	Johnson, Ind.	Pitney,	Wheeler,
Cousins,	Jones,	Powers,	White,
Cowen,	Joy,	Price,	Wilber,
Crowley,	Knox,	Prince,	Williams,
Culberson,	Kulp,	Quigg,	Willis,
Cummings,	Kyle,	Reyburn,	Wilson, Idaho
Curtis, Iowa	Lacey,	Richardson,	Wilson, N. Y.
Curtis, N. Y.	Lawson,	Rinaker,	Wilson, S. C.
Dalzell,	Layton,	Robertson, La.	Woodard,
Dayton,	Lefever,	Robinson, Pa.	Woodman,
De Armond,	Leisenring,	Royse,	Woomer,
Denny,	Lester,	Rusk,	Wright,
De Witt,	Lewis,	Russell, Conn.	Yoakum.
Dingley,	Linney,	Russell, Ga.	

So the House refused to adjourn.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The House refuses to adjourn, and the Clerk will call the roll under the call of the House. The members present will answer "Present" when their names are called.

Mr. OTEY. Mr. Speaker, a parliamentary inquiry. Does the call which we are about to have require absentees to be sent for?

The SPEAKER pro tempore. Not until the roll call discloses the fact that there is no quorum present.

Mr. OTEY. It has already been decided that there is no quorum present.

The SPEAKER pro tempore. A call of the House has been ordered, and under that the Clerk will call the roll. The presentation of excuses for absent members will then be in order.

Mr. OTEY. Is it in order to move that they be sent for?

The SPEAKER pro tempore. This is the first call by the Clerk under the call of the House which was ordered prior to the motion to adjourn made by the gentleman from Iowa [Mr. HEPBURN].

Mr. OTEY. What I want to find out is, if it is in order to send for absentees now?

The SPEAKER pro tempore. At the close of the roll call the Sergeant-at-Arms will send for absent members.

Mr. POOLE. Mr. Speaker, if it is in order, I should like to move that further proceedings under the call be dispensed with.

The SPEAKER pro tempore. The gentleman from New York moves that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. McRAE) there were—ayes 65, noes 36.

Mr. McRAE and Mr. HARDY demanded the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are demanded on the motion of the gentleman from New York to dispense with further proceedings under the call.

The yeas and nays were ordered.

Mr. MILNES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILNES. I desire to know if a motion to adjourn would now be in order.

The SPEAKER pro tempore. A motion to adjourn is in order.

Mr. MILNES. I make that motion.

Mr. McRAE. I submit that that was the last motion.

Mr. MILNES. We have done business since that.

The SPEAKER pro tempore. A motion to dispense with further proceedings under the call has been made, and upon that the yeas and nays have been ordered. The gentleman from Michigan now moves that the House adjourn.

The question was taken on the motion of Mr. MILNES; and on a division (demanded by Mr. McRAE and Mr. HARDY) there were—ayes 63, noes 35.

Mr. HARDY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 73, answered "Present" 2, not voting 216; as follows:

YEAS—64.

Aitken,	Cooke, Ill.	Howell,	Poole,
Aldrich, W. F.	Curtis, Kans.	Hubbard,	Sherman,
Aldrich, Ill.	Danford,	Jenkins,	Snover,
Arnold, Pa.	Daniels,	Kerr,	Spalding,
Arnold, R. I.	Doolittle,	Kleberg,	Stewart, Wis.
Avery,	Erdman,	Latimer,	Stone, C. W.
Bishop,	Evans,	Leonard,	Strong,
Black,	Fowler,	Mahon,	Strowd, N. C.
Broderick,	Gardner,	Martin,	Talbert,
Bromwell,	Gibson,	McDearmon,	Tracey,
Burton, Mo.	Gillet, N. Y.	Meyer,	Treloar,
Calderhead,	Griffin,	Milnes,	Turner, Va.
Chickering,	Griswold,	Moody,	Tyler,
Clardy,	Grout,	Mozley,	Wilson, Ohio
Clark, Iowa	Harrison,	Murray,	Wood,
Clark, Mo.	Heatwole,	Parker,	Woodman.

NAYS—73.

Aldrich, T. H.	Draper,	Kiefer,	Otey,
Anderson,	Ellis,	Kirkpatrick,	Phillips,
Andrews,	Faris,	Layton,	Pugh,
Atwood,	Fenton,	Leighty,	Raney,
Baker, Kans.	Fitzgerald,	Little,	Ray,
Baker, N. H.	Graff,	Long,	Reeves,
Bartholdt,	Hanly,	Low,	Shafroth,
Bell, Colo.	Hardy,	Maddox,	Simpkins,
Bull,	Hatch,	Maguire,	Sorg,
Burrell,	Henry, Ind.	Mahany,	Sperry,
Burton, Ohio	Hilborn,	McCleary, Minn.	Stallings,
Connolly,	Hill,	McEwan,	Steele,
Cook, Wis.	Howard,	McRae,	Swanson,
Cooper, Fla.	Howe,	Mercer,	Terry,
Cox,	Hulick,	Meredith,	Warner,
Crisp,	Hunter,	Miller, W. Va.	Watson, Ohio.
Crowther,	Hyde,	Minor, Wis.	
Crump,	Johnson, N. Dak.	Neill,	
Dockery,	Kem,	Noonan,	

ANSWERED "PRESENT"—2.

Belknap,	Blue.

NOT VOTING—216.

Abbott,	Cowen,	Henry, Conn.	McLachlan,
Acheson,	Crowley,	Hepburn,	McLaurin,
Adams,	Culberson,	Hermann,	McMillin,
Allen, Miss.	Cummings,	Hicks,	Meiklejohn,
Allen, Utah	Curtis, Iowa	Hitt,	Miles,
Apsley,	Curtis, N. Y.	Hooker,	Miller, Kans.
Babcock,	Dalzell,	Hopkins, Ill.	Milliken,
Bailey,	Dayton,	Hopkins, Ky.	Miner, N. Y.
Baker, Md.	De Armond,	Huff,	Mitchell,
Bankhead,	Denny,	Huling,	Mondell,
Barham,	De Witt,	Hull,	Money,
Barney,	Dingley,	Hurley,	Morse,
Barrett,	Dinsmore,	Hutcheson,	Moses,
Bartlett, Ga.	Dolliver,	Johnson, Cal.	Murphy,
Bartlett, N. Y.	Dovener,	Johnson, Ind.	Newlands,
Beach,	Eddy,	Jones,	Northway,
Bell, Tex.	Ellett,	Joy,	Odell,
Bennett,	Fairchild,	Knox,	Ogden,
Berry,	Fischer,	Kulp,	Otjen,
Bingham,	Fletcher,	Kyle,	Overstreet,
Boatner,	Foote,	Lacey,	Owens,
Boutelle,	Foss,	Lawson,	Patterson,
Bowers,	Gamble,	Lefever,	Payne,
Brewster,	Gillett, Mass.	Leisenring,	Pearson,
Brosius,	Goodwyn,	Lester,	Pendleton,
Brown,	Grosvenor,	Lewis,	Perkins,
Brumm,	Grow,	Linney,	Pickler,
Buck,	Hadley,	Linton,	Pitney,
Cannon,	Hager,	Livingston,	Powers,
Catchings,	Hainer, Nebr.	Lorimer,	Price,
Clarke, Ala.	Hall,	Loud,	Prince,
Cobb,	Halterman,	Loudenslager,	Quigg,
Cockrell,	Harmer,	Marsh,	Reyburn,
Codding,	Harris,	McCall, Mass.	Richardson,
Coffin,	Hart,	McCall, Tenn.	Rinaker,
Colson,	Hartman,	McClellan,	Robertson, La.
Cooper, Tex.	Heiner, Pa.	McClure,	Robinson, Pa.
Cooper, Wis.	Hemenway,	McCormick,	Royse,
Corliss,	Henderson,	McCreary, Ky.	Rusk,
Cousins,	Hendrick,	McCulloch,	Russell, Conn.
Russell, Ga.	Spencer,	Thomas,	Watson, Ind.
Sauerhering,	Stahle,	Thorp,	Wellington,
Sayers,	Stephenson,	Towne,	Wheeler,
Scranton,	Stewart, N. J.	Tracewell,	White,
Settle,	Stokes,	Tucker,	Wilber,
Shannon,	Stone, W. A.	Turner, Ga.	Williams,
Shaw,	Strait,	Updegraff,	Willis,
Shuford,	Strode, Nebr.	Van Horn,	Wilson, Idaho
Skinner,	Sulloway,	Van Voorhis,	Wilson, N. Y.
Smith, Ill.	Sulzer,	Wadsworth,	Wilson, S. C.
Smith, Mich.	Taft,	Walker, Mass.	Woodard,
Southard,	Tate,	Walker, Va.	Woomer,
Southwick,	Tawney,	Wanger,	Wright,
Sparkman,	Tayler,	Washington,	Yoakum.

So the House refused to adjourn.

Mr. TALBERT. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. The point of order is this: The gentleman from New York [Mr. POOLE] moved that further proceedings under the call of the House be dispensed with——

Mr. BLUE. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina is stating a point of order.

Mr. TALBERT. The question was put; the Speaker said that the noes seemed to have it. A division was demanded; the gentleman from Arkansas called for the yeas and nays. The motion was put, and the yeas and nays were ordered. The House was then dividing upon that question when the motion to adjourn was made. Consequently, I think it is out of order, and we will have to go back to where we left off and come again. [Laughter.]

The SPEAKER pro tempore. The Chair overrules the gentleman's point of order.

Mr. TALBERT. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The Chair will not entertain the appeal until the announcement is made on the vote which has just been taken.

Mr. BLUE. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BLUE. I have just come into the Hall, and want to vote.

The SPEAKER pro tempore. The gentleman can not vote, under the rules, if he has just come into the Hall.

Mr. DOCKERY. He can be marked "present."

Mr. TALBERT. Another point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. I have appealed from the decision of the Chair, and the Chair has refused to entertain the appeal until the announcement of the vote upon the motion to adjourn. I am afraid the motion is carried, and then the Chair can not entertain the appeal.

The SPEAKER pro tempore. Under those conditions the gentleman would be correct.

Mr. BLUE. Mr. Speaker, I suppose I can be marked as "present."

The SPEAKER pro tempore. The gentleman will be marked as "present."

The result of the vote was then announced as above recorded.

Mr. McRAE. Regular order, Mr. Speaker.

Mr. DOCKERY. I desire to ask leave of absence for the gentleman from Texas [Mr. SAYERS]. That is the regular order.

The SPEAKER pro tempore. The regular order is the call of the roll on the motion of the gentleman from New York [Mr. POOLE], that further proceedings under the call be dispensed with.

The question was taken; and there were—yeas 56, nays 75, answered "Present" 1, not voting 223; as follows:

YEAS—56.

Aitken,	Danford,	Hunter,	Poole,
Aldrich, W. F.	Doolittle,	Jenkins,	Pugh,
Aldrich, Ill.	Erdman,	Johnson, N. Dak.	Sherman,
Anderson,	Evans,	Latimer,	Simpkins,
Andrews,	Fowler,	Leonard,	Snover,
Arnold, R. I.	Gardner,	McCleary, Minn.	Spalding,
Belknap,	Gibson,	McEwan,	Stewart, Wis.
Black,	Gillet, N. Y.	Meyer,	Stone, C. W.
Broderick,	Griffin,	Milnes,	Strong,
Calderhead,	Griswold,	Minor, Wis.	Tracey,
Chickering,	Heatwole,	Moody,	Tyler,
Clark, Iowa	Hill,	Mozley,	Watson, Ohio
Cooke, Ill.	Howe,	Murray,	Wilson, Ohio
Curtis, Kans.	Howell,	Phillips,	Wood.

NAYS—75.

Aldrich, T. H.	Cooper, Wis.	Hatch,	Long,
Arnold, Pa.	Cox,	Henry, Ind.	Low,
Atwood,	Crisp,	Hilborn,	Maddox,
Baker, Kans.	Crowther,	Howard,	Maguire,
Baker, N. H.	Crump,	Hubbard,	Mahany,
Bartholdt,	Dockery,	Hulick,	Martin,
Bell, Colo.	Draper,	Hyde,	McDearmon,
Blue,	Ellis,	Kem,	McRae,
Bull,	Faris,	Kerr,	Mercer,
Burrell,	Fenton,	Kiefer,	Meredith,
Burton, Mo.	Fitzgerald,	Kirkpatrick,	Miller, W. Va.
Burton, Ohio	Graff,	Kleberg,	Neill,
Clardy,	Hanly,	Layton,	Noonan,
Connolly,	Hardy,	Leighty,	Otey,
Cooper, Fla.	Harrison,	Little,	Parker,

Raney,	Sorg,	Strowd, N. C.	Turner, Va.
Ray,	Stahle,	Swanson,	Warner,
Reeves,	Stallings,	Talbert,	Woodman.
Shafroth,	Steele,	Terry,	

ANSWERED "PRESENT"—1.

McCulloch.

NOT VOTING—222.

Abbott,	Dingley,	Linney,	Sayers,
Acheson,	Dinsmore,	Linton,	Scranton,
Adams,	Dolliver,	Livingston,	Settle,
Allen, Miss.	Dovener,	Lorimer,	Shannon,
Allen, Utah	Eddy,	Loud,	Shaw,
Apsley,	Ellett,	Loudenslager,	Shuford,
Avery,	Fairchild,	Mahon,	Skinner,
Babcock,	Fischer,	Marsh,	Smith, Ill.
Bailey,	Fletcher,	McCall, Mass.	Smith, Mich.
Baker, Md.	Foote,	McCall, Tenn.	Southard,
Bankhead,	Foss,	McClellan,	Southwick,
Barham,	Gamble,	McClure,	Sparkman,
Barney,	Gillett, Mass.	McCormick,	Spencer,
Barrett,	Goodwyn,	McCreary, Ky.	Sperry,
Bartlett, Ga.	Grosvenor,	McLachlan,	Stephenson,
Bartlett, N. Y.	Grout,	McLaurin,	Stewart, N. J.
Beach,	Grow,	McMillin,	Stokes,
Bell, Tex.	Hadley,	Meiklejohn,	Stone, W. A.
Bennett,	Hager,	Miles,	Strait,
Berry,	Hainer, Nebr.	Miller, Kans.	Strode, Nebr.
Bingham,	Hall,	Milliken,	Sulloway,
Bishop,	Halterman,	Miner, N. Y.	Sulzer,
Boatner,	Harmer,	Mitchell,	Taft,
Boutelle,	Harris,	Mondell,	Tate,
Bowers,	Hart,	Money,	Tawney,
Brewster,	Hartman,	Morse,	Tayler,
Bromwell,	Heiner, Pa.	Moses,	Thomas,
Brosius,	Hemenway,	Murphy,	Thorp,
Brown,	Henderson,	Newlands,	Towne,
Brumm,	Hendrick,	Northway,	Tracewell,
Buck,	Henry, Conn.	Odell,	Treloar,
Cannon,	Hepburn,	Ogden,	Tucker,
Catchings,	Hermann,	Otjen,	Turner, Ga.
Clark, Mo.	Hicks,	Overstreet,	Updegraff,
Clarke, Ala.	Hitt,	Owens,	Van Horn,
Cobb,	Hooker,	Patterson,	Van Voorhis,
Cockrell,	Hopkins, Ill.	Payne,	Wadsworth,
Codding,	Hopkins, Ky.	Pearson,	Walker, Mass.
Coffin,	Huff,	Pendleton,	Walker, Va.
Colson,	Huling,	Perkins,	Wanger,
Cook, Wis.	Hull,	Pickler,	Washington,
Cooper, Tex.	Hurley,	Pitney,	Watson, Ind.
Corliss,	Hutcheson,	Powers,	Wellington,
Cousins,	Johnson, Cal.	Price,	Wheeler,
Cowen,	Johnson, Ind.	Prince,	White,
Crowley,	Jones,	Quigg,	Wilber,
Culberson,	Joy,	Reyburn,	Williams,
Cummings,	Knox,	Richardson,	Willis,
Curtis, Iowa	Kulp,	Rinaker,	Wilson, Idaho
Curtis, N. Y.	Kyle,	Robertson, La.	Wilson, N. Y.
Dalzell,	Lacey,	Robinson, Pa.	Wilson, S. C.
Daniels,	Lawson,	Royse,	Woodard,
Dayton,	Lefever,	Rusk,	Woomer,
De Armond,	Leisenring,	Russell, Conn.	Wright,
Denny,	Lester,	Russell, Ga.	Yoakum.
De Witt,	Lewis,	Sauerhering,	

So the motion was rejected.

The result of the vote was then announced as above recorded.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. POOLE, the Speaker pro tempore declared, the ayes seemed to have it.

Mr. McRAE. I demand the yeas and nays.

The yeas and nays were ordered, 88 members voting in favor thereof.

The question was taken; and there were—yeas 71, nays 58, not voting 226; as follows:

YEAS—71.

Aitken,	Colson,	Hubbard,	Poole,
Aldrich, T. H.	Cooke, Ill.	Hulick,	Pugh,
Aldrich, W. F.	Crump,	Hunter,	Sherman,
Aldrich, Ill.	Danford,	Jenkins,	Simpkins,
Andrews,	Daniels,	Johnson, N. Dak.	Snover,
Arnold, Pa.	Doolittle,	Kerr,	Southwick,
Arnold, R. I.	Draper,	Kleberg,	Spalding,
Baker, N. H.	Erdman,	Leonard,	Sperry,
Belknap,	Fitzgerald,	Low,	Stewart, Wis.
Black,	Fowler,	McCleary, Minn.	Stone, C. W.
Broderick,	Gardner,	McEwan,	Strong,
Bromwell,	Gibson,	Milnes,	Strowd, N. C.
Burrell,	Gillet, N. Y.	Minor, Wis.	Tracey,
Burton, Mo.	Griffin,	Moody,	Tyler,
Calderhead,	Griswold,	Murray,	Watson, Ohio
Chickering,	Grout,	Noonan,	Wilson, Ohio
Clardy,	Harrison,	Parker,	Wood.
Clark, Iowa	Howell,	Phillips,	

NAYS—58.

Atwood,	Faris,	Kirkpatrick,	Otey,
Baker, Kans.	Fenton,	Layton,	Raney,
Bartholdt,	Graff,	Leighty,	Ray,
Bell, Colo.	Hanly,	Little,	Reeves,
Blue,	Hardy,	Maddox,	Shafroth,
Bull,	Hatch,	Maguire,	Sorg,
Burton, Ohio	Henry, Ind.	Mahany,	Stallings,
Connolly,	Hicks,	Martin,	Steele,
Cooper, Fla.	Hilborn,	McCulloch,	Swanson,
Cooper, Wis.	Hill,	McDearmon,	Talbert,
Cox,	Howard,	McRae,	Terry,
Crisp,	Howe,	Mercer,	Turner, Va.
Crowther,	Hyde,	Meredith,	Warner.
Dockery,	Kem,	Meyer,	
Ellis,	Kiefer,	Neill,	

NOT VOTING—226.

Abbott,	Dolliver,	Livingston,	Sayers,
Acheson,	Dovener,	Long,	Scranton,
Adams,	Eddy,	Lorimer,	Settle,
Allen, Miss.	Ellett,	Loud,	Shannon,
Allen, Utah	Evans,	Loudenslager,	Shaw,
Anderson,	Fairchild,	Mahon,	Shuford,
Apsley,	Fischer,	Marsh,	Skinner,
Avery,	Fletcher,	McCall, Mass.	Smith, Ill.
Babcock,	Foote,	McCall, Tenn.	Smith, Mich.
Bailey,	Foss,	McClellan,	Southard,
Baker, Md.	Gamble,	McClure,	Sparkman,
Bankhead,	Gillett, Mass.	McCormick,	Spencer,
Barham,	Goodwyn,	McCreary, Ky.	Stahle,
Barney,	Grosvenor,	McLachlan,	Stephenson,
Barrett,	Grow,	McLaurin,	Stewart, N. J.
Bartlett, Ga.	Hadley,	McMillin,	Stokes,
Bartlett, N. Y.	Hager,	Meiklejohn,	Stone, W. A.
Beach,	Hainer, Nebr.	Miles,	Strait,
Bell, Tex.	Hall,	Miller, Kans.	Strode, Nebr.
Bennett,	Halterman,	Miller, W. Va.	Sulloway,
Berry,	Harmer,	Milliken,	Sulzer,
Bingham,	Harris,	Miner, N. Y.	Taft,
Bishop,	Hart,	Mitchell,	Tate,
Boatner,	Hartman,	Mondell,	Tawney,
Boutelle,	Heatwole,	Money,	Tayler,
Bowers,	Heiner, Pa.	Morse,	Thomas,
Brewster,	Hemenway,	Moses,	Thorp,
Brosius,	Henderson,	Mozley,	Towne,
Brown,	Hendrick,	Murphy,	Tracewell,
Brumm,	Henry, Conn.	Newlands,	Treloar,
Buck,	Hepburn,	Northway,	Tucker,
Cannon,	Hermann,	Odell,	Turner, Ga.
Catchings,	Hitt,	Ogden,	Updegraff,
Clark, Mo.	Hooker,	Otjen,	Van Horn,
Clarke, Ala.	Hopkins, Ill.	Overstreet,	Van Voorhis,
Cobb,	Hopkins, Ky.	Owens,	Wadsworth,
Cockrell,	Huff,	Patterson,	Walker, Mass.
Codding,	Huling,	Payne,	Walker, Va.
Coffin,	Hull,	Pearson,	Wanger,
Cook, Wis.	Hurley,	Pendleton,	Washington,
Cooper, Tex.	Hutcheson,	Perkins,	Watson, Ind.
Corliss,	Johnson, Cal.	Pickler,	Wellington,
Cousins,	Johnson, Ind.	Pitney,	Wheeler,
Cowen,	Jones,	Powers,	White,
Crowley,	Joy,	Price,	Wilber,
Culberson,	Knox,	Prince,	Williams,
Cummings,	Kulp,	Quigg,	Willis,
Curtis, Iowa	Kyle,	Reyburn,	Wilson, Idaho
Curtis, Kans.	Lacey,	Richardson,	Wilson, N. Y.
Curtis, N. Y.	Latimer,	Rinaker,	Wilson, S. C.
Dalzell,	Lawson,	Robertson, La.	Woodard,
Dayton,	Lefever,	Robinson, Pa.	Woodman,
De Armond,	Leisenring,	Royse,	Woomer,
Denny,	Lester,	Rusk,	Wright,
De Witt,	Lewis,	Russell, Conn.	Yoakum.
Dingley,	Linney,	Russell, Ga.	
Dinsmore,	Linton,	Sauerhering,	

So the motion was agreed to; and the House accordingly (at 9 o'clock and 55 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General increasing the estimate for printing and binding in the Department of Justice, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3307) entitled "An act declaring the Potomac Flats a public park, under the name of the Potomac Park," reported the same without amendment, accompanied by a report (No. 2990); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5375) to amend section 2117 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 2992); which said bill and report were referred to the House Calendar.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 2993); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2840) entitled "An act to incorporate the East Washington Heights Traction Railway Company of the District of Columbia," reported the same with amendment, accompanied by a report (No. 2994); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the resolution of the House (House Res. No. 531) requesting the Secretary of the Interior to transmit the report,

with all papers and testimony, recently made to him by Indian Inspector J. George Wright, reported the same without amendment, accompanied by a report (No. 2995); which said bill and report were referred to the House Calendar.

Mr. DENNY, from the Committee on Claims, to which was referred the resolution of the House (House Res. No. 411) to compensate Samuel Lee, reported the same without amendment, accompanied by a report (No. 2999); which said bill and report were referred to the House Calendar.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3673) entitled "An act to amend chapter 67 of volume 23 of the Statutes at Large of the United States, and to further provide for the retirement of enlisted men in the United States Army and Marine Corps, and enlisted men and petty officers of the United States Navy, reported the same with amendment, accompanied by a report (No. 3003); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution of the House (H. Res. 242) authorizing the Secretary of the Treasury to make experiments to determine the best material for minor coinage, and to submit to Congress new designs for coins, reported the same without amendment, accompanied by a report (No. 3004); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs:

The bill (H. R. 6547) for the relief of Frederick Mehring. (Report No. 2987.)

The bill (H. R. 7037) for the relief of Samuel T. Morris. (Report No. 2988.)

By Mr. CALDERHEAD, from the Committee on Banking and Currency: The bill (S. 3680) entitled "An act to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo." (Report No. 2991.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1974) entitled "An act for the relief of Mrs. Harriet D. Newson." (Report No. 2996.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1012) for the relief of Elsas, May & Co., of Atlanta, Ga. (Report No. 2997.)

By Mr. ROBINSON of Pennsylvania, from the Committee on Naval Affairs: The bill (H. R. 8701) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list. (Report No. 3000.)

By Mr. MEYER, from the Committee on Naval Affairs: The bill (H. R. 1875) for the relief of Charles Winters, a quartermaster, United States Navy. (Report No. 3001.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 5778) for the relief of Albert E. Redstone. (Report No. 3002.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 9813) to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers. (Report No. 2989.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 8644) for the relief of Walter R. Staples, jr. (Report No. 2998.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 258) providing for the printing of additional copies of the report of the Director of the Mint for 1896, of the report on the production of precious metals for 1895, and of the coinage laws of the United States—to the Committee on Printing.

By Mr. MERCER: A joint resolution (H. Res. 259) authorizing the Secretary of War to lease Fort Omaha Military Reservation—to the Committee on Military Affairs.

By Mr. SIMPKINS: A memorial of the legislature of the State of Massachusetts, in favor of an increase of compensation to letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring the bill (H. R. 1) to reclassify United States mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the senate of the State of Illinois, favoring the passage of the bill (H. R. 1) to reclassify railway postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: A memorial of the legislature of the State of Massachusetts, in favor of the bill to increase the compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 10335) granting a pension to Olivia Betton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the National Association of Manufacturers, favoring a revision of the tariff laws—to the Committee on Ways and Means.

By Mr. ALDRICH of Illinois: Petition of Sweet, Dempster & Co. and 78 other residents and merchants of Chicago and Springfield, Ill., favoring the passage of House bill No. 10090, known as the antiscalpers' bill—to the Committee on Interstate and Foreign Commerce.

By Mr. APSLEY: Petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of Natick, Mass., to raise the age of consent to 21 years—to the Committee on the Judiciary.

Also, petition of Waban Assembly, No. 31, Royal Society of Good Fellows, favoring the enactment of the McMillan-Linton bills (S. 3590, H. R. 10108), to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. ARNOLD of Rhode Island: Petition of Leon S. Wyman and others, also of Charles Shaw and others, of Pascoag, R. I., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. G. Reynolds and others; also of Woldo A. Hopkins and others; also of William H. Bowen and others; also of the Carolina Woman's Christian Temperance Union; also of the Baptist church of Charlestown, R. I., in favor of the Shannon bill (H. R. 9515) to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of the National Association of Manufacturers, Philadelphia, Pa., favoring early enactment of a new tariff law that shall give adequate protection to American labor, substitute specific for ad valorem rates, and reestablish reciprocity—to the Committee on Ways and Means.

By Mr. BULL: Resolutions of the National Association of Manufacturers, relating to the tariff—to the Committee on Ways and Means.

By Mr. BURTON of Missouri: Petition of V. G. Hagaman and other citizens of Webb City; also of H. Mitchell and others, of Nevada; also of I. C. Niswander and others, of Joplin, State of Missouri, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of J. G. Henderson and others, of Clay Center, Kans., favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Abilene Camp, No. 359, Modern Woodmen of America, Abilene, Kans., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. CANNON: Petition of John G. Hamilton, jr., and other citizens of Hooperton, Ill., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Sundry petitions of citizens of Delaware, Racine, Whitewater, Milton, Milton Junction, Beloit, Burlington, Darlington, Monroe, and Edgarton, State of Wisconsin, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of Rev. J. Westley Geiger, of Marion; also of 66 citizens of Monticello; also of 68 citizens of Tama; also of 13 citizens of Belle Plaine, in the State of Iowa, in

favor of the Sherman bill to prevent ticket scalping—to the Committee or Interstate and Foreign Commerce.

By Mr. DALZELL: Memorial of the Royal Society of Good Fellows, Martha Washington Assembly, of Pittsburg, Pa., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

Also, resolutions of the National Association of Manufacturers, in favor of a revision of the tariff—to the Committee on Ways and Means.

Also, memorial of the Royal Society of Good Fellows, of Boston, Mass., in favor of House bill No. 4957, for the refunding to beneficial societies of moneys improperly collected by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition of R. L. Thompson and other citizens of Cameron and Chillicothe, Mo.; also S. D. Stephens and others, of Gallatin, Mo., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. EDDY: Petition of J. W. Bentley and 65 other citizens of Ortonville, Minn., praying for the passage of the Cullom and Sherman bills for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, asking for the passage of a bankruptcy bill—to the Committee on the Judiciary.

By Mr. ELLIS: Resolutions of the Chamber of Commerce of Portland, Oreg., asking that Alaska may be represented in Congress by a Delegate—to the Committee on Territories.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chamber of Commerce, St. Paul, Minn., favoring an appropriation for deep waterways from the Great Lakes to the Atlantic Ocean, and in favor of returning the office of supervising inspector of steam vessels to St. Paul, Minn.—to the Committee on Rivers and Harbors.

Also, petition of John A. Stemen and others of Minneapolis, Minn., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Resolution adopted by the National Association of Manufacturers, of Philadelphia, urging the speedy revision of the tariff law—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of M. D. Thompson and 21 other citizens of Vermilion; also of Jacob Beeker and 33 others, of Mitchell, S. Dak., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of the Woman's Christian Temperance Union of West Brookfield, Mass., to raise the age of consent to 21 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of West Brookfield, Mass., asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. HADLEY: Petition of E. W. Miller and other citizens of Litchfield, Ill.; also of F. L. Buenger and others, of Hamel, Ill., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of H. M. Woodworth and others, of Bagley, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of E. R. Stone and 5 other citizens of Delhi, Iowa; also petition of George A. McIntyre and 10 others, of Shell Rock, Iowa, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of E. Dickenson and 15 other citizens of Sidney, Iowa; also of O. L. Bloomer and 17 others, of Yonkers, N. Y., also of D. I. Pritchard and 9 others, of Stuyvesant, N. Y., also of G. H. Stevens and 24 others, of Niagara Falls, N. Y., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, protest of Drs. A. M. Sherman, A. Brown, H. R. Layton, and 11 others of the medical profession, of Leon, Iowa, against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

By Mr. HULL: Petition of E. D. Samson and 3 other citizens of Des Moines, Iowa; also of F. J. Brobst and 3 others, of Knoxville, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. S. Miller and 23 other citizens of the State of Iowa, favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. HULICK: Petition of Phillip Tolliver and others, of Xenia, Ohio, in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of John H. Price and 21 other citizens of Parsons, Kans., also memorial of M. D. Smith and others, Neodesha, Kans., in favor of the passage of Senate bill No. 3545, known as the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of W. H. Taylor and other citizens of Bloomfield, Iowa, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of James K. Stone and other citizens of Granite Falls, Minn., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Petition of the Woman's Christian Temperance Union of Burlington County, N. J., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of John R. Boddie and 30 other citizens of Arkadelphia, Ark., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petitions of J. P. D. Lloyd and others, W. F. Knapp and others, and G. A. Luce, all of Omaha, Nebr., in favor of the Sherman and Cullom bills to prevent railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. A. Williams, of Blair, Nebr., in favor of passage of House bill No. 4560, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOZLEY: Petition of A. A. Mehaffey and other citizens of Butler County, Mo., favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Petition of Rev. R. A. Jones, of Akron, Ohio, in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of Henry Colman and 9 other citizens of Milwaukee, Wis., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 30 citizens of Hawarden, Iowa, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of Isaac A. Campbell, of Rutherford County, Tenn., for increase of pension—to the Committee on Pensions.

Also, petition of A. G. Smith and 20 other citizens of Coffee County, Tenn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petitions of citizens of the State of Connecticut, favoring the passage of the Sherman bill relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petitions of W. E. Thayer and 320 other citizens of the State of Pennsylvania, relating to the passage of the Sherman ticket-brokerage bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of 434 citizens of Alaska, favoring representation in Congress by a Delegate from Alaska—to the Committee on the Territories.

By Mr. SIMPKINS: Petition of Prudential Assembly, No. 118, Royal Society of Good Fellows, praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of A. Heinkelmann and 20 other citizens of Marine City, Mich., favoring the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of E. A. Gould and other citizens of Peru, Ind., praying for the passage of the antirailroad ticket scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen, of Logansport, Ind., favoring the passage of the Erdman arbitration bill and the Phillips labor commission bill—to the Committee on Labor.

Also, petition of J. E. Erwin and T. C. Neal, of Marion, Ind., favoring the passage of the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of John F. Deiss and other citizens of Ontonagon, Mich., favoring the passage of House bill

No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of W. C. Silverthorn and 65 other citizens of Wausau; also, of H. Perrizo and 3 others, of Oconto; also, of A. P. Church and 17 others, of Antigo; also, of E. C. Eastman and 50 others, of Marinette, all in the State of Wisconsin, praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petitions of M. M. Hawkins, C. C. Thompson, and the Arkansas Democrat Company, of Little Rock, Ark., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. Bernard, Samuel Davis, and 24 other citizens of Russellville, Ark., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEWELL: Petition of Robert E. Wilson, of Cannelton, Perry County, Ind., for restoration on the pension rolls—to the Committee on Invalid Pensions.

By Mr. TRACEY: Petition of J. M. Daily and others, of Hughesville, Mo.; also petition of C. E. Eldridge, of Houstonia, Mo., in support of the Sherman bill, prohibiting the illicit trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Petition of Rev. Charles King, of Bowling Green, Mo., in relation to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of Ellen D. Morris, of the Woman's Christian Temperance Union of Kansas City, Mo.; also of A. C. Millard and others, of Independence, Mo., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petitions of J. M. Carr and other citizens of Cambridge, Ohio; also of Harvey Cofer and others, of Parkersburg, W. Va.; also of C. B. Ballard and others, of Belpre, Ohio; also of John K. Wendell and others, of Zanesville, Ohio., favoring the enactment of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Robert M. Long and other citizens of Coles County, Ill.; also petition of W. J. Buckstrees, of Clark County, Ill., in favor of the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 20, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ARMAMENT OF FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War of the 19th instant, submitting an estimate of appropriation for armament of fortifications, for the purchase of machine guns for the fiscal year 1898, $20,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BRAZOS RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in accordance with the river and harbor act of June 3, 1896, the report of the Board of Engineers appointed to ascertain the character and value of the improvements made at the mouth of the Brazos River, Texas, by the Brazos River Channel and Dock Company; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE subsequently said: I desire to have the order corrected with reference to a return from the commission appointed by the War Department about the Brazos investigation. The order was made that it be printed, and referred to the Committee on Commerce. I desire that it shall be amended so that the report may be printed and the charts not printed.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

REMOVALS FROM OFFICE FOR POLITICAL REASONS.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 17th instant, information in regard to the removals from office of certain Government employees in the Bureau of Animal Industry at South Omaha, Nebr.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 10290) for the relief of Joseph P. Patton was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries was read twice by its title, and referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes;

A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain; and

A bill (H. R. 8197) for the relief of John J. Guerin.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the executive committee of the Grand Army of the Republic, of Kings County, N. Y., praying for the passage of Senate bill No. 5635, to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a petition of the Young Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Pilgrim Church, of Nashua, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MURPHY presented the petitions of Homer N. McGill and 4 other citizens of Germantown; of William J. Benson and 17 other citizens of Albany; of H. C. Brown and 18 other citizens of Albany; F. E. Robbins and 73 other citizens of Frankfort; Charles Folmsbee and 6 other citizens of Hoffmans; Harry W. Smith and 5 other citizens; John Norman and 6 other citizens; G. Willis Suits and 15 other citizens, and of G. A. Stockburger and 14 other citizens, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of Bronaugh, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Butler, Hannibal, Kirksville, Mexico, Poplarbluff, and Williamsville, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VOORHEES presented the petition of W. W. Mooney & Sons, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Wolcottville, Terre Haute, Clinton, Dillsboro, and Elrod, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of W. H. Rucker, editor of the Register, of Lawrenceburg, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of Luther P. Ludden, secretary of the Ministerial Association of Lincoln, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of B. A. Jones, publisher of the People's Poniard, of Sidney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation providing surveys of deep waterway routes from the Great Lakes to the seaboard; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of St. Paul, Faribault, Stillwater, Minneapolis, Pipestone, Woodstock, Airlie, Ortonville, Waseca, and Colonnade, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented sundry petitions of citizens of Highland Station, Springlake, Grand Haven, Constantine, Newport, Mason, Hastings, Coats Grove, O'Donnell, Carleton, Hanover, Middleville, Manton, Bridgewater, Saline, Grand Rapids, Muskegon, Saginaw, Commerce, Raisin, Holloway, Fairfield, Adrian, Ogden, Kalamazoo, Port Huron, Clinton, Macon, Leslie, Whitecloud, Hersey, Reed City, Ypsilanti, Plainwell, Douglas, Clayton, Northville, Tecumseh, Albronia, Watson, Otsego, Brooklyn, Lansing, Scofield, Gilead, Fremont, Caledonia, Burroak, Flint, Caro, Mount Pleasant, Coldwater, Lenawee Junction, Bloomingdale, Irving, Bowens, Nashville, Hillsdale, Mosherville, Scipio, Muir, Somerset Center, Blissfield, Riga, Horner, North Adams, Jerome, Kinderhook, Quincy, Litchfield, Devereaux, Springport, Sheridan, Parma, Allegan, Sparta, Rockford, Hardwood, Marshall, Klingers, Erie, Adrian, Palmyra, Southfield, and Central Lake, all in the State of Michigan, and a petition of the Mechanics, Dealers, and Lumbermen's Exchange of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 23 citizens of Iowa Falls, Iowa, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Friends' Church, of Marion, Oreg., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Greenbay, Depere, Plymouth, and Milwaukee, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Appleton, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of members of the Congregational church, of Fulton, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Adolf Candrian, publisher of the Daily Abendatem, of La Crosse, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Most Reverend Archbishop Ketzer and sundry other citizens of Fond du Lac, and the petition of J. R. Wright and sundry other citizens of Marinette, Wis., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of members of the Free Methodist Church, the Congregational Church, the Christian Endeavor Society of the Congregational Church, the Christian Endeavor Society of the Primitive Methodist Church, and the Methodist Church, all of Platteville, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. PEFFER presented the petition of W. W. Brown and sundry other citizens of La Crosse, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BATE presented the petition of W. M. Horner, J. A. Catton, De Witt Lanier, and sundry other citizens of Waverly, Tenn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BERRY presented a petition of sundry citizens of Arkadelphia, Ark., and a petition of sundry citizens of Russellville, Ark., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Ensign Society of the Young Woman's Christian Temperance Union, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Brighton, Osborn, Ashtabula, Rock Creek, Medina, and Newark, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of the Kerrymen's Patriotic and Benevolent Association, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HOAR presented a petition of the Local Union of Christian Endeavor and the Epworth League Circuit, of Worcester, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. BRICE presented a petition of the Woodstock Bank, of Woodstock, Ohio, praying for the passage of House bill No. 7210, to amend section 5138 of the Revised Statutes, in relation to the organization of national banks; which was referred to the Committee on Finance.

He also presented the petition of John C. Hutchins, of Cleveland, Ohio, praying for the passage of Senate bill No. 2741, providing for a reclassification of clerks in the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of Muskingum College, New Concord, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain, for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, to prohibit interstate gambling by telegraph, telephone, or otherwise, and for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Clarksville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, to prohibit interstate gambling by telegraph, telephone, or otherwise, to raise the age of consent to 18 years in the District of Columbia and the Territories, and to protect the first day of the week as a day of rest in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Emil Gammeter, of Akron, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Marlboro, of sundry citizens of Marlboro, of the Christian Endeavor Society of South Salem, and of representatives of nine Christian Endeavor societies of Elyria, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Chamber of Commerce of Cincinnati, of the Furniture Exchange of Cincinnati, and of representatives of fifteen manufacturing establishments of Springfield, all in the State of Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of P. A. McDonough and 68 other citizens of New Straitsville, Ohio, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Woman's Club, of London: of members of the Bethlehem Congregational Church, of Cleveland; of J. B. Unthank, president of Wilmington College, Wilmington, and of the Woman's Christian Union of the Ninth district, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of Bancroft, Sheldon & Co., of Columbus; of J. R. Marshall, manager of the Ohio State Register, of Washington Court-House; of D. G. West, publisher of the Sunday News, of Springfield; and of F. S. Lamberson & Co., publishers of the Democratic Messenger, of Fremont, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Conneaut, Leipsic, Lima, Alliance, Petersburg, Fremont, Lisbon, Paulding, Charloe, and Hamilton, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Henry Horsler, of Pensacola, Fla., secretary and treasurer of the Florida Division of the Travelers' Protective Association of America, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. WALTHALL presented a petition of Division No. 207, Order of Railway Conductors, of Amory, Miss., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented sundry petitions of citizens of Butler, Knobnoster, and Mexico, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of Garden City, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of members of the Madison Avenue Methodist Episcopal Church, of Lebanon, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. TURPIE presented the petition of W. W. Mooney & Son, of Columbus, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. John A. Ward, of Bedford, Ind., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. SMITH presented a petition of the Woman's Christian Temperance Union of Palmyra, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Washington, N. J., and sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the House insists upon its amendments to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in the Pass a Loutre in the Mississippi River, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

GEORGE W. FERREE.

Mr. BAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House of Representatives 10040, an act granting an increase of pension to George W. Ferree, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the amount named in the bill; and the House agree to the same.

LUCIEN BAKER,
W. A. PEFFER,
Managers on the part of the Senate.
WILLIAM E. ANDREWS,
GEORGE C. CROWTHER,
WILLIAM BAKER,
Managers on the part of the House.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the amendment submitted by Mr. THURSTON on the 17th instant, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, to report it without amendment. I ask that the bill shall take the place on the Calendar of Order of Business No. 1609, being the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6268) to increase the pension of William N. Wells, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 3842) to increase the pension of Edward Vunk, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported it with amendments.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HANSBROUGH on the 17th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 3642) for the erection of a public building at the city of Elgin, Ill.;

A bill (S. 3647) for the erection of a public building at the city of East St. Louis, Ill.; and

A bill (S. 3671) for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PEFFER on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

MRS. MARY GOULD CARR.

Mr. GALLINGER. I ask that the action of the House of Representatives upon the Senate bill 3623, granting a pension to Mrs. Mary Gould Carr, be laid before the Senate, that we may concur in the House amendment.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, and requesting a further conference.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives to the bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, before the word "dollars," strike out "seventy-five" and insert "fifty."

The VICE-PRESIDENT. In the absence of objection, the amendment will be concurred in.

ALABAMA RIVER BRIDGE.

Mr. VEST. I am instructed by the Committee on Commerce to report back with an amendment the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.

Mr. MORGAN. I ask unanimous consent to have the bill considered. It is a very important bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in section 2, line 4, after the word "prescribe," to strike out the words "to secure that object."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLANCHARD introduced a bill (S. 3720) for the relief of the State National Bank of New Orleans, La.; which was read

twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MORGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW, from the Committee on Indian Affairs, reported an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE CUTTER WALTER Q. GRESHAM.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the hull, machinery, and appurtenances of the United States revenue cutter *Walter Q. Gresham*, contracted for by the Department in the year 1895, cost the contractors over and above the contract price, if anything, and report the same to the Senate.

AFFAIRS IN CRETE.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate of the United States, being mindful of the sympathy of the people of the United States expressed for the Greeks at the time of their war for independence, now extends a like sympathy to the Government of Greece with its intervention on behalf of the people of the neighboring island of Crete, for the purpose of freeing them from the tyranny of foreign oppressors, and to restore peace, with the blessings of Christian civilization, to that distressed island.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following act and joint resolutions:

An act (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

The joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

The joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

BILLS BECOME LAWS.

The message also announced that the following bills having been presented to the President of the United States February 6, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 146) granting an increase of pension to Samuel C. Towne;

An act (S. 638) granting an increase of pension to John Nichols;

An act (S. 684) granting an increase of pension to Marion McKibben;

An act (S. 757) granting an increase of pension to Adelaide Morris;

An act (S. 1017) granting a pension to Robert Kiracofe;

An act (S. 1310) granting an increase of pension to Shubael Gould;

An act (S. 1311) granting an increase of pension to Dudley F. Brown;

An act (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;

An act (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

An act (S. 2133) granting a pension to Mary E. Ely;

An act (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; and

An act (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

HEIRS OF ALBERT AUGUSTINE.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse wars.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $350 to the heirs of Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BASIL MORELAND.

Mr. WHITE. I ask for the present consideration of the bill (H. R. 1475) for the relief of Basil Moreland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Basil Moreland $2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FUR SEALS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

AMERICAN INSURANCE COMPANIES IN GERMANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and to be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 15th instant, a report from the Secretary of State, accompanied by copies of correspondence with the German Government in reference to American insurance companies.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and

recommend legislation to meet the problems presented by labor, agriculture, and capital.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill.

Mr. PLATT. Mr. President, this is perhaps the most remarkable bill in its provisions and in its purposes——

Mr. QUAY. I understand that the bill has been taken up and is before the Senate. Is that the fact?

The VICE-PRESIDENT. Did the Senator from Pennsylvania submit a motion to take it up, or did he ask for unanimous consent?

Mr. QUAY. I moved to proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator entered a motion?

Mr. QUAY. Yes, sir.

The VICE-PRESIDENT. The Chair will submit the motion to the Senate.

Mr. PLATT. I thought the bill had been taken up.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill.

Mr. HOAR. Let the bill be read once more for information.

The Secretary proceeded to read the bill.

Mr. HOAR. I do not care for a full reading. That is sufficient.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Mr. President, of course I have no disposition to prevent the consideration of the bill at this time, but it is a bill that the Senate ought not to pass without careful consideration at least. As I was saying before the motion was formally put (I supposed the bill had been taken up), it seems to me to be the most remarkable bill, both in its details and in its purposes, that has ever been presented to Congress. It is a bill which proposes to offset the Government by government by commission. I wish to call the attention of the Senate, if I can have its attention, to the details of the bill.

It provides for a commission to be appointed of twelve persons in four sections, each member of said commission to have a salary of $5,000 a year. The four sections are to be denominated labor, agriculture, manufactures, and business. There has been, I think, no call from the manufacturers for such a commission. There has been no call from business men for such a commission, unless it is that a monetary commission shall be appointed to advise Congress what financial legislation it ought to pass. The manufacturers have certainly asked for no commission.

The demand, then, for this legislation comes from labor and agriculture, two classes of our citizens, and they ask that each of those classes shall have three commissioners, the majority of the commission not to belong to any one of the political parties which took part in the last Presidential election. Each commissioner is to have $5,000 per annum. That is $60,000. Each section or division is to have a lawyer at $5,000 a year, and also——

Mr. CALL. If the Senator will allow me, I hope we may have order in the Chamber, so that he can be heard.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The Senator from Connecticut will suspend until order is restored. [A pause.] The Senator from Connecticut will proceed.

Mr. PLATT. This interruption having taken place, I will repeat. Each member of this commission is to have a salary of $5,000 per annum, which makes $60,000. Each of the four divisions is to employ a lawyer at $5,000, which is $20,000 more, making $80,000 per annum. Each division is also to have a clerk at $200 per month, or $2,400 per annum, which is about $10,000 more, making about $90,000 for the officials of this commission, in addition to which they are to have a reading clerk for the entire commission, shorthand reporters, a messenger, rent for place of meeting——

Mr. CULLOM. I should like, if the Senator from Connecticut will allow me, to submit a conference report on the Agricultural appropriation bill.

Mr. PLATT I am somewhat embarrassed in this matter. I have felt that the labor commission bill ought not to come before the Senate at the present time, but I did not feel like making opposition to it. The bill being up, I wish to state my objections to it, and then the Senate can do what it pleases with the measure.

Mr. CULLOM. I will present the report as soon as the Senator has concluded.

Mr. PLATT. It is pretty hard to attempt to state objections to a bill when interrupted every two or three minutes for some purpose.

Mr. CULLOM. I will not interrupt the Senator; but I give notice that as soon as he concludes his remarks I shall ask leave to submit the conference report on the Agricultural appropriation bill.

Mr. PLATT. Very well; present it now.

The VICE-PRESIDENT. The Senator from Connecticut is entitled to the floor.

Mr. CULLOM. The Senator from Connecticut yields to me to submit the conference report. I dislike to take him off the floor, but he yields, and I will submit the report.

Mr. GALLINGER. It is a question of privilege.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, and 33; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and strike out, in line 20, page 18, of the bill, the word "twenty-five," and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

S. M. CULLOM,
M. S. QUAY,
WILKINSON CALL,
Managers on the part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY,
Managers on the part of the House.

Mr. COCKRELL. What is the effect of the agreement?

Mr. CULLOM. There are only a few amendments to the bill where the Senate conferees gave away what was agreed to in the Senate.

Referring to the amendments somewhat in detail, I will state that on page 5 of the bill the Senate made an amendment increasing the appropriation for the Division of Chemistry from $15,000 to $17,000, which is the smallest appropriation made for that branch of the service in several years. The House conferees yielded on that question, so that that item is agreed to by the conferees of the two Houses.

On page 7 of the bill, item 3, the second being a matter of no consequence, we increase the force by creating one additional assistant in the Pathological Division, at $1,200 a year, the testimony being that an additional assistant is very much needed, because the assistant who has heretofore been provided for is taken out of the office and is in service in the field a good deal. That item was agreed to by the House conferees.

Then on page 10 of the bill the clause "including an investigation into the ravages of the gypsy moth" was inserted. This was asked for by the junior Senator from Massachusetts [Mr. LODGE]. The House conferees receded on that amendment which the Senate made to the bill.

On page 11 there was an increase of the amount for biological investigations from $17,500 to $20,000. After very considerable discussion of the matter, the amount appropriated by the House being the same as in last year's act, the Senate conferees finally allowed the amount to remain as the House had fixed it, at $17,500 instead of $20,000, that being a division that we thought could get along with the same appropriation made heretofore.

On the same page, in another item, for pomological investigations, the Senate increased the amount from $6,000 to $8,000. This is for investigating, collecting, and disseminating information relating to the fruit industry, etc. The House conferees yielded upon that amendment.

Then, on page 13, item 10 was a mere insertion of an amendment providing for the using of a portion of the money for experimental gardens and grounds, in repairing the roadways and walks in the park here, which was very necessary, and the House conferees yielded on that item.

On pages 14 and 15, in regard to agricultural experiment stations, etc., the amount appropriated by the House was $750,000. The Senate inserted an amendment providing for an investigation, as far as it could go, and a report to Congress of the agricultural resources and capabilities of Alaska, and we added $5,000 for that investigation, increasing the total appropriation to $755,000. The House conferees yielded upon that amendment.

Upon the amendment on page 18, increasing the amount of the appropriation from $5,000 to $7,000, as the Senate did, for the purchase of books, periodicals, and papers for completing imperfect series, etc., the House conferees yielded, making the amount $7,000 instead of $5,000.

Then, on the same page, items 15 and 16, the Senate increased the

appropriation from $65,000 to $70,000 and from $40,000 to $45,000. That is the appropriation for the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports. After investigation of the first item the Senate conferees determined to yield and to leave the amount at $65,000 instead of $70,000. After further conference as to the next item, we reduced that to $35,000, and increased the amount of the item on the next page from $25,000 to $30,000. The conferees agreed to those propositions in that form. The testimony taken before us (for we sent for one of the men in charge of the Bureau) was to the effect that the items ought to be arranged in that way, and we saved $5,000 in the arrangement.

Then, on page 21, item 22, the Senate increased the amount. It pertains to the contingent expenses of the Agricultural Department. There are a large number of items embraced here. The Senate made the appropriation $25,000 instead of $20,000, as fixed by the House, and the House conferees agreed to it in that way.

In reference to the purchase and distribution of valuable seeds, etc., the next item in the bill, the House agreed to appropriate $120,000. The Senate made the amount $150,000. The conferees compromised upon that question, making the amount $130,000. In item 24, where the House appropriated $100,000, the Senate raised the amount to $130,000, and we compromised on $110,000, so that the item was agreed to in that way.

On page 23, the Senate struck out a long provision in reference to the manner of the distribution of seeds, and in order to make the whole arrangement so that it could be understood, the House conferees agreed to the amendment striking out that provision.

There was nothing else in the bill in controversy except items 27 and 28, on pages 28 and 29. The Senate fixed the salary of one inspector in the Weather Bureau at $2,000, the House having neglected to do that by mistake. That is the amount the inspector is getting already in the Weather Bureau. To that the House conferees agreed. In addition to that the Senate put in an amendment providing that hereafter, in the discretion of the Secretary of Agriculture, leaves of absence be granted not to exceed thirty days in any one year, as is arranged with reference to other bureaus of the Department.

That is all there is in the bill that was in controversy, and it was disposed of as I have stated.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. ALLEN. I think the report ought to be printed, so that it can be laid before the Senate and examined with some degree of intelligence by Senators. There is not a man in the Senate Chamber outside of the Senator from Illinois who knows a thing about the matter, and nobody can tell anything about it from the reading of the report.

Mr. CULLOM. I have been explaining each item that was in controversy.

Mr. ALLEN. I know the Senator explained each item, but we do not know what relation the different items hold to the bill as a whole.

Mr. CULLOM. I think the Senator would have known if he had listened to what I said.

Mr. ALLEN. Yes, I would have known if I had had the bill and had understood its entire history; but what objection is there to having it printed now and go over, so that it can be laid upon the tables of Senators and we can look at it and examine it intelligently?

Mr. CULLOM. There is only one objection, so far as I am concerned, and that is that we are crowded for time.

Mr. TELLER. I have been trying to follow the Senator who has the bill in charge, but back here we can not hear anything he has said. I should like to know what he is talking about.

Mr. CULLOM. I have just concluded all I desired to say, unless I am asked to repeat the items, which I would rather do than have the report go over and be printed, in view of the importance of the business that is before us and the hurry that we are all in now.

Mr. ALLEN. I realize that we are in a great hurry, but it occurrs to me that the Senate has some interest in this bill besides the members of the Comuittee on Appropriations.

Mr. CULLOM. Assuredly.

Mr. ALLEN. It strikes me very forcibly that the whole thing ought to be printed as it is now reported, so that it can be taken up and intelligently analyzed and considered. If the Senator from Illinois will give me his attention, I venture to suggest the proposition that there is not a Senator in this Chamber who understands a thing about the bill or about the report aside from the subcommitteemen who have it in charge.

Mr. CULLOM. I do not care to take the time of the Senate in discussing it unless the Senator is willing to allow it to be passed or disposed of after reasonable discussion. I am prepared to answer any question as to the items in controversy between the two Houses. I went over it with some degree of detail, hoping that it would avoid the necessity of having the report printed or longer delayed.

Mr. ALLEN. I can not understand what objection there can be to printing the report.

Mr. CULLOM. I will dispose of the matter for the present by allowing the report to be printed and go over.

The VICE-PRESIDENT. The report will be printed.

Mr. CULLOM subsequently said: I desire to call up the conference report on the Agricultural appropriation bill, which I made this morning. I will state that the Senator who at that time objected says he is satisfied with the report; and I therefore ask that the report be now concurred in.

Mr. ALLEN. I have examined the report, and am satisfied I was wrong.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The conference report has been read in full, the Chair understands.

Mr. CULLOM. The report has been read.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. HOAR. Mr. President——

The VICE-PRESIDENT. The Chair will state that the Senator from Connecticut [Mr. PLATT] was addressing the Senate at the time the conference report intervened. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. PLATT. Mr. President, I should like the attention of the Senate long enough to make one observation. I know how difficult it is to obtain the attention of the Senate to any measure which is before it at this late date in the session; but if Senators do not desire to listen to the objections to the bill, I wish that they would at least send for and get House bill 9188 and read its provisions, for I am persuaded that the Senate does not understand the bill, and will not pass it if it does understand it.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment. I wish to make an appeal to the Senate to proceed to the consideration of appropriation bills. Under the rules of the Senate, appropriation bills are supposed to be in order at any time and other business to give way to them.

If we are to complete the work of this session, it is absolutely essential that bills which from time to time are consuming an hour or two or three or four hours shall be laid aside when appropriation bills are ready for consideration. I happen to know that the bill now under consideration is a bill which will lead perhaps not to prolonged debate, but which will occupy the attention of the Senate for the greater part of a day. So I want to appeal to the Senator from Pennsylvania who has the bill in charge and who is a member of the Committee on Appropriations and knows the absolute necessity of dealing with appropriation bills at this time, to allow this matter to be set aside until we can at least pass the two appropriation bills which are now upon the Calendar. So, appealing to him and to other Senators, I ask unanimous consent that we may now proceed to the consideration of the Indian appropriation bill.

Mr. QUAY. I object for the present.

Mr. ALLISON. Then, Mr. President——

Mr. QUAY. In one moment. I will say to the Senator from Iowa that I am not in charge of this bill. I called it up at the request of the representatives of the great labor organizations of the country, who deem its importance and magnitude, I think, beyond its real value to them, but they are exceeding in earnest about it; and it having passed the House of Representatives almost without opposition, they are exceedingly anxious for it to have a fair hearing before the Senate at this session. So far as I am concerned, the Senator from Iowa knows that I am as anxious as he to proceed with the consideration of appropriation bills. The Senator in charge of the bill is the Senator from California [Mr. PERKINS]. If he will take the responsibility of postponing the bill, I shall assent to it.

Mr. ALLISON. Then I appeal to the Senator from California——

Mr. QUAY. Before that is done, I wish, as part of my remarks on the bill, to insert in the RECORD the report of the committee in its behalf. I shall not ask for its reading.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

The report referred to is as follows:

Mr. PERKINS, from the Committee on Education and Labor, submitted the following report (to accompany S. 230):

The Committee on Education and Labor, to whom was referred the bill (S. 230) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, beg leave to report in favor of its passage with the following amendments:

Amend section 1 by striking out, in lines 3 and 4, the words "the President of the United States is hereby authorized and directed to appoint," and inserting in lieu thereof the following: "there be, and is hereby, created."

Strike out all of section 2 and insert in lieu thereof the following:

"The five members representing labor shall be appointed by the President of the United States from those nominated by labor organizations which are national in character, having the largest number of members and being most

representative, both representative character and numerical strength to be considered, and not more than one person shall be appointed from any one organization. That of the five members representative of agriculture, three shall be appointed on the recommendation of the National Farmers' Alliance and Industrial Union, and two on the recommendation of the National Grange and Patrons of Husbandry. That these recommendations shall be made by the national organizations in delegated assemblies, or by the national executive committees or executive boards or committees of any kind that represent said organizations when their national delegated assemblies are not in session; that said recommendations shall be made to the President of the United States within three months after the passage of this act, and that if the President of the United States shall find that any of those recommended, in his opinion, are not qualified to be members of the said commission, that he shall notify said organizations of the same, whereupon said organizations shall make further recommendations for appointment by the President. The five members representative of business shall be appointed by the President from those representing manufacturing and other business pursuits. After the appointment of said commission each division of five is hereby authorized and directed to choose or appoint two additional commissioners to act with them on terms of equality, making the whole number twenty-one, but no division of five shall make both of its appointments from the same political party."

Amend section 3 by inserting after the word "appointment," in line 7, the following: "as provided above."

Amend section 8 by adding at the end thereof the following: "who shall transmit the same to Congress."

Amend section 9 by striking out all after the word "salary," in line 3, and inserting in lieu thereof the following: "of each member of this commission shall be $10 per day while actually engaged in the work of the commission, and actual traveling expenses."

The problems presented in the various fields of labor and in the different departments of business have become and are becoming more complicated through the progress which marks this industrial age. The relations of laborers to each other on the one hand, and to capital on the other, are now so varied and differ so greatly in widely separated sections of our great country that it has become necessary to establish some central bureau or commission which shall be able to view comprehensively the entire field, and ascertain the true relation to each other of the facts presented. In no other way can the many interests of half a continent be brought into harmony; in no other way can that feeling of good will of all classes toward each other be aroused which is essential to the happiness, prosperity, and progress of the nation.

To attempt to deal with the larger questions presented by capital and labor through local boards or by local legislation has become impracticable. The facilities for communication have become so many and so efficient that all parts of our country and all its interests are inseparably knit together. Yet at the same time the differences in conditions surrounding labor and capital in widely separated localities render it impossible to deal with all according to rules or principles formulated or derived from a study of the problems presented in a circumscribed area. The time has come for a wider study of these problems, and for wider generalizations. The questions presented by the industrial and business conditions of Maine must be considered in connection with those of the far different conditions of California and Alabama, the mutual relations of the three sections ascertained, and labor and capital in each brought into accord with each other both locally and generally. The interdependence of all industrial pursuits and all business vocations throughout the country must be ascertained in order that the true causes of friction may be discovered and remedies applied which shall not bear unjustly upon any one calling in which men engage.

It is owing to the present impossibility of ascertaining the true and fundamental relation of labor and capital, of labor in one section with labor in another, of capital in one region with capital in other, that the discontent of the one and the apparent indifference of the other are constantly increasing. It is owing to this, too, that there is lack of harmony in movements begun by either interest for self-protection. No general principles have been laid down which will apply to conditions in widely separated districts. Thus there arise conflicts between labor organizations themselves and disagreements between the representatives of the commercial or business interests. But the tendency is constantly toward wider generalization, toward wider union, though the generalization has reference to industrial conditions on one side and the conditions of capital on the other, and the union to an amalgamation of each of two sets of interests which are set one against the other in semihostile array. The breach which now exists between capital and labor is thus constantly widened, and where there should be mutual confidence and mutual concessions there are increasing enmity and a multiplication of grounds of difference.

Labor is fast coming to the belief that its present forms of organization are inadequate to secure the protection and the benefits sought, and that it must use politics as a weapon against the capitalist class. Recent conventions have brought this question prominently forward, and the organization of labor for political and not simply for industrial ends is not impossible. How labor is beginning to view the complex problems presented by its relation to capital may be clearly seen in this extract from a resolution introduced in a labor convention recently held:

"Whereas the economic power of the capitalist class used by that class for the oppression of labor rests upon institutions essentially political, which in the nature of things can not be radically changed or even slightly amended for the benefit of the working people except through the direct action of the working people themselves, economically and politically united as a class:

"Therefore, it is as a class conscious of its strength, aware of its rights, determined to resist wrong at every step, and sworn to achieve its own emancipation that the wage workers are hereby called upon to unite in a solid body, held together by an unconquerable spirit of solidarity under the most trying conditions of the present class struggle."

The widening scope of the action proposed by labor organizations is seen in the following resolutions, which are rather a declaration of principles adopted by the convention referred to:

"Reduction of the hours of labor in proportion to the progress of production.

"The United States shall obtain possession of the railroads, canals, telegraphs, telephones, and all other means of public transportation and communication; but no employee shall be discharged for political reasons.

"The municipalities to obtain possession of the local railroads, ferries, waterworks, gas works, electric plants, and all industries requiring municipal franchises; but no employee shall be discharged for political reasons.

"The public lands to be declared inalienable. Revocation of all land grants to corporations or individuals the conditions of which have not been complied with.

"Legal incorporation by the States of local trade unions which have no national organization.

"The United States to have the exclusive right to issue money.

"Congressional legislation providing for the scientific management of forests and waterways, and prohibiting the waste of the natural resources of the country.

"Invention to be free to all; the inventors to be remunerated by the nation.

"Progressive income tax, and tax on inheritances; the smaller incomes to be exempt.

"School education of all children under 14 years of age to be compulsory, gratuitous, and accessible to all.

"Repeal of all pauper, tramp, conspiracy, and sumptuary laws. Unabridged right of combination.

"Official statistics concerning the condition of labor. Prohibition of the employment of children of school age and of the employment of female labor in occupations detrimental to health or morality. Abolition of the convict-labor contract system.

"Employment of the unemployed by the public authorities (county, city, State, and nation).

"All wages to be paid in lawful money of the United States. Equalization of women's wages with those of men where equal service is performed.

"Laws for the protection of life and limb in all occupations, and an efficient employers' liability law.

"The people to have the right to propose laws and to vote upon all measures of importance according to the referendum principle.

"Abolition of the veto power of the executive (national, State, and municipal) wherever it exists.

"Municipal self-government.

"Direct vote and secret ballots in all elections. Universal and equal right of suffrage, without regard to color, creed, or sex. Election days to be legal holidays. The principle of proportionate representation to be introduced.

"All public officers to be subject to recall by their respective constituencies.

"Uniform civil and criminal law throughout the United States. Administration of justice to be free of charge."

This extension of the aims of organizations of labor is clearly due to the failure to establish, through a wide and careful study of conditions existing in this country, general principles regarding the relation of labor to capital, based on facts ascertained by an examination of the entire field, and made acceptable to all classes because the facts are known to be true and the principles themselves the logical deductions therefrom.

It can hardly be doubted that it would not be deemed necessary to adopt such resolutions as have been given if there were in existence a commission whose duty, in the language of the bill, shall be to "investigate questions pertaining to immigration, to labor, to agriculture, and to business, and recommend to Congress such legislation as it may deem best upon these subjects;" to "furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests, and to be equitable to the laborer, the employer, the producer, and the consumer;" to "receive petitions and grant reasonable time for hearings on subjects pertaining to its duties, and, if deemed necessary," to "appoint a subcommission or commissions of its members to make investigation in any part of the United States."

A commission like that proposed would also be able to do much toward solving the problems which are raised in the following letter from Samuel Gompers, president of the American Federation of Labor:

"The American Federation of Labor at its last convention, held in New York City, adopted a series of resolutions to concentrate and crystallize thought among the people of our country upon the question of the reduction of the hours of labor to eight hours per day, not only in Government but also in private employment.

"It is also proposed that a conference be held by representatives of the organized working people and representatives of the employers, so that a friendly arrangement in the reduction of the hours of labor may, if possible, be effected.

"It is our purpose to obtain the views upon this momentous subject from the best informed men of America—men whose thoughts and utterances are worth recording; men in public life; men whose views sway the minds of their fellow-citizens. Hence, I respectfully ask you to favor me with an answer to the following questions:

"(1) In view of the wonderful and ever-increasing inventions of and improvements in wealth-producing methods, should the working people of our country be required to work more than eight hours per day?

"(2) What would, in your opinion, the influence of the general reduction of the hours of labor to eight per day have upon the moral and social well-being of the people of our country?"

These are questions which the workingman has the right to ask and the right to have answered. They imply not only a reasonable demand, but a strong desire that nothing shall be done which will tend to lower the high moral and social standard of our industrial population, of which the nation is justly proud. They are questions which would properly come under such a commission as is proposed, and its suggestions, made after a careful study of the question from both the side of capital and of labor, should be adopted, for the good of the entire community, not of a single part, will be its aim.

The ends, methods, and results of labor organizations also come within the scope of its inquiry. Such organizations have become numerous and powerful, and it is desirable that their usefulness shall be established by impartial investigation, and such dangerous tendencies, if any they possess, be eliminated. The right of labor to combine for its own protection can not be questioned. Acting within the lines which it is forbidden each individual to pass, it is capable of good results. But it should be established as a principle that labor organizations have no more right to interfere with individuals in the pursuit of life, liberty, and happiness than has any of its members. Strikes for legitimate objects are among the rights of labor organizations as they are among those of individuals, but interference with those who are willing to take the places left vacant is not to be tolerated from organized labor more than from individual workmen.

The figures presented by the Department of Labor indicate how great is the prevalence of disputes between employers and employees. From 1881 to and including the first six months of 1894 there were 14,390 strikes, involving 69,167 establishments and 3,714,406 employees. There were in the same period lockouts in 6,067 establishments, throwing out of employment 366,690 workmen. The money loss of the strikes was $163,807,866 in wages, $10,914,406 in assistance by labor organizations, and $82,590,360 loss to employers. In lockouts the loss in wages was $26,695,516; in assistance, $2,524,296, and to employers, $12,235,451. Of all those who struck only 1,188,575 were successful in attaining their objects. The causes leading to the strikes in question were as follows:

"For increase of wages.
"For reduction of hours.
"Against reduction of wages.
"For increase of wages and reduction of hours.
"For reduction of hours and against being compelled to board with employer.
"For change of hour of beginning work.
"For increase of wages and against the contract system.
"For increase of wages and against employment of nonunion men.
"In sympathy with strike elsewhere.
"For nine hours' work with ten hours' pay.
"Against employment of nonunion men, foremen, etc.
"For increase of wages and recognition of union.
"For adoption of union, etc., scale of prices.

"Against increase of hours.
"For increase of wages and enforcement of union indenture rules.
"For reduction of hours and wages.
"For reinstatement of discharged employees, foremen, etc.
"For recognition of union.
"For adoption of union scale.
"For adoption of union rules and union scale.
"For increase of wages and recognition of union.
"To compel World's Fair directors to employ none but union men in building trades.
"For reinstatement of discharged employees.
"For payment of wages overdue.
"For increase of wages and reduction of hours on Saturday.
"Against being compelled to board with employer and for reduction of hours and recognition of union.
"For fortnightly payment."

The above presents only one phase of the relations of labor and capital which it is desirable should be studied and clearly understood. Agricultural laborers have their grievances which should also be investigated. The influence upon their prosperity of railroad and other aggregations of capital with which they come in contact should be learned. The universal dependence upon transportation companies is a factor in the question of the prosperity or lack of prosperity of agriculturists which demands attention. In some States, as in California, this factor is of supreme importance; in others less. The fact that oranges from Spain and Italy compete successfully with oranges from California in the great markets of the country has a wide bearing. The cost of transporting the California fruit to market is from 90 cents to $1 per box, while the foreign fruit pays 33 cents. In less than carload lots it now costs about $2 a box to lay down the California oranges in New York. Spanish oranges pay 50 cents a case, but the case is twice as large as that containing the fruit with which it competes. These facts tend to show one of the principal causes of the complaint that is now being made by a very important industry of a great State, and present a case which would fairly come before such a commission as is proposed.

Lower freight rates and a measure of protection by tariff for the domestic fruit would revive a now languishing branch of horticulture; and the facts stated above are emphasized by the report of United States Consul Seymour, of Palermo, that during the year 1894 there were exported from that port eight times as many lemons and oranges to the United States as the entire exportation to all other foreign countries during the same period. California and Florida suffer from this competition of fruit raised on the shores of the Mediterranean, and the prosperity of two great States of the Union is disastrously affected to the benefit of people of another race, country, and hemisphere.

But all problems which are presented by periods of general or local depression are not so simple. Says Carroll D. Wright, in his first annual report as Commissioner of Labor:

"The depressions with which the present generation is familiar belong to the age of invention and of organized industry. Whether these depressions are necessary concomitants of present industrial conditions may be a mooted question, but it is certain that they come with such conditions, and that many features of them must pass away when out of the present status of industrial forces there shall be evolved a grander industrial system, a system which must be as much grander than the present as the present is grander than that out of which it was evolved. Industrial depressions must not be confused with commercial crises and panics, notwithstanding the effects of one reach into the other; that is, a commercial and financial crisis may take place without immediately producing any industrial depression, although, generally, if the effects of such commercial or financial crisis continue for any great length of time, the industries must be involved to a greater or less extent. * * * In searching, whether in Europe or America, for the causes of the industrial disease which has effected the manufacturing world since 1882, it is interesting to note how fully trade, profession, or calling influences opinions given. Bankers and merchants are likely to give as the absolute cause of depressions some financial or commercial reasons; clergymen and moralists largely incline to assert that social and moral influences, united with providential causes, produce the industrial difficulties which afflict nations; manufacturers incline to give industrial conditions, labor legislation, labor agitation, the demands of the workingmen, overproduction, and various features of the industrial system as causes; while the workingmen attribute industrial diseases to combinations of capital, long hours of labor, low wages, machinery, and kindred causes. The politician feels that changes in administration, the nonenactment of laws that he desires, tariffs or the absence of tariffs, are the chief influencing causes of industrial disturbances. The fact that, as a rule, one's opinion can be foreseen by knowing his calling in life vitiates to a large extent the value of causes alleged; yet when all classes unite upon a few prominent reasons, and those reasons can be illustrated by facts, it becomes possible to consider the alleged causes of industrial depressions with a fair degree of intelligence and with conclusions that have sufficient soundness in them to indicate partial remedial agencies."

The long list of causes of depression is classified by the Commissioner of Labor into three great divisions:

"First, leading or direct causes, such as overproduction, cost of production, influence of machinery, crippling of the consumptive power, etc.; second, contributory causes, such as transportation, distribution, exchanges, commercial systems, etc.; and third, remote, indirect, and trivial causes."

Many remedies for industrial depression have been proposed, the most important of which, in the opinion of the Commissioner of Labor, are the restriction of land grants to corporations, the restriction of immigration, the enactment of laws to stop speculation, the establishment of boards of arbitration to settle industrial difficulties, the contraction of credit, a sound currency, commercial and mercantile regulations relating to tariff, transportation, navigation laws, and public works, reform in the distribution of products, profit sharing, and the organization of workmen and of employers.

It will be seen that the field is a wide one, that many interests are involved, and that the dependence of one upon the other can be ascertained only by a systematic and careful study of the conditions which surround industrial life. Without such study it will be impossible to understand the problems presented by labor, agriculture, and capital, and without exact knowledge it will be impossible to apply a remedy.

"Probably," says Labor Commissioner Wright, "no human device or combination of devices can be instituted powerful enough to prevent the recurrence of financial and commercial crises and industrial depressions, but this should not prevent men seeking devices which will mitigate the severity or shorten the duration of such calamities. When it is considered that each great manufacturing nation of the world is struggling for industrial existence as against the fierce competition of every other nation engaged in like pursuits, some of the questions which seem to absorb the minds of individual employers and employees seem trivial indeed."

And trivial indeed will some of them appear when we shall be face to face with that industrial competition which is being forced upon us by Japan. It is but a few years ago that this remarkable nation began to establish manufactories to supply goods which it had hitherto purchased abroad, yet even now there has arisen alarm in England, Germany, and our own country regarding the influence which Japanese manufactures will have upon their prosperity. And this alarm is not without cause. The grave importance of the questions raised by the marvelous development of Japanese manufacturing has been fully recognized by the National Association of the Manufacturers of the United States, which has requested Congress to appoint a commission to inquire as to the invasion of our own home markets by Japan. The Manufacturers and Producers' Association of California in February called a meeting to discuss the Japanese industrial question, at which Julian Sonntag called attention to the fact that it is a dangerous fallacy to contend that Japan can never compete successfully with America and England in commerce and manufactures. "To-day," he said, "one can not go into a dry goods store and tell French and Japanese silks apart. Carpets from Osaka rival those of Egypt, Turkey, and Persia, and are being exported to America in large quantities."

The following resolutions were unanimously adopted and ordered sent to every member of Congress:

"Whereas the matter of the invasion of the manufacturing field of the United States by goods manufactured by cheap labor in Japan has been under consideration by the Manufacturers and Producers' Association of California and by the San Francisco Chamber of Commerce; and

"Whereas a joint committee from the Manufacturers and Producers' Association and the Chamber of Commerce of San Francisco, after full investigation and consideration, have reported that great danger to the manufacturing interests of the United States exists in the rapid strides being made by Japan in manufacturing; and

"Whereas this meeting of the members of the Manufacturers and Producers' Association and of the Chamber of Commerce, called for the purpose of discussing the subject, have listened to the report of the said joint committee and the remarks made thereon:

"*Be it resolved*, By the Manufacturers and Producers' Association and by the Chamber of Commerce in convention assembled, that the Congress of the United States be requested and urged to appoint a commission to investigate the question of Japanese manufactured importations and Japanese export trade."

The great newspapers of the country have recognized the importance of the industrial revolution in Japan, and are discussing it seriously. Writers in magazines devoted to economics are giving the matter their attention. In the March number of Gunton's Magazine appears the following:

"There is no country whose economic changes are likely to create so much industrial surprise, if not dislocation, in the next quarter of a century as Japan. Until recently Japan has been classed with China and other Asiatic countries as in the hand-labor area. The more advanced machine-using countries, like England and the United States, have entertained no fears from competition with the cheap labor of Asia, because the economies of their superior machinery have more than offset the increase in the cost of production through their higher wages. This has led many economists of the laissez-faire school to assume that high wages instantaneously bring with them lower cost of production, attributing the diminished cost to the increased skill and dexterity of the higher wage laborers. Such writers as Edward Atkinson and Mr. Shoenhof are constantly adding to the flood of free-trade literature on the basis of this very erroneous assumption. Because we could compete successfully in most lines of manufacture with Asiatic countries, it has been insisted that we could do so with England for the same reason, namely, that our wages were higher.

"Having assumed that the superiority of high wage conditions all lies in the increased personal dexterity of the laborers, these writers seem to have entirely overlooked the great part machinery plays in low-price machine phenomena. The reason this country is in greater danger from English competition than from the Chinese is that England has similar machinery to our own, while the Chinese continue to produce by hand labor. Whenever two countries employ the same tools or machinery, the lower wages become the great element in determining the competition. This is precisely the case between the United States and England. So that while we have little to fear from the cheap labor of Asia without modern machinery, we have everything to fear from the relatively lower wages of England, because English laborers have as highly perfected machinery as we have.

"During the last quarter of a century Japan has been rapidly westernizing her civilization, and is now rapidly westernizing her methods of industry. At the present rate she is progressing it may not take her more than a decade to get the factory system, with its most modern equipments. Although this will be sure to act upon her laborers, raising their standard and increasing their cost of living, it will probably take half a century before her wages approximate the wage standard of the United States or even of England. To the extent to which she increases her factory methods faster than she raises her wage standard will she become a successful competitor with western producers, and will demonstrate the economic soundness of protection as a permanent principle in national statesmanship. All the world should rejoice at Japan's progress. But it will be a calamity for mankind if Japan should be permitted to destroy or even lessen the rate of progress in this country or in Europe. Her advent into the use of modern methods should be beneficial to her own people, and make her the missionary to carry similar methods and civilization into other Asiatic countries, but not to injure the civilization of western countries."

Here are presented problems of the gravest nature, with which the United States must soon deal. The fact that the Japanese are considered simply an imitative people, and that their civilization is by some deemed inferior to our own, should not blind us to that other fact that Japan is putting upon our markets for 87 cents felt hats of the best quality, upon American and European patterns, which would sell in London for $2.62 and in this country for $4. The Japanese are beginning to make shoes, and it is thought not improbable that there will soon be placed upon our market for 75 cents shoes as good as those now costing $3. Already there is an agency in San Francisco which is engaged in underselling American products. Doors, sashes, blinds, all kinds of wooden ware, cooperage stock, etc., are being sold from 30 to 50 per cent less than the same grade of goods can be manufactured for here. Even bicycles, clocks, watches, boots, shoes, clothing, hats, caps, gloves, fancy goods, and notions are being sold at similar prices which defy competition.

The following, translated from the report of the Swiss consul in Japan, and published in the consular reports of the State Department, gives another view of the situation:

"The Manchester Guardian, in its issue of June 9, 1894, says that manufactures of cotton textiles in India can no longer compete with Japan, as 4,000 Japanese spindles will produce the same quantity as 10,000 Indian. Around the industrial center of Osaka there are cotton mills in almost every village, and exports of Japanese fabrics were first made from that city. There being no protection to foreign machinery against patent infringements, the Japanese imitate quickly all European novelties and improvements, and hence work under favorable conditions. Labor is so cheap that even Europe can no longer compete. Good cotton undershirts are being sold at 84 to 90 cents per dozen. Cotton umbrellas on iron sticks (an important export article of Osaka) are sold at $2.60 to $3 per dozen, and the total exports of umbrellas in 1894 footed up $746,067, as against $589,272 for 1893. The manufacture of hemp and cotton has begun.

"This industry is a new one and has its seat in the city of Osaka. These

carpets, called by foreigners Osaka carpets, are cheap but not durable. All kinds of patterns imaginable as well as every length and width are manufactured. While two years ago the Japanese taste prevailed, to-day fine imitations of Turkish and Egyptian carpets can be found on the market. These carpets are all made by children, and in the low, gloomy rooms of the Japanese houses troops of little boys and girls are working at this dusty trade with the zeal and intelligence of grown people. The little ones, who can be seen at work in a tropical heat, almost nude, seem to be in good health. These children's pay varies, according to their efficiency, from 3 to 10 cents per day. The principal buyers are Americans, who purchased $327,000 worth during 1894 out of a total export of 546,001 pieces, worth $1,134,072. in that year, against 206,050 pieces, worth $501,989, in 1893, and 112,279 pieces, worth $177,445 in 1892.

"Of late years the manufacture of Japanese matches has attained large dimensions, owing to the very low prices at which they are sold. Hongkong, British India, China, and Korea are using them almost exclusively.

"Last year's statistics show the surprising fact that Japanese matches were exported to points and in value as follows: To Australia, $25,407; Austria, $2,845; North America, $1,300. The total export value of these matches was $5,795,634 in 1894, $3,537,974 in 1893, and $2,302,041 in 1892. * * *

"In addition to watches, $28,570 worth of parts of watches were imported in 1894, of which $13,425 came from the United States and $11,972 from Switzerland. During the previous year imports of parts of watches amounted to $9,077, and were supplied by Switzerland alone. The imports from America were made by the Osaka Watch Company, a Japanese stock company at Osaka, established there last year. This concern had bought of an American company (formerly of San Diego, Cal.), the Japan Watch Company, Limited, $40,000 worth of old machinery for the manufacture of watches, at which work will commence on or about June, 1895; meanwhile the manager and two foremen are teaching thirty Japanese operatives how to manufacture the different parts of watches. Machinery therefor has been ordered in the United States, and will arrive in June, and therewith seven or eight American foremen. The original project was to import cases from America, and an order had already been given to a New York firm, but the prices were so high that the company concluded to manufacture the gold, silver, and other metallic cases themselves. The cost of watches, it is expected, will be unusually high at first, but it is difficult as yet to judge of the probable general results."

That Japan is thus able to undersell us is due to the fact that it makes use of the best modern machinery, and that the wages paid are hardly more than one-tenth the wages paid in the United States. N. W. McIvor, consul-general of the United States, gives the following list of wages paid at Yokohama for a working day of ten hours:

Description.	Wages.	Description.	Wages.
	Per day.		*Per day.*
Carpenters	$0.36	Sake brewers	$0.22
Plasterers	.36	Silk spinners (female)	.17
Stonecutters	.41	Tea workers (picking and preparing)	.29
Sawyers	.29	Tea firing:	
Roofers	.36	Male	.10 to .14
Tilers	.41	Female	.07 to .12
Matting makers	.24	Common laborers	.19
Screen makers	.26	Confectioners	.17
Joiners	.29	Sauce makers	.24
Paper hangers	.24		*Per month.*
Tailors:		Farm laborers:	
For Japanese clothes	.24	Male	1.44
For foreign clothes	.48	Female	1.20
Dyers	.24	Silkworm breeders:	
Cotton beaters	.17 to .36	Male	1.92
Blacksmiths	.24	Female	.96
Porcelain makers	.38	Weavers (female)	.96
Porcelain artists	.72	Servants in foreign houses:	
Oil-press men	.24	Male	2.88 to 7.20
Tobacco cutters	.24	Female	2.40 to 4.80
Printers	.19		
Ship carpenters	.29		
Lacquer workers	.24		
Compositors	.29		

Another list is as follows:

Occupation.	Highest.	Lowest.	Average.
Blacksmiths	$0.60	$0.18	$0.30
Bricklayers	.88	.20	.33
Cabinetmakers (furniture)	.53	.17	.30
Carpenters	.50	.20	.30
Carpenters and joiners (screen making)	.55	.17	.30
Compositors	.83	.10	.29
Coolies or general laborers	.35	.14	.22
Cotton beaters	.45	.13	.23
Dyers	.60	.05	.25
Farm hands (men)	.30	.16	.19
Farm hands (women)	.28	.06	.19
Lacquer makers	.58	.15	.29
Matting makers	.50	.20	.30
Oil pressers	.94	.16	.25
Paper hangers	.60	.20	.31
Paper screen, lantern, etc., makers	.55	.20	.31
Porcelain makers	.50	.13	.29
Pressmen, printing	.70	.11	.26
Roofers	.40	.20	.29
Sauce and preserve makers	.40	.10	.24
Silkworm breeders (men)	.50	.10	.22
Silkworm breeders (women)	.25	.05	.17
Stonecutters	.69	.22	.36
Tailors, foreign clothing	1.00	.25	.49
Tailors, Japanese clothing	.56	.15	.28
Tea makers (men)	.80	.15	.31
Tobacco makers	.50	.11	.26
Weavers	.40	.07	.15
Wine and sake makers	.50	.15	.29
Wood sawyers	.50	.13	.30

The following are the rates of wages paid by the month:

Occupation.	Highest.	Lowest.	Average.
Confectionery makers and bakers	$12.00	$1.00	$5.74
Weavers:			
Men	12.00	1.00	4.83
Women	12.00	1.00	3.30
Farm hands:			
Men	5.00	1.00	2.31
Women	3.50	.49	1.28
House servants:			
Men	5.00	.50	2.12
Women	3.00	.59	1.16

There is another fact in connection with the wages paid Japanese workmen which is of importance. In 1873 the mills of Japan and those of the United States and England paid wages that had a certain given relation to each other. Since then silver has depreciated in value one-half, yet the Japanese manufacturer pays exactly the same rate of wages as before. The cost of labor to him is therefore one-half what it hitherto was.

T. R. Jernigan, consul-general of the United States at Shanghai, says:

"Japan by geographical position and the nature of the soil and its general aspect must be the manufacturing country of Asia, as Great Britain has so long been for Europe, and this fact brings nearer to the attention of the cotton producer of the United States the importance of shorter ways between their cotton fields and the cotton mills of Asia, especially by means of the Nicaragua Canal.

"The rapid increase in the manufacturing industry of Japan and China could not be sustained in the absence of a compensating remuneration, and if the statistics show the remuneration to be compensating, then the means of making it so should be inquired about. It is known that the manufacturing industry, generally, of the United States has not yielded merited returns for the labor and skill of those engaged in it.

"Osaka is the great manufacturing city of Japan. In Osaka 21 mills paid an average dividend of 18 per cent, the highest dividend being 28 per cent and the lowest 8 per cent. The dividends for 1893 are given at 12 per cent, and for the first six months of 1894 at the rate of 16 per cent. These figures show that the cotton mills of Japan are richly remunerative, while reliable figures show impoverishing returns for the cotton mills of Great Britain, and an unfavorable lookout for those of the United States."

The cotton manufacturing industry of Japan has increased with wonderful rapidity. There are at present 61 factories in operation, with 560,564 spindles, employing 8,890 men and 29,596 women, and when those establishments now under construction are put in operation during the present year the total number of spindles will be increased to 819,115. The result of the remarkable progress made by Japan in cotton manufacturing is shown in the diminished exports of cotton cloths from this country to China, which is now being supplied in a great measure by Japan, and which will take more from that country and less from us year by year. In 1893 China imported from the United States 65,859,000 yards of cotton, and in 1896 only 27,706,000 yards. From England China imported in 1892 nearly 500,000,000 yards, and in 1896 only 355,000,000 yards.

Consul-General Jernigan states that the industrial development of the Orient is fast becoming a matter for serious thought, and says:

"The enterprising Japanese have, within a few years, established docks and machine shops for the building of medium-sized war ships, and each subsequent year has witnessed fewer orders going to foreign markets for naval supplies. Soon from the naval shops of Japan will be launched as strong war ships as breast the waves of Asiatic seas, and ere a distant year the forces of civilization which have moved Japan so rapidly on lines of progress will be actively and practically at work in China. The awakening of the "middle kingdom" here predicted will put to sleep forever the customs which have for centuries dominated China, as it will call into life new principles to govern her foreign and domestic relations. The thoughtful statesman and merchant will prepare for the solution of the new political and commercial problems. These problems are now claiming the attention of the business men of Great Britain, and the fact that the China Mutual Steamship Navigation Company, of London, is having its vessels repaired in China and Japan is regarded as being of serious significance to British labor and as an evidence of its being displaced by the cheaper labor of China and Japan.

"At a recent meeting of the Peninsular and Oriental Steamship Company the belief was expressed by a member that gentlemen then present might live to see the company's mail steamers built on the Yangste, in China, instead of on the Clyde, the Tees, or the Tyne. And it is worthy of note that the large majority of the sailors and servants on the foreign steamships that carry the mails across Oriental seas are of the Asiatic races, their employment being due to the cheapness of their wages, for an Asiatic works to-day at one-half of the wages in gold, though at the same wages in silver, that he did twenty years ago, whereas wages in the United States and Great Britain have not materially depreciated from the wages paid in gold twenty years ago. As to commodities in Great Britain and the United States, the average prices are the lowest of the century, while the average prices comparatively of twenty leading commodities of Chinese production were nearly the same in Shanghai in 1896 as they were in 1873, and a higher degree of prosperity in China and Japan has accompanied this stability in prices."

William Eleroy Curtis, in the January number of the Bulletin of the Department of Labor, says:

"Japan is becoming less and less dependent upon foreign nations for the necessities and comforts of life, and is making her own goods with the greatest skill and ingenuity. Since their release from the exclusive policy of the feudal lords, the people have studied the methods of all civilized nations and have adopted those of each which seem to them the most suitable for their own purposes and convenience. They have found one thing in Switzerland, another in Sweden, another in England, others in Germany, France, and the United States, and have rejected what is of no value to them as readily as they have adopted those things which are to their advantage. It is often said that the Japanese are not an original people; that they are only imitators, that they got their art from Korea, their industries from China, and that their civilization is simply a veneer acquired by imitating the methods of other countries. All of this is true in a measure, but it is not discreditable. Under the circumstances that attend the development of modern ideas in Japan, originality is not wanted, but a power of adaptability and imitation has been immensely more useful. The Japanese workman can make anything he has ever seen. His ingenuity is astonishing. Give him a piece of complicated mechanism—a watch or an electrical apparatus—and he will reproduce it exactly and set it running without instructions. He can imitate any process and copy any pattern or design more accurately and skillfully than any other race in the world. It is that faculty which has enabled Japan to make such rapid progress, and will place her soon among the great manufacturing nations of the world.

"It was only forty years ago that the ports of Japan were forcibly opened to foreign commerce. It was only twenty-eight years ago that the first labor-saving machine was set up within the limits of that Empire. Now the exports and imports exceed $115,000,000.

"While the Japanese will soon be able to furnish themselves with all they use and wear and eat without assistance from foreign nations, they will be compelled to buy machinery and raw material, particularly cotton and iron. Therefore, our sales will be practically limited to those articles. And the market for machinery will be limited as to time. The Japanese will buy a great deal within the next few years, almost everything in the way of labor-saving apparatus, but they are already beginning to make their own machinery, and in a few years will be independent of foreign nations in that respect also. Another important fact—a very important fact—is that they will buy only one outfit of certain machinery. We will sell them one set, which they will copy and supply all future demands themselves. This will go on until the new treaties take effect, when American patents will be protected."

Complaint comes from Honolulu that the Japanese are there starting industries of various kinds, even including blacksmith and harness shops. Japanese carpenters, painters, and paper hangers underbid white contractors 33 per cent.

It is apparent to all thinking men from the facts which are being forced upon their attention that the industries of the United States will soon find a competitor with whom it will be useless to struggle under existing conditions. Japan has, or will have in a few years, the best labor-saving machinery that the inventive genius of the world has been able to produce. It will meet us on an even, perhaps a superior, footing in this respect. But besides this, it will have labor at a cost of about one-tenth that of ours, and which is capable of producing manufactured products as good as those produced by our own workmen.

The fact that in Japan silver is the monetary standard can not be overlooked in connection with the subject here discussed. Although the market value of that metal has diminished one-half during the past twenty years, a silver yen will purchase in Japan just as much now as it could in 1873. This has an important bearing on the welfare of the American workman. Because of this depreciation in general market value of silver, while its purchasing power in Japan is unchanged, our workmen are now able to compete with Japanese mechanics on a basis which is only one-half as favorable as it was a quarter of a century ago.

Suppose, for instance, that a Connecticut dealer in clocks wishes to lay in a stock of cheap goods. He can buy them in the home market for, say, $1 each. It makes no difference whether he offers a gold or silver dollar, he can get only one clock for that sum. But he can with his gold dollar buy two Japanese silver dollars, with which he can purchase two clocks of Japanese manufacture, assuming that the price in Japanese coin of the Japanese article is the same as here. He can, therefore, for a given amount of money, get a stock twice as large by making his purchases in Japan. This stock he sells here for silver, which he can exchange for gold, dollar for dollar, and by repeating the operation can reap a rich harvest at the expense of the workmen in his native State. But the facts permit an even more ominous showing than this, for the prices of Japanese products, owing to the extremely low wages of labor, are far below those of the same class of goods here, so that the Connecticut dealer will be likely to get four Japanese clocks for the dollar which will buy only one of Connecticut manufacture.

Consul-General Jernigan, writing from Shanghai, in April, 1895, says:

"It is here that the subject of wages should receive careful attention and it should not be forgotten that while the law of supply and demand with regard to commodities is international, it is only national and often provincial with regard to labor. A bale of cotton may have the same exchangeable value in New Orleans, Liverpool, or Bombay, but the price of a day's labor in Bombay bears no relation to the price of a day's labor in Liverpool or New Orleans, and no adjustment of the two opposing principles can be effected unless a cargo of coolies can be imported as easily as a cargo of cotton.

"An intelligent understanding of the influential agency of the price of labor in regulating the profits of manufacturing enterprise may be had from this illustration: In 1873 the mills of the Orient and Occident were competing on equal terms, and receiving equal returns. Now, in 1894, each mill employs the same amount of labor as it did in 1873, but the owner of the mill in the United States pays for the labor in gold at the old rates, while the owner of the mill in Japan pays for labor in silver at the old rates also. The Japanese mill owner paid in 1894, as he did in 1873, from 18 to 20 cents a day for men, and from 8 to 10 cents a day for women. That meant, in 1873, from 18 to 20 cents in gold a day for men, and from 8 to 10 cents in gold a day for women. Now, during the greater part of 1894, $1 in gold has been about equal to $2 of Japanese silver, which makes it clear that, on account of the depreciation of silver alone, without taking into account the low rate of standard wages which prevail in the Orient, the mill owners of the United States are now paying twice as much for labor as the mill owners of Japan. This may be one reason why the cotton mills in Japan are showing such handsome returns, while in the United States and Great Britain they are comparatively struggling for existence. Not only does this principle of the difference in value of currency in which labor is paid in the eastern and western countries apply to wages, but it applies to whatever is essential to the success of agriculture and manufacturing enterprise.

"It is not meant to intimate that the price of labor in the United States should be regulated by the price of labor in oriental countries, but I do mean that unless some standard of international value for the payment of labor is agreed upon, the products of the oriental laborers tend to become a dangerous rival to the products of the occidental laborers. The statistics and logical comparisons therefrom, here adduced, at least warrant the expression of such an opinion. It is justified by other well-authenticated facts, considered in other connections, but all pointing to the same conclusion. If the land acquired twenty-five years ago by foreigners at Shanghai for their residence and business houses was then worth $25,000,000 and was now sold for what it originally cost in silver, and this silver, the proceeds, was converted into gold at present rates, there would be a loss of about $12,000,000; and by this rule it appears that the inequality in the value of silver and gold has reduced the gold value of property here one-half.

"I am not writing in favor of a gold or silver standard, but I am adducing facts which should awaken greater attention—better still, more decided action—in favor of a permanent or more equalizing adjustment of the value of silver and gold as purchasing mediums. Silver is used by one-half of the world and gold by the other half, and while wages in one-half are paid in a depreciated currency and in the other half in an appreciated currency, a rivalry between the respective products of the labor of each is encouraged, with the advantage in the outset to the products of the laborer paid in depreciated currency, especially when the latter can supply his daily wants with such a currency, which he willingly receives and remains contented. Such apparent advantage is no longer offset by the superiority of the machinery heretofore employed in manufacturing, which was confined to the half of the world now using gold. The same grade of machinery which a few years ago gave superiority to the cotton mills of the United States and Great Britain is now used in the cotton mills of Japan and China, and the enterprise that transplanted it to those countries sent with it foreign skill and ingenuity to superintend and utilize its capacity."

Here is a situation whose danger can hardly be overestimated, and which can not be too quickly guarded against to the extent of our power. It is a situation that demands immediate study by men who are familiar with the conditions of production in this country, and who are able to devise methods by which our own industries may be protected. A commission of the character proposed can best do this work. It will have for its aid the Bureau of Labor already established, which has gathered facts of great value, and is engaged in labors that will be of still greater usefulness. Both commission and Bureau, working on the same lines, can be made to supplement each other in a most effective manner. But the commission is necessary for the study of industrial situations such as that which is now so forcibly presented to our attention, with a view to discover how our own industries are affected and how they can best be protected, and this can not be done too soon. The need of action is immediate. Japan has demonstrated its capacity for rapid development which gives no hope that time will be given us to study at our leisure the questions presented. The issue is even now upon us, and now is the time to act.

Your committee therefore recommends the passage of the bill.

Mr. PERKINS. There is hardly a request which my friend from Iowa would make of me to which I would not yield, but it is not the fault of the Senator from Pennsylvania, or the other members of the committee which considered this bill, that it has not been before the Senate for consideration. Time and time again it has been brought up here, and objections have been made to it. I will promise that the friends of the bill will not occupy fifteen minutes in its advocacy, and if its opponents, the Senator from Rhode Island [Mr. ALDRICH], the Senator from Connecticut [Mr. PLATT], and others, will do the same, we shall dispose of the bill in thirty minutes, and either defeat it or pass it.

I want to say, parenthetically speaking, that appropriation bills are, of course, necessary for the sustenance and life of this Government, but this bill is of vital importance, I believe, to the people of our whole country. The object of a government is to make people happy, contented, and prosperous, as well as to protect them in their lives and property, and the millions of friends of this bill believe that it is a panacea for many of their wrongs. Give us, therefore, the opportunity of voting upon it, and whatever the result may be, we shall all acquiesce in it.

Mr. PLATT. Mr. President, I feel that I ought to make a single remark with regard to one observation of the Senator from California. This is the first time, I think, that a motion has been made to take up this bill. The continuous request has been that it should be considered by unanimous consent when we were considering unobjected bills. Being opposed to the bill, I have felt, under those circumstances, that it was my duty to object. I felt that this was a bill which should be discussed. I do not intend to discuss it at any great length, but I do intend before its passage to take sufficient time to inform the Senate of the very remarkable provisions which the bill contains.

Mr. ALLISON. Now, Mr. President——

Mr. ALDRICH. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. ALDRICH. As the Senator from California [Mr. PERKINS] has seen fit to allude to me as one of the opponents of the bill, I desire to say that I am opposed to the bill because I believe it is utterly impracticable and nonsensical, if such a word is a proper word in a parliamentary sense to use in connection with a bill; and I feel bound to call the attention of the Senate and the country, and of the labor organizations themselves, to its character, not at any very great length, but in my opinion, the bill will certainly occupy more time than is now at the disposal of the Senate if we are to dispose of the pending appropriation bills.

Mr. QUAY. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. I yield.

Mr. QUAY. I suggest that a time be fixed for taking the vote on this bill. I think the Senator from California will agree to that suggestion.

Mr. ALDRICH. No time can be fixed until after the debate on the bill has been concluded.

Mr. ALLISON. I want to say to the Senator from California that I am not antagonizing this bill. I am simply stating the necessity of dealing with the appropriation bills now in preference to any other measure that is on the Calendar or is likely to be placed on the Calendar. I am perfectly willing that a time shall be fixed for a vote on the bill, and I should be glad if we could have a vote in fifteen minutes, and would yield to it; but if that can not be done, or a time can not be fixed, I feel it to be my duty to test the sense of the Senate by a yea-and-nay vote upon the expediency of proceeding with the Indian appropriation bill.

Mr. HOAR. What is the regular order?

Mr. PLATT. Mr. President, in regard to the matter of fixing a time to take a vote——

Mr. SHERMAN. Is it in order to debate a motion to take up a bill?

Mr. PLATT. No motion has been made.

Mr. HILL. The bill has been already taken up.

The VICE-PRESIDENT. The Chair will state the present condition of the bill. Upon the motion of the Senator from Pennsylvania [Mr. QUAY], the bill is now pending before the Senate. The Senator from Connecticut [Mr. PLATT] was recognised upon the bill.

Mr. TELLER. I ask the Senator from Connecticut to yield to me for just a moment.

Mr. PLATT. I will in a moment.

I want to say, with regard to the proposition to fix a time for taking a vote, that it is scarcely practicable before discussion has taken place upon a bill so important as this, which, as it seems to me, revolutionizes the whole system of legislation in this country, to fix a time for taking the vote. There is not, so far as I am concerned, going to be any great delay in discussion; but there ought to be discussion before we are asked to fix a time for taking a vote.

Mr. QUAY. I suggest that the vote be taken at 3 o'clock on the 1st of March, by unanimous consent.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Pennsylvania, that the vote be taken upon the pending bill at 3 o'clock on the 1st day of March. Is there objection?

Mr. HAWLEY. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. PALMER. Mr. President——

Mr. TELLER. I yield to the Senator from Illinois.

Mr. PALMER. I desire to say but a very few words in regard to this measure. It proposes an efficient commission to obtain information which is of the highest importance. The Congress, including the Senate, has made large appropriations for many objects, but none more important than this. The purpose of this bill is to secure information in regard to the distressing problems, the distressing embarrassments, which now attend the relations of capital and labor, including agriculture and manufactures. The bill contemplates an adequate payment to an adequate commission; that commission is to be aided by all suitable agencies, and if it shall find a solution for the distressing problems and distressing embarrassments which now divide our people into classes, sections, and various interests, it will have achieved more for this country than the construction of a man-of-war.

Mr. PLATT. Mr. President, if the discussion is going on upon this bill, I shall say what I have to say about it now.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me that I may test the sense of the Senate on the question of proceeding to the consideration of the Indian appropriation bill.

Mr. TELLER. Before that is done, I should like to say a few words, if I am now in order, if the Senator will yield for that purpose.

Mr. PERKINS. Mr. President, I am of a compromising nature. I ask unanimous consent to arbitrate this question. We have been talking about arbitration for some time. The distinguished Senator from Iowa, of course, when he undertakes anything, generally succeeds. We have not, I think, a law upon our statute books which is not in a measure one of compromise. Therefore I make the suggestion to the Senator from Iowa that when the last appropriation bill shall have passed the Senate this bill shall be taken up for consideration.

Mr. ALLISON. I agree to that with great cordiality. [Laughter.]

Mr. FAULKNER. I object to that.

Mr. HILL. I insist upon it that this bill is properly before the Senate, that the Senator from Connecticut [Mr. PLATT] has the floor, and can not be taken off the floor without his consent. This bill having been brought up by vote, its friends should stand by it and proceed to dispose of it.

Mr. ALLISON. All right.

The VICE-PRESIDENT. The Chair has stated the condition of the bill. The Chair does not understand whether the Senator from Connecticut has yielded the floor or not.

Mr. PLATT. I have not.

Mr. QUAY. Will the Senator from Connecticut yield to me for a moment?

Mr. PLATT. I will yield to the Senator from Pennsylvania for a moment.

Mr. HILL. I insist on the regular order.

Mr. QUAY. I will put in form the suggestion of the Senator from California [Mr. PERKINS]. I move that the further consideration of this bill be postponed until the last appropriation bill shall have passed at the present session; and that it shall then be the special order.

Mr. PERKINS. Provided it be not later than March 1.

Mr. ALDRICH. There can be no objection to that.

Mr. HILL. I rise to a point of order, that there can be only two motions to postpone—one to a day certain, and the other indefinite postponement; and this motion, while it would be sufficiently uncertain to move to take the bill up after the last appropriation bill is disposed of, is not in order under the rules of the Senate.

Mr. QUAY. I ask unanimous consent that that order be made.

Mr. HOAR. I suggest to the Senator that if there is to be no time until after the last appropriation bill passes the Senate, then this motion is simply a snare and a delusion, and of course does no good to the bill. If there is any such time, it belongs to other measures. I must object.

Mr. ALLISON. Now I ask the Senator from Connecticut to yield to me.

Mr. HILL. I insist on the regular order. The Senator from Connecticut is entitled to the floor and ought to proceed.

The VICE-PRESIDENT. The Chair has so determined; but the Chair submits to the Senate the request for unanimous consent. Will the Senator from Pennsylvania again state his request?

Mr. HOAR. That was objected to, Mr. President.

The VICE-PRESIDENT. Will the Senator from Pennsylvania again state his request for unanimous consent?

Mr. QUAY. My request was that the further consideration of the bill should be postponed until the last appropriation bill shall have been passed, and then that the bill shall be the special order.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Pennsylvania, that the consideration of the pending bill be postponed until the last appropriation bill shall have been disposed of, and that it shall then stand as the regular order.

Mr. HOAR. Disposed of by whom?

Mr. QUAY. Shall have passed the Senate.

Mr. HOAR. To that I object.

The VICE-PRESIDENT. Objection is interposed. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. ALDRICH. In a spirit of compromise, I suggest that we make the bill the special order for the 1st day of March.

Mr. PERKINS. And vote on the bill on that day.

Mr. ALDRICH. Make it a special order, and we will get a vote on it as soon as we can.

Mr. QUAY. Make it a special order for the 1st of March, after the conclusion of the morning business.

Mr. HAWLEY. I object to that.

Mr. HILL. I object to this joint debate.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. HAWLEY] objects. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. TELLER. I ask the Senator from Connecticut to yield to me.

Mr. QUAY. If the Senator from Connecticut will give way, I will move that the bill be postponed until the 1st of March, and be then made a special order at the conclusion of the morning business.

Mr. ALLISON. Let that be done.

The VICE-PRESIDENT. Does the Senator from Connecticut yield for that motion?

Mr. PLATT. I shall ask the yeas and nays on it.

Mr. PERKINS. I suggest to the Senator from Pennsylvania that he name an hour for voting. Otherwise the bill will be defeated.

Mr. QUAY. That consent we can not get.

Mr. PERKINS. Otherwise the bill will be defeated.

Mr. QUAY. I withdraw the motion. I am not in charge of the bill.

Mr. HILL. Let the Senator from Connecticut proceed with his remarks.

The VICE-PRESIDENT. The Senate will come to order. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Let me call attention now, Mr. President, since we have had this irregular and desultory consideration of the pending bill, to what its features really are.

Mr. ALLISON. I appeal to the Senator from Connecticut once more to yield to me that I may make a motion. I think he will find it more convenient to yield now, inasmuch as the bill is likely to be postponed, and that he will want to make his explanation of the bill when it is under consideration rather than now.

Mr. PLATT. I yield to the Senator from Iowa.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The Senator from Connecticut yields to the Senator from Iowa to make a motion, which the Chair will submit to the Senate.

Mr. HILL. Mr. President——

Mr. ALDRICH and others. The motion is not debatable.

The VICE-PRESIDENT. The Chair will hear the statement of the Senator from New York.

Mr. HILL. I was going to ask the Senator from Iowa whether, the opponents of the bill having been heard on this question——

Mr. ALDRICH. Regular order!

Mr. HILL. Those who are in favor of it——

Mr. ALDRICH. Mr. President, I object to discussions upon the pending motion, which is not debatable.

Mr. HILL. Those in favor of the bill should have the opportunity to say a word.

Mr. ALDRICH. I ask that the rules of the Senate may be enforced.

Mr. HILL. I ask for the yeas and nays on the motion, and I hope the friends of the bill will vote the motion down.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Iowa [Mr. ALLISON] that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired generally with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. MORRILL. I am paired with the senior Senator from Tennessee [Mr. HARRIS]. I think he would vote in favor of a motion to proceed to consideration of an appropriation bill; but not knowing certainly about it, I withhold my vote.

The result was announced—yeas 34, nays 28; as follows:

YEAS—34.

Aldrich,	Chilton,	Hoar,	Sewell,
Allison,	Cockrell,	Jones, Ark.	Sherman,
Baker,	Cullom,	McMillan,	Stewart,
Berry,	Daniel,	Mills,	Vest,
Blackburn,	Davis,	Morgan,	Walthall,
Brown,	Frye,	Nelson,	Wetmore,
Caffery,	Gorman,	Pasco,	Wilson.
Call,	Gray,	Platt,	
Chandler,	Hawley,	Proctor,	

NAYS—28.

Allen,	Gallinger,	Mitchell, Wis.	Quay,
Bacon,	Hansbrough,	Murphy,	Roach,
Bate,	Hill,	Palmer,	Shoup,
Burrows,	Irby,	Peffer,	Teller,
Butler,	Lindsay,	Perkins,	Vilas,
Cameron,	Lodge,	Pettigrew,	Voorhees,
Cannon,	McBride,	Pugh,	White.

NOT VOTING—28.

Blanchard,	Gear,	Kenney,	Smith,
Brice,	George,	Kyle,	Squire,
Carter,	Gibson,	Mantle,	Thurston,
Clark,	Gordon,	Martin,	Tillman,
Dubois,	Hale,	Mitchell, Oreg.	Turpie,
Elkins,	Harris,	Morrill,	Warren,
Faulkner,	Jones, Nev.	Pritchard,	Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. PETTIGREW. When this bill was last under consideration a portion of it was read formally, but an agreement was entered into by which we should commence with the beginning of the bill when it was again taken up and proceed to consider the amendments reported by the Committee on Appropriations. I therefore ask that that order be pursued.

The VICE-PRESIDENT. The Chair asks the Senator from South Dakota to repeat his request.

Mr. PETTIGREW. I ask that we dispense with the formal reading of the bill, and that the amendments of the Committee on Appropriations be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. BATE. What is that proposition, Mr. President? I did not hear it.

Mr. PETTIGREW. The proposition I make has already been agreed to, and was agreed to when the bill was heretofore laid aside.

The VICE-PRESIDENT. Will the Senator from South Dakota state his request for the benefit of the Senator from Tennessee [Mr. BATE]?

Mr. PETTIGREW. My request was that we proceed with the consideration of the bill and dispose of the amendments of the Committee on Appropriations as they are reached.

Mr. BATE. I do not see any objection to that.

Mr. WILSON. May I inquire of the Senator whether that will dispense with the formal reading of the bill as it came from the House of Representatives?

Mr. PETTIGREW. We have dispensed with the formal reading of the bill by unanimous consent.

Mr. FRYE. That was agreed to by unanimous consent a week ago, and all the Secretary has to do is to read the bill and take up the committee amendments as they occur.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Current and contingent expenses," on page 9, line 11, after the word "farming," to insert "within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference;" so as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming within the State or Territory where such agency is located, and where practicable, competent Indians shall be given the preference.

Mr. CHILTON. Mr. President, that is an attempt to put into this bill what seems to me a very narrow sort of policy, that the men who are employed as farmers to assist the Indians, or to instruct them, shall have lived for two years within the State or Territory in which the agency is located. It was left out of this appropriation bill in the other House purposely. The provision has been reported by the Senate committee, and it occurs to me that it would be well to cut it out here. It is not a matter of great importance, and yet it establishes what I think is a bad principle, an attempt to prescribe that Federal officers shall be chosen from a particular locality.

Mr. WILSON. Mr. President, under the recent proclamation of the President of the United States placing all of these offices under the civil service, will an amendment of that character have any force and effect? I do not know. I make the inquiry.

Mr. ALLISON. I am not quite sure whether a law passed now would have any effect upon an Executive order made some time ago; but I rather think it might control it.

Mr. WILSON. All the offices of minor importance in the United States are now under the control of the civil service trust, even to the cooks and the gardeners in the penitentiaries. The cook in the penitentiary at McNeils Island, in the State of Washington, I suppose would have to pass an examination in trigonometry, or something of that character. [Laughter.] The order is sweeping in its character, and takes in every office except those confirmed by the Senate of the United States. In my judgment, therefore, an amendment of this character would seem to me to have no effect whatever. We may get a farmer upon an Indian reservation from Rhode Island or from any other place. I do not think the provision amounts to anything.

Mr. CHILTON. I urge again that the provision in question be stricken out. I am no special friend or champion of the civil-service system. That, however, is not the subject here. If the civil-service law makes the provision nugatory, it will do no good, and should not be inserted. But I am inclined to think that if we put the provision in the bill it might lead to embarrassment. It is of doubtful constitutionality. I do not think Congress has a right to make limitations upon the eligibility to Federal office.

Mr. PETTIGREW. I will say that the reason which prompted the committee to insert this amendment was this: Heretofore, especially under the administration of the last Secretary of the Interior, farmers were brought, for instance, from Mississippi and Georgia to the State of South Dakota, and from the Northern States generally, to teach the Indians how to farm. In South Dakota they do not raise the same crops which are raised in Mississippi. Our Indians could not be taught to raise peanuts and cotton. Therefore there was utter demoralization of the service as a result of this practice. Under the civil service, and these appointments are under the civil service, lists can be prepared so as to avoid that. Otherwise it will occur constantly. Men from the Southern States will take the civil-service examination and be sent to teach Indians in the Northern States the kind of farming which it is impossible for them to follow.

The amendment contains two important conditions. First, that the farmers shall be residents, experienced in farming in the locality near the agency, where they have a knowledge of the kind of farming which the Indians can follow in that climate. Second, competent Indians shall be given the preference. Indian boys have been educated at our schools in the North and are abundantly able to fill these places. Yet the pressure for patronage is so great that those boys will be shut out in every instance unless we provide by law that they shall be given the preference. It seems to me the amendment is important. It covers two important questions, and I think it ought to be adopted by the Senate.

Mr. CHILTON. To that part of the amendment which proposes that where practicable Indians shall be given preference, I have no sort of objection, but to hamper the appointing power by certain geographical lines and say that officers selected by the Government of the United States shall reside in a particular State is, in my judgment, a departure from the constitutional and national system which our fathers set on foot. It is true that the employment of a few men on an Indian reservation is intrinsically a small matter, but when you analyze the issue it is just that question which we have had up in the Senate from year to year in different forms.

It is true that it would be very inexpedient to select a farmer from Texas, for instance, and send him to South Dakota to instruct the Indians of that particular section. I do not believe any Indian Commissioner who has a proper conception of his duties would do so. Why? Because such a man is not best fitted for the particular duty to which he is assigned. But, sir, suppose that for a reservation on or near the border of Nebraska and South Dakota, and yet inside the line of South Dakota, the Indian Commissioner should select a farmer living right across the line in Nebraska. That might be a very proper exercise of his discretion. The amendment is an attempt to superadd to the constitutional qualifications of Federal officers a certain further qualification which we have no right to make. I shall ask for a yea-and-nay vote on agreeing to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. VEST and Mr. HAWLEY. What is the amendment?

The VICE-PRESIDENT. The amendment will again be stated.

Mr. HAWLEY. On what page is it?

Mr. PETTIGREW. Page 9.

The SECRETARY. On page 9, line 11, after the word "farming," it is proposed to insert:

Within the State or Territory where such agency is located, and where practicable competent Indians shall be given the preference.

Mr. WILSON. I desire to ask Senators, in all candor, whether they do not think that in some way or some manner a further amendment should be added to this provision, taking out of the classified service farmers upon Indian reservations? We are trying to provide here that wherever practicable Indians who are competent shall be given the preference. It is a well-known fact that if an Indian be compelled to undergo an examination which the Civil Service Commission may provide, it would be impossible and impracticable for him to pass it. He might have some knowledge of farming; he might know something relative to sowing and reaping; he might be a fairly good instructor upon farming, but he would know very little about differential calculus; he would know very little about the lost tribes of Israel, and other matters which might be embraced in the examination that the Commission would provide for him.

It seems to me that if we are to have any practicable reform of this character and to give the Indians the benefit of having instructors on farming, this class of appointments must be taken out of the classified service, and that is true in many other particulars. A very wide and very sweeping order has been made. It is depriving men who have not had the opportunity to receive an education of the chance to do a certain class of work that is provided by the Government. All teamsters, all men who drive wagons, all men who cook in penitentiaries, all guards in penitentiaries, are now under the classified service. It seems to me, with all respect to the source from which the order emanates, that it is a very great and serious mistake.

Mr. GALLINGER. Will the Senator from Washington yield to me for a moment?

Mr. WILSON. Certainly.

Mr. GALLINGER. I quite agree with the Senator in his expressed views of civil service. I should make them a little more emphatic than he does if I were discussing that particular topic. I wish to ask the Senator if he thinks this language would exclude these men from the operations of the civil service:

And where practicable, competent Indians shall be given the preference.

Does the Senator think that that language will procure for these men employment without reference to the Civil Service Commission?

Mr. WILSON. It is very doubtful.

Mr. GALLINGER. I should think it would not.

Mr. WILSON. It is a doubtful question. In the first place, we talk a good deal about trusts in the Senate of the United States, but the greatest trust is the civil-service trust.

Mr. GALLINGER. That is right.

Mr. WILSON. I do not know what the Commission would do. I am a friend of a proper, legitimate, reasonable civil service, but I am not a friend of the civil service where I do not think it will operate to the best interest of the service of the United States, and I do not believe it will do so as to Indian farmers. I do not believe it will do so with cooks for penitentiaries. I do not believe it will do so with teamsters. I do not believe it will do so with blacksmiths. I do not believe it will do so with harness makers and all that class of labor. There are a great number of poor men in this country who have not had an opportunity to acquire an education who desire those places and who have learned these trades and have a thorough knowledge of them. They ought to have an opportunity to obtain them, but they can not without undergoing the examinations that the Civil Service Commission may prescribe.

Mr. CHILTON. Of course, when that question comes up——

Mr. WILSON. It is up right here, Mr. President, upon this amendment.

Mr. CHILTON. I move to amend the committee amendment by striking out line 12 on page 9. That will leave that part of the amendment which provides that a preference shall be given to Indian farmers and strikes out that part of it which requires that the farmers shall be appointed from the State or Territory.

The VICE-PRESIDENT. The amendment of the Senator from Texas to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out, on page 9, line 12, as follows:

Within the State or Territory where such agency is located.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CHILTON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote.

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], who is not present. I therefore withhold my vote.

Mr. MANTLE (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS], who is not present.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Nebraska [Mr. THURSTON]. As he is not present, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I am advised that if present he would vote "nay." Therefore I withhold my vote, for I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "yea."

Mr. MANTLE. I have a general pair with the junior Senator from Virginia [Mr. MARTIN], as I have stated. The Senator from New Jersey [Mr. SMITH] has a general pair with the Senator from Idaho [Mr. DUBOIS]. I have the consent of the Senator from New Jersey to transfer my pair with the Senator from Virginia to the Senator from Idaho, so that I may vote. I vote "nay."

Mr. VILAS. I ask the Senator from Oregon [Mr. MCBRIDE] if he desires to transfer pairs, so that he and I can vote on this question?

Mr. MCBRIDE. I should be very glad to transfer pairs.

Mr. VILAS. Then let the Senator's colleague [Mr. MITCHELL] stand paired with the Senator from Mississippi [Mr. GEORGE], and the Senator can vote, and I will. I vote "yea."

Mr. MCBRIDE. I vote "nay."

The result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Bate,	Gray,	Morgan,	Vilas,
Berry,	Hawley,	Palmer,	Walthall.
Caffery,	Jones, Ark.	Pasco,	
Chilton,	Lindsay,	Roach,	
Daniel,	Mills,	Vest,	

NAYS—32.

Aldrich,	Cameron,	Nelson,	Sewell,
Allen,	Cannon,	Peffer,	Shoup,
Allison,	Cullom,	Perkins,	Stewart,
Bacon,	Frye,	Pettigrew,	Teller,
Blackburn,	Gallinger,	Platt,	Turpie,
Brown,	McBride,	Proctor,	Voorhees,
Burrows,	McMillan,	Pugh,	Wetmore,
Butler,	Mantle,	Quay,	Wilson.

NOT VOTING—41.

Baker,	Faulkner,	Irby,	Sherman,
Blanchard,	Gear,	Jones, Nev.	Smith,
Brice,	George,	Kenney,	Squire,
Call,	Gibson,	Kyle,	Thurston,
Carter,	Gordon,	Lodge,	Tillman,
Chandler,	Gorman,	Martin,	Warren,
Clark,	Hale,	Mitchell, Oreg.	White,
Cockrell,	Hansbrough,	Mitchell, Wis.	Wolcott.
Davis,	Harris,	Morrill,	
Dubois,	Hill,	Murphy,	
Elkins,	Hoar,	Pritchard,	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Chippewas of Minnesota, reimbursable," on page 14, line 20, before the word "thousand," to strike out "one hundred and twenty-five" and insert "seventy-five;" and in the same line, after the word "dollars," to strike out "so much thereof as may be necessary for the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., to be immediately available;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses; and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $75,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

For the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., $50,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 15, line 8, after the word "dollars," to insert the following proviso:

Provided, That all lands acquired and sold by the United States under the "Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, shall be subject to the right of the United States to construct and maintain dams for the purpose of creating reservoirs in aid of navigation, and no claim or right of compensation shall accrue from the overflowing of said lands on account of the construction and maintenance of such dams or reservoirs. And the Secretary of War shall furnish the Commissioner of the General Land Office a list of such lands, with the particular tracts appropriately described, and in the disposal of each and every one of said tracts, whether by sale, by allotment in severalty to individual Indians, or otherwise, under said act, the provisions of this paragraph shall enter into and form a part of the contract of purchase or transfer of title.

The amendment was agreed to.

The next amendment was, under the subhead "Kickapoos in Kansas," on page 21, line 21, after the word "cents," to strike out:

Merchants and others doing business with and having accounts against Indians to whom allotment of lands has been made in any reservation in the State of Kansas shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing, in an orderly manner, such debts; but any Indian agent shall have power to remove any person from the reservation who is there for the purpose of gambling or inciting insubordination among the Indians.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill why it is proposed to strike out the lines which provide that merchants and others doing business with and having accounts against Indians, etc., may have the privilege of going upon the reservation in an orderly manner to collect their debts? It seems to me that if these Indians are in debt, and are dishonest, it is very proper that those who have trusted them should at least have the privilege of going upon the reservations to try to collect their honest bills.

Mr. PETTIGREW. The committee recommends striking out the provision of the House for the reason that we have upon the agencies licensed traders who are required to give bond to conform to certain rules of the Department. The Department has a right under those rules to fix the prices at which the traders shall sell goods. So far as I am concerned, I am in favor of making trade absolutely free upon the agencies, allowing anyone who will conform to the rules of the Department and give a bond to go there and trade. But if we allow people from the outside, without any restriction or restraint upon them whatever, to come in and collect when the money is paid to the Indians, they take advantage of the Indians, and when the check is delivered they stand in close proximity to the officer of the Government and get possession of it, giving the Indian credit. The result is that they make from 50 to 300 per cent profit on the goods they sell to the Indians on time, and are able to make absolutely certain of their pay. They charge a profit which more than pays them for all the risk they take as to whether the Indian will come and pay them when he gets his money, and then if they are permitted to go upon the reservation they secure their pay at once. The checks are taken from the Indians in many instances without their consent, or by forced consent. In some instances they are taken from Indians who can not speak the English language, and they do not know what the purpose or object is. Therefore the committee thought it wise to hedge about these payments, so as to protect the Indians as far as possible in this connection.

Another remedy might be applied. We might provide that no one should trade upon an agency at all. Perhaps that would be a good plan, and then allow no one to go there to collect, and if the traders choose to trust the Indians let them take their chances as to whether or not they get their pay. I think perhaps that would eradicate many of the evils which exist in connection with trading with the Indians. Certain it is that without this provision a swarm of collectors who have sold the Indians all sorts and kinds of articles by misrepresentation of every character will appear at every payment and gather up every dollar that is coming to the Indians. Then until the next payment the Indians must again go into debt, paying enormous prices for things they do not need. But if the traders can not go upon the agency to collect, they will be very careful about giving credit, they will be very careful about the things they sell, and thus the Indians will be protected. Therefore I believe it is important that this provision should be stricken out.

Mr. GALLINGER. Mr. President, I recognize the fact that the Senator from South Dakota (who has dealings with the Indian tribes more or less, and I am a representative of a State that knows very little about this Indian question, except theoretically) understands this question much better than I. Nevertheless, I have had some very trivial dealings with Indians, and I have yet to recall the circumstance where I did not get the worst of it. I do not think there is any very great danger of these Indians being robbed if they are compelled in an orderly and proper way to pay their debts. If they go away from their reservations and secure goods upon a promise of payment, and then the merchant who has given them those goods is not permitted, either in person or by an agent, to go upon the reservation to make demand that they shall pay what they honestly owe, it seems to me we are legislating against the white people for the benefit of the Indians to a much greater extent than we ought to do in an Indian appropriation bill.

I confess, as I said in the beginning, I know comparatively little about this matter. It simply strikes me as being a business transaction that is one sided and unfair. I think the House was wise in putting in the language which the Senator from South Dakota desires to have stricken from the bill. I shall vote against the amendment, but I presume it will pass, and I shall not occupy the attention of the Senate a single moment further in the discussion.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the adoption of the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, under the subhead "Pawnees," on page 24, line 7, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust-land money on deposit in the United States Treasury.

Mr. GALLINGER. Before that amendment is passed upon, I desire to ask the Senator in charge of the bill a question. Here is an amendment providing that the Pawnee tribe of Indians shall be paid in cash the sum of $50,000 per capita out of their trust-land money on deposit in the United States Treasury. I confess that it is somewhat of a surprise to me in my ignorance to know that we have such a class of aristocrats and bondholders in this country as the Pawnee tribe of Indians seem to be, that they can draw out their trust-land money $50,000 a head. I do not object to it, because I take it for granted that the money is there and that it belongs to them; but what I want to ask is, What conditions were imposed when this money was placed on deposit in the United States Treasury? Probably the Senator from South Dakota can in a very few words enlighten my mind on that point. The money was put there for some good purpose; it is there on deposit, I take it, to the credit of this tribe of Indians; but I assume there are some conditions attaching to it, some guards, some provisions that enable it to be held there for some good purpose. I would like to know what those conditions are and why we should now legislate to let $50,000 per capita of that money loose to these Indians, who, the Senator says, are capable of doing business? It is a query in my mind just what will become of this vast amount of money when these untutored savages get hold of it.

Mr. PETTIGREW. The Senator has mixed up a speech with his question. I will try and weed the question out of the speech and answer it. These Indians sold their surplus lands to the Government several years ago and took allotments in severalty. I believe under the so-called Dawes Act of 1887 they received a certain sum of money for the land which they sold, which was

placed in the Treasury of the United States, bearing interest at 5 per cent. The sum is not large; it is about $450,000. Therefore the interest money was not sufficient to make the necessary improvements in order that they might proceed to cultivate their allotments.

Mr. PLATT. Will the Senator from South Dakota permit me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. PETTIGREW. Certainly.

Mr. PLATT. The Senator from New Hampshire evidently supposes, from his remarks, that the sum of $50,000 is to be paid to each Indian.

Mr. PETTIGREW. I will say, as to the form of the amendment, if that is what troubles the Senator from New Hampshire, it was drawn by the Interior Department in the exact form in which it is placed in the bill; that it is hardly capable of the construction which the Senator gives it; and that the payment is recommended by the Department.

Mr. GALLINGER. I will say to the Senator that the form of the amendment does not trouble me, because I honestly supposed, after reading the amendment twice, that it meant precisely what I said, that $50,000 per capita was to be distributed to these Indians. Of course, if the whole amount is $50,000, I have nothing further to say on that point.

Mr. GRAY. There is no question, perhaps, about what was intended, but the point is what is stated. It is stated in this amendment that the Government is not to distribute, but to pay to the Pawnee Indians in cash per capita $50,000.

Mr. GALLINGER. Certainly.

Mr. ALLISON. To be distributed per capita?

Mr. GRAY. The words "to be distributed" would relieve the ambiguity, of course.

Mr. PETTIGREW. I have no objection to that amendment to the amendment, although I do not think there is any danger that the Pawnees will get $50,000 apiece as it now stands.

Mr. ALLISON. I think the Senator is right. I do not believe they would get $50,000 apiece. They will do very well if they get $5 apiece.

Mr. CHILTON. Mr. President, I have an objection to the pending amendment of a more serious character than that suggested by the Senator from New Hampshire. As I understand it, this is a part of the trust fund of these Indians which is deposited in the Treasury and upon which they collect an interest of about $22,500 a year. The amount of the principal is not quite so great as was stated by the Senator from South Dakota. As I recollect it, the amount of the fund they have on hand is about $425,000.

Mr. PETTIGREW. That is about the amount.

Mr. CHILTON. About four hundred and twenty-five thousand. These Indians also get a permanent annuity of $30,000, which is provided for in the appropriation bill. They also get other appropriations in this bill which swell the amount to between $47,000 and $50,000, independently of the item now under discussion and the annual interest. Now, this annual interest on the trust fund is, as stated, about $22,500. Thus the Pawnees will draw about $70,000, even if the sum now debated is withheld.

How many of these Indians are there? I understand there are only about 140 families. They are located in some of the best country of Oklahoma. Their land is south of the Canadian River. It adjoins that of the Osages. I for one do not think that this trust fund ought to be invaded from year to year, and in that way all the permanent investment of this remnant of an Indian tribe wasted, and the Indians left to be a charge upon the Treasury of the United States.

Some of these Indians—for example, the Fort Hall Indians—that are provided for in this appropriation bill are, I understand, now on the bounty of the United States Government. If we adopt the method proposed and dwindle away the permanent trust fund of these Pawnee Indians, in a few years the Government of the United States will have to support them as paupers. Think of it; you divide about $70,000, without counting the sum mentioned in the amendment, among, say, 140 families. Now, if you make an additional appropriation, which runs the total amount up to about $120,000, to be distributed to them, it seems to me that you have made an unwise appropriation.

The Senator from South Dakota remarks that that is recommended by the Secretary of the Interior. I understand from my reading of the papers connected with this matter that it is recommended perhaps by the Commissioner of Indian Affairs, but the Secretary of the Interior simply refers it to Congress for its disposition. I do not think that the letter of the Secretary of the Interior can be considered as an indorsement of this particular appropriation. On the other hand, he states in his letter, as I remember it, that he endeavored to persuade these Indians to consent to take only $26,000, or enough to reduce their trust fund to $400,000.

Mr. PETTIGREW. I will say for the information of the Senator from Texas that the Secretary recommended $50,000, and that he drew the amendment so far as it appears in the bill and sent it down.

Mr. JONES of Arkansas. Will the Senator let the Secretary's recommendation be read to the Senate?

Mr. PETTIGREW. I have it not here.

Mr. CHILTON. The Senator says it is not here. I should like to have the Senator from South Dakota procure it and read it during the consideration of this question.

Mr. PETTIGREW. Let us pass over the item, and I will send and get the letter of the Commissioner of Indian Affairs in regard to this subject.

Mr. CHILTON. Oh, the letter of the Commissioner of Indian Affairs. I am drawing a distinction between the recommendation of the Commissioner of Indian Affairs and that of the Secretary of the Interior.

Mr. PETTIGREW. I will have them both here.

Mr. CHILTON. All right.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over.

The reading of the bill was resumed, as follows:

POTTAWATOMIES.

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

Mr. ALLEN. I wish to call the attention of the Senator in charge of the bill to the fact that this appropriation is payable in silver. I should like to ask him why it is made specifically payable in silver?

Mr. PETTIGREW. Because of the treaty.

Mr. GALLINGER. It is a treaty provision.

Mr. ALLEN. I know the position of the Senator from South Dakota, but I should like to have his associates explain to the Senate why we are to pay these benighted children of nature any money that is said to be worth only 50 cents on the dollar? I have noticed this same provision elsewhere; it runs in substance through the bill. I insist that the members of the Appropriations Committee, who claim to be sound-money men, and who claim to have a monopoly of all the wisdom upon the science of finance, shall not be guilty of the crime, if I may be permitted to call it a crime, of imposing 50-cent dollars upon these Indians. I raise the question upon this particular portion of the bill because all through the bill I find appropriations to Indians payable specifically in silver.

Mr. President, you are somewhat familiar with this question yourself from long contact in the Senate. The country is somewhat familiar with it. If a silver dollar is a dishonest dollar for a white man, it is a dishonest dollar for a red man, and the poorer and more defenseless the individual to whom it is to be paid, the less excuse there is for imposing it upon him.

Mr. HILL. Will the Senator read the clause?

Mr. ALLEN. The Senator from New York asks me to read the clause, which I will do. It is found on page 24——

The PRESIDING OFFICER. The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. PETTIGREW. I ask that the unfinished business be temporarily laid aside, and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the Indian appropriation bill. Is there objection?

Mr. NELSON. The bankruptcy bill is to be laid aside without any prejudice, and is to retain its place?

The PRESIDING OFFICER. That is the effect of the request of the Senator from South Dakota. The Chair hears no objection, and it is so ordered. The Senator from Nebraska will proceed.

Mr. ALLEN. The Senator from New York asks me to read the provision upon which I have been commenting. It is found on page 24 of the bill, and is as follows:

For permanent annuity, in silver, per fourth article of treaty of August 3, 1795, $357.80.

And then it goes on:

For permanent annuity, in silver, per third article of treaty of September 30, 1809, $178.90.

There are several other provisions for the payment of money, all specifically payable in silver.

Mr. WILSON. Will the Senator from Nebraska read the provision beginning on line 22? That will more nearly fit his case than any other on the page, I think.

Mr. ALLEN. Beginning in line 22, that provision reads:

For permanent annuity, in money, per second article of treaty of September 30, 1828, $715.60.

Mr. WILSON. I suppose that would be entirely satisfactory to the Senator. There is no objection——

Mr. ALLEN. I do not know that it would be entirely satisfactory to me unless the word "sound" were inserted before the word "money."

Mr. WILSON. Does the Senator propose to make that amendment?

Mr. ALLEN. No; I do not move that amendment, because I am not charged with any responsibility whatever for any of these appropriation bills.

Mr. WILSON. The Senator from Nebraska is not reading a lecture to his friend from South Dakota upon the money question?

Mr. ALLEN. Oh, no, Mr. President; the honorable Senator who is in charge of the bill is in enforced service. I do not think——

Mr. WILSON. Oh, no; I beg the Senator's pardon. He can retire from it at any moment. There would be plenty very glad to take his place. I should be very glad to take it myself. There will be no force about it, either.

Mr. ALLEN. In so far as he is advocating or compelled to advocate in behalf of the committee the payment of these Indians in silver money——

Mr. WILSON. I should like to hear the Senator from Nebraska also upon the provisions of the treaty which provide that this money shall be paid just as is provided for in the bill.

Mr. ALLEN. The Senator will have to speak louder, or I shall not be able to hear him.

Mr. WILSON. I ask the Senator from Nebraska if it is not a fact that the treaty made with the Pottawatomie tribe of Indians provided that this money should be paid in silver?

Mr. ALLEN. Oh, I think it did.

Mr. WILSON. Then why violate the treaty?

Mr. ALLEN. I do not want to violate the treaty, and I do not want the committee to violate it.

Mr. WILSON. They are not doing so.

Mr. ALLEN. But at the time when these treaties were made silver was sound money, according to the general understanding, in this country.

Mr. WILSON. We were on a silver basis, were we not?

Mr. ALLEN. Oh, no; we have never been on a silver basis. Silver was sound money at that time. But, Mr. President, we have progressed according to the argument of some, and we have reached a period in financial evolution where silver has ceased to be sound money, according to the view of many Senators here, and has become simply a cheap metal, a mere commodity. I want to protest against the Committee on Appropriations imposing upon these poor defenseless Indians what the honorable senior Senator from Ohio in his long experience in public life has recently denounced as a mere cheap metal. I can understand the philosophy of imposing it upon a great strong man or a strong nation capable of caring for themselves, but I can not understand that peculiarity which seemingly runs through human nature that induces the strong and the intelligent to impose upon the weak and the ignorant. I wish there were members of the Appropriations Committee here other than the Senator from South Dakota.

Mr. WILSON. There is one right beside the Senator.

Mr. ALLEN. I am aware of that, but the Senator from Florida [Mr. CALL] is a silver man, too. Every gold monometallist upon the committee has deserted the Chamber at this time. Every gold monometallist has gone. I see the senior Senator from Colorado [Mr. TELLER] present, but he is a silver man, too. I hope the honorable Senator, the senior Senator from Ohio, the champion par excellence of sound money in this country, will give the Senate the benefit of his judgment in regard to paying these poor, benighted Indians in 50-cent dollars.

Mr. PLATT. Do I understand that the Senator from Nebraska is objecting to this item in the bill?

Mr. ALLEN. I am seeking information upon the subject. Perhaps the Senator from Connecticut can give it. The Senator from Connecticut is a sound-money man. Will the Senator from Connecticut vote to pay these Indians in 50-cent dollars?

Mr. PLATT. If the Senator asks me, I am very happy to say that up to this time the silver dollars of this country are just as good as gold dollars. When we pay the Indians a silver dollar, we pay them something of equal value to a gold dollar.

Mr. STEWART. Why do we not pay the bondholder the same money?

Mr. PLATT. What I want, as a sound-money man, is that we may keep these silver dollars just as good as gold dollars.

Mr. STEWART. If they are just as good as gold dollars, why do we issue bonds to get gold?

Mr. VILAS. I understand that is by reason of the crime of 1873.

Mr. STEWART. No; it is in consequence of the conduct of the criminals who have since joined the band.

Mr. ALLEN. I hope the Senator from Connecticut will give me his attention and not retire to the cloakroom after having made that remark. The Senator from Connecticut and his party told the country last fall that these dollars were worth only 50 cents on the dollar.

Mr. PLATT. I beg pardon of the Senator. I do not know what my party told the country, but I always insisted upon it on the stump that our silver dollars had been kept just as good as the gold dollars; that as long as we could do that I was quite willing to use silver dollars; but that I feared the Senator's party was going into a scheme for the coinage of silver which would reduce the value of the silver dollar to about 50 cents.

Mr. ALLEN. I am utterly astounded, and I have been astounded at times before in my life——

Mr. NELSON. Mr. President, I rise to a question of order. Is the pending measure the Indian appropriation bill, or is it a free-coinage bill?

Mr. ALLEN. The Senator from Minnesota is himself out of order.

Mr. WILSON. Every measure is a free-coinage bill as far as the Senator from Nebraska is concerned.

Mr. ALLEN. Yes, sir; and it would be better for the constituents of the Senator from Washington if every measure was a free-coinage bill with him.

Mr. WILSON. I will take care of the constituents of the Senator from Washington probably as well as the Senator from Nebraska will take care of his constituents.

Mr. ALLEN. Oh, doubtless.

Mr. WILSON. I shall try to do so, at any rate. I may fail.

Mr. ALLEN. The Senator interjected himself into the discussion. He must take what he gets.

Mr. WILSON. I did it only once. I will at all times observe all the proprieties the Senator from Nebraska observes.

The PRESIDING OFFICER. The Senator from Nebraska has the floor. The Chair calls the attention of Senators to the rule which provides that when a Senator desires to interrupt a Senator who has the floor it is the duty of that Senator to rise and address the Chair. It is only through the medium of the Chair that a Senator upon the floor can be interrupted.

Mr. ALLEN. Mr. President, I am utterly surprised to hear the honorable Senator from Connecticut now deny any responsibility for the advocacy of his party last fall. Every newspaper was full of it. Every magazine was full of it. Every member of his party from the hustings spoke of the dishonesty of this country in undertaking to foist silver dollars upon the people. They were denounced as 50-cent dollars. Every epithet that human ingenuity could coin and express was used against them. We were told that the national honor was at stake, and that every man who advocated the cause of free coinage was an anarchist, a socialist, an ignoramus, if not an absolute criminal—an idiot, as my friend from Texas suggests to me. Yet at the very first opportunity the Republican party get to put a few hundred thousand of these worthless dollars upon some poor, ignorant, blanket Indians, who know nothing whatever about the science of finance (because the Republican party are in charge here, and they are in charge of the Committee on Appropriations), that moment we are to foist these worthless dollars upon those poor Indians. I do not suppose it is possible for me to check it. I do not think I possess influence enough over the committee to check an outrage of this kind. But the great Populist party, that numbers six million and a half voters in this country to-day, would not be guilty of a moral crime so great against any tribe of Indians as is sought to be perpetrated in this measure.

Mr. WILSON. Mr. President, the distinguished Senator from Nebraska has seen proper to interject into the debate on the Indian appropriation bill a little of the last political campaign. As I interrupted him, I desire to say a single word now.

There was something else in the last campaign, I will say to the Senator from Nebraska, besides the free and unlimited coinage of silver at the ratio of 16 to 1. While, as far as I was personally concerned, upon the stump I had no epithets, for I will say nothing unkind or ungenerous to those who may be in political opposition to me, the word "anarchist" was used. Why was it used, Mr. President? How did that word get into the political campaign? It was not over free coinage of silver at the ratio of 16 to 1; but I call the attention of the Senator from Nebraska to the fact that in the platform adopted at Chicago there was placed one plank which differed only in degree from the utterance of Jefferson Davis in 1860. Mr. Davis said, "I will take my State out of the Union." Mr. Altgeld said, in the city of Chicago in that platform, "The Union shall not come into my State." Around that revolved some of the issues of the last campaign. That called forth epithets. The question was not alone the free coinage of silver; it was whether law and order should be maintained in this country as enunciated by the President that you have inducted into power. Those are some of the reasons as to that portion of the case, to which I call the attention of the Senator from Nebraska.

Mr. ALLEN. I regret very much that my learned and very amiable friend from Washington [Mr. WILSON] should inject into this discussion an issue entirely foreign to the true issue. I had

said nothing about and I am not the defender of the Chicago platform; I am not responsible for it; but as to the remarks of the Senator from Washington concerning one of the issues which I suppose he intends to refer to in respect to the denunciation of the Supreme Court, while that did not occur in the Populist platform, and does not occur there, I fully and heartily approve of the Chicago platform upon that subject. If you will take the Republican platform of 1860, upon which Mr. Lincoln was elected, there never was a more vehement and open and bitter denunciation of the Supreme Court of the United States in all the history of this country than will be found right there. The Dred Scott decision is denounced; the court that rendered it is denounced, and, in my judgment, properly. I never expect to see the time during my life when, if I believe a public officer ought to be denounced, I shall be restrained from denouncing him anywhere. We arraign the President of the United States. He is arraigned here every day. He is a public servant; his acts as a public servant are open to criticism; they are open to the construction of those whose duty it may be to criticise them. Congress is arraigned; every branch of this Government is subject to arraignment. The first argument with every tyrant upon the face of the earth has been immunity from criticism. There never was a tyrant from the days of Nero down, and in fact preceding the age in which he lived, with whom the first step was not what was called official discretion, moving away from the true tenets and foundation of the government at will, and the next step was to claim immunity from criticism.

What is there about the Supreme Court of the United States which is different from any other organization? I suppose they are men of flesh and blood like other men and with frailties like other men. I do not suppose when a man goes upon the Supreme Bench of the United States that he becomes a paragon, or puts upon himself wings, or is not subject to just and reasonable criticism. All through the history of this country the Supreme Court has been criticised. Jefferson said—and he carried out his threat—that he would reorganize the Supreme Court in consequence of a decision made by it. Jackson did the same thing; and did reorganize that court. The Republican party in 1860 declared against the Dred Scott decision, which was, in my judgment, a perversion of the law; and that declaration found expression in its platform. The people repudiated Roger B. Taney and his associates and the decision made by them.

Two years ago the Supreme Court of the United States deliberately overturned five decisions upon the subject of the income tax. In 1789 they entered a judgment in the Hylton Case, holding an income tax to be constitutional. Five times after that, down to 1882, in the Springer Case, they held the same doctrine; but in 1895, after holding the act of 1894 constitutional in part, they had a rehearing—always a dangerous thing to litigants—and one judge, who had held with the majority but a month or two preceding that holding that act was constitutional in part, subsequently changed front, and held it unconstitutional throughout. Does any man say that that judge is not subject to arraignment? I say Mr. Justice Shiras owes it to the world to explain why he changed front so suddenly upon that subject. I do not say that his motives were not of the best. Upon that I say nothing, for I know nothing; but, Mr. President, the change was so radical and so extreme that he will go into history under a cloud unless he explains to the world the motives which actuated him in changing his position upon the income tax.

So it is not out of place for me to criticise the Supreme Court, and it was not out of place for the Chicago platform to arraign the Supreme Court as it did.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the subhead "Quapaws," on page 26, line 6, after the word "education," to insert "during the pleasure of the President;" and in line 11, after the word "dollars," to strike out:

That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

So as to make the clause read:

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," on page 32, line 14, to insert the following proviso:

Provided, That the Secretary, in his discretion, is authorized to pay said amount per head in money: *Provided further*, That it shall be the duty of the Secretary of the Interior hereafter to cause the actual delivery of the woolen clothing herein contemplated and contemplated in prior acts of Congress and treaties to the Sioux and Ponca Indians of Nebraska and North and South Dakota by the 1st day of November of the fiscal year for which such appropriations shall be made.

The amendment was agreed to.

The next amendment was, on page 33, line 9, after the word "dollars," to insert "of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota;" so as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement, ratified by act of Congress approved February 28, 1877, $900,000, of which amount $3,000 may be expended by the Secretary of the Interior for completing the artesian well at the Rosebud Indian Agency in South Dakota: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall have the preference in employment: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, under the subhead "Sisseton and Wahpeton Indians," on page 34, line 22, to insert the following proviso:

Provided, That the Sisseton and Wahpeton Indians are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes, and at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of the bill if there is any reason for holding the renewals of these leases subject to approval by the Secretary of the Interior, which would not apply to the original leases?

Mr. CHILTON. The bill seems to provide that the renewed leases may be made for a longer time.

Mr. JONES of Arkansas. I do not so understand it. It reads:

And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

Mr. CHILTON. The second lease seems to assume that the Indian may lease his land for a longer time than three years.

Mr. PETTIGREW. What was the question of the Senator from Arkansas?

Mr. JONES of Arkansas. I called attention to the amendment of the committee on page 34, where there is a provision that the Sisseton and Wahpeton Indians may be allowed to lease their lands; and after that the amendment says:

And, at the expiration of such lease, the same may be renewed or the lands leased to any other person upon said renewal or new lease being approved by the Secretary of the Interior.

I ask what reason there could be for requiring the approval of the Secretary of the Interior to the renewal of a lease that would not apply to the lease in the first instance?

Mr. PETTIGREW. The Sisseton and Wahpeton Indians have grazing and agricultural lands, but these are lands that are unimproved. One of the Indians appeared before the Committee on Appropriations and asked that this provision be made, for the reason that they found it impossible to lease these raw and unimproved lands and comply with the rules of the Department in relation thereto. For instance, the Department requires that a man shall give bond and that certain forms shall be pursued; that he shall get two bondsmen if he wishes to lease a piece of this Indian land; and they found it impossible to lease their unimproved lands and comply with these conditions. An Indian who had children would have for his allotment 160 acres of land and his children an allotment of 160 acres—more than he wants to cultivate, and he could secure compensation from some one who wants to cut hay or break up part of the land and put it under cultivation; but the rental is very small. If he could make the lease himself, we were satisfied that he could make something out of it and begin to improve the land. After the improvement is made, and the three years have elapsed, the land is under cultivation and becomes of value to lease. Then we hedge it about by conditions and provisions prescribed by the Department by requiring that the lease shall be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I can not understand why an Indian should be prohibited from making an improvident renewal of a lease while he may be allowed to make the lease in the first place without any sort of limitation.

Mr. PETTIGREW. As I said, these are absolutely raw lands, unimproved in any way. We were told that the Indians leased them for $25 a quarter section, perhaps, when improvements would be made of value, and so we thought the Department could try the experiment for three years as to these agricultural lands,

and if it did not work, we would abolish the system and abolish the practice; but the Indian who appeared before the committee is a full-blooded Sioux Indian, a graduate of Amherst College, a man of intelligence and ability, and he convinced the Committee on Appropriations that this is a wise and proper thing to do in the interest of those people. That is the reason why the committee reported to insert the provision in the bill. It seems to me it is reasonable and proper. The Indians had tried to lease these lands, but the people would not get bondsmen. It is difficult in that country to get people who can qualify, because the lands are occupied by homesteaders who have no fee title; they would not comply with the requirements of the Department, and therefore the lands were not leased at all; they get no revenue from them, and the lands are not improved. We thought it a matter of wisdom to allow the Indians to have three years without complying with the rules laid down by the Department, and after value had been given to the lands by improvements the leases should be approved by the Secretary of the Interior.

Mr. JONES of Arkansas. I understand the Senator to say that this provision was put in the bill at the recommendation of an Indian. I should like to ask the Senator what the Department says about it?

Mr. PETTIGREW. The Department was not called upon for an opinion. I am very familiar with these lands. This agency is located in my State. The Indian to whom I refer appeared before the Committee on Appropriations, and I think the sentiment of the committee was unanimous, and that every member of the committee agreed that the reason he gave was a good one and the purpose he wished to accomplish was a proper one.

Mr. JONES of Arkansas. Mr. President, I confess that the old story of the camel who got his nose in the meal first and the remainder of the camels coming afterwards, occurs to me as applicable to a case of this kind. Here is a proposition to allow these people, without any sort of supervision or care, to make leases of their lands, in the first place, to run for three years after persons get in possession of them. Then there is a provision that the renewal may be made on the approval of the Secretary of the Interior. Meantime, I presume, if the Secretary of the Interior does not approve the renewed lease, the occupant of the land will remain in possession of it indefinitely. It seems to me that would be the result of it. I think the approval of the Secretary of the Interior ought to apply to the leases as well as the renewals, and I move to amend the amendment in that way.

Mr. PETTIGREW. I hope that motion will not prevail. These lands are located where anyone can go to-day and take a homestead. All around these lands are lands which can be entered under the homestead law of the United States.

Mr. JONES of Arkansas. I do not approve of it, but I shall not occupy the attention of the Senate any further with objection.

Mr. PETTIGREW. If the Secretary of the Interior approves a lease, improvements can be made upon the land, and the result will be, if the leases are not made, that no improvements will be made and the Indians will derive no benefit from them,

Mr. JONES of Arkansas. This amendment does not require any bond, I understand, and I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, which has been read.

The amendment was agreed to.

Mr. ALLEN. I was out of the Chamber for a moment when another provision was considered, and I now wish to call the attention of the Senator from South Dakota in charge of the bill to the amendment reported by the committee, on page 26, as to the Quapaw Reservation, and ask what was done with that amendment?

Mr. JONES of Arkansas. I intended to do that.

The PRESIDING OFFICER. The amendment referred to was agreed to.

Mr. ALLEN. I want to ask the Senator from South Dakota to make a change in that amendment now. The Senator is entirely right about the Wahpeton and Sisseton Indians. They are entirely competent to care for themselves as allottees, and the same thing is true with reference to the Quapaw Indians. The same principle which governs the rights of the Sissetons and Wahpetons to lease their lands applies with equal force to the Quapaws. There is no reason why the allottees on the Quapaw lands should not have the same right to lease their lands which the Sissetons and the Wahpetons have. The only difference between these lands is that the lands of the Sissetons and Wahpetons are some of the finest agricultural lands in Minnesota, and therefore in the United States, while much of the land of the Quapaws is of a mineral character. This bill, however, as it came from the House of Representatives, had ample safeguards for all these Indians and for all their rights.

The history of the Quapaw Indians is very brief, so far as their civilization is concerned. I have it here in a letter. These Indians were formerly known as the Peoria and Miami tribes, and lived for years in Indiana, Ohio, and Illinois in close contact with the civilization of those States. They finally moved to Kansas, and, after a time, to the present reservation in the Indian Territory. A great majority of them are of mixed blood, many of them almost white men. The same high state of civilization exists among those Indians which exists among the Sissetons and Wahpetons of Minnesota. They were made allottees of their lands years ago, and their lands are permitted to lie idle and bring them no revenue whatever, whereas, if the bill as it came from the House, as it originally stood, were permitted by the Senate to stand, they would have some benefit from their lands in the way of rentals. I ask the Senator from South Dakota to agree to make the Quapaws, the Sissetons, and the Wahpetons stand upon an exact equality.

Mr. PETTIGREW. Mr. President, the committee struck out the provision with regard to the Quapaws, for the reason that it was exceedingly broad; it was unlimited in its scope, and provided for a lease for ten years—not for three years, but for ten. It also provided:

That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability—

Which covers pretty nearly everything—

any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

We thought that the word "inability" should be stricken out, and that the provision should otherwise be hedged about with great care. We therefore determined, at least, to strike it out, and see if an understanding could not be secured in conference, which would more carefully guard the interests of those people. Of course, I know that many of the Quapaw Indians are as abundantly able to take care of themselves and manage their own affairs as are the other white people of the United States. The simple fact is that it is a rare thing to see an Indian who is not a white man among the Five Civilized Tribes or among the Miamis and Quapaws, who live in the northeastern corner of the Indian Territory. Those who come here have but little Indian blood in their veins, and are capable of managing their affairs, but there are a large number of Indians who are not capable of doing so; there are still Indians among those people, and it is their interests which we wish to guard and protect.

I am not opposed, and I think the committee is not opposed, to a provision which shall allow these Indians to lease, develop, and improve those lands, and explore the minerals under proper restrictions, but I think that provision can be made in conference to protect thoroughly the interests of the people who have secured leases, and also the interests of the Indians.

Mr. ALLEN. Mr. President, I am assured by the Senator from Colorado [Mr. TELLER] who is a member of the Committee on Appropriations that this amendment was simply to enable the committee to take the matter into conference and adjust it properly there; that there is no real hostility to permitting the Indians getting benefit out of their lands. With that view, I shall withdraw my suggestion, and let the amendment go.

Mr. TELLER. We hope in conference to make some changes in the form of the provision. We had no idea of preventing these Indians from getting proper revenue, but we thought the language employed was not exactly what it ought to be. Of course, if we did not make some amendment to it, we should have no control of it in conference. The committee were not hostile to the proposition laid down in that provision.

Mr. ALLEN. Just a word in explanation of my attitude toward this amendment. I could not see why the Sissetons and Wahpetons should be permitted to lease their land and the Quapaws be deprived of the like privilege; but the Senator from Colorado assuring me that the committee do not intend to do so, I withdraw my suggestion.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Spokanes," on page 35, line 10, before the word "machines," to strike out "thrashing" and insert "threshing."

The amendment was agreed to.

The next amendment was, on page 37, after line 3, to insert:

SOUTHERN UTES IN COLORADO.

For the erection of suitable agency buildings at Navajo Springs, Montezuma County, Colo., for the use of such Southern Ute Indians as have not elected to take allotments of land in severalty, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to insert:

The Secretary of the Interior is hereby directed to confer with the owners of the Montezuma Valley Canal, in the county of Montezuma and State of Colorado, or any other parties, for the purpose of securing by the Government water rights, or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in said State, and for the domestic use of the Indians thereon; and he shall report to Congress at its next regular session the amount of water necessary to be secured for said purpose and the cost of the same, and such recommendations as he shall deem proper.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 41, line 2, before the word "Territory," to strike out "Indian" and insert "Oklahoma;" so as to make the clause read:

For support and civilization of the Kickapoo Indians in Oklahoma Territory, $5,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 20, to insert:

For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska, under direction of the Secretary of the Interior, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Support of schools," on page 45, line 16, after the word "dollars," to insert:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

So as to make the clause read:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, etc.

Mr. LODGE. This amendment seems to me of the very greatest importance and to reverse entirely the policy agreed upon last year. I desire to discuss it, and I think it is a matter of such importance that there ought to be a quorum of the Senate present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Mitchell, Wis.	Shoup,
Bacon,	Faulkner,	Morrill,	Smith,
Bate,	Frye,	Murphy,	Teller,
Blanchard,	Gallinger,	Pasco,	Tillman,
Brown,	Hawley,	Peffer,	Turpie,
Burrows,	Hoar,	Perkins,	Vilas,
Call,	Jones, Ark.	Pettigrew,	Walthall,
Cameron,	Lindsay,	Platt,	Wetmore,
Cannon,	Lodge,	Proctor,	White,
Chandler,	McBride,	Pugh,	Wilson.
Chilton,	McMillan,	Roach,	
Cockrell,	Mantle,	Sherman,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me for a moment? I desire to ask a question of the Senator from South Dakota about this matter before he opens the general question. In the first line of the proposed amendment there is a provision in these words:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

I should like to ask how $5,000 could be of any possible use in the education of Indians in Alaska, and what use is proposed to be made of this money?

Mr. TELLER. If the Senator from South Dakota will allow me, I think I can explain it. We make an appropriation of about $30,000 a year for education in Alaska, which includes both Indians and whites. About three years ago (I think this will be the third appropriation act) we put on this provision that $5,000 might be used in Alaska. It is used in connection with the $30,000 that had been appropriated for a number of years. The sum ought to have been very much larger. There is a great necessity for an increase of appropriations for the purpose of schools in Alaska, but it has been found difficult to increase the amount, and the friends of the schools for the Indians have been compelled to be content with this small sum.

Mr. GALLINGER. I ask the Senator if that is the entire amount that the Indians will get for education?

Mr. TELLER. The Senator did not listen to me, I think. I said that of the $30,000 some portion of it is used for the education of Indians. I do not know what particular portion is so used; but it is mainly for the Indians. It is practically an Indian appropriation. It comes in separately from this bill.

Mr. JONES of Arkansas. Will the Senator explain why, if this is intended to increase the appropriation for Indian education in Alaska, it was not included in the same provision with the other, making it $35,000 instead of $30,000?

Mr. TELLER. It came in this way, I suppose: Some three or four years ago I moved in committee that we take from this sum $10,000—that is my recollection—or $15,000, and the committee thought they could not afford to do that, and we compromised on $5,000. It does not make any difference whether it comes with the other or not. I do not think the $30,000 of which the Senator speaks is in this bill, but in the sundry civil bill.

Mr. JONES of Arkansas. I thought the appropriation for schools in Alaska was $50,000 instead of $30,000.

Mr. TELLER. It was $50,000 for some years. In a spirit of economy—if it were proper, I should say parsimony—the other House struck it down to $30,000. In addition to this, there ought to be an appropriation of at least $35,000 made for the schools in Alaska.

Mr. JONES of Arkansas. Then I understand from the Senator that this sum is really intended to be an additional appropriation for schools in Alaska, and it has been so used heretofore?

Mr. TELLER. It has been so used. It makes the appropriation for Alaska which comes in this bill and another bill $35,000.

Mr. GALLINGER. The same provision was in the last bill?

Mr. TELLER. Yes; and I believe in the bill before.

Mr. LODGE. Mr. President, the pending amendment entirely undoes the work of last year in regard to this matter. It will be remembered that there was a protracted discussion over the question of sectarian schools. The bill was taken back into conference no less than six times. The House stood very strongly for what it desired; there were many votes taken in the Senate on this question, and the minority, which favored the House view, was a large one. At last, to save the bill, a compromise was reached. That compromise appears in the law of last year, and it provided that if the appropriation for sectarian schools, or a portion of it, should be continued for one year, then further appropriations for sectarian schools should cease. That was the provision of the act. The law of last year also declared:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Then followed the proviso, including the compromise which I have mentioned, in which it was arranged that this general declaration should go into the bill provided that the appropriations were to be continued for one year longer to certain sectarian schools. There never was a plainer understanding in the world.

Mr. PETTIGREW. Between whom?

Mr. LODGE. Between the Houses.

Mr. GALLINGER. It was expressed in the conference report.

Mr. LODGE. When it came up on the last conference report I took occasion to say:

I shall ask for a yea-and-nay vote on the whole report which cover these three amendments, because * * * the report substantially agrees to the Senate amendments to the House proposition in regard to sectarian schools. It reduces the time provided in the original Senate amendment from two years to one, but it practically leaves the whole matter open to be fought over again in the next Congress.

I did not think it would be fought over again in the present Congress, but I thought it might be brought up again in some future Congress.

Now, I ask the attention of the Senate to the reply of those Senators who were sustaining the report. The Senator in charge of the bill then, as now, the Senator from South Dakota [Mr. PETTIGREW], said:

The House recedes from its disagreement to the Senate amendment in regard to schools, with an amendment to it which makes the time for finally disposing of the question of sectarian contract schools July 1, 1897, instead of July 1, 1898, as provided in the Senate amendment.

If the English language is capable of a plainer statement than that, I should like to see it.

The Senator from Colorado [Mr. TELLER] then said, in answer to the objection which I made that the matter would be reopened:

We leave in the bill the declaration as to the policy of the Government to take charge of these schools in the future, so that it practically closes up the sectarian schools or the non-Government school after the 1st of July, 1897. I do not think it leaves it open for further controversy.

That is the language of the Senator from Colorado. On those statements the report was agreed to. The statement showing how the House looked upon this thing was made by the gentleman from New York in charge of the bill, in which he said that it had been discussed in the House and that a compromise had been arrived at. He ended by saying:

The declaration in reference to the discontinuance of schools after the end of the next fiscal year—

That is, July 1, 1897—

is the same as that in the report which was submitted last Saturday except a change in phraseology.

No, Mr. President; there was no misunderstanding with respect to the arrangement as finally made. The House had no misunderstanding when they passed the present bill. They sent this bill to us in exactly the form they were entitled to send it; that is, acting on the statements made here, made in conference, made in both Houses, that these sectarian appropriations were to end on the 1st of July, 1897. Now, here in the Senate back comes last year's amendment continuing these sectarian schools which we have solemnly declared by act of Congress it is the policy of the Government to end. Back comes this amendment creating them again, giving them 40 per cent of what they had, not last year, but

in 1895, so that there is a reduction of only 10 per cent in the amount given to sectarian schools. This is a revival, a reopening, of the whole question which I, in common, I think, with every other Senator and every Member of the House last year, believed had been entirely settled. It is brought here in absolute disregard of the declaration of the last act of Congress. It is brought here in absolute disregard of the statement that was then made. It was understood then perfectly that if this appropriation was continued for a year longer, this general policy would be accepted on all hands, and this disagreeable question would be finally removed from politics and from the discussion which it causes every year.

Now it is here again; here without the general statement of the bill last year; here without any reference to the House provision in the bill. The House has lived up to its agreement. It has proposed nothing new. It has left the thing just where it was left before. The great argument used last year was that if this sudden cutting off of the schools occurred it would be a terrible injury to their pupils, and in the name of those unfortunate Indian children who would thus be deprived of education the Senate agreed to the proposition and stood by the committee in its effort to have the appropriations continued for two years. The fight was made then on continuing them for two years. The House stood out with the utmost obstinacy, and the compromise was made finally on one year. There never was a plainer or fairer compromise made.

It is perfectly true, Mr. President, that we can not bind our successors; one Congress can not bind another; but surely our action of last year should have some effect in the same Congress. I believe that the House at least understand this question, and the bill they send here indicates that they mean to adhere to their policy, and I sincerely hope that the Senate will not reopen it. The policy of the Government was plainly declared in the act of last year, and that policy I regard as the true American policy, that we should make no appropriations for any sectarian schools. If the United States is to give education to the Indians, let it be education given with the public money, open to all, and under no sectarian charge. That is the policy of the States. It ought to be the policy of the United States. This question has dragged along from year to year, and gradually the sectarian appropriation has been pushed back until we reached the plain declaration in last year's law. Now it is revived in this amendment, which brings it all up again for discussion. I do not want to enter again into the question of sectarian schools, but I wish to call the attention of the Senate most emphatically to the nature and purposes of this amendment and to the way in which it contrasts with the declarations that were made here last year.

Mr. HAWLEY. Mr. President, the Senator from Massachusetts says this question has dragged along. So has everything. It was not settled last year. "Unsettled questions have no pity for the repose of mankind," as the old saying goes. So long as a question is not absolutely settled it is bound to come up. I have been looking over the provision here in italics, and I do not see that it differs in spirit from what we did last year. We were unwilling to leave any children anywhere without a chance to acquire an education, and we were unwilling to make so sudden a change in dropping church schools of any kind as to leave children utterly without an opportunity to be educated. To say that you would give nothing, not a cent, to a Catholic or a Baptist or a Methodist school which is flourishing would be to say you would not educate the children of that neighborhood, because nonsectarian schools can not be provided in a year, and the Government did not give money enough perhaps, or could not make proper arrangements. So, having in view the ultimate purpose, to relieve the Government from this complained-of connection with sectarian schools, we are aiming in this direction by the proposed legislation; for it only says:

> *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, etc.

That is all. The question is whether you will stop and leave a considerable number of children without any schools whatever.

Mr. LODGE. Will the Senator from Connecticut allow me to ask him a question?

Mr. HAWLEY. Certainly. Perhaps I can not answer it, though.

Mr. LODGE. The amendment which the Senator has been reading is identically the same as the amendment of last year, with one single exception. It leaves out the declaration of last year:

> It is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Otherwise it is just the same as the provision of last year.

Mr. HAWLEY. That is a permanent declaration. It need not be affirmed every year.

Mr. LODGE. Very well.

Mr. HAWLEY. It is subject to exception. We can make an exception to it if we choose.

Mr. LODGE. Let me ask the Senator a question. The same argument he is making now he made last year, and others made it, that it is not right to leave Indian children without educational facilities.

Mr. HAWLEY. I continue to say so.

Mr. LODGE. Then the compromise was made with the understanding that in a year's time, running to the 1st of July, 1897, we would be able to do it; and both Houses and all parties agreed to that as a settlement.

Mr. HAWLEY. The hope and promise were that by this time we should have nonsectarian Government schools. We have not them. Still pursuing the original idea, I will not shut the doors of a single schoolhouse unless I can have another schoolhouse provided.

Mr. TELLER. I do not recall what I said about this matter last year, but I agree with the Senator from Connecticut. I supposed it would be a finality, and that by this year we could dispense with this debatable question. I supposed we would have facilities and appointments sufficient at all these places to take care of the Indian children. That, I believe, was the expectation of everyone on both sides of the Chamber who occupied different sides on the question—the friends of the particular appropriation and the opponents of it.

I am opposed to sectarian schools. I always have been. I made an effort some years ago, while in another department of the Government, to secure from the Government a sufficient amount of money to put all these children in Government schools. I failed to get it. I confess I thought it was better to have Indian children attend sectarian schools than to have them without school opportunities. So, finding that I could not secure a sufficient amount of money to carry on the schools in the name of the Government and of the Government alone, and charitable people being willing to help out the small appropriation that the legislative department was willing to make for that purpose, I encouraged the opening of schools in various sections of the country where otherwise there would have been none.

Last year we believed we had reached a point where the Government would take hold of this question and where the appropriation would be large enough to provide facilities for all the Indian children. We are assured now by the department of the Government which has this matter in charge that that is not the case; that there are not opportunities for all the Indian children who have been going to school to continue in the schools. We were met with the simple question, Shall we continue this arrangement another year, or shall we discontinue the schools? Shall we turn the children out, or shall we try it another year? So far as I am concerned, I would a great deal rather continue it one year, or two years, or three years, or any number of years, rather than that the children should not have an opportunity of education.

I believe that perhaps by another year we shall be in a better position. I may be mistaken; I do not want to make any promises if they are to be brought up against me, as this is. If the Senator from Massachusetts thinks that it is best to turn the children out, and if he can persuade the Senate to that opinion, the Senate will reject the pending amendment. Then there will be a large number of Indian children who will have no school opportunities whatever. If the Senator desires to reiterate the declaration of last year, which the committee did not think was necessary, because the committee thought that was a permanent declaration of policy, the committee certainly would have no objection to his doing so.

Mr. President, I admit that this is an ugly question. When it is presented a great many people do not seem to understand the difference between assistance on the part of the Government to sectarian schools in the land of the Indian in the far West and what it would be in the East in the case of a school for white people. I think the condition is very different. The principle is very different. I do not see any great harm, if the Government is too poor or too stingy—I do not care which—to educate the Indian children, to join some of the money with that of charitable people and have the sectarians who furnish the money in charge of the schools.

If the Senator from Massachusetts would direct his attention to securing a larger appropriation (and I do not know but that he would be as powerless to do that as the rest of us who have tried it), I should be glad to have his assistance in getting an appropriation sufficient to take charge of all the Indian children in the United States—of all the children—to take care of whom we recognize an obligation on our part in the way of education.

We have in Alaska a large number of Indians. They are not exactly the class of Indians we have provided for on the great Western plains. They are industrious, many of them hard-working Indians, and yet they have no facilities and no opportunity for schools. They are too poor to take care of and educate their own children. For the entire Territory of Alaska we have

appropriated for some years from thirty to thirty-five thousand dollars. A very large portion of the educational facilities in that country are now being provided by charitable people in the older sections of the country. We have at various places schools of great efficiency that are supported entirely by charitable work, and if we did not have them the Territory of Alaska, that great district, would be, I may say, without any efficient and valuable educational facilities, for the appropriation of $30,000 is not large enough.

I should be very glad if the Senator from Massachusetts could tell me how we could escape the dilemma that is brought to us; that is, whether we shall dismiss these children from the schools where they have been because they are sectarian, and let them run wild and wait for an appropriation, which he knows, as I know, is very difficult to get—not so difficult here as in some other places—or shall we provide that where there are no facilities and opportunities for the Government to educate them the Secretary of the Interior may, in his discretion, use some of this money for the purpose of continuing the schools? There is where we are brought.

I do not approve, I repeat, of sectarian schools. I should like to see this thing brought to a close as soon as it can be. Yet I do not myself feel inclined to vote to turn out of school the children who have been there and have perhaps just fairly commenced to acquire an education, and let them run wild, as I know they must run wild about an agency, for fear that some harm may come to the public good by their being taught in a sectarian school.

Mr. LODGE. I desire to say simply a word in reply to the Senator from Colorado, who is, I know, just as much opposed to the policy of sectarian schools as I am. It seems to me if the difficulty is in providing for the children, then the point on which we want to make our fight is the point of having an adequate appropriation. I for one will go with him to any extent that he, from his knowledge of the subject, desires, to get an appropriation large enough for the United States properly to educate every Indian child that is in any way within its care or keeping. Let us bring in that increased appropriation, and let the Senate make its fight for it. I think it is quite as likely to get that increased appropriation as to get the present amendment in favor of continuing the schools after the debate of last year. But, at all events, that is the true and honest way to do it. If the object of the present amendment is to see that no Indian children are turned loose without education, let us face the fact squarely and provide for it with an ample appropriation.

The Senator from Connecticut said that unsettled questions never were at rest. This question was settled last year by a declaration of policy, by a formal agreement and compromise between the Houses. Now it is reopened, and every year the same argument is made, that the children will be turned adrift if we do not make further appropriations for sectarian schools. Rather than do that, let us amend the bill to a sufficient extent to take care of them all, but let us live up to the policy declared last year.

I think the United States ought to take care of all the Indian children, and not suffer one of them to be turned loose. If that is the only interest involved, we can take care of the children with an adequate appropriation, and the Senator from Colorado will find, I am sure, that the Senate will stand by him with practical unanimity in favor of as large an appropriation as he sees fit to demand in order to provide adequate education for all Indian children.

Mr. TELLER. I will not be led into any reflection upon any other branch of the Government, but I would say to the Senator from Massachusetts that he probably has not had the opportunity to realize the difficulty in securing adequate appropriations that some of the rest of us have had. We can not secure at this time an appropriation sufficient to provide for these children. That should have been done last year, because the buildings are to be erected at the agencies before the children can be put to school. At the great distance at which many of them are from the centers of civilization, it is impossible to do that in several months. We are met with the simple proposition, Shall we let these children go out of school and remain out for another year, it may be for two or three years, or shall we make this temporary provision? I am quite in favor of cutting it off at the first opportunity possible, and I will join everybody in doing that; but I will not join anybody in an effort to turn these children out and give them no educational facilities whatever.

Mr. GALLINGER. Mr. President, in conjunction with the junior Senator from Massachusetts [Mr. LODGE] and the Senator from Connecticut [Mr. PLATT] on my right, I have on several former occasions occupied the attention of the Senate for a few minutes in the discussion of this matter. We made progress three years ago. We made some further progress two years ago, and last year we had the assurance that we had finally reached an agreement upon this question and that this vexed matter would be removed from discussion in the Halls of Congress. I confess that I had some doubts as to the settlement. I notice that the Senator from Massachusetts said in answer to the Senator from Colorado:

> It seems to me it does leave it open—

The Senator from Colorado had said it left it beyond controversy and it was absolutely settled, but the Senator from Massachusetts replied:

> It seems to me it does leave it open, but as it is impossible to get a separate vote on it, and we can only vote on concurring in the whole report, which is a final report, I shall not press the request for the yeas and nays.

In that discussion I made a similar observation, that in my judgment the only way to settle this question was to settle it absolutely, once and for all.

Now we are confronted with the same old proposition. The same old arguments are used, that if we do this thing we are going to wrong a large class of Indian children and deprive them of education; and the Senator from Connecticut [Mr. HAWLEY] talks to us about unsettled questions and the repose of nations. As I said on a former occasion, the very question that is before the Senate of the United States to-day was fought out to a finality in Holland more than three hundred and fifty years ago. It was fought out to a finality in the Empire of Great Britain not long after, and yet at the close of the nineteenth century, in the Senate of the United States, we are discussing the question whether we shall in this great free Republic separate church and state, something that the Anabaptists settled in Holland almost four hundred years ago.

Mr. HAWLEY. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly.

Mr. HAWLEY. I was called out of the Chamber for a moment. I did not say that unsettled questions would remain troubling the peace of mankind forever, but while they were unsettled and they were liable to come up; and the Senator from Massachusetts said this question was always coming up before us, that it was coming up because it was not settled. I say in one sense it is settled now. Our future policy is determined by the practically unanimous declaration of last year, that we would separate the Government from the sectarian schools. But here is a plain, common-sense question now, not to be demagogued in any way.

Mr. GALLINGER. I did not yield for a speech from the Senator, especially when he talks about demagogy. I did not consent to yield for that kind of a speech.

Mr. HAWLEY. Then I will not take back the word "demagogy."

Mr. GALLINGER. Very well; let it remain.

Now, the Senator from Connecticut talks about this question not being settled. I agree that it is not settled. I, however, assert that it ought to be settled; that we had a solemn statement made in the Senate of the United States one year ago when we were discussing a conference report that it was settled, and settled forever; and that statement was made by Senators who are responsible for the amendment that is proposed to this bill to-day. I want to know how many centuries it is going to take to settle the question in this free Republic? We are already almost four hundred years behind the people of Holland. Long ago they settled the question that church and state should be divorced. It seems to me that we have progressed far enough in civilization in this country, that we have progressed far enough in the discussion of the great questions that concern the welfare of our people, to come to a definite conclusion in regard to a matter of this kind. When is it going to be settled?

The proposition here to-day in this amendment is that we shall appropriate 40 per cent of the money that was expended in 1895. In 1895 we appropriated 50 per cent of the money that was expended in 1894. It seems to me there is no probability that in my lifetime, certainly not during the term of service to which I was recently elected to the Senate, that I shall have the privilege of seeing a settlement of this great question which disturbs the repose of nations. It is time it were settled; and I submit to the Senate of the United States to-day that we should follow the lead of the House of Representatives in this matter. The House of Representatives had all the information from the Interior Department that the committee of the Senate possibly can have; and yet the House of Representatives inserted in the bill a provision in direct conformity to the declaration which was made here when we voted upon that conference report one year ago, and agreed to it, those who were opposed to this principle and those who were in favor of it.

Mr. President, I do not want to go into these matters in this discussion, but I want to say that every church in the United States but one refuses to take this money from the Government of the United States. They recognize the fact that this is a great principle.

Mr. ALLEN. Will the Senator be kind enough to state what church that is?

Mr. GALLINGER. The Roman Catholic Church. I have no

concealments about this matter. In saying that I do not mean to arraign that church. There is very much in its methods that I approve of. I do not mean to arraign it. I state a fact historical in its nature when I say that every church in the United States but one to-day refuses to accept donations from the Government of the United States for the purpose of sectarian education, and if we continue to make appropriations from the public funds, taxing the whole people of the United States for this purpose, we are not doing what we ought to do; we are simply making a church subsidy and nothing else. That is all there is to the question.

I have an interest in these Indian children. I do not want to see them turned out in the cold. I do not want to see them deprived of education. But we have been legislating and arbitrating and considering this Indian question almost from time immemorial, and it is time that on a great fundamental proposition, such as is involved in this question, the Congress of the United States should settle upon the policy it is to pursue, and having settled upon that policy, it should pursue it, even though some wrong may be done to a few Indian children in the territory of this great Republic.

I do not care to discuss the matter further. If the Senate wishes to insist upon this amendment, if the Senate wishes to turn the hands back on the dial; if the Senate insists upon having this great free Government pursue legislation on lines that no other civilized government on the face of the earth, so far as I know, is responsible for, I do not know that I shall very seriously complain. But I want to put myself on record to-day, as I have put myself on record in the past, as being absolutely and irrevocably and eternally opposed to voting one dollar out of the Treasury of the United States for the purpose of education in sectarian or religious schools of this great country.

Mr. HAWLEY. Mr. President, when I used the term "demagogy," a few minutes ago, just as I was going out of the Chamber, I had in my mind nobody in the Senate, or anything of the sort, but I referred to the loose talk that goes on wherever persons are found who make trade on race prejudice, or church prejudice, and all that sort of thing, to the very great dissatisfaction of our people. What I wanted to emphasize was that we have an established policy, which requires this year a little letting up before we perfect it, so that a large number of children shall not be turned out of school.

I am not a Catholic, and yet I should have a great contempt for myself if, as a public man, I went about constantly condemning them. I have nothing to say about their belief; it is theirs—honestly held by an immense number of people—and it is a church of magnificent organization and executive power.

Now, we prefer, and all our Protestant people prefer, that the schools shall be separated from the churches. We have declared that we shall do so, but we were a little merciful about it at that very same time, permitting a child to learn to read under a Catholic priest for a little while until we can get him another place. That is all this bill proposes, that we shall not turn the Indian children out of doors, and meantime we shall make an effort to establish nonsectarian schools. I never had such strong prejudices against the Catholic schools that I would not rather see my child going to one of them to learn to read and write than wandering about the streets in bad company and growing up a dirty, ignorant loafer.

Mr. PLATT. I should like to make one inquiry. I inquire whether there was or was not provision made in the Indian appropriation bill of last year which looked to the doing away of the contract system and the substitution of Government schools during the year, before July, 1897? I should like to inquire whether we made that provision, or whether we failed to make it?

Mr. PETTIGREW. Mr. President, we undertook to make that provision; but I stated on the floor at that time that the amount appropriated was not sufficient, and that it would not accomplish the object. The Senate, however, disagreed with me, and refused to grant the amount necessary to accomplish the object; but the object would not have been accomplished if we had appropriated a sufficient amount. Two schools were provided for in my State the construction of which has not been commenced, and the contracts are not let. The Department ever since last June, when the last Indian appropriation bill passed, has been preparing plans and considering the question, and the schools will be ready about a year from next July, judging from the speed already made. Therefore no provision whatever is made for children that it was intended should be taken care of by these two schools provided for in the bill of last year; and so it will be now. You may appropriate a million dollars more than is provided in this bill, and those children will not be provided for for the next school year, because the Department will not get around to erect the buildings so as to take care of them.

Mr. ALLEN. Will the Senator permit me to ask him if there is anything in this amendment hostile to the policy we established in the Indian appropriation bill of last year?

Mr. PETTIGREW. Not at all. Last year the House of Representatives made no provision for the sectarian or contract schools. The Senate committee said that we would make provision for two years more, for last year and for the year to come, and the Senate agreed with the committee; but the matter went into conference, the House conferees refused to agree, and after many conferences the House finally did agree to one year as a compromise.

I am not aware of entering into any agreement. I would not when the bill came up this year undertake to take care of those children. We adopted many years ago the policy of educating the Indian children in the contract schools.

Mr. FAULKNER. I would ask the Senator from South Dakota, with his permission, whether last year it was not deliberately considered by the Committee on Appropriations that we could not possibly stop this appropriation for two years, and for that reason the amendment was inserted in the appropriation bill of last year as it came from the committee, doing away with all these appropriations after two years from that time, and it was only by reason of the resistance to the bill in the other House that a compromise was at last effected of extending the appropriation for one year, and it was known then that it could not be stopped under two years?

Mr. PETTIGREW. That was the distinct understanding.

As I started to say, many years ago the Interior Department sent out circulars and specially invited the religious denominations of this country to take charge of the education of the Indian children and agree to contracts and build schools for this purpose.

Mr. WHITE. Will the Senator permit me to ask him a question?

Mr. PETTIGREW. Certainly.

Mr. WHITE. When was that done—under what Administration? Was it not under President Grant's Administration?

Mr. PETTIGREW. It was commenced, I think, under Grant's Administration, but very much enlarged under Hayes's Administration, and continued and increased under Garfield's Administration. During the first two Administrations after we had adopted this policy not a single Catholic school was engaged in the education of the Indian children. The Protestant churches of this country commenced this policy. The Protestant churches built the first Indian contract school; but, Mr. President, in 1880 we made the first provision for contracts for the education of these children in schools under the control of the Catholic Church. The Catholics were enterprising, and by 1885 they were getting three-quarters of the appropriations, because they had built the schools at the invitation of the Government, and then it was that we began to hear the cry that there should be no sectarian education; then it was that the clamor arose to abolish sectarian education for the Indian children, and it has continued until this time.

I am opposed to sectarian education, Mr. President, but I believe in doing what is just and fair and right, and I believe that these people should have sufficient time to raise money enough to sustain and maintain their schools without appropriations by the Government.

We have done pretty well. Last year we appropriated but 50 per cent of the appropriation of 1895, and this year we appropriate but 40 per cent of the appropriation of 1895. For every $100,000 that we appropriated in 1895 this year we appropriate $40,000. It looks to me as though we were approaching the end. There can be no question about that. But in the meantime, if we do not make this provision, thousands of Indian children will be unprovided for. There is one school in my State where there are 150 Indian children. There is no other school where they can be taken care of for hundreds of miles. Shall we turn them out? Shall we break up the start they have already made? It seems to me it is not the part of wisdom. It seems to me the policy should be to decrease this appropriation year by year, and so enable these church organizations to provide the funds for taking care of the schools.

Mr. WILSON. May I ask the Senator from South Dakota a question right on that point?

Mr. PETTIGREW. Certainly.

Mr. WILSON. Was it not the agreement in the Fifty-second and the Fifty-third Congresses that a gradual reduction of 20 per cent a year would be made in the appropriations for the sectarian schools, thus closing all the sectarian schools in five years?

Mr. GALLINGER. That is right.

Mr. PETTIGREW. Certainly; but the House of Representatives last year, without waiting to carry out that tacit understanding, struck it all off. It would have required, if that policy had been carried out, not only that this appropriation should be made, but that another should be made a year from now, and then the five years would have expired. The only agreement I know of was the agreement that the appropriation should be gradually wiped out, and that at the end of five years, 20 per cent each year. The people who violated that agreement are the people who contend against this provision of the bill in this body and in the other.

Mr. President, I am well aware that we have an Indian Rights Association, organized, I suppose, to protect the Indians of this country. One of its most active centers is located in the State of Massachusetts. They are very solicitous about the rights and privileges of the Indians, terribly anxious; and along with the same idea cherished by their ancestors, the people of Massachusetts are particular about the religious belief of the Indians they favor. Miles Standish, when he assassinated his victims, and was therefore made a saint by the Pilgrims of Massachusetts, expressed no regret, and the Reverend Robinson declared that we must take into consideration the hot temper of the little captain, and stated that his only regret was that he did not stay alive until he could be converted.

So this association to-day is anxious about the rights and privileges of the Indians; yet because those Indians happened to believe the doctrines of the Catholic Church, they would drive them from the schools, turn them loose on the prairies, and make no provision for them whatever. Oh, Mr. President, I am tired of the contemptible hypocrisy of the Indian Rights Association. I am sorry that it finds representation on this floor. Whilst it may contain many philanthropic and excellent people, its affairs are controlled and directed by persons who have no respect not only for the interests of the Indians, but in many cases for truth itself.

Mr. GALLINGER. Mr. President, I do not feel called upon to defend, certainly not with more than a very few words, the Indian Rights Association of the United States. The Senator's language will go to the world, and the Senator will be judged by the expressions he has made in this Chamber concerning that great benevolent association. They may have made mistakes, but that those men have any other purpose in their hearts and minds than the amelioration of the condition of the Indian people of this country is not a subject that ought to be in controversy to-day, and I think the Senator from South Dakota in charge of this bill, familiar, as he necessarily is, with this subject, and entertaining, as doubtless he does, a contempt for the opinions of those of us who do not happen to dwell in the immediate vicinity of Indian tribes, will further his cause and the purpose he has in view to a much greater extent by treating with greater courtesy and respect a great association like the Indian Rights Association than by denouncing it in such bitter and unjustifiable language.

But, Mr. President, I have been present during the consideration of the Indian appropriation bill every year for several years, and I have heard to-day for the first time a contention that we ought to increase the appropriation for Indian schools. I have, if I remember correctly, never seen a proposed amendment to the amount that the House of Representatives gives for this purpose added to this bill by the Senator from South Dakota since he has had charge of it. If it is necessary for us to have a larger appropriation for this purpose—and I can see that that may be true—why does not the Senator, instead of engaging in a reactionary measure, turning back civilization itself in reference to this question, come in here with a proposition to increase this appropriation to an amount whereby the Government can take care of these Indian children? If he does that, I am sure he will find every man who has some sympathy for the Indian Rights Association ready to join with him in voting that appropriation and insisting that it shall be kept in the Indian appropriation bill.

If it shall be determined by a vote of the Senate that this amendment shall stay in the bill, I propose, at the proper time, to reenact the declaration that was in the last Indian appropriation bill, because I think it is desirable, in view of this discussion, that it should be reenacted—that it is the settled policy of the Government that hereafter no appropriation whatever shall be made to any sectarian school for education, just as we did last year. That was our declaration then. We violated it. Let us reenact it, and see whether we shall violate it again. I shall, when the proper time comes, if this amendment does not go out of this bill, offer a proviso to the effect that all appropriations for the education of Indian children in sectarian schools shall absolutely cease at the close of the fiscal year ending June 30, 1898. Then we shall see whether those Senators who are as anxious as we are, according to their declarations, to bring this matter to an end, are ready to put themselves on record, put that provision in the bill, and stop this matter.

Mr. President, that is all I care about it. So far as I am concerned, I am ready to take a vote on this question. I shall vote one way; my friend from South Dakota will vote the other, and he and I, good friends as we are, will gracefully yield to whatever the verdict of the Senate may be on this great question.

Mr. WILSON. I should like to have the Senator answer a question before he takes his seat.

Mr. GALLINGER. Certainly.

Mr. WILSON. I desire to ask the Senator from New Hampshire if it is not a fact that we have spent since he has been in public service probably $15,000,000 for the education of Indians?

Mr. GALLINGER. I should think that that was not an overstatement, though I have not made an exact computation regarding it.

Mr. WILSON. I do not think that that is an overstatement, and I doubt if we have ever succeeded in educating one.

Mr. GALLINGER. I am inclined to think the Senator from Washington is pretty nearly right in that statement.

Mr. WILSON. I have seen a great many Indians, I expect as many as any Senator on this floor with the exception of the Senator from South Dakota [Mr. PETTIGREW], and I have yet to see a single Indian to whom the educational system that has grown up and crept up here has been of the slightest advantage. I may be mistaken about it; I may be in error about it; but we have spent about $15,000,000, and every Indian we have sent to school, after he has got a little smattering of an education, has gone back to the breechclout and blanket. I do not believe, unless you discover some system by which and through which you can elevate the whole tribe at the same time, you are ever going to accomplish very much in attempting to educate a class of people who still remain in the stone age.

Mr. ALLISON. The Senator from New Hampshire [Mr. GALLINGER] suggests that he will offer the provision on this subject which is found in the Indian appropriation act of last year as an amendment. When the Committee on Appropriations considered this question, they did not intend in any way to interfere with the legislation of the last year or to change it in any manner except to extend the limitation one year. It was stated to us by the Commissioner of Indian Affairs that he thought it doubtful whether, during the fiscal year 1897, there would be sufficient and ample provision for the maintenance of the Indian children at the Government schools. It was because of that statement that we provided in this bill for an extension of the provision respecting these schools during the fiscal year 1898, not understanding in the committee that this provision was to extend beyond that time, but that certainly during the fiscal year 1898 there would be provision made in the Government schools for the Indian children, who could be made available for education in those schools. That, I believe, was the universal understanding of the Committee on Appropriations when this provision was made, that it should be extended for one year, instead of expiring on the 1st day of July, 1897, because the Commissioner of Indian Affairs said that by the 1st of July, 1897, he was not certain that he would have sufficient school facilities to enable him to take care of those children. So I have no objection to the amendment suggested by the Senator from New Hampshire, as it was the understanding of the committee that the provision in the act of 1897 was not to be an appropriation provision, but that it was a legislative provision, binding upon Congress and upon the appropriation respecting these Indian schools.

Mr. PALMER. Mr. President, education, mere letters, as the Senator from Washington [Mr. WILSON] intimates, does not necessarily improve the morals of men. It is more important to this Senate, with respect to its own dignity and a proper appreciation of itself, that this legislation shall be in harmony with enlightened public sentiment than that there should be any special provision for the Indians. That they should be taught to read and write and that such other literary education as may be conferred upon them should be conferred is clear. But the particular point to which I want to call attention is in the proviso to be found in line 20, on page 45, and I shall at the proper time move to strike out those words:

Provided, That the Secretary of the Interior may make contracts with contract schools—

The words I shall move to strike out are:

apportioning as near as may be the amount so contracted for among schools of various denominations.

I shall also move to strike out all after the word "children," in line 25, on page 45, which will include all of the amendment on page 46.

Mr. President, there is something profoundly humiliating to me that there should be a controversy here over these mere disputes or over these mere denominational claims. Religious people who belong to special denominations have exerted themselves to extend instruction to the Indians. They have sought to subject the Indians to Christian influences; they have sought to make them better men and better women; they have sought to improve their condition. In some respects the Catholics have been the most forward and have been successful; in others the Methodists, the Presbyterians, the Baptists, and the Quakers have exerted themselves with respect to particular tribes, and have accomplished great good.

Why should this Senate permit itself to engage in or to inquire into this miserable question of denominational control? The clause authorizes the Secretary of the Interior, "for support of Indian day and industrial schools"—I read the whole clause:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children.

If I had my way about it, the whole provision would be modified to that extent. I regard the efforts of the churches, of religious people who are attached to churches, as being eminently praiseworthy. As the Senator from Washington intimates, while they have not made these Indian people absolutely perfect, as perhaps Christianity has not made us as perfect as we should be, while they have not succeeded to the full extent of the desires of the good people who have established these schools and have been pioneers in this work, and where they have established schools, in many instances Catholic schools, Presbyterian schools, Baptist schools, Methodist schools, Quaker schools—I say where they have as pioneers in this work accomplished so much good as they have, why should not those schools be employed as the agencies by which these efforts for the benefit of the Indians should still be carried on?

My own feelings are that the good men and the good women who have been the pioneers in this work and who have carried it on until this time should not be abandoned by the Government. Some of us propose to take what they have done, and propose to decline to assist them further in this most praiseworthy work. Why should it be done? Why should not the Secretary of the Interior be permitted to make contracts with such schools as exist, such schools as can accomplish the purposes of the Government? Why should not that be done, and why should the condition be imposed upon the Secretary of the Interior of dividing the amount between the various different denominations as best he can, as if the Senate was at all interested in this denominational question? I suppose, Mr. President, that the proper thing to do is to avail ourselves of the very best facilities within our reach and prosecute the education of those people who are now so nearly extinct, and avail ourselves of every agency that may be found at hand.

Mr. LODGE. Mr. President, I only wish to say a single word in justification of the Indian Rights Association, which is a great benevolent and charitable organization. I have never heard one single word from them or from anybody connected with them in regard to sectarian schools, and I have not the slightest idea what their opinion is about it. I have opposed appropriations for sectarian schools ever since I have been in Congress in either branch, which is now nine or ten years, but without any reference whatever to the Indian Rights Association.

Mr. GALLINGER. Will the Senator from Massachusetts allow me? I wish to say in the same line that no member of the Indian Rights Association (and the country has known my attitude on this question) has ever written or spoken to me in regard to the matter.

Mr. LODGE. I do not think they have taken any part in the discussion. Although many of them have the misfortune to live in the Eastern part of the country, they have a perfect right to discuss affairs of general interest, and they do not feel that the right to discuss the Indian question is confined to the inhabitants of South Dakota. I think it is wholly right that they should take an interest in the Indians, and all I wished now was to relieve them from any responsibility whatever for what I have said in the matter of the sectarian schools.

I have opposed appropriations for sectarian schools ever since I have been in public life, because I did not believe that I had the right to tax another man to support my profession of faith or my church, and I do not think anyone has the right to tax me to support his. I think that is a pretty simple general proposition on which all Americans, so far as I know, agree, or ought to if they do not. The Constitution has something to say about it in one of the articles of amendment. I believe it is a mistake to appropriate the public money for the benefit of any sect. Of course, all the denominational schools for the Indians but one ceased to receive public money some time ago, as I think everybody knows except the Senator from Illinois [Mr. PALMER] who has just been talking about them.

There is only one church, if I am correctly informed, which now receives public money for its schools, but that does not affect the argument. I do not think we ought to appropriate money for the Presbyterian schools of the country. I do not think we ought to appropriate it for the Episcopal schools. I do not think we ought to appropriate it for the schools of the great Methodist Church, including in its membership so large a proportion of the inhabitants of the United States. I do not think we ought to appropriate it for Baptist schools. I pause here. I wait for some Senator to rise and tell me now that I am attacking those sects which I have named. I want to hear it said. I want to see an exhibition of that sensitiveness which has been displayed on this subject shown now when I name those great Protestant sects. I say that I do not think we ought to appropriate money for their schools. No one criticises me for the statement I have just made.

But, Mr. President, when I say that we ought not to appropriate money for the only church which now receives the Government money for these schools, then I am subjected to the remark of the Senator from Connecticut that I am attacking in a spirit of demagogy a Christian church. I no more attack the Roman Catholic Church than I attack the Baptist Church, or the Presbyterian Church, or the Episcopal Church, or the Methodist Church, or any that I have named. I say no sect, as such, should receive Government money, and I say it because I believe in that broad principle. I am not to be deterred from saying it by the outcry that I am illiberal. If the only sect that happens to take that money is the Roman Catholic, I am very sorry that my remarks should apply to it alone, but I can not help it. The principle applies to all sects. It is not the business of the Government to appropriate money for sectarian purposes. That principle is embodied in many of the State constitutions. I have always stood on that principle, and I trust I always shall. It is for that reason that I have opposed these appropriations ever since I have had the honor to have a seat in either House. It is not that I pretend to any special knowledge of the Indians. It is not because I care what the Indian's faith is. I quarrel with no man's creed and with no man's conscience. I have no criticism to make of a man's belief. I stand simply on the broad principle—which I think is unquestionably sound—that we have no right, representing as we do all shades of Christian belief, all sects, and all churches, to draw any distinction among them. We have no right to take one man's money and give it to the support of another man's faith. If we want to educate the Indians, let us appropriate money and do it by Government schools, but do not let us appropriate the public money and give it to a sect among the citizens of the United States.

I am quite content to stand on that ground. I have no feeling of illiberality toward any sect. I have no desire to attack any man's creed. I have not reflected on a single branch of the Christian church. I do not question for one moment that all branches of that church have done good and useful work for the Indians. But I say that when we are appropriating the public money, contributed by men of all sects and all creeds, we have no right to give it to one sect or to a half dozen sects or to twenty sects which shall be picked out here or by the Secretary of the Interior. The public money must be spent only for public purposes, in which all Americans share, without any distinction of creed or religion.

Mr. TELLER. Mr. President, I do not care to discuss the question which the Senator has just been debating. We determined last year the policy of the Government touching these schools. We are about to declare it again, I understand, because there is no opposition to the amendment of the Senator from New Hampshire.

I should like to say, however, that there is no particular relation between the subject of Indian schools, and the relation which the Government bears toward those schools that we call contract schools, and the great question whether the education of the Indian youth of the country should proceed upon general lines under the control of the State or whether we should assist the sectarian bodies by taxation and appropriation in carrying on their schools. There is not the slightest relation between them. The principle is not involved at all. I am opposed to the Government appropriating money for contract schools, for the reason that I believe the Government is better able to take care of the schools than is anybody else. I have advocated that for many years.

The Senator from Massachusetts tells us that the great religious denominations have abandoned their effort to educate the Indians. I am very thankful that is not the case. They have not left to the great Catholic Church the education of the Indians. There are numbers of schools in this country supported by Presbyterians and by Episcopalians and by Methodists which are engaged in teaching the Indians the ways of civilization and Christianity. It is true they have retired from receiving appropriations from the General Government, and very rightly, too. None of the Protestant churches, as I understand, now receives such appropriation. They voluntarily decline to receive it. But that has all been done in the last three or four years. Up to that time they received their proper share or all they could get, and when some years ago it became my duty to administer this branch of the public affairs I found that the Protestant churches were receiving the great proportion. Almost all of the Government money that went into contract schools went into their schools. But in a very short time the Catholic Church, with the enterprise that has ever marked its course in the West, took hold of the educational question. It outran all the others, and got, I believe, a great deal more than all the Protestant churches put together.

However, I will not discuss that question. I could not allow the statement made by the Senator from Washington to go without a protest, especially as the Senator from New Hampshire gave his unqualified assent to that rather remarkable assertion. The Senator from Washington said, in substance, that we have spent twelve or fifteen million dollars in the education of Indian children, and that we have not educated any. Mr. President, there never was a greater mistake in the world. I do not know how fortunate we have been in teaching the Indians of Washington and the Pacific Coast and that immediate section; but I do know that, while we have not had quite the success with the Indians in

many directions that we had hoped for, yet there has been a wonderful improvement in the Indians, and I do not believe it can be honestly said that the great sum of money, $15,000,000 it may be, has been misappropriated. Some of it has been wasted. Some of it has been lost. That is true of all payments to any class of people.

Mr. HOAR. May I ask the Senator from Colorado a question at this point?

Mr. TELLER. Certainly.

Mr. HOAR. Is it not true that a very considerable portion of the $15,000,000 was expended in compliance with treaties, by which we obtained large and valuable grants from the Indians? For instance, the Sioux treaty which was conducted by the Senator from Iowa. The Government engaged to make certain expenditures for the education of the Indian children. So it is not entirely a tax on the people of the United States, but it is giving compensation for lands which we have acquired.

Mr. TELLER. That is true. In nearly all of our treaties with the Indians by which land has been ceded to us we have provided for the education of the Indian children. A great portion of the appropriations made in this bill are made in accordance with treaty stipulations in consideration of the cession of their lands to us, lands that we are selling, in some instances, to the people of the United States for a great deal more than we paid the Indians therefor, and in most instances, where the land is not taken by homestead settlers, it brings more.

The education of the Indian has been pursued under some difficulties. It has been pursued under difficulties because we did not have a sufficient amount of money. If we could have put in schools at one time all the Indian children, we would have done a great deal better than by the course which we have pursued, to take a small percentage and put them in school and try to educate them. When they went back to the tribe, they went into a barbarous community; but it is not true that they have all gone back to the breechcloth and the blanket. The Senator says he has seen more Indians than anybody else except the Senator from South Dakota. The Senator from Washington has been seeing the Indians for the last twelve or fifteen years, and I have been seeing them for nearly forty. I have come in closer contact with Indians than nearly anybody else in this country. I have seen the time when they were a good deal too near to me and when I would have been glad to have had them at a greater distance.

Mr. PETTIGREW. Will the Senator from Colorado allow me?

Mr. TELLER. Certainly.

Mr. PETTIGREW. In connection with the statement of the Senator from Washington, that there are no Indians who have been educated, I wish to state that there is in the gallery at the present time a full-blooded Sioux Indian who is a graduate of Hamilton College, who is a graduate of the Boston Medical College, and who is a gentleman in every respect. There are hundreds of Sioux boys who are educated, who are becoming most excellent citizens, and who are gentlemen in their habits and conduct.

Mr. TELLER. I should like to say that I have myself come in contact with hundreds of them. I have seen them in every section of the Western country pretty nearly, and, while a good many of them have not accomplished what we hoped, yet the work has been going on successfully, and we are gradually and steadily, and I think as rapidly as we ought to expect under the circumstances, lifting up these nations and putting them in a position to take care of themselves and to become eventually respectable members of society.

Mr. President, I have had as much opportunity perhaps to come in contact with this race as most men have. I appreciate all their good traits and I am familiar with all their evil ones, and I do not like to remain silent when a statement is made which will discourage the people who are making an effort to do something for the Indians. The Indian problem will eventually settle itself, and that, too, very speedily, if we continue to give the Indian children an opportunity to secure an education. I admit that we have pursued a very foolish course. We said that it would not do to bring the wild men of this country in contact with civilization and Christianity, and we have isolated them on their reservations, we have kept them away from civilization, and we have kept them away from schools. We have given them no inducement to progress and grow better. Yet nearly all of us are inclined to say that forty or fifty years have gone by and they are no better than they were. Why should they be better, if they are kept on their reservations, where the only civilized men they see are the Indian agent and a few employees around the agency—and they are not always of the very best class of society either?

Mr. HOAR. Mr. President, I think it ought to be said in this connection, what every Senator knows, but if this debate is read elsewhere the statement ought to be made that the matter of the sectarian schools came about in the most natural way without a thought of preferring any religious body at the expense of any other.

When General Grant came into the office of President he found the Indian service in a very bad way. Of course the country had been attending to other things connected with the war and reconstruction, and there were great complaints of the character of the Indian agents and the teachers of the Indian schools and of the whole administration of the Indian service. It was said to be corrupt and wasteful, and that we were unable to command men of suitable character and capacity for the service which was required. General Grant himself hit upon a scheme. It was his own plan, and one on which he prided himself very much. He said, "I will take these schools, and wherever I can make an arrangement I will give them into the charge of some religious body. They shall suggest an Indian agent and an Indian teacher, and I will have them employed; and I will get rid of the idea of having the reckless and worthless men who get around the appointing power provided for at the Government expense and at the expense of the Indians."

The religious bodies to which General Grant made the suggestion accepted it. Some of them accepted it very reluctantly. I know that the religious communion with which I am associated undertook with great reluctance the duty of finding suitable persons for these places, so far as they were assigned to them. The matter went on without a thought of sectarianism or of competition between sects or the desire of one sect to get the advantage of another, or of anything like propagating a special sectarian creed. But at last, as the religious bodies had got accustomed to this thing, a rivalry grew up. Sometimes they got too near each other, and the same thing which occurs in populous towns and cities occurred. Religious controversies sprang up about dealing with the Indians, and it turned out that it did not work well.

If President Grant had foreseen what has taken place, he probably would never have entered upon the experiment. He was, as is known, a member of the great Methodist denomination, and one of the last men in the world to desire to do anything to propagate what is distinctive in Catholicism as separate from Protestantism. When the public attention became aroused, and it was found that the religious denominations were getting jealous of each other and were pressing upon the Secretary of the Interior and the Commissioner of Indian Affairs and upon the officer who has special charge of Indian education for particular advantages, were insisting that they and not the Government should determine the question of the appointment or removal of public officers, the policy was dropped with as general consent as it was originally established. When General Grant made the proposition, it was hailed with approbation all over the country, and this result was not then anticipated by him or by anybody else.

Now, all that we had to do when we found that complaint and jealousy were arising among different religious sects was to carry out the constitutional principle which my colleague has invoked, to discontinue the policy as rapidly as it could be done with justice to the Indians and the parties with whom we had contracts, and as rapidly as it could be done consistently with providing substitute agencies.

I have always voted and always expect to vote for declarations like that advocated by the Senator from New Hampshire whenever they are proposed, reaffirming the old constitutional policy that there shall be no public money provided for sectarian purposes, and to get rid of this plan as soon as we can without a gap or interruption in the Indian education. Upon the question how much we must keep of the old plan until we have the new one in operation, I have followed and expect to follow the Committee on Indian Affairs. Of course no member of the Senate can investigate for himself the detail of the condition of every Indian school on every reservation in the country.

Therefore I have made this statement, not because it is necessary for the Senate, but because some very worthy and enthusiastic persons of various religious opinions in the country seem to misunderstand the matter. Some are in a great hurry to have the reform accomplished, and others regard the attempt to accomplish the reform as an open or covert attack upon their particular form of religious faith.

The great Catholic Church especially stands for, and, in this country, must live by, the constitutional right that all Christian bodies must stand on entire equality before the law, and, so far as I understand the declarations of their leaders, their great authorities, they recognize that policy. I heard the eminent pulpit orator who has just been called to the head of the great Catholic University at Washington, an honored and esteemed fellow-citizen of my own, state in his farewell address to the people of Worcester, where he had been living twenty-five years, his devotion to the principles of the Constitution of the United States. He said he owed his right to be a Catholic and his right to advocate the religious faith which he held to the humane and just provisions of the Constitution of the United States, which declares all Christian bodies to be on an equality. He asked for nothing more for himself nor for his church; that he expected to be content with nothing less. The utterance which he made of a lofty desire that all Christians should stand on an equality before the law, both in its administration and in its original enactment, would have answered for the

utterance of any body of Christians or any body of religious thinkers, whether Christians or not. I do not believe there is any difference of opinion among religious bodies on this matter, and I know there is no difference of opinion in the Senate.

Mr. MANTLE. Mr. President, I desire to say briefly that I am in thorough sympathy and accord with that sentiment which is opposed to the appropriation of the public moneys for sectarian purposes, and I had hoped, in common with the Senator from Massachusetts and the Senator from New Hampshire, that, when a year ago the conference committee of the two Houses had arrived at an agreement upon this question, the matter had been definitely settled. But it seems that the mistake was made by the conference committee of not having made provision to carry the agreement into effect. So it happens in this session of Congress that we are again confronted with the same condition of affairs that existed a year ago, and that again, in addition to the great principle of the separation of church and state, in which the great body of the American people believe, we are once more met in this connection with the question of humanity. We are again face to face with the proposition that if we cut out this appropriation at the present time many of the Indian pupils in the Indian schools now being cared for under the contract system will find themselves without the means of securing that education which I am sure all of us desire that they shall receive, because if anything has been demonstrated in the course of our Indian policy it is that the only rational, logical, reasonable, and humane treatment to be extended to those people is that of educating them and of teaching them useful occupations. That policy has proved a grand success in the treatment of the Indians, and it is the only policy which ought to be pursued toward them.

Mr. President, so far as concerns the statement of the Senator from Washington, that after all this expenditure of public money in behalf of the Indians there is not to-day an educated Indian, I wish to state, out of my own experience, having passed the greater part of my life in that part of the country which they mainly inhabit, that the statement is incorrect. Anyone who has lived in that section of the country must be well aware that there has been a great advance, a great improvement in the condition of the Indians, and this statement finds its verification in the fact that disturbances by Indians have almost entirely ceased. This state of affairs, I say, testifies to the good work which has been done and to the improved condition of the Indians at this time. There are many hundreds and thousands of Indians who have been directly benefited and improved by the policy of education and of teaching them useful occupations.

If the amendment is presented for our votes in this form, although I am strongly opposed to the policy of voting the public moneys for sectarian purposes, for I recognize the fact that so long as this custom prevails it must lead to endless discussions and to the continuous debate which has been going on year after year—yet in consideration of this other question, that of humanity, I shall be compelled to cast my vote again in favor of the extension of this appropriation for another year. But if we are going to adopt the amendment of the committee, I believe we ought at this time, taking counsel of the experience of the past year, to make provision for the purchase of schoolhouses and sites, so that a year hence, when Congress convenes, we shall not find the question again confronting us in exactly the same condition and manner that it does at this moment.

I dislike very much, as a younger member of this body, to offer even a suggestion to the Committee on Appropriations, or to attempt in any manner to amend their work. Perhaps it is not proper that I should do so, and yet I shall make bold at this time to suggest an amendment, and to suggest further that if it were incorporated at this time with the committee amendment it would effectually dispose of this question and make all the necessary and proper provision for carrying into effect what is unquestionably the desire of both branches of Congress. With the permission of the Senate, I will read the amendment, which I have roughly drawn, and I should like to ask, if it be in order, that it may be considered in connection with the amendment reported by the committee. I propose the following amendment, which I will read for information:

For the purchase, lease, repair, and construction of school buildings, and the purchase of school sites for the use and accommodation of Indian pupils now being educated under the contract system, the sum of $1,000,000; and the Secretary of the Interior is hereby authorized and directed to expend the same, or as much thereof as may be necessary, for this purpose, and to have such schools in readiness for the use and accommodation of said pupils on or before the 1st day of July, 1898.

Mr. GALLINGER. Mr. President, I crave the indulgence of the Senate a single moment further in this debate. When I gave qualified assent to the statement of the Senator from Washington, I did not mean to be understood to say that there was not an educated Indian in the United States, or that education as administered by the Government has not done more or less good. What I meant to be understood to give assent to was that I thought we had made a very large expenditure of money for this purpose with results that were disappointing to us all, and I adhere to that statement.

It was not my purpose to mention in this discussion any religious denomination. I have with a great deal of care in former discussions avoided making any utterance of that kind, and I would not have mentioned any denomination to-day had not a direct question been put to me by the distinguished Senator from Nebraska, which it was my duty to answer. I am not narrow or bitter or prejudiced in the matter of religious belief. It was, sir, upon my suggestion and motion that the last relic of religious intolerance was removed from the organic law of the State of New Hampshire, and that was in behalf of the great denomination that has to a certain extent been under discussion to-day.

My position is well known in my own State on this question. I entertain the broadest possible views, and I concede to every man, whatever his religious belief may be, the same right of free thought and free action that I claim for myself.

But, Mr. President, this question goes beyond that of sects or churches. It is a great fundamental principle; and I repeat that in my judgment it is time that the people of this great country solve this problem once for all, and rid our national legislative bodies from the discussion of it that has taken place year by year.

The Senator from Colorado properly said, and truthfully said, that the other religious denominations were still pursuing their work among the Indians. That is true; and when all these appropriations are stopped, when the last cent of money is discontinued to any religious denomination whatever, the great denomination that is now pursuing this work, aided by appropriations from the public Treasury, will, beyond a doubt, continue its beneficent work among the Indians of this country. It is not a blow at any religious denomination. It is not action that, in my judgment, will in any wise retard the work of education among the red men of this country. But we will have established a great principle, upon which every citizen of this country will stand, and can stand, whatever his religious belief may be, and we will have rid our legislation from a troublesome and a vexed question that is bound to be discussed until it is solved, and it never will be solved and settled until it is settled right.

Now, Mr. President, I am ready for the vote, reserving the right to offer the amendments I suggested a moment ago. If those amendments go into the bill, even though the amendment of the committee shall be adopted—which I trust may not occur—I am satisfied that when we come to consider the next Indian appropriation bill we will not occupy several hours of valuable time in the discussion of this question, which has been heard so often in the Halls of the National Congress.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Montana [Mr. MANTLE]. Does the Senator propose the amendment read by him as an amendment to the one pending?

Mr. MANTLE. If it is in order, I should like to have it acted upon, so that it may become a part of the committee's amendment. I think it is necessary to go with the committee amendment in order to get it in proper shape.

The VICE-PRESIDENT. The Chair desired to know the status of that amendment.

Mr. ALLISON. Mr. President, I concur with the Senator from New Hampshire who has just taken his seat that this matter ought not to occupy the attention of the Senate for any great length of time. I had supposed that the question of the policy of our Government was settled by the legislation of last year. The only question between the two Houses last year on the Indian appropriation bill was whether these schools, contract schools, so called, should end with the passage of that law, or whether they should end on the 1st day of July, 1897 or 1898. The Senate Committee on Appropriations last year, accepting fully the views now uttered by the Senator from New Hampshire, reported a provision that the contract schools should continue until the 1st day of July, 1898, believing then, as I believe now, that time should be given for the transition period between the schools that are to be supported by the Government and those denominational schools which have hitherto been supported by contracts given to them.

I agree that the policy thus established last year should not be interfered with, and I know, or at least I have heard, of no one on this floor who proposes to interfere with it. Therefore I do not discuss the question as to the propriety of appropriating money for sectarian schools.

When we fixed the year 1898 in the act of last year in this body, after debate, we did it because we believed it would require a period of two years to make the transition. The House believed that it could be done without delay. A compromise was made between the two Houses that the period should end on the 1st of July, 1897, and that was understood at the time in both Houses. Now it appears from the statement of the Commissioner of Indian Affairs, made to the Committee on Appropriations, that although this has been substantially done, or will be done on the 1st day of

July, 1897, either by purchase of the buildings of sectarian schools in existence or otherwise—that the change from sectarian to Governmental schools will be accomplished, or nearly so, by the 1st of July, 1897—but that there are certain schools having now a considerable number of pupils which can not be so changed by the 1st of July, 1897.

Therefore, after consideration of this subject, the Committee on Appropriations did what? Did it change the policy of this nation as stated and agreed to substantially by everybody last year? Have we done anything in this bill that requires a reargument or restatement, as though there was a division of opinion here? Certainly not. We only provided that the Secretary of the Interior or the Commissioner of Indian Affairs should have the authority, in case it was impossible to secure Government schools for pupils requiring school aid, to use a portion of this money for the fiscal year for which we are appropriating to enable the children to acquire the knowledge that is usually acquired at these schools, without turning them out. We have changed no policy. We have proposed only the humanitarian idea which ought to prevail in this body without reference to our religious views, or the want of them, in order to give the children that can not be provided for by the Government an opportunity for one year more, or a part of a year, to be educated where they are now being educated.

Now, that is all there is of this question. I hope that we shall not hear of it again in this appropriation bill. I concur with the Senator from New Hampshire that when we have passed the transition period and made provision for the Government schools it will not be necessary for us to indulge in a denominational discussion either for or against any particular religious denomination in the country.

So the Committee on Appropriations have not departed from the policy and purpose which was declared last year, but have proposed an amendment here which will submit to the House of Representatives whether a few children who are not already provided for at the public schools and who are now provided for by the sectarian or denominational schools shall be turned out, or whether, temporarily, they shall be continued where they are.

Mr. STEWART. I have not been present during all of the discussion. I wish to inquire whether there is a provision in the pending bill or in any other for advancing with sufficient rapidity the construction of the buildings so as to be ready at the end of the time limited?

Mr. ALLISON. The Commissioner of Indian Affairs stated to us explicitly that the provisions here for the purchase and lease of building sites would be ample to provide for all the children during the fiscal year 1898.

Mr. ALLEN. Mr. President, I did not suppose there was any controversy as to the policy to be pursued with reference to these Indian schools. I understood from the action of Congress last year that we settled upon the policy that appropriations should be cut off at the rate of about 20 per cent each year for something like four or five years, until the schools were enabled to care for themselves. So the proposed amendment of the Committee on Appropriations does not disagree in any respect from the policy laid down last year, as I am informed by the Senator from Missouri [Mr. COCKRELL] at my right.

I think there are two things that ought to be considered carefully in connection with this proposed amendment, and these two points rise above the mere dollars and cents involved in the amendment, although the sum is probably large. The first to be considered is the welfare of the Indian children, who, unless this appropriation shall be made, will be turned out without any educational opportunities whatever. There can be no doubt that a great many thousands of Indian children unless they receive means of education through the contract schools for a year or two at least will be deprived of the privilege of an education during that period. Now, that is an important matter. I agree entirely with the Senator from Connecticut, with whom I rarely agree upon any subject, that it would be absolute cruelty, unjustifiable cruelty, to turn these children out without an opportunity of education.

Then there is another important matter in this connection that the Senate can not overlook, and which was considered a year ago in connection with the Indian appropriation bill, and that is the injustice of taking the prop from under the contract schools and rendering their property valueless by a sudden withdrawal of the appropriation. The church of which the Senator from New Hampshire speaks, and in fact many of the churches, invested millions of dollars in Indian schools; they erected valuable buildings, and provided for the education of the Indian youth. If the Government can be estopped from a sudden withdrawal of support to the schools it is estopped in this case until the owners of this property have had an opportunity either to dispose of the property or make provision for conducting their schools by means derived from some other source. It strikes me that it would be absolutely unjust in view of the policy this Government has pursued for over twenty years in encouraging the construction of great school buildings, and encouraging religious societies to educate the Indian youth, suddenly to take the foundation out from under their enterprises and permit their property to fall back upon their hands almost absolutely worthless.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. I will.

Mr. GALLINGER. I suggest to the Senator that the other denominations in bulk invested very nearly as much in school buildings as the remaining denomination; that they voluntarily relinquished this subsidy from the Treasury of the United States and did not ask the Government to reimburse them, and that they are carrying on their schools now with their own funds.

Mr. ALLEN. I do not see that that makes any difference in the argument. The Senator, a moment ago in his remarks, seemed to indicate that I was a Catholic, or in some way in sympathy with the Catholic Church.

Mr. GALLINGER. Oh, no, Mr. President; I disclaim that. I did not think that, and hence I could not have said it.

Mr. ALLEN. Let me say to the Senator that I am a child of Protestant parents, the child of a Protestant minister——

Mr. GALLINGER. That is a matter I never thought of, Mr. President, and I will state to the Senator——

Mr. ALLEN. And I do not stand here as an advocate of any particular denomination. I believe the more churches we have the better off the country will be, I do not care what their dogmas may be. We are not compelled to believe all of the formulated creeds of a church, and yet, Mr. President, it is true that the great church organizations have hewed out and marked the pathway of civilization in this country. The settlement of the country has always followed in the pathway of the pioneers of the churches. I care not what name you may give it, every Sunday school that is organized and established in this country, every Christian society, under whatever name it may exist or by whatever name it may be known, is an important factor in our civilization, and we can not afford to sneer at any of them. They are civilizers.

I regret that the Government does not pursue the policy, if it finds it cheaper, of employing the different churches as an agency, as a means to educate the Indian youth of this country. The Senator from New Hampshire thinks he sees some conflict between that policy and the established doctrine that church and state shall be forever divorced. There is no conflict at all, either in theory or in practice. From whence did we get the doctrine incorporated in our fundamental law that there should be no union of church and state? We got it from the example furnished us by the early English people and by continental Europe. In those countries at that time there was an established church, and the people were taxed and compelled to support the church. That is what is meant by church and state, and that is what we mean when we say we will divorce the church from the state. But the employment of the Methodist Church, or of the Episcopal, or of the Quakers, or any other organization as an agency to educate the Indian youth of this country is in no sense, in theory or in fact, a union of church and state.

I noticed a day or two ago that a distinguished Union general, under whom I served during the late war, died at St. Louis, a man, Mr. President, who, I believe, was greater than Marshal Ney; greater, in my judgment, than any subordinate commander in this country or in the old in a hundred years of the world's existence. It so happened, when I came to read his obituary, that I learned for the first time that he belonged to the Catholic Church. He was A. J. Smith, a man pretty nearly 84 years of age. Mr. President, when that man was riding in the storm of battle, leading his hosts in defense of our country, did anybody say that was a union of church and state? This Government employed his great services, and he rendered them freely in defense of the flag. You might as well say that the payment of that man for his services was a union of church and state as to say that the payment of these church organizations for their services in educating the Indian youth of the country is a union of church and state. That is not the union of church and state to which we refer. The union of church and state to which we refer, and which is contrary to our Constitution and contrary to our traditions as a Government, is the establishment of a particular church organization and the supporting of that church organization by general taxation levied upon the people.

Mr. PETTIGREW. I ask unanimous consent that the vote be taken on the amendment with regard to sectarian schools at 1 o'clock on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HOAR. I desire to have a brief conference report adopted, which I do not think will take three minutes. The members of the committee in the other House are anxious to have the report acted upon at once.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the first section of the bill, and from its disagreement to the amendment striking out the third section of the bill, and concurs therein; and also recedes from its disagreement to the amendment to the second section of the bill, and concurs therein with an amendment as follows:

Strike out "five hundred," and insert "one thousand" instead thereof, so that said section will read as follows:

"SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $1,000."

GEO. F. HOAR,
WILLIAM LINDSAY,
WILLIAM F. VILAS,
Managers on the part of the Senate.
FREDERICK H. GILLETT,
C. G. BURTON,
JOHN K. HENDRICK,
Managers on the part of the House.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

MRS. LUCY ALEXANDER PAYNE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, further insisting upon its amendment to said bill, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROACH. With regard to the bill, the action upon which has just been read, I move that the Senate concur in the amendment of the House of Representatives.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Dakota, to concur in the amendment of the House of Representatives, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

The motion was agreed to.

LEGAL PROCEDURE IN THE TERRITORIES.

Mr. PLATT. I wish to have the attention of the Senate for a moment while I make a statement. I had intended this afternoon to ask unanimous consent to call up a bill which was recommended by the Judiciary Committee, which must be passed, if at all, very quickly. It was objected to some time ago by the Senator from New York [Mr. HILL]. It is a bill relating to legal procedure in the Territories. There are four men who are under sentence of death to be hanged on Tuesday next. I do not suppose it would be possible if we brought the bill up to-night to get any further along with it than if it was brought up on Monday morning; but I shall ask the indulgence of the Senate on Monday morning to consider the bill, and I hope the Senator from New York will by that time be willing to withdraw his objection to it.

FORT SPOKANE MILITARY RESERVATION.

Mr. HAWLEY. There is a bill on the Calendar which the War Department wants passed, a bill of mere business detail, which will save the Government some money. It will take but a moment to read it. I ask unanimous consent for its consideration. It is Senate bill 3561.

The PRESIDING OFFICER (Mr. PASCO in the chair). The bill will be read for information, subject to objection.

Mr. COCKRELL. If it leads to no discussion, I shall not object.

The bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company was read by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FAULKNER. If it leads to no discussion, I shall not object.

Mr. HAWLEY. After the bill is read I think there will be no objection to it.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read.

Mr. HAWLEY. Only a single word of explanation. The bill will assist the Government in conveying materials more cheaply to Fort Spokane, and so the War Department would like to have the bridge built this summer. That is all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 22, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1897.

DISTRICT JUDGE.

James L. Wolcott, of Delaware, to be United States district judge for the district of Delaware.

UNITED STATES MARSHAL.

Giles Y. Crenshaw, of Missouri, to be marshal of the United States for the western district of Missouri.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1897.

REGISTER OF THE LAND OFFICE.

Benjamin F. Shaw, of Vancouver, Wash., to be register of the land office at Vancouver, Wash.

PROMOTIONS IN THE ARMY.

Infantry arm.

Candidate Sergt. James W. Clinton, Troop F, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Alexander T. Ovenshine, Company C, Twenty-first Infantry, to be second lieutenant.

Candidate Corpl. Henry E. Eames, Troop E, Fourth Cavalry, to be second lieutenant.

Candidate Sergt. Robert Field, Troop H, Eighth Cavalry, to be second lieutenant.

First Lieut. Reuben Banker Turner, Sixth Infantry, to be captain.

First Lieut. Daniel Alfred Frederick, adjutant Seventh Infantry, to be captain.

First Lieut. Edgar Hubert, Eighth Infantry, to be captain.

Second Lieut. Frederick S. Wild, Seventeenth Infantry, to be first lieutenant.

Second Lieut. William Orlando Johnson, Nineteenth Infantry, to be first lieutenant.

Second Lieut. James Robert Lindsay, Fourteenth Infantry, to be first lieutenant.

POSTMASTERS.

Mary A. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri.

G. W. S. Jenkins, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida.

Alfred J. McQuiston, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado.

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina.

Mary Green, to be postmaster at Warrenton, in the county of Warren and State of North Carolina.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire.

Miss Ada L. Davis, to be postmaster at Pilot Point, in the county of Denton and State of Texas.

James F. Maher, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 20, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

GENERAL DEFICIENCY BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 10329, the general deficiency bill, and the question is upon the pending amendment, which the Clerk will read.

The Clerk read as follows:

On page 54, beginning with line 55, strike out the following:

"To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,202.48."

Mr. SAYERS. Mr. Chairman, I shall support the amendment offered by the gentleman from Illinois [Mr. HOPKINS]. The truth about it is that the gentleman has raised a question that it would probably be very difficult for even himself to decide. The gentleman thought proper yesterday afternoon to begin his remarks by an assault upon the gentleman from Missouri [Mr. DOCKERY] and myself. I will say to the gentleman from Illinois that the gentleman from Missouri had nothing whatever to do with the preparation of this bill. It was prepared by a subcommittee of which he was not a member; and the members of that subcommittee, myself included, are responsible for this provision in the bill. It may seem strange that, being to a certain extent responsible for the appearance of the provision, I should be found supporting the motion made by the gentleman from Illinois. The Committee on Appropriations and the subcommittee on deficiencies were considering a bill introduced by the gentleman from Virginia [Mr. TUCKER] for the relief of Mr. George D. Wise, of Richmond, Va., which read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, to George D. Wise, of Richmond, Va., the sum of $110.

That bill was referred to the Committee on Appropriations. Upon inquiry the committee discovered that the $110 which was sought to be appropriated was claimed to be due Mr. Wise for a portion of his salary as a member of the House, which had been withheld under the order of the Speaker of the last House in consequence of Mr. Wise's absence. The subcommittee concluded that if it would be right to pay this demand, it would also be right to make reimbursement to all others similarly situated, and it was the purpose of the subcommittee that this matter should be brought before the House for its consideration.

In order that members may properly and thoroughly understand the question, I will send to the Clerk's desk a blank certificate, being the form used in the last Congress for the pay of members, beginning on the 4th day of April, 1894; and I ask the Clerk to read all that appears on the certificate, including the language quoted from the statute.

The Clerk read as follows:

SEC. 40, REVISED STATUTES.

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., ——— ——, *189—*.

I certify that during the month of ——— I have been absent ——— days, for which deductions should be made under section 40 of the Revised Statutes.

——— ———.

—

Salary, 189—.

No. —.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., ——— ——, *189—*.

I certify that there is due to the Hon. ——— ———, ——— dollars, as a member of the House of Representatives for the Fifty-third Congress.

——— ———, *Speaker.*

$—.

Received the above amount.

——— ———.

Mr. SAYERS. Mr. Chairman, I now send to the Clerk's desk the form of certificate used in the present Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I hope the gentleman's time will be extended five minutes.

Mr. SAYERS. I should like to occupy ten minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas [Mr. SAYERS] be allowed to proceed for ten minutes further. Is there objection? The Chair hears none.

Mr. WILLIAM A. STONE. In connection with the certificate just read, I wish to ask the gentleman from Texas whether it is not true that the Speaker announced, either publicly or privately, I do not remember which—but were we not given to understand that he would not certify the voucher necessary to draw the monthly pay until the member had signed the certificate just read?

Mr. SAYERS. Certainly; that was my understanding.

Mr. WILLIAM A. STONE. It seems to me that the fact I have just stated ought to go on record with the certificate read.

Mr. SAYERS. Mr. Chairman——

Mr. HEPBURN. Before the gentleman from Texas resumes, I beg to suggest that the answer of the gentleman, taken in connection with the query just made, may be somewhat misleading, owing to the fact that the Speaker, in some way or another—I do not now remember how—authorized a modification of that certificate. I know that in a great many cases the certificate was modified, so that, for instance, the member would certify: "I have been absent no days for which, under the law, my pay should be deducted."

Mr. SAYERS. Well, that may be so, though I never saw such a certificate.

Mr. HEPBURN. So that any member, if he believed in the contention of gentlemen on this side of the House, had the right to make that change in the certificate, which, in its modified form, the Speaker readily signed, and by means of which the member secured his full pay.

Mr. WILLIAM A. STONE. Nobody questions that.

Mr. SAYERS. I had no knowledge of the form of certificate to which the gentleman from Iowa [Mr. HEPBURN] refers. I never used such a form myself, but used only the one which has been read.

Mr. HULL. My impression is that there was no modification of the printed form, but the change was simply written in.

Mr. WILLIAM A. STONE. And members had a right to do it.

Mr. SAYERS. I ask now that the certificate which is being used in the present Congress be read.

The Clerk read as follows:

Salary, 189—.

No. —. HOUSE OF REPRESENTATIVES OF THE U. S.,
Washington, ——— ——, *189—*.

I certify that there is due to the Hon. ——— ——— four hundred and —— dollars, as a member of the House of Representatives for the Fifty-fourth Congress.

——— ———, *Speaker.*

$41—. Received payment, ——— ———.

Mr. SAYERS. Mr. Chairman, members will readily see the difference between the two certificates.

Mr. CLARDY. I should like to ask the gentleman this question: Is the law which has been referred to, and which has been read at the Clerk's desk, operative now, or has it been repealed?

Mr. SAYERS. It has never been repealed. The law as read is still in force.

Mr. WILLIAM A. STONE. Of course the gentleman will understand that we deny that the law is still in force; we contend that it was repealed, and was not in force during the last Congress.

Mr. SAYERS. Certainly. Now, Mr. Chairman, it is an open secret in this House—it was an open secret in the last Congress—that many gentlemen obtained their full monthly salary notwithstanding the fact of their absence and notwithstanding the further fact that they were not absent because of sickness of themselves or of any member of their families. The gentlemen who will be the beneficiaries of this appropriation if it should be made, and I am not one of them, because there is not a penny due me by reason of service in the last Congress—the gentlemen who will be the beneficiaries are those who signed the form of certificate first read and subjected themselves to deduction for absence that was not because of the sickness of themselves or any member of their families.

To show the injustice which occurred, let me state that other members of that Congress who were in a similar situation construed the law differently. I am not going to call in question the motives which induced them to adopt a different construction. They were honorable and capable gentlemen—many of them good lawyers. But suffice it to say, sir, that this difference of construction between the two sides of the House in that Congress, Democrats and Republicans, operated to the disadvantage of those Democrats and Republicans—for there were Republicans also—who could not sign the certificate first read without allowing deductions for absence not caused by sickness either of themselves or some member of their family.

Mr. WILLIAM A. STONE. I dislike to interrupt the gentleman from Texas, and if he will allow me to ask him a single question I will not again interrupt him.

Mr. SAYERS. Very well; I will yield for that purpose if the gentleman will agree not to interrupt me any more.

Mr. WILLIAM A. STONE. I will put it in writing.

Is it not true that the amount appropriated in this bill will go to the members of the last House who did not receive pay for their services in the Fifty-third Congress?

Mr. SAYERS. Yes.

Mr. WILLIAM A. STONE. And money was withheld from them under a misconstruction of the law.

Mr. SAYERS. That I do not agree to.

Mr. LOUD. Perhaps the gentleman himself is one of them.

Mr. WILLIAM A. STONE. Oh, yes; "the gentleman" is one; and I do not intend to vote on the question, either. I hope the gentleman will remember that.

Mr. SAYERS. Mr. Chairman, I wish to show a specimen of operation under that law.

Inasmuch as my good friend from Illinois [Mr. HOPKINS], without any provocation whatever, saw proper to assail the gentleman from Missouri [Mr. DOCKERY] and myself, I intend to take advantage of this occasion to show from the records of the last Congress, after the 4th day of April, 1894, the following fact: Of the number of roll calls, 101 in all, the gentleman is recorded as voting only on 30, and as not voting on 71.

Mr. LACEY. Perhaps he was paired.

Mr. SAYERS. No; there was no pairing about it.

At the third session of that same Congress the gentleman from Illinois voted 38 times, and failed to vote 9 times out of 47 roll calls. And yet, Mr. Chairman, upon the list of those whose salaries were deducted, and which list has been furnished to the Committee on Appropriations, we do not find the name of the gentleman from Illinois.

Mr. LACEY. Is any Senator's name on that list?

Mr. SAYERS. None.

Mr. LACEY. So they construe the law to be no longer in force, evidently.

Mr. SAYERS (continuing). And so the truth is that my friend from Illinois—

> Has digged a pit, and digged it deep,
> And thought he'd catch a brother;
> But in the pit he fell himself,
> That he had digged for another.

[Laughter and applause.]

The gentleman, I suppose, appreciates the poetry, does he not?

Mr. WILLIAM A. STONE. That is Texas poetry, I suppose. [Laughter.]

Mr. SAYERS. Now, Mr. Chairman, as I said in the commencement of my remarks, I intend to vote for the amendment, because I think the law that I have caused to be read is still in force, and because I believe that the opinion given by the majority of the Committee on the Judiciary in the last Congress was a correct opinion with reference to it, and that the pay of members ought to be deducted for absence that was occasioned by any cause other than on account of the sickness of themselves or some member of their families. The committee is now brought face to face with the question whether or not it will strike out this clause, so that it may be determined whether or not the law which I have read was and still is in force, and whether or not the action of the Speaker of the last House of Representatives was in that respect correct.

A minute more in conclusion. If members of the committee think the certificate in use by the present Congress is a proper one, and that the certificate used in the last Congress was not the proper one, then it is their duty to vote for the clause and against the amendment of the gentleman from Illinois.

[Here the hammer fell.]

Mr. MAHON. Mr. Chairman, gentlemen who were members of the last House and who are members of the present Congress ought to have this matter fully explained and the reason why the action suggested by the gentleman from Texas was taken.

The members of the Fifty-third Congress will remember that a heavy Democratic majority prevailed in that Congress, and that, notwithstanding that fact, they got into bad water and could not get a quorum here on many questions. Now, the Speaker of that House, who was a good lawyer—I do not know whether the Committee on Rules advised on the question or not—arbitrarily had that document prepared for the members of the House, to sign before receiving their pay. That action at once led to an investigation of the law, because that deducting feature had not been in force for many years; and such lawyers as my friend Mr. MCCALL of Massachusetts, Mr. RAY of New York, and other good lawyers, who occupied seats on this floor, after careful consideration, came to the conclusion that the law did not have any existence and should not be applied at the present time, because the operation of the act destroying the per diem pay, and declaring an annual salary of $5,000 a year for a member of Congress, instead of the per diem pay, by implication repealed all former laws in regard to the salaries of members of Congress.

Now, the question arose between the members. There was an honest difference. I would state very frankly that when that paper was handed to me, and I gave the law careful examination, I believed there was no law in existence upon the statute books which either authorized the Speaker to make such a deduction as that or compelled me to sign a paper docking myself; and being made a judge of the law in my own case, I decided the law in my favor, and refused to sign any certificate of that kind. [Laughter.] I am not among the members who have been docked, because I did not believe and do not now believe that the Speaker had a right to do what he attempted to do. But, nevertheless, before the Speaker agreed to modify that paper, a great many members of the House, who did not give this matter much attention, signed that paper the moment it was put upon their desks, and it went into the office of the Sergeant-at-Arms, and these men were docked.

Now, this is simply an appropriation of $13,000 to pay that money back to them. The question raised here is, if these men believed they were not entitled to that pay, why should the money be refunded? I want to say that three-fourths of the men who signed that paper because it was the policy adopted by the Speaker did not believe then that they were entitled to be docked, and they do not believe it now.

Now, Mr. Chairman, if this matter is not decided to-day, it will come back to this Congress year after year. The amount involved is very small. If I could reach the men who inaugurated the policy of putting members into that situation, I should not hesitate to vote to deduct the salary from them, but I say it is not right to deduct it from other members.

Mr. CONNOLLY. Why did not that Congress make this appropriation itself?

Mr. MAHON. That Congress made an appropriation to pay the full amount of members' salaries, and it was put into the hands of the Sergeant-at-Arms, who is not an officer of the Speaker of the House, but is a disbursing officer of the United States. That money was put there for me, and I went there and took it.

Mr. CONNOLLY. Why did they not make the same kind of an appropriation as this which is included in this bill now to pay them what had not been paid before?

Mr. WILLIAM A. STONE. Let me answer that. It was offered, and voted down on a yea-and-nay vote.

Mr. CONNOLLY. But if they had made it the law that the Sergeant-at-Arms should pay the money, he could not have withheld it from them.

Mr. WILLIAM A. STONE. But they did not make it the law. They defeated it.

Mr. CONNOLLY. Why did they defeat it?

Mr. WILLIAM A. STONE. Because there was a Democratic majority of about 110 votes.

Mr. CONNOLLY. Oh, yes.

Mr. MAHON. Now, Mr. Chairman, one word more. I ask this House to vote this amendment down, because if you do not, the next Congress will have this same matter brought before it. I ask you to vote it down, because I do not believe that there is a lawyer on the floor of this House who examined this case thoroughly when it was before the House who believes there was any law in existence authorizing any disbursing officer, at the dictation of the Speaker or any other officer of the House, to deduct the salary from him that had been voted to him under the law of the United States. And if it was taken from them wrongfully, let us vote this $13,000 to pay these members of the Fifty-third Congress who are entitled to this sum.

Mr. HOPKINS of Illinois. Mr. Chairman, the gentleman from Texas [Mr. SAYERS] comes here this morning with a very placid countenance and a mild and dove-like manner to get a Republican House to wash the dirty linen of the Democratic Fifty-third Congress. He says that he was a member of this subcommittee that brought in this amendment to pay these men this $13,000. I will say to the Republican members of the House that the gentleman from Texas [Mr. SAYERS] was the chairman of the Committee on Appropriations in the Fifty-third Congress, and if he had been as solicitous for his Democratic friends in the closing days of the Fifty-third Congress as he seems to be in the closing days of the Fifty-fourth Congress, he could have put this appropriation into the deficiency bill of that Congress, instead of loading it upon a Republican Congress and then going out and claiming before the country that we are extravagant in our appropriations. [Applause on the Republican side.]

Mr. SAYERS. The gentleman misunderstands me. I am going to vote for an amendment to strike out this appropriation.

Mr. HOPKINS of Illinois. The gentleman says that he is going to vote for the amendment to strike it out. Why, Mr. Chairman, did he not make that motion when this item was reached? Why did he wait for some one who was not a member of the committee? He was vociferous here in his opposition to the appropriation for the Southern Pacific Railroad Company, and secured three hours of time to debate that question; but he was as silent as the grave on this matter of the $13,000 that it is proposed to distribute among his Democratic colleagues, that ought to have been paid to them in the Fifty-third Congress, according to his own statement this morning.

Now, what I object to is not so much paying these men as the manner in which it is forced onto this Congress. It is always the case with these gentlemen; if there is anything of a questionable character like this they will refuse to act when they are in power and will wait until the Republicans are in possession of the House, and then come around with their arguments and induce good-natured Republicans to adopt and become responsible for their delinquencies. The gentleman has seen fit to call attention to the number of times that I did not vote in the last Congress. Does that show that I was not here? Not at all. The gentleman knows as well as I know that I was engaged in committee work in the Ways and Means Committee room scores of times when there were roll calls, and did not respond, the same as he himself has done. He knows that on all important questions I voted. He undertakes to make a personal arraignment of me to avoid the effect of the motion I make, that affects us from a party standpoint, and not from the individual.

I claimed in the Fifty-third Congress, when this rule was adopted by the Democratic majority, that it was a violation of the law and a violation of the individual rights of members. I stood with the Republican members of the House. But the gentleman from Texas, at the head of the Appropriations Committee, with more than 110 majority upon his side, sustained the then Speaker of the House upon all these propositions; and when the gentleman from Pennsylvania [Mr. MAHON] arose to a question of personal privilege and insisted that the House did not have the legal right nor the moral right to take from him the salary that has been given him by statute, he was opposed by the vote of the gentleman from Texas and by the almost solid Democratic vote of that House. Is it proper for Republicans at this late day to come in here, after these Democrats have certified that they are not entitled to this money and after they declined to appropriate this alleged deficiency in the Fifty-third Congress, to add $13,000 to the already large appropriations of this Congress? Why, Mr. Chairman——

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. HOPKINS of Illinois. I can not yield now. I have listened to the arguments of the leaders upon the Democratic side about our extravagance in this Congress. We have had two set speeches by gentlemen of the minority side of the Committee on Appropriations already, arraigning us for extravagance. If these Democratic members want to be paid, let them take it up in a Democratic House, but not ask us to reverse the position which they voted upon themselves and enforced upon Republicans——

Mr. GROSVENOR. I object to the gentleman saying "take it up in a Democratic House." We do not propose to have any. [Laughter.]

Mr. LIVINGSTON. Will the gentleman allow me now?

Mr. HOPKINS of Illinois. Yes.

Mr. LIVINGSTON. I understand that many of the Republican leaders of the House are on this list; and why should the gentleman make it a political issue?

Mr. HOPKINS of Illinois. I make it a political issue because it is political, and made so by your party. The gentleman from Georgia [Mr. LIVINGSTON] and those other gentlemen then insisted it was proper to deprive these men who certified as I have indicated of the money he now would have a Republican Congress pay them. Every man whose money is detained there is detained on the certificate which he made, in which he said that he was not entitled to the money.

Mr. LIVINGSTON. The gentleman must remember that the Democrats did and had supposed every other member was going to fill out the certificate.

Mr. HOPKINS of Illinois. Why did not the Democrats in the last Congress go on and have this paid instead of asking that it be paid at the present time?

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I do not desire to be recognized, except to try to close debate at some given time. I would be glad if it could be closed in twenty minutes.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and amendment shall be closed in twenty minutes.

Mr. HEPBURN. I object.

Mr. CANNON. What time would suit the gentleman—twenty-five or thirty minutes? Say thirty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this paragraph and pending amendments be limited to thirty minutes. Is there objection?

Mr. GROSVENOR. If I can be recognized, I have no objection.

Mr. WANGER. I object.

Mr. CANNON. I move that the committee do now rise; but I can close debate now. I move that debate be closed in thirty minutes.

Mr. BOATNER. Can the gentleman take me off the floor?

The CHAIRMAN. Not if the gentleman makes the point of order, as the Chair has recognized the gentleman from Louisiana. But the Chair will recognize the gentleman later, if he yields.

Mr. BOATNER. I will yield informally. I will ask the gentleman from Illinois to withhold his motion for a few minutes.

Mr. CANNON. Very well; the gentleman has the floor, and I am powerless.

Mr. BOATNER. Mr. Chairman, it appears to me that the attempt of the gentleman from Illinois [Mr. HOPKINS] to inject political animus into this question is entirely inappropriate. The question is not whether a Republican House shall relieve any number of Democratic members from the consequences of ill-advised action of a previous House which was Democratic; it is not whether this rule or law was enforced by a Democratic or by a Republican House, but whether it is now or was then a law. If the statute which has been read at the instance of the gentleman from Texas [Mr. SAYERS] was then a law of the United States, it is a law now as much as it was while the Fifty-third Congress was in session, and every member who is absent from this Hall with or without leave, except in the case of sickness of himself or his family, ought to suffer a deduction from his salary for the number of days he is absent. If that was a valid and binding statute, then this appropriation ought to be stricken out of this bill. If it was not a statute, then the appropriation ought not to be stricken out of the bill, because those who suffered these deductions have not received the salaries which the law of the United States provided that they should receive.

Mr. LEWIS. Mr. Chairman, I desire to ask the gentleman whether, in his opinion, the action of the Fifty-third Congress in this respect was wrong, and whether he now desires to prosecute an appeal from the action of that Democratic House in order to have the error corrected?

Mr. BOATNER. In reply to the gentleman from Kentucky, I will state that I spoke on this floor two or three times in opposition to the course that was pursued by the then Speaker and by the managers of the House in making these deductions. I dissented from the report of the Judiciary Committee holding that that was the law, and insisted all the time that the salary fixed by law should be paid to members without deduction for the time they were absent by leave of the House. Gentlemen who did not suffer any deduction under the rule escaped it by failing to certify the number of days that they had been absent. They had to suppress the fact that they had been absent at all in order to be paid their full salaries, and in this way escaped the loss suffered by their more conscientious colleagues, who did not feel justified in suppressing the fact that they had been absent. If the statute which the gentleman from Texas has had read here was the law, it ought to have been enforced, and all who absented themselves should have suffered the deduction which it provided, regardless of the certificate of the member. The fact should have controlled, and not its suppression. If it was not the law then, it is not the law now, and it ought not to have been and ought not to be enforced by withholding from some members the salary fixed by law and which their colleagues have received

Mr. LOUD. Yesterday I made a statement which the gentleman from Louisiana contradicted. I read from the RECORD:

> Mr. LOUD. Of course the gentleman well knows that members were allowed to interpret that law.
> Mr. BOATNER. The gentleman is mistaken about that.

Now, I desire to read to the gentleman the form of certificate which members were required to sign, and I remind him that the Speaker took special care to say that each gentleman must interpret the law for himself. In the certificate is this language:

> I have been absent —— days, for which deduction should be made under section 40 of the Revised Statutes.

Mr. BOATNER. Mr. Chairman, the gentleman from California said yesterday that all those who suffered the deductions had signed a certificate that in their opinion the deduction should be made. I said he was mistaken. I am one of those who refused to sign that certificate. Instead of certifying that deduction should be made under that section of the statute, I certified that I had been absent so many days with the leave of the House, for which no deduction ought to be made. That was the certificate I signed. Now, I submit again, in conclusion, that the question for our Republican friends here to consider is not whether they are going, as the gentleman from Illinois [Mr. HOPKINS] expresses it, to take their "Democratic friends out of a hole," but whether they are going to decide that this is a law, a binding statute. If it is, every gentleman who has received compensation for the days he was absent from this House has received it unlawfully and ought to return it to the Treasury. Every member who continues to receive compensation for days that he is absent will continue to receive it unlawfully. If you want to go to the country upon the proposition that this statute is in force, we have no special objection to that, but we will ask that you conform to the rule which you lay down.

Mr. CANNON. Mr. Chairman, I would be glad to have unanimous consent that debate upon this paragraph and the amendment close in thirty minutes.

There was no objection, and it was so ordered.

Mr. HEPBURN. Mr. Chairman, it seems to me that this ought not to be a very difficult question, and it would not be if gentlemen would remember that conditions exist now just as they existed during the last Congress. Then the Speaker adopted a certificate which put upon every member of the House the obligation and gave to every member of the House the right to determine whether section 40 of the Revised Statutes was in force or not. He accepted a modification from every gentleman who chose to make it which gave him his pay, so that after all each one of us, as a matter of conscience, was able to determine for himself whether under the law he was entitled to the compensation that he received.

Mr. BOATNER. Will the gentleman allow me to interrupt him just there?

Mr. HEPBURN. I would prefer not to, as I have only five minutes and the gentleman has had his say.

Mr. BOATNER. I only wanted to correct the gentleman in a statement that he was making.

Mr. HEPBURN. Now, Mr. Chairman, every member of this House did elect and determine for himself whether he was entitled to his pay or not, and if he failed to get it it was because he gave a construction to the law which justified the Speaker of the House in withholding it from him. That is the situation. I would like to ask these gentlemen what change of conviction has come over them since that time? Then they said by their acts, by the certificates which they made, by the omission to make any interpolation in the certificate—they said they were not entitled to pay for the time they had been absent. If they were not entitled then, will they accept it now?

Mr. SAYERS. Will the gentleman allow me a moment? I do not wish to interrupt him, but I wish to say, in behalf of those gentlemen whose names appeared in the list which was furnished to the Committee on Appropriations, that not a single one of them came to the committee or to the subcommittee in connection with this matter; and I suppose that they were entirely ignorant of the fact that this clause was in the bill when it was reported. We simply had before us the resolution offered by the gentleman from Virginia [Mr. TUCKER] for the payment of Mr. Wise.

Mr. HEPBURN. The explanation of the gentleman does not aid the situation an atom. Under his explanation, it is an insult to offer this money to these gentlemen. They said before that they were not entitled to this money. Are we going to force it upon them now, notwithstanding their assertion in their certificates that they were not entitled to it?

Mr. BLACK. Will the gentleman yield a moment?

Mr. HEPBURN. I will, for a question.

Mr. BLACK. I wish to correct a statement of the gentleman which, as I understand, involves a misapprehension of facts. I know that one member—my colleague, Judge LAWSON, of Georgia—stated that he was not absent any days for which his salary ought to be deducted, and he protested against the deduction. He furthermore stated, however, what was the fact, that he had been absent. He protested against the deduction, but it was made anyhow.

Mr. HEPBURN. Did he protest in his certificate?

Mr. BLACK. He did, as I understand.

Mr. BOATNER. I did the same thing, and a great many others.

Mr. HEPBURN. My understanding is that whenever a member changed the form of the certificate so that it would read, "I certify that during the month of ——— I have been absent no days for which deduction should be made under section 40 of the Revised Statutes," that certificate was ample. Now, if the member refused to insert the word "no" in that blank it was because he believed that section 40 was in force. If he believed that section 40 was in force, then he is not entitled to his pay for the period of his absence.

Mr. BLACK. The gentleman will allow me to say that my colleague, Judge LAWSON, protested on the back of the certificate that none of his pay should be deducted.

Mr. HEPBURN. But he made the certificate showing an absence. If he had certified that he had been absent no days for which deduction should be made——

Mr. BLACK. That is what he did certify, as I understand.

Mr. LACEY. Will the gentleman from Iowa [Mr. HEPBURN] yield for a correction?

The CHAIRMAN. To whom does the gentleman from Iowa yield?

Mr. HEPBURN. I do not desire to yield to anyone, if the Chair will protect me.

The CHAIRMAN. The gentleman will proceed without interruption.

Mr. HEPBURN. Now, in this view of the situation, I think the argument of my friend from Pennsylvania [Mr. MAHON] is not a cogent one. He says:

Let us pay these claims now, because if we do not, these applicants will come here year after year.

Mr. MAHON. My statement was that in the Fifty-third Congress the position of the Republican party was that no such law was in existence. I do not want to stultify the Republican party; I want to reaffirm the position which they took then.

Mr. HEPBURN. I do not think you will stultify them in taking the position for which I now contend. This was a question for each man; the Speaker put it upon each man; the majority of the House permitted him to put it upon each man. Therefore each member accepted the situation in accordance with the form of certificate which he chose to sign.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, there are some other features of this famous transaction which, while we are airing it here, we might just as well let the country understand. There was some doubt in the minds of some gentlemen about the validity of the claim set up that section 40 of the Revised Statutes was in force. The movement was a Democratic partisan movement, made by the leaders on that side to hold together a disintegrating party of men. The conditions which resulted in the election of 1896 were already manifesting themselves on the majority side of this Chamber, and for the purpose of holding up the members, as a highwayman holds up a man of inferior strength, they adopted this scheme. The lawyers upon the Judiciary Committee—every Republican lawyer and a part of the Democrats—decided that the law had been repealed. Every lawyer with knowledge enough to be a justice of the peace, it had seemed to me, ought to have known it had been repealed. There was no question about it when intelligent men came to analyze it. The requirement of any such certificate as members were then called upon to sign was simply a mode of coercion sought to be held over members here. I utterly refused in any manner to stultify my standing as a lawyer. I denied that the law was in force. I denied the power of the Speaker to put to me any terms by compliance with which I must draw the money that had been appropriated for the payment of my salary. I refused to have anything to do with the proceeding. And I got every dollar of my pay.

That was not all that was done. There was just enough uncertainty in the minds of some gentlemen to make it advisable to have a bill introduced to make the law plain. Such bills were introduced by myself and others. They went to the Judiciary Committee. Everything would have been explained, everything would have been made straight and right, but for the fact that when the committee reported back favorably one of those bills the Speaker refused to recognize anybody to call it up, the majority of the Judiciary Committee refused to order it to be called up, and the House stood here gagged, absolutely gagged, by a power that they could not overcome unless they reorganized the House and turned the committee out of power.

It was holding an insulting proposition up in the faces of the members of this House. And now, as highly as I have always esteemed my friend from Texas, and as thoroughly as I have always tried to follow his leadership on matters of this kind, I would like very much to have him tell the House of Representatives why he did not move, in the latter days of the last House, to secure action, after the result had been worked out, after they had been able to keep their followers here and hold their noses to the grindstone by the fear of having their pay deducted, why he did not attempt to secure the enactment of some provision of law on the subject?

Mr. SAYERS. I can tell the gentleman that I never was a member of the Committee on Rules. I was chairman of the Committee on Appropriations, and had nothing in the world to do with the matter to which he has referred.

Mr. GROSVENOR. Then why did not my friend put it into the deficiency bill, and make this provision, if he did not believe that law was in existence?

Mr. SAYERS. Because I believed then, as I believe now, that the law was and now is in force. I have not changed my views in that regard.

Mr. GROSVENOR. Do you still hold it to be in force?

Mr. SAYERS. I do.

Mr. GROSVENOR. Then would you be willing to pay a man money from the public Treasury that does not belong to him?

Mr. SAYERS. I do not propose to pay a man money from the public Treasury that does not belong to him. I propose to vote for the amendment of the gentleman from Illinois striking out this provision.

Mr. GROSVENOR. Mr. Chairman, I know that there are many men who lost a moiety of their pay by reason of the operation by that provision of law——

Mr. JOHNSON of Indiana (interrupting). The gentleman from Ohio evidently does not understand the scheme of the gentleman

from Texas. The gentleman is going to talk one way and vote another.

Mr. GROSVENOR. In other words, he will talk for Texas and vote for the District of Columbia.

Mr. SAYERS. I did not understand the statement of the gentleman from Ohio.

Mr. GROSVENOR. I only said, at the suggestion of the gentleman from Indiana, that the gentleman from Texas was talking one way and voting another.

Mr. SAYERS. Not at all. I propose to vote to strike out this provision.

Mr. GROSVENOR. Then I am wrongly informed.

Mr. DOCKERY was recognized.

Mr. SAYERS. I hope I can have two or three minutes, Mr. Chairman.

The CHAIRMAN. The time has all been allotted.

Mr. DOCKERY. I will yield two minutes of my time to the gentleman from Texas.

Mr. SAYERS. Mr. Chairman, I only wish to say to the gentleman from Ohio that I do not talk one way and vote another on any question. I never have done so since I have been a member of Congress, and never expect to do so.

Mr. JOHNSON of Indiana. Will the gentleman allow an interruption?

Mr. SAYERS. No; I have but two minutes. I do not talk one way and vote another, and any statement to that effect is absolutely without foundation.

Mr. GROSVENOR. If the gentleman will allow me, I did not hear the gentleman's remark; but I understood the gentleman from Indiana to make the statement, and I simply repeated what had been suggested by him.

Mr. JOHNSON of Indiana. And the gentleman from Texas now declines to allow me a question bearing upon that very point.

Mr. SAYERS. Because I have but two minutes' time. The gentleman can take his own time.

I said I was opposed to the proposition, because I believed the law was in force, and is still in force, and I am going to vote, therefore, for the amendment of the gentleman from Illinois to strike out this appropriation.

And, Mr. Chairman, I ask unanimous consent, as I understood the gentleman from Ohio to say that no man who was fit to be a justice of the peace believed that law was in force and was binding on the members of that Congress, I ask to have printed in the RECORD the report of the Judiciary Committee of the last House on this particular question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. JOHNSON of Indiana. I object.

Mr. GROSVENOR. I ask to have printed, in connection with the report of the gentleman's speech in the RECORD, also the minority views.

Mr. SAYERS. Certainly, let them both go in.

Mr. JOHNSON of Indiana. Mr. Chairman, I would like to have a few minutes' time.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DOCKERY. Mr. Chairman, I have been a member of this body now for nearly fourteen years, and since this question was raised on yesterday evening I have examined my record of absences, and find that in all of that time, on account of sickness or from other causes, I have been absent just twenty-one days. I knew nothing whatever of the proposition in issue as stated by the gentleman from Texas [Mr. SAYERS] until it was printed and offered in the bill; and the gentleman from Texas has stated the reason why it is now before the committee.

I shall support the amendment of the gentleman from Illinois regardless of any differences that may exist in the minds of lawyers as to whether or not section 40 of the Revised Statutes is or is not in force. I support it for another reason. Whether wisely or unwisely, the Democratic party in the Fifty-third Congress, or at least its recognized head, decided that section 40 of the Revised Statutes was in force, and thereupon certificates were prepared and used of the form just read at the desk upon the request of the gentleman from Texas [Mr. SAYERS]. I signed those receipts voluntarily. I made a voluntary reduction of my own compensation, and having done that, I am constrained, regardless of the action of the House and the contention of lawyers as to whether this statute is repealed, to adhere to my own action in respect to this matter. This is all I care to say on the question. I shall vote for the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. CRISP. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Georgia [Mr. CRISP] for one minute.

Mr. CRISP. In the very brief time allowed me of course it will be impossible to make a speech. Mr. Chairman, I think I am about as familiar with the action of the last Speaker on this subject as anyone. He always took without question the certificate as made by the member, and certified to it. The Judiciary Committee of the Fifty-third Congress, composed of able and learned lawyers, decided that section 40 of the Revised Statutes was still in force, and I have here the report prepared by Mr. Wolverton, of Pennsylvania. I thoroughly agree with the report of the committee that the section referred to has not been repealed and is still the law. Believing that, I shall support the amendment to strike out the appropriation. I ask consent to print as part of my remarks the views of the majority of the Judiciary Committee of the Fifty-third Congress on this question.

The CHAIRMAN. Is there objection to printing the report in the RECORD?

There was no objection.

The report (by Mr. Wolverton) is as follows:

The Committee on the Judiciary, to whom was referred the resolution introduced by Mr. Kilgore March 2, 1894, respectfully report as follows:

Section 6, Article I, of the Constitution says:

"Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States."

Section 5 of the same article provides:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

The act of August 16, 1856 (Stat. L., volume 11, page 48), provides the following compensation for members of Congress:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and, on the first day of each month thereafter during such session compensation at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid: and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000 not theretofore paid in the monthly installments above directed."

This remained the law regulating the compensation of members of Congress until the act of 1866 (Statutes at Large, volume 14, page 323), which provides:

"That the compensation of Senators, Representatives, and Delegates in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

From this time until the passage of the act of 1873 the compensation remained at $5,000 per annum. On March 3, 1873 (Stats. L., volume 17, page 486), provision was made in the appropriation bill as follows:

"Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of $7,500 a year."

And provision was made that it commence at the beginning of that Congress. This is generally known as the "salary grab act." It was promptly repealed in the following year by the act of January 20, 1874 (volume 18, Stats. L., page 4). By this act Congress repealed so much of the act of March 3, 1873, as increased the salaries of members of Congress to $7,500 per year, and provided that the same shall be as fixed by the laws in force at the time of the passage of the act of March 3, 1873.

This, in effect, revived the laws as they stood prior to March 3, 1873, and was, in effect, a reenactment of them. Section 40 of the Revised Statutes is the sixth section of the act of 1856 above recited, by which the salary of each member was fixed at $6,000 for the Congress, or $3,000 per annum. It was introduced because of the argument against fixing an annual salary for members of Congress, that they would absent themselves because of the fixed salary per annum and neglect public business. It is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or some member of his family."

Under the provisions of this section of the Revised Statutes there can be no question but that a member of Congress is not entitled to receive pay for any day when he is absent from the House unless he can assign as the reason for his absence his own sickness or the sickness of some member of his family, and it is purely a question for him to consider whether, if he desires to attend to his personal business, it will be worth more to him than his daily pay or salary as a member of Congress, or, if he chooses to absent himself on a trip for pleasure, whether he prefers that to drawing his per diem salary or the amount of the salary which he would have been entitled to receive if he would have been in attendance in the House.

This was enacted in 1856 and was observed until about the Thirty-seventh Congress, during the war, when quite a number of members of Congress were officers in the Army, and the enforcement of the provisions of this section was waived, and it has not since been rigidly enforced. The practice under this section, your committee is informed, was to require each member to state on his honor at the end of the month, or the time he drew his pay, how many days he was absent in violation of the provisions of this section. Deduction was then made from his salary and the amount so deducted covered into the Treasury.

This law has never been repealed either directly or by implication and is in force to-day, and, in the opinion of your committee, it is the duty of the Sergeant-at-Arms to make the deduction required by this act from the salary of each member at the time he draws his pay.

It may in many cases work a hardship, but it is the law, and as long as it remains upon the statute books should be enforced. It became a law in 1856 and was a part of the act which fixed the salary of members at $3,000 per annum. In 1866 the amount of this salary was changed to $5,000 per year, and in 1874 the law fixing the salary at $5,000 a year was reaffirmed and reenacted, but no law has ever been passed since 1856 changing either by implication or directly the terms of section 40 of the Revised Statutes.

The resolution as originally introduced called upon the Sergeant-at-Arms to show cause why he had violated the provisions of this statute, as his predecessors had not for many years enforced this statute.

Your committee have prepared a substitute for the one presented in the House on March 2, 1894, by Mr. Kilgore, as follows:

"Whereas the laws of the United States, section 40, chapter 4, of the Revised

Statutes, provided that the Sergeant-at-Arms shall deduct from the monthly payment of each member the amount of his salary for each day that he has been absent from the House, unless such member assigns as the reason for such absence the sickness of himself or of some member of his family; and

"Whereas the provisions of said section 40 have been disregarded for many years and great abuses have grown out of such disregard of the law: Therefore,

"*Be it resolved*, That the Sergeant-at-Arms strictly observe and enforce the provisions of said section 40 and report to the House monthly his proceedings thereunder and each month pay into the Treasury of the United States the sums deducted in the due observance and enforcement of the law as declared in said section."

Your committee recommend the passage of the foregoing as a substitute for the original resolution.

The views of the minority (by Mr. WILLIAM A. STONE) which were subsequently ordered to be printed in connection with the report (see below) are as follows:

A minority of the Committee on the Judiciary, being unable to concur in the report of the committee, respectfully submit their views as follows:

The act of March 16, 1856 (Statutes at Large, volume 2, page 48), fixing compensation for members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid: and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of $3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the $6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"*And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of members as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress, at the beginning of the Congress, instead of at the end of the session. We do not find that it affects the question at issue, and only refer to it because it is the next step in legislation upon this subject.

In 1866 Congress passed an act relating to the compensation of members (see Statutes at Large, volume 14, page 23) which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When this law went into effect the practice of deducting any portion of the monthly payment to each member on account of absence was abandoned, and the members were paid, under the act of 1866, one-twelfth of $5,000 on the fourth day of each month.

The question is whether or not the act of 1866 repeals the act of 1856. This is really the main question at issue. There is no language in the act of 1866 which expressly repeals the act of 1856, and, if it is so repealed, it is only by implication. There is no doubt but that the first section, providing a compensation of $6,000 for each Congress and for its payment on the first day of each month while Congress was in session, at the rate of $3,000 per annum for the days on which the member was present at the session, and for the days upon which the member was absent on account of sickness, and the residue at the end of the session, is repealed. And in fact it is not claimed that any part of the act of 1856 pertaining to compensation is still in force, except the sixth section, now known as section 40, Revised Statutes. The question then is, Has the sixth section, as well as the rest of the act pertaining to compensation, been repealed by the act of 1866, or was it in force from and after the passage of that act? The rule of law governing the repeal of statutes, impliedly, by subsequent statutes, is well understood. It was held in Milne *vs.* Huber (3 McLean, 212) and in the United States *vs.* Irwin (5 McLean, 178) that "a later statute repugnant to a former one on the same subject-matter, so that they can not stand together, repeals it by implication."

And again, in Davies *vs.* Fairbairn, reported in 3 Howard, 656, it was held "that if the subsequent statute is not repugnant in all its provisions to a former one, yet was clearly intended to prescribe the only rule, it repeals the former."

In Johnson's estate (33 Pa. Reports, 511) and Gwinner *vs.* Railroad Company (55 Pa., 126) it was held—

"That a subsequent affirmative statute is a repeal by implication of a former one made concerning the same matter if it introduce a new rule upon the subject and be evidently intended as a substitute for the former law."

In Com. *vs.* Crossent Railway Company (53 Pa. Reports, 62) it was held—

"That if two acts be inconsistent the latter must prevail."

Is the act of 1866 repugnant to that part of the act of 1856 known as the sixth section? This section declares it to be the—

"Duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payment of members, as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

The language is specific, and is "to deduct from the monthly payments of members as herein provided for," clearly meaning that the deduction was to be made by the Sergeant-at-Arms from the monthly payments of members as provided by the act of 1856. We look to the first section to see how the monthly payment of the member is provided for, and we find that the member was to receive on the first day of each month during the session compensation at the rate of $3,000 per annum. The member was not paid by the year, but by the session at the rate of $3,000 per annum on the first day of each month. Or, in other words, during the session, on the first day of each month, he was to receive $250, provided he had been in attendance regularly each day during the previous month. Remember that under the act of 1856 there was no provision for payment for absent days while Congress was in session. And it was the duty of the Sergeant-at-Arms to keep time upon the members and make the deductions for absent days, unless the member assigned sickness as a reason for his absence. The Sergeant-at-Arms was to deduct from the monthly payments, as in that act provided for; and the monthly payments in the act provided for being $250 per month, he could only deduct for each absent day in a month of thirty days the sum of $8.33, that being the amount of his compensation for each day.

Now, the act of 1866 declares that the compensation of each member shall be $5,000 per annum. There is no authority in the sixth section to deduct from the monthly payment of members as provided for in the act of 1866, but the authority of the sixth section is limited to deducting from the monthly payments of members as provided for in the act of 1856. You can not stretch the authority to deduct from the monthly payments of members beyond the limit expressly provided for in the act of 1856.

And as the payment there provided for could not exceed $8.33 per day in any month of thirty days, then if the sixth section is still in force, it would not authorize a deduction of more than $8.33 per day for absence.

At present our purpose is to confine ourselves strictly to the question whether the act of 1866 repealed the sixth section of the act of 1856 by implication. Is it repugnant to the act of 1866? And to say that the sixth section was intended by the Congress which passed the act of 1866 to stand, and authorize the deduction of $8.33 from a daily compensation amounting to $13.70, is but stating a proposition which bears upon its face the best evidence of repugnance.

Again, the act of 1856 was clearly intended, not only in the sixth section but in the first section, to insure the constant attendance of members upon the sessions of both Houses. The compensation was to be $6,000 for each Congress. It was not to be by the year or the month, but at the rate of $3,000 per annum, and the member was really not awarded, or intended to be awarded, any compensation for the days absent for any cause save sickness. But the act of 1866 changes the whole plan of compensation and puts the members upon a salary of $5,000 per annum. It makes no provision for deduction on account of any absence whatever, and in our judgment repeals the sixth section of the act of 1856 by implication as plainly and as clearly as it repeals the first section.

The best evidence that this was the intention of Congress is the fact that for twenty-eight years the sixth section of the act of 1856 has been treated by every Congress and every Speaker as repealed, and no attempt has been made during all these years to enforce it, nor has any member observed its provisions. We are, therefore, forced to the conclusion that the sixth section of the act of 1856 was repealed by the act of 1866 by implication.

But it is claimed that by the enactment of the Revised Statutes on June 22, 1874, the sixth section of the act of 1856 was reenacted and continued in force, and we now proceed to consider the second question involved.

In the appropriation bill approved March 3, 1873 (Stat. L., volume 17, page 486), the salary of members was increased to $7,500 per year. On January 20, 1874 (Stat. L., volume 18, page 4), Congress enacted as follows:

"That so much of the act of March 3, 1873, entitled 'An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874,' as provides for the increase of the compensation of public officers and employees, whether member of Congress, Delegates, or others, except the President of the United States and the justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act."

This act not only repealed that part of the act of March 3, 1873, fixing the salary of members of Congress at $7,500 per year, but it enacts that the salaries, compensation, and allowances of members shall be as fixed by the laws in force at the time of the passage of said act on March 3, 1873.

In Bradshaw *vs.* United States (14 C. Cls. Report) it was held by Judge Richardson—

"That the act of January 20, 1874, repealing the increase of salaries act and providing that the salaries, compensation, and allowances of all such persons shall be fixed by the laws in force at the time of the passage of said act, was intended to restore salaries and officers and employees to the same status of compensation that they previously occupied."

We turn now to that date, viz, March 3, 1873, and find, if our reasoning on our first proposition is correct, that at that time the act of 1866 was in force, fixing the compensation of the members at $5,000 per annum and repealing the act of 1856, including the sixth section of that act.

But it is claimed that section 40, Revised Statutes, was enacted with the enactment of the Revised Statute and is yet law. That would be true but for the saving clause in section 5601, Revised Statutes, which the committee seem to have overlooked in their report. That section provides as follows:

"The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December, 1873, and all acts passed since that date are to have full effect as if passed after the enactment of this revision. And so far as such acts vary from or conflict with any provision contained in said revision, they are to have effect as subsequent statutes and as repealing any portion of the revision inconsistent therewith."

Now, the act of January 20, 1874, repealing the act increasing salaries of members of Congress and other officers, was passed after the 1st of December, 1873, and as that act expressly reenacts the laws fixing the salaries and compensation of members in force on March 3, 1873, which was the act of 1866, fixing salaries of members at $5,000 per year, the status is the same as if the act of 1866 was reenacted on January 20, 1874, by express words, and under and by virtue of section 5601, Revised Statutes, the fortieth section of the Revised Statutes, which is the sixth section of the act of 1856, is not to affect the act of 1866 reenacted by the act of January 20, 1874, because the act of January 20, 1874, was passed subsequent to December 1, 1873, the date when the Revised Statute went into effect. In Bradshaw *vs.* United States (14 Ct. Cls. Reports, page 81), it is held—

"The Revised Statutes were passed June 22, 1874, but embraced the statutes in force December 1, 1873 (Revised Statutes, section 5595). Between those dates Congress passed many acts repealing and altering previous statutes which were incorporated into the revision. It is, no doubt, the correct construction that all such acts are to be taken as having, to that extent, altered the Revised Statutes."

We therefore respectfully submit that the Sergeant-at-Arms has no legal authority to withhold from the members any portion of their salary on account of absence.

WILLIAM A. STONE,
ROBERT A. CHILDS,
THOMAS UPDEGRAFF.

Mr. WANGER. Mr. Chairman, it seems to me there is a view of this question which has not been presented to the House. It is this, that it was not entirely a legal question with a member in signing a certificate as to whether section 40 of the Revised Statutes was repealed or not. It was not simply a question whether the facts were presented to the Sergeant-at-Arms or not. The views of the then Speaker of the House were what controlled, for his certification was essential before payment. The Speaker took

the view that section 40 was in force, and required every member of the House to certify, not whether any deductions ought to be made, but whether they ought to be made by section 40 of the Revised Statutes.

Now, there were those of us on this side of the House who took the view that, while section 40 of the Revised Statutes was repealed by implication, the Speaker, by his action in courteously relying upon our statements and acting thereon without question, practically put us upon honor to disclose to him whether we had been absent for other causes than sickness of ourselves or members of our families. Gentlemen did not all take that view; but some of us did, and added to the certificates when we certified to the fact of absence that these deductions ought only to be made in the event that section 40 of the Revised Statutes was unrepealed. All reservations of that kind were disregarded and the deductions were made. Now, I submit to those who took the view that the section was repealed and that they were not bound in honor to disclose the facts to the Speaker that it is scarcely fair to punish us whose judgment was different because a minority of the Fifty-third Congress refused to take the action now proposed in this bill.

On March 2, 1895, in the closing days of the Fifty-third Congress, 150 members voted for the passage of a resolution against 70 who voted in the negative, to direct the Speaker to certify to the Sergeant-at-Arms for the payment of those balances. It required a two-thirds vote to pass the resolution, and 15 members answered "Present." Only for that reason did the House of Representatives of the Fifty-third Congress fail to provide for making these payments.

Mr. Chairman, I send to the Clerk's desk and ask to have read the remarks of the gentleman from Indiana [Mr. Bynum] found on page 3161 of the RECORD of that Congress.

The Clerk read as follows:

Mr. BYNUM. Mr. Speaker, I have been absent but one day since this construction of the statute has been enforced. I have not been sick a single day. So that so far as the effect of the law is concerned, I have no practical interest in it. I do not know that I should vote for this resolution had the construction been uniform. It, however, is a question, and a close question, whether it is or is not the law. A great many members of the House insist that the act of 1866 repealed the act of 1856; and they are strongly supported by the fact that after the act of 1866 became the law no deductions whatever were made for absence until the present session of Congress. No effort was made to enforce the provision of the act of 1856 which required a per-diem deduction on account of absence. For twenty-eight years it was the uniform construction of every Congress that the act of 1856 was not in force.

Now, the Senate of the United States is controlled by the same statute. The best lawyers in the Senate insist that the act of 1856 was by implication repealed, and the Senate has refused, even since the House has attempted to enforce it, to place any such construction upon it. Furthermore, Mr. Speaker, the members of the Judiciary Committee of the House are divided on this question; and a majority of the legal profession, I believe, are of the opinion that no deductions of pay are required.

Mr. WILLIAMS. Mr. Speaker, independent of the question as to whether this law under which this action was taken be still existing as a valid law or not, this House acted practically as if it were operating under a rule of the House, after a decision by the political majority of the House that it would so operate. There is no doubt of the fact that this House had a right to pass any rule to regulate its own business and to enforce the attendance of its members. It has now the right to pass a rule to fine a member $10 or $14 for each day of his unexcused absence. Whether that fine be put in the form of a deduction from his salary or a fine to be collected in some other manner makes no difference. The gentleman from Illinois [Mr. HOPKINS] has made an appeal to the Republican side of this House, which I hope will be heeded, as it should be.

I want to appeal to the Democratic side of this House now not to stultify itself by coming here in one Congress and sustaining a rule one of the consequences of which was to take money out of the pockets of some of its members, and then come back in a subsequent House and declare that that rule was wrong because it has taken the money out of the pockets of some of its members. It seems to me that if it was the law then it is the law now. If the Speaker of the House had the power to do what he did, this House ought to sustain that power and not carry itself back. I hope the Democratic members of the House will not put themselves in the position before the country of self-stultification, and, as it seems to me, of almost worse than that, which this action, in my opinion, would put them.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. JOHNSON of Indiana. Mr. Chairman, in the course of the remarks made by the gentleman from Ohio [Mr. GROSVENOR] I injected a statement in which I defined what I considered to be the position assumed in this debate by the gentleman from Texas. I remarked that his position seemed to be a peculiar one, that of talking one way and voting the other. Now, the gentleman from Texas rose, I thought, in unseemly haste and placed upon my remarks a construction not intended by me.

Mr. SAYERS. I did not intend to do that. I did not know that the gentleman made the remark.

Mr. JOHNSON of Indiana. The gentleman seemed to think that if a man was inconsistent he must necessarily be dishonest; and the answer made was that never since he had been a member of this House had he been in the habit of voting one way and talking the other way, an answer broader than the accusation I had made against him. I only had reference in what I said to this specific instance.

Mr. SAYERS. I withdraw all I said about the gentleman.

Mr. JOHNSON of Indiana. Now, the gentleman is a member of the committee which reported the measure under consideration. He did not see fit to rise upon this floor and make a motion to strike out the objectionable feature, but left it to another gentleman, not connected with the committee, to make that motion. Now, I understand the gentleman's position, according to his own statement, to be that he proposes to vote in favor of this motion striking out the obnoxious feature of the bill. Whether or not such a vote is inconsistent with the statement that he has made in debate upon this question, I leave the RECORD to attest. Gentlemen who have heard his remarks upon the pending motion will bear me out in the statement that not a solitary thing has been said by him that does not militate against the motion to strike out. Herein lies the justification of the observation made by myself while the gentleman from Ohio was speaking.

Mr. WASHINGTON. I make the point of order that the gentleman is not speaking to a question of privilege at all.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Indiana. Mr. Chairman, the time has passed in this House when any gentleman can be carried off his feet without retaliating. We had that demonstrated here the other day.

The CHAIRMAN. The gentleman from Tennessee has raised the point of order that——

Mr. JOHNSON of Indiana. I am proceeding to state——

The CHAIRMAN. That the gentleman is not speaking to a question of order.

Mr. JOHNSON of Indiana. I am endeavoring to proceed in order. I must choose my own language and the manner in which I shall arrive at my question of personal privilege.

The CHAIRMAN. The Chair holds that the point of order is well taken.

Mr. JOHNSON of Indiana. I ask leave to proceed in order.

Mr. McMILLIN. I suggest to the gentleman that when a point of order is made and sustained there is but one thing for him to do, and that is for him to be seated; but that on a motion of a member he may be allowed to proceed. I feel no interest in the matter except to state that.

Mr. LEWIS. I make the motion that the gentleman be allowed to proceed.

Mr. JOHNSON of Indiana. I would now like to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana rose to a parliamentary inquiry.

Mr. JOHNSON of Indiana. Now, what I desire to ask is this: Whether when a member is proceeding with a matter of personal privilege he is to be the judge of the language he is to use and the way in which he is to reach that question?

The CHAIRMAN. When a gentleman is stating a question of personal privilege, and any member of the House rises to the point of order, it is for the Chair to determine whether it is a question of personal privilege or not.

Mr. JOHNSON of Indiana. The question of sustaining a point of order, I believe, is subject to appeal.

The CHAIRMAN. Certainly.

Mr. JOHNSON of Indiana. Is the Chair to determine, or the member himself, the manner in which he shall reach his question of privilege—the character of the language he is to employ?

The CHAIRMAN. The Chair can not lay down an invariable rule in regard to that.

Mr. JOHNSON of Indiana. Precisely.

The CHAIRMAN. But the Chair thinks it must be manifest to the gentleman himself——

Mr. JOHNSON of Indiana. But the Chair is doing that very thing now—laying down an invariable rule.

The CHAIRMAN. Will the gentleman hear the Chair a sentence? The Chair thinks it must be manifest to the gentleman himself that what he was stating was not a question of personal privilege. If, therefore, another gentleman asks that the gentleman be allowed to proceed, the Chair will hear him.

Mr. JOHNSON of Indiana. I desire to say that I have no difficulty whatever in hearing the remarks of the Chair, in view of the exceedingly loud tone of voice in which they are made.

Now, what I desire——

The CHAIRMAN. The gentleman from Indiana will please be in order.

Mr. JOHNSON of Indiana. Certainly. "The gentleman from Indiana" has no desire to be otherwise than in order. The Chair has hit the pith of the matter in the statement that it was impossible to lay down arbitrarily in what language a member should be allowed to proceed.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair? Otherwise debate is out of order.

Mr. JOHNSON of Indiana. I will not appeal from the decision of the Chair. I do not consider it of sufficient importance for that. I have stated practically what I rose to state, and am reasonably well satisfied.

The CHAIRMAN. The gentleman from Indiana will be in order.

Mr. JOHNSON of Indiana. I twice asked permission of the Chair to be recognized, and the Chair denied me that right; and I took the guise of personal privilege with the view of saying what the Chair had denied me the opportunity to say in the regular way, and I have said it and am satisfied. [Laughter.]

The CHAIRMAN. Will the gentleman from Indiana take his seat and be in order?

Mr. JOHNSON of Indiana. Why, with pleasure. [Laughter.]

The CHAIRMAN. The Chair is obliged to state that many gentlemen asked to be recognized upon this amendment after the time for debate had been limited to half an hour. The Chair parceled out the time to gentlemen who asked for it in the order in which they made application. Several gentlemen applied after the time had been parceled out, and among the latest the gentleman from Indiana [Mr. JOHNSON] sent a request to the Chair for recognition. The Chair sent to the gentleman a statement of the facts in the case, and that is the only refusal the Chair made to recognize the gentleman from Indiana.

The gentleman from Illinois [Mr. CANNON] is now recognized for the balance of the time remaining under the order of the committee—five minutes.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the views of the minority of the Committee on the Judiciary of the Fifty-third Congress upon this question may go into the RECORD with the majority.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, of my five minutes, I yield one minute to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I wish to call the attention of the committee for a moment to the form of the certificate that was commonly accepted. In the start, it was insisted that the blank should be signed in precisely the form in which it was printed. Subsequently, the Speaker modified his opinion and permitted members to insert the word "legally," so that a member could certify: "I have been absent —— days, for which no deduction should be legally made." That form of certificate was commonly used. However, $12,000 or $13,000 was deducted from salaries where members appended a statement that they had been absent so many days for which deduction ought not to be made.

Now, there is just one other question. In the last Congress we were divided as to what the law meant. Republican members generally believed that that old statute was inoperative——

[Here the hammer fell.]

Mr. CANNON. I yield one minute to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. There is just one question at issue here, and that is whether this money was wrongfully or rightfully withheld. This side of the House think it was wrongfully withheld and ought to be paid. The other side of the House think, or thought at the time, that it was rightfully withheld. Therefore it would be entirely consistent for them to vote to continue to withhold it. That is all there is in the matter.

Several MEMBERS. That is all.

Mr. CANNON. Now, Mr. Chairman, a word in conclusion of this discussion. Section 40 of the Revised Statutes, if it was in force in the last Congress, authorized the withholding of these salaries. If it was not in force, the money is due to members of the last Congress to the extent of $12,000. It was the Democratic contention that the statute was in force, and a majority of the Judiciary Committee of that Congress said that it was. The minority of the Judiciary Committee thought it was not in force, and many Republicans took that ground. Those Republicans and those Democrats who believed that the statute was repealed certified, notwithstanding their belief, in the form that has been read from the desk. Those who believed the statute was in force, or who were in doubt and upon their consciences did not desire to certify to a falsehood, also made certificates, and the deductions were made from them. My colleague from Illinois [Mr. HOPKINS] says that the law was not in force. He was paid in full. Other gentlemen said they were not sure, and they were paid only in part. Now, to-day, if we appropriate this money, it is saying that, in the legislative opinion of this House, that statute is not in force. If we refuse to appropriate this money, then we say that the construction placed by the last Congress upon that statute was correct, and that it was and is in force. That is the whole matter, and now I am ready for a vote.

Mr. HOPKINS of Illinois. One moment——

The CHAIRMAN. The time for debate has expired by order of the committee.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BARTLETT of New York. I make the point of order that no member of the Fifty-third Congress whose name appears on the list of those from whom deductions were made has the right to vote on this question. I make the point under the rule which provides that—

No member shall vote on any question if he has a direct personal or pecuniary interest in the event of such question.

Now, in the Forty-third Congress——

The CHAIRMAN. That rule is undoubtedly in force, and it is for each member to determine whether he is interested in the question or not.

Mr. BARTLETT of New York. Will the Chair hear me on that question for one minute?

The CHAIRMAN. The Chair will hear the gentleman. The Committee of the Whole will come to order.

Mr. BAILEY rose.

The CHAIRMAN. When order is restored, the Chair will recognize the gentleman from New York [Mr. BARTLETT] to be heard further on the point of order.

Mr. BAILEY. Mr. Chairman, I understand——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. BARTLETT of New York. Yes.

Mr. BAILEY. One word on the question of order. I understand the Chair to decide, so far as the Chair can decide the question, that the rule forbids members who are interested in the decision of this question from voting. Now, I am perfectly sure that the object of the House in adopting the rule in question was to prevent members from voting in favor of their own interests. The rule could not have been intended to prohibit members from voting adversely to their own interests. I am perfectly sure, therefore, that while gentlemen who are interested in the refunding of this money might or might not feel a delicacy in voting against the amendment and for the appropriation, gentlemen who are interested can not be criticised if they vote against the appropriation. That is my own attitude in the matter. I am interested, but I am going to vote against the appropriation.

The CHAIRMAN. The Chair simply stated to the gentleman from New York that the rule is still in force, and that members of the House must decide for themselves how they shall vote. If a member actually interested in the question within the meaning of the rule should vote, then, in the opinion of the Chair, the question might be raised and the vote challenged. But the Chair hardly feels called upon to decide in advance who may or may not vote under the terms of the rule.

Mr. BARTLETT of New York. Now, if the Chair will permit me, I should like to say one word.

The CHAIRMAN. The gentleman from New York is recognized on the question of order.

Mr. BARTLETT of New York. The rule is broad. It says no member shall vote on any question in which he is interested. It is voting at all that is inhibited; it is not voting one way or the other. We will assume, for instance——

Mr. GROSVENOR. Under the gentleman's construction of the rule, how can we pass an appropriation bill by the votes of members of the House, if it contains appropriations for their salaries?

Mr. BARTLETT of New York. Because we are interested in such an appropriation bill as a class, not as individuals. In this particular question we are interested as individuals.

Mr. WILLIAM A. STONE. I rise to a point of order.

Mr. BARTLETT of New York. I decline to be interrupted.

The CHAIRMAN. The gentleman from New York is arguing a point of order.

Mr. WILLIAM A. STONE. The Chair has overruled the point of order, and I submit that the gentleman is now out of order in continuing his remarks.

The CHAIRMAN. The gentleman from New York desires to be heard further. [Cries of "Vote!" "Vote!"] The Chair has decided that the gentleman from New York is in order. The Committee of the Whole will please be in order, so that the Chair can hear the gentleman.

Mr. BARTLETT of New York. As I understand the rule, Mr. Chairman, a member may vote on a bill in which he has an interest as one of a class; but if his interest be that of an individual,

he is inhibited from voting. That was the decision in the first session of the Forty-third Congress, when the question was raised as to the right of certain members to vote on a bill affecting national banks. Now, here certain members of the Fifty-third Congress have a direct, personal, individual interest in the question at issue, because under the appropriation proposed to be made they will be entitled to varying amounts; they will not all be entitled to the same amount. The position in which one member stands may be very different from that of another member.

Mr. RAY. I should like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman has declined to be interrupted.

Mr. BARTLETT of New York. Mr. Chairman, it is impossible for me to allow myself to be interrupted by all the able lawyers on the other side of the House and still adhere to the trend of my argument. I will allow the gentleman to interrupt me in a moment.

Now, the argument of the gentleman from Texas [Mr. BAILEY], whom I concede to be a very able lawyer, is that we must construe the language of this rule as if it read, "No member shall vote on any question in which he is personally interested, provided he is going to vote in favor of the side on which his interest lies." I submit to the Chair and the House that what is prohibited here is that a member who is interested shall speak at all by his vote on a question in which he has a personal interest. He must sit silent; he must cast no vote on the question. Now I yield a moment to the gentleman from New York [Mr. RAY].

Mr. RAY. The position which my colleague from New York [Mr. BARTLETT] takes on this question would prohibit every member of the present Congress from voting upon the pending appropriation, because every member of this House is individually concerned and interested in determining the question whether or not section 40 of the Revised Statutes is in force or has been repealed.

Mr. BARTLETT of New York. I submit, Mr. Chairman, that that is an entirely different proposition. The question now presented is whether the $12,000 carried in this bill shall be paid in varying sums to members of the Fifty-third Congress. It is not a question of a revision or repeal of section 40 of the Revised Statutes. That section either is or is not repealed, and that is all there is of it.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

While the rule is in force it is for each member to determine for himself whether he is interested or will vote on any question.

The question being taken on the amendment of Mr. HOPKINS of Illinois, to strike out the paragraph ending with line 4 on page 55, on a division (demanded by Mr. LACEY) there were—ayes 113, noes 55.

So the motion was agreed to; and the paragraph was stricken out.

Mr. NORTHWAY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 55, after line 4, insert:
"To pay William Tyler Page for clerical services rendered in the Clerk's office during the Fifty-fourth Congress, $500."

Mr. NORTHWAY. Mr. Chairman, while this amendment was not formally agreed upon in the Committee on Appropriations, so far as the members have been seen they desire to have it adopted and incorporated in the bill. It pertains to the services of the assistant clerk of the file room, who has done great service and ought to be paid. So far as the members of the committee have been consulted, they agree that it is an entirely proper appropriation and ought to go into the bill.

The amendment was agreed to.

The Clerk read as follows:

To reimburse the Official Reporters of the proceedings and debates of the House of Representatives and the official stenographers to committees for moneys actually paid by them from March 11, 1896, to March 4, 1897, for clerical hire and extra clerical services, $720 each; and to John J. Cameron $240; in all, $5,280.

Mr. SHERMAN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 55, after line 13, insert:
"To pay John H. Barnsley the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95."

Mr. BAILEY. Mr. Chairman, I believe the point of order would lie against that proposition. This man was doing nothing at that time.

Mr. SHERMAN. I do not think the point of order ought to be sustained, for if it is sustained a very large number of items in the bill must go out on the same ground. It stands on precisely the same footing with them.

This is a compensation, as will be seen, to pay the person named in the amendment a small sum of money in addition to his regular salary. This particular person is on the rolls as a folder, but does not perform the duty of a folder, while he does perform, and performs exceedingly well, the duties of a messenger to the Committee on Interstate and Foreign Commerce, and also performs the duties of assistant doorkeeper at the door nearest to the Speaker's room, the most important one, perhaps, in the House. He has performed these duties since the beginning of this Congress, and exceedingly well—nobody better. Where others performing similar services, however, are receiving $1,200 a year, he receives but $60 a month as folder, from which he must pay a certain sum monthly to the janitor for the care of the room of the Committee on Interstate Commerce.

It seems utterly unfair and unjust that this official, a courteous gentleman, should perform these duties and receive only half the compensation that other persons performing like services receive.

I hope the gentleman will not insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

In reply to the statement of the gentleman from New York, I merely desire to say that neither this man nor anyone in his situation was performing any duties on the 1st day of last July. The truth of it is that the Republican party was so greedy for places for its favorites that for the first time in the history of the House it turned out the barbers in the Democratic cloakrooms and filled their places with men who did not perform any services; and now you come here and ask the House to agree to double the salary of this man and others who were doing nothing through all the summer time. You are ready and anxious to vote money to Republican employees, and yet I saw you stand here and vote that the act which provides for the deduction of the salaries of absent members shall apply to a Democratic Congress, and at the same time avowing your determination not to respect that statute when applied to your own cases.

I have seldom witnessed a more despicable piece of pettifogging than the arguments which have been presented on that side of the question. You ask us to say that the member who believes the statute has been repealed shall have no deduction made in his pay, while another who believes that it has not been repealed shall suffer, because his construction of law happens to be against his personal interest. You have advertised yourselves to the country as willing to let the judgment and conscience of the individual member regulate his salary. You have exhibited yourselves to the country as willing that those of us who believe the law is still in force shall obey it, while you, with consciences elastic enough to defy it, go on taking your salaries. You have earned as bad an opinion as the country could pass upon you on so small a question.

I wonder that the great Republican party is willing to carry its partisanship so far. I wonder that it is willing to follow the gentleman from Illinois [Mr. HOPKINS] in his assertion that because the Democratic House, in his opinion, has done wrong a Republican House must not rectify it. He contended then that the rule of the Democratic House was wrong. He was joined by a majority of his associates on that side. Many of you drew your full salary throughout the Fifty-third Congress, contending that under the law you were entitled to it, and yet with that money in your pockets you deny to others what you have taken for yourselves. Either the law had been repealed as to everybody or it was in force against everybody; and I can not comprehend the honesty and logic of men who exempt themselves from the provisions of a statute which they are eager to apply to others. Whatever we may think of your consistency, we thank you for approving the action of a Democratic House, which not only obeyed the law, but which reestablished the sensible and honest rule that when a man was absent on his pleasure or his private business he should not draw salary for public duties which he did not perform. [Applause on the Democratic side.]

The Clerk (proceeding with the reading of the bill) read as follows:

To pay Charles Carter and Harry Parker, for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that item.

Mr. CANNON. I do not think it is subject to the point of order. It is an appropriation that has been made for many years in these precise words, and for the precise purpose, and for services actually performed.

Mr. SHERMAN. Why does it not come in the regular bill?

Mr. CANNON. Simply because it is current law, and has been appropriated for for many years.

Mr. SHERMAN. Why does it not come in the legislative bill instead of in the deficiency?

Mr. CANNON. Because it has always come in the deficiency bill.

Mr. SHERMAN. Well, I do not think that establishes its right to come in the deficiency bill. If it is a matter which should have

come in the legislative bill, why, it should be appropriated for there and not in the deficiency bill. I insist on the point of order.

Mr. CANNON. The Chair can rule.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read as follows:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day from July 1, 1896, to June 30, 1897, inclusive, $504.95.

Mr. SHERMAN. I raise the point of order against that paragraph, Mr. Chairman, beginning with line 23.

Mr. TRACEY. That paragraph is clearly subject to the point of order.

Mr. SHERMAN. It is identical in words with an amendment which I offered, which was stricken out on a point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] desire to be heard on the point of order?

Mr. CANNON. Not at all, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk (proceeding with the reading of the bill) read as follows:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives from January 9, 1896, to March 4, 1897, inclusive, $1,383.34.

Mr. CANNON. I shall not make the point of order on this item.

Mr. SHERMAN. I raise the point of order against that item, Mr. Chairman.

Mr. CANNON. I call attention to the fact that the item is subject to the point of order if the preceding item was.

Mr. SHERMAN. I desire to raise the point of order against it.

Mr. GROSVENOR. I should like to have the gentleman state the facts about this.

The CHAIRMAN. Unless some law is produced authorizing it, the Chair will assume there is none.

Mr. GROSVENOR. I understand this man to have been regularly employed by the Clerk of the House, and that he actually performed the services in the file room.

Mr. MCMILLIN. But the question I submit to the gentleman from Ohio [Mr. GROSVENOR] is whether the Clerk had the authority to make this employment.

Mr. GROSVENOR. Yes; I think so.

Mr. MCMILLIN. There is no such authority, I think.

Mr. TRACEY. Mr. Chairman, I desire to say, in connection with that paragraph, the point of order having been made, that at the first session of this Congress a resolution was offered and referred to the Committee on Accounts, embodying the matters stated in this paragraph. That committee made an investigation and determined against the resolution, and reported it adversely to this House in June, 1896, and the report of the committee, adverse to the resolution, was ratified by a vote of the House. Hence there can not be any existing law under which the appropriation is asked.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

Mr. CANNON. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CANNON. No.

Mr. GROSVENOR. Did the Chair rule on the point of order?

The CHAIRMAN. The Chair did rule; but if the gentleman desires to be heard, the Chair will hear him.

Mr. CANNON. I do not desire to be heard now. I want to say a word on the merits, and will when we reach another paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GROSVENOR. I think the Chair is ruling perhaps without full knowledge.

The CHAIRMAN. The gentleman from Missouri [Mr. TRACEY] stated that the Committee on Accounts had investigated the subject, and that they found no law authorizing this employment. The Chair has made the ruling on that statement.

Mr. TRACEY. There is no question but that Robert A. Stickney has done this work, and is still doing it. But I stated that the resolution authorizing his employment was referred to the Committee on Accounts. I think the resolution authorized his payment out of the contingent fund. The committee made an investigation and reported the resolution adversely, for reasons that were satisfactory to the committee, and that report was ratified by a vote of the House in June, 1896, and there has been no subsequent action taken.

Mr. GROSVENOR. This young man had been at work, and working right along every day since.

Mr. TRACEY. There is no question about his doing the work.

Mr. GROSVENOR. And now he ought to be paid for it.

Mr. TRACEY. There is no doubt he ought to be paid; he did the work.

Mr. DOCKERY. I would suggest that the appeal should be addressed to the gentleman from New York, who raised the point of order.

Mr. GROSVENOR. I have no interest in this, but it seems to me that when an intelligent young man is employed by the House of Representatives, or by the Clerk of the House of Representatives, when he pays his board and clothes himself, and does something, whether that is hard labor or not, he ought to be paid for it. I have an old-fashioned idea about not stealing.

Mr. DOCKERY. Had not the gentleman from Ohio better appeal to the gentleman from New York [Mr. SHERMAN] who interposed the point of order?

Mr. GROSVENOR. I hope the gentleman from New York will withdraw the point of order. This is a meritorious claim for a young man who has done work for the House.

Mr. SHERMAN. Has he received no compensation?

Mr. GROSVENOR. None, whatever; and he has paid his board.

Mr. MCMILLIN. I suggest to the gentleman from Ohio that in the proper conduct of the business of this House the action on the part of a committee having jurisdiction upon the matter refusing to employ a man ought to be notice to this man to quit, and that the officers who did employ him ought not to pretend to employ him. That seems to be the case up to June, but from that to some time last year he was not employed with authority. I do not think any officer ought to employ without authority to employ.

Mr. GROSVENOR. He has been doing work for the House that is always required to be done.

Mr. MCMILLIN. But it seems that the Committee on Accounts determined the work was not necessary to be done, and when they do not need a thing done there should not be employment given and they ought not to have it done. I do not know anything about the merits of the case, except what the gentleman says. We ought to have some remedy, or the House will have itself loaded without end with employees. I think every employee required ought to be retained, and all who render service to the House ought to be paid.

Mr. GROSVENOR. I do not understand that the Committee on Accounts said that the labor was not needed.

Mr. MCMILLIN. I understood the gentleman to say the Committee on Accounts determined that it was not necessary to employ a man, and so reported.

Mr. GROSVENOR. Not at all.

Mr. MCMILLIN. I understood the gentleman to say that they so reported to the House. I will ask the gentleman, did I understand that correctly?

Mr. TRACEY. Not at all correctly.

Mr. MCMILLIN. I would like to hear, then, what your statement was.

Mr. TRACEY. Now, I will make a little further statement in order that the matter may be more clearly understood. When the resolution was originally referred to the Committee on Accounts, we made an investigation. I made the larger portion of it myself. I talked with the Clerk of the House, and I talked with the Journal Clerk and with the file clerk. I ascertained first that there was a man detailed to do that work originally, and that after he had been there three months he was taken away and that then this young man went into the Journal Clerk's office. After talking with the Clerk of the House, and after being told by the Clerk of the House that he had no authority to employ him in that capacity, he said that the work was there to be done, and if he cared to do it he could do so. That information comes from the Clerk of the House to me. He went in with that understanding.

Now, the Committee on Accounts took this view of it: That inasmuch as they were charged with the responsibility of payments being made out of the contingent fund, that they at least ought to be consulted before accounts against that fund should be created. That is the view the Committee on Accounts took of it, and, taking that view, they could do nothing else than report that resolution adversely. They did. Now, as to the work. My investigation leads me to conclude that it is absolutely necessary that some one shall be there to do that work that this young man has been doing. I do not believe in the employment of men without authority of the committee charged with the responsibility of payment of the fund, or of the House.

Mr. CANNON. Mr. Chairman, by unanimous consent I would like a few minutes touching this and kindred items.

There was no objection.

Mr. CANNON. In the last Congress, in the Congress before that, in every Congress that I have served in, there have been at least one-third more employees than enough to do all the work. We have not cut them off, we are not going to cut them off, whichever party is in power. The employees are around, they render themselves personally agreeable, and in this House of Representatives we desire to accommodate each other and to accommodate the employees without reference to which party dominates here.

Let me call attention to a few facts. Here in the document room they had enough employees to run the business of that room

without Joel Grayson, but they did not do it. He was appointed. You all understand who he is. In sheer self-defense he was employed to work in that room, and he gets, I believe, $1,500 a year.

Again, in this very room where Mr. Stickney was employed there were enough employees there for one to have been detailed to do this work, but that was not done. Stickney was informed that he could go in there and work and take his chances of being paid. He was out of a job, he was thoroughly competent, and he relied upon the assumed fairness of the House to pay him if he went in and did the work; and he doing work which under proper administration somebody else might have done, the months passed on, and we put this item in the bill, but it is subject to the point of order.

Take another case. The gentleman from Ohio brought in an item of $500 to pay this young man in the file room. He did the work, but why was it necessary for him to do it? On inquiry, we found that the employees there wanted three or four months' vacation, and bundled up and went off, and this poor boy, being quite as competent as any of them, went in and did the work and took his chances of being paid. The committee did not feel like turning him down, and the point of order was not made on that item.

Again, take those two boys whose item went out on a point of order. They are laborers who have been attending to two large committee rooms. They have been there for years, and this allowance—$75, I believe—I believe has come to be the yearly provision for each of them. That item went out on a point of order, and rightfully when the point was made. Now, I have stated very frankly why these items were put in the bill, and I trust that if any of them go out, they will all go out.

Mr. MOODY. Whose fault is it that we have this superfluous number of employees?

Mr. CANNON. It results from the desire of members of this Congress and the desire of members of the last Congress and the desire of members of every Congress in which I have served to have their friends appointed on the House force somewhere.

Mr. FLETCHER. By whom were they appointed?

Mr. CANNON. By the Clerk and by the Doorkeeper and the officers generally. It is so now, it always has been so, and I suspect that as long as human nature remains as it is, it will continue to be so, at least during the gentleman's lifetime and mine. That is all I have to say about it.

The Clerk read as follows:

To pay Guy Underwood the difference between the pay of a laborer and that of a messenger in the hall library, at the rate of $3.60 per day from July 1, 1895, to June 30, 1897, inclusive, $594.

Mr. SHERMAN. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay, under resolutions of the House, Isaac R. Hill, at the rate of $1,500 per annum; Thomas A. Coakley, George L. Browning, and George Jenison, at the rate of $1,200 per annum each; C. W. Coombs, at the rate of $1,800 per annum, and James F. English, at the rate of $900 per annum, from March 4 to December 1, 1897, inclusive, $5,790.50.

Mr. HULL. Mr. Chairman——

Mr. CANNON. I call my friend's attention to the fact that even-handed justice should be done.

Mr. CROWTHER. I make the point of order, Mr. Chairman.

Mr. McMILLIN. These are not on the same footing as the others. These men were employed by resolution of the House.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois has called my attention specifically to this paragraph, inviting me, as he did on prior paragraphs, to raise the point of order. It seems to me that there is a difference between this and those other paragraphs. This is a courtesy that has been extended to the minority for a great many years. When the Republicans were in a minority, the same courtesy was extended to them, permitting them to name certain employees of the House, and for that reason, because it has been customary to extend this courtesy to the minority, I do not wish to accept the invitation of my friend from Illinois to raise the point of order.

Mr. HULL. Mr. Chairman, I desire to raise a point of order against one of the men named in this paragraph, C. W. Coombs.

Mr. McMILLIN. Mr. Chairman, I make the point of order that the gentleman's point comes too late, the question having been debated.

Mr. HULL. I tried to address the Chair as soon as the reading was concluded.

Mr. McMILLIN. I think the record will show that there was no point of order made before the discussion.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that the gentleman from Missouri [Mr. CROWTHER] made the point of order before the gentleman from New York took the floor.

Mr. CROWTHER. Mr. Chairman, I would like to have a ruling of the Chair on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CROWTHER. That this is new legislation.

Mr. WILLIAM A. STONE. In reply to that, Mr. Chairman, I think we ought to have the facts, and the facts are that the House passed a resolution authorizing the employment of these men.

Mr. GROSVENOR. For services to be rendered after the House was dead?

Mr. CANNON. It is subject to the point of order. It is merely a question whether the House wants to pass this by unanimous consent or not.

Mr. HULL. Mr. Chairman, I rise to a parliamentary inquiry. There is one gentleman named in this paragraph against whom I wish to make a point of order. I remember distinctly the way in which he was put on the roll and the time to which his employment was limited, and I want to ask the Chair this question: If the point against the entire paragraph is not sustained, what effect will that have upon a point of order against a particular item in the paragraph? I understand that the gentleman from Missouri [Mr. CROWTHER] raises a point of order against the entire paragraph.

The CHAIRMAN. The Chair thinks that raising a point of order against the entire paragraph would not preclude raising a point against any particular part after the decision of the other point of order.

Mr. HULL. That is exactly what I supposed. But I want it clearly understood that my right to raise a point of order upon a part of the paragraph in this particular case is reserved.

Mr. DOCKERY. I think the Chair will find it specifically stated in the rules that when any part of a paragraph is subject to a point of order the whole paragraph is obnoxious to the rules.

The CHAIRMAN. That may be true.

Mr. DOCKERY. I think the Chair will find it to be correct.

Mr. FOOTE. I should like to know the rate at which the gentlemen named in this paragraph are now paid, whether the paragraph allows them their present rate of pay or gives them an increased rate?

The CHAIRMAN. That is not a parliamentary inquiry. Perhaps the chairman of the Committee on Appropriations can answer it.

Mr. CANNON. What is the gentleman's question?

Mr. FOOTE. I should like to know whether the rate proposed to be paid to the gentlemen named in this paragraph is the same that has been paid heretofore, or whether the paragraph proposes an increase?

Mr. CANNON. I understand there is no increase proposed. I can put the Chair and the House in possession of the exact facts. This paragraph is the usual form of such paragraphs—like those that have gone out on points of order. Paragraphs of this kind have appeared in the bill during many years. These people are employed at this time under a resolution of the House, and are paid from the contingent fund. Their employment, by virtue of the resolution under which they are now serving, can not go beyond the 4th of March next. A paragraph of the kind now under consideration, carrying employees of this kind over the interval between the expiration of one Congress and the commencement of the next, have been usual in deficiency bills heretofore. But the paragraph is clearly subject to a point of order.

Mr. SAYERS. Mr. Chairman, I wish to state for the information of the House that in all previous Congresses since I have been a member of the Committee on Appropriations the majority have always extended to the minority, no matter which party was in power, the courtesy of adopting just some such provision as this.

Mr. CANNON. That is true; but it was done by unanimous consent.

Mr. SAYERS. Oh, yes; I agree that it is subject to a point of order.

Mr. McMILLIN. They were appropriated for in the general appropriation bill.

Mr. HENDERSON. It can hardly be said that paragraphs of this kind were adopted by unanimous consent. They were brought in as a part of the appropriation bill.

I know that in the case of Captain Currier, from my own district, an old soldier, a Democratic House put him through by resolution, and then, exactly as in this case, a provision was brought in on an appropriation bill to carry him over until the succeeding session.

Mr. McMILLIN. That is true.

Mr. HENDERSON. This bill does for the Democrats exactly what the Democrats did for the Republicans.

Mr. HULL. This does more.

Mr. HENDERSON. I hope that my friend from Iowa will not interpose a point of order against this provision.

Mr. HULL. I would like to be recognized for a minute or two.

Mr. DOCKERY. I appeal to my good friend from Iowa not to make a point of order.

Mr. HULL. The gentleman from Missouri [Mr. CROWTHER] has raised a point of order against the whole paragraph.

Mr. CROWTHER. I reserved the point of order.

Mr. HULL. As a reason for my point of order, if it become necessary to make it, I wish to say that I remember very well the debate which was had on the resolution putting Mr. Coombs upon the pay roll of the House. The minority had been accorded the usual number of officers without Mr. Coombs, but he had been in the employ of the House for a great many years and had placed some members under obligations to him. When the Republicans undertook to fill his place with a new man, it was stated by some gentlemen on this side, as well as by gentlemen on the other, that we needed Mr. Coombs to educate our man. In other words, that a new man could not properly discharge the duties of the office. There was no pretense that two men were needed permanently for the performance of this duty. We have now had our man educated by this gentleman—if he ever needed it; and I never believed that he did. If Mr. Vail can not perform the duties of the office now, let him give way, but do not keep both.

This is a new office created by a resolution of this House to give Mr. Coombs a place until the 4th day of March. I do not believe that the House needs an extra man in this line of duty, or ever has needed one. The man who was appointed to the place was thoroughly competent to discharge the duties of the office from the day of his appointment, and his familiarity with the office now is unquestioned. I do not believe that Mr. Coombs himself can come knocking at the doors of Congress and as an object of charity ask this compensation. Not only he himself, but his son and his grandson are in the employ of the Government, his son, as I understand, holding two offices, the pay of which aggregates $3,600 a year, and spelling his name in one case with two "o's" and in the other case with only one. I believe that the present minority ought to have every courtesy extended to them which has been extended to us when we have been in the minority. I would be the last man to deny this much. But this is not courtesy to the minority, but favoritism for one man. But strike Mr. Coombs from this bill and we shall still extend to the other side the same courtesy which has been extended to us in the past. There are the usual offices accorded the minority still left. On this proposition to eliminate the name of Mr. Coombs from the bill and destroy pure favoritism I trust that my friend from Missouri [Mr. DOCKERY], who as the great economist of this House has taken the place of the sage from Indiana in guarding the Treasury, will unite with me in lopping off an office that is not needed.

Mr. DOCKERY. Yes, sir; always.

Mr. HULL. Of course, I understand that some men are uncharitable enough to say that my friend from Missouri, through the Dockery Commission, discharged many clerks and put in others in whom he was interested.

Mr. DOCKERY. Mr. Chairman, right there I ask the gentleman to yield to me.

Mr. HULL. I will in a minute.

Mr. DOCKERY. I ask the gentleman to yield to me now.

Mr. HULL (continuing). I do not believe, for my own part, in such charges. I hope the gentleman from Missouri will unite with me in striking down this extravagant abuse, inaugurated by a Republican House on the appeal of our Democratic friends, backed by some gentlemen on this side of the House.

Mr. DOCKERY. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. DOCKERY. I want to say to the gentleman that I have not a single appointee in the Treasury Department at Washington.

Mr. HULL. I am very glad to hear it, and know the gentleman's denial will stop such gossip as I have referred to.

Mr. DOCKERY. Let me say further, Mr. Chairman, that the joint commission referred to was always unanimous in its findings, and during the two years of its existence partisanship was absolutely unknown to its deliberations.

The only thing that I attempted to accomplish relating to patronage was to protect the appointees of certain prominent Republicans, gentlemen some of whom I now see before me, and it gave me pleasure to speak in their behalf. I repeat, I have no appointees in the Treasury Department at Washington, and I did what I could to protect the appointees of Republicans on this floor and representatives of my own political faith.

Mr. HULL. Then you and I are together on that, as I have none.

Mr. DOCKERY. There was not one single appointment that came to me as a result of the work of that commission. On the contrary, let me say to the gentleman from Iowa and to the committee that it was probable I could have secured one or two appointments, but I declined to ask this recognition, because I did not want to put myself under the suspicion of effecting reforms that patronage might follow.

Mr. MCMILLIN. Mr. Chairman, I think the gentleman from Iowa [Mr. HENDERSON] has stated with great clearness and a great deal of fairness the real situation of the pending question. The employees who are embraced in the point of order of the gentleman from Missouri do not stand on the same footing as those who have been ruled out on the points of order made heretofore.

In the first place, they are officers of the Government borne on the rolls of the Government by appropriations heretofore made. In the second place, they were retained by a resolution agreed upon in this House, against which there is no decision or opposition, giving to the minority that same courtesy that we when in the majority gave to the other side, now in the majority. There has never been a violation of that courtesy since I have been a member of this body, now some eighteen years past. I trust it will not be insisted that there shall be a violation of it now.

I make that remark as to those who are appointed as a courtesy extended to the Democratic party and selected by caucus, and who are already borne on the annual rolls. A resolution of the House authorized their appointment, and there is not now nor has there been any question as to the propriety or regularity of their appointment.

Mr. HENDERSON. Mr. Chairman, I desire to be heard briefly on the question of order pending.

It is easy to say smart and cutting things. It is the cheapest intellectual production you can find in any legislative body. But I think there are some things that are easier; and one is, to be perfectly fair and candid with each other.

My colleague mistakes the case entirely when he says that Colonel Coombs's friends pleaded for the passage of the resolution in his behalf in order that he might become a teacher or instructor of his successor. I participated in that debate myself in behalf of Colonel Coombs, and used no such argument. I never heard it used until it was used on this floor to-day, from the fresh and gushing memory of my colleague from Iowa.

Colonel Coombs was pleaded for because of the merits of the man, and for that reason alone. I have served here for some fourteen years, and I can not name a man who is more efficient or of greater help to my constituents than C. W. Coombs. It is for that reason that I fought for the resolution to put him on here. I was impelled by no other purpose, Mr. Chairman.

There is a man from my district whose body is full of lead, received for his country, who was put by two Democratic Houses on the rolls as an additional officer, and kept there and tided over the 4th of March by an appropriation bill exactly as this bill.

It is usual; it is simply fair play between side and side of this House, and I beg of the gentleman who makes the point of order to have respect for the traditions of the House, to the courtesies of the House, and withdraw the objection and let this go in as it has done heretofore by the Committee on Appropriations, which ranks second to none in scanning closely matters represented in the bill and recommended to the House.

That is all I desire to say.

Mr. CROWTHER. Mr. Chairman, this case has taken a very wide scope and has developed some remarkable statements. The name of C. W. Coombs on this deficiency appropriation bill is absolutely new legislation. There is no question at all about that. And I well know that the resolution appointing this gentleman a special messenger of this House was adopted at the earnest solicitation of my esteemed friend from Iowa [Mr. HENDERSON]. He tells us that Colonel Coombs has assidnously attended to his constituents. What other member on the floor of this House can get up and say the same thing?

Mr. BINGHAM. I can.

Mr. STEELE. I can.

Mr. GROUT. I can.

Mr. HENDERSON. Let us poll the House and see.

Mr. HEMENWAY. You had better poll the House and see how many members will stand up.

Mr. HENDERSON. I will guarantee that he has refused no request.

Mr. HEMENWAY. We will guarantee that his son is drawing two salaries.

Mr. GROUT. He is not his son.

Mr. HENDERSON. I do not believe he has ever refused to give attention to the request of any member.

Mr. HEMENWAY. His son is drawing two salaries.

Mr. HENDERSON. I know nothing about that, but I do not believe it. He can not do it under the law.

Mr. CROWTHER. In the discussion of the various propositions upon this bill, it has been claimed by gentlemen on the other side that the Republicans were greedy in their desire to obtain place, even so far as to turn out laborers from the barber shop, for the purpose of putting in constituents of their own. Yet here is a Republican House, by nearly 100 majority, that gave this gentleman the position of special messenger, when we had selected another gentleman to fill the position that he had occupied.

Mr. HULL. And if the gentleman will yield for a suggestion, in order to do it, the House created a new office.

Mr. CROWTHER. Created a new office.

Mr. HULL. An office that never was known before.

Mr. CROWTHER. Now, in the development of this discussion, let us see what we find. On page 325 of the Blue Book you will find the name of C. C. Coombs, an attaché of the Surgeon-

General's Office. He is a son of C. W. Coombs, the special messenger of the House of Representatives. He is drawing there $1,400 salary.

Mr. BINGHAM. Is he not under the civil service?

Mr. CROWTHER. No, sir—yes; Democratic civil service. On page 193 of the Congressional Directory you will find the name of C. C. Coombs, credited to the District of Columbia, as having been born here, and as having been appointed to perform the duties of an office at the other end of the Capitol, drawing a salary of $2,220 per year. That is the same son of C. W. Coombs, the special messenger of the House of Representatives. Go over to the Senate Chamber and you will discover on the roll of that body the name of Charles Coombs, another son of C. W. Coombs, special messenger of the House of Representatives, drawing a salary of $900 a year—a total for one family under this great roof here of $6,320 per annum. Will my Democratic friend, when he goes down on the hustings in Texas next year, tell the people there about Republican extravagance, and refer to this remarkable instance of Democratic economy and Democratic civil-service reform? [Applause on the Republican side.]

Now, Mr. Chairman, I think I am entitled, under this condition of affairs, to raise the question of order against this paragraph.

Mr. JOHNSON of Indiana and Mr. BLUE rose.

The CHAIRMAN. The gentleman from Kansas.

Mr. CANNON. Mr. Chairman, after the gentleman gets through with his remarks, I shall call for a ruling on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLUE. Mr. Chairman, I wish to bear testimony to the statement of the gentleman from Iowa [Mr. HENDERSON] in regard to the manner in which this employee, Colonel Coombs, was placed upon the rolls of the House. Gentlemen argue that the House created a new office for this man. If that is true, then the point of order is not well taken, because if it created a new office, this is simply to provide a fund for the payment of that official.

A MEMBER. Only until the 4th of March.

Mr. BLUE. The gentleman says that it was limited to the 4th of March, but I understand that it was the purpose of that resolution at the time to add this employee to the force of the House and put him in the same attitude as the other employees of the House and that he should be paid just as they were paid. I wish further to bear evidence to the fact that this man has been as faithful in work as any employee of this body, and I desire to say in corroboration of what the gentleman from Iowa [Mr. HENDERSON] said, there is no man in the employment of the House who has done more for my constituency than has this esteemed employee, Charles W. Coombs.

Mr. JOHNSON of Indiana. If the gentleman will permit me to interrupt him, as I have been unfortunate in obtaining recognition to-day, I want to add my testimony as to the intelligence and fidelity of Mr. Coombs. I have resorted to him frequently, and with success, for documents, where it was impossible for me to get them without his aid.

Mr. HULL. Why did you not get them from a Republican employee that we have in that position?

Mr. JOHNSON of Indiana. I found Mr. Coombs so efficient that it was not necessary to go to anyone else.

Mr. BLUE. If this little patronage is to be made a great political question, if this whole business is to be parceled out simply upon partisan lines, then it seems to me the House has come to a very low plane indeed. The gentleman from Iowa [Mr. HENDERSON] appealed rightfully and properly to the equity and sense of fair dealing of this body; and I do not care whether this man has grandchildren or great-grandchildren in the service, where they have been appointed by their Democratic brethren. It was their right to ask appointment at the hands of their friends. It is simply a question of efficiency. After the House has passed upon this subject and generously appointed Mr. Coombs, it does not become it to resort to this method of removing him, out of mere partisan feeling.

Mr. CROWTHER. Does my friend profess to argue here upon this floor that it is right and just for one man to occupy two positions?

Mr. BLUE. But, Mr. Chairman, I do not understand that that is the question here.

Mr. HENDERSON. He does not occupy two positions.

Mr. CROWTHER. A member of his family is in Government employ.

Mr. BLUE. What has that to do with Mr. Coombs's employment here? The gentleman from Missouri certainly will not insist upon that.

Mr. FOOTE. Will the gentleman kindly explain why there are two House messengers in place of one; and why Colonel Coombs was kept in that place after Major Vail was put there?

Mr. HENDERSON. That was adjudicated by this House.

Mr. BINGHAM. That was by a vote of the House.

Mr. BLUE. In reply to that, when he was placed there the gentleman from Iowa [Mr. HENDERSON] urged, and urged properly, that, under the growing necessities of this great Republic and the increased work of the House of Representatives, it was necessary that he should be added. One of the great objections I have to the manner of conducting this patronage is that it gives inexperienced officials, and that is one of the reasons, among many others, why this man was retained by the House. He was retained on account of efficiency. The new employee was not prepared to meet the emergency. I have no fault to find with Major Vail. He has been faithful and industrious. We might as well be candid and treat this as it should be treated in the proper disposition of the business of this House, and not attempt to raise points of order in this manner to carry out partisan purposes, to the detriment of the business of the House.

Mr. FOOTE. Allow me to ask one more question.

Mr. CANNON. I hope we can have this point of order decided.

The CHAIRMAN. The Chair is ready to decide the point of order. It seems these employees were employed under the present rules of the House to perform specific duties, and to be paid out of the contingent fund of the House. Now, the very fact that these resolutions can not carry it after the end of the present Congress—while the present occupant of the chair is aware that from time and long-honored custom of the House such employees have always been accorded to the minority, and is in full sympathy with that idea—if the point of order is insisted on, as it is, the Chair thinks that their employment after the 4th of March by appropriation is not sustained by any law, and is therefore subject to the point of order; and the Chair sustains the point of order.

Mr. ARNOLD of Pennsylvania. Do I understand this point of order only pertains to Colonel Coombs?

The CHAIRMAN. The point of order is raised against the paragraph. [Cries of "Read!"]

The Clerk read as follows:

To pay the following assistants in the document room, authorized and employed under resolutions of the House, namely: One at the rate of $1,600 per annum, one at the rate of $1,200 per annum, and two at the rate of $1,000 per annum each from March 4 to June 30, 1897, inclusive, $1,573.31.

Mr. CANNON. I call the attention of my genial friend from New York to the fact that this clause is subject to the point of order.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I make the point of order if my genial friend from New York does not.

Mr. SAYERS. I raise the point of order.

Mr. CANNON. This is a clause in an appropriation that has no law to support it. It has been brought in here for years, along with these others that were brought in, to which the gentleman from New York [Mr. SHERMAN] made the point of order. However, I am going to deal even-handed justice all along the line.

Mr. SAYERS. I raise the point of order on that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Charles M. Thomas for extra services as clerk in the office of the disbursing clerk of the House of Representatives, $300.

Mr. SAYERS. Mr. Chairman, I raise the point of order upon this.

Mr. HOPKINS of Illinois. I would like to inquire if these points of order are being made by the members of the committee who reported the bill?

Mr. SAYERS. They are so.

The CHAIRMAN. The Chair understands that there is no law on which this appropriation is based, and the Chair sustains the point of order.

Mr. HOPKINS of Illinois. I would like to inquire if the gentleman from Texas has discovered that there was no law for this since the bill has been reported?

Mr. SAYERS. I knew that there was no law for it.

Mr. HOPKINS of Illinois. When you reported the bill?

Mr. HEPBURN. Mr. Chairman, I would like to submit a parliamentary inquiry as to whether it is competent for this House to appoint one of its officers as what is known as an "annual clerk," or "annual employee." Can the House do it? Is it in the power of the House to give to itself a proper complement of officers? If it is, then it is competent for the House, by the language of this resolution, to extend the period for which an officer shall serve beyond the 4th of March. The House perhaps may not be able to compensate him, or to provide for his compensation, but if it can create the office, if it can authorize the service, then a deficiency is created, and it is the function of this bill to provide for that deficiency; so that the point of order does not, in my judgment, apply against this class of cases. I think there can be no question but that this House can appoint its own officers and can extend the term of their service beyond the 4th of March. We may not be able, I repeat, to pay them beyond the 4th of March, because they are paid out of the contingent fund, but we can require the service, we can create the office, we can appoint

the officer, and if there is no provision of law for his appointment, then it becomes a proper subject to be acted upon in a deficiency bill.

The CHAIRMAN. The Chair sustains the point of order on the last paragraph.

The Clerk read as follows:

To pay Noah L. Hawk for extra services as acting assistant deputy sergeant-at-arms, $600.

Mr. SAYERS. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, just at this point I want to see if it is possible to pour oil on the troubled waters. I wish to try, if it be possible, to reestablish that feeling of good fellowship which has heretofore almost invariably prevailed between members on both sides of the House and which ought now and hereafter to prevail. It is a blessed thing to do unto others as you would have them do unto you. It is a Scriptural injunction, I believe, to do good to those who may have spitefully used you. Therefore, although the paragraph relating to the Democratic employees of the House has just been stricken out of the bill on a point of order, I want to do the usual and the right thing by all the employees regardless of politics. As the result of a slight misunderstanding, the committee has stricken from the bill the provision for the compensation of such employees as from time immemorial it has been the custom of the majority to give to the minority in this body. Therefore, in offering this amendment I am not doing unto others as they have done unto me, but I am proposing to do unto others as I would have them do unto me, and to that end I send to the desk an amendment carefully guarded, couched in the usual language, and similar to one which it has been the custom of the House to adopt at the close of the last session of each Congress for many years.

The amendment proposes to give to the employees who are borne on the rolls of the House and Senate one month's additional compensation after the close of this Congress, which they have so faithfully and efficiently served. I ask for the reading of the amendment.

The amendment was read, as follows:

Insert after line 13, page 57, after the word "dollars" the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. SAYERS. Mr. Chairman, I make the point of order on that.

Mr. WASHINGTON. Mr. Chairman, that is nothing more than I expected; but I want to be heard upon the point of order.

Mr GROSVENOR. I desire to be heard on that point of order, Mr. Chairman.

Mr. WASHINGTON. Mr. Chairman, it has been the custom in this House, as I have said, almost from time immemorial, for an amendment of this character to be offered either to the sundry civil bill or to the general deficiency bill, and to be acted upon favorably by the House. It has also been the custom, or at least it has been the practice of the presiding officer, when he had any doubt as to the point of order, to submit the question to a vote of the House and let it determine for itself whether the amendment was in order or not. A similar amendment to this has been held to be in order by many illustrious men who have occupied the chair in the past, such men as Mr. Kasson, of Iowa, Mr. Carlisle, of Kentucky, and a host of our ablest parliamentarians. The custom of voting the employees one month's extra pay was inaugurated in the Twenty-ninth Congress.

In looking over the records, I find that a similar appropriation to the one proposed was made on the following dates: August 3, 1846; March 3, 1847; August 7, 1848; March 9, 1849; September 20, 1850; March 30, 1851. In 1854 the method was changed somewhat by voting a 20 per cent increase of pay to each employee at the close of the session in lieu of one month's pay, and that practice was adhered to until 1860. So that from 1846 to 1860 the custom was followed at almost every session. From 1860 to 1879 the practice was to a great extent abandoned. In 1879, however, the custom was resumed and it has generally prevailed since then. Of recent years it has generally been the custom, without regard to the political complexion of Congress, to allow one month's extra pay to the employees of the Senate and House, especially at the end of the second session, and sometimes twice during the same Congress.

Precedents will be found as follows:

Sundry civil act of August 7, 1882; Forty-seventh Congress, first session. (22 Statutes at Large, 338.)

Sundry civil act of March 3, 1883; Forty-seventh Congress, second session. (Ibid., 632.)

Sundry civil act of July 7, 1884; Forty-eighth Congress, first session. (23 Ibid., 226.)

General deficiency act of March 3, 1885; Forty eighth Congress, second session. (23 Ibid., 469.)

Joint resolution of October 20, 1888; Fiftieth Congress, first session. (25 Ibid., 663.)

General deficiency act of March 2, 1889; Fiftieth Congress, second session. (25 Ibid., 928.)

General deficiency act of March 3, 1891; Fifty-first Congress, second session, (26 Ibid., 885.)

Resolution of August 5, 1892; Fifty-second Congress, first session. (27 Ibid., 403.)

General deficiency act of March 3, 1893; Fifty-second Congress, second session. (27 Ibid., 684.)

Urgent deficiency act of December 21, 1893; Fifty-third Congress, second session. (28 Ibid., 20.)

General deficiency act of March 2, 1895; Fifty-third Congress, third session. (28 Ibid., 864.)

It will be noted from the foregoing that the almost unbroken practice has been to allow an extra month's pay at the end of each session. This was not done at the first session of the Fifty-fourth Congress, and thus a greater reason is afforded why it should be allowed now. It was not given to the employees of the House at the last session; it is only asked at this session, being for two years' service. It has frequently been given, as I stated, at the end of each session of a Congress—sometimes at the close of three sessions of the same Congress.

Now, as it seems to be the fashion for gentlemen who are advocating or opposing amendments to this bill to state that they have no personal interest in the matter under consideration, I suppose that I must follow the fashion, and I believe that implicit confidence will be placed in my statement when I say that there is not a single person on the roll of this House or at the other end of the Capitol who has been appointed on my solicitation or because he is my political friend. I offer this amendment as a matter of justice and right—not because anyone in whom I am personally interested is to be benefited by its adoption to the extent of one dollar. I hope that the Chair in ruling upon this point of order will recognize the custom and the precedents which have hitherto prevailed and which I have hastily cited. I insist that custom makes law, and that custom in this case makes this amendment in order. If the Chair should entertain any doubt on this point, I hope the Chair will give the Committee of the Whole the benefit of the doubt and let the committee by a vote determine for itself whether my amendment is in order.

Mr. GROSVENOR. Mr. Chairman, I take it, for the purposes of this argument, which will be very brief, that the rule of stare decisis applies in matters of parliamentary construction as well as those of legal dispute and decision. Whether that proposition is a good one or not, I know there is one principle of parliamentary law that applies here: Where the Speaker of the House or the Chairman of the Committee of the Whole makes a decision, and that decision is appealed from and the Chair is sustained, that becomes a rule of the House. It is so laid down by every writer on parliamentary law. And where no appeal is taken the same rule applies.

Now, for many years this appropriation has been recognized as in order by Chairmen of Committees of the Whole on the state of the Union. I hold in my hand the one hundred and eighteenth volume of the CONGRESSIONAL RECORD, being a part of the proceedings of the Fifty-first Congress. I desire to read a decision made at that time on this very question by the gentleman who was then acting as Chairman of the Committee of the Whole. The occupant of the chair was Judge Payson, of Illinois, a very able man, a widely experienced parliamentarian, and a good lawyer. This same point of order was made at that time by a gentleman long in this House from the State of Indiana, Judge Holman, and here is the decision of the Chair, given after very full argument:

This is not a new question in the House of Representatives, nor is it new to the present occupant of the chair. When the general deficiency bill was under consideration at the last session of this Congress, the present occupant of the chair had the honor to preside as Chairman of the Committee of the Whole House on the state of the Union. The same question was then presented in the shape of an amendment; and at that time the Chair took occasion to examine the entire line of precedents and the history of legislation with reference to this matter, as well as the rulings which had been made upon it up to that time, and sees no reason now for changing the opinion then formed in regard to it.

The decisions have been practically unanimous for a great many years past, and especially since the present occupant of the chair has been in public life, beginning with the ruling of Mr. Kasson, of Iowa, and others succeeding him, including the gentleman from Kentucky, Mr. Carlisle, the Speaker of the last House, and so on down to the present time, with but a single exception, this amendment has been held to be in order, either by the direct ruling of the Chair or by an overwhelming majority in the committee when the question has been submitted for its decision.

So we have not only the rulings of distinguished parliamentarians, but we have the vote of the House sustaining those rulings or reversing rulings which have been adverse.

Following the precedents—without expressing an opinion as to what judgment the present occupant of the chair might entertain if this were an original proposition—but following the precedents and the rulings heretofore made, the Chair holds the amendment to be in order.

I do not care to add anything further. I can see no reason why the present occupant of the chair should overrule his predecessors. The House has power to appropriate funds for the payment of its employees. And its decisions are the law governing the House.

The CHAIRMAN (Mr. PAYNE). The Chair is ready to decide the point of order. The Chair is aware of the line of precedents that the gentleman from Ohio has mentioned, which grew out of the practice of the occupants of the chair in submitting this question to the Committee of the Whole, instead of deciding it for themselves under the rules. The question is not new to the present occupant of the chair. The same point of order was presented during the last session of Congress upon a similar amendment, and the ruling was then made by the present occupant of the chair that the amendment was not in order. That decision was founded upon the reading of the rule of the House, which is very plain. These officers are employees of the House at certain fixed annual salaries. To give them a month's pay in addition to the annual salary is to change the salary fixed by law or resolution of the House. It is in effect adding so much to the salary. If it is not an addition to the regular salary, it is a gratuity. In either case it is not in conformity with existing law.

If this question did not appear entirely clear upon its merits to the present occupant of the chair, he would have had much more hesitancy in deciding the case when first brought to his attention; but he can see no excuse for submitting it to the House unless it is so submitted in the form of an appeal. The rule seems plain, and, although the precedents have been examined, the Chair has been unable to find any reason given for holding that this proposition is not in violation of the rules, except that it has been entertained by the votes of Committees of the Whole.

The Chair does not recollect whether the decision made by the present occupant of the chair at the last session was appealed from or not, but the House, by its acquiescence in the decision, sustained the ruling then made, and certainly made it the rule for the Chair during the present Congress that an amendment of this kind is obnoxious to the rules and subject to a point of order. Therefore, while feeling for the opinions of the eminent gentlemen whose names have been cited—Mr. KASSON, of Iowa; Judge PAYSON, of Illinois, and Mr. CARLISLE, the former Speaker of the House (especially the latter)—upon questions of law or parliamentary law the highest respect, the Chair sustains the point of order.

Mr. WASHINGTON. Mr. Chairman, I desire to appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. WASHINGTON] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WASHINGTON. Mr. Chairman, as already stated before in this debate, this is not a new question, and it has almost invariably when raised been submitted to a decision of the Committee of the Whole itself. I hold in my hand a ruling of Speaker Carlisle when he occupied the chair at a similar time to this, several Congresses ago, and I will send it to the desk in order that it may be read and generally heard and understood, and will also ask to have read the ruling of the then occupant of the chair, Mr. Rogers, of Arkansas.

The Clerk read as follows:

In the Fiftieth Congress, second session, Mr. CUMMINGS, of New York, offered a similar amendment to the deficiency appropriation bill. The gentleman from Arkansas [Mr. Rogers] was in the chair. A point of order was raised, and the Chair stated (see page 2235 of the RECORD, February 23, 1889):

"That hitherto on more than one occasion an amendment precisely similar or having the same purpose in view has been submitted to the House, and the most recent decision was that of the Speaker himself, who held the amendment to be in order. The Chair happens to have that decision before him and will ask the Clerk to read certain paragraphs from it.

"The Clerk read as follows:

"'The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

"'Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

"'The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question, the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

"'Mr. HOLMAN. And hold that there is a law authorizing this appropriation; that it comes within the third section of the twenty-first rule?

"'The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill, and was the law at least for that year.'"

The Chairman, Mr. Rogers, of Arkansas, said:

"If the Chair had doubts as to the correctness of the ruling of the Speaker, he would nevertheless adhere to it, since he would not feel at liberty while occupying the Chair temporarily to dissent from it. The Chair admits the amendment, and the committee can vote on it."

Mr. WASHINGTON. Now, Mr. Chairman, I could multiply instances similar to that showing where this question has been repeatedly brought up before the House and the point of order made, and when the Chair had any doubt upon the question it was submitted to the committee, and invariably the committee declared that it was in order. Almost invariably, since the Twenty-ninth Congress, with the exception of the period during the war, the House has acted favorably on a similar amendment. I insist that the custom establishes the law in these matters. This has been the custom for all of these years, and I hope it will prevail now.

I do not care to elaborate to any great extent this question, or to refer further to the rulings of prior Speakers, or the presiding officers of the Committee of the Whole. It is with the greatest deference and respect that I appeal from the decision of the honorable gentleman who now occupies the chair, for whose fairness and judgment I have the greatest respect, but I desire the committee itself to have an opportunity of determining the question by a direct vote as to whether or not the amendment is in order, and then let the Committee of the Whole vote on the question upon its merits and decide whether or not this amendment shall become a part of the bill.

Mr. CANNON. Mr. Chairman, a word or two on the appeal, and then I am ready to vote. I suppose in former times the good-natured Chairmen of the Committees of the House have avoided the responsibility of deciding themselves the question, and have submitted it to the vote of the Committee of the Whole. As we meet the most of the employees around the Capitol, we have admitted this question from time to time when presented to the Committee of the Whole, and have decided it under the influence of good feeling and friendship for these people, and have stretched parliamentary usage, giving the appropriation whether there was law or no law about it.

The Chair has correctly announced the rule made by this Congress. It is clearly obnoxious to the point of order, and I hope the Chair will be sustained.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee?

The ruling of the Chair was sustained.

Mr. WILLIAM A. STONE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 57, after line 13, insert:

"To reimburse the Clerk of the House for expenses incurred and to be incurred for services of a clerk and stenographer, at the rate of $100 per month, from December 2, 1895, to June 30, 1897, $1,888.04."

Mr. SAYERS. I raise the question of order on that amendment.

Mr. WILLIAM A. STONE. I simply wanted to know who made the point of order.

Mr. SAYERS. I am the man.

Mr. WILLIAM A. STONE. I think the gentleman perhaps will not insist on that.

Mr. SAYERS. Oh, yes.

Mr. WILLIAM A. STONE. Very well, then; I wish to withdraw the amendment in order to save the gentleman from Texas from insisting on the point of order.

The CHAIRMAN. The amendment is withdrawn; and the Clerk will read.

Mr. GROSVENOR. I wish to offer an amendment at this point.

The Clerk read as follows:

That the provisions of joint resolution of March 3, 1893, authorizing members to certify monthly the amount paid by them for clerk hire, be, and the same are hereby, extended for a period of thirty days from March 3, 1897, to Members and Delegates of the Fifty-fourth Congress who do not appear as Members or Delegates on the roll of the Fifty-fifth Congress; and to enable the Clerk of the House to pay said Members and Delegates the amount, not exceeding $100 each, which they certify they have paid or agree to pay for clerk hire hereunder, a sufficient sum is hereby appropriated, the same to be immediately available.

Mr. CANNON. I will reserve the point of order on that to hear from the gentleman from Ohio.

Mr. GROSVENOR. The effect of the amendment will be to permit the outgoing members of the House, those who were not elected to the Fifty-fifth Congress, to retain their clerks and pay them for one month longer. That is all there is of it.

Mr. CANNON. Would my friend think well of adding a month's extra pay for the outgoing members?

Mr. MILLIKEN. I understand the gentleman is not going out, and probably he would not be willing for that.

Mr. GROSVENOR. I offer the amendment as an act of justice or generosity, or whatever you please. I think the Congressman who goes out and must wind up his business at the end of a short session is entitled to this consideration. He has a large amount of unfinished business on hand, and I think that the propriety of having his clerk continued in employment and paid for one month in which to wind up his business is entirely proper. I regard it as a very wise and just provision. I do not expect to go out on the 4th of March, and do not know when I shall go out. I have no personal interest in this.

Mr. BARTLETT of New York. I wish to ask the gentleman from Ohio a question. As one of the outgoing members, who would receive the benefit of this $100, I want to ask you how you defend any such proposition in the interest of economy and good government?

Mr. GROSVENOR. I generally do what I think is right, and I never defend myself. [Laughter.] That is a rule I go upon.

Mr. WILLIAM A. STONE. Your time is so taken up in doing what is right that you have no time to defend yourself?

Mr. GROSVENOR. Yes.

Mr. CANNON. Mr. Chairman, a word, so that gentlemen will understand what this is. This is an amendment not to furnish private secretaries to members of Congress, but to furnish private secretaries to outgoing members of Congress for a month after they cease to be members. Now, I reserved the point of order. This is clearly subject to the point of order, but, so far as I am concerned, I do not intend to stand here in the presence of my colleagues who are going out and play wicked man upon this proposition. So far as I am concerned, I shall not raise the point of order.

Mr. SAYERS. I will play the wicked man, Mr. Chairman, and will renew the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] makes the point of order.

Mr. GROSVENOR. Just allow me a word. There is nothing novel or unreasonable in this. In this same appropriation bill we are paying sums to the families of dead members. There is a provision here to pay the widow of a deceased member $5,000. We extend the franking privilege upon public documents to outgoing members until the 1st of next December. We give to them public documents that are printed by order of this Congress until the beginning of the next Congress. So the fact that we extend this matter into another term is in keeping with legislation already on the statute book.

Mr. RICHARDSON. Do I understand the gentleman to say that this bill extends the franking privilege until next December?

Mr. GROSVENOR. No; I say it is the law now.

Mr. RICHARDSON. It is existing law.

Mr. GROSVENOR. I was saying that the principle of extending some rights to outgoing members is not a new one, but an old one.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Texas [Mr. SAYERS].

The Clerk (proceeding with the reading of the bill) read as follows:

To pay balance of judgment of the Court of Claims No. 16697, in favor of the Southern Pacific Company, certified to Congress in House Executive Document No. 168, Fifty-third Congress, second session, $1,310,427.08.

Mr. RICHARDSON. I move to strike out the last word. We have reached a point in this bill where appropriation is made to pay judgments of the Court of Claims. I said yesterday that when this point in the bill was reached I should offer an amendment to provide for the payment of the findings of the Court of Claims under the Bowman Act. I have in my hand here a copy of a bill which has been reported by the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, making appropriations for some of the findings of the Court of Claims under this Bowman Act. I believe the claims in this bill amount to $523,000. The bill was unanimously reported from the Committee on War Claims. All of the findings of the Court of Claims to date are not included in this bill, but only those that have been found favorably up to the meeting of this Congress, as I understand it, are included.

Mr. Chairman, that is only a portion of what the Court of Claims have found to be just. The gentleman from Illinois [Mr. CANNON] on yesterday said that these were Southern claims. I deny it. This bill which I hold in my hand provides for claimants in eighteen States of this Union.

Mr. CANNON. Mr. Chairman, I wish to ask, to what point is the gentleman speaking?

Mr. RICHARDSON. I moved to strike out the last word in the item just read. I said, Mr. Chairman, that I denied the statement that these are Southern claims. I see that this bill provides for claimants in eighteen States of this Union. I have the list in my hand. It provides for claimants in the State of Illinois. That is not a Southern State. It provides for claimants in the great State of Massachusetts, the land of steady habits. That is not a Southern State. It applies to claimants in the great Keystone State of this Union, the State of Pennsylvania. This is not a Southern State. It applies to claimants in the State of Kansas; and lastly, it applies to claimants in the State of Ohio, a State highly prolific in voters, the mother of Presidents, and of men who are competent to be President who have not yet been elected. So that, Mr. Chairman, it does not apply alone to Southern claimants, but it applies to claimants everywhere in this Union, if they happen to have such claims. I do not see why they should be characterized as Southern claims. I know that my friend does not mean to put a stigma upon them when he makes that statement. There are claims in his own State of Illinois in this bill.

Now, Mr. Chairman, I think, regardless of where they live, they ought to be paid. We have inquired whether they are right, just, and honest; and if so, regardless of their locality, we ought to pay them. I am going to offer this amendment, a substantial amendment, to put about $500,000 of the findings of the Court of Claims in this bill. My friend says that they ought to be regularly considered. When would they come up? On private bill day? But what did we see on yesterday? It was private bill day, and he took the entire day from us, when we could have considered these claims, to consider this general deficiency bill, one of the bills of highest privilege, that might be considered any day and every day in this House. He takes away private bill day, and yet comes and says you ought not to offer your little amendment to the bill, when your bill can have consideration on a private bill day. We can not get it considered that way. I hope my friend will not make the point of order. I am not prepared to say, Mr. Chairman, that the point of order would not be good, if made. I hope it will not be made by any gentleman on this floor. I state the fact myself that the bulk of this money goes to the South. There is no question about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I should like to have two or three minutes longer.

The CHAIRMAN. How much time does the gentleman ask?

Mr. RICHARDSON. I ask that I may be allowed to proceed for five minutes longer.

There was no objection.

Mr. RICHARDSON. I thank the committee. I was going to say that while it is true the claimants lived in many Northern States, the bulk of the money goes South. But I hope that no gentleman upon this floor will object to a bill because of that fact. We do not object down there to the pension bills, where 90 per cent of the money appropriated, and twenty-five times as much or fifty times as much as included in this bill, goes to other sections of the country. We sit here, those of us who are from the South, voting this pension money, of which the South pays about one-third, say $50,000,000, and gets back only $6,000,000 or $8,000,000, as I remember the figures in a general way. There is no complaint of that. Now, when we come with a bill where the bulk of the money goes South, it is true, we are met with the charge that these are Southern claims. I have shown that they are not Southern claims.

One other gentleman who sat near me stated yesterday that the statute of limitations ran against them. Mr. Chairman, that is the unkindest cut of all as to these claims. It is a fact that there is not a claimant in this bill that has not been knocking at the door of the two Houses of Congress for more than thirty years. You can not plead the statute of limitations against a claimant who was seeking all this time to get his rights. They can not sue the Government. There never was a time when they could bring suit until the passage of the Bowman Act, on the 3d of March, 1883. Then they proceeded under the direct orders of this House and the other body to bring their actions in the Court of Claims. The Court of Claims made its favorable findings. They amount in all to a little less than $1,000,000; but in this bill we have inserted a little over $500,000. They are unanimously reported by the Committee on War Claims.

It seems to me, Mr. Chairman, that these findings in favor of the claimants ought to be paid. In addition to that, at the last session of this Congress, the long session, this House and the other body passed a bill to pay these identical claims. That bill went to the President of the United States, but in the exercise of his constitutional prerogative he vetoed the bill. He did not veto it because these claims had a place in it. He expressly stated that he vetoed it on other grounds. So that the Executive has no objection to them, the Senate of the United States voted unanimously to pay them, and this House voted to pay them. In the Fifty-first Congress both bodies passed a bill to pay $550,000 of them. So it seems to me, Mr. Chairman, that we ought to let this mere drop in the bucket go through. Let the people of the South, if they are entitled to it, get the benefit of it; if they do not live there, or wherever they live, if they have shown their loyalty to the Government of the United States throughout the war they are entitled to it, through every law and principle of justice, through every act of Congress that has been passed; and it seems to me that it is but sheer justice that we should pass the bill now as a part of this appropriation bill.

Mr. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. WILLIAMS. Will the gentleman state to the committee why it is that that bill includes some of the claims on which findings have been found in the Court of Claims, and others are not included?

Mr. RICHARDSON. My friend asks a very pertinent question, why certain claims are in this bill and certain other claims of the same character are not in it. This bill contains only the claims referred to the Court of Claims by the House and Senate, upon which that court has acted favorably and reported its findings to Congress.

Mr. WILLIAMS. The gentleman did not evidently catch my question. Why is it that this bill does not contain all the claims which have been referred to the Court of Claims, and upon which the Court of Claims have made favorable findings? Why are some included in the bill and others left out?

Mr. RICHARDSON. Because this bill was introduced at the beginning of the Fifty-fourth Congress, and, as I understand, it includes all the favorable findings of the Court of Claims that had been filed with the House prior to the meeting of this Congress.

Mr. WILLIAMS. Are these the same cases that were embodied in the Senate amendment to the bill which was vetoed by the President last year?

Mr. RICHARDSON. They are.

Mr. WILLIAMS. Then why is it that other claims for which the Court of Claims has rendered judgment, as well as for these, are omitted?

Mr. RICHARDSON. All the favorable findings up to the beginning of the Fifth-fourth Congress are included.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I now withdraw the pro forma amendment and offer the amendment which I send to the desk. I will not ask to have it read if the gentleman from Illinois intends to insist on the point of order, because the reading would take twenty or thirty minutes, but I beg the gentleman not to insist on his point of order.

Mr. CANNON. Does the gentleman want to know whether I will make the point of order on his amendment or not?

Mr. RICHARDSON. I do.

Mr. CANNON. I gave the gentleman notice yesterday that I would make the point of order.

Mr. RICHARDSON. Yes; but I had hoped that a good night's sleep would have softened the gentleman's heart. [Laughter.] I offer the amendment, Mr. Chairman, and ask to have it read by title.

The amendment was read by title, as follows:

For the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act.

The CHAIRMAN. The Chair understands that unanimous consent is asked that this amendment be considered as read.

There was no objection, and it was so ordered.

Mr. CANNON. To that amendment, Mr. Chairman, I make the point of order that it is not in order upon this bill and not in pursuance of existing law. The Committee on Appropriations has no jurisdiction of it. It belongs to the Committee on War Claims.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. GIBSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GIBSON. I simply want to utter one sentence bearing directly upon the question, and that is, that these are the same identical claims that were passed by both Houses of Congress at the last session.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3508) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; and

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1475) for the relief of Basil Moreland; and

A bill (H. R. 1031) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. LEWIS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEWIS. Would it be in order for this House of Representatives to give effect to the Constitution of the United States? [Laughter.]

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry. The point of order is sustained.

Mr. RICHARDSON. Mr. Chairman, I desire to ask the gentleman from Illinois what is included in the items which have just been read under the title, "Judgments of the Court of Claims?" What are these judgments for?

Mr. CANNON. They are, in the main, judgments for what are known as the "letter-carrier cases." They are not mere findings; they are judgments, properly certified.

Mr. RICHARDSON. One of the items, I notice, is in favor of the Southern Pacific Railroad Company. Is that for carrying the mails?

Mr. CANNON. Yes; that is a regularly certified judgment.

Mr. RICHARDSON. I know; but what I ask is, What was the judgment rendered for?

Mr. CANNON. For carrying the troops of the United States, and, I suppose, the mails of the United States, munitions of war, and so on. It is a final judgment of the Court of Claims, properly certified.

Mr. RICHARDSON. I see that the amount is $1,310,428.10 for the Southern Pacific Railroad Company. What does the gentleman say that amount is for?

Mr. CANNON. I say it is the amount carried by a judgment of the Court of Claims, which is properly certified, and on which the time for appeal has expired.

Mr. MILLIKEN. I call the attention of the gentleman from Tennessee to the report of the Committee on the Pacific Railroads, which states that this is a judgment for which an appropriation is asked for services performed in the transportation of the Army and the mails, and for passengers and freight in other branches of the public service; and that all such transportation was performed over roads that never received any subsidy from the Government. That is the report of the Committee on Pacific Railroads.

Mr. RICHARDSON. Why make an appropriation to pay the judgment of the Court of Claims in favor of this great railroad corporation, amounting to over $1,000,000, when we can not get the pitiful sum contained in the amendment I have offered for the benefit of hundreds of loyal claimants whose cases have been passed upon favorably by the same court and the same judges? I know the gentleman from Illinois will say that there is a difference; that in the one case there are findings of fact, and in the other case a judgment or finding of law, but I ask the gentleman what is the substantial distinction between the two cases, and why does one have any more merit than the other?

Mr. CANNON. Simply because the law provides that in the one case that—

Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for consideration.

Under the Bowman Act, covered by the amendment of the gentleman, the finding of the Court of Claims, by the express terms of the act of Congress, does not constitute a judgment, but is to be returned to the House for its further consideration. Now, in both the letter-carrier case and the case of the Southern Pacific Railroad Company the court took jurisdiction of the law, and a final judgment was rendered and certified for appropriation.

Mr. RICHARDSON. Now, I want to ask the gentleman to read section 7 of the Bowman Act. I have it not before me, but according to my recollection that section provides that these findings shall have all the solemnity—that is not the express language, but is its effect—all the solemnity of a judgment; and the section further provides that these findings shall be certified to Congress, that the cases shall take their places at the head of the Calendar of the House, and shall be first determined; that if not decided in the existing Congress, they shall not lose their places, but shall go over to the next Congress and stand at the head of the Calendar until they are disposed of.

Mr. CANNON. The gentleman is exactly correct; and many of these cases under the Bowman Act have taken their places upon the Calendar and slept there when the gentleman's party was in full power in the House and Senate and the Presidency, and when he, a great leader of his party, and his party associates allowed them to sleep there. [Applause.] If he had been as anxious and as agonizing then as he is now, I dare say his constituents would have rejoiced in appropriations for these claims.

[Here the hammer fell.]

The Clerk resumed the reading of the bill.

Mr. CANNON (interrupting the reading). I move that the Committee of the Whole rise temporarily.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the general deficiency bill, and had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I am directed by the Committee on Naval Affairs to report the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and to ask that the bill be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SAYERS. I reserve all points of order on the bill.

The SPEAKER. In the absence of objection, the bill will be regarded as read a first and second time, will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, printed. The gentleman from Texas [Mr. SAYERS] reserves all points of order.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the general deficiency bill.

The Clerk read as follows:

For provisions, Navy, Bureau of Supplies and Accounts, $11,182.44.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 67, after line 13, insert the following:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for pay or allowances which have been or may be presented by officers or enlisted men of the Regular Army, Navy, or Marine Corps, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been or may hereafter be adopted as a basis for the allowance of such claims, which accrued more than six years prior to the institution of proceedings on which such decisions were or may be made."

Mr. CANNON. This is a very wise amendment. Without occupying time upon it, unless some one else desires to discuss it, I will ask that the vote be taken at once.

The question being taken, the amendment was agreed to.

Subsequently,

Mr. CANNON asked and obtained leave to print in the RECORD, in connection with the amendment just adopted, letters from the Auditor and Comptroller and an extract from the last annual report of the Comptroller of the Treasury, bearing on the same. The documents are as follows:

[Mate Hugh Kuhl, United States Navy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT,
Washington, D. C., February 18, 1896.

SIR: Mate Hugh Kuhl, United States Navy, has presented a claim to this office for commutation of rations while serving on receiving ships and monitors, under the decision of the Supreme Court in the case of The United States *vs.* Fuller (decided January 20, 1896), in which it was held that mates are petty officers and entitled to rations. In the adjustment of the claim, I have allowed the claimant commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, for the time he was attached to receiving ships and monitors, to December 31, 1895.

If mates are not officers within the meaning of section 1410 of the Revised Statutes, they are not officers within the meaning of the act of June 30, 1876 (19 Stat., 65), and are not entitled to mileage. United States *vs.* Mouat (124 U. S. R., 303). I have therefore deducted in the settlement of his claim all mileage heretofore paid him, and allowed him the cost of his transportation in the same manner as allowed to other petty officers of the Navy when traveling under orders. He is not entitled to rations nor commutation therefor when attached to a navy-yard. Button Case (20 C. Cls. R., 423); Hubert's (21 C. Cls. R., 53).

In submitting the question of the right of the Auditor to deduct allowances which have heretofore been made in this class of claims, I desire to invite your attention to acts of 1890 and 1892, wherein Congress has applied a statute of limitation to claims of officers of the Navy for sea pay and rations on receiving ships, viz, the act of September 30, 1890 (26 Stat., 544).

In the act of September 30, 1890 (26 Stat., 544), making appropriations to supply deficiencies in appropriations, etc., at page 544, there is a proviso attached to the appropriation "For provision of the Navy" that no part of the sum called for in the executive document "shall be used for the payment of any claim for rations on receiving ships or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880." The petition in the case of Strong was filed in the Court of Claims July 16, 1886, and Congress, by limiting the time to 1880, placed a statute of limitation on that class of claims.

By the act of July 29, 1892 (27 Stat., 313), the accounting officers are prohibited from allowing any claim for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims which accrued prior to July 16, 1880. It is clear to my mind that this proviso was intended to apply to claims settled under the authority of the Strong decision, and does not apply to claims for sea pay and rations, or commutations of rations under a subsequent decision of the courts, although similar to that of Strong's.

There is another reason why, in my opinion, the act above referred to does not apply to this class of claims. The Court of Claims in the case of Boatswain Frary (24 C. Cls. R., 117) said: "To entitle officers and other persons, with some exceptions, to rations, they must be either at sea or actually attached to and doing duty on 'a sea going vessel,' whether such vessel be at sea or not. That Congress intended to exclude receiving ships from those designated as sea going vessels is conclusively shown by the exception in section 1579, which, after prohibiting the allowance of rations to persons not on a sea going vessel, excepts petty officers, seamen, and ordinary seamen attached to receiving ships." While in the Fuller case the Supreme Court held that mates are petty officers: "The exception of mates from other petty officers in section 1569 indicates that they are petty officers, and the exception of petty officers from those who are not entitled to rations under section 1579 indicates that as such they are entitled to a ration."

As no rations or commutation of rations have been allowed to officers on receiving ships since the adoption of the Revised Statutes, and the courts have held that officers so serving are not entitled to a ration, and that mates, being petty officers, are entitled when so serving, it is quite clear to my mind that Congress did not intend to include mates within the acts prohibiting the accounting officers from settling claims on receiving ships. And another reason suggests itself, that Fuller's case was not pending before the courts when the act of 1892 became a law, as his petition was not filed in the Court of Claims until March 17, 1894.

To avoid the necessity of reexamining this class of claims on appeal, I have the honor to submit to you for approval or disapproval the conclusions which I have reached in this case: First, that the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors; second, that he is not entitled to mileage when traveling under orders, but to the cost of his transportation; third, he is not entitled to rations nor commutation therefor when on duty at a navy-yard; and, fourth, the acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class.

Very respectfully,

WM. H. PUGH,
Auditor.

The COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., January 8, 1897.

SIR: An answer to your letter of February 18, 1893, submitting for my approval, disapproval, or modification your conclusions and decision in the case of Hugh Kuhl, mate United States Navy, has been delayed, awaiting the decision of the Supreme Court of the United States in the case of Wisconsin Central Railroad Company *vs.* United States (164 U. S., 190), decided November 16, 1896, and Baxter *vs.* United States, decided by the Court of Claims January 4, 1897. These cases fully sustain certain conclusions reached by you in this matter. You submitted the four following points as decided by you:

"First. That the claimant is entitled to commutation for rations from June 22, 1874, the date of the adoption of the Revised Statutes, during the time he was attached to receiving ships and monitors;

"Second. That he is not entitled to mileage when traveling under orders, but to the cost of his transportation;

"Third. He is not entitled to rations nor commutation therefor when on duty at a navy-yard; and,

"Fourth. The acts of September 30, 1890 (26 Stat., 544), and July 29, 1892 (27 Stat., 313), do not apply to claims of this class."

With these conclusions I concur, and approve your decision.

Concerning the deduction of the sums heretofore paid as mileage in excess of the actual cost of transportation while traveling under orders, said mileage was allowed on the theory that the claimant was an officer of the Navy. The claim for commutation of rations is based on the decision of the United States Supreme Court (United States *vs.* Fuller (160 U. S., 593), decided January 20, 1896), to the effect that mates are not officers. This brings into present consideration the whole question of the status of the claimant during the time rations are now claimed, and both rations and mileage being parts of the same subject-matter, to wit, the compensation of the claimant, the application of the claimant opens the whole matter, and necessarily involves the right to offset sums improperly paid as mileage, when in excess of the cost of transportation, under former decisions, as well as those herein specifically mentioned.

In presenting this claim to Congress for appropriation it is suggested that attention be invited to the limitation on the consideration of other claims of a similar character found in the act of July 29, 1892 (27 Stat., 313).

I transmit all of the papers in the case.

Respectfully, yours,

EDW. A. BOWERS,
Assistant Comptroller.

The AUDITOR FOR THE NAVY DEPARTMENT.

[Extract from Report of the Comptroller of the Treasury for the fiscal year 1896, pages 7 and 8.]

It not infrequently happens that constructions placed upon acts of Congress relating to the compensation or other emoluments of officers of the United States, the language of which is somewhat ambiguous, become by reason of long continuance the settled practice of the Executive Departments as constituting the true construction of the statutes. Many years afterwards the construction of these acts by the accounting officers may be reversed by the courts and a larger amount than had been theretofore allowed is held to be due these officers. Immediately after such decisions claims covering the entire period of time since the enactment of the laws are presented either by the officers themselves, or in many cases, where the construction of the accounting officers has continued for a long period unreversed, by the heirs of officers already dead.

As Congress has for more than thirty years furnished a tribunal in the Court of Claims in which the validity of this character of claims might have been tried immediately after the construction was placed upon the acts by the accounting officers, if such construction was deemed erroneous, it is confidently believed that no injustice will be done if the jurisdiction of the accounting officers over claims of this character is taken away, especially as it is a matter of common notoriety that in many cases the claims have been instigated by diligent attorneys rather than by the officers themselves. An example of such legislation in a particular case may be found in the act of July 28, 1892 (27 Stat., 313), wherein it was provided:

"That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880."

The case particularly referred to in that enactment was that of United States *vs.* Strong (125 U. S., 656). It appears that the petition in the Strong case was filed in the Court of Claims July 17, 1886, and as the statute of limitations relating to that court excludes from its jurisdiction any claims accruing prior to six years from the date of filing the petition, the date "July 16, 1880," referred to by Congress in the above-quoted clause, relates to claims which would have been barred in the Court of Claims in the test case.

Like legislation applicable to all claims of a generally similar character is

respectfully recommended. The time of the accounting officers is fully occupied in the settlement of current matters and should not be taken up in the adjustment of a class of claims which might have been presented to the courts by the claimants at earlier dates if at the time they had felt themselves aggrieved by the determination of the accounting officers.

The Clerk resumed and concluded the reading of the bill.

Mr. CANNON. Mr. Chairman, I ask that we now return to a paragraph on page 21, which was passed over by unanimous consent.

The Clerk read from page 21 of the bill the following:

Public schools: For amount required to pay for care of schoolrooms at Miner School building for the current year, $140.90.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the paragraph just read insert:

For rent of Miner School building, $1,250, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, it was agreed that at the conclusion of the reading of the bill we would recur to two paragraphs, possibly three, upon which there was to be debate for an hour and a half on each side.

Mr. SAYERS. Mr. Chairman, I have three amendments which I think, for the convenience of the committee, can be considered together. If one of them should be adopted, it may determine the others. I will send them up to be read by the Clerk, and then if the chairman of the Committee on Appropriations should prefer to have them considered separately, we can do so.

The Clerk read as follows:

On page 61, at the end of line 24, insert:
"Except those for services over bond-aided Pacific railroads and their nonbond-aided branches."
On page 60 strike out all of lines 18 to 24, inclusive.
On page 5 strike out all of lines 4 to 10, inclusive.

The CHAIRMAN. The Chair understands that the gentleman wishes these to be considered together, and the gentleman asks consent of the committee for their consideration in that form.

Mr. CANNON. Let them be pending, and I will look over them. The gentleman from Texas, if he desires to proceed now——

The CHAIRMAN. The Chair understands the time agreed upon for debate is to be equally divided, and if there be no objection the Chair will recognize the gentleman from Texas [Mr. SAYERS] to control one-half of the time and the gentleman from Illinois [Mr. CANNON] the other.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. SAYERS. I will yield twenty minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committtee, on Saturday afternoon last I left the House, I think, between 4 and 5 o'clock, when the gentleman from Mississippi [Mr. CATCHINGS] was addressing the committee on some river and harbor items. Later in the afternoon some discussion took place in which the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Missouri [Mr. DE ARMOND] took part. In the course of their remarks they attacked the Supreme Court of the United States, and I propose now, in the limited time just allotted to me, to defend that court.

This is not a political question. It is not a partisan question. The question is whether it is proper to attack this court, a great coordinate branch of the Government, supposed to be of equal and independent power with the legislative branch, in the course of remarks on this floor. The gentleman attacked not only, as I conceive, Mr. Justice Shiras, a member of the Supreme Court of the United States, for his decision in the income-tax cases, but the attack was broad enough to affect, and must necessarily and logically involve, not only every member of the majority of the court, but every one of the nine justices who compose the entire court.

I call the attention of the committee to the language which was then used by the gentleman from Tennessee [Mr. MCMILLIN], who, with his recognized ability, aspires to be the leader of the Democratic party in the next Congress. He said:

It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses, was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him.

Then the gentleman from Missouri [Mr. DE ARMOND] said:

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually, and cast it as an additional burden upon poverty and toil!

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown in a land of free people under free institutions.

What was the "great principle of taxation" overthrown by that decision of theirs? The principle of taxation—the only ruling of the court—was that an income tax is a direct tax; not that no income tax could be imposed on the people of the United States, but that it must be apportioned according to the inhabitants of the various States, or, in the language of the Constitution, "among the several States, according to their respective numbers."

Now, let us look for a moment at the question; and the original argument goes back to the 9th day of July, in the city of Chicago, when William J. Bryan delivered his famous speech, "The crown of thorns and cross of gold," in which he used the language:

It was not unconstitutional when it went before the Supreme Court for the first time.

I draw the attention of the committee, Mr. Chairman, to the fact that there were three questions involved in the income-tax case, that is to say, in the bill in equity brought by Mr. Pollock, against the Farmers' Loan and Trust Company of New York, praying that sections 27 to 37, inclusive, the income-tax sections of the Wilson tariff bill, should be adjudged to be unconstitutional and void. And the points were that the tax on the rents and income of real estate is a tax on the land itself, and hence a direct tax under the Constitution; that the income derived from State and municipal bonds can not be taxed by the Federal Government; and further, that a tax upon the income derived from personal property is a direct tax within the meaning of the Constitution.

On the first two questions the court decided in favor of the plaintiff. The court decided that to tax the income of municipalities was unconstitutional and void, because it involved an attempt to tax the instrumentalities of the States. All the eight judges concurred in that view at the first hearing, and six out of the eight judges held the tax on the rents and income of real estate to be unconstitutional and void. So these gentlemen, including Mr. Bryan, are wrong when they say that a large part of the act was not held to be unconstitutional on the occasion of the first hearing by the Supreme Court of the United States.

Now, what opinions were then rendered? The prevailing opinion was rendered by Mr. Chief Justice Fuller, and Mr. Justice Field also filed a concurring opinion. The dissenting opinion was rendered by Mr. Justice White and concurred in by Mr. Justice Harlan. So the record shows that all the judges, with the exception of Mr. Justice White and Mr. Justice Harlan, on the occasion of the first hearing, held the tax on the rents and income of real estate to be unconstitutional and void. And what proportion of the tax was involved? It stated, I believe, in the second opinion of Mr. Chief Justice Fuller, that that affected something like $39,500,000,000 out of the total of $65,000,000,000. So you see, gentlemen, that about one-half of the income tax was held to be unconstitutional before the second hearing occurred in the following May. You remember that the first hearing was in March, and the decision was filed on the 8th day of April, 1895. It is true it was announced

in the prevailing opinion on the occasion of the first decision that the court was evenly divided on some points; that is, upon the question if an income tax be considered an indirect tax, whether it should not be uniform, and on the question as to whether the invalidity of the provision as to rents and income of land did not necessarily invalidate the other sections of the income-tax law applying to the incomes of personal estate, and upon the question whether a tax upon the income of personal estate was a direct tax or not.

Upon those three questions the court was equally divided. But I submit to you, gentlemen, as lawyers, that no judge of any court should ever be attacked for changing his opinion on a pure question of law, such as that which was involved in this income-tax case. I submit that it would be a very dangerous principle to encourage the practice of certain country lawyers, when defeated, to go down to the tavern and damn the court.

Now, gentlemen, there is no evidence as to how the judges stood on the points left undecided on the occasion of the rendition of the first decision. Non constat, as far as the record goes, that Mr. Justice Shiras ever thought that the income-tax law was constitutional. We know that he thought the tax on the rents and income of land was unconstitutional.

Moreover, let us see how fairly they work out the problem. Mr. Justice Brown, another member of the court, changed his opinion on the occasion of the second hearing. Read his second opinion—that is, his dissenting opinion—on the occasion of the rehearing, and you will find that he then held that a tax on the rents and income of land could be upheld, and that it was not a direct tax, whereas on the occasion of the first hearing he sided with the six judges who formed the majority.

But, no matter how those judges stood or how Mr. Justice Shiras stood on the occasion of the first argument, I submit it is a dangerous precedent to allow any member of the National Legislature—of course he has the power to speak as he sees fit—to allow without rebuke any member of the National Legislature to attack our great court of last resort, and I have deemed that it was right for me, as the only member of the Committee on Appropriations, I believe, except the gentleman from Ohio [Mr. LAYTON], who is a sound-money Democrat, to protest on behalf of the Democracy of the North and East against their being held up to the people of this country as in favor either of an income tax or in favor of attacking the Supreme Court of the United States.

Mr. WILLIAMS. What has the question of silver Democracy or gold Democracy got to do with this question?

Mr. BARTLETT of New York. I believe that the issues which I have mentioned, quite as much as the soft-money craze, helped to turn the North and the East against the Democracy in the last Presidential campaign. I say to the leaders of the party in the West and Southwest that they can not hold the Democracy of the North and East with them unless they abandon their policy of insisting upon the imposition of an unconstitutional and iniquitous income tax, which will largely affect the people of the Eastern and Northern States. Nor can they pursue their attacks on the Federal judiciary without endangering the success of their party in the future.

Now, the gentleman from Missouri [Mr. DE ARMOND] asks, Who could have anticipated the unconstitutionality of the income tax? I say to him that in two speeches in this House, the first on the 30th of January, 1894, and the second on the 12th day of December, 1894, I stated that the income tax was unconstitutional, and that it would be held to be unconstitutional when it should come before the Supreme Court of the United States on another occasion. To be sure it was only my belief as a lawyer, but at the same time I cited instances of the contemporaneous construction of the meaning of the words "direct" and "indirect" taxes, such as those by Gouverneur Morris, Luther Martin, and Theodore Sedgwick, and I referred to many cases which appear in the majority opinion of the Supreme Court of the United States.

Now, let us go one step further. I take these figures from the able and admirable paper written by Senator HILL, in the Forum of February, showing how this income tax is an unfair tax and a tax which discriminates against my State. It appears that while the amount of the income tax returned was $15,943,746.69, the States which voted for the Democratic-Populist candidate returned only $1,880,201.38, whereas the State of New York would have paid nearly one-fourth of the whole tax, or, to be exact, $3,784,489.04.

Then let us consider for a moment the fairness of that tax. How do the gentlemen who defend these sections of the Wilson bill defend the unfair exemption of mutual life insurance companies, and in favor of building associations? Gentlemen must admit, for it is admitted in one of the opinions of the dissenting judges of the Supreme Court (that of Mr. Justice Harlan), that they are unfair and indefensible exemptions. He says:

> Undoubtedly the present law contains exemptions that are open to objection. * * * The provisions most liable to objection are those exempting from taxation large amounts of accumulated capital, particularly that represented by savings banks, mutual insurance companies, and loan associations.

Now let me say a word about this law. Why talk about the Supreme Court of the United States and say it has reversed its decision which had been made a hundred years earlier? Such is not the fact. The only decision reversed was that in the Springer Case, which was decided in 1880 and reported in 102 United States Reports. The old Hylton Case, in 1796, merely held that a tax on a carriage was an excise, because a carriage is simply a consumable commodity; and then, in the case of the Pacific Insurance Company against Soule (1868) it was held that a tax upon the business of an insurance company was an excise or duty; and in the case of Veazie Bank against Fenno (1869) it was held that the tax of 10 per cent upon the State-bank circulation was a duty; and in the case of Scholey against Rew (1874) it was held that the tax upon the devolution of the title to realty or a succession tax was an excise tax or duty. And as said, Justice Brown, in his dissenting opinion, said it must be admitted, however, that in none of these cases was the question directly presented as to what are taxes upon land within the meaning of the constitutional provision; and it is pointed out, also, by Chief Justice Fuller that from the case of Hylton to that of Springer it never had been decided that taxes on rents or income derived from land are not taxes on land.

In the case of the Pacific Insurance Company against Soule, my father was of counsel, and of his brief Mr. Justice White says:

> The brief on behalf of the company, filed by Mr. Wills, was supported by another signed by Mr. W. O. Bartlett, which covered every aspect of the contention. It rested the weight of its argument against the statute on the fact that it included the rents of real estate among the sources of income taxed, and therefore put a direct tax upon the land. Able as have been the arguments at bar in the present case, an examination of those then presented will disclose the fact that every view here urged was there pressed upon the court with the greatest ability, and after exhaustive research, equaled but not surpassed by the eloquence and learning which has accompanied the presentation of this case. Indeed, it may be said that the principal authorities cited and relied on now can be found in the arguments which were then submitted.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. BARTLETT of New York. I say, whether we disagree with the Supreme Court or not, the final decision of that court should be upheld; and it is a very dangerous precedent to attack judges of that great court because their views happen to contravene our views. Now, let me say a word in conclusion; and that is as to the dangerous proposition advocated by the gentleman from Missouri [Mr. DE ARMOND].

Mr. TERRY. I would like to ask the gentleman a question.

Mr. BARTLETT of New York. Not if it is to come out of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT of New York. The gentleman from Missouri [Mr. DE ARMOND] goes one step further. He indulges in a general attack upon the judiciary. He says that he wishes to curb the Executive; he says he wishes to curb the Federal judiciary. In other words, he desires to give unlimited power to the legislative department of Government. Ah, gentlemen, does he imagine and do those who accord with him imagine that they are the people? We are merely representatives of the people; we are not the people themselves. As was well said by Judge Story, in his great work on the Constitution, "The courts stand between the people and the legislature;" and they are placed there to do what? To check the encroachments and usurpations of the legislative department of Government.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, before the gentleman from Tennessee [Mr. MCMILLIN] proceeds, I desire to ask unanimous consent to return to page 53 of the bill, to correct a clerical error.

The Clerk read as follows:

> On page 53, line 18, strike out the capital "N" and insert in lieu thereof a capital "M."

The CHAIRMAN. Without objection, the amendment will be considered as adopted.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Chairman, I will, by arrangement, so as to equalize the time given by the gentleman from Texas, yield ten minutes of my time to the gentleman from Tennessee.

Mr. MCMILLIN. Mr. Chairman, I thank my friend from Illinois for his courtesy in yielding me a small portion of time in which to reply to the gentleman from New York [Mr. BARTLETT]. I do not propose on this occasion to go into a general discussion of the questions that he has raised. He says that I made an attack on a member of the Supreme Court in some remarks I made a few days ago. I intended it as an attack on the soundness of his decision, and if it is not sufficient, I am ready to renew it any day in the world. I do not admit, as a representative of the American people, that there is anything in the American Government so sacred that I, as a representative of the American people, can not attack it when it goes wrong. [Applause.]

Concerning my distinguished friend's suggestion as to what

ought to be my conduct as a Democrat, with some years of service here, I simply beg to submit to him that I do not recognize his right to read me lectures as to what should be Democratic conduct after he has taken his bag and baggage out of the Democratic party and run for Congress with a Republican nomination. [Applause.] I am at the old camping ground, engaged in the old war against class and unjust legislation, with the old principles backing me, and I do not admit that I have departed from the faith, or that those associated with me have.

My distinguished friend from Pennsylvania [Mr. DALZELL] informed me some days ago that he expected at a future time to reply to what I had said regarding Mr. Justice Shiras, and I will reserve until that occasion the principal part of what ought to be said concerning that distinguished individual.

Mr. MADDOX. Notorious, you mean.

Mr. McMILLIN. I accept the amendment—notorious. Mr. Chairman, no man has a higher reverence for the institutions of my country than I have. When I can say that I have stood here for eighteen years, engaged in the thickest of the fight, having fled from no combat, and yet have never had a single point of order made upon me that I was out of order in debate, I believe I can at least boast that I have been somewhat decorous in my methods of discussion. I have not spared the wrong or wrongdoer in my criticisms; nor shall I.

Sir, no man in this Government ever attacked the Federal judiciary when it went wrong more fiercely than did Thomas Jefferson, and the people made him President, and they hold his memory sacred, because he did not fear to do his duty in that and other things.

When General Jackson sent to the Senate, to be borne perpetually upon its files, his protest against the resolutions of censure, he necessarily criticised the action of a coordinate branch of the Government.

When the President of the United States sends his veto messages here, he necessarily criticises a coordinate branch of the Government. I repeat, sir, there is nothing in American government that is beyond criticism. On the stump, in the daily press, everywhere and by everybody, we, as legislators, are criticised. What sanctity shields the bench from just comment or criticism?

What I said of Justice Shiras was, that the man who tore down the Constitution, who overruled the decisions of one hundred years, who took away from the people the right to impose upon the wealth of the country taxes to meet the expenses of the country, was named Shiras. I repeat it to-day, and I am glad if I have got through his heretofore thick skin at last. Did he not decide that an income tax was unconstitutional? And did he not have to overturn the decisions of one hundred years to do it? [Applause.] As I have indicated, it was not my purpose on this occasion to go into a general discussion of the merits of this question. I think that if I have my health I shall be able to show some facts which may shed a slight degree of light upon the methods of proceeding when the Constitution was overridden and the taxing power of the people destroyed. But for the present I shall content myself with calling the attention of my distinguished friend from New York [Mr. BARTLETT] and the committee to what members of the Supreme Court of the United States have said about that decision of the Supreme Court of the United States. I could not say anything harsher than what Mr. Justice Harlan, Mr. Justice Jackson, Mr. Justice White, and Mr. Justice Brown have said upon that extraordinary income-tax decision. I therefore send to the desk to be read some extracts from the opinions of those distinguished jurists. I ask the Clerk to read the paragraphs that I have marked.

The Clerk proceeded to read.

Mr. HEPBURN. What is the Clerk reading from?

Mr. McMILLIN. He is reading from the dissenting opinion of Mr. Justice Harlan, of the Supreme Court of the United States.

Mr. HEPBURN. From what volume is he reading?

Mr. McMILLIN. That is a volume that I would commend to the gentleman's careful and prayerful consideration, for his moral and political improvement. It is the Democratic campaign book in the last campaign. [Laughter.]

Mr. HEPBURN. Prepared by the gentleman, I believe?

Mr. McMILLIN. Prepared by me; but I vouch for the accuracy of every word that is there attributed to these justices of the Supreme Court. All the extracts were taken literally from their opinions.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him one question?

Mr. McMILLIN. With pleasure.

Mr. BARTLETT of New York. Will you allow the prevailing opinion of the court to go into the RECORD with what you are having read?

Mr. McMILLIN. Not in my time. I do not want the reading of it taken out of my time, as it is very limited.

The extracts read at the request of Mr. McMILLIN are as follows:

DISSENTING OPINION OF SUPREME COURT.

[Extracts from Pollock *vs.* Farmers' Loan and Trust Company, 158 U. S.]

HARLAN, J.: From this history of legislation and of judicial decision it is manifest—

* * * * * * *

That upon every occasion when it has considered the question whether a duty on incomes was a direct tax within the meaning of the Constitution this court has, without a dissenting voice, determined it in the negative, always proceeding on the ground that capitation taxes and taxes on land were the only direct taxes contemplated by the framers of the Constitution.

* * * The practice of a century, in harmony with the decisions of this court, under which uncounted millions have been collected by taxation, ought to be sufficient to close the door against further inquiry based upon the speculations of theorists and the varying opinions of statesmen who participated in the discussions, sometimes very bitter, relating to the form of government to be established in place of the Articles of Confederation, under which, it has been well said, Congress could declare everything and do nothing.

* * * * * * *

In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is, or may become, vital to the very existence and preservation of the Union in a national emergency, such as that of war with a great commercial nation, during which the collection of duties upon imports will cease or be materially diminished.

* * * * * * *

But this is not all. The decision now made may provoke a contest in this country which the American people would have been spared if the court had not overturned its former adjudications and had adhered to the principles of taxation under which our Government, following the repeated adjudications of this court, has always been administered. Thoughtful, conservative men have uniformly held that the Government could not be safely administered except upon principles of right, justice, and equality, without discrimination against any part of the people because of their owning or not owning visible property, or because of their having or not having incomes from bonds and stock, but by its present construction of the Constitution the court, for the first time in all its history, declares that our Government has been so framed that in matters of taxation for its support and maintenance those who have incomes derived from the rental of real estate or from the leasing or using of tangible personal property, or who own invested personal property, bonds, stocks, an investment of whatever kind, have privileges that can not be accorded to those having incomes derived from the labor of their hands, or the exercise of their skill, or the use of their brains.

* * * * * * *

I may say, in answer to the appeals made to this court to vindicate the constitutional rights of citizens owning large properties and having large incomes, that the real friends of property are not those who would exempt the wealth of the country from bearing its fair share of the burdens of taxation, but rather those who seek to have everyone, without reference to his locality, contribute from his substance, upon terms of equality with all others, to the support of the Government. * * *

The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless. * * *

BROWN, J.: It is certainly a strange commentary upon the Constitution of the United States and upon a democratic Government that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized state. It is a concession of feebleness in which I find myself wholly unable to join.

While I have no doubt that Congress will find some means of surmounting the present crisis, my fear is that in some moment of national peril this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it a duty to enter my protest against it. * * *

JACKSON, J.: The practical operation of the decision is not only to disregard the great principles of equality in taxation, but the further principle that in the imposition of taxes for the benefit of the Government the burdens thereof should be imposed upon those having most ability to bear them. This decision, in effect, works out a directly opposite result, in relieving the citizen having the greater ability, while the burdens of taxation are made to fall most heavily and oppressively upon those having the least ability. It lightens the burden upon the larger number in some States subject to the tax, and places it most unequally and disproportionately on the smaller number in other States. Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress. It strikes down an important portion of the most vital and essential power of the Government in practically excluding any recourse to incomes from real and personal estate for the purpose of raising needed revenue to meet the Government's wants and necessities under any circumstances. * * *

WHITE, J.: It takes invested wealth and reads it into the Constitution as a favored and protected class of property, which can not be taxed without apportionment, whilst it leaves the occupation of the minister, the doctor, the professor, the lawyer, the inventor, the author, the merchant, the mechanic, and all other forms of industry upon which the prosperity of a people must depend subject to taxation without that condition. A rule which works out this result, which, it seems to me, stultifies the Constitution by making it an instrument of the most grievous wrong, should not be adopted, especially when, in order to do so, the decisions of this court, the opinions of the law writers and publicists, tradition, practice, and the settled policy of the Government must be overthrown.

Mr. BARTLETT of New York. Mr. Speaker, I ask unanimous consent to be allowed to print with my remarks such extracts from the prevailing opinion in the income-tax cases as I shall see fit.

Mr. RICHARDSON. How much space in the RECORD does the gentleman propose to occupy?

Mr. BARTLETT of New York. A very few lines.

Mr. RICHARDSON. I have no objection, if the matter to be printed does not occupy more than a few lines.

Mr. BARTLETT of New York. As a rule, I never print what I do not deliver.

Mr. RICHARDSON. As I understand, there were five judges who read opinions in this case.

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] asks leave to print, in connection with his remarks, extracts from the decision of the court.

Mr. RICHARDSON. Limited, as he says, to a few lines. I do not object.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. DALZELL. Mr. Chairman, I do not propose this afternoon to occupy the time of the House, but in view of what the gentleman from Tennessee [Mr. MCMILLIN] has said, it seems proper for me to say that he has been rightly informed—that it was, as it still is, my intention to reply to the criticisms of the gentleman from Tennessee and the gentleman from Missouri [Mr. DE ARMOND] upon the course of Mr. Justice Shiras in the income-tax cases. I hope at some day in the near future to have the attention of the House on that subject.

Mr. MCMILLIN. I indicated in the beginning of my remarks all that I wanted now was to insert in the RECORD these extracts in answer to what my distinguished friend from New York [Mr. BARTLETT] has said. I give notice that in response to what the gentleman from Pennsylvania [Mr. DALZELL] may say, we shall desire a little time.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the Committee of the Whole recur to page 11, line 23, for the purpose of correcting a typographical error.

There was no objection.

Mr. CANNON. I move to amend by striking out, in line 23, page 11, the word "four" and inserting "eighty-two."

The amendment was agreed to.

Mr. CANNON. Does my friend from Texas [Mr. SAYERS] desire to proceed with his remarks now?

Mr. SAYERS. I think, Mr. Chairman, that the committee might rise now and allow this debate to be concluded on Monday.

Mr. CANNON (after conference with Mr. SAYERS). Mr. Chairman, the gentleman from Texas and myself have agreed (as I have consumed ten minutes and he twenty minutes) to ask that the remainder of the debate upon this proposition be limited to two hours, one hour on each side.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the residue of the debate on the pending paragraphs be limited to two hours, one hour on each side. Is there objection? The Chair hears none, and it is so ordered.

Mr. CANNON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the general deficiency appropriation bill, and had come to no resolution thereon.

Mr. CANNON. I move that the House now adjourn.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 631) for the relief of the legal representatives of George McDougall, deceased—to the Committee on Claims.

Joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session—to the Committee on the District of Columbia.

A bill (S. 1811) to extend the uses of the mail service—to the Committee on the Post-Office and Post-Roads.

A bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 3926) to correct the war record of David Sample;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree;

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms;

A bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; and

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TRUMAN H. ALDRICH, indefinitely, on account of sickness in his family.

To Mr. FOSS, for five days, on account of death in his family.

To Mr. SMITH of Illinois, for to-day, on account of sickness.

To Mr. BROMWELL, for one week, on account of important business.

PROPOSED ADJOURNMENT TILL TUESDAY.

Mr. BAILEY. Before the motion to adjourn is submitted, I wish to inquire of the chairman of the Committee on Appropriations whether it would not be agreeable to him that the House adjourn from to-day until Tuesday next? Monday, as we all know, is the anniversary of Washington's birthday—a national holiday.

Mr. CANNON. If I could discover some way of postponing for one day the termination of the session of Congress, I would say yes.

Mr. BAILEY. I move that when the House adjourn to-day it adjourn to meet on Tuesday next.

The motion was rejected.

The question being then taken on the motion of Mr. CANNON that the House adjourn, it was agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mille Lacs Lake, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Red Lake and Red Lake River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 1811) entitled "An act to extend the uses of the mail service," reported the same without amendment, accompanied by a report (No. 3010) which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULICK, from the Committee on the District of Columbia: The bill (S. 2469) entitled "An act authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city." (Report No. 3005.)

By Mr. COLSON, from the Committee on Claims: The bill (S. 2988) entitled "An act for the relief of W. J. Tapp & Co." (Report No. 3006.)

By Mr. RICHARDSON, from the Committee on the District of Columbia: The bill (S. 2986) entitled "An act authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown." (Report No. 3007.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 3670) entitled "An act to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army." (Report No. 3008.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5397) granting a pension to Mrs. Katherine Ogden, widow of Second Lieut. Charles C. Ogden, Company E, Thirteenth Infantry, United States Army; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SWANSON (by request): A bill (H. R. 10337) to provide for the inspection of trees, plants, buds, cuttings, grafts, scions, nursery stock, and fruit imported into the United States, and for the inspection of nursery stock grown within the United States which becomes a subject of interstate commerce—to the Committee on Agriculture.

By Mr. FOOTE: A bill (H. R. 10340) to authorize the construction and maintenance of a bridge across the St. Lawrence River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. TRELOAR: A bill (H. R. 10338) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 10339) for the relief of Mary A. Hancock, widow of Samuel Tow, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of E. A. Dow and other citizens of Plymouth, Wis., relating to Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of H. B. Norwood and others; also of William Owen and others, of the State of Tennessee, asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Post C, Travelers' Protective Association of America, of Knoxville, Tenn., protesting against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Missouri: Petition of S. O. Morrow and others, of Carthage, Mo., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of W. B. Hendricks and other citizens of Graham, Tenn., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Sundry petitions of citizens of Yates Center, Emporia, Marion, Eureka, Burlingame, Wichita, and Council Grove, State of Kansas, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Theo. Minx, E. M. Mann, A. S. Silvermail, F. P. Lindsay, and numerous other citizens of Topeka and other towns in the State of Kansas, protesting against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Farmers' Alliance and Industrial Union, protesting against a tax on gypsum—to the Committee on Ways and Means.

By Mr. DANIELS: Petition of the Woman's Christian Temperance Union of East Aurora, Erie County, N. Y., in favor of the prohibition of the sale of intoxicating liquors at Bedloes Island and Fort Wadsworth, on Staten Island; also at Ellis Island—to the Committee on Alcoholic Liquor Traffic.

By Mr. DINSMORE: Petition of Mary A. Hancock, widow of Samuel Tow, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of George J. Consigny, jr., and others, of Emmetsburg, Iowa, and F. W. Waterhouse and others, of the State of Iowa, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. Miller, of Boone, Iowa, praying for the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FENTON: Petition of Rev. P. F. Thurheimer and others, of Jackson, Ohio, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of Rev. C. M. Heard and numerous other ministers of Minneapolis, Minn., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petition of Adolf Candrian, of La Crosse, Wis., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Orleans County Christian Endeavor Union, of Vermont, concerning the recent Armenian outrages—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of H. P. Jennings and 64 other citizens of Moberly, Mo.; also, a petition of A. Lowenstein and 33 others, of Chillicothe, Mo., favoring the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Sundry petitions of L. S. Eaton and numerous other citizens of the State of Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of J. A. Rogers and 40 other citizens of Clarion; also, pesition of J. H. Funk, of Iowa Falls, State of Iowa, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Rev. J. August Smith and 8 other citizens of Forreston, Ill., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER: Sundry petitions of A. Habern and Frank Nicholl, of Vanburen; H. G. Goodman, William Moll, W. J. Meader, and others, of Dunkirk; E. B. Patterson and others, of Jamestown; S. M. Hosier, F. M. Crandall, and others, of Westfield; Ira D. Hawley and others, of Silver Creek, in the State of New York, favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petition of Rev. W. H. Patton, Rev. E. E. Gardner, and others, of Osborn, Ohio, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of A. B. McDonell and 25 others, of Chippewa Falls, Wis., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Resolutions of the St. Paul Chamber of Commerce, favoring deep-water survey from the head of Lake Superior to the Atlantic coast—to the Committee on Appropriations.

Also, petition of C. A. Robinson and others, of the State of Minnesota, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of W. E. Shaley and 4 other citizens of New Bremen, Ohio, favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Petitions of W. M. Rankin and others, F. S. Wack and others, W. C. Dennis and others, residing in the State of New Jersey, praying for the passage of the Cullom and Sherman bills for the prevention of railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of William B. Howard, private special United States guide, asking for pension on account of disease contracted while in the service—to the Committee on Invalid Pensions.

By Mr. McDEARMON: Petitions of W. J. Edmonds and others, of Union City; T. H. C. Lownsburgh and others, of Woodland Mills; J. B. Martin and others, of Gardner; Joseph E. Jones and others, of Dresden; A. B. Childress and others, of Ralston, in the State of Tennessee, favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Petition of Rev. C. J. Tamar, of Akron; Rev. R. F. Keefer and 2 other citizens of Rock Creek, and Rev. W. R. Walker, of Chardon, State of Ohio, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. QUIGG: Sundry petitions of citizens of the city of New York, viz, J. J. McManus and 8 others, Norman G. Blakeman and 8 others, William Afflick and 21 others, F. A. Haskell and 17 others, Manhattan Beef Company and 17 others, J. O. Merwin and 16 others, John Nix & Co. and 16 others, William Mooney & Co. and 19 others, Hitchcock, Darling & Co. and 16 others, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of George H. Hopkins and other citizens of Alton, Ill., in favor of the Cullom and Sherman bills to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Follett & Holcomb, of Norwich, N. Y., and 512 other citizens of various towns in New York State, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM A. STONE: Petition of A. H. Cook and 24 other citizens of Allegheny, Pa., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. STRONG: Petition of Kenton Lodge, No. 114, Ancient Order of United Workmen, urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. TRELOAR: Petition of E. S. Wilson and 39 other citizens of Mexico, Mo., favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 22, 1897.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Lord God of Sabaoth, with a psalm of thanksgiving we enter Thy presence to-day to thank Thee for Thy great gifts to the people of this land in the birth and life and character of the person whose natal day we celebrate. Garnering from wide fields sheaves to be the seed corn for the generations of his land in after time, faithful in his apprenticeship to every task, however lowly, that was laid upon him, steadfast under the clamor of rancorous tongues, constant in defeat, unspoiled by success, calm amidst turbulence, wise in council, giving himself to his native land with unsparing fullness, imparting his life to the country in word, in deed, in thought, in inspiration, and crowning all by an humble, devout, and reverent piety toward God, faith in the Divine Saviour, and obedience to Thy laws, he has given to us and to the world an illustration of the grandeur of character uplifted above genius and talent, a character as lofty and stainless as the shaft that rises by the shore of his beloved river, builded by the grateful hands of his countrymen, with gifts from the kings and nations of the earth to show their loyal love for this grand American, modest as the mansion that stands by the bank of the same river, his home—now cared for and preserved by the loving hearts and diligent hands of the daughters of the country.

We bless Thee for this great gift of the most illustrious American, and pray that the influence of his life and character may pass into the souls of the rising generation of American citizens, and that all may feel the benison of his presence and power. As we listen to the reading of his Farewell Address to-day from the lips of Thine honored servant, we pray that we may catch more and more the contagion of this great soul, and that its influence may pass through all the land, molding us to a higher enthusiasm, a deeper and devouter patriotism and love for the Government which under God has been transmitted to us from the hands of our forefathers as a gift to the generations to come. So bless this and all the services in commemoration of our great Washington, and may the blessing of God rest upon our whole people. We humbly ask through Jesus Christ, our Divine Saviour. Amen.

The Journal of the proceedings of Saturday last was read and approved.

Mr. BACON. Mr. President, I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	Mantle,	Stewart,
Bacon,	Davis,	Martin,	Thurston,
Bate,	Elkins,	Mills,	Tillman,
Berry,	Faulkner,	Mitchell, Wis.	Turpie,
Blanchard,	Gallinger,	Morgan,	Vest,
Brown,	Gear,	Palmer,	Vilas,
Burrows,	Hansbrough,	Pasco,	Voorhees,
Caffery,	Hoar,	Peffer,	Walthall,
Cannon,	Jones, Ark.	Perkins,	Wetmore,
Carter,	Kenney,	Platt,	White,
Chandler,	Lindsay,	Pritchard,	Wilson.
Chilton,	McBride,	Sherman,	
Clark,	McMillan,	Shoup,	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Secretary will read the resolution adopted by the Senate on the 19th instant.

The SECRETARY. On February 19 Mr. HOAR submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That on Monday, February 22, current, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. DANIEL, a Senator from the State of Virginia, and that thereafter the Senate will proceed with its business.

The VICE-PRESIDENT. Pursuant to the resolution just read, the Chair has the honor to present the Senator from Virginia [Mr. DANIEL], who will read the Farewell Address of President Washington.

Mr. DANIEL, from the Vice-President's desk, read the Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue;

that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secures to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established goverment.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the

community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an

habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign

influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

CREDENTIALS.

Mr. HILL presented the credentials of Thomas Collier Platt, chosen by the legislature of New York a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. PETTIGREW presented the credentials of HENRY M. TELLER, chosen by the legislature of Colorado a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

SENATOR FROM UTAH.

Mr. CANNON. I present the credentials of Joseph L. Rawlins, chosen by the legislature of Utah a Senator from that State for the term beginning March 4, 1897. I ask that the credentials be read.

The credentials were read, as follows:

STATE OF UTAH, *Executive Department.*

To the President of the Senate of the United States of America:

I, Heber M. Wells, governor of the State of Utah, do hereby certify that on Tuesday, the 3d day of November, 1896, the legislature of the State of Utah was chosen; that on Monday, the 11th day of January, A. D. 1897, the said legislature met in regular session as provided by law, and was duly organized on the said day; that on the 19th day of January, A. D. 1897, the same being the second Tuesday after the meeting and organization of said legislature, each house of said legislature did openly, by a viva voce vote of each member present, proceed to name one person for Senator in Congress from the State of Utah; that by such vote no person received a majority of the whole number of votes cast in either house, and thereupon that fact was entered upon the journal of each house; that at 12 o'clock meridian on the 20th day of January, A. D. 1897, the members of the two houses convened in joint assembly and the journal of each house was then read, and it appearing therefrom that no person had received a majority of the votes of either house, the joint assembly then proceeded to choose, by a viva voce vote of each member present, a person for Senator; that no person receiving a majority of all the votes cast on that day, the joint assembly met at 12 o'clock meridian of each succeeding day until and including the 3d day of February, 1897, and took at least one vote for Senator on each day, and that on said last-named day Joseph L. Rawlins received a majority of all the votes of the joint assembly and a majority of the votes of all the members elected to both houses, and was thereupon declared duly elected, which fact was entered upon the journal of the joint assembly.

Now, therefore, I do hereby certify that Joseph L. Rawlins was by the legislature of the State of Utah duly elected Senator in the Congress of the United States of America from the State of Utah.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Utah to be hereunto affixed this 6th day of February, A. D. 1897.

HEBER M. WELLS.

By the governor:
[SEAL.] JAMES T. HAMMOND,
Secretary of State.

Mr. HOAR. I simply wish to say that those credentials do not seem to me to be in proper form, because they do not designate for what term the legislature undertook to elect a Senator. I think it is exceedingly important that the States of the Union should get into the practice of having correct credentials, because at some time in the original organization of the Senate at the beginning of a Congress the raising of such questions may make a great deal of trouble.

The simple thing to say is, I, A. B., governor or executive of a certain State, certify that at a certain time C. D. was duly elected by the legislature of that State a Senator of the United States for the term beginning so and so. That is the whole of it, and that simple form, which is now adopted in most of the States, which was adopted in the case of the reelection of the Senator from Colorado [Mr. TELLER], covers everything. The attempt to go into minute statements as to what they did leads very often to leaving out the point, as it has been left out in this case.

Mr. CANNON. The point having been raised as to the insufficiency or unusual character of the credentials presented in behalf of Joseph L. Rawlins, a Senator-elect from Utah, I should like to inquire of the chairman of the Judiciary Committee if it will be desirable that other credentials shall be prepared and sent to the Senate.

Mr. HOAR. I do not believe that any Senator would make the slightest question when the matter came up, because everybody would notice that there was but one office to which the legislature could have intended to make the election. My only purpose in making the suggestion was because, of course, it is better to make it at a time when there is no possible dispute than to make it at a time when there may be a dispute; and one of the dangers of our constitutional mechanism is that some time when we are originally introducing into the Senate one-third of the number at the beginning of a Congress sharp points may be raised in order to have a strife for party ascendancy. We see how this practice is prevailing in State legislatures in regard to their organization, and it seems to me to be of infinite importance to get the Senate and the States of the Union into habits of constitutional proceeding about which no plausible or specious pretense of a cavil may be raised.

If it was the case of my own State, I should not think of sending the credentials back to be changed, because the present condition of public sentiment is such that nobody would raise any such question; but I merely want to call attention to it, because I have several times called attention to this matter, and in a great many instances the States have adopted the simple form which was prepared and approved by the Committee on Privileges and Elections some years ago.

Mr. CANNON. I thank the Senator from Massachusetts, and I accept his assurance that there will be no opposition to the swearing in of Mr. Rawlins when he shall appear here. The young men who now have charge of the offices of governor and secretary of state in Utah will doubtless so perfect themselves that by the next time the legislature of that State elects a Senator they will present credentials in proper form.

The VICE-PRESIDENT. The credentials will be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war; and

A bill (H. R. 1475) for the relief of Basil Moreland.

INTRODUCTION OF BILLS AND PETITIONS.

Mr. HOAR. I ask unanimous consent that during the remainder of the session all petitions and bills may be introduced by any Senator who shall so elect by handing them to the clerks at the desk for proper reference without addressing the Chair, and that the printing of the title of the bill in the RECORD shall be equivalent to the first and second reading.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Indian voters of Oklahoma Territory, remonstrating against the adoption of a proposed amendment to the pending Indian appropriation bill, relative to children born of a marriage between a white man and an Indian woman, etc.; which was ordered to lie on the table.

He also presented the petition of Samuel Gompers, president of the American Federation of Labor, praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, and also to punish contempts of court; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the American Association of Flint and Lime Glass Manufacturers, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Blanchester, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Cincinnati, Delaware, Cleveland, Brecksville, Prospect, and Toledo, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented the petition of Helen Keller and 9 other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain without amendment; which was ordered to lie on the table.

Mr. BLANCHARD presented a petition of the Gulf Mission Conference of the Methodist Episcopal Church of Louisiana, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Republican county convention of Gogebic County, Mich., praying for a strict adherence to the laws governing the civil service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the board of trustees of the Supreme Hive, Ladies of the Maccabees of the World, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MCBRIDE presented the petition of Horace Burnett, manager of the Oregon State Journal, of Eugene, Oreg., and the petition of C. S. Jackson, publisher of the East Oregonian, of Pendleton, Oreg., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the appointment

of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Palestine, Tex., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of the Massachusetts State Society, 1776 United States Daughters 1812, praying for the permanent preservation of the U. S. frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all public buildings controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Worcester and Middlesex Temperance Union of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Shawmut Universalist Church, of Boston, Mass., and a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. NELSON presented a memorial of the Union Veterans' League of Minneapolis, Minn., remonstrating against the application of the civil-service rules to the examining pension surgeons appointed under the present Administration; which was referred to the Committee on Pensions.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the unfriendly action of Germany and France relative to American meat products; which was referred to the Committee on Finance.

He also presented the petition of L. E. Olson, manager of the Vesterlandt, of Stillwater, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Young People's Society of Christian Endeavor of the Union Congregational Church, of Peterboro, N. H., and a petition of members of the Congregational and the First Baptist churches, of Milford, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. PEFFER presented a petition of Division No. 137, Order of Railway Conductors, of Osawatomie, Kans., praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, for an international arbitration commission, to punish contempts of court, and also for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Manhattan, Kans., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Coffeyville, Pierceville, Hoisington, Topeka, Winfield, Wichita, Kingman, and Independence, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BRICE presented a petition of the Woman's Christian Temperance Union of Clarksville, Ohio, praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of S. M. Jones, of Toledo, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter, and praying for the enactment of legislation requiring railroads to carry freight for the Government at the same rate that they do for express companies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Rev. James A. Patterson, pastor of the First Presbyterian Church, of Fostoria; of Fannie Miller, of Fostoria, and of 15 citizens of Clyde, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of Voorheis, Miller & Co., of Cincinnati, Ohio, and a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. MURPHY presented a petition of members of the Baptist Ministers' Conference of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Carl G. Clarke, publisher of the Perry Record, of Perry, N. Y., and a petition of the Utica Deutsche Zeitung Company, publishers of the Utica Deutsche Zeitung, of Utica, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Marlboro and Schenectady; of the Christian Endeavor Society of Charlton; of sundry citizens of Crarys Mills, Burke, and Victory Mills, all in the State of New York, praying for the passage of House bill No. 7088, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. WETMORE presented petitions of sundry churches and societies in Charlestown, R. I.; of sundry churches and societies in North Scituate, R. I., and of sundry churches and societies in the State of Rhode Island, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Beneficent Young People's Society of Christian Endeavor of the Carolina Free Baptist Church; of the Evangelical Young Woman's Christian Association of the Pentecostal Church; of members of the Advent Church, of the Woman's Christian Temperance Union of North Scituate, and of the Quonochontaug Baptist Church and the Cross's Mills Baptist Church, of Charlestown, all in the State of Rhode Island, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a petition of sundry citizens of Pawnee County, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Lincoln Lodge, No. 15, Business Men's Fraternity of America, of Lincoln, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Mason City, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VILAS presented a petition of members of the faculty and sundry students of the Milwaukee-Downer College, Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Madison, Ashland, and Chippewa Falls, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 16 citizens of Fort Madison, Iowa, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Iowa State Veterinary Medical Association, praying for the passage of Senate bill No. 1240, establishing the rank and pay of veterinarians in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Iowa State Veterinary Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. VEST presented a petition of the Ladies' Missionary Society of the Baptist Church, of Lancaster, Mo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Carrollton, Knobnoster, Rolla, St. Louis, and Webb City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Clarence Conger, publisher of the Republican, of Unionville, Mo., and the petition of H. E. B. Cutler, publisher, of Glenwood, Mo., praying for the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented resolutions of the senate of Illinois, favoring the resolutions adopted by the Senate of the United States, requesting the Secretary of State to use his good offices

with the Spanish Government in behalf of Sylvester Scovel, a citizen of the United States, now a prisoner of the military authorities of Spain, in the Island of Cuba; which were referred to the Committee on Foreign Relations.

He also presented resolutions of the house of representatives of Illinois, praying for a reclassification of clerks in the railway postal service and prescribing their salaries; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Dr. R. N. Foster, of Chicago, Ill., praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of New Hope Lodge, No. 37, Brotherhood of Locomotive Engineers, of Centralia, Ill., praying for the enactment of legislation to punish contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and also for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented petitions of members of the Swedish Lutheran, the Swedish Methodist Episcopal, and the Methodist Episcopal churches, all of Geneva, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Mound City; of members of the Swedish Lutheran, the Methodist Episcopal, and the Swedish Methodist Episcopal churches, all of Geneva, Ill., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of members of the Methodist Episcopal, the Swedish Methodist Episcopal, and the Swedish Lutheran churches, all of Geneva, Ill., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Pleasant Mound; of the Young People's Society of Christian Endeavor of the Congregational Church, of Harvey; of Rev. Edward P. Rankin, of Toledo; Mrs. Belle Stuck, of Odell; J. N. Woods & Sons, of Gardner, and of the Young People's Society of Christian Endeavor of the First Baptist Church, of Decatur, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Chicago, Gibson City, Springfield, Hinsdale, Evanston, Urbana, Quincy, Forreston, Jacksonville, Cairo, Vienna, Loda, Bloomington, Pittsfield, and Sandwich, all in the State of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented sundry petitions of citizens of Vera Cruz, Veedersburg, Crawfordsville, Blocher, Kokomo, Wolcottville, and Holman, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of S. F. Bowser & Co., of Fort Wayne, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented a petition of sundry citizens of Bald Knob, Ark., and a petition of sundry citizens of Newport, Ark., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petitions of M. M. Hawkins, cashier of the Arkansas Democrat Company, of Little Rock; of C. C. Thompson, of Little Rock, and a petition of the Arkansas Democrat Company, of Little Rock, all in the State of Arkansas, praying for the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented 19 petitions from citizens of Pensacola, Fla., praying for the enactment of legislation increasing the salaries of letter carriers; which were ordered to lie on the table.

Mr. KENNEY presented a petition of the legislature of Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was read, and ordered to lie on the table, as follows:

Be it resolved by the senate and house of representatives of the State of Delaware in general assembly met, That we the representatives of the people of the State heartily commend the administration of President Cleveland in its endeavor to secure a treaty of arbitration between the two great English-speaking nations of the world.

We recognize that arbitration is the handmaiden of peace, and believe that civilization demands that the two greatest nations of the world shall be bound together by the strongest ties of friendship. We rejoice that the Anglo-Saxon nations have learned the lesson that wisdom and justice in policy are stronger security than weight of armament.

We commend the treaty of arbitration to the Senate of the United States and request that it ratify the same at the earliest day consistent with its grave responsibility in the premises.

We believe that by so doing it will lay the corner stone for that splendid edifice of international arbitration.

Adopted at Dover, February 5, 1897.

EMORY B. RIGGIN,
Speaker of the House of Representatives.
HEZ HARRINGTON,
Speaker of the Senate.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department, reported it with an amendment.

Mr. PASCO, from the Committee on Commerce, to whom was referred the amendment submitted to Mr. DANIEL on the 18th instant, making an appropriation for survey and plans for a memorial bridge across the Potomac River, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. MORGAN on the 20th instant, authorizing a survey on the Warrior River, Alabama, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th instant, making the appropriation for Cumberland Sound improvement available on the 1st day of April next, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 3012) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District, belonging to insane persons, for purposes of reinvestment, and for other purposes, to report it adversely and ask that it be indefinitely postponed, a House bill upon the same subject having been passed by the Senate.

The report was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CHANDLER on the 20th instant, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. ROACH on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 3698) appointing commissioners to revise the statutes relating to patents, trades, and other marks, reported it without amendment.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. SMITH on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

EDITION OF PENSION LAWS.

Mr. HANSBROUGH. I am directed by the Committee on Printing to report back favorably a concurrent resolution of the House of Representatives providing for printing additional copies of the report of the Assistant Secretary of the Interior relative to the administration of the pension laws. I ask for the present consideration of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to; as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

PASSPORT REGULATIONS OF FOREIGN COUNTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, to report it favorably, without amendment. I ask for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. VEST introduced a bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN (for Mr. FRYE) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. WETMORE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS subsequently, from the Committee on Claims, to whom was referred the amendment submitted by Mr. LODGE this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

TICKET BROKERAGE.

Mr. CHANDLER. I submit an amendment intended to be proposed by me to the bill (S. 3545) amendatory of an act to regulate commerce, approved February 4, 1887, and the several acts amendatory thereof. The bill is known as the antiscalping bill, and this is an amendment which I intend to propose thereto. I move that it lie on the table and be printed.

The motion was agreed to.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. ALLEN. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate true, full, and accurate copies of all affidavits and depositions, including the names of the affiants and deponents, and all letters and documentary evidence on which the removal of Dr. M. S. White, John Zeller, William Holmes, Mary A. Dalton, and Mary Flynn, or any of them, were removed from their positions in the Bureau of Animal Industry, at South Omaha, Nebr., or in any manner justifying said removals, or any of them.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like to inquire if these officials were removed by the head of the Department or by the President?

Mr. ALLEN. They were removed by the head of the Department.

Mr. HOAR. Not by the President?

Mr. ALLEN. No, sir.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. PETTIGREW. By unanimous consent, we were to vote on a certain amendment to the Indian appropriation bill at 1 o'clock to-day. That hour has already passed, and I insist upon the amendment being disposed of. I ask that the bill may be laid before the Senate.

Mr. NELSON. Will the Senator from South Dakota allow me to make a couple of reports from the Committee on Commerce?

Mr. PETTIGREW. I think under the unanimous-consent agreement I am not permitted to yield to anyone until this matter is disposed of.

Mr. PLATT. I ask the indulgence of the Senate to make a single remark. I desire this morning, and before we proceed to the consideration of the Indian appropriation bill, to ask the unanimous consent of the Sentate to call up and pass the bill of which I spoke on Saturday, upon which I suppose the lives of four persons sentenced to be hanged in the Territory of New Mexico depend, or at any rate the right of appeal for those persons depends. I wish to suggest that we have passed the hour of 1 o'clock, and therefore it can make no difference with the Indian appropriation bill. I think the bill to which I refer can be passed upon being read. I wish the Senator from South Dakota would allow me to ask unanimous consent for that purpose now.

Mr. VEST. I wish to ask the Senator from Connecticut if he speaks of the New Mexican bill?

Mr. PLATT. That is the measure.

Mr. VEST. It can not be passed without debate and opposition.

Mr. PLATT. All right.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the Indian appropriation bill be laid before the Senate.

The VICE-PRESIDENT. Under the resolution of the Senate the Chair lays before the Senate the bill indicated by the Senator from South Dakota.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. LODGE. I move to lay on the table the committee amendment relating to schools, which was under debate when the Senate was last in session.

Mr. ALLEN and Mr. PALMER. Let the amendment be stated.

Mr. PASCO. I should like to have the amendment read. There was an agreement made Saturday afternoon, to be found on page 2047 of the RECORD, by which we agreed to take a direct vote on this amendment at 1 o'clock to-day.

Mr. PETTIGREW. I was going to call the attention of the Chair to the agreement.

Mr. PASCO. I suggest that the motion of the Senator from Massachusetts is not in order under the unanimous-consent agreement.

Mr. LODGE. I did not know that the agreement cut off a motion to lay on the table. There can not be a more direct motion than that.

Mr. PASCO. If the Senator from Massachusetts will look at the agreement, he will see what it is.

Mr. LODGE. I had an understanding with the Senator from South Dakota at the time that I should make the motion.

Mr. PETTIGREW. I did not so understand it.

Mr. GALLINGER. There was that——

Mr. HOAR. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. I desire to inquire of the Chair what has become of the amendments of the Senator from New Hampshire [Mr. GALLINGER]?

Mr. GALLINGER. I rose for the purpose of stating that I certainly never would have given consent to the unanimous-consent agreement had I supposed that, having stated to the Senate that I proposed to offer amendments to the amendment, by direct vote upon this amendment I should be deprived of that privilege. Neither would I have consented to it if I had supposed that it took from any Senator the right to move to lay this amendment upon the table; and I think that ought not to be insisted upon.

The VICE-PRESIDENT. The Senator from Massachusetts rose to a parliamentary inquiry. Will the Senator from Massachusetts please state his inquiry?

Mr. HOAR. The parliamentary inquiry is, What has become of the amendments of the Senator from New Hampshire?

The VICE-PRESIDENT. The Chair will state that the amendments indicated have not been offered. The Senator from Massachusetts [Mr. LODGE] moves to lay upon the table the pending amendment. That motion the Chair will entertain and submit to the Senate.

Mr. HOAR. I desire to appeal to my colleague, if it be in his power—I am not sure that it is—to permit a vote upon the amendments of the Senator from New Hampshire before he makes his motion to lay the committee amendment on the table, because the adoption of those amendments might make some difference.

Mr. LODGE. My desire is simply to get a direct vote on the committee amendment. The Senator from New Hampshire does not object to my motion, I understand?

Mr. GALLINGER. No.

Mr. FAULKNER. I appeal to the Senator from Massachusetts not to insist upon the motion to lay on the table. The sole object of such a motion is to cut off debate, and there is a unanimous-consent agreement that will bring us directly to a vote upon the main question. Therefore there is no reason whatever for the motion to lay upon the table. We are bound to vote without debate. This debate is out of order and in violation of the unanimous-consent agreement. I appeal to the Senator from Massachusetts, therefore, not to insist upon his motion——

Mr. JONES of Arkansas. Let us have a direct vote.

Mr. FAULKNER. And to allow the unanimous-consent agreement to be put in operation by submitting the question on the amendment. I wish to say that the unanimous-consent agreement does not cut off the Senator from New Hampshire from offering any amendment to this amendment. The unanimous-consent agreement was to vote upon this question and any pending amendment, of course, or any amendments that might be offered to it.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Massachusetts to lay on the table the pending amendment.

Mr. PETTIGREW. I rise to know whether the Chair decides the motion to lay on the table to be in order in view of the unanimous consent? I supposed when we secured the unanimous-consent agreement that the project of moving to lay on the table was abandoned, as the unanimous-consent agreement required a direct vote on the amendment.

The VICE-PRESIDENT. The Chair will state that the agreement indicated is an agreement made between Senators upon the floor, but under parliamentary rules the Chair must entertain the motion of the Senator from Massachusetts to lay on the table.

Mr. ALLISON. Do I understand now that a unanimous-consent agreement was made on Saturday that a direct vote should be taken upon this amendment to-day?

The VICE-PRESIDENT. The Secretary will read the agreement.

Mr. PASCO (to Mr. ALLISON). Here is the unanimous-consent agreement.

The VICE-PRESIDENT. The Senator will suspend for a moment to enable the Secretary to read the agreement.

The Secretary read from page 2047 of the RECORD of February 20, 1897, as follows:

Mr. PETTIGREW. I ask unanimous consent that the vote be taken on the amendment with regard to sectarian schools at 1 o'clock on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. ALLISON. I submit to the Senator from Massachusetts that it is just as easy to take a vote on the amendment as on the motion to lay on the table, and then we will comply with the unanimous-consent agreement of the Senate.

The VICE-PRESIDENT. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. If I may have consent to say a word, I should be glad to do so. I desire simply to say that I stated to the Senator from South Dakota that I should make the motion, and did not suppose that there was any objection to it, as it is the most direct form of voting on the amendment. If a vote is taken on the amendment, the Senator from New Hampshire will be cut off from an opportunity to offer his amendments, as I understand it.

Mr. GALLINGER. I think not.

Mr. LODGE. Not on my motion; but if a vote is taken otherwise, he will be cut off.

Mr. GALLINGER. I think beyond doubt I can offer amendments to the bill if the Senate votes to lay the amendment on the table.

Mr. ALLISON. If there is any question about it, I ask unanimous consent that the Senator from New Hampshire may be allowed to offer any amendment to this amendment after it has been voted upon.

Mr. JONES of Arkansas. That is right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. LODGE. Very well. With that understanding, I withdraw the motion to lay on the table.

The VICE-PRESIDENT. The Senator from Massachusetts withdraws the motion to lay on the table. The question is on agreeing to the amendment of the committee, which will be stated.

The SECRETARY. After the word "dollars," in line 16, page 45, it is proposed to insert:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1898, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

So as to make the clause read:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been read.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. I withhold my vote. If he were present, I would vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. I am unable to ascertain his view upon this matter, and therefore withhold my vote. I should vote "yea."

The roll call was concluded.

Mr. MCBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. BURROWS (after having voted in the negative). I notice from the recapitulation that the senior Senator from Louisiana [Mr. CAFFERY] has not voted. I am paired with that Senator, so I withdraw my vote.

The result was announced—yeas 41, nays 8; as follows:

YEAS—41.

Allen,	Cullom,	Martin,	Smith,
Allison,	Elkins,	Mills,	Stewart,
Bacon,	Faulkner,	Morgan,	Teller,
Bate,	Hansbrough,	Murphy,	Tillman,
Berry,	Hawley,	Palmer,	Walthall,
Blanchard,	Hill,	Pasco,	Wetmore,
Brice,	Hoar,	Perkins,	White,
Butler,	Jones, Ark.	Pettigrew,	Wilson.
Carter,	Lindsay,	Pugh,	
Chilton,	McMillan,	Roach,	
Cockrell,	Mantle,	Shoup,	

NAYS—8.

Brown,	Chandler,	Lodge,	Platt,
Cannon,	Gallinger,	Peffer,	Thurston.

NOT VOTING—41.

Aldrich,	Frye,	Kenney,	Sherman,
Baker,	Gear,	Kyle,	Squire,
Blackburn,	George,	McBride,	Turpie,
Burrows,	Gibson,	Mitchell, Oreg.	Vest,
Caffery,	Gordon,	Mitchell, Wis.	Vilas,
Call,	Gorman,	Morrill,	Voorhees,
Cameron,	Gray,	Nelson,	Warren,
Clark,	Hale,	Pritchard,	Wolcott.
Daniel,	Harris,	Proctor,	
Davis,	Irby,	Quay,	
Dubois,	Jones, Nev.	Sewell,	

So the amendment was agreed to.

Mr. GALLINGER. I now submit an amendment to the amendment just agreed to.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "Alaska," in line 18, page 45, insert:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. COCKRELL. Mr. President——

Mr. PETTIGREW. I should like to inquire if that is the exact wording of the act of last year?

Mr. GALLINGER. Precisely.

Mr. PETTIGREW. I will not object to the amendment.

Mr. COCKRELL. I was simply going to state that it is the exact language of existing law. It was enacted in the last appropriation act:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

We did not repeat it, because the word "hereafter" makes it a permanent, enduring law.

Mr. GALLINGER. I should like to have it repeated, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. I have submitted a further amendment to the committee amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert after the word "for," in line 5, page 46, the following proviso:

Provided further, That all appropriations for the education of Indian children in sectarian schools shall absolutely cease and determine at the end of the fiscal year, June 30, 1898.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. PETTIGREW. I hope that amendment will not be adopted. We have made a declaration that it is the policy to dispense with the education of Indian children in sectarian schools. It seems to me that that is as far as we can go; that we can not bind the next Congress by any such amendment as the one now proposed.

Mr. GALLINGER. It is true the declaration has just been made, but a similar declaration was made a year ago and it was not carried out. I simply desire to say that this amendment has the approval of a large number of Senators, I am sure, who voted in favor of the committee amendment, and I think I am safe in saying that the distinguished chairman of the Committee on Appropriations does not object to it. If we mean what we say we mean, I can see every reason why this amendment should be adopted, and I trust it may be adopted.

Mr. ALLISON. I regard the amendment offered a moment ago by the Senator from New Hampshire as wholly unnecessary, it being a repetition of existing law. I regard this amendment as unnecessary, in view of the legislation of last year, as not adding to or taking from existing legislation. Therefore I shall vote for it.

Mr. VILAS. I desire to raise a point of order on the amendment. This bill is threatened with amendments without number, which in their nature, it seems to me, involve general legislation. If this amendment means anything, it means to enact something in the nature of general legislation. It has no reference to the expenditure of the appropriation which is voted; and simply that we may maintain the rule upon the subject which was enforced by the Chair, the Vice-President then occupying it, at the last session of Congress, I insist upon the point of order.

The VICE-PRESIDENT. Will the Senator from Wisconsin again state his point of order?

Mr. VILAS. The point of order is that the amendment involves general legislation, and is in violation of that rule which prohibits, without exception, without qualification, any general legislation upon an appropriation bill in any case.

Mr. GALLINGER. In reply to the point of order made by the Senator from Wisconsin, I think it is only sufficient to say that the Committee on Appropriations brought in an amendment which does violate the rule of the Senate had it not been reported by a standing committee of the Senate, which it was, and hence it was not obnoxious to the rule. This amendment is simply an amendment to the committee amendment, and if the committee amendment, which involves general legislation, is to be held to be valid, it seems to me that the point of order made by the Senator from Wisconsin, that the Senate can not amend the amendment, is not tenable and that the point of order must necessarily fall.

Mr. VILAS. In answer to the suggestion of the Senator from New Hampshire, I will state that the amendment now proposed is not an amendment to the amendment reported by the committee. That amendment has been adopted. If it had been proposed as an amendment to that amendment, the question would have been possibly a little different, although I hardly think it would have been different in that case.

Mr. GALLINGER. If the Senator will permit me, on Saturday last I stated to the Senate that I should offer these two amendments as amendments to the committee amendment. This morning, by unanimous consent, the Senate solemnly agreed to permit these amendments to be offered as amendments to the committee amendments, and upon that agreement they have been offered.

Mr. LODGE. And, let me say, I withdrew the motion to lay the amendment upon the table, on the understanding that these amendments should be offered and voted upon, and that was unanimously agreed to.

Mr. VILAS. It has become the fashion lately to get unanimous-consent agreements which no one knows about except one or two persons who ask for them. I do not know how to answer a suggestion of that kind.

Mr. LODGE. The agreement was made when the Senator was in his seat.

Mr. VILAS. Of course, if there was a unanimous-consent agreement I will take no steps whatever in disregard of it.

The VICE-PRESIDENT. Does the Chair understand the Senator to withdraw his point of order?

Mr. VILAS. If that unanimous consent were given, then the question still remains whether general legislation can be ingrafted upon this appropriation bill by offering an amendment to an amendment. If this amendment had been offered to the amendment before it was adopted and had been adopted as a part of it, it would have made the whole amendment obnoxious to the objection which I raise.

Mr. GALLINGER. No; it would not.

Mr. VILAS. But the amendment not having been proposed until after that amendment was adopted, the point of order must be urged now or it can not be urged at all. It is well taken now, as it would have been well taken to the entire amendment if this legislation had been incorporated as a part of the amendment by the adoption of the amendment to the amendment before the vote just taken.

The VICE-PRESIDENT. Does the Chair understand the Senator from Wisconsin to insist upon the point of order?

Mr. VILAS. I do insist upon the point of order. I do not understand that the unanimous-consent agreement in any way affects the right to raise the point of order.

Mr. LODGE. I desire to say, in regard to the point of order and the unanimous-consent agreement, there was no question that the Senator from New Hampshire had a right to move those amendments to the amendments before the question was put on the amendment itself. He waived that right on the distinct understanding that he was to move them after the main amendment had been voted on. That agreement was made here in the presence of the Senate, immediately after the reading of the Address, when we were discussing these points. I had the floor. I made a motion, which was recognized by the Chair, to lay the amendment on the table. I withdrew that motion on the distinct understanding that the Senator from New Hampshire was not to lose any right to move his amendments after the amendment had been voted upon. I made that specific point. He waived his unquestioned right to move those amendments before the main amendment was voted upon. Now a point of order is raised to cut him out after that agreement was squarely and fairly reached, and I was part of it, because I withdrew the motion which I held the floor to make, and the Chair had recognized me, as the Chair will remember, for that purpose.

As to the point of order, Mr. President, I do not think there is anything in it, because this is an amendment to an amendment; but, in any event, it seems to me that in ordinary fair dealing, after the Senator from New Hampshire specifically withdrew his amendments at the proper stage where they could be offered on the plain understanding of everybody concerned, he should offer them unobstructed subsequently, and have a vote upon them; and after I had withdrawn my motion in order to give that opportunity and come into the agreement, I think it is too late to make the point of order.

Mr. VILAS. Mr. President, whatever the unanimous-consent agreement was, if anybody knows, I do not desire to trench upon it in the slightest degree, and I will not, at whatever expense to my own judgment, for I recognize the practice of the Senate and the binding obligation upon Senators to observe a unanimous-consent agreement, no matter how obtained. I should like to make one suggestion upon that point, however, and that is that no unanimous consent ought ever to be entered as obligatory upon the Senate until the basis of it, the request for it, shall have been clearly stated from the chair.

Mr. GALLINGER and Mr. LODGE. That was done.

Mr. VILAS. This practice of somebody asking unanimous consent, and it being simply said, "Is there objection? The Chair hears none," whereby the Senate does not know what is being agreed to, oftentimes in the confusion leads to, and has in many instances within my observation lead to, many evils. But I will put the Senator from New Hampshire, so far as this point of order is concerned, precisely on the same footing upon which he would have stood if he had offered his amendment to the amendment of the committee before that amendment was adopted. That is all, I am sure, the Senator from New Hampshire can ask for.

Mr. GALLINGER. That is what I ask, and all my amendment contemplates.

Mr. FAULKNER. The point of order, then, will not have effect.

Mr. GALLINGER. Not at all.

Mr. VILAS. I do not desire to be understood for a moment as trenching upon that privilege, since it seems to have been agreed to, although I did not know it.

Now, the point is just the same. Of course the Senator from

New Hampshire would not have pretended that he could impose upon the pending bill general legislation by an amendment to an amendment, or that if an amendment in itself proper is reported by the committee to the bill, the same committee to which the bill had been committed for examination, he will not pretend that he could have added to their amendment what would make that amendment inadmissible when otherwise it was admissible. That is precisely the effect of the amendment which he now proposes. Suppose the amendment of the committee still to be pending before the Senate, it was an amendment admissible to be made. The Senator from New Hampshire offers an amendment which if adopted to it will put general legislation upon the bill. I object for the reason that the rule of order prevents the consideration of it; and if that be so, the rule of order must be just as pertinent to amendments to amendments as to an amendment directly to the bill itself.

Mr. GALLINGER. If the Senator from Wisconsin will permit me, my amendment simply defines what the amendment of the committee contemplates.

Mr. LODGE. It is doubtless germane.

Mr. GALLINGER. It is a definition, and, as it were, a fixing of the time during which the amendment of the committee shall run.

Mr. BURROWS. It is a limitation of it.

Mr. GALLINGER. It is a limitation of the amendment of the committee, and nothing else.

Mr. VILAS. It obviously is more than that.

Mr. GALLINGER. That is all.

Mr. VILAS. Here is an amendment proposed by the committee which seems to me to be entirely proper, not open to any point of order at all. It simply specifies how the Secretary of the Interior shall expend a certain appropriation made to be expended within the next fiscal year. That is the amendment proposed by the committee, a strictly proper amendment, limiting and determining the uses of the particular appropriation made in the bill. Now comes in the Senator from New Hampshire and says by his amendment no matter how that money shall be expended, but hereafter no Congress shall appropriate any more. Practically that is what he says.

Mr. HOAR. I should like to make an inquiry, if permitted by the Senator from Wisconsin.

Mr. VILAS. With great pleasure.

Mr. HOAR. Are there any amendments now for any such purpose that do not absolutely cease on the 30th of June, 1897?

Mr. LODGE. We are now providing for the fiscal year ending June 30, 1898.

Mr. VILAS. I am unable to hear the Senator from Massachusetts. I should like to hear his remark.

Mr. HOAR. Are there any amendments now in force that do not absolutely cease on the 30th of June, 1897, and when this bill passes will there be any amendments in force that do not absolutely cease on the 30th of June, 1898?

Mr. VILAS. There will not be, unless the amendment of the Senator from New Hampshire is adopted; and if it be, its force will begin after the 30th of June, 1898.

Mr. HOAR. I can not understand that this is anything in the bill but the declaration of a legislative purpose.

Mr. LODGE. That is all.

Mr. HOAR. It does not offer to change existing law.

Mr. GALLINGER. Not at all.

Mr. VILAS. What is its effect? It does not touch the expenditure of these appropriations.

Mr. HOAR. The Senator will pardon me. Strip this matter of everything else; suppose we were to introduce and enact now a bill appropriating $100,000 for a monument to somebody, and some one should introduce an amendment, "*Provided*, That we never intend to appropriate anything more for the purpose." That is the whole of it.

Mr. VILAS. That is not quite the whole of it. This is a declaration which ought to have, if we have any right to make it at all, the force of law. It is either legislative in its effect or it is nothing. Is it a matter of mere opinion that we are expressing, or are we engaged here in enacting law? It does not relate to the particular appropriation in the least degree. It is a declaration of the policy of the United States in the form of law, obligatory upon the United States hereafter, just to the full extent that any law we can pass is obligatory upon a future Congress. No law that we can pass is obligatory upon future Congresses if they choose to repeal it. This is as obligatory upon them as any of them. Therefore it is legislation or it is nothing. Is it a stump speech to be inserted in the bill? Is it an expression of opinion, of policy? Is it something proffered to carry out the idea of some society or some class of opinion in the country or is it an act of Congress when it shall have passed? Clearly, in any point of view we may regard it, this is, it seems to me, general legislation.

Mr. President, I am not actuated in making the point of order half as much by any opposition to the particular amendment pending, about which I care very little, though I think it is obnoxious to the objection that we are undertaking to obtrude our opinions upon another Congress, as I am anxious to see, for future purposes in reference to the bill, where it may become vastly more important, that this rule is not trampled under foot. The rule is explicit:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

There is no qualification of it. There is no exception to it. It was upon the most elaborate and careful debate, in which the distinguished Senator from Mississippi [Mr. WALTHALL] rendered, as I thought, a service to the Senate and the country, at the last session of Congress affirmed and applied. I hope that it will continue to be, and that is the end of my interest.

The VICE-PRESIDENT. The Senator from Wisconsin makes a point of order against the amendment submitted by the Senator from New Hampshire. The Chair submits to the Senate the question, Is the amendment in order?

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if present, and I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. Not knowing how he would vote, I will withhold my vote.

Mr. VILAS (when his name was called). I am paired with the senior Senator from Oregon [Mr. MITCHELL], and I withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I inquire whether the senior Senator from Michigan [Mr. MCMILLAN] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BLACKBURN. I am paired with that Senator and withhold my vote. If he were here, I should vote "nay."

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. BLANCHARD. I am paired with that Senator and withhold my vote. If he were present, I should vote "nay."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR].

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. VILAS. I suggest to the Senator from Oregon [Mr. MCBRIDE] that we might transfer our pairs and vote, in order to make a quorum.

Mr. MCBRIDE. I assent to the suggestion of the Senator from Wisconsin.

Mr. VILAS. Let the senior Senator from Oregon [Mr. MITCHELL] stand paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. MCBRIDE. Very well.

Mr. VILAS. I vote "nay."

Mr. MCBRIDE. I vote "yea."

Mr. PUGH. I vote "nay."

Mr. LODGE. In justice to my colleague [Mr. HOAR], I feel bound to state that he announced a pair with the Senator from Alabama [Mr. PUGH].

Mr. PUGH. I thought the Senator from Massachusetts, with whom I have a general pair, had voted. I withdraw my vote.

Mr. PASCO (after having voted in the negative). I am paired with the Senator from Washington [Mr. WILSON]. I find that he has not voted, and I shall have to withdraw my vote.

The result was announced—yeas 18, nays 26; as follows:

YEAS—18.

Brown,	Davis,	Lodge,	Platt,
Butler,	Elkins,	McBride,	Proctor,
Cannon,	Gallinger,	Mantle,	Stewart.
Chandler,	Gear,	Peffer,	
Cullom,	Hansbrough,	Pettigrew,	

NAYS—26.

Allen,	Cockrell,	Mills,	Turpie,
Bacon,	Faulkner,	Murphy,	Vilas,
Bate,	Hawley,	Palmer,	Walthall,
Brice,	Hill,	Perkins,	Wetmore,
Carter,	Kenney,	Roach,	White.
Chilton,	Lindsay,	Smith,	
Clark,	Martin,	Teller,	

NOT VOTING—40.

Aldrich,	Frye,	Kyle,	Sherman,
Allison,	George,	McMillan,	Shoup,
Baker,	Gibson,	Mitchell, Oreg.	Squire,
Berry,	Gordon,	Mitchell, Wis.	Thurston,
Blackburn,	Gorman,	Morgan,	Tillman,
Blanchard,	Gray,	Morrill,	Vest,
Burrows,	Hale,	Nelson,	Voorhees,
Caffery,	Harris,	Pasco,	Warren,
Call,	Hoar,	Pritchard,	Wilson,
Cameron,	Irby,	Pugh,	Wolcott.
Daniel,	Jones, Ark.	Quay,	
Dubois,	Jones, Nev.	Sewell,	

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	McBride,	Proctor,
Bacon,	Davis,	McMillan,	Pugh,
Bate,	Elkins,	Mantle,	Roach.
Berry,	Faulkner,	Martin,	Sherman,
Blackburn,	Gallinger,	Mills,	Shoup,
Brice,	Gear,	Mitchell, Wis.	Stewart,
Burrows,	Hansbrough,	Murphy,	Turpie,
Butler,	Hawley,	Palmer,	Vilas,
Call,	Hill,	Pasco,	Walthall,
Cannon,	Jones, Ark.	Peffer,	Wetmore,
Carter,	Jones, Nev.	Perkins,	White.
Chilton,	Kenney,	Pettigrew,	
Clark,	Lindsay,	Platt,	
Cockrell.	Lodge,	Pritchard,	

The PRESIDING OFFICER (Mr. CULLOM in the chair). Fifty-three Senators having answered to their names, a quorum is present. The Secretary will call the roll on the question as to whether or not the amendment of the Senator from New Hampshire [Mr. GALLINGER] is in order.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. MITCHELL of Wisconsin (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. SEWELL].

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL], who, I think, has not voted, and therefore I withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote, not knowing how he would vote.

Mr. VILAS. I suppose the arrangement made with the Senator from Oregon [Mr. MCBRIDE] on the previous vote can stand, and the Senator from Mississippi [Mr. GEORGE] will remain paired with the Senator from Oregon [Mr. MITCHELL], and the junior Senator from Oregon [Mr. MCBRIDE] and I can vote. I vote "nay."

Mr. WETMORE. I desire to say that on the former roll call I voted under a misapprehension. Had I understood the question, I should have voted "yea" instead of "nay."

The roll call having been concluded, the result was announced—yeas 22, nays 28; as follows:

YEAS—22.

Allison,	Davis,	McBride,	Platt,
Berry,	Dubois,	McMillan,	Pritchard,
Brown,	Gallinger,	Mantle,	Stewart,
Butler,	Gear,	Nelson,	Wetmore.
Cannon,	Hansbrough,	Peffer,	
Cullom,	Lodge,	Pettigrew,	

NAYS—28.

Allen,	Chilton,	Mills,	Smith,
Bacon,	Faulkner,	Murphy,	Turpie,
Bate,	Hawley,	Palmer,	Vest,
Blackburn,	Hill,	Pasco,	Vilas,
Blanchard,	Kenney,	Perkins,	Voorhees,
Brice,	Lindsay,	Roach,	Walthall,
Carter,	Martin,	Shoup,	White.

NOT VOTING—40.

Aldrich,	Elkins,	Irby,	Quay,
Baker,	Frye,	Jones, Ark.	Sewell,
Burrows,	George,	Jones, Nev.	Sherman,
Caffery,	Gibson,	Kyle,	Squire,
Call,	Gordon,	Mitchell, Oreg.	Teller,
Cameron,	Gorman,	Mitchell, Wis.	Thurston,
Chandler,	Gray,	Morgan,	Tillman,
Clark,	Hale,	Morrill,	Warren,
Cockrell,	Harris,	Proctor,	Wilson,
Daniel,	Hoar,	Pugh,	Wolcott.

So the amendment proposed by Mr. GALLINGER was decided to be not in order.

Mr. LODGE. A vote being refused on that amendment, I now move to lay the whole amendment on the table, and on that I ask for the yeas and nays.

Mr. FAULKNER. I do not think that can possibly be done. The Senate has adopted the amendment, and having adopted the amendment, it is not within the province of the Committee of the Whole to consider it in any form.

Mr. LODGE. It has been since amended.

The PRESIDING OFFICER. The Chair is informed that it has not been amended since adopted by the Senate, and it is not now in order to move to lay the amendment upon the table, the Chair thinks.

Mr. LODGE. There was an amendment inserted, as I understand, making provision for a tribe of Indians in Alaska, which is a part of the amendment.

Mr. GALLINGER. There is no doubt about that.

Mr. LODGE. If there is not any doubt about that fact——

The PRESIDING OFFICER. The Chair is not familiar with the history of the amendment, but the Chair is informed that the amendment referred to by the Senator from Massachusetts was a separate amendment, and is not an amendment to the amendment which has been adopted.

Mr. LODGE. I think the Chair is misinformed.

Mr. GALLINGER. That is a mistake. That was an amendment to a pending amendment, and it was adopted.

Mr. PETTIGREW. As I understand, the amendment offered by the committee was adopted. Afterwards the Senator from Massachusetts offered an amendment, which was an amendment to the bill, and that was accepted and adopted. I do not think the motion to lay upon the table, therefore, can possibly be in order.

Mr. GALLINGER. That is not the parliamentary status.

The PRESIDING OFFICER. According to the information furnished the Chair by the Secretary, the amendment of the committee was adopted and the amendment subsequently offered was a separate amendment and not necessarily connected with the committee amendment.

Mr. LODGE. I ask that the amendment be read as it now stands.

Mr. JONES of Arkansas. I suggest that the amendment of the committee was adopted by a yea-and-nay vote.

The PRESIDING OFFICER. That is true.

Mr. GALLINGER. It is proper that I should make a statement in this connection. I had an amendment to the committee amendment, which I would have offered had I not got unanimous consent to offer it as an amendment to the amendment after the vote upon the committee amendment. Accepting that unanimous consent as covering that ground, I withheld my amendment and offered it under the unanimous agreement, and it became a part of the committee amendment to the bill.

Mr. LODGE. I call for the reading of the amendment as proposed by the committee and as it now stands.

The PRESIDING OFFICER. The amendment will be read. The Chair is only aware of the situation as informed by the Secretary.

Mr. JONES of Arkansas. I should like to call attention also to the fact that when the proposition was made that the Senator from New Hampshire should have leave to offer the amendment it was not suggested that it should be offered as an amendment to an amendment, but that he should have permission to offer the amendment, which he had the right to do. It was an amendment to the bill after the bill had been amended by a yea-and-nay vote of the Senate.

Mr. GALLINGER. On Saturday last I had stated half a dozen times that I proposed to offer this amendment to the committee amendment. It was perfectly well understood in the Senate, and this discovery is something new in reference to the parliamentary status.

Mr. LODGE. The Senator from New Hampshire had unanimous consent to offer two amendments, and the second one has just been thrown out by the Senate on a point of order, though he had unanimous consent to offer both of them.

Mr. GALLINGER. Certainly.

Mr. LODGE. And, therefore, I feel at liberty to offer my motion.

The PRESIDING OFFICER. The Secretary will read the amendment referred to by the Senator from Massachusetts.

The SECRETARY. In line 18, page 45, after the word "Alaska," insert:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. GALLINGER. I ask that the Secretary read the entire amendment of the committee as it stands.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. After the word "dollars," in line 16, page 45, insert:

Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of the Indians in Alaska; and it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

Mr. GALLINGER. That will do.

Mr. FAULKNER. All that has been adopted; and the Senate having adopted it, it is beyond the province of the Committee of the Whole to interfere with it.

Mr. LODGE. The amendment has been amended since it was adopted.

Mr. FAULKNER. But that does not make the slightest difference.

The PRESIDING OFFICER. The Chair is advised that it is not in order at this time to strike out what has been already voted into the bill.

Mr. LODGE. That rule was suspended by unanimous consent by the insertion of the paragraph just read.

The PRESIDING OFFICER. The Chair decides that it is not in order now to move to lay the amendment as amended upon the table.

Mr. LODGE. Then I shall make the motion later.

The PRESIDING OFFICER. The motion can be made later in the Senate, when the bill reaches that point.

Mr. MANTLE. Mr. President, on Saturday last I offered an amendment to the pending bill which properly should be considered at this point. For information, I ask that the amendment be now read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. At the end of line 5, on page 46, it is proposed to insert:

And provided further, That for the purchase, lease, repair, and construction of school buildings and the purchase of school sites for the use and accommodation of Indian pupils now being educated under the contract system, the sum of $1,000,000; and the Secretary of the Interior is hereby authorized and directed to expend this sum, or as much thereof as may be necessary, for this purpose, and to have such schools in readiness for the use and accommodation of said pupils on or before the 1st day of July, 1898.

The PRESIDING OFFICER. The Chair will inquire of the Senator in charge of the bill whether it is his purpose to go through with the committee amendments before amendments from individual Senators are received, or whether he is willing to have other amendments offered and acted upon as the reading of the bill proceeds?

Mr. PETTIGREW. My purpose is—and that was the order of the Senate—that the committee amendments shall be disposed of first. I think, however, the Senator from Montana simply wishes to make a statement and then withdraw his amendment.

The PRESIDING OFFICER. If there be no objection, the amendment of the Senator from Montana is before the Senate.

Mr. MANTLE. Mr. President, with the indulgence of the Senate, I merely desire to say that since offering the amendment I have been informed by the chairman of the Committee on Appropriations that the Commissioner of Indian Affairs gives it as his opinion that the appropriation already provided by the committee amendment is sufficient to cover all the purposes of making provision for the education of Indian pupils under Government control, and that he believes that all necessary arrangements can be perfected by July 1, 1898. Such being the case, Mr. President, it is manifestly unnecessary that the amendment should be acted upon, and I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The amendment is withdrawn. The reading of the bill will be resumed.

The reading of the bill was resumed at line 6 on page 46. The next amendment of the Committee on Appropriations was, under the head of "Support of schools," on page 48, after line 17, to insert:

For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau School, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

Mr. GALLINGER. Before the proposed amendment of the committee is voted on I should like to ask the Senator from South Dakota in charge of the bill what the necessity is for this expenditure of $8,000 for the purchase of 320 acres of prairie land adjoining the Flandreau (S. Dak.) Indian School?

Mr. PETTIGREW. This school has been enlarged from a school with a capacity for 150 students to one with a capacity for 300 students. The superintendent of the school urged the purchase of a section of land, so as to embrace the Sioux River in the school farm. The Commissioner of Indian Affairs recommends the purchase of 320 acres of land. The superintendent of the school recommended the purchase of this identical tract with an additional tract equal in area. The land described in this amendment adjoins the school tract and reaches the Sioux River. The superintendent of the school thought the land could be purchased for $30 per acre. I thought it could be purchased for $25 per acre.

This school is located at the county seat of Moody County, and within a very short distance of the center of the town, and, therefore, farming lands there are more valuable than they would be at a greater distance away.

Mr. GALLINGER. How far is the land from the town?

Mr. PETTIGREW. About three-quarters of a mile.

Mr. GALLINGER. I would further ask the Senator from South Dakota how much farming land they have now at the Flandreau Indian School, in South Dakota?

Mr. PETTIGREW. About 80 acres. There are 160 acres in the school tract, part of which is planted in timber and the rest of it is occupied by the buildings and school grounds.

Mr. GALLINGER. Let me ask the Senator, if we pass this amendment and it becomes part of the statute, who is to make this purchase? I notice that there is a limitation put upon this provision. But I will call the Senator's attention to a subsequent amendment upon which there does not seem to be a limitation as to the price paid per acre. Who is to make the purchase?

Mr. PETTIGREW. I suppose it will be done under the direction of the Secretary of the Interior, the same as the expenditure of all other appropriations under this bill.

Mr. GALLINGER. Mr. President, I am not distinguished as an economist—I mean that in the sense of being economical in voting the people's money for public purposes. I have contended for liberal and sometimes for extravagant appropriations, very likely. But it seems to me that we have come to a point in our national history that commands every Senator of the United States who is here in the capacity of a lawmaker to call a halt on the indiscriminate use of the public moneys for purposes we can get along without.

Here we have a proposition to purchase 320 acres of prairie farming land at $25 an acre in the State of South Dakota. Why, Mr. President, there are hundreds of thousands of dollars of mortgages held in the little State that I have the honor in part to represent upon land in those Western States, where the men who loaned their money upon it can not realize $5 an acre, and certainly not $10 an acre, and during the last political campaign we were treated to elaborate discussions, as we have been in the Senate of the United States by Senators representing those Western farming regions, and we have been told that the policy of this Government—the gold policy, as they are pleased to denominate it—has utterly ruined the agricultural interests of the great West and has destroyed the value of farm lands to an extent that is fearful to contemplate; and yet we are asked here to go in the country—I myself have driven past this Flandreau school in South Dakota—and pay $25 an acre for 320 acres of prairie land. I do not believe we are prepared to make any such bargain as that.

Concerning this matter of farming, so far as the Indians are concerned, here is a people who have been in direct contact with the whites in this country from the foundation of our Government; they have observed all our processes of civilization, including that of agriculture, and yet, at the very close of the nineteenth century, we are paying out of the public funds money to send men to those Indians to teach them how to farm.

Turn back to page 9 of the bill, and you will find that we have provided that certain farmers and stockmen shall go to those agencies, and we shall pay them out of the public funds to instruct the Indians in the method of plowing up that prairie land, planting corn and sowing wheat and gathering pumpkins.

I do not believe it is a legitimate or proper expenditure of the public funds, and I do not believe we ought to put upon the bill this provision of general law which I have no doubt is horrifying to the Senator from Wisconsin, who does not chance to be in his seat now, whereby we go into the business of purchasing 320 acres of prairie farm land at $25 an acre. I have not very much regard for the Indian as an agriculturist. He may be entitled to a great deal of credit in other directions, but as a farmer he is a monumental failure. I do not believe we are going to do ourselves justice if we vote large sums of money out of the public Treasury to try to educate him after he has had an opportunity to learn to plow and sow for one hundred and fifty or two hundred years.

Now, I am not quite sure what these men who are sent out to the Indians to instruct them in farming are going to teach the Indians. I clipped the other day from one of the leading journals of this country an editorial, by its agricultural editor no doubt, concerning the work that is being done in the Agricultural Department here, for which we are paying vast sums of money—millions of dollars. It is entitled "Secretary Morton's masterwork," and I suppose these farmers who are going out there will probably take this little brochure with them to instruct the Indian how to raise chickens. I wish to read this editorial for the benefit of the Senator from South Dakota, who is something of a farmer himself.

During Mr. Morton's term of office as Secretary of Agriculture he has enriched modern literature with works of the most erudite character; in fact, it may be said of people who have read them that "still they gazed, and still the wonder grew, that one small head could carry all he knew." But now that he is about to retire from the duties of office he has evidently determined that there shall be some particular thing by which the country shall remember him, and so he has devoted his powers of intellect to the preparation of what may be called his opus magnus, the crowning achievement of a life that has been devoted to the welfare of his country.

This work is in the form of a bulletin which deals with tapeworms in poultry. This is a subject which has hitherto been sadly neglected, and when it is learned that a mild and inoffensive chicken is sometimes made the repository of thirty-three distinct, separate, and known varieties of tapeworms, besides being a hiding place for others that may be styled irregulars or guerrillas, it can be seen that it was time that the problem of how to free the chicken from such thraldom should be solved.

All of these parasites have high-sounding and formidable names, and it is fearful to think that the chicken which is scratching the onion bed or indulging in some other equally innocent occupation bears within it an enemy of the name of Bothriocephalidæ. How a chicken can carry around such a burden, augmented, too, by the weight of more than a score of other parasites of equally as aristocratic titles, is puzzling to understand, and a chicken

so burdened could truthfully say, with Hamlet, "I have that within me which passes show."

It is to the destruction of these things that Secretary Morton is directing all his energies. In fact, he puts the matter so plainly before the public that there is no reason why anybody who has chickens should not be able to destroy the whole array of tapeworms. All that is necessary is to prevent the chickens from eating the larvæ from fishes, earthworms, slugs, snails, and house flies. Once that has been accomplished, the way to freedom is clear. A notice posted on the fence or hung from the roosts in the hen house would undoubtedly prove a warning to every sensible chicken and lead it to change its diet. It is scarcely possible that a chicken would longer indulge in a dinner of earthworms and slugs after knowing that the natural result would be the presence in its anatomy of Mr. Bothriocephalidæ. Mr. Morton has once again proved himself to be a public benefactor.

It has occurred to me that if these 320 acres in South Dakota are to be devoted to chicken farming with this bulletin of knowledge that has been issued from the Agricultural Department at the expense of the taxpayers of this country, it might possibly be well to vote this donation; but I do not apprehend it is for any such purpose. This Indian school has now 80 acres of land, for which the Government has paid good money. It is now proposed all at once to increase those 80 acres to 400 acres, and then we will send out farmers from the Everglades of Florida and the ice-bound coasts of New England to teach those Indians how to cultivate 400 acres of prairie land for which the Government has paid its money that belongs to the taxpayers of this country.

I am against it. I notice, on turning to page 52, that the distinguished Senator from South Dakota, who, of course, knows a great deal more about this matter than I presume to know, has made another provision. He goes out to Pierre, near the capital of the State, where a farm is discovered that he is going to buy, and he is going to pay $50 an acre for it, and there is no provision that we shall pay less than $50 an acre. That is the flat price for which this South Dakota farm is to be sold to the Government for the purpose of enlarging the farm of another Indian school. These provisions are put into the bill by the committee of which the Senator is chairman. They are general legislation, obnoxious to the rule had they not been reported by the standing committee. I think the Senator from Wisconsin ought to be in his seat and raise his hands in holy horror at this introduction into appropriation bills of matters that carry general legislation.

I do not believe we want the farm at Flandreau at $35 an acre; I do not believe we want the farm at Pierre at $50 an acre. So long as these Indians are too lazy to cultivate the land they occupy; so long as we are sending men from all over the country out there at the expense of the taxpayers to teach them how to cultivate the land they occupy, it seems to me we had better consider their comfort a little and let them rest in peace, quietude, and happiness on the acres they already have through the benefaction of this great and generous Government of ours.

The Senator from South Dakota, of course, has a good reason why we should go into this purchase by the wholesale of agricultural lands in his State at the expense of the Government, and for the supposed benefit of the Indians who chance to inhabit South Dakota. But these are days when it is the duty of every honest legislator to keep from every appropriation bill that passes Congress every single dollar of appropriation we can get along without, and I trust that the House of Representatives may not be burdened with this amendment, that the committee of conference may not be compelled to spend its valuable time considering this matter, but that the Senate may take it in hand, and may say to the Senator from South Dakota and the distinguished committee of which he is a member, "We do not propose to go into the purchase of farming lands in South Dakota, 320 acres in one instance and 100 acres in another, when we do not need them, when the condition of the public Treasury does not warrant any such ridiculous expenditure."

Mr. PETTIGREW. I think this provision is pretty well guarded. It provides that we shall purchase this land at a price not exceeding $35 an acre, and use so much of the appropriation as is necessary. Now, the necessity for the farm has not been discussed by the Senator from New Hampshire, and I presume by his speech and the reading of the extract he has accomplished the object for which he rose. It seems to me that instead of trying to confer upon these Indians a college education, a practical education is what they need more than anything else, and that if we should teach them to read and write the English language, the rudiments of mathematics, and then give something practical in the way of farming, so that when they return they can make a living, we shall have accomplished a better purpose than by bringing them on the cars, for instance, to Carlisle or Hampton or to the Lincoln Institute at enormous expense to give them purely a classical education.

Therefore I think a good purpose is served in securing a sufficient amount of land to employ these boys. At this school there will be 150 Indian boys, and 400 acres of land is none too much. Perhaps it is not necessary for them to learn to read the bulletins, to become familiar with scientific terms about chickens, but they should be taught how to manage cattle and farm animals and to till the soil. That is the most important education we can confer upon them; and the committee thought it was wise to make this provision.

Mr. JONES of Arkansas. I think in a matter of this importance (with very much of the criticism which the Senator from New Hampshire has so well stated I agree) that the Senate ought at least to be advised of what the opinion of the Secretary of the Interior and the opinion of the Commissioner of Indian Affairs are on this purchase or the necessity for it; and I hope the Senator in charge of the bill, a member of the Committee on Appropriations, will have the recommendation from the Secretary of the Interior or the Commissioner of Indian Affairs read to the Senate for its information and guidance.

Mr. PETTIGREW. I will say that I have not those papers here, but we can pass over this item.

Mr. GALLINGER (to Mr. PETTIGREW). Make the statement, and I will accept it.

Mr. PETTIGREW. The superintendent of schools recommends the purchase of the entire section of land, so as to embrace the Sioux River. The committee thought that one-half of it would be sufficient, and therefore designated that half of the section which does embrace the river, for farm purposes. The Commissioner of Indian Affairs and the Secretary of the Interior recommend the purchase not only of this tract, but also of the other tract, at Pierre, S. Dak. If the item is passed over, I will secure those letters, if the Senator desires.

Mr. JONES of Arkansas. I hope the item will be passed over, and that the Senator will have the recommendations of those officials read before the amendment is voted upon.

The PRESIDING OFFICER (Mr. GEAR in the chair). The amendment will be passed over, without objection.

The reading of the bill was resumed, and continued to the end of line 14, on page 49.

Mr. HANSBROUGH. I offer an amendment, to be added after line 14, on page 49.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 14, on page 49, it is proposed to insert:

That the unexpended balance of the appropriation for the support of this school during the present fiscal year is hereby reappropriated, to be used under the direction of the Secretary of the Interior in the work of repairing and furnishing the buildings at this school.

Mr. PETTIGREW. I have no objection to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 49, line 20, before the word "hundred," to strike out "eight" and insert "seven;" in line 21, after the word "dollars," to insert "for extension and completion of steam plant, $6,000; for erection of warehouse, $3,000; for erection of barns, $3,000; for repairs of hospital, $1,000; for erection and equipment of laundry, $2,500;" and on page 50, line 3, before the word "hundred," to strike out "fifty-six thousand nine" and insert "seventy-two thousand three;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., at $167 per annum each, $50,100; for general repairs and improvements, $3,000; for pay of superintendent of said school, $1,700; for erection of shops and equipping the same, $2,000; for extension and completion of steam plant, $6,000; for erection of warehouse, $3,000; for erection of barns, $3,000; for repairs of hospital, $1,000; for erection and equipment of laundry, $2,500; in all, $72,300.

The amendment was agreed to.

The next amendment was, on page 50, line 9, after the word "dollars," to insert "for addition to schoolroom, $3,200," and in line 12, before the word "hundred," to strike out "twenty-seven thousand five" and insert "thirty thousand seven;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Grand Junction, Colo., at $167 per annum each, $25,050; for pay of superintendent at said school, $1,500; for general repairs and improvements, $1,000; for addition to schoolroom, $3,200; in all, $30,750.

The amendment was agreed to.

The next amendment was, on page 51, line 25, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred;" and on page 52, line 4, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For support and education of 400 Indian pupils at the Indian school at Phœnix, Ariz., at $167 per annum each, $66,800; for pay of superintendent at said school, $1,800; for general repairs and improvements, $3,000; for erection of additional buildings, $30,000; for erection of shops and equipment of same, $3,000; in all, $104,600.

The amendment was agreed to.

The next amendment was, on page 52, after line 10, to insert:

For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000.

Mr. GALLINGER. I ask that this amendment may go over with the other amendment just passed over.

Mr. PETTIGREW. Let it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 52, line 22, after the word "dormitory," to insert "to be built of stone;" so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at $167 per annum each, $16,700; for pay of superintendent at said school $1,200; for general repairs and improvements, $2,500; for school building and dormitory, to be built of stone, $10,000; in all, $30,400.

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "hundred," to strike out "eight" and insert "six;" and in line 17, before the word "hundred," to strike out "five" and insert "three;" so as to make the clause read:

For the support and education of 250 Indian pupils at the Indian school, Salem, Oreg., at $167 per annum each, $41,750; for pay of superintendent at said school, $1,600; for general repairs and improvements, $5,000; for steam-heating plant, $10,000; in all, $58,350.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the word "hundred," to strike out "eight" and insert "six;" and in line 9, before the word "and," to strike out "sixty-three thousand" and insert "sixty-two thousand eight hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Santa Fe, N. Mex., at $167 each per annum, $41,750; for pay of superintendent at said school, $1,600; for water supply for irrigation and fire protection, $1,500; for general repairs and improvements, $8,000; for erection of additional buildings, $10,000; in all, $62,850.

The amendment was agreed to.

The next amendment was, on page 54, line 22, before the word "hundred," to strike out "five" and insert "four;" and on page 55, line 1, before the word "hundred," to strike out "three" and insert "two;" so as to make the clause read:

For the support and education of 125 Indian pupils at the Indian school, Tomah, Wis., at $167 per annum each, $20,875; for pay of superintendent at said school, $1,400; for general repairs and improvements, $6,000; for erection of school building, $10,000; in all, $35,275.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

That the Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.

The amendment was agreed to.

The next amendment was, on page 55, line 19, after the word "with," to strike out "the rules" and insert "such conditions, rules;" and in line 20, after the word "the," to insert "conduct and methods of instruction and;" so as to make the clause read:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

Mr. GALLINGER. I should like to have the Senator from South Dakota in charge of the bill explain to the Senate the need of the proposed amendment on the fifty-fifth page. The House legislated as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with the rules and regulations as to the expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

The committee seem to have injected into this provision something about the conduct and methods of instruction. I do not see why we should dictate to the Secretary of the Interior or the Commissioner of Indian Affairs that they should take cognizance of the methods of instruction in these schools. We are paying superintendents and teachers for that purpose, and it strikes me that the amendment is entirely unnecessary, and that it had better not be adopted.

Mr. PETTIGREW. The committee thought this wording was better, and would tend to a better expenditure of the money. I think it is largely a matter of opinion. It is for the Senate to decide whether one wording or the other shall be used. The wording of the bill as it comes from the other House simply gives greater latitude than the wording proposed by the Senate committee.

Mr. GALLINGER. I should like to ask the Senator what he understands the term "conduct and methods of instruction" to signify? What is it that the Secretary of the Interior and the Commissioner of Indian Affairs are going to do different from what has been done in these schools? What does it include? Is it as to whether the pupils shall study algebra or something else, or is it something outside of the ordinary studies pursued in the common schools of this country? That is the point I wish the Senator from South Dakota to answer.

Mr. PETTIGREW. I will say that my opinion as to what the words mean is a matter of entire indifference. The Senator has his own opinion, probably.

Mr. GALLINGER. I submit that it is not a matter of entire indifference to the Senate. The Senator brings in a bill; he amends the House provision, and then he cavalierly says to a Senator who asks him a civil question that it is a matter of no consequence what he believes or what the committee believes. I will not press the matter, and will not even take the trouble to vote on it; but the Senator's answer is not such an answer as he should give as to a change in a statute which is a great deal of concern to the American people. I am willing to have it passed over.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed, beginning with line 1, page 56.

Mr. BATE. I believe it was agreed that this provision should be passed over until we got through the reading of the bill, when we shall return to it.

Mr. PETTIGREW. I suggest that we temporarily pass over pages 56, 57, and 58, and down to line 7 on page 59, and dispose of the other committee amendments.

Mr. BATE. That is right. That is the way we did at the last session, and I think it is proper that it should be done now.

The PRESIDING OFFICER. At the suggestion of the Senator from Tennessee, agreed to by the Senator from South Dakota, the matter referred to will be passed over.

Mr. VILAS. What was done with the amendment to which the Senator from New Hampshire [Mr. GALLINGER] objected?

The PRESIDING OFFICER. It was agreed to.

Mr. VILAS. I hoped to see the objection of the Senator from New Hampshire prevail.

The PRESIDING OFFICER. The Senator from New Hampshire did not object.

Mr. VILAS. If the matter has been disposed of, I will not object.

Mr. PETTIGREW. The question can be treated as still open, if the Senator from Wisconsin desires to discuss it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, after line 14, to strike out:

For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.

Mr. MITCHELL of Wisconsin. I trust the committee will not insist on striking out this item. It is a small affair. The appropriation is recommended by the local agent and also by the Commissioner of Indian Affairs.

Mr. PETTIGREW. I have a letter from the superintendent of that school which perhaps I had better have read, and I think it gives the Senator the information desired.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
INDIAN SCHOOL SERVICE,
OFFICE OF SUPERINTENDENT
ONEIDA INDIAN INDUSTRIAL SCHOOL,
Oneida, Wis., February 5, 1897.

MY DEAR SIR: Referring to the CONGRESSIONAL RECORD of January 23, 1897, page 1312, we find the amendment to the Indian appropriation bill reading as follows: "At the foot of page 51, after line 24, add the following words: 'For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.'"

As you are the chairman of the Committee on Indian Affairs in the Senate, and since the bill must soon come before your committee, I have the honor to say that what is intended is the purchase of an electric-light plant, including engine, dynamo, switch board, wiring, lamps, etc., and should the amendment pass your honorable body and become a law, I am somewhat afraid that this amendment would cover only the purchase of a dynamo.

It seems to me that it would be better were this wording changed a little and the words "engine and other fixtures" added after the word "dynamo;" so that the amendment would read: "For the purchase of an electric dynamo, engine, and other fixtures, and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000."

I would most respectfully ask your consideration in this matter, and if in your judgment you deem it advisable, would request that you have the House bill amended accordingly.

Very respectfully,
CHAS. F. PEIRCE,
Superintendent.

Hon. JAMES K. JONES,
United States Senate, Washington, D. C.

Mr. PETTIGREW. I will say that I have no objection to the clause being corrected to conform to the letter, if the Senator from Wisconsin desires it.

Mr. MITCHELL of Wisconsin. I suggest that the language proposed by the superintendent be inserted, and that the committee amendment be rejected. I move to add, after the word "dynamo," in line 15, page 59, the words "engine and other fixtures;" so as to make the clause read:

For the purchase of an electric dynamo, engine, and other fixtures, and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to

the amendment reported by the Committee on Appropriations, to strike out lines 15 to 17, inclusive, on page 59.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 59, after line 17, to insert:

The Secretary of the Interior is hereby authorized to continue the employment of the surveyor on the Nez Perce Indian Reservation in Idaho for six months after the termination of his services for two years, as provided in the fourth article of the agreement with the Nez Perce Indians, ratified and confirmed by the act of August 15, 1894, his compensation, at the rate of $1,200 per annum, to be paid from any surplus remaining of the $10,000 set apart by said article for the purchase of two portable sawmills.

The amendment was agreed to.

The next amendment was, on page 60, line 15, after the word "dollars," to insert the following proviso:

Provided, That hereafter whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment, or any part thereof, the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding three years for farming or grazing purposes, or five years for mining or business purposes.

The amendment was agreed to.

The next amendment was, on page 60, line 25, after the word "construction," to insert "of ditches and reservoirs;" in the same line, after the word "purchase," to strike out the comma; on page 61, line 1, after the word "irrigating," to strike out "machinery;" in the same line, after the word "tools," to strike out the comma; in line 3, before the word "thousand," to strike out "thirty" and insert "forty;" and in line 4, after the word "dollars," to insert:

And of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work, at a compensation not to exceed $100 per month each, and not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

So as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, $40,000; and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work, at a compensation not to exceed $100 per month each, and not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For the survey of lands in the Cheyenne River Indian Reservation, in the State of South Dakota, $20,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the whole of said reservation as soon as possible, without reference to the location of allotments to Indians on said reservation.

The amendment was agreed to.

The next amendment was, on page 61, after line 21, to insert:

For examination in the field of the surveys made within the Cheyenne River Indian Reservation, in South Dakota, including clerical work in the office of the surveyor-general, $4,000.

Mr. CHILTON. I should be glad to have an explanation of that amendment, if the Senator from South Dakota will be good enough to make it.

Mr. PETTIGREW. The reservation is a very large one, there being about 1,000 acres of land for every man, woman, and child upon it. The reservation was established in 1889 and these Indians placed upon it. Under the treaty of 1889 it was provided that the lands should be surveyed and allotments made to the Indians. Yet in spite of this fact no surveys have ever been made upon this reservation. I have tried for several years to secure surveys of the reservation, so that allotments could be made, but I have been unable to do so for some reason. It is a well-known fact that there are three or four families—Frenchmen who have married Indian women—who have from thirty to forty thousand head of cattle and graze this entire area, and it is for their interest not to have it surveyed. I do not know anything about the influence they may exert, or whom they influence, or what they do, but for some reason we have been unable to get these lands surveyed, so that allotments can be made to the Indians. It seems to me it is an exceedingly important provision.

Mr. CHILTON. As I understand the Senator, the law heretofore provided for a survey, but it has not been carried out.

Mr. PETTIGREW. It has not been carried out.

Mr. CHILTON. I think on that statement the amendment should pass.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 62, after line 20, to insert:

For resurvey of the lands of the Chickasaw Nation, Indian Territory, $141,500, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys.

Mr. GALLINGER. This seems to be a provision for a resurvey of the lands of the Chickasaw Nation, and the very large appropriation of $141,500 is to be made for this purpose, and it is to be immediately available. As a matter of information (and I trust that the Senator from South Dakota will be a trifle more courteous to me than he was when I last appealed to him for information), I desire to ask the Senator what the immediate necessity is, considering the deplorable condition of our Treasury, to appropriate $141,500 for a resurvey of lands that must have been surveyed or else it could not be a provision for a resurvey?

Mr. PETTIGREW. I will say, in the first place, that these lands were surveyed many years ago, but from all appearances they were surveyed not on the ground, but in Washington or somewhere else. There is no evidence of the survey. Notes were made up; it is possible that the surveyors went into the field; but from an investigation on the ground, it is found that there are no corners remaining, and no trace of the survey. If it was made, it was so erroneously and badly made that to retrace it would cost more than to resurvey it.

Mr. GALLINGER. I will inquire of the Senator if this appropriation has been asked for by the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. PETTIGREW. It has been recommended by the Geological Survey. I do not know whether it is asked for by the Commissioner of Indian Affairs or not. In fact, it is not under his supervision. He has nothing to do with it. This is one of the Five Civilized Tribes. It is in that country where we are trying to break up a form of government which is uncivilized and intolerable, and it is necessary to dispose of the title to the lands before we can break up the tribal ownership of the property. Therefore we have provided for a survey of all the lands embraced in the other nations in the Indian Territory. That survey will be completed by the appropriation provided for on page 62, just preceding this appropriation, and this appropriation will complete the work. It seems very important that it should be completed. It is exceedingly important that something should be done to break up the conditions which exist in that country; for it is a remarkable fact that, with a population among the Five Civilized Tribes of about 400,000 people, there is on an average a murder committed every day. There were 365 murders last year among this sparse population. They own a tribal patent for the land, and until we can subdivide in some way those lands and the title is conferred upon the individuals who belong to the tribe, and their tribal government is broken up, these conditions must continue.

Mr. GALLINGER. I ask the Senator when was the original survey made of these lands?

Mr. PETTIGREW. I can not give the date, but it was many years ago.

Mr. GALLINGER. Are there any plats in existence, so far as the Senator knows?

Mr. PETTIGREW. I understand that the plats were made.

Mr. GALLINGER. Does the Senator think this is a pressing matter that we ought at this juncture——

Mr. PETTIGREW. It is a very pressing matter.

Mr. GALLINGER. To still further deplete the Treasury and perhaps create the necessity of issuing bonds, which always troubles the Senator from South Dakota when we do it, to carry on the affairs of the nation. Does the Senator think this is a pressing necessity at this time?

Mr. PETTIGREW. It is undoubtedly a pressing necessity. Of course I do not care to go into a discussion of the financial question on the pending bill unless we must do it, but the President of the United States only a few weeks ago informed us that there was a surplus of $125,000,000 in the Treasury, and that there was no deficiency, and no prospect of any.

Mr. GALLINGER. Of course the Senator himself has informed the Senate that that is not according to the facts, so that the point he has made now is without potency. I take it we could not have a vote on this question unless we called for a quorum of the Senate. I am not proposing to do that; but I submit that if this is the way the Senate is going on to increase the expenditures of this Government beyond that which the House of Representatives proposes to do, if this is a sample of all the appropriation bills that are to come before us during the present Congress, a condition of things more deplorable than now exists will confront us in the near future.

Mr. JONES of Arkansas. I was absent from the Chamber for a few moments. I have just now come in, and I notice what has been under discussion.

I wish to say to the Senator from New Hampshire that while I sympathize with many of his criticisms and much he has been

saying through the day, there is no doubt of the absolute necessity for this appropriation for the resurvey of the lands of the Chickasaw Nation. That country was to be surveyed under a treaty between that nation and the United States made years and years ago. The survey that was made forty, or possibly fifty years ago, was so defectively made as to be now absolutely worthless. There is only now and then a marked corner in the entire country. There are miles and miles where there can not be the slightest indication found of the previous survey made. There were field notes, there were reports made, and they are matters of record, but there is nothing on the ground to show the subdivisions of the land. There are a great many people there; the country is being filled up by white people as well as by Indians. These lands ought to be subdivided as near as possible and allowed to go into the possession of those Indians, and it is necessary that a survey shall be made preliminary to any such division.

There can be no question that this survey ought to be made, in my judgment. It has been strongly recommended by the Commissioner of Indian Affairs and by the Director of the Geological Survey, who has immediate charge of the surveying of that country. They both urge the necessity of a sufficient appropriation to allow the survey to be made, and I hope the Senate will retain the amendment proposed by the committee.

Mr. GALLINGER. I desire only to add——

Mr. VILAS. I ask the Senator from New Hampshire to allow me to ask one question?

Mr. GALLINGER. Certainly; I always yield to the Senator from Wisconsin except when he proposes to violate a unanimous-consent agreement and make a point of order. I always yield to him on other occasions.

Mr. VILAS. The Senator from Wisconsin never makes any such proposals, I am sure.

I should like to inquire whether there have not been conveyances with reference to the old survey? The old survey, however indistinct its monuments may now be from lapse of time, would, of course, control titles so far as sales had been made by descriptions with reference to the plat and field notes of the old survey. Is there not danger that unless this new survey shall be directed to reestablish the old there will be a confusion in the surveys made under the direction of the Director of the Geological Survey and those made under the direction of the surveyor-general some time past?

Mr. JONES of Arkansas. There can be no such difficulty as is suggested by the Senator from Wisconsin, from the fact that there have been no conveyances of any of these lands. They belong to the Chickasaw Nation. They have not been divided in severalty; they are held by the nation in common. The difficulty is that there are simply no marks in almost all cases. There is now and then a corner mark, but they are very rare. I presume the survey which will be made under the direction of the Geological Survey will be a practical reestablishment of the old lines. I have very little doubt that that will be the case. But there will be no difficulty about any conveyance, for under the old surveys none has been made.

Mr. VILAS. It might be well to direct the reestablishment of the old lines as far as possible.

Mr. GALLINGER. Mr. President, I have only an added word on this question. If I believed that there was danger of this provision becoming a law, violative as it is of the rules of the Senate, it being general legislation upon an appropriation bill, I should call for a quorum of the Senate and for a vote upon the question and put myself on record. But, fortunately, we have a Republican House. This is not a Republican Senate. That Republican House is economical. It proposes, so far as is possible, as it did in this bill, to keep the appropriations down to as low a point as possible. The Senate seems determined to swell them beyond all conscience. I believe, and I have faith to believe, that when this matter gets before the conference committee it will disappear from the bill and not trouble the Treasury.

Mr. PETTIGREW. I am not disposed to allow the statement of the Senator from New Hampshire to go unchallenged. His effort at economy can be well exercised when we come to those great appropriation bills which carry so many million dollars.

Mr. GALLINGER. I am going to follow it up.

Mr. PETTIGREW. I hope the Senator will follow it up. Economy can not be practiced by trying to strike off small items of appropriation for things absolutely necessary. I can point the Senator to bills where he can exercise his genius in the way of economy to great advantage.

Mr. GALLINGER. I have discovered them.

Mr. PETTIGREW. The Senator can decrease the appropriation for our vessels that will not float, especially if the water is at all deep. They need something under them to hold them up. He can stop the building of battle ships. With the treaty of arbitration there is no necessity for $10,000,000 for fortifications. There are numerous other items in the same direction. In this bill the Committee on Appropriations have increased the House appropriations less than $300,000.

The Senator talks about a Republican House and its economy. I wish to call his attention to the fact that it is currently reported that the appropriations of this Congress made by the House of Representatives are $40,000,000 more than ever before, and will amount to $1,040,000,000. If we are going into a political debate over the Indian appropriation bill, we can talk out the session, and I am fully as willing to do it if it is necessary, as the day is long.

Mr. GALLINGER. Mr. President, a single observation. The Senator from South Dakota is not quite fair when he states what the appropriations will be at the end of this Congress. No man is wise enough to know what they will be until we come to make a tabulation when the Congress has come to an end.

I do not agree with the Senator in his criticisms of our Navy. I do agree with the House of Representatives in changing their mind and not providing in the present naval appropriation bill for the construction of another battle ship. While, under ordinary circumstances, if the Treasury was in funds, I should be in favor of continuing the building of battle ships, so that this country might take the position that properly belongs to it among the nations of the world, I think that the House has acted wisely in doing, as I understand they have done, in dropping out the provision that they originally had inserted in the naval appropriation bill for the construction of one more battle ship. We have had some trouble with the battle ships; it may be that they are somewhat experimental; but I have not discovered that anything has occurred to warrant the opinion that our expenditure of money for that purpose, or for the purpose of fortifications, has been an idle expenditure.

The Senator talks about an arbitration treaty. Mr. President, that arbitration treaty is where the Senator knows it is. While I support it, I do not expect it is going to be ratified in the immediate future. I think it is not disclosing any secret of the executive session when I state that much.

The Senator, of course, is more interested in the purchase of farms for Indian schools in South Dakota than he is for battle ships, or almost any other kind of a ship. I traversed to a very considerable extent the Senator's State. It is a great State; but I did not see water enough to sprinkle a lawn in the entire State except as they got it from artesian wells. Of course, he does not care much for battle ships as far as his people are concerned, but some of the rest of us have a greater interest in our naval armament and in the proper fortification of our coast than the Senator has. He can retreat to the Black Hills in the case of an invasion, and he is all right; but those of us who live on the coast may not be able to get so far away from the scene of hostilities.

Now, Mr. President, this is all I care to say. I have no fear that the pending amendment is going into the bill, and, for that reason, I am willing that we should pass it.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

For completing the survey of the boundary lines of a portion of the Blackfeet Indian Reservation, Mont., as provided by article 6 of the agreement with the Blackfeet Indians, ratified by the Indian appropriation act approved June 10, 1896, $3,000; and the Secretary of the Interior is hereby authorized to use a like sum for said purpose of any appropriation made for the benefit of the Indians of the Blackfeet Reservation in accordance with the provisions of said agreement.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

The Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons to negotiate with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements made to be submitted to Congress for its approval. And for the expense of such commission and negotiations thereunder the sum of $10,000 is hereby appropriated; and each member of said commission shall be paid not to exceed the sum of $10 per day while engaged in the performance of said work and actual traveling expenses and subsistence.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

To enable the Secretary of the Interior to continue negotiations with the Crow, Flathead, and other Indians, as provided for by act approved June 10, 1896, $10,000; this amount to be available as soon as the present appropriation of $10,000, made by said act for such purpose, shall be exhausted.

The amendment was agreed to.

The next amendment was, on page 65, after line 2, to insert:

For payment in full of salary and expenses of John T. Oglesby, special United States Indian agent, while engaged, under order of the Indian Office, in the transportation of the remains of Paul F. Faison, United States Indian inspector, from Oklahoma Territory to Raleigh, N. C., fiscal year 1897, $70.

Mr. CHILTON. My connection with the Committee on Indian Affairs gives me familiarity with some of these items. This particular one, while very small, it seems to me is a novel appropriation. I am not aware of any precedent for such an expenditure

and I should like to have the Senator from South Dakota state whether there is any such precedent within his knowledge.

This man Oglesby was instructed by the Secretary of the Interior or the Commissioner of Indian Affairs to proceed with the remains of a deceased employee from Oklahoma to North Carolina, and this appropriation is to reimburse him, as I understand, for the actual expenses of that trip. It would seem rather an unfair thing not to pay this employee his expenses incurred under the order of the Secretary of the Interior, therefore I shall not object to the payment of this claim; but, Mr. President, I can not shut my eyes to the fact that this is a very dangerous beginning. There are three or four hundred pension inspectors, I believe, scattered over the country, and many post-office inspectors, together with two or three hundred thousand other employees of the United States Government. If every employee who goes from one State to another with a brother employee's dead body is to recover the expense of the trip, it seems to me we open the gate for new and larger appropriations as time goes on. Therefore, as I say, while, in view of the peculiar circumstances, I shall not attempt to draw the line on this item, yet in the interest of economical government I offer an amendment which will prevent similar cases in the future. I think the Senator from South Dakota ought to accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 8, on page 65, of the committee amendment, it is proposed to insert:

Provided, That hereafter the heads of Departments shall not authorize any expenditure in connection with the transportation of remains of deceased employees.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas.

Mr. PETTIGREW. It does not seem to me that that amendment is necessary. The amendment placed in the bill by the Committee on Appropriations does not provide for transporting the remains of this deceased officer. All such expenditures were paid by his family. It simply provides for paying the traveling expenses of a special agent who was directed by the Commissioner of Indian Affairs to accompany the remains. If the man had died anywhere else and an officer had been detailed by an order from the Department, we would have paid his traveling expenses. It is entirely proper that we should pay them in this case the same as in the case of any other officer traveling under the direction of the Department. Perhaps the service performed is not one which the Department could have ordered him to perform—that may be a subject for discussion—but that it was a service which it was proper should be performed, and that the Commissioner was actuated by the very best of sentiments in directing the agent to accompany the remains, I do not think there can be any doubt. We have avoided in this provision any recognition of right in the Department to pay the funeral expenses of any of its officials. That was especially discussed in the committee, and it does not seem to me necessary to allude to that and place the amendment of the Senator from Texas in the bill. I hope, therefore, it will not be adopted.

Mr. CALL. The Senator from Texas [Mr. CHILTON] is entirely mistaken. This man gets nothing for the transportation of the dead body but what he would have received if he had been traveling on the order of the Department in the performance of his regular duties. He receives no additional compensation for this service.

Mr. CHILTON. The question is simply this: The Senator from South Dakota states the case exactly as I understand it. There is no question of fact in regard to it. This man was an employee of the Indian service, and a brother employee having died, his remains were transported from one part of the continent to another. The Secretary of the Interior or the Commissioner of Indian Affairs directed this man Oglesby to go with the body. Now, I think it would be an invidious thing not to allow Oglesby his expenses, for he acted under the orders of the Commissioner of Indian Affairs. But the point is that this appropriation opens up a new field. I asked the Senator from South Dakota if there was any precedent for such a thing, and he did not answer that part of my question. My impression is that there is no such precedent. The Secretary of the Interior, having directed this man to escort the body of the deceased employee from Oklahoma to North Carolina, authorized that expenditure. When the account got to the Treasury Department, that particular item was disallowed, and that is the reason it is put in this appropriation bill.

I do not object to reimbursing this individual for his expenses, but I do say it is in the interest of good government that we should not allow this practice to go on.

All can understand that with a vast number of officers in this country, scattered over a territory three or four thousand miles in extent, a custom may grow up in this way that will become a matter of abuse. I would stop the practice in the future. That is all I desire.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas. [Putting the question.] The "noes" appear to have it.

Mr. CHILTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. Before the roll is called, I desire to hear the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. At the end of the committee amendment, in line 8, on page 65, it is proposed to insert:

Provided, That hereafter the heads of Departments shall not authorize any expenditure in connection with the transportation of remains of deceased employees.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], whom I do not see in the Chamber. Not knowing how he would vote, I withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, and not knowing how he would vote if present, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Senator from Rhode Island has not voted, the Chair is informed.

Mr. BACON. In that case, as I have a general pair with that Senator, and not knowing how he would vote if present, I withdraw my vote.

The result was announced—yeas 28, nays 18; as follows:

YEAS—28.

Bate,	Cullom,	Hill,	Pasco,
Berry,	Daniel,	Hoar,	Peffer,
Brown,	Gallinger,	Kenney,	Pugh,
Caffery,	Gear,	Lindsay,	Smith,
Cannon,	Gibson,	Martin,	Turpie,
Chilton,	Gray,	Mills,	Vest,
Cockrell,	Hawley,	Murphy,	Walthall.

NAYS—18.

Allen,	Call,	Pettigrew,	Teller,
Allison,	Carter,	Platt,	Voorhees,
Brice,	Hansbrough,	Proctor,	Wilson.
Burrows,	Lodge,	Sherman,	
Butler,	Mantle,	Shoup,	

NOT VOTING—44.

Aldrich,	Faulkner,	McBride,	Roach,
Bacon,	Frye,	McMillan,	Sewell,
Baker,	George,	Mitchell, Oreg.	Squire,
Blackburn,	Gordon,	Mitchell, Wis.	Stewart,
Blanchard,	Gorman,	Morgan,	Thurston,
Cameron,	Hale,	Morrill,	Tillman,
Chandler,	Harris,	Nelson,	Vilas,
Clark,	Irby,	Palmer,	Warren,
Davis,	Jones, Ark.	Perkins,	Wetmore,
Dubois,	Jones, Nev.	Pritchard,	White,
Elkins,	Kyle,	Quay,	Wolcott.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, after line 8, to insert:

To reimburse David F. Day, United States Indian agent at the Southern Ute Agency, Colo., for personal expenses incurred in defending the suit brought against him by José B. Lucero, for damages for malicious prosecution, which suit was subsequently decided in favor of said Day, $367.80.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill if this is a proposed expenditure in line with other expenditures; in other words, I desire to inquire if there are any precedents for it? Does the United States Government stand between its agents and those who may maliciously prosecute them and pay the expenses of the prosecution? I should like to know as a matter of information.

Mr. PETTIGREW. Mr. President, in this case the party who prosecuted this agent had been in the habit of coming upon the Southern Ute Reservation and selling whisky in violation of law, thus disturbing the peace and quiet of the Indians. In this instance he had come upon the reservation by force and had driven an Indian from his home and taken possession of his house. The agent thereupon removed him from the reservation, or at least ordered him to be removed, and thereupon he sued the agent for malicious prosecution. The agent employed attorneys to defend him, by reason of which he incurred considerable expense, and

obtained a verdict in his favor. The committee thought it exceedingly proper that that money should be reimbursed, and hence this item in the bill.

Mr. TELLER. I will say that the Department has examined the matter and recommends that the amount should be paid.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, after line 14, to insert:

The Secretary of the Interior is directed to negotiate through an Indian inspector with the Yankton tribe of Indians of South Dakota for the purchase of a parcel of land near Pipestone, Minn., on which is now located an Indian industrial school.

The amendment was agreed to.

The next amendment was, on page 65, after line 19, to insert:

For commissioner, to be appointed by the President, by and with the advice and consent of the Senate, to superintend the sale of lands, ascertain who are the owners of the allotted lands, have guardians appointed for any minor heirs of deceased allottees, make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which deeds shall operate as a complete conveyance of the land upon payment of the purchase money therefor, and to carry out the provisions of the act approved March 3, 1893, relative to lands of the Puyallup Indian Reservation, Wash., as set forth on pages 633 and 634 of volume 27 of the Revised Statutes, $2,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

That all that part of the Uncompahgre Indian Reservation in the State of Utah except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

The amendment was agreed to.

Mr. PETTIGREW. I should like to know if we have disposed of the amendments down to line 9 on page 66.

Mr. GALLINGER. We have.

Mr. PETTIGREW. The amendments have been agreed to down to that point, I understand?

The PRESIDING OFFICER. They have been agreed to.

Mr. PETTIGREW. What disposition was made of the next amendment, inserting the clause from line 9 to line 15, in relation to the Uncompahgre Indian Reservation? Was that agreed to?

The PRESIDING OFFICER. That was the last amendment agreed to.

Mr. PETTIGREW. Those are separate amendments, and we have disposed of them separately, as I understand, down to line 9 on page 66.

The PRESIDING OFFICER. The Chair will state that they were all separately agreed to. There was no dissenting vote.

Mr. VILAS. Is the amendment embraced in lines 9 to 15, inclusive, on page 66, yet before the Senate?

The PRESIDING OFFICER. That was the last amendment that was agreed to.

Mr. VILAS. Agreed to without objection?

The PRESIDING OFFICER. So the Chair understands.

Mr. VILAS. I object to the agreement, because I was here at the moment the Clerk finished reading that amendment.

Mr. JONES of Arkansas. I was following the Clerk in the reading and I heard no proposition submitted to the Senate. I proposed to object to that amendment myself.

The PRESIDING OFFICER. The Chair will sustain the objection, of course, though he did not hear the objection, and the amendment will be regarded as before the Senate.

Mr. VILAS. Perhaps this amendment might go over with others; but I am myself perfectly willing to dispose of it at this time, as well as any other.

Mr. JONES of Arkansas. Let us dispose of it right now.

Mr. PETTIGREW. I think we might as well dispose of the amendment now. Of course it is before the Senate and still open to discussion.

Mr. VILAS. Mr. President, I desire to raise a point of order to that amendment. The point of order is that the amendment is obnoxious to the first paragraph of the third section of Rule XVI, which reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Perhaps I had better call attention to the force of the objection. This is general legislation.

Mr. PLATT. What is the amendment?

Mr. VILAS. It is the amendment on page 66, proposing to insert the clause from line 9 to line 15, inclusive, in relation to the Uncompahgre Indian Reservation in the State of Utah.

Mr. CANNON. Before the Chair rules on the point of order I desire to be heard upon it. Is the Senator from Wisconsin intending now to get a ruling upon the point of order?

The PRESIDING OFFICER. The Chair is waiting to hear the Senator from Wisconsin on the point of order.

Mr. VILAS. Mr. President, I should like to call attention to what this amendment is. It proposes to establish by legislation upon this appropriation bill one side of an old controversy, if possible. It has no proper relation to this bill in any wise whatsoever. It in no manner concerns an appropriation, except as it is an appropriation of lands to the uses of certain people who are seeking them, which are of greater value than the entire appropriation bill besides.

This bill proposes to take out of the Treasury of the United States about $7,500,000. These six lines in the bill propose to take out of the public domain of the United States and to make subject to expropriation by certain claimants of it under mineral laws a piece of land that is worth probably $10,000,000.

Mr. BATE. Ten million dollars?

Mr. VILAS. Yes; not unlikely. Nobody can tell just what its value is.

Mr. JONES of Arkansas. It is known to be of enormous value.

Mr. VILAS. But, as the Senator from Arkansas says, it is known to be of enormous value. There probably is not a mine in the United States to-day worth more money than the land to which this legislation is addressed.

Now let me explain the circumstances a little, so that the Senate will see how large the amount is. A good many years ago there was an agreement made between commissioners on the part of the United States and the tribe known as the Uncompahgre Utes for the surrender of their country, then in the State of Colorado, upon terms of payment and adjustment about which we need spend no time. But one of the provisions of the treaty was that the Uncompahgre Indians should thereafter reside upon a large body of land in the then Territory, now the State of Utah; and generally that country is spoken of as the Uncompahgre Ute Reservation.

Without now entering into a nice consideration of the statutes on the subject, I will say shortly that the arrangement was such that the Utes merely possess a right of residence there. They do not own that country by any Indian title as they owned the country in the State of Colorado which they sold. The United States owns this land which is commonly spoken of as the Uncompahgre Ute Reservation. It is a very large body of land. Most of it is mountainous, and with but little cultivable land within its borders. But it happens that on the eastern border of that territory, in some four or five townships of land, there exist the most valuable mines of gilsonite or asphaltum known in this country, perhaps in the world.

In the Fifty-first Congress a bill was passed (I do not know why it was passed; I do not undertake to say; but it seems that almost anything could go through the Fifty-first Congress) the effect of which was to enable certain persons who claimed to have been discoverers of this gilsonite or asphaltum to get that land, to put it shortly. President Harrison vetoed that bill, and the veto was not overridden by Congress. Whether or not it was directly sustained I am not sure in remembrance.

In the next Congress, the Fifty-second, I happened to be a member of the Committee on Indian Affairs, and another bill was introduced which was referred to that committee, the object of which appeared to be not very different from that of the bill which had been vetoed by President Harrison. It was very much inquired into, and finally, under the direction of the Committee on Indian Affairs, a report was made to the Senate, I believe by myself, providing for a survey of those lands and the offering of them to sale upon sufficient notice, with the purpose of realizing to the United States some share at least of the great value which that land possesses. There was a corporation, the ownership of which, as it was said, was mainly in the hands of certain wealthy gentlemen in St. Louis, which seemed very much interested in the bill and was apparently desirous of having it passed in a different way from that in which the committee thought the interests of the Government of the United States required. The result was that the bill was not passed during the Fifty-second Congress, but lay upon the Calendar until the expiration of that Congress. But the effort was renewed in the Fifty-third Congress.

I felt it my duty, sir, as one of the committee and as a member of the Senate whose attention had been by his duty on the committee drawn particularly to that measure, to keep watch of it, and I did watch it with all the care I could give it, and the bill never was passed. But in some way when the Indian appropriation bill came before the Senate, without my knowledge a measure was put upon it to provide what seemed to be a very harmless thing in its general purpose, for the survey and allotment to the Uncompahgre Utes of their land. After directing a survey and allotment under the orders of the Secretary of the Interior, that measure contained a further direction that those lands not allotted to the Indians should be opened, to be taken up under the public-land laws of the United States, the mineral lands according to the mineral law. I will not undertake to express it exactly, because we can make a reference to it if necessary.

I desire, in order to be accurate in reference to it, to send to the desk and ask to have read the action of the Senate. Although it escaped my attention, it will be seen that the Senator from Connecticut [Mr. PLATT], who was on the Indian Affairs Committee at the time and was acquainted with the subject, observed it and caused to be inserted in the bill an amendment which would have

protected those lands from being lost to the Government. I will at this point pause to have the proceedings read as they occurred in the Senate at that time. I ask the Secretary to read from pages 7682 and 7683 of the CONGRESSIONAL RECORD, volume 26, second session, Fifty-third Congress, at the place I have marked.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows.

Mr. SHOUP. I am directed by the Committee on Indian Affairs to offer an amendment as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following as an additional section:

"SEC. 19. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows:

"Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under 18 years of age, born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission, any adult Indian may select a less quantity of land, if more desirable on account of location:' *And provided*, That the said Indians shall pay $1.25 per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office. Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported, shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided.

"SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof $1.50 per acre.

"SEC. 21. That said commission shall also negotiate and treat with the Indians properly residing upon the Uintah Indian Reservation, in the Territory of Utah, for the relinquishment to the United States of the interest of said Indians in all lands within said reservation not needed for allotment in severalty to said Indians, and, if possible, procure the consent of such Indians to such relinquishment, and for the acceptance by said Indians of allotments in severalty of lands within said reservation, and said commissioners shall report any agreement made by them with said Indians, which agreement shall become operative only when ratified by act of Congress.

"SEC. 22. That said commissioners shall receive $6 per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk, to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this act shall not exceed the sum of $16,000, which sum is hereby appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated."

Mr. PLATT. I should like to make one inquiry about the amendment. It provides that certain lands forming part of an Indian reservation shall be sold. It reserves the mineral lands for sale under the general law. The asphaltum lands are reserved, I understand, to be disposed of under the general mineral laws of the United States. I should like to know if there is any provision as to the price which is to be paid for mineral lands. I ask the Senator from Oregon [Mr. Dolph], who is familiar with the mineral-land laws of the United States, how the mineral lands are disposed of? Is there a specific price which has to be paid for them?

Mr. DOLPH. Oh, yes; there is a mineral-land law. I would not be quite certain, however, whether the law refers to asphaltum.

Mr. PLATT. How much has to be paid for mineral lands—$5 an acre?

Mr. DOLPH. I think from $5 to $10 an acre; I do not recollect the exact amount. I think it is $5.

Mr. PLATT. I have an impression that Government mineral lands can be obtained by individuals for $5 an acre.

Mr. COCKRELL. There are different prices fixed, I think. For coal lands, lands containing precious metals, and other mineral lands, there are different prices.

Mr. DOLPH. Coal lands which are not within 10 miles or 20 miles of a railroad are sold at $10 an acre, and if within 10 miles of a railroad $20 an acre; but I think gold and silver placer lands are sold for $5 an acre.

Mr. PLATT. Whether asphaltum and gilsonite deposits would make these mineral lands I do not know.

Mr. ALLISON. I think they are excepted in the amendment.

Mr. COCKRELL. Let me read section 19 of the proposed amendment:

"That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of 1880, as follows."

It then describes the land.

"Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided."

Then section 20 of the amendment proposed by the Senator from Idaho provides—

"That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States."

So these lands are absolutely excepted, the way I read the amendment.

Mr. PLATT. All that I ask about the matter is that if the amendment passes the committee will pay careful attention to it in conference, so that no one is going to get this valuable asphaltum and gilsonite land for a song.

Mr. COCKRELL. Would this language include it?

Mr. PLATT. I can not tell.

Mr. ALLISON. The Senator can add to it and make it certain by inserting "except those lands which are reserved from sale."

Mr. COCKRELL. I will put in that clause. The amendment reads:

"That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances."

I will insert the words "which are hereby reserved from sale."

Mr. PLATT. That is right.

Mr. COCKRELL. That makes clear the point the Senator from Connecticut makes. I was not sure but that the amendment did read that way.

The PRESIDING OFFICER. The amendment of the Senator from Missouri to the amendment of the Senator from Idaho will be stated.

The SECRETARY. Amend the second section of the amendment so as to read:

"SEC. 20. That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States."

The PRESIDING OFFICER. Does the Chair understand that the amendment to the amendment is accepted by the Senator from Idaho?

Mr. SHOUP. The amendment to the amendment is accepted.

The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on agreeing to the amendment as modified.

Mr. CANNON. I should like to have the date of the RECORD from which the Secretary read.

The VICE-PRESIDENT. July 19, 1894.

Mr. VILAS. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin please suspend, to enable the Chair to lay before the Senate a message from the President of the United States?

Mr. VILAS. Certainly.

MARIA SOMERLAT—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which the Secretary proceeded to read.

Mr. GALLINGER. I ask unanimous consent that the bill and the veto message be referred to the Committee on Pensions without reading.

The Secretary resumed and concluded the reading of the message, which is as follows:

To the Senate:

I return herewith, without approval, Senate bill No. 1223, entitled "An act granting a pension to Maria Somerlat, widow of Valentine Somerlat."

This beneficiary, under the name of Maria Somerlat, was pensioned in 1867 as the widow of Valentine Somerlat, a volunteer soldier, dating from his death in 1864. She continued to draw the pension allowed her as such widow until 1887, when she married one Hiram Smith. Subsequently, but at what time does not appear, she was divorced from Smith in a suit that seems to have been begun by him but in which she interposed a cross bill, and obtained judgment in his favor. Notwithstanding her remarriage, through which she ceased to be the widow of the dead soldier, it is proposed to pension her again on account of his death.

The rule governing the operation of general pension laws which forfeits a widow's pension on her remarriage seems so reasonable and just, and its relaxation must necessarily lead to such a departure from just principles and to such vexatious pension administration, that I am convinced it ought to be strictly maintained.

I hope I may be permitted to call the attention of the Senate to the increasing latitude clearly discernible in special pension legislation. It has seemed to me so useless to attempt to stem the tide of this legislation by Executive interference that I have contented myself with nonacquiescence in numerous cases where I could not approve.

There have been already presented to me for Executive action during the present session of the Congress 206 special pension bills, of which I have actually examined 115. The entire number of such bills that have become laws during the four sessions of the Congress since March 4, 1893, is 301. Some of those presented at the present session are not based upon the least pretext that the death or disability involved is related to army service, while in numerous other cases it is extremely difficult to satisfactorily discover such relationship.

There is one feature of this legislation which I am sure deserves attention. I refer to the great number of special bills passed for the purpose of increasing the pensions of those already on the rolls. Of the 115 special pension bills which I have examined since the beginning of the present session of the Congress, 58 granted or restored pensions and 57 increased those already existing, and the appropriation of money necessary to meet these increases exceeds considerably the amount required to pay the original pensions granted or restored by the remaining 58 bills.

I can not discover that these increases are regulated by any rule or principle, and when we remember that there are nearly a million pensioners on our rolls and consider the importunity for such increase that must follow the precedents already made, the relation of the subject to a justifiable increase of our national revenues can not escape attention.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 22, 1897.*

Mr. GALLINGER. Mr. President, I regret that in this veto message the President of the United States has felt it incumbent upon him to lecture the Congress of the United States again on the subject of pensions. This, as I understand it, is a veto of what is known as a remarriage case, and I will state that it has been somewhat the custom of the committees of both Houses of Congress in a case where a woman, the war widow of a soldier, having cared for his children very likely while he was at the front fighting the battles of the country, had received a pension who had subsequently remarried, and the Government had——

Mr. BATE. I submit that debate is not in order. I understand that the Senator from Wisconsin [Mr. VILAS] is entitled to the floor, and that a motion is pending to refer the bill and the message to the Committee on Pensions.

Mr. GALLINGER. That motion is not pending.

Mr. BATE. The Senator from New Hampshire asked for that disposition of the matter, and it is not in order to discuss it now.

Mr. GALLINGER. But even if I had made that motion, it would have been debatable.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding? The Chair has recognized the Senator from New Hampshire upon that question.

Mr. GALLINGER. On that I desire to be heard.

Mr. BATE. I understood that a motion was made to refer the bill and the message to the committee.

Mr. GALLINGER. That motion was not made. It was suspended; but if it had been made, it would have been a debatable motion under our rules. I am going to occupy the attention of the Senate for but a moment, and I regret that the Senator from Tennessee found it necessary to interrupt me.

I will repeat that it has been somewhat the custom of committees of Congress, where a woman was the wife of a soldier during his service in the war, upon his death receiving a pension from the Government, upon remarriage the pension ceasing, according to the statute, and the Government deriving the benefit therefrom, if she became destitute in later years, became old and feeble and perhaps an object of charity, to recommend that Congress should restore her to the rolls as a beneficiary of the Government.

The President is mistaken in his judgment that he has carefully guarded the Treasury of the United States in this class of cases, because the President has signed a very considerable number of bills of this character. Recently he has exercised his right of veto to disapprove of three or four of these bills. There are two of them now before the Committee on Pensions of the Senate.

Mr. MORGAN. Will the Senator from New Hampshire inform us how many of this kind of bills the President has signed during the present Administration?

Mr. GALLINGER. I am unable to state that fact, but the fact that some of those bills have been signed is a matter of common notoriety.

Mr. MORGAN. I thought the message stated that there had been 300.

Mr. GALLINGER. Of this class?

Mr. MORGAN. Of some class.

Mr. GALLINGER. Oh, no.

Mr. MORGAN. I mean pensions to individual persons.

Mr. GALLINGER. The President has stated in his veto message which has just been read that we have passed, I think, something like 400 special pension bills during the four sessions of Congress since March 4, 1893.

Mr. MORGAN. I should like to inquire of the Senator from New Hampshire if he has ever made an estimate of the total amount of money that will be required annually to pay the pensioners who have been put upon the list by Congress during the present Administration?

Mr. GALLINGER. I will say to the Senator (and I am glad he has raised that question) the clerk of the Committee on Pensions of the Senate is now engaged in the work of making an estimate of the amount of money that has been taken from the Treasury during the present Congress through the medium of special pension legislation. I can not approximately state the amount at the present time.

Mr. MORGAN. Would it amount to as much as a million dollars a year?

Mr. GALLINGER. I should think that if it amounted to $100,000 it would be the full limit, and I am inclined to believe that $100,000 would be far beyond the limit.

Mr. MORGAN. How much would it fall short, in the opinion of the Senator, of the commission, or whatever you please to call it, that we paid the syndicate for the negotiation of the $262,000,000 of bonds that have been put out?

Mr. GALLINGER. I think it would be but an infinitesimal proportion of that amount.

Mr. MORGAN. As compared with that?

Mr. GALLINGER. Yes, sir; as compared with that.

Mr. HOAR. Will the Senator from New Hampshire allow me to make one statement?

Mr. GALLINGER. Certainly.

Mr. HOAR. The first person killed in the first forcible resistance to Great Britain in the Revolution was Isaac Davis, captain of the Acton company. He left home early on the morning of the 19th of April, 1775, and as he left his wife he said, "Take good care of the children." He went to the conflict and he met his death by the first British volley. His widow was married twice after his death. She became poor in her old age. Mr. Webster introduced and had passed through the Senate, supported by one of his most eloquent speeches, a special bill giving her a pension for the remainder of her life; and that act of Mr. Webster was one of the acts which endeared him to his countrymen, especially to the people of his own State, as much as almost any action of his illustrious life. It never was heard or dreamed of until the modern fashion of finding fault with our pension roll grew up that that was not a proper exercise of legislative discretion.

I should like, if the Senator from New Hampshire will allow me, to add one other sentence, unless I am interfering improperly.

Mr. GALLINGER. Not at all.

Mr. HOAR. It is said in many quarters that our pension roll is extravagant, and that persons who are not worthy of Government bounty get their names on it. I have applied, sometimes personally, and have publicly often challenged the people who made these statements to bring in their specifications: "Where is your man who is on the pension roll fraudulently? Let the Government authorities know. They are trying to find it out. Every honest soldier dislikes to have a dishonest man on the roll as a member of his regiment or company." We never got any specifications.

The people of Massachusetts have expended a sum of money in what is called State aid larger than their whole existing public debt, as it was a year or two ago, after deducting the sinking fund, for giving additional support necessary to the widows and children of soldiers whose cases are not covered by the pension laws. That has been expended by the officials who knew the persons in the neighborhood, where there was an impossibility of any fraud being practiced on the officers of the town or of the State. There are several millions of dollars which we have had to expend for the widows and orphans of our Massachusetts soldiers in addition to what that class are entitled to by the bounty of the Government.

In addition to that, I saw a statement that one association of volunteer soldiers in Massachusetts had expended between $700,000 and $800,000 more. In other States they have not this system of State aid and they have not these organizations. In some of the States they are not practicable; where the population is scattered, it is not practicable to have them. But it shows that in the populous and wealthy State of Massachusetts, where employment has been since the war as ample as in any place probably on the face of the earth, where the people could get a living by honest work, it has been necessary to eke out and supplement the pension roll of the Government by a State or a local expenditure of millions upon millions of dollars. Now, how ridiculous, in the face of that fact, to keep up this constant cry of extravagance and fraud in our pension rolls!

Mr. VILAS. Mr. President, is the Indian appropriation bill before the Senate?

The VICE-PRESIDENT. The Chair laid before the Senate a message from the President, as required under the rule.

Mr. VILAS. The message of the President has been read. What motion is pending with reference to it? It is always a delight to me to hear my distinguished and learned friend, the Senator from Massachusetts, and my very able and zealous friend, the chairman of the Committee on Pensions, under any circumstances; but I thought we had the Indian appropriation bill before the Senate.

The VICE-PRESIDENT. The Chair will state to the Senator that the Chair laid before the Senate the message of the President. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding.

Mr. HOAR. My most intelligent friend from Wisconsin was asleep, and did not know what was going on.

Mr. VILAS. No, the Senator has not produced that effect on me, yet.

Mr. CHANDLER. Mr. President, I rise to a question of order. I submit that nothing is in order except the speech of my colleague, the Senator from New Hampshire.

The VICE-PRESIDENT. The Senator from Wisconsin raises a question of order. The Chair thinks the Senator from New Hampshire [Mr. GALLINGER] is in order under the rule.

Mr. VILAS. Will the Senator from New Hampshire permit me to make a suggestion? I suggest the message of the President ought to be printed and referred to the Committee on Pensions, of which he is chairman.

Mr. GALLINGER. If the Senator from Wisconsin will permit me to get my speech on terra firma (it is now between heaven and earth, somewhere), I will very gladly after that yield to his suggestion, and I will occupy but a few moments.

Mr. VILAS. Oh, certainly.

Mr. GALLINGER. I intended to make only a few statements, historical in their nature, and not for the purpose of raising an ill-natured discussion on the matter of pensions, because the Senate will bear me out in the suggestion that during the time I have chanced to be chairman of the Committee on Pensions I have scrupulously avoided everything of that kind. I have tried to deal courteously and kindly with every Senator who had a pension bill before the committee, whether it was for a remarried widow, the daughter of a Revolutionary soldier, or any of the other rather extraordinary classes of cases. I have not wanted to air any grievances or to indulge in any unkind criticisms of the President because of these trivial and, as I think, foolish veto messages that are coming to the Senate from time to time.

I only desire to say now, in addition to what I have said, that

this is one of a class of cases, two of which are now before the Committee on Pensions of the Senate. They have been passed over the veto of the President by the House of Representatives, but I apprehend that they may not be reached for consideration at the present session of Congress so far as the Senate is concerned. One of those cases is for the relief of an old lady in my State who is in utter destitution. Her husband was a very brave soldier, and, as I remember, lost his life on the battlefield. She was pensioned and afterwards remarried, and for twenty years, or thereabouts, the Government got the benefit of that pension, which would have gone to her had she not remarried. Now, in her old age and destitution, we simply have restored her to the rolls. We have believed that those were a proper class of beneficiaries for pension legislation.

The fact in regard to this case, as the President states it, and I presume it is absolutely correct, is that—

> This beneficiary, under the name of Maria Somerlat, was pensioned in 1867 as the widow of Valentine Somerlat, a volunteer soldier, dating from his death in 1864. She continued to draw the pension allowed her as such widow until 1887, when she married one Hiram Smith, etc.

The Treasury of the United States got the benefit of this pension from 1887 to the present time, which this woman would have drawn had she not remarried. She is now, I understand, old and in destitute circumstances, and the House of Representatives passed a bill putting her on the roll, sent it over here, and we concurred with the House in that regard.

The President complains as to the number of these bills. He says he hopes he may be permitted to call attention to them. Then he says:

> There have been already presented to me for Executive action during the present session of the Congress 206 special pension bills, of which I have actually examined 115.

As I remember it, the President has vetoed only a small number, perhaps eight or ten pension bills out of the 115 he has examined, which is, to my mind, conclusive proof that he did not find any real, valid, sound, constitutional objection to those bills, and it proves that the Congress has been very careful in the quality and character of the pension bills that we have passed.

Now, in answer to the Senator from Alabama [Mr. MORGAN], I said that, in my judgment, the special pension bills during the Congress would not take from the Treasury of the United States $100,000. I doubt whether it will take $50,000 from the Treasury of the United States, and they have been benefactions to brave soldiers and the destitute widows of brave soldiers in increasing their pension denied upon a technicality in the Pension Bureau. It is a somewhat significant fact, Mr. President, that every veto message which has come to the Congress during the last two sessions has been the veto of a private pension bill, bills for widows of private soldiers, and not for the widows of general officers. I simply name that as a somewhat significant fact.

Mr. President, I believe that the message which has come from the White House, this criticism of the Congress which has been thrust upon us, is not justified by the facts, and that when the Committee on Pensions have made a careful tabulation, as they are making it, of the amount of money taken from the Treasury by the Congress in private pension bills during the last two years it will be seen that it is so small as really not to be worthy of occupying the time of the Congress of the United States in its discussion.

This is all I care to say, Mr. President, and I say it in utter kindness and good nature; and now I move that the bill be referred to the Committee on Pensions, with the veto message, for further investigation.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. HILL submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1822) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:
>
> In line 2 of said amendment numbered 1, and after the word "to," where it occurs the second time, insert the words "the United States;" and the House agree to the same.
>
> That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:
>
> Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words:
>
> "Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were incurred, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding, or since the appointment of any such receiver, but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."
>
> Strike out the words "legally chargeable against said old corporation" in the amendment of House numbered 2; and the House agree to the same.
>
> That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.
>
> That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:
>
> "*Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."
>
> And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."
>
> Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."
>
> Also after the word "of," in line 12 of said amendment, insert the word "any."
>
> Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract;" and the House agree to the same.
>
> That the Senate recede from its disagreement to the amendment of the House numbered 7.
>
> DAVID B. HILL,
> O. H. PLATT,
> *Managers on the part of the Senate.*
>
> H. HENRY POWERS,
> GEO. P. HARRISON,
> GROVE L. JOHNSON,
> *Managers on the part of the House.*

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CHANDLER. Mr. President——

Mr. VILAS. May I ask the Senator from New Hampshire to wait just a moment until I have finished the particular point to which I was directing attention, and then I will give way to him?

Mr. CHANDLER. I will wait with pleasure.

Mr. VILAS. Mr. President, it will be noticed by the reading of the record of the manner in which that amendment was put upon the Indian appropriation bill at the second session of the Fifty-third Congress, first, that the Committee on Indian Affairs maintained the same ground which it had before that time maintained. Let me add that I was not at that session of Congress a member of the committee, my service on that committee having terminated with the previous Congress. But the committee held the same ground, and their amendment contained an express declaration of an exception from the operation of their law in making the lands not allotted to the Indians open to settlement or appropriation under the public-land laws "except lands containing asphaltum, gilsonite, or other like substances."

When that amendment was offered in the Senate, it was asked by the Senator from Connecticut [Mr. PLATT], who was a member of the Committee on Indian Affairs, if that was not exposing those lands to the very danger against which they had been so long guarded. The Senator from Missouri [Mr. COCKRELL] in charge of the bill said he thought the words were sufficient to except those lands. But the Senator from Iowa [Mr. ALLISON] asked to have additional words put in to make it certain, the words "which are hereby reserved from sale," and they were put in, the Senator from Missouri accepting the amendment, so that it read:

> That the remainder of the lands on said reservation, except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale, shall, upon the approval of the allotments, etc.—

Become open.

Now, let us see what happened; for it illustrates the great peril of putting legislation on appropriation bills and of leaving those bills to the disposition of Congress when so great is the contention and the pressure that oftentimes things escape which should have been observed even by those who are in charge of the very preservation of the safeguards insisted upon. I have here the bill, House bill 6913, of the Fifty-third Congress, second session, as printed after that bill passed the Senate and went into conference, and this long amendment, which was put on in the Senate, four sections added to it, is numbered as one amendment, No. 120. I call attention to that for the purpose of drawing the attention of the Senate to the manner in which it was disposed of by the conference committee.

One among the many conference reports on that Indian appropriation bill which were submitted before it finally became a law contains this paragraph, and I read from page 8251, volume 26 of the CONGRESSIONAL RECORD, referring to this amendment,

numbered as one amendment, 120, comprising four sections, to be added to the appropriation bill:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lines 31 and 32 of said amendment, strike out the words "except lands containing asphaltum, gilsonite, or other like substances, which are hereby reserved from sale."

And then with another change in another part of the amendment it was returned to the Senate and the conference report agreed to. No statement appears to have been made in the Senate, and the only statement which was made in writing by the House conferees, as required by the rules of the House, was the following:

The House conferees have agreed to Senate amendment numbered 120 with an amendment, as set forth in the conference report, to which special attention is called.

And, sir, thus in conference every word was given away which had protected these lands, words which had been put in by the Committee on Indian Affairs, and then, that they might be surely sufficient, were further amended upon the suggestion of the Senator from Connecticut in the Senate when that amendment was put. Thus it has happened that a law went upon our statute books which contains provisions effectuating, if it were carried into full effect, the purpose which had been struggled for so long by persons to obtain possession, or to get these lands opened in some way to locators of mineral claims. This amendment which is now proposed to this appropriation bill is an amendment which is to operate an effect similar to that of the joint resolution which was introduced by the Senator from Utah in the last session of Congress, and against which I contended at different times during that last session, with the result that no action has ever yet been taken upon it.

It is always difficult to get the attention of the entire body of the Senate long enough to anything that does not involve more than a few million dollars in value of the public lands to have the right thing done about it. Nothing was ever done in respect to that.

The amendment now contains language utterly foreign to the purposes of this Indian appropriation bill in every particular, and I am addressing this argument to the Chair in order to fix the fact that the rule of the Senate requires, as it seems to me, that the Chair shall say it has no place upon this bill. The amendment reads:

That all that part of the Uncompahgre Indian Reservation in the State of Utah except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Few, perhaps, would realize what was the significance of that language. It means, if possible, to afford opportunity to contend that those men who claim to be discoverers of that mineral shall be entitled to have their place as prior entrymen of that land, but, in any case, that that land, which is probably worth sums beyond our reckoning—a thousand dollars an acre as easily as 10 cents or 1 cent an acre—shall be taken up under the mineral-land laws of the United States; at $5 whenever it is a lode claim, and at $2.50 for a placer.

The Committee on Indian Affairs has always insisted, so far as I know—it did when I was a member of that committee—that this was a peculiar case. These lands were never discovered; the mines were never discovered in the sense in which gold and silver are discovered. This asphaltum and gilsonite lies right open to view. A man can discover it, if any one ever did in any proper sense discover it, by simply walking across the land. No discovery was ever made as a result of prospecting and search at various points, conducted with expense and loss, as prospectors for gold and silver make their discoveries. It was known to exist for a good while by men who traversed that country hunting; and the evidence, of which I have a considerable amount here on my table, was in the General Land Office. President Harrison's message, when he vetoed the first attempt to get that land, was perfectly conclusive that there was no discovery there, no location, nothing. The case is one entirely unsuited to the application of the mineral-land laws of the United States.

Mr. TILLMAN. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Clark,	Lindsay,	Pettigrew,
Bate,	Cullom,	Lodge,	Platt,
Berry,	Davis,	McBride,	Pugh,
Brown,	Elkins,	McMillan,	Stewart,
Burrows,	Gallinger,	Martin,	Tillman,
Caffery,	Gray,	Mills,	Vest,
Call,	Hill,	Nelson,	Vilas,
Cannon,	Hoar,	Pasco,	Walthall,
Chandler,	Jones, Ark.	Peffer,	Wetmore.
Chilton,	Kenney,	Perkins,	

The VICE-PRESIDENT. Thirty-nine Senators have answered to their names. A quorum is not present.

Mr. TILLMAN. I move that the Senate adjourn.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. That is not in order.

Mr. VEST. I beg pardon. I was not aware that there was no quorum.

The VICE-PRESIDENT. There being no quorum of the Senate present, the Senator from South Carolina moves that the Senate adjourn.

Mr. HILL. I wish the Senator would withdraw that motion for a little while.

Mr. TILLMAN. There is no use of staying here unless we can get a quorum.

Mr. HILL. We can get a quorum in a few moments.

Mr. TILLMAN. Then I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. ALLISON, Mr. BRICE, and Mr. TELLER entered the Chamber, and respectively responded to their names.

Mr. PASCO. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Florida that the Senate adjourn. [Putting the question.] The "ayes" seem to have it.

Mr. ALLISON and Mr. PLATT. Let us have the yeas and nays.

Mr. CULLOM. I think we ought to go on with this bill for an hour longer, and get something done.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. He being absent, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 14, nays 30; as follows:

YEAS—14.

Berry,	Daniel,	Jones, Ark.	Vest,
Brown,	Gallinger,	Mills,	Walthall.
Caffery,	Gibson,	Proctor,	
Cockrell,	Gorman,	Pugh,	

NAYS—30.

Bacon,	Clark,	Lodge,	Platt,
Bate,	Cullom,	McBride,	Stewart,
Brice,	Gray,	McMillan,	Teller,
Burrows,	Hawley,	Martin,	Turpie,
Call,	Hill,	Nelson,	Voorhees,
Cannon,	Hoar,	Peffer,	Wetmore.
Chandler,	Kenney,	Perkins,	
Chilton,	Lindsay,	Pettigrew,	

NOT VOTING—46.

Aldrich,	Faulkner,	Mitchell, Oreg.	Shoup,
Allen,	Frye,	Mitchell, Wis.	Smith,
Allison,	Gear,	Morgan,	Squire,
Baker,	George,	Morrill,	Thurston,
Blackburn,	Gordon,	Murphy,	Tillman,
Blanchard,	Hale,	Palmer,	Vilas,
Butler,	Hansbrough,	Pasco,	Warren,
Cameron,	Harris,	Pritchard,	White,
Carter,	Irby,	Quay,	Wilson,
Davis,	Jones, Nev.	Roach,	Wolcott.
Dubois,	Kyle,	Sewell,	
Elkins,	Mantle,	Sherman,	

So the Senate refused to adjourn.

Several SENATORS. There is no quorum present.

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cockrell,	Lodge,	Pugh,
Bacon,	Cullom,	McBride,	Stewart,
Bate,	Elkins,	McMillan,	Teller,
Berry,	Gallinger,	Martin,	Tillman,
Brice,	Gibson,	Mills,	Turpie,
Brown,	Gorman,	Morgan,	Vest,
Burrows,	Gray,	Nelson,	Vilas,
Butler,	Hawley,	Pasco,	Voorhees,
Caffery,	Hill,	Peffer,	Walthall,
Cannon,	Hoar,	Perkins,	Wetmore.
Chandler,	Jones, Ark.	Pettigrew,	
Chilton,	Kenney,	Platt,	
Clark,	Lindsay,	Proctor,	

The PRESIDING OFFICER (Mr. BERRY in the chair). Forty-nine Senators have answered to their names. A quorum is present.

AMENDMENT OF POSTAL LAWS.

Mr. CHANDLER. I ask permission to make a report, which ought to be made to-night.

The PRESIDING OFFICER. If there be no objection, the report will be received.

Mr. CHANDLER. I report from the Committee on Post-Offices and Post-Roads with amendments the bill (H. R. 4506) to amend the postal laws relating to second-class mail matter. It is the bill known as the Loud bill. I submit a written report, which is brief, and which I ask, therefore, may be printed in the RECORD. The Senator from North Carolina [Mr. BUTLER] will submit to-morrow a supplemental report. I also submit the testimony which accompanies the report.

Mr. CULLOM. I desire to inquire of the Senator whether he expects to pass the Loud bill, so called, at the present session?

Mr. CHANDLER. If Senators will bear with me, I should like to have the report itself read.

Mr. STEWART. I will object to any proceeding in that bill from beginning to end. [Laughter.]

Mr. ALLISON. Will it not satisfy the Senator from New Hampshire to have the report printed in the RECORD?

Mr. CHANDLER. It is ordered to be printed in the RECORD, I understand.

Mr. ALLISON. Very well, then.

Mr. STEWART. I object to that.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the report be printed in the RECORD. Is there objection?

Mr. STEWART. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM. In view of the remarks of the Senator from Nevada [Mr. STEWART], I withdraw the inquiry I made of the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. I understood the order to print in the RECORD had been made. The report only covers two pages of letter paper, and I know the Senator from Nevada will withdraw his objection.

Mr. STEWART. I will not withdraw it. I think it is the worst bill ever reported.

The PRESIDING OFFICER. Objection is made.

Mr. CHANDLER. Then I ask that the report may be read.

The PRESIDING OFFICER. Is there objection?

Mr. STEWART. I object to the report being read.

Mr. VILAS. I should like to say, as I am a member of the subcommittee of the Committee on Post-Offices and Post-Roads, that the report which has been made——

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The report has been made to the Senate with its consent. I understand that the report must be read unless there be unanimous consent to the contrary.

The PRESIDING OFFICER. The Chair thinks the point is well taken.

Mr. HOAR. Therefore, I demand the reading of the report.

The PRESIDING OFFICER. The Chair will have the report read.

Mr. STEWART. Does that carry the right to read the report in full?

Mr. LODGE. Yes.

Mr. ALLISON (to Mr. STEWART). Withdraw the objection and let the report be printed in the RECORD.

Mr. STEWART. I want to know under what rule of the Senate a report of a committee can be read before a bill is taken up.

Mr. PETTIGREW. The bill before the Senate is the Indian appropriation bill. It has not been laid aside. I submit that any consent simply that a report shall be made does not embrace the right to read the document, which perhaps may take an hour of time.

Mr. CHANDLER. It is only two foolscap pages.

Mr. JONES of Arkansas. That does not make any difference. If you have a right to read it, you have a right to read a report of a thousand pages.

Mr. STEWART. It can not be read unless the bill is taken up.

Mr. LODGE. Oh, yes.

Mr. VILAS. Is there an appeal from the decision of the Chair?

Mr. ALLISON. I desire, before we adjourn, to say a word or two to the Senate as respects the condition of its business.

Mr. BUTLER. Will the Senator from Iowa pardon me for making a remark on this matter not in the nature of discussion? I desire to correct a statement of the Senator from New Hampshire [Mr. CHANDLER] which is before the Senate.

The Senator from New Hampshire, in making the report, stated that I would file a supplementary report. I wish to correct that statement (I am sure it was an oversight on the part of the Senator from New Hampshire) by saying that I will file a minority report, for I do not concur at all in the report of the committee and am opposed to reporting the bill. I am opposed to the report made.

Mr. CHANDLER. I did not say what kind of a report it would be.

Mr. BUTLER. I want to have it understood distinctly that it is a minority report and in opposition to the bill.

Mr. ALLISON. I yield for a moment to the Senator from Wisconsin.

Mr. VILAS. The Chair ruled that the report should be read. I had the floor and was about to refer to the report in the remarks which I desired to make for a moment only, and returned the report for the purpose of the execution of the order of the Chair. Is the report to be read under the ruling of the Chair, or is it not to be read?

The PRESIDING OFFICER. It will be read unless an appeal is taken and the Chair is overruled.

Mr. VILAS. If the report is to be read, I will wait until it is read. It is very brief.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. ALLISON. Mr. President——

Mr. CHANDLER. It could have been read in half the time we have taken.

The PRESIDING OFFICER. The Chair will——

Mr. ALLISON. I have the floor and I desire to say a word or two. I can say what I desire to say just as well now as after the report is read.

The PRESIDING OFFICER. If there be no objection, the Senator from Iowa will proceed.

Mr. ALLISON. The report can not be of such absolute importance that it must be read one minute rather than another. I yield to the Senator from Wisconsin.

Mr. VILAS. I merely wish to say a word in reference to the matter.

It was understood between the Senator from New Hampshire and myself that instead of making a minority report I should say one word in reference to it at the time the report was put in. As the report is to be read, it is proper that that should come first.

Mr. ALLISON. Understanding, then, the wishes and desires of the Senator from Wisconsin, I will occupy the attention of the Senate for just a moment, and then I shall yield for whatever is the purpose of the Senate.

I wish to state that if the business of the Senate is to be transacted during the few remaining days of the session, it will be necessary for Senators to remain here to a later hour than we have been accustomed to remaining and to meet here at an earlier hour than we have heretofore met. I do not wish to suggest any change in respect to the hour of meeting without giving suitable notice.

Mr. PLATT (to Mr. ALLISON). Give the notice for Wednesday next.

Mr. ALLISON. But I wish now to give notice that on to-morrow I will move that when the Senate adjourn it be to meet at 11 o'clock on Wednesday morning, and so on from day to day until otherwise ordered.

I wish also to say to Senators that if the appropriation bills are to be disposed of they must all practically pass the Senate before adjournment on Saturday, and that will be absolutely impossible unless we hold night sessions Thursday, Friday, and probably Saturday. I wish to give this notice, so that there may be opportunity for Senators to make arrangements in accordance with the necessities of the case as to the appropriation bills. I have no desire about the pending matter.

Mr. PLATT. May I inquire what appropriation bills have yet to pass the Senate?

Mr. ALLISON. The Indian appropriation bill, which is now under consideration; the District of Columbia appropriation bill, which is on the table; the sundry civil bill, which is now in committee; the Post-Office appropriation bill, which is in committee, but I think is ready to be reported, and probably will be reported to-morrow morning; the naval appropriation bill, and the deficiency appropriation bill.

Mr. GORMAN. The naval appropriation bill has not yet reached here.

Mr. ALLISON. It is perfectly manifest that if these bills are to be considered at the present session of Congress we must sit here from eight to ten or twelve hours each day until the close of the session.

Mr. STEWART. I appeal from the decision of the Chair ordering the report upon the bill to be read. I wish to make a remark.

I look upon this as the worst legislation that has been proposed. I desire to expose the character of this legislation, its injustice, its impolicy; and I am opposed to having a favorable report read when my mouth would be closed. It will not come up again. The report, I understand, states that the bill can not be passed at this session. The bill is not up at all, and I do not want a favorable report to go out and to have it understood that a majority of the Senate is in favor of its passage if there were time, without a

brief opportunity to explain the character of the bill to the Senate. Consequently I am opposed to the reading of the report or any proceeding in reference to the bill until it is up for discussion. That is my only objection to the reading.

There is no minority report filed, and nobody has a right to state his objections; and here the bill comes, and it goes out to the country with a favorable recommendation. There is a great deal of feeling on this subject throughout the country, and to have a favorable report read and to have it understood that the only reason why the bill is not passed is because there is not time is unfair. I do not think the report ought to be read. I appeal from the decision of the Chair because it takes unanimous consent to take up the bill or to proceed with the report when another bill is pending.

Mr. GORMAN. I ask the Senator from Nevada to yield to me for one second.

Mr. STEWART. Yes, certainly.

Mr. GORMAN. It is very evident that nothing can be done here this afternoon, and I ask the Senators to give way that I may make a motion to adjourn.

Mr. STEWART. That is right.

Mr. VILAS. I hope the Senator will not make that motion for a moment.

Mr. GORMAN. Very well.

Mr. VILAS. The Senator from Maryland withdraws the motion.

The PRESIDING OFFICER. The Senator from Nevada appeals from the ruling of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GORMAN (to Mr. STEWART). Withdraw the appeal.

Mr. STEWART. I can not withdraw the appeal.

Mr. GORMAN. The Senator from Wisconsin desires to say one word.

Mr. STEWART. I yield to the Senator from Wisconsin to make a statement.

Mr. VILAS. I should like to say just a word with reference to the report. There has been much difference with respect to some of the suggestions of amendment contained in the bill which is reported. The report very briefly states the conclusion of the committee that the bill ought to be reported to the Senate, so that it can be dealt with. I have assented to that report. Among the amendments proposed, however, are some to which I can not assent at this time. One of them, and it is to it alone that I wish to engage the attention of the Senate for the moment, is the amendment proposing a 1-cent rate of postage. I believe that if the reforms proposed by the bill were effected in the postal service and such others as that service and the interest of the people in it demand should be applied to it, then 1-cent postage could be maintained and the cost would not be greater than it is to-day.

The total amount of 2-cent stamps sold last year was a little more than $43,000,000. Probably $40,000,000 went on letter postage. The reduction to 1 cent would be very likely to reduce the revenues of the Department at first between $15,000,000 and $20,000,000. But if a fair rate of postage were charged on the literature which the Government carries under the name of news matter, a revenue sufficient would be derived, permitting at the same time all newspapers to be carried at a more moderate rate, so that with one other leading reform—the proper reduction of the rates paid to railroads—there would be, in my opinion, no deficiency in the postal service if 1-cent postage were adopted. But without those reforms I do not think we have reached the time when we ought to adopt 1-cent postage.

Mr. STEWART. I have only one word to say. I applied to the Post-Office Department for information as to where the abuses occurred. I inquired of them as to what class of second-class matter they occurred in. I asked them what was the weight of the Sunday editions of the dailies, which they are making so large now as compared with the ordinary daily paper. I asked them a great many questions, trying to reach this abuse. They had no information to give me except the aggregate weight of all the second-class matter and the aggregate weight of the local newspapers, circulating free in the county of publication. That was all they could give me.

Now, I am confident that these very large Sunday editions of the dailies are an important matter in loading down the mails. Some of the largest weigh about a pound apiece. An ordinary newspaper weighs from 2¼ to 4 ounces, while the ordinary weight of a large magazine is from 6 to 8 ounces. So the vast number of these great dailies which go through the mail, requiring on Sunday such an additional number of cars, it seems to me, are the principal cause of loading down the mails.

Besides, the literature that the bill would cut off is the most valuable educational system that the Government of the United States has. If you will go into any country library, you will find them building it up by means of the post-office. Their books will not be bound volumes, but they are circulating libraries, some of them being very large. I inquired why they had books without binding. They said they would be unable to furnish a circulating library in that community, except through this convenience. The library books that go through the mail and the literature which the people desire so much do not begin to weigh so much as many other things that might be dispensed with. At all events, if we had the information—none is here—you could judge of it. It seems to me that this is a blow at the most important branch of education in which the General Government can engage. It has been enjoyed for many years, and we should guard it as a great privilege. To pass a law now cutting it off, without any knowledge on the part of the Department whether or not that is the cause of the deficiency, is wrong.

Then, again, we have reports from all sides of abuses in the railroad department. It seems to me that before anything is done the Postmaster-General should look over the whole matter and report in detail. We have no such detailed report. I desire to protest against having an impression go out that any such bill as this will ever become a law or will have the sanction of the Senate. That is the reason why I object to the reading of the report at this time.

Mr. GORMAN. I move that the Senate adjourn.

Mr. BUTLER. Will the gentleman from Maryland withdraw his motion temporarily?

Mr. GORMAN. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BUTLER. Mr. President, I would not detain the Senate now, at this late hour, were it not that this majority report has come up from the Post-Office Committee, of which I am a member. I am opposed to this bill. I do not concur in the report made by a majority of the committee. I am preparing a minority report. If that report were ready and could go into the RECORD on the same day with the majority report, I would be content to wait till this bill should be taken up for action. The minority report will not be ready before to-morrow. I can not allow the majority report to go into the RECORD to-day without stating briefly some of my objections to this mischievous measure.

The real purposes of this measure do not appear on its face. Its real purposes, or at least its effects if it should become a law, are far-reaching and dangerous. The gold ring, the monopolies, and trusts already control the avenues and agencies of rapid communication and intelligence. They filter and control the news that appears in the daily press each morning. They now seek through this bill to close up as far as possible the only other avenue left free and open. This bill is seeking to run the gantlet of Congress under false pretenses.

The friends of this bill, known as the Loud postal bill, come to Congress under the guise of reform and economy and ask you to pass a bill. A bill that will do what? A bill that will cut out of the mails a large part of the literature that the people to-day receive, desire to receive, through the mails at second-class rates. A bill to do what? A bill to deprive the people who live along the star routes of one-half of the privileges which they to-day receive from the postal system of this country; a bill intended—if not intended, that would be the result—to cut out from the mails all standard works now published in cheap form with paper covers; that is, the works of Dickens, Scott, Hawthorn, Washington Irving, and hundreds of others which are now being published in cheap form and are going through the mails at second-class rates. Even Webster's Unabridged Dictionary to-day goes to people out in the country in cheap form with paper cover.

Coin's Financial School and books of that kind have gone through the mails to possibly every post-office in America, and more are going. This bill cuts all these books out of the mails. Is that the purpose of those who favor this bill? The man who lives in a city can buy them at a news stand. The man who lives in the country and who relies on the postal system to bring him in touch with civilization is dependent upon the mails to give him the benefits that the man who lives in a city or who rides frequently upon a train is not so dependent upon. The professed reason for this bill is reform and economy, but those who come and ask you to pass it in the interest of economy are those who vote for more subsidies, those who vote to take more millions out of the Treasury of the Government than any other class of men in the Senate and in the House. And yet, in the name of reform and in the name of economy, they come here and ask you to pass a bill that robs the people of half the benefits they to-day get from the postal system.

Mr. President, the bill would be infamous in its results if it should pass. If the people of this country knew what is in the bill, there would be such indignation from ocean to ocean as has not been seen for twenty years. The American people will never tolerate such a measure when they know what is in it and what will be its results.

I will present a minority report to-morrow, and if those who profess to want reform mean reform in the interests of the general public, if those who profess to want to stop the deficit in the Post-Office Department mean that in good faith, I can point them

to a way to accomplish that result. I can show how the Post-Office Department can save from $10,000,000 to $12,000,000 a year, and the deficit now is but $8,000,000. You can save $12,000,000 a year by simply paying the railroads for the mail actually hauled and at the contract price, and no more. The Government pays the railroads for a great deal more weight than the roads really haul. It is the fault of the Government that this is done. Besides, the contract price is entirely too high. During the last twenty years freight rates have been reduced about 40 per cent, yet the Government is now paying about the same rates that it did twenty years ago. Why do not those who are so much concerned about the deficit in the Post-Office Department turn their attention to these big leakages and gross abuses? Let those who profess to favor economy and reform help to correct these abuses.

Mr. President, we to-day not only pay the railroads nearly $30,000,000 a year to haul the mails, but we also pay them rent for the cars in which the mail is carried. Why pay rent for cars when we pay freight charges? Besides, the rent we pay for the cars each year would pay for the cars in a year or two. Why not own our cars and pay the railroads a fair price to haul them? These are the reforms needed. They will stop the deficit and not rob the people of any of the blessings they now enjoy from the postal system. These changes would result in such economy that the Post-Office Department would have a surplus instead of a deficit.

But, Mr. President, if the people must be robbed of one of the greatest benefits of the postal system to stop a small deficit of $8,000,000, then I say, Let the deficit stand. There is no way that the money could be expended that means so much for the benefit of the general public.

Think of it—$32,000,000 paid to the railroads each year for what mail they carry, while the whole mail star-route system of the country costs only a little over $5,000,000 a year.

Mr. President, enough can be saved on what is paid the railroads in two years to buy every telegraph line in the country and establish a postal telegraph in connection with the post-office system.

If you want reform, if you want economy, if you want to make both ends meet and at the same time benefit the public, that is the way to do it. The facts are too plain and positive to be denied or even questioned. A postal telegraph would mean that all the avenues and agencies of information would be open and free to all alike.

Mr. President, that bill—and I address my remarks now to the Republican side of the Senate—will close down many enterprises, like the Republicans say a reform tariff bill will. The bill will close down prosperous book firms. It will close down legitimate enterprises that are to-day in operation. It will throw people out of employment. It will put the book business in the hands of a smaller number than those who are now in it. How can any man who says that he opposes the reduction of the tariff because it throws labor out of employment favor this bill unless he can show better reasons for its passage than are in it?

Mr. President, it goes further than that. This bill will bear hard upon the country weekly newspapers. The bill robs the editor of the country newspaper of his only chance to-day of advertising his paper and increasing his circulation. It robs the man who wants to start a paper, and who has little means, of the only chance to build up his paper and compete with papers that are already established and have plenty of money behind them. This bill robs them of the sample-copy privilege, which to-day is the main resource that the country editor has to advertise his paper and extend his circulation. I dare say that if the bill passes, your newspaper, the Silver Knight [turning to Senator STEWART], will be crippled. You have built up your circulation chiefly by sending out sample copies. The profits from your paper would not justify you in putting a man on the road, to pay railroad fare and hotel bills to get subscribers for your paper. You must depend upon sample copies largely.

Mr. President, the bill will create a newspaper trust, as well as rob the people of half the benefits to-day that they get from the postal system.

Mr. CHANDLER. The Senator says the bill is an infamous bill. The first proposition of the bill is for 1-cent letter postage. I will not undertake to talk against an uncorked Populist to-night. I ask the Senator from Nevada whether, if I will withdraw the call for the reading of the report, he will withdraw his appeal, and allow the report, which is very short, to go into the RECORD?

Mr. STEWART. I am willing now that it shall be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada withdraws the appeal which he had taken from the ruling of the Chair, and the Senator from New Hampshire asks unanimous consent that the report be printed in the RECORD without reading. Is there objection?

Mr. BUTLER. I do not intend to object except to correct the statement of the Senator from New Hampshire. I did not say, as he quotes me, intentionally, I am sure, that this is an infamous bill; but I said its results would be infamous. To say that the bill is infamous on its face would be to question the motives of those who favor the bill, and that I do not wish to do.

Mr. CHANDLER. The report will show that the Senator said it was an infamous bill.

The PRESIDING OFFICER. Does the Senator from North Carolina object to the request made by the Senator from New Hampshire?

Mr. BUTLER. The RECORD will show that I did not say what the Senator from New Hampshire says that I said.

Mr. CHANDLER. I renew my request.

Mr. BUTLER. I make no objection.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The report is as follows:

This bill was received from the House on January 7, 1897. The committee found a widespread interest in the bill prevailing throughout the country; on the one hand on the part of those patrons of the mails sending second-class matter, who appeared to desire to preserve the present system substantially as it exists, and on the other hand on the part of those who wish alleged abuses to be corrected, hoping that the saving in expenditure thereby effected will enable the Post-Office Department, without too great an increase of its annual deficit in revenues, to give to the public a 1-cent rate of postage on single letters, or otherwise to give benefits to the community not now attainable. Hearings were asked for on both sides and given by the committee on the 16th, 23d, and 30th days of January.

As time has passed, it has seemed to the committee that with the wide difference of opinion existing between the various interests and also among members of the committee as to the extent of existing abuses and the proper method of providing remedies, it will not be possible to secure passage of the bill through the Senate at the present session.

The committee, however, report the bill to the Senate, with certain amendments prepared by the acting chairman, in order that it may be taken up for consideration, if time permits, each member reserving his final opinion upon the amendments and the bill until they come up for consideration.

The committee also recommend that a postal commission be created by legislation, as follows:

"That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free-delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day of December, 1897."

The committee submit to the Senate a report of the hearings which have taken place, and recommend that it be printed with this report, together with a copy of the bill as reported with amendments, and with the House report (No. 260, Fifty-fourth Congress, first session) in favor of the House bill.

HOUR OF DAILY MEETING.

Mr. ALLISON. I offer a resolution which I should be glad to have considered now, unless there is some objection to it.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That on and after February 24 the hour of daily meeting of the Senate shall be 11 o'clock a. m.

Mr. HILL. What time is fixed?

Mr. GRAY. Wednesday.

Mr. HILL. I move that the Senate proceed to the consideration of executive business. There is some executive business that I should like to have the Senate transact. I made that motion some time ago, but I withdrew it for the purpose of having the discussion which has taken place.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution offered by the Senator from Iowa?

Mr. HILL. I make none unless everybody else is to transact his business so that I can not get mine transacted; that is all. I trust there will be no objection to an executive session.

The PRESIDING OFFICER. Does the Senator from New York yield for the purpose of having the resolution considered?

Mr. HILL. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. GORMAN. Pending that, I move that the Senate do now adjourn.

Mr. HILL. I trust the Senator from Maryland will withdraw that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 23, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 22, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this, I believe, is the day assigned under the rules for the consideration of business reported from the Committee on the District of Columbia.

Mr. HOOKER. Mr. Speaker, I hope the gentleman will not object to the consideration of the bill I send to the desk.

Mr. CANNON. I ask the chairman of the Committee on the District of Columbia, in view of the fact that there are but two appropriation bills not yet considered by the House, that he ask unanimous consent—I suggest that he ask unanimous consent—that after the deficiency bill is disposed of, which can be disposed of in two hours, and the naval bill, then he can take a day, immediately after they are completed, for the consideration of District business.

Mr. BABCOCK. I desire to say, Mr. Speaker, that there are some very important matters here, bills with Senate amendments, that should be considered. But I am willing to concede anything to forward the business of the House; and with that understanding I would ask unanimous consent that the day immediately following the passage of the naval appropriation bill be substituted for to-day as District day.

Mr. WHEELER. Mr. Speaker, I understand the gentleman to say that there are important matters to come up. I would ask if he intends to bring up for consideration the bill S. 2840——

Mr. BINGHAM. What is the bill?

Mr. WHEELER. To charter——

Mr. BABCOCK. There are numerous measures on the Calendar before that. It is doubtful if it can be reached at all.

Mr. WHEELER. I dislike very much to object to any request made by the gentleman. I trust the gentleman will agree that this bill will not be brought up. I will not interpose any objection, if he will not bring up the bill.

Mr. BABCOCK. I move that the day immediately following the passage of the naval appropriation bill be substituted as District day instead of this day.

The SPEAKER. The Chair thinks that would hardly be in order.

Mr. CANNON. Does the gentleman from Alabama insist on his objection?

Mr. WHEELER. I will withdraw the objection.

So (there being no further objection) the request of Mr. BABCOCK was agreed to.

Mr. BOUTELLE. I understand that immediately after the deficiency bill the naval appropriation bill is to come up.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole for the further consideration of the deficiency bill.

QUESTION OF PRIVILEGE.

Mr. WALKER of Massachusetts. Mr. Speaker, I rise to a question of privilege, and also a question relating to the privileges of the House.

Mr. HOOKER. I hope the gentleman will allow the consideration of the bill I send to the desk.

Mr. CANNON. I can not give way. The gentleman can get it in afterwards.

The SPEAKER. The gentleman from Massachusetts rises to a question of privilege, and will state it.

Mr. WALKER of Massachusetts. I rise to a question of personal privilege, and also to a question that concerns the privileges of the House. I will first state my question of personal privilege.

The members of this House are aware that this is the first time in a service of eight years that I have risen to a question of personal privilege, and I have had my full share of being misunderstood by the newspaper correspondents.

Mr. Speaker, I object to being used by the newspaper correspondents who are provided by this House with accommodations to report accurately and justly the proceedings in this House. Their prejudices against any members of the House, above all against the Speaker of the House, should not be written into the words of members. I hold in my hand the New York Journal of Saturday, February 20, which, after a considerable display of the Speaker in pictorial form, says:

CZAR REED'S tyranny leads to an open revolt—WALKER of Massachusetts fires a public shot against the czar's tactics.

I open the paper from my home and find an article headed:

Speaker REED attacked—Congressman WALKER assails the czar of the House.

I want to show by the record, Mr. Speaker, that there is not a word I uttered, either on this occasion or any other, where I had occasion to criticise any one personally, but the rules and the proceedings of the House and some of its committees. My words were in no sense a reflection on the Speaker of this House, any more than that the Speaker of this House was caught in the toils of the arbitrary proceedings that have been growing up here for many years. In the exercise of the power which the rules and proceedings of the House devolve on the Speaker he is compelled, whether he will or not, to exercise a power which is not only arbitrary, but tyrannical, and necessarily so.

No Speaker, as I have stated publicly and privately, has occupied that chair and has exercised his great power with any more fairness and candor and discretion and patriotism than the gentleman who now occupies it. But it makes it none the less tyranny to the members of this House in their attempts to represent their districts. The rules of this House to-day, under the advice and rulings of the Speaker, are less tyrannical than they were before, when we were subjected to the tyranny of any member of this House, day in and day out, sometimes covering more than a week.

So much for my criticism of the Speaker; and I may be allowed to say I shall not be deterred in the future, any more than in the past, from exercising my rights on this floor, because the dearest friends I have are involved in the injustice done. I ask the unanimous consent of the House of publishing in the RECORD the declarations of the present Speaker with reference to our rules. They are deliberate, fair, and candid declarations of the facts in the case. He has done more than any other man in the country to bring to the attention of the country and of this House the needed reformation of its rules. I now ask unanimous consent, in order that I may not take the time of the House in reading them, that these words of the Speaker may be published in the RECORD.

Mr. BARRETT. Before agreeing to that permission, I should like to ask in what connection the statements alleged to have been made by the present Speaker of the House were made.

Mr. WALKER of Massachusetts. I will say that they are made in the Forum, in a series of articles that very carefully discuss the rules of the House, and they fully justify me in what I have said in the House concerning its rules. I ask the privilege of publishing these extracts in the RECORD, rather than to read them. Otherwise I shall send them to the desk and have them read, as I have a right to do. I ask this simply to save the time of the House.

Mr. BARRETT. I wanted to make sure that the remarks alleged to have been made were properly certified, and to know if they were made over the signature of the gentleman.

Mr. WALKER of Massachusetts. Why, certainly.

The SPEAKER. Are the dates given?

Mr. WALKER of Massachusetts. Yes; the dates and quotations.

The SPEAKER. The gentleman asks unanimous consent to publish in the RECORD the extracts which he will send to the Clerk's desk. Is there objection?

There was no objection.

The extracts referred to are as follows:

EXTRACTS FROM THE NORTH AMERICAN REVIEW.

[February, 1891. Page 148.]

In the United States of America every two years there occurs an event which has sometimes been thought to be a lesson to the effete and unprogressive monarchies of the Old World, and to be not without a certain spectacular beauty even to the favored participants. At that time, throughout 4,000,000 square miles of territory, lying between the two greatest oceans of the world and between its greatest lakes and its broadest gulf, 60,000,000 of civilized beings, some of whom are also enlightened, have reached the decision of a great contest of opinion and have selected the materials for the machinery by the aid of which those same 60,000,000 of people are to so govern themselves as to make that progress in liberty and civilization which will enable them to realize the somewhat unrestrained expectations of their ancestors and to live up to the high calling which is to be found in Fourth-of-July orations and other discourses hopeful of the progress of the race.

[February, 1891. Page 149.]

So far as I can understand it, this struggle, battle, and decision have for their purpose, as regards the House of Representatives, the election of a representative body, which, so far as its powers go, is to formulate into laws the wishes of the people who are to be governed by those laws, and who have expressed their wishes at the polls.

[February, 1891. Page 151.]

For what purpose is a House of Representatives elected? Is it to pass the appropriation bills and then go home and say to the people, "You certainly ordered us by your votes to do certain things; you undoubtedly went through the agony of a fiercely contested election and decided upon certain questions, and intrusted us with the making of the laws to carry out your decisions, but we have not done anything of the sort?"

[February, 1891. Page 151.]

Why should orators convince the judgments and able editors satisfy the minds of voters if nothing is to come of it? Why have an election if it chooses nothing? Why a decision at the polls if it decides nothing?

[February, 1891. Page 152.]

The obstruction which to-day delays public business is modern, and it is not only true of the two Houses of Congress, but of parliaments all over the world. Everywhere that decent respect for the rights of the majority which caused those who were outnumbered to submit after the intellectual struggle was over seems to be giving way to that brutal exercise of mere physical obstruction which certainly can not be tolerated if representative government by the majority is to survive.

[February, 1891. Page 152.]

It so happens that party measures are precisely those measures which enter into the contests of election, into the discussions which precede and the decision which ends them. We have, therefore, the strange anomaly of the greatest resistance made on those very points which have been already passed upon by the people. What has been decided is precisely what is hardest fought afterwards.

[February, 1891. Page 153.]

There has been such a growth of obstruction that remedies had to be found, and still others must be found in the future. Such remedies, while they will, after the unreasoning passions have subsided, lead to real debates and sound deliberation such as we all desire, will also utterly cut off mere talk, that moth of time and of business which seeks to kill by indirection what nobody could kill in the open House by an open vote.

[February, 1891. Page 154.]

The waste of time in the House is simply inconceivable. The pernicious habit of destroying time by utterly needless calls of the roll for yeas and nays is so bad that even at the risk of repetition it is worth while to call attention to the figures which the last session disclosed. A roll call costs, one time with another, twenty-five minutes. Inasmuch as 458 roll calls were had last session, of which not 100 were legitimate, not less than one hundred and eighty hours were wasted. Five hours is a whole legislative day. Thirty days at least were therefore wasted last session in mere roll calls. This waste could be in a great measure prevented by requiring all motions now made for dilatory purposes to be seconded by a majority before they could be entertained.

[February, 1891. Page 156.]

The business of 60,000,000 people must be carried on. If obstruction increases, repression must increase. If talk, utterly irrelevant, consumes time and destroys public business, talk must be limited, and then men will have less temptation to irrelevancy and true debate will flourish.

[May, 1890. Page 537.]

What has been done ought to be preserved intact, because very much more needs to be done before the House becomes a deliberative body capable of satisfactorily doing the business of a great nation, which becomes every day visibly greater.

[October, 1889. Page 424.]

What is a legislative body for? It is not merely to make laws. It is to decide on all questions of public grievance, to determine between the different views entertained by men of diverse interests, and to reconcile them both with justice. It must in some form hear the people. A negative decision by a legislative body is of as much value to the community as a law. Time is not lost when cases are investigated and action refused. Half the grievances of mankind turn out to be unfounded as soon as somebody is found to listen to them.

[October, 1889. Page 424.]

A legislature is the court of very last resort. Therefore it would seem as if it should have such rules of action as would make the majority efficient. Our Government is founded upon the idea of majority rule. There can be no other government by the people.

[March, 1890. Page 382.]

The House of Representatives is a body of men 330 in number, representing a vast extent of country, with interests and wants so varied that no catalogue could enumerate them.

[October, 1889. Page 425.]

If time were eternity, or men were angels, there should be no limit to debate. But in the House of Representatives men are not angels, and even time is limited to five hours in the day and six months in the year, and therefore debate is much abridged. * * * When debate becomes the rule and speechmaking the exception, we shall have a better state of things in that regard, for speechmaking contributes more than anything else to the ruin of debate.

[October, 1889. Page 426.]

If dilatory motions were reduced to their lowest limit, or, even as such, entirely abolished, there would be greater facilities for action and consideration; and therefore there would be a greater chance for debate, and the danger of unwise laws would be much lessened. The present system is capable of indefinite abuse, and the actual abuse is increasing every year.

[October, 1889. Page 423.]

The people of the country ought with one voice to help and support any honest effort to do business and to shorten Congressional sessions.

[October, 1889. Page 425.]

When a legislative body makes rules, it does not make them, as the people make constitutions, to limit power and to provide for rights; they are made to facilitate the orderly and safe transaction of business. * * * As a body, they represent the whole people of the United States, and have, therefore, no right to limit their own power. Rules should not be barriers; they should be guides.

[October, 1889. Page 426.]

With the greatest liberty new rules could possibly give to it, the House could never pass upon one-fifth of the business presented.

[May, 1890. Page 540.]

The vote by yeas and nays, intended by the framers of the Constitution simply to show constituencies how their representatives voted, has been prostituted to the use of the filibusters. With 330 members in a place so large that it is itself an imperative invitation to confusion, it takes, one time with another, a full half hour to ascertain the vote. Eight roll calls will utterly ruin a day. Hence any plan which makes roll calls inevitable is a sure plan for obstruction.

[October, 1889. Page 422.]

A provision of the Constitution has been wrested from its original design and made the corner stone of the rampart of obstruction. The Constitution provides that, whenever one-fifth of the members desire it, the yeas and nays shall be entered on the Journal.

[October, 1889. Page 423.]

So completely has this provision of the Constitution been turned from its original purpose that I should not be surprised to find that double the number of pages of the House Journal had been wasted in the record of yeas and nays on frivolous motions than had been used to record all the votes on serious questions.

[May, 1890. Page 540.]

The Constitution itself gives to one-fifth of the members a right that to-day is the greatest cause of delay and waste of time which still remains in the House of Representatives. * * * Whether some mechanical contrivance can diminish this waste of time and commend itself alike to the Constitution and the House will soon have to be considered.

[May, 1890. Page 544.]

All private bills go to the Private Calendar, and the claims of individuals have now no chance except what they receive during the Fridays which the press of public business permits to be used for their consideration. There is in the House no calendar which seems so hopeless and so unattackable. During thirteen years I have seen many bright and sanguine men propose remedies and offer panaceas, but they have all failed to meet the disease.

[May, 1890. Page 545.]

Energies which could have made new fortunes have too often been spent in vain pursuit of decisions of Congress which can never be obtained.

[May, 1890. Page 544.]

Many men who were among the prognosticators of evil when the new rules were passed were entirely sincere in the belief that, if the House obtained the right to do what it pleased, extravagance and unreason would run riot. Accustomed to get behind the rules as the sole protection, they forgot that the best protection of a country is liberty and government of the majority. They can now see that facility of action has but increased the sense of responsibility, and that, instead of the rules, the real protectors of the Treasury are the good sense and honesty of the members of the House.

Mr. WALKER of Massachusetts. Now, Mr. Speaker, on Friday I had occasion to criticise the action of the Committee on Appropriations on a bill now before this House. I wish to say that my criticism of the Committee on Appropriations goes to their violating my rights as a member of this House. I have a right to assume that, when the Committee on Appropriations makes a report to this House in the form of a bill, that the bill is made in accordance with the law, and that there is not an item in an appropriation bill which they bring in here which is knowingly in opposition to the laws which they swore to support when they took their oath of office as members of this House; and, furthermore, that my rights are violated in incorporating unlawful provisions, because I

am not supposed to examine every item in the appropriation bill that is brought in by the Committee on Appropriations, and to pass upon its legality. I have a right to assume that every item in an appropriation bill is not subject to a point of order, as in violation of law, unless it is put into that bill inadvertently, unless a mistake is made. I have a right to assume that they do not deliberately, and for the purpose of securing legislation for appropriations not warranted by existing law, put in items in an appropriation bill knowing they are not warranted by law. I said on that occasion——

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. I submit that there is no question of privilege pending.

The SPEAKER. The Chair has not heard any stated yet.

Mr. WALKER of Massachusetts. My statement is that the Committee on Appropriations knowingly put into the appropriation bill ten items each one of which was subject to a point of order as not supported by existing law, and which they were not justified in putting into the appropriation bill because there is no law on the statute books to justify them. That is my point of order. That is the question of privilege.

The SPEAKER. What action does the gentleman propose?

Mr. WALKER of Massachusetts. I propose to ask the House to take such action as it deems proper after I present my case. I propose to submit the question to this House for its action. Now, on Friday, February 19, I used this language in this House:

> The action of the Committee on Appropriations in its treatment of honest claims of citizens of this country against the Government of the United States is indefensible, and, furthermore, their treatment of this House in the favoritism which they manifest. The favor which they show in all matters in which they are interested, and the absolute impossibility of getting a hearing on matters that they are not interested in, is emphasized beyond measure, and becomes a question of human liberty. Why, Mr. Chairman, what a mockery it is for the chairman of this Committee on Appropriations to stand on this floor and say that he "would be very glad to consider this legislation when it is before the House!" In God's name, how are we to get such legislation before this House? Will anybody tell me how you are going to get the payment of just claims and the awards of the Court of Claims before the House? How are you going to get this or any legislation before the House, however much members of this body or the people of the country may need it or desire it?

Mr. WILLIAM A. STONE. I rise to a point of order.

The SPEAKER. The Chair thinks that the proposition of the gentleman from Massachusetts [Mr. WALKER] to make a discourse on the subject and then leave it to the House is not raising a question of privilege.

Mr. WALKER of Massachusetts. I think that this committee——

The SPEAKER. The gentleman from Massachusetts will see at once upon reflection that if such was the admitted practice of the House any gentleman might make a speech of an hour under that head and then nothing be done about it.

Mr. WALKER of Massachusetts. Then, Mr. Speaker, I offer this resolution——

Mr. WILLIAM A. STONE. To that I raise a point of order.

Mr. HULL. We shall have to hear the resolution first.

Mr. WILLIAM A. STONE. I have a pretty good idea of what it is.

Mr. WALKER of Massachusetts. I have not written the resolution. My resolution is to this effect:

> *Resolved*, That the Committee on Appropriations were not justified in bringing in ten items in their appropriation bill, under the laws or under the rules of the House, that were knowingly subject to the objection, under the point of order, that they were not justified by existing law.

The SPEAKER. The Chair does not think that could be a question of privilege.

Mr. WALKER of Massachusetts. Mr. Speaker, my point is that the committee——

The SPEAKER. If the gentleman had made the point at the time when the matter was pending before the House——

Mr. WALKER of Massachusetts. My point is that a member of the House does not know whether the items in an appropriation bill reported from the Committee on Appropriations, which is exceptional from the other committees—which may initiate legislation—are in order. Other committees are empowered to initiate new legislation, but the Committee on Appropriations, as appointed by this House, is circumscribed so that it can not initiate new legislation on its appropriation bills.

Mr. WILLIAM A. STONE. I insist on my point of order.

Mr. WALKER of Massachusetts (continuing). And in doing so it violates the rules of the House. That is my point of order.

The SPEAKER. The Chair thinks it is not a question of privilege when presented in this way.

Mr. HENDERSON. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. Debate on the pending amendment is limited to two hours, one-half of the time to be controlled by the gentleman from Illinois [Mr. CANNON] and the remaining half by the gentleman from Texas [Mr. SAYERS].

Mr. CANNON. One moment. On pages 54 and 55 of the deficiency bill as printed there were eight paragraphs touching the personnel of the House reported in the bill which went out on points of order on Saturday last. I ask now unanimous consent to reinsert those items.

Mr. SHERMAN. May I ask if that includes the amendment offered to the bill by myself?

Mr. CANNON. No; it does not.

Mr. WILLIAM A. STONE. I will say to the gentleman that if he renews his proposition I do not think there will be objection.

Mr. BAILEY. I ask the gentleman to withhold that request until I can look into it a little further. I do not think there will be objection.

The CHAIRMAN. The gentleman withdraws his request for the present.

Mr. SAYERS. Mr. Chairman, I desire to offer, in lieu of the amendments which I have offered to come in on line 24, page 61, and in lines 9 and 10, page 5, the following substitute in place of those amendments.

The CHAIRMAN. The gentleman desires to offer the following in lieu of the amendments pending, offered by him on Saturday.

Mr. SAYERS. This is not to be read in my time, Mr. Chairman.

The CHAIRMAN. The Chair understands that these are offered as substitutes.

Mr. SAYERS. But not to be read in my time.

The CHAIRMAN. The Chair understands these are offered as substitutes.

Mr. SAYERS. Certainly.

The CHAIRMAN. And the other amendments will be considered as pending. Does the Chair understand that the gentleman desires to withdraw the amendments offered on Saturday and substitute the following?

Mr. SAYERS. I will withdraw the amendments to which these are intended as substitutes, and allow them to be read as the amendments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Insert, in line 24, page 61, after the word "claims," the following:
> "Except claims for services over nonbond-aided lines of the bond-aided Pacific railroads."
> Strike out of lines 9 and 10, page 5, after the word "session," the following: "$16,277.91," and insert in lieu thereof the following:
> "For services over bond-aided lines, and to be credited to the sinking fund and interest accounts of said railroads, $14,712.45."

The CHAIRMAN. The gentleman asks unanimous consent that these amendments shall be considered as pending, in lieu of the amendments offered by him on Saturday to those paragraphs. Is there objection?

Mr. CANNON. As separate amendments.

The CHAIRMAN. A separate vote is demanded on them.

Mr. NORTHWAY. Let me inquire of the gentleman if you do not get your pages wrong?

Mr. WALKER of Massachusetts. I ask for the reading of that amendment. I did not hear it, and reserve my right to object.

The CHAIRMAN. Without objection, the Clerk will again report the amendments.

The amendments were again reported.

Mr. WALKER of Massachusetts. Mr. Chairman, I was unable to hear the reading on account of the confusion.

The CHAIRMAN. The Chair hopes that gentlemen will be seated and will be in order. It is impossible for members to hear the Clerk read the amendments. All gentlemen will please be seated and cease conversation.

The amendments were again read.

Mr. SAYERS. Mr. Chairman, I will ask the Clerk to read the third amendment.

The CHAIRMAN. The Clerk will read the other amendment, which was offered on Saturday and is pending.

The Clerk read as follows:

> Page 60, strike out all of lines from 18 to 24, inclusive.

Mr. SAYERS. Mr. Chairman, I ask the Chair to notify me when I shall have occupied fifteen minutes. I desire to call attention especially to the amendment which affects lines 18 to 24, inclusive, on page 60, which is to strike out an appropriation of $1,310,427.08 for the Southern Pacific Company. My information respecting this particular appropriation is that, if made, it will go to pay the Southern Pacific Company for transportation upon nonaided lines of the Central Pacific Railroad. The object of those of us who

desire to defeat this appropriation is to withhold the money and to apply it in offset to a very large amount which is due from the Central Pacific Railroad Company to the Government, and those who are cooperating with me in this effort hold to the opinion that inasmuch as the owners of the Central Pacific Railroad Company, the owners of the Southern Pacific Company, and the owners of the Southern Pacific Railroad Company are practically the same persons, in good conscience and in equity Congress ought to withhold payment of this judgment until a full and fair settlement shall have been had between the Government and the Central Pacific Railroad Company.

Mr. DALZELL. May I ask the gentlemen whether any part of this money was earned by the aided railroads?

Mr. WILLIAM A. STONE. None of it.

Mr. SAYERS. I do not claim, Mr. Chairman, that any portion of this money was earned by the aided roads, but what I do claim is that the earnings of the nonaided branch lines of the Central Pacific Railroad ought to be withheld, upon the ground that those lines were built out of the revenues arising from the operation of the Central Pacific Railroad, which revenues, under the law, ought to have been, in part at least, applied to the payment of the Central Pacific Company's indebtedness to the Government, and also for another reason. I am now going to state a fact, not upon my own responsibility, but upon information derived from others. That fact is that, out of the earnings of the Central Pacific Railroad Company from 1872 to 1878 and from 1878 to 1886, about $7,000,000 were paid to the Pacific Mail Steamship Company as a subsidy, and that of that sum so paid there was due to the Government under the law, from 1872 to 1878, 5 per cent, and from 1878 to 1886 25 per cent, which money, as the Government's share of the earnings of the Central Pacific Railroad Company for application to the sinking fund, was illegally and improperly diverted to the payment of subsidies to the Pacific Mail Steamship Company, which was practically under the control and ownership of the same persons who owned and controlled the Central Pacific Railroad and who now own and control the Southern Pacific Railroad Company and the Southern Pacific Company.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. SAYERS. Yes.

Mr. HEPBURN. During either of the periods you have mentioned, was the Southern Pacific Railroad in existence?

Mr. SAYERS. I said the Southern Pacific Company.

Mr. HEPBURN Well, the company?

Mr. SAYERS. The Southern Pacific Company may not have been; but the very same gentlemen who constitute the Southern Pacific Company to-day constituted at that time the Central Pacific Railroad Company.

Mr. MAGUIRE. The Southern Pacific Company took charge of all these lines on April 1, 1885, and all of these claims have arisen since that time.

Mr. SAYERS. Now, Mr. Chairman, it may be contended that this appropriation ought to be made because a portion of this judgment was paid by an appropriation at the last session of this Congress, amounting to nearly $500,000.

Mr. BINGHAM. How much does that judgment carry, all told? A million and a half?

Mr. SAYERS. More than that; $1,800,000. That contention is correct as to the fact, Mr. Chairman. This judgment covered several items, and of the appropriation of $1,500,000 so made, about $500,000 was used in payment of part of this judgment and covering transportation, not over the Central Pacific Railroad or any of its unaided lines, but over other lines controlled and owned by the Southern Pacific Company. This present item is embraced in section 19, page 27, of the bill reported by the gentleman from Vermont [Mr. POWERS] for funding the indebtedness of the Central Pacific Railroad Company to the Government.

Mr. BINGHAM. The House defeated that bill, I believe.

Mr. SAYERS. In that section of the funding bill it is expressly provided that—

> Two million four hundred and fourteen thousand three hundred and twenty-six dollars and twenty-one cents standing on the books of the Treasury of the United States to the credit of the Central Pacific Railroad Company as compensation for services upon its nonaided lines, a portion of which is now in judgment in favor of the Southern Pacific Company, together with all interest thereon, shall be applied to the payment of the indebtedness of the Central Pacific Railroad Company to the Government.

Here is an admission by the Southern Pacific Company that the sum of $2,400,000, of which this appropriation is a part, may be applied to the payment of the indebtedness of the Central Pacific to the Government. And yet gentlemen to-day insist upon it that, because they have a naked judgment and because the offset which we seek to make in good conscience would not be admitted as an offset in a court of law, therefore Congress ought to make this appropriation for the benefit of the men who owe the Government sixty or seventy millions of dollars and who say that they are not able to pay it. For ten long years we have been resisting payment of a similar appropriation. Under the leadership of Mr. Burnes in the Fiftieth Congress this fight was begun, and in the Fifty-first Congress, with more members upon the floor than I have ever seen before or since then at a night session, the House by an unprecedented majority of over 40 to 1, decided that such an appropriation should not be paid.

Mr. CANNON. Would it interrupt my friend if I should ask him a question?

Mr. SAYERS. Certainly not.

Mr. CANNON. Is it not true that for almost ten years these identical nonbond-aided roads have been paid almost in full from the current appropriations for Government transportation, and that they are now being paid for current service?

Mr. SAYERS. They have not been paid, since I have been a member of the Appropriations Committee, from any appropriations made upon bills emanating from that committee——

Mr. CANNON. The gentleman forgets the appropriations in the sundry civil bill.

Mr. SAYERS. Except in the general deficiency bill of the first session of this Congress.

Mr. BINGHAM. They are paid under the Post-Office appropriation bill.

Mr. SAYERS. Certainly, but that bill——

Mr. BINGHAM. The appropriation for inland mail transportation includes their compensation.

Mr. SAYERS. The gentleman is referring to the Post-Office appropriation bill and to appropriations coming from the Post-Office and Post-Roads Committee; the gentleman from Pennsylvania has had charge of that bill.

Mr. HEPBURN. Will the gentleman permit me a moment? He just now said that ten years ago, by a vote of 51 to 1——

Mr. SAYERS. In the Fifty-first Congress.

Mr. HEPBURN. These judgments had been refused payment.

Mr. SAYERS. Yes.

Mr. HEPBURN. Now, let me remind the gentleman that it is only during a comparatively few months that these judgments have had any existence.

Mr. SAYERS. Oh, I beg the gentleman's pardon.

Mr. HEPBURN. The excuse made heretofore for nonpayment was that the claims had not been adjudicated.

Mr. SAYERS. I beg the gentleman's pardon. This is the old fight that has been going on ever since the Fiftieth Congress, session after session.

Mr. WATSON of Ohio. When was the judgment for which it is proposed to make appropriation obtained?

Mr. SAYERS. I can not recall the exact date; but I may be able to furnish it to the gentleman in the course of the debate.

Now, the question before this committee is whether it will reverse the policy and action of the House for the last ten years and give to the Southern Pacific Company $1,800,000, that company having control of the Central Pacific Railroad and all its branch lines and having agreed in the funding bill, which was brought before the House, that this very money should be held by the Government as an offset pro tanto, to be applied to the payment of the indebtedness of the Central Pacific Railroad to the Government.

Gentlemen say that this judgment ought to be paid. I admit that it is a valid judgment, binding upon the Government; but at the same time, I insist that Congress, engaged in a death grapple with these railroads in order to force them to pay an indebtedness justly due the Government, ought to see to it that no money shall be appropriated for their benefit until a full and fair settlement is had between the Government and these companies.

Mr. BINGHAM. Will the gentleman yield to me for a question?

Mr. SAYERS. Yes.

Mr. BINGHAM. Why is it that the Government pays quarterly the Southern Pacific Railroad Company, in the same way it pays every other nonaided railroad company in the country, for the transportation of mails and munitions of war?

Mr. SAYERS. My friend, the House is not responsible for the conscience of any other branch of the Government.

Mr. BINGHAM. But we do pay that money now under the law.

Mr. SAYERS. The House is responsible for its own conscience.

Mr. BINGHAM. Do we not now make those payments under the law?

Mr. SAYERS. The Treasury Department does so; but because the Treasury Department may act unwisely——

Mr. BINGHAM. Those payments can not be made illegally, because Congress takes cognizance of them.

Mr. SAYERS. Is it incumbent upon this House to follow every policy inaugurated by the Departments?

Mr. BINGHAM. The Department pays under the law.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] has occupied fifteen minutes.

Mr. SAYERS. I will occupy only two or three minutes more. I will restate the question. It is a question which has been before this House for ten years past, which has been fought over and

over, and again and again, and the battle has always gone in favor of the Government.

We admit the validity of this judgment. We do not deny that the Government owes this amount to the company. But we claim that inasmuch as the stockholders of the Southern Pacific Company and of the Central Pacific Railroad Company are practically one and the same, and inasmuch as one of these concerns is largely indebted to the Government and is in a state of confessed bankruptcy, and through its attorney has told us that it is unable to pay its indebtedness, this House will be derelict in its duty if it should pay over $1,300,000 of the money of the Government to the Southern Pacific Company with the indebtedness of the Central Pacific Railroad being unpaid. These gentlemen—the owners of the Central Pacific and the Southern Pacific railroads—are masquerading under the protection and blind of the Southern Pacific Company, incorporated by the legislature of Kentucky to operate railroads, to build railroads, to lease railroads, to carry on merchandise or banking business, and, in a word, to do everything that they may choose, provided they keep out of the State of Kentucky.

Mr. Chairman, I reserve the residue of my time.

Mr. CANNON. I yield ten minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. WATSON of Ohio. Before my colleague takes the floor, I would like to ask the gentleman from Texas [Mr. SAYERS] a question. I understood the gentleman to say, before he sat down, in answer to a question of mine——

Mr. NORTHWAY. I hope this will not come out of my time, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. NORTHWAY. I can not yield.

Mr. WATSON of Ohio. There seems to be some misunderstanding as to the inquiry I made of the gentleman from Texas, but I will take another occasion to refer to it.

Mr. NORTHWAY. Mr. Chairman, I should not feel called upon to give an expression of my views on the question now under consideration were it not for the fact that a fierce struggle took place on the floor of the House several weeks ago, over what is known as the "funding bill," in which I took a short part. I voted against the provisions of the funding bill then presented. I shall now vote against the amendment presented by the gentleman from Texas [Mr. SAYERS] to strike out this provision, and shall vote in favor of the judgment, and because of my vote on the funding bill to which I have referred, and on this question, I desire to be heard briefly at the present time. My vote on the funding bill had no reference whatever to the question of honor or not paying the debt or kindred questions involved in the controversy. The only objection to the funding bill, as then presented, was, in my judgment, that we could get better offers than were presented for a settlement of the claim of the Government of the United States. I believed that I was right then, and I know now that I was right.

Now, in reference to the matter directly under consideration, ten minutes will not suffice to present an argument, and I can only call attention briefly to the matter in question. The bill proposes to pay a judgment of one million three hundred and some odd thousand dollars obtained by the Southern Company—the Southern Pacific Company—against the United States.

The gentleman from Texas said that we have fought over this matter for about ten years. Now, let me invite his attention to the fact that the judgment was rendered by the Court of Claims on the 13th day of January, 1893, covering this amount; so that we have not fought over it for ten years.

Mr. SAYERS. What I said was that this matter has been fought over for ten years.

Mr. NORTHWAY. The idea was that this particular proposition has been in controversy for ten years.

Mr. SAYERS. And the money appropriated from time to time has been withheld.

Mr. NORTHWAY. The judgment was rendered on the 30th day of January, 1893.

Mr. SAYERS. That is correct.

Mr. NORTHWAY (continuing). And on an appeal taken by the Government to the Supreme Court of the United States; but they failed to perfect the appeal, because a decision rendered in April, 1886, had covered precisely the same question in a suit between the Central Pacific Company for services rendered on the nonbond-aided portions of the line and the United States.

Mr. BOATNER. Will the gentleman yield for a question for information?

Mr. NORTHWAY. Yes.

Mr. BOATNER. Will the gentleman be kind enough to inform us what became of the judgment rendered by the Supreme Court of the United States? Has it been paid?

Mr. NORTHWAY. It never has been paid.

Mr. SAYERS. No; it was not paid.

Mr. NORTHWAY. Now, what I wish to call your attention to especially is this: The claim is made that because the Central Pacific Company, over the bond-aided portion, is indebted to the Government on the bonds paid by the Government of the United States we should now withhold payment to the Southern Pacific Company, which has leased the Central Pacific, for services rendered upon the nonbond-aided portions of the line of road. And be it remembered, further, that not a cent of the judgment rendered is for services by the bond-aided line of road, or any other road except these nonbond-aided portions.

Mr. SAYERS. Of the Central Pacific?

Mr. NORTHWAY. Of the Central Pacific or any other road; because it does not apply to the bond-aided portions, but only to the nonbond-aided portions.

But the gentleman from Texas wants to withhold the payment of the judgment because we have the physical power to do so. He thinks because we have the power we should refuse to pay our debts.

But, Mr. Chairman, I call attention to one thing, and that, it seems to me, is conclusive in this regard. The contract for carrying the mails, for transporting troops and supplies and munitions of war, for which the judgment was rendered, was entered into between the Government of the United States and the Southern Pacific Company. We need not have entered into it. We bound the company to the performance of its duty; we required them to execute a bond for the performance of the work, and if it failed we could have entered judgment and collected the bond. I submit now that, having entered into that kind of contract, we are bound in law and in honor to perform our part of the contract as fully as we could have obliged the other side to perform their part of the contract.

Mr. JOHNSON of Indiana. May I interrupt the gentleman for just one minute?

Mr. NORTHWAY. Well, now, not for a minute.

Mr. JOHNSON of Indiana. Has the company owning this judgment come under the control of these other companies since the judgment was rendered?

Mr. NORTHWAY. It had the control of the nonbond-aided lines of the road before the judgment was rendered. The Southern Pacific Company came into the control of the Central Pacific, both the bond-aided portion and the nonbond-aided portion, in 1885, and this suit was commenced in 1889 in the Court of Claims. Judgment was rendered on the 30th of January, 1893, but for services performed strictly on the nonbond-aided lines. Now mark——

Mr. JOHNSON of Indiana. Who has the right to the judgment now?

Mr. NORTHWAY. The Southern Pacific Company.

Mr. JOHNSON of Indiana. The company in whose favor it was rendered?

Mr. NORTHWAY. Yes. It has not been assigned, but stands now in the name of the Southern Pacific Company; and now it is said, because the Central Pacific Company is indebted to us, we shall not pay the judgment which we agreed to pay to the Southern Pacific Company.

Now mark! This judgment could not have been rendered except in conformity with the law which we ourselves passed. We provided that that company might sue us, or else they could not have sued the Government of the United States. We promised by law, as faithfully as we could, that if any judgment was obtained against us we would pay it. Judgment was obtained against us, not a judgment on a finding of facts, but a judgment which could be enforced against an individual; and we stand here to-day in this attitude, that if we withhold this money we are doing precisely what we should do if the bonds of this Government had fallen due and we should decline to appropriate the money to pay them. There would be no power to collect it; that is all. By physical power we can decline to pay any of our indebtedness; by physical power we can decline to pay this indebtedness; but I submit that the lawmaking power, which passes laws to obligate all citizens to bow in submission to the law, should itself bow in submission to its own law, and should not stand and repudiate that which it forces upon all the millions of our people. We ourselves should be bound by the law by which we bind others.

Here was a contract which bound the Southern Pacific Company to do certain things. That company might have been wrong in leasing its lines; but we knew it, if it was. We entered into a contract with it, and the rule of law is everywhere positive, to which there is no exception, that when a person enters into a contract with another he shall not be heard to say that that other does not exist. The Government entered into a contract with the Southern Pacific Company. It should not to-day stand here and be heard to say that this Southern Pacific Company has no right to existence. We ourselves recognized its existence. We entered into a contract with it, and provided for the rendition of a

judgment. The judgment has been rendered. It is a judgment which in law as against an individual could be enforced by execution.

Mr. DOCKERY. Will the gentleman allow me to suggest that the obligations of a contract are just as sacred on the part of this railroad company as on the part of the Government?

Mr. NORTHWAY. Precisely; but that Southern Pacific Company never cheated us. We entered into a contract with it. The United States has been heard in this matter in the Court of Claims. It has been heard in the Supreme Court of the United States, where the very questions were raised which the gentleman from Missouri [Mr. DOCKERY] will raise, and which were raised by the gentleman from Texas [Mr. SAYERS]. The Supreme Court has said that there was no equity in the claim of the Government. Law and equity are both against the Government, and the debt should be paid. The Supreme Court of the United States, the highest court in this land, has pronounced upon this matter, and we ought not to decline to be bound by the court which binds all the millions of our countrymen. We as individuals are bound by the decisions of that court, and it is one of the glories of this country that the decisions of that court must be submitted to. We compel all the people to submit to its decisions. Why should we not be bound by that court? These very questions that are to be asked to-day have been fought out, argued by the ablest atterneys, the court has passed fully upon the questions, and they have held that the objections raised against the payment of this claim are not defenses, either in law or in equity.

Mr. HARRISON. Was that matter litigated before the court?

Mr. NORTHWAY. Yes. Not this judgment, but the very question was litigated in a suit brought by the Central Pacific Railroad Company for services rendered over the nonbond-aided lines, and it was litigated in the Supreme Court, where the very same questions were presented.

Mr. HARRISON. Was not the Government represented before the Court of Claims in this case?

Mr. NORTHWAY. Yes, sir; and they took an appeal, and failed to perfect the appeal. Now, that very question was passed upon in 1886 by a full opinion of the Supreme Court of the United States, involving the exact question, where every point was litigated and every point passed upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to have the attention of the lawyers of this House for the brief time that I occupy the floor. To my mind this is one of the simplest questions we have ever had before us. The Southern Pacific Company was organized in 1885, and leased other roads. The services it rendered were the carrying of the mails and troops of the Government between 1885 and 1889. Nobody disputes that these services were rendered. They have rendered the same services ever since, and have been paid ever since without question; but, forsooth, because a court has rendered a judgment for these services, it has been picked out and objected to and fought over here term after term. Why, there has been no question raised as to the company's services in carrying the mails. Not at all. For similar services this year there has been no objection to the payment; but because this was embodied in a judgment it seems that they have found fault with it and declined to pay it.

Now, there is no defense to this claim—none under the shining sun. There is no equity or law or reason why it should not be paid. Gentlemen say that these companies are one and the same. Why? Because there was a funding bill in this House, and because members have won some glory in fighting railroads, they attack this item, and have assailed it furiously. Now, where is the equity of it? Where is the ground on which the assault stands? I claim there is none. But they say that the Central Pacific Railroad owes the United States Government, and for that reason the Government ought not to pay this claim. The city of Pittsburg owes the men who hold its bonds, and for that reason a man who holds its bonds ought not to pay a debt he owes me. The doctrine that you can offset a debt due an individual in dealing with a corporation of which he is a member was never enforced by any civilized court in the civilized world, and never will be; never can be. Where is the ground? Oh, they say the Central Pacific Railroad Company is indebted to the Government, and the Southern Pacific Company operates the Central Pacific, and they are all one and the same. They are not all one and the same. The stockholders of the Southern Pacific are in part stockholders of the Central Pacific. They are also stockholders, in part, of the Pennsylvania Railroad, and in part of the Baltimore and Ohio Railroad Company, and you may trace these stockholders into several companies. But because one of these companies of which they are stockholders is indebted to the Government, are you going to withhold what the Government owes to other companies in which they are interested? You are simply playing with the law and with equity and with justice. It becomes a travesty. You can do it by main, physical, muscular force; but you have no right to do it, no legal right, no equitable right, and no moral right to do it. Here is this railroad company performing this service for years, and you are paying for it year after year. But here this one time you say you will not pay it. Suppose I owe John Jones, and John Jones is a stockholder in a corporation that owes me, and he wants his money, and I say I will not pay him. Why? Because he belongs to a company that owes me, and it will not pay me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. Will the gentleman yield to me for a question?

Mr. WILLIAM A. STONE. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS (to Mr. CANNON). Will you yield him a minute?

Mr. CANNON. I yield to the gentleman from Pennsylvania two minutes.

Mr. SAYERS. Did not the gentleman vote for the Pacific funding bill?

Mr. WILLIAM A. STONE. I refer the gentleman to the RECORD.

Mr. SAYERS. I want to say if the gentleman did so vote, he voted to apply this very money just as we are seeking to apply it.

Mr. WILLIAM A. STONE. This is not a parallel claim and has no application here.

Mr. SAYERS. Yes, it has.

Mr. WILLIAM A. STONE. The policy of funding a debt which this and other roads owe the Government is one question, and the policy of the Government refusing to pay its admitted honest debts is another.

Mr. SAYERS. Will the gentleman say that he voted for that bill or not?

Mr. WILLIAM A. STONE. Will the gentleman tell this House why he opposes this proposition?

Mr. SAYERS. If you voted for that bill, you certainly can not oppose the amendment to strike out this appropriation and be consistent.

Mr. WILLIAM A. STONE. That has got nothing to do with the case. I hope the gentleman will not insist upon that.

Mr. SAYERS. I do.

Mr. WILLIAM A. STONE. This is not a kindergarten. It is the House of Representatives of the United States. There are gentlemen here who are learned in the law, who have been judges of the highest courts in their States, and yet we are asked in this House to favor and enforce a proposition that will be laughed at by every justice of the peace in the country; laughed at because there is no law, no equity, no common sense, and no morals in it.

Mr. HARRISON. Let me ask the gentleman if it is not a fact that this very funding bill also recognized the Southern Pacific Railroad Company as a separate company and proposed to take it as security for the Central?

Mr. WILLIAM A. STONE. Oh, I can not go into the details of the funding bill.

Mr. SAYERS. I yield twenty minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I do not expect to occupy so much time as the gentleman from Texas has kindly yielded. I ask the especial attention of Republican Representatives, because I intend to discuss this important issue in a businesslike manner. It is wholly removed from the arena of politics, and I may therefore claim the fair and impartial attention of gentlemen upon that side, and especially of my friend from Iowa [Mr. HEPBURN], whom I see so graciously beaming with smiles.

Mr. Chairman, this is an old contention which comes down to us from the Fiftieth Congress. The gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has consistently during all these years urged this appropriation of public money. The gentleman from Texas [Mr. SAYERS] and myself, supported by an overwhelming majority of this body, regardless of the political party controlling, have hitherto opposed and succeeded in securing the rejection of the items contained in this judgment, which amount to $1,310,427.08.

The Fiftieth Congress rejected the items which constitute this judgment. The Fifty-first Congress also rejected the claims which entered into this judgment; and so, Mr. Chairman, during a period of eight years the House has considered the question and determined that although this is a valid claim, payment of it shall be withheld until the time arrives when the Government can adjudicate and settle its accounts with the Central Pacific Railroad Company. The parties to this controversy are the Southern Pacific Company, the Southern Pacific Railroad Company, the Central Pacific Railroad Company, and the United States Government. The Central Pacific Railroad was constructed, as gentlemen know, by the bounty of the Government.

The Government gave to that company a national charter. It gave it an ample right of way. It granted land on each side of the road amounting, I believe, to 12,800 acres per mile. It loaned its credit in the form of bonds to the extent of $16,000 per mile on 17 miles of the road; on 150 miles of the road it loaned its credit

to the extent of $48,800 per mile, and on 580 miles of the road it loaned its credit to the extent of $32,000 per mile. These were all 6 per cent thirty-year bonds, so that it is obvious the Government gave to this railroad company a valuable grant of land and an enormous gift of bonds. To further encourage the enterprise, it also authorized the company to issue first-mortgage bonds at the rate of $16,000 per mile, which should be a first lien upon the road, the Government lien being subject to this first-mortgage indebtedness. The Central Pacific Railroad Company was therefore constructed at the expense of the people of the United States, and out of the bounty of the Government this corporation has largely built up its so-called nonaided lines.

Mr. HEPBURN. Will the gentleman tell us the process by which he proposes to apply the amount of this judgment rendered in favor of the Southern Pacific Railroad Company to extinguish the debt of the Central Pacific Railroad?

Mr. DOCKERY. If the gentleman will hear me through, I think I can make it so plain that my friend from Iowa will not err. Under the provisions of the Thurman Act, passed in 1878, the Central Pacific Railroad Company and the Union Pacific Railroad Company were required to pay into the Federal Treasury, in addition to their earnings for carrying the mails, troops, and munitions of war, a certain percentage of other earnings. That requirement was, in the main, I believe, substantially complied with by both of the companies. But now comes the sinister feature of this transaction.

In 1885 the Southern Pacific Company was organized under a charter granted by the State of Kentucky. That Southern Pacific Company, which then for the first time appeared upon the scene, was composed practically of the same stockholders as the Central Pacific Railroad Company. Furthermore, the Southern Pacific Railroad Company also consisted substantially of the same stockholders as the Central Pacific Railroad Company. So that we have the Central Pacific Railroad Company, controlled by Mr. C. P. Huntington and others; the Southern Pacific Company, controlled by Mr. C. P. Huntington and others; and the Southern Pacific Railroad Company, controlled by Mr. C. P. Huntington and others.

Now, what was the result of the advent of the Southern Pacific Company? It may be briefly stated. The Southern Pacific Company leased the Central Pacific Railroad and its nonaided lines for a term of ninety-nine years; it also leased the Southern Pacific Railroad line, which was a competing line, and by the leases thus effected by the Southern Pacific Company the earning capacity of the Central Pacific Railroad was largely diminished. That is to say, Mr. C. P. Huntington, assuming under the law the alias of a corporation, diverted from the Central Pacific Railroad the traffic which legitimately belonged to that line and transferred it to the Southern Pacific Railroad Company, and in that way deprived the Government of a large part of the earnings to which it was justly entitled under the Thurman Act. Moreover, Mr. Chairman, these leases also necessarily depreciated the value of the Central Pacific Railroad Company, so that Mr. Huntington has wistfully looked forward to the good time coming when a settlement with the Government would be made and he could purchase the Central Pacific Railroad for a nominal sum. This is the situation.

Mr. BOATNER. Were these defenses urged in the suit against the Government in which this judgment was rendered?

Mr. DOCKERY. I do not know. I suppose they could not be urged in law.

Mr. BOATNER. Why not?

Mr. DOCKERY. I come to-day, Mr. Chairman, let me say in reply to the gentleman from Louisiana, to appeal to this House not upon mere quibbles or hair-splitting technicalities. I come appealing to members of this House, as the representatives of 70,000,000 of people, to stand upon broader, higher ground than trifling legal technicalities, and to deal out even-handed justice as between the Government and this railroad corporation.

I claim, Mr. Chairman—and I desire to impress this fact upon the consciousness of every Representative here—that the Southern Pacific Company is but a mask; a disguise behind which the Central Pacific Railroad Company masquerades at the expense of the people of the United States. Why do I say so? Because the stockholders of these two companies are substantially the same. Their identity can be established.

Mr. BINGHAM. The gentleman does not know that.

Mr. BOWERS. Everybody in the United States knows it.

Mr. DOCKERY. I invite my friend from Pennsylvania [Mr. BINGHAM] when he takes the floor in his own right—because he has or can have sources of information which I have not—I invite him in the presence of the representatives of the American people to read the list of stockholders——

Mr. BINGHAM. I have not the list. They change every day.

Mr. DOCKERY. I challenge the gentleman and the gentleman from Illinois [Mr. CANNON] to read the names of the stockholders of the Southern Pacific Company and the Central Pacific Railroad.

Now, Mr. Chairman, what do these companies owe the Government? How do their accounts stand? On the 17th of the present month this defaulting corporation—otherwise known as Mr. C. P. Huntington and his brother stockholders—owed the Treasury of the United States, of money that had been taken from our constituents to pay the debts that the companies refused to pay, $9,605,210.06 on account of maturing bonds and interest. And that is not all, Mr. Chairman. On the 1st of January, 1899, when this debt will fully mature, Mr. Huntington, who comes here masquerading under three corporate names, will owe the Government in exact figures $60,249,130.53.

Now, Mr. Chairman, with that exhibit before the House, I can and do appeal to the other side of the House, with its 180 Republican majority, not to invade the Treasury of the people and take therefrom at a time of world-wide business depression $1,310,427.08, that Mr. Huntington himself admitted, on page 27 of the Pacific railroad funding bill, should be included as an offset against the debt of the United States.

Why, sir, I appeal to my good friend from Ohio [Mr. NORTHWAY], whom I know to be an honest and just man, to say what he would do if an insolvent debtor owed him $60,249,130.53 and that debtor perchance had obtained judgment against him to the amount of $2,414,326.21 in advance of the maturity of the $60,249,130.53 debt?

Mr. NORTHWAY. Will the gentleman permit me to say——

Mr. DOCKERY. I venture to say—and the gentleman from Ohio can answer in his own time—that in an individual transaction of that nature my good friend would not be swift of foot to pay over to the insolvent debtor the more than $60,000,000, but with all the agencies at his command would invoke the aid of the law to resist the payment of the $2,414,326.21 until such time as the insolvent debtor could be brought into a court of equity and compelled to offset one judgment with the other.

Mr. NORTHWAY. Now, will the gentleman permit me right there——

Mr. DOCKERY. I yield to the gentleman for just a moment.

Mr. NORTHWAY. If I had litigated the very question at issue—if I had carried into the Supreme Court of the United States and fought out in that court the very question involved, and had been defeated, I would pay the judgment against me.

Mr. DOCKERY. The gentleman from Ohio talks about the sacredness of a judgment. Why, sir, only ten days ago he stood on this floor, and side by side with myself and others, assisted in incorporating into the District of Columbia appropriation bill a provision prohibiting the payment of judgments rendered under the act of February 13, 1895. I refer to the judgments for the claims of the old "Boss Shepherd" régime.

Mr. NORTHWAY. I voted to repeal the law.

Mr. DOCKERY. Let the gentleman tell me, if he will, in his own time, wherein and how the judgments of Mr. C. P. Huntington, of California, and his associates, in the name of the Southern Pacific Company, are more sacred than the judgments rendered under the act of February 13, 1895, which the gentleman by his vote the other day declared, and properly declared, should not be paid.

Mr. Chairman, I speak earnestly on this question, because the payment of this judgment would involve a new departure, a departure from the policy of this House in all Congresses during the last eight years. The Fiftieth Congress spewed out this claim as unworthy. The Fifty-first Congress rejected it overwhelmingly. Shall it be said that now, at a time when our revenues are confessedly inadequate by nearly fifty millions of dollars to meet the current expenses of the Government, we are swift to seek out Mr. Huntington and advance him money, amounting to $1,310,427.08, which he himself offered to this House in the Pacific Railroad funding bill in part satisfaction of the claim of the Government against the Central Pacific Railroad Company?

If the Southern Pacific Company is not in fact the Central Pacific, will the gentleman from Illinois [Mr. CANNON], who has always consistently favored this appropriation, tell the House and the country by what authority Mr. Huntington proposed in the funding bill to admit the $1,310,427.08 as a set-off against the claim of the Government?

No, no, Mr. Chairman, this defaulting corporation, the Central Pacific Railroad Company, alias the Southern Pacific, alias the Southern Pacific Railroad Company, owes the people of the United States more than $60,000,000, $9,605,210.06 of which has been already paid by the National Treasury. The Government owes these corporations in justice an amount, including the sum now sought to be paid, of $2,414,326.21. And all we ask in behalf of the taxpayers of this country is that Congress shall withhold the payment of the $2,414,326.21 until the Government can effect a settlement with the defaulting corporation. Is it not fair; is it not just; is it not equitable? Is anything else fair and equitable and just to the people of this country?

I submit the question to the impartial judgment of gentlemen on the other side, who constitute an overwhelming majority of the House, trusting that when the vote is announced they will render such a decision as will indicate to Mr. Huntington that when he is

ready to pay the more than sixty million dollars he owes the Government, the United States will be prompt to reciprocate by paying the $2,414,826.21 which it owes him. [Applause.]

I yield back the remainder of the time to the gentleman from Texas.

The CHAIRMAN. The gentleman has occupied eighteen minutes.

Mr. CANNON. Mr. Chairman, I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, the House of Representatives is now brought face to face with a simple question of law, and he who can not discuss it without overflowing with passion can not afford any light to the gentlemen present who are to vote upon it. It is neither a question of passion nor prejudice. I propose to discuss it, for the very brief time at my disposal, without appealing to the House because either of the love or hate borne to any man. It is a very novel proposition to find in the discussion of this question the House put into a condition of spasmodic ecstacy, utterly regardless of every principle of law or decency governing transactions between man and man, by an appeal to the prejudice that some man has against some other man.

I do not care anything about C. P. Huntington. I scarcely know him by sight. I know his history, and I do not propose that any bogy proposition shall be thrust in my face by any man on a question of so vital importance to the honor and integrity of my country as this. I know Collis P. Huntington by general repute as a man who to-day employs some 40,000 laborers in the United States of America, and pays them great wages for their services. I know him as a man who has built more miles of railroad than any other man in the United States of America or in the world. I know him as a man that in the very heat of the distress that swept the country three years ago, projected a mighty enterprise at Newport News, and stands to-day upholding it by his genius, generosity, and wisdom in the employment there of a vast horde of laboring men. I know him as a man against whom no strike of labor was ever had in the United States. Point me to a time when a man employed by C. P. Huntington ever struck because of the difficulty between himself and his employer.

Oh, I know it will be said that the Southern Pacific had a deadly strike here a year or two ago. That is true, it had. But it had no relation whatever to differences between their employees and themselves, but related solely to an expression of sympathy with their oppressed brethren in Pullman, Ill. I know Huntington in that regard. I know him as a man of enormous genius and magnificent enterprises. I know further than that that the man who to-day comes in here with apothecaries' scales and undertakes to weigh the relations between these roads and the Government, or who undertakes to criticise the construction of the roads, lays himself liable to the imputation that he does not know what he is talking about—that he does not understand their history. They were never built by the United States Government for the purpose of making exactions of the absolute cost thereof. They were begun and projected as matters of war necessity on the part of the United States, and were carried through to the execution upon terms and conditions that made it impossible for the ordinary expenses of building railroads to be compared with them or to be applied to them.

Now, then, the appeal is made here that we should take the statement of the gentleman from Missouri [Mr. DOCKERY] to the effect that Huntington and somebody else are the joint owners of these lines of road, and refuse to do the people fair and American justice in the case. If the gentleman's statements of facts are not more accurate than his statements of law, I would not give a continental for his knowledge of any question. [Laughter.]

I have no knowledge that Mr. Huntington is the debtor in any of these claims. Where stands the United States Government, which we represent, in regard to these questions? Here are three railroad corporations—the Union Pacific, the Central Pacific, and the Southern Pacific—each of them lawfully organized under the laws of the United States or of some of the States, lawfully doing business, lawfully issuing their stock, lawfully incurring their indebtedness, and now we are confronted with this condition: Here is a railroad corporation that never has defaulted, never was given one dollar of money or subsidy in any form by the General Government to aid in its construction; a railroad corporation that projected its own lines of road and built them with its own money, and which entered into a lawful contract with the United States Government to carry its mails for a certain amount of money per annum or per mile, as the contract may provide.

There came a time when the Government refused to pay this obligation and went into litigation in its own courts, selected its own forum, selected its own attorneys, made all its own conditions, and carried the litigation through to overwhelming and complete defeat. An undivided court said that the whole speech of the gentleman from Missouri [Mr. DOCKERY] was just so much nonsense. That is just what they said. That is the legal effect of it. In reply to the pertinent question of the gentleman from Louisiana [Mr. BOATNER], when he asked if these claims had been set up against it, the gentleman from Missouri [Mr. DOCKERY] said that he did not know anything about that. Well, that is one of the very first questions, in all the examination of any intelligent lawyer, or any intelligent man. A presents a claim against B, and brings a suit against him. B is entitled to bring into that defense, if it is an action for money upon a contract, any defense that in law or conscience may be set up against such a claim as this. It was because there was no such defense that this defense was not urged and carried to ultimate success. What sort of a lawyer would it be who undertook to set up, in an action by one corporation for the money earned under a contract, that a stockholder or all the stockholders of that corporation were stockholders of another corporation, and try to set off its debt or its obligation? It only needs to be mentioned, gentlemen, to show you the utter absurdity of the whole proposition.

But that is not all of it. I take a very different view than that taken by the gentleman from Missouri [Mr. DOCKERY] upon the question whether there was any equitable claim or any claim in conscience that could have been set off, even though the distinctions in corporations had not existed. The Government of the United States dealt with the Union Pacific Railroad and dealt with the Central Pacific Railroad, and here upon this floor we have rejected a compromise that involved every dollar of this indebtedness, and we have said to the stockholders of the Union Pacific and of the Central Pacific, "We can do better than your offer." The gentleman from Texas [Mr. SAYERS] can make what he pleases out of it. I voted in favor of that proposition, because I wanted a settlement of it. The gentleman stated—and seems to enjoy his discovery—that the Southern Pacific had offered, in that settlement, to merge its claims, as he understood it.

Mr. SHANNON. To offset them.

Mr. GROSVENOR. To offset them. What does the gentleman get from that? The Southern Pacific Railroad Company was anxious, in its corporate capacity, to have an end to this litigation. The United States Government having practically seized the Union Pacific and the Central Pacific, the companies came forward and said: "Here is a series of indebtedness. These two separate and distinct corporations owe the Government. Now, if the Government will settle with us and give the Southern Pacific Railroad Company an opportunity to extend its operations by a complete settlement that will give us in the future an opportunity to operate these lines of railroads, we will give you, as part payment on the indebtedness, the debt which you owe." What was there in all that?

Mr. SHANNON. That was a mere proposition.

Mr. CANNON. Will the gentleman allow me, just at that point?

Mr. GROSVENOR. In a moment. However, the Government refused to accept the proposition, and thereby said, "That is a matter entirely outside of this, and we have nothing to do with it."

Mr. CANNON. This bill that the gentleman from Kentucky [Mr. OWENS], the gentleman from Texas [Mr. SAYERS], and the gentleman from Missouri [Mr. DOCKERY] speak of, the funding bill, provides that before the Central Pacific Railroad can take advantage of it, that it shall pay off or secure the Southern Pacific Company's judgment, to be applied on the Central Pacific's debt. Now, that in no way committed the Southern Pacific Company, which was not a party to this matter.

Mr. GROSVENOR. Oh, it did a great deal more than that. It did all that and a great deal more. It was a declaration by the Government that it understood that debt to be a distinct obligation that could not be set off except by the consent of or negotiation with the Southern Pacific Company. Now, what has the Government done? It has, as I have said, practically seized the Central Pacific and the Union Pacific. It has always been in such an attitude to these two roads that I think I will mention one great fact that has not often been referred to on this floor. The Government has always stood in such a position—by always I mean for a great many years—that it has paralyzed and destroyed these properties. In the few remarks I made, in five minutes, in the debate on the funding bill, I stated that one of the best railroad men in the United States, wholly indifferent in this controversy, told me that $10,000,000 of net receipts per annum for seven years had run down to four millions of net receipts, and he said: "At the door of the unfriendly legislation of Congress lies every dollar of the reduction of those receipts."

They have stood in the way of the development of those lines. Other roads have seen the throttling of these enterprises by the Government. Other railroads, seeing that the United States had taken by the throat the Union Pacific, projected their great lines across the continent side by side with these two lines that the Government ought to have favored; and while they were doing that, these two great lines of railroad found it impossible to make their extensions, to have their feeders builded in such a way as to build up the traffic. And now, when all this is done, and the Government has stood by and seen this judgment rendered by its own

court, and refused to appeal from it because of former decisions of the Supreme Court of the United States, we are asked to take hold of the monstrous proposition that one corporation is liable to pay the debts of another corporation because there is an intermingling of these stockholders.

Mr. Chairman, I have no interest in this matter, except that it involves the honor of my Government. Let us pay this debt; let us put ourselves in an attitude where we can proclaim our own honesty in the coming Congress, and in all coming Congresses. Until this Pacific railroad question shall be settled, we shall be confronted with the question of what shall we do with these two railroad lines. Now let us do justice to ourselves; let us treat this corporation from the standpoint of intelligence and legal right; and then we shall stand much stronger in enforcing the rights of the Government against the defaulting corporations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Chairman, one item of the appropriation bill now being considered and which is sought to be stricken out by this amendment is for the payment of a balance on a judgment in favor of the Southern Pacific Company. That company is a corporation organized under the laws of the State of Kentucky. It is a separate identity from that of the Central Pacific or any of these Pacific railroads which received aid from the Government. It is a separate individuality and distinct legal entity. This judgment, Mr. Chairman, has all the sanctity the highest court of the land can give it. It is for services to the Government over nonaided lines. The matter has been adjudicated in favor of this Pacific Company, and this appropriation is intended to discharge an honest obligation of this Government.

The opponents of this provision in the appropriation bill step forward and say that this is involved in the proffered settlement termed the funding bill; that it is a part and parcel of the same transaction, at least in spirit and purpose the same. I voted against that proffered settlement and would do so again if it came here in the same form and under like conditions. But this is an entirely different matter. I do not consider it as any part of that transaction.

The settlement offered the Government by the Pacific Railroad companies, it is true, contained a proposition to settle and discharge this judgment, but such proposition was made upon the condition that the Government would accept the proposed settlement. It bound no one unless the proffered settlement was accepted by the Government. That was rejected by an overwhelming vote of this House. With that rejection the proposition to adjust this judgment failed.

The attention of the House is challenged to the fact that the Southern Pacific Company was not in any sense a party to that transaction and could not have been bound by it had the settlement offered been accepted.

The gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] each argue this proposition as though the stockholders of the Central Pacific Railroad Company and the Southern Pacific Company were the same, that the corporations are the same, that there is a perfect identity of the two companies; but I call the attention of this House to the fact that both the gentleman from Missouri and the gentleman from Texas, in the very limit of their expressions, only went to the extent of saying that the stockholders were substantially the same persons. That is not sufficient to complete the identity. I have been informed, and believe it is correct, that a large majority of the stock of the Central Pacific is owned abroad, and that Mr. Huntington, who is brought in here, as it seems to me, for the purpose of raising prejudice and feeling in this House, owns only a slight interest in the corporation as a stockholder.

Mr. SAYERS. Will the gentleman allow me?

Mr. BLUE. Out of your own time. I only have five minutes.

Now, Mr. Chairman, as my friend from Pennsylvania [Mr. WILLIAM A. STONE] on the Appropriations Committee well said, these gentlemen insist upon what? That this Government shall refuse to pay an honest obligation. Not that they know a certain state of facts to exist, but because they suppose them to exist, that this Government, by reason of its all-powerful sovereignty, shall play the highwayman and hold up a judgment against it because it has the power so to do. For what reason? Because the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] and those who follow their leadership infer, suspicion, a state of facts to exist; and then, upon that mere suspicion and inference, they attempt to justify the action of this Government and say upon that the Government should refuse to pay a debt on a supposed condition of facts to be adjudicated at some remote time in the history of this country. I submit there is no equity, there is no justice, there is no honesty in any such claim. It rests solely upon an assumption without any foundation for it. Mr. Chairman, the statement made by Senator GEAR in the Senate in explanation of this claim against the Government, which I will now read and make a part of my remarks, contains the essence of this whole question.

The $1,310,437.06 due on the Southern Pacific Company's judgment, for which an appropriation is asked, is for services performed in the transportation of the Army, of the mails, and for the passengers and freight of other branches of the public service. All such transportation was performed over roads that never received any subsidy from the Government.

At various times the Court of Claims and the Supreme Court of the United States have considered the question of cash payments for services over the Pacific Railroad lines not aided by bonds of the United States, and have invariably decided in favor of the railroad companies.

The only reason why these claims were not paid at the time service was rendered was because the Treasury Department desired to submit for judicial decision all questions where there might be any possible doubt as to the rights of the companies. All the departments of the Government now recognize the right of the Southern Pacific Company to cash payment under the decisions of the courts, and payment of all current service is now being made.

In 118 United States Reports, page 235, the court said that the withholding of the compensation in question "was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company." This has been the position invariably taken in all the judicial decisions on the question of payment for services over nonbond-aided Pacific Railroad lines. In law, therefore, the question is fully decided by the highest tribunal of the United States, whose decisions should be especially respected by those charged with official duties.

Mr. SAYERS. I yield ten minutes to the gentleman from California.

Mr. MAGUIRE. Mr. Chairman, three judgments at law were rendered upon the controverted claims of the Pacific railroads, a part of which are represented and covered by the judgment in question. Two of these judgments were rendered in favor of the Central Pacific Railroad Company and this one in favor of the Southern Pacific Company. The Central Pacific Railroad Company's judgments are still unpaid; but there is no man in the House who would now propose or vote to pay either of the Central Pacific Railroad judgments.

Mr. BINGHAM. They are not in this appropriation.

Mr. MAGUIRE. No; they are not. The claims concerning which the United States Supreme Court made the statement referred to by the gentleman from Kansas [Mr. BLUE], namely, that the refusal to pay certain claims "was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company," was the case of the Central Pacific Railroad Company, and not of the Southern. If that language of the United States Supreme Court imposes any moral obligation upon us, it would seem to be to require us to pay the judgment in the case in which it was uttered. But nobody claims that that judgment should be paid otherwise than as an offset against the Government's claim. It is absurd to contend that the refusal to pay a judgment at law on the ground that it should be treated as an offset against a larger claim of the Government is, in any sense, an attack upon the sacredness of the judgment or the authority of the courts. The Central Pacific Company's judgments are as sacred as this one; yet nobody proposes to pay them. Is that an attack upon the sacredness of judgments? Not at all. It is the exercise of a well-established, equitable right. Since their rendition an equitable right has arisen in favor of the United States superior to those judgments, and they should be treated as offsets, and as such canceled, as they would be by a court of equity if the conflicting claims existed between private individuals.

There is, then, no attack upon the sacredness of judgments in the opposition to the payment of this claim. The question is merely this: Is the Southern Pacific Company in such relation to the Central Pacific Company, and are these earnings so related to the Central Pacific Company, or to the Government's rights, as to justify the treatment of this judgment at law in the same way in which all admit the judgments of the Central Pacific Company ought to be treated and are being properly treated? I have no time to go into a discussion of those relations, but if anybody should know what they are, the attorneys of all these companies ought to know; the men who are here representing the Southern Pacific Company on this very claim ought to know.

Mr. LACEY. Will the gentleman permit a question?

Mr. MAGUIRE. No, sir; my time is too limited. Now, Mr. Chairman, Judge Payson, one of the attorneys of the Southern Pacific Company for the collection of this very claim, was called upon while he was before the Committee on Appropriations of the Fifty-third Congress to explain a confusion in the accounts between these companies, showing that they paid no attention to obligations as between themselves. His answer, from which I now read, will be found on page 112 of the report of that committee of hearings on April 10, 1894, submitted to the Fifty-third Congress. On that occasion Judge Payson—and he ought to know as much as any of us upon this question—said:

The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes.

Now, Mr. Chairman, the Southern Pacific Company was notoriously organized, and has existed, from the moment of its organization to the present time, as a mere conspiracy against the Government of the United States, to defeat the purposes of the Thurman Act requiring the creation of a sinking fund to pay the debt of the Central Pacific Railroad Company to the Government. Thus far it has been largely successful, and the vote of this House to-day, if it shall decline to have these questions submitted to a court of equity, where the superior obligation of the Government of the United States can be pleaded and established, will have gone very far to make the triumph of this Southern Pacific conspiracy against the rights of the Government complete.

Gentlemen ask if the Government's claim and all these equities were pleaded in the suit in which this judgment was rendered. No. The claim of the Government was not due at that time. It could not be pleaded, and of course none of these questions collateral to the claim could be pleaded. They could not be pleaded against the claims of the Central Pacific Company at that time, and so the claims of that company went to judgment because there was no offset legally due which could be pleaded against them.

The obligations to the Government, which can be pleaded against all of these claims—aye, and against all of these sacred judgments as they now stand—are maturing in favor of the United States. Will you hasten the payment of this money in order that the United States Government shall have no right to have these questions adjudicated in equity? I hope not. I trust that not this House, which has no knowledge sufficient to justify action upon any of these questions, but a court, upon full consideration of all the facts, rights, and equities, will finally determine whether this judgment, which was offered to the Government as an offset to the Central Pacific debt under the funding scheme, no matter what may be said to the contrary, shall or shall not be otherwise paid. The men who were here urging the passage of the funding bill are the same men who are here now urging the payment of this claim, and it was not without some assurance that it might be made an offset that the committee decided to provide in the bill that it should be made an offset in the event of the funding bill passing.

There is another ground for withholding this payment, which was well stated by the gentleman from Texas [Mr. SAYERS], and which has much force. The Central Pacific Railroad Company, without the consent of this Government, leased its lines to the Southern Pacific Company, in order to avoid its obligations to the Government. The Southern Pacific Company, controlling the situation, entered into an unlawful traffic arrangement, which has been testified to by Mr. Huntington and others, under which, out of the earnings of the Central Pacific Company, which should have constituted net earnings and have gone to swell the sinking fund for the payment of the Government's claims, the Southern Pacific Company turned over several millions of dollars to the Pacific Mail Steamship Company as a subsidy to prevent competition and to prevent the reduction of transportation rates. These diverted net earnings were, by the Southern Pacific Company, charged up as operating expenses of the Central Pacific Railroad, and the Government should not pay this claim until the Southern Pacific Company restores these assets to the sinking fund.

[Here the hammer fell.]

Mr. CANNON. I yield eight minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] has been very emphatic in his declarations that this is a question entirely outside the pale of partisan politics. I want to remind the gentleman that his party, from the very first discussion of the Pacific railroads project, has been the bitter and uncompromising foe of those roads. For twenty-seven years the opposition of that party prevented legislation looking to their construction. During the last ten or fifteen years hostility to these roads has been the very lifeblood of his party in the State of California, and for the purpose of unifying the sand-lotters of that State and bringing them to the aid of his party organization the gentleman from Missouri himself loaned his assistance in the last Democratic convention in Chicago to lug this question into partisan politics and to secure a plank in the platform of his party declaring its policy with regard to the Pacific railroads.

Gentlemen on that side have attempted to use this very subject to endear themselves to the hearts of the good people while they were assuming to be their superserviceable agents and the only pure men in all the land who were striving to secure the justice that the people ought to have measured out to them. And gentlemen come here now declaiming in favor of doing justice to the people—equity to the people! That is the theme of the gentleman from Missouri as he discusses these matters. Let me contrast with those declarations of that learned lawyer a declaration of the Supreme Court discussing questions involving every legal proposition that can be urged here. What did the Supreme Court say with regard to this claim? The court said that the withholding of the compensation now in question—

was not only a breach of faith on the part of the United States, but an invasion of the constitutional rights of the company.

That is what the Supreme Court says with regard to the legal propositions involved here. That is the court's idea of the duty of the American Congress. That is the court's idea of this highwayman's plea of which the gentleman from Texas is now the advocate, that "might makes right," and because we have the power to withhold the payment of this just indebtedness, therefore it is right to do it. I do not want to take my ideas of equity or justice from the teachings of these gentlemen. I do not want them to define my duties toward my constituents; nor do I want them to interpret in language such as they have used here to-day the wishes of the honorable constituency that I represent, or their ideas of justice.

The gentlemen ought to have told this House how they proposed to make their action here in refusing payment available to the United States. How are you going to carry into effect this offset and determine the questions of right? I remember hearing a gentleman, in the presence of men now here, say that in New England alone there were 8,000 holders of the stock of one of these roads now involved; that there were 8,000 holders of this stock in the United States. The whole argument of gentlemen must rest upon the fact of the absolute identity of the individual atoms composing the corporations. If there is one man who is a stockholder in one of the roads, and not in the other, then the act proposed here is a robbery of that man. No man will deny that these corporations are distinct as legal entities. There is no question about that. How are you gentlemen going to determine this question?

I do not choose to take the statements of the gentleman from California [Mr. MAGUIRE] upon this question or any other involving the Pacific railroads. I remember that two years ago, or a little more, when the gentleman was making his biennial speech upon this question, he declared that we had a remedy against the individual stockholders under the laws of California. I remember that he was potential in defeating a proposition of settlement at that time because he said there were at least $12,000,000 available to the United States, under the constitution of the State of California making the stockholders individually liable for the debts of the Central Pacific road, against the estate of Senator Stanford. That matter was adjudicated. The Supreme Court has determined it. That tribunal has said that the gentleman's law or the gentleman's fact, or both his law and his fact, were at fault; that no such liability existed and no such recovery could be had.

How are you going, I again ask, to follow this money? Are you going to institute your suits against the individual stockholders and make their proportion of this debt, apportioned as it would be to their holdings of stock, available? That is the only way you can do it, unless you take that other course of simply justifying yourself because you have the power to refuse to pay a debt which the highest tribunal in the land says you owe.

Gentlemen say that there is an admission in the bill recently proposed by the Committee on the Pacific Railroads of an absolute identity between these companies. An admission! Where do you get that? How does a corporation speak in a proposed act of Congress? Who has made the admission?

[Here the hammer fell.]

Mr. SAYERS. I yield five minutes to the gentleman from California [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, until within the last five minutes I had not thought of addressing the House on this question, and I shall only occupy a moment or two. The question is understood by the people of the United States, and no amount of hairsplitting or legal argumentation is going to deceive them in this matter. What is the question, plainly stated, divested of legal terms? This company justly owes to the United States to-day nine or ten million dollars which the United States has paid on its account, and within a year it will owe the United States fifty or sixty million dollars. On the other hand, the United States Government is justly indebted to it on a contract to the amount of a million and some hundred thousand dollars. That is the question squarely and plainly stated. The company has refused and still refuses to pay anything. The Government does not deny the validity of this debt of one million and a quarter of dollars, and the company can not deny the validity of its indebtedness of five times as many million dollars to the Government. Why should not the one debt be offset against the other?

You can not plead the other side of the question upon the basis of right, upon the basis of justice to the United States and to the people who furnished this money. You can only plead it, as every one of you have, on the basis of your little musty, legal technicalities and hairsplittings. You have not one single foot of honest ground to stand upon in arguing against the withholding of this

money; and you know it. The people of the United States will hold you responsible for paying money to these great corporations while this debt to the United States remains unsettled.

Why is it that their debt is so sacred and that the debt of the Government can be set aside? Mr. Chairman, I want to give you an idea of the way these companies do business. And I want to say that there is not a man within the sound of my voice who does not believe, as I know every man in California who has studied this question and knows anything about it believes, that these two companies, the Southern Pacific and the Central Pacific, are one and the same, composed of the same individuals. The money which was used—all of it that was used—in building the Southern Pacific road was taken from the earnings of the Central Pacific Railroad. Every one of you know that the ninety-nine year lease of the Central Pacific to the Southern Pacific was a fraud committed upon the United States Government and upon the people.

I have here something I want to read to the House, a Southern Pacific Railroad circular dated New Orleans, February 4, 1897:

[Circular No. 46.]

Southern Pacific, Atlantic System; Galveston, Harrisburg and San Antonio Railway; Texas and New Orleans Railroad; New York, Texas and Mexican Railway; Gulf, Western Texas and Pacific Railway.

[Joint circular.]

NEW ORLEANS, *February 4, 1897.*

To Agents:

An amendment to the interstate-commerce act, entitled House bill No. 10090, to prevent fraudulent sale and manipulation of tickets by other than regular authorized ticket agents, has been prepared by the Interstate Commerce Commission and is now before the Congress for action, and a special day will probably be set apart this month for its consideration.

You will obtain as many signatures on the inclosed blank as possible at the very earliest moment, forwarding the original to the member of Congress from your district and a copy to this office. We want names of merchants, manufacturers, planters, professional men; in fact, business men generally.

Please give this matter immediate attention. No time is to be lost, as the scalpers and their friends are making an active fight against the measure.

Please acknowledge receipt.

Yours truly,

S. F. B. MORSE,
General Passenger and Ticket Agent, Southern Pacific, Atlantic System.
L. J. PARKS,
Ass't Gen. Pass. and Ticket Agent, G., H. and S. A. and T. and N. O. R. R.
W. J. CRAIG,
General Passenger Agent, N. Y., T. and M. and G., W. T. and P. Ry.

So we have an Interstate Commerce Commission to prepare bills to prevent the fraudulent sale and manipulation of tickets by "other" than regularly authorized ticket agents—that being the business of the regular agents, I suppose. And the companies do not want any outsider to interfere or in any manner prevent the "fraudulent sale and manipulation of tickets as now universally practiced by the 'regular agents.'"

They come right out and tell the truth in this circular. I wanted to call the attention of the House to this matter, and have therefore taken advantage of the opportunity.

Mr. CANNON. And therefore we should not pass that bill.

Mr. BOWERS. Well, that bill is not up now, and this, perhaps, is the only time I may get an opportunity to express an opinion upon that bill, and therefore I have availed myself of it.

You say the United States should pay its honest debts. It will pay them. But, Mr. Chairman, there are rights that the people have, also, in connection with this matter. It is only right that the people should have the debts due them paid, also. That is a question for us to consider, and the people understand it; we all understand it here. These corporations seek to avoid the payment of their own debts; and are we going to pay them the amount which we owe them, and still leave them in default to us? I do not think there is any use talking of the matter long, for the people of the United States understand it. The companies have admitted that it was a proper offset against their debt. How many just judgments against the Government in favor of individuals for small amounts justly due await an appropriation by this House? What makes these judgments in favor of corporations so much more sacred than those in favor of citizens?

[Here the hammer fell.]

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY], as well as the gentleman from Texas [Mr. SAYERS], concedes this obligation or debt on the part of the Government. They recognize the validity of the judgment of the court. But they hold that in view of the obligations of the Central Pacific Company, under the aids given by the Government, therefore this judgment of the court, and therefore this obligation fairly due, should be withheld as an offset in the final settlement of the Government with the Central Pacific Company.

The gentleman from Texas [Mr. SAYERS] made inquiry of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] as to his vote on the funding bill, and called attention to the fact that under that funding bill there was a concession of upward of $2,000,000, of which this obligation of the judgment is a part, that should be made in settlement and in connection with the operation of the funding bill, should it become law. I will say to the gentleman from Texas that I do not know how the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] voted. I voted against the funding bill because I felt that the concessions therein contained were too great; that the Government was not being fully protected. But why did these requirements and concessions become a part of the funding bill? It was part of the requirement of the proposed legislation, calling on the Central Pacific road to make such concessions, and I submit the paragraph in the bill:

SEC. 19. That the said Central Pacific Railroad Company shall arrange for having the lease now existing between it and the Southern Pacific Company modified so that the Southern Pacific Company shall guarantee the payment by the Central Pacific Railroad Company during the continuation of such lease of the interest on and the installments on account of principal of the bonds issued under the tenth section of this act, as prescribed in the tenth and eleventh sections hereof, and so that in case the Southern Pacific Company should consent to the termination of such lease before the maturity of all such installments payable on account of principal of said bonds, it shall, in that event, guarantee the payment by the Central Pacific Railroad Company of such interest and installments on account of principal while any bonds issued under the tenth section of this act shall remain outstanding, and so that said Southern Pacific Company shall consent that the sums amounting in the aggregate to $2,414,236.21, standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon nonaided lines (a portion of which is now in judgment in favor of the Southern Pacific Company), etc.

This whole issue and question, as I have read from the funding bill, are not now, to-day, under consideration by this committee, for the reason that this Congress determined against the funding bill, and the Government is now proceeding under the law in foreclosure; and in view of that action I am gratified in having voted against the so-called Powers or funding bill.

The gentleman from Missouri [Mr. DOCKERY] challenged me in the debate to certify who were or were not stockholders in the Central Pacific Company identical with the Southern Pacific road. That is impossible, of course. I reached over, when the gentleman made the statement, and picked up from that desk adjoining my seat a Philadelphia paper that happened to be lying there. I look at the stock transactions in the New York Stock Exchange alone and find that the stock of all the Pacific roads has been constantly changing hands, and transactions in these stocks have occurred every day for many years, and on Saturday last 1,774 shares of Southern Pacific, 3,849 shares of Union Pacific, and 820 shares of Central Pacific were sold on the said New York Stock Exchange.

Since 1885, the organization of the Southern Pacific Company, these transactions have been going on day in and day out; and I venture to submit that since 1885 every share in every one of these roads has been sold and transferred to various parties then holders and not now holders. I could not give the gentleman, then, the list of stockholders, because of these daily changes; nor can anyone.

Mr. OWENS. Will the gentleman allow me a question?

Mr. BINGHAM. I have but five minutes, and decline to yield.

This appropriation becomes a paragraph in this bill because the Court of Claims has settled the principle at issue and adjudicated the amounts due for services rendered.

The court in effect submits that—

Subsequent to the execution of the leases to the Southern Pacific Company in 1885, and prior to November, 1889, transportation services were rendered by the Southern Pacific Company to the United States upon lines other than the aided line of the Central Pacific, to the amount of $1,324,336.44.

As these amounts remained unpaid, the Southern Pacific Company, on November 23, 1889, filed its petition in the Court of Claims against the United States for the recovery of judgment therefor. The suit was contested by the United States upon the claim that these leases, or some of them, were invalid, but the Court of Claims, after full argument, decided in favor of the Southern Pacific Company, and gave judgment in favor of the Southern Pacific Company and against the United States January 30, 1896, for $1,824,336.44, the full amount claimed.

The Court of Claims held that, as the Southern Pacific Company had rendered the services and performed the transportation for the United States and at its request, it was entitled to be compensated by the United States for the services which it had so rendered to it without regard to the question whether the leases were valid or invalid.

The court says:

Conceding that in a proper proceeding between the parties thereto such leases might be held ultra vires and against public policy, such would not affect the right of the plaintiff to recover from the defendants, a third party, for services actually performed. * * *

This course seems to us not only in line with the authorities, but as founded on the rules of good faith between the parties, for otherwise the defendants, not shown to have been injuriously affected by such lease contracts, even if ultra vires, would be getting the services of the plaintiff without compensation, and that is against the policy of the law, if not in violation of the Constitution itself.

Since 1889, the date of the judgment of the Court of Claims to which I have referred, all of these nonaided roads have received, through the Post-Office appropriation bill and Army and other appropriation bills, their full compensation from appropriations for services rendered. It has never been questioned by the Department. The court settled the issue raised. It has never been questioned by this House. The identical services that this appropriation pays for have been paid for since 1889 under the general law, and will be so continued.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. SAYERS. Mr. Chairman, before I begin my remarks, I should like to ask unanimous consent that those gentlemen who have spoken may have leave to extend their remarks in the RECORD. We have spoken here very hastily, and the time has been very limited.

The CHAIRMAN. Unanimous consent is asked that those gentlemen who have spoken on this question have permission to extend their remarks in the RECORD.

Mr. PERKINS. Will there be a limit?

Mr. SAYERS. Oh, yes; for five days.

Mr. DOCKERY. Make it ten days.

Mr. BINGHAM. Let it be until the close of the Congress.

The CHAIRMAN. Unanimous consent is asked that gentlemen who have spoken be allowed to extend their remarks in the RECORD within the next ten days.

Mr. HEPBURN. I object.

Mr. SAYERS. Mr. Chairman, if I can get the attention of the committee for the time which I have, I think I will be able to answer some of the statements made by gentlemen in opposition to the amendment to strike out this appropriation. But first of all I will reply to the gentleman from Iowa [Mr. HEPBURN] and to the gentleman from Kansas [Mr. BLUE] as to a question of fact. These gentlemen have been pleased to inform the committee that the stockholders of the Central Pacific Railroad Company and the stockholders of the Southern Pacific Company are scattered all over the United States and Europe. I understand such to be their statement. What does the attorney of the Southern Pacific Company say on this point? Judge Payson, a former member of this House, and now an attorney of the Southern Pacific Company, was before the Committee on Appropriations, and the following questions were put to him, to which he made the following answers:

The CHAIRMAN. The Southern Pacific Company was chartered by the legislature of Kentucky?

Judge PAYSON. In 1885.

The CHAIRMAN. What relations did the owners of the stock of the Southern Pacific Company bear to the Central Pacific Company; were they not the same parties?

Judge PAYSON. They were the same parties. The Central Pacific Railroad was principally constructed—this is a matter of public history of the country—by four men, Huntington, Crocker, Hopkins, and Stanford, and the stockholders of the Central Pacific system were the principal stockholders of the Southern Pacific Company; in other words, to anticipate what I think the chairman wants, the object and purpose of the organization of the Southern Pacific Company was to have under one hand and under one head and control the management of all the corporations which are now embraced within that system.

The CHAIRMAN. Now, I understood you to say that these four men, who own and control the Central Pacific Railroad by a charter from the State of Kentucky, organized the Central Pacific Company?

Judge PAYSON. Yes, sir; substantially.

The CHAIRMAN. And that the Southern Pacific Company stock was owned by those same men?

Judge PAYSON. Yes, substantially; there were some minor stockholders, but they are substantially the owners.

Mr. BINGHAM. When was that?

Mr. DOCKERY. What was the date of those hearings?

Mr. SAYERS. Two years ago. Now, how do we find this question resting? I believe I can state it very briefly and very plainly. The Central Pacific Railroad Company, owned and controlled by Mr. Huntington, and by the estates of Mr. Crocker, Mr. Hopkins, and Mr. Stanford, owe the people of this country more than $60,000,000, and say that it can not pay that indebtedness. They shield themselves behind the technical defense of a corporation. And what do these same gentlemen say through the Southern Pacific Company? These very same parties, having been driven from legislature to legislature in the vain effort to organize their company, go to the State of Kentucky and procure an incorporation to do almost everything they may please, provided that it be not done within the limits of that State. These very same gentlemen lease the Southern Pacific and the Central Pacific railroads in the name of the Southern Pacific Company, dealing with themselves in all these transactions. And now, through the Southern Pacific Company, they say: "We have leased the Southern Pacific, of which we are the owners, the Central Pacific Railroad, of which we are also the owners, and their nonaided lines, and you owe us, the Southern Pacific Company, for transportation over the nonaided lines of the Central Pacific Railroad, and pay it you must, though we, the owners of the Central Pacific Railroad and its nonaided lines, owe you $60,000,000 and can not pay it." The advocates of this appropriation talk of honesty and integrity. Let me say that if those men were honest, they would make haste to say to the Government, "Pass this money to the credit of the Central Pacific Railroad." Patriotic men they are, very patriotic men! They aided the Government in time of great peril. What did the Government do for them?

Vast tracts of lands, exceeding in extent almost that of any State in the American Union, were given them. Bonds of the United States by the millions were given them, secured by a first mortgage. They came to Congress, and in an evil hour for the Government and for the people, the first mortgage was released and a second mortgage taken, leaving the Government in its present deplorable condition, and besides that also extending the time of the payment of interest until the principal of the bonds should fall due.

But that is not all. Did anyone ever hear of the Pacific Mail Steamship Company? It too has played a conspicuous part in this great drama of outrage upon the people. Year after year, the Central Pacific Railroad Company, the creature of this Government, built by this Government and owned by these four men, paid this steamship company, owned also by these four men, subsidies from the revenues of the Central Pacific Railroad, which should have gone under the law into the Treasury of the United States, to constitute a sinking fund with which to discharge their indebtedness when it should become due.

Mr. Chairman, I claim to have some knowledge of law, and I agree with gentlemen that, from a technical standpoint, the Supreme Court of the United States was right when it held that one corporation could not under the circumstances, as these corporations stand, be held responsible in law for the payment of the debts of another. But we are in a different forum to-day, and are not controlled by the strict rules and practice of law. As the representatives of the people, with power and authority to represent them and to act for them, we should require these corporations to do what is right, equitable, and just. It is but a small sum that we ask them to apply to their vast indebtedness—but $1,300,000, in round numbers.

Mr. Chairman, I would like for members of this House to know and to realize, if they could, the effect and result of the discussion of this question in the closing hours of the Fifty-first Congress. It was in a night session, and almost every Representative in the city was present in his seat. Hour after hour was the question debated, the affirmative represented by the distinguished gentleman from Illinois who now has charge of this bill, and myself and others upon the Democratic side of the House opposing it. When the final vote was taken, without distinction of party, every member present, with the exception of seven only, voted to strike out an appropriation similar to the one under consideration. You have the power, gentlemen; your majority is great. You will expend in this Congress more than $1,050,000,000. Shall this item be included in this vast sum of appropriations?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, for ten minutes I crave the attention of the committee. "An abundance of words darkeneth counsel;" and no time more than when the gentleman from California [Mr. MAGUIRE] and the gentleman from Missouri [Mr. DOCKERY] addressed the committee. Measuring my words, I wish to state the facts about this item. The Central Pacific Railroad was built by the aid of Government bonds—it is called bond aided—from Ogden to a point in California. Under the law all transportation for the Government is applied upon the debt and interest of the Central Pacific Railroad to fall due. Every dollar of it. Now, then, there were several thousand other miles of railroad built, not by the aid of bonds. Under the law these railroads that were not bond aided are entitled to compensation as much as the Pennsylvania or the Baltimore and Ohio railroad is entitled to compensation for transportation for the United States.

This judgment was for service upon roads that were not aided by bonds, owned and controlled by the Southern Pacific Company. It is true the Southern Pacific Company has a lease upon the Central Pacific. The earnings upon that leased line are not in the judgment and are not involved. Now, there is the whole case; there is the whole question. Ought we to pay? The United States Supreme Court, in 118 United States Reports, says, "Yes;" and says it is a denial of every principle of justice and of constitutional right to refuse to pay; and every position taken by the gentlemen upon the other side of this case was taken far stronger by the counsel for the Government in that case. Now, what has happened since 1885? From that time to this these nonbonded roads have been paid nine-tenths and over for their services to the Government; are being paid to-day, and from year to year appropriations have been made by Congress, and they are paid by the sundry civil appropriation bill, the gentleman from Texas himself time and again in charge of it.

Mr. SAYERS. Will the gentleman show any item for that?

Mr. CANNON. Oh, yes; the Geological Survey.

Mr. SAYERS. A moment, Mr. Chairman.

Mr. CANNON. I have not time to yield to the gentleman.

Mr. SAYERS. I desired to ask a question.

Mr. CANNON. Ask it quick.

Mr. SAYERS. Will the gentleman show an item that was within the knowledge of the Committee on Appropriations in the preparation of that bill which would indicate that a dollar in that bill would go to these roads?

Mr. CANNON. Certainly; for the Geological Survey, for Government supplies, for every appropriation connected with the service of the Government——

Mr. SAYERS. No, sir.

Mr. CANNON (continuing). That the sundry civil carries that

requires transportation. Yes; and the gentleman himself has known it.

Mr. SAYERS. Not at all.

Mr. CANNON. The Army bill, the Post-Office bill; all the appropriations for ten long years, without protest in any Democratic Congress or Republican Congress, have been devoted to payment over these exact lines, that were not bond aided, and are so to-day. Now, then, in the light of that fact, how do the gentlemen stand? These nonbond-aided lines get nine-tenths of their compensation now——

Mr. BINGHAM. They get it all.

Mr. CANNON. They would get it all if there were no deficiency, and the gentleman from California [Mr. MAGUIRE] and the other gentlemen from California are absolutely silent when appropriations are made for this purpose; but when the other tenth that is not appropriated for is put in a judgment and appropriation is proposed to pay it, the gentleman from California [Mr. MAGUIRE] *performs*, talking, I suppose, to the sand lotters. He is silent while nine-tenths of this compensation is paid, and votes for the appropriations; but when the other tenth is proposed to be paid in this bill, how virtuous and how indignant he grows! Before he can help to pay the railroads that other tenth of the money that is due them, he must *perform* here. God Almighty give him more candor or more wisdom! I can not. [Laughter.] Here are the opinions of the courts, here is the judgment, here is the practice of the Government, all speaking trumpet tongued, saying that this judgment ought to be paid. "Oh, but," says somebody, "this is for a railroad. 'Throw it into fits,' and then give it thunder; it is a railroad." [Laughter.] Gentlemen, I do not envy any man the reputation that is made by such declamation. I do not stand here and never have stood here the friend or defender of corporate or individual exaction that is illegal or oppressive; but I thank God that in my short official life I have never sought to posture and declaim, advocating unjust legislation, in order that I might win the praise of unthinking people and thereby remain in power. [Applause.] I am ready for a vote.

Mr. SAYERS. Mr. Chairman, I suggest to the gentleman from Illinois that we take a vote upon the last amendment first.

Mr. CANNON. I agree to that.

The amendment was read, as follows:

Page 60, strike out all of lines 18 to 24, inclusive.

The question being taken, the Chairman stated that he was in doubt.

Mr. SAYERS. I ask for a division.

The question was taken; and there were—yeas 72, noes 97.

So the amendment was rejected.

Mr. SAYERS. Mr. Chairman, I give notice that I will move in the House to recommit the bill to the Committee on Appropriations with instructions to report it back without this provision, and that I will ask a yea-and-nay vote upon that motion.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out, in lines 9 and 10, on page 5, after the word "session," $16,277.91 and insert in lieu thereof "for services over bond-aided lines, and to be credited to the sinking fund and interest account of said railroad, $14,712.45."

The amendment was rejected.

Mr. SAYERS. Mr. Chairman, I give notice that in the motion to recommit which I propose to make in the House I will include that item also.

The next amendment was read, as follows:

Insert, in line 24, page 61, after the word "claims," "except claims for services over nonbond-aided lines of the bond-aided Pacific railroads."

The amendment was rejected.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to offer the amendment which I send to the desk—an item that has come in late.

The amendment was read, as follows:

Add to the first amendment adopted, on page 53, the words "To Alexis Benoit, $2,000," and correct the total so as to read "$14,196."

Mr. BAILEY. I will ask the gentleman if this allowance is for the last contest?

Mr. JOHNSON of Indiana. Yes, sir. The allowance for Mr. BOATNER was inserted in the bill before. This came in late.

Mr. BAILEY. But is this for the first or for the second contest?

Mr. JOHNSON of Indiana. For the second contest, the one reported upon at this session.

Mr. BAILEY. I suppose the chairman of the committee has examined the matter.

Mr. JOHNSON of Indiana. I have examined it carefully and have found it to be correct.

Mr. CANNON. Now, Mr. Chairman, I ask unanimous consent to insert in the bill the eight paragraphs that were stricken out Saturday on points of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER of Massachusetts. I object.

Mr. MADDOX. I object.

Mr. TALBERT. I object.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to insert the amendment which I send to the desk at the close of the appropriations for the House of Representatives.

The CHAIRMAN. The Clerk will report the amendment subject to objection.

Mr. WALKER of Massachusetts. Mr. Chairman, I rise to say that if I can have twenty minutes I will withdraw my objection.

Mr. CANNON. I will not purchase a withdrawal at any price. [Laughter.]

The CHAIRMAN. Objection was made by several members. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

The Clerk read as follows:

Resolved, That the several employees of the House of Representatives, to wit, those borne upon the rolls of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster, be, and they shall be, retained in their respective positions and continued in their respective duties from the adjournment of this Congress from the 4th of March, 1897, until the 15th day of March, 1897, and be paid the same salaries and compensations now belonging to their respective positions; and a sum of money necessary to such payments is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection to the consideration of this resolution?

Mr. COX. I object.

Mr. GROSVENOR. I hope the gentleman will not do that. If he will listen to an explanation, I am sure he will not object. He need not assume that because this proposition comes from me it must necessarily be objected to. [Laughter.] I have shown it to distinguished members of the Committee on Appropriations on both sides of the House, and unless some such provision as this is made the men who are now handling the mails, the men who are handling the documents, all the men who are employed simply for the session will go out of place on the 4th day of March next, and the work will cease. Now, this amendment simply provides that until the first day of the next session—for about nine days—these officers shall be kept in their present positions and paid.

Mr. CANNON. The gentleman is right as to the session employees.

Mr. GROSVENOR. The amendment covers only the session employees.

Mr. COX. How long a time does this amendment cover?

Several MEMBERS. Ten days.

A MEMBER. From the 4th till the 15th of March.

Mr. COX. Then I withdraw my objection.

Mr. GROSVENOR. I desire to perfect my amendment by inserting before the word "employees" the word "session."

Mr. BAILEY. I agree with the gentleman from Ohio [Mr. GROSVENOR] that this is a very desirable arrangement, though I have some question as to the power of the Fifty-fourth Congress to appoint any officers of the Fifty-fifth Congress. A provision of this kind, however, is usual, I understand, and I shall make no objection to it, provided it covers all the employees of the House.

Mr. GROSVENOR. It does.

Mr. DOCKERY. As I understand from the gentleman from Ohio, this amendment will provide for all the employees who have been authorized by special resolutions or otherwise during this Congress.

Mr. GROSVENOR. Yes, sir; all session employees. The other officers being paid by the year, it is unnecessary to make any provision for them.

Mr. OWENS. Does this amendment carry these employees over until the extra session?

Mr. GROSVENOR. Up to the first day of the extra session—no further.

Mr. OWENS. Then the gentleman is authorized to state there will be an extra session beginning on the 15th of March?

Mr. GROSVENOR. I am authorized to assume that there will be. [Laughter.]

Mr. WALKER of Massachusetts. I wish to say that I shall not object if I can be allowed twenty minutes to debate this question. I wish to be heard.

Mr. GROSVENOR. I hope the gentleman from Massachusetts will not destroy the machinery of the House.

Mr. WALKER of Massachusetts. I have no wish to destroy the machinery of the House. This proposition is not so pressing that debate upon it can not be allowed for twenty minutes.

The CHAIRMAN. Is there objection to the consideration of this amendment?

Mr. WALKER of Massachusetts. Not if I can have twenty minutes for debate.

The CHAIRMAN. Is there objection to the consideration of the proposed amendment?

Mr. TALBERT. I object.

Mr. CANNON. I move that the committee rise and report the bill, with the amendments, to the House.

Mr. WILLIAM A. STONE. Before that question is taken, I wish to renew the application for unanimous consent to reinstate those items which went out of the bill on Saturday upon points of order, including the item to reimburse members of the Fifty-third Congress for portions of their salary retained at that time.

Mr. TALBERT. I wish to ask the gentleman from Ohio [Mr. GROSVENOR] a question. Does his amendment continue only the special employees?

Mr. GROSVENOR. It covers only the session employees.

Mr. TALBERT. Can not the work during the recess be done by the regular employees without the aid of these special assistants?

Mr. GROSVENOR. The annual employees will hold over without any action of this kind.

Mr. TALBERT. Can they not do the work during the recess without the aid of these other employees?

Several MEMBERS. Oh, no!

Mr. GROSVENOR. This amendment has been very carefully drawn——

Mr. TALBERT. I withdraw my objection.

The CHAIRMAN. Is there further objection to the proposition of the gentleman from Ohio?

Mr. WALKER of Massachusetts. I object, unless there can be one hour's debate upon it, half an hour on each side.

The CHAIRMAN. The gentleman from Massachusetts objects.

Mr. CANNON. I move that the committee rise and report the bill to the House with the amendments and the recommendation that it pass as amended.

Mr. WILLIAM A. STONE. Before that is done I would like to renew my request for unanimous consent.

The question being put on the motion of Mr. CANNON, it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and had directed him to report the same back with amendments and with the recommendation that the bill be passed as amended.

Mr. CANNON. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is now on the amendments reported from the Committee of the Whole. Is there a separate vote desired on any amendment?

Mr. SAYERS. I ask for a separate vote on the amendment adopted on motion of the gentleman from Illinois [Mr. HOPKINS] striking out the paragraph beginning on line 25, page 54.

The SPEAKER. Is a separate vote asked for on any other amendment? In the absence of any such demand, the Chair will put the question upon agreeing to the remaining amendments in gross.

The amendments, other than that on which a separate vote was reserved, were agreed to.

The SPEAKER. The Clerk will now read the amendment on which the gentleman from Texas [Mr. SAYERS] has asked for a separate vote.

The Clerk read as follows:

Strike out the following paragraph, beginning at line 25 of page 54:

"To enable the Sergeant-at-Arms of the House of Representatives to pay to members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, $12,202.43."

Mr. SAYERS. Upon this amendment I ask for the yeas and nays.

The yeas and nays were ordered, there being—ayes 48, noes 86; more than one-fifth voting in the affirmative.

Mr. GROSVENOR. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. There is a doubt in the minds of some members whether a vote in the affirmative is a vote to strike out the provision or to leave it in.

The SPEAKER. The Clerk will again report the amendment to the House.

The amendment was again read.

The question was taken; and there were—yeas 122, nays 96, answered "Present" 25, not voting 112; as follows:

YEAS—122.

Aldrich, W. F.	Bull,	Culberson,	Fenton,
Aldrich, Ill.	Burton, Mo.	Curtis, Kans.	Gamble,
Anderson,	Burton, Ohio	Dalzell,	Gardner,
Andrews,	Clardy,	Danford,	Gibson,
Baker, Kans.	Clark, Mo.	Dayton,	Gillett, Mass.
Baker, N. H.	Codding,	De Armond,	Graff,
Barney,	Connolly,	De Witt,	Grout,
Barrett,	Cook, Wis.	Dinsmore,	Grow,
Bennett,	Cooper, Tex.	Dockery,	Hanly,
Bishop,	Cooper, Wis.	Eddy,	Hardy,
Blue,	Cousins,	Ellis,	Hart,
Broderick,	Cox,	Erdman,	Hatch,
Brosius,	Crisp,	Faris,	Hemenway,
Hendrick,	Leonard,	Parker,	Strong,
Henry, Conn.	Lewis,	Prince,	Sulloway,
Hepburn,	Linney,	Reeves,	Swanson,
Hermann,	Little,	Royse,	Talbert,
Hill,	Loud,	Sayers,	Tayler,
Hitt,	Low,	Scranton,	Terry,
Hopkins, Ky.	Mahany,	Shannon,	Thorp,
Howe,	McCall, Tenn.	Shuford,	Towne,
Howell,	McClellan,	Simpkins,	Tracey,
Hyde,	McClure,	Skinner,	Trelcar,
Jenkins,	McRae,	Snover,	Warner,
Johnson, Ind.	Mercer,	Spalding,	Williams,
Kerr,	Miller, Kans.	Sparkman,	Wilson, Idaho
Kirkpatrick,	Miller, W. Va.	Stahle,	Wilson, Ohio
Knox,	Milnes,	Steele,	Wood,
Latimer,	Minor, Wis.	Stewart, N. J.	Woomer.
Lefever,	Mozley,	Stewart, Wis.	
Leighty,	Murray,	Stone, C. W.	

NAYS—96.

Aitken,	Crowther,	Joy,	Powers,
Apsley,	Curtis, Iowa	Kiefer,	Raney,
Arnold, Pa.	Curtis, N. Y.	Kleberg,	Ray,
Arnold, R. I.	Denny,	Kyle,	Rinaker,
Atwood,	Evans,	Lacey,	Robertson, La.
Avery,	Fairchild,	Leisenring,	Russell, Conn.
Babcock,	Fischer,	Linton,	Shafroth,
Bankhead,	Fletcher,	Mahon,	Sherman,
Barham,	Foote,	McCleary, Minn.	Smith, Ill.
Bartholdt,	Gillet, N. Y.	McCulloch,	Smith, Mich.
Beach,	Griffin,	Meiklejohn,	Sorg,
Berry,	Grosvenor,	Meredith,	Spencer,
Bingham,	Hager,	Meyer,	Sperry,
Black,	Harrison,	Milliken,	Sulzer,
Brewster,	Heatwole,	Mitchell,	Tawney,
Cannon,	Henderson,	Moody,	Tucker,
Catchings,	Henry, Ind.	Northway,	Van Horn,
Chickering,	Hooker,	Odell,	Van Voorhis,
Clark, Iowa	Huff,	Ogden,	Wadsworth,
Cobb,	Huling,	Otey,	Walker, Mass.
Cockrell,	Hull,	Otjen,	Washington,
Coffin,	Hunter,	Owens,	Wilson, S. C.
Colson,	Johnson, Cal.	Perkins,	Woodman,
Crowley,	Johnson, N. Dak.	Poole,	Wright.

ANSWERED "PRESENT"—25.

Abbott,	Jones,	McMillin,	Strowd, N. C.
Allen, Miss.	Layton,	Moses,	Turner, Va.
Bailey,	Livingston,	Neill,	Tyler,
Boatner,	Maddox,	Payne,	Wheeler.
Bowers,	Maguire,	Richardson,	
Clarke, Ala.	McCreary, Ky.	Stone, W. A.	
Hall,	McDearmon,	Stallings,	

NOT VOTING—112.

Acheson,	Draper,	Loudenslager,	Rusk.
Adams,	Ellett,	Marsh,	Russell, Ga.
Aldrich, T. H.	Fitzgerald,	Martin,	Sauerhering,
Allen, Utah	Foss,	McCall, Mass.	Settle,
Baker, Md.	Fowler,	McCormick,	Shaw,
Bartlett, Ga.	Goodwyn,	McEwan,	Southard,
Bartlett, N. Y.	Griswold,	McLachlan,	Southwick,
Belknap,	Hadley,	McLaurin,	Stephenson,
Bell, Colo.	Hainer, Nebr.	Miles,	Stokes,
Bell, Tex.	Halterman,	Miner, N. Y.	Strait,
Boutelle,	Harmer,	Mondell,	Strode, Nebr.
Bromwell,	Harris,	Money,	Taft,
Brown,	Hartman,	Morse,	Tate.
Brumm,	Heiner, Pa.	Murphy,	Thomas,
Buck,	Hicks,	Newlands,	Tracewell,
Burrell,	Hilborn,	Noonan,	Turner, Ga.
Calderhead,	Hopkins, Ill.	Overstreet,	Updegraff,
Cooke, Ill.	Howard,	Patterson,	Walker, Va.
Cooper, Fla.	Hubbard,	Pearson,	Wanger,
Corliss,	Hulick,	Pendleton,	Watson, Ind.
Cowen,	Hurley,	Phillips,	Watson, Ohio
Crump,	Hutcheson,	Pickler,	Wellington,
Cummings,	Kem,	Pitney,	White,
Daniels,	Kulp,	Price,	Wilber,
Dingley,	Lawson,	Pugh,	Willis,
Dolliver,	Lester,	Quigg,	Wilson, N. Y.
Doolittle,	Long,	Reyburn,	Woodard,
Dovener,	Lorimer,	Robinson, Pa.	Yoakum.

So the amendment was agreed to.

Mr. TALBERT. I ask leave of absence for my colleague, Mr. STOKES, on account of sickness.

There was no objection.

Mr. MCMILLIN. Mr. Speaker, I was paired to-day with the gentleman from Maine, Mr. DINGLEY, but not being eligible to vote on this question, as I conceive it, being personally interested in it, I have withdrawn that pair.

Mr. OWENS. Mr. Speaker, the gentleman from the Seventh district of Georgia [Mr. MADDOX] voted on this roll call in favor of striking out this provision of the bill. He is interested in the question, being one of the beneficiaries under it, if it is not stricken out. I make the point of order that his vote can not be counted.

The SPEAKER. The Chair does not regard that as a point of order.

Mr. MADDOX. I supposed I had a right to vote, inasmuch as I was voting against my own interests; but if the Chair rules to the contrary, I will withdraw my vote.

The SPEAKER. The gentleman must determine the question as he sees fit.

Mr. OWENS. I supposed that a gentleman who would receive a part of the appropriation was interested in it, and therefore would come under the rule.

Mr. MADDOX. Inasmuch as the point is made against my vote, I will withdraw it, and answer "Present."

Mr. BAILEY. Mr. Speaker, in view of the fact that there is some question about the right of members to vote who are interested in this question, I desire to withdraw my vote, and to answer "Present."

The Clerk announced the following pairs:

Until further notice:

Mr. THOMAS with Mr. RUSK.

Mr. BROMWELL with Mr. CUMMINGS.

Mr. TAFT with Mr. TATE.

Mr. PICKLER with Mr. MINER of New York.

Mr. HOPKINS of Illinois with Mr. STRAIT.

Mr. KULP with Mr. SHAW.

Mr. PITNEY with Mr. RUSSELL of Georgia.

Mr. HARMER with Mr. HUTCHESON.

Mr. MCCALL of Massachusetts with Mr. JONES.

Mr. CORLISS with Mr. COWEN.

For this day:

Mr. HURLEY with Mr. MCLAURIN.

Mr. HICKS with Mr. BUCK.

Mr. DOLLIVER with Mr. FITZGERALD.

Mr. LOUDENSLAGER with Mr. BELL of Texas.

Mr. HAINER of Nebraska with Mr. PENDLETON.

Mr. WILBER with Mr. PRICE.

Mr. REYBURN with Mr. STOKES.

Mr. WANGER with Mr. YOAKUM.

Mr. OVERSTREET with Mr. MONEY.

Mr. WELLINGTON with Mr. WOODARD.

Mr. DINGLEY with Mr. BARTLETT of Georgia.

The result of the vote was announced as above recorded.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. SAYERS. Mr. Speaker, I offer the motion which I send to the Clerk's desk.

The Clerk read as follows:

That the bill H. R. 10329 be recommitted to the Committee on Appropriations, with instructions to report the same back forthwith amended as follows:

By striking out, in lines 9 and 10, on page 5, the following:

"Sixteen thousand two hundred and seventy-seven dollars and ninety-one cents," and inserting in lieu thereof the following:

"For services over bond-aided lines, and to be credited to the sinking fund and interest accounts of said railroads, $14,712.45."

On page 60, by striking out all of lines 18 to 24, inclusive.

And on page 61, by inserting, at the end of line 24, the following:

"Except claims for services over nonbond-aided lines of the bond-aided Pacific railroads."

Mr. SAYERS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 137, not voting 116; as follows:

YEAS—102.

Abbott,	Dinsmore,	Leighty,	Sayers,
Allen, Miss.	Dockery,	Leonard,	Shafroth,
Bailey,	Doolittle,	Little,	Shuford,
Baker, Kans.	Eddy,	Livingston,	Sorg,
Baker, N. H.	Erdman,	Maddox,	Spalding,
Barham,	Gillett, Mass.	Maguire,	Stallings,
Barney,	Grout,	Mahany,	Stewart, N. J.
Barrett,	Hager,	McCall, Tenn.	Strong,
Beach,	Hanly,	McCleary, Minn.	Strowd, N. C.
Bowers,	Hart,	McClellan,	Sulloway,
Broderick,	Hartman,	McClure,	Sulzer,
Burton, Ohio	Hatch,	McCreary, Ky.	Swanson,
Clardy,	Heatwole,	McCulloch,	Talbert,
Cockrell,	Hemenway,	McRae,	Terry,
Codding,	Hilborn,	Milnes,	Tucker,
Colson,	Hitt,	Moses,	Turner, Ga.
Connolly,	Howe,	Neill.	Turner, Va.
Cook, Wis.	Howell,	Ogden,	Tyler,
Cooper, Tex.	Hyde,	Otey,	Updegraff,
Cooper, Wis.	Johnson, Ind.	Otjen,	Williams,
Cox,	Johnson, N. Dak.	Owens,	Wilson, Idaho
Crisp,	Kem,	Pugh,	Wilson, S. C.
Curtis, Kans.	Kiefer,	Raney,	Wood,
Danford,	Kleberg,	Richardson,	Woodard.
De Armond,	Latimer,	Robertson, La.	
De Witt,	Lawson,	Royse,	

NAYS—137.

Aitken,	Brewster,	Curtis, Iowa	Harrison,
Aldrich, W. F.	Brosius,	Curtis, N. Y.	Henderson,
Aldrich, Ill.	Buck,	Dalzell,	Henry, Conn.
Andrews,	Bull,	Dayton,	Henry, Ind.
Apsley,	Burton, Mo.	Denny,	Hepburn,
Arnold, Pa.	Calderhead,	Ellis,	Hermann,
Arnold, R. I.	Cannon,	Evans,	Hooker,
Atwood,	Catchings,	Fairchild,	Hopkins, Ky.
Avery,	Chickering,	Faris,	Huff,
Babcock,	Clark, Iowa	Fischer,	Hulick,
Bankhead,	Clark, Mo.	Gibson,	Huling,
Bartholdt,	Clarke, Ala.	Gillet, N. Y.	Hull,
Bennett,	Cobb,	Graff,	Hunter,
Bingham,	Coffin,	Griffin,	Hurley,
Bishop,	Cousins,	Griswold,	Johnson, Cal.
Blue,	Crowley,	Grosvenor,	Joy,
Boatner,	Crowther,	Grow,	Kirkpatrick,
Boutelle,	Culberson,	Hardy,	Knox,
Lacey,	Minor, Wis.	Ray,	Tawney,
Layton,	Mitchell,	Reeves,	Tayler,
Lefever,	Money,	Rinaker,	Thorp,
Leisenring,	Moody,	Russell, Conn.	Tracey,
Lewis,	Mozley,	Scranton,	Treloar,
Linton,	Murphy,	Settle,	Van Horn,
Long,	Murray,	Shannon,	Van Voorhis,
Loud,	Newlands,	Sherman,	Walker, Mass.
Low,	Northway,	Simpkins,	Watson, Ohio
Mahon,	Odell,	Smith, Ill.	Wheeler,
McDearmon,	Patterson,	Snover,	Wilson, N. Y.
Meiklejohn,	Payne,	Spencer,	Wilson, Ohio
Meredith,	Perkins,	Stahle,	Woodman,
Meyer,	Phillips,	Steele,	Wright.
Miller, Kans.	Poole,	Stewart, Wis.	
Miller, W. Va.	Powers,	Stone, C. W.	
Milliken,	Prince,	Stone, W. A.	

NOT VOTING—116.

Acheson,	Fenton,	Linney,	Sauerhering,
Adams,	Fitzgerald,	Lorimer,	Shaw,
Aldrich, T. H.	Fletcher,	Loudenslager,	Skinner,
Allen, Utah	Foote,	Marsh,	Smith, Mich.
Anderson,	Foss,	Martin,	Southard,
Baker, Md.	Fowler,	McCall, Mass.	Southwick,
Bartlett, Ga.	Gamble,	McCormick,	Sparkman,
Bartlett, N. Y.	Gardner,	McEwan,	Sperry,
Belknap,	Goodwyn,	McLachlan,	Stephenson,
Bell, Colo.	Hadley,	McLaurin,	Stokes,
Bell, Tex.	Hainer, Nebr.	McMillin,	Strait,
Berry,	Hall,	Mercer,	Strode, Nebr.
Black,	Halterman,	Miles,	Taft,
Bromwell,	Harmer,	Miner, N. Y.	Tate,
Brown,	Harris,	Mondell,	Thomas,
Brumm,	Heiner, Pa.	Morse,	Towne,
Burrell,	Hendrick,	Noonan,	Tracewell,
Cooke, Ill.	Hicks,	Overstreet,	Wadsworth,
Cooper, Fla.	Hill,	Parker,	Walker, Va.
Corliss,	Hopkins, Ill.	Pearson,	Wanger,
Cowen,	Howard,	Pendleton,	Warner,
Crump,	Hubbard,	Pickler,	Washington,
Cummings,	Hutcheson,	Pitney,	Watson, Ind.
Daniels,	Jenkins,	Price,	Wellington,
Dingley,	Jones,	Quigg,	White,
Dolliver,	Kerr,	Reyburn,	Wilber,
Dovener,	Kulp,	Robinson, Pa.	Willis,
Draper,	Kyle,	Rusk,	Woomer,
Ellett,	Lester,	Russell, Ga.	Yoakum.

So the motion to recommit with instructions was not agreed to.

Mr. MADDOX. Mr. Speaker, I desire to ask leave of absence for my colleague, Mr. BARTLETT, on account of sickness. If he were present, he would vote "yea."

Mr. MCMILLIN. Mr. Speaker, I am paired with the gentleman from Maine, Mr. DINGLEY. I do not know how he would vote if present. If he were present, I would vote "yea."

Mr. STROWD of North Carolina. Mr. Speaker, I ask leave of absence for my colleague, Mr. LINNEY, on account of sickness.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. DINGLEY with Mr. MCMILLIN, until further notice.

Mr. JENKINS with Mr. BARTLETT of Georgia, for the rest of this day.

Mr. STRODE of Nebraska with Mr. WASHINGTON, for the rest of this day.

Mr. MERCER with Mr. ELLETT, for this day.

Mr. FOOTE. Mr. Speaker, I desire to be recorded on the question. I was in my seat and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. FOOTE. I was in my seat here waiting to vote.

Mr. SPEAKER. Was the gentleman listening?

Mr. FOOTE. I can not say that I was listening. I was waiting to vote.

The SPEAKER. The theory on which a vote is allowed is that by some accident the name might not have been called.

Mr. FOOTE. There might have been such an accident, Mr. Speaker. I did not hear my name called. I was listening to my colleague [Mr. SHERMAN].

The result of the vote was then announced as above recorded.

The question was then taken on the passage of the bill; and the bill was passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF CLAIMS AGAINST THE GOVERNMENT BY UNITED STATES OFFICERS.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6834) "To prevent the purchasing of or speculating in claims against the Federal Government by United States officers," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the first section of the bill, and from its disagreement to the amendment striking out the third section of the bill, and concurs therein; and also recedes from its disagreement to the amendment to the second section of the bill, and concurs therein, with an amendment as follows: Strike out "five hun-

dred" and insert "one thousand" instead thereof, so that said section will read as follows:

"SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $1,000."

FREDK. H. GILLETT,
C. G. BURTON,
JOHN K. HENDRICK,
Managers on the part of the House.

GEO. F. HOAR,
WILLIAM LINDSAY,
WM. F. VILAS,
Managers on the part of the Senate.

The statement by the House conferees was read, as follows:

STATEMENT TO ACCOMPANY THE REPORT OF THE CONFEREES ON THE PART OF THE HOUSE ON HOUSE BILL NO. 6634.

The amendments to the first section are merely verbal, condensing but not changing the meaning of the section, except that the substitution of the words "officer of court" for the word "person" slightly limits the application of the act. The amendments to section 2 substitute a fine not exceeding $1,000 for a fine not less than $50 nor more than $5,000 and removal from office. Section 3, repealing conflicting laws, is omitted.

The question was taken; and the conference report was agreed to.

VETO MESSAGE—MRS. MARY A. VIEL.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I return herewith without my approval House bill No. 6902, entitled "An act granting a pension to Mrs. Mary A. Viel."

This beneficiary was married in 1862 to Maj. W. D. Sanger, then in the volunteer military service. He died in 1872, never having made any application for pension. His widow made no application for pension, but within three years after her husband's death, and in 1875, became the wife of Paul Viel. Eight years thereafter he died, leaving her his widow, and it is now proposed to pension her as the widow of the soldier, Major Sanger, though she long ago, by her own deliberate act, surrendered that title and all its incidents.

There is a further objection to granting this pension. I do not find that any claim is made that the death of the soldier who was the beneficiary's first husband was at all attributable to his army service. Neither he nor his widow, while she remained such, presented any such claim, nor is it found in reports of the committees in the Senate or House to whom the bill under consideration was referred. On the contrary, the Senate Committee on Pensions in their report distinctly state that "there is no proof that soldier contracted disease while in the service or that he died of pensionable disabilities."

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 22, 1897.*

Mr. BLUE. Mr. Speaker, I move that the bill and message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

VETO MESSAGE—MRS. MARY A. FREEMAN.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I return herewith without my approval House bill No. 2189, entitled "An act granting a pension to Mrs. Mary A. Freeman."

A former husband of the beneficiary, named Andrew V. Pritchard, did service in the Mexican war, and on July 22, 1847, died of disease contracted in such service. Thereupon the beneficiary named in this bill was pensioned as his widow. She continued to receive this pension until 1853, when she married John Freeman, through which she, of course, lost her pensionable status. Two minor children of the soldier were, however, placed on the pension roll in her stead, and their pension was paid to them until the youngest became 16 years of age, in 1863.

John Freeman died in December, 1871, the beneficiary having been his wife for almost twenty years. It is now proposed to restore her to the pension roll as the widow of her former husband, the Mexican soldier, who died nearly fifty years ago, and notwithstanding the fact that less than five years after his death she relinquished her right to a pension and surrendered her widowhood to become the wife of another husband, with whom she lived for many years.

I am not willing, even by inaction, to be charged with acquiescence in what appears to be such an entire departure from the principle, as well as sentiment, connected with reasonable pension legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 22, 1897.*

Mr. BLUE. I move to refer the bill and message to the Committee on Pensions.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10336.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. BOUTELLE. Now, Mr. Chairman, I would like to arrive at some understanding about general debate. I do not know that there is any disposition on either side of the House to engage in anything like extended debate on this bill, and if the suggestion commends itself to the judgment of the Committee of the Whole, I would like to proceed with the reading of the bill by paragraphs. We have reached a late stage of the session, when time is valuable—the time of the country, the time of the House, and the time of members individually—and I ask unanimous consent that after a very brief statement of the amounts carried by the bill we may proceed to consider it by paragraphs.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] asks unanimous consent that general debate upon the pending bill be closed in ten minutes. Is there objection?

Mr. BARRETT. Mr. Chairman, I shall be obliged to ask the Committee of the Whole to listen to me with whatever patience it can muster for ten or fifteen minutes upon a matter which I propose to submit as an amendment to this bill, but if the gentleman from Maine will agree that when that paragraph is reached I shall not be strictly held to the five-minute rule, I will make no objection to his request.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. BARRETT. I think about twelve or fifteen minutes.

Mr. BOUTELLE. Mr. Chairman, I will cheerfully agree that when the provision to which the gentleman desires to address himself is reached he shall have fifteen minutes.

Mr. RICHARDSON. Mr. Chairman, I suggest to the gentleman from Maine that if the gentleman from Massachusetts desires to discuss politics we may want some time on this side to reply.

Mr. BOUTELLE. I think I can assure the gentleman from Tennessee that there is nothing political in the proposition which the gentleman from Massachusetts has in mind. I think it is something more substantial.

Mr. HALL. Mr. Chairman, I am willing to agree to the request of the gentleman from Maine, provided that when we reach a certain portion of the bill I may be allowed some extra time.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. HALL. About ten or fifteen minutes, I think.

Mr. BOUTELLE. Then, Mr. Chairman, I will include in my request fifteen or twenty minutes for the gentleman from Missouri.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine, that general debate on this bill be closed in ten minutes with the modifications stated by him?

Mr. DALZELL. Mr. Chairman, this is the last appropriation bill, and perhaps this is the last opportunity I shall have to address the House briefly on a subject to which attention was called yesterday by the gentleman from Tennessee [Mr. MCMILLIN] and in which I take a personal interest. I would therefore like to have a little time upon this bill.

The CHAIRMAN. Does the gentleman object?

Mr. DALZELL. No, sir; but I want to see if I can not come to an understanding by which I can get some time.

Mr. BOUTELLE. Mr. Chairman, I do not think I can accede to the request of the gentleman from Pennsylvania, because I have just been notified by the gentleman from Tennessee that if any question of a political nature should be introduced gentlemen on that side would probably want time to reply. I understand that the question to which the gentleman from Pennsylvania desires to address himself would probably involve some political considerations, and inasmuch as I have been notified and should have expected in any case that the gentleman from Tennessee would desire to reply to the gentleman from Pennsylvania, I do not feel that I ought to accede to the request of the gentleman from Pennsylvania, especially as there will be conference reports coming in here from time to time upon which he will have ample opportunity to submit the remarks which he desires to make.

Mr. DALZELL. If I felt sure of that, I would not insist at this time; but I can assure the gentleman from Maine that what I have to say to the House ought not to lead to any political debate. I do not propose to make a political speech. I propose to confine myself strictly to the question.

Mr. BOUTELLE. In my judgment it would inevitably lead to a political debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine that general debate on this bill be closed in ten minutes?

Mr. HARRISON. Mr. Chairman, I object, because I wish to make some observations on one part of the bill.

Mr. BOUTELLE. I think that if the gentleman understands the proposition he will not object to it. My request is that all general debate shall be closed in ten minutes. I ask for that time simply that I may occupy perhaps five minutes in submitting to the committee the figures indicating the general scope of this bill, and I ask that at the expiration of the ten minutes we shall go on to consider the bill by paragraphs, reserving for the gentleman from Massachusetts [Mr. BARRETT], when we reach the point where he desires to make some remarks, fifteen minutes, and for the gentleman from Missouri [Mr. HALL] twenty minutes on another part of the bill, he being the only other gentleman who has indicated a desire to be heard beyond the time allowed under the five-minute rule.

Mr. HARRISON. If I can be included in that arrangement, I shall not object.

Mr. BOUTELLE. Will the gentleman indicate what time he desires?

Mr. HARRISON. Not over twenty minutes, and perhaps I shall not occupy any time.

Mr. BOUTELLE. I think the gentleman should have time if he desires it, and I will include in my request an agreement that the gentleman from Alabama be allowed twenty minutes.

The CHAIRMAN. The request, then, is that general debate be closed in ten minutes; that when the gentleman from Massachusetts [Mr. BARRETT] desires to speak he shall be heard for fifteen minutes; that when the gentleman from Missouri [Mr. HALL] desires to address the committee he shall have twenty minutes, and that when the gentleman from Alabama [Mr. HARRISON] desires to be heard he shall have twenty minutes. Is there objection to the request for unanimous consent?

Mr. DE ARMOND. I wish to inquire whether under this arrangement time is given to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. BOUTELLE. No; I have declined to accede to that request, because I was informed that the remarks of the gentleman from Pennsylvania would probably lead to a more or less extended debate of a political character.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine? The Chair hears none. The gentleman from Maine is recognized for ten minutes.

Mr. BOUTELLE. Mr. Chairman, ordinarily the subject of a general naval appropriation bill would, from its importance and interest, seem to require more extended remarks than I propose to offer at this time. The committee feel that the late hour of the session and the circumstances surrounding the case require that we should pass this bill with all the expedition which may be consonant with an intelligent understanding of its provisions.

This appropriation bill is based upon estimates of the Department amounting to $34,215,986.24. The appropriations reported by the committee in this bill have reduced the estimates of the Department to the extent of $2,050,702.05, while they increase the bill over the corresponding appropriations of last year to the extent of $1,602,573.24. The total amount appropriated by the bill for the regular maintenance of the naval establishment proper, including public works, the Naval Academy, and the Marine Corps, is $18,856,451.19, showing a net decrease for the fiscal year of $227,155.76. The increase in the amount of this bill, as will be seen by the accompanying report, is to be found entirely in the appropriations, under the head of "Increase of the Navy," for carrying on the work of building the ships now under construction.

I think the committee have a right to felicitate the House upon the fact that, notwithstanding a large increase in the number of men required by the increased number of ships, and notwithstanding the large increase in the number of vessels and the cost of maintaining or caring for them, we have been able to bring the entire appropriations for all purposes, except carrying on the work upon new vessels now under construction, below the appropriations of last year by $1,600,000.

The appropriations for carrying on the Navy are increased in a few cases—$174,512 for pay of the Navy on account of the additional force provided for last year; $141,870 for additional requirements for equipment of new vessels; $14,624 for additional requirements of maintenance of yards and docks; $2,900 in the Bureau of Supplies and Accounts, because of the transfer to it of certain employees, which gives a fictitious appearance of increase; $2,573 in the Marine Corps, for the repair of several marine barracks. On the other hand, the amount appropriated for the Bureau of Navigation is reduced by $2,500; that for the Bureau of Ordnance by $260,500; for public works by $73,535.21; for construction and repair, $133,000; for steam engineering, $6,150, and for the Naval Academy, $32,600. The result is, as already stated, a net increase of $1,602,573 in the aggregate appropriations this year as compared with those of last year.

Mr. MCMILLIN. There have been a number of investigations going on tending to show that we have been making very large expenditures for armor plate. Is there anything in the bill looking to a curtailment of that expense?

Mr. BOUTELLE. We have made a very specific and very important recommendation on that point. While this subject may be adverted to more particularly when we reach that part of the bill, I will simply say now in the briefest possible manner that, in view of the controversy which arose in regard to the prices paid for armor, Congress at the last session included in the naval appropriation bill a clause providing that no contract should be made for the purchase of armor for battle ships authorized last year until the Secretary of the Navy should cause an inquiry to be made as to what would be a fair price for armor plate and should make a report to the next—that is the present—session of Congress. The Secretary has made that report. It is quite voluminous, embracing the results of very elaborate and extensive investigations. It was sent to the House of Representatives and the Senate by the Secretary at the beginning of the present session. In brief, the conclusion of the Secretary, from all the facts and data that he could obtain, treating the subject in the manner that seemed to him to be adapted to a solution of the problem, was that $400 a ton would be fair and equitable as an average price to pay for this armor.

Mr. MCMILLIN. How does that differ from the average price paid heretofore?

Mr. BOUTELLE. The prices heretofore paid have varied considerably. The circumstances connected with the establishment of the armor-plate manufacture in this country form a very interesting and important chapter in the development of our domestic industries, with which only a few, perhaps, of the members of this Committee of the Whole have been personally familiar.

Mr. HARRISON. Does this bill provide for the construction of any new battle ship?

Mr. BOUTELLE. It does not.

Mr. HARRISON. What, then, is the meaning of this language in line 20, on page 47, "and of the vessel authorized by this act?"

Mr. BOUTELLE. That language appears in the bill by reason of a mere inadvertence of the printer in failing to strike out a portion of the language of the last bill. That error is to be corrected by amendment. If the gentleman will do me the kindness to glance over the very brief report accompanying the bill, he will see that we have not included in the measure any provision for a new battle ship. Now, in answer to the gentleman from Tennessee [Mr. MCMILLIN] I will say that, in pursuance of my promise to occupy but a few minutes, I can not at this time, of course, go into details. But I will say simply that in 1887 Secretary Whitney entered into a contract with the Bethlehem Iron Works of Pennsylvania for the furnishing, I think, of some 7,000 tons of armor plate, on condition that they should erect in the United States, and have ready for occupation within a certain time, an equipment that would enable them to turn out this armor material as fast as the Government should require it. The contract was made, to the surprise of a great many people——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCMILLIN. I ask unanimous consent that the gentleman be permitted to proceed.

There was no objection.

Mr. BOUTELLE. I think perhaps this suggestion would meet the gentleman's views more fully and satisfactorily—that we go on with the bill until we reach this question of armor, to which the gentleman from Missouri [Mr. HALL] and others propose to direct themselves, and that we then bring out, consecutively and clearly, the facts in the case.

Mr. MCMILLIN. I have no objection to that.

Mr. BOUTELLE. And I will simply say, in conclusion, that the prices of this armor plate have ranged, in its different qualities, taking the most expensive forms, the price having varied, of course, very much in accordance with the difficulty of the forms in which these large forgings have been made, from something over $600 per ton in the first contract, under Secretary Whitney, to about $560 under the last contract.

Mr. HALL. I will correct the gentleman. The highest contract price ever paid was $790.

Mr. BOUTELLE. Very well; whatever it was, it was a very high price. That was the first contract, was it?

Mr. HALL. I do not recall that. I do not know that the statement from the Navy Department shows that.

Mr. BOUTELLE. It has ranged down to $560, the price paid under the last contracts. The Secretary has recommended that $400 would be a fair price, and the Committee on Naval Affairs, while not deeming it wise public policy to fix a specific price per ton, or per yard, or per pound, upon any commodity, have substantially adopted the recommendation of the Secretary of the Navy, by providing that the total cost of the armor for these three ships shall not exceed $3,210,000, a sum which represents the amount of armor, under the plans and estimates of the Navy Department, computed at the rate of $400 average cost per ton.

Provision is made in this part of the bill that no part of this armor shall be purchased until provision is made for the purchase of the entire amount of it, and other safeguards have been included, so as to insure that the whole of this armor shall be secured at a total cost not to exceed the total cost of the carrying out of the recommendation of the Secretary of the Navy.

I desire to say, as a matter of justice, at this point, that the manufacturers of this armor plate have not acquiesced in the estimates or in the justice of the Secretary's conclusion. They do not concede the propriety of his methods of computation. But the Secretary has claimed that he has sought information from the best sources available, that he has given his best judgment, and the committee, without attempting dogmatically to fix a price upon a commodity the manufacture of which involves a vast amount of detail, have thought that they would most wisely perform their duty by accepting the report of the Secretary of the

Navy, under special instructions of Congress at the last session, as coming to us in the nature of a departmental estimate of the amount which, in the belief of the Department, should be properly expended to secure a certain result.

Mr. McMILLIN. I will ask my friend another question, if it will not too much defer the consideration of the bill. He says that the manufacturers did not acquiesce in this estimate of the Secretary. While dissenting from this estimate, did they furnish, either to the committee or to the Secretary of the Navy, a statement of the actual cost of armor plate as a proof that their contention was right and his was wrong?

Mr. BOUTELLE. As is stated in this brief report, the manufacturers declined to submit their books to the inspection of the Department, basing their refusal on the ground that they ought not to be expected to expose their business accounts to their rivals in trade. The Secretary deals with that in his report, and justifies himself upon many points in reaching his conclusions upon the ground that he has obtained the best information possible, and that the failure of the companies to furnish him the actual figures has rendered it necessary for him to obtain his information elsewhere.

Mr. HALL. I wish to state to the gentleman from Maine, chairman of the committee, that I was mistaken about the maximum. It is $725.

Mr. BOUTELLE. We will bring all that out later. Perhaps I had better say in this introductory that this bill is peculiar in this respect—that it contains no recommendation of authorization of additional ships at this session. I can not with too much emphasis state to this committee that that omission represents in no possible sense the slightest purpose on the part of the Committee on Naval Affairs to relax pushing forward in the development of our naval force to that point where we shall feel we have such a navy as the nation requires. We have refrained from recommending an additional ship at this session solely out of consideration for the present condition of the national finances, primarily, and out of consideration of what we have felt was likely to be the temper of the House at this time. And in view of the fact that we already have the situation complicated by inability thus far to obtain armor for three battle ships now on the stocks, the committee considered that in view of the fact that at the last session we made the largest authorization but one in the history of the new Navy; that we have now on the stocks five first-class battle ships under construction and a number of other vessels, including torpedo boats, perhaps it would best comport with the exigencies of the present situation not to authorize another battle ship until this armor question has been solved to the satisfaction of the Government. And as another session of Congress is coming along soon, it was deemed wise at the last, after very careful consideration, not to recommend the authorization of another ship in this bill.

Mr. Chairman, I do not know that I desire to say anything more at this time, and I ask that the Clerk read the bill.

The reading of the bill was proceeded with.

The Clerk read as follows:

Naval station, Newport, R. I.: For maintenance of office of commandant; fuel, stationery, books, furniture, freight, and other contingent expenses, $1,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. I have listened, Mr. Chairman, to the debates that have been made upon the appropriation bills thus far before the House. An effort seemed to be made to arraign one side or the other in regard to unnecessary extravagance. I have therefore prepared a little classification of appropriations, which will take about two pages in the RECORD. I do not desire to detain the committee to read them, and ask permission to print them in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to print a statement in the RECORD. Is there objection?

Mr. BOUTELLE. What is it?

Mr. WHEELER. It is about the appropriations, a classification of them; and it will take about two pages.

Mr. BOUTELLE. Does it relate in any way to this bill?

Mr. WHEELER. It does relate to the appropriations in this bill. It is a comparison of appropriations.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

The Clerk read as follows:

Naval station, Puget Sound, Washington: One clerk, at $1,200; 1 rodman inspector, at $3.50 per diem; 1 messenger and janitor, at $1.75 per diem, including Sundays; in all, $2,037.90.

Mr. BARRETT. Mr. Chairman, I desire to make the point of order upon this paragraph and the one following. I ask that they be passed over informally and that the point of order be reserved. They are lines 23, 24, and 25 on page 15, and lines 1, 2, and 3 on page 16.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. BARRETT. I do not desire to press the point of order at this time. I simply ask that the paragraphs be passed over informally.

Mr. BOUTELLE. Has the Chair overruled the point of order?

The CHAIRMAN. The Chair understands the gentleman to reserve the point of order. Does he withdraw the point of order?

Mr. BARRETT. I ask that the point of order be considered as pending.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that these paragraphs be passed over informally, and that the point of order be pending.

Mr. BARRETT. This paragraph and the following.

Mr. BINGHAM. What paragraph?

Mr. BARRETT. The paragraph read by the Clerk.

Mr. BINGHAM. What was that?

Mr. BOUTELLE. The paragraphs relating to naval stations at Puget Sound and at Port Royal.

The CHAIRMAN. Is there objection to passing over these two paragraphs informally, with the point of order pending? [After a pause.] The Chair hears none.

Mr. HALL. The hour of 5 o'clock has arrived, and I move that the committee rise.

Mr. BOUTELLE. I hope the gentleman will allow the Clerk to proceed a little longer, because time is so much more precious in the middle of the day than now. However, I do not want to press that point.

The CHAIRMAN. Does the gentleman insist upon his motion?

Mr. HALL. I do. I have not withdrawn it.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

Mr. BOUTELLE. I shall not antagonize the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 9, 1897:

An act (H. R. 3500) to authorize the adjustment and settlement of accounts of John T. Williams;

An act (H. R. 2859) granting a pension to Harriet F. Herrick;

An act (H. R. 6215) to increase the pension of Ambrose D. Manion;

An act (H. R. 6549) granting a pension to Gideon L. McGinnis;

An act (H. R. 4994) for the relief of Mrs. Sarah Martin;

An act (H. R. 1018) to increase the pension of Bennett S. Shaug;

An act (H. R. 4744) to increase the pension of Adam Dennis;

An act (H. R. 5670) to increase the pension of Richard S. Phillips;

An act (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

An act (H. R. 4267) granting an increase of pension to Gabriel Widmer;

An act (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

An act (H. R. 6552) granting an increase of pension to Alexander C. Morrison;

An act (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

An act (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

An act (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

An act (H. R. 1886) granting an honorable discharge to Wilson Kale; and

An act (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers.

The following bills were presented to the President on January 27, 1897, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1500) granting a pension to George W. Bagley;

An act (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

An act (H. R. 3338) granting a pension to Thomas S. Daugherty;

An act (H. R. 3945) granting a pension to Thomas J. Thorp;

An act (H. R. 4264) granting a pension to Mary Pelham;

An act (H. R. 4494) granting a pension to Barton S. Dawson;

An act (H. R. 4620) granting a pension to Samuel McKinsey;

An act (H. R. 4875) granting a pension to John W. Pogue; and
An act (H. R. 5580) granting a pension to Archibald Hunley.

The following-named bills were approved by the President February 10, 1897:

An act (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; and
An act (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

The following bills were presented to the President on February 1, 1897, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4872) to correct the military record of Homer C. McCuskey;
An act (H. R. 6143) for the relief of Peter Young; and
An act (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The President on February 13, 1897, approved the following bills and joint resolutions:

An act (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.;
An act (H. R. 6776) to provide an American register for bark *Vila*.
An act (H. R. 2741) for the relief of Peter Cook, of Arkansas;
An act (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Bears Head, on the coast of New Hampshire; and
A joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896.

On February 15, 1897:

An act (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1883;
An act (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;
An act (H. R. 10067) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882, and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;"
An act (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;
An act (H. R. 3481) granting a pension to James L. Wing;
An act (H. R. 10085) for the relief of Elnora Shuman; and
A joint resolution (H. Res. 249) for appointment of a member of Board of Managers of National Home for Disabled Volunteer Soldiers.

The following act having been presented to the President on February 4, 1897, for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, it has become a law without his approval:

An act (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The President on February 17, 1897, approved the following bills and joint resolutions:

An act (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;
An act (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;
An act (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;
An act (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;
An act (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;
An act (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York;
An act (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;
An act (H. R. 3787) for the relief of H. C. Herndon;
An act (H. R. 4279) to cure the title of certain real estate in the District of Columbia;
An act (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands; and
A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth;

On February 18, 1897:

Joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey.

The following bills were presented to the President on the 5th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 2253) for the relief of Barzilla C. Hudson; and
An act (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The President, on February 18, 1897, approved the following bill:

An act (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory therof.

On February 19, 1897:

An act (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;
An act (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; and
An act (H. R. 897) for the relief of James Stewart.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The message also announced that the Senate had passed the bill (S. 3561) to grant a right of way through the Fort Spokane Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;
A bill (H. R. 1475) for the relief of Basil Moreland; and
A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

GRAND ARMY OF THE REPUBLIC ENCAMPMENT AT BUFFALO.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

Mr. BAILEY. Mr. Speaker, in order to save time, I will say to the gentleman that, with an understanding that a motion to adjourn will not be made immediately after the consideration of this bill, or until we can have a recognition on this side, I will not object to his request.

Mr. MILNES. Let us hear what the joint resolution is about.

The SPEAKER. The Clerk will report the joint resolution, and then the gentleman from Texas can object or not, as he deems proper.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to deliver to the order of Augustus F. Schen, president of the citizens' committee of the Thirty-first National Encampment of the Grand Army of the Republic, to be held at Buffalo, N. Y., one condemned cannon, with carriage, used in the late civil war, to be used by the said citizens' committee for the purpose of furnishing memorial badges commemorative of the holding of such encampment at Buffalo, N. Y.: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon and carriage.

Mr. BLUE (to Mr. POOLE). Can not you get that under the general law?

Mr. POOLE. We can not.

Mr. BLUE. I think you can.

Mr. POOLE. We can not. I will explain to the gentleman in a moment why we can not get it under the general law.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

Amendments recommended by the committee were agreed to, as follows:

Before the word "condemned," in line 7, insert the word "dismounted."

After the word "cannon," in line 7, strike out "with carriage."

In lines 12 and 13, at the end of the bill, strike out the words "and carriage."

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POOLE, a motion to reconsider the vote by which the joint resolution was adopted was laid on the table.

JOSEPH M. DONOHUE.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the desk (H. R. 6038), to increase the pension of Joseph M. Donohue.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to place the name of Joseph M. Donohue, of Shelby County, Ky., late a private in Company A, Fifteenth Kentucky Regiment, on the pension roll as a pensioner at the rate of $12 per month, instead of $6 per month, which he now receives.

Mr. MILNES. Is there a report in that case?

Mr. McCREARY of Kentucky. Yes, sir; there is a report. I ask that it be read.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6038) to increase the pension of Joseph M. Donohue, having considered the same, respectfully report:

Joseph M. Donohue enlisted September 23, 1861, as a private in Company A, Fifteenth Kentucky Volunteer Infantry, and was honorably discharged January 14, 1865.

Claimant applied for and was pensioned at $6 per month from April 11, 1887, for rheumatism contracted in service. The board which examined him February 15, 1888, rated him six-eighteenths for rheumatism and describe some disease of heart. The board say the right elbow is somewhat rigid, right shoulder painful on forced elevation of hand to head, and slight atrophy of right arm and forearm. The board at Frankfort, Ky., November 18, 1891, rated him six-eighteenths for rheumatism and four-eighteenths for shell wound of left leg.

He applied for pension under the act of June 27, 1890, on November 14, 1890, alleging shell wound of left leg, resulting in rheumatism; but his claim was rejected November 26, 1892, on the ground of no benefit.

Medical testimony filed with the committee shows that claimant has been totally incapacitated for manual labor two-thirds of his time for the last twenty-two years, and the committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CONNOLLY. I will ask the gentleman presenting this bill whether it has been considered in Committee of the Whole?

Mr. McCREARY of Kentucky. The bill has been considered by the committee, who have reported it unanimously. I would say to my friend from Illinois that this gentleman is old, and, as the report states, has been suffering for twenty-two years as a result of disabilities incurred in the service. The report of the committee shows that for two-thirds of that time, or at least for a great many years, he has been unable to do manual labor. The case is a meritorious one, and I trust that no objection will be made.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

CREVASSE AT PASS A LOUTRE.

Mr. HOOKER. Mr. Speaker, I present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing vote of the two Houses on the amendments of the House of Representatives to the bill S. 3614, an act to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows: After the words "Attorney-General," in the twenty-first line of section 2, insert the following: "after a full hearing to both parties;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, amending the title, and agree to the same; and the House agree to the same.

W. B. HOOKER,
WALTER REEVES,
Managers on the part of the House.
D. CAFFERY,
KNUTE NELSON,
Managers on the part of the Senate.

The conference report was adopted.

THOMAS W. SCOTT.

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas W. Scott, late United States marshal eastern district of Virginia, out of any money not otherwise appropriated, the sum of $500, amount due him by reason of the custody of G. M. Bain, jr., of Norfolk, Va.

Mr. BLUE. Is there a report in that case?

Mr. OTEY. There is.

The report (by Mr. COX) was read, as follows:

The Committee on Claims, to whom was referred House bill 9184, report the same with an amendment, striking out, in line 6 of the bill, the words "five hundred" and inserting the words "three hundred and fifty," and recommend that the bill so amended do pass.

The facts appear to be that Judge R. W. Hughes made an order for the payment of $500 for services of guards and board of prisoner, G. M. Bain, jr., the late marshal, Thomas W. Scott, having been directed by the Supreme Court to hold custody of the prisoner during habeas corpus proceedings; that he made application for the payment, and delay was occasioned in getting together the vouchers and accounts, and finally succeeding in getting the books from the court and the accounts, he was engaged in complying with the directions when a fire occurred, destroying his warehouse, tobacco, and all books and records in his office, where these books and accounts were.

Your committee believe he ought to be paid, and think the $280 for guards and the board of the prisoner should be paid, which they place at $350.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. COX. I will ask the gentleman from Virginia who reported that bill?

Mr. OTEY. The gentleman from Tennessee [Mr. COX] himself did.

Mr. COX. I thought so. That is why I made the inquiry. I remember the case.

Mr. BLUE. Has the bill been considered in Committee of the Whole?

Mr. OTEY. No, sir; it has not been considered by the Committee of the Whole, but it has been favorably reported, and it is on the Calendar.

Mr. BLUE. Have the vouchers which the report mentions been approved by the Federal judge?

Mr. OTEY. Yes, sir. The Federal judge made an order for $500, but the amount has been reduced by the committee to $350. The judge's order is in the papers in the case.

Mr. COX. In that case, Mr. Speaker, the judge of the court had certified to a larger amount than is carried by this bill.

An amendment recommended by the committee striking out "five hundred" before the word "dollars" and inserting "three hundred and fifty" was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OTEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

W. E. JUDKINS.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie.

The bill was read.

Mr. PAYNE. I object to the consideration of that bill. I move that the House adjourn.

LANDS OF RED LAKE RESERVATION, MINN.

Mr. TOWNE. I have a privileged resolution.

The SPEAKER. It is not privileged against a motion to adjourn.

Mr. TOWNE. I hope the gentleman from New York [Mr. PAYNE] will withdraw that motion for a few moments.

Mr. PAYNE. I do so in order that the resolution may be read.

The following resolution (No. 531), favorably reported from the Committee on Indian Affairs, was read:

Resolved, That the Secretary of the Interior be, and he hereby is, requested to transmit to this House, at his earliest convenience, the report, with all accompanying papers and testimony, recently made to him by Indian Inspector J. George Wright, of the investigation of the corps of examiners of the pine and agricultural lands of the Red Lake Reservation in the State of Minnesota.

Mr. TOWNE. This resolution has been favorably reported. The report for which this resolution calls contains matter of very great interest to the people of my State and to the Executive Department having cognizance of the subject. I hope there will be no objection to the consideration of the resolution.

There being no objection, the House proceeded to consider the resolution; which was adopted.

WITHDRAWAL OF PAPERS.

Mr. CROWTHER. I ask unanimous consent to withdraw from the files of the House certain papers heretofore filed by me in support of the application of David Housel for removal of the charge of desertion.

The SPEAKER. There has been no adverse report?

Mr. CROWTHER. No report whatever.

The SPEAKER. In the absence of objection, the request will be considered as granted.

There was no objection.

Mr. PAYNE. I now renew my motion that the House adjourn.

The motion was agreed to.

Pending the announcement of the result on the motion to adjourn,

Mr. RUSSELL of Connecticut, by unanimous consent, obtained leave to withdraw from the files of the Fifty-first Congress, without leaving copies, papers in the case of John A. Nugusteypy, no adverse report having been made.

He also, by unanimous consent, obtained leave to withdraw from the files of the Fifty-first Congress, without leaving copies, papers in the case of John H. Davidson, no adverse report having been made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DRAPER, for five days, on account of important business.

To Mr. LINNEY, for this day, on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 3547) entitled "An act to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called," reported the same with amendment, accompanied by a report (No. 3011); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE (by request): A bill (H. R. 10341) to enable persons who made homestead entries in Oklahoma Territory of less than 160 acres to complete their homestead entries by filing on additional land—to the Committee on the Public Lands.

Also (by request), a bill (H. R. 10342) to enable members of the Citizen band of Pottawatomie Indians to receive patents to their land—to the Committee on Indian Affairs.

By Mr. BARRETT: A bill (H. R. 10343) to amend "An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1865, and for other purposes"—to the Committee on the Library.

By Mr. MAHANY: A joint resolution (H. Res. 260) authorizing the Secretary of the Navy to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo—to the Committee on Naval Affairs.

By Mr. GROSVENOR: A resolution (House Res. No. 551) providing for the employment of certain session employees of the House—to the Committee on Accounts.

By Mr. BELKNAP: A memorial of the legislature of the State of Illinois, urging the passage of the bill (S. 3058) to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 1) to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, in favor of the bill (H. R. 1) to reclassify postal railway clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the State of Illinois, indorsing the bill (H. R. 1) to reclassify and prescribe salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Illinois, urging the passage of Senate bill 3058, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging passage of Senate bill 3058, to increase the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: A memorial of the legislature of the State of Indiana, in favor of Senate bill 2741—to the Committee on the Post-Office and Post-Roads.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, praying the passage of Senate bill No. 3058, to classify and increase pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: A memorial of the legislature of the State of Illinois, indorsing bill H. R. 260—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Illinois legislature, indorsing bill H. R. 1—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 10344) to remove the charge of desertion from the name of George Abbott—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 10345) granting a pension to Margaret Love Skerrett—to the Committee on Invalid Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 10346) to pension William M. Cheuvront—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of Armour & Co., Marshall Field & Co., and 62 others, bankers and merchants of Chicago, Ill., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY: Petition of William Adair and other citizens, and J. H. Liebenthal and others, of Covington, Ky.; also of N. L. Bennett and others, of Newport, Ky., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Telegrams from citizens of Pierceville and Harper, State of Kansas, in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jos. E. Riggs and other citizens of Lawrence, Kans., in favor of the Linton bill (H. R. 10108), relating to fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petition of Grant W. Harrington and 500 other citizens of the State of Kansas, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Mrs. Mary Frost Ormsby, president of the Woman's International Peace League, in favor of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. BURTON of Missouri: Petition of the Harrison Lawyer Company and other business firms and citizens of Webb City, Mo., in favor of the Sherman and Cullom bills to prevent railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of P. Hoffman and other citizens of Fort Madison, Iowa, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of E. L. Wilson and 15 other citizens of Columbia, Tenn., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolution of the Flint and Lime Glass Manufacturers' Association of Pittsburg, Pa., in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. DE ARMOND: Petition of T. B. Wheeler and others, of Warsaw, Mo., in favor of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DOOLITTLE: Petitions of A. W. Bower, of Sultan; J. E. McDougall, of Montesano; W. H. James, of North Yakima, and W. L. Wheeler, of Port Orchard, State of Washington, in favor of the passage of House bill No. 4506, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill to remove the charge of desertion against George Abbott—to the Committee on Military Affairs.

By Mr. FAIRCHILD: Petitions containing 145 signatures, from the Sixteenth Congressional district of New York, favoring the passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of E. R. Pope and others, of Minneapolis, Minn., favoring the passage of the Cullom and Sherman

bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of C. F. Stary and 8 other attorneys of Chicago, Ill., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Petitions of T. F. Frawley and other citizens of Eau Claire; William E. Plummer and others, of Pepin County; Rev. John B. Metzler and publishers of the Morning Chronicle, of La Crosse, State of Wisconsin, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry B. Pace and other citizens of Mondovi, Wis., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. GRISWOLD: Petition of Willis K. Crosby and 4 other citizens of Erie, Pa., favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of George A. Davis and others, of Glenwood, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of W. E. Houson and others, of Carrollton, Mo.; also of C. T. Phillips and others, of Moberly, Mo., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Resolution of the State Veterinary Medical Association of Iowa, favoring the passage of House bill No. 3012, to establish the rank and pay of veterinarians in the United States Army—to the Committee on Military Affairs.

Also, resolution of the State Veterinary Medical Association of Iowa, opposing the passage of Senate bill No. 1552, restricting vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Rev. Homer C. Stuntz and 8 other citizens of Waterloo; also petition of Rev. E. Schuette and 14 others, of Dubuque, Iowa, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, communication from the Brotherhood of Locomotive Firemen of Eagle Grove, Iowa, favoring the passage of the contempt bill, the arbitration bill, and the Phillips commission bill—to the Committee on Rules.

By Mr. HITT: Petition of the teachers and students of the Chicago Training School for Missions, containing 118 names, indorsing House bill No. 7085, prohibiting the sale of intoxicating liquors in the Capitol building, favoring the passage of the bills to raise the age of protection for girls in the District of Columbia, for a District Sunday law, and to prevent interstate gambling by telegraph—to the Committee on Public Buildings and Grounds.

Also, petition of R. J. Hazlett and others, of Rockford, Ill., favoring the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD: Petition of citizens of Maries County, Mo., asking consideration and passage of bill paying the Methodist Episcopal Church South for use of property at Nashville, Tenn., by Federal troops during the war—to the Committee on War Claims.

By Mr. KIEFER: Petition of the St. Paul Chamber of Commerce, against alleged discriminations of American meat products abroad—to the Committee on Agriculture.

By Mr. KIRKPATRICK: Petition of W. C. Robinson and 45 other citizens of Winfield; also of W. A. Pay and others, of Coffeyville; also of Hon. Simon U. Humphrey and 105 others, of Independence, State of Kansas, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of the Iowa State Veterinary Association, protesting against the passage of the bill prohibiting vivisection—to the Committee on the District of Columbia.

Also, resolutions of the Iowa State Veterinary Association, recommending the passage of House bill No. 3012, to establish the rank and pay of veterinarians in the United States Army—to the Committee on Mititary Affairs.

Also, petition of A. M. Haggard, of Oskaloosa, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Papers of Hugh Doorley and S. A. Hoskins, citizens of Sidney, Ohio, protesting against the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of E. T. Boxwell and 44 other citizens of Hoisington; also of E. W. Hulse, of McPherson, State of Kansas, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LOW: Petition of George Pfaff and 25 other citizens of New York City, urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. MILLER of West Virginia: Papers to accompany House bill for the relief of William M. Cheuvront, of Company F, Fourth West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: Petition of Denson Wilson, of Wayne County, Tenn., asking reference of his claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of Nancy Rouse, of Hardin County, Tenn., asking reference of her claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of John West, of Wayne County, Tenn., asking reference of his claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of Thomas Somax, of Perry County, Tenn., asking reference of his war claim to the Court of Clams under the act of March 3, 1883—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Resolutions of the Minnesota State Historical Society, favoring the restoration of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. McDEARMON: Petition of Rev. B. W. Brown and 14 other citizens of Bells, Tenn., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NEILL: Petition of J. D. Brandon and 20 other citizens of Kensett and Searcy, Ark., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of W. H. Kellog and 7 other citizens of Milwaukee, Wis., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of the Peter Cooper Council, No. 190, Junior Order United American Mechanics, of Newark, N. J., praying for the granting of belligerent rights to Cubans—to the Committee on Foreign Affairs.

By Mr. PERKINS: Petition of P. E. Narey and 14 other citizens of Spirit Lake, Iowa, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PITNEY: Thirty-two petitions of citizens of the State of New Jersey, favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of A. C. Matthews and others, of Pittsfield, Ill., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petition of the Young Men's Christian Association of Norwich, Conn., in favor of abolishing the sale of intoxicants in the Capitol restaurants—to the Committee on Public Buildings and Grounds.

By Mr. SAYERS: Petition of A. J. Radford and 5 other citizens of Lyons, Tex., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of D. L. Gaster and 18 other citizens of New Orleans, La.; and August Erath and 13 others, of New Iberia, La., favoring the passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Rev. W. D. Parr, of Kokomo, Ind., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of William Becker and other citizens of Fort Atkinson; J. H. Valentine and others, of Mason City; E. H. Gillet and others, of West Union; J. W. Merrill and others, of Fayette, and L. L. Lockard and others, of Decorah, State of Iowa, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Petition of Thomas B. Jones and other members of Valley Forge Council, No. 57, N. P. U., favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. WOOD: Petition of G. W. Fisher and other citizens of Cumberland County, Ill., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 23, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. QUAY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of March 2, 1895, the report and accompanying letter of Mr. Philip C. Garrett, of Philadelphia, Pa., a member of the Board of Indian Commissioners, on the result of the negotiations with the Ogden Land Company for the purchase of the interest of that company in the Cattaraugus and Allegany Indian reservations in the State of New York, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

The VICE-PRESIDENT also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State of the 19th instant, as referred by the Commissioner of Navigation, relating to the claim of the master of the Swedish bark *Adele* against the United States, and recommending that an appropriation of $295.64 be inserted in the general deficiency appropriation bill for payment of that claim; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ST. LOUIS RIVER BRIDGE.

Mr. QUAY. I believe, according to the rule of the Senate adopted upon the suggestion of the Senator from Massachusetts [Mr. HOAR] yesterday, petitions and memorials may be filed with the clerks at the desk without a formal presentation upon the floor.

The VICE-PRESIDENT. That is the order.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. VILAS. I should be glad to have that bill laid aside for the present. I have received, by telegraph, information that the legislature of Wisconsin has passed a memorial to Congress remonstrating against the passage of the bill. I have not yet received the document itself. I hope the Senator from Pennsylvania will not seek to have the bill pressed until I receive it. I am sorry that I should be obliged to object to the consideration of the bill, but I am under the instruction of the legislature.

Mr. QUAY. The Senator from Wisconsin is, I think, perfectly satisfied that the bill ought to pass. He must also know that if it does not pass immediately the extreme probability is that it will not pass at all at the present session. The condition of affairs concerning the bridge, communicated to me to-day by the president of the Pennsylvania Steel Company, is this:

[Telegram.]

The Duluth bridge is being built by us for local company, and all material is at bridge. Site and bridge is about one-third erected. Act of Congress authorizing construction of bridge requires completion by April 28, which is impossible owing to severity of weather this winter at Duluth; an extension of time, say to July 1, would answer every purpose.

I certainly think that the Senate ought not to sustain the Senator from Wisconsin in asking for a further postponement of the bill. I think the Senator from Wisconsin fully appreciates and properly estimates the equity of the claim of the men who are constructing the bridge, who are not interested in the controversy between the State of Wisconsin and the State of Minnesota.

Mr. VILAS. I have been here, I suppose, every moment ready to object to the taking up of the bill until I could receive the memorial of the legislature that I mentioned to the Senator from Pennsylvania when I got the telegram. There is considerable controversy. I do not know, when the papers shall have been received here, what effect they will produce upon me or what duty will be laid upon me by them with reference to it, but I certainly can not consent to the bill being considered until I have received the memorial of the legislature on the subject.

Mr. QUAY. As I understand the Senator, he has already received a telegram stating the substance of the memorial?

Mr. VILAS. Yes; a telegram. The telegram informs me that both houses of the legislature, after having heard the parties interested on both sides, passed the memorial.

Mr. QUAY. Will the Senator allow me to interrupt him a moment?

Mr. VILAS. Certainly.

Mr. QUAY. I ask the Senator from Wisconsin whether the memorial of the legislature of Wisconsin refers to this bill, which is a naked extension of time for the benefit of those employed in the construction of the bridge, or to the original bill, which involves a dispute as to certain conditions imposed upon the bridge company when it accepted its charter?

Mr. VILAS. The memorial relates to this bill, and the telegram was in answer to a letter which I sent advising the parties interested of the fact that this bill had been introduced. I conceive that it can make no difference in reality to the company in which the Senator is interested, which is constructing the bridge, whether the bill passes or not.

Mr. QUAY. If it makes no difference, then the Senator from Wisconsin ought not to object to its passage.

Mr. VILAS. Perhaps there may be some force in that suggestion, but I certainly am obliged to object to it under the instruction of the legislature of the State. I am quite sure the Senate would not insist upon passing it when the legislature of the State has memorialized Congress against it, at least not without hearing what the objection is. I know in general what the basis of that objection is. I have the documents and papers in my desk which well support the objection, at least to the first bill that was introduced.

Mr. QUAY. There is no trouble about the first bill. I have no desire to do anything in this bill except to extend the time.

Mr. VILAS. I hope the Senator will permit the bill to lie over for the present, for I shall be obliged to contest it.

Mr. QUAY. I have no objection to the bill going over until to-morrow, but the Senator from Wisconsin and the Senate must understand that, being a Senate bill, it must pass very promptly to be of any use to the constructors of the bridge. If that course is satisfactory, we will allow the bill to go over until to-morrow at the conclusion of the morning business.

Mr. VILAS. I shall be glad to have it go over.

The VICE-PRESIDENT. The request of the Senator from Pennsylvania will be complied with, if no objection is interposed.

Mr. VILAS. Let us have no misunderstanding. Of course the Senator from Pennsylvania can not expect me to consent to take it up until I have received the papers, but I do not ask any more of him now than that the bill shall go over until to-morrow, reserving any rights that I may have in regard to it.

Mr. QUAY. If there is an intention out in Wisconsin to deal fairly with this bill, and I have no doubt there is, the memorial should be here by to-morrow.

Mr. VILAS. I think so. I hope it will be here.

Mr. QUAY. I will move to take the bill up to-morrow, then.

The VICE-PRESIDENT. In the absence of objection, the bill will be passed over until to-morrow.

INDEPENDENCE OF CUBA.

Mr. MORRILL. I desire to give notice that I shall ask the indulgence of the Senate on Thursday morning to submit some remarks upon the resolution reported by the Committee on Foreign Relations in relation to the recognition of the independence of Cuba.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1515) for the relief of Hugh McLaughlin; and

A bill (H. R. 4424) to correct the military record of George I. Spangler.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in the claims against the Federal Government by United States officers.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

A bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; and

A joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of Connecticut, praying for the enactment of legislation increasing the salaries of letter carriers; which was referred to the

Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1897.

Concerning an act of Congress relating to letter carriers.

Whereas on the 11th day of June, 1896, the Senate of the United States passed a bill known as S. 3068, to regulate the salaries of letter carriers, and which provides that in cities of 75,000 or more inhabitants they shall receive for the first year of service $900, and for the second year $900, for the third year $1,000, and for the fourth year and thereafter $1,200, and that in cities of less than 75,000 inhabitants they shall receive $800 for the first year, $800 for the second year, and $1,000 for the third year of service and thereafter; and

Whereas a similar bill (H. R. 230) has been favorably reported by the House Committee on Post-Offices and Post-Roads, and in addition has received the approval of many State legislatures, city governments, boards of trade, and, without exception, the public press: Therefore,

Be it resolved, That the senate and house of representatives of the State of Connecticut, recognizing the arduous and responsible duties of this branch of the public service, and the fact that for the past nineteen years it has been more than self-supporting, and that the increase in the gross receipts during the last fiscal year will more than cover the additional cost of this measure, do hereby request the members of the Senate and House of Representatives in Congress from the State of Connecticut to use every proper means to secure the enactment of this measure into law.

Resolved, That the clerk of the senate and the clerk of the house be instructed to forward copies of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from Connecticut in Congress.

HOUSE OF REPRESENTATIVES, *February 17, 1897.*

Passed.

FRED A. SCOTT, *Clerk.*
SENATE, *February 19, 1897.*

Passed.

SAML. A. EDDY, *Clerk.*

Mr. QUAY presented a petition of the Christian Endeavor Society of the First Presbyterian Church, of Bethlehem, Pa., and a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Martha Washington Assembly, No. 367, Royal Society of Good Fellows, of Pittsburg, Pa., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

Mr. CULLOM presented sundry petitions of citizens of Upper Alton, Fidelity, and Fairport, all in the State of Illinois; of the department of superintendence of the National Educational Association, of Indianapolis, Ind., and sundry petitions of citizens of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Benjamin Gates and 5 other members of Shaker church, of Narcoossee, Fla., praying that the movement to establish a court of arbitration between Great Britain and the United States be speedily consummated; which was ordered to lie on the table.

Mr. BURROWS presented sundry petitions of citizens of Grand Rapids, Bliss, and Bellaire, all in the State of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Tecumseh; of the Young People's Society of Christian Endeavor of the First Congregational Church, of Stanton; of W. W. Brower and 100 other citizens of Fife Lake; Mrs. Agnes Gillespie and sundry other officers of the Woman's Christian Temperance Union of Michigan; of the Woman's Christian Temperance Union of Greenville; of the Woman's Christian Temperance Union of Paw Paw, and of the Woman's Christian Temperance Union of St. Ignace, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxcating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BURROWS. I present the petition of T. A. Alexander and 51 other citizens of Milford, Kent County, and the petition of Elbert Saunders and 30 other citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HILL presented a petition of sundry citizens of Schenectady, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of J. H. Bostock and sundry other citizens of Schenectady County, N. Y., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented two petitions of the Grand Council, Royal Arcanum, of Buffalo, N. Y., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented the petitions of Edwin R. Palmer and 20 other citizens; of Robert S. Sutliffe and 10 other citizens; of Edwin O. Parrish and 19 other citizens; of sundry citizens of Brewster, Poughkeepsie, Hudson, Mount Vernon, New York City, Brooklyn, Millerton, Buffalo, Niagara Falls, Sing Sing, Tarrytown, Barrytown, Tivoli, White Plains, Croton Falls, Linlithgo, Albany, Binghamton, Greene, Mount Morris, Fulton, Owego, Syracuse, Corning, Ithaca, Bath, Norwich, Horner, Conklin, Corbettsville, Oswego, Warsaw, Little Falls, Eastcreek, Fonda, Whitesboro, and Utica, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of the Niles & Scott Company, of Laporte, Ind., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. GEAR presented the petition of J. W. Hackley, of Muscatine, Iowa, and a petition of sundry other citizens of Muscatine, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. James J. Purcell, of Parsons, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MANTLE. I present resolutions adopted at a meeting of the Wool Growers' Association of Montana, convened in special session at the city of Helena, on the 15th day of February, 1897, favoring the adoption of the schedule of duties as proposed by the National Wool Growers' Association.

In submitting the resolutions, I desire to state that Montana now stands at the head of the woolgrowing States of the Union, possessing a greater number of sheep than any other State in the Union; and because of this fact I think the resolutions ought to carry considerable weight. I should like to ask, if it is not against the rule, that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred to the Committee on Finance, as follows:

Resolutions of the Montana Wool Growers' Association.

At a meeting of the Wool Growers' Association of Montana, convened in special session at the city of Helena on the 15th day of February, 1897, it was unanimously

Resolved, That we heartily indorse the schedule of duties proposed by the National Wool Growers' Association, of which the Hon. William Lawrence is president, at their conference with the manufacturers on the 9th, 10th, and 11th of February last, with one exception, viz: We urgently request that all skirted and assorted wools shall be subject to the same duties as wash wools. Our experience with free wool has demonstrated the fallacy of every argument urged by the advocates of that un-American policy which has reduced our woolgrowers to the verge of bankruptcy and despair, relieved only by the hope that the incoming Administration and new Congress will revert to the policy of giving adequate protection to so important an industry—to every interest of our nation no less than to our own particular interests. The injustice of a discrimination of 2 cents per pound against the growers of the Western States, as suggested at a meeting of the manufacturers and growers held January 9 last, upon the ground of free range, is at once apparent when we consider that the Western growers are subject to a freight charge of not less than 2 cents per pound more in getting their wool from the point where they shear it from the sheep to the market than are the growers of the Middle and Eastern States, and that the schedule of wages is 100 per cent higher than the same class of labor in the East. The cost of living is 50 per cent higher; interest and taxes are 33⅓ per cent higher. And in view of all these facts, we would suggest that should any discrimination be indulged in on the lines proposed, its order be reversed, and that these wools which enter into direct competition with the range-grown fleeces be subjected to a higher rate of duty. Without antagonizing wools and manufacturers, but, on the contrary, fully recognizing their need of protection, we have presented in the schedule of the national association only what is a fair and living rate for the support of our industry, and will cheerfully cooperate to secure them a proportionate advance in duties on foreign-manufactured products.

Resolved, That the association requests, and confidently expects, that the Montana Senators and Representative in Congress will do all in their power to secure for us this measure of protection at the earliest possible moment, and will insist that the act take effect immediately upon its passage and approval; and, further, that they seek the cooperation of Senators and Representatives of other States similarly situated and interested to resist the passage of any tariff act that discriminates against our interests unjustly.

CORNELIUS HEDGES,
H. H. NELSON,
L. H. HAMILTON,
B. PERCY CLARK,
D. E. FOLSOM,
Committee.

Official copy.

BRANNON BROWN,
Secretary Montana Wool Growers' Association.

Mr. VEST presented sundry petitions of citizens of Bonne Terre, Hannibal, Harrisonville, Kansas City, and Moberly, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VILAS presented the memorial of Rev. I. N. Marks and 5 other citizens of Lake Geneva, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Grand Council, Royal Arcanum, of Wisconsin, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Eau Claire, Oconto, Stevens Point, Milwaukee, and Two Rivers, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PRITCHARD presented the petition of Charles M. Hammond and sundry other citizens of East Milford Hundred, Kent County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State; which was referred to the Committee on Privileges and Elections.

Mr. TELLER presented the petition of L. A. Wikoff, publisher of the Herald, of Springfield, Colo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the city council of Denver, Colo., praying for a reclassification of clerks in first and second class post-offices, and also to pay them fixed salaries according to the duties actually performed; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Denver, Colo., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Montevista, Colo., and a memorial of sundry citizens of Georgetown, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented a petition of sundry woolgrowers of Lincoln and Elbert counties, in the State of Colorado, praying for the passage of the so-called Dingley tariff bill as a temporary measure of relief for the wool industry, and also that a specific duty be placed upon wool; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Highland, Ill., praying that a reciprocity provision in the interest of silver be inserted in the next revised tariff bill; which was referred to the Committee on Finance.

Mr. PETTIGREW. I present certain papers on behalf of the individuals formerly comprising and belonging to the Catawba tribe of Indians, relative to lands owned and occupied by them in the States of North and South Carolina, etc. I move that the papers be referred to the Committee on Indian Affairs, and that they be printed as a document for the use of that committee.

The motion was agreed to.

Mr. BERRY presented a petition of sundry citizens of Searcy and Kensett, in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. CALL presented a petition of members of the Union Congregational Church and the Society of Christian Endeavor of Avon Park, Fla., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of Fargo, N. Dak., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of members of the Methodist Episcopal and Congregational churches of Cando, N. Dak., praying for the enactment of a Sunday-rest law for the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3495) to remit the time penalties on the light-house tender *Rose*, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. PETTIGREW on the 17th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3393) to increase the pension of Wesley C. Sawyer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the amendment submitted by Mr. CARTER on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SMITH, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. LODGE on the 19th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3581) to prevent the importation of impure and unwholesome tea, to report a new bill in the nature of a substitute therefor, and ask that it be printed, together with the report thereon.

The bill (S. 3725) to prevent the importation of impure and unwholesome tea was read twice by its title.

The VICE-PRESIDENT. Senate bill 3581 will be indefinitely postponed, if there be no objection.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 7317) to increase the pension of Leroy M. Bethea, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky., reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. GALLINGER on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6915) granting a pension to Julia D. Beebe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7422) granting a pension to Lydia W. Holliday, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Territories, to whom was referred the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States, reported it with amendments.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 170) for the relief of Robert Williams, sergeant of ordnance, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. SHOUP on the 20th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

ESTATES OF JAMES M. AND TIMOTHY MEAHER.

Mr. BACON. I am instructed by the Committee on Claims to report a resolution and ask for the present consideration of the same. It simply authorizes the taking of certain testimony relative to the bill (S. 3090) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Thomas W. McDonald, administrator of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom, which is pending before the committee.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Claims be, and it is hereby, authorized and empowered to order the taking of the testimony of the witnesses above named, and to make such other orders as may to them seem proper under the provisions of the act of February 5, 1879.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. CAFFERY. The Committee on Commerce has reversed its action in regard to the amendment reported by the Senator from Missouri [Mr. VEST] in behalf of the committee on the 19th instant, and by direction of the committee I report a resolution and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the proposed amendment to the bill making appropriations for sundry civil expenses of the Government, which amendment was reported by Mr. VEST, from the Committee on Commerce, to be inserted after the word "dollars," in line 12, page 80, be recalled from the Committee on Appropriations, and referred to the Committee on Commerce.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3723) granting a pension to Mrs. Jennie A. Kerr; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3724) for the relief of Mrs. Jennie A. Kerr, of Concord, N. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3726) granting a pension to Daniel L. Tew, of Red Springs, N. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. WHITE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Library.

Mr. GIBSON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. JONES of Nevada subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the amendment submitted by Mr. CARTER this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE subsequently, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. CARTER this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

SEABOARD AIR LINE MAILS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed to send to the Senate a copy of the reports of the agents of the Post-Office Department in relation to weighing the mail upon the Seaboard Air Line in 1896; also a copy of all correspondence between the Department and the officers of said railroad company, and a copy of the correspondence between the Post-Office Department and the Attorney-General in relation thereto.

DEATH OF DR. RICORDO RUIZ.

Mr. MILLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to send to the Senate, if, in his opinion, it is not incompatible with the public interests, a statement of such facts as may be in the possession of the State Department, concerning the arrest, imprisonment, and death of Dr. Ricordo Ruiz in the jail at Guanabacoa on the Island of Cuba, and the correspondence between our Government and Spain, and the correspondence between the State Department and Consul-General Lee on the same subject.

PAYMENT OF STENOGRAPHER.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on the Library, February 13, 1897, in relation to the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, be paid from the contingent fund of the Senate.

PERRINE LAND-GRANT INVESTIGATION.

Mr. CARTER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands, in carrying on the investigation into the issue of patents for the lands embraced in the Perrine grant in Florida, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.

FORM OF CREDENTIALS.

Mr. HOAR. I submit a resolution, which I ask may be printed and go over.

The resolution was read, as follows:

Resolved, That, in the opinion of the Senate, the following is a convenient and sufficient form of certificate of election of a Senator, to be signed by the executive of any State, in pursuance of section 17 of the Revised Statutes of the United States:

To the President of the Senate of the United States:

This is to certify that on the —— day of ——, 189–, A. B. was duly elected by the legislature of the State of —— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 189–.

Witness his excellency our governor, —— ——, and our seal hereto affixed at ——, this —— day of ——, A. D. ——.

C. D., *Governor*.

By the governor:

[SEAL.] E. F., *Secretary of State*.

Resolved, That the Secretary of the Senate shall send a copy of these resolutions to the executive and secretary of state of each State wherein an election of Senator is about to take place, in season that they may use this form in certifying the result thereof, if they see fit.

Mr. VILAS. I should like to ask the Senator from Massachusetts if he did not once report to the Senate a form which his learning and experience approved, to the great satisfaction of the Senate? What has become of it?

Mr. HOAR. That form was not adopted by the Senate. It was reported from the Committee on Privileges and Elections, if I am right, and it has been adopted recently by a good many States. But still there is a great deal of difference now. I propose now simply to have the Senate resolve that this is a convenient form and direct the Secretary of the Senate, in anticipation of every election of a Senator, to send a copy to the States for their use, if they see fit.

Mr. CHANDLER. I suggest to the Senator that if he intends to ask for the consideration of the resolution at this session, it should first go to the Committee on Privileges and Elections.

Mr. HOAR. The Committee on Privileges and Elections once reported it, I think.

Mr. CHANDLER. I should not be willing myself to adopt at the present session and send out a form for certificates to be recommended to all the States, without it first having been considered by a committee of this body.

Mr. HOAR. There is no hurry about it. Let the resolution stand over.

Mr. CHANDLER. I simply desire to state that I prefer that the resolution should not be passed unless it is agreed upon by a committee of this body.

Mr. HOAR. I should not expect to pass the resolution if it turned out on investigation that any Senator felt a doubt about it. It is one of those things that would not pass unless it was clearly and unanimously satisfactory.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The resolution has been ordered to be printed, and it will go over.

HOUSE BILLS REFERRED.

The bill (H. R. 6038) to increase the pension of Joseph M. Donohue was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DONATION OF CONDEMNED CANNON.

The joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo, was read twice by its title.

Mr. HILL. The general act in reference to condemned cannon does not include a case of this kind. There is no possible objection to the joint resolution, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2877) granting a pension to Hiram Santas; and

A bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers; and it was thereupon signed by the Vice-President.

CREVASSE IN PASS A LOUTRE.

Mr. CAFFERY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows:

After the word "Attorney-General," in line 21 of section 2, insert the following: "After a full hearing to both parties;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House amending the title, and agree to the same.

And the House agree to the same.

D. CAFFERY,
KNUTE NELSON,
Managers on the part of the Senate.

W. B. HOOKER,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the joint resolution S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

BILLS BECOME LAWS.

The message also announced that the following bills having been presented to the President of the United States February 10, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (S. 178) granting a pension to Betsey J. Webber;

An act (S. 1495) granting an increase of pension to Hans Johnson;

An act (S. 1806) granting an increase of pension to George B. Custer;

An act (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

An act (S. 2347) for the relief of Laura C. Dodge; and

An act (S. 2913) granting an increase of pension to Nettie A. Cheeks.

METROPOLITAN RAILROAD COMPANY.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same amended so that the bill shall read as follows:

Be it enacted, etc., That that the Metropolitan Railroad Company be, and it is hereby, authorized and required within six months from the date of the approval of this act to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said company is hereby authorized to issue and sell such an amount of its capital stock as will, at the market value thereof, cover the cost of construction and equipment of the extension herein provided for.

JAMES MCMILLAN,
J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

CAPTURE OF THE COMPETITOR.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate of February 6, 1897, a report from the Secretary of State in regard to the persons claiming American citizenship captured on board of the *Competitor*.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 23, 1897.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The pending question is upon the point of order raised by the Senator from Wisconsin [Mr. VILAS] against the amendment of the committee on page 66, upon which the Senator from Wisconsin is entitled to the floor.

Mr. VILAS. It is suggested, and I acquiesce in the suggestion, that we should save time if the Chair would decide the point of order that was raised; but I should like to add a word or two, because it was to the point of order to which I was generally directing the remarks that I made yesterday.

The VICE-PRESIDENT. The Senator from Wisconsin will kindly restate the point of order, as probably many Senators were not present at the time it was made.

Mr. VILAS. The point of order is that the proposed amendment on page 66 is general legislation, and is in the very teeth of the rule of the Senate, which is, without qualification or exception, that "no amendment which proposes general legislation shall be received to any general appropriation bill."

Mr. President, I had made some observations yesterday in regard to the circumstances of the attempt to bring these very valuable lands within the reach of claimants. Last evening I was mentioning the fact that the theory that there were discoverers is entirely unsupported, that there is no claim whatever which Congress ought to recognize for a moment that an equity exists in favor of persons seeking to be placed in the light of original discoverers of minerals. That point was really embraced within the veto of President Harrison, who said, in reference to the bill then before him, after it had passed Congress:

The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use, the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow of course that this private end may not be wholly meritorious, and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite, supposed to be of very great value.

Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales, etc.

Mr. VEST. If the Senator from Wisconsin will permit me, I have not read that veto message for some time, but I think I remember very distinctly what was the ground upon which it was based and sent to the Senate. The ground upon which President Harrison vetoed the bill to which the Senator alludes was that the entries were unlawfully made because they were on an Indian reservation, and not on the ground that they were not mineral discoveries. That bill was urged by the Senator from Colorado [Mr. TELLER], and the point in the case was that certain citizens of Colorado claimed to have made these entries upon public lands, and President Harrison came to the conclusion that they were not public lands, but that the entries were made unlawfully upon an Indian reservation.

Mr. VILAS. There is no doubt at all that the entries were illegal for that reason. I have here a report by the Commissioner of the Land Office, Hon. Thomas H. Carter, now an honored member of the Senate, in which he sets forth the facts in relation to it under date of the 12th of April, 1892, which perhaps I had better send up and have read, together with the report of the Acting Secretary of the Interior upon it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 12, 1892.

SIR: I have the honor to acknowledge the receipt of a letter from the Hon. WILLIAM F. VILAS, United States Senate, which you referred to this office for report.

The Senator's letter relates to the White River, Kansas City, Joseph A. Thatcher, Scorpion, Lucky Boy, Leavenworth, Cow Boy, Dixie, Bandanna, Archie, Davy Crockett, Plumed Knight, Raffle, Black Jack, Wasatch, New York, Lorna Doone, Eureka, Colorow, Frying Pan, Utah, Mary Mc., and Ouray lode claims, located in August, 1888, and said to bear "albertite or gilsonite."

From the description furnished, the exact geographical position of said claims can not be determined, nor can they be definitely located upon any map, plat, or diagram in this office; they are, however, in Uinta County, Utah, and within the Uncompahgre Ute Indian Reservation.

This reservation was established by Executive order dated January 5, 1882, under act of Congress approved June 15, 1880 (21 U. S. Stats., 199).

Although the land within this reservation is in a certain sense public land, yet, in view of said act and order, I am of the opinion that the attempt to locate the claims above mentioned under the mining land laws was unwarranted and illegal.

Said attempted locations being, in my judgment, without any warrant in the law, I fail to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations, or by reason

of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

I have been unable to find in any standard work on mineralogy any authority for designating any mineral substance as "gilsonite," but from information received I am led to think that that term has come into use as descriptive of a fine quality of asphaltum, dealt in by the Gilson Asphaltum Company of St. Louis, Mo., with agencies in London and Hamburg.

In the Century Dictionary I find "albertite" to be defined as being a hydrocarbon, pitchlike in appearance, and related to asphaltum, but not so fusible nor so soluble in benzine or ether. It is used in the manufacture of illuminating gas and of illuminating and lubricating oils.

It might be held that public land valuable on account of its deposits of "albertite" would be subject to entry under the mineral-land laws, but I am unable to refer you to any decision specifically in point.

The Senator's letter and inclosure are herewith returned.

Very respectfully,

THOS. H. CARTER, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

—

DEPARTMENT OF THE INTERIOR, *Washington, April 18, 1892.*

SIR: I have the honor to acknowledge the receipt of your communication of 30th ultimo, and accompanying printed copy of certain alleged notices of location of mining claims on the Cowboy, etc., lodes of "gilsonite" within the Uncompahgre Indian Reservation, and asking to be informed whether the notices of location if made would give the claimants or locators any right or claim under the laws of the United States, or any standing equity, priority, or advantage as discoverers of or locators on the lands therein mentioned in the General Land Office or before the Interior Department, or otherwise.

In response thereto I transmit herewith copy of a communication of 12th instant, from the Commissioner of the General Land Office, to whom the matter was referred, wherein the opinion is expressed that the attempt to locate the claims above mentioned under the mining-land laws was unwarranted and illegal, and he fails to see that these locators could acquire any rights, legal or equitable, as locators or discoverers by reason of such locations or by reason of having notices thereof recorded in the office of the recorder of Uinta County, Utah.

In this connection I invite your attention to the action taken by Congress in regard to the Uintah Reservation, where "gilsonite" was discovered in 1885, and I inclose for your information copy of House Report No. 791, Fiftieth Congress, first session, in relation to the matter.

By the act of May 24, 1888 (25 Stats., 157), certain lands of the Uintah Reservation, said to contain "gilsonite," were restored to the public domain and preference was given by this act to the locator, and the moneys derived from the sales of the lands belonged to the Indians. The act also required that it be ratified by the Indians.

The status of the Uncompahgre lands being different from that of the Uintahs, being held in a reservation until allotted to and purchased by the Uncompahgres, the moneys from these lands if segregated would belong to the United States, and the consent of the Indians would not be necessary.

The inclosures of your letter are herewith returned.

I have the honor to be, very respectfully,

GEO. CHANDLER, *Acting Secretary.*

Hon. WILLIAM F. VILAS,
United States Senate.

Mr. VILAS. It will be observed from that letter that the locations spoken of upon which those parties sought to make their claims were made in 1888. I have here copies of the affidavits of the locators, being the printed paper referred to in the communication which in my letter to the Secretary of the Interior I transmitted to him for the opinion which was given me. But there was no discovery then. I have here a copy of an affidavit made by the superintendent of the Gilson Asphaltum Company, of St. Louis, in which he sets forth the fact that the year previous to the time when those locations were made he was upon that land and himself claimed the discovery of those asphaltum mines or deposits. In order that that may be made perfectly plain, I will send up to be read by the Secretary the affidavit of Mr. Seaboldt, superintendent of that company.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

UTAH TERRITORY, *Salt Lake County, ss:*

Bert Seaboldt, being duly sworn, on oath says: I am a citizen of the United States, native born, and for ten years last past have lived in Utah Territory, and am 31 years of age. For about four years last past I have been and am now superintendent of the mines in Utah of the Gilson Asphaltum Company, a corporation of Missouri. I am familiar with the location and whereabouts of an alleged claim, called the Evacuation Lode and Mining Claim, within the limits of the Uncompahgre Indian Reservation in Utah. Prior to the attempted location of the said alleged mining claim I was prospecting in that section of the country for gilsonite, and discovered and made the original discovery of the vein of gilsonite embraced within said so-called Evacuation Mining Claim, and upon such discovery I immediately on the same day located said lode, and the premises adjacent and appurtenant thereto, to wit, 600 feet in width by 1,500 in length on the lode, as a lode mining claim, and called the same the Black Diamond Lode Mining Claim. In making such location I erected a substantial and conspicuous stake at the discovery point on the lode, on which I posted a written notice of the location, containing the date of location, name of the locator of the claim, and such a description of the claim by reference to natural objects and monuments in the vicinity as that therefrom the claim and its boundaries could be readily identified and found, and also marked the boundaries of said claim with substantial stakes, so that therefrom such boundaries could be readily seen and traced, and in all respects, in making such location, I complied with all the requirements of the United States mining laws. I thoroughly prospected and inspected the premises and lode in said claim beyond the lines of said claim on its course toward the northwest for over a mile. There were no stakes, monuments, location notices, or other evidences whatever of possession or location of any part of said lode throughout its length prospected by me as aforesaid at that time, and such location and prospecting was made by me early in the fall of 1887, the month of September, as I recollect it. The weather was quite hot yet, I remember. My examination was thorough, and had there been any such evidence on the ground I should certainly have seen it. After I had completed such work of location, and while following out the lode, I saw it was making toward the aforesaid Indian reservation, and after prospecting the lode for the length aforesaid, and coming back to my aforesaid location, I began to look for the reservation line, and on going east of the claim for somewhere between half a mile and a mile, as near as I can estimate it, I readily discovered the one hundred and ninetieth milepost, if my memory serves me as to the number of the post of said reservation. This post was conspicuously placed on a knoll or hill, and was a high rock monument, marked with cuts in one of the large rocks. I then began tracing the east line of the reservation toward the south and north and readily found other rock monuments conspicuously placed and marked on said line, all of said monuments identifying said line as the boundary line between Colorado and Utah.

I then saw that my mining claim and the lode throughout its entire extent aforesaid was within the limits and boundaries of said reservation. If any person at that time had taken the trouble to make an ordinary search or any kind of a search whatever for the boundaries of said reservation, such person could not help finding the east boundary line aforesaid as readily and easily as I did. Shortly after this a man, then lately from Iowa and in the employ of the United States, but entirely unaccustomed to this Western country (as the place in question is), went to eject from said reservation certain persons then alleged to be trespassing thereupon, and at that time, without help or assistance, he readily found the monuments aforesaid and other monuments, and determined therefrom the boundary of said reservation.

My location was made in the utmost good faith and was the first and original location on the ground and on the lode aforesaid, and it covered substantially the same premises and portion of said lode embraced in said alleged Evacuation mining claim. On ascertaining that my said location was within the reservation as aforesaid, I abandoned my location and gave the same up, knowing it was unlawful for me to attempt to hold it, and therefore did not keep a copy of or record my location notice.

BERT SEABOLDT.

Subscribed and sworn to before me, May 3, A. D. 1892.
[SEAL.]
W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

Mr. VILAS. In addition to that affidavit there is another one by the same person, giving additional particulars in respect to his discovery of that lode and the persons who were with him, and an affidavit of a considerable number there present, setting forth his high character and repute. Without asking to have them read, I will ask leave to have them inserted in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The affidavits referred to are as follows:

UTAH TERRITORY, *Salt Lake County, ss:*

Bert Seaboldt, being duly sworn, on oath says: I am the locator of the "Black Diamond" lode mining claim near Evacuation Creek, within the limits of the Uncompahgre Indian Reservation, Utah, and situated about or between half a mile or a mile westerly from the one hundred and ninetieth milepost, as I recollect it, off and on the Colorado-Utah boundary line. I made an affidavit with reference to said "Black Diamond" mining claim and an alleged mining claim called the "Evacuation" on or about May 3, 1892, before the same notary public who subscribes and certifies to my oath to this affidavit. I know Charles Hill, postmaster and storekeeper at Rangely, Colo., about 14 miles east of the boundary line between Utah and Colorado, on White River, and have known him since 1886. After I located said "Black Diamond" claim, Hill and I went together to the milepost aforesaid, which, I think, was the one hundred and ninetieth milepost, and I showed the same to him. We were at this time out prospecting together for gilsonite, having heard that there was a vein of it in Colorado just over the Utah boundary line. We were camped at a place I named "Jacobs Well," in Colorado, on the dry fork of Evacuation Creek. We remained camped there for about two weeks. After I showed Hill the milepost aforesaid I took him over to my "Black Diamond" claim aforesaid and showed him that lode and my stakes and location notice thereof and thereon. He stated to me that he had never seen, known of, or heard of that lode or vein before, and also stated to me that it was certainly all within and west of the east line of the aforesaid reservation, and would do nobody any good for that reason. Afterwards, either on that day or the next day, we went together to the one hundred and ninety-second milepost on said boundary line, if I remember correctly (2 miles north of the one first herein named), and I showed same to him. It was in the bottom of a gulch. I set my compass on top of a stake that we placed by the side of this milepost, supported by a smaller stake, and took a course due north and took foresight on a bluff. We then set a larger stake by the side of the monument and tied a red handkerchief to it for a backsight. Having thus ascertained the course, we followed it up and readily found the next northerly milepost on the said boundary line (the one hundred and ninety-third, I think, but I am not sure of the number), which was on top of a high bluff or mesa. We built a large fire here and then went higher up on the mountain back of the mesa. From the top of this bluff we could see back on the course of said boundary line for 15 miles. We kept on prospecting east of the line and prospected long enough to satisfy ourselves that there was no gilsonite vein off the reservation aforesaid, as thus known to us. He was then, and had been for some time prior to the time aforesaid, engaged in the business of ranging cattle in that country, and after I had showed him the one hundred and ninety-third milepost (if that be the number of same), and while he stood on the bluff aforesaid, he told me that he knew where there was another similar milepost about a mile or 2 miles south of the aforesaid one hundred and ninetieth post (if that is the correct number). All this and the foregoing occurred about a month after I had located my said "Black Diamond" claim. Said Hill's full name is Charles P. Hill. About the time of the location of the "Evacuation" claim I was at Rangely aforesaid, and while there a man from Denver, Colo., a little, fat man in the tin-roofing business, I believe, came to Rangely, having heard that there was a vein of gilsonite in that country, and wanted said Hill to show him where it was, and Hill asked me whether or not he had better take the Denver man over there, saying to me at the time, that since the vein was all on the reservation it wouldn't do any harm, and that he would convince the man from Denver that it was all on the reservation by showing him the boundary line between Colorado and Utah, which is the east boundary line of said Uncompahgre Indian Reservation. They went and came back, and Hill told me he had taken the man to the lode and had also shown him the boundary line aforesaid. Prior to the time when my said "Black Diamond" claim was located I did not know where the reservation line aforesaid ran or was situated, but prior to the location of said alleged "Evacuation" claim said Hill knew where said boundary line was, because I showed it to him and we found it as aforesaid. I was the first and original discoverer of said lode, and had I not discovered same to be entirely within said reservation I should have located and held the entire lode throughout its entire length, not only the length of same explored by me, but also its length beyond the point where I stopped my exploration of same. I then went no farther on said lode, for the reason that it was making toward the middle of the reservation, and I thought I would find out where it was before I went any farther.

BERT SEABOLDT.

Subscribed and sworn to before me this 7th day of May, 1892.
[SEAL.]
W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

UTAH TERRITORY, *Salt Lake County, ss:*

M. H. Beardsley, I. A. Benton, A. H. Nash, William H. Bird, George Mullett, R. C. Chambers, James Glendinning, Joseph E. Galigher, George M. Scott, M. M. Kaighn, James Hogle, H. G. McMillan, H. W. Chase, L. H. Farnsworth, C. C. Goodwin, Henry Page, Henry Sadler, Hiram Johnson, and J. R. Riley, being each duly sworn, each for himself, on his oath, says:

I am a resident of Utah and have resided there for many years, and have been and am engaged in business there, and for several years have known Bert Seaboldt, the person who made and signed the foregoing attached affidavits. My acquaintance with him has been and is such as to enable me to speak knowingly concerning his character and reputation for truth and veracity. Said affiant, Seaboldt, is a person whose character and reputation for honesty, truth, and veracity is good, and to whose affidavit full faith and credence can and should be given.

M. H. BEARDSLEY.
I. A. BENTON.
A. H. NASH.
WILLIAM H. BIRD.
GEORGE M. SCOTT.
JAMES HOGLE.
H. W. CHASE.
L. H. FARNSWORTH.
C. C. GOODWIN.
HENRY PAGE.
GEO. MULLETT.
R. C. CHAMBERS.
JAMES GLENDINNING.
JOSEPH E. GALIGHER.
M. M. KAIGHN.
H. G. McMILLAN.
HENRY SADLER.
HIRAM JOHNSON.
J. R. RILEY.

Subscribed and sworn to by each and all the foregoing subscribers and affiants, this 4th day of May, 1892.

[SEAL.]

W. M. BRADLEY,
Notary Public, Salt Lake County, Utah.

UTAH TERRITORY, *County Salt Lake, ss:*

William F. Colton, being duly sworn, on his oath says: I am a resident of Utah, and have been for ten years last past; am engaged in business there, and have known Bert Seaboldt for about eight years intimately. Having had business relations with him, I can knowingly say that his character and reputation for truth and veracity are good, and full faith and credence should be given to his statements.

WM. F. COLTON.

Subscribed and sworn to before me, this 4th day of May, 1892.

[SEAL.]

WM. A. ROBERTSON,
Notary Public, Salt Lake County, Utah.

My commission expires March 26, 1894.

Mr. VILAS. I hold here a paper by Mr. James C. McGinnis, the attorney of the Gilson Asphaltum Company, of St. Louis, in which he makes some interesting statements in respect to this gilsonite as it was known at the time when he laid this document before the committee. It is dated the 21st of May, 1892. In that he says:

This gilsonite is a peculiar kind of bitumen, which, until a few years ago, was found only in Syria, Cuba, and Mexico, the principal supply in this country having been procured from Syria at a minimum cost of $100 per ton. Some years ago the fissure deposit now operated by the Gilson Asphaltum Company of St. Louis was located on the Uintah Reservation and opened up to commerce, and though it is operated under the great disadvantage involved in hauling the product by wagon a distance of 93 miles to the railroad, it has already wrought a revolution in the cost of the material, it being now sold in this country for less than one-half of what it cost before this mine was opened. The deposits sought to be developed by this legislation are, many of them, much richer in quantity, the fissures being wider than that worked by the St. Louis company, and they are known to extend at intervals of 2 or 3 miles over most of the territory sought to be opened by these bills—

Referring to the bills before the Fifty-second Congress—

besides which there are enormous deposits of the same material in other parts of the Uncompahgre Reservation as great, in fact, as those affected by these bills, if not greater.

He also makes some statements in respect to the use of this gilsonite. He says:

This is the only bitumen found in the United States which can be used as a base in the manufacture of asphaltum varnishes, baking japans, and iron paints, besides being useful in many other of the mechanical arts, where now a foreign and much inferior article is being used; and its scarcity and high price have hitherto prevented its being employed in many other ways to add to the comfort and wealth of the people.

Gilsonite is an absolute nonconductor of electricity, and is being used for this purpose in many forms, some of which are unknown to us. We have sold carloads of it to the Edison Company, and smaller quantities to many other well-known electricians in this country and abroad. It is also a very superior article for roofing and roofing paints; in fact, the uses to which it can be applied are too numerous to mention.

At that time all that was known to exist there was asphaltum and gilsonite, but a far more valuable mineral was distinguished by the Geological Survey. They have found what is called by them "elaterite" and another one of a kindred nature, called "wurtzitite." I desire to read a copy of a letter from the Director of the Geological Survey under date of the 17th of April, 1896, addressed to the Secretary of the Interior on this general subject. He says:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., April 17, 1896.

SIR: I have the honor to submit certain information touching the existence of elaterite, or "mineral rubber," in the Uintah Indian Reservation, in Utah, which has been furnished by Mr. George H. Eldridge, the geologist who recently examined the gilsonite deposits of the Uintah and Uncompahgre reservations.

In the southern part of the Uintah Reservation there are known to occur deposits of elaterite, wurtzitite, or "mineral rubber," and it is believed that little of this mineral exists beyond the reservation line, nor does it exist, so far as known, elsewhere in the United States.

The extent of the deposits is undetermined. At the time of Mr. Eldridge's visit to the region, incidentally to an examination of the gilsonite deposits, he was prevented from examining the elaterite deposits by reason of the fact that the ground in that region was covered to a considerable depth with snow. From information secured from persons who had seen the deposits, he believes them to be workable and to occur as veins, much after the manner of gilsonite.

Several years ago an attempt was made by a company, "the American Asphalt Company," (?)* to lease from the Uintah Indians, on royalty, several thousand acres of land known to include the elaterite deposits. This lease appears, however, never to have been consummated, and the deposits have neither been worked nor prospected to any considerable extent.

A small deposit of the elaterite occurs outside of the reservation line, and from this the Elaterite Rubber Manufacturing Company has obtained 50 or 100 tons for experimental purposes. The company has made from it a japan which has the same property of elasticity as that manufactured from gilsonite. By coating burlap with it, the company has also produced a roofing material which, it is believed, will prove of great durability. The liquefied mineral rubber has also been applied to leather, and a piece examined by Mr. Eldridge showed marked flexibility and could not be cracked under the sharpest flexion. The company has also manufactured from the raw material, in biscuit form, a product approaching in elasticity vegetable rubber. In this direction elaterite may be regarded as of especial importance; for, on account of its diminished cost, it may be used to advantage in mixing with vegetable rubber, not as an adulterant, but as a material with closely related properties.

When Mr. Eldridge visited St. Louis to inquire into the question of the manufacture of gilsonite products, the president and chemist of the company above referred to, in experimenting with elaterite, asked him to present such a statement as he conscientiously could to the Secretary of the Interior, for his consideration, as that company would like to secure control of the elaterite deposits of the Uintah Reservation, in part or in whole. Mr. Eldridge suggests, however, that prior to taking any action of this kind an examination on the ground in behalf of the Government would be advantageous, in order that a proper understanding of the extent and value of the deposits, which is now wanting, might be placed before the Department.

In view of these facts and suggestions, I would respectfully recommend that when Mr. Eldridge's work on the phosphate deposits of Florida is completed, which will probably be in July or August next, he be sent to the Uintah Reservation to make a thorough investigation of the elaterite deposits and any other hydrocarbon compounds upon which it may seem desirable to have further information.

I am, with respect, your obedient servant,

CHAS. D. WALCOTT,
Director.

The honorable SECRETARY OF THE INTERIOR.

A far greater quantity, as it is said, of this elaterite and wurtzitite, or mineral rubber, also exists in the Uncompahgre Indian Reservation than is known anywhere else in the world, and it is said that the mineral is worth more than its weight in gold. Of course that statement must be taken with a great many allowances; but it is unquestionably true that the mines of elaterite are worth more than probably any mine of gold which is known to exist to-day. I have been assured by a person who claims to have invented a method of dissolving this elaterite—which it is said until recently was never known—that by his scheme of making it soluble that mineral can be applied to uses of the very greatest advantage to mankind. Not only will it make a garment perfectly waterproof, but at the same time, as stated by the Director of the Geological Survey, incapable of being cracked under any flexion that could be applied to it. It is also, in this state of solution, capable of being used as a mineral paint, which will produce the most beautiful effects, which glistens when it is put upon a substance until it resembles the finest polished metal. Its durability is such that it neither yields to wear or use or almost any attempts to injure it. It is also the best nonconductor of electricity, as is stated in this communication from which I read an extract; so that by simply dipping a wire into it the wire is at once made a completely isolated wire; and thus, as electricity is coming to serve so many additional uses, it is said by those familiar with the subject that this mineral will prove the greatest auxiliary to the usefulness of that process or mode of transmitting power in the arts.

The Secretary of the Interior in his report a year ago calls attention to the gilsonite and other mineral deposits on the Uncompahgre Indian Reservation, and says in reference to the lands containing this very product:

If they are open to entry in the ordinary way a few persons will obtain them at practically no cost, and shortly thereafter they will become the property of large companies engaged in using this mineral. I believe the true policy should be for the Government to sell these deposits to the highest bidders, or else to lease them.

That, let me say, was the proposal of the Committee on Indian Affairs in the Fifty-second Congress, in the year 1892.

Mr. CANNON. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. VILAS. Certainly.

Mr. CANNON. I merely wish to ask from what the Senator is reading?

Mr. VILAS. I am reading from the report of the Secretary of the Interior for 1895. He says further:

If they are disposed of under existing law, a few thousand dollars will be picked up by the enterprising men who first go upon them, and then enormous profits, which at least in part should go into the Treasury of the Government, will be made by the companies organized to operate them.

I recommend the passage of such legislation as will provide for the disposal of the gilsonite deposits by lease or sale to the highest bidder.

Mr. President, it seems to me too plain for debate that the United States ought not to appropriate to a few persons, thereby establishing a monopoly, these immense deposits of valuable mineral, as I said yesterday, worth more than the entire appropriations of money from the Treasury contained in this bill. Unquestionably these deposits are worth millions of dollars. All the people who have examined them indicate that they are of the

*Name probably known to the Indian Office.

greatest value, and the very fierceness with which they are pursued also indicates that fact.

Mr. TELLER. I should like the Senator to let me interrupt him a moment. I wish to say that there is nobody in the West who believes these deposits are of such tremendous value; and the man who has made this wonderful discovery of its use is a Western man, and we are quite as familiar, I think, with its use as the Senator or anybody else he has read from here. There is no reason for the statement that gilsonite is worth any such tremendous sum. The statement is incorrect.

Mr. VILAS. Mr. President, I have this information from those gentlemen who live there in the West.

Mr. TELLER. I have no doubt but what the man who has made this great discovery of the use of this mineral thinks it is worth all this, and that he thinks he has discovered the method of transmuting that substance practically into gold.

Mr. VILAS. That is only in relation to elaterite; but long before that time I had similar information from the gentlemen who were here in the Fifty-second Congress seeking to get those lands opened that they might obtain the gilsonite. They did not hesitate to say that the gilsonite minerals were worth millions.

Mr. TELLER. If the Senator will allow me, he has just referred to people who have gone upon those lands and taken them. There is a concern in St. Louis which has taken a large amount of them. That company has worked them to some extent, but has not found them so profitable as the Senator indicates. The balance of the land which has been taken up has been taken up by prospectors and miners and that class of people. I do not believe to-day, outside of the holdings of the St. Louis company, where they have made some developments, that the entire region could be sold for $100,000.

Mr. VILAS. The Senator is quite misinformed.

Mr. TELLER. I am not misinformed. I know as much about that as the Senator from Wisconsin or anybody else.

Mr. VILAS. Well, I have no doubt at all that the Senator thinks he does, because he always thinks he knows about everything as much as anybody else, or more.

Mr. TELLER. I usually inform myself before making a statement.

Mr. VILAS. But the statement which the Senator is making with reference to the mines worked by the Gilson Asphaltum Company, of St. Louis, is a statement in reference to a mine on another reservation, and I have just read from the attorney of that company his explanation of the difficulties under which they are laboring there, and that that mine is of comparative insignificance in comparison with the immense deposits on the Uncompahgre Reservation.

Mr. CLARK. Will the Senator yield for a question?

Mr. VILAS. Certainly.

Mr. CLARK. I should like to ask if the Senator urges, because these deposits are of immense value, that that is the reason they should not be thrown open to entry under the mineral laws of the United States?

Mr. VILAS. That is a reason why they should not be thrown open to entry under the present mineral laws. What ought to be done with them is for the United States to provide that they shall be worked at some proper royalty, to go into the Treasury.

Mr. CLARK. Does not, then, the logic of the Senator's argument force him into the position that the gold and silver deposits of the United States should be worked under royalty for the United States in like manner?

Mr. VILAS. Not at all; not in the least. Here is a large body of mineral already discovered and known, never found by prospectors in the way in which gold and silver mines are found.

Mr. TELLER. They are found exactly in the same way.

Mr. VILAS. Mr. President, the Senator from Colorado is simply mistaken. I have already sent up to the desk to be read two affidavits showing that the year before these very mines were located and prospected another man had found all those minerals lying open there on the ground and himself put up his claim.

Mr. BROWN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. VILAS. Certainly.

Mr. BROWN. I should like to ask the Senator from Wisconsin if the law requires a locator to discover a vein in the sense of discovering a patent? Is it not true that the word "discover" is not found in the mining laws at all, and that the lands are open to exploration and purchase?

Mr. VILAS. Of course they are. That is the very nature of the mining laws with reference to gold and silver. The idea of the mining laws with reference to gold and silver mining was that persons would be obliged to expend money in the pursuit oftentimes of veins which would prove to be worthless, and that it was of great consequence to the people of the country that gold and silver mines should be found. It was, in a certain sense, like the patent laws of the United States, which give a monopoly to any man who makes a useful invention; but who does not know that there are thousands and tens of thousands of patents issued which do not give any valuable monopoly at all?

Mr. CANNON. Mr. President——

Mr. VILAS. Here and there a silver or gold mine has been found which was of value, but that is the lottery which the prospector engages in. Here there is no lottery whatever; here was no discovery. These lands were not within the class of mineral to which the mineral-land laws apply.

Mr. BROWN. May I interrupt the Senator again?

Mr. VILAS. I am going to yield to the Senator's colleague, who first rose to ask me a question.

Mr. CANNON. Will the Senator from Wisconsin kindly state how many mines of gilsonite, elaterite, or asphaltum are now being operated in Utah?

Mr. VILAS. I do not know of personal knowledge anything about it, but I understand from information that the Gilson Asphaltum Company, of St. Louis, has a mine on the Uintah Reservation, which, being situated nearly a hundred miles from a railroad, is operated, so far as that company does operate it, at great disadvantage of cost and expense.

Mr. CANNON. Is not that the only mine which is being operated?

Mr. VILAS. I know of no other, and I believe that there are no deposits of this character of value, except such value as exists in that mine and the immense deposits on the Uncompahgre Reservation.

Mr. CANNON. Will the Senator yield to me for another question?

Mr. VILAS. Certainly.

Mr. CANNON. The Senator from Wisconsin states that this is unlike gold and silver mining, that it is not a lottery, and proceeds to show from the testimony which he adduces here that the only mine which has been operated is operated under such distinct disadvantages as can not make it greatly profitable. The only evidence which the Senator from Wisconsin adduces to the Senate at this time is to the effect that this is precisely like gold and silver mining, and in this respect that it is a lottery for those who engage in it.

Mr. VILAS. Not in the least. The reason why the Gilson Asphaltum Company's mine in the Uintah Reservation has not been profitably worked is stated in this document, that it is almost 100 miles from the railroad, and the cost of hauling—let me read to the Senator again the statement from that paper, which he did not hear. The attorney says:

> This gilsonite is a peculiar kind of bitumen, which until a few years ago was found only in Syria, Cuba, and Mexico, the principal supply in this country having been procured from Syria, at a minimum cost of $100 per ton. Some years ago the fissure deposit now operated by the Gilson Asphaltum Company of St. Louis was located on the Uintah Reservation and opened up to commerce, and though it is operated under the great disadvantage involved in hauling the product by wagon a distance of 93 miles to the railroad, it has already wrought a revolution in the cost of the material, it being now sold in this country for less than one-half of what it cost before this mine was opened.

That does not seem to indicate that the mine is not profitable.

Mr. VEST. Will the Senator from Wisconsin allow me?

Mr. VILAS. Certainly.

Mr. VEST. Mr. President, I have no doubt that the Senator from Wisconsin is entirely sincere in his statement as to the nature of these deposits, but I happen to know from an examination of the question—because I have friends in the city of St. Louis who have invested large amounts of money in this venture in the Uintah Indian Reservation—that he is misinformed.

The statement made by Colonel McGinnis, who was then the attorney of the Gilson Company, is very imperfect in one regard. The largest and most valuable deposit, if you can call it so, of this gilsonite or asphaltum—because they are essentially the same—is in an island in the West Indies, Trinidad Island, and a company from this city purchased that island or have certain rights upon it.

Mr. VILAS. I intended to mention that fact in the course of the discussion.

Mr. VEST. They have a lake there of liquid asphaltum. They constructed vessels and brought that asphaltum up the Potomac River. I have seen it, and other Senators who have been here any length of time have seen it taken up from those vessels in blocks looking like amber—gum; and that is the material which is melted in large vessels and poured upon the streets; and that is the asphaltum which we use here in the city of Washington, and for which we have paid an enormous price.

One word more, and I shall not further interrupt the Senator. I know by evidence as irrefutable as it can be made from human authority, from gentlemen who have gone there, who have large investments, and have personally inspected the lands on the Uncompahgre Indian Reservation, that gilsonite is not found upon the surface, as the Senator says. It is covered with dirt sometimes to the extent of 5 or 6 or even 10 feet; it crops out just as gold and silver do; it is in veins. Those veins run down and disappear just like the veins of the precious metals do; in other cases they enlarge. There are two veins which are said to be 2 or 3 feet wide. The president of this company brought with him to Washington City one of the blocks taken out of one of those

veins, which is now in the Interior Department, showing the width of the vein. That is the widest, and it is about a foot and a half or 2 feet across. Others of those veins run down to a thread and then disappear. A man who takes a claim runs the same risk that he would from that disappearance of gold or silver in a vein near the surface or at the surface of the ground.

Mr. WILSON. It is liable to pinch out.

Mr. VEST. It is liable, like gold and silver, to pinch out or to widen; and it is as much of a gamble, in the language of the mining camp, as a silver discovery or a gold discovery.

Mr. VILAS. Mr. President, the Senator from Missouri is almost always exactly right, but in this case he is only partly right, which is unusual for him. I shall read from the report of the Secretary of the Interior a statement from the Geological Survey, and I venture to think that the Senate will accept the statement of the Geological Survey as quite as trustworthy as any other. On this subject of the width of the veins—as that was the last point to which the Senator directed his attention, and upon which he was most in mistake—I desire to read a sentence:

Of the four veins in the eastern half of the reservation, one—the Black Dragon—is exposed on a tributary of the West Fork of Evacuation Creek, 20 miles south of White River, near the parallel of 39° 45'. This vein may be traced to the head of Asphalt Creek, and has a known length of between 3 and 4 miles. Its width at an opening near the southeastern end of the fissure as exposed is 8 feet 6 inches.

Mr. VEST. How far does it continue?

Mr. VILAS. I do not know whether it continues all the way or not; but, instead of there being no width greater than a foot and a half, as the Senator gave it, there is a vein eight feet and a half wide and 3 or 4 miles long. Whether the width continues all the way or not, the Geological Survey does not particularly state, but it does state this, which I omitted to notice:

From this point southeastward the diminution in size is very rapid.

But it is a long vein of great width. It is at the mentioned place where it has that width, and it is in the other direction, as I understand it, that it has been traced 3 or 4 miles.

Now, observe another statement in order that I may call the attention of the Senator from Missouri to the mistake. The report speaks next of the second and third veins in the eastern portion of the reservation, known as the "Little Bonanza" and "Big Bonanza."

They are approximately parallel, and from 200 to 500 feet apart. They were traced to the north of White River for nearly 3 miles, and Mr. McAndrews, of the Indian police, states also that he has followed them southeastward across the river quite to the Colorado line; in all, a distance of 10 or 12 miles.

Let me ask the attention of the Senator from Missouri to this:

The maximum width of the Little Bonanza observed was 9 feet, of the Big Bonanza, 13 feet 6 inches; but locally the Little Bonanza exceeds the Big Bonanza in width.

That does not look like a foot and a half. There is another:

The "Cowboy," the fourth and largest of the important group of gilsonite veins in the eastern portion of the reservation, lies about 2½ miles northeast of the Bonanza veins, with which it is parallel. This vein has thus far been found only north of the river, but it here has a probable length of at least 5 miles, being clearly defined in outcrop for over half this distance, while for the remainder evidences of its presence exist in the float particles found in the soil and wash covering it. The maximum thickness of this vein was found to be 18 feet.

So my distinguished friend was in error in respect to the idea that the maximum thickness of this vein was a foot and a half. Now, let me add something which is still more pertinent:

The thickness of the veins varies from the figures given above to 0 at the ends, and they are observed to widen and contract from point to point; but for much of the lengths given they appear to maintain an excellent workable width, from 4 to 12 feet.

* * * * * * *

The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

We are going to legislate in respect to this great mass of valuable minerals which the Geological Survey has told us of. Shall we legislate to give it into the hands of a monopoly, or shall we provide so that the people of the United States, who own it, shall enjoy a reasonable measure of the profits of their own property? That is the whole question.

Here is a peculiar case, entirely different from the ordinary business of gold and silver mining. Here are vast deposits known to exist and pointed out in character and extent and value by the United States Geological Survey, worth millions of dollars. Why, instead of giving them over to some great corporation, should we not provide that they shall be worked by anybody of sufficient capacity at a royalty, so much per ton, to be paid into the Treasury of the United States; or, if we do not wish that to be done, why not sell them outright and get something like their value? But the true course undoubtedly is to do as other countries have done, to do as our neighbor, Canada, on the north, has done with much of the valuable deposits put into the hands of that Government by nature. Let men who will go there with perfect freedom, open to all, and let them pay a royalty for the privilege of working in the mines. Then you have likened it to gold and silver mining, except that you have reserved out of the sureness of the profits a fair, reasonable proportion only for the people of the United States, a proportion that will amount undoubtedly to millions of dollars in the end, and nobody knows what untold millions. That is the way to deal with this property in fairness; that is the way to deal with this property so that any citizen can enjoy an equal opportunity with any other if his enterprise and means are such as to set him upon it.

That is all I have ever desired with reference to this property. I have no interest in it directly or indirectly except as a citizen of the United States. I have never spoken with any person interested in it except those whose interests have been such that I have felt it my duty to oppose them at every step. For six years I have been here looking after the interests of the United States in reference to these great deposits of mineral, and, as I have said, I have never seen anyone except those who were trying to get it and whom I have opposed during that time.

I think very likely a result like that which seems always to ensue with reference to anything that the Government has that is valuable, may, in the end, ensue with reference to this great deposit of valuable mineral. Sooner or later, perhaps, instead of the right thing being done in the interest of the people, some legislation will occur by which some monopoly will be created, and some persons made enormously rich out of the property that is the common right of all the citizens of this country. But I hope it will not now take place, and that hereafter, when more time is afforded for the proper solution of this question, the Senate will take it up with an intelligent understanding of the circumstances and enact such legislation as will open these minerals to the use of the people of the United States, and open them upon fair terms to the Government at large and to all those who wish to engage in mining.

But, Mr. President, at this time there is one plain, direct question addressed to you for decision. That is simply the question whether such a piece of legislation as this can be put upon an appropriation bill with your allowance, when the rule of the Senate is direct and explicit that it shall not be. I need spend no time in pointing out that the proposed statute is a direct amendment of the law of 1894, and intended so to be; but I should like to add that it proceeds to overrule that law in a most important particular. That law, bad as it was as it issued from the conference committee after having thrown away the safeguards which the Indian Affairs Committee had provided and the Senate had added to it from greater caution, still provided that before any mineral lands should be opened there should be allotments to the Indians made and that the President of the United States should make proclamation. It is the purpose of the proposed statute to do away with both those things practically. It begins by saying—

That all that part of the Uncompahgre Indian Reservation in the State of Utah, except such lands as have heretofore been allotted or selected for allotment to said Uncompahgre Indians, is hereby declared open to public entry.

But, Mr. President, no allotments have been made. And what is meant by "selected for allotment?" There is no such term in the law as "selected for allotment." That is to say, there is no step in the process of allotment to the Indians where anything takes place that is known as a selection for allotment except simply that in parol Indians are proffered their choice, when they can be, of the lands they will take, and then the allotment is made according to their wish. But that is no formal step. There is no record of it. Nothing is done except when the allotment is completed the wishes of the Indians are carried out by the office.

So, as no allotments have been made and no steps have been taken that operate to segregate any of the lands from the general mass, this now would throw open the entire reservation of the Uncompahgre Utes. It would do it, sir, for what reason? In order that that great body of territory may be made available for settlement even? No, sir. In order that this little part in the eastern end of it may be made available for the enrichment of some great corporation.

Mr. President, I insist that the rule of the Senate shall be applied to this amendment.

Mr. CANNON. Mr. President, I fully agree with the purpose asserted by the Senator from Wisconsin [Mr. VILAS] in his opposition to the opening of the Uncompahgre Reservation, but I can not see that the method proposed by him will avert the evil which he fears. On the contrary, it seems to me that the policy proposed to be pursued by the opponents of the opening will directly lead to the control of these incalculably valuable deposits by some great corporation under lease or under purchase of the lands from the Government, if they shall be sold at auction or leased at auction to the highest bidder.

I agree—and it is a pleasure to agree—with the Senator from Wisconsin in his statement of the vast extent of these fields of asphaltum, of elaterite, of gilsonite. I believe that he has not overdrawn the picture of their extent and of the varied uses to which they may be applied in the commerce and the industries of the United States. I agree with him that perhaps there has been discovered a solvent by which elaterite may be reduced to rubber, by which it may be made into the best insulator known. So

numerous are the purposes to which these various minerals can be applied that there is scarcely a modern industry in progress in this country which will not find need of them.

I differ a little with the Senator in his statement when he compares these minerals in weight with gold. I differ with him distinctly when he states——

Mr. VILAS. I hope the Senator will understand that I did not mean to be taken literally in that respect.

Mr. CANNON. I have the misfortune of always taking the Senator from Wisconsin literally, and I supposed that he meant in this case that those minerals were worth more than their weight in gold. When there shall be perfected a proper solvent, perhaps some use may be found for them which in commerce will make them more valuable than gold.

At this point, if the Senator will permit me, I should like to ask him if he has ever been over the area of land comprised within the Uintah and Uncompahgre reservations?

Mr. VILAS. No, sir.

Mr. CANNON. "The cliffs of shadowy tint always appear more sweet than the smiling landscape near." If I had a desire to see the Senator punished in this life for any of his possible misdeeds, I should wish that he might be compelled to go upon either the Uintah or the Uncompahgre Reservation or on the adjoining lands, and hunt a vein of gilsonite or elaterite, with the assurance that he could neither eat nor drink until he had found one which was of commercial value.

Mr. President, while I have some considerable and intimate personal knowledge of the situation there, I shall make my comments upon the physical character of the land solely dependent upon official reports made to the Government of the United States. As has been rehearsed here on many occasions when the subject has been under consideration in some one of its various forms, under the appropriation act of 1894 provision was made for the appointment of a commission to go upon these lands and select the agricultural portions for allotment to the Indians. Three gentlemen of distinguished character, personally delightful, went out to Utah and made a report to the Secretary of the Interior concerning some of their investigations, and I quote briefly from one portion of the report, delivered by them to the Secretary of the Interior under date of May 6, 1895, the one month in the year when, if at all, that country would be beautiful and desirable:

That portion of the reservation explored, embracing, as before said, all the land east of Green River, and both above and below the White, is, with the exception of the valley of the White (about 10,000 acres)—

Mark you, out of two millions—

and the valley of the Green (unsuited for agricultural purposes), a desert—above, a desert of shifting sand, scantily supplied with a stunted growth of sage and grease wood, and destitute of water after leaving these rivers until Badland Creek is reached, near the northern boundary of the reservation; and below, a desert, too, but instead of shifting sand one of hard gravel and sheets of rock, seamed and fissured, along which in every direction are crags, precipices, and piles of bowlders terribly broken and shattered, and thrown together in every conceivable shape and size.

That is a brief and accurate description from official sources of the country in which these deposits are located. It has taken the utmost heroism on the part of the men who were aware of the existence of these valuable minerals there to go into the country at all. It is positively at the risk of life that men pursue the explorations and the prospecting necessary to make mineral discoveries in that part of the public domain.

The Senator from Wisconsin declares that there have never been any discoveries in this case; that the veins were there; that the deposits were open under the sun; the inference being that a man could not walk along on a hunting trip without finding gilsonite, elaterite, or asphaltum. It is true that the original discovery was perhaps by accident, as has been nearly every mineral discovery of any considerable extent in the United States; but that a discovery was made there in the sense designated by the law no one can deny. The discovery of gilsonite was made by a man named Gilson, whose residence was in that locality. I knew him well. I knew of his successive trips into that country in his investigation. I knew of others who went out.

Mr. VILAS. I should like to ask the Senator from Utah if Mr. Gilson's discovery of this mineral was not made originally on the Uintah Reservation? Was it not there that he discovered this mineral which is known by his name?

Mr. CANNON. I can not state at this time in what particular part of this region the original discovery was made by Mr. Gilson, but that it was a discovery in the sense contemplated by the law relating to the mineral lands of the United States no one who is informed concerning the facts can question. I am replying to that general statement of the Senator from Wisconsin that there has been no discovery of this mineral in the sense comprehended by the law.

Mr. VILAS. If the Senator will pardon me, that statement was made with reference particularly to these deposits on the Uncompahgre Reservation.

Mr. CANNON. I can not understand that that affects the general principle. That one may have discovered gold at Cripple Creek and that the Government may have issued, as it has issued, a monograph on the subject, and that other men have gone in and taken advantage of the general knowledge and the publication of Government reports and located upon grounds contiguous to those of the original discoverer, does not make them nondiscoverers in the sense to which the law applies.

The existence of tracts of land bearing gilsonite, asphaltum, elaterite, or wurtzitite and others of these rare substances in the Uncompahgre Reservation was perhaps known almost immediately after Mr. Gilson made the discovery either in the Uintah or the Uncompahgre Reservation, but their lack of accessibility was such that it took several years before men had the hardihood and the bravery to go in there and attempt to make locations. I have here a brief newspaper account, which I will read to the Senate, concerning some of the explorations and locations made there. I picked it up by accident since this discussion began. I am somewhat conversant with the facts in the case; I know all the parties named, and I offer it to the Senate, believing it to be exactly true:

In the summer of 1888 John McAndrews, of Ouray, Utah; A. C. Hatch, of Heber, Utah; Joseph Luxen, of Vernal, Utah, and Thomas Kennedy, of Ouray, Utah, while riding the eastern part of the reservation for cattle belonging to the adjoining ranges, discovered a quantity of gilsonite float, for which they and many others had searched for upward of five years.

They traced it for two days through the bad lands near Dripping Rock, and finally discovered and located the Cowboy veins.

The mineral is situated near the Colorado line, and every member of the party was positive it was off the reservation and in Colorado.

To settle the question beyond all doubt they employed a surveyor, Art Johnson, and with him ran the eastern line of the reservation for many miles from a well-known Colorado monument, only to discover that they were mistaken, and that the long-sought gilsonite was just within the reservation.

In the month of August their discovery and locations were made matters of record in Uinta County, Utah, and they immediately informed the agent of the Utes, Col. T. A. Byrnes, that they had discovered veins of gilsonite; had located and recorded same, and proposed to go to work at once and develop their property.

Of course the agent immediately forbade their operating the claims and warned the locators to keep off, under penalty of prosecution for trespass. If it be correct that these lands were withdrawn from the public domain of the United States, if the citizens of this country have not now and if they have not always had the legal title to them, then his threat was sufficient, as it was proper. No attempt is now being made to operate these claims. No attempt, so far as I am advised, is now being made to locate upon any of the veins or to prospect for other veins in that locality.

Mr. President, I have been very much surprised in the discussion of this question at the attitude assumed by the Senator from Wisconsin, who with much learning has given to the Senate the information concerning the character of the substances to be found in these reservations. But he has assumed an amazing attitude with regard to the matter of discovery, and the whole tenor of his remarks would indicate plainly to a listener that gilsonite and asphaltum lay out in a garden of gods, ready to be taken for the enrichment of mankind, and that some one man or some few men will rush in the minute the reservation is declared opened and seize the whole mighty area.

Two million acres and more of land constitute the Uncompahgre Reservation. It is of the character described in the report of the Indian commission sent out to those lands to locate the Indians thereon. In that vast area, in that wild country, is scattered here and there, in greater or less thickness, a fissure vein of asphaltum between walls, as any other mineral may be found in the United States.

Mr. VILAS. Are not all those veins within about four townships lying together, the same townships which in the Fifty-first Congress were sought to be set apart by the bill which the President vetoed?

Mr. CANNON. No man living knows. There is nobody who can answer the question. That whole region of country is permeated with minerals of various characters. The people who locate upon the veins and are now working the mines described by the Senator from Wisconsin naturally supposed that they had found the utmost richness; that they had found a substance which would be worth twice "its weight in gold," if I may be allowed to use that expression. They found, however, when they came to the practical operation of the mine that the physical disadvantages surrounding the production of the gilsonite were such that there was comparatively little profit to them, and the only result achieved in the main was the reduction of the price of the commodity to the consumers of the United States.

In every respect this mineral land compared upon exact line with all the other mineral lands in the United States. The mineral is discovered by prospecting. It is found by following those traces which appear on the surface, as in the case of other minerals. Sometimes the amount possible to be found within a location would, perhaps, not be sufficient to justify the expenditure for operating, exactly as in the case of other minerals. Certainly the hardships to be endured, the physical conditions to be overcome in approaching these deposits are as great as those which obtain in the average of cases when men pursue mineral wealth within the public domain of the United States. In every respect

in which it is possible to make comparison, these lands are exactly as other lands are, and should be treated as such until that time when the Government shall choose to reverse the policy of years and adopt a new method of dealing with those things which belong to all the people of the United States.

I fancy that the gentlemen who are opposing the opening of the Uncompahgre Reservation will scarcely propose a bill for the Government of the United States to offer those lands to the highest bidder, or to go into partnership with any private individual or corporation for their operation under a royalty.

Mr. VILAS. I should like to say to the Senator that that was the nature of the bill which was reported by the Committee on Indian Affairs when I was a member of the Fifty-second Congress. It provided for just those things.

Mr. CANNON. The effort was soon abandoned, and notwithstanding the fact that this question has been pending before the Senate as a live issue for nearly one year, no attempt has been made to renew it. I had a desire only to meet the question of discovery as it was offered by the Senator from Wisconsin.

The principal issue involved in this question, however, does not relate either to the vast value of the deposits or to their discovery. It relates to the policy which the Government of the United States shall pursue toward its citizens and toward its public domain. I will be as ready as the distinguished Senator from Wisconsin to vote that the resources and natural opportunities existing in the United States shall be utilized under Government control for the equal, exact, and just benefit of all the people of the United States, but I will not be ready to do by accident that which, if it shall ever be done, should be accomplished by design, and after most careful consideration by the Senate, the House, and the Executive.

This would be a reversal of a policy that has been thought to be most effective in the past. The high rewards which sometimes and in infrequent cases accrue to those who pursue the quest for fortune in the mountains of the West, have induced a great many of our citizens to labor to the enrichment of the country, and very often with the result of impoverishing themselves. Under no other system, so it has appeared to the lawmakers of the country, could it have been possible to obtain that strong endeavor which has been required to develop the gold, the silver, the lead, the coal, the iron, the asphaltum, the gilsonite lands of this country, in order that the commodities there existing in profusion in some instances could come forth for the benefit of the country.

The Senator from Wisconsin used an expression intimating that if these lands were opened under existing law they would be lost to the Government. In fact, the Senator used those words, in commenting upon a bill which was formerly pending here. Mr. President, if they were opened, they would be a gain to the Government, and not a loss to it. They are now absolutely lost in the practical sense of that word, not only to the Government, but to the people. A brief recital of the location of these Indians upon the reservation will indicate more clearly what I mean by this assertion.

In 1882 this tract of land was set apart by Executive order, and to it were removed a band of Ute Indians from Colorado, 956 in number. The area of that reservation is such that every Indian buck, squaw, and papoose has 2,132 acres in this domain. By the report of the commission, which spent $16,000 in an examination into the character of the lands, it is shown that there is not enough agricultural land within that whole domain of 2,000,000 acres to supply an allotment in severalty to any considerable number of the 956 Indians. So long as the lands remain as they are now, this great mineral wealth, which is practically the only value that the land has, is lost to commerce, is lost to the Government of the United States, is lost to our people.

The Senator states that the operation of one mine of gilsonite reduced the price of that commodity in the markets of the United States from $160 a ton to $80 a ton. The true value, then, of this property to the Government and the people is to have it opened and utilized. One might as well draw a veil in front of the sun as to keep by Executive inaction these lands and their great deposits reserved from the use and ownership of the people of this country.

I am not in favor, sir, of having these lands go into the possession of any monopoly or corporation, and that is why I insist that the present laws of the United States on this subject should be executed. Those laws have been in operation for more than a generation. Every temptation for monopoly has existed, but under the wise system and under the beneficence of nature, which has scattered her valuable gifts in such a way as not to permit one man to get in a compact body any very great area of mineral-bearing land, we have had constant competition in the production of coal and iron, gold and silver. In this particular case the result will be the same.

But if the policy proposed by the Senator from Wisconsin should ever find proponents numerous and bold enough to have it enacted into law in the United States, and if these lands should be leased to the highest bidder, it does not require even the learning of the Senator from Wisconsin and his wide experience in public affairs to know that every acre of the lands leased by the Government would be in the hands of an absolute monopoly. Some great corporation would be formed to obtain the leases from the Government; it would not want competition; and after it had secured the particular tracts desired for the operation of its business it would overbid other smaller operators or corporations, and no one else would secure any of the land; we then would have the very result which the Senator from Wisconsin is so desirous of averting.

Mr. VILAS. I should like to ask the Senator from Utah if he thinks they will do it any less when they can obtain the absolute ownership of the lands at $5 an acre?

Mr. CANNON. Certainly they will do it less. Under the law as it now stands no man can take more than two of the gilsonite or asphaltum or elaterite claims.

Mr. PEFFER. How much would that be?

Mr. CANNON. Twenty acres.

Mr. PEFFER. How many claims?

Mr. CANNON. Ten acres to a claim. In the aggregate no man could have more than 20 acres.

Mr. VILAS. If he has located 1,500 feet on the length of the lode.

Mr. CANNON. That is the general law, but there is a special provision concerning these particular claims which, of course, would have to be obeyed in any entries which were made concerning them, unless Congress should repeal the special provision.

Mr. President, if these lands lie as portrayed in the beautiful picture drawn by the Senator from Wisconsin, perhaps just as soon as men located upon the lands they would sell to some corporation at an enormous figure. But no corporation will buy any of these lands until their value is demonstrated. In the meantime there will be constant effort on the part of locators to show the value of the possessions which they have secured by their entry on the public domain, and thus we will have the very competition which is so desired by the Senator from Wisconsin and by myself.

I am somewhat conversant with the discovery described to the Senator from Wisconsin by the gentleman who has found a solvent. I am aware that that gentleman imagines he has found a great fortune. I am also aware that he remained in Washington for weeks (perhaps he is here now) with the expectation that this attempt to open the reservation would be defeated. He was even so well equipped with information that he stated to me the exact manner in which it would be defeated. He then purposed to secure from the Secretary of the Interior, whose ear he thought he could get, a lease of the elaterite or gilsonite or asphaltum land. With his solvent and with an exclusive lease he would have an absolute monopoly, and perhaps his dream of millions, as the quick result of his discovery of a solvent and of his influence in securing a lease, might be realized.

I believe, Mr. President, that the people of the United States desire now to have operated all those natural resources of the country which can lessen the price of what are called raw materials, so that our local industries may have an impetus given to them. In these beds of asphaltum and gilsonite are the bases for carriage paints and varnishes, for all of those products described by the Senator from Wisconsin. An opening of the reservation at this time and the location upon these claims and their operation will project at once into the industrial field of this country a resource, a raw material, a commodity which may be made the basis for innumerable industries.

I have addressed myself somewhat briefly to the merit of this question, to the practical question involved, and not to the point of order, concerning which doubtless those who are better informed from longer service in this body as to the manner in which the Senate observes its own rules will speak in their chosen time. I have observed that rules are never invoked here; that points of order are never raised except when all other resources have failed. I presume that the Senate will do in this case as it has done in every other since I became a member of this body—it will decide upon this question according to its own sweet will, regardless of rules. But it seems to me that if in this case, as in every other case it has done, the Senate shall decide on the merit, it should, so far as lies in the power of this body, take immediate action and open these lands to settlement and location by individual citizens of the United States. To longer withhold them is a cruelty; it is a barbarism; it is not worthy of this nation in this nineteenth century.

These lands, with their wonderful wealth, have been known to possess these deposits for many years past. Civilization needs them. Every time it is proposed to open this reservation, so that all the citizens of the United States, without distinction, may have access to them, there is opposition on the ground that they would pass into the hands of a monopoly. The Senator from Wisconsin holds that it would be unfair to open them because they contain deposits of unusual value. The Camp of Mercur, in

Utah contains deposits of unusual value. Gold is found there in vast quantities and in a most unusual formation, so unusual that nothing like it was ever known in the history of mining operations in this country. I never heard that because of the vast value or the unusual character of the deposit it was wise for the Government to refuse to sell those lands to individual locators. Every day the Interior Department is engaged in the examination of filings upon such lands.

Mr. President, I sincerely trust that the Senate will find it within the judgment of a majority to order, so far as this body can, that these valuable deposits shall not longer be lost to the Government and the people of the United States; that we will not leave this matter to the danger which now menaces it; because, if we shall not have these lands entered by the individual citizen, but shall lease them or sell them to the highest bidder, the Government and the people will lose more, ten times over, than they will gain by any royalty. If the Government shall go into partnership with any corporation, deriving a royalty, the people of the United States who consume the commodity will pay the entire amount of that royalty, for the monopoly which will have control of the product will add to the price all that it has to pay to the Government for royalty.

There is one thing more to be stated as a reason why the Senate should take action in this matter. A specific statute exists upon the books of this country requiring the reservation to be opened upon the fulfillment of certain matters now absolutely accomplished. The former Secretary of the Interior, notwithstanding the mandatory character of that law, chose to recommend another policy to Congress for reasons best known to himself, and that, too, after there had been given by the executive department of the Government a positive assurance that by a given date the reservations would be opened. It is a very bad precedent, sir, to permit any officer of the Government to violate a law, or to refuse to carry out a law, and then put into execution his pet idea as to how the law should be framed. It simply encourages every man who has some plan of his own against the plan of Congress to deliberately refuse to carry out the provisions of a statute, realizing that there will rise in the Senate, and perhaps in the House, some distinguished men who will fight against the execution of the law and for the carrying out of the plan or method proposed by the officer who refused to obey the law.

Mr. WILSON. I desire to ask the Senator from Utah a question, with his permission. In view of the fact that the newspapers this morning announce that the President of the United States has withdrawn most of the land from the public domain in the West, would it not be advisable to let a little of it be thrown open to mineral entry?

Mr. CANNON. I agree with the implied comment of the Senator from Washington. I am informed that there was yesterday withdrawn from entry upon the public domain of the United States some 21,000,000 acres of land by Executive order, thrown into forest reservations, with apparently not the slightest knowledge on the part of the officer who designated the forest reservations as to whether there was any timber upon them larger than a jack-rabbit bush. I know that in Utah, where a forest reservation was designated, a great deal of the land comprised would not raise anything larger than sagebrush. There is no forest in the major part of Utah. I agree with the Senator from Washington that if there be any lands which we can throw open to mineral entry in the United States we ought to give the individual citizen a right to go upon them and enter them.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the pending amendment in order?

Mr. VILAS. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. I do not see him in his seat, and for the present I withhold my vote.

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS]. If he were present, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], and withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the junior Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. In his absence, I withhold my vote.

Mr. ROACH (when his name was called). I inquire if the Senator from California [Mr. PERKINS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. ROACH. I am paired with that Senator, and withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. As he is absent, I withhold my vote.

Mr. TURPIE (when his name was called). I inquire if the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. Then I withhold my vote.

The roll call was concluded.

Mr. QUAY (after having voted in the affirmative). Is the Senator from Alabama [Mr. MORGAN] recorded as voting?

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. QUAY. Then I am compelled to withdraw my vote, having a general pair with him.

Mr. BURROWS. I should like to inquire whether the senior Senator from Louisiana [Mr. CAFFERY] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. BURROWS. I am paired with that Senator.

Mr. CARTER (after having voted in the affirmative). I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. Observing by the recapitulation that he has not voted, I desire to withdraw my vote. [A pause.] As I understand a quorum has not voted, I will let my vote stand.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD]; but in view of the fact that a quorum has not voted, I will cast my vote, and cast it "yea."

Mr. GEAR. I vote "yea."

The result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Allen,	Clark,	Jones, Nev.	Sewell,
Blackburn,	Cockrell,	McBride,	Shoup,
Blanchard,	Dubois,	McMillan,	Stewart,
Brice,	Frye,	Mantle,	Teller,
Brown,	Gallinger,	Murphy,	Vest,
Cannon,	Gear,	Peffer,	White,
Carter,	Hansbrough,	Pettigrew,	Wilson.
Chandler,	Hawley,	Platt,	

NAYS—16.

Bate,	Hoar,	Martin,	Pugh,
Butler,	Irby,	Mills,	Sherman,
Chilton,	Jones, Ark.	Mitchell, Wis.	Vilas,
Hill,	Kenney,	Palmer,	Walthall.

NOT VOTING—43.

Aldrich,	Davis,	Lindsay,	Roach,
Allison,	Elkins,	Lodge,	Smith,
Bacon,	Faulkner,	Mitchell, Oreg.	Squire,
Baker,	George,	Morgan,	Thurston,
Berry,	Gibson,	Morrill,	Tillman,
Burrows,	Gordon,	Nelson,	Turpie,
Caffery,	Gorman,	Pasco,	Voorhees,
Call,	Gray,	Perkins,	Warren,
Cameron,	Hale,	Pritchard,	Wetmore,
Cullom,	Harris,	Proctor,	Wolcott.
Daniel,	Kyle,	Quay,	

The VICE-PRESIDENT. The Senate decides that the amendment is in order. The question is on agreeing to the amendment.

Mr. BROWN. Mr. President, I ask the attention of the Senate for a few moments to controvert one or two of the positions which have been so ably taken by the Senator from Wisconsin [Mr. VILAS]. We have been dramatically told that this amendment was a proposition to take from the Treasury of the United States from seven and a half million to ten million dollars, although I think a careful review of the circumstances, or even the most casual review of the circumstances, will show that this amendment takes nothing whatever from the Treasury of the United States, or from the United States in any sense.

First, I think my friend is mistaken a little about some of the early facts connected with this so-called reservation. I wish to recall them briefly. The Uncompahgre Utes had lands in Colorado. They lived in that State. In 1880, in consequence of a rebellion and massacre committed by them, a new treaty was framed, by which they sold their lands to the United States and received pay for them. Their money lies now in the Treasury of the United States largely, from which they receive an income. It was also agreed at that time that they should remove from their reservation and that they should occupy lands, not, as the Senator from Wisconsin says, in the then Territory of Utah, but should occupy lands in Colorado, near where the city of Grand Junction is now situated, fertile land, valuable land, and if they were entitled to the present use of any lands whatsoever, it was those in Colorado, not in Utah. They went, however, to Utah, instead of to those lands at Grand Junction. They moved to the premises now occupied by them, and remained there. Those premises were not an

Indian reservation. The Indians have no right there. They were public lands of the United States, which had theretofore been declared open to exploration and purchase and to location by the miners of the United States.

In 1880, when those Indians were placed upon those particular lands, these mines were opened to location. They were a part of the lands which the general offer of the United States has been made in regard to, that any miner could go upon them and, if he could find mineral there, could make a location. The Indians remained on those lands from 1880 to 1882 without any sign of right. They were in a certain sense trespassers there. They were not invited there by the Government; they were not citizens there for the purpose of making homes or locations in the ordinary sense of the word, but they were there and remained there until 1882 without any sign of right at that time. Two years after they were there the President of the United States made what is called an Executive order, setting aside those lands for their immediate use, not taking them from the market, not excepting them from lands where mineral locations could be made, not saying that they were not subject to entry by other locators on public lands in the ordinary way—I doubt if the President could do that, at all events he did not do it—but simply permitted them to remain at that place, and appointed an agent to look after them at the locality known as the Uncompahgre Reservation. They have remained there ever since and in that same condition until these mines were discovered some time perhaps in 1890 or in that vicinity—1889 or 1888, perhaps, they were discovered.

At that time it was thought desirable that the title of those Indians should be quieted, although they had no title, so that their possessions should be disposed of peaceably. Miners went on the lands and made location of claims, and I think that they were valid locations made in the ordinary forms known to the mineral laws.

In 1894 the act of Congress was passed, to which the Senator from Wisconsin has made reference, from which it appears, as read by the Senator from Wisconsin, that it was not the intention that those lands should be reserved from sale, because he has shown to us most clearly that the clause which was proposed by the Senator from Connecticut [Mr. PLATT], that the land should be reserved from sale, was stricken out, and that clause was left out intentionally. It was the intention, then, of the act of 1894 that those lands should be open to mineral entry and to other entry. They were declared to be open as soon as the allotments could be made. The expression of the statute is that it shall be the duty of the President to open by proclamation to entry as soon as those allotments can be made. This language is mandatory upon the President. He was to obey the law. The will of the people was then expressed that these lands should be used for mineral purposes and for other entries as soon as those allotments could be arranged. That was the only necessity that they were under before the lands could be utilized by citizens of the United States.

Since 1894 locations have been made. Much time has been spent by the Senator from Wisconsin to show that these locations were not in the pursuit of a new and original discovery. Mr. President, it is not necessary that a locator should discover a mine in the same sense in which a patentee discovers a new process. The word "discover" is not used in the statute at all. The lands of the United States are open to exploration and purchase. It makes no difference who discovers the mine, he who first locates it, in pursuance of the statute, obtains the title. It is no more necessary to discover the mine in the sense of being the first discoverer than it is to discover valuable agricultural lands. It is not the man who first gazes upon beautiful meadows who has the prior right to them, but he who first makes an entry pursuant to law. So with mineral land; he who first makes the entry upon it has the right to it. This statute of 1894 opens these lands, I take it, to those who may make such location; it opens them in pursuance of the general system of law, so that anyone who should come and care to make a location should have the prior right.

I have been less earnest about this case because it has seemed to me that under that law the right of the miners had been protected. I think all they have to do is to apply for their location; and if anybody interferes with their possession—any Indian agent or any officer of the Government—to bring suit against him. Under similar circumstances, in the Colville Reservation, in the State of Washington, since we discussed this question last year, United States Judge Hanford, the district judge for the State of Washington, has held that on that Colville Reservation the mineral entries which were made before the final proclamation of the President opening the reservation were valid mineral entries. Hence, I take it that those who have gone upon those lands in the Uncompahgre mining district and made valuable mineral entries or lawful mineral entries will be protected.

Our friend from Wisconsin has said, however, that these peculiar forms of mineral, these hydrocarbons, are not subject to be entered under the mineral-land laws the same as gold and silver. He has expressly stated to us that the mineral-land laws do not apply in the case of elaterite and the other minerals we are now discussing. If that is true, there can be no objection to this amendment. It is not proposed to change the mining law by extending it in any way. If they are now open to entry under the mineral laws, then there is no harm done by the amendment. I should take issue, however, with the learned lawyer upon that subject. The statute says that all lands may be located which bear gold and silver or other valuable minerals, and all lands containing valuable deposits are within its purview. Another section of that act says if these are valuable minerals and valuable deposits they are subject to the mineral laws of the United States, and I take it the locator has the right to them, unless there should be some exception made, which has not been made in the general law, with regard to this particular class of deposits.

Mr. President, one word further on that subject. Why should there be any exception made? The learned Senator from Wisconsin has spent much time to show that these veins are more easily discovered than gold and silver veins, and that they possess a more uniform width and are of greater length; but, after all, when you come to hear the opinion of Mr. Walcott, it was shown that they widen and contract; that the greatest width was 18 feet, and that they contract, but what the minimum is is not stated anywhere in the report. Other veins are of a width as great as 18 feet. Many gold veins are greater than 18 feet at a maximum width. That is not their greatest width at the widest point, yet they may contract down, "pinch out," as it is called, to a mere seam, barely traceable to the eye, and for aught we know or for all the report states, those veins possess a similar quality. The report does show that they are fissures in the earth's surface, like gold and silver veins, fissures to be exploited and explored in the same class exactly as gold and silver mines are. For that reason it seems to me eminently proper that the general rules of laws should apply to them. If they do not, as I said before, no harm can come. If they do, the locators have the right.

But, Mr. President, the argument of the learned Senator went further; it went away beyond the Uncompahgre Reservation, beyond Utah. It reached out into the public policy of the United States on the subject of the land laws. He has said there is no reason why the United States should not share by royalty in this vast wealth of deposits. If that is true of gilsonite, it is true of gold; and if it is true of gold, it is true of all the other minerals which we possess. In other words, the Senator from Wisconsin by the course he indicates under the amendment proposes that the United States shall recede from its time-honored policy of holding the public lands of the United States in trust for the settler and the locator, and shall keep them as a source of revenue, to be sold, to be utilized, to make a royalty out of them, as he calls it. Not only that proposition is to be asserted in this single case of gilsonite, but, carried to its proper and logical extreme, it would include valuable agricultural lands. Why should we sell the valuable meadows, the beautiful sites, the points where the best farms can be located to the homesteader for nothing? Why should we allow them to take them for the paltry sum of $1.25 an acre? If they can be sold, the United States might in selecting good premises, good ground, acquire much more money by selling such land to the highest bidder. That is the argument the Senator from Wisconsin here is indulging in. It is the argument of the Bourbon of the past, it is the argument which looks back to the past when the lands of the United States were used in that way and for that purpose; but the argument for the last thirty or forty years has been that the best use we could make of the public lands of the United States was to encourage the settlers, to encourage the locators, to encourage those who were building up this country. We are seeking, and have sought during these forty years, to use the public lands for a greater and better purpose than merely to squeeze a few dollars in royalty out of those who have discovered our mines or those who are working our lands.

For that reason, Mr. President, it seems to me that now is a favorable opportunity to repeat again our old-time policy. We had it discussed here the other day on a free-homestead bill. It was sought then to put the lands in one of the neighboring Territories or States up to the highest bidder, to compel the homesteader to pay the price of valuable lands for the privilege of settling on a homestead. This Senate repeated again the policy, which had always been that of this country, to protect the homesteader and the settler, and to say to him, "You shall not be called upon to pay anything for occupying and improving lands which have been those of the United States; take them, and when you improve them they are yours, because you have added more wealth to the whole country by improving them than you could have added by paying a few paltry dollars into the Treasury." So in regard to these mines or any other mines; their wealth is not in sale, their wealth is not that which can be reached out and disposed of by the sheriff or the community around it, but it is a wealth to be manufactured; it is a wealth to be discovered by working the mine. These mines may not turn out profitable to those who operate

them. There may come out of them the $10,000,000 which the Senator from Wisconsin sees so greatly before his eyes, and yet the man who takes it out may not make one penny in the operation. It will cost him, very likely, $10,000,000 to do it. In this very case we are discussing, before these mines can be operated or utilized, a railroad must be built through the wilderness, where there is nothing else for it to carry but this particular product; a road of at least 100 miles in length must be built; and when he has built the railroad and bought the mines and worked them, if he makes anything he is very successful. He is simply going to-day to undertake one of those great efforts which are common to this country, which have brought success to our nation, but which have not generally brought success to the person who has first been enterprising enough to do the work.

This is simply a proceeding to develop one of our great mining industries. Will the Senate of the United States say, "We will recede from our time-honored policy and see if we can not get a royalty," or will they say, "We will move onward and hold these properties in trust for those who have legally located them?"

Mr. STEWART. Mr. President, the establishment of the policy to keep the mines open to exploration and development has been from the beginning a favorite policy with the people of the West. A little over thirty years ago an attempt was made in Congress to have the mineral lands surveyed, sold at auction, and to use the Federal Army to protect the purchasers. After about twenty years had elapsed, during which time the miners had been left without legislation and left free to explore and develop the mines, they made rules and regulations for their own government, and those rules and regulations were adopted by the courts and by the legislatures of the various States. At the time of this scheme of selling the mines for the purpose of furnishing revenue was inaugurated and urged with great energy in both Houses of Congress there was a system of local laws which had been molded into shape by the decisions of the courts of all the States and Territories of the West after a very hard struggle, but as soon as the members of the two Houses of Congress had come to understand what the system was, what was desired, what was the condition of the people of the West, and what had been done, they adopted the system now established, which has been in operation for over thirty years. It has worked well and the people are satisfied with it. There may be some imperfections in the system, but as a whole it has been very beneficent.

Before I would vote to make any change in the system, before I would vote to allow the Government to become a partner in any way or a lessor in any of these operations, I should want to see a very strong case made.

I am confident that no harm can come from the system. Let these mines and any other mines be taken and developed by the people. Those who know the difficulties the miners have to encounter, the obstacles they have to overcome, will willingly allow such of them as may find something good and who makes a success of their enterprise to enjoy it. It is by the success of the few that the many are encouraged to continue to develop that country, and out of their efforts States have grown up. We have now States from the Atlantic to the Pacific, which we should not have had under any other system.

Now, I ask Congress not to vary the system. I have seen no reason which satisfies me that this particular case ought to be an exception. It is said that a monopoly will grow up under it. We have heard of monopolies of mining claims from the beginning; but we find there is not much in that. The expense of opening and developing a mine, the vast expenditures of money for improvements which are made, wipe out your monopoly, because all mines are speedily exhausted. Mines containing precious metals do not constitute a permanent property; and I do not believe there will be a monopoly in the mining of this peculiar mineral. The mines are worked out rapidly, when the monopoly ceases; but while the mining is going on great benefit is realized by the community at large, by those who furnish supplies, machinery, etc., as well as by the laboring men. It would be a good thing if, in this particular case, somebody could go to that country and build a railroad and make a lot of money. It would set prospectors at work all over the country to find other similar deposits, and much good would be accomplished by it. If you are going to take away from the men who find these minerals the lands containing them, you take away the motive of others to search for mines. Suppose the mines had been sold at auction when it was supposed the military had been sent there to protect the purchasers; prospecting would have ceased and your mineral products would have been merely nominal now. The great mines which have been found since have produced minerals, gold and silver and copper and lead, which have been so advantageous to the country. It is because they are open for prospecting, for exploration and development, and the man who finds them has them, that others have been encouraged to make similar explorations; but take away the motive by establishing a different policy and prospecting will cease. Besides, the Government will never make anything out of any speculation. It is not the business of the Government; it is the business of those who have enterprise enough to go into the rough mountains and endure the privations and expend the money which may be necessary to develop the mineral resources of this character.

I do not think the case here presented is any exception, and I hope those who undertake to develop that section will have great success. If they succeed, they will find other similar prospectors, and we shall have good results from this discovery.

Mr. CLARK. Mr. President, I desire simply one word upon the pending amendment. To begin, I must confess my utter inability to understand or comprehend the opposition to the pending amendment. It involves, as I understand, the taking of not one dollar from the Treasury of the United States. If that could be urged against the amendment, I could understand in part the opposition. It involves no point of high moral principle of dealing with the Indians, because the Senator from Wisconsin, with all his ardor against this amendment, does not for one moment put it upon the ground that it is harmful or will be injurious to any Indian tribe or individual on the face of the earth.

Not only am I unable to comprehend the opposition to this amendment, Mr. President, but I am unable to comprehend that wall of opposition which every Western Senator runs up against in this Chamber whenever a Western proposition is presented here for consideration. I am unable to comprehend the animus which set forth the Executive action, of which Western Senators were first informed by papers upon their desks this morning, that the Executive of this Government, without, in my judgment, authority of law duly given to him, has withdrawn from the public-land States over 20,000.000 acres of land from the Government domain; drawn away from the public domain lands upon which there are vast mineral deposits; drawn from the public domain lands upon which we had hoped to plant happy and prosperous homes; drawn from the public domain in my own State, in one lump, over a million acres of land, ostensibly for forest-reservation purposes, when from personal observation I know there is not enough timber on it to build a four-rail fence around the tract reserved. I am unable to comprehend these things.

I see no reason under the shining sun why this amendment should not be adopted. It opens up a tract of land which, according to the statement of the Senator from Wisconsin, will pour forth immeasurable wealth into this land of ours. Well, I am for that. According to the statement of the Senator from Wisconsin, instead of having this wealth given here, there, in a thousand gentle rivulets into a thousand homes, to a thousand prospectors, he would center it all in one corporation deriving its right to mine the mineral of the United States on leasehold from the United States. Did it occur to the Senator from Wisconsin that he was treading dangerously near the ground occupied by the Senator from Nebraska [Mr. ALLEN], the Senator from North Carolina [Mr. BUTLER], and other Senators advocating the Government ownership of railroads and other things?

Mr. VILAS. I should judge that the Senator from Wyoming had not heard a word that I have said.

Mr. CLARK. I did; and the Senator from Wisconsin, in answer to a question of mine, said that he believed it was right for the Government to own these gilsonite mines and to lease them out under royalty. If that does not come about as near Populism as the average Democrat can get, I should like to know where you would find it.

Mr. VILAS. The Government owns them now, does it not?

Mr. CLARK. The Government does not own them as a Government. The body of the great American people own the lands upon this continent, and to follow the lead of the Senator from Wisconsin, learned though he be, patriotic though he may be, with all the experience he acquired while for four years in control of the Land Department of this Government, would be to turn over the lands of the Government to great companies, holding its agricultural lands in great monopolies, owning its mineral lands. To that I hope the Senate of the United States neither to-day nor at any time will ever consent.

I do not believe that a single reason can be urged why the brawny American prospector, who has poured into the lap of the eastern part of this nation more money than they have produced in all other ways combined, should not go on the Uncompahgre Reservation and open up still new fields of wealth and industry. There is no argument that can be made against it from precedent established in the land laws of the United States. There is not an argument that can be raised against it which in itself is based on the highest benefit to the American people. There is not an argument that can be raised against it that it would injure an Indian or an Indian tribe in any of their treaty or other rights. If there be an argument against it, I can say that I honestly desire it to be made. While this question is small in itself, while it does not appeal to Senators east of the Rocky Mountains, it does appeal to me.

The principle of this amendment is such that there ought to be

no hesitation on the part of the Senate in adopting it. I do not believe it is legally necessary. I believe with the Senator from Utah [Mr. BROWN] that a citizen of the United States can to-day go upon that reservation, stake out his claim, and hold it in spite of all the rules of the Indian Department, or the Land Department, or of the Secretary of the Interior. I believe that he has that right; but, alas for the Western prospector, alas for the man who takes his life in his hands and goes into those mountains, the Interior Department in its wisdom has for years overridden all the law that has ever been enacted by Congress or enunciated by the courts of the nation.

We have had an illustration of that in my State within the last ninety days. When the honorable Senator from Wisconsin [Mr. VILAS] was Secretary of the Interior, under his direction and under his decision in my own and other States patents were prepared for oil lands under the placer-mining acts. His Department then held, as the courts had held and as the Senator from Utah has stated, that oil being a valuable deposit, land containing it could be entered under the placer-mining acts of the United States. For seventeen years the Interior Department held that to be the law, and under that law it had operated. Vast tracts of that land last summer were held under the placer-mining laws of the United States, when one fine morning, without any warning being given, like a flash of lightning from a clear sky, the Associated Press dispatches said that the Interior Department on the day before had decided in a case before it for adjudication that no man could take petroleum lands under the placer-mining laws of the United States.

The Senator from California [Mr. WHITE] well knows the havoc that was wrought in his State by that decision. I know the havoc that was wrought in my State by that decision.

Mr. WHITE. Mr. President——

Mr. CLARK. I yield to the Senator from California.

Mr. WHITE. With his permission, I will ask the Senator from Wyoming whether it is not a fact that hundreds of patents were issued by the Interior Department for petroleum lands upon the theory that such lands came within the purview of the placer-mining law? I will also attract his attention to the fact that the construction of the word "mineral" by the Department lately made, I think in the month of October or September of last year, would give the title to much valuable mineral land—that is, land in which there is petroleum—to various railroad companies, because if petroleum is not included within the word "mineral," then manifestly those lands pass to the railroad companies.

So the decision which the Senator criticises would not only deprive of their lands those who have located placer-mining claims and whose claims were jumped by alleged homesteaders, but it would manifestly affect favorably to the railroads a vast quantity of land. I believe that the decision to which he alludes is now covered by a motion for a rehearing. Hence, its ultimate decision is now uncertain.

Mr. CLARK. If it is not covered by the motion for a rehearing, it is covered by an act of Congress which has been passed and signed within thirty days, and probably without the knowledge of those concerned in rendering the decision in the Land Department.

Mr. WHITE. If the Senator will permit me, I will state that that act of course can not affect the railroad grants, because if the construction of the word "mineral" made by the Department is valid, then it follows that the railroad grants covered that land, and it was not subject to divestiture by act of Congress. Hence the additional evil of the decision.

Mr. CLARK. There is no question on earth but that the Senator from California is correct in his statement. For twenty years nearly—for more than seventeen years at least—it had been held by the Department, and during the time when the Senator from Wisconsin presided over it with great ability, that petroleum lands were mineral lands within the meaning of the placer-mining acts of Congress, and hundreds of men have staked their all in such claims. Hundreds of thousands and millions of dollars have gone into the development of that country.

Some of the lands have been patented. Others were held under the ordinary tenure of the mining claim. Still others had been filed upon. But all over that country, by the mere ipse dixit of the Secretary of the Interior, on that October morning every patent went flying into the air. Every dollar of property in those mineral claims was left unsettled.

Mr. President, it was a cause of great surprise, because nobody knew that any question had ever been made or was sought to be raised; and when we came to run the matter down, the fact was found, as stated by the Senator from California, that within recent years great oil deposits have been discovered in the southern and other parts of California within the limits of railroad land grants. According to the terms of the railroad land grant, mineral land did not pass with the grant. All other lands did. If petroleum should be considered as a mineral by the Department of the Interior, the land entered for the petroleum would not pass with the grant. The grant was immensely valuable. So, on a case of some sort, and the Lord only knows what, a decision is brought forth from the Department of the Interior that petroleum is not a mineral within the meaning of the law, and it throws the land into the hands of the Pacific companies, it throws it into the hands of the land-grant railroads. It not only takes it away from the prospector, it not only takes it away from the individual holder, it not only takes it away from the individual miner, as the rejection of this amendment may take it away, but it throws it directly into the hands of the great corporations who have already waxed fat upon the bounty of this Government.

Mr. President, I should like, if anybody can advance one argument, to hear some good reason why the committee amendment should not be adopted. I am seeking light. I confess I am prejudiced in this matter. I do not believe that the people in the West have got what they are entitled to, and I am not modest in saying it. We are crude. We are undesirable States and unsafe Commonwealths. I know that, because we have been told of it often enough. But I believe, as to public-land matters, that the final solution of all such questions should be left with the people of the very States in which the public lands are situated. The ignorance that exists in both Houses of Congress upon the true situation of the public land in the West is surprising; it is amazing. It is not because we are more intelligent, but because we see with our own eyes. We know exactly the condition of affairs, and I doubt whether the Senator from Wisconsin, with all his learning, with all the geological reports he has read, with all the special reports he has read upon this gilsonite field, can tell whether a gilsonite vein runs up and down, like that, or flatwise, like that [indicating].

I have spoken a great while longer than I intended. I am anxious upon this matter because it is a sample of what we have to contend with. There is no reason why the amendment should be obstructed, while there is every reason why it should pass.

Mr. PALMER. Mr. President, accepting the statements of the Senator from Wyoming [Mr. CLARK] as true, and no doubt they are, the people of the West have been treated very badly. I do not think anybody can withhold his assent from those statements after listening to the very interesting accounts of the grievances they have suffered. But after all, what has that to do with the particular question before the Senate? It seems from all that I have been able to collect in the course of the debate that there is on a particular reservation a tract of land which has a peculiar value. It has a peculiar value from discoveries already made. I understand it is not, as the Senator from Nevada intimates, that this is open to exploration or that exploration is necessary for the discovery of the peculiar substance which gives value to the land. I do not understand that to be the case. But the simple statement of the case appears to be that there has already been discovered qualities that are peculiar to this particular district, not found anywhere else, and the proper subject of inquiry then is, What shall the Government of the United States do with this reservation, in view of its exceedingly great value? Shall the United States Government give it away?

The Senator from Utah discoursed eloquently with respect to agricultural lands. He thinks that the logic of the position of the Senator from Wisconsin would lead us to the conclusion that the Government should retain the ownership of all these valuable lands and have them worked on the principle of a royalty. But that is not in harmony with the policy of the Government. Is not this case somewhat like any other property of the Government which has an accidental value? I suppose it sometimes happens that the United States owns property near large cities and a peculiar value is given to that property by its proximity to a large city and because of the uses to which it may be devoted in connection with the business and commerce of New York or Philadelphia or Chicago. It has this peculiar value from peculiar circumstances.

Now, what shall the Government do with that land? It is not referable to the illustration of agricultural land. It is not like mineral lands in the mountains; they may contain infinite riches, but the region must be explored and the wealth must be discovered. Here is a case where the lands are known to be valuable; the mines have been discovered, or the substance has been discovered, which gives value to the lands. Why should those lands be an exception to the rule where the United States owns property that has peculiar value growing out of circumstances already well understood? Why should that property be given away? That seems to be the only proposition here.

The Senator from Wyoming says he is anxious to hear some reason why this land should be made an exception to the general rule. The case is of itself exceptional. It is not within any rule in relation to the general property of the United States or in relation to mining lands or agricultural lands. We know these lands are valuable. We know, too, that we may tickle the soil of the fertile prairies and it will bring crops. We know that the mountains contain gold and silver, and precious stones, if you will; but

those mountains must be explored. Here is a case where we know the value of the property. We know that it is circumscribed in extent; and why should that which is exceptional in itself be brought within the general rules that apply to the disposition of the national domain?

It seems to me that is all there is in it. Senators have sometimes spoken of the effect of the principle of leases, which, by the way, I would not by any means prefer. I would prefer that this exceptional property, circumscribed in limit, should be offered for sale to the highest bidder. Is it any more likely to pass into the hands of a monopoly from that consideration than from any other? Do not Senators know that substitutes are obtained for the entries of lands? From the history of the older States we know that men have procured homesteads under the dictation of men of large wealth or of corporations. We know that they have gone on those lands and have secured the lands and have been paid for their services, paid to secure homesteads on the lands. There is no way that I know of to hinder monopolies, and this allowance of an entry of land will just as certainly insure the monopoly of these valuable lands as any other method.

There is but one mode by which we can avoid monopoly, and that is to put up the property at public sale and let the highest bidder take it, and that will produce, as I am told by the Senator from Wisconsin, a large sum of money to be placed in the Treasury of the United States. If Senators will tell me of any mode by which men of money will not acquire these lands, or that men of small means will acquire them, and hold them, and enjoy them—if any scheme can be devised by which that result may be secured, I will readily concur; but Senators know as well as I do, because they know human nature, that these lands will pass into the hands of monopolists, of men who will make the largest amount of money out of them. With the knowledge of these valuable deposits, with the knowledge that these lands are immensely valuable, with the further knowledge that they can not be kept out of the hands of monopolists, the simply short method is to put them up at public auction and let the longest pole knock down the persimmon.

Mr. CANNON. Before the Senator from Illinois takes his seat, may I ask him a question?

Mr. PALMER. With the greatest pleasure.

Mr. CANNON. Gold has been discovered in the same Uncompahgre Reservation. Is the Senator from Illinois in favor of putting up the gold lands of the Uncompahgre Reservation to auction and selling them to the highest bidder?

Mr. PALMER. Certainly not. If a mine had been discovered on those lands, I should then favor the sale of the gold mine to the highest bidder. If the mine had been discovered, if it was known to be there, and to be rich and profitable, I would be in favor of selling it.

Mr. CANNON. The same knowledge is had with regard to gold as is had with regard to asphaltum and gilsonite.

Mr. PALMER. Then it will bring——

Mr. CANNON. If the Senator will pardon me, there is an assumption all the way through this debate on the part of the opponents of this particular amendment that these deposits of gilsonite, asphaltum, and elaterite are thoroughly well known, are thoroughly explored, are within certain circumscribed areas, that their value is ascertained, when their value must depend upon exploration and prospecting, from development, exactly as would be the case in the matter of a gold discovery. Nobody knows anything about it. There is but one instance, I will say to the Senator with his permission, in which there has been any demonstration of the extent of any one of the deposits, and that is most unfortunate in its results for the opponents of the proposed amendment, or those who oppose it on the ground stated by the Senator from Illinois. The Senator from Wisconsin himself recounted the disadvantages which had been met by the people who are operating the only mine of gilsonite or asphaltum which is in operation.

Mr. VILAS. Will the Senator from Illinois allow me to call the attention of the Senator from Utah to the fact that I read extracts from the report of the Secretary of the Interior showing that the Geological Survey maintained by the United States has explored all these various veins for several miles in length, giving their width and distance, and that they extended to the depth of a thousand feet or more?

Mr. CANNON. With the permission of the Senator from Illinois, I should like to ask the Senator from Wisconsin to what depth the exploration of the Geological Survey went in making this examination? How many shafts were sunk along a given vein?

Mr. VILAS. This is what the Geological Survey says:

> The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

So it was hardly discovered by these people.

Mr. CANNON. Those generalities do not indicate the precise point asserted by the Senator from Wisconsin and the Senator from Illinois. These veins, so the report says, go to an unknown depth. Their value is "enormous." I have here a report from the Geological Survey on the Cripple Creek mining district in Colorado in which practically the same statements are made. Precisely as much indication is given of enormous value. A map is made showing the extent and character of the veins of gold in the Cripple Creek mining district, and nobody would pretend for one instant that under the custom which has prevailed those lands, with all that knowledge given to the public, should be withdrawn from public entry and sold to the highest bidder. The words "enormous" and "unknown" are the common words used in describing any tract of land containing minerals.

Mr. PALMER. If those lands had been acquired by private parties, or any considerable portion of them had already been acquired by private parties, as seems to have been the case at Cripple Creek, it would be different; but I submit to the Senator from Utah this plain question: If it were known that there was in this limited district the valuable product to which we have had attention called, and that in addition there was on that land an already discovered mine of gold of fabulous wealth, of enormous productiveness, would he be in favor of opening it to private entry?

Mr. CANNON. If the Senator will permit me to answer his question by a statement that is larger than a mere answer, I will say, with all due respect to the Senator, that the mistake into which he falls is this: Here is prospectively a great deposit, and the Senator speaks of it as a mine. It can not be a mine. It is merely a prospect. There can exist on the Uncompahgre Reservation no mines under the circumstances. They are deposits. A mine is a thoroughly prospected, developed deposit of wealth. It becomes a mine only by the expenditure of money upon it. In the hypothetical case presented by the Senator, whether, if it was a gold mine, I would be in favor of its entry by a private party, I will say that I should be in favor of its entry by the man who had made it a mine. It can not be one until human energy, human skill, human bravery, has developed an almost valueless deposit into a mine.

Mr. PALMER. The theory upon which I proceed is that we know all that has been reported by the officials whose duty it is to know and to report the facts of the case. I do not know any better authority than that. I am not skilled in the distinction between "prospect" and "mine," and perhaps I use the one for the other, and use neither with great accuracy, but I understand the fact to be that we know enough—not all—as to the value of the lands which would make them sell in the market for a very large sum of money. I assume that to be true. Shall those lands, which are known to be valuable for special reasons, be given away? Would it be in harmony with any policy which has heretofore been adopted by the Government, and would there be any more reason for giving them away than for giving away any other tract of land or any other body of land that has an equal value?

Mr. MANTLE rose.

Mr. PALMER. I will listen to the Senator from Montana.

Mr. MANTLE. I desire to ask the Senator from Illinois a question in relation to the suggestion just made by him a few moments ago. If the danger which he apprehends is to result from the throwing open of these lands to the general public under the land laws of the United States, is it not a danger that is common to all the lands of the United States? That is to say, is it not equally probable that the homesteaders who settle upon the agricultural lands of the country would sell their lands, so that in the end there would be a monopoly of all the lands? Again, will not the method proposed by the distinguished Senator from Illinois to throw these lands open, subject to sale to the highest bidder, inevitably result in the man who has the most money getting possession of the land, to the absolute shutting out of a poor man, who, under the general laws of the country, with perseverance, and industry, and energy, and the courage to go ahead and make the development and the exploration, might thereby acquire some wealth for himself?

Mr. PALMER. No man has more respect for the courageous miner than I have, but I understand that in this particular instance the facts are known. It requires no courage to go on this reservation such as would be required of the explorer of the ranges of a mountainous country. I understand that here is a tract of land that has a peculiar value, which is known to all the people who are interested in acquiring such knowledge. It requires no courage, no spirit of adventure, except a disposition to put money in it. I grant that if it is put up at auction it goes to the highest bidder.

Mr. MANTLE. And therefore, because of that fact, it would, in all human probability, develop into a great monopoly.

Mr. PALMER. Most likely.

Mr. MANTLE. Now, I want to offer another suggestion. Is it not true that for years past, and even now, we purchase from the Indians of the country portions of their reservations, for which the Government pays large amounts—tracts that are known in advance absolutely to contain rich mineral deposits—and in every

case are not those lands thrown open to settlement under the public-land laws of the United States?

Mr. PALMER. I have no doubt that the mountains of the West contain valuable minerals, but they are to be found; they are not in the mountains everywhere and anywhere; they are discovered. But in this case I understand the discovery is already made. It requires none of the spirit of adventure, or courage, or self-denial to go upon these lands. I understand that their value is known, and as their value is known and they possess a peculiar value, a value attributable to that particular district and nowhere else, I insist that they are an exception to the general rule.

Mr. MANTLE. In answer, I desire to make a suggestion to the Senator from Illinois.

Mr. PALMER. As I am through, I shall very gladly yield the floor to the Senator from Montana.

Mr. MANTLE. Then I will offer the suggestion without reference to the distinguished Senator from Illinois. The very fact that these lands are known to be valuable for this particular mineral is due to the courage and the energy and the heroism of men who went upon the lands in the face of the greatest difficulties and discovered and made known the fact that they were valuable for this mineral.

Mr. CANNON. I believe that the spirit shown by the remark of the Senator from Illinois [Mr. PALMER] is a just one, but I think the Senator labors certainly under a grave misapprehension as to the character of these lands, as to their accessibility. The man who might choose to go upon them and locate a claim tomorrow, should this bill become a law, and should the reservation be opened, would have not only to undergo hardships, but he would have to exercise the utmost skill, and then take the risk of finding nothing in the location which he might make. All along the lines laid down in the geological report of the Department there are indications, outcroppings, showing the existence of this mineral. A claim could be taken of 10 acres. A man, after taking it and paying for it, prospecting it to the depth of a thousand feet or more, as described by the Senator from Wisconsin, might find absolutely nothing with which to reward him for his endeavor. It is the history of all mining operations, no matter how beautifully the reports may be written up, that notwithstanding courage, skill, heroism, toil, and investment, nine men fail absolutely where one is successful.

There is no reason, sir, to doubt that there will be more failures than successes amongst those who go upon these lands and work them. There has been no discovery, no exploration, no showing in the sense described by the Senator from Illinois. These deposits do not lie as coal measures do. They are fissures. A man might locate within 10 feet and explore his entire claim to the uttermost limits of it and never find 1 ounce of this mineral. In that particular respect they are precisely as the Cripple Creek gold fields. Certain discoveries were made in Cripple Creek upon the public domain of the United States. Men located in various places contiguous to the original discovery, and then the Department, considering the matter of sufficient importance, had a geological survey and a report made showing the probable area within which were valuable gold fields, indicating the points at which there were outcroppings of the ore which bore gold. Men are still permitted to go there and locate upon those lands, notwithstanding the open demonstration which is had of the existence of valuable mineral deposits there. The man who would go and locate upon the public domain at the Cripple Creek Camp in Colorado, or the Mercur Camp in Utah, would be as reasonably certain of being rewarded as would be the man who went into the gilsonite fields in the Uncompahgre Reservation and located there. In either case he would have the chance, with courage and skill and the investment of money, to get a good reward. In either case he would have the chance of losing everything which he put in. There is not upon the face of the matter that absolute demonstration and showing which separates the two cases in any considerable degree.

Mr. JONES of Arkansas. Mr. President, the Senate has spent three hours in a discussion of the general land laws and the mineral laws, with but little attention paid to the amendment, as it seems to me. I have little hope of making any impression with what I am going to say about the amendment, and I will occupy the time of the Senate but a very few minutes.

I wish to call attention to the fact that the Senator from Utah and the Senator from Wyoming each insisted in their arguments (and they may be right about it; I do not know) that citizens of the United States have the right now under the laws as they stand to locate on these gilsonite fields, to claim these gilsonite deposits, and to work them; that there is no change of law necessary to give the people this right. If that be true, I appeal to the Senate not to adopt the amendment, which can not be necessary for the defense of the people who propose to occupy these gilsonite fields, by doing a gross injustice to this tribe of Indians. Now I will read the amendment.

That all that part of the Uncompahgre Indian Reservation in the State of Utah, except such lands as have been heretofore allotted or selected for allotment to said Uncompahgre Indians, is hereby declared open to public entry under the land laws of the United States.

The amendment will open the whole of the reservation belonging to these Indians except so much as has been allotted or selected for allotment to the Indians.

I came by the Interior Department when the bill was first brought up for consideration, and asked the Secretary of the Interior how much of these lands had been allotted for use to the Indians. I was informed by him that there was not one foot so allotted.

I suggested to some Senator yesterday or to-day that it would be unjust to deprive these Indians absolutely of their homes, to take bodily possession of the entire reservation for the purpose of allowing these people access to the gilsonite beds. I was told after some discussion that these lands had been perhaps selected, while none had been allotted.

I respectfully submit that there is no difference between the selection and allotment. There must be a selection before there can be an allotment, but there is no action taken by the officers of the law which is technically known as a selection. There is no record made of a selection. It is simply a part of the act of allotment. If the amendment passes as is proposed by the committee, we are depriving this tribe of Indians of their homes. The law as it stands now, as was stated by these two Senators, gives these people the right to occupy the gilsonite fields if they choose to do so, and leaves these Indians in possession of their homes or the possibility of making homes under the management of their present agents.

I think the Senate ought to be slow in adopting an amendment which, according to the statement of its friends, is not necessary and which will, it seems to me, inevitably result in gross wrong to these Indians.

Mr. BROWN. Mr. President, just a word in reply to the Senator from Arkansas on this subject.

In the first place, these lands do not belong to the Indians. That fact should be distinctly remembered. The Senator from Wisconsin has himself read the statements of the Secretary of the Interior, taken from the time when he was in the Department until now, showing that it has always been conceded that the lands do not belong to the Indians. Their lands in Colorado were sold, and they got the money for them.

In the next place, as the Senator from Arkansas well says, selection must precede allotment. All of the agricultural lands in this so-called reservation (it is not a reservation at all; it is a place where they are permitted to stay) have been selected. There are not enough agricultural lands. All of them have been already selected. Every foot of the agricultural land was selected for the use of these Uncompahgres. They must have further lands out of those belonging to the Uintahs, a cognate tribe living there adjoining them, and from those lands they can have sufficient for their own use in an agricultural sense. The gilsonite beds are situated a hundred miles or more away from where there are any Indians or where there are any agricultural lands. They are away out in the truest desert that ever could exist. No Indian can be injured in any sense whatever by this amendment.

One word further. My friend calls attention to the fact that some of us have claimed that these locators have their rights now in court. That is true; I claim so, but others have disputed it. It is a mooted question. If they have rights there, Congress ought to protect them in them. It ought not to remit them to the necessity of litigation. It should be settled by an act of Congress.

Mr. VEST. Mr. President, that the Senate has been detained three hours upon this amendment, as the Senator from Arkansas has observed, is not its fault. If the executive department had carried out the law, as it was the duty of that department to do under the Constitution, this debate and this delay would not have occurred.

In 1894, as has been stated here and as the record shows—and I have it in my hand—we passed a law that made it mandatory upon the President and the Secretary of the Interior to appoint a commission to go to the Uncompahgre Indian Reservation in Utah and allot to these Indians such lands as were suitable for their occupation, and we provided that the balance of the reservation should be opened to settlement under the land and mineral laws of the United States.

It is true the Senator from Wisconsin has told us he did not know that the law was enacted, but I take it that does not affect its validity. It was his misfortune, and possibly the misfortune of the country, that the Senator from Wisconsin did not know that it was a public statute; but it was passed and signed by the President in 1894.

A commission was appointed and made its report. I hold their report in my hand. The commission declared in their report that,

except some 10,000 acres on White River, the balance of the reservation was a desert, utterly unfit for the support of any sort of animal life. After that report was made and the proclamation drawn up by the Interior Department and sent to the President at Buzzards Bay, he refused to sign it, upon the ground that Congress had passed a bad law, which he had signed but did not propose to carry out.

I speak by the card, because I saw that proclamation in the hands of Mr. Hoke Smith, Secretary of the Interior, who told me that he had carried it to Buzzards Bay, and the President had refused to sign it because Congress, he said, did not understand what they had enacted. That is the reason why we are here now thrashing this old straw.

Mr. President, no Senator here will justify that sort of conduct. It is utterly indefensible. If we made a mistake, the President ought to have called our attention to it and relied upon the patriotism and intelligence of Congress to correct it by repealing the law. Instead of that, he refused peremptorily to obey the statute, and we are now here trying to enact something without the approval of the President, if possible, or without his connivance or his cooperation.

It is true, as the Senator from Wisconsin has said, that there has been no allotment and possibly no selection, because the whole thing was stopped by the refusal of the executive department to obey the law of the land.

I would suggest an amendment, which I ask the Secretary to read. I think it meets the objection made by the Senator from Arkansas.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Secretary will read as requested.

The Secretary read as follows:

That all of the Indian reservation in the State of Utah except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894 and contained in House of Representatives Document No. 191.

Mr. VEST. Here is the document, House of Representatives 191, and here is the report of the commission which Mr. Cleveland ignored and refused to carry out:

After a thorough exploration of this country east of the Green, which embraces about 1,800,000 acres of the 2,000,000 acres that make up the entire reservation, the undersigned do not hesitate to say that there is no arable land upon it suitable for Indian allotment except about 10,000 acres of bottom land extending 10 or 12 miles up the White on both sides from its mouth.

In this amendment I have incorporated the exact language used by the commission. They declare that out of the 2,000,000 acres there are 1,800,000 that are totally unfit for settlement or allotment.

Mr. JONES of Arkansas. By whom is the report signed?

Mr. VEST. The report is signed by all the members of the commission. Here is a map which shows, if any Senator is curious about it, the exact lines adopted by the commission. It is signed by S. S. Scott, T. A. Byrnes, and William S. Davis, Ute Indian Commission.

Mr. President, the whole question, it seems to me, is in a nutshell. There is no injustice proposed here to Indians. There is no job here of any rich corporation. I stated here in 1894, and I state here now on behalf of the gentlemen who invested their money in this gilsonite company in St. Louis, that they are willing to execute a bond with a million-dollar security that they will not bid on or enter one acre of this land. They have their gilsonite lands there, upon which they are now operating, outside of this reservation, and upon which they have spent a quarter of a million dollars. They propose to build a railroad through that country, a precipitous, mountainous, desert country, for 100 miles to the Union Pacific, in order to make the vast deposits available for purposes of civilization and commerce. Are they to be taunted here and told that they are monopolists? Unless that railroad is built, the deposits are not worth 10 cents an acre, and every intelligent man knows it. Will it be built by individuals who have no means? How can that domain be opened up? How can we diminish the price of asphaltum or gilsonite? We paid, if I am not mistaken, between $5 and $6 a square yard for the asphaltum pavements in the city of Washington, and an immense fortune was made out of it. It was a monopoly. Recently the city of Kansas City, where I reside, and the city of St. Louis, in my State, have contracted with this gilsonite company (although they export for more than 100 miles the products of the mine outside of the reservation) for work to be done upon the streets at $1.75 and $2.25 a square yard. If that be the result of this competition under these difficulties, what will be the price of gilsonite if a railroad is built and this illimitable amount opened up to the world at large?

The question presented to us is, Shall we let that desert remain as it is, or shall we make the deposit available? Shall we produce competition with the Island of Trinidad, shall we give to the world that advantage, or shall we sit here and say we would rather that this thing should remain as it is and that these deposits shall not be made available because some man may make money out of it?

Mr. President, never has this country adopted the principle or system of putting up its mineral lands or any other lands to the highest bidder. We have fixed the price of mineral lands at $5 where there are lodes, at $2.50 where there are placer mines, and we have sold all our public lands in that way. We are asked now to make an exception, and what will be the result? If there should be two wealthy companies who would bid upon these lands to the exclusion of all poor men, how easy would it be for these corporations, and do we not know that they would collude with each other, buy up the land, divide it, and make a monopoly, or a trust, or a combine, if they pleased to do so? Why not let men who have gone there for the purpose of availing themselves of the mineral laws of the United States receive some portion of this money, if money is to be made? That is the whole question, and that is the one to be determined by the Senate.

The PRESIDING OFFICER. The Chair does not quite understand the amendment of the Senator from Missouri.

Mr. VEST. I propose that amendment to the Senator in charge of the bill as a substitute for the other. There is a portion of the other amendment which is not objected to. This is only a portion of it that is to be put in.

Mr. JONES of Arkansas. Let the proposed amendment be read to the Senate.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

That all of the Indian reservation in the State of Utah, except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894, and contained in House of Representatives Document No. 191——

Mr. CANNON. Is the word "Uncompahgre" in that amendment?

The PRESIDING OFFICER. The word "Uncompahgre" is not in the amendment.

Mr. VEST. It ought to be there. Let the word "Uncompahgre" be inserted before the words "Indian reservation."

Mr. VILAS. I ask to have the amendment read once more.

The PRESIDING OFFICER. The Chair understands that the amendment of the Senator from Missouri goes to the word "Indians."

Mr. VEST. "Uncompahgre Indians," it ought to be. I move to strike out all from the beginning of line 9, on page 66, down to the words "is hereby declared," in line 12.

The PRESIDING OFFICER. Including the word "Indians," in line 12?

Mr. VEST. Yes.

Mr. STEWART. Now let the amendment to the amendment be read in connection with the amendment, so that we can see its bearing.

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The SECRETARY. It is proposed to strike out all of the committee amendment, beginning with line 9, on page 66, down to and including the word "Indians" in line 12, and insert, so that if amended the clause will read:

That all that part of the Uncompahgre Indian Reservation in the State of Utah, except about 10,000 acres of bottom land, extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department, under the Indian appropriation act of 1894, and contained in House of Representatives Document No. 191, is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Mr. PETTIGREW. I think that amendment is entirely proper, and I shall be glad to accept it so far as I am concerned.

Mr. VILAS. Mr. President, I only wish to add a word or two, and then to offer an amendment. I am by no means led to believe that the Senate does not know what general legislation is by the vote which has been taken this afternoon on the point of order. I hoped for an enforcement of the rules of the Senate through the firmness of the Chair. I know very well that the practice of the Senate, when a point of order is submitted to it, is to vote as if the proposition itself were submitted instead of the point of order, and that if our rules are to be enforced they are not to be enforced by the Senate itself, but only by those to whom their enforcement is committed by law.

Mr. VEST. Then we must take resort in our presiding officer, and not in our power of self-government.

Mr. VILAS. No; the great right and privilege of self-government is entirely beyond this body, as the Senator from Missouri suggests.

Mr. VEST. I do not suggest that. I suggested that would be the result, if the Chair please, of the Senator's argument, that we must take resort in our presiding officer, and not in our own power of self-government.

Mr. VILAS. Now, Mr. President I have discharged substantially all of the duty which I owe to the Senate, I think, or which

I owe to the country whose officer I am for a short time yet, and whose interests I desire to conserve. I have no other. I have pointed out that here is a peculiar case, unknown in our history, perhaps in any history, that the United States happens to possess this immensely valuable tract of land lying within a small compass. The Senator from Utah talks as if it were scattered over 2,000,000 acres. It lies within a small compass, a narrow range. The question is presented by this amendment whether it shall be appropriated to the uses of a few men who have pursued it for years, or whether this Congress is capable of protecting the public right, and so appropriating the use of that land as that the mineral shall be enjoyed and the rights of the public protected.

The Senator from Wyoming said that he never could understand why such objections were made; never could understand why, when anything was proposed from the West, Senators from other parts of the country seemed to throw obstructions in the way. No obstruction lies upon the ground of locality, and the Senator from Wyoming must understand it. The only basis of objection to this proposal is that frankly and freely stated by the Secretary of the Interior in his report—stated as a public officer recognizing the obligation upon him ought to have stated information to a body like the Congress of the United States. He was asked why he had not put this land open to settlement by proclamation by the resolution passed by this body at the first session of this Congress, and he answered:

In response to said resolution I have the honor to call your attention to pages 10 and 37 of my annual report for the fiscal year ending June 30, 1895, a copy of which I herewith transmit. That report sets forth the fact that valuable discoveries of "gilsonite" have been explored by officers of the Geological Survey on this reservation since the date of the passage of the act of August 15, 1894, supra, and shows that if these lands are opened to entry in the ordinary way the Government would be deprived of extensive profits which should go into its Treasury.

And the President of the United States refused to proclaim them. The Senator from Missouri arraigns him now for his protection of the public interests of the people of the United States as if it were something done in violation of law.

Mr. VEST. Will the Senator permit me?

Mr. VILAS. Certainly.

Mr. VEST. I hardly think the Senator would be guilty of anything like subterfuge or of concealing facts in regard to this case. He makes the impression upon the Senate that the Secretary of the Interior and the President did not know of the existence of these gilsonite deposits until a report was made at a recent date, comparatively, by the Geological Survey. That is the Senator's contention.

Mr. VILAS. No; that is not "the Senator's" contention.

Mr. VEST. What is the Senator's point, then—that the information came recently to the Department?

Mr. VILAS. That the information which before that time was unofficial and only known by report became officially known by the Geological Survey having made the investigation and established the great value of that property subsequent to the date of that report.

Mr. VEST. What is the date of the Geological report?

Mr. VILAS. I was just reading what the Secretary of the Interior says.

Mr. VEST. What was the date?

Mr. VILAS. It appears in the annual report of the Secretary of the Interior for the year 1895. Here is what the Secretary of the Interior says in regard to it.

Mr. VEST. I know what he says.

Mr. VILAS. The Secretary says:

That report sets forth the fact that valuable discoveries of "gilsonite" have been explored by officers of the Geological Survey on this reservation since the date of the passage of the act of August 15, 1894.

And the report of the Geological Survey is contained in the report of the Secretary of the Interior for the year 1895.

Mr. VEST. Yes, Mr. President; but that geological survey was not the basis of the refusal of the President to issue that proclamation which we had directed him to issue. I know personally, and other Senators know, that the Secretary of the Interior knew all about these deposits; that he had specimens brought to him, for I myself went with the president of this gilsonite company, who carried with him a large block of gilsonite or asphaltum, and it is in the Secretary's office, for I saw it there not two months ago. Those deposits were well known before that report of the Geological Survey. After that report was made, if the Senator will get the date of it, and before the report was made, on three occasions the President declined to issue that proclamation, because he said that Congress had passed a bad law and that he did not intend to enforce it.

I arraign the President of the United States, if the Senator wants to use that word, because I declare that he had no right to disobey an act of Congress which was mandatory upon him as an executive officer. If he believed that we were wasting the substance of the people of this country, he ought to have called it to our attention in a constitutional and legitimate way and asked us to repair the wrong. Instead of that, he usurped legislative functions and declared that he would not obey the act of Congress. Those are the undisguised facts.

Mr. VILAS. Well, Mr. President, they are so far from the facts that I am astonished that my distinguished friend from Missouri should have made the statement in that way. There was perhaps no occasion for bringing any such subject before the Senate as is brought by his remarks. He is in entire error.

Mr. VEST. Prove it.

Mr. VILAS. The act was passed in the manner which I have pointed out, but which I will not characterize, by the report of a conference committee after the Senate and the Senate's committee, in the first place, had put in words which would have protected this very mineral land from spoliation, and then it directed, such as it was, that certain allotments should be made after certain surveys were made. All the necessary surveys had to first be made. Those surveys were made during the year 1895. They could not, indeed, well be made before, for the act did not pass until the 15th of August, and no surveys could be made in that rough, mountainous country during the winter. Then the Geological Survey made their explorations and showed the fact that had previously been known only by rumor in a certain sense, only by the reports of persons who had been out there, or were interested, that here were these veins as perfectly plain to be seen as anything need to be, miles in length, one of them 18 feet wide, another 12 feet wide, another 9 feet wide, extending to an unknown depth, from 1,000 to 5,000 feet, filled with this valuable mineral. The Secretary of the Interior in his report for the year 1895 set forth these facts, and the President of the United States mentioned them in his last message, inviting the attention of Congress to them.

Mr. BROWN. May I ask the Senator a question?

Mr. VILAS. Let me deal with this question first.

Mr. BROWN. I should like to ask why the Senator says these veins are from 1,000 to 5,000 feet?

Mr. VILAS. Because the Geological Survey says so.

Mr. BROWN. Does the Geological Survey know anything about it? Have they made any exploration of it which shows that the veins extend down 100 feet?

Mr. VILAS. I am as satisfied to accept the testimony of those officers of the United States as the wild declarations of persons who know nothing about it.

Mr. BROWN. They do not say that they have made any explorations or that they know that they are a thousand feet deep or any other depth whatever. They say in the report that there are no explorations as to the depth. It is mere fancy as to how deep they may go.

Mr. VILAS. Mr. President, the Senator may cross-examine the officers of the Geological Survey if he chooses; but I am satisfied to accept their testimony, for I think they know what they are talking about, and I believe every one of the people interested in this business knows it just as well as the Geological Survey does. The value of this property is not open to question. It may be very difficult to measure its full value, but the immensity of its value is not open to doubt and is not doubted, either on the part of those who are trying to get it or on the part of the officers of the Geological Survey, who have made their report.

I think that the President of the United States and the Secretary of the Interior would have been wanting in their duty if, after this survey, they had not informed Congress of the facts in reference to it, and if the President had not, in the exercise of that discretion which the law itself commits to him, withheld his proclamation exposing those lands to the capture of those who had been after them and had secured the law for that purpose. So much for that.

Notwithstanding I recognize, and have for some time recognized, how little chance there may be for saving the public interest in any property on which a great private interest has concentered its attack, I purpose still to maintain my hope that the interests of the public will receive the support of the Senate until that hope shall be finally dashed by a vote. I propose an amendment to the amendment of the committee as it stands now, after the acceptance of the amendment of the Senator from Missouri. The last line of that amendment is—

That no one person shall be allowed to make more than four claims on lands containing gilsonite.

I propose to strike that out and substitute:

That the Secretary of the Interior is hereby directed to cause to be carefully surveyed by the Director of the Geological Survey all lands in said reservation supposed to contain mineral, and to subdivide all such land as shall be determined by such survey to contain any of the minerals hereafter named into lots of suitable size and form for the convenient and proper working of the mineral, and that after such survey shall have been completed the Secretary of the Interior shall, after such inquiry as he shall find necessary, fix and settle by an order in writing a royalty or price per ton for asphaltum, gilsonite, elaterite, wurtzilite, or other like valuable mineral substance found to exist thereon; and thereafter by proclamation such lots, as so surveyed, shall become subject to entry under the mineral-land laws of the United States, except that each claim shall be for one such lot as so surveyed, and that no price per acre shall be paid, and that, instead of a patent, a lease shall issue granting to the lessee, his heirs or assigns, the exclusive right to occupy

and mine said lands for a term of twenty-five years, subject to the payment on the 30th day of June and the 31st day of December in each year of the royalty or price per ton so fixed for all such mineral taken from said lots so leased during each six months, respectively, preceding.

Mr. President, observe what that will do for our friends from the West. It will open all that land at once upon the same basis upon which they seek to have it taken now, except that it will open it with the reservation of a reasonable royalty per ton to be fixed by the Secretary of the Interior, and to be paid only when and after they shall have taken the mineral from the land. There is no interference with the right to take it. The same provision for establishing the right will exist then that would exist under their amendment if it were adopted; the same requirement for entry, except that, in order to preserve the property from the myriads of controversies which arise over every mining claim, the lots having been first surveyed, shall be claimed by only one claim for a lot. If there is a contest over the claim, the parties may have the same contest as in any other case. In the end they get a conveyance which is perfectly good for a term of twenty-five years, and the United States reserves only its reasonable royalty according to the result to the prospector, if you choose to call him so, or the entryman. I am seeking only to preserve the public right and interest in that mineral. The same laws which are invoked by the other amendments will cover the case.

As I have said, Mr. President, I have discharged the duty which I owe to the Senate. I have pointed out all the facts in this case so far as they are known to me. I trust they are understood by at least that small portion of the Senate which gives attention to the business which the Constitution imposes upon them to understand and discharge.

Mr. BROWN. Mr. President, I rise to make the same point of order upon this amendment to the amendment that has been made to the original amendment, to wit, that it is general legislation under the name of an amendment to an amendment. There is hardly a point involved in the general mining laws of this country which is not sought to be set aside by this amendment.

In the first place, a mining claim is awarded to him who makes the location and stakes it out where there has been a discovery of mineral. That is proposed to be set aside, and it is to be staked out by the Government and sold at auction.

The next step in the proceeding of the mining law is that the man who takes a claim shall do certain work to improve it. That is set aside by this proposed amendment. Finally, he is to pay for it, not, as my friend from Illinois [Mr. PALMER] says, to receive it for nothing—he is to pay for it at the rate of $5 per acre to the Government, after he has done certain work amounting to about $100 a year and $500 upon each claim. All that is set aside by this amendment. In fact, the entire mining law of the United States is obliterated with one sweep by this proposed amendment for the sake of allowing the Government to stand in as partner or as landlord in this transaction. My friend from Illinois says he is opposed to that policy; and who would not be? It was the same policy which cost one of the early kings of England his life—for seeking the treasure that had been found—and it is the same policy which our friends here insist on pursuing—to try to get something which does not belong to the Government. The lands of the United States are a public estate, upon which citizens may settle and where citizens may locate. I make that point of order.

Mr. VILAS. Mr. President, what was the point of order?

Mr. BROWN. The point of order was that the amendment suggests general legislation. It is general legislation in the form of an amendment to an amendment.

The PRESIDING OFFICER. The Chair is ready to rule on that point.

Mr. VILAS. Mr. President, I have been occasionally obliged to confess that I was surprised. I am gradually getting to the point that I am not likely to be any more.

I presume we shall not lose our balance because the Senator from Utah charges the United States with being a landlord. The Senator from Utah seems to think it is terrible, that it is discreditable to the United States to be called a landlord. I do not know that it is any worse for the United States to be a landlord than to be a tenant. It is a very numerous tenant, renting property everywhere and paying the people's money for it. Here happens to be some property of the people which it possesses from which it can derive a reasonable return. It is the practice of a good many governments to have their mineral lands worked in this manner. There is nothing novel about it. No doubt a great change might be made in our general land laws with advantage to the public in many particulars, but in this particular instance I have conformed the amendment to every feature of the amendment as proposed, with the single exception that instead of paying a price per acre which is merely nominal, they shall pay a fair price, far below what would be fixed in any other case, perhaps, for such mineral as shall actually be removed, and no more.

There is one other change which ought to be made with reference to every particle of the mineral lands of the United States, if possible, and that is that they should be presurveyed into lots rather than that claimants should throw their conflicting surveys and claims over one another in the manner in which they have been permitted to do under our mineral-land laws.

But, sir, having submitted the amendment, and thus brought the question distinctly and directly to the attention of the Senate, whether this land shall be disposed of simply for the spoil of the few, or whether it shall be opened so that the Government shall derive a reasonable return for its own, I am not desirous of occupying the attention of the Senate any longer.

The PRESIDING OFFICER. Does the Senator from Utah insist on his point of order?

Mr. BROWN. I do.

Mr. VEST (to Mr. BROWN). No; let us have a vote.

Mr. BROWN. Very well; I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS] to the committee amendment, as modified by the amendment submitted by the Senator from Missouri, which was accepted by the Senator in charge of the bill.

Mr. NELSON. I should like to have the amendment to the amendment read before we vote on it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

Mr. JONES of Arkansas. I think the Senate ought to hear the amendment to the amendment before it votes on it, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Elkins,	Martin,	Sewell,
Allison,	Gallinger,	Mills,	Sherman,
Bacon,	Gear,	Mitchell, Wis.	Shoup,
Bate,	Gibson,	Morgan,	Smith,
Berry,	Gorman,	Murphy,	Stewart,
Blackburn,	Hansbrough,	Nelson,	Teller,
Blanchard,	Hill,	Palmer,	Tillman,
Brice,	Hoar,	Pasco,	Turpie,
Brown,	Irby,	Peffer,	Vest,
Cannon,	Jones, Ark.	Perkins,	Vilas,
Chandler,	Jones, Nev.	Pettigrew,	Walthall,
Cockrell,	Kenney,	Platt,	Wetmore,
Cullom,	Lindsay,	Pritchard,	White,
Daniel,	Lodge,	Pugh,	Wilson.
Davis,	McBride,	Quay,	
Dubois,	McMillan,	Roach,	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment of the Senator from Wisconsin to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "*Provided*," in line 13, on page 66, and insert in lieu thereof:

That the Secretary of the Interior is hereby directed to cause to be carefully surveyed by the Director of the Geological Survey all lands in said reservation supposed to contain mineral, and to subdivide all such land as shall be determined by such survey to contain any of the minerals hereinafter named into lots of suitable size and form for the convenient and proper working of the mineral, and that after such survey shall have been completed the Secretary of the Interior shall, after such inquiry as he shall find necessary, fix and settle by an order in writing a royalty or price per ton for asphaltum, gilsonite, elaterite, wurtzitite, or other like valuable mineral substance found to exist thereon, and thereafter by proclamation such lots as so surveyed shall become subject to entry under the mineral-land laws of the United States, except that each claim shall be for one such lot as so surveyed, and that no price per acre shall be paid, and that instead of a patent a lease shall issue granting to the lessee, his heirs or assigns, the exclusive right to occupy and mine said lands for a term of twenty-five years, subject to the payment on the 30th day of June and the 31st day of December in each year of the royalty or price per ton so fixed for all such mineral taken from said lot so leased during each six months, respectively, preceding.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee as modified, which will be stated.

The Secretary read as follows:

That all of the Uncompahgre Indian Reservation in the State of Utah, except about 10,000 acres of bottom land extending about 10 or 12 miles up the White River on both sides from its mouth, as described in the report of the commission appointed by the Interior Department under the Indian appropriation act of 1894, and contained in House of Representatives Document No. 191, Fifty-fourth Congress, is hereby declared open to public entry under the land laws of the United States: *Provided*, That no one person shall be allowed to make more than four claims on lands containing gilsonite.

Mr. STEWART. I suggest to the Senator in charge of the bill that it might be well to say "mineral-land laws of the United States."

Mr. VEST. The phrase "land laws" includes that.

Mr. STEWART. It may include it, but there might be a question, and the insertion of those words would make it certain.

Mr. PETTIGREW. I think it would be very proper to adopt the suggestion of the Senator from Nevada.

Mr. VEST. Very well. I suggest that we add the word "mineral."

Mr. PETTIGREW. Before the word "land" insert the word "mineral."

Mr. STEWART. I suggest the words "mineral and other land laws of the United States."

Mr. PETTIGREW. I should say "mineral-land laws."

Mr. STEWART. I withdraw the suggestion.

Mr. TELLER. Let it stand "the land laws of the United States."

Mr. VEST. That is right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as modified.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when Mr. ALDRICH'S name was called). I wish to announce that the Senator from Rhode Island [Mr. ALDRICH] is paired on this and all further votes to-day with the Senator from South Dakota [Mr. KYLE].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. KYLE'S name was called). The junior Senator from South Dakota [Mr. KYLE] stands paired on this question with the senior Senator from Rhode Island [Mr. ALDRICH].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. My colleague [Mr. MITCHELL] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. With the consent of the senior Senator from Wisconsin, I transfer my pair to my colleague, so that the senior Senator from Mississippi will stand paired with him, and the senior Senator from Wisconsin and I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. TILLMAN. I announce my pair with the Senator from Nebraska [Mr. THURSTON].

The result was announced—yeas 48, nays 17; as follows:

YEAS—48.

Allen,	Cullom,	Jones, Nev.	Pritchard,
Allison,	Davis,	Lodge,	Roach,
Bacon,	Dubois,	McBride,	Sewell,
Baker,	Elkins,	McMillan,	Shoup,
Blackburn,	Frye,	Mantle,	Smith,
Blanchard,	Gallinger,	Morgan,	Stewart,
Brice,	Gibson,	Murphy,	Teller,
Brown,	Hansbrough,	Nelson,	Turpie,
Burrows,	Hawley,	Peffer,	Vest,
Cannon,	Hill,	Perkins,	Wetmore,
Carter,	Hoar,	Pettigrew,	White,
Chandler,	Irby,	Platt,	Wilson.

NAYS—17.

Bate,	Gray,	Mills,	Sherman,
Berry,	Jones, Ark.	Mitchell, Wis.	Vilas.
Caffery,	Kenney,	Palmer,	
Chilton,	Lindsay,	Pasco,	
Daniel,	Martin,	Pugh,	

NOT VOTING—25.

Aldrich,	Gear,	Mitchell, Oreg.	Voorhees,
Butler,	George,	Morrill,	Walthall,
Call,	Gordon,	Proctor,	Warren,
Cameron,	Gorman,	Quay,	Wolcott.
Clark,	Hale,	Squire,	
Cockrell,	Harris,	Thurston,	
Faulkner,	Kyle,	Tillman,	

So the amendment as modified was agreed to.

ST. LAWRENCE RIVER BRIDGE.

Mr. VEST. I ask leave to submit a report at this time. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River, to report it favorably without amendment. I call the attention of the Senator from New York [Mr. HILL] to the bill.

Mr. HILL. I ask unanimous consent for the present consideration of the bill. It will take but a moment.

Mr. PETTIGREW. I shall be obliged to object. I refused to assent to unanimous consent being given to several Senators, and I do not think it would be fair to make a distinction.

EXECUTIVE SESSION.

Mr. SMITH. I move that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. I very much hope that that motion will not prevail.

Mr. VILAS. The question is not debatable.

Mr. SMITH. It is not debatable.

Mr. PETTIGREW. We have scarcely commenced the consideration of the Indian appropriation bill.

Mr. HILL. I rise to a point of order. The Senator from South Dakota can not debate the question.

Mr. PETTIGREW. Then I will call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

Mr. LODGE. On that motion I call for the yeas and nays.

Mr. SMITH. Very well; let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). Has the Senator from New Jersey [Mr. SEWELL] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Wisconsin. I withdraw my vote.

Mr. CALL (after having voted in the affirmative). I am paired generally with the Senator from Vermont [Mr. PROCTOR]. As he has not voted, I withdraw my vote.

Mr. COCKRELL. I am paired on this vote with the Senator from Maine [Mr. HALE]. I understand that he has a general pair with the Senator from Arkansas [Mr. JONES], who is not in his seat at this moment, but who, I understand, has voted. I then recognize my pair with the Senator from Maine [Mr. HALE]. He would vote "nay," if present, and I should vote "yea," if I were at liberty to vote.

Mr. BATE. I wish to state that my colleague [Mr. HARRIS] is unable to be here. He is paired generally with the Senator from Vermont [Mr. MORRILL], who is also absent from the Chamber.

The result was announced—yeas 35, nays 29; as follows:

YEAS—35.

Allen,	Daniel,	Lindsay,	Smith,
Bacon,	Dubois,	Martin,	Stewart,
Bate,	Faulkner,	Mills,	Tillman,
Berry,	Gibson,	Morgan,	Turpie,
Blackburn,	Gray,	Murphy,	Vest,
Blanchard,	Hill,	Palmer,	Vilas,
Caffery,	Irby,	Pasco,	Walthall,
Chandler,	Jones, Ark.	Pugh,	White.
Chilton,	Kenney,	Roach,	

NAYS—29.

Allison,	Gallinger,	Nelson,	Shoup,
Baker,	Gear,	Peffer,	Teller,
Brown,	Hansbrough,	Perkins,	Thurston,
Burrows,	Hawley,	Pettigrew,	Wetmore,
Cullom,	Lodge,	Platt,	Wilson.
Davis,	McBride,	Pritchard,	
Elkins,	McMillan,	Quay,	
Frye,	Mantle,	Sherman,	

NOT VOTING—26.

Aldrich,	Clark,	Hoar,	Sewell,
Brice,	Cockrell,	Jones, Nev.	Squire,
Butler,	George,	Kyle,	Voorhees,
Call,	Gordon,	Mitchell, Oreg.	Warren,
Cameron,	Gorman,	Mitchell, Wis.	Wolcott.
Cannon,	Hale,	Morrill,	
Carter,	Harris,	Proctor,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1897, at 11 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate February 23, 1897.

POSTMASTER.

J. W. Maloy, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania, in the place of Thomas C. Williams, whose commission expired January 7, 1897.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1897.

CONSUL.

Leonard C. H. Schlemm, of New York, to be consul of the United States at Cape Haitien, Haiti.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Osborn, to be a lieutenant-commander.
Lieut. (Junior Grade) Francis J. Haeseler, to be a lieutenant.
Ensign Joseph W. Oman, to be a lieutenant (junior grade).
Lieut. John B. Briggs, to be a lieutenant-commander.
Lieut. (Junior Grade) Edward Simpson, to be a lieutenant.
Ensign Philip Andrews, to be a lieutenant (junior grade).
Lieut. Newton E. Mason, to be a lieutenant-commander.
Lieut. (Junior Grade) William C. P. Muir, to be a lieutenant.
Ensign William H. Faust, to be a lieutenant (junior grade).
Lieut. Arthur P. Nazro, to be a lieutenant-commander.

Lieut. (Junior Grade) Edwards F. Leiper, to be a lieutenant.
Ensign Harold K. Hines, to be a lieutenant (junior grade).
Lieut. Commander Charles Belknap, to be a commander.
Lieut. William W. Kimball, to be a lieutenant-commander.
Lieut. (Junior Grade) Joseph H. Rohrbacker, to be a lieutenant.
Ensign Ryland D. Tisdale, to be a lieutenant (junior grade).
Lieut. Commander Fernando P. Gilmore, to be a commander.
Lieut. William P. Day, to be a lieutenant-commander.
Lieut. (Junior Grade) William S. Sims, to be a lieutenant.
Ensign Samuel M. Strite, to be a lieutenant (junior grade).
Lieut. Commander Eugene H. C. Leutze, to be a commander.
Lieut. John C. Wilson, to be a lieutenant-commander.
Lieut. (Junior Grade) Miles C. Gorgas, to be a lieutenant.
Ensign Friend W. Jenkins, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Louis S. Van Duzer, to be a lieutenant.
Lieut. (Junior Grade) Wilson W. Buchanan, to be a lieutenant.

PASSED ASSISTANT SURGEONS.

Lloyd W. Curtis, from July 6, 1885.
Henry B. Fitts, from July 6, 1885.
Victor C. B. Means, from June 3, 1887.
Frederick J. B. Cordeiro, from June 26, 1887.
Francis W. F. Wieber, from November 3, 1887.
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George B. Wilson, from February 1, 1892.
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George Rothganger, from May 24, 1892.
George T. Smith, from June 3, 1892.
George A. Lung, from August 18, 1892.
Luther L. Von Wedekind, from November 3, 1892.
Edward S. Bogert, jr., from April 16, 1893.
Leckinski W. Spratling, from April 16, 1893.
Robert M. Kennedy, from June 18, 1893.
Norman J. Blackwood, from July 7, 1893.
William C. Braisted, from September 24, 1893.
Sheldon G. Evans, from November 18, 1893.
Adrian R. Alfred, from November 24, 1893.
James Stoughton, from May 20, 1894.
Louis L. Young, from May 20, 1894.
Michael R. Pigott, from May 22, 1894.
John E. Page, from June 18, 1894.
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Joseph A. Guthrie, from January 27, 1895.
Charles M. De Valin, from January 27, 1895.
Charles P. Bagg, from March 17, 1895.
Carl D. Brownell, from April 6, 1895.
Henry D. Wilson, from April 22, 1895.
Lewis Morris, from June 27, 1895.
John M. Moore, from November 11, 1895.
Brownlee R. Ward, from January 14, 1896.
Edward M. Shipp, from March 20, 1896.
P. A. Surg. Lloyd W. Curtis, to be a surgeon.
Medical Inspector James R. Tryon, to be a medical director.
Surg. George P. Bradley, to be a medical inspector.
P. A. Surg. John W. Baker, to be a surgeon.

APPOINTMENTS IN THE NAVY.

Dean R. Leland, a citizen of New Jersey, to be a chaplain.
John H. McJunkin, a citizen of Iowa, to be a chaplain.

POSTMASTERS.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota.

Jacob Descombes, to be postmaster at Chickasha, in Chickasaw Nation County, Ind. T.

William H. Torrey, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts.

Alexander Griffith, to be postmaster at Bridgeport, in the county of Montgomery and State of Pennsylvania.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts.

Amasa A. Swingle, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

David Trump, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania.

James P. Wilson, to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee.

Cornelius Sullivan, to be postmaster at Riverside, in the county of Cook and State of Illinois.

Malbern M. Stephens, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois.

Andrew J. Bard, to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania.

C. E. Clark, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa.

Ransom L. Clark, to be postmaster at Galeton, in the county of Potter and State of Pennsylvania.

Ezra R. Flint, to be postmaster at Carson City, in the county of Montcalm and State of Michigan.

Alfred B. Gowdy, to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky.

Charles A. Prichard, to be postmaster at Mannington, in the county of Marion and State of West Virginia.

E. J. Martin, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 23, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LIEUT. ROBERT PLATT.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read.

Mr. BARTLETT of New York. I desire to reserve the right to object.

Mr. MILNES. Reserving the right to object, I should like to hear the report read.

Mr. FISCHER. I send to the desk the report of the House committee, which is virtually a copy of the Senate report.

The report was read.

Mr. BARTLETT of New York. Reserving the right to object, I should like to have the gentleman explain the bill fully and tell us why this extraordinary bill should pass. I do not think the report is satisfactory.

Mr. FISCHER. I had supposed that the report, containing as it does the letter of the Secretary of the Navy, would most fully explain the purport of the bill. Lieutenant Platt was a volunteer naval officer during the war. If the documents accompanying the report, which the Clerk did not read, should be read, I am satisfied that my colleague [Mr. BARTLETT of New York] would agree that the bill should be passed, for by those letters and in reports of battle it appears that during the war Lieutenant Platt received special commendation for his services. The Secretary of the Navy is desirous that this bill should pass. In view of the peculiar office held by Lieutenant Platt, the Secretary may not retire him unless a bill of this kind shall become a law. The Secretary in his letter asks that the bill may be enacted.

Mr. BARTLETT of New York. Why should we select one officer and promote him out of the regular line of promotion? What excuse is there for such a course?

Mr. FISCHER. Let me say further that, as stated in the letter—I presume my colleague listened to the reading of the report——

Mr. BARTLETT of New York. Yes; but I do not think the letter is clear at all.

Mr. FISCHER. By reason of his peculiar position in the Navy, Lieutenant Platt is the only man who is not permitted to receive promotion. He is not in the line of promotion.

Mr. BARTLETT of New York. How is that?

Mr. FISCHER. Because he holds his office under a special act of Congress.

Mr. BARTLETT of New York. Has he not been rewarded enough?

Mr. FISCHER. No, sir. For meritorious service rendered during the war he has received less than any other naval officer.

Mr. BARTLETT of New York. What is the amount of money involved?

Mr. VEST. Very well. I suggest that we add the word "mineral."

Mr. PETTIGREW. Before the word "land" insert the word "mineral."

Mr. STEWART. I suggest the words "mineral and other land laws of the United States."

Mr. PETTIGREW. I should say "mineral-land laws."

Mr. STEWART. I withdraw the suggestion.

Mr. TELLER. Let it stand "the land laws of the United States."

Mr. VEST. That is right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as modified.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when Mr. ALDRICH's name was called). I wish to announce that the Senator from Rhode Island [Mr. ALDRICH] is paired on this and all further votes to-day with the Senator from South Dakota [Mr. KYLE].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. KYLE's name was called). The junior Senator from South Dakota [Mr. KYLE] stands paired on this question with the senior Senator from Rhode Island [Mr. ALDRICH].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. My colleague [Mr. MITCHELL] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. With the consent of the senior Senator from Wisconsin, I transfer my pair to my colleague, so that the senior Senator from Mississippi will stand paired with him, and the senior Senator from Wisconsin and I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. TILLMAN. I announce my pair with the Senator from Nebraska [Mr. THURSTON].

The result was announced—yeas 48, nays 17; as follows:

YEAS—48.

Allen,	Cullom,	Jones, Nev.	Pritchard,
Allison,	Davis,	Lodge,	Roach,
Bacon,	Dubois,	McBride,	Sewell,
Baker,	Elkins,	McMillan,	Shoup,
Blackburn,	Frye,	Mantle,	Smith,
Blanchard,	Gallinger,	Morgan,	Stewart,
Brice,	Gibson,	Murphy,	Teller,
Brown,	Hansbrough,	Nelson,	Turpie,
Burrows,	Hawley,	Peffer,	Vest,
Cannon,	Hill,	Perkins,	Wetmore,
Carter,	Hoar,	Pettigrew,	White,
Chandler,	Irby,	Platt,	Wilson.

NAYS—17.

Bate,	Gray,	Mills,	Sherman,
Berry,	Jones, Ark.	Mitchell, Wis.	Vilas.
Caffery,	Kenney,	Palmer,	
Chilton,	Lindsay,	Pasco,	
Daniel,	Martin,	Pugh,	

NOT VOTING—25.

Aldrich,	Gear,	Mitchell, Oreg.	Voorhees,
Butler,	George,	Morrill,	Walthall,
Call,	Gordon,	Proctor,	Warren,
Cameron,	Gorman,	Quay,	Wolcott.
Clark,	Hale,	Squire,	
Cockrell,	Harris,	Thurston,	
Faulkner,	Kyle,	Tillman,	

So the amendment as modified was agreed to.

ST. LAWRENCE RIVER BRIDGE.

Mr. VEST. I ask leave to submit a report at this time. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River, to report it favorably without amendment. I call the attention of the Senator from New York [Mr. HILL] to the bill.

Mr. HILL. I ask unanimous consent for the present consideration of the bill. It will take but a moment.

Mr. PETTIGREW. I shall be obliged to object. I refused to assent to unanimous consent being given to several Senators, and I do not think it would be fair to make a distinction.

EXECUTIVE SESSION.

Mr. SMITH. I move that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. I very much hope that that motion will not prevail.

Mr. VILAS. The question is not debatable.

Mr. SMITH. It is not debatable.

Mr. PETTIGREW. We have scarcely commenced the consideration of the Indian appropriation bill.

Mr. HILL. I rise to a point of order. The Senator from South Dakota can not debate the question.

Mr. PETTIGREW. Then I will call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

Mr. LODGE. On that motion I call for the yeas and nays.

Mr. SMITH. Very well; let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). Has the Senator from New Jersey [Mr. SEWELL] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Wisconsin. I withdraw my vote.

Mr. CALL (after having voted in the affirmative). I am paired generally with the Senator from Vermont [Mr. PROCTOR]. As he has not voted, I withdraw my vote.

Mr. COCKRELL. I am paired on this vote with the Senator from Maine [Mr. HALE]. I understand that he has a general pair with the Senator from Arkansas [Mr. JONES], who is not in his seat at this moment, but who, I understand, has voted. I then recognize my pair with the Senator from Maine [Mr. HALE]. He would vote "nay," if present, and I should vote "yea," if I were at liberty to vote.

Mr. BATE. I wish to state that my colleague [Mr. HARRIS] is unable to be here. He is paired generally with the Senator from Vermont [Mr. MORRILL], who is also absent from the Chamber.

The result was announced—yeas 35, nays 29; as follows:

YEAS—35.

Allen,	Daniel,	Lindsay,	Smith,
Bacon,	Dubois,	Martin,	Stewart,
Bate,	Faulkner,	Mills,	Tillman,
Berry,	Gibson,	Morgan,	Turpie,
Blackburn,	Gray,	Murphy,	Vest,
Blanchard,	Hill,	Palmer,	Vilas,
Caffery,	Irby,	Pasco,	Walthall,
Chandler,	Jones, Ark.	Pugh,	White.
Chilton,	Kenney,	Roach,	

NAYS—29.

Allison,	Gallinger,	Nelson,	Shoup,
Baker,	Gear,	Peffer,	Teller,
Brown,	Hansbrough,	Perkins,	Thurston,
Burrows,	Hawley,	Pettigrew,	Wetmore,
Cullom,	Lodge,	Platt,	Wilson.
Davis,	McBride,	Pritchard,	
Elkins,	McMillan,	Quay,	
Frye,	Mantle,	Sherman,	

NOT VOTING—26.

Aldrich,	Clark,	Hoar,	Sewell,
Brice,	Cockrell,	Jones, Nev.	Squire,
Butler,	George,	Kyle,	Voorhees,
Call,	Gordon,	Mitchell, Oreg.	Warren,
Cameron,	Gorman,	Mitchell, Wis.	Wolcott.
Cannon,	Hale,	Morrill,	
Carter,	Harris,	Proctor,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 24, 1897, at 11 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate February 23, 1897.

POSTMASTER.

J. W. Maloy, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania, in the place of Thomas C. Williams, whose commission expired January 7, 1897.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1897.

CONSUL.

Leonard C. H. Schlemm, of New York, to be consul of the United States at Cape Haitien, Haiti.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Osborn, to be a lieutenant-commander.
Lieut. (Junior Grade) Francis J. Haeseler, to be a lieutenant.
Ensign Joseph W. Oman, to be a lieutenant (junior grade).
Lieut. John B. Briggs, to be a lieutenant-commander.
Lieut. (Junior Grade) Edward Simpson, to be a lieutenant.
Ensign Philip Andrews, to be a lieutenant (junior grade).
Lieut. Newton E. Mason, to be a lieutenant-commander.
Lieut. (Junior Grade) William C. P. Muir, to be a lieutenant.
Ensign William H. Faust, to be a lieutenant (junior grade).
Lieut. Arthur P. Nazro, to be a lieutenant-commander.

Lieut. (Junior Grade) Edwards F. Leiper, to be a lieutenant.
Ensign Harold K. Hines, to be a lieutenant (junior grade).
Lieut. Commander Charles Belknap, to be a commander.
Lieut. William W. Kimball, to be a lieutenant-commander.
Lieut. (Junior Grade) Joseph H. Rohrbacker, to be a lieutenant.
Ensign Ryland D. Tisdale, to be a lieutenant (junior grade).
Lieut. Commander Fernando P. Gilmore, to be a commander.
Lieut. William P. Day, to be a lieutenant-commander.
Lieut. (Junior Grade) William S. Sims, to be a lieutenant.
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Lieut. Commander Eugene H. C. Leutze, to be a commander.
Lieut. John C. Wilson, to be a lieutenant-commander.
Lieut. (Junior Grade) Miles C. Gorgas, to be a lieutenant.
Ensign Friend W. Jenkins, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Louis S. Van Duzer, to be a lieutenant.
Lieut. (Junior Grade) Wilson W. Buchanan, to be a lieutenant.

PASSED ASSISTANT SURGEONS.

Lloyd W. Curtis, from July 6, 1885.
Henry B. Fitts, from July 6, 1885.
Victor C. B. Means, from June 3, 1887.
Frederick J. B. Cordeiro, from June 26, 1887.
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Henry D. Wilson, from April 22, 1895.
Lewis Morris, from June 27, 1895.
John M. Moore, from November 11, 1895.
Brownlee R. Ward, from January 14, 1896.
Edward M. Shipp, from March 20, 1896.
P. A. Surg. Lloyd W. Curtis, to be a surgeon.
Medical Inspector James R. Tryon, to be a medical director.
Surg. George P. Bradley, to be a medical inspector.
P. A. Surg. John W. Baker, to be a surgeon.

APPOINTMENTS IN THE NAVY.

Dean R. Leland, a citizen of New Jersey, to be a chaplain.
John H. McJunkin, a citizen of Iowa, to be a chaplain.

POSTMASTERS.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota.

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E. J. Martin, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 23, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LIEUT. ROBERT PLATT.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read.

Mr. BARTLETT of New York. I desire to reserve the right to object.

Mr. MILNES. Reserving the right to object, I should like to hear the report read.

Mr. FISCHER. I send to the desk the report of the House committee, which is virtually a copy of the Senate report.

The report was read.

Mr. BARTLETT of New York. Reserving the right to object, I should like to have the gentleman explain the bill fully and tell us why this extraordinary bill should pass. I do not think the report is satisfactory.

Mr. FISCHER. I had supposed that the report, containing as it does the letter of the Secretary of the Navy, would most fully explain the purport of the bill. Lieutenant Platt was a volunteer naval officer during the war. If the documents accompanying the report, which the Clerk did not read, should be read, I am satisfied that my colleague [Mr. BARTLETT of New York] would agree that the bill should be passed, for by those letters and in reports of battle it appears that during the war Lieutenant Platt received special commendation for his services. The Secretary of the Navy is desirous that this bill should pass. In view of the peculiar office held by Lieutenant Platt, the Secretary may not retire him unless a bill of this kind shall become a law. The Secretary in his letter asks that the bill may be enacted.

Mr. BARTLETT of New York. Why should we select one officer and promote him out of the regular line of promotion? What excuse is there for such a course?

Mr. FISCHER. Let me say further that, as stated in the letter—I presume my colleague listened to the reading of the report——

Mr. BARTLETT of New York. Yes; but I do not think the letter is clear at all.

Mr. FISCHER. By reason of his peculiar position in the Navy, Lieutenant Platt is the only man who is not permitted to receive promotion. He is not in the line of promotion.

Mr. BARTLETT of New York. How is that?

Mr. FISCHER. Because he holds his office under a special act of Congress.

Mr. BARTLETT of New York. Has he not been rewarded enough?

Mr. FISCHER. No, sir. For meritorious service rendered during the war he has received less than any other naval officer.

Mr. BARTLETT of New York. What is the amount of money involved?

Mr. FISCHER. The half pay of a commander. He will be retired on the 14th of this coming March; and unless this act is passed he will be retired from the Navy without pay.

Mr. BAILEY. If that is true, I object, if it is the purpose of the bill to retire anybody.

Mr. FISCHER. He does retire, as a matter of course, on the 14th of March.

Mr. BAILEY. You say unless this bill is passed he can not retire.

Mr. FISCHER. He retires without pay.

Mr. BAILEY. I am of the opinion that any man who retires from work ought to retire without pay, and I object.

The SPEAKER. Objection is made.

RESERVOIR AT GULL LAKE, MINNESOTA.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9756) to amend the river and harbor act of August 18, 1894.

The bill was read, as follows:

Be it enacted, etc., That the provisions in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law August 18, 1894, which provides that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for the reservoir and dam at Gull Lake, headwaters of the Mississippi River, in the State of Minnesota, be, and is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let us have the report read, Mr. Speaker.

Mr. HOOKER. Let the report be read.

The SPEAKER. The report will be read, subject to the right to object.

The report (by Mr. TOWNE) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred House bill 9756, submit the following report:

The river and harbor act passed at the last session of Congress contained an appropriation of $80,000 to continue the improvement upon the reservoirs at the head of the Mississippi River, which, together with the amount of $5,374.97 remaining on hand from the last preceding appropriation, makes a total of $85,374.97 available for the purpose. But the act of 1894 contained a condition that the United States should not be subject to any cost or expense due to overflowing land or property necessarily taken in the construction of the Gull Lake Reservoir. This bill removes that limitation. The subjoined letter from the Acting Chief of Engineers, United States Army, fully explains the reason for the enactment:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 9, 1897.

SIR: I have the honor to return herewith a letter, dated the 7th instant, from the chairman of the Committee on Rivers and Harbors of the House of Representatives inclosing, for the views of the Secretary of War thereon, House bill 9756, Fifty-fourth Congress, second session, "A bill to amend the river and harbor act of August 18, 1894."

The river and harbor act which became a law August 18, 1894, in the item making appropriation for the care and maintenance of reservoirs at the headwaters of the Mississippi, authorizes the construction of a reservoir and dam at Gull Lake, Minnesota, but specifically provides that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for this reservoir and dam. This provision is a continuing one and prevents the application of not only the money appropriated by the aforesaid act, but of that appropriated by the subsequent act of June 3, 1896, in payment for any land, or in liquidation of any damages that may be inflicted upon land by flowage as a result of the construction of this dam.

While the right to overflow some of the adjacent lands has been given gratuitously to the Government, there are a few tracts of improved property the owners of which will not grant the right to overflow without payment by the Government for the damages inflicted. As the construction of the reservoir will necessarily inflict damage upon this land, and as the owners demand payment for such damages, it has been found necessary, on account of the restriction in the act of August 18, 1894, to suspend operations on the work.

The removal of the restriction is absolutely necessary to permit the prosecution of the improvement, and assuming that it is the intention of Congress that the work shall proceed, the passage of the bill under consideration is recommended.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

For the reasons indicated in this letter your committee are unanimously of the opinion that the bill should pass.

Mr. DOCKERY. I desire to ask the gentleman from New York what is the value of the land that it is supposed will have to be paid for?

Mr. HOOKER. I am unable to state, but it is not a very large amount, as only a few persons have refused to donate the land.

Mr. DOCKERY. I shall be glad to have some authoritative statement on the subject.

Mr. HOOKER. My friend from Minnesota [Mr. FLETCHER], who is interested in the matter, can probably make a fuller explanation than I can.

Mr. FLETCHER. Mr. Speaker, between $700,000 and $800,000 has already been expended on this reservoir system. This relates to the completion of the last reservoir. All of the mill sites, all of the pine lands, and all the property involved has been specifically donated except a few pieces owned by individuals who refuse to donate, and the estimate of the engineer in charge is that the expense will be between $5,000 and $8,000, certainly not to exceed $10,000 or $12,000 at the outside. After the expenditure of the large amount which I have stated, it is necessary to expend these few thousand dollars more, but the money will be taken out of the appropriation already made. The bill does not carry any new appropriation.

Mr. DOCKERY. Will it not require an additional appropriation in the future?

Mr. FLETCHER. I think not. I think this is intended to complete the work.

Mr. TERRY. I should like to ask the gentleman if, when this proposition first came up before the Committee on Rivers and Harbors, they were not assured that the people who owned the property adjacent, which might be affected by the overflowage, would, in consideration of the Government granting this appropriation, not demand any damages?

Mr. FLETCHER. To a certain extent that was true, and the principal owners did not demand anything.

Mr. TERRY. Now, since they have got the appropriation, they want to come back and demand payment?

Mr. FLETCHER. Let me answer one question before you ask another. The mill owners and all the principal property owners have donated the land, or given the right of flowage, but there are a few who refuse.

Mr. TERRY. There are a few who want to hold us up in the matter.

Mr. FLETCHER. There are a few whom there is no way to reach except by condemnation. I will ask my colleague [Mr. TOWNE] to explain this matter, as it is in his district.

Mr. TERRY. I should be very glad to have some explanation.

Mr. TOWNE. I will say in explanation that of course, when you come to build a reservoir which requires the use of a large amount of land, you have got to pay for the land. So much as has already been donated is so much gained. At the time of the passage of the act of 1894 providing for this appropriation for the extension of these reservoirs it was supposed that all of these lands which would be overflowed in the construction of this reservoir, which is the last one of the system, would be donated for the purpose. When the river and harbor act of 1896 was passed, that provision of the act of 1894 was lost sight of. When, therefore, the appropriation added to the $5,000 for the Gull Lake reservoir was proposed to be expended, it was found that not all the property required by the overflow of the reservoir had been conveyed to the Government, and therefore the appropriation could not be availed of unless that restriction of the act of 1894 was done away with.

Mr. TERRY. If you do away with the restrictions, you thereby subject the Government to claims for damages.

Mr. TOWNE. It is not properly claims for damages, but part of the expense of building the reservoir.

Mr. TERRY. I understand that. You have spent $84,000, or whatever it is. Now, why not have a proviso in this bill providing that nothing herein contained shall authorize any greater charge or expenditure than the amount originally appropriated?

Mr. TOWNE. I do not think there would be any objection to that.

Mr. FLETCHER. The only trouble is it would have to go back through the Senate.

Mr. TERRY. I think you had better have a limitation.

Mr. LOUD. If the gentleman from Arkansas does not desire to ask further questions, I would like to ask if the refusal to pass this bill will prevent the completion of this work?

Mr. TOWNE. Absolutely.

Mr. LOUD. Then I object. If it is possible for one man to prevent any more of this foolishness, I shall object.

Mr. TOWNE. The gentleman is acting in entire ignorance of the subject.

EMMA WEIR CASEY.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2729) granting a pension to Emma Weir Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of $75 a month.

Mr. BLUE. I object.

Mr. WHEELER. I ask unanimous consent to make a statement.

The SPEAKER. The gentleman asks unanimous consent to make a statement. Is there objection?

Mr. BLUE. I shall not object to that; but no pension of $75 can pass if my objection will prevent it.

Mr. WHEELER. Will you be content to make it $50?

Mr. BLUE. Yes, sir; but under no other circumstances.

Mr. WHEELER. Then I ask to have the bill amended so as to make it $50.

Mr. BLUE. With that understanding, I withdraw the objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none. The Clerk will read the amendment.

The Clerk read as follows:

In line 8 strike out the word "seventy-five" and insert the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I submit a conference report on the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company." I do not care to ask the attention of the House to it this morning. I ask that it be printed in the RECORD, and give notice that I will call it up to-morrow at the earliest time I can get recognition.

The SPEAKER. The gentleman asks that the report be printed in the RECORD. If there be no objection, it will be so ordered.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. If that conference report is submitted in this manner, does it not lose its privileged character?

The SPEAKER. The Chair is of the impression that it does not.

Mr. POWERS. I have no objection to it being considered at this time.

Mr. McMILLIN. It clearly does not lose its privileged character simply because of the fact that it has been presented and printed.

Mr. BAILEY. It is not so clear as the gentleman imagines.

The SPEAKER. The Chair does not think it loses its privileged character.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to," where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words:

"Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were incurred, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding, or since the appointment of any such receiver, but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."

Strike out the words "legally chargeable against said old corporation," in the amendment of House numbered 2; and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of lands shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also after the word "of," in line 12 of said amendment, insert the word "any."

Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

O. H. PLATT,
DAVID B. HILL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 1832, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company."

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1865. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2, with respect to the liability of the purchases for the unsecured debts of the old company, is enlarged to cover the instructions of the House to the conferees on January 29, 1897 (CONGRESSIONAL RECORD, page 1378), and is in accord therewith.

The insertion in detail of all such debts, demands, and liabilities under such instructions renders ungrammatical and unnecessary the words "legally chargeable against said old corporation," and for this reason only they are stricken out.

The amendments of the House numbered 3, 4, and 5 are accepted by the Senate conferees.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the Senate conferees insisted that such liability should be applied to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard, as illustrated by the general railroad land-grant forfeiture act of September 29, 1890, section 3 (26 Stat L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7 is accepted by the Senate conferees.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

JERUSHA STURGIS.

Mr. KIEFER. I ask unanimous consent for the present consideration of the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis.

The bill was read at length.

Mr. MILNES. Let us have the report read before leave is given.

The Clerk proceeded to read the report.

Mr. MILNES. We can not hear.

The SPEAKER. The request is made for order. The Chair again begs leave to remind the House that the passage of this bill, and any other presented in this way, requires unanimous consent, and every member becomes personally responsible in regard to it; and unless there can be silence, it is impossible for members to do their duty, and the Chair supposes they intend to do so.

Mr. SAYERS. If that be the case, and everyone is responsible, I call for the regular order.

The SPEAKER. Every member is responsible for the passage of bills which require unanimous consent.

Mr. SAYERS. I do not doubt it, and I call for the regular order.

The SPEAKER. The regular order is called for.

HUGH M'LAUGHLIN.

The SPEAKER laid before the House the bill (H. R. 1515) for the relief of Hugh McLaughlin, with Senate amendment.

The amendment of the Senate was concurred in.

GEORGE I. SPANGLER.

The SPEAKER also laid before the House the bill (H. R. 4424) to correct the military record of George I. Spangler, with Senate amendment.

The Senate amendment was read and concurred in.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10336, and the Clerk will resume the reading where it was stopped at the time the committee rose yesterday.

The Clerk read as follows:

Naval station, Puget Sound, Washington: One clerk, at $1,200; 1 rodman inspector, at $3.50 per diem; 1 messenger and janitor, at $1.76 per diem, including Sundays; in all, $2,937.90;

Naval station, Port Royal, S. C.: One clerk, at $1,200; 1 rodman and inspector, at $3 per diem; 1 messenger and janitor, at $1.50 per diem, including Sundays; in all, $2,688.50.

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. By unanimous consent, at the request of the gentleman from Massachusetts [Mr. BARRETT], that paragragh was passed over informally.

The Clerk read as follows:

In all, civil establishment, Bureau of Yards and Docks, $67,110.44; and no other fund appropriated by this act shall be used in payment for such services.

Mr. BARRETT. Mr. Chairman, that also ought to be passed over in connection with the preceding paragraphs.

Mr. BOUTELLE. To how many points does the gentleman propose to address himself?

Mr. BARRETT. The paragraph just read is simply a recapitulation of the other two, and if they are passed over this must of necessity be passed over also. It is a mere summing up.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BARRETT] asks unanimous consent that the paragraph just read be passed over informally with the points of order raised and pending thereon. Is there objection?

There was no objection, and it was so ordered.

The Clerk read as follows:

Navy-yard, Boston, Mass.: For swinging gates for dry dock, $10,000; additional culverts in caisson for filling dry dock, $4,500; in all, $14,500.

Mr. BARRETT. Mr. Chairman, I propose to offer an amendment to this paragraph, but before offering it I should like to have the attention of the committee for a few minutes——

The CHAIRMAN. The gentleman must first offer his amendment, in order that there may be something before the committee for him to speak to.

Mr. BARRETT. I think it has always been held, Mr. Chairman, that where a member rises and says that he proposes to offer an amendment to a pending proposition he may be allowed to make a statement before he offers it, but if the Chair insists upon the point, I will now send the amendment to the desk.

The amendment was read, as follows:

On line 2, page 18, insert, after the word "dollars" where it first occurs in that line:

"For construction of a concrete dry dock, the total cost of which shall not exceed $1,000,000, the contract for which the Secretary of the Navy is hereby authorized to make, $100,000."

Strike out "fourteen thousand five hundred" and insert "one hundred and fourteen thousand five hundred."

Mr. SULLOWAY. Mr. Chairman, against that amendment I desire to reserve a point of order.

The CHAIRMAN. The point of order is reserved, and the gentleman from Massachusetts [Mr. BARRETT] is recognized on the point of order.

Mr. BARRETT. Mr. Chairman, the House kindly set aside its rule yesterday and allowed me fifteen minutes to debate this matter. Inasmuch as I propose in a general way to speak on the whole dry-dock question, I shall ask the indulgence of the House, in view of the extent of the subject, if I am compelled to trespass for a few minutes longer. I should like to have the attention of the committee——

The CHAIRMAN. Will the gentleman from Massachusetts kindly state whether this is the point at which he desires to occupy the fifteen minutes accorded to him?

Mr. BARRETT. I wish to call the attention of the committee to one of the most important parts of a naval establishment, which, for some reason or other, has been left without any favorable consideration by the Committee on Naval Affairs. I do not wish to invade the sacred precincts of that committee room, and therefore shall not discuss any reasons why or why not the committee has neglected to make any suggestions or recommendations in regard to the building of dry docks.

Mr. BOUTELLE. Will the gentleman permit the chairman of the committee thus seriously arraigned——

Mr. BARRETT. Not seriously "arraigned."

Mr. BOUTELLE (continuing). To say that we failed to find any recommendation for any such appropriation in the estimates of the Navy Department.

Mr. BARRETT. Mr. Chairman, I am willing to yield to any member on the floor for any proper question. I propose to answer the suggestion which I have thus brought out from the chairman of the Committee on Naval Affairs, but I do not wish to have the time occupied by interruptions taken out of the too short time allowed to me.

Now, everybody who knows anything about naval affairs knows that the most important feature of a modern navy, outside of warships, is dry docks.

I need only recall the fact that Great Britain has 43 dry docks, 18 of which are at the harbor of Portsmouth, and that France has 34 dry docks, while the United States has only one on each coast large enough to hold its largest ships, to make the Committee of the Whole recognize the importance of this question.

The best naval authorities in Great Britain, discussing the question of war with France, admit that, though the coast of France is only 150 miles away from that of Great Britain, it would be impossible to keep in actual service on the coast of France more than two out of three of the British war vessels supposed to be in active service. That is, within a radius of 150 miles from the basis of operation one ship out of every three must be constantly in the docks.

Now, Mr. Chairman, we build a navy, I suppose, with the apprehension that at some time we must go to war with it. We do not build our Navy for yachting or for purposes of pleasure. We build it to fight.

To fight with whom, Mr. Chairman?

There are only two nations on the face of the globe from whom by reason of a suitable naval base we have anything to fear in connection with naval warfare. The first is Spain, who has a base of operations in Cuba. But for this purpose she need not be considered. If this country had done its duty, the navy of Spain would have been wiped off the surface of the ocean months ago, or else she would have treated American citizens with that decency which every other nation, weak or powerful, compels, or tries to compel, from every nation on earth. [Applause.]

Spain is not dangerous to us.

How about Great Britain? Great Britain has two bases of operations against our eastern coast.

The first is at Halifax; the second is at Bermuda.

Bermuda is distant from Norfolk, where we have a navy-yard, 660 miles. It is distant from Port Royal, where we have another navy-yard, 800 miles. That is, the nearest distance to Bermuda for our naval base is 660 miles.

What have the British at Bermuda? They have a great floating dock into which every war vessel of the British navy can go; they have great shops, covering acres of ground, from which not only one but many war vessels can be repaired at a time. What have we at Port Royal, which is distant from Bermuda 800 miles? We have a dry dock which our large war vessels can get on only about seven days in every month, and into which under no circumstances can the largest vessel in our Navy find entrance.

Now we come to the other part of the Atlantic Seaboard of the United States. There we find, 480 miles away from Boston, the port of Halifax.

What about that port?

Ever since the *Louisburg* was captured by General Pepperill and New England troops, in 1745, and afterwards returned to Great Britain in 1763, and its works destroyed—ever since then the port of Halifax has been armed, fortified, and developed by the power of Great Britain until it is to-day one of the strongest naval posts on the globe.

What have they in Halifax? They have a great granite dry dock in which the largest vessels can find a place for repair. They also have a great ship railway upon which a vessel of 3,000 tons can be taken out and thoroughly repaired. They have shops covering acres of ground, and as well equipped for repairing as any shops in the United States of America. They have a regular garrison. They have a citadel and forts which make the place impregnable.

Now, that will be the great center of British operations on the Atlantic seaboard.

From there, if a war should come, the British vessels, close by their field of coal supply and close by that great naval base, would break out to make war on the United States. Where would that battle be fought, if fought it should be? It would be off the coast of New England.

And where would the American fleet find a place for repairs in case of any disaster?

As at present constituted no vessel of any size could find a dry dock, and without a dry dock none of these great iron vessels can be repaired short of the navy-yard at New York; and the navy-yard at New York is not only hundreds of miles away, but the course to it lies around Cape Cod, one of the most dangerous points of navigation along the Atlantic coast, whose sands are absolutely filled with the rotting hulks of vessels which have been wrecked there for the last two centuries and a half.

Have we no navy-yard on the New England coast where this work of repair could be done?

Why, of course we have. We have there one of the largest, and certainly, so far as machinery is concerned, the best equipped of all the navy-yards owned by the United States. Yet for the last dozen or more years that big navy-yard, which must inevitably be the base of all operations in case of war with England, has not only been neglected but almost suffered to fall into dismantlement because of the policy of the Navy Department.

Mr. Chairman, we will suppose that that battle is fought where I say. Every naval officer will agree with me on this proposition. We will suppose an American ship is injured below the water line. I make the statement that Congress has made no provision by which any repairs can be made. Any vessel thus injured must be irretrievably lost. And when I make that statement I give the very best reason why this dry dock should be constructed at Boston. It is an essential part of any system of defense against a naval antagonist.

Let me illustrate my point by what is going on in the State of Washington.

The British have within the last few years erected a great naval station at Esquimalt, situated near Vancouver; and they have put in there a great concrete dry dock. They intend to make that their naval base on the Pacific Coast. They have great shops there, too.

What have we done there? We have in the last few years gone out to Puget Sound—13 miles away from any considerable town (that distance across the Sound from Seattle), at a place where there is no railroad; where they had to clear away the underbrush in order to make a naval station; at a position which can not be defended by torpedoes because of the depth of the water, and whence the opening into the broad waters of Puget Sound is so wide that a competent naval authority tells me this morning he would not hesitate, in spite of the forts, to put through any ship of which he was in command—at a place which thus can not be defended we are establishing a naval depot in opposition to that of the British at Esquimalt. We have built a great dry dock up there, and, so far as anybody knows, that is all there is there at the present day——

Mr. DOOLITTLE. Not at all.

Mr. BARRETT. I quote the statement of an authority at the Department—with the exception of five or six houses for officers, a machine shop now in process of completion, and a little village near by. I am glad that a naval establishment is being constructed there. It ought to have been built. We must offset that at Esquimalt.

But as compared with the immense interests on the Atlantic Seaboard menaced by the works located at Halifax, for which no provision has been made—as compared with this immense danger, I say the threat to be apprehended at Puget Sound from Esquimalt is hardly to be put into the balance and weighed against it.

You might destroy all the property in the States of Washington and Oregon; you might sweep it all out of existence to-morrow; and you could find on the coast of New England property of immensely more value to be destroyed, as well as more strategic advantage to be gained in the event of success, than on the whole Pacific Coast of the United States.

Now let me tell you what our dry docks consist of to-day. I wish the members of this House could see this diagram which I have had brought here from the Department. It shows that we have five or six of what we call large dry docks, at New York, Philadelphia, Norfolk, Port Royal, Mare Island, and Puget Sound. In only one of them (New York) on the Atlantic Coast, and in the new one (Puget Sound) on the Pacific Coast, can the largest war vessels of our Navy find refuge.

The one at Norfolk will not hold such vessels; the one at League Island will not hold them; the one at Port Royal will not hold them; the one at San Francisco will not hold them.

We do not especially need dry docks south of Norfolk. My friend, the chairman of the committee, well knows——

Mr. BOUTELLE. The gentleman will please not refer to me to confirm statements that are absolutely erroneous.

Mr. BARRETT. If, when I get through, Mr. Chairman, the gentleman will say it is erroneous, I will apologize. I repeat, as my friend the chairman of the committee well knows, south of Norfolk the shallowness of the waters renders all our South Atlantic coast practically impregnable against any of the great battle ships of a foreign power. It is along the northerly coasts where deep water is to be found—here we must make our defense against this kind of attack. No provision has been made for it, except a single dry dock at the New York Navy-Yard, and that, as you know, in time of war, would be absolutely incapable of furnishing the supply which is necessary in case of the great demand that would then be made upon it.

Let me give you the dimensions of the various dry docks on the Atlantic Coast. That at Boston, which every naval officer who has ever written on the subject says must be the central base of all naval operations in case of war with England, is 280 feet long. Those at Philadelphia, Norfolk, and Port Royal are 410 feet long, and the one at New York, the only one, as I say, capable of holding our large war vessels, is 560 feet long.

Now, how does it happen, Mr. Chairman, that the demands of the country for a naval base at Boston have not been met?

I can only answer that by referring to the legislation on this subject. I find that the New York and Norfolk navy-yards 410-feet docks were authorized by a vote of this House, which passed in the spring of 1887. This was done by an understanding that the then Secretary, Mr. Whitney, of New York, should designate those two yards.

I find that no appropriation was ever made for the New York dock now building, because the Administration sold enough land off of the navy-yard premises to pay for that dock.

I find that at Puget Sound and Port Royal docks were authorized in 1890 and 1891. When I tremulously asked the question at the Department why they ever established a naval station at Port Royal, I was told that, after all, "considerations of locality and of politics weighed very much in such matters."

I will say that New England does not ask this dry dock on account of locality or of politics. We have found in the last half dozen years that our naval interests have been sedulously set to one side, but we do say that for the interest of the country, in case of the only possible war which we could have on the ocean, this dry dock should be established in Boston, or else we are practically defenseless for the protection of our coasts against a foreign fleet.

I will not go into the advantages of Boston. I dismiss that in a sentence.

It is the natural base of operations. There are plenty of workmen of the most approved skill to be had there for the asking. It is a place well defended already by the Government, because of the great commercial importance of Boston. It is a harbor whose equal may be found, but whose superior does not exist in the country.

Now, my friend the chairman of the committee [Mr. BOUTELLE] intimated—and I trust it was no more than an intimation—that the reason why this appropriation was not authorized by the Committee on Naval Affairs was that no estimate was furnished by the Navy Department. I wish to say, as illustrating the methods employed in this Administration, that the proper head of a department in the Navy Department was directed by the present Secretary of the Navy not to put in his annual report any reference to dry docks.

The man who knows more about the subject by virtue of his position than any naval officer in the country, when making up his annual report, was informed by the Secretary of the Navy that he did not want any reference made therein to any new dry docks.

Then, what did the Secretary of the Navy do? I say this in all kindness. I bring up no sectional question. I do not allude to the very noticeable amount of money that has been expended at the Norfolk Navy-Yard during this Administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. I ask the House to allow me to finish this. It will only take two or three minutes.

Mr. McCALL of Massachusetts. I ask unanimous consent that the gentleman be allowed five minutes.

Mr. WATSON of Ohio. I suggest that the gentleman be allowed to complete his remarks.

The CHAIRMAN. Is there objection to the request that the gentleman be allowed five minutes more?

There was no objection.

Mr. BARRETT. I shall be very brief. The Secretary of the Navy having already directed that the officer of the Department who knew all about this subject should make no reference to it in his report, I find that the Secretary of the Navy himself comes in with the following recommendation for a yard which already has two dry docks; for a yard which, within the memory of members of this House, has had immense sums appropriated for its development; for a yard which occupies no strategic naval position in regard to any possible foreign war—I find the Secretary of the Navy, having, as I said, directed that the proper officers of the Department should suppress all reference to the subject in their reports, in his own report uses the following language:

> At the navy-yard, Norfolk, a dry dock of sufficient size to take in the longest, widest, and deepest draft ships is very much needed. It is therefore recommended that a dock of the following dimensions be appropriated for at that place: Length on floor, clear, 650 feet; width of entrance, 100 feet; depth at mean low water, 30 feet.
>
> This dock the Department recommends to be built of concrete, which possesses advantages over stone, first, in that the structure would be a monolith; second, more readily repaired; third, much cheaper. Its advantages over wood are durability and dryness. Estimated cost, $1,000,000.

It must strike gentlemen as being a little peculiar that as to this great navy-yard at Boston, on which I have challenged contradiction of its being the great strategical point of probable naval warfare, that this bill only appropriates for improvement and extension $14,500, while the Norfolk yard, that under no possible circumstances in case of war could be of so much importance, gets $130,000, while Philadelphia gets $190,000, and Brooklyn $133,000.

I repeat, with no desire to do anything which is disadvantageous to either of the other yards, that the Boston yard is better equipped to-day in machinery and in every other quality, except a dry dock for the repair of our great war vessels, than either of the other yards. Yet it has for the last ten years been set aside resolutely, because the administration of the Navy Department for the last three Presidential terms in this country has been devoting itself to the extension of the Norfolk and New York yards.

Now, Mr. Chairman, one more point, and I am done. I am satisfied from what I have learned of this question, and I think no member of the Commitee on Naval Affairs can dispute my position, Philadelphia is the best place to build the ships of all navy-yards. Board after board of naval officers has reported to that effect. That city has all the natural advantages and everything there to enable it to build ships cheap and to the advantage of the Government, yet not a single ship of the new navy has ever been built in the Philadelphia Navy-Yard. Every one of them has been built, so far as navy-yards on the Atlantic coast are concerned, either at Brooklyn or Norfolk, Va. I was told by a responsible party in the Navy Department, "You must remember that they are in doubtful States."

"Doubtful States," Mr. Chairman!

Has it come to that, that the building of vessels for the new

Navy in the navy-yards of the United States is not carried out where it can be done cheapest and best for the Government, but for some political consideration?

Now, as I was saying, Philadelphia is the great——

Mr. HALL. Will the gentleman state who in the Navy Department stated to him that the reason battle ships were not built at Philadelphia was because these other States were "doubtful?" Was it anyone who was authorized to speak for the Department?

Mr. BARRETT. I trust the gentleman will not press me on that point. I simply state that a prominent officer in the Navy said that to me. Did he not tell the truth?

But I do not ask that Boston shall be made a place to build ships. I admit that the best place for the construction of ships is the place nearest the coal, iron, and other materials used in their construction; but I do say that when the stress of war comes on this country, if it ever does come, that the place where that conflict will be made is Massachusetts Bay; and the place to have ready to repair your damaged ships in such event is the place nearest to which they can fly, and that place is on the New England coast. My friend from New Hampshire [Mr. SULLOWAY] has reserved a point of order. That will be discussed later.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. I thought I was to have reasonable time to conclude my remarks. I can conclude in three minutes.

The CHAIRMAN. The gentleman asks that his time be extended for three minutes further. Is there objection? [After a pause.] The Chair hears none.

Mr. BARRETT. I have no quarrel with the Portsmouth (N. H.) Navy-Yard, nor with any other navy-yard. The citizens of this country demand, and that is confirmed by every naval authority in the country, that we should make some provision for maintaining a place to repair these great warships within a reasonable length of distance from where the inevitable conflict must come, if we ever get into a war with England.

Now, Mr. Chairman, I wish to disclaim absolutely and utterly any selfish interest in this matter. If gentlemen can prove to me that any other port than Boston is a better place than that is, I will vote for the construction of a dry dock elsewhere than at Boston. I think I have proved that the New England coast is the place where this great conflict must occur, if any comes. If I have not done so, I will withdraw all claims for Boston. If you are to have a Navy for actual use and service in time of war, you may build battle ship after battle ship, and make your Navy big enough to stretch from the Atlantic around Cape Horn to the Pacific, but if you have not a suitable provision on the Atlantic coast, within a reasonable distance of the probable battle zone, where repairs can be made, the whole Navy will only be a fleeting show, an idle pageant, simply for display in naval parades in times of peace, and of no earthly use when the great stress comes in times of war.

Mr. Chairman, I hope we will never have use for the Navy in time of war. I sometimes doubt very much that we will ever have to use a navy in battle. I hope there will come up no occasion when we will have to use it, as little Greece has to-day. Little Greece, with her little, sparse, scantily settled country, is challenging the admiration of the whole civilized world by sending her navy in the cause of humanity and of civilization for the relief of that little Island of Crete. She is able to do so because she has made for herself along the coast of the Piræus proper naval arsenals, which furnish the basis for the operation of these vessels.

I ask members of this House to consider carefully whether a great wrong has not been done the people of this country in thus leaving our New England coast, and inferentially our whole Atlantic coast, without provision for the repair of naval vessels in case of war with England, in the only location where they can go for repair, the only location where a dry dock can then be of any service in the defense of the country.

With that, gentlemen, I am done. [Applause.]

Mr. DOOLITTLE. I move to strike out the last word.

The CHAIRMAN. There has been a point of order made against this amendment. Does the gentleman desire to be heard on the point of order?

Mr. DOOLITTLE. I desire to discuss the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Washington on the point of order.

Mr. DOOLITTLE. Mr. Chairman, I have supposed that at all times when men were seeking advantage of relief for their own localities from the Congress of the United States in addressing themselves to the subject they would feel it rather wise than otherwise not to attack other sections of the United States, and I did not suppose that in supporting this amendment the gentleman from Massachusetts [Mr. BARRETT] would find it either necessary or pleasant to make an attack upon other sections of the country. He attacks the Pacific Coast and attempts to belittle the value of property there and of the settlement of that region, and incidentally, it seems to me, the citizenship of that part of the country.

Now, Mr. Chairman, speaking of the Port Orchard dry dock, on Puget Sound, that dry dock was located after the fullest investigation by the officials of the Navy Department. Commissions were sent out there repeatedly, and the whole ground was examined, the whole situation was looked into. The dry dock at Port Orchard is advantageously situated, and, as I understand, is the largest dry dock now in the United States. Right across the Straits of Fuca from the mouth of Puget Sound the British Government has a great outpost. That place is the headquarters for the British fleet in the Pacific Ocean. The British have invested many, many millions of dollars in fortifying that place, and within 30 miles of Puget Sound is one of the most important of the British outposts.

Gentlemen will remember that a transcontinental line runs through the British possessions from the Atlantic to the Pacific, and that probably as fine coal fields as exist in the world are within the soil of British Columbia. They will understand, also, that that coal supply is of vast importance to a fleet operating in the Pacific, and with this great railway and with their outlet the British have us at a great disadvantage; so it is all important to the United States that a place where war vessels can be repaired at any time should be established and maintained as near as possible to that British outpost. For that reason Port Orchard has been selected as the site for a navy-yard and a dry dock.

I see no reason for criticising the action of the Navy Department in that behalf. On the contrary, I believe that Congress and the Navy Department are to be commended for that action. This Port Orchard navy-yard or dry dock is not "away from everybody," or anything of that sort. It is easy of access from the cities of Puget Sound, and it is surrounded by a settlement which is a pretty dense settlement in some places. It is advantageously located in all respects. It seems to me, Mr. Chairman, that in discussions of this kind some regard ought to be had for all portions of our country. I would be with the gentleman from Massachusetts for an appropriation for his proposed dry dock. I have always been willing, ever since I have been in Congress, to assist other members in accomplishing desirable legislation, and never have I for a single moment permitted myself to tear down, with the idea of benefiting myself or my constituents, or to object to some other member's proposition, with the idea of retaliating or accomplishing something for myself. I feel such a course to be beneath the dignity of a Representative in the Congress of the United States. I think we ought to display patriotism here upon these subjects as upon all others affecting the interests or the protection and welfare of the whole nation. That is the attitude I have always taken, and it is the attitude I shall always preserve on this floor and elsewhere as a citizen of this country or as a representative of the people of the United States. [Applause.]

Mr. BARRETT. Mr. Chairman, I wish to say to the gentleman from Washington [Mr. DOOLITTLE], who could not have heard what I said, although he sits right behind me, that I expressly stated that I was in favor of the Puget Sound dry dock.

I took it simply as an illustration to prove that we are by every consideration at least equally entitled to a like naval basis on the New England coast.

Now, I propose to use the gentleman's own arguments to demonstrate that proposition.

He says that right opposite to this station on the Pacific coast is the terminus of the great Canadian Transcontinental Railroad. Well, sir, Halifax is the other end of that Transcontinental Railroad, and Boston stands in the same relation to Halifax that Port Orchard does to Esquimalt.

The gentleman speaks of the great deposits of coal in British Columbia. The great deposits of coal in Canada are around Halifax, and they help to make Halifax the great British naval station on the Atlantic that Esquimalt is on the Pacific.

The gentleman says that I spoke of this Pacific dry dock being not easy of access. I did, and I told the truth. I said it was 13 miles from Seattle, and that it had no rail communication with that or any other city.

Mr. DOOLITTLE. Naval vessels, however, do not travel by rail.

Mr. BARRETT. But supplies do. Therefore, Mr. Chairman, I say that if there is one argument for establishing a great dry dock at Port Orchard, there are at least a hundred for establishing such a dry dock on the New England coast.

I congratulate my friend from Washington upon having achieved so great a success in getting that dry dock established on his coast. I regard it as the best possible argument for establishing a similar dry dock in a part of the country where there are ten times as many people, ten times as much property, and where there is ten times as much danger of a naval conflict.

Mr. DOOLITTLE. I regard American soil everywhere as sacred, whether there are people living upon it or not.

Mr. BARRETT. So do I; and I invite the gentleman to help to protect it everywhere.

Mr. SULLOWAY. Mr. Chairman, I reserved the point of order

on this amendment to enable the distinguished gentleman from Massachusetts [Mr. BARRETT] to call attention to the general subject of dry docks and their importance. In much that he has said I agree with him. His argument is in favor of the right thing at the wrong place. New England merits and deserves a dry dock. I am not now to discuss the question whether it should be located at Charlestown or not. If I were to do so, I think I could satisfy this House that that is the most inappropriate place under our flag. Boston Harbor has a large area of flats covered with but little water, with a narrow, crooked, snake-like channel winding round the ledges, and it would be a practical physical impossibility to get a war ship into Charlestown Harbor, and that if, in the chapter of accidents or the providence of God, you should get one into a dry dock there and should have occasion to use that vessel at sea, the only way you could get her out would be to take her to pieces, transport her overland by freight to Portsmouth, set her up and launch her there, where there is water enough to float any vessel, where we have 60 feet of water 4 miles inland at low tide. At Charlestown Harbor a merchantman of ordinary size can not turn around. And it is a matter of newspaper notoriety that almost every day the coasters, in endeavoring to get from Boston Harbor to sea, go ashore on the ledges and reefs.

I sympathize with my friends from Boston who want to make Charlestown a seaport town. I will cheerfully vote for all the appropriations which may be needed to enable them with dredging machines to dig out the mud in Charlestown Harbor, to tear out the rocks and ledges which now present an impassable barrier from the high seas into that harbor for a ship of any magnitude. With them, I say, I sympathize. I say go on, gentlemen; dig out your mud; tear out your ledges; and when you get that harbor into such a condition that a good-sized merchantman can get into it with safety, then I shall be ready to vote an appropriation for a dry dock, if we need one elsewhere than at Portsmouth, where, as I have said, we have to-day 163 acres of Government land; where we have shops and everything in addition necessary to build an ironclad. We have 60 feet of water at low tide 4 miles inland, with rocky bottom—all that is necessary—a place where God designed that a dry dock should be, and where His will, I think, will obtain some time. [Laughter.]

Now, Mr. Chairman, having said thus much—not thinking it profitable to discuss the matter further, because I have a notion, which may be erroneous, in reference to the ruling of the Chair on this subject—I ask that the point of order may be decided.

Mr. TYLER. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule, but will hear the gentleman from Virginia [Mr. TYLER] on the point of order.

Mr. TYLER. Mr. Chairman, I have been rather surprised at the position taken by the gentleman from Massachusetts [Mr. BARRETT]. I had supposed that this bill was prepared on great national lines for the defense and safety of the American people. I did not expect that any member of this House would take such extreme provincial ground as that taken by a gentleman coming from the State where the "hub of the universe" is supposed to be. I am rather inclined to suppose, Mr. Chairman, that he thinks the safety of this great American nation depends upon the protection of property in the city of Boston alone. He seems to be utterly unaware except in the most general way of the geographical advantages of the various ports of the South Atlantic coast. I wish to call his attention to the fact that there is, as he admits, at least one place on the North Atlantic coast at which we have a good dry dock in which repairs can be made, and that is the New York Navy-Yard. Now, he comes and says, "Give us a navy-yard such as we desire at the port of Boston; give us a dry dock that we seek there; and the rest of the country will be thoroughly defended." He attempts to minimize the natural advantages of the port of Norfolk. He says that hundreds of thousands of dollars has been spent on that navy-yard, and that it is no longer necessary for us to make the expenditure of this $130,000 as provided in this bill. He criticises the Secretary of the Navy because that officer has called the attention of Congress to the necessity of a large dry dock at Norfolk.

When he talks about the strategic importance of Boston, has he forgotten that Norfolk is to be hereafter the defense of the national capital? Has he forgotten that in Chesapeake Bay is the great rendezvous for our ships of war for the North Atlantic and the South Atlantic coast? Has he forgotten that but a few years ago (computed in the life of a nation) because of the nondefensive condition of Chesapeake Bay the national capital was burned by an invading force? And does he think, in his wonderful and patriotic provincialism, that Boston is of more importance in the event of a great war with a foreign power than the preservation of the capital of the United States?

I am amazed, Mr. Chairman, that the gentleman should have taken the ground which he has taken. I expected to see him exhibit a larger and more liberal spirit. Because he considers it necessary—and I may say that I agree with him in that regard—that there should be a dry dock at Boston, why does he consider it necessary to take the unusual ground—I may say, with due deference to him, the absurd ground—that there is no pressing necessity for a dry dock anywhere else?

Mr. HALL. Allow me a question right here. The gentleman from Massachusetts [Mr. BARRETT] has stated that these ships to which he has referred were built by the Navy Department for political reasons. I should like to ask the gentleman now on the floor whether it is not a fact that the construction of battle ships is always let out by contract; that political reasons have nothing to do with the giving out of those contracts?

Mr. TYLER. I have always so understood. I have never heard that accusation made before, and I am sure the gentleman from Massachusetts has made it unadvisedly in the heat of discussion, in the heat of his love for "the hub of the universe."

Mr. BARRETT. Allow me a moment. I propose to discuss the point of order when we get to it. But I am surprised that two members of the Naval Committee——

Mr. TYLER. I supposed the gentleman wanted to ask a question.

Mr. BARRETT. I wish to correct a misstatement, if you will allow me.

Mr. TYLER. Let the gentleman do it in his own time.

Mr. BARRETT. I want to make the correction in connection with your statement. I am surprised that two members of the Naval Committee, supposed to know all about this matter, did not understand that I said these vessels were not built by contract; they were built by the Government in the navy-yards at Norfolk and Brooklyn. And yet they tried to befog this House by making me appear to have said that they were built for political favoritism when they were let out by contract. These two ships were not let out by contract at all by the Government, and I want that statement to go into the RECORD at the same time as the other.

Mr. TYLER. You are only talking about two ships of the Navy, the *Texas* and the *Raleigh*, built at the Norfolk Navy-Yard.

Mr. BARRETT. I am talking about the ones built by the Government.

Mr. TYLER. Therefore the gentleman does not withdraw the charge as to the building of those ships that have been built under contract. Does he think those ships built by the Cramps were awarded to them because of political influence?

Mr. BARRETT. Shall I answer that question?

Mr. TYLER. No; I do not ask you to answer it. You have your own time in which to do so.

Mr. BARRETT. All right.

Mr. TYLER. I am amazed that there should have been such a charge. I can not understand where the gentleman gets his facts upon which he bases such an unjust charge against the Navy Department and against those who have had control of the naval affairs of this country for many years. I am very sure that the only reason why the Navy Department decided to have the *Texas* built at the Norfolk Navy-Yard was because it was a Government navy-yard, and there a ship could be constructed equal to any that floated on the seas. The fact of it is that at the Norfolk Navy-Yard there is every appliance for the construction of vessels. You can get there as good labor as any in the United States. You can get as skilled mechanics as you can at Boston or any other point, and so far as ships have been constructed there, two of them—the *Texas* and the *Raleigh*—are, of their class, as good as any that sail beneath the flag of the United States.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine desire to discuss the point of order?

Mr. BOUTELLE. I do, very briefly. I simply desire, for the sake of the truth of history and the orderly consideration of public business, to call the attention of this committee to the fact that the only proposition pending here is a desire on the part of the gentleman from Massachusetts [Mr. BARRETT] to have a dry dock authorized at Boston.

Now, I can sympathize with that desire to a very great extent, but I am unwilling to permit this conversation to close without entering my dissent from nearly all of the conclusions which the gentleman from Massachusetts reached in the observations which he has submitted. He said that I very well know certain things. Now, I do not desire to take the time of the committee to deny in detail that I know certain things which the gentleman from Massachusetts [Mr. BARRETT] was kind enough to incorporate in my supposed knowledge, but I do desire to say that the situation in regard to the dry-dock system of this country is very simple, and is very familiar to me. Indeed, I have participated to some extent in all of the legislation connected with the construction of the new system of dry docks, and I know of nothing which has taken place which should furnish even a reasonable basis for the criticisms which the gentleman from Massachusetts has indulged in here to-day.

It is sufficient for me to say that when the new Navy was begun we had in this country a very large number of navy-yards and a very small number of ships. In fact, we had no modern ships of war when I came to Congress. At that time a New England Secretary of the Navy, a man of great energy and ability, a Republican in politics, had undertaken to reorganize the naval service by doing away with our old wooden ships and commencing the construction of a modern steel navy. In one of his early reports the strongest criticism that he brought to bear upon the existing condition was in connection with the surplus of navy-yards and the deficit of ships. The expenditure for the maintenance of navy-yards was enormous compared to the number of tons of the ships and the number of guns that we could utilize. As an act of administration of the Navy Department, he issued certain orders under which certain navy-yards were practically or constructively closed in order that the expenditure there might cease.

Immediately after Mr. CHANDLER'S retirement from the Navy Department a proposition was brought into Congress under Secretary Whitney for reorganization of the entire Navy Department. In that reorganization Secretary Whitney reiterated the criticisms of Secretary Chandler in regard to the excess of expenditure for navy-yards, and he, in a scheme of reorganization which was afterwards practically carried out, recommended that the Boston Navy-Yard—the navy-yard at Charlestown, Mass.—should cease to be a navy-yard for the construction or repair of ships, but that it should be maintained for its ropewalk, and as a place to which the manufacture of steam galleys and utensils of that character should be transferred from the Washington yard, and for other purposes which he indicated. That practically closed it for the construction or repair of ships. This scheme further contemplated what has since been carried out, closing the Washington yard as a shipbuilding and ship-reparing yard, and establishing in it a great gun factory, which has proved a great success. The work of construction and repair of ships under these orders was concentrated in the New York and Norfolk navy-yards; and the navy-yard at Pensacola, which has gone into "innocuous desuetude," was closed up.

Now, I took a little part in the debate at that time, and my memory is very distinct about it. I recollect that I opposed the closing of these yards. I recollect that I used some of the language, or similar language to that used in some of the remarks made by the gentleman from Massachusetts [Mr. BARRETT], about the desirability of keeping these yards in full operation. My arguments were not so cogent, and my words, of course, not so eloquent; but I recognize in the language heard to-day some of the general trend of my argument in 1887. I have before me here the CONGRESSIONAL RECORD containing that debate, in which it will appear to anyone——

Mr. BARRETT. What is the date, please?

Mr. BOUTELLE. February 25, 1887, on page 2297. If anyone should care to examine so inconsequential a matter as my observations at that time, they will find that I uttered as strong a protest as I could frame against the closing of the navy-yards in New England. I set forth the facilities of the Boston Navy-Yard and the special facilities of the Portsmouth or Kittery Navy-Yard, and called attention to the fact that the Boston Navy-Yard had the best outfit in its shops of any navy-yard in the United States; and with as much urgency as I could command, I insisted that that yard should not be closed or the one at Portsmouth in the carrying out of this new scheme. I have a vivid recollection that there was not a gentleman from Massachusetts in the House of Representatives at that time who felt called upon to sustain me or to lift up his voice in so much as one word in behalf of the position which I took, or enter a protest against the closing of the Boston yard. I had the order here before us on which the Secretary of the Navy was transporting the material from the Boston Navy-Yard shops to those in New York and Norfolk to carry out his plan, based on his argument that it was a wise policy to concentrate the great building and repair works in these great yards. And while I called attention to what was going forward, and almost appealed for support from my New England colleagues here, I find that I made these remarks in the course of the debate. I will interpolate here, however, that we had got along to a point where it was proposed that a sum of money should be appropriated in the appropriation bill with which the Secretary of the Navy should locate and construct two dry docks—modern dry docks—but I opposed that on the ground that Congress should indicate where those dry docks were to be, if we were to act upon legislation. That was to the effect, if it was futile to utilize the different navy-yards of the country, I wanted to know where these dry docks were to be built. I insisted that a dry dock should be built at Boston; and then I appealed to my friends from Massachusetts to help me. But I find it recorded here:

This proposition has been brought in here by the committee with the express purpose, so declared, of precluding discussion upon the floor of the House. It is brought in here for the purpose of taking the matter out of our hands, and, as I said before, the gentleman from West Virginia has expressed the whole scope and motive of my amendment when he says this proposition ought to be brought in here on its own merits and not smuggled in under a tricky advantage taken of parliamentary practice, not by any pettifogging with the rules of the House, but brought in here openly on its merits as a proposition for the consideration and action upon the deliberate judgment of the members of this House.

I am in favor of supplying dry-dock facilities. I am not persuaded that the great seacoast of New England is necessarily precluded from having anywhere along its coast line the opportunity to build or repair a ship of war. I do not understand the geographical distribution which would count out from the beginning that great section of our country where shipbuilding has been a recognized art for centuries; and if the gentlemen from Massachusetts on this floor fail to raise their voices and protest, I raise my feeble protest in behalf of their constituency and their State.

[Here the hammer fell.]

I have said this much, Mr. Chairman, to relieve myself from responsibility of any failure to recognize the interests of New England.

Mr. MORSE. I will ask the gentleman if he thinks it is fair to the present delegation to charge upon them the sins of their predecessors?

Mr. BOUTELLE. I do not say anything except what I say, and if I can say that so that the gentleman from the Canton district will understand me, I shall have accomplished my object.

In conclusion, I just want to say that from that time to this time there has been more or less construction of dry docks in the United States. We have constructed a great many. We have constructed a series of dry docks. The debates in this House show at the time that these constructions were conceived to be large enough to take in any vessel that was liable to be designed or constructed in the future. We made a mistake. The enlargement of ships of war went far beyond all anticipations. At the time the first dry docks were authorized, one at New York and one at Norfolk, if my memory serves me, the longest ship of war in the world was less than 300 feet. We built and have utilized those docks. We have designed larger ships and have found it necessary to build larger docks. We have at Port Royal to-day a dry dock in which the *Indiana*, one of our largest battle ships, has been docked within a year. We have a dry dock at New York, which will be open very soon, that will take in the largest vessel we have either constructed or under construction. We have another dry dock on the Pacific coast, on Puget Sound, of equal dimensions, and undoubtedly we shall construct more dry docks in the future. The dry dock on Puget Sound was constructed upon the recommendation of two commissions. Two separate commissions were sent to the Pacific coast, and they located the dock there and Congress made appropriation for its construction.

Mr. MORSE. Will the gentleman——

Mr. BOUTELLE. I wish the gentleman would not interrupt me.

Mr. MORSE. I only want to ask him one question. I want to ask the gentleman if he is now in favor of constructing a dry dock at Boston?

Mr. BOUTELLE. Well, Mr. Chairman, if I thought the gentleman was asking that question in good faith, I would answer it. He knows that I am not in favor of authorizing the construction of a dry dock at Boston in this bill. The committee do not recommend it, and the reason——

Mr. MORSE. I thought from the earnestness of the gentleman's argument and his appeal to his former record that he was in favor of it.

Mr. BOUTELLE. If the gentleman will permit me to state continuously my own view, I think he will perhaps understand it better, and it certainly will be a great deal more convenient for me. [Laughter.] I wish to say, Mr. Chairman, that at the same time the commission recommended the construction of a dry dock on Puget Sound another commission recommended the establishment of a dry dock in Louisiana, at Algiers, opposite New Orleans. There are various reasons why that project has not been carried out. There were rivalries among different localities on the coast, and various conditions have intervened to hold that work in abeyance up to the present time. Year after year the Bureau of Construction has made the strongest kind of recommendations for a dry dock at Portsmouth, N. H., and I use moderate language when I say that the strongest recommendations that have reached the committee officially in regard to dry docks have been in favor of a dry dock at that point. There have also been recommendations for the construction of the dry dock at Boston, and for other dry docks on the Gulf coast. There is an absolute necessity in the near future for a larger dry dock at the Mare Island Navy-Yard, and it will undoubtedly be built.

The Committee on Naval Affairs have not undertaken to discriminate against any section of this country, or in favor of any particular port or navy-yard; but, in view of the same circumstances which have induced me as an individual member of that committee, with my strong prejudice in favor of pushing the work of constructing our battle line with the greatest possible rapidity—a spirit which, I am glad to say, has equally inspired my colleagues on that committee—we have refrained from making recommendations beyond those contained in the pending bill. We have done that in view of the circumstances in which we find ourselves at

this time and in deference to what we believed to be the general sentiment of this House, that, with the large amount of construction now under way, we could afford to let this session go by and wait until the Treasury had begun to recoup from the deficiency which has existed so long. For the same reasons we felt that we ought not to come to this House recommending the inauguration of great expenditures for the building of dry docks at a time when we felt so poor that we could not recommend the building of more battle ships.

I do not know how much confidence the House of Representatives has in its Committee on Naval Affairs. I give all possible weight to the views and desires and arguments and knowledge of my friend from Massachusetts. I simply say that your committee, in failing to recommend the construction of a dry dock in Louisiana, or in Massachusetts, or at Kittery, Me., have acted in accordance with what they believe to be high public considerations of duty and a wise regard to meeting the exigencies of the time in a proper way. All I have to say in conclusion is that if my friend from Massachusetts from the Melrose district desires, for any purpose, to delay or obstruct the passage of this bill by making points of order against paragraphs which provide facilities that the Navy absolutely requires, and provisions in the bill that are made on the estimates and the recommendations of the Department regularly sent to the committee (which has not been the case with regard to a dry dock at Boston), why, of course, he is a member of this House, and has a right to make use of all the privileges that the rules afford him, in such way as may seem to him best.

The CHAIRMAN. The Chair is ready to rule. Unless some gentleman desires to discuss the point of order, the Chair will rule.

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. BARRETT. I desire first to have the point of order stated, and then I will determine whether I wish to discuss it or not.

The CHAIRMAN. The point of order, as the Chair assumes——

Mr. BARRETT. I beg the Chair's pardon. I submit that the gentleman from New Hampshire [Mr. SULLOWAY] is obliged to state his own point of order. He has not done so. I want him to do so.

The CHAIRMAN. The gentleman from New Hampshire will state his point of order.

Mr. SULLOWAY. My point is that this proposition is new legislation, not authorized by the rules.

Mr. BARRETT. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. BARRETT. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARRETT. Mr. Chairman, there have been two occasions in the history of this House when points of order have been raised against dry-dock appropriations. The first was in connection with the proposed navy-yard at Algiers, La., in regard to the purchase of land for a dry dock there. On that occasion it was held by the then occupant of the chair, Mr. Butterworth, of Ohio, that inasmuch as it was proposed, in effect, to establish a new navy-yard, it was new legislation. So the proposition was ruled out of order.

Again, at the last session of Congress an amendment was offered by my friend from Pennsylvania [Mr. BINGHAM] which was ruled out of order by the then Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. HOPKINS]. I believed then and I believe now that the gentleman from Illinois was entirely wrong in that decision. I wish to quote from a statement made in this House by a former chairman of the Committee on Naval Affairs, Mr. John R. Thomas, of Illinois, who may be presumed, perhaps, to have known something about the question whether a dry dock is "new legislation" or "in pursuance of existing work" or not.

I desire that the Chair, although he has stated that he was ready to rule, will listen to this discussion. The question was upon a proposed appropriation for the dry docks at Norfolk and New York, and Mr. Thomas said—I read from the proceedings of February 25, 1887, page 2293 of the RECORD for that session:

> A dry dock is simply one of the tools employed by the Department in building and repairing vessels, and no more requires a special act of Congress to authorize its construction or building than it does to buy a hammer or 100 pounds of oakum.

Those docks were authorized by this House on a naval appropriation bill!

The CHAIRMAN. Is the gentleman reading from the ruling of the Chairman of the Committee of the Whole?

Mr. BARRETT. I am reading from a statement made in the House of Representatives by a gentleman who often served in the chair, and who was at the time chairman of the Committee on Naval Affairs, Mr. John R. Thomas, of Illinois. I happened to be in Washington during the time when Mr. Thomas was a member of the House; and I remember very well the high reputation he had for parliamentary knowledge and ability.

A MEMBER. What date was that?

Mr. BARRETT. February 25, 1887.

Mr. BOUTELLE. That was during the term of a Democratic Congress. I hardly think Mr. Thomas could then have been chairman of the Committee on Naval Affairs.

Mr. BARRETT. I beg the gentleman's pardon. He was chairman in the following Congress.

Mr. BOUTELLE. The following Congress was not a Republican Congress.

Mr. BARRETT. Well, he was chairman of the Committee on Naval Affairs in a Republican Congress.

Mr. GROSVENOR. He was not a member of the following Congress.

Mr. BARRETT. Then he was chairman of the Committee on Naval Affairs in the so-called Keifer Congress. I make the statement that he was at one time chairman of the Committee on Naval Affairs, or was at the head of the Republican members of the committee.

Now, I submit—and I do it with all respect to the Chair—that if the Chair should decide that this point of order is well taken, he must of necessity decide that a large number of other items in this bill are improperly reported. The chairman of the Committee on Naval Affairs [Mr. BOUTELLE], when last evening I raised a point of order against two previous paragraphs, expressed his willingness that they should be dropped out, admitting thereby that they were open to a point of order. I wish, speaking only for myself, to put on record my belief that the action of any chairman of the Committee of the Whole in deciding arbitrarily—and by that I mean arbitrarily as one man—that this House shall not consider a proposition to put into an existing navy-yard a thing which the common sense of every member here must recognize is as necessary for the conduct and maintenance of that yard as a commandant or a sentry at the gate—I say that such a stretch of authority seems to me to be not in consonance with the ideas that should run this House.

Mr. BOUTELLE. Is the information correct which has just been brought to me that, while I was inadvertently failing to listen to the gentleman, he said that I had agreed to drop something out of this bill?

Mr. BARRETT. I said that last evening, when I made a point of order, the chairman of the Committee on Naval Affairs said, "Let it go out."

Mr. BOUTELLE. I said no such thing as "Let it go out."

Mr. BARRETT. I refer to those two appropriations for extra help, on which points of order were raised.

Mr. BOUTELLE. I never said such a thing, according to my recollection.

Mr. BARRETT. Well, I got up and stated——

Mr. BOUTELLE. What are the items?

Mr. BARRETT. They are in regard to the extra help at Port Royal and Puget Sound.

Mr. BOUTELLE. Extra help?

Mr. BARRETT. New officers.

Mr. BOUTELLE. The gentleman is absolutely mistaken.

Mr. BARRETT. I withdraw my remark, Mr. Chairman.

Mr. BOUTELLE. Absolutely.

Mr. BARRETT. But I understood the gentleman so carefully that I stated to him that he need not withdraw them, because I only wanted to offer my point of order to hold it in readiness, and probably should withdraw it at the proper time.

Mr. BOUTELLE. The gentleman is absolutely mistaken.

Mr. BARRETT. I withdraw the remark, then. I misunderstood the gentleman.

Mr. BOUTELLE. I never made any reference to it.

Mr. BARRETT. I think it is very strange. I think if other gentlemen who were sitting around here would refresh their memories——

Mr. BOUTELLE. If the gentleman undertakes to put it that way, I arraign him. I say I never made any such statement here.

Mr. BARRETT. The gentleman need not arraign me. Will he be kind enough to wait until I get through with my sentence? I said if other gentlemen who were sitting around here would refresh their memories, I think that they would remember that I said that I did not desire to push that point of order to a decision at that time, but simply desired to hold it in readiness. I now understand that the gentleman said, "Let the matter go over," instead of "Let it go out."

Now, I say, Mr. Chairman, that I believe that it is one of the most arbitrary things in this House when matters are brought in here in discussion of the bill which every man on this floor must feel are pertinent to the bill under discussion that they should be ruled out of order, simply ex cathedra. While I understand from what I have heard, and from the Chairman's statement of his readiness to rule, what his decision perhaps may be, I say, in all

respect to him, and I think he will understand that I say it with the utmost personal kindness, that if he shall rule that this amendment is not in order I shall most respectfully and without any desire to embarrass him at all take an appeal, in order that the House may go on record as having decided that a dry dock is not an essential part of an existing naval establishment. I know that the making of that statement will not influence the decision of the Chair, and so I feel I can make it with perfect propriety.

I simply want the House to decide, in its wisdom, if it chooses to do so, that a dry dock for a navy-yard already established and equipped is not a part of an existing work. When that is done, Mr. Chairman, I shall bow as gracefully as anybody could to that decision.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by the act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MCCALL of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MCCALL of Massachusetts. I desire to say a few words on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. MCCALL of Massachusetts. If it is not in order, Mr. Chairman, to insert an item in a naval appropriation bill for the construction of a dry dock, I do not think it is in order to put in an item for the construction of a battle ship.

A dry dock is simply a sort of hospital for a ship that has been injured in war, and it seems to me that if you insert in an appropriation bill a ship, there is just as much reason why you can insert an item constructing a tool whereby the ship of war may be re-created and again made capable of performing the duty of a ship.

I desire, Mr. Chairman, to speak upon the question of the necessity for a dry dock at the Boston Navy-Yard, and also at various other points upon our coast; but as I understand the Chair desires to hear nothing at this point except strictly on the point of order, I will reserve what I have to say on that point until another time.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. BARRETT. Mr. Chairman, for the reasons I have already stated, I desire respectfully to appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BARRETT] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 67, noes 19.

Mr. BARRETT. I desire to offer an amendment to come in at the end of the pending paragraph.

The amendment was read, as follows:

Insert on page 18, after line 2:

"The President is hereby authorized to designate two competent naval officers and one competent Army officer to inquire into the need of one or more concrete dry docks, capable of docking the vessels of the Navy existing or in process of construction, to be located at existing navy-yards north of Cape Cod. Said officers shall report whether, with due regard to cost, to commercial and naval interests, one or both of the existing docks shall be enlarged or new concrete docks constructed. Said officers shall report to the President not later than November 1, 1897, and the President shall transmit such report to Congress, with his recommendations, at the beginning of the first regular session of the Fifty-fifth Congress."

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. BARRETT].

Mr. BOUTELLE. Mr. Chairman, before a vote is taken on that, I want to say to the House that it does not seem to me that that proposition is at all a useful one.

Mr. BINGHAM. I should let it go in.

Mr. BOUTELLE. In the construction of the navy-yards already established we never authorized a commission to locate a dry dock except in the case of the original location. There is no question but what the Government will have proper dry-dock facilities. There are navy-yards at Portsmouth and Boston. I can not see any benefit to be accomplished by it, and I would like to ask the gentleman from Massachusetts why he has included an army officer?

Mr. BARRETT. Mr. Chairman, I have been trying to find something that would accommodate the Committee on Naval Affairs, and I drafted this as closely as possible to the exact language of the provisions which have previously passed the House. But I have left off any civilian. I did not want to make this so that there would be any unnecessary payment of money, but simply that plans may be designed, and hence I included an army officer. That is the reason the amendment is in the shape I have offered it.

Mr. BOUTELLE. I do not propose to debate this matter. It is, in my judgment, utterly unnecessary; and it would seem to me that with the prospect of the Secretary of the Navy being from Massachusetts, the gentleman ought not to be apprehensive that the interests of that part of the country will be overlooked.

Mr. HILBORN. Will the gentleman allow me to offer a substitute for his amendment?

Mr. BINGHAM. Does the gentleman propose to offer a substitute for the amendment offered by the gentleman from Massachusetts?

Mr. HILBORN. Yes, sir.

The Clerk read as follows:

The Secretary of the Navy shall, as soon as practicable, appoint a board, to consist of three officers of the Navy, one of whom shall be a line officer, and one shall be a member of the Steam Engineering Corps, and one naval constructor, who shall investigate the question of the advisability of the construction of new dry docks.

And if they find that such additional docks are necessary, to recommend how many shall be built, where they shall be located, and of what pattern and of what material they shall be constructed.

Mr. BARRETT. Mr. Chairman, the House will notice that the only difference between my amendment and that of the gentleman from California is that his amendment covers the whole country, while mine is direct and has reference simply to two places.

Now, I want to say one word in reply to my very distinguished friend from Maine, who has made this statement, in effect, in keeping with that made of another matter by my friend from Ohio [Mr. GROSVENOR], that it is almost "assumed" that a Massachusetts man will be Secretary of the Navy. I want to say I do not base my action here on any man being Secretary of the Navy from Massachusetts.

I would never go to a Secretary of the Navy from my own State and ask him to do a thing that I would not ask him under the same conditions to do for California. I want him altogether relieved from any possible suggestion that he is to use the high office of Secretary of the Navy for the benefit of Massachusetts. My friend from New Hampshire has brought up the question of the Boston Navy-Yard, and says that vessels can not go in there, and they can at Portsmouth. We know that the great new vessels of the Navy have laid at anchor at the head of the Boston harbor within a very short space of time. We know, and he ought to, that the largest steamers plying between this country and Europe come regularly to Boston. I know that he does not represent his State, for which Boston is the commercial metropolis, in his attack on the latter. But there is no question as between Portsmouth and Boston, as my friend indicated in the course of his remarks, though his remarks will undoubtedly prejudice members of this House against this attempt to secure a dry dock at Boston.

I want this House to leave to a commission of three officers to decide and report before the opening of the next Congress in December whether or not this dock should be built at Boston or at Portsmouth.

I would be willing that it should go to Portsmouth, if that is the best place. But I want some dry dock on the coast of New England, which this commission believes shall be the very best in a strategical naval sense. I ask the members of this House whether they will not make it possible to have that done, and have this question eliminated from the discussion in this House in the way it has been brought in.

Mr. HALL. Mr. Chairman, I make the point of order that both the original amendment and the substitute are out of order.

Mr. BARRETT. Oh, Mr. Chairman, that point comes too late.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the point, coming after discussion, is too late.

Mr. BOUTELLE. Mr. Chairman, I simply appeal to the common sense of this committee, that, if a commission is to be appointed to consider the location of dry docks, it ought not to be appointed to decide between the possible rival claims of two ports on our coast. There is no controversy between Boston and Portsmouth. There is no controversy between the States of Massachusetts and New Hampshire in regard to the location of a dry dock. There is a navy-yard at Mare Island, where there is surely going to be built a large dry dock at some time in the near future. There is a proposition for a naval station on the Gulf coast which will unquestionably be determined upon before long. There is an

urgent request or recommendation for a dry dock at the Portsmouth Navy-Yard, and also a recommendation for one at the Boston Navy-Yard.

Now, for this House, at this time, to incorporate in this bill a mandatory order on the Secretary of the Navy to organize a board to determine whether or not a dry dock ought to be built as between any two of these places does not seem to me to be dealing with great public questions in the broad manner in which they ought to be dealt with. If the gentleman from Massachusetts [Mr. BARRETT], or any other member, sees fit to make a motion here that the Secretary of the Navy be instructed to appoint a committee or a commission composed of distinguished officers to take into consideration the strategical conditions of our coasts, and to report in regard to the location of dock facilities and other things pertaining to the subject of naval defense generally, while I do not think it is necessary, it will not be harmful. But I do think that it would at least have the appearance of narrowing this question down to a local controversy for us to direct the Secretary of the Navy to appoint a commission to determine which has greater weight, the recommendation of the different bureaus that a dry dock shall be built at Portsmouth or the recommendation that a dry dock shall be built at Boston, that a dry dock shall be built at Algiers, La., or that a dry dock shall be built on the coast of California at Mare Island, instead of empowering the commission to act upon the broad question of where upon our coast dry docks are most needed. I hope, therefore, that the proposition of the gentleman from Massachusetts will not be entertained.

Mr. BARTLETT of New York. Will the gentleman permit me to ask him a question?

Mr. BOUTELLE. Yes, sir.

Mr. BARTLETT of New York. In your opinion, is not the Secretary of the Navy qualified to determine such questions by making a report or recommendation to Congress?

Mr. BOUTELLE. We have up to this time acted entirely upon the recommendations of the Secretary of the Navy and of the boards that have been appointed for the location of dry docks at new points. We have located a dry dock at Port Royal, because there was no navy-yard there and nothing to indicate the building of a dry dock, so that it had to be done by special legislation. We have located one at Puget Sound, because it was generally agreed and strongly recommended by the Secretary that the Pacific Coast should have a dry dock, and a board was appointed to go over there and inspect the coast and decide upon the best location.

Mr. BARTLETT of New York. Is there any necessity, then, for such new legislation as is proposed by the gentleman from Massachusetts?

Mr. BOUTELLE. That is, of course, for the Committee of the Whole to determine. The Committee on Naval Affairs did not believe that it was either requisite, necessary, or expedient for the Congress at this time to take any action in regard to dry docks.

Mr. BARTLETT of New York. Is not the Secretary of the Navy invested with sufficient power now for this purpose?

Mr. BOUTELLE. The Secretary of the Navy can not cause the construction of a dry dock without an appropriation.

Mr. BARTLETT of New York. But can he not make recommendations to Congress?

Mr. BOUTELLE. Unquestionably he can, and he may at any moment order any number of officers to consider this whole question. I am glad the gentleman asked me that question, because it enables me to state that Secretary Tracy, on his own motion, in the exercise of the ample powers conferred upon him, did instruct a board of distinguished officers to consider the whole question of the naval defense of our coast, a board which became known as the "policy board," and which made a very elaborate, able, and important report.

[Mr. MEYER addressed the committee. See Appendix.]

Mr. BARRETT. Mr. Chairman, one moment and I am done. The chairman of the Committee on Naval Affairs objects to this method of proceeding; and yet this is the method which has been adopted in every similar case. It was adopted with reference to Puget Sound, and with reference to Port Royal, and with reference to the case of my friend from Louisiana. It is the well-established practice of the Government. I ask that this proposition with respect to the coast of New England shall be given the same consideration which has been given in other cases where there has been a dispute about the location of a dry dock.

I hope that my friend from California will not insist on his amendment at this time or ask that his proposition be adopted in connection with mine. The effect of such a proceding would be merely to complicate this question with a number of others. We had a special commission for Puget Sound; we had a special commission for the Gulf of Mexico; we had a special commission for the dry dock at Port Royal. Now I ask—and I think it is a fair request—that we may have a special commission for this New England matter. Let it stand on its own merits.

Mr. HULICK. Allow me to make this inquiry: Is the question here whether a dry dock should be built at that place, or can be built, or is needed? What is the question which the gentleman wants a commission to settle?

Mr. BARRETT. I want the commission to report on the whole question whether there shall be one or two dry docks built.

Mr. HULICK. You wish the question determined whether a dry dock shall be built at Boston Harbor or at Portsmouth?

Mr. BARRETT. Why, of course. There is no question a dry dock must be built at one or both of those places.

Mr. BINGHAM. Does not the gentleman think that his proposition would be stronger standing upon the merits of the case, with the whole question before the Department as to where the establishment of new dry docks should be recommended to Congress?

Mr. BARRETT. I do not know whether my position would be stronger or weaker in the sense which the gentleman suggests. I want the facts. I want the men who know about this matter to report. I do not want anything lobbied through here in an omnibus bill in such a manner that we must vote for something else in order that our proposition may succeed. I want the Navy Department to decide through a board of officers about this New England question. Let questions affecting other parts of the country be decided by themselves. Let our proposition go through or not upon a statement of the facts, without reference to any subsequent combinations. I ask the members of this House to stand up for New England. My friend from Maine [Mr. BOUTELLE] says there is no hostility of Portsmouth toward Boston, but my friend from New Hampshire [Mr. SULLOWAY] intimated that there was. Now, let us have all the information possible gathered and submitted to this House, and then we shall see whether or not Congress will authorize a dry dock, or perhaps two; and I ask the members of the committee to allow this matter regarding New England to stand by itself, so that Congress may get all the facts. Then in the next Congress we will fight it out on the question whether there is money enough in the Treasury to pay the bills for this most-needed part of our naval defense.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BOUTELLE. I move to strike out the last word simply for the purpose of saying to the House that I hope they will vote to amend this into the only possible shape in which we can self-respectingly pass it through the House, and then that they will vote the amended proposition down as entirely unnecessary.

Here is a demand for League Island, which is to be the future great fresh-water basin for the laying up of our Navy, in order to economize and save the enormous expenditures of keeping all of our ships in commission all the time, with great crews on board. It is a part of the necessary scheme of our naval establishment to provide a fresh-water basin for the laying up of our ships, and this bill before the House now contains an appropriation of $100,000 to carry on the work of excavation in the back channel at League Island, Pennsylvania, where the ironclads are now laid up in fresh water, to make a place where we can put our great new battle ships into fresh water where they will not corrode. There is need of a dry dock there. There is demand for a dry dock there.

Mr. BINGHAM. We are not pressing it, though.

Mr. BOUTELLE. It comes from the Navy Department. It comes from every source.

Mr. BARRETT. They have got a dry dock there now large enough to dock any of our vessels except one.

Mr. BOUTELLE. Now, if the gentleman will have the great consideration to remain in his seat long enough for some one else to occupy the floor uninterruptedly for five minutes, he will put me under great obligations. I say nothing about the obligation that he may, possibly inadvertently, perhaps unwillingly, render to the Committee of the Whole. [Laughter.]

Mr. BARRETT. Mr. Chairman——

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] is entitled to the floor.

Mr. BOUTELLE. I decline to be interrupted. A gentleman so full of parliamentary points as the gentleman from Massachusetts [Mr. BARRETT] ought to be able to know enough about usage and parliamentary law to keep his seat once in a while, and this is the once in a while that I desire him to do it.

If any gentleman on this committee thinks that I have erred in being impatient, or in failing to show a proper forbearance to the interruptions of the gentleman, I will try to make amends in some way in the future. I say that to-day there is a strong, pressing demand for a dry dock at League Island, and if the question were before the House and pertinent to the time, I should be desirous of making a strong argument in favor of it. There is no question before this committee as to whether we need dry docks for our ships.

The question, and the only question, before this committee is

whether, among the multitudinous items of a great appropriation bill, a bill of greater magnitude than any that has been presented to the House since I have been a member, a bill carrying such large provisions for expenditures that, as I have said before, we have not recommended the needed new ships—the question is whether the Committee on Naval Affairs, who must have obtained some glimmering of knowledge on this subject while they have been groping around in the absence of the gentleman from Massachusetts [Mr. BARRETT], and have not deemed it necessary at this time to recommend the construction of any one of the additional dry docks that undoubtedly will be required in the future, shall be sustained, or whether this committee will encourage any gentleman from any section in forcing a factious obstruction of a great measure like this for the sake, as it finally turns out, of instituting a controversy as to whether a dry dock shall be built at one or another of the four or five points on the coast of the United States where they surely will be built when the exigencies of the case cause Congress to think it wise to make the appropriation. I ask this committee, in the interest of legislation, in the interest of orderly business, of going forward with this appropriation bill at this stage of the session, to vote for the amendment making this a proper kind of investigation, if any is to be had, and then to vote the whole proposition down.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ODELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BARRETT. Mr. Chairman, I renew the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I think it is my duty to say a few words upon this measure at this time, inasmuch as the navy-yard mentioned in my colleague's remarks is situated in my district. I think his amendment is a very proper one at this time, and one that the House ought to consider with great care. The navy-yard at Charlestown has been established for more than half a century, and its history is known all through the United States to-day. Last evening I was looking over one of the old magazines reading some matter with reference to the grand old frigate *Constitution*, contained in Niles's Register, August 24, 1833. and I find this reference to the Charlestown Navy-Yard. Speaking of the frigate *Constitution*, which is lying at Charlestown Navy-Yard, it says:

> As in the course of a few days the above noble ship will be hauled into the new and splendid dry dock which has recently been completed at the navy-yard, in the presence probably of the President of the United States, and many other distinguished officers of the Government, as well as of an immense concourse of our fellow-citizens, and as every circumstance relative to the favorite ship will now be rendered doubly interesting, we propose to offer a brief history of her splendid and glorious career, part of which is from memory, having been present when she was launched, part from official documents, and part we have gleaned from the old newspapers of the day.
>
> The dry dock into which *Old Ironsides* is now about to be taken, as well as the one which has recently been completed at Norfolk, is undoubtedly one of the most splendid specimens of stone masonry to be found in the world.
>
> We have heard it spoken of by intelligent travelers, who have visited most of the naval station depots in Great Britain, France, and Russia, as by far surpassing anything of the sort they had ever before witnessed. Indeed, no expense has been spared by the Government to render these magnificent public works as complete and perfect in every respect as possible. They were planned and have been constructed under the superintending care of Col. Loammi Baldwin, a gentleman who, for skill and science, has no superior in the country.

I do not know, Mr. Chairman, what would be the feelings of the writer of that article if he were to visit that navy-yard to-day and gaze on the evidences of decay and neglect that it has received the past quarter of a century.

Now, Mr. Chairman, it seems to me, in justice to the people of the United States, that some definite action ought to be taken in regard to the Charlestown Navy-Yard. As is well known, it possesses an unrivaled water front and one of the most magnificent plants in the world. It is situated near the best artisans and mechanics in the whole United States, and yet to-day the greater part of this magnificent yard is in idleness and the grass growing within its streets.

I think it is very necessary; I think it very urgent; I think that this Government, in deference to the best interests of all the people of the whole United States, should investigate this matter; and if that plant is of no use to the Government, if the property can be made of no use to the Government, then the millions of dollars which are invested there and without employment should be turned into the Treasury of the United States when the property shall have been sold.

This plant in time of war would be of inestimable value to the Government. The governor and legislature of the Commonwealth of Massachusetts have taken official action in the matter and memorialized Congress time and again to arrange some definite plan in regard to this plant. The Chamber of Commerce, the Merchants' Association, and all the trade organizations of Boston and every city in our Commonwealth have petitioned members of Congress to bring this matter before the House of Representatives and Senate and have something done. I therefore hope, Mr. Chairman, that the amendment offered to this bill will be adopted. Although this amendment may not accord with the wishes of the Committee on Naval Affairs, I feel that the committee will recognize the justice of our demands and waive any objection they may have to this amendment. Mr. Chairman, Boston is the second largest port in this country to-day in the volume of business, as determined by her imports and exports, and, with the exception of New York, contributes more money to the revenues of this Government than any other city.

In times of danger from the enemies of the Government or in the hour of distress the people of Boston have been the first to contribute their means and support to the other portions of the Republic. It is not asking too much, then, Mr. Chairman, when the Representatives from that great city in this House plead for fair treatment at the hands of Congress.

Mr. BOUTELLE. I move to close debate on the pending amendment.

The CHAIRMAN. Debate upon the amendment is now closed.

Mr. BOUTELLE. Then I call for a vote.

The CHAIRMAN. The formal amendment of the gentleman from Maine is withdrawn and the question is on the amendment of the gentleman from Massachusetts [Mr. BARRETT], to which a substitute has been offered by the gentleman from California [Mr. HILBORN]. The question is first on the substitute.

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARRETT. Do I understand that the gentleman from Maine [Mr. BOUTELLE] intends to preclude all further discussion?

Mr. BOUTELLE. I do, under the rules of the House.

Mr. BARRETT. Well, the gentleman having interrupted me repeatedly, will he kindly allow me a moment to make a suggestion?

The CHAIRMAN. Debate is exhausted, and the question now is on the substitute offered for the amendment of the gentleman from Massachusetts.

Mr. SHAFROTH. Mr. Chairman, I ask that the amendment and the substitute be again read.

The amendment and the proposed substitute were read.

Mr. BOUTELLE. I hope the substitute will be adopted. Is it a substitute or an amendment?

The CHAIRMAN. It is a substitute.

Mr. BOUTELLE. Then I hope they will both be voted down.

Mr. BARRETT. Mr. Chairman, if the gentleman from Maine is going to shut me off from further debate, let him sit down and shut himself off also. [Laughter.]

Mr. BOUTELLE. I am chairman of the committee, and have certain privileges on this floor.

The question being taken on the substitute of Mr. HILBORN, it was rejected.

The question recurring on the amendment of Mr. BARRETT, the Chairman declared that the noes appeared to have it.

Mr. BARRETT asked for a division, but immediately withdrew the demand, and the amendment was rejected.

The Clerk read as follows:

> Navy-yard, Brooklyn, N. Y.: For quay wall, Whitney Basin, $18,000; dredging Wallabout Channel, $30,000; quay wall, Wallabout Channel, $10,000; coal shed for dry dock, $5,000; grading and sewering between dry dock and Clinton avenue, $10,000; grading and paving streets, $5,000; latrines, $18,000; addition to electric plant, $12,000; flushing-culverts in causeway (to be immediately available), $25,000: *Provided*, That the Secretary of the Navy, after further investigation, shall be satisfied that the proposed plan for improving the sanitary conditions will be practicable and expedient; in all, $133,000.

Mr. BARRETT. Mr. Chairman, I move to strike out on page 18, in lines 10, 11, and 12, the words "flushing-culverts in causeway (to be immediately available), $25,000."

I wish to say, Mr. Chairman, that that item of $25,000 has been put in by the Committee on Naval Affairs, as I believe I am correctly informed, in order to provide a discharge for the sewage of the city of Brooklyn, and for no naval purpose whatever, and would therefore be subject to a point of order, which I do not propose to raise.

I do, however, wish to take a minute upon this amendment to pay my respects to the gentleman from Maine [Mr. BOUTELLE]. We have had quite a long wrangle here this morning, and the result is that the Committee on Naval Affairs, headed by the eloquent gentleman from Maine, aided by the gentleman from New

Hampshire [Mr. SULLOWAY] has carried its point and prevented any provision looking for a dry dock on the New England coast.

I do not think that when I have stood here yielding with pleasure to every member of the Committee on Naval Affairs who desired to interrupt me—and there were several of them who did interrupt me to ask questions or to make suggestions—when I stood here yielding, as I say, in every case to the members of that committee, not only courteously, but with at least the appearance of being glad to do it, I do think that it was in poor taste for the chairman of the Committee on Naval Affairs, when I wished to ask him a pertinent question, to refuse to yield to me and to move that all debate upon this paragraph be closed, in order to prevent me from making a statement which was essential to a full understanding of the facts.

Of course, I have no objection to the chairman of the Committee on Naval Affairs or any of the older members of this body having their own way in everything. [Laughter.] But I do claim, as a Representative on this floor, when a matter is under discussion in which my State is interested, that I have a right to present the facts in my own way with courtesy to members and to the House. I have always tried to do it agreeably and with proper appreciation of the facts involved, and if I make a mistake I cheerfully acknowledge it.

I wish it might be understood that hereafter, when members on the floor try to conduct themselves in the way I have indicated, no chairman of the Committee on Naval Affairs or any other gentleman, even though he may have been a member of this body for fourteen or for sixteen years, will find it either for his own pleasure or advantage to treat new members with less consideration than new members try to show to their experienced associates upon this floor.

The gentleman says he heard that I was going to delay the passage of this bill by making points of order. Now, I state deliberately that there are a great many items in this bill which, under the decisions of chairmen of the Committee of the Whole, are out of order and could not be kept in the bill for a moment—items of new legislation, for new projects, unheard of in any previous appropriation bill, and not in any way authorized by law—but I do not propose to raise points of order against them.

I am a believer in letting the House of Representatives, 357 men met here to represent the people of the United States, do business and make decent and proper appropriations without being throttled by appeals to narrow interpretations of the rules. [Applause.]

Therefore, though believing that this appropriation to complete the sewerage system of the city of Brooklyn is far from being in order on a naval appropriation bill, yet not for a moment wishing it to be understood that I would try to prevent this committee from exercising its judgment on matters of detail, I withdraw the amendment I have just offered, and say to the gentleman from Maine that I have no further objection to make to the passage of this bill. But I will welcome the day, and speed its coming, when this great body, endowed by the Constitution with the sole power of originating appropriation bills, will no longer bind itself down by rules which prevent its deliberate action on public questions.

Now, the members, if they want to really legislate for the country, outside the narrow ruts of routine, have to go to the Senate to get their matters considered on their merits. In that body, whatever its defects, members have retained the right of amendment and of debate.

Mr. BOUTELLE. Mr. Chairman, I hope the committee will now proceed with the public business.

The Clerk read as follows:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $1,500,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the U. S. S. *Hartford* or to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *Provided further*, That the balance of the appropriation under the act of July 26, 1894, "for the repair of the U. S. S. *Constitution*, now lying at the Portsmouth Navy Yard, in the State of New Hampshire, in order that it may be used as a training ship for the Naval Militia, $8,000," or such part thereof as may be required, is hereby made immediately available for such work as may be necessary for the proper care and preservation of that historic vessel.

Mr. FITZGERALD. Mr. Chairman, I sincerely trust that the provisions of the bill calling for the expenditure of $8,000 for the repair of the old frigate *Constitution*, so as to prevent her disintegration and decay, will receive the support of this body.

Some six or seven weeks ago I introduced a petition from the Massachusetts Historical Society, calling upon Congress to take some action to preserve this grand old hulk, and since that time I have been in receipt of letters and memorials from all parts of the country, praying that some action be taken by Congress to preserve this grand monument of our naval supremacy in the earlier days of the Republic. It is my privilege to represent in this House the district in which the *Constitution* was built, and I count among the happiest period of my boyhood the days I spent with my playments in and around Constitution Wharf.

I was thus led from my childhood days, in company with the other boys born and reared in that neighborhood, to have the greatest regard and reverence for *Old Ironsides*, and it is a source of the greatest pride and satisfaction to me to stand upon the floor of this House as the Representative in Congress from that district and advocate legislation which will put this noble ship into such condition that she may continue for many years to be an inspiration to future generations. I think it may be proper at this time to give a short résumé of the history of this vessel.

The frigate *Constitution* was launched from Hart's shipyard, now Constitution Wharf, under the supervision of her builder, Colonel Claghorn, Saturday, October 21, 1797, at 15 minutes past 12 o'clock noon. It was a most auspicious occasion. The frigate descended from her ways with ease and dignity amid the booming of her cannon on the shore and the shouts of thousands of citizens assembled to watch the event.

She sailed on her first cruise Sunday, July 22, 1798, commanded by Capt. Samuel Nicholson, perfect in every detail, and manned, with very few exceptions, by native sons of Massachusetts. She was indeed an honor to the grand old Bay State, the embodiment of the strength, vigor, and manliness of the young Republic.

The *Constitution* returned from the first cruise in November, 1798, without any experiences. This was during the short war with the French Republic. Isaac Hull, who was to achieve such signal triumphs with her later, was a fourth lieutenant on her at this time.

In the war with Tripoli, under the command of the gallant Preble, the *Constitution* bore the brunt of the fighting, and in a single year, with the aid of noble Decatur and the smaller vessels, humbled the pride of the Barbary States, while the civilized world looked on in wonder, admiration, and respect. She remained in the waters of the Mediterranean till the commencement of the second war with Great Britain, June 18, 1812. In July, as the *Constitution* left New York for a long cruise, she was discovered and chased by a British squadron of five powerful vessels, under the command of Commodore Brooke. It was only by the most dauntless spirit and skillful maneuvering of the frigate that she managed to escape. For three days and three nights the squadron gave pursuit, and, had it been successful, the loss of such a fine frigate so early in the war would have had a moral influence impossible to estimate, and would have been an irreparable injury to the American Navy at that time. About a month after her escape the *Constitution* encountered the British frigate *Guerriere*, and after a terrific contest of over an hour totally dismasted her and gained a victory unequaled in its results, placing the United States in the front rank of naval powers—the queen of the seas.

It is impossible to describe the feelings of joy and pride that animated the American people when the news of the victory of the *Constitution* over the *Guerrière* was known. In Boston particularly the wildest excitement prevailed, and the people were frenzied with delight.

Boston being a shipbuilding town, it was the boast of her mechanics that in the event of war the "wooden walls of Columbia," as these frigates were called, would be the salvation of the Republic; and to think that one of their own Massachusetts vessels, built by Massachusetts shipwrights, manned by Massachusetts sailors, and commanded by a Massachusetts captain should capture and destroy one of the pets of the British navy was indeed a source of unbounded satisfaction.

On Monday, August 30, when the *Constitution* sailed up Boston Harbor, Captain Hull and his crew were accorded a magnificent ovation. The citizens, as in fact the whole country were wild with joy. A banquet was tendered to Captain Hull and his crew in historic Faneuil Hall. Speeches of a patriotic nature were made and a sword presented to Captain Hull. The other cities of the country also recognized the great victory in a public manner.

It is impossible at this late day to convey the great moral effect produced in America by this victory. So much had been written about British supremacy upon the seas that public opinion believed her invincible on that element. The world, in fact, accorded to England this high position. The victory can, in some measure, be appreciated by this statement, and the confidence which it inspired understood.

It is hardly necessary for me to go into further details of victories attained by *Old Ironsides;* how, under command of Capt. William Bainbridge, she captured the frigate *Java*, and with Capt. Charles Stewart she captured the *Pictou* and three others; and under Capt. William B. Shubrick she captured the *Cyane* and the *Levant*, or

recount the numerous merchantmen she captured. Suffice is it to state that exclusive of merchant vessels sent back by her to the United States, *Old Ironsides* in her actions with armed vessels of the English navy took 154 guns and upward of 900 prisoners, and killed or wounded 298 of the enemy; and the value of the property captured could not be estimated at less than $1,500,000. Where in the annals of the world can such a record be matched? Where are the achievements worthy of a place with those of the officers and men of *Old Ironsides?* Is it any wonder that long, loud, and mighty the cry goes up throughout the length and breadth of this fair land to preserve and perpetuate the dear old frigate *Constitution?*

Mr. Chairman, in closing, I wish to say as a representative of the grand old Commonwealth of Massachusetts that I am proud of the glorious record of this grand old ship, and speaking as one of her sons upon the floor of this House, I feel I voice the sentiments of her people when I express the hope that before another winter shall have dawned she will be resting here at the national capital, to be hereafter preserved as a naval museum for all time.

Massachusetts has occupied a most prominent part in the history of this country, and in every period of her history her sons can point with pride to the record of her achievements.

There is Plymouth Rock and Faneuil Hall, the Old South Church and the Old North Church, Lexington, Concord, and Bunker Hill, and the stories associated with these historic spots will live forever in the hearts of a grateful people.

Rich as is her soil with the deeds of patriotic citizens and soldiers, no less glory is hers by reason of the eminence attained by her sons in all the walks of life.

As poets she has given to the world Lowell, Longfellow, Holmes, Whittier, and O'Reilly; as historians Prescott, Parkman, Motley, and Bancroft; as writers Emerson and Hawthorne; as liberators Garrison, Phillips, and Andrew; as Revolutionary patriots Hancock, Adams, Otis, and Quincy; as statesmen and scholars Everett, Choate, Burlingame, Sumner, Wilson, and last but not least, the great expounder of the Constitution, one of America's greatest statesmen, Daniel Webster.

The old *Constitution*, or Old Ironsides, as she is better known, takes her place in this column of Massachusetts celebrities, and right well does she deserve one of the places of honor. In the naval history of the whole world are recorded no more daring deeds and no more worthy exploits than those participated in by the *Constitution* and her American sailors.

The Clerk read as follows:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and of the vessels authorized under this act, $5,925,359: *Provided*, That section 2 of the act entitled "An act to increase the naval establishment," approved August 3, 1886, be, and the same is hereby, amended so as to read as follows.

Mr. BOUTELLE. I desire to correct a typographical error. I move to amend by striking out in lines 23 and 24 the words "and of the vessels authorized under this act." Those words, which should have been struck out, were inadvertently left in by the printer.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That in the construction of all naval vessels the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

Mr. CONNOLLY. Mr. Chairman, I wish to reserve a point of order against the paragraph just read. It appears to make a radical change in existing law. It proposes to amend a provision of law passed in 1886, prescribing exactly the kind of steel that must be used in the construction of our naval vessels.

Mr. BOUTELLE. I can explain this matter to the gentleman in a moment. In 1886 the act providing for the first steel cruisers was passed, making provision in detail for the letting of contracts, and also with reference to the character of the material, etc. Among other things, in order to insure that the material should be of high quality, it was provided that the steel of which the side plates of these ship was to be constructed should be of certain tensile strength and elongation. The provision was—

That the vessels hereinbefore authorized to be constructed shall be built of steel of domestic manufacture having a tensile strength of not less than 60,000 pounds per square inch and an elongation in 8 inches of not less than 25 per cent.

In order to avoid falling below the requirement of tensile strength, and thereby having their steel rejected, the manufacturers, not being limited except in the minimum direction, made the steel, as a rule, of tensile strength considerably exceeding 60,000 pounds per square inch. The result was that a short time ago—I think at Newport News, where some of the plates have been received—when they were put into the machinery for bending the sharp angles cold, so as to be fitted for the use to which they were to be applied, it was found that the plates showed a tendency to brittleness; they were not sufficiently ductile; there was a tendency to crack on the surface. Examination showed that this was not the result of any failure to come up to the specifications; it was discovered that the requirements as to the quality of steel in regard to tensile strength had been the cause of this extreme brittleness. When the provision now in the law was made, the *Dolphin* was partially built, but our experience in the building of steel ships was very slight. Since that time it has been demonstrated that the character of the steel ought to vary somewhat with the purposes to which it is applied, and especially that this requirement of tensile strength ought to be modified in order to secure proper ductility. If it could have been kept down to 60,000 pounds to the inch, it probably would have been sufficiently ductile.

I will say right here that these experiences form the basis of one of the roorbacks which from time to time have filled the newspapers about the failure of something or other connected with the new Navy. There was a great hullabaloo made about the plates having been found defective, and it was claimed that that demonstrated that bad material had been put on the Government. The Department determined that the difficulty with those plates was their conformity to the specifications; that in the desire of the steel-plate makers to avoid having the inspectors throw out their product, they had run the maximum up too high and had made the plates brittle. The Secretary of the Navy, in a letter which I hardly think it necessary for me to read, has recommended that, in order to avoid those difficulties, that section may be amended in this form:

That in the construction of all naval vessels the steel material shall be of domestic manufacture—

That is the same as the law now—

and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

That seems to me to be a very desirable thing. We know now just what kind of steel we want for the different uses on board the ship, and this will enable the Secretary of the Navy, through the Ordnance Corps, to specify just exactly the qualities that shall be made for the different uses in the construction of a ship.

Mr. CONNOLLY. Mr. Chairman, with that explanation, it seems to me it is reasonable to make that change in the law.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk (proceeding with the reading of the bill) read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of those authorized by the act of July 19, 1892; of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 26, 1894; of the vessels authorized under the act of March 2, 1895; of the vessels authorized by the act of June 10, 1896, and of the vessel authorized by this act, $7,220,796: *Provided*, That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, exclusive of the cost of transportation, ballistic-test plates, and tests: *And provided further*, That no portion of this armor shall be purchased until it has all been contracted for: *And provided further*, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. BOUTELLE. I ask to strike out the words, in line 20, on page 47—

And of the vessel authorized by this act.

Those words were inadvertently left in the copy sent to the Printing Office.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection, and the request was agreed to.

Mr. HARRISON. Mr. Chairman, in objecting on yesterday to the consideration of this bill without debate, I did so in order to ascertain whether or not the committee had adopted the recommendations made by the Secretary of the Navy in his able and exhaustive report to this Congress relative to the armor of the three vessels now being built, and if they had not done so, to insist upon an amendment. At that time I had not had an opportunity to examine the bill. Since then I have examined it closely, and I find that the committee have acted in accordance with the recommendations of the Secretary of the Navy, and by so doing have saved to the Government, in the armor of these three vessels alone, over one and one-quarter millions of dollars. I therefore have no amendment to offer, and shall give the bill my hearty support.

Mr. HALL. Mr. Chairman, it was upon this point that I reserved the time yesterday. I wish to indorse the statement made by the gentleman from Alabama [Mr. HARRISON] with reference to the changes that have been made.

In the Fifty-third Congress, the contracts for the hulls and machinery of the three battle ships now in stock having been made, but no contract having been made for the armor, a resolution was passed instructing the Secretary of the Navy to inquire as to the cost of armor plate. On that he made an exhaustive research and examination. He made investigation in the armor-plate works abroad, and after careful examination he recommended to the Naval Committee of both the House and the Senate that he, the

Secretary of the Navy, should be permitted to contract for armor plate at a sum not exceeding $400 per ton. There are altogether 3,025 tons yet to be supplied for the three vessels that are in stock, that were contracted for under the act of June 10, 1896.

Now there is a saving of $162 per ton, which the Secretary of the Navy has effected, to the United States Government. The average price under the old contract was $562 per ton, so that an average of $400 per ton will effect a saving of that amount. On these three vessels, as the gentleman from Alabama [Mr. HARRISON] states, a saving of over a million and a quarter of dollars will be made.

But there are other clauses in this bill which are equally important, carrying out the recommendations of the Secretary of the Navy upon this matter.

After providing, as we do in this bill, that the 3,025 tons shall not cost to exceed the sum of $3,210,000, which is at the rate of $400 a ton, there is this further provision:

And provided further, That no portion of this armor shall be purchased until it has all been contracted for.

That gives additional power to the Secretary of the Navy, so as to prevent a contract being made for a part, and then the Government being forced to pay a higher price for the balance. Then there is this still further provision:

And provided further, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

That permits the shipbuilder to contract for the construction of the ship and the armor plate when it is to the best interest of the country. I did not feel like letting this pass without stating that it shows upon the part of the Secretary of the Navy indefatigable work that has saved to the country as much as a million and a quarter on these three ships, and saved probably a greater amount in the future. I have no further remarks to make.

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts withdraws his point of order against the provision on pages 15 and 16; and, without objection, those sections will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, I desire to ask the chairman of the committee what is the amount of the outstanding liabilities, the contract liabilities, or the liabilities yet to be contracted for on account of the new Navy which have not yet been appropriated for?

Mr. BOUTELLE. Mr. Chairman, I will state, in reply to the gentleman from Missouri, that the committee have prepared the most comprehensive table on that point that has ever been published, and it will be found attached to the report.

Mr. Chairman, I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10386, and had directed him to report the same back to the House with amendments and with a favorable recommendation.

The amendments were read.

Mr. BOUTELLE. These are simply clerical errors, and I ask that the amendments be agreed to.

The SPEAKER. If no demand is made for a separate vote, the Chair will put the question on the amendments generally.

The amendments were agreed to.

Mr. BOUTELLE. I ask for the previous question on the bill as amended to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 9647, "An act to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same, amended so that the bill will read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Metropolitan Railroad Company be, and it is hereby, authorized and required, within six months from the date of the approval of this act, to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said company is hereby authorized to issue and sell such an amount of its capital stock as will, at the market value thereof, cover the cost of constructing and equipment of the extension herein provided for."

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

Mr. BABCOCK. There is a statement in connection with the report. I ask that the Clerk read the statement.

The statement of the House conferees was read, as follows:

Statement to accompany the report of the conferees on the part of the House on House bill No. 9647.

The effect of the amendments agreed upon by the conferees to the bill as it passed the House are as follows:

First. To provide that the stock issued for the construction of the extension as provided in the bill shall be sold at its market value.

Second. To eliminate entirely from the bill the provision for the issue of stock to take up $250,000 of outstanding certificates of indebtedness.

Mr. BABCOCK. I ask for the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

WIDOW OF LATE SAMUEL F. MILLER, JUSTICE OF SUPREME COURT.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1582) to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died.

The bill was read at length.

Mr. POWERS. Mr. Speaker, the report in this case is very short, and I ask to have it read.

Mr DOCKERY. Mr. Speaker——

The SPEAKER. The gentleman from Vermont asks unanimous consent for the present consideration of the bill.

Mr. DOCKERY. This bill contemplates the inauguration of a civil pension list, Mr. Speaker, and, although I do so with great regret, I shall be compelled to interpose an objection.

Mr. POWERS. I hope the gentleman will not insist on his objection until the report is read.

The SPEAKER. The gentleman from Missouri objects.

Mr. DOCKERY. I have no objection to the reading of the report.

The SPEAKER. The gentleman from Missouri objects.

MONTGOMERY, HAYNEVILLE AND CAMDEN RAILROAD COMPANY.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama, which is identical with the House bill.

The House bill was read at length.

Mr. SHERMAN. Mr. Speaker, this bill is identical with the Senate bill. The House bill has already been favorably reported by the committee, and I ask that the House bill lie on the table and the Senate bill pass.

The SPEAKER. The gentleman from New York asks unanimous consent to take up the bill S. 3718, which has been read in substance, although the House bill has been read. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia.

HIRAM SANTAS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2877) granting a pension to Hiram Santas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hiram Santas, late a private of Company G, Nineteenth Wisconsin Volunteer Infantry, upon the pension roll at the rate of $8 per month.

Mr. BABCOCK. Mr. Speaker, I now ask for the reading of the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, having had under consideration Senate bill 2877, adopt as their own the following language, which they quote from the Senate report, and recommend the passage of the bill:

"This soldier served from January 30, 1864, to the end of the war, being discharged on the 16th of May, 1865. He served in the Army of the Potomac, and there contracted sickness which sent him for a time to hospital. The

Pension Office rejected his claim on the ground that he had no ratable disability. Notwithstanding, the examining surgeons have several times found disability, and so reported. He suffers somewhat from deafness, shown to be the result of the trouble contracted in the service. He has also plainly shown distinct rheumatic disorders, rated by the surgeons as four-eighteenths. Also from a broken arm, having motion but two-thirds normal. He has lost three fingers from the hand, and from both these causes is rated as disabled by the board.

"The committee find his disabilities clearly proved; that he served meritoriously, and is entitled to recognition."

Mr. MILES. Mr. Speaker, that is a very meager report. I would like to hear a statement from the gentleman presenting the bill.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to this bill that it passed the Senate some time ago, and has since been considered and favorably reported by the House committee. It is the Senate report that has just been read. The bill as originally introduced gave $20 a month, but as the report states, the amount has been reduced to $8, and the report sets forth the record of the soldier.

Mr. MILES. The report states that his application was rejected at the Pension Office; when was that?

Mr. BABCOCK. I am unable to give the date.

Mr. MILES. The report also fails to state this man's service in the late war.

Mr. BABCOCK. I beg pardon; the report states that fully.

Mr. MILES. I think it does not state how long he served.

Mr. BABCOCK. Yes; from the beginning of 1864 to the close of the war. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, was taken from the Speaker's table and referred to the Committee on Military Affairs.

CAROLINE WILKINSON.

Mr. ELLETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Wilkinson, of Chesterfield County, Va., the daughter of John Spears, a soldier in the Revolutionary war, who enlisted from Virginia, and pay her a pension of $12 per month.

Mr. BLUE. Mr. Speaker, I would like to hear the report in that case.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1513) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death, in 1842. His widow, Susanna Spears, was also a pensioner until her death.

Mrs. Wilkinson, the claimant, is a widow 75 years old, in indigent circumstances, and dependent upon others for support.

The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.

The claimant resides at Pilkinton, Chesterfield County, Va.

There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

Mr. BLUE. Do I understand that this "dependent daughter" is 75 years of age, and that her father died in 1842? If so, I object.

BENJAMIN F. HOWLAND.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1565) granting a pension to Benjamin F. Howland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Howland, late of the whale ship *Edward*, Mexican war.

Mr. MILNES. Mr. Speaker, let us have the report in that case.

The Senate report (by Mr. SHOUP) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1565) granting a pension to Benjamin F. Howland, have examined the same and report:

The claimant made application for pension under the Mexican war service pension act of January 29, 1887, alleging that he enlisted in the United States service at St. Joseph, Gulf of California, in 1846, as a sailor on the ship *Edward*, commanded by Capt. John S. Barker. His claim was rejected in the Pension Bureau on the ground that the records fail to show that he was enlisted in the naval or military service of the United States.

The beneficiary is one of the survivors of the crew of the ship *Edward*, several of whom have been pensioned by special act of Congress, notably Charles H. Perry, June 20, 1890, and George James, February 28, 1891; and the widow of Charles Peirce, August 9, 1894.

The following extract from the report of the Committee on Pensions in the House of Representatives, Fifty-first Congress, first session, in the case of Charles H. Perry, above mentioned, contains the data relative to the service rendered the Government by the crew of the ship *Edward:*

"The claimant made application to the Pension Bureau March 24, 1887, for a pension under the Mexican war service act of January 29, 1887, declaring that while serving as fourth mate on the United States whaling ship *Edward*, commanded by Capt. John S. Barker, the ship touched the shores of Mexico, at a place called San Joseph, where they were spoken by a trading sloop to go to the rescue of the garrison at said place, which was in the possession of our American troops (28 men), but which was surrounded by several hundred Mexicans, cutting off the water front.

"The whaling ship *Magnolia* dropped anchor near the *Edward*, and at the request of the garrison the forces of the two ships were combined, making a force of about sixty men, who landed, drove the enemy back, and remained there until the U. S. ship *Relief* relieved them. In order to perform the service above named, the ships *Edward* and *Magnolia* were left in charge of two men each, and the landing force marched 1½ miles to reach the garrison. After relief came, the ship *Edward* took dispatches to Commodore Shubrick, who was stationed at Matzland with the squadron. Commodore Shubrick returned thanks in behalf of the Government for the service rendered by the *Edward* on that occasion, and at his request the *Edward* carried fixed ammunition, shells, etc., back to the garrison.

"The official report of the United States Fish Commission for 1875-76 contains, at the bottom of page 113, the following statement:

"'The London Mercantile Gazette of October 22, 1852, said: "The number of American ships engaged in the Southern whale fisheries alone would of themselves be nearly sufficient to man any ordinary fleet of ships of war which that country might require to send to sea. Instances are not wanting, indeed, where whalemen have undertaken yeoman service for their country. Thus in November, 1846, Captain Simmons, of the *Magnolia*, and Capt. John E. Barker, of the *Edward*, both of New Bedford, hearing that the garrison of San Jose, Lower California, was in imminent danger, landed their crews and marched to its relief, etc."'

"On page 421 of the same volume a table showing returns of whaling vessels sailing from American ports has a marginal note mentioning the fact that Captain Barker, of the *Edward*, marched with his crew to the relief of the garrison of San Jose in 1846.

"Your committee believe, however, that, in view of the service rendered by which the garrison of San Jose and the lives of more than a score of men were probably saved to the Government, the claim is an exceptionally meritorious one, and should be so recognized by the passage of the bill."

In a letter from the collector of customs at the port of New Bedford, Mass., he states: "Upon examination of the original crew list of bark *Edward*, of this port, which cleared July 14, 1845, on a whaling voyage, the name of Benjamin F. Howland appears, and is thus described: 'Benjamin F. Howland, born in New Bedford, Mass.; aged 17 years; 5 feet 5 inches in height; light complexion; brown hair.'"

The claimant is 68 years of age, and from the affidavits of two of his neighbors it appears that he is suffering from rheumatism and disease of the kidneys and bowels.

In view of the precedents established by pensioning the survivors above referred to, and pensioning the widow of a member of the crew, your committee believe that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

Mr. MILES. Mr. Speaker, do I understand that report to say there is no record in the War Department of this man's service?

The SPEAKER. That is what the report says.

Mr. MILES. I object.

COL. JAMES LINDSAY.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3331) to pension Col. James Lindsay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause the name of Col. James Lindsay to be placed upon the pension roll of the United States, and to pay him a pension at the rate of $30 per month, to date from the filing of his application No. 833897.

Mr. TRACEY. Now, Mr. Speaker, I ask that the report be read; and I state that I am satisfied that if the report is listened to attentively it will be found to set out the facts of this case fully and clearly, so that every member can understand them.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3331) to pension Col. James Lindsay, having carefully examined and considered the facts presented, respectfully report:

At the outbreak of the war of the rebellion Col. James Lindsay took an active part in recruiting the First, Sixth, and Eighth Missouri Infantry Volunteers, and early in 1862 recruited and organized the Sixty-eighth Enrolled Missouri Militia, of which he was appointed colonel, and served as such during the years 1862 and 1863. He had manufactured, bought, and paid $874.35 for a battery of three guns, which were used with his regiment, the equipments being furnished by Colonel Lindsay at his own expense, and these were turned over to the Government and were afterwards paid for by special act of Congress. In 1864 he was stripped of nearly his entire worldly possessions, amounting to about $20,000, by Confederates under Gen. Sterling Price.

On July 22, 1890, he filed claim for pension under the act of June 27, 1890 (No. 833897), and in the medical examination had by the Pension Bureau he was rated at twelve-thirtieths for old age and six-eighteenths for catarrh, and the board say "is totally disabled from pensionable and other causes."

Colonel Lindsay was 82 years of age on January 14, 1896; was a good soldier during the war, participated in several engagements, captured a large number of the enemy, with horses, arms, ammunition, and stores at Bloomfield, Mo., on January 27, 1863, and lost his property by reason of his affiliation with and support of the Union cause, and now, in his old age, is left feeble and destitute; and your committee therefore recommend the passage of the bill after being amended by striking out the word "cause," in line 4, and inserting the word "place" in lieu thereof; also by striking out the words "to be placed," following the word "Lindsay," in line 5, and inserting in lieu thereof the words "late of the Sixty-eighth Regiment Enrolled Missouri Militia," and by striking out all of the printed bill after the word "month," in line 7.

Mr. TRACEY. Now, Mr. Speaker, I ask that the general order of General Carr, which I send to the desk, may be read.

The order was read, as follows:

[General Orders, No. 4.]

HEADQUARTERS, ST. LOUIS, DISTRICT OF MISSOURI,
St. Louis, February 2, 1863.

The brigadier-general commanding the district has heard with pleasure of the affair of the 27th ultimo, in which Colonel Lindsay, Sixty-eighth Regiment Enrolled Missouri Militia, with about 250 of his men and 2 small pieces of artillery, provided at private expense, dashed into the town of Bloomfield, Mo., capturing a large number of the enemy, with their horses, equipments arms, and stores, thus completely routing and breaking up the troublesome band of guerrillas which have for a long time infested that neighborhood.

The officers and men of the Sixty-eighth Regiment Enrolled Missouri Militia engaged in this affair have the thanks of the brigadier-general commanding, and he hopes their example, when occasion requires, will be emulated not only by the Enrolled Missouri Militia, but by all the troops in his command.

By command Brigadier-General Carr.

R. M. ELLIOTT,
Lieutenant and Acting Aid-de-Camp.

Col. JAMES LINDSAY,
615 New Jersey Avenue NW., Washington, D. C.

Mr. BAILEY. Mr. Speaker, was the beneficiary of this bill wounded in any engagement?

Mr. TRACEY. I do not know that he was.

Mr. BAILEY. He seems not to have been regularly in the service.

Mr. TRACEY. The beneficiary of this bill is now in his eighty-fourth year. He was not in the regular service of the United States in the sense of having been mustered into the Volunteer Union Army, but he and his regiment did two years' hard, active service in the State of Missouri, as hard and as efficient as that of any of the soldiers of the Union Army.

Mr. BAILEY. In one engagement?

Mr. TRACEY. Oh, no; he was in many engagements. I have called attention to this particular one because there is an order of the commanding general, which has just been read, not only approving but commending the conduct of this colonel and his regiment on that particular occasion. Colonel Lindsay was in constant active service, however, for a period of two years, besides having assisted very materially in organizing three regiments of infantry.

Mr. BAILEY. How much does the bill involve?

Mr. TRACEY. Thirty dollars a month.

Mr. BAILEY. For how long a period—from this time on?

Mr. TRACEY. From this time on—simply from the passage of the bill.

Mr. BAILEY. I think that is too much for a militiaman, but——

Mr. ELLETT. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. BLUE. I call for the regular order.

The SPEAKER. The regular order is called for. The Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

ORDER OF BUSINESS.

The SPEAKER. The business on the Speaker's table having been finished, the Clerk will call the committees.

Mr. PAYNE moved that the House adjourn, but withdrew the motion.

The Clerk then proceeded with the call of committees.

APPOINTMENT OF TERRITORIAL OFFICERS.

Mr. BRODERICK (when the Committee on the Judiciary was called). I call up the bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 1858 of the Revised Statutes of the United States be hereby amended so as to read as follows:

"SEC. 1858. In any of the Territories, whenever a vacancy happens from death, resignation, or removal, during the recess of the legislative council, in any office which, under the organic act and laws of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by appointment, and shall grant and issue a commission to the officer so appointed, which shall expire at the end of the next session of the legislative council; and the governor shall have power to remove all officers appointed by him, either when said officers have been appointed by and with the consent of the council or have been appointed during the recess of the legislative council or have been appointed during the recess of the legislative council, as is in this section provided."

The amendment reported by the Committee on the Judiciary was read, as follows:

On page 2, after the word "him," in line 15, insert "or his predecessors."

Mr. BRODERICK. I yield to the gentleman from Arizona [Mr. MURPHY].

Mr. MURPHY of Arizona. Mr. Speaker, in explanation of this bill I have this to say: Section 1857 of the Revised Statutes defines the officers who may be appointed by the governor, and excepts from those appointments the district and county officers, leaving to him the appointment of Territorial officers. Section 1858 provides how vacancies caused by death or resignation may be filled, but leaves out of the question the matter of creating a vacancy by removal. Section 1859 defines how officers in the Territories may hold office. I suppose that section intended that the Territorial legislatures might provide for the election of all officers not appointed by the President; but it has not been construed in that way. Therefore in the Territory of Arizona, and, as I understand, in the Territory of New Mexico, a great deal of confusion has arisen concerning the power of the governor to remove Territorial officers appointed by himself or by his predecessor, when a change of administration occurs.

Up to eight years ago no question on this subject had ever arisen in the Territory of Arizona. If a Republican governor were appointed by the President and went to that Territory, and a Democratic legislature was in control, he appointed his officers, the members of his immediate political family, and they were at once confirmed by the council in the same way that the appointees of the President are confirmed by the Senate. But eight years ago some difficulty arose. There was at the time a Democratic incumbent in office. Mr. Harrison was elected President, and the Republican governor not getting there before the legislature lapsed by limitation as alleged, the Democratic incumbent sent to the council appointments and they were not confirmed. After the Republican governor reached there, the legislature having held over, the names of the appointees of the Republican governor were sent to the council and these appointees confirmed. But the Democrats claimed that the legislature having lapsed by limitation, that action was illegal; and although the appointments had been confirmed, the officers previously appointed held over on the ground that the new appointees were confirmed by an illegal body.

Very much litigation and trouble was thus occasioned, and it took two years to effect a change in those Territorial offices, at great expense to the Territory, the result being in some cases double payments for the performance of the same duties, payments being made not only to the de facto officers, but also to the de jure officers. A Democratic legislature coming into power and recognizing the propriety of the chief executive naming the members of his own political family, passed immediately an act giving the governor the power of removal; a Republican governor signed that act, and his appointees were confirmed by a Democratic legislature and everything was peacefully settled.

Now the condition is changed. A Democratic legislature is in control; a Democratic governor is in office; and not long ago he sent to the council nominations of all the old appointees, some of them having already held office four years. The council passed an act taking away from the governor the power of removal and fixing the tenure of office arbitrarily at two years; and the council confirmed the appointees of that Democratic governor.

Now, the leading Democratic papers of the Territories are opposed to that action, saying that Democrats can not stand on a record like that, because they corrected the evil in the first place, and to continue it now is against Democratic principles. But the simple fact of the case is that when the governor appointed by the new Administration goes to Arizona to be responsible for the conduct of the government there, he will find himself stripped of even the power of appointing his own political advisers—the attorney-general, the treasurer, the auditor, etc. When the administration changes and the responsibility changes, the access to the books which should be reached by the proper officers of the Territory will be barred by that kind of procedure.

I believe the intent of the statute has always been to confer upon the governor the appointing power, and also the power of removal; and it has been so held by the supreme court in New Mexico. But in order to relieve the existing ambiguity and to forever estop these men from juggling with political offices, and also to secure proper political responsibility in the Territories, it has been deemed best to amend section 1858 of the Revised Statutes, giving the governor the power to remove the officers appointed by him or his immediate predecessor if a change in the administration occurs. That is a plain, simple statement of the case. Some say that the object of this movement is political advantage. That is a misrepresentation. It is to prevent the carrying out of a purpose which seeks to accomplish a partisan advantage by an act of bad faith. This measure does not seek a political advantage; it is in the interest of good government in whatever way we may look at it.

Mr. DOCKERY. What committee has reported this bill?

Mr. MURPHY of Arizona. The Judiciary Committee.

Mr. DOCKERY. Unanimously?

Mr. MURPHY of Arizona. I do not know.

Mr. BRODERICK. It was understood that certain members of the committee reserved the right to say what they choose and act as they choose when the bill should come before the House.

Mr. BAILEY. Has the gentleman from Arizona [Mr. MURPHY] concluded?

Mr. BRODERICK. Does the gentleman from Texas [Mr. BAILEY] desire to say something in opposition to the bill? I should like to fix, if possible, a limit to the discussion.

Mr. BAILEY. The gentleman from Mississippi [Mr. ALLEN] desires to be heard.

Mr. ALLEN of Mississippi. This was a legislature elected by the people of Arizona that fixed this rule?

Mr. MURPHY of Arizona. Yes.

Mr. ALLEN of Mississippi. Elected by the people of Arizona?

Mr. MURPHY of Arizona. Yes.

Mr. ALLEN of Mississippi. And the representatives of the people fixed this rule?

Mr. MURPHY of Arizona. The members of the legislature, yes; and they fixed the other also.

Mr. ALLEN of Mississippi. Is not this a sort of reflection upon the public sentiment of the Territory?

Mr. MURPHY of Arizona. Not necessarily. It is mostly a reflection upon the people who have the loaves and fishes and desire to retain them.

Mr. ALLEN of Mississippi. More a reflection upon the people of the Territory who elected the representatives.

Mr. MURPHY of Arizona. No, not necessarily.

Mr. BRODERICK. Can we arrange for the closing of the debate?

Mr. BAILEY. As far as I am concerned, I only desire to say a few words, and five or ten minutes will suffice. Did the gentleman from Kansas [Mr. BRODERICK] reserve the remainder of his time?

Mr. BRODERICK. I did.

Mr. BAILEY. Then I wish to be recognized in my own right.

The SPEAKER. The gentleman from Texas.

Mr. BAILEY. Mr. Speaker, I do not need to say any more than has been said by the gentleman from Arizona [Mr. MURPHY] in order to indicate to the House that this is purely a partisan measure. The purpose of it is to enable the governor of Arizona, soon to be appointed by the incoming Administration, to remove the Territorial officials, who are entitled under the existing Territorial law to something like two years of further service. It would be well for the House to reflect that this is a proposition to appeal to Congress to supersede a law of the Territory which the Territorial legislature unquestionably had the power to pass.

The gentleman from Arizona [Mr. MURPHY] might well restrain the greed of his partisans for two years. They would be appointed for two years, and then for two years again, because their first two years must expire within the first two years of Mr. McKinley's Administration, and then his governor would be permitted, under the regular and orderly procedure, to reappoint them. Therefore, if the incoming Administration respected the Territorial law, as we now ask you to do, your officials under a Republican Administration would hold four years, and under this bill they will only hold four years.

Mr. MURPHY of Arizona. I want to make a statement for the purpose of correcting you there. The majority of these officers have already held for four years, and in holding two years more they will have held for six years, and if the legislature should be antagonistic to the governor, they would hold indefinitely. We want to correct this state of affairs.

Mr. BAILEY. You appeal to Congress against the will of the legislature elected by the people of Arizona.

Mr. MURPHY of Arizona. Not necessarily.

Mr. BAILEY. Why not leave it to them, then?

Mr. MURPHY of Arizona. Why not let it remain as it originally was? The legislature which originally passed it recognized the eminent propriety of conferring the power which they did.

Mr. BAILEY. Then we are justified in saying that the people of Arizona thought they originally made a mistake, and they corrected it, or their representatives did. Now, it may be true enough that there was some partisan advantage sought, but why does not the gentleman from Arizona settle that with his partisan opponents in that Territory?

Mr. MURPHY of Arizona. It has been settled. This is an extreme and an arbitrary advantage, and the fault lies in the Federal statutes. The Federal jurisdiction is extended over the Territories, and I believe the intent of the statute was to place the power of removal where the responsibility rested, and this is simply to remove the ambiguity of the statute.

Mr. BAILEY. The gentleman most egregiously errs. The truth is that every intendment of the law ought to be in favor of a man holding for the time for which he has been appointed.

Mr. MURPHY of Arizona. They have already done that.

Mr. BAILEY. The arbitrary power of removal is a dangerous one, and it will come back to plague any man or any party that constantly invokes it. If you appeal from the people of Arizona to the Congress here, which can have no such interest in it as the people immediately concerned have, then, sir, how do you escape or hope to escape from similar partisan appeals when, in the course of events, your party, having disappointed the country, is driven out, as ours was?

Mr. MURPHY of Arizona. I want to say to the gentleman from Texas that this was not an issue before the people in the last election. The law at that time permitted removals, and the people had passed upon that issue, and the present officials arbitrarily exercising that power, the people now desire relief.

Mr. BAILEY. Then, Mr. Speaker, the plain answer is that if these men have disregarded the will of the people, and if the matter is important enough to invoke the intervention of Congress, it is important enough to be made an issue in your coming elections, and you can remedy it there.

Mr. MURPHY of Arizona. After these gentlemen have held six years, when they were only entitled to two.

Mr. BAILEY. Ah! but the gentleman is mistaken. They are entitled to serve two years from their last appointment.

Mr. MURPHY of Arizona. But they have already served four years.

Mr. BAILEY. They did that under the law, and your law-making power says that the governor's appointees shall serve two years thereafter without the power to remove them. It makes no difference whether the governor has appointed the same gentlemen who formerly filled those offices or whether he has appointed different gentlemen. His appointees under the law are entitled to undisturbed service for two years. You admit that without the passage of this law they will serve two years, and it is the sole and only purpose of this bill to enable the new appointee of the incoming President to remove these gentlemen, and you boldly avow that.

Mr. MURPHY of Arizona. And will not you boldly support the proposition that there has been an arbitrary change of law to retain them there?

Mr. BAILEY. I support the proposition of obeying the law and leaving it to the properly constituted authorities to correct whatever injustice has been practiced.

Mr. MURPHY of Arizona. And Congress is that authority.

Mr. BAILEY. I can not suffer the gentleman to inject a sentence at the conclusion of every one of mine. Mr. Speaker, I sympathize with the Republicans. The 4th of March brings them face to face with 350,000 office seekers and with less than 60,000 offices to fill. Four years ago we knew something about that kind of a trouble ourselves. You, being secure from its vexations, laughed at our embarrassment. It is our time to laugh at yours. You have no more opportunity to escape the wrath of the disappointed office seekers in the next Congressional elections than we had to escape the wrath of the American people against the maladministration of the outgoing President.

Mr. STEELE. I understand that you justify that legislature in hogging the offices and the President in extending the civil service to most of the offices. [Laughter and applause on the Republican side.]

Mr. BAILEY. "Hogging" is a good word. I am glad to know that it is to have a place in the RECORD.

Now, Mr. Speaker, I do not justify that. This is a question, however, that the Republicans of Arizona ought to settle with the Democrats of Arizona. They have the power to elect their legislature and their council, and if their legislature or council betrays a public trust, there is a power of public judgment to which they may appeal, and that is the forum in which to settle the matter. What I protest against is that Arizona politics should be brought to Washington, and that from the judgment of the people there an appeal shall be prosecuted to partisan greed here.

Mr. MURPHY of Arizona. I beg your pardon. The issue has not been before the people there.

Mr. BAILEY. Then submit it to the people; and I have confidence enough in the intelligence of the people of Arizona to believe that they will set it right, although I do not blame the gentleman himself for distrusting their intelligence, since they did not have the good judgment to return my friend to Congress. [Laughter.]

Mr. MURPHY of Arizona. I was not a candidate for reelection.

Mr. DOCKERY. I understand the gentleman from Texas simply insists upon the right of local self-government.

Mr. BAILEY. Precisely so. It is not a question with me whether they were right or wrong. I propose to leave that question to the people of Arizona themselves. I have no special desire to deprive the Republican party of these few places, and I will say to the gentleman from Arizona that the more patronage his party has the greater will be its embarrassments. Patronage is a disadvantage to parties and to individuals. I have been so deeply impressed with this belief that since I have been a member of this House I have proposed more than once to relieve the members of this House from the distribution of patronage, for I believe there is no greater curse upon Congressional service to-day than the constant annoyance to which we are subjected in seeking offices for our friends and constituents.

I believe, sir, that the Constitution makers were wise when they lodged these appointments in the executive department of the Government, subject only to the advice and consent of the Senate. They provided that as to inferior officers Congress might lodge the appointments in the heads of Departments or in the courts of

law, but nowhere was there any suggestion that members of Congress might become responsible for their distribution. Appointment to office is purely an executive function, and ought never to be a part of a legislator's duty. It has been the experience of almost every man in this Hall to see the appointment of a fourth-class postmaster more potent in the renomination and reelection of a member than his position upon a great public question.

You gentlemen can calculate that every post-office appointment in every district in this country where the parties are at all closely divided will cost you not less than from five to ten votes. There are fifty or sixty districts where the normal majority is less than a thousand, and in almost every one of those districts the disappointed applicants for office and their friends will be sufficient to reverse the verdict given in your favor at the last election. For the last eight years, at the Congressional election succeeding the election of a President, the party in power has met defeat. You will not escape it next year, and it would be to our advantage to multiply these offices, because the more of them there are the more bitter will be your struggle and disappointment over them. I know that patronage is not to your advantage. On the contrary, I know, and every gentleman who sits within the sound of my voice knows, that it is to your disadvantage. First, it is a disadvantage to you gentlemen in your Congressional primaries, and, next, it is a disadvantage to your party in the Congressional elections.

Mr. Speaker, I have never been able to see any reason why members of this House should desire to control these offices. It either breeds a sense of dependence on the part of the Representative toward the Administration, or, if it does not do that, it constantly provokes conflicts, for there is nothing more certain than that whoever has influence with the Administration must permit the Administration to have influence with him. Whenever a self-respecting Representative defies the Administration, he will find in the nature of things the Administration discriminating against his friends. I undertake to say that, with the rare exception of bitter divisions on great public questions, more animosities have been engendered between the executive and the legislative branches of the Government by controversies growing out of the single question of patronage than by all other questions combined.

It was a quarrel over the distribution of patronage that drove from the Senate the most brilliant man who has occupied a seat in that body from the great State of New York in thirty years. It was the heat of that quarrel that inflamed the mind of a madman to shoot down a great President. Members of this body have been alienated from personal friends in their own State delegations by controversies growing out of the question as to who should control appointments. These offices are a very apple of discord, and if we sought party advantage we would multiply these appointments, because we would thus aggravate the divisions among you and render it the more certain that the Democratic party will displace, in the next Congressional election, the Republican majority that now dominates this House.

Mr. Speaker, I reserve the balance of my time.

Mr. BRODERICK. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. CATRON].

Mr. CATRON. Mr. Speaker, the Territory of New Mexico is not situated exactly the same as the Territory of Arizona in regard to the effect of this bill. The law in the Territory of New Mexico has been that the governor has the power, under the organic act of the Territory, to make certain appointments, and, under the laws of the Territory, he has power to make certain other appointments with the provision that his appointees shall hold their positions until their successors are appointed and qualified. One would have supposed, considering the decisions of the Supreme Court of the United States upon that subject, that no governor would have the power to remove; but the governor of the Territory of New Mexico has found that, in certain contingencies and for certain reasons—strained contingencies and strained reasons, as he has assigned them—he has the power to remove. But the governor of New Mexico and the governor of every other Territory are appointed by the President. The supreme court and all the judges of the nisi prius courts are appointed by the President. The secretary of the Territory is appointed by the President. The people have no hearing. They have no privilege to select their officers, except the begging privilege to ask for certain appointments.

It has been suggested here that the gentleman who has just taken his seat [Mr. BAILEY] is in favor of local self-government. Give us local self-government and we will be satisfied. It is because the governor, in the appointment of whom we have no voice; it is because the secretary, in the appointment of whom we have no voice; it is because the judges, in the appointment of whom we have no voice, are appointed without our consent and frequently from outside, that we complain. Men have been sent there contrary to the declarations of principle of both political parties—men who are residents of the various States. Both parties have declared in favor of local self-government as far as possible, yet the President of the United States—not only the one now in the White House, but his predecessor, and the predecessor of that one, have, each of them, violated the principle laid down by their political parties and have sent men to govern us who had no connection with the Territory, who were brought from beyond the limits of the Territory, or who were appointed contrary to our wish. If we could have local self-government in New Mexico we would be satisfied.

At the last election, although the Republican Delegate was not returned, a majority of the people voted for a majority of Republicans and elected them to the legislature. In the lower house there was a majority, in the upper house a tie. The governor of the Territory of New Mexico has a tie in the present legislature. Two years ago the Republican party elected a two-thirds majority in each one of those bodies. But the secretary of the Territory (who had been appointed by the present Executive of the Federal Government), taking advantage of the power given by Congress to him, and to him alone, to administer the oath of office to members of the legislative assembly, swore in a majority of Democrats in each branch of the legislature, regardless of the certificates of election, regardless of Territorial law, and regardless of the rights of those people. You tell us that we must leave these matters to the people, and then you send a man there backed by a law which takes away from us the power to control these matters. Had we possessed the control of that legislature, there would have been no complaint here, because they never would have passed certain laws which are now on the statutes.

We ask that the present bill may pass in order that the governors of the various Territories may appoint their own executive officers, the officers who are to assist them in administering the law. By the organic act it is provided that the governor of each Territory shall see that the laws are executed. How is he to see that the laws are executed if you take away from him the right to designate the persons who are to execute the law under him? In our Territory we have a majority of the legislature on joint ballot, but there is a tie in the council; so that we are not able to control the appointees of the governor. Consequently his appointees will hold over. They have succeeded in getting appointed there a court which sustains him in making removals throughout that Territory. We Republicans did not believe he had the power; but the Democratic supreme court of that Territory says that he does possess it; that he may exercise the power of removal. And so far as I am concerned, Mr. Speaker, I believe that we will in that Territory of New Mexico avail ourselves of the construction which the Democratic supreme court has placed upon our laws, if we can get a governor who will appoint his own friends, and of proper capacity to fill the offices.

We ask the passage of this bill, however, because it is right. We do not want any forced construction of the statutes of that Territory or the statutes of the United States. We want such a construction placed upon them as we can stand by from year to year. But if you send there as judges only men who are appointed for political reasons—broken-down political hacks—persons who reside in the State of Virginia or the State of New York or any other State, and who are sent among us simply for political reasons, you must expect them to carry out the law for political purposes.

[Here the hammer fell.]

Mr. BRODERICK. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, I have heard the speech of the gentleman from Texas [Mr. BAILEY] with a great deal of admiration. I am candid in saying that I believe it is the most wonderful appeal he has made to this House since I have had the honor of being a member. But, Mr. Speaker and gentlemen of the House, this appeal comes a little too late. If votes have been curtailed from certain gentlemen in certain districts during the last four years, I can account in a large measure for a part of what we now see. In my Territory alone there have been "carpetbaggers" enough sent in to hold the offices, who, had they voted in the districts from which they were sent, would doubtless have helped to swell the Democratic majorities. In the Territory of Oklahoma the President, after having sent in all the importations, has placed the civil-service law over—whom? Over assistant laundresses in Indian schools who draw $12 a month for the purpose, I presume, of ironing low-neck dresses for the squaws [laughter], and Indian farmers sent from Southern States to teach the Indians how to cultivate the soil; and I have in mind one of them who never in his life saw a reaping machine or a self-binder until he was sent out there to teach the Indians how to operate such machinery.

But, Mr. Speaker, let me say this: The governor of Oklahoma, although a Democrat, has, as far as is possible for a Democrat, been an able and an efficient officer. [Laughter.] I would say nothing unkind against him. But I desire, in fairness and frankness toward the Democratic side of this House, to ask one question. You now have, for the first time since the Territorial organization of Oklahoma, control of both branches of the legislature. We have

always had it heretofore. We have always heretofore had the governor. We turned over to you the offices and the law, so that you, when you had your governor, could fill those offices with men of your own selection and your own party. We were honest; we were honorable. And is it unfair now to come here to those of you who are not members of the party that was successful in the last campaign, and ask you in fairness and honor, as between man and man, to be as fair to those people as the Republicans were when they had control of affairs there?

Why should a Democratic governor, who has had his appointees for four years, be authorized to reappoint for two years or four years longer when he is about to step down and out? Why should the incoming governor be deprived of the right of removal and the right to have his own counselors? Why should the incoming governor of any Territory, no matter who he may be, be prohibited from having his own Territorial treasurer to investigate the Territorial funds, his own attorney-general to counsel and advise him, his own cabinet, as it were, whereby he may administer the Territory in the interest of those by whom the people of the Territory expect to be governed? You may say there is some politics in this. Suppose there is. Personally, if I had my way, I would wipe out the civil service and fill every office with a Republican within twenty-four hours. [Applause.] That is the way that I regard it. Now all the offices have been filled. I do hope when the new Administration comes in that one of the bright deeds of which it will be accused by the Democrats will be the sending of the carpetbaggers who are under civil-service rules in Oklahoma back to the States from which they came, so that men who are familiar with the country, with the climate, with the conditions and the soil, may be allowed there in peace and quiet to conduct the affairs of their own people in their own Territory. I believe this will be done. Whoever may be appointed governor in any of these Territories should have the control of his own appointments. The Democrats have had that authority. Now, why should not the Republicans have it? That is about all there is in this question, as far as I am concerned. I believe that to the victors belong the spoils. That may not suit certain gentlemen who have got these offices already filled.

Mr. LITTLE. You are getting Democratic.

Mr. FLYNN. If that is Democracy, I shall expect you to vote for this bill. Mr. Speaker, I appeal to the House, I appeal to the Democratic members of the House, there is nothing asked for in this bill that you did not have the authority to do until the recent legislatures were elected. You say, Let the people have the choice. You have not got any Democratic party in Oklahoma. You did not run one last fall, so that you can not be hurt by this. Why should you object to the party that is coming in controlling the affairs of the Government? We will control them, as far as we are concerned. Do not be at all uneasy about that. But the unfair part of the law with reference to Arizona is that it specifies that the governor shall not be authorized to remove until after the judge of some court has, in final adjudication, certified to him that a removal is necessary. Many of you are lawyers and know that nowadays it is not a very hard matter to keep a question in court for four years.

Mr. BRODERICK. If there is no gentleman on the other side who wishes to discuss this question, I will ask for a vote.

Mr. BAILEY. Mr. Speaker, I merely desire to remark that in view of the appeal for home rule made by the gentleman from Arizona [Mr. MURPHY], the gentleman from New Mexico [Mr. CATRON], and the gentleman from Oklahoma [Mr. FLYNN], the House ought to be reminded that the object of this bill is to give Territorial offices to Republicans; and yet in every one of these three Territories the Republican party met with an overwhelming defeat last fall, so that if the people's will is to be respected they ought not to have Republican officials.

Mr. BRODERICK. The object of the bill is to give the governors of the Territories the same rights as to appointive officers that the governors of the States have and have always had. That right has never been questioned in the States. We believe that they should have this right.

Mr. GROSVENOR. Mr. Speaker, is it not the policy of the present law governing the civil service of the country to prevent all officers of all degrees from appointing their subordinates? Is it not a fact that the gentlemen who pay out millions upon millions of dollars for pensions are forbidden to remove or to appoint their own chief clerks, the very men who sign the names of their principals to checks? Is it not true that under the growth of this distinguished system the collectors of internal revenue over the country will be unable to appoint their own deputies and will be compelled to submit the transaction of the mighty business of their departments to men whom they can neither appoint nor remove? Is it not a fact that the President of the United States can not secure a stenographer or a typewriter or a messenger for the White House on his own motion? Is it not a fact that this Government has been surrendered to a bureau in this city to govern it? Why should a Territorial governor, therefore, have any better status than the President of the United States has?

Mr. STEELE. We should correct both evils.

Mr. GROSVENOR. And yet I am for this bill. It is a step in the direction of the tide that is going to rise and teach bureaucracy that the young men of the country propose to have something to do with the administration of the Government. [Applause.] And Congressmen who are afraid of their popularity at home, so that they dare not discriminate among the young men of their districts as to whom they should recommend for office, will have an opportunity to stay at home.

Mr. BAILEY. Is this an intimation that the present civil-service law is to be repealed?

Mr. BRODERICK. I am reminded that the coroner has more authority in the matter of patronage now than the President of the United States.

Mr. GROSVENOR. That is true, and yet we have had Presidents of the United States who could not have passed the civil-service examination for a fourth-class clerkship.

Mr. BRODERICK. I call for the previous question.

Mr. BROSIUS. I ask the gentleman to yield to me for five minutes.

Mr. BRODERICK. I will yield five minutes to the gentleman from Pennsylvania.

Mr. BAILEY. I have no objection to that, but I would have reserved my time except that I thought we were going to have a vote.

The SPEAKER. The gentleman's time will be reserved.

Mr. BROSIUS. Mr. Speaker, I only ask this short period of time for the purpose of correcting a misapprehension on the part of my distinguished friend from Ohio [Mr. GROSVENOR]. I know he has, as we all know he has, a lodged hate against what we call the merit system.

Mr. GROSVENOR. The gentleman must not misrepresent me. I am in favor of the merit system, and that is the reason I am opposed to the present system.

Mr. BROSIUS. The correction I desire to make is that the President has the right to select his private secretary; every collector in the United States has the right to appoint, without consulting anybody, his private secretary and his cashier. Now, my friend did not mean to misrepresent the facts, but I understand he desired to convey the idea that the civil service as now conducted puts more severe limitations upon the power of officers and heads of departments than is warranted by the fact. He seeks also to convey the idea that a great injustice is done the young men of this country by the merit system in the executive service of this country. The fact is quite the reverse. The civil service of the United States has a high regard for the rights and the privileges of the young men of this country, and gives them the right to aspire to places in the civil service without subjecting themselves to the degradation of becoming the servile tools of politicians and bosses anywhere in the country. [Applause.]

Mr. GROSVENOR. They may "aspire," but can not get in.

Mr. BROSIUS. It gives them the right to seek employment in the civil service of the country without the humiliation of becoming beggars at the feet of the bosses who have the power to bestow these places. [Applause.]

Mr. GROSVENOR. They can seek, but not find.

Mr. BROSIUS. They can find them, and more of the bright young men of my district find civic places under this Government under the civil service than they could in any other way. [Great laughter.]

Several MEMBERS. How?

Mr. BAKER of New Hampshire. Is that the secret?

Mr. BROSIUS. By the only way that any man can be admitted into the service now—by a competitive examination, where merit, and merit alone, is the paramount test of his right to have the place he seeks.

Mr. BRODERICK. Will the gentleman yield to a question?

Mr. BROSIUS. Well, I have but a minute.

Mr. BRODERICK. I will give you two minutes.

Mr. BROSIUS. Then I yield.

Mr. BRODERICK. The proposition here is to allow the governors of the Territories the same power as to the appointment of officials that are provided for by the organic act of the Territories that the governors in the States have. Do you see any objection to the bill with that feature in it?

Mr. BROSIUS. I do not care anything about the bill. [Laughter.] I think I will support the bill [renewed laughter and applause on the Republican side], because you say it is all right; but I have given it no attention at all. I only rose to reply to some statements of my friend from Ohio, and now I would like to have it distinctly understood that I am a practical civil-service man. I believe in the merit system as the system which should be applied wherever it can be suitably applied, and where it can not be applied, I am opposed to it. Nobody objects to the civil

service to-day so far as it covers admissions to the public office, but the scandal that has come upon the executive service of this country is because the spoils system has continued within the service all these years. I want the merit system established within the service as potentially and as effectively as it has been practiced in admission to the service, and after that is done, my word for it, no man who admits upon this floor that he is in favor of the merit system in the executive service of the country will complain. The system stands upon four strong legs.

The first one is that the public good is the supreme law, and it ought to be in this country [applause]; and that merit, competency, and qualification to perform the duties of the offices are the only tests of the right to fill them. It holds the doctrine that it is a demoralizing use of official power to appoint to office on the ground of personal or party favor without regard to fitness. It holds that public office is a public trust, not to be bestowed as spoils of politics, and to do so is detrimental to the public service and ought not to be tolerated in a country like ours. The merit system stands upon these principles.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BROSIUS. And I want it to remain there. I want it to be administered practically, so we can get from it the largest amount of the best with the least amount of the worst results. Whatever in it is right and beneficent and useful to the Government I do uphold, but whatever is wrong in it I unite with my friend in condemning. When any man assails the abuses of the system that have been practiced under this Administration, he does not harm me. I am glad to see gentlemen rise here with zeal in a good cause that would do credit to the Apostle of the Gentiles and storm against the abuses in the civil service resulting from the retention in the interior of the service of the spoils system, which every patriot and every intelligent statesman of this day ought to condemn. I remember that when Professor Huxley was in this country many years ago he attended a dinner in New York, and he asked Senator Conkling what he thought of the civil service. The Senator occupied about the same attitude toward the merit system that is occupied now by my friend from Ohio, Mr. GROSVENOR, and he launched into a most eloquent philippic against civil-service reform. Professor Huxley was asked by a friend what he thought of Mr. Conkling's remarks, and he replied that it was the most eloquent defense he had ever heard of an utterly indefensible proposition.

Now, Mr. Speaker, I have heard my friend from Ohio [Mr. GROSVENOR] make some eloquent remarks in defense of what I regard as an utterly indefensible proposition.

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I want to contribute at least a sentence to this very interesting discussion of civil-service reform. The position of the distinguished gentleman from Ohio [Mr. GROSVENOR], both in his party and in his relation to the incoming President, entitles anything he says to great weight, and when I hear him denounce with such severity the existing civil-service law I feel warranted in assuming that the next Administration intends to propose the repeal of that law; and from the great applause with which the gentleman's statement was greeted, I assume that a large majority of Republicans in this House stand ready to vote for that repeal.

Mr. STEELE. What do you think of it yourself?

Mr. BAILEY. I think it is a colossal humbug, sir. [Laughter and applause.] But the Republicans on this floor who applaud with such earnestness and vociferousness this assault upon the civil-service law are confronted with the declaration in their platform approving it.

Mr. FARIS. Why did not your party repeal it when they were in power?

Mr. BAILEY. We did not have sense enough then, but we shall know better hereafter. [Laughter.] This, Mr. Speaker, is the declaration of the Republican platform:

> The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

"Extended wherever practicable." They must have had in mind the distinguished gentleman from Pennsylvania [Mr. BROSIUS], who avows himself a practical civil-service reformer, and judging from his support of this bill I conclude that his idea of a practical civil service is a civil service which keeps Republicans in and puts Democrats out. [Laughter.]

Now, Mr. Speaker, my idea of a civil-service system is to give every man a tenure of years and then require him, at the expiration of that time, to come up again for appointment, just as we must come up again for election. I believe it does no hurt to take men out of the body of the people and, at the end of every four years, to send them back. They may not be as good citizens as they would have been if they had never entered the civil service, but I pledge myself that they will be better citizens than they will be if they are kept here the balance of their lives. [Laughter and applause.]

Mr. STEELE. Mr. Speaker, I subscribe to nearly all the gentleman from Texas has said on the subject of the civil service. I did not put my question for the purpose of embarrassing him, and I take this opportunity to say that I was one of forty-six who voted against the proposition when it was before Congress.

Mr. BAILEY. I thank the gentleman for his approval, and I trust that with the distinguished gentleman from Ohio [Mr. GROSVENOR] in the forefront of this battle we are near the end of this "snivel-service" reform. [Laughter and applause.]

Mr. GROSVENOR. Mr. Speaker, if the gentleman from Texas had been present in the Fifty-first Congress or in the Fiftieth Congress, he would now remember that the first contest I ever had on this floor in opposition to the fraudulent practices and un-American conspiracy known and denominated here by its adherents as the "merit system" was with the gentleman from Ohio, Hon. William McKinley, then a member of this House, he advocating one side of the question and I the other. So far as I have heard, he lost no confidence in my Republicanism on that account, and I lost no confidence in his statesmanship and ultimate good sense. [Laughter and applause.] From that time to this I have tried to point out the encroachments of this sinuous, infamous conspiracy while it has been fastening itself upon this Government, until it constitutes to-day the greatest power of the spoilsman—far greater than any other enactment ever made by the United States of America. Talk about this as a "merit system." Why, the gentleman himself, Mr. BROSIUS, has been compelled, in obedience to a condition that has grown out of this system, to introduce here a bill to pension the incompetents who are kept in office because of the existence of this law. We are to have as a concomitant of this system a civil pension list, and it may be said that no government has ever adhered for any considerable length of time to this system, which is denominated the "merit system," without ultimately being compelled to establish a civil pension list. That is one of the necessary consequences to the existence of the system, and one that we saw the dawning of when the gentleman from Pennsylvania introduced his bill here in the House. Will the people of this country have that? Will they permit a bureau to run this Government, first, by prescribing rules of admission to the civil service, and then, when hundreds of thousands of young, able-bodied men are willing to take those places and perform those duties and yield them up again to their successors, wear out these old employed people until they are compelled to be pensioned? Will the people do that?

Mr. BROSIUS. Will you allow me?

Mr. GROSVENOR. I will allow you the same as you allowed me.

Mr. BROSIUS. Did you interrupt me?

Mr. GROSVENOR. I tried to do so, but you would not let me. [Laughter.]

Mr. BROSIUS. You do not mean to misrepresent me?

Mr. GROSVENOR. No; you have had two or three hours on this question. I have a stack of manuscript about that high [indicating] that you made when there was no question pending. Now there is one pending.

Mr. BROSIUS. I can not compel you to yield. I only wanted to correct a misstatement you were making.

Mr. GROSVENOR. It is said that I mistook the facts when I stated that the chief of the pension pay agents of the country was not permitted to appoint or remove his deputies and had nothing to do with their selection. I reiterate the statement upon the declaration made by Colonel Wilson himself. I stated that the deputy collectors who travel about the country and gather the money for the collectors of internal revenue are strangers to the collectors. I say so now.

Several MEMBERS. That is true.

Mr. GROSVENOR. Everybody knows it is true. But let us see what else we have under this system. We have a board of pension examiners in every county of the United States, and in some of them three or four. They come into immediate contact with the old soldiers of the country, examine them for pensions, and certify the conditions of the physical evidence. Under Republican administration ex-soldiers of the Army who were efficient and distinguished medical men were always appointed upon those boards. I do not believe that in the State of Ohio there was one board that had not a soldier upon it. If there was, it was because there was no eligible medical man in the locality who had been a soldier. Those boards generally consisted of two Republicans and one Democrat. Upon the incoming of this civil-service-reform Administration—they are all alike, these reformers, all tarred with the same stick of aggrandizement of themselves—they turned out every one of those officers, and in filling up the boards, so far as I know, not one soldier was put in. I do not believe that in the State of Ohio to-day there is a soldier on a pension-examining board.

There may be, but if there are they are very scarce, and yet these men are the men whose duty it is to examine the soldier applicants for pensions in that State. The members of those boards are practically all Democrats and none soldiers, and now by the operation of this civil-service law the President of the United States has fastened in for all time to come these incumbents. They were not put there for merit; they were simply Democrats; that was the sole qualification they had. This is the "merit system," is it not? This is the "merit system" that the gentleman from Pennsylvania boasts of. Was it not the "spoils system" under the hypocritical guise of civil-service reform? Under no other administration on God's earth was such an outrage as that ever perpetrated.

Let me tell the gentleman that this singsong cry of "merit' does not amount to anything in this country any more, for the people are beginning to see through it and to recognize the hypocrisy of it. A Democratic head of one of the great bureaus of this Government boasted, under oath, before one of the committees of this House, that out of 71 men certified to him from the Civil Service Commission he was "enabled" (to use his own language) to get 70 Democrats. Let me tell the gentleman that the "merit" he seeks for is not the merit that makes a good officer of the Government. Under the "merit system," I am just informed by a member of the House, two persons who had received two certificates of service were appointed through the instrumentality of the "merit system" in one of the great Departments of this Government. They each had two certificates, one was a certificate of "merit" in the examination of the civil service, and the other was a certificate of discharge from the penitentiary. [Loud laughter.] How can you help such things happening? It is a question of "merit;" it is a question of percentage; it is a question of who stands highest in the bugologies of the country and the astronomy of the heavens. That is all there is about it. It is not a question of the life character of the young man known to his Congressman—the young man with his ambition aroused and his purposes pure and patriotic; he has perchance been unable to secure so high a degree of excellence in the higher branches of education as his fellow, and he is excluded.

So I say that the young men of this country are deprived of their opportunity to participate in the Government. I say that the declaration that this is a "Government of the people, by the people, for the people" is "as sounding brass or a tinkling cymbal." I say that a bureau that can prescribe rules and regulations has usurped the Government, and that bureau has undertaken to say who shall and who shall not hold office.

Now, my friend from Pennsylvania says—and if he would not get so excited whenever I speak on this subject, I should like to reason with him [laughter]—he says that it is a great "degradation" to young men to come to a member of Congress and say to him, "I would like to participate for a short time in the administration of this Government." A "degradation," is it? Was it any "degradation" to my friend when some years ago in a primary election in the county of Lancaster, which he has so ably represented on this floor, he upset the plans of his predecessor and in a primary vote secured the nomination for the office he now holds? Did he not ask anybody to help him do that? [Laughter.] Is it a "degradation," gentlemen of the House of Representatives, for you to go to the sturdy, active, live young men of your district and say, "Boys, let us put the Republican party into power?" Is that "degradation?" I rejoice in such an opportunity, and there is no crown of my rejoicing brighter than that the young men of my district have always enthusiastically and generously responded to my request. Now, we have triumphed, and yet when they come to me and ask the favor of participating in the Government, having something to do with its machinery, having some insight into the great machinery of the Government, I am compelled to say to them, "You can not be admitted except through the narrow door of a bureau." They come to me and say, "In the hour of the party's peril in 1896 I worked, I rode, I studied, I spoke, I labored to achieve victory. Now that Governor McKinley and his party are coming into power, I would like to have a little experience in the administration of the Government." What am I to tell him? "Get thee behind me, thou spoilsman; it is a degradation for you to come here."

Gentlemen, it is not a degradation in a Government of the people and by the people to give to the young men of the country whom you know at home—you know them better than any commission can ever know them—an opportunity to be something and to have some direct participation in the administration of the Government. For myself, I will never consent that any system shall fill the offices of the country by lifetime tenure, while the efficient young men of my district are excluded from their just share of the offices and emoluments.

Pharisees proclaim that they are better than other people. The honest men of the United States are not afraid of the other honest men of the United States. When was this Government better administered than it was before Pendleton and the Democratic party introduced this patent-medicine machine? [Laughter.] Are the Departments of the Government run more economically? I deny it. Are they run more honestly? Not at all.

I warn you, gentlemen of the House of Representatives, and I speak for myself, and for my dear friend from Texas, I have not merged my independence in my support of any man—I have not forgotten that I stand in a representative capacity to a constituency, and that I answer to my conscience, my constituents, and God alone for my action on this floor, and not to any Administration or the head of an Administration, in a question that appeals to my judgment and my honest conviction of duty.

I say to you that the people of this country are taking warning by the frauds that have been manifested. It took 257 pages to publish the removals and promotions in the Treasury Department alone. Under this civil-service Administration men of long, faithful, and efficient service have been reduced from fourteen and sixteen hundred dollars down to nine hundred, and untrained Democrats, brought here simply because they were Democrats, have been put into places, high places, over the head of the efficient clerks. This is not one case, but it is thousands upon thousands of cases.

Mr. LOW. Under the "merit system?"

Mr. GROSVENOR. It is under the "merit system."

Mr. LOW. And Republicans went down and Democrats went up?

Mr. GROSVENOR. All Republicans went down and all Democrats went up. [Laughter.] And now let me tell you what is being concocted just below the crater of this volcano of ruin. It is the concoction of an Executive order to be made just before the expiration of this term of the Presidency. Oh, if I only had the power that old Joshua had, I would not pray for the sun to turn backward, but I would say to the sun, "Go forward, eight days at a jump, and stop this outrage." An Executive order is being concocted to prevent the righting of the wrongs that have been perpetrated during these last four years by the spoilsmen who have been raging through the public service of the country, armed with a commission from the "merit system." I say to you, the people of this country will not stand it. It is a matter of no personal importance to me, but there is a tide rising, it is rising from ocean to ocean, it is a demand of the people that they shall have something to do with the affairs of their Government. That tide will effect a cure of these wrongs. It is coming as sure as right is right. [Prolonged applause.]

Mr. BRODERICK. Mr. Speaker, I ask for the previous question.

Mr. BROSIUS. Mr. Speaker——

Mr. WALKER of Massachusetts. Mr. Speaker, after so much has been said upon one side, I ask the gentleman to give us some time on the other. There has been an hour occupied on that side.

Mr. BRODERICK. I yield five minutes to the gentleman from Pennsylvania.

Mr. BROSIUS. I do not want five minutes.

Mr. BRODERICK. I yield one minute to the gentleman from Pennsylvania.

Mr. WALKER of Massachusetts. Give me four minutes. I want to speak on the other side. They have had an hour.

The SPEAKER. The gentleman from Kansas [Mr. BRODERICK] yields to the gentleman from Pennsylvania [Mr. BROSIUS] one minute.

Mr. BAILEY. In the interest of absolute fairness, Mr. Speaker, I will agree to yield to the gentleman from Pennsylvania, and the gentleman from Massachusetts [Mr. WALKER], too, five minutes, if they will accept that.

Mr. BROSIUS. I shall not need that much time, I think.

The SPEAKER. The gentleman from Pennsylvania [Mr. BROSIUS] is recognized for one minute.

Mr. BROSIUS. Mr. Speaker, I am not going to be placed in the attitude of defending any of the practices chargeable to the spoils system. I will try to speak with coolness. It is perfectly obvious that all the abuses against which my distinguished friend [Mr. GROSVENOR] animadverts with so much severity have nothing whatever to do with the merit system. They are the spoils system. The spoils system, as I have already stated, has continued to exist in the interior of the civil service of this country since the Pendleton Act was passed.

I am unwilling to pass in silence also the statement of my distinguished friend that the civil-service act was a Democratic measure. It was distinctly a Republican measure, passed by a Republican House, supported by the Republican party, which has, since 1872, vied with the Democratic party of the country in the strength of its expressions of devotion to the merit system in the civil service of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. BROSIUS. My friend from Texas [Mr. BAILEY] gave me

three minutes, and I want that time in order to bring into distinct view——

The SPEAKER. The Chair yields to the request of the gentleman to go on, with the understanding that the gentleman from Kansas [Mr. BRODERICK] does not object.

Mr. BROSIUS. I only want to read a paragraph. I want to bring this to the attention of the House, and especially those on this side of the House who applauded with so much vigor the address of my distinguished friend who has just taken his seat [Mr. GROSVENOR].

With the knowledge that we already have of the attitude of the Republican party on this question for more than twenty years, with the knowledge that we have of the attitude which the President-elect, a distinguished Republican, sustains to this question, it did seem to me that those who applauded an assault upon the civil-service law were fleshing their swords in the heart of the President-elect of the United States. I will read what the President-elect said in his very last utterance on this subject, and having done that I will not trespass further upon the patience of the House.

Mr. FARIS. That applause was in response to the increased workings of the system.

Mr. BROSIUS. Mr. McKinley, in his letter of acceptance, said:

The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable" is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed.

And mark these words; and if I could I would write them in letters of living light over the brow of my distinguished friend from Ohio. [Laughter.] Mr. McKinley's last words upon this subject were:

The Republican party will take no backward step upon this question.

How do you like that? [Laughter.]

It will seek to improve, but never degrade, the civil service of the country.

These are the very last utterances of the great Republican whom the people of the United States have recently placed in the highest office in the gift of the American people. If that is treason, charge it home, sir, to the greatest citizen of your own State. [Laughter and applause on the Democratic side.] That was a burst of patriotism that found expression by the great citizen of the State of Ohio who will be, let me say in conclusion, in entire control of the executive service of the United States, for the administration of the civil-service law of this country is altogether in the executive control; and the President who is just retiring saw fit to extend it widely. His predecessor extended it widely in comparison with what it embraced under the régime of his predecessor. President Harrison included within the service over 15,000 places that were not in it before. So it has by a gradual process of evolution been extended until now it embraces nearly all the offices that can suitably be embraced, and perhaps, I will say, some that ought not to be embraced. But so far as that goes, I do not defend it at all. Now, I trust I have sufficiently explained that I am not to be put in the position of defending anything in the executive service that is wrong, but that which is right in it I uphold.

Mr. BRODERICK. It is impossible to satisfy all the gentlemen who wish to discuss this question; and if I am entitled to do so, I will move the previous question.

Mr. BAILEY. Mr. Speaker, I desire to say to the gentleman from Kansas, if he will permit me to do so, I will yield five minutes to the gentleman from Massachusetts [Mr. WALKER], and then I will make no further objection.

Mr. BRODERICK. I will do that.

Mr. WALKER of Massachusetts. Mr. Speaker, it is said that one fact is worth a thousand arguments; and, furthermore, one fact that is within the knowledge of every man of a large assembly like this that I am addressing is doubly valuable. I submit to this House that there are no three men in it who are men of higher integrity, ability, patriotism, and industry, and more self-sacrificing to their country, than the gentleman from Maine, chairman of the Committee on Ways and Means [Mr. DINGLEY], the chairman of the great Committee on Appropriations [Mr. CANNON], and the gentleman from Texas [Mr. SAYERS], chairman of that committee when the Democrats are in power.

I ask this House to call to mind what has been the action of the last two named under the fatal spell of this vile spoils system of officeholding; what is their testimony in their acts? Only last Saturday, the chairman and ex-chairman of that great committee had to stand on this floor and tell us that this House was wasting one-fourth of the public money, spent on this House in plain robbery of the people, of their money paid in taxes; I make the point that this money was spent corruptly, because whenever a man is employed unnecessarily, wastefully, in the service, as they said one-fourth of them were, then the members of this House did spend the people's money corruptly. And what again have these men done? My dear, noble old friend, General Cogswell, gone to his reward, got into the toils of this spoils system, and if I had been appointed to that committee, Mr. Speaker, as he was a few years ago, I should probably have done the same, and left a legacy to my children of deliberately standing on the floor of this House and saying that we had knowingly done this wrong, as has been done by these two most honorable, honest men. Mr. Speaker, we could better spare any ten men out of this House than either one of those men, and yet they reported a bill here carrying about $25,000 in violation of the law, consciously, deliberately, and doing it to gratify the desire for the spoils of office of us members of Congress under this despicable, nasty, vile spoils system, defended on this floor by honorable men. [Applause.]

Mr. BRODERICK. Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. Division!

The House divided; and there were—ayes 119, noes 57.

So the bill was passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. I move that the House do now adjourn.

Pending the motion to adjourn,

By unanimous consent, Mr. SPERRY obtained leave to withdraw from the files of the House, without leaving copies thereof, the papers in the case of John H. Hipkins, Fifty-fourth Congress, no adverse report having been made thereon.

By unanimous consent, leave of absence was granted Mr. JOY, for two days, on account of sickness in family.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, in response to the resolution of inquiry of the 8th of February, 1897, a report from the Commissioner of Indian Affairs relating to a treaty with the Navajo Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report and an accompanying letter from Philip C. Garrett, of Philadelphia, Indian commissioner, relating to negotiations concerning the Ogden Land Company and Indian reservations in New York—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 255) providing for the attendance of the officers and cadets of the United States Military and Naval academies at the inauguration of the President-elect, March 4, 1897, reported the same without amendment, accompanied by a report (No. 3012); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10062) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, reported the same without amendment, accompanied by a report (No. 3013); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10210) to authorize the Secretary of War to convey certain Government land to the city of Waukegan, Ill., reported the same without amendment, accompanied by a report (No. 3014); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9931) to amend an act providing for the sale of desert lands in certain

States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder, reported the same without amendment, accompanied by a report (No. 3015); which said bill and report were referred to the House Calendar.

Mr. WELLINGTON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10332) to amend an act to regulate the practice of pharmacy in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3022); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred House bill No. 9946, reported in lieu thereof a bill (H. R. 10350) to prevent the importation of impure and unwholesome tea, accompanied by a report (No. 3029); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the joint resolution of the Senate (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session, reported the same without amendment, accompanied by a report (No. 3030); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 4640) granting an increase of pension to Ellis P. Phipps, late lieutenant of Company A, Twelfth New Jersey Volunteer Infantry. (Report No. 3016.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8905) to pension the widow of Gen. William J. Landram. (Report No. 3017.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2408) granting a pension to John W. Craig. (Report No. 3018.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 9204) to pension Mrs. A. J. Bassett. (Report No. 3019.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 4277) for the relief of Marie Damainville. (Report No. 3020.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska. (Report No. 3021.)

By Mr. WELLINGTON, from the Committee on the District of Columbia: The bill (H. R. 10178) for the relief of Francisco Perna. (Report No. 3023.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 480) entitled "An act granting a pension to William B. Matchett." (Report No. 3024.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3794) for the relief of Frank Dunn. (Report No. 3025.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 5069) granting a pension to Susan E. Peckham. (Report No. 3026.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 6287) granting a pension to Francis Sternberg. (Report No. 3027.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 10230) granting an increase of pension to Simon Price. (Report No. 3028.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LEISENRING (by request): A bill (H. R. 10347) to provide for an interest bearing bond certificate of deposit—to the Committee on Banking and Currency.

By Mr. BULL: A bill (H. R. 10348) to amend section 4965, chapter 8, Title LX of the Revised Statutes of the United States—to the Committee on Patents.

By Mr. HOWARD (by request): A bill (H. R. 10349) to make it unlawful for any employer or other person to exact an agreement, either written or verbal, from any employee to join, or not to join, any labor or other organization as a condition of employment by such employer or other person—to the Committee on Labor.

By Mr. HEPBURN: A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A joint resolution (H. Res. 262) to enforce the rights of American citizens in Cuba—to the Committee on Foreign Affairs.

By Mr. PAYNE: A concurrent resolution (House Con. Res. No. 70) to print 15,000 copies of the tariff hearings of the Committee on Ways and Means—to the Committee on Printing.

By Mr. CUMMINGS: A resolution (House Res. No. 552) calling for information as to Cuban affairs—to the Committee on Foreign Affairs.

By Mr. HADLEY: A memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 1) to reclassify railway mail clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Illinois legislature, urging the passage of Senate bill No. 3058, to increase the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A memorial of the legislature of the State of Wyoming, asking ratification of the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians—to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10351) granting a pension to Georgianna Eubanks—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 10352) increasing pension of Milton Kinder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10353) to pension Francis H. Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10354) granting an increase of pension to John W. Rollins—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BERRY: Petition of George E. Petty and others, of Covington, Ky., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BURTON of Ohio: Sundry petitions of Charles D. Williams and other citizens, Theo. Arentz and others, C. L. Gibson and others, E. N. Winslow and others, Ign. F. Horstman, Bishop of Cleveland, and Rev. W. A. Leonard, of the city of Cleveland, Ohio; also of Albert N. Hyatt and others, of Cleveland, Elyria, and Willoughby, Ohio; also of O. D. Moon, of Medina; W. A. Hillis, of Painesville, and W. G. Eline and others, of Cleveland; Rev. J. C. Weidmann and Victor Wilker and others, of Berea, Ohio, and W. C. Rogers, of Brecksville, Ohio, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Knights of Labor of Cleveland, Ohio, indorsing the bill to establish $2 per day as the rate of wages to be paid for unskilled labor in Government employment—to the Committee on Labor.

By Mr. CURTIS of Kansas: Petition of Rev. J. W. Tanner, D. D. Akin, and other citizens of Emporia, Topeka, and Peabody, State of Kansas, in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Hendricks and others, of Topeka, Kans., ptotesting against the passage of House bill No. 10090, abolishing ricket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND (by request): Petition of F. J. Tygard and other citizens of Butler; also, of L. A. Rayborn and others, of Pleasant Hill; also, of M. V. Burriss and others, of Holden; also, of George J. Taylor and others, of Knobnoster; also of S. Gilkeson and others, of Warrensburg, in the State of Missouri, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. FARIS: Papers to accompany House bill No. 6783, for the relief of George W. Winters—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6079, for the relief of Jerry Sullivan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6078, for the relief of William H. Lankford—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, protesting against the policy of Germany and France in discriminating against American meats—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of the Yankton Beet Sugar Company, of Yankton, S. Dak., praying that a duty be imposed upon all sugar imported into the United States under the new tariff bill in preparation—to the Committee on Ways and Means.

By Mr. HADLEY: Petition of Mary C. Hart and other members of the Woman's Christian Temperance Union of Pleasant Mound, Ill., favoring the passage of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARRIS: Sundry petitions of citizens of the State of Ohio, viz: From Rev. G. Mochel and 19 others, of Fremont; Rev. J. A. Patterson, of Fostoria; Rev. W. E. Schuette, of Bellevue; Rev. F. W. L. Heckelman and 2 others, of Berlin Heights; Rev. E. Pfeiffer and 6 others, of Fremont; Rev. E. Burton and 2 others, of Fostoria; R. J. Gould and 29 others, of Sandusky; Michael Stull and 43 others, of Fremont; Rev. Charles W. Powell, of Castalia; Rev. Charles Criss and 18 others, of Fostoria; Frank T. Dorr and 11 others, of Tiffin; E. E. Tucker and 69 others, of Clyde; Rev. David Van Horne and 7 others, of Tiffin; Revs. James A. Burns and J. J. Malloy, of Marion; Rev. I. L. Oakes and 8 others, of Galion; W. E. Chalfant and 23 others, of Venice, favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of A. C. Johnson and 20 other citizens of the State of Montana, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of W. B. Campbell and 21 other citizens of Hamilton and Marysville, Iowa, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of Nannie B. Howe and 25 other citizens of Des Moines, Iowa, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ed. R. Guthrie and 57 other citizens of Warren County, Iowa, asking for an increase of pension for Lewis Harlan—to the Committee on Invalid Pensions.

Also, resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. HULING: Petition of numerous citizens of Charleston, W. Va., and vicinity, favoring the enactment of the McMillan-Linton bills (S. 3389, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. KIEFER: Petitions of Edward Lewis; also of William C. Pope and others, of St. Paul, Minn., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Union Veteran League of Minneapolis, Minn., protesting against placing boards of examining physicians for pensions under the civil-service rules and regulations—to the Committee on Reform in the Civil Service.

By Mr. KLEBERG: Petition of Charles Sayer and others in the State of Texas, remonstrating against the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Petition of the Methodist Episcopal, Baptist, and African Methodist Episcopal churches and the Woman's Christian Temperance Union of South Atlanta, in favor of the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Petition of J. H. Lippincott and 55 other citizens of Camden, N. J., favoring the passage of the McMillan-Linton bills, regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, respecting foreign discrimination against our meats—to the Committee on Foreign Affairs.

By Mr. MEIKLEJOHN: Petition of A. Hodgett, of Norfolk, and I. M. Bothwell, of Randolph, Nebr., favoring the passage of the Cullom and Sherman bills, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of J. C. Millet and 21 other citizens of Alexandria, La., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Remonstrance of T. E. Anthony and 30 other citizens of Ashtabula, Ohio, against the passage of the anti-railroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of A. W. Bill and 13 other citizens of Milwaukee, Wis., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petitions of Aldace F. Walker and 13 other citizens of New York City; C. Ward and 16 others and J. E. Matran and 20 others, of Troy; E. H. Miller and 16 others, of Verona; E. L. Green and 10 others, of Gabriel; John McVugt and 5 others, of Bigmoose; L. T. Knopp and 6 others, of White Lake; A. F. Cardine and 6 others, of Childwood, in the State of New York; H. B. McClellan and 4 others, of Bergen Point, N. J.; E. Rothchild and 9 others and Albert Pehroot and 2 others, of New York City, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of F. Valliant and 13 other citizens of Oconto, Wis., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of W. J. Jones and other citizens of Auburn; also of E. B. Miller and others, of College View, Nebr., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harpham Bros., of Lincoln, Nebr., and A. D. Gustin, of Canton, Ohio, relating to a duty on harness and saddlery, including harness either in sets or in parts—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 24, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

TREASURY VAULT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a statement as to the condition of vault No. 7 in the office of the Treasurer of the United States, United States Treasury building, Washington, D. C., used for the safe-keeping of bonds held on account of national banks to secure circulation and deposits of public moneys and bonds held on account of the various trust funds, and requesting that an appropriation of $30.000 be made for the construction and erection of a burglar-proof extension and for making the present vault burglar proof; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2729) granting a pension to Emma Weir Casey with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States; and

A bill (H. R. 10336) making appropriations for the naval service of the fiscal year ending June 30, 1898, and for other purposes.

LOSS OF REGISTERED MAIL MATTER.

Mr. VILAS. I ask the unanimous consent of the Senate to consider House bill 4156. It is the bill——

Mr. NELSON. Will the Senator from Wisconsin yield to me a minute?

Mr. VILAS. After we have disposed of this matter. It will take but a moment.

The VICE-PRESIDENT. The bill will be read.

Mr. VILAS. It is a bill to amend the postal laws by providing authority to the Postmaster-General to direct——

Mr. BURROWS. Let it be read.

Mr. PEFFER. Is it the bill commonly known as the Loud bill?

Mr. VILAS. Oh, no; it is a bill to authorize the Postmaster-General to provide an indemnity for registered letters not exceeding $10.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 4156) to amend the postal laws providing limited indemnity for the loss of registered mail matter, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. NELSON. I ask unanimous consent that on Friday next at 2 o'clock p. m. the Senate proceed to vote upon House bill 8110, the bankruptcy bill, and all pending amendments and substitutes thereto.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

Mr. VEST. I want to see a proper bankruptcy bill passed, but I can not agree to that request. This bill has not been discussed, and a great many of us really have not had time to examine it. I would not like to give unanimous consent to take it up peremptorily without debate and proceed to vote upon it.

Mr. NELSON. I did not finish my request. I also ask that in the meantime the bill be taken up for debate at all times when appropriation bills are not before the Senate.

Mr. ALLEN. I ask the Senator from Minnesota if this bill is not now the unfinished business before the Senate?

Mr. VEST. Yes, it is.

Mr. NELSON. The object is to bring it to a vote at that time, and then we can debate it in the meantime all that is possible, aside from the consideration of appropriation bills.

Mr. ALLEN. What date does the Senator fix?

Mr. NELSON. Friday, at 2 o'clock.

Mr. BROWN. Of this week?

Mr. NELSON. Yes.

Mr. ALLEN. That will be satisfactory to me.

Mr. BROWN. It seems to me that we should have a longer discussion on the bankruptcy bill. I do not think it is possible to get time at this session properly to consider and pass a bankruptcy bill. I think I must object.

Mr. QUAY. If objection is made, I move——

The VICE-PRESIDENT. The Senator from Utah objects to the request of the Senator from Minnesota.

ST. LOUIS RIVER BRIDGE.

Mr. BURROWS. I ask unanimous consent to call up House bill 9689.

Mr. PETTIGREW. I shall have to object to the consideration of any of these bills by unanimous consent.

Mr. QUAY. Yesterday——

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. BURROWS. I will say to the Senator from South Dakota that this is a very urgent matter and will take but a moment. It will not take five minutes.

Mr. QUAY. I do not think it will take fifteen minutes to dispose of the bill I wish to call up.

Mr. BURROWS. It will not take five minutes.

Mr. PETTIGREW. I will yield to the Senator from Michigan if it will not take five minutes and will lead to no debate whatever.

Mr. QUAY. I will not object to the request of the Senator from Michigan after I have disposed of the matter which it was understood yesterday morning should come up this morning.

Mr. BURROWS. This is a private pension bill of a half dozen lines, and can pass in half a minute.

Mr. QUAY. I will withdraw my opposition to it as soon as I get my bill up.

Mr. BURROWS. Very well.

Mr. PETTIGREW. I shall have to interpose an objection if it leads to any debate whatever. If we propose to pass the appropriation bills before the 4th of March, we shall have to give continuous attention to them. I will yield to the Senator on the condition that it takes no time, practically, and will lead to no debate.

Mr. QUAY. It will take some little time. I shall have to make a statement, of course.

Mr. PETTIGREW. Then I object to the consideration of the bill.

Mr. QUAY. I do not think the Senator ought to object. It will not take fifteen minutes to dispose of it one way or the other.

Mr. PETTIGREW. There is a duty imposed upon me, as being in charge of the Indian appropriation bill, which I must recognize.

Mr. QUAY. There is a duty also imposed upon me, and I think the Senator will facilitate the passage of the Indian appropriation bill by permitting me to be heard at present for just a word in this case. This bill, which the Senator from Wisconsin [Mr. VILAS] has——

Mr. PETTIGREW. How long will it take?

Mr. QUAY. I do not think it will take over fifteen minutes when the Senator from Wisconsin hears what I have to say.

Mr. CULLOM. He shakes his head.

Mr. QUAY. The Senator from Wisconsin will probably be able to shake his head more intelligently after he hears what I have to say on the subject.

The VICE-PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. QUAY. I move that the Senate proceed to the consideration of Senate bill 3609.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. BERRY. I should like to know what the bill is.

Mr. VILAS. If the Senator is asking for unanimous consent——

Mr. QUAY. I am not. I move to proceed to the consideration of the bill.

Mr. VILAS. Then I shall be obliged to call for the yeas and nays, and it will take a good while to consider that bill.

Mr. COCKRELL. I hope the Senator from Pennsylvania will allow the Indian appropriation bill to be proceeded with.

Mr. PETTIGREW. I shall move immediately to take up the Indian appropriation bill after the Senator from Pennsylvania succeeds. Of course he has the floor, but that will be the motion I shall make if he succeeds.

Mr. CULLOM. If we get into a controversy here and call the yeas and nays, a great deal of time will be consumed.

Mr. QUAY. I wish simply to place this question properly before the Senate. Then, if the Senator from Wisconsin desires to obstruct the measure, of course I will not interfere with the passage of the Indian appropriation bill.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Pennsylvania.

Mr. BERRY. I ask to have the title of the bill read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

Mr. VILAS. On the motion to proceed to the consideration of that bill I shall be compelled to ask for the yeas and nays.

Mr. VEST. Let me make a suggestion. I appeal to the Senator from Pennsylvania to let us give at least half an hour to morning business. Then he can make his motion, if he sees proper.

Mr. QUAY. I have no objection.

Mr. VEST. This proceeding stops the entire business of the Senate.

Mr. QUAY. I have no objection if the Senator in charge of the Indian appropriation bill consents to it.

Mr. VEST. It is very obvious that there is no quorum present.

Mr. CHANDLER. What does the Senator from Missouri mean by morning business?

Mr. VEST. The introduction of bills and reports from committees, the ordinary routine business of the Senate.

Mr. CHANDLER. The Senator did not mean to include the passage of any bills.

The VICE PRESIDENT. The Chair will submit the pending motion. It is that of the Senator from Pennsylvania, to proceed to the consideration of the bill the title of which has been read.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. QUAY. I have no objection to withdrawing the motion with the understanding that it will be renewed at the conclusion of the morning business.

The VICE-PRESIDENT. Is there objection to that request?

Mr. PETTIGREW. I shall object to that. I shall object to anything but the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. There is objection.

Mr. QUAY. Let the yeas and nays be called.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Pennsylvania, to proceed to the consideration of Senate bill 3690.

The Secretary proceeded to call the roll.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence, I withhold my vote.

Mr. MARTIN (after having voted in the affirmative). I observe that the Senator from Montana [Mr. MANTLE] has not voted, and I desire to withdraw my vote, as I am paired with that Senator.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BLANCHARD. I am paired with that Senator.

Mr. SMITH. I am paired with the Senator from Idaho [Mr. DUBOIS].

Mr. BURROWS (after having voted in the affirmative). I am paired with the Senator from Louisiana [Mr. CAFFERY]. I do not see him in the Chamber, and I withdraw my vote.

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Allen,	Cameron,	Nelson,	Sherman,
Bacon,	Carter,	Peffer,	Vest.
Berry,	Clark,	Perkins,	
Brown,	Frye,	Platt,	
Call,	Morgan,	Quay,	

NAYS—29.

Allison,	Davis,	Lindsay,	Tillman,
Blackburn,	Gallinger,	McMillan,	Turpie,
Butler,	Gorman,	Mills,	Vilas,
Cannon,	Gray,	Palmer,	Walthall,
Chandler,	Hale,	Pettigrew,	Wetmore.
Cockrell,	Hawley,	Roach,	
Cullom,	Hill,	Stewart,	
Daniel,	Jones, Ark.	Teller,	

NOT VOTING—44.

Aldrich,	Gear,	Lodge,	Pugh,
Baker,	George,	McBride,	Sewell,
Bate,	Gibson,	Mantle,	Shoup,
Blanchard,	Gordon,	Martin,	Smith,
Brice,	Hansbrough,	Mitchell, Oreg.	Squire,
Burrows,	Harris,	Mitchell, Wis.	Thurston,
Caffery,	Hoar,	Morrill,	Voorhees,
Chilton,	Irby,	Murphy,	Warren,
Dubois,	Jones, Nev.	Pasco,	White,
Elkins,	Kenney,	Pritchard,	Wilson,
Faulkner,	Kyle,	Proctor,	Wolcott.

So the Senate refused to proceed to the consideration of the bill.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The motion was agreed to.

Mr. PETTIGREW. I will yield simply for morning business.

INDEPENDENCE OF CUBA.

Mr. MORRILL. I desire to withdraw the notice which I gave yesterday, that to-morrow, Thursday morning, after the usual routine morning business, I would submit some remarks upon the resolution reported by the Committee on Foreign Relations in relation to the recognition of the independence of Cuba. Finding that it would be likely to interfere with the appropriation bills, and that there is some doubt now as to whether it will be possible to get through with all the appropriation bills, I have felt compelled to withdraw the notice that I would make a brief speech to-morrow.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the legislature of the Commonwealth of Massachusetts, relative to the construction of a dry dock at Charlestown, in that State; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts. In the year 1897. Resolutions relative to the construction of a dry dock at Charlestown.

Resolved, That, in the opinion of the general court of Massachusetts, it is desirable that provision be made by Congress for the construction of a dry dock in the Charlestown district of the city of Boston, sufficiently large to accommodate vessels of the largest class, and that the Senators and Representatives from this Commonwealth in Congress are requested to use their best endeavors to secure the passage of legislation providing for the construction of such dock.

Resolved, That properly attested copies of these resolutions be transmitted by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted February 11, 1897.
In senate, adopted, in concurrence, February 16, 1897.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. CAMERON presented a petition of the faculty of Lafayette College, Pennsylvania, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the transportation of obscene matter through the mails; which was ordered to lie on the table.

He also presented the petition of the publishers of the Star and Gazette, of Meadville, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the American Association of Flint and Lime Glass Manufacturers, of Pittsburg, Pa., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Pennsylvania, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the Chamber of Commerce, St. Paul, Minn., praying that measures be taken to remove existing or threatened interference in the trade of meat products between the United States and France, Germany, and Switzerland; which was referred to the Select Committee on Transportation and Sale of Meat Products.

He also presented a petition of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry Episcopal clergymen of St. Paul, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PERKINS presented sundry petitions of citizens of California, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented sundry memorials of citizens of California, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Artesia, Cal., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of members of the Lutheran, First Congregational, Christian, Union, Union Baptist, Second Baptist, and African Methodist Episcopal churches, of Riverside, Cal., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. BRICE presented a petition of 24 members of the Society of Christian Endeavor of Greenwich, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MURPHY presented the petitions of Fred Gruppe and 17 other citizens of Schenectady; of Abram Hailing and 8 other citizens of Palatine Bridge; of Aldace F. Walker and 13 other citizens of New York City, and of A. Lloyd and 14 other citizens of Canajoharie, all in the State of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of members of the Union Congregational Church, of Medford, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry firms and business houses of Boston, Mass., praying for the adoption of the proposed amendment to the sundry civil appropriation bill, making provision for a light-house vessel on Overfalls Shoals, Delaware Bay; which was referred to the Committee on Commerce.

Mr. PETTIGREW presented a petition of sundry citizens of Springfield, S. Dak., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. THURSTON presented the petition of D. A. Jones, publisher of the People's Poinard, of Sidney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Sutton, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Blair, Greeley, Arnold, Omaha, Snyder, and Cozad, all in the State of Nebraska, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. ALLEN presented the petition of E. B. Miller, president of Union College, and sundry other citizens of Collegeview, Nebr., and a petition of sundry citizens of Auburn and South Auburn, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

Mr. BERRY presented the petition of August Sudholm and sundry other citizens of Little Rock, and sundry petitions of citizens of Clarksville, Hope, and Beebe, all in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petition of Rev. John N. Davidson and sundry other citizens of Two Rivers, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Rev. W. K. Frick, president of the English Evangelical Lutheran Synod of the Northwest, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the grand officers of the Grand Council of Wisconsin, Royal Arcanum, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of W. E. Hudson and sundry other citizens of Carrollton, Mo., and the petition of L. E. Owen and sundry other citizens of Harrisonville, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Order of Good Templars and of sundry citizens of Moundville, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the passage of the Torrey bankruptcy bill, and also for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Golden Eagle Lodge, No. 78, Brotherhood of Locomotive Firemen, of Sedalia, Mo., and a petition of Industrial Lodge, No. 21, Brotherhood of Locomotive Firemen, of St. Louis, Mo., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

Mr. PEFFER presented the petition of P. I. Bonebrake, of Topeka, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. CALL presented a memorial of sundry citizens of Eustis, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

Mr. DANIEL presented the petition of T. Cushing Daniel, of the city of Washington, praying for the passage of Senate bill No. 1515, to incorporate the Columbian Telephone Company; which was referred to the Committee on the District of Columbia.

He also presented the petition of John J. Jamison, grand regent of the Royal Arcanum of Virginia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the memorial of R. B. Morgan and sundry other citizens of Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Grotius N. Udell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4076) for the relief of Abner Abercrombie, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8942) granting a pension to Ann Maria Meinhofer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6792) granting a pension to Hannah R. Quint, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 6730) granting a pension to Edward C. Spofford, reported it with an amendment, and submitted a report thereon.

Mr. VILAS. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, to report it without amendment, and to submit a report thereon.

General Stevenson was formerly a very distinguished and gallant soldier in the Army of the Tennessee, whom I have myself seen in battle, and who recently died leaving his venerable widow, at the age of 77 years, in circumstances of necessity. I hope the Senate will consent to the immediate passage of this bill, which proposes to give her the usual moderate rate of pension, according to the rule and usage established in the cases of widows of general officers, $50 per month.

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is interposed, and the bill will be placed on the Calendar.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 6360) to increase pension of Emily M. Tyler, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. HILL on the 22d instant, intended to be proposed to the Post-Office appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. CALL on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. HOAR. The day before yesterday I reported back from the Committee on the Judiciary favorably, without amendment, a bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia." I had a pile of bills on my desk at the time, and by mistake a bill without amendment was in the pile. I was directed to report the bill with certain amendments, and I ask leave to withdraw the copy of the bill which I then reported, and to report the bill favorably with amendments, to take the place on the Calendar of the bill I heretofore reported.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, reported it with amendments, and submitted a report thereon.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. CANNON on the 22d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 23d instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. HAWLEY on the 26th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and, with the accompanying paper, moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BUTLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2815) for the relief of William Lock and James H. Tinsley, reported it with amendments.

JULIO SANGUILY.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to report a joint resolution, which I ask may be read at length.

The joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

Mr. MORGAN. The committee thought it was their duty to request very early action upon the joint resolution, but inasmuch as one or more members of the committee were absent at the time,

who had not the opportunity of understanding the whole subject, it may be better that I should give notice, and I will do so, with the concurrence of the honorable chairman of the committee, if I can get his attention——

The VICE-PRESIDENT. The Senator from Alabama desires the attention of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. I was stating that inasmuch as the committee was not completely full at the moment of the adoption of the joint resolution, I am disposed, instead of insisting upon its present consideration, to give notice that in the morning hour to-morrow the joint resolution will be called up for action. In the meantime, I submit a report with the joint resolution, which I ask may be printed and lie on the table.

Mr. SHERMAN. The joint resolution is reported unanimously from the Committee on Foreign Relations. I have no objection at all to letting it lie over until to-morrow, but I hope the Senate will then at once act upon it.

Mr. MORGAN. I shall move its consideration to-morrow morning.

The VICE-PRESIDENT. Meanwhile, the joint resolution will be placed on the Calendar.

AMENDMENT OF THE POSTAL LAWS.

Mr. BUTLER. I submit a report of the minority of the Committee on Post-Offices and Post-Roads upon the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter. I ask that the minority report, with the exhibits, be published, as the majority report was published, in the RECORD.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The views of the minority will be ordered printed in the RECORD, as requested, in the absence of objection.

The views of the minority are as follows:

The attempt to reform the mail service and reduce expenses in the manner proposed by this bill, without any information from the Department or otherwise as to what are the abuses, seems to the undersigned as very inopportune, and is, at least, a leap in the dark, if there are no interested parties promoting the legislation. It will be seen by a letter from the Postmaster-General, attached to this report, that the Department has no information which will enable it to point out what class of matter sent through the mails occasions the deficit. The Department is unable to make any estimate of the cost of carrying newspapers, and particularly the great Sunday dailies, through the mails, and the cost of carrying the literature which is authorized by law. It is stated that the average cost of all mail matter is over 8 cents per pound, or $160 per ton. It seems to the undersigned that a great reduction might be made in the aggregate cost of carrying the mails. It will be observed that the second-class matter pays 1 cent per pound, or $20 per ton, and as this goes in bulk the expense of handling it can not be greatly in excess of the expense of handling ordinary freight. The average distance which this second-class matter would, we should suppose, without accurate information, certainly make the charge more than 1 cent per ton per mile, which is largely in excess of ordinary freight rates. The enormous cost of $160 per ton for carrying the mails, it seems to the undersigned, can not be accounted for by the expense of handling the letter mails and business connected with the first-class mail matter. This amount is certainly many times the cost of the service rendered. Neither the express companies nor private individuals pay any such rate.

Without any means of making an accurate examination ourselves, our attention has been called by various persons professing to be experts to the extravagance of the Department in dealing with the railroad companies. A very able and carefully prepared article on this subject, written by Hon. James L. Cowles, the author of A General Freight and Passenger Post, appeared in the February number of the Outlook. This article proves very clearly that the deficit is caused by the very exorbitant and unreasonable rates which the Government now pays to railroads for carrying the mails. The New York World, among others, published a statement on January 30 showing that a saving could be made of more than the deficiency by proper supervision and contract with the railroads and the enormous amount paid for the leasing of cars, which could be largely saved if the Government owned its own cars. The saving which could be made in this respect alone is estimated by experts to amount to at least $10,000,000 per year. Of course, the undersigned is unable at this time to go into details with regard to these matters, but, on a cursory examination, is thoroughly satisfied that the deficiency in the mails results from—

First, the exorbitant charges paid the railroads for the use of mail cars.

Second, the very liberal contracts which the Government makes with the railroad corporations for carrying the mails. The amount paid per ton is enormously and absurdly high.

Third, the lax supervision which the Government exercises over the performance of the service, and especially with reference to the amount of matter which the railroads profess to haul, and for which the Government is charged.

The statements that the present postal deficit is due to the transportation of second-class postal matter at 1 cent per pound are altogether misleading—I had almost said intentionally misleading. It seems perfectly clear from the facts presented in the articles above referred to that the postal deficit is not due to the 1-cent-a-pound postal rate paid to the Government by the people, but to the 8-cent-a-pound tax levied on the Government by our railway kings, and this, although the service would yield a handsome profit at one-half a cent per pound. The Government pays the railroads for a great deal more weight than the roads really haul. It is the fault of the Government that this is done. Besides, the contract price is entirely too high. During the last twenty years freight rates have been reduced about 40 per cent, yet the Government is now paying about the same rates that it did twenty years ago. Why do not those who are so much concerned about the deficit in the Post-Office Department turn their attention to these big leakages and gross abuses? Let those who profess to favor economy and reform help to correct these abuses.

The method which the Government adopts to ascertain the weight of the matter passed over the various roads is to weigh the mails at certain stated periods, of which the railroads have notice. The weighing, as a rule, is done during one month in every four years. This forces the Government to pay for forty-seven months on the same amount that shall happen to pass through the mails during one month out of the forty-eight. The opportunity to increase the mail matter by what is known as "padding," on the given month, and also for collusion between Government officials and railway officials is as boundless as it is apparent. I submit that under existing law the Postmaster-General might do much to prevent these enormous frauds and reduce the deficiency. Congress has conferred upon the Postmaster-General a discretion and power to weigh the mails not less than thirty successive working days in terms not less than four years, and to verify the result. Under this law he can weigh as often as he sees fit, and then refuse to verify until he is satisfied that an honest weighing had been made. Why has this not been done?

I submit that if the amendments which the minority offer providing for the Government to own its own cars and pay no more to the railroads for hauling them than the express companies now pay the railroads for a like service, that all of these evils and opportunities for evil will be once and for all cured. Then, if the Government would own its own cars, the people could enjoy all the mail facilities they now do, and more, with a surplus in the Treasury each year instead of a deficiency. The friends of this Loud bill, while professing to be chiefly concerned about the deficit in the Post-Office Department, yet offer an amendment to the bill to reduce letter postage from 2 to 1 cent. This is evidently done to catch the ear of the public with the popular cry of "1-cent letter postage," and thus call attention from the very objectionable and dangerous features contained in the bill. How can the deficit be changed to a surplus by reducing letter postage one-half? Under the present high rates paid to the railroads this would make an enormous deficit. I favor 1-cent letter postage, but I do not favor it at the expense of the newspapers and other valuable and important literature that go through the mails at second-class rates. A thousand times better for letter postage to be increased than for the provisions in this bill against second class mail matter to become a law. But if the necessary and business-like reforms which are set forth in the substitute which the minority offer to this bill are adopted, then we can have 1-cent letter postage and retain all the privileges of second-class mail matter which the people now enjoy, and at the same time turn the deficit into a surplus.

But even if we should admit that there is no remedy for the deficit which now exists in the Post-Office Department without cutting off the useful literature which goes through the mails at second-class rates, which enables the masses to have it brought to their doors at low cost, such privileges should not be cut off. They are educational and important, and instead of cutting off this important privilege to the masses the Government could afford, if necessary, to appropriate any amount of money necessary for this very important educational work.

The real purposes of this measure, known as the Loud postal bill, do not appear on its face. Its real purposes, or at least its effects if it should become a law, are far-reaching and dangerous. The gold ring, the monopolies, and trusts already control the avenues and agencies of rapid communication and intelligence. They filter and control the news that appears in the daily press each morning. They now seek through this bill to close up as far as possible the only other avenue left free and open.

We do not question the motives of the advocates of this bill in the two Houses of Congress, but it is well known that most of the great commercial press at least apologize for, if not defend, the trusts and combines; not only this, they openly advocate the single gold standard. It is also well known that economic literature treating of the money question and other vital economic reforms in opposition to monopolies and the theory of the gold standard, is excluded from news stands and from sale on the railroads, and that the only avenue which the people have whereby to study both sides of the great economic issues which are agitating the country is the United States mails. An examination of the bill shows that gold and monopoly literature, no matter how much it loads the mails by means of the great Sunday editions of newspapers, goes through the mails as second-class matter, which is the lowest rate and most favorable terms which the Government gives to any publication. To aggravate this unjust discrimination, and to make it apparent that the object is to give to the great dailies, backed by unlimited capital, a monopoly of communication with the people, sample copies of newspapers are excluded from second-class matter, although the publishers are willing to pay the postage. The great mass of newspapers which oppose the single gold standard are small local papers without any financial backing. It is absolutely necessary to the starting or maintaining of these enterprises that they shall be enabled to send out sample copies in order to advertise their papers and to get subscribers. This privilege, which, at the second-class rates paid, pays the Government more than it ought to cost, is the only instrumentality which interferes with an absolute monopoly of information on the great and vital economic issues which divide the country. It is true that there are a few great dailies which are opposed to monopoly rule, but they are so few in number that their circulation can not reach any considerable number of people in the United States. If this bill had been entitled "A bill to create a newspaper trust in the interest of the gold trust and all other trusts," its effects, if not its real purpose, would have been fully expressed in its title.

The amendments, or rather the substitute, which I offer will correct every real evil complained of, will save to the people the great and important privileges which they now enjoy, and at the same time give us 1-cent letter postage without increasing the cost of the postal system or causing a deficit. In short, the substitute which I offer retains all the benefits we now enjoy from the postal system and extends these benefits, not only without increasing the cost, but really decreases the cost. These are the reforms that are needed.

The letter of the Postmaster-General, the article by Mr. Cowles in the February (1897) number of the Outlook, and the article in the New York World, above referred to, are annexed as exhibits hereto.

MARION BUTLER.

Amendment intended to be proposed by Mr. BUTLER to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, viz: Strike out all after the enacting clause and insert the following:

"That, it being the policy of the United States to carry the mails in the railway mail service in cars belonging to the Government and pay to the railroad companies mileage rates for hauling the same, the Postmaster-General be, and he is hereby, authorized to advertise for six months for sealed proposals to furnish to the Government first-class mail cars of the best and most substantial structure, sufficient in numbers to perform the railway mail service of the United States. At the end of such advertisement, the Postmaster-General shall open such bids and award to the lowest responsible bidder or bidders a contract for such cars, to be delivered to the Government within six months thereafter. And upon the purchase and delivery of such cars the United States mails shall be carried in said cars, and shall be hauled over the railway lines of the United States under contract with the Postmaster-General: *Provided*, That the charge therefor shall not be greater than is paid by express companies and other parties for similar service.

"SEC. 2. That every railroad contracting with the Government to haul its mail cars shall examine and approve the Government's cars as safe and in good condition, and the said company shall be required in the same contract to keep such cars in repair and treat them in all respects as the first-class cars

of the said railroad companies shall be treated on its lines, and to be allowed a reasonable compensation therefor, to be fixed in the contract; and any damage which said cars, the persons connected therewith, or the mail matter contained therein may sustain shall be at the risk of the railroad company, for which the Government shall not be responsible. Neither shall the Government be liable for any damage to other cars in the train or to passengers or freight thereon by reason of any defect in the mail car of the United States in such train: and all of these conditions shall be made a part of the contract.

"SEC. 3. That it shall be the duty of the Postmaster-General to cause separate accounts to be kept in his Department which shall show the following facts: First, the comparative cost per pound of handling first-class matter, constituting what is known as letter mail, and the second-class matter; second, the difference in the weight of the ordinary week-day editions of the daily newspapers and the aggregate weight of Sunday editions of such newspapers during the ensuing fiscal year; third, the weight of books, pamphlets, and periodicals, other than newspapers, that now pass through the mails at second-class rates.

"And the Postmaster-General shall investigate and report any other matters of reform upon which legislation is needed to decrease the expenses of the Department, without in any way limiting the mail facilities which are now furnished by the Government."

EXHIBIT A.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 12, 1897.

SIR: In reply to your inquiry of the 7th instant, I beg leave to state that postmasters are not required to make separate reports of the weight of Sunday editions of daily journals passing in the mails as second-class matter, and therefore I am unable to give you an approximate estimate of the difference between the average daily weight of the week-day and Sunday editions of such papers.

Publishing houses issuing several periodicals, and news agents when sending to other news agents, send miscellaneous packages containing daily and weekly newspapers and magazines and other periodicals, and, consequently, since they are not weighed and mailed separately, it is impossible to give the average weight of weekly newspapers or other periodicals by their classes.

The weight of second-class matter sent through the mails during the fiscal year ended June 30, 1896, upon which postage was collected at the pound rate was 396,640,351 pounds. The estimated amount of "free county matter" was 52,348,297 pounds, making an aggregate of 348,988,648 pounds, and an average of 953,393 pounds or 476 tons daily. It is impossible to separate the cost of handling second-class mail matter and letters from the cost of handling other mail matter.

In my annual report I give the weight of the several classes of mail matter, with the amount of revenue received therefrom, and also the estimated revenue received from a single pound of each class.

Regretting my inability to furnish the exact information you desire,
I am, sir, very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. W. M. STEWART,
Senate Chamber, Washington, D. C.

EXHIBIT B.

THE POSTAL DEFICIT AND THE LOUD BILL.

[By James L. Cowles* in the February Outlook.]

In his opening speech in behalf of his bill the chairman of the Post-Office Committee of the House of Representatives spoke as follows: "We all admit that this country is to-day in an unfortunate condition financially. While perhaps we may not all agree as to the remedy for the cure of the existing evil, we do all admit that, from a financial standpoint, this country is in an unfortunate position. Now, this bill presents to this body the opportunity to relieve the country from a deficiency of $10,000,000 already existing in the service of the Post-Office Department and to give to it in addition a revenue of $10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of $20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, if we may take his estimate made in 1892, we must come to the conclusion that this iniquity (the carriage of second-class matter in the mails)—I will term it an iniquity—costs our people more than $40,000,000 annually."

Now, I heartily sympathize with every effort made by our public servants at Washington to so reduce illegitimate expenditures and to so increase legitimate revenues that our National Government, the greatest of our public business corporations, may always be in a sound financial condition. Whatever may be the needs of the Government, however, I hope that the Post-Office, the greatest of our public services, will never degenerate into an engine of taxation to be run on the principle of "what the traffic will bear." The common interest clearly demands that our postal rates shall never more than suffice to pay to the Government the cost of the service which it renders to the individual.

Mr. LOUD'S desire to reform abuses in our postal business is most commendable; but in this particular instance the evil may be far better met, I think, by extending to all the privileges now granted to a few, than by restricting those privileges within narrower limits. The exigencies of the situation demand a far more radical reform in the management of the Post-Office than that contemplated in the bill now pending before the Senate.

The postal deficit is not due to the cent-a-pound rate paid to the Government for postage on paper-covered books and on returned newspapers, but to the 8-cents-a-pound tax levied by railway managers for a service that would yield them a handsome profit at one-half a cent a pound.

The report of Postmaster-General Wanamaker of 1889, page 90, makes the average carriage of a piece of postal matter to be 442 miles; 10.4 per cent of the weight of the mails is carried but 25 miles; 24.7 per cent goes on an average 125 miles; 24.4 per cent travels 350 miles; 23.8 per cent is carried 750 miles, and but 17.1 per cent of the weight of the mails is carried an average of 1,500 miles. Nearly 60 per cent of our mail bags travel within zones of 350 miles, and the proportion of short-distance exchanges of heavy matter would undoubtedly be much greater were not the Government underbid by the express companies in this business. "Within a radius (within zones) of 500 miles," says Mr. LOUD, "the express companies to-day are carrying the matter (domicile to domicile) for a fraction under a cent a pound. Beyond the radius of 500 miles they dump it all on the United States Government for transportation.',

*Author of A General Freight and Passenger Post (G. P. Putnam's Sons, New York).

It is true that the record on which Mr. Wanamaker based his figures did not include second-class matter; it is also true that the average distance traversed by third and fourth class matter was 558 and 599 miles, respectively, but since the short hauls are taken by the express companies, this is not wonderful. If the same conditions prevail elsewhere that prevail in Connecticut, it is safe to say that the express companies make their short-haul rates on State publications just enough below the postal rates to get the business. I shall show a little later that if the Government paid no more to the railroads than do the express companies it would be a very profitable business to the Government to carry its second, third, and fourth class matter any distance for 1 cent a pound, and there would be a corresponding saving to both our State governments and to individuals.

In any case, it is safe to assume 442 miles as the average haul of postal matter at present; and if the Government received at the hands of our railway rulers the same treatment as the express companies, the average haul for all classes of postal matter would undoubtedly fall to that of letters, 386 miles.

Taking, then, 442 miles, the distance from New York to Buffalo, as the average haul of a mail bag (the average run of a postal car in 1894 was but 170 miles), we find that the railroads tax the Government $160 a ton for a haul that, in the days of the ox cart, cost private individuals but $100.

To the possible criticism that the saving of time ought to be considered, I reply that this is a matter, not of the value of the service of the railroads, but of the cost of that service, and I contend that our railways charge the Government for the transportation of postal matter full sixteen times the cost of the service rendered. In proof of this statement I offer the following evidence:

It is a matter of court record that the Texas Pacific and the Southern Pacific railroads carry foreign hats and caps, boots and shoes, cashmere and laces, cutlery and ordinary hardware, from New Orleans to San Francisco for eight-tenths of a cent a pound, and the business has proved so profitable that, after years of litigation, they have at last secured a decree from the Supreme Court declaring it lawful, and also declaring it lawful for them to levy three or four times as heavy a transport tax for the same service rendered to native-made goods of the same description. Now, if it is profitable for our railroads to carry these foreign-made goods across the continent for eight-tenths of a cent a pound, am I not justified in my contention that it would be profitable to haul our own mail bags average distances of 442 miles for one-half cent a pound?

But we will come closer home. Twenty-five of my little books, A General Freight and Passenger Post, came to me the other day from Messrs. G. P. Putnam's Sons, of New York, and the express, domicile to domicile, was but 35 cents—less than 3 cents a pound, less than 1½ cents a volume.

It costs 9 cents to send off a single volume through the post-office, and as I am expecting to distribute a great many of these little messengers of good tidings, I concluded that it might be worth while to ascertain the regular express rates from New York throughout the country. I therefore wrote to Adams Express Company, and they kindly sent me one of their regular merchandise rate books.

Imagine my surprise on finding that in packages of 60 pounds and upward the regular express rate from New York to New Haven is but one-half a cent a pound, while from New York to Boston the rate in packages of 75 pounds and upward is but 1 cent a pound. From New York to Philadelphia the rate, in packages of 70 pounds and upward, is three-fourths of a cent a pound; in parcels of a hundred pounds and upward, the rate to Cleveland is 1½ cents a pound; to Cincinnati, 2 cents; to Detroit, 2 cents; to Chicago, 2½ cents; to New Orleans, 5 cents, etc. From New York to Elizabeth, Newark, Rahway, and other places in New Jersey the rate on packages of 75 pounds and above is four-tenths of a cent a pound, while between New York and Jersey City the charge is but 25 cents a hundred, these rates in all cases being from domicile to domicile. Remember, too, the statement of Mr. LOUD, that within zones of 500 miles the express rate is a fraction under 1 cent a pound.

Now, how much more than one-half a cent a pound do the express companies pay the railroads for their share in this service?

And why should the Government pay the railroads any more for the transportation of its mail bags than the express companies pay for a much greater service?

A reduction in transportation rates to one-half a cent a pound would save to the Government full $45,000,000 a year, and would enable it to extend the cent-a-pound rate to all classes of products, and yet with a profit to the Government, for what the express companies do with a profit the Post-Office can do with a profit.

If this evidence from the express business fails to be convincing, then please note the following, and please observe that these facts are of court record: Thousands of milk cans are brought every day to New York, 40-quart cans, weighing when filled about 100 pounds, and with them other thousands of crates, each holding 12 quart bottles of milk or cream, the crates weighing when the bottles are filled about 70 pounds, and these cans and crates are returned empty distances up to 396 miles. On a can of cream the charge is one-half a cent a pound; on a hundred-pound can of milk the transport tax is a little less than one-third of a cent a pound. When the cream is carried in bottles—70-pound crates—the tax is less than one-fourth of a cent a pound, and when the bottles contain milk therate is less than one-sixth of a cent a pound.

These rates, please remember, include the return of the empty cans and crates of bottles free. The zone within which these rates prevailed a year ago covered a distance of 320 miles. It is reported to cover 396 miles to-day; and I heard George R. Blanchard, of the Joint Traffic Association, testify before the Interstate Commerce Commission last winter in favor of their extension for distances up to 1,000 miles. The counsel of the Delaware, Lackawanna and Western Railroad went very much further than Mr. Blanchard, however, and pleaded in favor of the extension of these rates up to any distance within which the milk could be brought to market in fit condition for use, saying that "the cost of the service was in no real sense dependent on the length of the haul." Yes; and these learned counsel admitted that these rates on trains running at passenger speed were so remunerative that their clients were able to make a clear gift of over $50,000 a year out of the profits to their milk contractor, Westcott.

The Hon. Joseph H. Choate, of New York, had a hand in this noted trial of railway managers by the people, and I heard him in court use language to the effect that the enormous profits secured to Westcott by this milk contract with the officials of the Delaware, Lackawanna and Western Railroad furnished almost conclusive evidence of collusion between Westcott and these railway managers for a division of the spoils.

According to Mr. Choate, these rates, one-half a cent a pound on 40-quart cans of cream, one-third of a cent a pound on 40-quart cans of milk, one-quarter of a cent a pound on crates of bottled cream, and one-sixth of a cent on bottled cream, empties returned, brought profits to the railroads of two to three hundred per cent; one-fifth of a cent a pound on cans and bottles alike, and whether filled with cream or milk, would have yielded an ample return to the railroads.

Now, if this be true, if railway managers can profitably carry filled milk cans and loaded milk crates any distance on passenger trains (for milk trains

are practically passenger trains), at a uniform rate of one-fifth of a cent a pound, returning the empties free, why should the Government pay 8 cents a pound, $8 a hundred, $160 a ton, for carrying its mail bags similar distances in similar trains?

But we have yet one more witness to bring forward in this case of "the people versus the railways." In 1887 Postmaster-General Vilas showed that the Government was then paying the railways as much every year for the use of postal cars as it would have cost to build them, and this in addition to the payment made according to weight under the general item of transportation of the mails by the railroads.

The Government would save $1,500,000 a year, said Mr. Vilas, by owning its postal cars. The Government could easily build its cars, and could more than pay for them by the savings of a single year. "Government ownership, moreover, would very much relieve the difficulties of the compensation problem." According to the estimates of Mr. Vilas, if the Government had owned its postal cars in 1894, it would have saved over $2,000,000, and last year the saving would probably have been more than $2,500,000.

The following paragraph occurs in a report concerning the railways of Belgium made by M. Fassieux, the director of the Belgian roads, in 1865: "The working of lines by Government affords perfect facilities for the postal service, as mails can be sent by every train; even when the lines belong to companies, they are carried free by one train per day in each direction." We do not ask that the mails should be carried free on the great steam roads, but we do think that every State should provide for the free carriage of the mails on the trolley lines, and in no case should the Government pay more than the actual cost of the service. To this demand the railway managers will doubtless reply that a very large part of our railway system is already in bankruptcy, and to reduce the rates will ruin the rest.

The case of Westcott and the Delaware, Lackawanna and Western road, however, presents another reason than low charges for the failure of railways. In many sections the managers of the railways have for years systematically robbed both the stockholder and the ordinary patron of the railway; in other sections the weight of their exactions has paralyzed industry and involved all classes (except themselves and their favorites) in one common ruin. Is this strong language? It is almost mild in comparison with the recent statements of President Ingalls, of the Big Four, and of President Stickney, of the Chicago and Great Western Railroad, as to the conduct of their associates in the management of the nation's circulating system.

I submit that what we need in the present crisis is not the curtailment but the extension of the sphere of the Post-Office; and not until its beneficent rule has been extended over the whole realm of railway transportation, and the transportation taxes are determined according to the cost of the service rendered, can we hope to see a return of healthful prosperity in this country.

EXHIBIT C.

[New York World, January 31, 1897.]

THE GOVERNMENT ROBBED OF $10,000,000 PER ANNUM—MAILS FRAUDULENTLY PADDED BY RAILROAD MANAGERS—EXCESSIVE RATES IMPOSED FOR THE USE OF RAILWAY POST-OFFICE CARS—RAIL ROUTES DRAW $32,000,000 PER ANNUM—NEW YORK CENTRAL MAIN LINE RECEIVING OVER $3,000 PER MILE, A SUM SUFFICIENT TO PAY INTEREST CHARGES ON THE COST OF A DOUBLE TRACK FROM NEW YORK TO BUFFALO.

The railroads of the United States are defrauding and overcharging the Government to the extent of $10,000,000 per annum, and this public plundering is going on while statesmen and dabsters at Washington are vacantly going about for means whereby they may avoid a deficit of $8,000,000 per annum in running the Post-Office Department.

The frauds are notoriously open and admitted.

Railroads are receiving over $32,000,000 per annum for service, though they are not entitled to more than $22,000,000 on any fair basis of Government allowance.

Railroad managers have stuffed the mails with free postal matter during a period of thirty days every four years when the Government made its quadrennial reweighing, and for the other forty-seven months of the term they have drawn vast sums from the Treasury.

Some feeble vaporings have gone out from Washington that Congress had fixed the method of weighing and that the Department officials were not responsible for these vast expenditures. The officials, therefore, let the subject pass, and no serious steps were taken to stop the frauds or to punish the offender. It is true that complaint was made by the Postmaster-General to the Attorney-General, but the Attorney-General's Office has done less to stop this form of corporate offense than it has done to check trusts and monopolies. Offenders have been allowed to go free under an absurd and forced interpretation of the laws relative to weighing.

The Seaboard Air Line was caught red-handed in this public thievery, but nothing was done, and the general manager of the line, V. E. McBee, admitting the practices, said, "There is no legal or equitable reason why we should withhold matter from the mails during the weighing period," and then declared that his line had been following the methods which were common upon all other railroads.

In ten years the annual payments by the Government to railroads for mail transportation have increased over $15,000,000. The payments have been as follows:

Date.	Cost per annum.	Date.	Cost per annum.
1881	$11,613,366	1889	$21,639,613
1882	12,753,184	1890	23,395,232
1883	13,887,800	1891	25,183,713
1884	15,012,603	1892	27,126,529
1885	16,027,083	1893	28,910,195
1886	17,336,512	1894	30,358,190
1887	18,056,272	1895	31,205,342
1888	19,524,959	1896	32,405,797

These expenditures relate solely to payments to railroad companies and do not include the pay of railway post-office clerks ($7,954,377) or star routes ($5,884,511) or steamboat routes.

The aggregate expenditures under the supervision of an Assistant Postmaster-General who receives $4,000 annual salary exceed $47,000,000 per annum.

Some few of the railroads of the country are dealing with the Government on a fair and honest basis, but their number is exceedingly small in comparison with those corporations which have padded the mails to enlarge their earnings and to defraud the taxpayers.

The payments to the large railroad systems for the year ending June 30, 1895, were as follows:

	Length of lines.	Pay.
	Miles.	
Vanderbilt system: New York Central, Lake Shore, Michigan Central, and Cleveland, Cincinnati, Chicago and St. Louis	7,246	$3,698,671
Pennsylvania Railroad	8,083	3,578,885
Union Pacific	5,257	1,624,132
Chicago, Burlington and Quincy	7,239	1,539,648
Southern Pacific	7,577	1,509,691
Baltimore and Ohio	3,304	1,108,275
Chicago and Northwestern	7,531	1,105,806
Chicago, Milwaukee and St. Paul	6,055	1,085,921
Missouri Pacific	4,853	917,008
Atchison, Topeka and Santa Fe	6,046	901,491
Southern Railway	4,331	860,226
Illinois Central	3,944	644,690
Louisville and Nashville	3,070	508,783
New York, New Haven and Hartford	1,947	553,568
Northern Pacific	3,915	539,104
Chicago, Rock Island and Pacific	3,450	518,927
Great Northern	4,086	438,952
Wabash	1,930	422,418
Other lines	81,299	9,650,096
Total	171,212	31,205,342

On a reweighing of mails made last year the detailed report of the Postmaster-General shows that the Pennsylvania Railroad was allowed $446,000 for transportation of an average of 30 tons per day from Pittsburg to Chicago, or an average of $40 per ton for that distance, or nearly 9 cents per ton per mile. The speed at which this mail was carried averaged 26 miles per hour, so that the service can not be called a fast train service, or that the Government paid extra for speed. The same rate, at 9 cents per mile, was allowed to the Big Four (Vanderbilt) line from Cleveland to Cincinnati.

This mail matter can not be classed as ordinary freight, but when it is understood that some freight is carried by the Pennsylvania Railroad Company for less than three-tenths of a cent per mile, this liberality in paying railroads for mail transportation is beyond comprehension. With such payments to railroads the deficiency of the Post-Office Department exceeded $8,000,000.

On routes carrying mail the whole length of the route Congress allows the following pay per mile per annum:

200 pounds per day	$50	2,000 pounds per day	$150
500 pounds per day	75	3,500 pounds per day	175
1,000 pounds per day	100	5,000 pounds per day	200
1,500 pounds per day	125		

Over 2,000 pounds additional, $25 per mile additional.

In 1876 this allowance was reduced 10 per cent and an additional 5 per cent was cut off in 1878, but in eighteen years since then no further reduction has been made in the rate, though the charge for transportation has fallen from 1.35 cents per ton per mile in 1878 to 0.82 in 1895, a decrease of 40 per cent in freight charges. Passenger charges have decreased from 2.447 cents per passenger per mile in 1882 to 2.016 in 1895, a decrease of 18 per cent. But no decrease has been made in eighteen years in the rate of pay for mail matter. Congress has actually fixed the pay for transporting mail in large quantities at $21.38 per ton per mile per annum, or at 6 cents per ton per mile for all matter carried the whole length of the route.

Though these excessive figures for mail transportation have been maintained for years, it is difficult to find any official trace of information given to Congress respecting the character of these rates.

The Post-Office Department has not been powerless in the matter of controlling payments and protecting the Government. The act of Congress (R. S., 4002) expressly conferred upon the Postmaster-General a discretion to weigh the mails for not less than thirty successive working days in terms not less frequently than once in every four years, the result to be stated and verified in such form and manner as the Postmaster-General may direct. If there were frauds, he could weigh as frequently as he thought proper, and he could refuse to verify until an honest weighing had been made. Who can recall any instance except that of Postmaster-General Wilson's attack upon the Seaboard Air Line, where any Postmaster-General has persistently and energetically and earnestly exercised these functions in the interest of the people? When has the attention of Congress been called to the high rates of mail transportation or to the details of the frauds practiced upon the weighers?

A bill has passed the lower House of Congress, known as the Loud bill, which is intended to correct many abuses which have crept into the second-class matter. Postmaster-General Wilson and many intelligent officials have urged this bill as the panacea which shall make the Postal Department self-supporting. The service has been abused by executive departments sending free through the mails such articles as iron safes, roller desks, and similar bulky freight, and abuses have crept in through the sending of serial libraries and reprints of books and sample editions of newspapers issued for advertising purposes. News companies have returned unsold periodicals, fraternal societies circulate publications of a mere advertising character, and similar private enterprises have been carried on at public expense. But the discontinuance of these matters will not be materially felt for two or three years in postal revenues, because of the quadrennial weighings, unless—

First. The Postmaster-General shall exercise his undoubted authority and order an immediate reweighing of mails on all railroads.

Second. Congress must provide severe punishment for schemes to pad the mails during the weighing period.

Third. The excessive rates now paid for mail transportation on the trunk lines must be cut.

Fourth. Franked matter must be excluded from the weighings.

The officers of the Railway Mail Service have not exercised diligence in protecting the interests of the Government.

The act of Congress fixed a rate not exceeding:

$25 per mile per annum for railway post-office cars 40 feet in length.
$30 per mile per annum for railway post-office cars 45 feet in length.
$40 per mile per annum for railway post-office cars 50 feet in length.
$50 per mile per annum for railway post-office cars 55 to 60 feet in length.

Under this law the officials have allowed the maximum limit to be paid. They allowed $3,463,916.70 for 622 railway post-office cars in actual use and for 154 cars in reserve. Assuming that half of the reserve cars were in actual use, then the average pay for each car was $5,000 per annum for wheelage.

It should be noted that the Government had already paid for carrying every pound of mail, and that this maximum allowance was an addition

thereto. The figures of the Pullman Company and of the Jackson Sharp Company, of Wilmington, Del., show that a freight car costing $500 has an average life of twelve years; that a passenger coach costing $4,000 has an average life of twenty years. These railway post-office cars cost between $4,500 and $5,000. Some of them have been in service since the Centennial Exposition of 1876, and yet the postal authorities have been paying for the wheelage and care of such cars $5,000 per annum.

They have given more than the full cost of the car for one year's service. In twenty years the Government pays $100,000 for a car costing $4,500.

The New York Central Railroad receives an annual payment of $3,668.09 per mile for transporting mail matter between New York and Buffalo, this payment not including the pay of the railway post-office clerks. In other words, for hauling the mails the Government pays to the New York Central Company a sum exceeding the amount necessary to pay interest on the cost of a complete double-track line from New York to Buffalo.

The Pennsylvania Railroad receives $3,801.53 per mile for its service between New York and Philadelphia, and $2,534.87 for its service from Philadelphia to Pittsburg.

The amount paid by the Government for transporting mail matter is equivalent to the interest of $4,000 per mile on all the railroads of the country.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3727) granting an increase of pension to Thornton S. Crosley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3728) granting a pension to John F. Early; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER. I submit an amendment intended to be proposed to the District appropriation bill, which I ask to have printed, and referred to the Committee on the District of Columbia. I also submit certain prints, which I desire to have referred to that committee in connection with the amendment.

The VICE-PRESIDENT. It will be so ordered.

Mr. BERRY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS RENDERED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to report to the Senate under section 11 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," all judgments rendered in the circuit and district courts of the United States, not heretofore reported at this session, which require an appropriation for their payment.

LIST OF CLAIMS ALLOWED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed up to and including Saturday, the 27th instant, by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session; and also a list of judgments of the Court of Claims, requiring an appropriation at the present session, not already transmitted.

PROTECTION OF AMERICAN CITIZENS IN CUBA.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That it is the sense of the Senate that the President should speedily and effectually protect the lives and liberties of peaceable American citizens residing or sojourning in Cuba, and that he should promptly insist that Spain in her war against her colonists in the Island of Cuba should conduct the same on principles of civilized warfare, eliminating all unusual and unnecessary cruelty and barbarity; and for the enforcement of these reasonable and just requirements United States battle ships should be sent without delay to Cuban waters.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. PLATT. I should like to hear it read once more.

Mr. PETTIGREW. Let the resolution lie over.

The VICE-PRESIDENT. The resolution will go over under the rule.

REPORT ON IMMIGRATION.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 800 additional copies of the report of the results of the mission of the Commissioner-General of Immigration to the Italian Government, October, 1896, 300 for the use of the Senate and 500 for the use of the Commissioner-General of Immigration.

IMPRISONMENT OF AMERICAN CITIZENS IN CUBA.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he hereby is, requested to transmit to the Senate, either in open or secret session, as he may prefer, all the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba, not previously reported on.

M. A. CHEEK.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the President communicate to the Senate, if not incompatible with the public service, all the information in possession of the Department of State relating to the claim of M. A. Cheek against the Siamese Government.

THE REVENUE-CUTTER SERVICE.

Mr. FRYE. I move that Senate Document No. 135, Fifty-fourth Congress, second session, being a letter from the Secretary of the Treasury, transmitting, in response to Senate resolution of the 16th instant, information called for in relation to the Revenue-Cutter Service, be reprinted, with certain corrections to be indicated by the Treasury Department.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 10336) making appropriations for the naval service of the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MRS. EMMA WEIR CASEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Emma Weir Casey, which was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to read:

At the rate of $50 a month.

Mr. FRYE. General Casey, as is well known, was a faithful officer in war, and of equal fidelity in peace. Indeed, Congress had such implicit confidence in his ability and integrity that from time to time it imposed upon him very arduous and responsible duties entirely outside of his official work. I have no doubt that the anxiety and increased work hastened General Casey's death. He never received a dollar for all of this work performed before his retirement—no pay whatever. The Senate committee reported the bill and the Senate passed it, giving the widow of General Casey $75 a month. He left her a house, but not enough for her support outside. The House has amended the bill by cutting it down to $50. I am informed by friends of General Casey in the House that in these last days of the session unless the Senate agrees to the amendment there is liability that the bill will be lost.

So, as a friend of General Casey and earnestly sympathizing with his widow, I move that the Senate agree to the House amendment, at the same time declaring that I do not regard myself by this action as at all foreclosed from hereafter asking a further increase.

The VICE-PRESIDENT. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following act and joint resolution:

An act (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota; and

The joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

SIOUX RESERVATION IN SOUTH DAKOTA.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment inserting the word "only" in the nineteenth line of said bill.

That the Senate concur in the House amendments inserting after the word "in," in the twenty-first line, the words "North Dakota," and after the word "Dakota," in the same line, inserting the words "and Nebraska."

R. F. PETTIGREW,
T. H. CARTER,
J. H. BERRY,
Managers on the part of the Senate.

JOHN F. LACEY,
WM. R. ELLIS,
THOMAS C. McRAE,
Managers on the part of the House.

STATEMENT.

The word "only" was inserted in the nineteenth line of the bill by the House without being considered by any committee of the House, and its retention would repeal the existing law, except in the States of North Dakota, South Dakota, and Nebraska, in relation to commutation of homestead entry after fourteen months' residence thereon.

The words "North Dakota and Nebraska" have been inserted in the twenty-first line of the bill because the Sioux Indian Reservation extends into both the States named.

The report was concurred in.

ARMY APPROPRIATION BILL.

Mr. QUAY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4 to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have been unable to agree.

M. S. QUAY,
EUGENE HALE,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

J. A. T. HULL,
R. WAYNE PARKER,
Managers on the part of the House.

Mr. QUAY. I move that the Senate further insist upon its amendments numbered 3 and 4, upon which the conferees were unable to agree.

The motion was agreed to.

FORM OF CREDENTIALS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. HOAR], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution suggesting the form of certificate of election of Senators to be sent by the executive of any State, in pursuance of section 17 of the Revised Statutes of the United States.

Mr. GRAY. What action is proposed upon the resolution? I observe that the Senator from Massachusetts is not in his seat.

The VICE-PRESIDENT. The Chair submits the resolution as coming over from a previous day. It is for the Senate to take what action it desires.

Mr. GRAY. I ask that the resolution be at present considered. It is a very important one and will not create any debate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PETTIGREW. I move its reference to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota, that the resolution be referred to the Committee on Privileges and Elections.

Mr. CHANDLER. I think it should go there, but the Senator from Massachusetts requested that it might remain where it is. I do not think it should be referred in his absence. I am unwilling that it shall be acted upon now, and I hope the Senator from South Dakota will allow it to remain where it is.

Mr. PETTIGREW. I withdraw my motion, and ask unanimous consent that the resolution may lie on the table.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PACIFIC RAILROADS.

Mr. ALLEN. Some weeks ago I introduced two resolutions, one a Senate resolution and the other a concurrent resolution, respecting the Pacific railroads. My colleague [Mr. THURSTON] debated the resolutions on three or four different days and has not yet concluded his remarks. The resolutions were to be passed over without prejudice from time to time until he concluded his remarks. The remarks have not been concluded, and I have not heard anything from the resolutions for several days. I ask that they be continued without prejudice in their place.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the amendments of the House to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

REPORT ON PRESERVATION OF FISHERIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a communication from the Secretary of State covering the report of the joint commission on behalf of the United States and Great Britain, dated December 31, 1896, relative to the preservation of the fisheries in waters contiguous to the United States and Canada, as provided by the joint agreement between the United States and Great Britain, dated December 6, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 24, 1897.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The next amendment of the Committee on Appropriations will be stated.

The next amendment was, on page 66, after line 16, to insert:

To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000.

Mr. QUAY. Mr. President, I desire to take the floor upon the pending amendment to the Indian appropriation bill, and I will reach the amendment and the bill by gradual approaches. I wish to explain to the Senate what may seem to be rather improper persistency on my part in the effort to bring up the Duluth Bridge bill, and also to indicate to the Senator from Wisconsin [Mr. VILAS] the exact status of the memorial of the Wisconsin legislature to which he refers.

The Senator from Wisconsin and the Senate will remember that I explained yesterday the condition of the bridge. I stated the fact that the Pennsylvania Steel Company, a very large institution in central Pennsylvania, is employed in the construction; that the time for the construction of the bridge expires on the 1st of April, and that all the material for the bridge is at the site and the bridge is about one-third erected. The act of Congress authorizing the construction of the bridge requires its completion by April 28. I stated that that was impossible, owing to the severity of the weather at Duluth during the winter, and an extension of the time to July 1 or August 1 would answer every purpose and furnish every equity desired by the contractors.

The Senator from Wisconsin seemed to think that the bill which I introduced, which only went to the extent of extending the time for the construction of the bridge, was severely antagonized by his constituency, and that the legislature of his State had passed a resolution protesting against it; that is to say, against the bill which I introduced providing merely for the extension of time, there having been another bill pending here which proposes to relieve the bridge company from certain penalties, I believe, and duties imposed upon it. It was my judgment that the legislature of Wisconsin, in its action, had referred to the original bill, with which I believe the Senator from Minnesota [Mr. NELSON] is familiar, which he reported, and which is entirely at variance or entirely different from the one which I introduced. The following passage occurred between the Senator from Wisconsin and myself yesterday. I read from the RECORD:

Mr. QUAY. I ask the Senator from Wisconsin whether the memorial of the legislature of Wisconsin refers to this bill, which is a naked extension of time for the benefit of those employed in the construction of the bridge, or to the original bill, which involves a dispute as to certain conditions imposed upon the bridge company when it accepted its charter?

Mr. VILAS. The memorial relates to this bill, and the telegram was in answer to a letter which I sent advising the parties interested of the fact that this bill had been introduced. I conceive that it can make no difference in reality to the company in which the Senator is interested, which is constructing the bridge, whether the bill passes or not.

After the controversy yesterday between the Senator from Wisconsin and myself, I wired to Madison for a copy of the memorial. I have it here, and send it to the desk to be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

MADISON, WIS., *February 23, 1897.*

To Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Mr. Payne instructs me to report memorial, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the legislature of the State of Wisconsin respectfully shows that in the judgment of the legislature the best interests of the people of this State and Minnesota require that the act entitled "An act to authorize the

construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved on the —— day of ——, 18—, should be amended as follows: First, so as to make said bridge perpetually free of tolls to foot passengers; second, so as to make the said bridge free of tolls to bicycles; third, so as to empower, under proper safeguards, the cities of Superior and Duluth and the counties of St. Louis and Douglas to purchase the said bridge at the actual cost of construction, with interest at the rate of 6 per cent per annum, deducting, however, the net receipts which shall have been received by the bridge company up to the date of said purchase; fourth, by striking out the provision of said act making the said bridge free of tolls to street-railway cars in the event the same is purchased by the cities of Duluth and Superior or the counties of Douglas and St. Louis, or any of them; and this memorial respectfully prays that the said amendments may be made accordingly.

Resolved, That the governor is requested to transmit a copy of the foregoing to the presiding officers of the Senate and House of Representatives and to the Members of Congress and Senators from this State.

Offered February 1; amended to strike out second subdivision relating to bicycles; passed both houses 19th; will be presented to governor for signature Wednesday afternoon.

ROBERT LUSCOMBE.

Mr. QUAY. The fact that the resolution will be presented to the governor only on Wednesday, or this afternoon, accounts for the nonreception of the resolution by the Senator from Wisconsin.

What I desire to call the attention of the Senator from Wisconsin and the Senate to is that he is entirely mistaken as to the direction and purport of this memorial. It indicates no antagonism whatever to the extension of time to the bridge company, but is directed to amendments of its charter. The extension of time for the construction of the bridge is not mentioned in the memorial.

Furthermore, the Senator from Wisconsin is mistaken as to the bill to which it refers. The records of the Senate will show that the bill which was pending this morning before the Indian appropriation bill succeeded it was introduced by me on the 15th of February and reported by the Senator from Missouri [Mr. VEST] on the 18th. The memorial which the Secretary has just read was introduced in the legislature of Wisconsin on the 1st day of February, two weeks previously, so that it does not in any way relate to or affect this bill.

I wish merely to make that explanation to the Senate and to the Senator from Wisconsin to show him that he is entirely mistaken about the action of his legislature.

Mr. VILAS. Mr. President, I wish to make just as brief a statement of this matter as I can to show the proper relation of the facts to the question.

Three or four years ago, after some two or three years of controversy between two companies competing for the privilege of building this bridge across the St. Louis River, the cities of Duluth and Superior appointed a joint bridge committee, as I think they call it. The citizens of those two cities cooperating in that joint committee finally made an arrangement with this bridge company by which the company undertook certain conditions as the compensation or consideration upon which the bridge committee agreed that they should build the bridge which the two companies sought.

After that was done and the terms of the bill to be passed by Congress according to their agreement were specifically made, a bill was sent here, and the Senator from Minnesota, Mr. Washburn, and myself, supposing the bill to be in exact accordance with the terms of the agreement, consented to its passage. It imposed on the bridge company as a condition for the construction of the bridge that they should do a certain amount of dredging, and should thereafter forever maintain the channel of the river at their cost.

About four months afterwards they succeeded in passing a bill which relieved them from the obligation to forever maintain the channel. This year they sent down a bill asking to extend the time which had been rigorously prescribed to them, and also to relieve them from a large share of the dredging which they had agreed to do in the St. Louis River.

Now, the people of those communities insist on correcting a certain mistake, to call it by no harder name, which was made in the passage of that bill, by which, from a change in the language of it as it was agreed to be passed and as it was laid before the then Senator from Minnesota and myself by the bridge company, two injuries were done to the community; one that the bridge, which they agreed to be free to foot passengers, was made subject to toll; the other that the provision which the two cities of Duluth and Superior had stipulated, that they should have the right to buy the bridge at cost and 7 per cent interest, and that thereafter it should be free to wagon travel, they had altered so that thereafter it should be free to street railway travel, thus destroying to a very large degree the advantage which the cities would have acquired by making the purchase of them. They simply ask as a condition for the new amendments the company desire that those stipulations originally agreed to, of which I have abundant evidence in my desk, should be put upon the bill.

Mr. President, that made a considerable controversy over the bill which the Senator from Minnesota introduced. After that bill was introduced, the Senator from Pennsylvania, who represents a State in which there is a company which has undertaken a part of the work in the construction of this bridge—I do not know the full extent of it, and which desires to have the time extended for that construction—introduced a bill providing only for the extension of time. I supposed that there would be much less objection to that bill than to the other, and at once, upon its introduction, I wrote to people interested there to ascertain if there would be objection, or if they would insist upon maintaining the ground which had been taken. In answer to the letter which I wrote to the party a second time upon the point, I received a telegram, dated February 20, stating that—

The legislature of Wisconsin, after full hearing by supporters and objectors, passed memorial to Congress covering everything which has been sent you.

I stated, therefore, yesterday, in reference to it, that I supposed that that memorial related to exactly the subject before us; and, as I understand it, after hearing it read now, I think it does; but I am not willing to take a memorial from the legislature of Wisconsin through telegraphic correspondence of friends of those who have been defeated in the controversy before the legislature. I think I am entitled to have the action of the legislature awaited and regularly laid before Congress in the proper manner.

Mr. NELSON. Mr. President, if the Senator from Wisconsin is through, I want to say a few words on this matter.

The argument of the Senator is calculated to mislead the Senate and to give the Senate a false impression. He goes back into ancient history, and he states that this law was originally passed in 1894; that there had been a controversy; that finally they came to an understanding, and that he and Senator Washburn procured the passage of the original bridge bill, but that in doing so a mistake had been made in not putting a proviso into the bill that foot passengers should be permitted to pass over the bridge freely.

I know nothing about that matter, but I want to call the attention of the Senate to the narrow and simple and plain question involved in this matter. This bridge law was passed in 1894. Under the original law, as well as under the amendatory act which was passed a few months after, the company was required to do a large amount of dredging in connection with building the bridge. During this session a bill was introduced in the other House, passed there, and came here, amending that bridge charter so as to relieve the company from the dredging, and, in addition, extending the time for building the bridge two or three months. Over that bill, which was favorably reported from the Committee on Commerce, the Senator from Wisconsin and I have had a controversy. It related to two changes in the original charter, first, to relieve the company from dredging, and second, simply a matter of extending the time three months.

Now, the bill which is pending before the Senate, introduced by the Senator from Pennsylvania, disposes of that dredging matter, leaves that untouched, and it is simply a pure and naked bill to extend the time for building this bridge three months. The time will expire in two or three months, and the company ask for an extension of time to August. That is all there is in this bill. I venture as a lawyer to say that, even if this bill should pass, no court would ever declare a forfeiture of the charter if the company fails to complete the bridge by the 1st day of August.

The contention of the Senator from Wisconsin is that because there is a memorial of the legislature of Wisconsin, there may be an inference that the legislature does not want an extension of time, and is opposed to it. It is merely an extension of three months.

I submit to Senators whether, at the instance of a legislature or of anybody else, we ought to stultify ourselves and deny a reasonable request for a mere extension of three months to a company which is putting in a double-track steel bridge between two cities which have not a bridge; and this is a bridge over which they expect to have their street cars run from the city of Duluth to the city of Superior.

It seems to me I might as well speak in plain unvarnished language, and say that such methods partake a little of what we call, outside of this Chamber, a dog-in-the-manger policy.

Mr. QUAY. If the Senator will permit me to interrupt him, I desire to say that there is no laches on the part of the Pennsylvania Steel Company, which company has a contract for the entire structure; at least a telegram to me so indicates. The delay occurs on account of the inclement weather during the present winter at Duluth, which is stated in the telegram I submitted to the Senate.

Mr. NELSON. Mr. President, I speak as a representative of the State of Minnesota and as a representative of the city of Duluth, a city having 60,000 people, who are interested in the building of this bridge for the purpose of having not only facilities for running railway trains across it, but in order that they may have an opportunity to make street-car connection between that city and the city of Superior. The Senator from Pennsylvania [Mr. QUAY] represents more directly the steel company engaged in the building of this bridge. Now, shall we stultify ourselves in denying this little favor to the men who put their money and their brains

into this enterprise, and not give at least three months more in these hard times, when so many men are struggling and suffering? To do so is the paltriest and the meanest kind of tactics that I can think of.

Mr. VILAS. Mr. President, the Senator from Minnesota stated generally his facts pretty well, but after he had stated the facts, which showed he was all wrong in his position, he dealt, as attorneys for corporations are sometimes wont to do, and assailed those who stood on other grounds while he is demanding favors for his corporation at the hands of the Legislature.

This company undertook to carry out certain provisions. If they will carry out those provisions which they agreed to, they can have their bill in either form to-day, so far as we are concerned, for the House bill can be passed to-day if they will permit it to be amended in accordance with the two features, in respect to which there is no mistake, about the agreement between the corporation and the joint committee of the two cities of Duluth and Superior, and they in Duluth are as desirous of having that agreement executed as they in Superior, and not less are opposing the passage of this bill. There is no dog in the manger about it. They are simply insisting that when this railroad corporation comes in to demand the legislative discharge from the considerations which they undertook to execute as a part of the privilege of this franchise they shall comply with the explicit engagements which they entered into in the others.

Mr. NELSON. Mr. President, I deny emphatically that the people of the city of Duluth are opposed to the passage of this bill now under consideration, introduced by the Senator from Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. VILAS. Let the amendment be stated.

The SECRETARY. On page 66, after line 15, the Committee on Appropriations report an amendment to insert:

To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of the clause from line 24, on page 66, to line 2, on page 67, as follows:

For repair of present bridge across Big Wind River, on the Shoshone Reservation, in the State of Wyoming, the sum of $3,000.

Mr. PETTIGREW. I desire to have the words, "to be immediately available," added at the end of line 2, on page 67, so that this bridge can be built or repaired at once, before the spring floods.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. After the word "dollars," in line 2, on page 67, it is proposed to insert "to be immediately available."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, after line 2, to insert:

That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to strike out:

That the clause in section 3 of the act approved February 28, 1891 (United States Statutes at Large, volume 26, page 795), which provides as follows: "That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by the authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior," be, and the same is hereby, extended, so far as the same relates to leasing for mining purposes, to the lands embraced in that part of the Colville Indian Reservation, in the State of Washington, not restored to the public domain by the act of June 20, 1892 (United States Statutes at Large, volume 27, page 63), and still reserved by the Government for the use and occupancy of the Indians thereon, to take effect immediately. For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian Affairs, as authorized by a clause in the Indian appropriation act for the fiscal year ending June 30, 1897, $2,000. Any person who shall destroy or injure or carry away without authority from the Secretary of the Interior, any aboriginal antiquity on the public lands of the United States, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100 or be imprisoned not more than ninety days.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by an employee of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed or may hereafter disburse to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. JONES of Arkansas. I hope that amendment may go over, so as to allow me an opportunity to examine it to some extent.

The VICE-PRESIDENT. It will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 69, after line 9, to strike out:

That the Secretary of the Interior is hereby directed to pay to the Old Settlers or Western Cherokee Indians, on their requisition or requisitions made therefor by the national treasurer of the Cherokee Nation, or by such other person or persons as said Old Settlers or Western Cherokees may, in special council, appoint for that purpose, the sum of $96,206.53, or so much thereof as remains subject to the order of the Secretary of the Interior and reserved by him out of the amount of $800,386.31, appropriated for the benefit of said Indians for the purpose specified in an act approved August 29, 1894, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for other purposes."

And insert:

That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians and against the United States, in the sum of $800,386.31, alleged to have been set apart for the payment of expenses, and for legal services justly and equitably payable, on account of the prosecution of the claims of said Indians under the act of Congress approved August 23, 1894, entitled "An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," and again withheld from distribution under the act of Congress approved June 10, 1896, making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes. And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney, and the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions, and jurisdiction is hereby conferred upon said court to hear and determine said claims and award judgments thereon. Separate actions shall be brought by each of said claimants, or the legal representatives thereof, against the Old Settler or Western Cherokee Indians and the United States, within sixty days from the passage of this act, by petition of claimants, verified under oath by the petitioning claimant or his attorney. Service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected; and the defendants shall answer within sixty days from the filing of the petition in each of said actions whereby issue shall be joined, and the evidence heretofore filed by the claimants to the fund, or either of them, in the office of the Commissioner of Indian Affairs or the Secretary of the Interior, in support of any claim may be considered, with such evidence as may be produced by the claimants or Indians, in said actions, in the discretion of the court, and the aggregate amount of the judgments of the court shall not exceed the amount of the fund withheld from distribution, as hereinbefore set forth, and shall be paid by the Secretary of the Interior out of said fund to the person in whose favor the judgment is rendered, and not to his assignee; and said actions shall be as speedily as practicable brought to trial upon joinder of issue, and no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior: *Provided*, That any assignee of said claimants, or any of them, may maintain his action in his own right: *And provided further*, That the balance of the fund over the aggregate amount of judgments rendered by the court upon the actions herein provided for, if any there be, shall be awarded by the court to the said Indians: *And provided further*, That all claims against the said fund not filed in the Court of Claims within the time specified in this act shall be forever barred. The court shall, after issue joined, consolidate the several actions brought hereunder and render a final judgment on all the actions before the court.

Mr. CARTER. I wish to inquire of the Senator in charge of the bill what purpose impelled the committee to deny the right of appeal from a judgment of the Court of Claims in the cases alluded to?

Mr. BATE. I propose to move to strike out, in line 5, on page 70, the word "without," and to insert the word "with." so as to meet the suggestion of the Senator from Montana. I can not see why this right should be denied in cases of this kind, and I think there is doubt in regard to it.

Mr. CARTER. Mr. President, my inquiry was directed for the mere purpose of securing information. In the proposition submitted by the committee the phrase occurs, "without appeal." I do not know that the right of appeal exists. If it does not exist, then the language is unnecessary; if it does exist, some reason should be suggested for denying the right.

Mr. BATE. I take it that ordinarily the right of appeal does exist in all such cases; but, by way of putting it beyond dispute, I think the right should be expressed on the face of the statute. Therefore, to that end, I propose to strike out of the fifth line the word "without" and insert "with;" so as to read "with the right of appeal."

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee to the amendment of the committee will be stated.

The SECRETARY. In line 5, on page 70, before the words "the right of appeal," it is proposed to strike out "without" and insert "with."

Mr. PETTIGREW. I have no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. CALL. I suggest that that amendment had better go over for some further examination later in the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. JONES of Arkansas. I should like to ask the Senator——

The VICE-PRESIDENT. The Senator from Arkansas will permit the Chair one moment. The Senator from Florida asks unanimous consent that this provision of the bill may go over.

Mr. GALLINGER. Has the amendment been adopted?

The VICE-PRESIDENT. It has been adopted.

Mr. PETTIGREW. I think we had better dispose of the question now.

Mr. CALL. There is a memorial here from the Cherokee Indians which contains a good deal of matter in regard to this question, and it is better that it should go over for the present.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Florida that the pending amendment go over for the present. Is there objection?

Mr. JONES of Arkansas. Yes, sir; I object, at least for the present. It seems to me that if there is any information bearing upon this amendment, the Senate may as well have it now as at any other time. We ought to understand what the facts in this case are, and I do not see any reason for postponing its consideration for that reason. If, in the examination of the amendment, there should appear to be any reason why it should go over, I should have no objection at that time to it being done. But I should like to ask the Senator in charge of the bill a question, which I think can be answered satisfactorily at once. There is no reason I can see why that should be postponed. For that reason, if for no other, I object to the provision being passed over for the present.

The VICE-PRESIDENT. Objection is interposed.

Mr. JONES of Arkansas. I wish to ask a question of the Senator in charge of the bill, who doubtless has given careful attention to the construction of this amendment. As I understand it, this is to dispose of a controversy over 35 per cent that was agreed to be paid by the Old Settler Cherokees to a representative they had here, named Byran, I think. The purpose of this provision is to dispose of the remainder of that fund which has not yet been disposed of, is it not?

Mr. PETTIGREW. That is the purpose.

Mr. JONES of Arkansas. I see on page 70 that provision is made to pay "for legal services justly and equitably payable on account of the prosecution of the claims of said Indians under the act of Congress approved August 23, 1894," and so forth. From this it would seem that the payment of these attorneys must be limited to services rendered in the prosecution of the claim of the Old Settler Cherokees. As I understand, as a matter of fact, after this fund has been ascertained, there were a number of claimants presenting claims against the fund, and certain persons were employed in the defense of this fund against these claims, and, as I understand, one bill has passed through the House of Representatives providing for the compensation of one of those persons, and other bills are now pending. The question I ask the Senator is, Would the claim on the part of those people for defending those suits be included in the provision and be adjudicated by the court at the same time the others are?

Mr. PETTIGREW. I do not think that question came up with the committee at all, or that it was intended that they should be excluded, but it seems to me the language does exclude them.

Mr. JONES of Arkansas. Then, I submit there should be an amendment made to include those as well as the others.

Mr. PETTIGREW. I shall not object to an amendment allowing them to submit their claims also to the Court of Claims.

Mr. JONES of Arkansas. If the Senator from Florida desires the amendment to go over, I have no objection to that being done. In the meantime I shall try to prepare an amendment to that effect.

Mr. CALL. I am a member of the committee having charge of this bill, and do not propose to make any opposition to it. I promised the Indians, however, that I would call the attention of the Senate to their memorial and protest in order that they might at least have a hearing upon the subject.

Mr. JONES of Arkansas (to Mr. CALL). Have it read.

Mr. CALL. I ask that the memorial may be read. I think, though, the amendment had better go over to save time.

The VICE-PRESIDENT. The Chair will again submit to the Senate the request of the Senator from Florida. Is there objection to the request that the amendment go over?

Mr. CALL. I should like to have the memorial read now.

Mr. PETTIGREW. I should not object to the amendment going over. I would rather have it go over than to submit to hearing that document read.

The VICE-PRESIDENT. Does the Senator from Florida insist on the reading of the memorial?

Mr. CALL. I do not. I call attention to it, and ask that the matter go over.

The VICE-PRESIDENT. The amendment of the committee will go over. The reading of the bill will be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 72, after line 18, to insert:

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart, under the fourth subdivision of Article II of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act: *Provided, however*, That in hearing and determining the said claim of the said Indians, the court shall take into consideration and make due allowance for the fact that said Indians were given a share in the proceeds of the lands sold and disposed of under and pursuant to the provisions of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to strike out:

Whereas the Seneca Indians in council, January 3, 1893, duly entered into an agreement with William B. Barker, whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, under certain conditions therein stated, said agreement having been ratified and confirmed by act of Congress; and

Whereas the assignee of said lease has released to the Seneca Indians certain portions of the lands and reservations included or referred to in said lease, and the council of the Seneca Nation of Indians, by a resolution adopted by said council, on or about the 3d day of December, 1896, in all things ratified, confirmed, and extended as to the lessee thereof, and as to the assignees thereof, the said lease, and empowered and authorized them to fulfill the said lease, the same and to the same extent as the original lessee might or could have done, when said lease was executed:

Now therefore, The action aforesaid of the lessee of said lease and of the council of the Seneca Nation is hereby ratified and confirmed as the same has been sanctioned and ratified by the said resolution of the said Seneca Nation.

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Every Indian agent shall render to the Secretary of the Interior semi-annually a detailed statement under oath of all moneys received by him from all sources for the use of the tribe, or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested: *Provided*, That all moneys received by the agent and belonging to the tribe shall be remitted by him to the Secretary of the Interior as required by the rules of the Department, and all moneys received for individual Indians shall be promptly paid by the agent to the respective persons entitled thereto.

The amendment was agreed to.

The next amendment was, on page 76, after line 20, to strike out:

That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such child of such right.

The amendment was agreed to.

Mr. GALLINGER. I rise to inquire about an amendment of the committee on pages 74 and 75, striking out certain provisions which were inserted by the other House. Were those amendments passed upon?

The VICE-PRESIDENT. They were agreed to.

Mr. GALLINGER. I intended to make an observation concerning one or two of those provisions, and I thought they would probably be read. My attention was diverted. They were undoubtedly agreed to without reading.

The VICE-PRESIDENT. The Chair thinks they have been agreed to, but will have the record referred to if the Senator desires.

Mr. GALLINGER. I should like the privilege of asking a question of the Senator in charge of the bill concerning one or two provisions, and I will try not to occupy much time in the matter.

On pages 74 and 75, for instance, the other House inserted provisions restricting the expenditure of money at the Indian agencies in the matter of salaries and compensation of employees. It seems to me that that was a very just provision, considering what seems to be the somewhat extravagant notions which prevail in regard to this matter of spending the public funds for the support of these Indian tribes. But, more particularly, I desire to call the Senator's attention to the provision commencing in line 16, on page 75, which provides that—

Every Indian agent shall render to the Secretary of the Interior semi-annually a detailed statement under oath of all moneys received by him

from all sources for the use of the tribe, or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested, etc.

I wish to ask the Senator in charge of the bill if that is not a wise and beneficent provision, and why it should be stricken from the bill?

Mr. PETTIGREW. The committee believe that the power is now in the Secretary to require everything that is required in the provision, and to require very much more, and therefore it does not think it necessary to narrow his power and control over these people. I notice that it provides that the agent shall pay this money to the persons entitled thereto. As it is now, without this provision, it is under the control of the Secretary of the Interior. The agent will pay it under his direction. The question is whether, under this provision, he could not pay it out without the direction and supervision of the Secretary of the Interior. It seemed to the committee that it narrowed the power of the Secretary over the agent, and was entirely unnecessary.

Mr. GALLINGER. I had intended, before the pending bill is voted upon, to call attention to a report dated January 26, 1897, made by the Senator from South Dakota [Mr. PETTIGREW] from the Committee on Indian Affairs, concerning the Osage Indian funds, which includes a report made by the Senator from Nebraska [Mr. ALLEN] concerning the condition of things existing so far as that tribe of Indians is concerned.

Mr. President, I will now venture to occupy the time of the Senate for a moment to say that if the Senator from Nebraska, who seems to have made a personal investigation of this matter, has stated to the Senate and the country the true condition of things existing so far as the Osage Indians are concerned, there is a scandal existing in the matter of our dealings with the Indians of this country which ought to be taken up by the Congress of the United States and in some way corrected.

It is a blot upon our civilization and our humanity. After more than a century of care for these Indians, recognizing them as the wards of the nation and protecting them in every possible way, expending the public funds for their education, giving them farmers to teach them the art of agriculture, giving them superintendents and teachers to instruct them in letters, it is a reproach upon the nation and upon our legislation if, in the close of the nineteenth century, a condition of affairs exists, so far as this tribe is concerned, such as the Senator from Nebraska has pictured.

I wish to read an extract from the interesting report made by the Senator from Nebraska:

The acting agent of the Osage Indians is Lieut. Col. H. B. Freeman, a regular army officer of over thirty years' continuous service. The agency is located at Pawhuska, the capital of the Osage Nation, and Colonel Freeman has been the acting agent since January 1, 1894. Much friction has grown up and exists between him and certain border traders in Kansas and Oklahoma Territory, principally through restrictions placed on the latter which operate against them and in the interest of the licensed traders. The Indians are fleeced by the licensed traders; the charges for articles sold them are exorbitant in the extreme. An Indian once getting in debt to a licensed trader is never able to pay his indebtedness. An examination of the evidence will show that the Indians are at the mercy of the licensed traders and that no steps are or have been taken to protect their interests.

The Osages receive quarterly $54 per capita and are paid through an open window in the agent's office by means of checks on the subtreasury at St. Louis. Directly across the street from the office, and in plain view of the agent and his clerks, is a small wooden building on wheels, known as the prorate building. It is not to exceed 5 rods from the agent's office, and in this building the licensed traders gather on pay day, having what they call a prorate book, upon which their several accounts against the Indians are entered. The building and the space between it and the agent's office are occupied by the licensed traders and their clerks, and when an Indian receives a check he is taken to the prorate building to make payment to the traders. He knows nothing whatever of the state of his account except as he may be informed by the trader or his clerk, and this information may or may not be correct; but it is quite natural to infer that if the traders would impose on the Indians in prices they might swell their accounts without the Indians being conscious of it. At least, protection should be extended to the Indian debtors in this respect.

The evidence makes it clear that 90 per cent of the Indians are continuously in debt. Some of them exact from the traders, it is true, when surrendering their checks, a small sum of money, but the testimony shows that they are rarely able to pay over 15 per cent of their indebtedness at one payment. The acting agent claims that he has no authority to control the traders in the manner of securing their pay from the Indians; that the Indian is a free moral agent when he receives his money, and that he must look after his own accounts and take care of himself.

One witness testified that two lines of traders and their clerks were formed from the agent's window to the prorate building, between which the Indians were marched to the latter, whether willing or not, and in one instance, or possibly more, it was shown that personal violence had been used to obtain the Indian's check. It would be useless to expand on this matter. It is quite evident that the Interior Department, if it has the power, should suppress this evil and injustice, and if it has not, Congress should immediately enact a law affording debtor Indians protection at their quarterly payments.

The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts, and this has had a natural tendency to drive the Indians to the licensed traders. This restriction should be removed, and I know of no better way of doing so than by opening the entire Osage Nation to competitive trade, permitting all persons who are law-abiding and who will comply with the requirements of the just regulations of the Interior Department to trade with the Indians or settlers. An excessive license should not be charged for the privilege, and in any event traders who sell to the Indians at reasonable prices on the borders should have equal access to the reservation in the collection of their debts at all times with the licensed traders.

The Osage full-blood Indians are, as a rule, improvident; they have no adequate conception of value. Many of the mixed bloods are civilized and educated, having adopted civilized habits, and they can not be distinguished in appearance from white men. The mixed bloods, I believe, should be dropped from the tribal rolls, and restrictions should be placed on the tribal authorities in adopting persons into the nation. Many of the mixed bloods are troublesome to the full bloods, taking advantage of them in various ways and in some instances joining disreputable whites in defrauding them.

It appears that about the 12th day of August, 1895, the acting agent, Lieut. Col. H. B. Freeman, suppressed the Wah shah she News by closing up the office, taking possession of the type, press, cases, material, etc., and has remained in charge thereof to this time, and has prohibited the publication of the paper, in consequence of certain articles that had appeared therein criticising his official conduct. The seizure was arbitrary, through the police of the agency, and not by virtue of judicial proceedings, and the conduct of the agent was unlawful and should be condemned. The attention of the Interior Department was called to the matter shortly after it took place, but no action was taken there respecting it. The agent was a trespasser in this seizure of the property of the Wah shah she News and is liable in an action of trespass for the damage sustained by the owners of the property. He had no more right to seize and hold the press and material, and suppress the paper, than he would have to confiscate the property of an Indian, or imprison him, for a criticism that might be offered on his official conduct in a private conversation or in a public speech. This stifling of free speech and the freedom of the press among any class of Americans should not, in my judgment, be tolerated or approved.

Then the Senator from Nebraska, whose report is included in the report made by the Senator from South Dakota, gives a great deal more very interesting testimony on this point, showing the oppressions and the extortions to which these Osage Indians are subjected by the agents of the Government.

Mr. JONES of Arkansas. I should like to ask the Senator from New Hampshire, if it will not interrupt him, whether Lieutenant-Colonel Freeman admitted the correctness of that statement, whether he was examined, or whether he made any statement in connection with it?

Mr. GALLINGER. I have not had time to examine the testimony very closely.

Mr. JONES of Arkansas. The Senator from Nebraska, who made the report, is present, and I should like to have him make a statement.

Mr. GALLINGER. Very well.

Mr. ALLEN. The report from which the Senator from New Hampshire has been reading is a report made by me as a subcommitteeman to the Committee on Indian Affairs.

It is due to Lieutenant-Colonel Freeman to say that he denied much of the evidence that was introduced against him, but I think the facts are about as I find them in this report. I found this difficulty with Lieutenant-Colonel Freeman, as I have found it with every other regular army officer who has been detailed to conduct an Indian agency. Lieutenant-Colonel Freeman has been in the Regular Army about thirty-five years. He has no conception whatever of stopping to reason with anybody. He has been used to obeying without question the command of his superior officers, and of being obeyed without being questioned by his inferior officers and soldiers, and he seems to think he can carry that kind of conduct into the affairs of civil life. Lieutenant-Colonel Freeman has conceived it to be his duty to protect the licensed traders and to restrain the border traders from going upon the reservation for the collection of their debts. The result has been, of course, to drive the Indians to the licensed traders and to induce the border traders to refuse credit to the Indians, because they can not collect their claims.

Now, let me give an illustration of the exorbitance of the charges of licensed traders upon that reservation. It does not appear in the evidence, but it is a matter that came under my personal observation. I walked down to the bridge right west of the capital, Pawhuska, where the Indians were camped. I went up to an Indian's wagon in which were two small bales of prairie hay. I picked up one of them. It would probably weigh 65 or 70 pounds. He had an ordinary grain sack full of ear corn. Prairie hay in that country is worth nothing except the labor of cutting and baling it, which is a mere bagatelle. The same kind of hay in my country is worth not to exceed 12½ cents a bale. Corn in that country at that time was not worth 15 cents a bushel. The licensed trader charged that Indian for those two bales of hay and the bag of ear corn, which would not shell out to exceed a bushel and a peck or a bushel and a half at the outside, $1.50. All told, they were not worth over 40 cents.

Mr. JONES of Arkansas. So the Indian told the Senator.

Mr. ALLEN. The man who came with him told me, and I found that that was true.

For instance, the licensed trader in meat there will kill a class of cattle and a class of hogs that no white man could eat. He would not eat the meat. He sells quarters of beef of that kind to Indians for from $14 to $16 a quarter, when you can buy the whole beef for less money than he sells a quarter for. The result is that the Indian is constantly in debt, and he never gets out of debt.

In 1893, in February, I think it was, an extra payment of $300,000 was made to these Indians.

Mr. GALLINGER rose.

Mr. ALLEN. I beg the Senator's pardon.

Mr. GALLINGER. I yield with pleasure to the Senator, because he knows more upon this subject than I do, and I take pleasure in listening to him.

Mr. ALLEN. I took the evidence that appears there. In 1893 a report was made to the Interior Department that the Indians were indebted to the extent probably of $250,000 in round numbers, and that if they could only be got out of debt by an extra payment they could keep out of debt and would meet with prosperity after that.

The licensed traders, by what means I do not know, understood three or four weeks before the extra payment was to be made that it was to be made. And between that time and the time of payment, four weeks from that date, they swelled the accounts against the Indians $150,000. They sent to Kansas City and bought old, worn-out horses and brought them down there by the carload. They brought down wagons and buggies and things that no Indian upon the face of the earth wanted or needed. Horses which, placed on the reservation, cost the traders $81 or $82 a head, they sold to the Indians for from $150 to $300 a head; and in sixty days after that payment was made the Indians were as deeply in debt as they were the day it was made.

In February, 1895, an extra payment of $200,000 was made. The accounts were again swollen, and to-day the Indians are hopelessly in debt, and they are constantly kept in that shape. Ninety per cent of them are perpetually in debt, and they are charged extraordinary prices. They know nothing about values. They have no means of keeping their accounts. There is no supervision exercised by the Government or by the agent over the accounts kept against the Indians. They are turned loose absolutely at the mercy of the traders and the traders' clerks, with their checks in their hands, and they are charged just whatever the trader sees fit to enter upon his book against them.

Right across from the agent's office is the little building to which I refer in the report, called the prorate building. It is a little wooden building, about 10 or 12 feet square, put on wheels, so that it can be rolled around like a baby's rocking-chair. That is occupied by the traders and their clerks with their prorate books. Every trader comes in before the day of payment and enters his account upon the book. Then whatever the Indian pays is prorated among those traders. That is within 5 rods of the agent's window when he pays out the checks, and many of the Indians are taken and hustled across there. There is no police force to protect them. They are absolutely at the mercy of the traders and their clerks, and no supervision or restraint is placed upon the traders or their clerks in the collection of these debts.

Mr. GRAY. May I interrupt the Senator from Nebraska to ask him a question respecting the interesting narration that he is making, new to a great many of us?

Mr. ALLEN. Certainly.

Mr. GRAY. The question is whether it would not be possible for the Government, in providing for the Indians upon the reservations, who occupy, as it is sometimes said, in relation to the Government the position of wards, which I suppose more nearly represents the relation between them and the Government than any other term that could be used, to establish commissary stores, or stores on the order of the commissary stores in the Army, in which the salaried agents of the Government would keep those articles that the Indians require and sell them at a given rate above the cost of transportation and production, so that the Indians might avail themselves of the real protection of the Government in the matter of spending the money that the Government owes them or distributes among them? Would it be possible, in the judgment of the Senator from Nebraska, with his greater experience among the Indians and with Indian affairs, to have some such system? Could it be inaugurated by the Government in dealing with these rather defenseless people?

Mr. ALLEN. I suppose that is possible, of course.

Mr. GRAY. Why has it never been tried?

Mr. ALLEN. I think it has been found inexpedient in other localities.

Mr. GRAY. Has it ever been tried?

Mr. ALLEN. I think so. The Senator from Arkansas would know.

Mr. JONES of Arkansas. My impression is that the agent has a right to regulate the prices at which the traders sell their goods.

Mr. ALLEN. But only as to a few staple articles.

Mr. JONES of Arkansas. I have been waiting for the Senator from Nebraska to get through, in order to enter my protest against the result of his statement here, as it affects the reputation of an army officer who has grown gray in the service of the Government. There are some things in connection with it which I will not comment on now, but I will do so when the Senator from Nebraska finishes his remarks.

Mr. ALLEN. I do not want the Senator from Arkansas to take me at any disadvantage. I shall desire to reply to the Senator from Arkansas if any strictures are to be placed upon me for my report, for I have the evidence here to support that report. I have not said one word against that army officer which I will not say to his face at any time and under any circumstances. I have not reflected upon him. I have said in the report that nothing appeared in the evidence to indicate that he was dishonest or in any manner complicated with conditions that would reflect upon his honor, but that in my judgment it would be wise, at least not unwise, to remove him to some other scene of action.

Mr. GRAY. That is rather aside from the inquiry I was making of the Senator from Nebraska with a sincere desire for information. I wish to know whether it is not in the power of the Government and practicable, as demonstrated by the experience of those who come in contact with the Indians, to provide some such system as I have indicated, which would protect the Indians from the extortions of the licensed traders and enable them to purchase with the money they may have articles at a rate sufficient to pay the cost of production and distribution and the salary of the man who has the business in charge?

Mr. ALLEN. I do not doubt that that can be done, but it can be done so much cheaper by opening the territory to competitive trade, letting all persons who observe the law go upon the territory and trade with the Indians. Otherwise, if you establish a system of commissary stores, you will have an army of Government clerks to increase the official roll of the United States unnecessarily, in my judgment. I know of no better way than to permit every person who wants to trade with the Indians to go on the territory and trade with them. I think that would solve the whole question.

There are men along the borders who are struggling to establish little towns and to establish a business; and living there under the best conditions is very difficult. They are selling their goods as cheaply as they possibly can. I do not know why they should not be permitted to sell to the Indians just as they are permitted to sell to a white man and to collect their debts.

Mr. CALL. Those are liquor dealers.

Mr. ALLEN. No; they are not liquor dealers. The Senator from Florida is mistaken about that point. There are liquor dealers who run upon the territory and sell liquor, but they are chased down and chased off, or indicted and punished, as rapidly as the officers can catch them.

Mr. GALLINGER. Mr. President——

Mr. JONES of Arkansas. Will the Senator from New Hampshire allow me for a few minutes?

Mr. GALLINGER. With pleasure.

Mr. JONES of Arkansas. I have nothing to say in criticism of what the Senator from Nebraska has said except his criticism of Lieutenant-Colonel Freeman, and of course the Senator will have full opportunity hereafter to reply to all I may have to say. What I propose to say in this matter I will say in open Senate.

I listened to the reading by the Senator from New Hampshire [Mr. GALLINGER] of the criticism of the conduct of Lieutenant-Colonel Freeman. I have seen Lieutenant-Colonel Freeman but once in my life. I know nothing of him, except that he has the reputation of being an honorable officer in the Army of the United States. He has been in charge of the Osage Agency for a number of years, and I understand that while he has subjected himself to criticism in some respects, his conduct has been indorsed strongly by the Department, and they have unlimited faith in his discretion, integrity, and uprightness.

I understand the traders on the reservations are licensed for the purpose of allowing the Interior Department and the agents in charge of the reservations to regulate their charges and to see to it that they do not rob the Indians by unreasonable and outrageous charges. Whether this power is as large as it should be, whether it is exercised with discretion by the Interior Department, or whether or not the agents do their full duty, I do not know.

Mr. PLATT. I wish to inquire of the Senator from Arkansas, for the sake of information, whether it is not true that in their licenses the percentage of profit which the traders may charge is regulated?

Mr. JONES of Arkansas. I think so, in every instance. Such is my understanding.

Mr. ALLEN. Will the Senator permit me at this point to state that the duty of the agent to fix the prices at which the licensed traders shall sell applies only to a very few staple articles? But as a matter of fact, he does not fix those prices. The prices have never been fixed, so far as I can ascertain, upon that reservation.

Mr. JONES of Arkansas. My understanding is that the agent and the Department have the power, and it is their duty, to regulate the percentage, and that is fixed, I understand, when the traders are appointed. I believe that is true. If there has been a failure to discharge duty in this respect, it is good ground for criticism; but that is not the purpose for which I rose.

I rose to say that Lieutenant-Colonel Freeman's good name is to him perhaps his greatest possession. He ought not to be attacked; he ought not to be assailed without first having the opportunity to be heard. The Senator from Nebraska——

Mr. ALLEN. Let me ask the Senator from Arkansas to point

out where Lieutenant-Colonel Freeman has been assailed. I gave him an opportunity——

Mr. JONES of Arkansas. If the charge read by the Senator from New Hampshire that Lieutenant-Colonel Freeman practically confiscated a printing office because the paper had seen fit to attack him is not an assault, I should like to know what it takes to constitute one.

Mr. ALLEN. It is the result of testimony taken by me upon that reservation, which he does not deny. Suppose that a master in chancery finds certain facts from the evidence. They may be unpleasant facts. Is that an assault upon the person against whom they are found? I was sent there to make an investigation. I did it, and I did it in good faith. I found the facts exactly as the evidence shows them to exist. Can I not make that report to the Senate or to the committee of which I am a member without having some gentleman arraign me for making an assault upon Lieutenant-Colonel Freeman? I never saw him before in my life, and probably never will see him again. I took the evidence. I do not want to interrupt the Senator in his speech.

Mr. JONES of Arkansas. Go ahead.

Mr. ALLEN. I desire to have him point out where I made any assault.

Mr. JONES of Arkansas. Let me finish my statement, and then probably the Senator from Nebraska can reply to it better. If I can have an opportunity, I should like to conclude now the statement I began, and I will only occupy a few moments.

I characterize the reading of this paper in the Senate, under the circumstances, as an assault on Lieutenant-Colonel Freeman; and it seems to me it is such. It certainly would involve the man's good name. But let me call attention to the way in which the paper came here; and that is the gravamen of my complaint. It is the way the paper came before the Senate. It ought not to be here. The report ought not to have been made without Lieutenant-Colonel Freeman having full opportunity to know every charge made against him and an opportunity to reply.

Mr. GALLINGER. Will the Senator from Arkansas allow me for just one moment? I know the Senator, of course, will exonerate me from any purpose to make a charge against Colonel Freeman. That was an incident of the point I was attempting to make as to the wrongs the Indians are suffering, in my judgment, at the hands of the licensed traders. It is only a point which I made to emphasize the argument I was making.

Mr. JONES of Arkansas. I understood the Senator from New Hampshire. He had a perfect right to read the report.

Mr. President, I am not proposing to criticise the conduct of either the Senator from Nebraska or the Senator from New Hampshire. It was perfectly legitimate that the Senator from New Hampshire should read a document that he found printed by the Senate in support of any position that he may assume. The Senator from Nebraska visited this Osage Agency and made an examination of a number of things existing there, and he submitted a preliminary report, not intended, as I understood from him, to be a final report, to the Committee on Indian Affairs about what he found in his visit there. The report of the Senator from Nebraska, who was a subcommittee of the Committee on Indian Affairs, was not considered by the Committee on Indian Affairs, and I respectfully submit, in view of the fact that it contains reflections upon the character of an officer who is distinguished in the service of the United States, it ought not to have been here and printed as a document until it had been first examined by a committee and reported by a committee to this body.

Mr. ALLEN. It was examined by the Committee on Indian Affairs and ordered to be reported.

Mr. PETTIGREW. Will the Senator from Nebraska yield to me a moment?

Mr. ALLEN. Certainly.

Mr. PETTIGREW. The Senator from Nebraska submitted his report, and the Committee on Indian Affairs read his entire report and much of the testimony; and the committee, by resolution, instructed me, as its chairman, to submit his report with the testimony to the Senate and ask to have it printed.

Mr. JONES of Arkansas. Then I stand corrected by the statement of the Senator from South Dakota; but I asked the Senator from South Dakota in his seat, after this paper was printed, if it had been ordered by the Committee on Indian Affairs, and my recollection is that he told me it had not been.

Mr. PETTIGREW. The Senator misunderstood me if he had any such impression.

Mr. JONES of Arkansas. I certainly understood that statement from the Senator from South Dakota, and I made the assertion here to-day on the faith of that statement, that the report had been printed without being indorsed by the Committee on Indian Affairs. Now, if the Committee on Indian Affairs did adopt this recommendation and this finding, practically criticising Lieutenant-Colonel Freeman without his having had full opportunity to meet and answer every single charge in that report, the Committee on Indian Affairs did not treat that officer fairly.

Mr. ALLEN. He did have an opportunity, and his evidence is here.

Mr. JONES of Arkansas. Did he understand that all these charges were made against him?

Mr. ALLEN. Does the Senator say Colonel Freeman did not have an opportunity? He was upon the stand.

Mr. JONES of Arkansas. Was he informed of the different charges that were brought into this report?

Mr. ALLEN. Certainly. Here is the information right here. Mr. President, let me say to the Senator from Arkansas that when I went to Pawhuska the first thing I did was to send a note to Colonel Freeman, telling him that I was at the hotel for the purpose of hearing these charges and asking him to be present. Now, he was not present for a day or two. It is not necessary for me to say that I had to send off on a hunting excursion to find him, but he finally came around. I asked him to be present at the hearings. He declined to be there, except when he testified himself. When I went to Cleveland, Okla., I asked him to be present there, and told him I thought it would be to his interest to be there, and he declined. I came back to Pawhuska to accommodate him, a distance of 40 miles overland, for the purpose of giving him an opportunity to testify, and he did testify. Then I went further. After I got back to Washington, and before this report was finally made, he wrote me some letters, saying that he understood there was such and such testimony before me that he did not understand at the time, and I incorporated those letters in my report. I received his affidavits in contradiction of certain things and incorporated those in the report. Every conceivable opportunity was given this man to appear before the subcommittee and testify, and he did testify. I think I know something about taking depositions. I afforded him full opportunity.

Mr. JONES of Arkansas. I have no doubt that Lieutenant-Colonel Freeman had an opportunity to appear and testify, but what I should like the Senator from Nebraska to state is whether he was notified of the charges made against his good name in the report; whether he was advised that these charges were made and had been received by the subcommittee before he testified, and if he had an opportunity to reply to the charges?

Mr. ALLEN. Does the Senator ask whether Lieutenant-Colonel Freeman was advised of the report that I would make?

Mr. JONES of Arkansas. Not at all. Was he advised of the charges made against his character as an officer and as a man? Did he know that individuals had made those charges, and what they were?

Mr. ALLEN. If the Senator from Arkansas is through with his remarks, I want to call the attention of the Senate a moment to this report.

Mr. GALLINGER. I call the attention of the Senator from Nebraska to the fact that it may be proper that I should conclude my remarks, having the floor. However, if the Senator is not going to occupy much time, I will yield with pleasure.

Mr. ALLEN. I respectfully suggest to the Senator from New Hampshire that my report is brought in question here by the Senator from Arkansas, who has never read it.

Mr. GALLINGER. I think the Senator from Nebraska ought to have the privilege of replying, and I yield for that purpose.

Mr. ALLEN. I want the privilege of vindicating it. I want to make serious objection to the statement of the Senator from Arkansas.

Mr. JONES of Arkansas. While the Senator is making his statement I should be glad if he would state whether Colonel Freeman was confronted with the witnesses against him and who were making the charges that it was claimed would seriously affect his reputation as a man and his reputation as an officer. Was he notified of what they were saying, and did he have an opportunity to see and to confront the charges made by those men?

Mr. ALLEN. I will explain everything to the ample satisfaction of the Senator from Arkansas, if he can be satisfied. Let me state to the Senator from Arkansas, without any undue egotism upon my part, that I know what taking depositions and making reports means. I know what is due to a witness, what is due to a party, and I know it quite as well as the Senator from Arkansas; and I have had as many years' experience in doing this kind of work as he has.

When I went to the reservation, as I said, the first thing I did was to send to Colonel Freeman a polite note telling him that I was there for the purpose of making this investigation, stating when I would begin the investigation, and notifying him to be present. I did not subpœna him. He was an officer, and I thought that courtesy due to his position would not permit me to send out a subpœna in the first instance. Therefore I notified him. Colonel Freeman came into Pawhuska. He was not in the city that evening. He came in the next day or the next evening. He was present in the room where the evidence was taken. He was invited to be present during the entire time, but he declined to be there, although his office was within a block and a half of the hotel where the testimony was taken.

I took this evidence, sending subpœnas for the witnesses and bringing them in and examining them just as they would be examined in a chancery case or in the taking of ordinary depositions. Every moment of the time I was engaged in this work in Pawhuska Colonel Freeman was informed of the fact, was repeatedly urged by me to be present and look after his interests, and he was there a portion of the time; but a very small portion. When I got through taking the depositions or testimony at Pawhuska, it was necessary for me to go thirty-odd miles south into Oklahoma Territory proper, across the Arkansas River, and take the evidence of some witnesses at Cleveland. I informed Colonel Freeman of the fact that I would hold a session of the subcommittee at the hotel at Cleveland, a little village of 150 people, and I went to the extent of urging upon him to be present there, either in person or by some representative, to care for his interests, for I did not want anything said against Colonel Freeman by any witness that he would not have a fair and full opportunity to answer. He declined to go; he refused to go. I went upon my mission, and took the evidence. Then I came back, and I want the Senator from Arkansas to hear this statement——

Mr. JONES of Arkansas. I am listening.

Mr. ALLEN. I came back to Pawhuska. I sent word to Colonel Freeman to come to the hotel where I had taken the testimony before, and where I proposed to continue it, and as far as I could recapitulate the substance of the evidence against him without turning to it and reading it—it was voluminous—I did so. I called his attention to the various parts, and he answered them. I called his attention to this very point of suppressing that paper. That was the first point. He did suppress the paper. Here is the evidence of John F. Palmer, one of the proprietors, on page 25:

Q. You may state your name, age, and place of residence.
A. John F. Palmer; age, 34 years; residence, Pawhuska; occupation, farmer.
Q. You formerly edited a newspaper at this place, I believe?
A. Yes, sir.
Q. You may give the name of the paper.
A. Wah shah she News.
Q. How long was that paper published?
A. I could not say just how long.
Q. About how long?
A. I think about a year and a half.
Q. Was it printed in the English language?
A. Yes, sir.
Q. Was it a weekly paper?
A. Yes, sir.
Q. Who was the paper owned by?
A. The paper was owned, I think, at first by T. J. Lahey and S. J. Seedina. Seedina was a member of the tribe here. Lahey was, I think, a commissioner at the time. He was a white man, and not a member of the tribe.
Q. Where are these men now?
A. Mr. Lahey lives in town; Mr. Seedina lives on the reservation.
Q. You say Mr. Seedina is a member of the tribe?
A. Yes, sir.
Q. You are also a member of the tribe?
A. Yes, sir.
Q. Are you a graduate of any school?
A. No, sir.
Q. Where did you obtain your education?
A. At Osage Mission, in Kansas.
Q. You edited this paper at one time, did you not?
A. Yes, sir.
Q. Did you ever have an interest in the paper?
A. I was to have an interest in the profits.
Q. You never had an interest in the material, type, press, etc., then?
A. No, sir.
Q. What was the circulation of the paper while you were editing it?
A. About 1,100.
Q. Principally in the nation here?
A. Yes, sir.
Q. How many English-speaking people, including Indians who speak and read the English language, have you on the reservation?
A. Do you mean counting the white persons and all?
Q. All white persons and Indians who would be able to read a newspaper?
A. I should judge there were about 800.

Now, I call the attention of the Senator to the following:

Q. What became of the paper?
A. Colonel Freeman confiscated it.
Q. What do you mean by confiscating it?
A. He confiscated the press. I was not there at the time, although I was in town. He just took charge of it.
Q. That is, he came to the office where the paper was being published, and the type, press, and cases were kept, and took charge of them?
A. Yes, sir.
Q. Who did he take with him to take charge of it?
A. He went there by himself first.
Q. Did he drive out those who were there?
A. I was not there in person. I watched him.
Q. You watched him then?
A. Yes, I was not in the office, though.
Q. You may state if he put any police force there.
A. I understand he put police there to look after it.
Q. Did he permit the paper to be published after that?
A. No, sir.
Q. Did you ever have any talk with him regarding his action?
A. Yes, sir; before it was done.
Q. Did he say to you that he intended doing so?
A. Yes, sir.
Q. What reason did he give for threatening to suppress the paper?
A. He said that if the paper continued to criticise his official acts he would stop its publication, and informed me so, as one of the editors. I told him that so long as I had anything to do with the paper I would try to see that nothing was published in it that was not true, but I did not care to refrain from criticising his official acts when I thought they were wrong, and that if he wanted to stop the publication he could, but I would not stop criticising what I believed to be wrong in his administration.
Q. Did he deny any of the charges you made against him?
A. Yes, sir; he asserted that some of the criticisms were unjust and untrue, and, on the other hand, I believed them to be true.
Q. You may state if you offered him the use of the columns of your paper to explain any of the charges or criticisms that had been made.
A. I did.
Q. Did he avail himself of the opportunity to use the paper?
A. At first he said he would not have anything to do with such a dirty little sheet as that paper.
Q. What was the size of your paper?
A. I think you would call it a six-column quarto.
Q. Well, what has become of the press, type, cases, etc., belonging to the printing office?
A. Since Colonel Freeman took charge of the office I have not seen them. He has them in his charge.
Q. When did he take charge of it?
A. I do not know what month; our papers would show.
Q. Have you ever made a demand on him for the possession of the paper?
A. No, sir.
Q. Or the office?
A. No, sir.
Q. I mean for the material?
A. No, sir.
Q. Has any action ever been taken against him for the possession of the paper?
A. No, sir.
Q. Or for the trespass in the confiscation?
A. No, sir.
Q. What reason did he assign for intending to take charge of the paper and suppress it?
A. He said that the paper was publishing things that were not true and criticising his official acts in such a manner as to cause the people to have less respect for him, etc.

And so the evidence runs on. Now, that is not denied by Colonel Freeman. I turn right here to Colonel Freeman's evidence on page 95 of this report. Colonel Freeman did not hear the evidence of this witness. He had an opportunity, but he refused. The third question I put to him was the following:

It has been stated in the evidence I have taken that you suppressed a newspaper here called the Wah shah she News, something like a year ago, and that you still retain possession of the press, type, cases, and material. You may state if that be true; and, if so, all the facts connected with it.

Now, was not that fair to Colonel Freeman?

Mr. JONES of Arkansas. I think so.

Mr. ALLEN. Then why is the Senator from Arkansas arraigning me here for not giving Colonel Freeman an opportunity to be heard? Colonel Freeman says:

There was a paper running on the reservation by that name; the press was owned by a half-breed named Sylvester Soldani. The newspaper was edited by a man named George E. Tinker, also a half-breed.

And I have Tinker's evidence here, too. Colonel Freeman proceeds:

The conduct and course of the newspaper were not objectionable until the spring of 1894. At that time I became involved in a controversy with Mr. John R. Skinner, who was at that time a licensed trader on the reservation and also the proprietor of a store at a little town called Blackburn, right across the border of the reservation. Rising out of that controversy between Mr. Skinner and myself was a great deal of comment on the part of this paper, reflecting on me in various ways. They were not exactly criticisms of my administration here; they charged nothing against me—no specific facts—except that I was tyrannical and overbearing, and matters of that kind. It grew from bad to worse, and each succeeding copy of the paper more insulting, until it got to the vilest kind of abuse of me. I paid no attention to that, however, but finally they began publishing scandalous articles regarding the school and school services.

I want to say to the Senator from Arkansas that some of those charges in that paper respecting the school and the school service are amply sustained by the evidence, although they were of a character that I did not think fit to embrace in my report. One of the charges was not true, although there was ground for believing it to be true at that time. Colonel Freeman continues as follows:

I then remonstrated with the editor that such reports were injurious to his own people and that it gave to the outside world the impression that the Osage girls and women were usually of a loose character, and I also told him I thought he was making a mistake by abusing the officers of the Government as he had been doing. He then said, "I suppose you do not want me to mention you, except in a complimentary way?" I told him I did not care personally how he regarded me, and I did not care for their praise or blame. So the matter ended at that. They kept on publishing articles about this school, and finally, as the schools were about to open in September, they came out in a series of articles, saying that these schools were not a fit place for the Osages to attend, and advising the people not to put their children in school. I went to the office and told them that the regulation required that these children should attend school; that the school was properly conducted, and that there was no reason why the children should not attend, and I asked the editor to stop writing such articles. He refused to do so, and I told him if he continued I would close up his office. He still refused, and I did close up his office and take possession of the material and press, and have it still.

Now, did not Colonel Freeman have an opportunity to answer, and did he not answer? The Senator from Arkansas has not read one word of this testimony, and I do not believe he has read the report that was made, and still he gets up here and arraigns me for making an assault upon Colonel Freeman.

Mr. President, it would not do for me, and I have not the time, to go into an extended discussion of all this evidence shows. I made as modified a report of the facts as it was possible for me to

make. I recast the report two or three times before I submitted it to the Committee on Indian Affairs, so that I might not say anything that I would ever have occasion to regret. I did not find the facts as fully as a court would have found them or as a jury would have found them upon the evidence that was submitted. I said in that report simply two things that bear upon Colonel Freeman's administration. In the first place, Colonel Freeman goes on himself to testify, just as other witnesses testify, that no supervision whatever is placed over the accounts of licensed traders against the Indians. He says he did regard it as his duty to encourage the Indians to trade with the licensed traders, and I think he is honest about it. I do not question his honesty at all. I have no faith, however, in his judgment. We do not necessarily question a man's integrity of purpose because we question his judgment.

These Indians are submitted to the mercy of the traders when they are given their money. They are paid in checks on the subtreasury at St. Louis. They come up to a window where are the agent and his clerk, and sign the roll, take their check, and a swarm of traders and traders' clerks hang around that window to get the check and get them over to the prorate room and get the money divided; and sometimes when the Indian manifests a little disposition to be stubborn, they actually lay hands upon him and take him over to the prorate room, and sometimes they snatch his check out of his hands.

Mr. PETTIGREW. I should like to ask the Senator from Nebraska a question.

Mr. ALLEN. Certainly.

Mr. PETTIGREW. Did Colonel Freeman have knowledge of these transactions?

Mr. ALLEN. My dear sir, he had a chance to testify and did testify respecting it.

Mr. PETTIGREW. He was there, and knew that they coerced the Indians?

Mr. ALLEN. Of course. He was invited to be present and was present. He was urged to be present by me, and his attention was specifically called to this question.

Mr. PETTIGREW. He knew of the practices of these traders?

Mr. ALLEN. Certainly.

Mr. PETTIGREW. And he did not stop it, having the power to do so?

Mr. ALLEN. He was the man who made the payments; this condition of affairs existed within 5 feet of where he stood.

Mr. JONES of Arkansas. Will the Senator in that connection, as this matter is up, allow me to call his attention to one thing: He does not think that I have read his report, and he thinks I have not read the evidence. The truth is, I have not had time to go through all the evidence in this case, but such is my confidence in the Senator's impartiality and fairness in stating what the evidence shows that I have relied on the report in that respect. Since he has read Lieutenant-Colonel Freeman's statement about the suppression of that paper and has read what that officer stated was the reason for the suppression of the paper, I should like to call his attention to his own rsport in that connection, and ask him if he thinks it was just fair to Colonel Freeman? The Senator from Nebraska says on page 8 of his report:

> It appears that about the 12th day of August, 1895, the acting agent, Lieut. Col. H. B. Freeman, suppressed the Wah shah she News by closing up the office, taking possession of the type, press, cases, material, etc., and has remained in charge thereof to this time, and has prohibited the publication of the paper in consequence of certain articles that had appeared therein criticising his official conduct. The seizure was arbitrary, through the police of the agency, and not by virtue of judicial proceedings, and the conduct of the agent was unlawful and should be condemned. The attention of the Interior Department was called to the matter shortly after it took place, but no action was taken there respecting it. The agent was a trespasser in this seizure of the property of the Wah sha she News and is liable in an action of trespass for the damage sustained by the owners of the property. He had no more right to seize and hold the press and material and suppress the paper than he would have to confiscate the property of an Indian, or imprison him, for a criticism that might be offered on his official conduct in a private conversation or in a public speech.

This is the statement made by the Senator, and yet Colonel Freeman made the statement for himself that the reason of his taking possession of that paper was because it was being used for the purpose of undertaking to prevent the Indians from attending the Government schools. We all know the means that have to be resorted to to compel Indian attendance on public schools. We know that at many agencies they are absolutely arrested by soldiers; that they are taken by force to the agencies, and are put in the schools by force. If it is not an agent's duty to prevent the absolute destruction of the schools, I do not see what they are there for. I certainly think it was fair to Colonel Freeman that in making his report the Senator, who has had such large experience in taking depositions and knows so perfectly well how all these things ought to be done, should have stated the fact that Colonel Freeman claimed to have done this thing in the discharge of his duty in the protection of the schools, in connection with his own conclusions that Colonel Freeman's conduct was arbitrary, and that he was guilty of a trespass.

Mr. ALLEN. That may be the Senator's view of the law. I prefer not to take my law from either the Senator from Arkansas or Colonel Freeman, as much as I respect their judgment upon any question that might be submitted to them. There is not a word in that portion of the report which has been quoted by the Senator from Arkansas that reflects upon anybody. If the Senator from Arkansas will be kind enough to point out to me wherein it reflects upon Colonel Freeman, I shall hold myself a lifelong debtor to him.

Mr. JONES of Arkansas. Does the Senator think that charging an army officer with being guilty of a trespass is not a charge?

Mr. ALLEN. If the facts warrant the conclusion that he was guilty of conversion, and I say he was guilty of conversion, is that a charge?

Mr. JONES of Arkansas. The Senator said he was guilty of a trespass.

Mr. ALLEN. Well, guilty of a trespass. There is a bare shadow between them. A conversion is a trespass. Is that a charge? I bring an action against the Senator from Arkansas, charging him with trespassing upon my real estate. Does that reflect upon the Senator from Arkansas? The Senator knows better. He knows that it does not reflect upon him at all.

Now, what did this man do? He was guilty of a trespass in suppressing that paper. He was guilty of a violation of the fundamental law of this country, the freedom of the press, with responsibility for its conduct, for the right to the freedom of the press exists in the Indian Territory as much as it exists in the District of Columbia. When Colonel Freemen took forcible possession of this paper and converted its material to his own use, as he did, and suppressed the issuance of the paper, he did it without any authority of law.

It was not a judicial proceeding; and he was, and he is, in the eyes of the law, a trespasser. I said so, and I have nothing to modify or to take back. You can take the case made by this testimony before any respectable court or jury of this country, and you can mulct Colonel Freeman in damages for the suppression of this paper; and yet, for fear that Colonel Freeman, who has grown gray in the service, as the Senator said, may feel a little injured by what is said in this report, I am to be arraigned here and cajoled into modifying it and saying something to explain away the stain. I do not propose to do it. I did not put the case in as strong language as I ought to have put it. Colonel Freeman admits that he took the property and suppressed the paper, and has presses and type and all the material yet, and he has never suffered that paper to be republished since August, 1894, I think it was; and yet, when it comes to an investigation of his conduct, with all those facts admitted, he wants the subcommittee to modify the language of the report and say that he is not to blame. He is to blame; he is a trespasser, and if I were John F. Palmer and the owner of that paper, I would give him a chance to walk into court and demonstrate whether he had the power to suppress that paper or not. If the Senator from Arkansas, as his distinguished friend, wants to submit the issue to a court in Oklahoma upon that question upon the evidence taken here, he can have an opportunity.

What else did I say about Colonel Freeman? I said that this manner of payment of this tribe of Indians referred to in the report actually takes place at every payment. The Senator from Arkansas does not deny it.

What, in God's name, was I sent there for? To exonerate, to say that a man was not guilty of any of these things without giving the evidence, or to patiently take the testimony and report it with my findings of fact based upon it? If any man supposes that I would go upon an investigating tour with a determination to vindicate a man in advance, or to condemn him in advance, he is mistaken. I am not the man to put upon a committee of that kind.

Colonel Freeman has got himself to blame, not me. He has indulged in this conduct, and still indulges in it, and in my judgment, Mr. President, it is unlawful. He was a trespasser, and is now, and will be until he surrenders this property; and even then he will be liable in damages for the wrong that has already been done. I suppose that Colonel Freeman has been in correspondence with my learned friend from Arkansas, and has probably seen this report, and it does not altogether suit him.

Mr. JONES of Arkansas. If the Senator will allow me, I believe I have received one letter from Lieutenant-Colonel Freeman, which was something in the nature of a protest against the publication of the report of the Senator from Nebraska, saying, in effect, that he had had no opportunity to meet the charges made here. That is the substance of the letter, as I recollect.

Mr. ALLEN. Why, then, did not the Senator sit down and look this report over and see whether that was true or not?

Mr. JONES of Arkansas. If I had, I would have been confirmed in it, for in the report you made here you distinctly do not state that Lieutenant-Colonel Freeman took possession of that paper and stopped the publication of it because it undertook to break up the school, but because of personal attacks on him.

That statement was made, and Lieutenant-Colonel Freeman denied it, and yet you made that report.

Mr. ALLEN. I did not make any report of the kind.

Mr. JONES of Arkansas. The words I read seem to me to mean that.

Mr. ALLEN. I did not say that Colonel Freeman suppressed the paper because it made personal attacks upon him. Now find that in my language if you can. It is very easy to flippantly say that I said so and so, when I did not.

Mr. JONES of Arkansas. I read the language of the Senator's report in the presence of the Senate, and supposed the Senate understood what was said. I stated what I regarded as the substance of it, and I understood that to be about the substance of what was said. There is no necessity for reading the language again, but I can do it if the Senator wants it done.

Mr. ALLEN. There is not one word in my report, properly construed, to bear out the statement of the Senator.

Mr. JONES of Arkansas. You certainly did not intimate that Colonel Freeman did this in defense of the school. There is no such language in the report.

Mr. ALLEN. Does the Senator from Arkansas say that there were any circumstances under which that man had a right to suppress that paper without employing legal proceedings?

Mr. JONES of Arkansas. That man had a right to have his statement of what he claims to be the ground of his action.

Mr. ALLEN. He did have. His evidence was taken in full, and it is stated in the testimony.

Mr. JONES of Arkansas. But it is not referred to in your report.

Mr. ALLEN. It is referred to in general terms as much as the evidence of any other witness, yet the Senator from Arkansas, a distinguished lawyer of large experience, no doubt, stands in the Senate here to say that an Indian agent has a right to suppress a newspaper without employing judicial proceedings to do it.

Mr. JONES of Arkansas. Where did you find that out?

Mr. ALLEN. I found it out because the Senator from Arkansas said so.

Mr. JONES of Arkansas. I did not do it.

Mr. ALLEN. Now the Senator denies it, and says he did not do it.

Mr. JONES of Arkansas. I have made no such statement, and the Senator can not show in the RECORD a solitary line of that sort. What I contended for was that Lieutenant-Colonel Freeman had the right to be confronted with the charges against him. I have insisted that that should be done; and I called attention to the fact that when the Senator from Nebraska made his report of the facts as to the suppression of this newspaper he studiously avoided stating the reasons which Colonel Freeman gave for such suppression. That is all.

Mr. ALLEN. There was no reason at all. Now, let me put a question directly to the Senator from Arkansas. Did Colonel Freeman have the power to suppress that paper without resorting to judicial proceedings for that purpose?

Mr. JONES of Arkansas. I do not know anything about that, and I have not expressed an opinion in regard to it, one way or another.

Mr. ALLEN. The Senator does not know anything about it; and I am not surprised at that statement.

Mr. President, Colonel Freeman had no power to suppress this paper, and he was as powerless to do so as one of these little pages, so far as legal right is concerned. He had the machine, the brute force to do it, and he did it, and that is the only excuse he can give for doing it.

It would not do for me to go into the articles which appeared in that paper, some of which are published with this evidence. There was a charge of immorality in that school between certain teachers and employees of that school that was true, and the evidence here taken shows the charge to be true. Arrests followed, escapes from the officers followed, of employees of that school that were spoken of by this paper. Charges were made by the paper, and they were true. Colonel Freeman himself admitted the truthfulness of those charges upon the stand. But, Mr. President, like the old doctrine of scandalum magnatum, the greater the truth the greater the scandal, the greater the libel.

Colonel Freeman went upon the supposition that the truth should not be told by the paper even about the school or about himself. Therefore he walked in one morning deliberately with a police officer, without warrant, without an attachment, without judicial process of any kind, and without pretense of judicial process locked up the office, took the presses and cases and type, and suppressed the paper, and is in possession of them now. Yet the Senator from Arkansas, in his keen legal acumen and large experience in cases of this kind, sees something wrong in my report because I state these facts.

I have nothing in the world against this man. I never knew there was such a man as Colonel Freeman upon the face of the earth until I went there; I never saw him before. I was treated kindly by him, and treated him kindly in return; parted with him kindly; gave him every opportunity possible to make a thorough explanation of this charge, and he did make it; and his explanation is simply no explanation at all.

He had the brute force, the brute power, to suppress the paper, and he did it, and has it suppressed now; and the proprietors of that paper will never do themselves justice until they require him to walk into the courts of Oklahoma or Kansas or some other place and answer for damages done them by the conversion of their property. Now, if I am guilty of some heinous offense in the imagination of my most distinguished and brilliant friend from Arkansas, I shall have on another occasion to beg his pardon.

One word more, Mr. President——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. GALLINGER. I want to be put right. The Senator from New Hampshire is yielding to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair stands corrected. How long does the Senator yield?

Mr. ALLEN. I do not know that it concerns the Presiding Officer how long he yields.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ALLEN. I am not here to be badgered by the Presiding Officer of this Senate; and I hope it will not occur again.

Mr. President, I said another thing respecting Colonel Freeman, which I will read:

> I have found nothing to indicate that the acting agent, Lieut. Col. H. B. Freeman, is dishonest.

There were charges involving his integrity. Charges were rife that he was connected in money-making schemes there with certain persons. I found nothing to justify that charge. I stated so; but I said in that connection:

> There are many things to indicate that he has been indiscreet, in some respects arbitrary, but I attribute this largely to the fact that, being a soldier of many years' service, accustomed to obeying and being obeyed, he does not possess the tact necessary to deal successfully with civilians. There is no doubt of much bitter feeling existing between many of the Indians and the agent, and the border settlers and the agent, and I am not prepared to say that it would be unwise for this agent to be removed to another field of operation.

That is all I have said about Colonel Freeman, and all I expect to say.

Now, with my thanks to the Chair for the courtesies I have received, I yield the floor.

Mr. GALLINGER. Mr. President, I have not a very distinct recollection of the point I was making something over an hour ago when I was discussing this question, but I shall endeavor to gather up the scattered threads and finish my remarks, which were not intended to take very much of the time of the Senate.

My attention was drawn to this report somewhat accidentally on yesterday, I having sent to the document room for some publications bearing on this Indian question, and, in glancing over it, I was horrified to find, according to the testimony of the Senator from Nebraska, indorsed by the Committee on Indian Affairs of this body, that a condition of things existed in the Osage Nation that was a disgrace and a shame and a reproach to the American Congress and to the American people. I am very glad that calling attention to it, as I did this morning, has resulted in a discussion of this question by Senators who know more about it than I pretend to know.

The facts seem to be—and I will state them very briefly—that the Indians of the Osage Nation are led by some form of influence to accumulate a fund of money to pay attorneys to induce the Government, as they claim, to allow them to draw from their trust funds, which are now in the Treasury, large sums of money at various times, ostensibly for their support and their comfort. Having done that, it seems that licensed traders of the Government of the United States, men for whom we are in a sense, and in a broad sense, responsible, proceed to Kansas City and other places and buy horses, buggies, wagons, harnesses, and other articles by the carload, and ship them to that agency, and then, through those licensed traders, proceed to rob these poor Indians in a manner that would do credit to the veriest highwaymen who ever infested any portion of our country.

Mr. PLATT. The Senator has yielded so much that I trust he will yield to me to say that when he speaks of these poor Indians, they happen to be the richest body of people on the face of the earth. There is no community, state, nation, or body of people which has per capita the amount of property which these Indians have.

Mr. GALLINGER. I used the word "poor" in a different sense from that used by the Senator from Connecticut. I used it in the sense of a class of people who are not competent, apparently, to care for themselves, who are the wards of the Government of the United States, and who are neglected by that Government, and made the prey of unscrupulous and dishonest Indian traders.

Turning to page 3 of this report, I read these words:

The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts.

I take it that the recommendation made by the Senator from Nebraska in his very interesting report was called to the attention of the committee of the House of Representatives, and that, acting upon that suggestion, they inserted in this bill a provision that—

Merchants and others doing business with and having accounts against Indians to whom allotment of lands has been made in any reservation in the State of Kansas shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing, in an orderly manner, such debts.

When that provision of the bill was reached two or three days ago, I called attention to it, and expressed surprise that the Committee on Indian Affairs of this body should strike from that bill that provision. I was not then aware of the existence of this report. Had I been, I should have insisted, as I think I shall insist in the Senate, on a yea-and-nay vote upon that proposed amendment of the committee.

If these men are robbed under the very eyes of the agents of the Government and at the hands of the licensed traders of this country, if the Indians are compelled to pay two and three and four times as much for articles as they are worth, or as they can purchase them for outside of their agency, they ought to be permitted to go beyond the agency limits, and then the merchants with whom they trade ought to be permitted in an orderly way to go upon that agency and collect their debts. The provision in the bill as it came from the House gives them the right to do that.

I do not know much about the suppression of the newspaper referred to. I read that simply as an incident in connection with the point that I intended to make against these licensed traders in the Osage Nation; but the evidence does seem to show that a newspaper published by these Indians, discussing public questions, as it had a right to do, and criticising, as I presume it did, the man who happens to occupy the position of agent there, and who has occupied that position for a long time, was arbitrarily and illegally suppressed by that agent, precisely as newspapers are suppressed in Russia or in the other countries of this world where freedom of speech and freedom of thought are not permitted. It was unjustifiable. Unless there is some explanation that can be given different from what appears in the testimony submitted by the Committee on Indian Affairs, then the suppression of that paper was an outrage against the rights of those people which ought to be investigated and remedied at the earliest possible opportunity.

Mr. President, I shall occupy the attention of the Senate but a moment longer. I believe that a condition of things exists in this Indian agency—I do not know whether or not it exists in other Indian agencies in the country—that is a disgrace to the American name and the American people, and which calls upon us in some way at some time to remedy it. Matters have been called to my attention within the last twenty-four hours concerning certain things at that agency which I shall not venture even to suggest in this debate, but I will venture to suggest that it is the duty of the Committee on Indian Affairs of this body, when they are remedying so many wrongs in the legislation that they are placing upon the statute books, to take at least a glance in that direction and see whether something can not be done to save those people from the wrongs which are being perpetrated upon them by the accredited agents of the United States Government. It is a bad state of things, Mr. President, disgraceful in the extreme, and ought not to be permitted to exist within the domain of our Republic.

I turn to the first page of this report, and I find that this arraignment is not all by the Senator from Nebraska. I find that this great Committee on Indian Affairs, of which my friend the Senator from South Dakota [Mr. PETTIGREW] is the chairman, has called our attention to this matter. I read what the committee says—not what the Senator from Nebraska says. The committee says:

A serious condition of affairs exists at this agency. It appears from the evidence that the attention of the Interior Department has been called to this matter, and the frauds are so glaring, and yet so easy to remedy, that it is a matter of great surprise to your committee that it has not received the attention of the Department.

If this discussion, which I did not suppose would occupy five minutes when it started, shall have the effect of calling the attention of the Interior Department to the condition of things existing in the Osage Nation, and if it shall have the effect of remedying in the near future this great wrong, which apparently does exist, then the purpose I had in view will be fully and completely subserved.

Mr. PETTIGREW. Mr. President, I do not care to reply to the Senator from New Hampshire in regard to this matter, but will simply say that there is not an abuse disclosed by the evidence in connection with the Osage Nation which can not be corrected under existing laws by the Secretary of the Interior, if he wishes to correct it. Therefore no legislation is necessary in that direction. It seems to me that if we should undertake in the Indian appropriation bill to correct all the defects of the Administration about to go out of power, we should cover a very large field. It is hardly to be expected that subordinates of this Administration will do their duty when the Executive himself refuses to enforce the laws enacted by Congress, and is engaged in directing the sale of bonds in a manner which, if practiced by the governor of a State or the mayor of a city, would lead certainly to indictment and conviction. Therefore I shall refrain from going into this question further except to say that the report made by the Senator from Nebraska was carefully considered by the Committee on Indian Affairs, and, after examining the evidence, I am satisfied Mr. Freeman was treated with great kindness by the committee. He knew of the existence of those transactions; he was the agent at that agency; he was able to suppress those traders, to see that they did not charge exorbitant prices, to see that no fraud was practiced upon the Indians by those engaged in doing business with them. He refrained from doing it, and he is deserving of criticism. If he could not stop the abuses, it was his duty to call the Department's attention to it or refuse to act longer, for he was not forced to act. The War Department would have relieved him from the position if he had desired to be relieved. But so long as he chose to remain there and allowed transactions to be carried on as disclosed by the evidence, he deserves even more severe criticism than that imposed upon him by the committee.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 78, line 11, section 3, after the word "made," to strike out "or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments;" so as to make the section read:

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided*, That funds appropriated to fulfill treaty obligations shall not be used.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to strike out:

SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who hold title to land either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

That upon the approval of said census and the export of said commissioner by the Secretary of the Interior, patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

That where there are several heirs, and partition of land is not practicable, upon the joint request of said heirs said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.

That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inheritance, and make a separate report thereof.

That upon the approval of said appraisement by the Secretary of the Interior he shall offer said residue of lands, and such other lands, if any, as said heirs may have given their written consent thereto, at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

That where an allottee has died leaving no heirs or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided in section 7.

That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee or Christian Indians, now held for them by the United States, said sum being on the 1st day of January, 1896, $42,560.36.

That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians the remainder of said funds, after deducting the expenses incurred in carrying out the provisions of this act; also, he may, in his discretion, pay to said Indians, the sum of $42,560.36, trust funds now to their credit on the books of the Treasury Department.

That no proceedings shall be taken under this act until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council.

And insert:

SEC. 9. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made.

The amendment was agreed to.

The next amendment was, on page 85, after line 10, to insert:

AGREEMENT WITH THE SHOSHONE AND ARAPAHOE TRIBES OF INDIANS IN WYOMING.

SEC. 10. That the following amended agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, and shall be binding upon said Indians when they shall in the usual manner agree to the amendment herein made thereto, and as amended is as follows, namely:

Articles of agreement made and entered into at Shoshone Agency, in the State of Wyoming, on the 21st day of April, 1896, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming.

ARTICLE I.

For the consideration hereinafter named the said Shoshone and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereunto embraced in the following-described tract of country, embracing the Big Horn Hot Springs in the State of Wyoming:

All that portion of the Shoshone Reservation described as follows, to wit: Beginning at the northeastern corner of the said reservation, where Owl Creek empties into the Big Horn River; thence south 10 miles, following the eastern boundary of the reservation; thence due west 10 miles; thence due north to the middle of the channel of Owl Creek, which forms a portion of the northern boundary of the reservation; thence following the middle of the channel of said Owl Creek to the point of beginning.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Shoshone and Arapahoe tribes of Indians the sum of $60,000, to be expended for the benefit of the said Indians in the manner hereinafter described.

ARTICLE III.

Of the said $60,000 provided for in Article II of this agreement it is hereby agreed that $10,000 shall be available within ninety days after the ratification of this agreement, the same to be distributed per capita, in cash, among the Indians belonging on the reservation. That portion of the aforesaid $10,000 to which the Arapahoes are entitled is, by their unanimous and expressed desire, to be expended, by their agent, in the purchase of stock cattle for distribution among the tribe, and that portion of the before-mentioned $10,000 to which the Shoshones are entitled shall be distributed per capita, in cash, among them: *Provided*, That in cases where heads of families may so elect, stock cattle to the amount to which they may be entitled may be purchased for them by their agent.

The remaining $50,000 of the aforesaid $60,000 is to be paid in five annual installments of $10,000 each, the money to be expended, in the discretion of the Secretary of the Interior, for the civilization, industrial education, and subsistence of the Indians; said subsistence to be of bacon, coffee, and sugar, and not to exceed at any time 5 pounds of bacon, 4 pounds of coffee, and 8 pounds of sugar for each 100 rations.

ARTICLE IV.

Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they are entitled under existing agreements or treaty stipulations.

ARTICLE V.

This agreement shall not be binding upon either party until ratified by the Congress of the United States.

Done at Shoshone Agency, in the State of Wyoming, on the 21st day of April, A. D. 1896.

JAMES McLAUGHLIN, [SEAL.]
United States Indian Inspector.

(Here follow the signatures of Washakie, chief of the Shoshones, Sharp Nose, chief of the Arapahoes, and 271 other male adult Indians over 18 years of age, belonging to the Shoshone Reservation.)

I certify that, at the request of Indian Inspector James McLaughlin, I read the foregoing agreement to the Indians in joint council, and that it was explained to the interpreters, paragraph by paragraph.

JOHN S. LOUD,
Captain Ninth Cavalry, United States Army,
Commanding Fort Washakie, Wyo.

We certify that the foregoing agreement was fully explained in joint council to the Shoshone and Arapahoe tribes, that they fully understand the nature of the agreement, and agree to the same.

EDMO. LE CLAIR,
NORKOK, his x mark,
Shoshone Interpreters.
HENRY LEE,
WILLIAM SHAKESPEARE,
Arapahoe Interpreters.

Witnesses:
THOS. R. BEASON,
JNO. W. TWIGGS, Jr.

I certify that the foregoing names, though in some cases duplicates, in every instance represent different individuals.

EDMO. LE CLAIR,
Special Interpreter.

Witnesses to the foregoing agreement and signatures of the Indians.

JOHN S. LOUD,
Captain 9th Cavalry.
JOHN F. McBLAIN,
1st Lt. 9th Cavalry.
JNO. W. TWIGGS, JR.
THOS. R. BEASON.
JNO. W. CLARK,
Allotting Agent.
JOHN ROBERTS,
Missionary of the Protestant Episcopal Church to the Indians.

I certify that the Indians, Shoshones and Arapahoes, numbering 279 persons, who have signed the foregoing agreement, constitute a majority of all male Indians over 18 years of age belonging on the Shoshone Reservation, Wyo.

RICHARD H. WILSON,
Captain 8th Infty., Acting Ind. Agent.

That for the purpose of making the payment stipulated for in the first paragraph of article 3 of the foregoing agreement, the same to be paid to the Indians belonging on the Shoshone Reservation per capita in cash, or expended for them by their agent in the purchase of stock cattle, as in said article provided, the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

That of the lands ceded, sold, relinquished, and conveyed to the United States by the foregoing agreement herein amended, and accepted, ratified, and confirmed, 1 mile square, at and about the principal hot spring thereon contained, is hereby ceded, granted, relinquished, and conveyed unto the State of Wyoming; said mile square to be determined as follows: Commencing at a point one-fourth mile due east from said main spring, running thence one-half mile north, thence 1 mile west, thence 1 mile south, thence 1 mile east, thence one-half mile north to point of beginning, and the remainder of the said lands, ceded, sold, relinquished, and conveyed to the United States, by the agreement herein ratified and confirmed, are hereby declared to be public lands of the United States, subject to entry, however, only under the homestead and town-site laws of the United States.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The Chair is informed that there are several amendments which have been passed over.

Mr. PETTIGREW. I now desire to return to page 24 and to dispose of the amendment which was passed over in relation to a payment to the Pawnee Indians of Indian Territory.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, page 24, after the word "dollars," the Committee on Appropriations report an amendment to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust land money on deposit in the United States Treasury.

Mr. PETTIGREW. I call the attention of the Senator from Texas [Mr. CHILTON] to the amendment, which was passed over for the purpose of having read to the Senate the action of the Indian Department and the Secretary of the Interior upon the subject. I send to the clerks' desk the letters.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, January 16, 1897.

SIR: I have the honor to inclose herewith (in duplicate) a communication, dated the 4th instant, from Agent J. P. Woolsey, of Ponca and Pawnee Agency, Okla., introducing Curley Chief, Ralph J. Weeks, Babtiste Bayhille, and Harry Coons, a Pawnee delegation, in which he states that they are sent here with a petition to the Department, signed by a majority vote of the Pawnee tribe, to secure a payment to them of $100,000 of their trust land moneys on deposit to their credit in the United States Treasury.

The Indians state in their petition that since taking allotments and allowing their surplus lands to be thrown open to settlement and becoming citizens of the United States they find it much harder to make a living than formerly; that citizenship brings with it many responsibilities of which they never dreamed; that they find that in order to in any manner compete successfully with their white neighbors they must have modern agricultural implements and that their farms or allotments must be improved in many respects; that this will take much money—much more than their regular annuity payments, as it takes nearly all of such payments (and in some cases more) to pay their ordinary family expenses; that during the past three years their crops have been very unsatisfactory, and have provided scarcely any revenue.

They state that if their petition is granted they promise that the money will be judiciously expended for the benefit of the tribe and improvement of their homes.

I will state, for the information of the Department and Congress, that these Indians number 702 souls, and that their land fund amounts to $422,418.25, drawing interest at 5 per cent per annum.

Upon a careful consideration of the petition of the Pawnees, I am of the opinion that aid extended to them at this time would be of benefit to the tribe, and I recommend that $50,000 of their land money be paid to them per capita. This can not be done, however, without permission of Congress, and

I submit herewith a draft of a proposed amendment to the Indian bill, soon to be considered in the House of Representatives, requesting that it be forwarded to the Indian Committee of the House.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.

Mr. CHILTON. Now let the letter of the Secretary of the Interior be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1897.

SIR: I have the honor to transmit herewith copy of a communication of 16th instant, and accompanying petition of the Pawnee tribe of Indians, Oklahoma, to secure a payment to them of $100,000 of their trust-land moneys on deposit to their credit in the United States Treasury, which amounts to $422,413.25.

The Commissioner states that he has carefully considered the petition of these Indians, and is of the opinion that the aid extended to them at this time would be of benefit to the tribe, and he recommends that $50,000 of their land money be paid to them per capita.

I have talked with the delegation of these Indians, and urged them to retain $400,000 in the Treasury, which would give them $20,000 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.

Having expressed the views and wishes of the Indians, I deem it best for Congress in its wisdom to fix the amount to be paid per capita to them.

Very respectfully,

DAVID R. FRANCIS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Mr. CHILTON. There are two points of view from which this matter ought to be very carefully considered by Congress. The first is the interest of the Indians, and the second is the interest of the taxpayers of the United States. It follows, as a matter of course, that if we permit the trust fund of these Indians to be carved into by degrees, in a few years it will all be gone, and then their support will devolve upon the public Treasury. Many of the other Indians for whom appropriations are made in this very bill are now wholly upon the bounty of the General Government.

Therefore it becomes a very important matter to our taxpayers whether these trust funds shall be conserved or shall be dissipated from year to year. I attach but little importance to the application of the Indians themselves. The motive of cupidity influences them, of course, like it does all the remainder of Adam's race, and from year to year, as their necessities seem to press on them, they come like other improvident persons seeking to fritter away their patrimony. In this case we simply see another exhibition of that universal principle.

An examination of the appropriations to these Indians in the pending bill ought, I think, to satisfy any reasonable man that they are amply provided for. My information is that they constitute about 140 families. What is their present condition? They occupy some of the best lands in Oklahoma. Their allotments are on the Canadian River, in a rather fertile country, and it joins the rich Osage territory, about which we have heard so much this morning. Their lands have been allotted to them in severalty. They have ample farms for all usual purposes. Not only so, but their farms are exempt from taxation, and the Indians are in a situation to be highly prosperous. What do they get? If you turn to the appropriation bill, you will find that there is appropriated to their use $47,100. Add to that sum the annual interest on this trust fund, a part of which they are now seeking to draw down, or about $22,500 annually, and we have an existing provision in their behalf of $69,600 annually.

Take this $69,600 (we will say $70,000 for convenience of calculation) and divide it among 140 families, and you find that there will be distributed to them in the fiscal year $500 a family. How many poor families there are in this country who could subsist on $500.

Independently of the productions of their farms; independently of the exemption from taxation, a provision of $500 a family is made by the Government of the United States already; and it is now proposed to take out of the principal of their trust funds $50,000 more and divide it among these Indians. I insist, sir, that such an appropriation is not a wise and judicious care of these wards of the American nation. They do not need a further aid of $350 a family out of this fund, which ought to be held sacred and intact.

I hope that this appropriation will be voted down. It is proper to say that this matter has been considered in the House of Representatives, and according to my information it was omitted there. I wish to say for one that, while I hesitate to set up my judgment against that of more experienced Senators on this floor, it does seem to me that when the House of Representatives has refused to take the responsibility we should be offered a very conclusive reason before coming to the aid of these Indian applicants, who are continually asking that their trust funds shall be invaded. It seems to me we should vote down the amendment. After giving practically $70,000 a year to this small and inconsiderable tribe, situated in the best part of the Indian country, we should content ourselves and grant no more.

Mr. PETTIGREW. This item was placed in the bill after talking with the representatives of the Pawnee Indians, who are here, and are certainly very intelligent people, and upon the recommendation of the Commissioner of Indian Affairs, which is given in the following language:

Upon a careful consideration of the petition of the Pawnees, I am of the opinion that aid extended to them at this time would be of benefit to the tribe, and I recommend that $50,000 of their land money be paid to them, per capita. This can not be done, however, without permission of Congress.

The committee carefully considered the matter, and thought it was the wisest thing to do to assist these people in securing improvements by which their allotments would be made productive. We believed that if this were done the remainder of the trust funds and the interest upon them would go further toward supporting the Indians in the future than if it were not done. It seems to me the amendment ought to be retained in the bill.

Mr. CHILTON. Will the Senator from South Dakota allow me to see the letter of the Secretary of the Interior? I call the attention of Senators on both sides of this Chamber to this matter, because if there is anything which is calculated to interfere with the calm consideration of these questions it is the party spirit which sometimes enters into them. I am addressing myself to this question simply as one of common justice and economy.

The Senator from South Dakota does not attempt to answer the facts I have stated. He does not attempt to answer the main fact that there are only about 140 families of these Indians. He does not attempt to answer the next fact, that they will obtain independently of the proposed appropriation about $500 a family. He does not attempt to deny that they have their lands in severalty, that they are good lands, and that those lands are exempt from taxation.

His only answer is that the committee considered it, and they think this allowance ought to be made. I have the greatest respect for the committee, and ordinarily yield to their judgment in regard to these matters, but this seems to me so plain a case that the Senate should not hesitate to reject the amendment. The Senator from South Dakota referred in general terms to the fact that the Commissioner of Indian Affairs recommends the appropriation. The Secretary of the Interior, however, it seems to me, is very careful not to do so. Here is the close of his letter on the subject:

I have talked with the delegation of these Indians and urged them to retain $400,000 in the Treasury, which would give them $20,000 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.

Having expressed the views and wishes of the Indians, I deem it best for Congress—

For Congress—

in its wisdom to fix the amount to be paid per capita to them.

He is careful, it seems to me, to commit to Congress the responsibility for any invasion of this trust fund. So far from its being a recommendation, it seems to me it is a studious attempt on his part not to make a recommendation, but to leave the whole matter to the judgment of the two Houses.

When the $50,000 is turned over to these Indians, it is provided here that it shall be distributed to them per capita. Senators have heard this morning a statement of the way in which the distribution of the funds of the Osages turned out. Senators have heard here that the money was all practically absorbed by speculators, by those who held debts against those untutored Indians and those who made debts against them after the appropriation was passed. I for one think we ought to preserve this trust fund, so that the Indians will be forced, like other prudent persons, to live upon the interest of their permanent investment.

It seems to me we will be doing the proper and fair thing not to vote any further appropriation than this enormous sum which is already provided for by the original text of the bill.

Mr. NELSON. I ask the permission of the Senator having the bill in charge to offer at this time a little amendment to the bill.

The PRESIDING OFFICER. The Chair suggests to the Senator from Minnesota that an amendment is now pending.

Mr. NELSON. I ask that I may be permitted to offer the amendment now, with the consent of the Senator having the bill in charge, because I am obliged to go to the Interior Department on an errand for some of my constituents. It is a small matter, and I ask unanimous consent that it may be now considered.

The PRESIDING OFFICER. If the Chair hears no objection, the amendment will be considered at this time.

Mr. JONES of Arkansas. Let the amendment be read for information.

The Secretary read as follows:

Amend by inserting, after the word "dollars," in line 21, page 52, the following:

"For supplying electric light for said school, $1,000, or so much thereof as may be necessary."

Mr. NELSON. It is for an Indian school at Pipestone, Minn., a Government school, and the electric light is needed. That is all there is to it. I think there is no opposition to the amendment.

The amendment was agreed to.

The SECRETARY. It is proposed also to amend by inserting, after the word "thirty," in line 23, on the same page, the word "one."

Mr. NELSON. That is to make the amendment conform.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee inserting a proviso on page 24.

Mr. CHILTON. I ask for the yeas and nays on agreeing to the amendment. I think it ought not to be passed, and we had just as well have the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. What is the amendment? I ask that it may be stated.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The SECRETARY. After the word "dollars," in lines 6 and 7, on page 24, the committee report to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians in cash, per capita, the sum of $50,000 out of their trust land money on deposit in the United States Treasury.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I desire to announce my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were here, I should vote "nay."

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. SMITH (when his name was called). I am paired with the senior Senator from Idaho [Mr. DUBOIS].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLACKBURN (after having voted in the affirmative). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], but I have his authority to vote in support of all the committee amendments on the pending bill. Therefore I have voted.

Mr. MORRILL. I have a general pair with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. MCBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE], and withhold my vote.

The result was announced—yeas 34, nays 16; as follows:

YEAS—34.

Allen,	Daniel,	McMillan,	Shoup,
Baker,	Davis,	Mantle,	Teller,
Berry,	Elkins,	Morgan,	Thurston,
Blackburn,	Faulkner,	Pettigrew,	Vest,
Brice,	Frye,	Platt,	Wetmore,
Butler,	Hansbrough,	Pugh,	White,
Cannon,	Hawley,	Quay,	Wilson.
Chandler,	Jones of Ark.	Sewell,	
Cullom,	Lodge,	Sherman,	

NAYS—16.

Bacon,	Gallinger,	Mills,	Perkins,
Bate,	Kenney,	Palmer,	Roach,
Brown,	Lindsay,	Pasco,	Tillman,
Chilton,	Martin,	Peffer,	Turpie.

NOT VOTING—40.

Aldrich,	Dubois,	Hoar,	Pritchard,
Allison,	Gear,	Irby,	Proctor,
Blanchard,	George,	Jones of Nev.	Smith,
Burrows,	Gibson,	Kyle,	Squire,
Caffery,	Gordon,	McBride,	Stewart,
Call,	Gorman,	Mitchell of Oreg.	Vilas,
Cameron,	Gray,	Mitchell of Wis.	Voorhees,
Carter,	Hale,	Morrill,	Walthall,
Clark,	Harris,	Murphy,	Warren,
Cockrell,	Hill,	Nelson,	Wolcott.

So the amendment was agreed to.

The PRESIDING OFFICER. The next amendment which was passed over will be stated.

Mr. PETTIGREW. The next amendment is on page 70.

The SECRETARY. On page 70, after line 2, insert——

Mr. PETTIGREW. The amendment has been read. It relates to the disposition of the controverted attorneys' fees in connection with the Old Settlers' case. The Senator from Florida asked to have it passed over.

Mr. BATE. I understand that an amendment to the amendment moved by me in line 5, to strike out "without" and insert "with," has already been acted upon.

The PRESIDING OFFICER. The Chair is informed that the amendment to the amendment has already been agreed to.

Mr. BATE. That is what I understand.

Mr. JONES of Arkansas. I move at the end of line 18, page 72, to add the following proviso:

Provided, That this act shall apply to claims filed against said fund for legal services rendered before the Commissioner of Indian Affairs and the Secretary of the Interior, in defending said fund against claims thereupon, and such claims for services last mentioned shall be tried according to the rules of equity in accordance with the other provisions of this act, and the same shall be first liens on the fund aforesaid.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the committee as amended.

Mr. CALL. It seems to me there ought to be some hesitancy in adopting an amendment creating a first lien on a fund, and that it should not be done without some consideration. I had proposed to let the vote be taken on the amendment and leave the question open for a vote in the Senate; but it seems to me that the amendment of the Senator from Arkansas to the amendment, arbitrarily creating a first lien in preference to all other claims, ought not to be adopted hastily.

Mr. PETTIGREW. I hope the Senator from Arkansas will modify his amendment to that extent. The purpose is to close up all of these claims and divide the money among all the claimants. There may not be enough to pay in full all that is claimed. The judgment may give some of them more than they can receive, but it is to be distributed so as to settle the whole question.

Mr. JONES of Arkansas. If the Senator from South Dakota will listen for one moment, I think he will see the absolute fairness of the amendment that I propose. There was and is now a fund, 35 per cent of a certain sum, that was set apart to pay attorneys' fees. The proposition is to divide this 35 per cent among the various claimants. It so happened that after this service was rendered and the 35 per cent was set apart by the Secretary of the Interior there were claims made against that 35 per cent fund by certain parties, and a resistance was made of the claim against the fund. Certain attorneys were employed to resist those claims against the fund. They were employed to defend the fund. They appeared for the fund. The proposition simply is that this same court shall ascertain and find what is fairly due to those lawyers for the defense of the fund, and that their fee—their reasonable fee—ascertained by the court, shall first be paid out of the fund before it is distributed among those who have claims against it. There is not a court in the world, it seems to me, that would not hold that that is perfectly just and right.

Mr. TELLER. If the committee had had their attention called to the fact that there was any necessity for such an amendment, I think they would have allowed it.

Mr. JONES of Arkansas. I think so.

Mr. TELLER. I do not think there is any trouble about it. It is the desire of the committee that everybody who has any claim on that fund shall come into the court and have an opportunity to be heard, it does not make any difference what the claim is or how they made it.

Mr. CALL. That is not the proposition. The proposition is that the attorneys who were employed by somebody to contest the claims of other attorneys and agents shall have a first lien.

Mr. TELLER. If the court takes their cases up, I do not think they should have a first lien.

Mr. CALL. That is what the amendment is. That is the point of the objection to it.

Mr. TELLER. I suggest to the Senator from Arkansas to withdraw that part of his amendment.

Mr. CALL. The amendment proposes to give a first lien to whom, and by whom employed? The proposition is that a contract made by the owners of this fund shall be supplemented by an authority given in this act to create a first lien in preference to the contract rights originally made between the tribe and their agents, approved by the Interior Department and administered by that Department. It is proposed to violate that contract by creating a first lien in favor of somebody not a party to the contract.

Mr. PEFFER. Mr. President, I am inclined to the opinion that the amendment as originally proposed is a very wise provision, and I think, in view of that fact, the addition proposed by the Senator from Arkansas is proper, with a single exception. I can not see why in justice the attorneys should have their claims made a prior or first lien upon the funds belonging to the Indians. If there has been any class of men having connection with the Indian business at all who have made themselves safe and got the lion's share of all that has been taken from them, the attorneys are that class. I have lived a long time in the vicinity of the Indian Territory. I know a good deal about the course of proceeding, legal and illegal, and I am aware, as every Senator upon this floor must be aware, that the attorneys have always had their hands in first; they have always been the best paid. The amendment now, without the addition of the first-lien provision, places the attorneys upon the same footing. If they are not satisfied with that, it seems to me that they ought to be cut off entirely.

Mr. JONES of Arkansas. I should like to have the Senator from Kansas answer a question.

Mr. PEFFER. I will answer it if I can.

Mr. JONES of Arkansas. There are estates to settle, and attorneys are often employed to look after the interests of an estate. The attorney's fee in looking after the interest of an estate is always paid first out of the assets of the estate; it is not subordinated and relegated to the level of claims that accrued before. The service rendered in protecting the estate is always paid for as a first lien against the estate. These people were interested in having this 35 per cent fund protected against certain unjust claims. Attorneys were employed by the agent of the Old Settler Cherokees, the man who had absolute control of it, to defend that fund against what they considered unjust claims. They rendered the service, and, if they did that and protected the fund, there can be no reason, it seems to me, to put them on the level of claimants who have rendered services in the original case and not in this particular case. It seems to me that the Senator misapprehends the facts in the case; otherwise he would not take the position he does.

Mr. PEFFER. I think the presumptions are all against the lawyers. If there has been any connection whatever with the settlement of these Indian claims by attorneys, I think that the connection originated with the lawyers themselves. I do not think I ever heard of a case, or ever knew of a man who had heard of a case, where an attorney was employed for Indians that he had not sought the employment. He is the one who makes the advance. He is the one who guards himself in the beginning. The clientage of an Indian is not like ordinary clientage. The attorney is the one who seeks the employment, whereas ordinarily, among civilized people, the client is the party who seeks the attorney. Unless the attorneys are placed upon the same ground with other claimants, I am opposed to the amendment of the Senator from Arkansas. I hope the Senator will see proper to withdraw that part of his amendment.

Mr. JONES of Arkansas. While I must insist that the reasoning of the Senator from Kansas is absolutely without any ghost of reason or fairness, I will withdraw that part of the amendment. I will strike out the words "and the same shall be a first lien on the fund aforesaid."

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment of the Senator from Arkansas as modified to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BROWN. On the same page we have been considering, page 72, I move to strike out, beginning at the end of line 5, the following words:

And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

I will state my reason for moving to strike out those words. If anything did transpire before the Secretary of the Interior which would constitute a defense in behalf of these Indians, we ought not to take it away. They have the right to put up any defense that they see fit to this claim. As I understand the scheme of the amendment, it is that the claims against this fund, which we argued last year, shall be referred to the Court of Claims, to be tried there as in any other tribunal. The claimants may bring any proof, any argument, to support their claims that they can; and why should not the defendants, the Indians, have the same right? Is it submitting it to a fair tribunal to say, "We will submit this case to the Court of Claims, but we will shackle the hands of the Indians, and they shall not be permitted to put up the defense that they have, if they have any, or this line of defense we will not permit?"

Mr. JONES of Arkansas. Will the Senator from Utah indicate the words he proposes to strike out? What line?

Mr. BROWN. I have read them, and I will read them again. Beginning at the end of line 5, page 72, the same page we have been considering, I move to strike out the words:

And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

I do not say that those rulings have been a defense or not a defense. That must depend upon the evidence to be produced concerning them. It might be that there was an award accepted by each of these claimants. If they have been paid and settled with, that is a defense in all the courts of all the world. Why should these poor Indians be deprived of it? Why do we now come and say, "You are to be heard in the tribunal fairly, equitably; only remember that you are an Indian, and if you have a defense we will not give it to you. We will bar you of all the defense you have. We are afraid that there is a defense there that will defeat these claimants, and therefore we beforehand judge that you shall not be permitted to avail yourselves of it." It seems to me, Mr. President, that it is a rank injustice. If it be answered to me that nothing transpired before the Secretary that would be a defense, still I say that you should not put that in. The claimants would have a perfect right to protect themselves if it is a defense, and that right should not be taken away.

Mr. JONES of Arkansas. This does not seem to affect the defense. It seems to affect the remedy.

Mr. BROWN. I do not know that it affects the remedy; it affects the defense. Let me read it again.

And no action shall be barred or right impaired—

By reason of what?

by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

In other words, if the claimant has gone there and been awarded all that he claims, all that he contends for, if he sees fit to claim more, that award and that payment shall not be a defense at all. That is the plain meaning and the plain expression of this language of the bill, that it shall be his defense, which seems to me to be a rank injustice toward a class of people to whom we ought to extend every favor. Instead of taking away defenses, we should extend them in their favor. These claimants are able to take care of their own; they are supposed to be attorneys, or persons interested as attorneys, in procuring this legislation, and therefore capable thoroughly of looking after their own interests. Why should we say to the poor Indian, "You shall not defend yourself against these attorneys?"

Mr. WILSON. With the permission of the Senator from Utah, I should like to ask him a question on the line of his argument. I ask if it is or is not a fact that these poor Indians employed an attorney to protect their interests, and entered into a written contract with him to pay him so much; and, after having received ten months of his services, the Secretary of the Interior decided that there was no law by which he could pay him his fee, as agreed upon between himself and the Indians, and now they are seeking every method—these poor benighted aborigines, who do not know anything and can not protect themselves—and are here protesting against the payment of the very thing they entered into a contract to pay?

Mr. BROWN. I do not so understand it. I had not intended to open up the controversy out of which this matter originated. I do not understand that there was anything due to the person who made this contract. His rights were inquired into, his rights were examined, as I understand, and he was paid, and he passed out of it, and other persons entered into it. As I understand, they have all been paid enormously for everything they have done. We went over that, I know, last year. I repeat, I do not care to enter again into that conflict. If necessary, we can open that door; but the question is, Shall the Indians be precluded from setting up any valid, legal defense that they have in law? That is the question. If my friend is right in the suggestion, in the innuendo that his question carries with it, that this man has not been paid, that the Indians have not complied with their contract, and that there has been no award, no acceptance, and no satisfaction, no disposition of it, then he does not need this clause. The court will enter judgment against the Indian tribe without such a clause. But if the Indians have a defense in the fact that there has been an award and satisfaction, why should it be taken from them, whether they are Indians or whites, or whomsoever they may be? You would not dare to pass an act of Congress prohibiting white defendants in an action in law from setting up an award or satisfaction as a defense? You would not say that a common debtor should not set up that defense. Why should you say with regard to these wards of our nation that they are suspected of having taken advantage in some way of the Secretary of the Interior, and they can not set up the defense that there has been a prior settlement of this whole matter? I do not pretend to say now whether there was or was not a settlement; but if there was a settlement, let the Court of Claims pass upon it.

Mr. WILSON. With the permission of the Senator from Utah——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. BROWN. Yes, sir.

Mr. WILSON. I think the Senator misunderstood me. I did not desire to convey any innuendo. The point I wanted to present to the Senator, who is a very distinguished attorney, was this: Suppose I entered into a contract with him, employed his services as an attorney, and agreed to pay him so much money for them. That contract ought to be enforced. Such a contract is of record in this case. Those Indians entered into a contract with a certain attorney to defend these claims. He performed that service, and spent nine months in doing so. It was then ascertained that the Secretary of the Interior had no authority to pay him; and now these benighted gentlemen whom the Senator talks about are standing here protesting against carrying out the very contract that they entered into themselves.

I do not care to thrash over the old straw of last Congress, when we discussed this matter, but it does seem to me fair and just that those Indians should be compelled to pay this sum out of the 35 per cent which was originally set apart, and which they entered into a contract to pay.

Mr. BROWN. I will answer the Senator from Washington. If my friend had entered into a contract with me similar to the

one here, in which he promised to pay me eight hundred and odd thousand dollars for getting legislation through Congress, and I sued him for the money, I would not come before Congress and ask Congress to pass a law prohibiting him from setting up as a defense that, while it was true he had promised to pay the money, he had had an accounting with me and settled with me and had paid me every cent that I had claimed, and that I had taken the money and receipted the bill in full. That would be a legitimate defense to an attorney's bill in any court in the world. It would be a legitimate defense to the argument which the Senator has made. Why should it not be a legitimate defense? Why take it away from these defendants, whether they be poor Indians or anybody else? Every defendant in a court of justice has a right to set up those things which are a bar to the claim in law, and I insist upon it in this case as applied to these Indians.

Mr. TELLER. Mr. President, the provision of which the Senator from Utah complains is simply that the court may have complete control of this controversy from beginning to end. These people made contracts with a lawyer, and he made contracts with other lawyers, and the controversy arose between them as to how this division should be made. There was not enough for all, according to the contract he made. We submitted that question to the Secretary of the Interior, without the consent or approval of these people; they had nothing to do with it. We simply said, "The Secretary of the Interior will now decide this thing as he thinks best;" we made him the court. He proceeded. To some of these people he allowed all their claims; to some of them he absolutely declined to allow anything, and I happen to know of one or two instances where men who had rendered considerable and long service to the Indians got nothing at all. Now, the proposition is to take the remainder of the amount, remit it to a court, and let the court distribute it according to the rules of equity; and we simply say that anything which has been heretofore done shall not stand in the way. If a man has received a portion of his claim, that shall, of course, be charged against him; if he has not received anything, he shall not be precluded from making his claim because the Secretary might have said he thought he was not entitled to it.

All of those cases were brought before the Secretary of the Interior simply upon affidavit, and in one or two instances people did not bring their cases at all, because they were not aware that this matter had been submitted in that way.

I have taken a great deal of pains to try to get this provision in a shape where there would be no afterclap to it; where people who had rendered service might be protected; where they should afterwards have no claim against the Government for having misappropriated this fund. The fund was set aside to them, and I have taken particular pains, as did all the committee, to see that every provision was made to protect the fund, and require the Government to see that the fund is properly distributed by a court, as it could not be properly done by the Secretary of the Interior. If this bar is not left in the amendment, when some claimant comes up he will be told that the Secretary has decided that he was not entitled to anything, but the courts may think he is entitled to something, and yet he would be barred out.

This is not a controversy, as the Senator from Utah seems to think, with the Indians. The Indians have parted with this money. If they deal in good faith, they are never to receive any of it. They have had the services of these people. The question simply is how the money shall be divided. Of course we have provided after the claimants have been paid an equitable sum, if there is anything left, it shall be paid to the Indians, as is proper; and we have left to the court the whole question of what is equity in the premises.

Mr. WHITE. Will the Senator permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. WHITE. I am not advised with reference to this matter, and I merely ask for information. Is there anything, in the Senator's opinion, in the proposed amendment which would prevent a defendant going into court and pleading satisfaction as a defense?

Mr. TELLER. No, if they can prove that to the satisfaction of the court. We simply say it shall not be a bar. They may bring their suit; it may be heard; and if it can be shown that they have been paid, as it will appear some of them have been paid their contract price, they perhaps will not sue; and if so, that ends the business. They can not get any more than that.

This provision was carefully drawn, and I believe it is best to leave it as it is. When we get through, it will be a complete adjudication, and everybody will be compelled to be satisfied.

If the Senator from Utah had had as much annoyance over this question as I have had, in trying to see that these men, some of whom appeared before me when I was Secretary of the Interior, and who, I know, earned a good deal of money, were fairly treated, I think he would be willing to let this amendment go through, because I believe it will protect everybody if it is allowed to pass.

Mr. VEST. I wish to inquire of the Senator why the committee has not drawn this provision so as to say that the rights of either party shall be protected? Why was this drawn so as to be an ex parte provision? It operates entirely in favor of the Indians and against the claimants.

Mr. TELLER. I had not the slightest idea of making it mean that; but that is exactly what I think it means now. We do not bind the Indian by anything the Secretary of the Interior did, and we do not bind anybody at all; but at the same time, of course, we must consider that they are entitled to be credited for what they have paid.

Mr. VEST. This certainly applies to one party's right of action:

And no action shall be barred or right impaired—

Of course that does not apply to the plaintiff—

by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

Mr. TELLER. If the Senator will listen to me a moment, I think he will see that he is mistaken there. The language is:

And no action shall be barred or right impaired.

I think that cuts both ways. That is the way I understand it. If it does not mean that, I am quite willing to have the language amended as the Senator suggests, because I do not propose to take anything away from the Indians.

Mr. CALL. I wish to call the attention of the Senator from Colorado and the Senator from Missouri to lines 13, 14, and 15, on page 71, which read:

Service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected.

That clearly shows that the jurisdiction of the court is not to be available for the Indians, and that a proper representative shall be appointed to see that they are before the court and their rights protected.

Mr. TELLER. Mr. President——

Mr. BATE. Will the Senator from Colorado yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. TELLER. Certainly.

Mr. BATE. In response to what has been said by the Senator from Florida, I merely desire to say that the bill provides that the Commissioner of Indian Affairs shall see that the rights of the Indians are protected and properly litigated in court, and the proposition now is to strike that out. Therefore the agent of the Indians can not do that which perhaps in his judgment he ought to do, for after having given him the power to act for these Indians the law intervenes, and says he shall go thus far and no further. It seems to me that this ought to be stricken out and let all the provisions apply to each party, and, if any man has a right to obtain any portion of this money, let him have it, and, if he has not, let the other party show that fact. The provision ought to be stricken out, in my judgment, and the Senator from Utah [Mr. BROWN] is clearly right about it.

The Senator from Florida [Mr. CALL], in response to that, says that it is made the duty of the Commissioner of Indian Affairs to look after this matter; but what does that amount to when we tie his hands by the very act itself? I say, therefore, the provision ought to be stricken out.

Mr. CALL. If the Senator from Colorado [Mr. TELLER], who is entitled to the floor, will pardon me, I ask the Senator from Tennessee [Mr. BATE] or the Senator from Utah [Mr. BROWN] to point out the language which ties the hands of the court or limits its jurisdiction? I should like him to point out the words.

Mr. BATE. On page 73, beginning in line 5, it is provided:

And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

These parties had been engaged in a long litigation and 35 per cent of this vast sum of money was to go to the attorneys or to some other persons who had the management of it, and the question has been before the Secretary of the Interior. The Secretary of the Interior has reported that he has adjudicated the matter and paid, if I understand the matter correctly, $195,000 to these parties in the shape of fees, and these Indians thought that before that award was made they were entitled to be heard, and they made the point, and the Secretary agreed with them and refused to pay out any more. Now, this movement is taken in order to readjudicate that matter. I say that no right to make defense should be taken away from those Indians in any way, the Secretary of the Interior having paid so much upon this litigation. That is the way I understand it.

Mr. CALL. The language used expressly includes the Indians in the power of the court to make such judgment as it sees fit. It says that there shall be no bar to any right of any kind whatever. Then, again, at the beginning of the clause, it is provided—

That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution.

What does that mean? Suppose that those claimants have not an equitable claim, to whom does this money belong? Certainly to the Indians. That is the necessary judgment of the court.

The legal and equitable jurisdiction is extended, and there are but two parties to it—the Indians upon the one hand holding the reserved right, and the claimants under a contract with the Indians on the other. Now, if you say that the claimant has no right, who has it? Necessarily the other party; and the court in so deciding does and must decide under this language. Then the express duty is imposed upon the Commissioner of Indian Affairs to see that this right of the Indians is properly represented, argued, and considered.

Mr. BROWN. Mr. President, just a word or two in reply to the suggestion of the Senator from Colorado [Mr. TELLER]. He says that many of these claimants were not present before the Secretary of the Interior. If that is true, they are not bound by the action of the Secretary. My amendment striking it out does not propose to make them bound, if they were not; it proposes to leave it open, to use the language of the Senator from Colorado, to the complete control of the court; leaving the court in absolute possession of the full jurisdiction in every regard; leaving the claimants in every case to make a case under the rules of law; and leaving the defendants all the defense they can make, to use another expression of the Senator from Colorado, according to law and equity. It leaves the whole case absolutely in the hands of the court of equity without these words. If these words are added, however, then we are imposing a code of procedure upon the Court of Claims; we are limiting the inquiry; we are not giving them complete control according to the law and the evidence, but we are saying, "You shall have control, except that this defense will not be allowed." That is the effect of this language, as I understand it, to interfere with the defense. There may or may not be a bar. It does not necessarily follow that there is one because there was an adjudication, but the defendant should never be precluded from an attempt to set that up. If he proves it, well and good, it is a defense; if he does not prove it, this bill leaves it, without this language, entirely in the hands of this court of adjudicature. Putting in this language deprives the court of its entire control, its complete control.

Mr. GALLINGER. Mr. President, I have a vague recollection of the discussion which took place on this bill a year ago or thereabouts, and I want to ask the Senator from Utah precisely what services these attorneys rendered; in other words, what were the terms of the contract? What were they to do for their clients?

Mr. BROWN. If I should attempt to answer that question it would open a discussion greatly wider than the present, which would probably take all day. I refer the Senator most earnestly to the discussion of last year. Last year it was stated on the one side that these persons had aided in procuring this legislation. Just what steps they had taken was not stated; I never have heard; I can not state; as the Senator from Colorado says, I know nothing about it. On the one side it was stated that they had done nothing, and on the other side it was stated that they had been interested in getting legislation through Congress by hanging around the purlieus of Congress; but as to the truth of that, I leave it out of the discussion.

Mr. GALLINGER. What amount were they to receive?

Mr. BROWN. What they were to be paid amounted to eight hundred and odd thousand dollars. That has been passed upon and adjudicated by the Secretary of the Interior, and each of these persons who was entitled to receive has received, their receipts were taken, and they have gone about their business. But there is $86,000 left of that fund, and that is now claimed by these claimants over again. The claims may be good or may not be good. I want to leave that to the tribunal to decide.

To answer the Senator from New Hampshire one question further, it has been said here that the Indians had no right to any of this fund whatever; that it is a question between the claimants. I will say, Mr. President, that the Indians think otherwise, and that their rights are not to be precluded by merely saying that they have no rights by this bill. They are entitled to be heard, and, if heard, I believe they are entitled to the $86,000, and every cent of it.

Mr. BATE. May I in that connection say a word?

Mr. BROWN. Certainly.

Mr. BATE. It seems that this matter was examined and that some testimony was taken in regard to it. I have never seen it; but anyway the House of Representatives, on the page preceding this, inserted a very different clause to the one we are now considering as an amendment. That clause, on page 69, beginning in line 10, shows that the House believes that this fund all belongs to the Indians, that they are entitled to it, and not these parties.

Mr. BROWN. One word further in reply to the Senator from New Hampshire, if he will give me his attention for a moment. I am averse to having that controversy brought into the amendment. Whether the Indians are entitled to this or not is a question to be determined by the court and not by us here. We are leaving it to the court. The only question now before the Senate is, Shall we deprive the Indians of the defense of asserting that they have paid an award that was given? That is all. Whether the claimants have earned the money or not, and whether the Indians have paid it or not, are equally immaterial to the real issue here. The issue here before the Senate is whether the Indians shall have a right to be heard in a court of justice on that subject or not.

Mr. STEWART. Will the Senator allow me?

Mr. BROWN. I will yield the floor presently, or I will yield to the Senator now if he so desires.

Mr. STEWART. As I understand, this proposition is to have an equitable settlement in court. That is what the Senator desires, is it not?

Mr. BROWN. Yes; that is what I suggest.

Mr. STEWART. Is not equity often barred by the statute of limitations?

Mr. BROWN. Does the Senator wish me to answer now?

Mr. STEWART. In a moment. Are we not constantly passing laws to remove the bar of the statute, in order that there may be an equitable investigation of claims?

Mr BROWN. In answer allow me to say to the Senator from Nevada, who I know is an old and experienced lawyer, that he knows, as well as I and every other lawyer in this Chamber knows, that equity follows the law, it follows the rule of the law; and when a claim is stale or barred by the statute of limitations there is no equity to take it out of it. When a claim in one court has a legitimate defense, there is no equity to wipe that defense out in another court. The rule of defense in a court of equity is precisely the same as that in a court of law. I will refer to the books and the lawyers of this body in support of that proposition.

Mr. STEWART. I understand what the books say about it.

Mr. BROWN. I am glad the Senator does.

Mr. STEWART. And that is the reason we are legislating in regard to these matters. The United States does not allow the bar of the statute of limitations to be raised against the Government, but nearly all of the statutes allowing claims to be presented have a provision that it shall be done within a certain time, and cases are constantly coming before us where the parties have not had an opportunity, or there is some excuse for their not coming in. Such cases occur almost every day, and we remove that bar of the statute of limitations in order that equity may be done, so that equity may not be cut off by the statute of limitations. I know while that bar of the statute of limitations remains, the courts of equity are bound by it as much as are the courts of law.

Inasmuch as the committee have examined it and have come to the conclusion that equity has not been done, it is proposed to refer the case to the court, that all parties may have a full hearing.

This case was submitted by an act of Congress to the Secretary of the Interior. It is alleged that the hearing was not full; that some who had rendered services did not receive payment, and there is a remainder which has not been distributed. It is very possible that the defense will be set up that the Secretary of the Interior has acted and that the proposed law can not operate on account of the decision he has made. Now, the object of this, it seems to me, is to give full jurisdiction and to let the case be tried on its merits, notwithstanding any decision that has been made by the Secretary of the Interior. That, I believe, is the point involved. It is not taking away any defense on the merits, but it is taking away any technical defense in bar of the action, in bar of the power of the court to do justice, which may have occurred by reason of the case having been submitted to the Secretary of the Interior.

Mr. WHITE. Will the Senator from Nevada permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. WHITE. If the Secretary of the Interior had jurisdiction to pass upon these claims and did pass upon them, ought not that judgment to be binding? If he had not jurisdiction to pass upon them, can his judgment be interposed as a defense?

Mr. STEWART. There are a great many cases, and we are considering them every day, such as Southern war claims, where there is no question about the jurisdiction of the court, but there are circumstances which made it impossible for the parties to present their cases, even when the tribunal had jurisdiction. For instance, the man may be dead, and his heirs did not appear, and the claim was not brought up. Whenever we find that for any reason equity has not been done, that the party has not had his day in court properly and fairly, we remove those technical bars.

Now, in this case it is stated by the Senator from Colorado that some of the parties did not have notice, and while there may have been some publication, some notice, some pretext that they ought to have been there, there may have been difficulty in presenting a case. It seems to me this is usual legislation, where Congress steps in to give a court jurisdiction to dispose of a case finally.

Mr. WHITE. May I ask the Senator whether this is really a case where the Indian got away with the lawyer?

Mr. STEWART. Oh, no; it is not a case of that kind. As I understand this, it is a case where one lawyer got away with another.

Mr. GALLINGER. The lawyers got away with Congress.

Mr. BROWN. I believe I have the floor. I merely yielded for a question.

Mr. CALL. Will the Senator from Utah yield to me for a single observation?

Mr. BROWN. Certainly.

Mr. CALL. The question of the Senator from California is very easily answered, as is the objection he suggests. There was a provision in the appropriation bill referring the case to the Court of Claims to examine and report and pay such of these claims as it thought proper, but reporting to the Senate at its next session as to the manner in which this had been executed. At that session and before its execution the Senate received that report and approved it as to so much, the residue remaining for further proceeding and action.

Now, there is no jurisdiction in any court as between an Indian tribe and the United States, and this was necessarily within the jurisdiction of Congress, and it has so remained to this day. I suggest to the Senator from Utah that even now and up to this time the case has always remained within the control and discretion of Congress.

Mr. BROWN. I desire to say just a word in reply to my friend the Senator from Nevada. I think upon careful reflection he will revise his views. He says it is the daily practice of the Senate to remove the bar of the statute of limitations. To remove the bar between whom? It is competent for the Congress of the United States, by and with the approval of the President, by bill, to remove the bar as to the United States, as it is for any other party to waive the bar of the statute of limitations. But it is not competent for the whole Congress of the United States and all the legislatures of the States thrown into the bargain to remove the bar of the statute of limitations between private individuals. The bar of the statute of limitations, as my friend the Senator from Nevada knows right well, when it has once operated, is a vested right. Legislatures can not take it away. It is the right of a party, the same as any other defense. It is as good a right as payment. The right of award is another equally good right. If they have come before a tribunal that did not have jurisdiction and have agreed upon an award and one party has accepted the result, that is a satisfaction and that is a defense in law.

Now, all I ask in this case is that these parties may submit their case to the court unrestrained by any rule of evidence, unrestrained by any limitation upon any defense. I object to the word "award" as appearing in the sentence not a ground for defense, because it seems to me that it may have an application to an award that has been accepted. As my friend the Senator from California has well said, if the tribunal that acted, the Secretary of the Interior, had no jurisdiction and there was no acceptance of the award, of course it is no defense. It is to be presumed that the Court of Claims know the law and would not create a defense out of that which is not one. I know, as my friend the Senator from Colorado knows right well, that the judge who was recently added to that bench is an able lawyer and will certainly discriminate between those which are proper defenses and those which are not. For the reason I have stated, it seems to me we ought not to limit it in any manner. We ought to leave the jurisdiction open, unquestioned, and untrammeled.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. TELLER. I propose to modify the amendment to meet the views of the Senator from Arkansas particularly, as well as those of the Senator from Utah, and I think it will leave the bill in meaning exactly where it was before. But as the Senator thinks it means a little different from what I do, I propose, in line 6, to strike out the words "action shall be barred or," and after the word "right" insert the words "of either party shall be." Then it will read:

And no right of either party shall be impaired by reason of any previous award, etc.

Mr. WALTHALL. I should like to ask the Senator if he thinks the word "payment" finds a proper place in that provision?

Mr. TELLER. I will say to the Senator from Mississippi that I will move to strike out the word "payment" in line 7, if that is satisfactory, as the Senator has called my attention to it.

I wish to say a word about this matter. The Senator from New Hampshire inquired about the origin of this claim. That would take a long time to detail. When the Cherokees were sent from Georgia to the Indian Territory, the Government of the United States agreed to pay certain expenses. It was contended by these Indians for very many years that the Government had not paid them. The expenses belonged not to the whole tribe, if they had not been paid, but to a branch of the tribe, to a certain number of people called the Old Settlers, the first people who went into that section of the country.

In 1881, I think it was, this controversy having been going on for many years, and these Indians coming here and making a claim for so much of the expenses as the Government had failed to pay, Congress provided that a commissioner should be appointed by the Secretary of the Interior who should make a casting of all these accounts, which had been running for some years. Thereupon a commissioner was appointed, who went to work and spent a year in going over these accounts and determining what was due to these Indians. The final determination was that a very large amount of money was due. Before this resolution had been passed and the commissioner provided for, the Indians had agreed with a citizen of the Indian Territory, an Indian by adoption, although a white man by birth, that they would pay him 35 per cent of whatever he could collect. I think he spent about ten or a dozen years here trying to collect something. He had made various contracts previous to this with people who were to assist him in trying to get the money which they said was due.

At or about the time when the commissioner was appointed, this gentleman employed two attorneys in this city. One was an attorney at law and the other a bookkeeper, an accountant. As Secretary of the Interior, I appointed the commissioner. It was the duty of the commissioner, of course, to cast these accounts. They were multifarious and intricate and difficult, and he availed himself of the two attorneys of the Indians, one being a lawyer and the other a bookkeeper. One was a gentleman from Arkansas, who died before the service was fully completed. The other happened to be a citizen of my State, who had been living in this city for some years before that, but had come from my State.

When they got through they rendered an account which amounted to something in the neighborhood of eight hundred and odd thousand dollars. I wish to state that that was largely made up of interest that was allowed these Indians on their old claims. When this account was sent by the Interior Department to Congress and payment asked, it was objected to in the Committee on Appropriations or somewhere else, and it was referred to the Committee on Claims. The Committee on Claims then took it up and went through it; having the advantage of the findings of the commissioner and these attorneys, and rendered a judgment within a few thousand dollars of what the commissioner had found to be due, rendering it on the same principle, but differing a little in the items upon which the interest was allowed. However, I think the whole amount of difference was a few thousand dollars, perhaps ten or fifteen thousand dollars, and that was all.

I had a good deal to do with this accounting. Upon the first report being made to me by the commissioner, before I had an opportunity to look at it or know about it, these attorneys came to me and said there had been a gross error; that the commissioner had evidently mistaken the principle upon which he ought to make the accounting. They asked a hearing before me to make their statement. I made up my mind that the commissioner had made a mistake, and I sent for the commissioner and he returned. I requested him to take the papers back and go over them again and see whether or not they were correct. He returned and admitted that he had made a mistake and that the attorneys were correct. When you count interest and all that, that one transaction saved to the Indians $250,000 and more.

After he had made his second report, the attorneys came again and made another attack upon it and convinced me that he was still in error on another item. Senators must remember that there were a great number of these items running along several years, and there were intricate questions connected with them. I then ordered it back again, and he returned it, and I think the Indians gained forty or fifty thousand dollars by the transaction, as I remember it. I mention that to show that the attorneys were rendering service to the Indians all the time.

About that time one of these attorneys, the attorney at law, Mr. Wilshire, who had been a member of Congress from Arkansas, died, and that left the Indians without proper legal counsel. Then they employed some other people, because they had to go through the courts and all that. If Mr. Wilshire had lived, I suppose the case would probably have been taken through the court by him. It was taken through the court by the late Attorney-General, Mr. Garland, and then Mr. Vale or somebody else, I do not remember whom. Then when they came to the question of settling, the Indians had made a contract with Mr. Bryan to give him 35 per cent of whatever he would get. Mr. Bryan had been here, as I say, for years. He had visited my house, as he had visited the houses of others, again and again, to get something done in this matter long before I was Secretary of the Interior, and long before Congress took any active step toward determining this question.

But when the court had decided, and it came back for settlement, I think I am more reponsible than anybody else for the submission of the question to the Secretary of the Interior. I found that there were a large number of claimants for this fund, and some of the attorneys, at least two other attorneys besides Mr. Wilshire, died after the services had been commenced, and

supposing that they were entitled to reasonable compensation, although two of them I had known very little about, I think I induced the proper committee to insert in the bill making appropriations for it a provision that the whole matter should be referred to the Secretary of the Interior to settle.

The Secretary of the Interior took this up—I do not wish to cast any reflection upon the Secretary, because he had to rely upon other people—and in some instances, from my knowledge of the case, I felt that he had grossly misunderstood the rights of the parties. He rendered some judgments that I thought very liberal, and some which I thought were very meager. Some gentlemen who had rendered services beyond question were not in time to get their evidence before him, and some others were, and were not allowed a single cent. There was general complaint. There were still seventy-odd thousand dollars to be paid out. Mr. Bryan claimed it all. Then, later, as the Senator from Utah says, the Indians said, "That is too much for him, and he ought not to have it," and they have been claiming. That is one of the things now to be submitted, whether it belongs to the attorneys or to the Indians.

At the last session of Congress the Committee on Indian Affairs undertook to distribute this sum among the claimants, the committee passing upon and hearing the testimony. When we came in here we found opposition to it. Although it finally passed through the Senate, when it went into conference the conference committee thought it was not fair, and they proposed to send the matter to the Court of Claims. That was objected to by the claimants at the time. They felt that they ought not to be subjected to that expense. Finally it was stricken out in conference, and we put in a provision that the money should not be paid until Congress should further direct.

It has been found since that it would be difficult to pay these people and make a satisfactory division either by any committee or by the Department, and we thought it was the best thing to send it to the Court of Claims, giving the court absolute jurisdiction, removing from the court any restriction that might seem to be upon it, because the Secretary had passed upon some claims and rejected them and allowed some in full. The intention of this amendment is to give the court absolute control, first, to determine whether these folks are entitled to anything, and, secondly, if they are entitled to anything, how much they are entitled to and how the sum shall be equitably distributed.

The House put in a provision that it should be paid to the Indians, because nobody, as I understand, appeared before the House committee at this session for the claimants. If we pay this money to the Indians, we will have the claimants here for the next twenty years insisting that Congress has taken their money and paid it to somebody to whom it did not belong. There is only one thing to do, and that is to send the matter to the court and let the court pass upon the question; and the court should not be barred because of the fact that the Secretary ex parte in many cases and without proper knowledge of the subject has determined that a man was entitled to so much or so little. Two attorneys put in a claim against this fund because they had attempted to cut out some claimants, and I think there were some claimants who were not entitled to anything at all. I have no doubt these attorneys rendered service in keeping out that class of claimants.

I supposed when this amendment was drawn that it was sufficient not only to cover the claimants who have rendered service in securing this fund from the Government, but I thought it was strong enough to recognize the two attorneys who claimed that they were entitled to something equitably and properly because they had protected the fund. But the Senator from Arkansas does not think so, and he has put in an amendment which is entirely in accord with what I think it should be as to that.

Now, I think we ought to make a final disposition of this case by sending it to the court. The court ought not to be trammeled by anything that has been done. If the court is to act in an equitable way, it should take the whole thing, charging the men whatever they have received. If they have received enough, let it say, "That is enough." If they have not received as much as they are entitled to pro rata and in proportion to their services, as I feel very certain some of them have not, then the court will grant the claim. Some of them have not received a cent, and I think they can show that they rendered good service, although in a couple of cases the attorney died before the time. Of course the heirs could only get a pro rata or an equitable amount allowed. I think the court should have the whole thing untrammeled by anything that the Secretary has done, save and except that the court will charge to the parties, whoever they may be, any sum they may have received from the Secretary.

The PRESIDING OFFICER. The Secretary will read for information the provision as modified by the committee.

Mr. TELLER. That is on page 72.

The SECRETARY. On page 72, line 6, it is proposed to strike out the words "action shall be barred or;" in the same line, after the word "right," to insert the words "of either party shall be;" and in line 7 to strike out the word "payment;" so that if amended it will read:

And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Utah offers an amendment to strike this out?

Mr. BROWN. I do. I do not accept the second amendment or the change, for the reason that so long as the word "award" is there it is liable to be misleading. An award may or may not be a defense, as I said before. If it is one, then I think these defendants ought to have the right to set it up. If, under the circumstances, it is not one, the Court of Claims are amply able to judge of it. The Court of Claims does acquire that full jurisdiction and control of this case according to law and equity without any of this language, and therefore I insist upon my motion to strike out.

Mr. CHANDLER. Mr. President, I recognize this subject as one that was debated at some length in the last session of Congress. At that time it was proposed to pay these various atttorneys certain fixed sums of money. I opposed that payment, and moved an amendment that the claims should be referred to the Court of Claims for adjudication. That amendment was voted down by the friends of the attorneys, and a long struggle took place between the House and the Senate conferees, which came to a final end by the withdrawal by the Senate of the proposition to pay the attorneys.

I am willing now to vote for the proposition made a year ago, that these cases shall be referred to the Court of Claims, but I must confess that I do not like the ingenious way in which this long amendment has been constructed in the interest of the plaintiffs and against the Indians. I would inquire at this point whether or not the words "without the right of appeal," in line 5, on page 70, have been stricken out or are to be stricken out?

Mr. BATE. I will say to the Senator from New Hampshire that that has been already remedied. The right of appeal is retained by an amendment made this afternoon.

Mr. CHANDLER. Then the amendment as it stands in the printed bill is altered in that respect.

I do not see why so many limitations upon the Indians should be made. In the first place, the policy of the Government has been to impose obligations upon Indian tribes only after there have been certain formalities observed in the making of contracts by and in behalf of the Indians. The Indians are the wards of the Government, and the Government has undertaken that they shall not be swindled either by attorneys or any other class in the community, and for the purpose of protecting the Indians provisions to be found in sections 2103 and 2104 of the Revised Statutes have been enacted into laws of the United States. It is provided in this clause, on page 71:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

I should like to know, with a perfect disposition to do justice by these claimants, why that defense of the Indians should be stricken out.

Mr. TELLER. As the Senator has the statute before him, if he will read it he will see without any trouble why it is done.

Mr. CHANDLER. I will read it. The provision carefully put into the statute book, without reading the whole of it, but giving the exact substance of it, is that no agreement shall be binding upon tribes of Indians or individual Indians taking money from them unless the agreement shall be in writing, and a duplicate of it delivered to each party. It shall be executed before a judge of a court of record; it shall have the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it; it shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe by their tribal authorities, the scope of authority and the reason for exercising that authority shall be given specifically.

"Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per cent of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement it shall be specifically set forth.

"Fifth. It shall have a fixed limited time to run, which shall be distinctly stated."

Then the statute goes on and makes a contract or agreement not made in accordance with this section null and void.

There is a very carefully drawn, beneficent statute of the United States, made for the protection of the Indians, the wards of the nation, and made especially, as the Senator from Colorado will notice, for the purpose of protecting Indians against exorbitant claims of attorneys, exorbitant claims of agents, collecting agents, agents who represent their peculiar ability to secure moneys for the Indians from the Government of the United States.

Mr. President, I wholly fail to see why those sections of the

statute should be blotted out. A year ago, when these cases were under discussion, the Senator from South Dakota produced here agreements which were apparently made by these Indians in accordance with the statute; there were certainly the forms of law observed in connection with these contracts; and it was not hinted at that time that there was any desire to have the Indians pay attorneys' fees when the contract to pay those fees was made in violation of these two sections of the statute.

Mr. CALL. Will the Senator from New Hampshire allow me to interrupt him, merely to make a suggestion?

Mr. CHANDLER. Certainly.

Mr. CALL. The provisions of the statute which the Senator has read have nothing to do with this case or with the text of the bill. The agreement was long ago completed in full compliance with every letter and every word of that statute and it was approved by the Interior Department.

Mr. CHANDLER. Then I understand there is no need of these provisions.

Mr. CALL. The meaning of the provisions is simply that there is no authority to bring suit against a tribe of Indians. They are not recognized in that respect under any of our legislation. It is supposed that we must create a special authority in this act for them to be parties to that suit, and the provisions of that statute which prohibit any agreement being made except in that particular form are suspended so that they may make an agreement to be represented in these cases; and where they do not, the text of the provision imposes the duty upon the Commissioner of Indian Affairs to represent them.

Mr. CHANDLER. I have not commented upon the first portion of this clause, which makes the Old Settler or Western Cherokee Indians a tribe of Indians with power to contract through their duly authorized commissioner, agent, or attorney. I have not objected to that provision. Though I do not quite see why, if they had not the power when these alleged contracts were made, we should undertake to make a provision of law that relates back and creates the power, I have not objected to that portion of the clause. I do not propose to strike it out. I am willing, as I now understand the case, to have the law assert the right of this tribe of Indians to contract. But what I am contending for is that this tribe of Indians, or the individuals composing the tribe, shall not be subjected to the payment of sixty or seventy thousand dollars, more or less, of attorneys' and claim agents' fees, claims presented in behalf of men who have already been paid enormous sums of money, and that, in an express provision sending the cases to the Court of Claims, every one of the safeguards provided by the Revised Statutes shall not be stricken out in behalf of the attorneys, who are the claimants, and in hostility to the Indians, whom we profess an obligation and a desire to protect.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. CALL. Does not the Senator see that it is necessarily true that this agreement having been made in writing and having been approved by the Interior Department, to set aside 35 per cent of that money for Bryan and his associates, and the agreement having been affirmed and reaffirmed, and impliedly affirmed in Congress, there could be no such result in submitting the case to the Court of Claims as to deprive these Indians of any rights under that statute, because in the first instance every provision of the statute has been complied with as to a contract in writing to set aside 35 per cent of an unascertained and indefinite sum, which was fixed only after years of decision and negotiation and reference between the tribe and the United States? It could only be done through the executive department. There is no jurisdiction in the courts. Now it is proposed to give to the court full jurisdiction, and not one provision of the statute is affected by it. If the Senator desires to enlarge the scope of the provision, I suppose it will be acceptable to the committee, because I know that there has been no purpose to exclude anyone from any rights.

Mr. CHANDLER. I thought the Senator from Florida wanted to ask me a question.

Mr. CALL. I beg the Senator's pardon; I saw he was misinformed as to the law of the case.

Mr. PLATT. I will state why I understand that this provision was inserted. There are some persons who have no claims except under the original written contract with Bryan, who claim that he employed them. Two such parties belong in the State of North Carolina, and the Senator from North Carolina [Mr. PRITCHARD] felt that they ought to have a right to bring their suit separately and not have to rely upon their rights for a suit brought in the name of Mr. Bryan. There may be some others in the same situation, but there are especially those two cases.

Mr. CHANDLER. In order to let two or three attorneys bring a suit in their own name we are enacting that claimants can come in and recover these moneys as fees for services rendered the Indians without any written contract whatever, without any of the safeguards which have been provided by this statute being proved to have been thrown around these Indians. I must confess I am suspicious of the provision. I do not see why it should be here. The claim a year ago was distinct and explicit that every one of the contracts in favor of the attorneys whose fees it was sought to pay by direct appropriation had been made in accordance with the statute. The Senator from South Dakota produced here votes of these Indians in which they apparently made themselves liable to the claims of attorneys. Now the proposition is that without any regard whatever to the manner in which the contracts to pay the attorneys may have been made or the obligations to pay the attorneys may have arisen, the claimants may recover in the Court of Claims. I think the language of the first clause of the amendment is broad enough.

That legal and equitable jurisdiction be, and the same hereby is, conferred upon the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons, etc.

Using in the twelfth line the phrase "for legal services justly and equitably payable," I ask Senators who advocate this amendment why that is not enough; why they want to go on and not only declare that the tribe, as a tribe, shall be deemed to have power to contract, but that any contract which can by any possibility be implied with Bryan or the individual members of the tribe may be resorted to in order to take this remnant of the money away from these Indians and give it to these attorneys? It seems to me that the amendment ought to have been written in about twenty lines. Yet it goes on and contains all these provisions which seem to me to be carefully constructed to dig out from under the Indians every prop that the laws now give them for their protection. I think that the words "and the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions" should be stricken out, and I certainly think that the words "and no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior" should be stricken out.

With reference to the last clause, to which attention has been called by the Senator from Utah, what is the need of it? Why should these Indians try this case with their attorneys by any other rule of action than would prevail if the Senator from Colorado or the Senator from South Dakota or the Senator from Utah were sued by their attorneys? A suit is authorized against the United States. There may be a recovery of whatever is justly and equitably due. Why should we go out of the way to say that a particular defense shall not be interposed, that one defense and another defense shall not be interposed?

If the parties had given a release under seal, upon a payment being made to them of all claim whatever, this provision blots out that release and these Indians are to try all over again claims which they have settled once. Mr. President, you would not deal with a white man that way if you were to pass a special law authorizing suit to be brought against him. You might remove the statute of limitations in a case where it would be equitable to do so, but in restoring a claimant to his law, as the old expression used to be, you never would think of enacting that a settlement previously made, that an award previously made, should be wiped out by statute in case suit was brought. I can not conceive why we want to make these Indians try this case with a provision in the statute depriving them of the ordinary rights which belong to every defendant in any suit at law that ever was heard of under the sun.

If those amendments can be made, then the provision, although it is ten times as long as it need be, is in accordance with the plan for settling this matter which I advocated a year ago, and I shall give it my vote. But if these provisions remain so unjust to the Indians as I believe them to be, so unfair, so unbecoming in this great Government of the United States, I shall vote against the amendment. I hope, in that case, it will be voted down by the Senate, and if it is not, and is adopted, I hope the House of Representatives will be just as determined in the maintenance and protection of the fair and equitable rights of these Indians as they were a year ago.

Mr. PALMER. Mr. President, I am entirely satisfied with the first eleven lines of the amendment proposed by the committee. I am dissatisfied with all that remains on that page of the amendment. When the proper time comes, I will move to strike out all after the words "thirty-one cents," in the eleventh line on page 70 and all of the six lines on the seventy-first page to the word "actions."

Now, let us see exactly what this provision is. Surplusage and useless words always involve embarrassment in the discussion of any right. The amendment confers legal and equitable jurisdiction on the Court of Claims to finally hear and determine, without the right of appeal, the claims of all persons upon the remainder of the fund withheld from distribution out of the money derived from 35 per cent of the judgment in favor of the Old Settler or Western Cherokee Indians and against the United States, in the sum of $800,366.31.

Will the Senator who has charge of the bill please tell me why the following words should be inserted?

Alleged to have been set apart for the payment of expenses, and for legal services justly and equitably payable, on account of the prosecution of the claims of said Indians under the act of Congress approved August 28, 1894, entitled "An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," and again withheld from distribution under the act of Congress approved June 10, 1896, making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Such language is not necessary to identify the fund. The fund is sufficiently identified in the first eleven lines. Its effect will only be to produce confusion and embarrassment. The fund being once sufficiently designated, all has been done in that direction that is possible by the use of language. The further terms of identification which I have read simply embarrass the provision. Then again:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power—

To make contracts. Have the Old Settler or Western Cherokee Indians now power to make a contract? If they have, why ratify or confer upon them this power? Why create a corporation to be composed of the Old Settler or Western Cherokee Indians with powers to contract? Is it not the purpose of the amendment to validate contracts that are not now supposed to be valid?

Mr. PETTIGREW. I will say, as far as the Old Settler Cherokees are concerned, that they are not a tribe; they are not an organization, a corporation. We undertook by this amendment to make provision so that they could get into court and defend their rights, if they had any.

Mr. PALMER. The contract that produced this fund is to-day, as respects the Old Settler or Western Cherokee Indians, a valid contract or it is not a valid contract. The purpose of the amendment is to give validity to that which is not heretofore valid. It means to create an ex post facto capacity to contract—a power to make a contract long after the alleged contract was made. I will state its effect against the United States, because surely no Senator would claim that a contract between private parties which was not valid at the time it was made could be validated by an act of Congress except as against the United States itself.

Mr. CALL. Will the Senator from Illinois allow me to interrupt him?

Mr. PALMER. With pleasure.

Mr. CALL. I wish to ask the honorable Senator how he would get jurisdiction over this part of a tribe of Indians, unrecognized in the laws as a person? I suggest to the Senator that you would have to take every individual Indian. You can not effectuate jurisdiction conferred in that court without giving some kind of corporate existence or authority to somebody to represent this great mass of people.

Mr. PALMER. If that was all there was in this language——

Mr. CALL. That is what it was intended for.

Mr. PALMER. It reads:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney.

Mr. CALL. Let me say to the Senator from Illinois that there is no power to contract with Indians except that created by statute. The other jurisdiction is one that is discretionary with the sovereignty of the United States. In order to give the Indians full power in the court for their protection, language is inserted authorizing the contract for the purposes of the jurisdiction of the court.

Mr. PALMER. This is intended to validate a contract.

Mr. CALL. For that action.

Mr. PALMER. It is not intended to confer a power to be exercised in future, a power to contract hereafter. That is not the purpose of it?

Mr. CALL. No.

Mr. PALMER. The purpose is to treat this as a valid subsisting contract, to be enforced now.

Mr. CALL. For that action.

Mr. PALMER. Although these Indians had no power to make a contract at the time they proposed it.

Mr. CALL. If the Senator will allow me, his language goes too far. They had no power to make a contract which could be recognized by the courts of the United States, but they had power to make a contract which could be recognized in the executive department of the Government and which would be binding upon the executive department.

Mr. PALMER. Then I understand it is the purpose to give to this contract legal validity.

Mr. CALL. That is true, for that action.

Mr. PALMER. That is, a contract which was before illegal or without the support of law, it is proposed to give the support of law.

Mr. CALL. Oh, no; it was lawful so far as the executive department is concerned, but the Indians not being subject to the judicial authority of the Government, it was not a contract recognizable in the courts without special authority created by act of Congress.

Mr. PALMER. Mr. President, the whole thing looks suspicious to me. This bill proposes to give legal validity to a supposed contract. It is meant to require of the Court of Claims, in the consideration of the alleged claims of various parties, to treat this as a contract made by parties capable of contracting, and for a sufficient consideration, and to give to the Court of Claims the power to enforce it. It changes the rights of these parties for the purposes of this bill.

Mr. CALL. Oh, no.

Mr. PALMER. That which was before a mere equitable contract, or a mere contract in the appreciation of the executive department, is made by the force of this statute a legal, valid contract. It gives to it a quality which it never possessed before, and never will possess until this amendment is adopted. Then—

The operations of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

Then, again, the relation of those Indians to the United States is changed by this proposed amendment. That which was the law, as I understood it when read by the Senator from New Hampshire, required certain formalities, the interposition of certain officers to protect the Indians. The laws are suspended for the purposes of this case.

Mr. CALL. In favor of the Indians.

Mr. PALMER. First, a contract is clothed with legal quality and the law is suspended so that these persons may produce or prove a contract not subject to the provisions of those statutes.

Mr. President, men have shown wonderful skill in cheating the Indians, but I protest that this Senate ought not to be a party to these frauds; it ought not to make legal a contract for the Indians which did not before exist; it ought not to suspend the operation of laws which were enacted for their protection. I insist, therefore, that after the words "thirty-one cents," on page 70, in line 11, all of this amendment should be stricken out to the word "actions," in line 6, on page 71.

The Court of Claims has jurisdiction given to it by this proposed statute. The court is authorized—

To hear and determine said claims and award judgments thereon.

I have no particular complaint, so far as I have observed, against the remainder of the section. Still the bill well deserves criticism; but at present my attention has been called to this effort to give validity to a contract and to abrogate or suspend the operation of two sections of the Revised Statutes, which I think is giving to these claimants against the Indians an advantage to which they are not entitled, and which is not in harmony with justice or right. These men knew the law, and they have already received very large payments.

Mr. CALL. Mr. President, there is an entire misconception about this provision. If I were in charge of it, I should allow it to be amended in any way, because these suggestions do not alter it at all. This provision in reference to the suspension of these statutes will not affect the claimants who are spoken of here, these attorneys, as having had some undue advantages. It is intended for the benefit of the Indians who were not in the tribal organization, but were separated from it. It is, therefore, solely in their interest and against the claimants under the contract with Bryan. So all this sympathy is entirely out of place, for the purpose and the intention and the effect of this amendment is to give to the Indians not strictly embraced in the tribal organization, but separated from it, an opportunity of claiming a part of this fund.

The Indians can not sue unless they are enabled to do it by an enabling act. They are not recognized in our form of government any more than a private citizen for the purpose of bringing a suit against the Government or other parties. This provision is intended simply to do this: To effectuate the jurisdiction of the court over this whole subject without limitation, for it is apparent if the court decides that there is no valid and lawful claim against this fund under the Bryan contract, then it belongs to the Indians as a necessary consequence of the authority of the court. But the simple fact is that, pending long years of unascertained and indefinite claims by these Old Settlers against the Government of the United States, the matter was referred for settlement to the proper executive authority (the administrative department of the Government), adjudicated, and finally partially paid.

During that progress of time the Indian tribe, with due authority, in compliance with the statute whose provisions are sought to be suspended now for the simple purpose of this action, and to enable those Indians separated from the tribe to make their claim in court, who may not be in the proper and strict tribal organization, the attorney of the tribe, complying with that statute in all those respects, made this contract to set aside a thirty-fifth part of an undefined and unascertained sum of money for this claim. It was approved by the Interior Department; it has been repeatedly affirmed by Congress, and the question before the court will be

whether or not that thirty-fifth part of this sum so recognized, so approved, and so decided by Congress and by the executive department shall be retained, for whose benefit? For the benefit of the valid contract made, and for services performed. That is the whole question.

Mr. WHITE. Mr. President, I may be mistaken about it, but I do not understand this amendment as does the Senator from Florida. The Senator states that, after all, this is an amendment for the benefit of the Indians. It would seem from the statement of the Senator that the Indian is seeking to have this amendment incorporated in the bill. If so, the Indian must be very badly advised. The bill as it came from the House contained a provision to the effect that the money should be turned over absolutely to the Indians. This amendment, if it has any object at all, is to give a right to those who claim a part of this money to sue in the Court of Claims to recover the same.

Mr. CALL. Will the Senator allow me to interrupt him there?

Mr. WHITE. Certainly.

Mr. CALL. To whom, by the bill as it came from the House, is the money to be paid—to what Cherokees? The Cherokees embraced in this suspension of the act? Not at all. Under the House bill it would go to the regular tribal organization.

Mr. WHITE. Very well. The House bill is specific about it.

Mr. CALL. Therefore I was strictly correct when I said the effect of this provision in the bill was to give the benefit to the Indians which they would not otherwise have—not to the tribal Indians, but to the others.

Mr. WHITE. There may be some other Indian who has not a claim against this fund who has not yet appeared, but, as we now know, the Indians described in the House bill from line 10, on page 69, to the end of line 2, on page 70, are the Indians who are concerned. Now, what is the status of this matter?

Mr. CALL. The Senator will allow me a moment.

Mr. WHITE. Very well.

Mr. CALL. The Senator from Connecticut rose in his place and stated that the purpose of this provision was to benefit the North Carolina portion of the Indians, who were separated from the regular tribal organization.

Mr. WHITE. The language seems plain enough to me. As I said before, I may be mistaken about it, but the amendment which is proposed here is in its effect practically to give the right to the gentlemen who claim to have rendered legal services to these Indians to bring suit and to recover such money as the court may award, provided that when the Indians or other claimants appear and contest, they will find this provision of law:

> No action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

Now, we learn from this debate that at the last session of Congress the power was given to the Secretary of the Interior to settle this matter, and that some of these claimants, at least, appeared before him, an award was made, and they pocketed their money. Some of them may have protested, claiming that they ought to get more; but they appeared before the tribunal established pursuant to law, having exclusive jurisdiction; they took their money, and they went their way.

As I said a moment ago, this award was either a valid award, made under a valid act of Congress, or it was no award at all; it was invalid. If it was valid, it ought to bind those gentlemen who presented their claims and who entered into that litigation. If it was not valid, it could not bind them, regardless of the recitations of this act. Hence the language criticised by the Senator from Utah [Mr. BROWN], it seems to me, ought to be extended; indeed, I do not believe that any part of the amendment is as it ought to be.

The Indian may and ought very often to receive consideration from Congress not accorded others who come here, but to say that the Indians have outwitted these lawyers, and that these lawyers who have been struggling for years for the Indians were cheated and swindled before the tribunal appointed by Congress, is to me an absurdity. The poor Indian for once in his life has met the astute lawyer in the arena of discussion before the tribunal established to adjudicate his rights, and has prevailed, and now because the unfortunate white man has been beaten in that contest, we are to pass a law to give him another chance so that the poor man may not go into insolvency and die thinking that Congress has not given him a fair chance before his rival and superior, the remnant of the American Indians!

Mr. CALL. That is a very romantic statement of the Senator from California, but it has no more reference to this case than if he had been talking about the arbitration treaty. There was no tribunal established by Congress; there was no question as between the Indian and these claimants. There was simply an authority on the part of the Secretary of the Interior to take testimony and ascertain and fix the proportion which, in his judgment, should be paid to these people. It was not an award; it had none of the qualities of a legal award; it was not submitted as an award.

Mr. WHITE. Will the Senator allow me to ask him a question?

Mr. CALL. Yes.

Mr. WHITE. If it was not an award, why do you call it an award in this amendment, and ask that that award may not be set up as a defense?

Mr. CALL. That is just like the Senator and myself do by the misuse of language.

Mr. WHITE. I am not responsible for it.

Mr. CALL. That is occasioned by using expressions which do not import technically and literally the sense in which they are used. That is the reason it was not an award and could not be an award. It was simply a submission to the executive officer of this Government to perform an administrative function, for which he was responsible, in the nature of things, to Congress, and which required subsequent approval; and it was not at the last session of Congress, but it was a number of sessions ago, and it has been repeatedly done in the course of the history of this claim.

Mr. WHITE. Will the Senator permit me another question?

Mr. CALL. Certainly.

Mr. WHITE. If the award of the Secretary of the Interior was subject to approval by Congress, was the payment to the attorneys by the Secretary of the Interior under that award illegal and void?

Mr. CALL. Certainly not, unless it should be subsequently declared by Congress that the claim was a fraud and therefore void. That is the reason. It was not a finality. But suppose it had been intended to be a finality, and there had been a manifest error, or even fraud and an improper proceeding, would it be binding upon the supreme legislative power of the country?

The question here is simply to decide whether or not this 85 per cent of that total amount was in proper form directed to be paid, and whether it was a valid contract; and if so, who are the parties to receive it. That question is broadly opened in this amendment for the Indians to contest a matter which has been decided and affirmed and reaffirmed in all the Departments of this Government; and it was intended by the committee, and only intended, that that question should be opened to the court in its broadest sense. That is the whole story in regard to it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Utah [Mr. BROWN].

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHILTON. Let the amendment be again reported, Mr. President.

The VICE-PRESIDENT. The amendment of the Senator from Utah to the committee amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out after the word "issue," in line 5, on page 72, the following:

> And no right of either party shall be impaired by reason of any previous award or ruling by the Secretary of the Interior.

Mr. CHANDLER. I suggest the absence of a quorum, Mr. President.

The VICE-PRESIDENT. The Chair will state to the Senator from New Hampshire that the yeas and nays have been ordered on the amendment to the amendment. Does the Senator desire a call of the Senate?

Mr. CHANDLER. I do. I desire to precede the yeas and nays by a call for a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	McBride,	Sewell,
Bacon,	Davis,	McMillan,	Sherman,
Bate,	Dubois,	Mantle,	Shoup,
Berry,	Elkins,	Martin,	Stewart,
Blanchard,	Faulkner,	Mills,	Teller,
Brice,	Frye,	Mitchell, Wis.	Thurston,
Brown,	Gallinger,	Morgan,	Tillman,
Burrows,	Gear,	Nelson,	Vest,
Butler,	Gibson,	Palmer,	Vilas,
Caffery,	Hansbrough,	Pasco,	Walthall,
Call,	Hawley,	Peffer,	Wetmore,
Cannon,	Hill,	Perkins,	White,
Carter,	Jones, Ark.	Platt,	Wilson.
Chandler,	Lindsay,	Quay,	
Chilton,	Lodge,	Roach,	

The PRESIDING OFFICER (Mr. HILL in the chair). Fifty-eight Senators have answered to their names. A quorum is present.

Mr. CHANDLER. Mr. President, before this amendment is voted upon, I wish to say that it does seem to me that some statement ought to be made which justifies the striking out by statute of a defense to which these Indians may now be entitled. It is possible that some statement has already been made when I have not been present in the Senate which would justify the action of the Committee on Appropriations, but I can not conceive of any such justification.

I have said that there may possibly be a reason sometimes for removing the bar of the statute of limitations, but that is not what

is proposed here. So far as we know, there is no bar created by the statute of limitations, but here is a proposition that if these Indians have paid and settled, and obtained a release of those claims, those facts shall constitute no defense in the suit now brought against them; that all the statutory protection shall be taken away; that the necessity of showing a written contract shall be removed; that the Court of Claims shall simply ladle out this money to the various claimants who come before it according as they may deem just and equitable, and no possible bar shall be interposed if there ever once existed a right of action.

If an attorney brought in a claim for $30,000, and after controversy there has been an adjudication that he is entitled to $20,000, and he has received it, expended it, and given a receipt for it, released all claim to it, still the proposition of the committee was that the Indians, at their own expense in defending the case, should be compelled to try over again the whole subject-matter of the controversy, and the Court of Claims, if it saw fit, should give the money to the claimant.

I do insist that there shall be some sort of a logical, reasonable, equitable demonstration here or an attempt to demonstrate here that these Indians should not be entitled to all of the same defenses which an individual would be entitled to under similar circumstances or the United States itself would be entitled to under the same circumstances. Hardly within my memory have I known Congress to pass a law that in a suit in the Court of Claims against the Government itself a previous release should be waived; that the Government of the United States should try over again a case which it had once successfully defended or had settled at an agreed sum which had been received and receipt taken therefor.

I urge that this injustice may not be done to these Indians; that if we give these plaintiffs a right of action in court, they shall go there and prove their just and equitable claim. The words "just and equitable" are an intimation to the Court of Claims, and an unsatisfactory intimation to me, that the court is expected to deal very liberally with these plaintiffs. It is an intimation that the court is not to give them their strict contract rights, their plain contract rights, but that it is to be just to the claimants, that it is to be equitable to them. In effect, the language is an intimation to the court that if, upon the whole, the attorneys had better have this money than the Indians, the court shall give it to them. It looks to me as if the whole amendment was constructed upon the theory that it would be the height of folly to let the Indians have any more of this money. Here it is—$80,000; it belongs to the Indians; they claim it; they cancel all these contracts or pretended contracts that have been set up, and say they want this money, and the House of Representatives has said that they shall have the money. And now we do what? We do not simply say this money shall not be paid out until the attorneys have brought suit in the Court of Claims to recover what is due them, which would be a provision that could be written in four lines, a provision that this sum of money shall be subjected to the lawful claims of any parties who choose to sue therefor, but it is a long, carefully constructed effort to keep this money from the Indians and to give it to these lawyers, nearly all of whom have been paid once, and, in my judgment, have been paid far more than their services were worth. Now, however, they are to be allowed to double up and to get the rest of this money, for fear that by some possibility it may turn out that these Indians have actually got, belonging to themselves and subject to no further charges in behalf of attorneys and claim agents, the sum of $80,000 specified in the amendment.

Mr. President, why, when we do all this, should we go out of the way to strike down any proper and rightful defense which these Indians have? Why should not they be allowed the same privilege that private individuals would be allowed? Why should not these helpless people be allowed the same privilege of making defense in court that the most intelligent white citizens have? Why should not they have the advantage of making every defense which the United States itself would make if this money had to be paid out of the Treasury of the United States? I am utterly unable to answer that question. I have not heard a single suggestion which has made any impression upon my mind in favor of the adoption of the amendment.

Mr. LINDSAY. I should like to ask the Senator from New Hampshire a question, if it is agreeable. Does the Senator concede the correctness of the proposition which the amendment seems to assume, that 35 per cent of this money was set apart for Bryan and his associates, who represented the Indians as attorneys?

Mr. CHANDLER. Thirty-five per cent?

Mr. LINDSAY. That 35 per cent of the gross amount was properly set apart to pay the attorneys?

Mr. CHANDLER. It was set apart to pay the legal expenses, certainly. Now, I should like to ask the Senator from Kentucky——

Mr. LINDSAY. No; I can not give any information. I am trying to get information.

Mr. CHANDLER. I should like to ask the Senator what is the pertinency of his question?

Mr. LINDSAY. It is this: If 35 per cent was properly set apart, then what interest have the Indians in this litigation at all?

Mr. CHANDLER. It was the money of the Indians.

Mr. LINDSAY. But if it was set apart to pay the attorneys, then it ceased to be the money of the Indians.

Mr. CHANDLER. No; the Senator is mistaken about that.

Mr. LINDSAY. That is what I am trying to find out.

Mr. CHANDLER. The Indians, instead of taking all their money and dividing it or arranging to divide it, provided that 35 per cent should remain somewhere, just as the Senator, going on a journey, puts $200 in his pocket with which to travel. That does not entitle the railroad company, if the fare is $50, to demand the whole $200 of him, because he set it apart for his journey. The money was the money of the Indians, and this fund was reserved as a maximum fund, the Senator will understand. The Indians went on and made contracts, and they made contracts under the protection of this law, sections 2103 and 2104 of the statutes, and I am willing to vote to let the claimants to this fund who have contracts made in accordance with these statutes go into court and recover whatever they are entitled to, although most of them have already been paid once. But for them to come in and say to the Indians, as the Senator will see, "You set apart 35 per cent, and we have done the work and got the money for 20 per cent; now, the other 15 per cent belongs to us, not to you," would be an effrontery on the part of these attorneys that I do not think would be considered as professional in Kentucky or New Hampshire or anywhere else.

Mr. LINDSAY. I agree with the Senator from New Hampshire, if he be right, that the 35 per cent was only tentatively set apart out of which the attorneys were to be paid whatever was proved due them. Then, I say everything ought to be left open for adjudication. But if, as claimed by the Senator from Florida, and if, as the amendment seems to assume, the original contract set apart 35 per cent of whatever might be recovered to the attorneys, then I can not see what interest the Indians have in this litigation.

Mr. CHANDLER. The Senator would be right if 35 per cent had been set apart and contracted out to one set of attorneys or to any number of attorneys, but that is not true.

Mr. LINDSAY. That is just what I am trying to find out, whether it is true.

Mr. CHANDLER. The 35 per cent was set apart, and the Indians proceeded to make contracts. Every man who could persuade them that he could do some lobby work in Washington to help them to get the $800,000 got a contract, and the Commissioner of Indian Affairs approved it, and the Secretary of the Interior approved it, and the judge certified to it under the statute which the Senator from Florida is now studying with great care. These contracts did not amount to 35 per cent, and yet the lobby work was done, the $800,000 was appropriated, and the attorneys were paid all that it had been agreed to pay them. Then, behold, it was discovered that $80,000 was left. The natural course would have been to have given it to the Indians, but the attorneys then said, "This money will all be lost if we let the Indians have it. It must be that we are entitled to this." So other contracts were devised, other reasons for contracts were conjured up, other contracts were made, and now it is not only proposed that the parties who have these contracts, made in accordance with the statute, may go into court and recover what they can prove themselves entitled to of this $80,000, but that anybody else can go in and upon satisfying the court that he is justly and equitably entitled to a portion of the money for services that he is supposed to have rendered, whether or not the Indians knew anything about it, whether or not the Indians made any contract with the plaintiff, may recover, and that no forms of contract whatever need be proved in order to justify the claimant in recovering.

Then, moreover, to come back to the original point, if any one of them has taken his money and given a receipt in full, he may have another hack at this money and get another slice of it if he can.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. PLATT. I should like to know where in the language which he criticises the Senator finds authority for his statement? There is nothing in the amendment which says that if an attorney has released his contract, or received payment for his contract, he can now bring a suit over again. The Senator seems to have misapprehended entirely the effect of this language.

Mr. CHANDLER. Not a bit. The Senator from Connecticut is himself all wrong.

Mr. PLATT. Let me read it.

Mr. CHANDLER. It says:

And no action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

Mr. PLATT. Yes; "made by the Secretary of the Interior." That is just what there is in this whole matter that the Senator has been talking about. The matter was sent——

Mr. PALMER. Will the Senator from Connecticut either himself answer or allow me to ask the Senator from South Dakota one question? The question is, How much money have these claimants already received? Can the Senator answer the question?

Mr. PLATT. I am unable to answer the question. I know simply that certain attorneys having contracts which ought to have been allowed, in my judgment, went to the Secretary of the Interior, and the Secretary of the Interior, in some instances, absolutely refused to allow them anything. In others he allowed them only a part of what they ought to have had. All there is about this language is that the action of the Secretary of the Interior in that respect shall not be final. There is nothing else to it.

Mr. CHANDLER. Certainly a payment may be a discharge of the right of action. The Senator will admit that.

Mr. PLATT. Payment by the Secretary of the Interior.

Mr. CHANDLER. Very good. It may be a discharge and it may not be a discharge, because it may be a payment on account. What I want to get at is why the committee proposed—I suppose they have abandoned the proposition now; I understand they do—that no payment should have been a settlement; why the committee should have deliberately proposed to reopen every one of these claims and invite these attorneys to come in and again dip their pails into the fountain and pull out another share of this money?

If the Senator from Kentucky [Mr. LINDSAY] will give me his attention, I desire to say that I notice that 35 per cent, or so much of the amount as may be necessary, was set apart and held for the purpose of paying the expenses of collecting this claim. So it is entirely clear that the fixing of the 35 per cent at the time it was fixed as the sum which might be required to lobby the $800,000 claim through Congress created no obligation on the part of the Indians who arranged to withhold it or set it aside to give it to the men who worked for them. They were bound to pay the men who worked for them exactly what they agreed to pay them—no more and no less. But the attorneys discovered that here was this $80,000, and they felt about it just as Department or Bureau officers do under the Government. If Congress appropriates for a particular object $100,000 and the Bureau chiefs find they can accomplish the result for $90,000, they never say that they have saved $10,000 of the $100,000 appropriation. They always say they have lost it, because they have not expended it. These attorneys, instead of saying, "As we render an account of our stewardship, we have collected this $800,000 claim; we have taken $200,000 of it ourselves, and we have saved $80,000 of the 35 per cent for the Indians," say, "Why, lo and behold, we have lost $80,000."

They have been at work ever since to get it, and they are in a fair way to get it, because they got up these contracts and they ran them through the tribe in ways that are dark. They got the Commissioner of Indian Affairs and the Secretary of the Interior to approve them and a judge to certify that they were all right, and now they are to be given by Congress a standing in court for the collection of these claims. In addition, we are to invite in everybody else who can prove that he loafed around the hotels in Washington or hung about the Departments or traveled through the corridors of Congress and advised A, B, C, and D to vote for the Old Settlers' claim, whether or not the Indians ever recognized his services, whether or not the Indians ever knew of his service—they are invited to prove to the Court of Claims that, as this money ought under no circumstances to go back to the Indians, because it would be lost if it does, they are entitled to a certain share of the $80,000. We invite them in by striking down all these deliberately and carefully enacted statutes which the Senator from Florida is studying so intently. We strike those statutes down and invite in this horde of attorneys to see if they can not conjure up evidence enough, without any such proof as the statute requires, to enable them to grab a portion of this money.

I certainly hope that the Appropriations Committee, which have a great deal of business on their hands, several important appropriation bills to carry through Congress which seem likely to be loaded with legislation, will consent to modify this clause depriving the Indians of defenses to which they are entitled; that they will consent to let those statutes remain in full force and vigor, as they ought to remain, and send these attorneys and claim agents to the Court of Claims to recover, if they are entitled to recover, according to the law of the land as it now stands upon the statute books. I hope that the committee will not press this effort of theirs to secure a judgment in advance by adding to the clause that gives the court jurisdiction all these other provisions intended to make the pathway of these claimants to this fund of $80,000 easy and quick and safe.

Mr. TELLER. Mr. President, if the Senator from New Hampshire [Mr. CHANDLER] will point out anywhere in this provision anything that will justify a statement he has repeated here from six to twenty times since he commenced his speech, that an attorney having been paid by the Indians and having given a receipt under seal can come in and make a claim, I should like him to do so. He has repeated it over and over again.

Mr. CHANDLER. I will repeat it again, if the Senator will allow me.

Mr. TELLER. I have no doubt the Senator would. With that sense of irresponsibility in the matter which sometimes characterizes people, he can make that statement.

Mr. CHANDLER. What does the word "payment" mean, I ask the Senator from Colorado?

Mr. TELLER. The word "payment" is stricken out.

Mr. CHANDLER. What did it mean when the Senator proposed it?

Mr. TELLER. It meant simply this: The question was submitted to the Secretary of the Interior without the consent of any of these people. They claimed that the Secretary of the Interior had not dealt fairly with them. The Committee on Indian Affairs, after an examination, not such as the Senator has made, but after a careful examination, said they thought he had not dealt fairly with them. The Committee on Appropriations last year thought he had not dealt fairly with them. With a good deal more information on the subject than the Senator ever had or ever will have on this particular subject, I think he did not deal fairly with them.

I know in one instance, where the parties, I thought, had rendered very little service, they received their claim in full. In another case, where I know the attorney had rendered more service than any other individual, he received 5 per cent of the entire claim. It is to correct those inequalities that the committee proposes that the case shall go to the court and that the court shall determine what is fair and what is just.

The Committee on Indian Affairs undertook to do that themselves last year, and the Senator from New Hampshire [Mr. CHANDLER] was then very vigorous against it, and said the case ought to go to the Court of Claims. Now he comes in here and tells us that these men have received more than they ought to receive. The Senator from New Hampshire does not know who these attorneys are, except as he saw the list last year. He has no personal knowledge of what they had received; he has no personal knowledge of what their services were, and yet he tells us that he thinks they have had more than they are entitled to. If called upon to state what the service of any attorney has been, he would be unable to state it. If called upon to state what the attorney had received, he would be unable to state it; and yet, Mr. President, that is the argument which is used against this amendment. This amendment is intended to protect the Indians as much as the attorneys.

Here is a carefully prepared provision that the Commissioner of Indian Affairs shall look after their interests and employ counsel to see that there is no wrong done them. There is a provision here that two sections of the Revised Statutes shall be suspended. It is a question whether those provisions would be invoked one way or the other. If they could be invoked at all, it would be to say that these people were not a tribe at the time, and therefore could not make a contract that was valid at all. The whole amendment proceeds upon the theory that these people have rendered valuable service to the Indians, for which they are entitled in justice and right to be paid, and which a better class of Indians admit they are entitled to.

Mr. WHITE. Will it interrupt the Senator from Colorado if I ask him a question?

Mr. TELLER. No.

Mr. WHITE. I understand the Senator from Colorado to state that in one instance at least he thinks that some attorney or attorneys were overpaid, rather that the Secretary gave them more than they were equitably entitled to. If in that case the money was accepted, as I suppose under those circumstances it certainly would have been with avidity, can we reach it at all under this proposed act?

Mr. TELLER. In one case which I referred to the parties got all that their written contract called for, and of course they never appeared to ask for any more.

Mr. WHITE. And if it was too much, nothing could be done about it.

Mr. TELLER. Nothing could be done about it, of course. They will not appear. On the other hand, parties having written contracts, and having rendered, in my judgment, very much better and more valuable service, received a mere trifle. It was to correct these inequalities that we propose to send this matter to the court, and it goes there guarded in every particular. I do not fancy very much the insinuation of the Senator from New Hampshire that this provision is brought here in the interest of claimants. It is brought here in the interest of justice and right. If these Indians made these contracts and had the services of these people to secure what they never would have secured from the Government without that service, they ought to pay for it. They have not paid for it, and here is a fund that they had practically set apart themselves for the payment. They said to their agent, Mr. Bryan, "Go to

Washington, and you may use to the extent of 35 per cent of all you can get; you may hire attorneys and agree to pay them, but you must not exceed that sum." Bryan came here and stayed here twenty years before he got this debt paid. Finally he employed attorneys who secured a provision, as I mentioned before, for a commission out of which grew the determined obligation of the Government to pay this debt, and these are the people who rendered the service and secured it. The Government of the United States would never have done it; the Indians could not do it, and the people who have rendered the service claim that they have not been paid.

Out of the 35 per cent, not eighty-odd thousand dollars, as the Senator stated, but seventy-odd thousand dollars is to be paid, if the court find that these people have earned it; and that is all there is in it. The committee have no more interest in it than anybody else. The committee have been as anxious to secure to the Indian his protection as anybody can be. We put in here a provision that service shall be made upon the Commissioner, that he might know. We put in here ex industria a provision that it was his business to look after the interests of the Indian and see that proper defense was made. Having provided that this defense is not to made by the Indians, but to be made by the United States, at the expense of the Indians, having put the United States in front of them, I think it is safe enough to say that they can have justice in the court, if there is any justice to be had in the courts at all. I struck out of the line the word "payment," which the Senator objected to, and I changed it, although I do not think it changed the meaning at all; for I intended it to mean that. I struck out the words "and no action shall be barred," and so forth, and changed it to meet the suggestion of some Senators. What we wanted to say (and there need be no misunderstanding) was that the Secretary of the Interior has made an adjudication that is unsatisfactory. We are going to let the court take it upon justice and equity and see whether it is rightfully made or not; and that is all there is of it.

Mr. President, in these last hours of the session, I do not propose to spend any further time over this matter. If it does not go to the court, it will come back here again to plague us at the next session. If it goes to the court, the court will settle it in some way, and that will be the end of it.

Mr. PALMER. It is true that this amendment provides that "service of notice of suit upon the Commissioner of Indian Affairs shall be sufficient service upon said Indians, and it shall be his duty to see that the rights of the Indians are protected;" but ordinarily an award, if accepted, would bind white people in any court, even though there be some defect in the authority of the arbitrator. If the award were accepted, it would bind in a court of law. In order, therefore, that the Commissioner of Indian Affairs shall be the better able to defend and protect the rights of the Indians, it is provided that—

No action shall be barred or right impaired by reason of any previous award, payment, or ruling made by the Secretary of the Interior.

That is found on page 72.

Mr. TELLER. The Senator is aware that that clause has been amended, is he not?

Mr. PALMER. I am not sure but that it has been amended.

Mr. TELLER. It has already been amended by striking out the words "action shall be barred," and, after the word "right," by inserting "of either party;" so that it will read: "and no right of either party shall shall be impaired by reason of any previous award;" and the word "payment" is stricken out.

Mr. PALMER. Still, Mr. President, the fact of payment would be a fact which would attend an award. If there was an award or ruling and the party accepted the result of that award or ruling, it would bind him in any court. Even the words "award and ruling" would be quite sufficient if it was proved in pais that the party had accepted or acted upon the award or ruling. In order to enable the Commissioner of Indian Affairs to protect the rights of these Indians, it is proposed to strike out that provision; in order that he may the better defend and protect the rights of the Indians, I propose the legal validation of his contract. The words "which can sue and be sued" would not control this matter of right; they would not validate the contract. It would give the Old Settler Indians a standing in the court, but the validation of the contract is something more than I suppose was intended. The truth about it is that if the Commissioner of Indian Affairs attempts to protect the rights of these Indians he is, to use a very common phrase, "hamstrung;" he is powerless; he can do nothing. The contract is validated; there is no bar permitted on account of a previous award, and two sections of the statutes that relate to contracts with Indians are suspended for the purposes of this case. Thus the Commissioner of Indian Affairs is stripped of all power to protect the rights of the Indians and the duty imposed upon the Commissioner of Indian Affairs in terms is a mere mockery; he is powerless; he can do nothing.

The PRESIDING OFFICER. The question arises upon the amendment proposed by the Senator from Utah [Mr. BROWN] to the amendment of the committee. The yeas and nays have been ordered upon the amendment to the amendment.

Mr. TELLER. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It is proposed to amend the committee amendment by striking out, after the word "issue," in line 5, on page 72, the words:

And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], and withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the Senator from Montana [Mr. MANTLE]. In his absence, I withhold my vote. I should vote "yea" if he were present.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. In his absence, I withhold my vote. I should vote "yea" if he were present.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLANCHARD. I desire to state that I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. VILAS. If there is no quorum present, I shall vote, because under the arrangement with my pair I am at liberty to vote on questions like the one pending. I vote "yea."

Mr. McBRIDE. In order to make a quorum, I will vote. I vote "nay."

Mr. CULLOM (after having voted in the negative). I am paired with the Senator from Delaware [Mr. GRAY], but as I think he would vote as I do, I will let my vote stand.

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Bate,	Daniel,	Mills,	Tillman,
Brown,	Hawley,	Morgan,	Vest,
Burrows,	Hill,	Palmer,	Vilas,
Caffery,	Hoar,	Peffer,	White.
Chandler,	Lindsay,	Pugh,	
Chilton,	Lodge,	Quay,	

NAYS—26.

Aldrich,	Cannon,	McBride,	Teller,
Allen,	Cullom,	McMillan,	Thurston,
Bacon,	Davis,	Nelson,	Turpie,
Berry,	Dubois,	Pettigrew,	Voorhees,
Brice,	Frye,	Platt,	Wetmore.
Butler,	Hansbrough,	Shoup,	
Call,	Jones, Ark.	Stewart,	

NOT VOTING—42.

Allison,	Gear,	Kyle,	Roach,
Baker,	George,	Mantle,	Sewell,
Blackburn,	Gibson,	Martin,	Sherman,
Blanchard,	Gordon,	Mitchell, Oreg.	Smith,
Cameron,	Gorman,	Mitchell, Wis.	Squire,
Carter,	Gray,	Morrill,	Walthall,
Clark,	Hale,	Murphy,	Warren,
Cockrell,	Harris,	Pasco,	Wilson,
Elkins,	Irby,	Perkins,	Wolcott.
Faulkner,	Jones, Nev.	Pritchard,	
Gallinger,	Kenney,	Proctor,	

So the amendment to the amendment was rejected.

Mr. BROWN. I move to amend the amendment, in line 8, page 72, by adding after the words "Secretary of the Interior" the words:

Unless such award has been paid to and accepted by the claimant.

I move this amendment because it was said here by the friends of the change that if it had been paid to and accepted by them of course that would be another question. I suggest that, if it has been paid to and accepted by a claimant, it ought to be a reason which the Indian may urge in a court of justice.

Mr. PETTIGREW. There seems to be great misapprehension with regard to the claim of these attorneys exhibited, especially by the remarks of the Senator from New Hampshire [Mr. CHANDLER], who I supposed had become educated on this subject last year. We then discussed the merits of this case for days, and the Senate decided to distribute this money among the attorneys. Now we come in here with a provision to send it to the Court of Claims and allow the Indians to come in, if they have any claim, and have it adjudicated, and that is not satisfactory.

The facts are that twenty-five years ago these Old Settler Cherokees made a contract with one of their own number, Joel M. Bryan, to come to Washington and try to collect certain money which they claimed was due them. They set apart 35 per cent of the fund to pay expenses and authorized him to employ other

attorneys to assist him in securing it. He spent twenty years here. He advanced his own money, sold his farm, his home, and his mill, gave his entire attention, made more than a hundred trips back and forth in procuring testimony, and finally succeeded in securing a claim of about $800,000. In the meantime, on account of the hardships which he had suffered, the large sums of money which he had expended, the dissipation of his entire fortune, they made a new contract with him and provided that if there was anything left of the 35 per cent after paying the expenses of the attorneys it should go to Joel M. Bryan, their attorney and commissioner.

They made a contract hedged about by all the provisions of law; made a contract which was approved by the Interior Department. It was never questioned until about two years ago. Then, encouraged by the speeches and conduct of certain Senators who are always so solicitous about the poor Indian, the council of the Cherokee Nation got together and undertook to repudiate the contract with Joel M. Bryan. That contract is still in force. The Indians have no interest in this controversy, absolutely no interest whatever. If those attorneys are defeated whose contracts are included in this provision, Joel M. Bryan gets every dollar which is left, and not a penny will go to the Indians under any circumstances, unless the Court of Claims, taking everything into consideration, decides that a portion shall go to the Indians.

I contend, Mr. President, that the Indians have no right here, no claim here whatever; that whatever there is that does not go to other claimants goes to Joel M. Bryan, and that, as the matter stands to-day as adjudicated by the Secretary of the Interior, this whole amount belongs to Joel M. Bryan. Last year we divided it among the attorneys, giving Joel M. Bryan a portion of it; but Bryan consented to that division. He was 86 years old, and the ten or fifteen thousand dollars that he was to receive was sufficient, he believed, to support him the remainder of his life. Rather than be subject to a constant pursuit of this matter, he concluded to take a settlement and drop the controversy, and the Senate by a large majority decided that way. Now we are trying to dispose of it again, and the same opposition is presented, and the day is spent in talk.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. Yes, sir.

Mr. LODGE. What became of it last year?

Mr. PETTIGREW. The other House refused to agree to the Senate amendment in conference. It was finally agreed to drop it out. The House of Representatives, however, offered to send the matter to the Court of Claims, and I believe the Senate voted not to send it to the Court of Claims. That proposition had been presented. Now the committee propose to send it to the Court of Claims, and the same Senators who objected last year object again. They talk about the interest of the poor Indian. The people who would get this money if it were undertaken to pay it to the tribe are white men from the Indian Territory, unscrupulous men, men who have lived off the Indians and have become rich plundering the so-called Indians of that country for securing legislation here. They are, after all, the poor Indians for whom New England pleads.

I have sometimes wondered why there was such a vast amount of anxiety from New England about the poor Indians; but it is easy to understand. It is in atonement for the past, for the wrongs of their ancestors; for I think it is well understood that after having made a saint of Miles Standish for murdering Indians in cold blood, those they did not sell into slavery they put on an island in Boston Harbor and starved to death.

Mr. PALMER. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. I yield for that purpose.

Mr. PALMER. I ask the Senator why he proposes this amendment, which provides that if those parties have accepted payment in full, substantially that there shall not be a bar to any further claim?

Mr. PETTIGREW. I will answer the Senator. Joel M. Bryan, as the facts show, had returned to him simply the money he had paid out. He took it, but he did not relinquish any part of the equity and justice of his claim. He only received the money he had actually expended in prosecuting this case, and received no salary, no fees for the twenty years of time which he has spent here. I do not think that an amendment should be placed in this bill to refuse him any further relief when every dollar of this money that does not go to these attorneys goes, under contract, to the Indians.

Mr. WHITE. Will the Senator from South Dakota permit me to ask him a question?

Mr. PETTIGREW. Yes, sir.

Mr. WHITE. As I understand, this bill makes no provision for the payment of money back into the hands of the Secretary of the Interior in cases where a virtual recision is sought here. Here the party to whom the Senator refers accepted the money; but the Senator says it was not enough, non constat, that the Court of Claims should award that much. Now, does the Senator claim that the party has a right to retain that money which he has received from a tribunal which he claims treated him unjustly and resubmit his case to another tribunal, and, in case of a judgment for a less amount than that rendered by the other tribunal, he will stand upon the judgment of the first?

Mr. HOAR. I submit that a clear answer to that is to say, as the Senator from South Dakota says, that Indians were starved to death in Boston Harbor two hundred and fifty years ago.

Mr. WHITE. That answer does appear conclusive.

Mr. PETTIGREW. Mr. President, so far as I am concerned, I have no objection to an amendment on the part of the Senator from California covering the question which he asks. I presume that some of these people are satisfied. I understand that there were favorites in the distribution made by the Interior Department; that the full limit of all that was called for under the contract was awarded to some of these people, while to one man whom I have in mind there was paid but $8,000, although he had spent nearly twelve years prosecuting this case, and the payment he received was less than a fifth of the amount to which he was entitled under his contract. I think he is entitled to relief, and I do not believe he should be barred by the arbitrary conduct of the Interior Department, made, perhaps, by an employee, without the careful scrutiny and consideration of the Secretary of the Interior himself.

Of course, Mr. President, I presume the answer of the Senator from Massachusetts [Mr. HOAR] made to the Senator from California [Mr. WHITE] with regard to the starving by the Puritans of the Indians of that State, was one which satisfied him, but in that connection it is no more than fair to say that the blackest page in the history of the Anglo-Saxon race is the treatment of the Indians of Massachusetts by the early settlers of that colony. There is no chapter of slave hunting in Africa so black as that chapter in the history of Massachusetts.

Mr. HOAR. Will the Senator allow me to make one observation?

Mr. PETTIGREW. Certainly.

Mr. HOAR. I do not attribute to the Senator any intentional purpose to misrepresent, but he has been deceived by some rumor without an investigation of his own. Rumor lied.

Mr. PETTIGREW. Well, we might go into that question, Mr. President. I do not know whether these are good authorities or not upon this question, but here is an extract from American Pioneers and Patriots, by J. & C. Abbott; also from "Miles Standish," by Allen, and Appleton's Bibliography:

MILES STANDISH AND HIS PROMPT TREATMENT OF THE INDIANS.

In 1623, word having been brought to Standish that certain Indians were plotting mischief and death to a small settlement of whites near Plymouth, he set out to that place with eight men. When he got there he enticed two of the chief Indian malcontents into a small room, together with a young Indian half brother of one of these chiefs. He was accompanied by two of his own people, and at a sign the door was suddenly closed. Standish threw himself on one of the chiefs, Pecksnot; one of his men jumped into the other, Wituwamet, and the third white man held the Indian youth.

Standish killed his man at once by thrusting the Indian's own knife into its owner's bosom. The other Indian was treated similarly by the white soldier, who followed the example of Standish, while the young Indian was not killed at once; he was reserved for a hanging which took place soon after.

Standish then cut off Wituwamet's head and took it back to Plymouth, where it was stuck up on the stockade as a warning to all Indians afterwards.

It is said that Standish said, when reproached for this act and when he was very much inflamed by the criticism which certain ministers of the gospel had visited on him for so doing, that "the only good Indian is a dead Indian."

Mr. President, I had supposed that phrase came from the far West, but, after all, we are forced to look to New England, and to ancient England at that, for the phrase that "the only good Indian is a dead Indian."

The reverend and pious John Robinson, who was one of the ministers who rather tried to defend Standish at the time, declared that his clerical brethren ought to bear in mind the "exceedingly warm temper of their captain:" that on the whole the chief regret that he, as a clergyman, felt, was that Standish had not given those Indians time in which to be converted before killing them.

This was the first Indian blood shed by the Pilgrims.

Not only that, Mr. President, but the general laws of Massachusetts Colony of 1660 contained this provision:

And it is ordered that no Indian shall at any time pow wow, or perform outward worship to their false gods, or to the devil, in any part of our jurisdiction, whether they shall be such as shall dwell there, or shall come hither, and if any shall transgress this law the powwower shall pay £5.

* * * Every town shall have power to restrain all Indians that shall come into their towns from profaning the Lord's day.

And it is also further ordered, that whatsoever Indians shall hereafter be taken Drunk, shall pay the sum of ten shillings or else be whipt, by laying on ten stripes, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case: And in all towns where no Magistrate or Commissioners are, such cases shall be judged by the Select men or major part of them.

That is to be found on page 78 of the Colonial Laws of Massachusetts. The Colonial Laws of Massachusetts also contained this provision:

At A Council, held in Boston, August the thirtieth, 1675.

Also whereas it is the manner of the heathen that are now in Hostility with us, contrary to the practice of the Civil Nations, to execute their bloody Insolences by stealth and sculking in small parties, declining all open decision of their controversie, either by Treaty or by the Sword—

It is not much a matter of surprise that the Indians should pursue this method of warfare after the introduction which they had

in European civilization by the treatment which Miles Standish had given their chiefs. No wonder that they skulked and crept upon those people who assassinated men in cold blood, and Massachusetts made a saint of Miles Standish—

The Council do therefore Order; That after the Publication of the provision aforesaid, It shall be lawful for any person whether English or Indian, that shall find any Indian traveling or sculking in any of our Towns or Woods, contrary to the limits above named, to command them under their Guard, and Examination, or to kill and destroy them as they best may or can.

In other words, they were to shoot Indians on sight, and although it was unlawful to fire a gun on Sunday, I expect that it was a sufficient defense that the gun was aimed at an Indian.

The council hereby declaring that it will be most acceptable to them that none be killed or wounded that are willing to surrender themselves into custody. (Page 223, Colonial Laws of Massachusetts.)

And also the following:

The court doth therefore order and declare:
Secondly. That there be a guard appointed at the end of the said town toward Roxbury, to hinder the coming in of any Indian, until application be first made to the governor, or council if sitting, and then to be admitted with a guard of two musketeers and to be remanded back with the same guard, not to be suffered to lodge in town, unless in prison: *Provided*, That if any Indian or Indians that shall be employed upon any public message or business shall come up to the said guard, they shall forthwith be conveyed to the governor or council, and be by him or them disposed of and secured during their necessary stay for the dispatch of their business, and then to be conveyed as above said. (Page 225, Colonial Laws of Massachusetts.)

But here, Mr. President, is the most interesting provision. On page 238 of the Colonial Laws of Massachusetts it was provided:

Whereas this court have for weighty reasons placed sundry Indians (that have subjected to our Government) upon some islands for their and our security:
It is ordered, That none of the said Indians shall presume to go off the said islands voluntarily upon pain of death, and it shall be lawful for the English to destroy those that they shall find straggling off from the said places of their confinement, unless taken off by order from authority and under the English guard.

In other words, if they should try to swim ashore in search of food, anyone, no matter who he was, was authorized to kill them on the spot.

And it is further ordered, That if any person or persons shall presume to take, steal, or carry away either man, woman, or child of the said Indians off from any of the said islands where they are placed, without order from the general court or council, he or they shall be accounted breakers of the capital law printed and published against manstealing, and this order to be forthwith posted and published.

If anybody tried a rescue while the Indians were calmly and quietly and submissively starving to death on this island in Boston Harbor, he was guilty of a capital offense, and punished accordingly.

Mr. LODGE. I ask where the Senator finds the statement that the Indians were starving to death? They were undoubtedly prisoners in Boston Harbor, but where does he find the statement that they were starving to death?

Mr. PETTIGREW. They were undoubtedly placed there for the purpose of having them starve to death.

Mr. LODGE. That is merely your assertion; that is not history.

Mr. PETTIGREW. Well, Mr. President, here is some history that will, perhaps, justify the supposition.

Mr. CHANDLER. Will the Senator allow me a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. PETTIGREW. I will yield to the Senator from New Hampshire for a question.

Mr. CHANDLER. Will the Senator kindly tell us where he was born? [Laughter.]

Mr. PETTIGREW. I judge from the manner in which the Senator has asked the question that he himself has some idea of the answer. Therefore, it is unnecessary for me to inform him.

Mr. CHANDLER. I will inform the Senate shortly.

The PRESIDING OFFICER. The Senator from South Dakota declines to state where he was born. [Laughter.]

Mr. PETTIGREW. The remark of the Chair, of course, is one that is entirely voluntary and perhaps a little out of order.

The PRESIDING OFFICER. The Senator from South Dakota is entitled to the floor.

Mr. PETTIGREW. But as the present occupant of the chair is not to dwell with us long, we can endure almost anything.

The PRESIDING OFFICER. The Senate will endure the Senator from South Dakota.

Mr. PETTIGREW. In John S. C. Abbott's History of King Philip, I find the following:

In a battle at Dartmouth, in 1675, in which Captain Church, of Narragansett Bay, commanded the colonists, they took 160 Indians prisoners, who had been induced by promises of kind treatment to come in and surrender themselves. To the extreme indignation of Captain Church, all these people, in most dishonorable disregard of the pledges of the capitulation, were sold by the Plymouth authorities into slavery. This act was as impolitic as it was criminal. It can not be too sternly denounced. It effectually deterred others from confiding in the English.

It is remarkable that it deterred them from confiding in the English.

The historian gives this account of the scenes in a captured Indian palisade at South Kingston, in 1675:

The interior was a large Indian village, containing 500 houses, stored with an abundance of corn and crowded with women and children. An awful scene of carnage now ensued. Though the savages fought with the utmost fury, they could oppose no successful resistance to the disciplined courage of the English. Flying from wigwam to wigwam, men, women, and children were struck down without mercy. The exasperated colonists regarded the children as but young serpents of a venomous brood, and they were pitilessly knocked in the head. The women they shot as readily as they would the dam of the wolf or the bear.

Of the South Kingston affair, Rev. Mr. Ruggles wrote (and is quoted by the historian):

The burning of the wigwams, the shrieks and cries of the women and children, and the yells of the warriors exhibited a most horrible and affecting scene, so that it greatly moved some of the soldiers. They were in much doubt then, and often seriously inquired whether burning their enemies alive could be consistent with humanity and the benevolent principles of the gospel.

Abbott's history of King Philip, in commenting on the capture of Mrs. Rowlandson at the time of the massacre at Lancaster, in 1676, says:

When Mrs. Rowlandson was driven from the flames of her dwelling, a Narragansett Indian was the first to grasp her; he consequently claimed her as his property. Her children were caught by different savages, and thus became the slaves of their captors. The Indians, by the law of retaliation, were perfectly justified in making slaves of their captives. * * * The English made all their captives slaves, and women and children were sold to all the horrors of the West Indian plantation bondage.

The wife and son of King Philip were captured in battle at Bridgewater in 1677. The historian records this fact:

Philip had by some unknown means escaped. With grief and shame we record that his wife and son were sent to Bermuda and sold as slaves, and were never heard of more.

Princess Wetamoo, King Philip's brother's widow, was ambuscaded by the colonists in 1673. Of this affair the historian says:

The heroic queen, too proud to be captured, instantly threw off her clothing, seized a broken piece of wood, and plunged into the stream. Worn down by exhaustion and famine, her nerveless arm failed her and she sank beneath the waves. Her body was soon after found washed upon the shore. As faithful chroniclers, we must declare, though with a blush, that the English cut off her head and set it upon a pole in their streets, a trophy ghastly, bloody, revolting.

Mr. President, it is no wonder that with this introduction to the Anglo-Saxon race the American Indians have resisted the encroachment of the whites across the continent—their children captured, sold into slavery, killed, ambushed, assassinated without the least reluctance or remorse. It was the common practice of the people of New England in their dealings with the Indians to sell into slavery all those they took prisoners of war. They said the Indians made bad slaves; that they were willful and stubborn, and so they traded them in the West Indies for negroes. They traded them in Cuba and the other islands of the Caribbean Sea for molasses, and returning home with the molasses, made it into rum, and sent the rum to Africa to trade for slaves in order to stock their plantations. So I say that the blackest page, not alone in our history, but in the history of the world almost, is that of the treatment of the Indians by the people of Massachusetts and the conduct of the early inhabitants of those provinces.

Here is another extract:

In 1643 Emanuel Downing, the foremost lawyer in the colony and a leader of commanding influence as well as high connections, made a written argument in favor of a war with the Narragansetts. He did not pretend that any wrong had been done: but he had a pious dread that Massachusetts would be held responsible for the false religion of the Narragansetts. "I doubt," says he, "if it be not synne in us, having power in our hands, to suffer them to maynteyne the worship of the devil which their powwows often doe." "If," says he, "upon a just war, the Lord shall deliver them into our hand, wee might easily have men, women, and children enough to exchange for Moors (negroes), which will be more gaynefull pilladge for us than wee conceive; for I do not see how wee can thrive untill wee get in a stock of slaves sufficient to do all our business."

This is Downing's letter, in Moore, on page 10.

In a book written by Du Bois on the Suppression of the Slave Trade, I find the following:

Massachusetts, Rhode Island, and Connecticut were largely engaged in the slave trade, and New Hampshire to some extent. This trade declined very little till the Revolution. Newport was a mart for slaves offered for sale in the North and a point of reshipment for all slaves. It was principally this trade that raised Newport to her commercial importance in the eighteenth century. Connecticut, too, was an important slave trader, sending large numbers of horses and other commodities to the West Indies in exchange for slaves, and selling the slaves in other colonies. Owners of slaves carried slaves to South Carolina, and brought home naval stores for their shipbuilding; or to the West Indies, and brought home molasses. The molasses was made into the highly prized New England rum, which was shipped to Africa and traded for more slaves. * * * Massachusetts annually distilled 15,000 hogsheads of molasses into rum. * * * Although in earlier times the most reputable New England people took ventures in slave-trading voyages, yet there gradually arose a moral sentiment which tended to make the business somewhat disreputable. * * * It was not until 1787-88 that slave trading became an indictable offense in any New England State.

I thought this related to the sale of Indians, but I see that it relates simply to the slave trade generally. I did not intend to read it, and will read no further.

I had often wondered why we had heard so much from New England in regard to the wrongs of the Western Indians. The

Indian Rights Association are more active about the Indians who are most distant from them. This inquiry led me to look up the early history of the people of the colonies in their treatment of the Indians, and it revealed to me the reason why tradition, carried from one to the other, crossed the continent and made the Indians so jealous of the encroachments of the whites and so earnest that the contact should not be near or close. I am not surprised.

Neither do I object to the philanthropy of New England. I wish it would bear fruit sufficient in some measure to compensate for the wrongs of the past in their conduct toward these people.

Mr. HOAR. Mr. President, I have noticed that when anyone wants to cover up or defend anything that is thoroughly sneaky he tries to divert attention by mousing into the ancient history of New England, now nearly three hundred years old, and getting up a discussion on that.

Now, here is a question about which I have no knowledge, whether a certain trust fund belongs to some lawyers or to an Indian tribe, and whether certain transactions that have taken place in the past amount to an adjudication of that question. The Senator from South Dakota [Mr. PETTIGREW] has prepared himself very carefully by, I suspect, making more historical study than he ever made in all the rest of his life put together into the treatment by Miles Standish of certain Indians in the year 1623, now two hundred and seventy-four years ago. That is the only argument he has made on his side, so far as anybody has heard it.

Mr. President, undoubtedly there were at that day some cruel, unjust, and evil things done by the early settlers of New England, as brave, God-fearing, liberty-loving men as ever lived, who, by the common consent of all mankind, brought over the torch of liberty to this country. The transaction which the Senator dwells on chiefly, the seizing of these three Indians by Miles Standish, was as brave and righteous a deed as was ever done. The Pilgrims of Plymouth had treated the Indians with the most absolute kindness. They paid honestly for every foot of their land. They visited them in sickness and relieved them in hunger. They discovered that a widespread plot, extending all over that territory, stirred up by some foreign adventurers, had been forming among the Indians to destroy and cut off their entire colony, man, woman, and child. At one time Miles Standish's entire army was eight men. There were but a hundred persons in all who came over, and fifty of them died the first winter, and not a man of the entire colony went back in the *Mayflower* in the spring. They planted this seed of the tree of liberty under which the people of this country live and the people of the whole world are coming to live.

In 1623 I suppose there might have been 50 or 75 men fit to bear arms in the whole colony, of whom Miles Standish was the commander. The Indians had made an appointment to meet him and some delegates in council, and had plotted to seize him and all the men who were with him and put them to death. Standish, with the spirit of a true soldier, having a gift like that of Napoleon, or of the bravest general who ever lived, instead of remaining quiet at home, went to the place of appointment with these men, and when the leaders of the conspirators came in he put them to death, and hung one of them up by the side of the fort, and defied the Indians who were gathering there. If that act had not been done, or a half hour had gone by before it was done, the entire ancestry of more than a third of the population of this country that came from that little circle of a few towns would have perished. It was a great, brave, righteous deed.

The Senator talks about and quotes a law under which, during the bloody King Philip war, when white women were being slaughtered by the tomahawk and the knife, and dwellings were being burned at midnight, there was provision that if the Indian captives strayed off from the island they should be shot. There are men within the sound of my voice who have belonged, on both sides, to military forces who have applied that precise doctrine to prisoners of war in a contest between civilized States within the last thirty years.

Now, in regard to selling the captives into slavery, it was a cruel and an evil deed. I agree with the person who has spoken that it was a cruel and an evil deed. But it was the policy of all mankind in dealing with prisoners of war down to a period long after that time. It was the crime of the age. In the great Monmouth rebellion of 1685 or 1686, the prisoners, men of gentle blood, were brought here and sold in Virginia and in New England. There is a book, 3 or 4 inches thick, published by a man named Chapman, if I have got the name right, giving the pedigrees of American families, some of them of great distinction, who were brought over here, and a great many brought to the West Indies, as prisoners in Monmouth's rebellion. There were two or three prisoners of my own name and blood, two brothers, I think of my own direct ancestor of that generation, who were brought over among that number and sold as slaves.

In Daniel Defoe's interesting novel of Colonel Jack there is the story of a person who was taken prisoner and brought over here and sold as a slave in Virginia, and the scene of the story, as Defoe describes it in those days, is about 12 miles below the Great Falls of the Potomac. I presume that that slave, whose story Defoe tells so ingeniously, wandered over the very spot where we are sitting.

Now, this thing is not a justification; it is not an excuse for the people of New England. They did some bad things. They hung nineteen persons for witchcraft, and I wonder the Senator did not get that in. Perhaps he is keeping that for another speech, when the question shall come up some time whether we shall expend $50,000,000 or $60,000,000 for coast defenses, or something of that kind. I suppose then the subject of witchcraft will be apposite in the Senator's judgment. They did that. It was a wicked, cruel delusion. But all these things which they did were done in that day by all mankind. As late as the next century women and children were hung as witches in Scotland and in England. There were, I think, 18,000 in England and Scotland punished for the crime of witchcraft. There was one German magistrate, one single, local, petty magistrate, who, down nearly to 1730, had sentenced 520 persons to death as witches in Germany. That does not excuse our ancestors at all. But it shows that all mankind come from ancestors who, when they were coming up from the monkey, or the tiger, or the ape, got to a point where they were capable of delusions and guilty of cruelty. But what I have to claim for this great people of New England is that, first of all mankind, they saw the evil and folly and the wrong of these things.

Mr. President, there are many great and heroic actions in human history. But among the greatest and the most heroic actions in human history is that of Chief Justice Sewell, the Puritan judge, who rose in his place in the crowded congregation of the First Church in Boston and stood while the pastor read from the desk his confession of the wrong and the wickedness of that judgment. And I think almost the most touching manuscript in all history is the diary where Sewell has written with his own hand the story of that witchcraft trial, and written in the margin those Latin words of interjection and sorrow, "Vae, vae, vae!" Woe, woe, woe!

I do not respect, but I only pity the man who can find in that history nothing but the material for fouling the very nest in which he was born. I do not wonder, after the speech of the Senator from South Dakota, that he declined to expose himself by answering the query of the Senator from New Hampshire where he was born. I am glad that he did not tell, and I am sure that Vermont will never tell.

Mr. ALLISON. Mr. President, it is nearly the hour when I think we shall be obliged to adjourn. If the Senator from South Dakota will allow me to interrupt this proceeding long enough to make a suggestion respecting the bill, I shall be glad to do so.

I ask unanimous consent that the debate on the bill, until it is completed, may be limited to ten minutes for each Senator.

Mr. STEWART and others. Put it at five minutes.

Mr. ALLISON. Very well; I will say five minutes, if Senators think that will be time enough. I also ask unanimous consent that the votes may be taken upon the bill and all amendments beginning at 1 o'clock to-morrow. It is absolutely necessary, if we are to close the business of the session with the appropriation bills passed, that these bills shall be considered with more rapidity than they have been hitherto. So I hope we may be able to finish this bill by or before 2 o'clock to-morrow.

Mr. CHANDLER. Before assenting to the request of the Senator from Iowa, which I concede to be a proper one, I am obliged to ask him kindly to state to the Senate what may be his expectation as to the other appropriation bills. Before the Senator answers the question, if he will allow me, I wish to say that there ought to be within a day or two an opportunity for the consideration of some bills that are upon the Calendar. There are House bills upon the Calendar, and there are some Senate bills which, if they were to pass the Senate, would pass the House of Representatives. I think before fixing so short a time for voting upon this bill of abominations the Senator ought to tell us when the other appropriation bills will be brought before the Senate, and what his expectation is as to the ability of the committee, supported by the Senate, to dispose of them.

Mr. ALLISON. I will state in response to the Senator from New Hampshire that it is the expectation of the Committee on Appropriations to bring forward immediately after the conclusion of the pending bill the bill making appropriations for the expenses of the District of Columbia, and after that bill is concluded to bring forward the Post-Office appropriation bill, then the sundry civil bill, then the fortifications, the naval, and the deficiency appropriation bills.

Mr. CHANDLER. Six bills?

Mr. ALLISON. Six bills; and allowing one day for each of them will reach to the 3d day of March.

Mr. WHITE. Mr. President——

Mr. ALLISON. If the Senator from California will allow me a moment further, I will say to Senators that it will be absolutely necessary after to-day for us not only to begin our sessions at 11 o'clock in the morning, but to sit also during the evenings at least

until 11 or 12 o'clock. Therefore I give notice now that to-morrow evening I shall ask the Senate to go on with the appropriation bills, and after the larger bills have been disposed of, I think we can say to the Senator from New Hampshire that there will be an opportunity for reaching bills on the Calendar that are likely to be finally disposed of at the present session.

Mr. CHANDLER. Will the Senator have any objection to allowing to-morrow evening to be devoted to the consideration of bills on the Calendar?

Mr. ALLISON. I must object to it absolutely. It will be necessary for us to deal with the appropriation bills first, if they are to be considered and disposed of at this session.

Mr. CHANDLER. Then I understand the Senator that the necessities of the case require the exclusion of substantially all other business until the appropriation bills are disposed of, and that we are to sit day and evening until they are disposed of.

Mr. ALLISON. Practically, that is the suggestion I wish to make.

Mr. CHANDLER. Would there be any objection to going on this evening?

Mr. ALLISON. The Senator from New Hampshire is, perhaps, aware of a special reason why it would be difficult for us to secure a quorum this evening.

Mr. CHANDLER. I now recall it.

Mr. ALLISON. A great many Senators have engagements for this evening they made some time ago, and which we can not very well interfere with.

Mr. CHANDLER. I withdraw the suggestion, Mr. President, and agree entirely with everything which the Senator from Iowa has said. However, I do insist that the Senate shall not only give the time necessary for the appropriation bills, either in the daytime or in the evening, but an additional time for the consideration of some general legislation.

Mr. ALLISON. I quite agree with the suggestion made by the Senator from New Hampshire as to occupying time enough to consider necessary bills that are likely to become laws at the present session, and that ought to become laws. I have no doubt there will be intervals when that can be done.

Now, Mr. President, I ask unanimous consent that the five-minute rule may be applied to the pending bill, and that we begin voting upon all amendments at 1 o'clock, and dispose of the bill without further debate.

Mr. BATE. I suggest to the Senator that so far as this bill is concerned——

Mr. NELSON. Will the Senator from Iowa allow me to make a statement? I would ask that aside from the time necessary for the appropriation bills the time be first of all given to the consideration of the bankruptcy bill and the pending amendments; that that bill, aside from appropriation bills, be given the right of way for consideration and voting.

Mr. DANIEL. I beg leave to unite cordially in the request that a period be given for the consideration of the bankruptcy bill. I have letters and petitions——

Mr. ALLISON. I unite cordially also, but I can not allow that measure to interfere with the appropriation bills.

Mr. BATE. If the Senator from Iowa will permit me, I was not in the Chamber when an agreement was proposed about the five-minute rule. Is that to apply to the particular case now under consideration?

Mr. ALLISON. That applies to the Indian appropriation bill, which has now been under debate for a good many days.

Mr. JONES of Arkansas. And the amendments.

Mr. BATE. And the amendments to the bill?

Mr. ALLISON. Yes; and all amendments.

Mr. CULLOM. To close at 1 o'clock.

Mr. BATE. I venture to say there is another amendment which we have not reached, which occupied more time at the last session than any other that was discussed. It might be that more than five minutes would be necessary for the speeches on that.

Mr. ALLISON. I have no doubt that the amendment to which the Senator alludes is one with which the Senate is quite familiar, but a great many arguments for and against can be made in five or ten minutes. I hope that that amendment will not interfere with the general agreement which I think is imperatively necessary in order to conclude our business.

Mr. STEWART. Will the Senator allow me to make a single suggestion?

Mr. ALLISON. Certainly.

Mr. STEWART. If there can be unanimous consent to consider an involuntary bankruptcy bill, it can be passed at almost any time in ten minutes, but if the other question is to be discussed, it can not be passed at all.

Mr. ALLISON. Very well. That is the reason why I hope there will be no complication as respects the particular business outside of appropriation bills that we shall consider.

Mr. VILAS. Mr. President, I should like to make one remark.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. VILAS. It is well known to the Senate that there is on each side of the Chamber an informal committee, known as "the steering committee," mainly governed by the Committee on Appropriations, which has laid out the work of this session and brought us into this predicament.

I should like further to remark also that yesterday was spent in discussing an amendment put on this appropriation bill utterly irrelevant to its nature, purely concerning an entirely different subject, and that to-day has been spent in resisting another amendment put on this appropriation bill by the Committee on Appropriations, and that to-morrow ought to be given up to resisting still another amendment which has not yet been discussed.

Mr. BATE. And that is perhaps the most important of all of them.

Mr. VILAS. Yes, perhaps the most important of all; and if the Committee on Appropriations wish to ask the unanimous consent of the Senate to suppress its duty in the consideration of amendments which are proposed, the Committee on Appropriations ought to withdraw the amendments with which it loads down these many appropriation bills.

Mr. CHANDLER. May I ask the Senator what is the amendment which he thinks needs discussion to-morrow?

Mr. VILAS. I think the amendment now pending has not been disposed of.

Mr. CHANDLER. No; but the amendment which the Senator speaks of discussing to-morrow.

Mr. VILAS. To-morrow there are amendments relating to the Five Civilized Tribes of very great consequence.

I am unwilling to be an objector to arrangements for expediting the business of the Senate, but I want it understood where the difficulty lies. It ought to be known that the Senate is ready and willing to meet all questions which are put upon it, and that it comes from the Committee on Appropriations itself that these long-protracted discussions are necessary in order to pass the appropriation bills, because amendments are brought in here which are not properly relevant and germane to bills making appropriations for the conduct of the Government, but measures of general legislation, which can not be passed through the Senate without some proper consideration by the Senate. This day has not been wasted. It has been necessarily and properly applied to a debate.

Mr. GALLINGER. If the Senator will permit me a single observation, which he will readily answer, is it not a fact that almost every moment of time of the debate upon this bill has been upon Senate amendments, and not five minutes of time upon the bill as it came from the other House?

Mr. VILAS. It has been almost entirely upon amendments proposed by the Committee on Appropriations.

Mr. ALLISON. I do not accuse or excuse, nor do I say the time has been wasted by the Committee on Appropriations or by others. I only state now, leaving such criticism as may be made by the Senator from Wisconsin and others with respect to the Committee on Appropriations, passing that by for the moment, that whatever may have been done in the past, either by that committee or the Senate or anybody else connected with it, we have reached a point in the discussion of these questions when it is necessary for all of us, whether we are for or against a particular amendment, or believe or do not believe in a particular committee, to hasten the business by making as rapid progress as we can.

Mr. VILAS. Mr. President, can not the Committee on Appropriations relieve the situation by withdrawing their proposals for amendments of the character which we have been discussing during this day and which we are to discuss to-morrow, if they are to be insisted upon? If the Appropriations Committee will withdraw those extraordinary amendments to this bill, we can dispose of the bill in five minutes, probably.

Mr. HOAR. They have not any parliamentary power to do that. I hope the Senator will let this unanimous consent be given, because otherwise we are going to be in great confusion. The Committee on Appropriations have no parliamentary right to withdraw an amendment.

Mr. VILAS. But must we under all circumstances consent to the disposition of such an amendment as is to come before us to-morrow after this one is disposed of, and let it be rushed through on a five-minute debate, trampling down all the rules of the Senate and all the obligations of the Government? Yes; as the Senator from Kentucky [Mr. LINDSAY] suggests, violating the contracts which have been made with these Five Civilized Tribes. The most important amendment of all comes up to-morrow.

Now, I hope—I do not wish to disagree with this proposal or with any proposal which will expedite business—but I hope the proposal will be made with reference to the exigence upon the Senate, and that if this bill is to be insisted upon, and all its various amendments to be pressed, at least time enough will be given to-morrow to deal with the subject as it may deserve. I am willing to agree to what other Senators desire. I am not going to be singular in my objection; but if I am to be placed under duress by the condition of the public business, let us understand what the nature of that duress is and how it comes to reach that pass.

Mr. ALLISON. As to the particular amendment which the Senator from Wisconsin thinks should be discussed by and large, I certainly agree with him, and I shall be glad to have it so discussed. It seems to be an amendment in the nature of legislation, and if so, it is in violation of our rules. I take it that a point of order would lie against it. We were pressed as a Committee on Appropriations to insert those provisions—I do not wish to go into a discussion of them now—because there was such an emergency respecting the situation in the Indian Territory that some action was necessary.

Mr. BERRY. Give an additional hour or so on that amendment.

Mr. VEST. Do I understand the chairman of the Committee on Appropriations to admit now that the amendment in regard to the Five Civilized Tribes violates the rules of the Senate?

Mr. ALLISON. I do not admit that. I say it is a question whether it does or not.

Mr. VEST. I deny it absolutely, and I stand here ready to meet the Senator from Wisconsin [Mr. VILAS] or any other Senator upon that issue.

Mr. ALLISON. Very well. I regard that amendment as an emergency amendment, put on the bill because it was an emergency amendment. Otherwise it would not appear here.

I will say to the Senator from Wisconsin, if that amendment is considered to be of special importance, as respects its discussion I should be willing for one to allow an hour or an hour and a half for debate upon it, in order that the reasons for the amendment and those against it may be unfolded to the Senate. But that we shall spend to-morrow upon that amendment, important as it is, and involving as much as it does, to the exclusion of other considerations and other business, will be fatal to the business of the Senate. That is all I have to say. I merely wish for myself to note the situation of the public business, and it is for the Senate, not for me, to say what ought to be done.

Mr. STEWART. I would suggest to the Senator from Iowa to renew his request that the debate on all other amendments shall be limited to five minutes, and that at 1 o'clock that amendment shall be taken up, and we shall have an hour on it, the voting to commence at 2 o'clock.

Mr. ALLISON. Mr. President——

Mr. CHANDLER. If the Senator will allow me, I shall object to any arrangement being made to-night for voting upon this bill, or any part of it. I think if the Senator from Iowa, or the Senator in charge of the bill will take it up as soon after 11 o'clock to-morrow as he possibly can, and will not allow an hour or so to be taken up by the passage of special bills which Senators may desire to get up, and will exclude other business, after the debate has progressed upon the bill a little way, with a full attendance of Senators here, then I should be willing to assent to the agreement; but in justice to the Senators who are not here now, it seems to me it is best not to make an agreement at this time.

Mr. DANIEL. Will the Senator allow me to make a suggestion?

Mr. CHANDLER. Yes, sir.

Mr. DANIEL. There is a very important resolution reported this morning unanimously by the Committee on Foreign Relations, in reference to the imprisonment of an American citizen, which, it seems to me, ought to have the right of way over everything else, and that may take a little time to-morrow morning.

Mr. CHANDLER. It is for the very reason that I want to know what the policy of the Committee on Appropriations is to be to-morrow morning that I should not be willing to agree to vote at 1 o'clock to-morrow.

Mr. DANIEL. The resolution to which I refer is most important, and I should not be willing to yield that to anything else.

Mr. ALLISON. I give notice, if necessary, that after the routine business has been completed to-morrow morning it will be the purpose of the Committee on Appropriations, and I have no doubt my colleague on the committee in charge of this bill will move to proceed to its consideration—and inasmuch as there is objection made, and it is not probable that any resolution can be agreed upon to-night, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. CARTER. I ask the Senator from Iowa to yield to me, that I may make a report.

Mr. ALLISON. I yield for that purpose.

Mr. BACON. If the Senator from Montana will allow me, I wish to ask the Senator from Iowa to permit me to ask him, in order that we may know how to govern ourselves for to-morrow, whether he proposes that the Senate shall sit continuously to-morrow?

Mr. ALLISON. I do.

Mr. BACON. Does the Senator desire to have a recess and an evening session, or does he intend a continuous session?

Mr. ALLISON. A continuous session, I think, will be most convenient to Senators until 10 or 11 o'clock.

Mr. BACON. I only asked the question in order that we may know how to make our arrangements before we come to the Chamber to-morrow.

RESERVOIR SITES.

Mr. CARTER. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved, to report it favorably without amendment. I ask unanimous consent for its present consideration. It is a small bill, and I think will excite no discussion.

Mr. ALLISON. That is an important bill, and I renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent for the consideration of the bill named by him.

Mr. ALLISON. I will yield to hear the bill read.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CHANDLER. Has the bill been reported from a committee?

Mr. CARTER. It is reported from the Committee on Public Lands.

Mr. STEWART. I should like to know what that bill is, as it makes large reservations.

Mr. CARTER. It does not make any reservations. It allows the reservoir sites to be utilized by the States and citizens. It makes no reservations of any reservoir sites whatever. It merely allows reservoir sites to be set apart to be utilized by citizens of the States.

Mr. STEWART. There are some bills on that subject which are very sweeping.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 2729) granting a pension to Emma Weir Casey;

A bill (S. 2877) granting a pension to Hiram Santas;

A bill (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River;

A bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama;

A bill (H. R. 1515) for the relief of Hugh McLaughlin;

A bill (H. R. 4424) to correct the military record of George L. Spangler.

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

A joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held in Buffalo; and

A joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

Mr. ALLISON. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 25, 1897, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 24, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I call up the conference report on Senate bill 1832.

The SPEAKER. The Clerk will read the conference report.

Mr. BABCOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BABCOCK. I rise for the purpose of raising the question of consideration on this conference report. I would like to make a brief statement.

The SPEAKER. The statement can be made only by unanimous consent.

Mr. BABCOCK. The conference report is privileged and can be called up at any time. I raise the question of consideration.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. BABCOCK. I ask for a division.

The House divided; and there were—ayes 56, noes 42; so the House determined to consider the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to" where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the word "not" in line 31 of the bill, and in place of the language stricken out by said amendment insert the words:

"Except all debts, demands, and liabilities which were due or owing by the old company, which were contracted, accrued, or were incurred, or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road, and its branches so purchased, and all liabilities incurred by said old company in the transportation of freight and passengers thereon, including damages for injuries to employees or other persons, and to property, and which debts, demands, and liabilities have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding, or since the appointment of any such receiver; but such liabilities shall not include any liabilities to other railroad companies except for tickets and freight balances."

Strike out the words "legally chargeable against said old corporation," in the amendment of House numbered 2; and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of lands shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also after the word "of," in line 12 of said amendment, insert the word "any."

Also strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 1832, entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company."

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2, with respect to the liability of the purchasers for the unsecured debts of the old company, is enlarged to cover the instructions of the House to the conferees on January 29, 1897 (CONGRESSIONAL RECORD, page 1378), and is in accord therewith.

The insertion in detail of all such debts, demands, and liabilities under such instructions renders ungrammatical and unnecessary the words "legally chargeable against said old corporation," and for this reason only they are stricken out.

The amendments of the House numbered 3, 4, and 5 are accepted by the Senate conferees.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the Senate conferees insisted that such liability should be applied to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard, as illustrated by the general railroad land-grant forfeiture act of September 29, 1890, section 3 (26 Stat. L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7 is accepted by the Senate conferees.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

Mr. POWERS. Mr. Speaker, this was a Senate bill which came over to the House, and on consideration in the House seven different amendments were proposed and adopted. To some of those amendments the committee having the bill in charge had grave and serious objections at the time they were proposed. One of them related to the land grant made to this company some years ago, the question of the validity of which was pending in the Supreme Court of the United States at the time this bill was under consideration in the House. It was thought by the committee that it was untimely and unwise for Congress to legislate upon a subject that was then pending in the courts, but the House deemed it otherwise, and insisted upon the adoption of the amendment which was proposed by my friend from Illinois [Mr. COOKE]. Since the consideration of this bill in the House and the adoption of that amendment, the Supreme Court has decided the case that was then pending, by which decision it is held that the forfeiture of these lands, as declared by Congress, was valid. Therefore it would seem that there would be no further necessity for this amendment in the bill, but when we came to examine the facts in the case in the Supreme Court it turned out to be a suit in favor of an individual, so that a judgment rendered in that case would not necessarily be an estoppel in other cases that might be pending. Accordingly, your committee have seen fit to recommend the retention of this amendment in the bill, so as to preclude the possibility of any further trouble on that score, and I assume that that will make the bill satisfactory to the gentleman who proposed the amendment.

Another amendment to which we had serious objection was the one numbered seven, which was proposed by the gentleman from Iowa [Mr. LACEY], which required this new company, on the request of any State through which its line might run, to take out a State charter. Our friends upon the other side of the House seemed to have a notion that the General Government, in cases of this kind at least, had no power to grant charters. I thought differently. The committee thought differently. But, however that may be, in order to insure the passage of the bill and meet the objection of gentlemen founded upon that view, the amendment is retained, so I take it that gentlemen who have opposed the bill for that reason will have no further ground of complaint. Some other objectionable features were inserted in the bill which were objectionable to all of the House conferees, for I think I am authorized to say that none of us concurred in the wisdom of those amendments, but the House imposed upon us positive instructions and we could not do otherwise in the conference than carry out those instructions both in their spirit and in their letter. The gentleman from Arkansas [Mr. TERRY] proposed an amendment which has been adopted by the conference committee, and I understand that it meets with acceptance, so that I do not know of a reason why any gentleman can have the slightest objection to the amended bill. And now, unless some gentleman desires to be heard, I will ask for the previous question.

Mr. McRAE. I ask the gentleman to yield to me for a few moments.

Mr. POWERS. Certainly.

Mr. McRAE. I think it is the amendment numbered 6 that you agreed to, with an amendment in the nature of a proviso.

Mr. POWERS. The gentleman is correct.

Mr. McRAE. I want to ask the gentleman if he does not think that the words "not forfeited by the act of July 6, 1886," should be inserted between the words "lands" and "shall," where it refers to uncompleted contracts for the purchase of lands? It seems to me, Mr. Speaker, that this amendment proposed by the conference committee may be construed to have the effect of nullifying what is sought by the House amendment to the bill, and what has been emphatically declared by the Supreme Court of the United States in the case of the Atlantic and Pacific Railroad Company against Robert Mingus, the opinion in which was delivered a week ago last Monday. Our contention for ten years has been, and it is now supported by the decision of the Supreme Court, that the act of July 6, 1886, restored to the public domain all lands opposite the line of the road where it was not constructed at that time, and that being true, the settlers who are on any of these forfeited lands or those who may desire to enter under the public-land laws should take them free from any obligation they may have entered into with the railroad company; and it appears to me that if we do not affirmatively restrict these uncompleted contracts by proper language to lands earned prior to July 6, 1886, we may compel those settlers who been compelled to purchase their peace from the railroad company to comply with their contract as to future payments before they can get title. In other words, do we not legalize contracts of sale made by the railroad company for lands forfeited by the act of July 6, 1886, and which it has no title to?

Mr. COOKE of Illinois. Will the gentleman yield to me for a moment?

Mr. McRAE. Certainly.

Mr. COOKE of Illinois. The gentleman will perhaps remember the language of the amendment that I offered, which required this corporation to positively relinquish and quitclaim by deed, to be filed with the Secretary of the Treasury, all such lands as had not been earned by building the road up to the date of the

forfeiture act of July 6, 1886. Now, that is a condition precedent to their reorganization under this charter, and does it not cover all such minor questions as the one raised by the gentleman from Arkansas?

Mr. McRAE. I understand the amendment of the House fully. The same provision, substantially, was in the substitute that I proposed for this bill when it was first presented. To that amendment, with the condition which you and I have insisted from the start should be inserted in this bill, the conferees have attached a proviso that so far as the existing contracts for lands which have been sold are concerned, the settlers may be required to pay the railroad company the balance due it and then the company to make a deed. So that, while we pretend to the settlers that we are making this condition, we are, so far as concerns contracts which have been made, doing no such thing, but, on the contrary, ratifying the illegal contracts.

Mr. COOKE of Illinois. I ask the gentleman whether that could by any possibility apply to the unearned lands after they have been reconveyed and quitclaimed to the United States? Such reconveyance must now be made before this new charter becomes operative.

Mr. McRAE. If it is not intended by the conferees to apply to the forfeited lands, I suggest that they should withdraw this report and insert the words "not forfeited by the act of July 6, 1886." With those words added, no question could arise as to what we mean. If there is no purpose to let this new provision apply to unearned lands, then let us declare clearly upon the face of this act our intention.

Mr. COOKE of Illinois. I had not conceived it possible that if this amendment No. 5 were inserted in the charter there could be any possibility of any claim being made to them by the corporation after they had relinquished by deed all their right, title, and interest in and to the unearned lands. I had not supposed it possible under such circumstances that the railroad company could get the benefit of any such lands after it had conveyed its entire interest in them to the United States.

Mr. McRAE. That would be true if the condition stood without the additional language embraced in the proviso which the conferees have inserted, and it may be with it, but that is not certain. If the conferees do not mean by this proviso to nullify the effect of the condition imposed by the House by a strong vote, then it is due to themselves and the House that they should ask to withdraw the report, so as to insert the language I have suggested. With that language added there can be no question as to the effect of the act. We can not be too careful in dealing with this corporation.

Mr. COOKE of Illinois. But, as I take it, all parts of an act must be construed, if it can be done, so as to be consistent.

Mr. McRAE. But lawmakers, when adopting legislation, should see to it, as far as possible, that they incorporate in the laws no inconsistent provisions to be construed by the courts. That is our duty. The subsequent duty of construing and reconciling inconsistent provisions belongs to the court, and in this way they make a great many of our laws mean what we did not intend.

Mr. COOKE of Illinois. I have not supposed that there was any such loophole as that whatever. I can not conceive of any such question arising as the matter now stands.

Mr. McRAE. I ask the Clerk to read the concluding language of the decision to which I have referred, so that the House may understand that the very contention which has been made by those of us who have sought to have this condition inserted in this bill has been emphatically and without reserve or qualification sustained by the Supreme Court.

The Clerk read as follows:

Upon the whole it does not seem to us that Congress exceeded its powers in forfeiting this grant. The plaintiff company seems to have undertaken its great enterprise in building a transcontinental railroad without adequate appreciation of the difficulties to be surmounted, which finally caused a total suspension of its work; and when, in 1880, after the panic of 1873 had spent its force, it resumed operations, the time had already expired for the completion of the road, and it was only by the inaction or indulgence of Congress that it was permitted to proceed. So far as the road was built and accepted by the Government after that time, it was probably entitled to receive its appropriate land grant, but this was rather a matter of favor than of strict right. During this long period, from 1871 to 1880, it should, under its charter, have constructed at least 50 miles per year, and should have completed the whole road by July 1, 1878. But it did nothing. After this long inaction of nine years and its practical abandonment of the work, the company was not in a position to demand of the Government a strict and literal performance of its obligations when it had so completely failed to meet its own. While the reservation of some of these lands for the benefit of the Indian tribes might not have been consistent with its obligations to extinguish Indian titles, if the company had been prosecuting its work according to its contract, we do not think that it is entitled to complain that the Government did not deal with it precisely as if it lived up to its undertaking.

The judgment of the court below must therefore be affirmed.

Mr. McRAE. Now, Mr. Speaker, I hope the conferees will consent to withdraw this report and incorporate in the bill the amendment which I have suggested. If that be not assented to, then I hope the House will reject the report, and then I shall ask that the conferees be instructed to insert, after the word "lands" and before the word "shall," in the amendment which they propose to the sixth amendment of the House, the words "not forfeited by the act of July 6, 1886;" so that the settlers and purchasers who have contracts with the railroad company for forfeited lands which, under the decision of the Supreme Court, the company had no right to sell will be freed from any such contract, instead of being required to pay the railroad company the contract price before they can get their title to public lands.

Mr. POWERS. Mr. Speaker, it is quite apparent that the objection of my friend from Arkansas [Mr. McRAE] is purely technical. The amendment which was proposed by the gentleman from Illinois requiring this railroad company, as a condition precedent to the right to reorganize, to convey back their entire title to the lands that were granted to them under the act of 1866 takes away from the company all title whatever in these unearned land grants.

Now, the object of the proviso which was put in here by the committee of conference was to cover the salvo that was left in the forfeiture act itself, which provided that it should not be operative to dispossess settlers who had made their purchases in good faith, but that such settlers should have the right to go on and perfect their titles. The proviso which the committee has inserted simply enables those purchasers to pay the balance of their unpaid purchase money to the company and take the lands. What more could be asked? The gentleman's proposed amendment is wholly unnecessary. The whole ground is covered by the legislation proposed in this bill.

Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The question being taken on agreeing to the report of the committee of conference, it was agreed to; there being on a division (called for by Mr. McRAE)—ayes 100, noes 24.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. I ask for the regular order.

The SPEAKER. The Committee on Accounts has a matter to present.

PAY OF HOUSE EMPLOYEES.

Mr. TRACEY, from the Committee on Accounts, submitted a report; which was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, beg leave to report as follows:

Resolution No. 544, to pay William Richardson $178.27, being the difference between his salary as folder, at $840 per annum, and that of acting assistant foreman in the folding room, at $1,200 per annum, from September 4, 1896, to March 4, 1897, is disapproved.

Resolution No. 522, authorizing the Clerk of the House to pay Frank E. Wanser and John W. Herndon $300 each, for extra services rendered during the summer of 1896, is disapproved.

Resolution No. 453, directing the Clerk of the House to pay W. H. Grimshaw for services performed as messenger to the Committee on Ways and Means from June 12, 1896, at the rate of $60 per month, is disapproved.

Resolution No. 434, directing the Clerk of the House to pay to J. E. Winter for services performed as a folder under the Doorkeeper of the House from the 11th of June to the 11th day of December, 1896, for services in Clerk's document room during the recess of Congress has been amended so that compensation shall date from the 11th day of July, instead of the 11th day of June, 1896, at the rate of $75 per month, and in that form is approved.

Resolution No. 443, directing the Clerk of the House to pay J. C. Hiatt for three months' services performed under the Clerk of the House in the Clerk's document room during the recess of Congress, at the rate of $75 per month, is approved.

The employment of Messrs. Winter and Hiatt was made necessary by the rapid accumulation of documents specially bound for members of Congress. No other provision had been made for it, and the services of these men were indispensable.

Resolution No. 548, for the preparation, printing, and binding of 500 copies of the Digest of Contested Election Cases in the Fifty-third and Fifty-fourth Congresses has been amended so as to read, "1,000 copies of the Digest of Contested Election Cases," instead of "500 copies;" and in that form is approved.

The committee, in conclusion, recommended the adoption of the resolutions accompanying the report.

The first resolution was read, as follows:

(434) *Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay to J. E. Winter the sum of $375, for services performed as a folder under the Doorkeeper of the House of Representatives from the 11th of July to the 11th day of December, 1896, both days inclusive, for services in Clerk's document room during the recess of Congress.

The SPEAKER. The question is on the first resolution.

Mr. DOCKERY. It is almost impossible to determine exactly the status of that report. Approvals and disapprovals are intermixed.

The SPEAKER. The resolutions in the cases where approval is given are presented to the House separately. The resolution that has just been read is what the House passes upon. That is approved by the committee, and they report the resolution, and the question is on agreeing to the resolution.

Mr. DOCKERY. But, Mr. Speaker, some other approvals were noted in the report.

The SPEAKER. Those will be acted upon in resolutions which will be submitted separately to the House.

The first resolution was agreed to.

The Clerk read the second resolution, as follows:

(443) *Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay J. C. Hiatt the sum of $225 for three months' services performed under the Clerk of the House between August 1, 1896, and December 1, 1896, in the Clerk's document room, during the recess of Congress.

The resolution was agreed to.

The Clerk read the next resolution, as follows:

(548) *Resolved*, That there be printed and bound for the use of the House 1,000 copies of the Digest of Contested-Election Cases in the Fifty-third and Fifty-fourth Congresses, together with an index of the same, to be prepared by Henry C. Morton and Charles D. Rooney, clerks to the Committees of Elections numbered 2 and 3, respectively, during the Fifty-fourth Congress, for which, and for the necessary preparation and superintendence thereof, there shall be paid said persons, by the Clerk of the House, out of the contingent fund, the sum of $2,500; said sum to be paid when the manuscript of the work shall have been delivered to the Public Printer.

Mr. DANIELS. Mr. Speaker, I desire to propose an amendment to this resolution.

The amendment was read, as follows:

In line 4, after the words "to be prepared by," insert "William A. Martin;" and in line 6, after the word "numbered," insert "one."

Mr. McMILLIN. How did this get before the House?

The SPEAKER. On a report from the Committee on Accounts.

Mr. TRACEY. I desire to say, Mr. Speaker, that inasmuch as that amendment simply includes the clerk of the other Committee on Elections, it is accepted by the committee.

Mr. DOCKERY. What effect does it have on the amount?

Mr. TRACEY. None at all. It does not change the amount.

Mr. McMILLIN. I will ask consent to have the resolution read again.

The SPEAKER. The Clerk will again read the resolution, if there be no objection.

The resolution and amendment were again read.

Mr. McMILLIN. I will ask for the reading of the report that accompanies this resolution.

The SPEAKER. The report has been read.

Mr. McMILLIN. It was read on the consideration of the former resolution.

The SPEAKER. It was read in full.

Mr. McMILLIN. The report was on all the matters embraced in the resolutions?

The SPEAKER. All the matters.

Mr. McMILLIN. We should like to have a statement with reference to the necessity for this printing and compilation.

Mr. TRACEY. I desire to say with reference to this matter that the committee made a somewhat exhaustive investigation of the precedents, and found that in prior Congresses the smallest amount that has been heretofore paid for the compilation and digesting and indexing of these cases was $1,000, when there were but six cases to file, index, and digest, and the conclusion of the committee, therefore, was that the amount was reasonable.

Mr. SHAFROTH. Are not these men now already getting $2,000 per annum apiece from the Government?

Mr. TRACEY. These clerks of the Elections Committees are named in the resolution because of their extreme familiarity with the cases, and their ability, therefore, to do the work better than it could be done by some other person.

Mr. STEELE. I should like to ask the gentleman if they have not leisure to do this work?

Mr. TRACEY. I desire to yield to the gentleman from Indiana [Mr. JOHNSON] for a further statement in regard to this matter.

Mr. STEELE. I desire to have a motion pending to strike out "$2,500" and to make it $100.

The SPEAKER. Does the gentleman yield?

Mr. TRACEY. I do not yield for an amendment. I want to yield to the gentleman from Indiana [Mr. JOHNSON].

Mr. STEELE. I suppose opportunity will be given to offer amendments.

Mr. JOHNSON of Indiana. Mr. Speaker, if I can have the attention of the House, I would like briefly to present the merits of this resolution. As is generally known, it has been the custom from time immemorial to digest the contested-election cases decided by the House. That work has generally been let to the clerks of the Elections Committee, where they were competent to perform the duty. There were in the Forty-fifth Congress 22 cases in the digest; in the Forty-seventh Congress 20 cases; in the Forty-eighth, Forty-ninth, and Fiftieth Congresses 28 cases, and in the Fifty-first Congress 17 cases. In the last Congress there were, I think, 6 cases. In the present Congress there have been 35 cases in all decided. This resolution calls for the digesting of the five or six cases in the preceding Congress and the 35 cases in this Congress, making a total of over 40 cases.

Mr. McMILLIN. How many of these cases were not really contested?

Mr. JOHNSON of Indiana. I can speak more accurately as to the cases presented to the committee of which I have the honor to be chairman; and I think there was but one.

Mr. MOODY. And one in Committee No. 1.

Mr. JOHNSON of Indiana. Nearly all of these cases were carefully considered by the various committees, and lengthy and elaborate reports were made. Many of them involved very important questions of law touching the construction to be placed, in some instances, upon the Australian ballot system which has been, as is generally known, recently introduced into this country. Now, the present committees have been obliged to reach their conclusions without having before them the decisions which were made in the last Congress. Inasmuch, however, as there were not a great many of these cases, it has not been a serious disadvantage; but there are a large number of contested-election cases to be considered in the next Congress, and I do not see how it will be possible for the members of the Elections Committees of that Congress to discharge their duty properly unless they have before them the latest precedents well digested—that is, the thirty-five cases decided by the present Congress. The committees of this House have discharged their proper duties and disposed of all the cases that were referred to them.

Mr. BARTLETT of Georgia. Will the gentleman allow me?

Mr. JOHNSON of Indiana. They feel that they would fail to discharge their duty if they did not make an effort to have these cases digested for the benefit of the Committees on Elections in the next Congress. This duty, under this resolution, is placed in the hands of persons who will undertake it at once, and the digest will be completed and ready for the use of the Committees on Elections at the first regular session of the next Congress; as it is apprehended but very few election cases will be decided at the approaching special session.

Mr. BARTLETT of Georgia. I desire to say that the reason it is necessary to include the cases decided in the Fifty-third Congress is that, although a resolution was passed, the clerk did not perform the duty.

Mr. JOHNSON of Indiana. I think the gentleman is right about that. The gentleman from New York desires to ask me a question.

Mr. BARTLETT of New York. I desire to ask the gentleman what will be the total expense?

Mr. JOHNSON of Indiana. The total expense will be the amount named in the resolution, and then the cost of printing.

Mr. BARTLETT of New York. That is $2,500?

Mr. JOHNSON of Indiana. Twenty-five hundred dollars.

Mr. BARTLETT of New York. Are these men to be paid $2,500 for merely preparing the headnotes of these cases?

Mr. JOHNSON of Indiana. The gentleman will understand that this digest, unless it is well prepared, will not be worth the paper it is written on—not worth a dollar.

Mr. BARTLETT of New York. Does the gentleman——

Mr. JOHNSON of Indiana (continuing). But if it is well prepared, so that it will be useful to a lawyer, if done in a lawyer-like manner, it is amply worth the amount stated in the resolution to prepare it.

Mr. BARTLETT of New York indicated a desire to ask another question.

Mr. JOHNSON of Indiana. The gentleman will pardon me. These cases, when digested, will make a very large volume. If the digesting is deferred until the next Congress, that Congress will not only lose, in the consideration of its contested-election cases, the benefits of the precedents established by this Congress, but when it is attempted to make a digest for the future of the cases decided in this Congress and the next Congress, there will be so many of the cases that it will take two volumes.

Mr. BARTLETT of New York. Will the gentleman allow me to ask him one more question?

Mr. JOHNSON of Indiana. Certainly.

Mr. BARTLETT of New York. You mean by the use of the word "digest" preparing headnotes, do you not?

Mr. JOHNSON of Indiana. The work has been called "digesting." In point of fact, however, the work is very similar in its nature to the reporting of cases as done by the various reporters of the supreme courts of the States.

Mr. BARTLETT of New York. Yes.

Mr. JOHNSON of Indiana. The cases are arranged in proper order, and there is a syllabus prepared to each case; and all the authorities are digested and arranged under a proper alphabetical designation at the end of the book, the same as is done with respect to the reports of the various States. There is also, of course, a list of the cases to facilitate reference.

Mr. BARTLETT of New York. My impression was that the work would be such as the gentleman states. Now, does he mean to say that any of our State reporters are paid at any such rate as that—$2,500 for forty headnotes?

Mr. JOHNSON of Indiana. I do not know the rate at which the various State reporters are paid, but I do know that it requires

peculiar legal knowledge and skill to be able to take up one of these cases and digest it properly, extracting the heart of the controversy and putting it properly in the form of an instructive syllabus, and then making a proper digest of it at the end of the volume. And I know more than this. I know that the clerk of the Committee on Elections No. 2 is a gentleman who has read law thoroughly, who has been associated with lawyers all his life, who has intelligently followed the work of the committee, and who is thoroughly qualified to make a good lawyer-like digest.

Mr. BARTLETT of New York. These men who are to prepare this digest are very familiar with these cases, are they not?

Mr. JOHNSON of Indiana. Each gentleman, I presume, is familiar with the cases decided by his committee, but none of them is familiar with the cases that were decided in the last Congress.

Mr. BARTLETT of New York. That is, they are not familiar with the five cases that were decided in the last Congress, but they are familiar with the thirty-four cases that have been decided in the present Congress?

Mr. JOHNSON of Indiana. They are familiar with them in the sense that they know the cases were decided by the committee and had some conception of the questions involved at the time; but the gentleman will bear me out in saying that a general familiarity with a number of long decisions is not sufficient to enable a man to sit down and compile a proper digest in a few moments. The gentleman is too good a lawyer not to know that it requires legal training to be able to take up a case, to go over it in detail, to ascertain what was the actual point of the controversy decided, and to make such a syllabus as will present the matter fairly to the mind of the average lawyer. To do that a man must have the legal training which will enable him to draw nice distinctions and discriminations, and to comprehend that which is pertinent and material.

Mr. STEELE. May I ask the gentleman a question?

Mr. BARTLETT of New York. Will the gentleman permit me to ask him another question?

Mr. JOHNSON of Indiana. I yield to the gentleman from New York interminably. [Laughter.]

Mr. BARTLETT of New York. Now, if these men are as familiar with the cases and as competent as the gentleman states, they must know what was decided in each particular case, and they doubtless have now prepared, either on paper or in their minds, a statement of the principles involved in each case, so that in a few minutes they could reduce it to writing. Now, that being so, why throw away $2,500 of the public money?

Mr. JOHNSON of Indiana. Mr. Speaker, if the acquisition of the law is as easy a matter as the gentleman seems to think, then we all ought to engage in its practice. If the gentleman is right, it requires no special preparation or training.

Mr. BARTLETT of New York. I mean that if a man has been familiar with a case he can determine at once the principle or principles involved in the decision of that case.

Mr. JOHNSON of Indiana. Well, a practicing lawyer may have read carefully in time past a number of cases, yet if there is no syllabus of them it will require intelligent care and painstaking thought on his part to get at the heart of each decision and put it into the form of an accurate and comprehensive digest.

Mr. BARTLETT of New York. Are these clerks lawyers?

Mr. JOHNSON of Indiana. Speaking for the Committee on Elections No. 2, I can say that the clerk of the committee is a gentleman who has read law quite thoroughly and I think has practiced some, and he is well equipped with information and qualified by training to make a good digest. I am informed that the clerk of the Committee on Elections No. 3 has taken a thorough course in law and is also well equipped for this work.

Mr. BARTLETT of New York. Now, is not this in reality a partisan matter?

Mr. JOHNSON of Indiana. How in the world did the gentleman ever get such an idea as that into his head? Certainly not. [Laughter.] This is a bona fide effort on the part of the chairmen of the several Elections Committees to do what they conceive it to be their duty to do in the closing hours of this session, to have prepared a digest of these election cases in a proper and lawyer-like manner, to the end that the next Congress, in the disposition of the many cases that will come before it, may have the advantage of these precedents to guide it.

Mr. PAYNE. I should like to ask the gentleman a question.

Mr. JOHNSON of Indiana. I will deal with the gentleman more courteously than he dealt with me the other day; I will gladly yield to him.

Mr. PAYNE. That is only on a par with the usual courtesy of the gentleman from Indiana. I rise to ask the gentleman a pertinent question with reference to this matter.

Mr. JOHNSON of Indiana. Before the gentleman asks his question, however——

Mr. PAYNE. I would like to ask the gentleman, who is chairman of one of these Election Committees, how far the committee or the House are bound, or how far the House has bound itself, in deciding election cases during this Congress, by precedents established by other Congresses? In other words, my question is whether each Congress does not decide these cases according to its own sweet will, and according to its own interpretation of the clause of the Constitution which makes each House the judge of the qualification and election of its own members.

Mr. JOHNSON of Indiana. Mr. Speaker, I am quite a little surprised at hearing a question like that from a gentleman who is so good a lawyer as the gentleman from New York. I take it that this House, in deciding election cases, is not governed entirely by its own sweet will, but acts in conformity to the precedents set by prior Congresses, and, in view of the fact that a great many cases have been reported to this House by the Committees on Elections without regard to party lines and have been decided by the House in a nonpartisan and judicial spirit, my answer to his question is that there is a growing disposition in the American House of Representatives to be bound by just precedents. I hope that the House will continue to improve in this respect in the future.

Mr. PAYNE. To be bound by the precedents of former Congresses?

Mr. JOHNSON of Indiana. To be bound by the just precedents of former Congresses. And I say to the gentleman further that so far as the work of the Committee on Elections No. 2 is concerned, I know that the committee has been greatly aided in its deliberations by precedents set in former Congresses.

Mr. PAYNE. One more question, if the gentleman will allow me.

Mr. JOHNSON of Indiana. I shall be glad to yield to the gentleman further.

Mr. PAYNE. I want to ask the gentleman why, as the Fifty-third Congress did not think it worth while to prepare a digest of their election cases, we should prepare a digest of those cases now?

Mr. JOHNSON of Indiana. Because, as we all admit, this is the best Congress that ever assembled; and for the further reason that in the Fifty-third Congress there were only five or six contested-election cases decided. Here are thirty-four contested-election cases. The gentleman, being a lawyer, must know that a lawyer can not work without the tools of his trade any more than a carpenter can.

Mr. PAYNE. But if that Congress or the majority of that Congress did not think it worth while to put into permanent and accessible form the decisions they had made, why should we go into that work?

Mr. JOHNSON of Indiana. The mere fact that a particular Congress failed to put its election cases into the form of a digest is not conclusive evidence that it did not think it necessary that it should be done at some time. It has been customary, as my friend will find upon an examination of the facts, to allow a couple of Congresses to run before a digest is ordered, particularly where but few cases have been decided. It is desirable that the cases should be allowed to accumulate until there are enough to make one good-sized volume. The cases now decided, but not yet digested, will make a very large-sized book, as I have already stated.

Mr. COX. May I ask the gentleman a question?

Mr. JOHNSON of Indiana. I had no idea of being catechised either so generally or so severely. But let the gentleman proceed with his question.

Mr. COX. As I understand, the proposition is to pay these clerks of committees a certain amount of money to make this digest, or whatever you may call it?

Mr. JOHNSON of Indiana. Certainly.

Mr. COX. Are they not annual clerks, receiving salaries of $2,000 each?

Mr. JOHNSON of Indiana. They are annual clerks, receiving that salary.

Mr. COX. One more question. After Congress adjourns, what duties have these clerks to perform, as annual clerks, receiving a salary of $2,000 a year, except to do such work as the preparation of this digest?

Mr. JOHNSON of Indiana. Mr. Speaker, these are annual clerks; but it is no part of their duty to prepare a digest. It never has been so considered. Soon after Congress adjourns, their salaries will cease. They are not paid to make digests; that is not a part of their duty. There has never been a time in the history of Congress when a clerk has been asked to make a digest simply because he was receiving a salary as clerk. This work is entirely outside of any work properly performed by a clerk. I want to get that idea into the minds of members of the House—that it has never been considered part of a clerk's duty to make a digest unless he is specially compensated for it.

Now, Mr. Speaker, I will gladly yield to any gentleman who desires to ask any question.

Mr. SHAFROTH. I wish to ask whether these clerks have the time during vacation to prepare these digests?

Mr. JOHNSON of Indiana. I suppose that after their terms

have expired and after their salaries as committee clerks have ceased, they have leisure time; but that time belongs to themselves—not to the Committees on Elections or to this House.

I repeat, there has never been an instance in the history of Congress in which anybody has claimed that it was a part of the duty of clerks to prepare digests. And it is a fact also that many a clerk to the Committees on Elections has lacked the legal capacity to make a good digest.

Mr. BARTLETT of New York. Would it not be a wiser expenditure of public money to buy some elementary book on election law and send a copy of it to each member of the House and the Senate?

Mr. JOHNSON of Indiana. The gentleman, being a lawyer, and knowing all law, will understand that there is no very recent edition of any work on elections. Paine and McCrary are the two standard books; and as to these, I believe, the editions are quite old. These cases which it is now sought to digest are cases which have been decided by the present Congress. Now, the gentleman may be ashamed of the work of the House or of its committees, and may not want to see the work of the committees in print; but I take some pride in these cases, because I undertake to say there never has been a Congress in which contested-election cases were to the same extent as in the present Congress decided on their merits and without the influence of partisan feeling. I confess that I am surprised that when we are asking the passage of a resolution which proposes at so small an expenditure to preserve these precedents for the use of future Congresses, gentlemen who have voted vast appropriations without any sign of discontent should now be disposed to quibble on a matter involving so insignificant a sum as this.

Mr. BARTLETT of New York. What is to be the title of the book? Johnson's Digest?

Mr. JOHNSON of Indiana. The gentleman, I suppose, aims to be serious. He amuses the House most when he is in a serious mood. I wish he possessed the capacity to grasp the matter involved. As a lawyer he should know that it is absolutely necessary that a man should have the tools of his profession in order to properly practice it. I yield now to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. The gentleman from Indiana seems to be thoroughly familiar with this whole matter, and I wish to ask him whether it is usual for the Committee on Accounts to report resolutions of this character?

Mr. JOHNSON of Indiana. Mr. Chairman, in answer to the gentleman, I will say that I do not know whether it is usual for the Committee on Accounts to report such resolutions or not, but I deemed that it was the appropriate committee, and I took the advice of those at the desk, who were better posted in reference to such matters than I, when the reference was made. There has been no disposition to do anything but what was right in the matter. The purpose has been to present it fairly to the House, because the resolution is a meritorious one, whatever may be the action of this body.

Mr. PERKINS. The gentleman from Indiana will excuse me further——

Mr. JOHNSON of Indiana. Certainly.

Mr. PERKINS. The purpose of the resolution seems to be to provide compensation for the work of digesting these election cases. So far as that is concerned, I can conceive that it is quite competent for the resolution to come from the Committee on Accounts. But the resolution also provides for the printing of this digest after it has been prepared. Now, so far as the Committee on Printing are concerned, in each case of this character that committee are required to report to the House the cost of the proposed printing. I have not heard in this instance any estimate from the Public Printer of the cost of this work, but only of the expense of making the digest.

Mr. JOHNSON of Indiana. Is the gentleman asking me a question?

Mr. PERKINS. I desire to ask the gentleman what further expense will be involved in the printing of this digest after these clerks have been paid for the work of preparing that document?

Mr. JOHNSON of Indiana. Mr. Speaker, I do not know what will be the expense of printing the document.

Mr. DANIELS. It will be impossible to tell until the manuscript is prepared.

Mr. JOHNSON of Indiana. It is impossible to tell. It will depend upon the size of the document. It will be a large document. There are many pages of the reports that will have to be published. There are also minority reports made which will have to be included. The gentleman from New York speaks as if it is an easy matter to make a good digest, as if a man can write a digest in five minutes' time, without any reflection; but the truth is, that the work is a very onerous one, and that there are voluminous reports which must be examined. I know that the work is an absolute necessity, and that I would not dream of serving on the Committee on Elections in the next Congress, nor do I believe any lawyer in this House would do so, unless he knew he was to have the precedents to guide his action. Knowing that it is a necessity, if the House sees fit to adopt this resolution, I apprehend that the printing will follow in logical sequence.

Mr. PERKINS. I simply desire to add, Mr. Speaker, that I have no sensitiveness whatever in the matter of this report coming from the Committee on Accounts instead of the Committee on Printing, for if any committee is disposed to take off from the hands of the Committee on Printing any of its work, that is all very well. But in every instance where the Committee on Printing makes a report, it is required to make an estimate of the cost; and if other committees are going to enter upon this work, I desire that they shall be held to the same restriction as the Committee on Printing. I will say to the gentleman that that is the law.

Mr. JOHNSON of Indiana. I want to say to the gentleman that this resolution simply provides for the digesting, and does not provide for the printing, and I suppose that is the reason why the Committee on Accounts neglected to make a statement of the expense of the printing. The cost of printing will have to be attended to afterwards.

It is the earnest desire of the Committees on Elections that this resolution be passed, so that the clerks may get to work as soon as they can and get their manuscript ready for the Printer, in order that the whole book may be completed and be on the shelves of the Committees on Elections in time for the next regular session of Congress. It is apprehended that there will be but very few, if any, of these cases decided at the special session. Members know how that is.

Mr. PERKINS. I understood that this resolution also provided for the printing.

Mr. JOHNSON of Indiana. It does not, as I remember it; but if it passes I shall take steps to supplement it with a provision for the printing, so that the House at the regular session may have the benefit of these decisions.

Mr. DANIELS. This resolution does provide for sending the manuscript to the Printer.

Mr. JOHNSON of Indiana. It provides for sending the manuscript to the Public Printer.

Mr. RAY. I should like to ask the gentleman a question, which I think is a practical one, or I should not ask it.

Mr. JOHNSON of Indiana. Certainly.

Mr. RAY. In making your report on a case, the Committee on Elections, of course, embrace therein a brief statement of the questions involved, and of what your opinions are, in each case that comes to the House. Now, if the House supports the findings of the majority of the committee, why would not a mere reprint of the reports of the committees, with a statement of the vote of the House on the questions submitted, constitute an ample, sufficient, and intelligent digest of all these cases?

Mr. JOHNSON of Indiana. I am going to answer the gentleman's question by asking him one. I believe there is pretty good authority for that. What is the use of printing the syllabus of a law case? Why not let the lawyer read through the entire decision and find out what it was that the court decided? Of course there must be a syllabus and digest in order to economize time and labor.

Mr. RAY. That is all true.

Mr. JOHNSON of Indiana. Upon the theory that "art is long and time is fleeting."

Mr. RAY. That is all true; but let me suggest to the gentleman that in these law cases the reports go all over the country and into the hands of thousands of lawyers, and it is much more important that you have a brief synopsis of each case than it is here in the House, I think. Now, of course, if it is regarded as absolutely essential to have this brief statement, it seems to me that it could be made up from the reports themselves, very briefly, with very little labor and at very little expense.

Mr. JOHNSON of Indiana. Well, the gentleman, I fear, like the gentleman from New York, entertains an idea that I apprehend is not generally entertained by lawyers, and that is that legal attainment is a mere matter of moonshine, very easily acquired. If so, I submit that the practice of the profession ought to be turned over to the butchers and the bakers, and that lawyers should get out of the legal arena altogether.

Mr. DOCKERY. I desire to ask the gentleman what is the largest amount that has heretofore been paid by the House for this service?

Mr. JOHNSON of Indiana. I will answer the gentleman by saying I do not know. I simply know that the amount in the Fifty-third Congress, when there were only six cases, was $1,000.

Mr. DOCKERY. Another question.

Mr. JOHNSON of Indiana. Certainly.

Mr. DOCKERY. Is the gentleman satisfied with the wording of this resolution? There is a section of the statute prohibiting two salaries being paid to one person. Do I understand these gentlemen are already on the annual rolls and receiving salaries?

Mr. JOHNSON of Indiana. The gentleman will understand that this work is to be performed outside of the work of the clerks as annual clerks.

Mr. DOCKERY. The gentleman thinks that the statute would not apply?

Mr. JOHNSON of Indiana. This is the customary resolution adopted in such cases by the House when the committee clerks have been appointed to do the work. I believe it will answer.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. I would like to know if the opponents of this resolution can get the floor except by asking a question of the gentleman from Indiana?

The SPEAKER. The gentleman from Indiana has how much time yielded to him by the gentleman from Missouri in charge of the resolution?

Mr. TRACEY. I yielded the time necessary to make his statement. A great deal more time has been consumed in the asking of questions than was expected.

Mr. JOHNSON of Indiana. Of course, Mr. Speaker, I am not responsible for the extended remarks that I have been obliged to make in order to treat gentlemen with courtesy.

Mr. JOHNSON of California. Is there any way by which anybody opposed to the resolution can be heard?

The SPEAKER. Gentlemen opposed to the measure can be heard by time being yielded to them by the gentleman from Missouri. If he does not yield them some time, then the other side will be recognized by the Chair. At any time the gentleman from Missouri can move the previous question, and then it will be for the House to decide.

Mr. JOHNSON of Indiana. I desire to add a few remarks.

Mr. MILES. I desire to ask the gentleman whether all these clerks are lawyers?

Mr. JOHNSON of Indiana. I can only speak for the clerks of Committees Nos. 2 and 3. They have both read law. I have stated their qualifications. I know nothing about the qualifications of the clerk of Committee No. 1, whose name is moved as an amendment; I do not know anything about that gentleman's qualifications.

Mr. MILES. I am told that one of them at least is not a lawyer. I would like to ask the gentleman if he candidly thinks—and I believe he has stated that it requires a professional man—that a man who is not a lawyer will be of any service?

Mr. JOHNSON of Indiana. I think a man should have read and should understand the general principles of law before he can make a proper digest. We have two clerks possessed of this qualification; and if I did not think they were possessed of it, I would not for a minute recommend their assignment to this duty, because I know that a digest would be worthless unless properly prepared.

Mr. MILES. As I understand, the gentleman does not approve of the amendment to his proposition?

Mr. JOHNSON of Indiana. I do not know anything about the qualifications of the gentleman named in the amendment. The gentleman from Tennessee desires to ask me a question.

Mr. RICHARDSON. I understood the gentleman to state——

Mr. TRACEY. Mr. Speaker, I believe the matter is fully understood by the House.

Mr. JOHNSON of Indiana. I think the gentleman from Tennessee should be recognized to ask a question.

Mr. RICHARDSON. I understood the gentleman from Indiana to say that this resolution did not provide for the printing of this digest?

Mr. JOHNSON of Indiana. It does not, as I remember it.

Mr. RICHARDSON. It does provide on the face of it that the digest shall be printed. The resolution infers the printing. I thought the gentleman was mistaken when he said it did not provide for the printing.

Mr. JOHNSON of Indiana. I thought it did not.

Mr. RICHARDSON. It does.

Mr. JOHNSON of Indiana. I am very glad it does. It is just as important to print as to prepare a digest. I simply want a word or two more.

Mr. TRACEY. It is clear——

Mr. JOHNSON of Indiana. I want to suggest one thing more. I hope the House understands that these contested-election cases have been digested from time immemorial. This resolution is simply designed to continue a publication which has prevailed from the organization of the Government to this time. The Committees on Elections have tried to do their duty to this House faithfully, and I know that they have in many cases been commended by gentlemen on the opposite side of the Chamber for the fairness with which they have acted. They have not asked anything wrong. They are not now asking anything wrong. As I have said before, they feel that it is their duty to see that these decisions are preserved and embodied in the form of a digest. They feel that in attempting this they are but discharging a plain duty which they owe to the Congress that is so soon to convene as well as to all future Congresses. The lack of such a digest will be a serious impediment in the way of the Committee on Elections of the Fifty-fifth Congress in the discharge of the laborious duties which will devolve upon it. The question is for the House to determine. It can vote down the pending resolution if it desires. I have done my duty, and I believe the other gentlemen concerned feel that they have done their duty in the premises in presenting the matter to the House.

Mr. TRACEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, in answer to the objection which has been made that the secretary of Committee on Elections No. 1 is not a lawyer, I would say that it is absolutely essential that each one of these secretaries of the committees on elections shall be engaged in this work, for the reason that neither one of them knows what was done by the committee of which he was not the secretary or clerk. Each is familiar with the work of his own committee, and can go on and make a statement of cases with which the others are unfamiliar, and unless each of these secretaries is employed and unless they all cooperate, the work, if done at all, must be imperfectly and insufficiently done.

As to the suggestion of the gentleman from New York [Mr. PAYNE] that a standard work might be published and circulated among members for the sum of money that it is proposed to be paid for this digest, I would say that no work of standard authority coming down to the present time—even if such a work exists—can be purchased and paid for and distributed among the members of the House at so cheap a price as that which is specified in this resolution for preparing this work. In other words, it would cost more to purchase a standard work coming down to the present time, if any such could be found, than it is necessary to appropriate for carrying out the plan of the committee, and the work can not be properly and competently done unless it is done with the cooperation of all of these persons, each one bringing to bear upon the subject the separate and independent knowledge which he has of the proceedings that have taken place before the committee of which he was clerk or secretary and consummated by the House.

Mr. POWERS. If it be true that it is necessary to have the secretary of each Elections Committee engaged in this work so as to properly set forth the work of that committee, how can any of these secretaries report intelligently on the work of the Fifty-third Congress?

Mr. DANIELS. They will be obliged to take up the records of the Fifty-third Congress and study them and make out the digest from those records and report as best they may. The number of cases decided in that Congress was small and the cases were comparatively simple, while in this Congress there has been a large number of cases, many of them extremely complicated, and involving important principles which can not fail to be instructive and useful in the investigation of election cases hereafter. [Cries of "Vote!" "Vote!"]

Mr. PAYNE. I ask the gentleman from Missouri [Mr. TRACEY] to yield me a few minutes.

Mr. TRACEY. Mr. Speaker, I believe the House is now in full possession of the merits of this question.

Mr. PAYNE. Does the gentleman propose to refuse to yield to anybody except those who are in entire sympathy with the resolution as it stands?

Mr. TRACEY. I yield two minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I do not believe that this resolution ought to pass in its present shape. I do not believe there is any reason or excuse for paying these men $2,500 to prepare this digest. I understand that the amount usually paid in previous Congresses for such work has been about $1,000, and I do not know why we should go beyond that amount.

Mr. JOHNSON of Indiana. Mr. Speaker, will the gentleman——

Mr. PAYNE. Do not interrupt me, please. I have only two minutes. I do not know, Mr. Speaker, why we should go further to look for more business for these gentlemen by setting them to prepare a digest of the cases decided in the Fifty-third Congress, if that Congress did not have confidence enough in its own decisions to digest them. I believe that the resolution ought to be amended so as to confine the work to a digest of the decisions of this Congress, and that if we give these men $500 apiece for it we shall be giving them more than is ample for the work to be done. I want to make the further suggestion that these gentlemen are to hold their offices until their successors are appointed, which may not be until next fall (though possibly it may be done at the next session), and if the compensation which they will receive during the vacation, in addition to the $500 which I propose to allow them, is found to be insufficient, then the next Congress can increase it. It is proposed to continue them in office, as I have stated, and if they are going to prepare this digest I do not think they should be allowed for that work more than has usually been

allowed for such work in previous Congresses; and if it is in order I will move an amendment limiting this amount to $1,500 and confining the work to a digest of the decisions of election cases in this Congress.

Mr. TRACEY. I yield two minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. PAYNE. Is my amendment in order, Mr. Speaker?

The SPEAKER. The Chair thinks it is not in order without the consent of the gentleman from Missouri.

Mr. McMILLIN. If the gentleman offered the amendment in his own time it would be in order, the previous question having been ordered.

The SPEAKER. The Chair thinks that when a gentleman yields the floor under such circumstances, retaining control of it, an amendment can not be offered without his consent, because he has a right to test the will of the House by moving the previous question free from the amendment.

Mr. DOCKERY. Then the only way will be to vote down the demand for the previous question in order to reach the amendment of the gentleman from New York.

The SPEAKER. The proper way is to vote it down if the House desires to consider the amendment.

Mr. McCALL of Massachusetts. Mr. Speaker, with regard to the statement of the gentleman from New York [Mr. PAYNE], that we should not prepare a digest of the cases in the Fifty-third Congress because the House of Representatives of that Congress did not have enough confidence in the wisdom of its decisions to provide for that work, I would say that there were in that Congress a number of very valuable minority reports in which I have a great deal of confidence, and I think it would be a wise and profitable thing to have those reports digested.

I wish to say, however, seriously, that it seems to me, in order to complete this work and bring it up to date, the decisions of the Fifty-third Congress should be digested. Some of them very probably will stand as legal curiosities; but at the same time we should keep up the records, so that future committees may be able readily to find out precisely what has been done in previous Congresses.

I remember that during that Congress the gentleman from Missouri [Mr. DOCKERY], who is a very safe man to follow upon these matters, in speaking upon a resolution providing for digesting the cases in the previous Congress, the Fifty-second, said that it was a usual thing, and that a thousand dollars was a reasonable sum for the work proposed. In that instance the cases were those of only one Congress. I understand that this resolution provides for digesting the reports and decisions of the Fifty-third Congress and also those of the Fifty-fourth. So that the men who will do this work will really receive less, according to the amount of work they will actually perform, than has been allowed to clerks of previous committees.

Mr. Speaker, this is not a burning question; but the three chairmen of the Committees on Elections——

The SPEAKER. The time of the gentleman from Massachusetts [Mr. McCALL] has expired.

Mr. McCALL of Massachusetts. I should like to occupy a minute or two more.

Mr. TRACEY. I yield the gentleman one minute more.

Mr. McCALL of Massachusetts. As I was about to say, the three chairmen of the Committees on Elections agree that it is a wise thing to have these reports digested. It is not an easy matter to perform duty as a member of the Committee on Elections. We have in each case a great mass of testimony; we have very large briefs; and if you impose upon the members of that committee the additional duty of wading through the text of all the reports of previous Congresses, you increase largely the work imposed upon them.

The sum proposed to be allowed in this case is practically the same amount which we allow to a party in an election contest for his expenses.

Mr. MOODY. I understand that my colleague does not oppose the amendment of the gentleman from New York [Mr. DANIELS] to provide for a third clerk.

Mr. McCALL of Massachusetts. I do not oppose that amendment. I believe it is entirely proper. I think the sum proposed to be allowed here is reasonable, and that the work should be done.

Mr. TRACEY. Inasmuch as this day was set apart some time ago for the consideration of District business and as, evidently, if this discussion is to continue, it will take up the afternoon, thereby depriving the District Committee of the time allotted to it, I ask unanimous consent to withdraw this resolution from further consideration at the present time.

Mr. JOHNSON of Indiana. I object. Let us dispose of this matter now. If the House desires to put the committees of this House in the position of not having any digest of election cases, let us know it.

Mr. TRACEY. Then, Mr. Speaker, I ask for the previous question.

Mr. PERKINS. There is one matter I want to suggest——

The SPEAKER. The gentleman from Missouri [Mr. TRACEY] has moved the previous question.

The question being taken, the previous question was not ordered.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PAYNE] to move an amendment.

Mr. PAYNE. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$2,500," in line 11, and insert "$1,500."

Mr. HENDERSON. That is right.

Mr. JOHNSON of California. Mr. Speaker——

The SPEAKER. The gentleman from California.

Mr. PAYNE. I will yield to the gentleman from California. How much time does he desire?

Mr. JOHNSON of California. I should like to occupy fifteen or twenty minutes. But I believe I was recognized by the Chair. Mr. Speaker, was I not recognized?

The SPEAKER. The Chair understood that the gentleman from New York [Mr. PAYNE] desired simply to offer an amendment.

Mr. JOHNSON of California. And then you recognized me.

The SPEAKER. The Chair, after the amendment was read, recognized the gentleman from California.

Mr. JOHNSON of California. Then I have the floor.

The SPEAKER. The Clerk will again read the amendment.

The Clerk again read the amendment.

Mr. JOHNSON of California. Mr. Speaker——

Mr. PERKINS. Will the gentleman yield to me a moment?

Mr. JOHNSON of California. Yes, sir; of course.

Mr. PERKINS. Before action is taken on this resolution, I want to suggest, in the absence of any estimate of the Public Printer as to the cost of this work, that if it should be developed that the cost will be more than $500, the Public Printer, under the law, would not be authorized to do the work, and therefore the expense of making this digest would go for naught.

Mr. JOHNSON of Indiana. What is to prevent the House from authorizing the Public Printer to do this work?

Mr. PERKINS. We can not by a simple resolution of the House authorize a printing expenditure of more than $500.

Mr. JOHNSON of Indiana. How does the gentleman know that the Senate would not concur in authorizing the printing?

Mr. PERKINS. But they could not under this resolution.

Mr. JOHNSON of California. Mr. Speaker, I am one of those unfortunate individuals described by the gentleman from Indiana, my namesake. I have been voting for appropriations of millions of dollars, and they have not scratched my throat in the slightest or interfered with my sleep; but I have struck something now that is a little too tough even for me to vote for; and when an appropriation is a little too tough for a California member to vote for, it ought to be too tough for anybody in these United States to vote for. I am opposed to this, whether it is $1,500 or $2,500. I am opposed to it because I believe it to be an entirely and absolutely unnecessary appropriation.

Since I have been a member of this House I have noticed with care the decisions rendered by the Elections Committees, and I have noticed with care the action of the House thereon. I must say that I agree entirely with the statement of the gentleman from New York [Mr. PAYNE] in his question to the gentleman from Indiana [Mr. JOHNSON], namely, that the House always decides according to its own free will and does not pay any attention to the precedents of other Congresses. That is one reason why I am opposed to this resolution. It is absolutely unnecessary.

This is entirely different from the decisions of a supreme court. I am an humble member of the legal profession. I know just enough law to get other people into trouble, and that is about all. [Laughter.] But I know that a court is expected to follow the rule of stare decisis; and when you find a decision in the one hundredth volume of the reports of any State it is expected that the court, when it renders a decision to be printed in the one hundred and tenth volume, will follow the former decisions.

But this House is entirely different. It votes just as it pleases. It does not pay as much attention to the report of a committee as it ought to sometimes. Why, I know this House voted down a report of a committee of which I was a member, and if any House can do that, it can do anything in an election case. [Laughter.] Now, having done it in that case, they do it in other cases. I remember a short time ago, when we had a report from a majority of one of the Elections Committees, in the case of Hopkins *vs.* Kendall, a minority of only two members succeeded in convincing the majority of the House that they were right, and their views were accepted. When you come to digest that case, which will be digested, the majority report or the minority report? Which will be accepted as law, the majority report, the minority report, or the vote of the House?

I remember the decision in a contested-election case from the

State of South Carolina, where this House oscillated from one side to the other, and voted one way one time and another way another time, and finally by unanimous consent it agreed to vote upon something that neither the Democrats nor the Republicans wanted. What is to govern there in making the digest?

It seems to me that the real ground, the one that impresses me to vote against this appropriation, is that this is so unnecessary. What is the use of doing anything that does not do any good? What is the use of doing anything that will not govern us? What is the use of citing authorities in a case, when the court that you are citing authorities to says that it will not pay any attention to the authorities cited? Suppose we had cited in the Fifty-fourth Congress a decision of the Fifty-third Congress in an election case? I can well imagine hearing in that event some of my Republican friends saying "That was a Democratic decision, and we are not bound by it."

Why, I have heard talk here about a Democratic civil-service law, and it is said we should pay no attention to it because it was a Democratic civil-service law. It seems to me that if we are going to have any digest of decisions we want to have those decisions digested that will govern the House. Is there any man here outside of the chairmen of these elections committees who will say that the decision of a former Congress will be binding upon this Congress or any other? I ask any of these gentlemen who are chairmen of these Elections Committees, Is there any law that makes the decision of one Congress binding upon another Congress?

Mr. JOHNSON of Indiana. Will the gentleman pardon me?

Mr. JOHNSON of California. Certainly.

Mr. JOHNSON of Indiana. A decision ought always to be binding where it is founded in reason and common sense, and the members of the legal profession are always glad to avail themselves of such a decision as a guide to direct them to a correct conclusion.

Mr. JOHNSON of California. I thank the gentleman for his answer. It is as plain as mud, and therefore I do not understand it. [Laughter.]

Mr. JOHNSON of Indiana. I hope the gentleman will not blame me for his lack of understanding.

Mr. JOHNSON of California. Oh, certainly not. God Almighty is to blame for that, not you. [Laughter.] The reason why I can not understand it is, I suppose, because my name is JOHNSON, and therefore there was "too much Johnson" in the question and the answer. [Laughter.]

Now I will repeat the question that I asked.

Mr. JOHNSON of Indiana. Does the gentleman spell his name with a "t"?

Mr. JOHNSON of California. Oh, no; I am a poor man, like yourself. [Laughter.] Now, I will ask the question again: Is there any law that makes the decision of one Congress in an election case binding upon another Congress in an election case? If the gentleman can cite me to it, I will withdraw any opposition that I have to this resolution, and will unite with him in voting $2,500 to three men for doing work that would be dearly paid for if they were paid $300. I do not hear any answer to my question.

Mr. McCALL of Massachusetts. I would ask my friend, Mr. Speaker, since he is a lawyer, whether he knows of any law which makes the decision of a court binding upon its successor or upon any other court?

Mr. JOHNSON of California. Oh, yes.

Mr. McCALL of Massachusetts. Then the gentleman knows more law than most lawyers.

Mr. JOHNSON of California. Well, that would not be anything surprising, and I might not know very much law then. [Laughter.] Now, I submit that the answer made by the gentleman from Indiana [Mr. JOHNSON], perhaps the sharpest and most acute member of the Johnson family [laughter], and the question put to me by the gentleman from Massachusetts [Mr. McCALL], who himself says he is so straight in his conduct in election cases that people accuse him of falling over backward [laughter]—I submit that the answer and the question show that I am correct in saying that there is no law that makes the decision of one Congress in an election case binding on either the conscience or the law or the common sense or the vote of another Congress. If there is any, show it. Do not be like the man that the story is told about. He said he could jump down 100 feet into straw; and after he made the bet, and the people all gathered round and he started to get ready to jump, got upon the top of a pillar and jumped off and came down 50 feet, when his brother hollored, "There is glass in the straw," and he turned around and jumped back. [Great laughter.] Do not be like him. You say there is glass in this straw. Show it to us. Show us the reason for spending $2,500 for doing something that is absolutely unnecessary. The wild Indians paint their faces; we do not think much of it. Some ladies paint theirs; perhaps it is a good thing, because it improves them; but does it improves us, and does it improve a decision to have it digested? Why, whoever heard of digesting a decision of a justice of the peace, even in Massachusetts? [Great laughter.]

Now, we are called upon to pay out $2,500. It is not much; it does not bother me very much. I voted here—no; I beg pardon, I did not vote—to suspend the rules when we paid out $50,000,000 in this bill of an unpronounceable name, under the leadership of the gentleman from Illinois [Mr. CANNON], but nobody objected, and there was not even a wry face; there was not as much as a child makes when taking cod-liver oil when prescribed by its mother; but here, now, I am objecting to paying out $2,500, not because of the amount, for I am as liberal with other people's money as anybody is in this country [great laughter]; but I am objecting to it because it is absolutely unnecessary. It will not do a bit of good. What is the use of issuing a book that will not benefit anybody? [Laughter.] What is the use of a book that no benefit is to be derived from? Any gentleman can see that there would be no benefit derived from this.

Mr. LOUD. These three clerks that have been named in the resolution would benefit by it.

Mr. JOHNSON of California. My colleague from California, with that method he has of reaching the keynote of a proposition, has perhaps stated the reason for this. [Laughter.]

Mr. JOHNSON of Indiana. Will the gentleman from California allow me——

Mr. JOHNSON of California. In a minute, Brother Johnson. While my colleague from California is "LOUD" by name, he is not by nature; and when he does strike a responsive chord in my heart, and it is very seldom, I am glad to be able to unite with him. [Laughter.]

Mr. JOHNSON of Indiana. I just want to say to the gentleman, in answer to the suggestion of his colleague from California, that so far as I am personally concerned I have not the least objection to striking out the name of the clerk of Committee No. 2. I would ask the House, if it deems it proper, to strike out the names of all the clerks and insert any other name it desires; but if it does not have this necessary digest made, it will meet the reproach of the Committee on Elections of the next Congress. I have no pride or opinion about this matter. I would simply like to see this resolution pass, as I know that the digest is a necessity.

Mr. JOHNSON of California. Mr. Speaker, vehemence of assertion is good before a jury, but seldom weighs before a court; and while I acknowledge the gentleman's statement as being strong at least in language and in manner, yet the mere fact—and I say it with due deference and all politeness—the mere fact that he has said it thus strongly does not add to its weight. [Laughter.] There must be some reason given for the passage of this resolution and the statement made by the gentleman. Now, I was saying, or attempting to say, why report the decisions of a justice of the peace? We report the decisions of the court of last resort in various States; and whilst speaking about that, I am informed by an ex-judge of our California supreme court that the reporter in our State is paid $3,000 a year, and he reports between 600 and 700 cases. It seems to me that $2,500 for reporting 40 cases, of which, I believe, 5 were uncontested, is rather good pay. Out in California we pay good prices, and we thought that reasonably good, and perhaps a high pay.

Now, in reference to what the gentleman has stated about the clerks, I may be mistaken; but, if I remember correctly, when this resolution came in it only included two clerks, the clerks of Committee No. 2 and Committee No. 3. That is my recollection, and it was only when the gentleman from New York [Mr. DANIELS] moved an amendment that the other clerk came in. Why that was done I do not know. Had these gentlemen on committees Nos. 2 and 3 hunted in couples and discovered this particular bone and did not want anybody else to gnaw at it? [Laughter.] Of course, I know the committees did not do it. [Laughter.] The gentleman says it is necessary.

Now, let us see whether it is necessary. Unfortunately for the people of California and for the people of the United States, as was kindly suggested to this House some months ago by my colleague from California [Mr. LOUD], I shall not be a member of the next House. [Laughter.] It is unfortunate for the people. They will regret their mistake every day, and the longer I live and the longer Congress continues the more they will regret that I was not reelected. [Laughter.] Therefore I can speak of the next Congress without saying anything about myself. In that Congress there will have to be decided certain election cases. Now, does anybody pretend to say that the decision, for instance, of Committee No. 2 in the contested case of Benoit against Boatner, where that committee did not have the courage to do what they ought to have done, will govern anybody in the next House—any Republican, I mean? Does anybody think that that decision, which gave the law to the contestant and the seat to the contestee, will be of any value as a precedent? [Laughter.] Why, Mr. Speaker, that decision ought not to be digested; it ought to be kept out of the record.

Mr. ARNOLD of Pennsylvania. The committee ought to keep it out.

Mr. JOHNSON of California. As suggested by my friend from Pennsylvania, the committee ought to keep it out. [Laughter.] I mention that as one decision that will not bind the conscience or the common sense of the next House. But will any of these decisions bind the next House?

Mr. MERCER. I suggest that the gentleman file a contest in the next Congress himself. We may be able to do something for him. [Laughter.]

Mr. JOHNSON of California. Mr. Speaker, here is a David come to judgment! [Laughter.] The reason I did not say "a Daniel come to judgment" was because when Daniel came to judgment he finally got into the lion's den, while our friend David from Nebraska never gets into any lion's den, but is always in a safe place, and can always succeed at home, because he is always in favor of an appropriation for the Omaha International Exhibition. [Laughter.]

Now, Mr. Speaker, what is the good of this legislation? I beg pardon if I am talking too long about it, and I hope that by keeping the floor so long I shall not cause my friend from Wisconsin, the chairman of the Committee on the District of Columbia, to have spasms, he knowing that the public business is waiting. [Laughter.] I will say to him to soothe his perturbed spirit [laughter], that I am ready to vote with him on any proposition, as I have always done heretofore. Now, Mr. Speaker, to get back to the pending resolution, what is the good of it? I hope the House will vote down the amendment offered by the gentleman from New York [Mr. PAYNE]—and it gives me pain to refer to that amendment [laughter]—I hope the House will vote it down, because the amount it carries is too much. If you want this work done, it is not necessary to pay so much for it. I hope the House will vote down all the propositions for this work, because it is absolutely unnecessary. Gentlemen say that other Congresses have voted money for the same kind of work. Suppose they have. Does that make it right? Is there any rule of law which makes two wrongs or three wrongs equal to one right? I know of none. I hope every member present will vote against the amendment. I hope they will all vote also against the original resolution, and let us remit this whole matter to the next Congress, which will undoubtedly be able to attend to its business in its own way without any of our assistance. I reserve the balance of my time. I make that reservation. Mr. Speaker, because I am informed that the gentleman from Tennessee [Mr. RICHARDSON] desires to be heard, and if he does I wish to yield to him.

Mr. Speaker, is it in order for me to make a motion at this time?

The SPEAKER. It is in order for the gentleman to make a motion.

Mr. JOHNSON of California. Then I move that this whole matter be referred to the Committee on Printing.

Mr. PAYNE. Mr. Speaker, I do not care to speak further on this proposition, and unless some gentleman desires more time I shall ask for the previous question.

The SPEAKER. The gentleman from California has moved that the business be referred to the Committee on Printing, and that is the pending motion.

Mr. PAYNE. I yield to the gentleman from Kansas [Mr. LONG], a member of the Committee on Accounts.

Mr. LONG. Mr. Speaker, it is not my purpose to discuss the proposition whether this digest should be ordered prepared. The Committee on Accounts, not having had the privilege of hearing any remarks from the gentleman from California, took the position that probably this House would continue the practice which has been followed from the organization of the House of Representatives and would provide for bringing the digest of election cases decided by the House up to date. We have such digests up to the Fifty-third Congress, but none since that Congress. Of course, if the House intends to abandon the practice of digesting its election cases, if it wishes to follow the lead of the gentleman from California, who says that such a digest is of no use or consequence, I have no objections to make, although I do not agree with him that this is the best course to pursue. If the House desires the Committees on Election in the next Congress to consider the cases that may come before them without regard to what previous Houses have done, that is for the House to determine.

But, Mr. Speaker, as to the question of amount, I wish to call attention to what it was that prompted the Committee on Accounts to favor this resolution appropriating $2,500 out of the contingent fund. The Fifty-third Congress was an economical Congress. The House was Democratic and was devoted to the doctrine of economy, and yet that House allowed $1,000 for the preparation of a digest of contested-election cases decided in the Fifty-second Congress, the volume being that which I hold in my hand.

Mr. WATSON. How many cases are there?

Mr. LONG. There are six cases, and this digest is a book of 200 pages. That economical House having allowed $1,000 for the preparation of a digest containing only six cases, your Committee on Accounts believed that it was proper to allow $2,500 for preparing a digest which would contain over forty cases, which would make a book five or six times as large as this, and would involve work five or six times as great as that which was required to prepare the digest of the cases decided in the Fifty-second Congress. That is why the Committee on Accounts recommended this allowance, and I do not believe the House regards that committee as profligate in its recommendations, because I know that the committee has endeavored to carefully guard the contingent fund and to make none but proper allowances from it. The committee believed that if it was worth $1,000 to digest six cases, it would be worth at least $2,500 to digest the cases decided in the Fifty-third and Fifty-fourth Congresses, numbering over forty. For this reason we reported the resolution favorably, and I think that the amendment offered by the gentleman from New York [Mr. PAYNE] should be rejected.

Mr. LEIGHTY. Does the gentleman think $1,000 a proper amount to be paid for that digest?

Mr. LONG. I think it is not too much for the making of a proper digest. I do not think very much of the digest or of the reports contained in that volume; but, all the same, I think it is the duty of the House of Representatives, notwithstanding the opinion of the gentleman from California [Mr. JOHNSON], to keep the digests of decisions of the House of Representatives on election cases up to date. It has been done from the beginning of the Government, and I do not think the practice should be abandoned.

Mr. PAYNE. I move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. JOHNSON of California to refer the resolution to the Committee on Printing; there were—ayes 72.

Mr. ALDRICH of Illinois (before the negative vote had been taken). Mr. Speaker, is it in order now to make a point of order that the motion of the gentleman from California is out of order?

The SPEAKER. That point could not be entertained now.

Mr. ALDRICH of Illinois. Well, I call the attention of the House to the fact.

The Speaker (having taken the negative vote on the question) announced—ayes 73, noes 30.

Mr. JOHNSON of Indiana. No quorum.

The SPEAKER (after counting the House). There are 184 members present—a quorum.

Mr. JOHNSON of Indiana. I call for tellers.

Tellers were not ordered, only 13 voting in favor thereof.

So the motion of Mr. JOHNSON of California was agreed to.

LEAVENWORTH SOLDIERS' HOME.

Mr. GROUT, from the special investigating committee upon the Leavenworth Soldiers' Home, submitted a report accompanied with a bill.

The SPEAKER. As the Chair understands, the gentleman asks that this report and bill be printed.

Mr. GROUT. I will inquire whether the report is privileged?

The SPEAKER. The Chair does not think it is privileged in such a sense that the measure comes before the House for consideration. It is privileged to be reported.

The bill (H. R. 10357) relating to the National Home for Disabled Soldiers was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the House Calendar.

REMOVAL OF SNOW AND ICE.

Mr. BABCOCK. I now claim the floor for business of the Committee of the District of Columbia. I call up for present consideration the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The amendments of the Senate were read, as follows:

Page 1, line 3, after "owner," insert "agent."
Page 1, line 11, after "owner," insert "agent."
Page 1, line 12, after "owner," insert "agent."
Page 2, section 2, line 2, after "owner," insert "agent."
Page 2, section 3, line 1, after "owner," insert "agent."
Page 3, section 3, line 10, after "owner," insert "agent."

Mr. BABCOCK. The effect of these amendments is simply to insert at various places in the bill the word "agent," after the word "owner;" so as to read, "owner, agent, or tenant."

The question being taken, the amendments of the Senate were concurred in.

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin [Mr. BABCOCK] to an imperfection or omission in one part of the bill. In the sixth line the language is, "cause the same be removed entirely." There seems to be an

omission. The gentleman can take his leisure in ascertaining how the language should read.

Mr. BABCOCK. I ask unanimous consent that the clerical error referred to be corrected by inserting "to."

The SPEAKER. It would be necessary that similar consent should be obtained in the Senate.

Mr. BABCOCK. The bill could be returned to the Senate for this correction, could it not?

The SPEAKER. Perhaps the best course would be to nonconcur in the amendments of the Senate and have the matter arranged in a committee of conference. If there be no objection, the action of the House just taken in concurring in the amendments of the Senate will be vacated and the House will nonconcur in the amendments, and ask for a committee of conference.

There being no objection, it was so ordered.

FRANCISCO PERNA.

Mr. BABCOCK. I ask for the present consideration of the bill (H. R. 10178) for the relief of Francisco Perna.

The bill was read, as follows:

Be it enacted, etc., That all the real estate lying in the District of Columbia heretofore purchased by and conveyed to Francisco Perna, of Montgomery County, in the State of Maryland, prior to the passage of this act, be relieved and exempted from the operation of an act to restrict the ownership of real estate in the Territories to American citizenship, approved March 3, 1887, and all forfeitures incurred by force of said act are in respect to such real estate hereby remitted.

Mr. BABCOCK. Mr. Speaker, this bill is in the same form as a number of bills heretofore passed by this House. It simply proposes to remove the legal disabilities of the party named, so that he may exercise his title and interest in real estate which he has purchased in this District.

Mr. WHEELER. It is of the same character as bills which we have frequently passed.

Mr. BABCOCK. Yes, sir.

Mr. BARTLETT of New York. What are the special circumstances of this case?

Mr. BABCOCK. The circumstances of this case are, perhaps, not different from those of many others, except——

Mr. BARTLETT of New York. But what are they?

Mr. BABCOCK. Except that this party, Francisco Perna, who, from his name, is probably an Italian, bought real estate in the District of Columbia without knowing of his legal incapacity as an alien to acquire real estate; so that now he can neither mortgage nor transfer the property.

Mr. BARTLETT of New York. What is the provision in the bill about forfeiture? I believe I heard some provision of that kind read.

Mr. BABCOCK. It simply provides that he shall be relieved from any forfeitures incurred by the enforcement of the present law.

Mr. BARTLETT of New York. Has there been any forefeiture already incurred?

Mr. BABCOCK. Not any that the committee are advised of.

Mr. BARTLETT of New York. How much real estate is involved?

Mr. BABCOCK. I am not able to state.

Mr. RICHARDSON. I think one or two small lots.

Mr. BABCOCK. One or two lots.

Mr. RICHARDSON. A small quantity.

Mr. BLUE. Mr. Speaker, I have been unable to hear the conversation between the gentleman from New York [Mr. BARTLETT] and the gentleman from Wisconsin [Mr. BABCOCK]. I am still in the dark as to what disabilities are to be removed by this bill and why this special legislation should be offered.

Mr. BABCOCK. Mr. Speaker, I will state for the benefit of the gentleman from Kansas [Mr. BLUE], that this man is an alien; that he innocently and without knowledge of the present statute bought one or two lots in the city of Washington, neither of which can be transferred or encumbered without this enabling act. This is a copy of numerous acts that have passed Congress during the past two sessions.

Mr. HULICK. You say this beneficiary is an alien. Has he made application to become a citizen? Unfortunately the report favoring the adoption of this bill does not set forth the facts in the case.

Mr. BABCOCK. The gentleman is a member of the committee.

Mr. HULICK. Yes; but, unfortunately, I never heard of the case before.

Mr. BABCOCK. The facts presented in this case were similar to those presented in the other cases.

Mr. HULICK. In every other case reported to the committee, to my knowledge, it was alleged that the beneficiary had either become a citizen of the United States or had made application to become a citizen. In this case I understand that he has not made application.

Mr. BABCOCK. I take it for granted that he has made application. I am not certain.

Mr. HULICK. I see that the gentleman who reported the bill [Mr. WELLINGTON] is present.

Mr. BLUE. I should like to have the report read, so that we may ascertain still further what the reason is, if there be any, why this bill should pass.

The SPEAKER pro tempore (Mr. BARRETT). Does the gentleman from Wisconsin yield to the gentleman from Kansas [Mr. BLUE]?

Mr. BABCOCK. Yes; I yield to the gentleman.

Mr. BLUE. I have asked for the reading of the report.

The SPEAKER pro tempore. The Chair will state to the gentleman that the reading of the report is in the nature of debate. The Chair asked the gentleman from Wisconsin [Mr. BABCOCK] whether he yielded to the gentleman from Kansas [Mr. BLUE] in order that the report might be read.

Mr. BABCOCK. Yes, I yield.

Mr. BLUE. I was attempting to address the Chair in my own right, and supposed I had been recognized.

Mr. BABCOCK. Mr. Speaker, I have the floor, I believe, and I yield to the gentleman.

Mr. BLUE. How much time do you yield to me?

Mr. BABCOCK. How much time do you want?

Mr. BLUE. Give me ten minutes.

Mr. BABCOCK. Well, five minutes. We have lost two hours already, and the time this afternoon is very short.

The SPEAKER pro tempore. The gentleman yields five minutes to the gentleman from Kansas.

Mr. BLUE. Mr. Speaker, how long is that report?

The SPEAKER pro tempore. The Chair will state that the report can be read in a very few seconds.

Mr. BLUE. Then I desire to have it read in my time.

The report (by Mr. WELLINGTON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10178) for the relief of Francisco Perna, having had the same under consideration, beg leave to report it to the House with the recommendation that it do pass without amendment.

The bill has been recommended for favorable action by the Commissioners of the District.

Mr. BLUE. Now, Mr. Speaker, there is no statement of facts there to inform the House why this special relief should be granted. If it is the purpose of the lawmaking power of this Government to validate the act of every alien who comes to the Territories and purchases real estate, then the law that is now upon the statute books is a dead letter. The very reason why such a law is upon the statute books is that the people of this country do not propose to foster or favor alien ownership of lands. If this bill is simply to follow the line of a precedent, and if we are to enact a bill for the relief of every alien who comes and purchases land, then of what value is the general law upon the subject? If this bill was brought here with the understanding that the party desiring this relief was about to become a citizen of the United States, it would come in a very different attitude, and much more wisely and better supported. Without having that information, I for myself shall insist upon voting against the measure, and I appeal to the House to vote down a provision of this character, because I believe that in its very essence it is vicious and bad. If this is to be followed as a precedent, better repeal the general law and be done with it, and give to aliens the same right of ownership in the real estate of this country that American citizens have.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. WELLINGTON], who reported the bill.

Mr. WELLINGTON. Mr. Speaker, I desire to say that the facts in this case are somewhat of this order: The report as drawn here was drawn hurriedly. I have been looking after some other matters. I introduced this bill and reported it. This man purchased some real estate. He was an ignorant Italian, knowing nothing of the law. He did not know that it was necessary for him to become a citizen of the United States before he purchased. Since then he has become a citizen of the United States, and this act is merely trying to relieve him because he did not become a citizen previously. I think that the appeal of the gentleman from Kansas is not in the right direction; and I believe if he had known the circumstances surrounding the case he would not have made that appeal. I believe it is an act of justice to this poor man to pass this bill. I do not know that I can say anything more.

Mr. HEPBURN. You ought to have said that at the right time.

Mr. WELLINGTON. I think this is the right and proper time. It is never too late to do good.

Mr. BLUE. If the gentleman from Maryland will allow me, my serious objection to this measure was that there was no statement of fact in the report indicating to this House that this man desired to become a citizen or had any such intention. If the gentleman from Maryland is certain that he has complied with the laws of the land, and has become a citizen of the United States, I will not press my objection.

Mr. WELLINGTON. I have been so assured by the attorneys of the man named. I have no doubt that is a correct statement of

the fact. He has become a citizen, as I understand it, and I believe it is but just and proper to pass this bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS HALL AND OTHERS.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall, and their heirs and assigns, all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 498, in the city of Washington, D. C., as laid down on the original plan or plat of said city.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States of America in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 498, in the city of Washington, D. C., as laid down on the original plan or plat of said city.

Mr. BABCOCK. I yield to the gentleman from Ohio [Mr. HULICK] who reported the bill to make a statement in reference to it.

Mr. WHEELER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. BARRETT). The gentleman will state his point of order.

Mr. WHEELER. Should not this bill be considered in the Committee of the Whole?

The SPEAKER pro tempore. The gentleman from Alabama makes the point of order that the bill should be considered in Committee of the Whole. Does the gentleman wish to be heard on the point of order?

Mr. WHEELER. It disposes of public land, and I do not think that there is any question that it is subject to the point of order.

The SPEAKER pro tempore. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. BABCOCK. It is on the Union Calendar. The United States has no title at all, neither do they claim any title to this land. This act is simply to cover what would be a defect in the transfer.

Mr. WHEELER. I would say, in reply to the gentleman from Wisconsin, that the bill on its face distinctly says that the Government of the United States is to quitclaim Government property to individuals. There is nothing clearer than that when a bill upon its face makes it subject to the point of order that it should first be considered in Committee of the Whole. There can be no question about the absolute necessity for it being so considered.

Mr. RICHARDSON. I suggest to the Chair that the bill is on the Union Calendar now. The bill shows that it is not on the House Calendar.

The SPEAKER pro tempore. The Chair will state to the gentleman from Tennessee that the indorsement on the bill shows that it is on the Private Calendar. It is in Committee of the Whole and not in the House.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole to consider this bill.

The SPEAKER pro tempore. The Chair will listen to the chairman of the committee, the gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, I desire to say that I shall make a motion to go into Committee of the Whole to consider several bills; and if the Chair decides that it is necessary to consider this bill in Committee of the Whole, I will ask to withdraw it until that time.

The SPEAKER pro tempore. The Chair will state that there is no statement of the fact; nevertheless, it carries with it the idea that this is a proposition to release certain Government property; and therefore the point of order should be held as well taken, and the gentleman from Wisconsin, under these circumstances, withdraws the bill. If there is no objection, it will be so ordered.

There was no objection, and it was so ordered.

REASSESSMENT OF WATER-MAIN TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I now call up the bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases not exempted by this act, where water-main taxes or assessments in the District of Columbia have been quashed, set aside, or declared void by the supreme court of said District, or have been otherwise canceled or set aside by reason of such tax or assessment not having been authenticated by the proper officer, to reassess all lots or parcels of ground in respect of such taxes or assessments, with power to assess and collect the same according to existing law relating to the assessment and collection of water-main assessments or taxes: *Provided*, That in cases where such assessments have heretofore been quashed or declared void by said supreme court, or have been otherwise canceled or set aside for the reason hereinbefore provided, the reassessment herein provided for shall be made within one year from the passage of this act: *And provided further*, That hereafter all water-main taxes or assessments in the District of Columbia shall be levied and authenticated by the Commissioners of the District of Columbia, who are hereby authorized to designate the official whose duty it shall be to notify the owner or agent of any lot or land of any water-main tax or assessment levied against such lot or land: *Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to put the water-main assessment on said property.

SEC. 2. That outside the city of Washington the said reassessment shall be levied or assessed only on those lots or parcels of land into which Potomac water has been or shall hereafter be introduced: *Provided*, That where Potomac water has heretofore been introduced, the said reassessment shall be made within ninety days after the passage of this act, and that where Potomac water shall be hereafter introduced the said reassessment shall be made within thirty days after such introduction: *And provided further*, That any levy, assessment, or reassessment on land not subdivided into blocks and lots shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *And provided further*, That said water-main tax or assessment or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to the said lot or parcel of land or premises.

SEC. 3. That in any assessment or reassessment made under the provisions of this act, the owner of any lot or parcel of land shall be credited with any amount which may have been heretofore paid upon any water-main tax or assessment levied against such lot or parcel of land.

Mr. BABCOCK. I yield to the gentleman from New York [Mr. SHANNON] who made the report.

Mr. SHANNON. Mr. Speaker, I call for the reading of the report that accompanies the bill.

The report (by Mr. SHANNON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, beg leave to submit the following report:

This bill, with the exception of section 2, is an exact copy of the bill (H. R. 3279) which passed both Houses of Congress during the closing days of May, 1896, and which the President, before signing it, was requested to return to the House upon the discovery that section 2 was so defective in its phraseology as likely to invite still further litigation, and so defeat one of the very objects which the District Commissioners had in view when they urged the passage of that measure.

It was at first thought best to simply amend section 2 by a joint resolution, and for that purpose Senate joint resolution 158 was promptly introduced, and passed the Senate in June of last year. It was subsequently considered by your committee, and is now on the House Calendar awaiting action.

In view, however, of the peculiar status of the original measure—that while it has passed both Houses, it is not yet a perfected act, still lacking the President's signature; and, further, that it might easily be urged hereafter that the whole proceeding was irregular on the ground that alterations had been made that went far beyond mere changes of phraseology, thus involving the measure in complications that it is but prudent to avoid—your committee, following the counsel of those most competent to advise in such matters, concluded it would be better to introduce an entirely new bill that would only differ from the previous one in such changes as were considered necessary to be made in section 2.

The following is section 2 of the original bill (H. R. 3279), which passed both Houses of Congress last year:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced, said water-main tax or assessment shall be levied or assessed within thirty days after such introduction; and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act; and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax, or assessment, or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

By comparing the foregoing with section 2 of the new bill (H. R. 10331) now presented, and the passage of which is earnestly recommended by the District Commissioners, it will be seen that the alterations proposed are mainly changes in the phraseology so as to render the meaning more definite and clear, since any uncertainty as to the meaning of the law is sure to lead to further litigation and probable loss of public revenues.

In the first part of section 2 of House bill 3279, given above, occurs the phrase "water-main tax or assessment," and again, in the same connection, further on, there is the phrase "assessment or reassessment." It is considered necessary that the wording in this clause be modified so as to make it refer, with certainty, to reassessments only, for in its present form it is uncertain in its meaning and is susceptible of various interpretations. It may refer to either original assessments or to reassessments, or to both. It is most desirable that the reference here should be to reassessments only, and that there should be no disturbance whatever of the present well-determined status of original assessments, about which there is no contention. This can be accomplished by striking out such words as "water-main tax" and "assessment," and making the other changes proposed in section 2 of the new bill now recommended.

It is also thought advisable to further change section 2 of House bill 3279, given above, by substituting in place of the words "unsubdivided land" the words "land not subdivided into blocks and lots." This change is suggested in the interest of property owners and can not be objected to, since it encourages the opening of streets in that portion of the District outside of the limits of the city of Washington.

Its effect is such that an owner of unsubdivided land can open streets

through his property and need not fear the levying of assessments for a water main, arbitrarily laid, so long as he does not subdivide the land into lots and blocks. On the other hand, the District would be fully protected, since it could insist upon a complete subdivision into blocks and lots as a prerequisite to the laying of water mains in all cases where that is desirable; and in any event, should this measure (H. R. 10631) become law, the District would be able to collect its assessments as soon as water had been introduced into the abutting lots.

Your committee therefore favorably report the bill (H. R. 10631) "to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," and earnestly recommend that it do pass.

Mr. SHANNON. Mr. Speaker, the report which has just been read explains why this new bill has been introduced to replace the original bill that passed both Houses of Congress last year, but was recalled from the President in the manner described before he could take action upon it. The report also explains wherein the two bills differ. The language of both bills is exactly the same, word for word, excepting in section 2, the form of which, as given in the new bill, is preferred by the District Commissioners.

As it is nearly a year since the subject was last considered by the House, it may be well to say a word about the necessity of this legislation.

This legislation has become necessary because of a decision rendered by the court of appeals of the District of Columbia in June, 1895, the effect of which was to set aside and cancel water-main assessments extending over a period of twelve years, that is, from 1882 to 1894, and aggregating in amount the very large sum of $210,000.

The bill simply authorizes and directs the Commissioners to make another assessment in those cases.

While the decision referred to quashed the assessment in the particular case before the court, on the ground that the notice served on the abutting property owner was legally defective, it at the same time fully confirmed the validity and sufficiency of the laws under which water mains are laid and assessments therefor levied.

According to the statements made to your committee by the Commissioners of the District, it is absolutely necessary for the maintenance of the water system, and for the carrying out of such extensions and improvements as are now urgently required, that these taxes, amounting, as I have said, to the very large sum of $210,000, should be made available.

As the original measure which passed both Houses of Congress during the last session was fully discussed at the time, it would seem to be unnecessary to go further into the merits of the bill, and unless some member of the House desires to be heard upon the matter, I will now move the previous question.

Mr. WHEELER. Do I understand the gentleman to say that this bill was referred to the Commissioners?

Mr. SHANNON. It was. Within the last week it was submitted to each one of the Commissioners, and they have approved the bill and are urgent for its passage.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOINT COMMISSION ON FISHERIES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

To the Congress:

I transmit herewith a communication from the Secretary of State covering the report of the joint commission on behalf of the United States and Great Britain, dated December 31, 1896, relative to the preservation of the fisheries in waters contiguous to the United States and Canada, as provided by the joint agreement between the United States and Great Britain, dated December 6, 1892.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 24, 1897.

POTOMAC FLATS PARK.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park.

The bill was read, as follows:

Be it enacted, etc., That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. JOHNSON of Indiana. Does that bill involve an appropriation?

Mr. BABCOCK. It does not.

Mr. DOCKERY. I think this bill ought to be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, I desire to say that this bill disposes of no property. It makes no appropriation. Its effect is to provide that the reclaimed area known as the Potomac Flats shall not be disposed of or used for any purpose except by consent of Congress. It simply declares that area to be a public park, and I see no reason why we should go into Committee of the Whole to consider it.

Mr. DOCKERY. It dedicates public land to certain uses.

The SPEAKER. Will the gentleman from Missouri state the ground on which he makes the point of order?

Mr. BABCOCK. The bill does not change the title to the land at all.

Mr. DOCKERY. While it is true that the bill does not change the title to the land, and while possibly, in an extremely technical sense, it may not come within the provision of the rule which relates to the appropriation of money and the disposition of public lands, yet as a matter of fact this bill does dedicate a certain portion of the public domain to a certain use. This question was brought to the attention of the Chair on a former occasion, and the Speaker pro tempore decided that the point of order was well taken.

The SPEAKER. The limitations of the rule are:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims.

Mr. HENDERSON. Nothing of that sort is contemplated here. This bill does not propose to take the title out of the Government.

Mr. JOHNSON of Indiana. But it dedicates this property to a certain use.

Mr. CANNON. Yes; it dedicates the property to a certain use; that is, for use as a public park.

Mr. HENDERSON. But the title is retained in the Government.

Mr. CANNON. If the bill does not change the status of the land at all, what is the good of the measure? It seems to me that this bill, the very object of which seems to be to dispose of property belonging to the Government by devoting it to a certain use, is such an appropriation of public property as comes within at least the reason of the rule.

Mr. DOCKERY. It certainly comes within the spirit if not within the letter of the rule.

The SPEAKER. The Chair is inclined to think that this is an appropriation of public property for a particular purpose. When the matter was first presented, the impression of the Chair was that the bill did not come within the rule; but on examining the matter more carefully the Chair is inclined to hold a different opinion, and he sees no reason why the bill should not be discussed in Committee of the Whole.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HENDERSON in the chair), and proceeded to the consideration of the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park.

The bill was again read.

Mr. BABCOCK. Mr. Chairman, I suppose that nearly every member of Congress is familiar with the appropriations which have been made and the work which has been done to reclaim the flats of the Potomac River. Something over $2,000,000 has been spent for that purpose, not only beautifying the city, but contributing greatly to its healthfulness—doing away with the malaria which used to infect this city. The purpose of this bill which has been passed by the Senate is, as I understand, not to dispose of any real estate, not to sacrifice any right which the Government now possesses, but to declare that area of improved land a public park. By doing this we shall prevent its dedication for other purposes or uses. The bill has been reported unanimously by the Committee on the District of Columbia. We can see no better purpose for which this land can be used than for the benefit of the whole people. I do not think it necessary to say anything further.

Mr. CANNON. How much is there of this land?

Mr. BABCOCK. I can not state the quantity in acres.

Mr. CANNON. About how much? Does the gentleman know?

Mr. BABCOCK. No, sir; I can not make an estimate.

Mr. CANNON. What amount of money has it cost to reclaim these flats?

Mr. BABCOCK. About $2,100,000, as I am advised.

Mr. DALZELL. It has already cost that?

Mr. BABCOCK. Yes, sir.

Mr. CANNON. And that has come from the Treasury of the United States?

Mr. BABCOCK. Yes, sir.

Mr. CANNON. And now the proposition is to dedicate this land forever as a park for the recreation and pleasure of the people. What will it cost to put this land in shape so as to be used for a park?

Mr. BABCOCK. Nothing, unless some plan should be taken up and carried out for its improvement.

Mr. CANNON. In its present condition this land could not be used for a park. Has the gentleman or his committee made any inquiry as to how many million dollars it would take to so improve this land as to utilize it for a park?

Mr. RICHARDSON. No such proposition has ever been made.

Mr. CANNON. But the proposition here is to make this a park. You might declare the Potomac River a park; and I am not sure it would not be wise to do so. But in point of fact we have already expended two millions and a half of dollars from the Treasury of all the people to reclaim these flats upon the ground of health. They cover, I suppose, twelve hundred or fifteen hundred acres.

Mr. RICHARDSON. Not so much as that. I suppose several hundred acres, though I do not know.

Mr. JOHNSON of Indiana. Do any of these gentlemen know?

Mr. BABCOCK. I do not think any survey has been made of this land since it has been reclaimed. There is no survey on record.

Mr. CANNON. We have already a very considerable park system in this district. There is the Zoological Park, and there is the park joining on to the Zoological Park and running up to the District line, with capabilities for being made the most magnificent park on earth. That is to be improved, and ought to be improved. I am not saying that the legislation here proposed is unwise, but before we dedicate this land forever for use as a park, giving the public an interest in it, I should like to know what power the United States will have over this property in the future. Can we build a bridge, with abutments on this park, and spanning the river? I should like to know whether we would have that right if this dedication be made.

Mr. BABCOCK. Has not the Government control over all the parks in the District of Columbia? Is there any part of our public grounds over which the Government has not absolute control?

Mr. CANNON. I should like to have an answer to my question.

Mr. MEREDITH. I will answer that the Government would have the right to do it.

Mr. CANNON. In other words, we could change the law, notwithstanding this dedication, and take it from the people without the payment of damages?

Mr. DALZELL. Oh, I think so.

Mr. MEREDITH. Unquestionably. It is a public park.

Mr. CANNON. There is one question answered; but I should like to know whether it will cost $1,000,000 or $5,000,000 or $3,000,000 to make this into a park which can be actually used for park purposes. The making of a park upon paper is one thing, and the making of a park which the people can visit is another thing. What will it cost? And if it is to be made a park for the great city of Washington, is it to be done at the joint expense of the Federal Treasury and the District of Columbia? There are many of these questions that present themselves to my mind.

Mr. MEREDITH. I will answer the gentleman's question, if he will permit me.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. BABCOCK. Certainly.

Mr. MEREDITH. If this ground shall be turned into a park by the passage of this law, then it will come under that rule which prescribes that one-half the expense shall be borne by the District of Columbia and one-half by the Government of the United States. Now, it seems to me that the intention of Congress all along has been to reclaim this land for two purposes: First, as my friend from Wisconsin [Mr. BABCOCK] has suggested, to get rid of the malaria, and, second, to make it a grand park for this great national capital of ours in which every Representative ought to take an interest. It was for that purpose that this money has been expended, and when it has been declared to be a park, it seems to me that the expense will be borne equally by the District of Columbia and by the Federal Treasury, as it ought to be.

Mr. CANNON. Does that meet with the approval of the chairman of the Committee on the District of Columbia?

Mr. MEREDITH. That will come up afterwards.

Mr. DOCKERY. I shall be glad to offer an amendment in the line of the suggestion which has been just made.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Missouri [Mr. DOCKERY]?

Mr. DOCKERY. I want to offer the amendment at this time. I do not care to have it voted upon now, but wish to have it presented when the proper time comes.

The amendment offered by Mr. DOCKERY was read, as follows:

Provided, That one-half the sum already expended for the reclamation of this land shall be reimbursed to the Treasury of the United States from the revenues of the District of Columbia.

The CHAIRMAN. The Chair understands this is read for the information of the committee.

Mr. DOCKERY. No; it is offered as an amendment.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] yield for that purpose?

Mr. BABCOCK. I understood the gentleman to say that he had the amendment read for the information of the committee, and that later he would offer it as an amendment.

Mr. DOCKERY. Very well. I will withdraw it until it can be offered under the rules.

Mr. JOHNSON of Indiana. I should like to ask the gentleman a question. It is contemplated, is it not, that there shall be expensive improvements, costing a great deal of money, for the completion of this park?

Mr. BABCOCK. Not at present, but in the future.

Mr. JOHNSON of Indiana. Well, it is the entering wedge, is it not, for large appropriations in the future, for the purpose of improving and beautifying the park, that it may answer the purpose for which it is designed?

Mr. BABCOCK. Yes; I suppose it is.

Mr. MEREDITH. Should not that be done?

Mr. JOHNSON of Indiana. I think in a House as economically disposed as this is it might be a matter of very grave doubt.

Mr. WELLINGTON. It does not bind the House to do anything hereafter.

Mr. JOHNSON of Indiana. I am told that it will require a great deal of improving in order to make a good park out of it.

Mr. BABCOCK. I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Some time ago a memorial was presented to the Committee on Public Lands suggesting the propriety of using these flats something on the Pingree plan, for the benefit of the poor of the District of Columbia, until such time as the Government could use the land for park purposes, or until its preparation for park purposes should be entered upon. In the meantime some of the officers having charge of the charities of the District could control this land and allow it to be cultivated, the cultivation aiding in the destruction of malaria, and at the same time giving employment to some of the poor of the city. I would ask the gentleman if the committee have considered this proposition, or if it has been laid before the Committee on the District of Columbia at all?

Mr. BABCOCK. It has not.

Mr. DALZELL. I would like to ask the gentleman a question. Is he familiar with the plan submitted by the Fish Commissioners for the improvement of this ground as a public park out of the appropriation made from year to year in the river and harbor bill?

Mr. BABCOCK. No, there has been no plan for the improvement of this land submitted to the committee.

Mr. DALZELL. I have been advised that the Fish Commissioners submitted a plan whereby, in the expenditure of the regular appropriation made from year to year by the Committee on Rivers and Harbors for the reclamation of these flats, the work intended to be accomplished by the appropriation and the making of a park could both go on at the same time, through the expenditure of that money. If that be so, it seems to me it would be a wise thing to pass this bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

POTOMAC FLATS PARK.

The committee resumed its session.

Mr. BABCOCK. I yield to the gentleman from Tennessee [Mr. RICHARDSON] five minutes.

Mr. RICHARDSON. Mr. Chairman, it seems to me that this is a meritorious bill. It does not provide for the expenditure of a dollar. It does not provide for any change in the title to this property. The fact is that this land down there in the bottom, on the Potomac, has been reclaimed by the United States Government. This bill does not contemplate changing the title to that property in the slightest degree. It does not contemplate that there shall be a dollar expended for its improvement and in beautifying it and making a park of it at this time.

Now, in answer to the suggestion made by the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], he knows very well that if hereafter, whether that bill pass or not, Congress desires to spend any money for the improvement and beautifying of this ground, Congress has the right to do so. This bill, if it passes, does not put any obligation on Congress, now or hereafter, to expend one dollar in beautifying or improving it. As I understand the object and purpose of the bill, it is simply to say that this property shall not be taken by the Government itself, shall not be taken for purposes of building upon it

or dedicating it to any private use, but that it shall be simply reserved to the Government of the United States as a public park.

Mr. PITNEY. Will the gentleman yield to me for a question?

Mr. RICHARDSON. Certainly.

Mr. PITNEY. The land is now the property of the Government?

Mr. RICHARDSON. It is.

Mr. PITNEY. And it has been made valuable land because of the expenditure of $2,000,000?

Mr. RICHARDSON. I think so.

Mr. PITNEY. Can it be applied to any public or private purposes except by Congress?

Mr. RICHARDSON. No, sir.

Mr. PITNEY. Then what advantage is to be derived from the passage of this bill?

Mr. RICHARDSON. This is simply a declaration that others shall keep off it; that the Government of the United States will not dedicate to any kind of private use, nor permit it to be used for any private purpose.

Mr. PITNEY. In this connection will the gentleman permit me to give notice of an amendment that I propose to offer at the proper time?

Mr. RICHARDSON. I do not want to give way to permit you to give notice of an amendment. You will have ample time. The gentleman from Missouri [Mr. DOCKERY] has already indicated that he desires to tax the District of Columbia with one-half of the cost of reclaiming this property. My friend would not insist, I think, for a moment that it is just and proper, or that the United States would deem it a wise and proper thing to do to expend this money for the reclamation of this land there and then charge the District of Columbia with half of the cost in order to protect the health of the people of the District of Columbia, in order that the Potomac River might be confined within proper bounds, in order that its banks might not be malarial. The Congress of the United States has seen fit to expend this money in the reclamation of this land. Now, the gentleman from Missouri never contemplated it, when the measures were before Congress, since he has been a member, and he never thought of offering an amendment to tax the District of Columbia with one-half of the expenditure of money on that reclamation.

Mr. DOCKERY. Let me explain my amendment.

Mr. RICHARDSON. I want to offer my objections to it now, while I have the floor. I would not have an opportunity after you have explained your amendment. There is no proposition to give it to the District of Columbia; no proposition to give the District of Columbia any additional rights upon that territory that it does not already possess. There is no intention to provide that the Congress of the United States shall make a park, such as the Soldiers' Home or the Zoological Gardens, for the benefit of the District; but simply to prevent others, to prevent Congress, if you please, to prevent the Committee on Appropriations, if you please, at some future day, from putting into some appropriation bill, when in conference, some dedication of a portion of it for the use of anybody, for the use of some person, or some private corporation. The object is simply for Congress to make this declaration, that this property shall be reserved for public purposes, if you please; reserved for the Congress of the United States hereafter to dispose of it and as it sees fit. There is no obligation upon Congress now to expend a dollar; no invitation to expend one. Nobody purposes to expend any money upon it, so far as I am informed. It is simply to make it a reservation and announce the declaration or intention of Congress that it shall be reserved for public purposes, and not for any private use or private purpose. That is all there is in it, so far as I can see. I think it would be very unwise and improper to adopt the amendment suggested by the gentleman from Missouri. He has been a member of the Committee on Appropriations a long time. He is a valuable member, an able member, and he has looked after matters for the District of Columbia. There is no proposition to change the title to this property. There is no proposition here to cede any interest to the District of Columbia for which the District of Columbia should have taken out of the revenues of the District one-half of the money appropriated by him, by his committee, and upon his recommendation, in the Congresses that have gone by, in order to make a reclamation of this land there. The gentleman has no reason to make the proposition, in my judgment.

Mr. HULICK. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. HULICK. The title to all this property about which this controversy arises and is involved in this bill is now vested in the Government of the United States, is it not?

Mr. RICHARDSON. Yes, sir.

Mr. HULICK. Then it does not affect the title of the property, except as to dedication of the purposes and uses for which it is to be hereafter used?

Mr. RICHARDSON. That is all. It does not change the title.

Mr. DOCKERY. Will the gentleman permit me to ask him if there is any litigation pending as to the title of this land?

Mr. RICHARDSON. Not that I am informed of. The purpose for which I rose was to dispel any idea that might exist in the minds of the House that this was to vest any liability on the Government now or hereafter to make expenditures there. It is simply a declaration that Congress will not expend any money upon it for the purpose of improvement at this time; that it will not permit it to be used or occupied by any private corporation or private person or individual; but that it will reserve it and dedicate it to public purposes, and so hold it for the future. That is all I wish to say.

Mr. BABCOCK. I yield ten minutes to the gentleman from Missouri [Mr. DOCKERY].

The CHAIRMAN. Does the gentleman reserve his time?

Mr. BABCOCK. I do; but I yield to the gentleman from Missouri.

Mr. DOCKERY. Mr. Chairman, if I can have the attention of the committee, I desire to yield to the gentleman from New Jersey [Mr. PITNEY] to read an amendment which he will offer at the proper time. It seems to be wise and timely.

Mr. PITNEY. Mr. Chairman, the purpose of this amendment is to put into the bill explicitly what gentlemen say is the real purpose of the bill; and instead of dedicating this land for a public park, naming it as such and devoting it to use as a park for the recreation of the people, I propose to strike out all after the word "hereby," in line 5, and insert in lieu thereof these words: "reserved for such public purposes as shall be hereafter specified by Congress, and no part thereof shall be devoted to or used for any private purpose without the consent of Congress."

Mr. DOCKERY. Now, Mr. Chairman, I desire to be heard for a very few moments. The Government had expended up to the close of the fiscal year ending June 30, 1894, out of its own Treasury, no part having been contributed by the District of Columbia, $1,983,467.68 for the reclamation of the lands known as the Potomac Flats. At that time the engineer estimated that $531,365 additional would be necessary to complete the work. That work was undertaken by the United States Government, as I understand, because of sanitary considerations, the condition of the Potomac Flats absolutely jeopardizing the public health of this city. I will say very frankly that in offering the amendment I did a few moments since I had no real desire to require the citizens of the District to pay one-half of this expenditure.

This was an improvement made by the Government on its own lands, and therefore the people of the District should not be charged with any portion of the expense, unless they seek to secure an advantage from that work by having the land dedicated as a public park. There are only two purposes for which this land can probably be used. One use is for a park, which is very doubtful, and the other is for a navy-yard or some such purpose. I do not myself believe that this land can be used with safety for a park. Even though it has been reclaimed, it is not so located that people would care to gather there in numbers for pleasure and recreation, and even if it is to be used as a park, that means a further expenditure of an untold amount in order to prepare it for such use.

Now, the committee are without a single estimate as to the probable cost of such preparation.

In reply to the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON], the gentleman from Wisconsin [Mr. BABCOCK] in charge of this bill states that he has no estimate and can give the House no information as to what amount of money will be necessary to properly prepare these flats for use as a pleasure resort.

Mr. BABCOCK. That, of course, will depend entirely on the plan that may be worked out. The plan may be an expensive or it may be a simple one. No plans have been submitted.

Mr. DOCKERY. Well, I submit that any plan which looks to the use of this land as a park will necessarily involve the expenditure of not less than from one to three million dollars; certainly not less than one million. It is a matter of guessing, and I can guess as well as the gentleman from Wisconsin or anyone else. The House, I repeat, is without information on this subject, and it ought to have that information. Now, Mr. Chairman, if we are not going to use this land for a park, what is the purpose of this bill? If the views advanced by the gentleman from Virginia [Mr. MEREDITH] and the gentleman from Tennessee [Mr. RICHARDSON] are to prevail, why not accept the amendment to be offered by the gentleman from New Jersey [Mr. PITNEY]? And if in the sweet by and by Congress should determine that this land shall be used for a public park, it will then be time enough to make the dedication.

The condition of the Treasury does not warrant the proposed dedication at this time, because I want to advise the House now that this bill clearly looks to further appropriations by the Government to make these flats available for park purposes. There is no danger, as suggested by the gentleman from Tennessee, that

this land will be used for any other purpose. If it is used for any other purpose, it can be so used only after Congress shall have given the authority. The gentleman from Tennessee says he desires to prevent it from being used for commercial or other purposes. I agree with him. But I ask him, Why not accept the amendment of the gentleman from New Jersey, which simply declares that this land shall not be used for any other purpose until Congress shall have expressly authorized such use? The Government has expended about $2,500,000 in reclaiming the flats. If the people of this District want a park in that unsightly location, which even now, after all these millions have been put upon it, is not suitable for such purposes, then I insist that they should pay one-half the expense. I do object to this initiatory step looking to large expenditures for a park in this locality, which is wholly unsuited for the purpose.

Mr. RICHARDSON. The gentleman suggests that this land can be used for only two purposes, either for a park or for a navy-yard. I wish to suggest to him that if it should be desired hereafter to establish a navy-yard there the land can be used just as well for that purpose after the passage of this bill as before. This dedication will not prevent the Government at any time hereafter from establishing a navy-yard, if it sees fit to do so, on any portion of that land. This bill simply reserves the land from the aggressions of other persons.

Mr. DOCKERY. Let me say to my friend from Tennessee that if the object is merely to reserve this land for any purpose for which Congress may hereafter think proper to use it, then that object is fully accomplished by the amendment to be offered by the gentleman from New Jersey [Mr. PITNEY].

Mr. RICHARDSON. We do not antagonize such an amendment.

[Here the hammer fell.]

Mr. DOCKERY. The gentleman consents to yield me five minutes more; and I ask that the proposed amendment of the gentleman from New Jersey be read in my time. I hope the House will give it attention.

The Clerk read as follows:

Strike out all after the word "hereby," in line 5, and insert the following: "Reserved for such public purposes as shall be hereafter specified by Congress; and no part thereof shall be devoted or used for any private purpose without the consent of Congress."

Mr. DOCKERY. The bill as amended in accordance with this proposition will read:

That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, reserved for such public purposes as shall hereafter be specified by Congress; and no part thereof shall be devoted or used for any private purpose without the consent of Congress.

Mr. MILNES. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. MILNES. The title of this property is now in the United States?

Mr. DOCKERY. Yes, sir.

Mr. MILNES. What, then, is the use of adopting the amendment just read? This land can not be used for any purpose except by the action of Congress, and that is all the amendment provides for.

Mr. DOCKERY. I will answer the gentleman frankly. If these gentlemen are sincere—and I do not question their sincerity—in the declaration that they simply want to reserve this land, then it seems to me wholly unnecessary to pass the bill, because the title to the property is in the United States now, and the United States can not be divested of that title without some positive, affirmative act of Congress. If, however, the House desires to declare its intentions and pass something in harmony with the views of the gentleman from Wisconsin [Mr. BABCOCK], the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Virginia [Mr. MEREDITH], then to accomplish that purpose we should enact the amendment offered by the gentleman from New Jersey [Mr. PITNEY]. But if back of this proposition there is a scheme, if after having forever reserved this land as a public park we are then to proceed—and that would be the logical step—to appropriate the necessary amount of money to make this land available for a park——

Mr. MILNES. That would necessarily follow.

Mr. DOCKERY. Certainly, it would logically and necessarily follow—then this bill ought to pass just as it comes from the committee. If, however, the declarations of gentlemen are to be taken as their real intentions—and I do not question their sincerity in the least—then those gentlemen should assent to the proposition just read, to be offered at the proper time by the gentleman from New Jersey.

Mr. BABCOCK. Would the adoption of that amendment make the bill satisfactory to the gentleman from New Jersey?

Mr. PITNEY. It would.

Mr. BABCOCK. If we accept that amendment, is that all you have to offer?

Mr. PITNEY. That is all we have to offer.

Mr. BABCOCK. On behalf of the committee I am willing to accept the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] has but two minutes remaining.

Mr. DOCKERY. I yield those two minutes to the gentleman from New Jersey.

Mr. PITNEY. I will reserve them in order to hear from the gentleman from Wisconsin [Mr. BABCOCK].

The CHAIRMAN. The gentleman from Wisconsin has twenty-eight minutes remaining.

Mr. BABCOCK. I wish to say that the Committee on the District of Columbia will offer no opposition to the amendment offered by the gentleman from New Jersey.

Mr. DOCKERY. I wish to ask the chairman of the District Committee—because I know he is a frank man and desires to deal fairly—whether or not, if this action be taken on the part of the House, he will adhere to it in conference, if a conference should be asked by the Senate on this question? I do not care to get this proposition into such a shape that the House will be deprived of its power to amend or insist on the proposed action.

Mr. RICHARDSON. It would hardly be fair for the House to tie a man before appointing him as a conferee. It would scarcely be polite toward the other branch of Congress to appoint conferees and tie their hands before they go into conference.

Mr. DOCKERY. Well, I confess, with entire good feeling, that the unanimity with which this amendment is accepted arouses some little suspicion in the minds of some of us.

Mr. BABCOCK. The eloquent argument of the gentleman was convincing. [Laughter.]

Mr. CANNON. Is not this the effect of the amendment, that if it is enacted into law, as proposed by the gentleman from New Jersey [Mr. PITNEY], does it not leave the matter in precisely the same condition in which it now is?

Mr. DOCKERY. Why, certainly it does.

Mr. CANNON. Well, if the committee accepts the amendment, and if such is the temper of the House, is it not a very good thing to lay the bill on the table?

Mr. DOCKERY. I think it would be wise action to lay this bill on the table.

Mr. BABCOCK. I yield five minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Chairman and gentlemen of the committee, I am in favor of this bill as it has been reported by the District Committee. It involves simply the declaration of the future use of about 300 acres of reclaimed land which has been built up by mud taken by dredgers from the Potomac River. The purpose of this improvement was twofold. One was to improve the river; the other was to improve the health of Washington.

These were low flats which infected the neighboring region with malaria. We have here about 300 acres of mud reclaimed from the Potomac. It lies behind a wall of stone which is heaped up, and now makes solid soil. The question is, To what use should we put it in the future? Why should we not now declare that it is to be used as a public park? Why should we not enter upon the work of covering that mud with grass and trees? Does any man contend that that will involve a large expenditure? Why, the soil is rich and fruitful. All you have to do is to scatter grass seed over it and to plant a few clumps of trees here and there, and in a few years you have a magnificent park, that will contribute not only to the beauty of Washington, but to the health of Washington. I ask, Where is the wisdom in allowing that 300 acres of mud to swelter in the sun, unutilized, and harmful to the health of this great city?

It seems to me that this proposition ought to be voted upon now. It does not involve a parting with the title of the Government to an inch of its ground. It simply involves the declaration of the use to which that park shall be put. This improvement has been a great governmental work. The title remains in the Government, and though the use to which we propose to put it is a reasonable and fair use, the gentleman declares that the District of Columbia should now pay one-half of the cost of this great governmental improvement. It seems to me that is not a fair consideration to address here and now.

Mr. STEELE. I would like to inquire whether there is now 1 foot or 4 feet of water over this land?

Mr. NEWLANDS. There is no water over this land. It is soil that is reclaimed, and is behind a stone wall that has been placed there for the Government.

Mr. BABCOCK. Above tide water.

Mr. NEWLANDS. Above tide water; and all that this necessarily involves is the planting of a few trees and the sowing of a little grass seed. No appropriation is now made, and I believe that the wisdom and fairness of this House can be trusted, when the proper time comes, to devote a proper sum, and only a reasonable sum, for carrying out the purposes to which we propose to dedicate this property.

Mr. DOCKERY. I want to say just one word. I understand

the gentleman from New Jersey [Mr. PITNEY], in view of the fact that we get no assurance from the chairman of the committee, will not offer the amendment that he proposed to offer.

Mr. LACEY. I desire to offer an amendment. Will the gentleman yield for that purpose?

The CHAIRMAN. General debate has not been closed.

Mr. WELLINGTON. I will ask whether it is proper for the gentleman to withdraw his amendment after it has been accepted by the committee?

Mr. DOCKERY. It has not been formally offered yet.

Mr. WELLINGTON. It has been accepted by the committee, however.

The CHAIRMAN. The Chair will say, in reply to the parliamentary inquiry, that no amendment is pending. This is a mere matter of reading for the information of the committee.

Mr. BABCOCK. I move that general debate be considered as closed.

The CHAIRMAN. That can only be done by unanimous consent. The gentleman from Wisconsin asks that general debate be considered as closed.

Mr. WHEELER. I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. WHEELER. I understood it was not a request for unanimous consent, but a motion made by the chairman of the committee.

The CHAIRMAN. Motions are not in order at this time.

Mr. PITNEY. I will say to the chairman of the committee [Mr. BABCOCK] that if he will give us any assurance that the amendment I propose will, if adopted by the House, go into the bill if enacted into law, or else that we shall have fair notice to oppose the bill in any other form on a conference report, I have no objection to still adhering to that amendment, which, I think, is as far as we ought to go.

Mr. MEREDITH. In other words, you would put a man on the jury and swear him to decide in a certain way before the case is heard at all.

Mr. PITNEY. I do not ask to have the conferees commit themselves, except to this extent, that if the Senate conferees will not agree to a report embodying my amendment to the bill, we shall all have fair notice of the conference report, so that we may oppose its adoption.

Mr. HEPBURN. Mr. Chairman, I rise to a point of order. We can not hear. It is impossible in the confusion to hear what particular dicker the gentlemen are engaged in.

The CHAIRMAN. The point of order is well taken.

Mr. BABCOCK. Mr. Chairman, I do not see how I am authorized to speak for the committee, the conference committee, or the Committee on the District of Columbia, as to what they may do in the future. I take it for granted that the gentlemen connected with this bill on the floor will act in good faith. But it would seem to me, Mr. Chairman, that if gentlemen doubt the action of the conference committee that the Speaker is likely to appoint, they had better dispose of the bill right now.

Mr. PITNEY. The gentleman will permit me to say that I have no doubt of the sincerity of any gentleman upon the Committee on the District of Columbia. But the gentleman is aware of the fact that in the last hours of the session we will be very busy with appropriation bills, and I may not be present on the floor of the House when the conference report is called up. If the gentleman will assure me that no conference report shall be brought in without giving notice to me, I am perfectly willing to move the amendment and have it accepted.

Mr. BRUMM. Your idea is that the committee shall agree to bind this House even without knowing what its future action may be.

Mr. PITNEY. Can the gentleman understand the English language?

Mr. BRUMM. I think I can understand the English language, and I am stating what you are trying to drive at. It simply means that you are asking this committee to bind the future action of this House as to what the House may choose to do with a conference report.

Mr. PITNEY. Then the gentleman's hearing is at fault. I ask that if the Senate conferees refuse to agree to this provision, I shall be notified by the House conferees before any other provision is brought up for action in the House.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise.

Mr. PITNEY. A parliamentary inquiry.

The motion was agreed to.

Mr. PITNEY. May I not make a parliamentary inquiry?

Mr. DOCKERY. You did not include in your motion to report the bill favorably.

Mr. BABCOCK. And report the bill.

Mr. DOCKERY. That was not embodied in the motion at all. The motion did not include reporting the bill favorably.

The CHAIRMAN. The motion was that the committee do rise. That was all.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3307) and had come to no resolution thereon.

Mr. BABCOCK. I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. I understand there was an amendment pending in the committee that was not acted upon when this bill was reported.

Mr. HENDERSON. There was no pending amendment.

The SPEAKER. The chairman of the committee reported that the committee had come to no resolution thereon.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307; and, pending that, that debate be limited to ten minutes.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307; and, pending that motion, the gentleman submits the further motion that in Committee of the Whole House on the state of the Union debate shall be limited to ten minutes.

Mr. WHEELER. I move to amend, and make it fifteen.

The question was taken on the amendment, and it was rejected.

The SPEAKER. The question recurs on the original motion, that debate be limited to ten minutes.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PITNEY. Division!

The House divided; and there were—ayes 69, noes 18.

So the motion was agreed to.

The SPEAKER. The question now recurs on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3307.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HENDERSON in the chair.

The CHAIRMAN. The Committee of the Whole will resume the consideration of the bill S. 3307. General debate is limited to ten minutes. The gentleman from Alabama is recognized.

[Mr. WHEELER addressed the committee. See Appendix.]

Mr. BABCOCK. Acknowledging my obligations to the gentleman from Alabama [Mr. WHEELER], I yield back the time to the Chair. If there is no further amendment to be offered——

Mr. STEELE. I have an amendment to offer.

The CHAIRMAN. The bill is open for amendment.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That one-half the sum already expended for the reclamation of this land shall be reimbursed to the Treasury of the United States from the revenues of the District of Columbia: *And provided further*, That all improvements to said park shall be paid equally from the revenues of the District of Columbia and the United States.

The question being taken, the amendment of Mr. STEELE was rejected.

Mr. LACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at end of bill:

"*Provided*, That until such time as the improvement of said park shall be entered upon, the Secretary of the Interior is authorized, under such regulations as he may prescribe, to permit the cultivation of said land or parts thereof for charitable uses for the benefit of the poor of the District of Columbia."

Mr. LACEY. Mr. Chairman, one word in explanation of this amendment. It will be observed that the amendment is permissive in its form. It does not require, but simply authorizes, the Secretary of the Interior, in his discretion, until the improvement of this land is entered upon, to use any part of it for the purpose specified in the amendment. I am not sure that much of this land is adapted to cultivation. But whatever portion may be suitable should be cultivated in some way. It is best for the health of the city that this should be done. The amendment being permissive in its form, its adoption will be entirely safe, because the Secretary of the Interior will not exercise the authority conferred upon him unless on careful investigation he should deem it desirable or necessary.

Mr. BABCOCK. I understand that this land is wash and sand and gravel; that it is in no condition to be cultivated.

Mr. GROUT. The gentleman from Nevada [Mr. NEWLANDS] told us that this land had been formed from mud and is very fertile. I judge it to be of such a character that vegetation must

thrive upon it. I am, therefore, in favor of the amendment proposed by the gentleman from Iowa [Mr. LACEY]. If the land can be utilized, let it be done. If the land is entirely unsuitable for cultivation, then nobody will want to use it for that purpose.

Mr. BABCOCK. All right; I will not object to the amendment.

Mr. GROUT. The amendment simply gives the Secretary authority to use the land in this way in case it may seem desirable.

Mr. MILNES. I rise to a point of order. It seems to me that this amendment is an infringement upon a patent which is exclusively owned by the State of Michigan, from which I have the honor to come—the Pingree potato patch.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CANNON. I want to offer an amendment to the amendment.

The Clerk read the amendment of Mr. CANNON, as follows:

Add to the amendment of Mr. LACEY these words: "And the sum of $10,000 is appropriated to carry out the provisions of this act."

Mr. CANNON. Mr. Chairman, I like to be practical in matters of legislation. Here is a great body of land the improvement of which has already cost two million and a half of dollars. This land is said by the gentleman from Wisconsin [Mr. BABCOCK] to be sand and gravel; it is said by other members to be very productive soil. It is proposed to "tickle it with a hoe," to allow it to be cultivated for charitable purposes under the direction of the Secretary of the Interior. Now, if that amendment is to be adopted—and I am not prepared to say whether it is wise or unwise—let us have something practical. If we appropriate $10,000 to utilize this land by cultivation, that amount of money will, I anticipate, enable the Secretary of the Interior to appoint some one superintendent, at $2,500 salary, and also several farmers, at probably $1,000 each.

Mr. MERCER. Will they be under the civil-service rules?

Mr. CANNON. I think not. I think there is a chance for some of us to get these places. [Laughter.]

Mr. ARNOLD of Pennsylvania. I object to this discussion unless my colleague [Mr. BROSIUS] is here.

Mr. CANNON. It seems to me that the proposition of the gentleman from Iowa ought to be amended so as to make it practical.

The question being taken on Mr. CANNON'S amendment to the amendment, it was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I want to suggest one difficulty in connection with the amendment of my colleague [Mr. LACEY]. If this bill should pass in the form proposed, then this reservation, like all the other reservations in the city of Washington, would come under the jurisdiction of the War Department, and would be in charge of the particular officer who has charge of all the other parks and reservations, whereas the amendment of my colleague proposes that the Secretary of the Interior shall have jurisdiction of this land for the purpose of cultivating potatoes or peanuts or whatever else the land may be capable of raising. I merely suggest that difficulty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LACEY].

The amendment was rejected.

Mr. PITNEY. Now I offer the amendment which has been sent to the desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "hereby," in line 5, and insert in lieu of what follows after that word the following:
"Reserved for such public purposes as shall be hereafter specified by Congress; and no part thereof shall be devoted or used for any private purpose without the consent of Congress."

Mr. BABCOCK. You might as well kill the bill as to adopt that amendment.

Mr. PITNEY. Oh, it is a very meritorious amendment.

The question was taken on the amendment; and on a division (demanded by Mr. PITNEY) there were—ayes 58, noes 77.

Mr. PITNEY. Tellers.

Tellers were ordered; and the Chairman appointed Mr. PITNEY and Mr. BABCOCK.

The committee again divided; and the tellers reported—ayes 58, noes 91.

Accordingly the amendment was rejected.

Mr. BABCOCK. Now, Mr. Speaker, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Potomac Park, and had directed him to report the same back to the House without amendment, and with the recommendation that it do pass.

Mr. BABCOCK. I move the previous question on the bill to its passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. TERRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TERRY. I rise for the purpose of making a suggestion for the yeas and nays. I think that, without the amendment of the gentleman from New Jersey [Mr. PITNEY], this bill ought not to pass.

The SPEAKER. There can be no further debate, the previous question having been ordered.

Mr. TERRY. I demand the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays on the third reading of the bill?

Mr. TERRY. No; on the passage.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. TERRY. On that I demand the yeas and nays.

The question was taken; and there were—yeas 157, nays 64, not voting 134; as follows:

YEAS—157.

Abbott,	Fischer,	Lefever,	Sherman,
Adams,	Foote,	Leisenring,	Simpkins,
Aldrich, T. H.	Gamble,	Lewis,	Smith, Ill.
Aldrich, Ill.	Gillet, N. Y.	Linney,	Snover,
Arnold, Pa.	Graff,	Little,	Sorg,
Arnold, R. I.	Griffin,	Long,	Southwick,
Avery,	Grosvenor,	Low,	Spalding,
Babcock,	Grout,	McCall, Tenn.	Spencer,
Baker, N. H.	Grow,	McCleary, Minn.	Sperry,
Bankhead,	Hall,	McCreary, Ky.	Stahle,
Bartholdt,	Halterman,	McDearmon,	Stewart, Wis.
Bennett,	Hardy,	McLachlan,	Stone, C. W.
Berry,	Harris,	Mercer,	Stone, W. A.
Boutelle,	Hart,	Meredith,	Strode, Nebr.
Bowers,	Heiner, Pa.	Meyer,	Taft,
Brewster,	Henderson,	Miles,	Tawney,
Brumm,	Henry, Conn.	Miller, W. Va.	Tayler,
Buck,	Hepburn,	Milnes,	Thorp,
Bull,	Hicks,	Minor, Wis.	Tracey,
Burrell,	Hilborn,	Mitchell,	Treloar,
Burton, Mo.	Hill,	Mondell,	Turner, Ga.
Burton, Ohio	Hitt,	Mozley,	Van Voorhis,
Calderhead,	Hopkins, Ill.	Newlands,	Walker, Mass.
Catchings,	Hopkins, Ky.	Odell,	Wanger,
Chickering,	Howe,	Otjen,	Warner,
Coffin,	Hubbard,	Overstreet,	Watson, Ohio
Cooper, Wis.	Huff,	Owens,	Wellington,
Crowther,	Hulick,	Patterson,	Wheeler,
Curtis, Iowa	Hull,	Poole,	White,
Curtis, N. Y.	Hunter,	Price,	Willis,
Dalzell,	Hurley,	Pugh,	Wilson, Ohio
Danford,	Hyde,	Quigg,	Wilson, S. C.
Daniels,	Jenkins,	Raney,	Wood,
Dayton,	Johnson, Cal.	Ray,	Woodard,
De Witt,	Kiefer,	Reeves,	Woodman,
Dolliver,	Kirkpatrick,	Reyburn,	Woomer,
Eddy,	Knox,	Richardson,	Wright.
Ellis,	Kyle,	Royse,	
Erdman,	Lacey,	Scranton,	
Evans,	Latimer,	Shannon,	

NAYS—64.

Anderson,	Crowley,	Kleberg,	Sayers,
Baker, Kans.	Curtis, Kans.	Lawson,	Shafroth,
Bartlett, Ga.	De Armond,	Layton,	Shuford,
Bartlett, N. Y.	Dinsmore,	Livingston,	Sparkman,
Bell, Colo.	Dockery,	Loud,	Steele,
Bishop,	Faris,	Loudenslager,	Stokes,
Black,	Fenton,	Maddox,	Strong,
Blue,	Gardner,	McCulloch,	Strowd, N. C.
Broderick,	Gibson,	McEwan,	Talbert,
Cannon,	Griswold,	Money,	Tate,
Clardy,	Hatch,	Moses,	Terry,
Clark, Iowa	Hemenway,	Neill,	Towne,
Codding,	Hendrick,	Otey,	Turner, Va.
Connolly,	Henry, Ind.	Pendleton,	Tyler,
Cox,	Howard,	Perkins,	Van Horn,
Crisp,	Johnson, Ind.	Pitney,	Williams.

NOT VOTING—134.

Acheson,	Brown,	Draper,	Huling,
Aitken,	Clark, Mo.	Ellett,	Hutcheson,
Aldrich, W. F.	Clarke, Ala.	Fairchild,	Johnson, N. Dak.
Allen, Miss.	Cobb,	Fitzgerald,	Jones,
Allen, Utah	Cockrell,	Fletcher,	Joy,
Andrews,	Colson,	Foss,	Kem,
Apsley,	Cook, Wis.	Fowler,	Kerr,
Atwood,	Cooke, Ill.	Gillett, Mass.	Kulp,
Bailey,	Cooper, Fla.	Goodwyn,	Leighty,
Baker, Md.	Cooper, Tex.	Hadley,	Leonard,
Barham,	Corliss,	Hager,	Lester,
Barney,	Cousins,	Hainer, Nebr.	Linton,
Barrett,	Cowen,	Hanly,	Lorimer,
Beach,	Crump,	Harmer,	Maguire,
Belknap,	Culberson,	Harrison,	Mahany,
Bell, Tex.	Cummings,	Hartman,	Mahon,
Bingham,	Denny,	Heatwole,	Marsh,
Boatner,	Dingley,	Hermann,	Martin,
Bromwell,	Doolittle,	Hooker,	McCall, Mass.
Brosius,	Dovener,	Howell,	McClellan,

McClure,	Northway,	Russell, Ga.	Thomas,
McCormick,	Ogden,	Sauerhering,	Tracewell,
McLaurin,	Parker,	Settle,	Tucker,
McMillin,	Payne,	Shaw,	Updegraff,
McRae,	Pearson,	Skinner,	Wadsworth,
Meiklejohn,	Phillips,	Smith, Mich.	Walker, Va.
Miller, Kans.	Pickler,	Southard,	Washington,
Milliken,	Powers,	Stallings,	Watson, Ind.
Miner, N. Y.	Prince,	Stephenson,	Wilber,
Moody,	Rinaker,	Stewart, N. J.	Wilson, Idaho
Morse,	Robertson, La.	Strait,	Wilson, N. Y.
Murphy,	Robinson, Pa.	Sulloway,	Yoakum.
Murray,	Rusk,	Sulzer,	
Noonan,	Russell, Conn.	Swanson,	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. CORLISS with Mr. COWEN.

Mr. PICKLER with Mr. MINER of New York.

Mr. HARMER with Mr. HUTCHESON.

Mr. KULP with Mr. SHAW.

Mr. MCCALL of Massachusetts with Mr. JONES.

For this day:

Mr. BINGHAM with Mr. CULBERSON.

Mr. COOK of Wisconsin with Mr. RUSSELL of Georgia.

Mr. BROMWELL with Mr. STRAIT.

Mr. MEIKLEJOHN with Mr. MCRAE.

Mr. MCCLURE with Mr. SWANSON.

Mr. JOY with Mr. STALLINGS.

Mr. HULING with Mr. LESTER.

Mr. AITKEN with Mr. YOAKUM.

Mr. BROSIUS with Mr. MCLAURIN.

Mr. CRUMP with Mr. TUCKER.

Mr. MARSH with Mr. ELLETT.

Mr. DRAPER with Mr. WASHINGTON.

Mr. COUSINS with Mr. ALLEN of Mississippi.

Mr. HADLEY with Mr. BAILEY.

Mr. HEATWOLE with Mr. CLARKE of Alabama.

Mr. MAHON with Mr. COBB.

Mr. LORIMER with Mr. BELL of Texas.

Mr. WILBER with Mr. COOPER of Texas.

Mr. SMITH of Michigan with Mr. FITZGERALD.

Mr. HAINER of Nebraska with Mr. HARRISON.

Mr. STEWART of New Jersey with Mr. ROBERTSON of Louisiana.

Mr. RUSSELL of Connecticut with Mr. MAGUIRE.

Mr. TRACEWELL with Mr. OGDEN.

Mr. WALKER of Virginia with Mr. SULZER.

Mr. WILLIAM F. ALDRICH with Mr. RUSK.

Mr. WHEELER. I should like to have a recapitulation of the names.

The SPEAKER. The gentleman asks for a recapitulation of the names. The Chair thinks that this is not a doubtful matter. On this question the yeas are 157 and the noes 64. Accordingly, the bill is passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4, and had further insisted upon its amendments.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2729) granting a pension to Emma Weir Casey.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 20, 1897:

An act (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

An act (H. R. 4099) to increase the pension of Mary S. Higgins;

An act (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols.

An act (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

An act (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

An act (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898; and

An act (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

The following bills were presented to the President on the 10th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States have become laws without his approval:

An act (H. R. 2620) granting a pension to Lauretta L. Prince;

An act (H. R. 3166) granting a pension to George B. Merchant;

An act (H. R. 4841) granting a pension to Melissa Adams, widow of Silas Adams;

An act (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

An act (H. R. 7115) granting a pension to James Warbrook;

An act (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

An act (H. R. 7821) granting a pension to Annie Schifirli;

An act (H. R. 1064) for the relief of Henry F. Thornton;

An act (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

An act (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

An act (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

An act (H. R. 7349) to pension Lewellyn D. King;

An act (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

An act (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

An act (H. R. 6236) to grant a pension to Mrs. Helen A. Faulkhouser;

An act (H. R. 6234) to restore the name of James R. Pack to the pension roll;

An act (H. R. 4001) to reinstate William Waldrup on pension roll;

An act (H. R. 468) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion;

An act (H. R. 2257) to increase the pension of Charles H. Twomey;

An act (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

An act (H. R. 5532) to increase the pension of Josephine Glover;

An act (H. R. 6539) to increase a pension to Richard C. Enright;

An act (H. R. 7969) to increase the pension of Joseph E. Vantine;

An act (H. R. 2725) granting increase of pension to Henry Slaughter;

An act (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

An act (H. R. 7740) granting an increase of pension to Lewis Keiser;

An act (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers; and

An act (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

EAST WASHINGTON HEIGHTS TRACTION RAILWAY COMPANY, OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia.

Mr. RICHARDSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. This bill should first be considered in Committee of the Whole. I want to know whether it is waived by having the bill first read in the House?

The SPEAKER. Certainly not.

Mr. BABCOCK. Mr. Speaker, I would like to ask by what rule it is necessary to consider that bill in Committee of the Whole?

The SPEAKER. That will have to be determined when the bill is read. The House can not tell whether a matter should go to the committee or not until it has been read.

The bill was read at length.

Mr. WILLIAM A. STONE. I raise the point of order that this bill should first be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, I desire to say that it is well known to every member of the House that the committee has lost nearly half of the day. I now move that the House take a recess

until 11 o'clock to-morrow; and on that motion I ask the previous question.

The SPEAKER. The gentleman from Wisconsin moves that the House take a recess until 11 o'clock to-morrow morning; and on that he asks the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAM A. STONE. Division!

The House divided; and there were—ayes 98, noes 44.

Mr. WHEELER. No quorum.

The SPEAKER. The Chair believes there is a quorum present. [After counting.] One hundred and eighty-four gentlemen are present. The ayes have it——

Mr. CATCHINGS. I ask for the yeas and nays on this question.

The SPEAKER. The gentleman asks for the yeas and nays on this question——

Mr. STEELE. Pending that, I move that the House do now adjourn.

The SPEAKER. Evidently a sufficient number, and the yeas and nays are ordered.

Mr. STEELE. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WILLIAM A. STONE. Division!

The House divided; and there were—ayes 76, noes 73.

The SPEAKER. Pending the announcement, the Chair lays before the House a report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3718) to authorize the Montgomery, Haynesville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama;

A bill (S. 2739) granting a pension to Emma Weir Casey;

A bill (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River;

A bill (S. 2877) granting a pension to Hiram Santas;

Joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held in Buffalo;

Joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries;

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

A bill (H. R. 1515) for the relief of Hugh McLaughlin; and

A bill (H. R. 4424) to correct the military record of George I. Spangler.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MARSH, indefinitely, on account of sickness.

To Mr. COBB, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. POOLE obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John O. Wood, Fifty-fourth Congress, no adverse report having been made thereon.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The SPEAKER announced as conferees on the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, with Senate amendments, Mr. CURTIS of Iowa, Mr. ODELL, and Mr. MEYER.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Gurnet Rock and other rocks at the mouth of Plymouth Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Duxbury Beach, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the approaches to the Cape Cod Ship Canal, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Duxbury Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3608) entitled "An act setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution," reported the same without amendment, accompanied by a report (No. 3032); which said bill and report were referred to the House Calendar.

By Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10340) to authorize the construction and maintenance of a bridge across the St. Lawrence River, reported the same without amendment, accompanied by a report (No. 3039); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 5428) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers. (Report No. 3031.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3746) granting a pension to Elizabeth M. Leach. (Report No. 3033.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 5691) granting an increase of pension to Sophia W. Buxton, of Durango, Colo. (Report No. 3034.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 5543) granting a pension to Elizabeth Norton. (Report No. 3036.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 3239) entitled "An act for the relief of the estate of Richard Lawson." (Report No. 3038.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of Massachusetts: A bill (H. R. 10355) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 10356) to restore to the public domain the lands embraced within the forest reservations, in the State of Wyoming, set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10358) to regulate interstate transportation of property owned or manufactured by unlawful combinations—to the Committee on the Judiciary.

By Mr. WADSWORTH: A concurrent resolution (House Con. Res. No. 71) authorizing the printing and binding of 12,000 additional copies of Arbor Day: Its History and Observance—to the Committee on Printing.

By Mr. TRACEY: A resolution (House Res. No. 553) to pay session employees appointed by resolution of the House as other session employees of the House are paid—to the Committee on Accounts.

By Mr. SMITH of Michigan: A resolution (House Res. No. 554) requesting the Secretary of State to report to the House the names, residence, and citizenship of all aliens now representing the United States in any consular or diplomatic capacity, etc.—to the Committee on Foreign Affairs.

By Mr. BARRETT: A memorial of the Massachusetts legislature, relative to the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. MOODY: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Boston—to the Committee on Naval Affairs.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. HATCH: A memorial of the Indiana legislature, urging consideration of Senate bill 2741—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. ATWOOD: A memorial of the Massachusetts legislature, in favor of the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

By Mr. RUSSELL of Connecticut: A memorial of the legislature of Connecticut, favoring the bill (H. R. 260) to adjust salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMPKINS: A memorial of the Massachusetts legislature, favoring the construction of a dry dock at Charlestown—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10359) for the relief of A. W. Lane—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of Mrs. C. B. Farwell, Mrs. Albert Keep, Mrs. William Blair, Mrs. R. W. Patterson, Mrs. H. H. Forsyth, and other women of Chicago, Ill., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of citizens of Washington, Mo., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Columbus Assembly, No. 3, Royal Society of Good Fellows, of Providence, R. I., favoring the passage of the McMillan-Linton bills, regulating fraternal orders and associations—to the Committee on the District of Columbia.

Also, petition of the Methodist and Baptist churches, Woman's Relief Corps, and Young People's Society of Christian Endeavor, of Warren, R. I., favoring the enactment of the Gillett-Platt anti-gambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist and Baptist churches, Woman's Relief Corps, and Young People's Society of Christian Endeavor, of Warren, R. I., in favor of the Shannon bill (H. R. 9515), to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

By Mr. BURTON of Missouri: Petition of A. M. Beman and 7 other citizens of Aurora, Mo., in favor of the Sherman bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Resolutions of the Topeka Division, No. 179, Order of Railway Conductors; also resolutions of the Board of Trade of Iola, Kans., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND (by request): Petition of John H. Miller and other citizens of Rich Hill; also of L. Klous and others, of Harrisonville, State of Missouri, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of Albert Anderson and other citizens of Minneapolis, Minn., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions of C. B. Cooper and 6 other citizens of Fairport; J. E. Hoke and others, of Cooperstown, N. Y.; W. Schwagamann, of Yonkers, N. Y.; W. B. Van Vliet, of Johnstown, N. Y.; E. L. Spire, of Kirksville, N. Y.; John T. Marvin, of Corning, Iowa; O. H. Clark and 7 others, of Croton Falls, N. Y.; Peter Draper and 6 others, of Attica, N. Y.; John Allen and 20 others, of East Pembroke, N. Y.; Gilbert Turnbull and 6 others, of Schenectady, N. Y.; Frank P. Bailey and 6 others, of Highland Falls, also resolutions of the National Educational Association at Indianapolis, Ind., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection and biological science in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. HERMANN; Memorial of the Chamber of Commerce of Portland, Oreg., for a Delegate from Alaska—to the Committee on the Territories.

By Mr. HUNTER: Petition of Alexander Post, No. 114, Grand Army of the Republic, Department of Kentucky, for the relief of ex-soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LINTON: Sundry petitions of citizens of the State of Michigan, viz: C. L. King and others, S. H. Edgcumbe and others, J. A. Frye and others, Frederick Volof and others, J. H. Carmichael, H. J. Knibbs and others, H. S. Faust, and G. P. Mitchell, asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. F. Maynes and 29 others, S. H. Coon and 11 others, F. C. Tyron and 18 others, O. D. Chapman and 21 others, H. Coleman and 18 others, William J. Doremus, F. T. Fisher and others, E. O. Singleton and 28 others, Thomas E. Birch and others, in the State of Michigan; also petitions of various councils of the Loyal Additional Benefit Association; also of the Martha Washington Assembly, Royal Society of Good Fellows, of Pittsburg, Pa., urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Michigan, protesting against the passage of Senate bill No. 1552, relating to vivisection—to the Committee on the District of Columbia.

Also, protests of C. W. S. Burger and other citizens of New York City; C. Wise and others, of Emporia, Kans.; J. E. Coleman and others, of the State of Wisconsin; J. A. Caywood and others, of Niwot, Colo.; E. J. Hubbard and others, of the State of New York; J. M. B. Parry and others, of Aspen, Colo.; Fred Baker and others, of Newark, N. J.; A. Irving Wesley, of Brooklyn, N. Y.; J. C. Van Thaden and others, C. A. Doerner, William L. Cole and others, of Brooklyn, N. Y.; Mason Huddart, of New York City; D. H. Bennett and others, of the State of New York; H. W. Baggott and others, of the State of New Jersey; Noah Jackson and others, of Emporia, Kans.; B. F. Friebel, William H. Pascal and others, of Cohoes, N. Y., against appropriations for sectarian institutions and favoring an amendment to the Constitution prohibiting such appropriations—to the Committee on the Judiciary.

Also, petition of J. R. Hall and other citizens of Saginaw, Mich., asking for a continuance of the marine post-office at Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce and petition of George W. Neff, of Lake Crystal, Minn., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. W. M. Green and 20 other citizens of Hope, Ark., in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. McDermott, master, and N. P. O'Neal, secretary of Lodge No. 163, Locomotive Firemen, Pine Bluff, Ark., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

By Mr. NEILL: Petition of W. A. Welty and 19 other citizens in the State of Arkansas, in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. ROYSE: Petition of E. A. Campbell and other citizens of Elkhart, Ind., favoring the enactment of the McMillan-Linton bills (S. 3589, H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petitions of Thomas J. Simmons, chief justice supreme court of Georgia; Rev. E. H. Bennett and 27 others, clergymen and professional men of Atlanta, Ga.; H. A. Jenkins, speaker of Georgia house of representatives; Attorney-General J. M. Terrill, of Georgia; L. M. Trammel, chairman Georgia railroad commission; Robert J. Lowery and 22 bankers and business men of Atlanta, Ga.; Bishop Kenlock Nelson, of Georgia; Hoke Smith and W. Y. Atkinson, of Atlanta, Ga., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Sundry petitions of citizens of the State of Michigan, viz: J. R. Wirts and other citizens of Burroak; H. Wilson, of Mackinaw; J. H. Maynard and others, of Sparta; C. Finster, of Rockford; Phillip Allen and others, of Grand Rapids; C. M. Case and others, of Manchester; H. Voelker and others, of Caledonia; A. E. York, James Thompson, John Olander, John B. Hobbs, and others, of Grand Rapids; George Ransom and others, of Muir; H. C. Chamberlin and others, of Hastings; J. C. Floyd, Egbert Winter, and others, of Holland; L. N. Steears and others, of White Pigeon; F. A. Voigt and others, of Grand Rapids, and

Peter de Bruyn, of Spring Lake, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of G. F. Crites and others, of Belle Center, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER (by request): Numerous petitions of citizens of the United States, in regard to willow ware—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Resolutions adopted at the meeting of the Iowa State Veterinary Medical Association held at Oskaloosa, Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection—to the Committee on the District of Columbia.

Also, resolution of the State Veterinary Medical Association of Iowa, for the enactment of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

SENATE.

THURSDAY, *February 25, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL—ARMY APPROPRIATION BILL.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

Mr. PETTIGREW. I ask that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection? The reading of the Journal will be dispensed with, in the absence of objection.

THE YELLOWSTONE PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th instant, information concerning the privilege of erecting a steam plant elevator or other appliances on the Yellowstone Canyon in the Yellowstone Park, etc.; which was ordered to lie on the table and be printed.

NORTHERN PACIFIC RAILROAD GRANT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 19th instant, a report from the Acting Commissioner of the General Land Office, together with a statement as to a deficiency existing in the grant to the Northern Pacific Railroad Company under the acts of Congress of July 2, 1864, and May 31, 1870, at the date of the various definite locations of that road; which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3328) to amend an act to repeal the timber-culture laws, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of Iowa, Mr. ODELL, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10178) for the relief of Francisco Perna; and

A bill (H. R. 10330) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1832) to define the right of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; and

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of Potomac Park.

DANIEL E. DE CLUTE.

Mr. BURROWS. I should like to have the bill (H. R. 9689) for the relief of Daniel E. De Clute considered. It is a brief bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Daniel E. De Clute, late a private of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension at the rate of $30 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask unanimous consent that on Monday next, at 2 o'clock p. m., the Senate proceed to vote upon House bill 8110, the bankruptcy bill, and the pending amendments.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. What is the request?

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that on Monday next, at 2 o'clock, the Senate proceed to vote upon the bankruptcy bill and pending amendments. Is there objection?

Mr. JONES of Arkansas. I object until there are more Senators present.

The VICE-PRESIDENT. The Senator from Arkansas objects.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Nineteenth legislative assembly of the Territory of Arizona, praying that Congress will provide by law for loaning to the University of Arizona ordnance and ordnance stores, etc.; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the house memorial No. 3 of the Nineteenth legislative assembly of Arizona, which was filed in this office the 20th day of February, A. D. 1897, at 2 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phœnix, the capital, this 20th day of February, A. D. 1897.

[SEAL.] CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

Memorial.

To the Senate and House of Representatives of the United States of America:

Your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, respectfully represent as follows:

The University of Arizona, recognizing the value of military training, has established a military department, under a regular member of its faculty; has made such training a part of each of its several courses of study, and has made creditable progress by its own efforts and at its own expense, without aid from the General Government.

The application of said university to the Secretary of War for the loan of ordnance and ordnance stores, usually supplied to colleges, has usually been denied on the ground that under existing laws the detail of an Army officer for duty in said university as professor of military science and tactics is a prerequisite to loaning such equipment.

The detail of an Army officer for such duty at said university can not be secured until this Territory is admitted to Statehood.

Furthermore, it appears that the bond for an amount double the value of the property, which said university would be required to enter into before the delivery to it of said property, would amply secure the Government against loss.

Wherefore we pray that Congress will provide by law for loaning to the University of Arizona ordnance and ordnance stores and other property to the same extent and under the same regulations as would be lawful if an Army officer were on duty as professor in said university; and, further, that the publications of the United States relating to military affairs be regularly supplied to the military department of said university.

Resolved by the Nineteenth legislative assembly of the Territory of Arizona, That the secretary of the Territory is hereby requested to transmit a properly authenticated copy of this memorial to each House of the Congress of the United States, and to our Delegate in Congress.

D. G. CHALMERS,
Speaker.

FRED G. HUGHES,
President.

The VICE-PRESIDENT presented a petition of the Nineteenth legislative assembly of the Territory of Arizona, praying Congress to approve the proposed construction, under the plans of the United States Geological Survey, of the Buttes reservoir, in Pinal County, Ariz.; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the house memorial No. 4 of the Nineteenth legislative assembly of Arizona, which was filed

in this office the 19th day of February, A. D. 1897, at 2.15 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phœnix, the capital, this 20th day of February, A. D. 1897.

CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

House memorial to the Senate and House of Representatives of the United States in Congress assembled.

We, your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, respectfully represent that the National Irrigation Congress, held in Phœnix, Ariz., on the 15th of December, A. D. 1896, unanimously adopted the following:

Whereas the Pima and Maricopa Indians, tribes numbering in the aggregate 10,000 souls, have been deprived of the waters used by them in irrigation before the advent of the white race in America through the appropriation of such waters by settlers on the headwaters of the Gila River; and

Whereas through the loss of such waters the lands once cultivated by these tribes have become barren and worthless and the members of such tribe have become a charge on the Government and forced by the loss of their fields into lives of degradation and penury; and

Whereas such tribes have from the earliest days been the friends and allies of the white race; and

Whereas the people of the United States have pledged themselves by solemn treaty to protect such tribes in their property and property rights; and

Whereas the Government of the United States has and now is engaged in the expenditure of hundreds of thousands of dollars for the construction of works of irrigation for the reclamation of lands belonging to other Indian tribes: Therefore,

Be it resolved, That this congress do approve the proposed construction, under the plans of the United States Geological Survey, of the Buttes reservoir, in Pinal County, Ariz., recently reported, to again reclaim the lands of these tribes, believing that by so doing can the Government alone honorably redeem the broken pledges made by it to these people, and thus preserve from further want and degradation two of the surviving Indian tribes of the American continent that have always been the constant friends of the white race.

Resolved, That we approve the proposed construction of such reservoir not only as just and philanthropic, but as economical and good policy, as in a comparatively short time the expense of maintaining such Indians as Government charges will far exceed the cost of the irrigation works required to make them a self-supporting and self-respecting community.

Now, therefore, your memorialists, the Nineteenth legislative assembly of the Territory of Arizona, desire to go on record as earnestly indorsing the above recommendations of the Sixth Annual Irrigation Congress, for the following reasons:

1. The reservoir site referred to, having been withdrawn from entry by Government authorities, can not now be utilized by any private corporation, and the Government therefore occupies the indefensible position of doing nothing itself nor allowing anyone else to improve this great national reservoir site.

2. We firmly believe that the interests of humanity dictate that the Indians should be gathered on the reservations, have lands allotted to them in severalty, and that they be furnished with farming implements and an inexhaustible supply of water for irrigation of their lands. By this means will a home life be furnished for the Indian and he will more rapidly advance in civilization as a consequence. He will abandon his nomadic life; his children will be kept at home and educated in neighborhood schools, instead of being sent to large Indian schools at a distance, where they are kept (as it would seem) for mere purposes of show. After being instructed in the arts of civilization for a time they are returned to savagery, to become more unhappy and discontented than if they had never received the questionable advantages. We feel that the present policy of the Indian Department is all wrong in this regard.

3. The Pima and Maricopa Indian Reservation contains 250,000 acres of as fertile land as lies within the boundaries of Arizona, and is admirably adapted for homes for these people, as well as the wandering Papagoes, who are now compelled to prey upon the herds of our farmers and ranchmen for subsistance.

4. The construction of a storage reservoir at the Buttes by the Government offers a plain business proposition for the correction of these evils.

Resolved, That the secretary of the Territory be instructed to transmit a copy of the foregoing memorial to our Delegate and Delegate-elect in Congress, and also a copy each to the President of the Senate and Speaker of the House of Representatives.

D. G. CHALMERS, *Speaker.*
FRED G. HUGHES, *President.*

The VICE-PRESIDENT presented a petition of the Methodist Preachers' Meeting of Cincinnati, Ohio, praying for the enactment of legislation regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented petitions of 113 citizens of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of the Michigan State Veterinary Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the board of education of Grand Rapids, Mich., and a petition of the board of trustees of the Supreme Hive, Ladies of the Maccabees of the World, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen, of Detroit, Mich., praying for the enactment of legislation to punish contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and also for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union, of Pontiac, Evart, Greenville, and St. Ignace, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Shelby, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented the memorial of M. G. Manting, publisher of the Ottawa County Times, of Holland, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Evart, Mich., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Newaygo, Mich., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. SEWELL presented a petition of the Young People's Society of Christian Endeavor of the Second Presbyterian Church, of Rahway, N. J., and a petition of the Woman's Christian Temperance Union, No. 1, of Rahway, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Peter Cooper Council, No. 196, Junior Order United American Mechanics, of Newark, N. J., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hoboken, N. J., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of Elizabeth S. Dohrman, president of the Wednesday Morning Club; of Janet S. Irving, president of the Woman's Christian Temperance Union; of Anna S. Miller, president of the Ladies' Aid Society; of Fannie E. Bates, president of the Village Improvement Association, and of Minna C. Hale, president of the Progress Club, all of Cranford, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. QUAY presented a petition of the United Labor League of Western Pennsylvania, praying for the passage of the so-called Phillips labor commission bill; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

United Labor League of Western Pennsylvania, representing 30,000 organized working men and women.

PITTSBURG, PA., *February 21, 1897.*

At the regular semimonthly meeting of the United Labor League of Western Pennsylvania, the following were adopted:

Whereas there is now on file in the United States Senate a bill generally known as the Phillips labor commission bill; and

Whereas the majority of the members of the Senate recently voted down the untiring efforts of Senator MATTHEW STANLEY QUAY to bring up the bill for final passage: Therefore,

Be it resolved, That we unanimously supplement the efforts of Senator QUAY to bring the bill to a final vote in the Senate before the termination of the present session; and

Be it further resolved, That a copy of these resolutions be signed by the officers of the league and sent at once to Senator QUAY, and that he be authorized to say that he speaks for the labor organizations of western Pennsylvania in his demand for a final vote on said bill before the close of the present session of the Senate.

JOHN KLUMPP, *President.*
M. P. CARRICK, *Secretary,*
81 Charles street, Allegheny, Pa.

Mr. QUAY presented a petition of the Young Men's Christian Association of Chester Pa.; a petition of members of the Madison Street Methodist Episcopal Church, of Chester, Pa., and sundry petitions of the Young People's Society of Christian Endeavor and the Epworth League of Newcastle, Lawrence County, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and grounds; which were ordered to lie on the table.

He also presented a petition of members of the Madison Street Methodist Episcopal Church, of Chester, Pa., and a petition of the Young Men's Christian Association of Chester, Pa., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of sundry citizens of Shelby,

Ohio, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Methodist Preachers' Meeting of Cincinnati, Ohio, praying for the passage of the bill regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Western Reserve Society, Sons of the American Revolution, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of the Central Christian Church, of Cincinnati; of the Woman's Christian Temperance Union of Yellow Springs; of the Young People's Society of Christian Endeavor of Chippewa Lake; of the Christian Endeavor Society of the Reform Church of Hartville; of the Christian Endeavor Society of the First United Presbyterian Church, of East Liverpool, and of the Young People's Society of Christian Endeavor of Columbus, all in the State of Ohio; and a petition of the Christian Endeavor Societies of the Presbyterian and Baptist churches of Wyoming, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented a petition of sundry citizens of Milford, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of the Young People's Society of Christian Endeavor of Newcastle, Lawrence County, Pa., praying for the adoption of an amendment to the Constitution of the United States, recognizing the Deity; which were referred to the Committee on the Judiciary.

Mr. CLARK presented the petition of A. Edward Powell, publisher of the Wyoming Freeman, of Sundance, Wyo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Racine, Wis., and a petition of sundry citizens of Richland Center, Wis., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Fort Atkinson, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which was ordered to lie on the table.

Mr. COCKRELL presented petitions of Division No. 3, Order of Railway Conductors, of St. Louis; of George Miller, pastor of the Presbyterian church of Chillicothe, and of Charles E. Hess and sundry other citizens of Jefferson City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of sundry citizens of Alexandria, Ind., and a petition of sundry citizens of Warsaw, Ind., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented petitions of Division No. 3, Order of Railway Conductors, of St. Louis, and of sundry citizens of Aurora, Kansas City, and Westport, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Joint Commission on the Ford's Theater Disaster, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

He also, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2125) granting a pension to Mrs. Frances C. De Russy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky., reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3707) granting a pension to Catherine A. Bradley, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2283) for the relief of Charles Gallagher, and to refer his claims to the Court of Claims, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10290) for the relief of Joseph P. Patton, reported it without amendment, and submitted a report thereon.

JACOB M. HAMBURGER.

Mr. HAWLEY. I report back favorably from the Committee on Military Affairs, without amendment, the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger. I should like to have the Senate concur with the House in the passage of the bill. I think it is entirely just that we should let the poor man out, and then we shall never hear of it again.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against the name of Jacob M. Hamburger, late musician in Company G, First Battalion, Twelfth United States Infantry, and to issue him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TORPEDO-BOAT DESTROYERS.

Mr. CHANDLER. From the Committee on Naval Affairs I report a statement in reference to torpedo-boat destroyers, made by Mr. John Platt, which I ask may be printed as a document and referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be so ordered.

Mr. PETTIGREW. If there is no further morning business, I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The morning business has not been concluded.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 3729) to lease the Industrial Home of Utah to the Salt Lake Free Kindergarten Association; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PLATT introduced a joint resolution (S. R. 208) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. BROWN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. WETMORE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DUBOIS subsequently, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. CLARK this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

PAY OF STENOGRAPHERS.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographers employed to report the hearings before the Committee on the Judiciary, relating to the nomination of Henry E. Davis to be attorney of the United States for the District of Columbia, be paid from the contingent fund of the Senate.

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. HALE. I offer a resolution and ask for its present consideration. It simply calls for documents from a Department.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of the judgments of the Court of Claims in Indian depredation cases rendered up to and including the 27th instant, and requiring appropriations at the present session of Congress, and not already transmitted

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 10178) for the relief of Francisco Perna; and

A bill (H. R. 10330) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

ST. LAWRENCE RIVER BRIDGE.

Mr. HILL. I should like to have passed a bridge bill. If it can not be passed now it will absolutely prevent the construction of a bridge across the St. Lawrence River during the coming summer, and it is absolutely essential that the bill should pass at the very first opportunity. A partial construction has been made upon the Canadian side, and we need this legislation now in order to enable the bridge to be constructed on this side, and the construction can not be commenced unless the bill is passed. I ask unanimous consent for that purpose. It will only take a few moments. The bill was unanimously reported, and I should like to have it passed.

Mr. PETTIGREW. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is interposed.

FORM OF CREDENTIALS.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Massachusetts [Mr. HOAR] coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution suggesting the form of certificate of election of Senators, etc.

Mr. HOAR. The resolution has been read and the whole committee have agreed to it except to substitute the word "choosing" for "electing" before Senators, using the constitutional term. The resolution does not need to be read again. I hope it will be passed.

Mr. GRAY. That correction will be made?

Mr. HOAR. Yes, let that correction be made.

The VICE-PRESIDENT. The resolution has been heretofore read. It will be modified in the manner stated. The question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 2101) for the relief of certain officers and enlisted men of the volunteer forces; and

An act (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held.

PROTECTION OF AMERICAN CITIZENS IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. HILL. I rise to a point of order. The motion can not be entertained until morning business is through.

Mr. ALLISON. It can be entertained at any time, I submit to the Senator from New York.

Mr. ALLEN. I hope this resolution will be permitted to come before the Senate. It will take but a few moments to dispose of it. I trust the Senator from South Dakota will withdraw his motion.

The VICE-PRESIDENT. The Chair had laid before the Senate the resolution coming over from a previous day as a part of the morning business.

Mr. ALLISON. Pending that, the Senator's motion is clearly in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from South Dakota.

Mr. HILL. The point of order I raise is that until the morning business is disposed of, or until one hour has elapsed, it is not in order to take up a bill from the Calendar. That is the law. I insist that my point is well taken.

Mr. PETTIGREW. I suppose this question will not require discussion. An appropriation bill is in order at any time. It has the right of way over other bills.

Mr. HILL. That has nothing to do with it. The rule is very plain. I ask for the reading of the rule.

Mr. PETTIGREW. I therefore move to proceed to the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The rule indicated by the Senator from New York will be read. The Chair asks the attention of Senators to the rule.

The Secretary read clause 2 of Rule VII, as follows:

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment and shall be decided without debate upon the merits of the subject proposed to be taken up.

The VICE-PRESIDENT. The Chair thinks there can be no question as to the rule which has been read. The Chair has laid before the Senate the resolution of the Senator from Nebraska. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That it is the sense of the Senate that the President should speedily and effectually protect the lives and liberties of peaceable American citizens residing or sojourning in Cuba, and that he should promptly insist that Spain in her war against her colonists in the Island of Cuba should conduct the same on principles of civilized warfare, eliminating all unusual and unnecessary cruelty and barbarity; and for the enforcement of these reasonable and just requirements, United States battle ships should be sent without delay to Cuban waters.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HILL. Before the resolution is acted upon, I should like to hear some explanation of it. It seems to be pretty broad, covering a good deal of ground; and being of an important character, I think some explanation should be tendered in regard to it before it is further considered.

Mr. ALLEN. Mr. President, I have no desire at this late hour of the Congress to indulge in any lengthy speech upon this resolution, or upon any other, for that matter. I assume the facts are so well known to the American people which call for the adoption of the resolution and the measures it proposes that no one can deny the necessity of action upon the part of this Government. American citizens are arrested in Cuba and thrown into prison without any trial. Many of them are placed in cells where the consul-general can not have access to them to find out the facts of their cases. There seems to be a general disposition upon the part of the Spanish Government to punish every American citizen who either dwells upon or sojourns in the Island of Cuba. The story is a long one. It is full of atrocity and barbarity; and it would serve no useful purpose for me to read excerpts from newspapers and evidence from other sources supporting the statements contained in the resolution.

I may be permitted to refer in as delicate language as possible to two or three instances of barbarity that have occurred in that island recently. It is not denied that within a few weeks the Spanish authorities were guilty of taking an American lady and searching her person in a public manner and under circumstances of extreme cruelty. I scarcely know how to refer to this matter in my bluntness of speech, but certainly it was done at a time and under circumstances that no Christian man or woman, no civilized man or woman, could approve of.

But I refer more particularly to two instances that seem to be well established. It seems to be conclusively established that the Spanish military authorities in Cuba are gathering up the little girls in that island and selling them into a species of slavery, the worst conceivable in the human mind, selling them to lives of shame. Above that and beyond that, it seems to be conclusively established that Spanish soldiers have in one or more instances taken little infants by the heels, held them up, and hacked them to pieces with the deadly machete in the presence of the mothers and the fathers, and then have destroyed the mothers and fathers themselves.

There seems to be a disposition to heap every indignity and every species of barbarity upon American citizens and American sympathizers in that island, however peaceable they may be, and to practice the most unspeakable barbarity upon what is known as the pacificos, the inhabitants of the island, to such an extent that, in my judgment, the President of the United States will be derelict to his duty to his country, to his duty to every prompting of humanity and the civilization of the world, unless he takes prompt steps to protect the inhabitants and sojourners in that island from further barbarities.

How singular it is when we recall that a year ago Senators who are members of the Committee on Foreign Relations were inveighing strongly against the conduct of Spain in Cuba; that we voted almost unanimously here in favor of recognizing the belligerent rights of Cuba; and yet at this session in the same Congress there has been a singular silence on the part of the Committee on Foreign Relations respecting the conduct of affairs upon that island, and especially in the light of the extreme barbarity of the Spaniards to American citizens and to the people of Cuba. Is it to go on forever?

Mr. GRAY. May I interrupt the Senator from Nebraska?

Mr. ALLEN. Certainly.

Mr. GRAY. On the contrary, I will inform the Senator from Nebraska (perhaps he was not in the Chamber at the time) that yesterday the Committee on Foreign Relations of the Senate reported by one of its members to the Senate its action in regard to a matter which involves the general question upon which the Senator is speaking; and the Foreign Relations Committee is now waiting, in order that it may through one of its members bring that matter before the Senate in regular order and in accordance with the usages of the Senate, which has appointed that committee to consider these matters, and discuss them before the Senate.

Mr. ALLEN. The Senator does not speak in terms comprehensive enough for me to understand what the Committee on Foreign Relations has done.

Mr. GRAY. The Committee on Foreign Relations made a report yesterday and gave notice that it would bring the subject-matter of that report before the Senate this morning in the morning hour.

Mr. ALLEN. What was the report? What did they propose to do?

Mr. GRAY. The report is too long for me to state it, but it is in print.

Mr. ALLEN. What is the substance of it?

Mr. GRAY. It is in print and on the desks of Senators.

Mr. ALLEN. What do the committee propose to do?

Mr. BLACKBURN (to Mr. ALLEN). They propose what you propose to do.

Mr. ALLEN. The Senator from Kentucky states that they propose to do as I would do in this resolution.

Mr. BLACKBURN. I am for both.

Mr. ALLEN. I am glad to know it. Mr. President, the joint resolution referred to does not cover the question at all. The joint resolution, S. R. 207, simply covers the case of Julio Sanguily, a citizen of the United States, who, it appears, is in prison. There is not a thing proposed by the joint resolution respecting the protection of American citizens and American property generally in that island. There is not a thing proposed to be done upon the part of this Government to protect the inhabitants of the Island of Cuba from the extraordinary barbarities which I have mentioned. It can not have escaped the attention of the Senator from Delaware that little girls upon that island are being gathered up and sold into lives of prostitution. It can not have escaped his attention that harmless little children, babies, have been held up by the heels and cut to pieces by a cruel and barbarous soldiery. Why are not those things embraced in the joint resolution? Why does not the Government take some steps to prevent such acts?

Now, I have said all that I desire to say, and possibly more than I ought to have said; but it does seem to me absolutely humiliating that a government of 72,000,000 people, claiming to be the most powerful government upon the face of the earth, with all the means in its hands to settle this question, will sit idly and supinely here and make no effort to protect these people, these innocent little girls and children, who are being treated with this extreme barbarity from day to day. Here is this decaying monarchy of Spain, a blot upon the map of the world, a disgrace, Mr. President, to the present civilization of Europe, a disgrace to the civilization of the Western Hemisphere; and here is Congress, with this conduct going on almost within 100 miles of our shores, and not a substantial effort is put forth to check it. Mr. President, the time will come, and come speedily, unless we take prompt action in this matter, when a man will have to hang his head for being an American citizen.

Mr. MORGAN. Mr. President, the Senate of the United States now for two years has had a very delicate and responsible duty to perform, having reference to the peace of this country, as well as to the proper administration of treaty rights in Cuba. The Senate has proceeded as rapidly as it felt justified in doing, in presenting from time to time different resolutions, one of which has passed, another of which is now pending, recognizing the independence of Cuba and also its belligerent rights.

It has now reached one of the cases which has been brought to the attention of the Government of the United States by the reports of our consul-general and vice-consuls in Cuba—the case of Julio Sanguily—which in the opinion of the committee furnishes a ground for intervention by this Government to demand his immediate and unconditional release. It is utterly impossible, of course, that we can deal with all of the cases as they are reported in the newspapers, because that evidence is not reliable in every instance; it seldom reaches us without some degree of exaggeration; and the Senate Committee on Foreign Relations has considered that it was a solemn duty that it should receive from the Government of the United States, from the State Department, from the President, authentic information in all of the cases that might be presented before it took any final action in the recommendation of any resolution of this body. Cases of outrages upon little girls, upon children, and a number of other cases of that kind that have been spoken of in the newspapers, have not come to us in such shape as to justify us in taking any action upon them at all.

In the case of Julio Sanguily, which I had the honor to report yesterday, by consent of the committee, the evidence is all presented in Senate Document 104, which was laid before the Senate on the 1st day of February. The report which I submitted yesterday in behalf of the committee relates to that document alone, to the facts presented thus officially to the Congress of the United States by the President. No outside fact is stated. There is a reference made to our treaties, of course, which are on the treaty books, and I have those treaties now before me. A reference is also made in the report to the act of April 17, 1821, of the Spanish Government, and I have now a copy of that act translated, sent to me by the State Department, which I shall ask to have put into the RECORD.

The VICE-PRESIDENT. It will be so ordered.

The act referred to is as follows:

[Translation.]

Spanish decree of April 17, 1821, concerning cognizance and procedure in cases of conspiracy.

The Cortes, after observing all the formalities prescribed by the constitution, have decreed as follows:

ARTICLE 1. This law relates to proceedings instituted in the case of conspiracy or direct machinations against the observance of the constitution, or against the internal or external security of the State, or against the sacred and inviolable person of the constitutional King.

ART. 2. Those accused of these crimes, to whatever class or rank they may belong, when arrested by any body of troops, either of the regular army or of the provincial or local militia, sent expressly in pursuit of them by the Government or by the military commanders commissioned for that purpose by the competent authorities, shall be tried according to military law by the ordinary council of war prescribed by law 8, title 17, book 12, of the Novísima Recopilación (newest recompilation). If the arrest is made by the order, the requisition, or in aid of the civil authorities, the ordinary courts shall try the case.

ART. 3. Shall likewise be tried according to military law by the same council in accordance with law 10, title 10, book 12, of the Novísima Recopilación, offenders of this class who, with firearms, side arms, or any other offensive weapon, offer resistance to the troops which arrest them, belonging to the regular army or to the provincial or local militia, even if the arrest is made by the order, the requisition, or in aid of the civil authorities.

ART. 4. In order to prevent resistance and the consequent violence referred to in the preceding articles, so soon as information is received of the existence of any band or party of rebels against the constitutional government, the civil authorities shall cause to be published, without the slightest delay and under the severest penalties, a proclamation fixing a certain time and commanding the rebels to disperse immediately and return to their respective homes.

ART. 5. This proclamation shall be published and circulated with the utmost promptness throughout the district; and when the number of hours fixed by the authorities in the proclamation, as circumstances may dictate, shall have elapsed, the following persons will be presumed to have offered resistance to the troops so far as to render them amenable to martial (military) law: 1. Those who are found in company with the insurgents, even if they have no arms. 2. Those who are arrested by the troops in the act of flight, after having been with the insurgents. 3. Those who, having been with the insurgents, are found in hiding and away from their houses, with arms.

ART. 6. Those who, within the time fixed by the proclamation referred to in the foregoing articles, in obedience to the summons of the authorities, retire to their homes without having been arrested, and who were not the chief leaders of the conspiracy, and who have committed no other offense than that of having been with the insurgents for the first time, will be exempted from all penalties.

ART. 7. The duty imposed upon the civil authorities with regard to the publication of the proclamation shall not prevent them from immediately taking such steps as they may deem expedient to disperse all assemblages of insurgents, to arrest the offenders, and to crush the evil at the outset.

ART. 8. Highwaymen, robbers in the country, and robbers in towns, when in companies of four or more, if they are arrested by troops of the regular army or of the provincial or local militia under any of the circumstances referred to in articles 2 and 3, shall likewise be tried by military law, as provided in those articles.

ART. 9. In all cases under the foregoing articles, if the provincial or local militia alone effect the arrest, the ordinary council of war shall be composed of officers of that class, in accordance with (military) law, but if regular troops have cooperated in the arrest, officers of both classes shall assist at the council of war in equal numbers, and the president shall be appointed in accordance with (military) law.

ART. 10. The sentences of the ordinary council of war shall be executed immediately if the Captain-General, with the approval of his auditor, approves them. In the case of disagreement the original records shall be sent by the first mail to the spec al court of war and the navy (marina), which shall render its judgment within the strict term of three days at most, and the judgment which it renders shall be executed without the necessity of consultation.

ART. 11. In all prosecutions instituted under military law by virtue of the foregoing articles, confrontations (of prisoners or witnesses) shall be dispensed with so far as possible, in accordance with the royal order mentioned in note 16, title 17, book 12, of the Novísima Recopilación.

ART. 12. If the prosecuting attorney shall deem it expedient, in view of the gravity and the circumstances of a case in which there are several accused persons, to institute separate proceedings, he may do so in the manner most conducive to the quick despatch of the prosecution, and he shall always do so in the case of all prisoners who have confessed their guilt, or who have been convicted, to the end that their sentence and its prompt execution may not be delayed.

ART. 13. In all other cases those accused of these crimes shall be tried by the ordinary courts, to the exclusion of any other jurisdiction, even when the arrest has been made by the troops.

ART. 14. In cases arising under this law, there shall be no question of jurisdiction, except such as may arise between the ordinary and the military courts within the limits herein set forth. Such questions as may arise shall be decided by the supreme court of justice within forty-eight hours at most from the time when they are brought before it.

ART. 15. The judge of first instance, having cognizance of these cases, shall give them the exclusive preference, and may, in case of necessity, transfer those of another kind to the other judge or judges in the same town.

ART. 16. In the preliminary proceedings the commission of the crime must be fully shown, but the preliminary proceedings may be regarded as

concluded and the cause may be raised to the stage of trial, even if the accused is not fully convicted, provided the proofs or evidence impress the mind of the judge with a reasonable belief that the accused is guilty or innocent and that the case presents no sufficient reasons for continuing the preliminary proceedings, or that it furnishes evidence which may be used to advantage at the trial (plenario).

ART. 17. The judge of first instance may employ any royal or licensed notary of his district to record the preliminary proceedings.

ART. 18. The judge of first instance will order the institution of separate proceedings in accordance with the provisions of article 12 of this law.

ART. 19. When the declaration of the prisoner has been taken, if there are sufficient grounds for the accusation, the prosecuting attorney shall draw it up within three days at the most. The case shall be admitted to trial upon a certificate of transfer, which shall be given to the prisoner within the same period (three days).

ART. 20. The prisoner shall, within twenty-four hours at most, appoint an attorney (procurador) and a counsel (abogado) residing in the district or who are there at the time; and in case of his failure to do so, they shall be immediately appointed by the court.

ART. 21. The prosecuting attorney and the prisoner's counsel shall present, within the twenty-four hours following the return of the writs, lists of the witnesses for the prosecution and the defense whose testimony they wish to take. Copies of these lists shall be exchanged by the parties, for the purpose of impeaching the testimony of the witnesses on the day of trial, and for other necessary purposes.

ART. 22. The lists of witnesses shall give the residence, condition, and business of each of the witnesses. Such witnesses as are within 7 leagues or an ordinary day's journey of the court shall be compelled to appear in person, and, also, when, upon the demand of either of the parties, the judge may think his personal appearance indispensable to the prosecution or defense. The other witnesses shall be examined by deposition, in accordance with the provisions of article 7 of the law of September 11, 1820. These same rules shall apply to the ratification of the preliminary proceedings on the part of the witnesses.

ART. 23. The judge shall, as speedily as possible, fix the day for the appearance of the witnesses and for the trial. At the trial each of the witnesses shall be examined separately, with open doors, in the presence of the prosecuting attorney, the prisoner or his attorney, and his counsel. The declarations and ratifications of the witnesses who do not appear in person shall be read with the same solemnity. The declarations shall be signed by those witnesses who can sign their names. If the parties or the prisoner's counsel have any remarks to make to the witnesses at the time when the latter give their testimony, they may do so through the judge; and the questions or remarks and the answers shall be put in writing after the declaration.

ART. 24. Upon the conclusion of this proceeding the prosecuting attorney and the prisoner and his counsel shall present the documentary evidence in their favor, and shall state orally whatever they may think fit, and, without any further proceedings or writings, the judge shall pronounce sentence within three days at most.

ART. 25. When the parties have been notified of the decision, the judge shall summon them to appear within eight days before the Territorial audience, at the same time notifying the prisoner to appoint his attorney and counsel; and if, when that time and two days more shall have elapsed without the appearance of an attorney and a counsel appointed by the prisoner, and residing at the time in the capital, the court shall appoint them officially.

ART. 26. The court shall fix the time for the preparation of papers by the prosecuting attorney, the prisoner's attorney, and the clerk (relator), not more than three days being granted to each.

ART. 27. Within the periods stated in the preceding article the parties may produce before the judge for that week (semanero) such evidence as they may think material and as may be admitted in accordance with the laws.

ART. 28. Upon the expiration of these periods the court (sala) which has jurisdiction, assisted by judges (ministros) of the other courts (salas) to the number of six, including the regent or his substitute, who must always be present, shall proceed immediately to the examination of the cause.

ART. 29. Judgment shall be rendered within three days at most.

ART. 30. The court shall not have any fixed number of hours of session. It shall meet during the day or at night during the whole time, as circumstances may demand.

ART. 31. An absolute majority of the votes shall decide. In case of a tie the decision shall be in conformity with the vote most nearly agreeing with the decision of the judge of first instance; and if it does not absolutely agree with it, the judgment shall be that which is most favorable to the prisoner.

ART. 32. The judgment rendered shall be carried into execution. A judgment of acquittal shall take effect immediately. Sentence of death shall be executed within forty-eight hours; other judgments as speedily as possible.

ART. 33. The periods fixed by this law are peremptory, and can not be extended either by way of suspension, restitution, or in other ways. Nor shall applications for pardon be entertained in any of the prosecutions.

ART. 34. Accomplices in the offenses to which this law relates shall be tried as principals under its provisions.

ART. 35. Cases now pending shall be decided, at whatever stage they may have arrived at the time of the promulgation of this law, so far as relates to their future course, in accordance with the provisions of this law, but without being removed from the courts in which they are being tried.

ART. 36. All laws on this subject shall be regarded as repealed so far as they conflict with the present law.

ART. 37. The provisions of this law are confined to the provinces of the Peninsula and the adjacent islands.

Mr. MORGAN. The case that is here presented is the only one that we have found an opportunity to present upon evidence that we were bound to receive as being authentic and indisputable. Therefore we have progressed as rapidly, I will say to the Senator from Nebraska, as we possibly could go in justice to our own character and in justice to our relations with the Government of Spain.

So far as I am concerned, I confess to a greater anxiety personally about this matter, in pressing it to a conclusion, than I have been able to express in any document I was willing to participate in as a report to this body. It is our duty to go firmly and steadfastly and sincerely into the investigation of each of these cases. We have a case now which I may say was reported unanimously by the Committee on Foreign Relations, the case of Julio Sanguily, and if we will take that up and dispose of it there will be no difficulty, I think, in reaching other cases hereafter of a like character.

Mr. HOAR. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. HOAR. I desire to know whether the report which has been within sixty seconds or thereabouts laid on my desk is the report upon this case?

Mr. MORGAN. It is.

Mr. HOAR. It has just come from the printer. It is a report of 96 pages. I desire to ask the Senator if he does not think the members of the Senate ought to have an opportunity to read the report before they act upon the joint resolution, and that the matter ought to go over long enough to enable us to read it? I never have seen it before.

Mr. MORGAN. I have just stated that the report of the committee is based entirely and exclusively upon Senate Document No. 104, which is made an appendix to the report. That has been on our tables since the 1st day of February. This report relates to nothing else at all but that except to the treaty and to the act of the Spanish Government of 1821, which is referred to in the treaty and also in the report, and of that I now have a copy.

Mr. HOAR. I wish to ask the Senator whether he does not think under the circumstances, if a report like this had come from any other committee whatever, that the Senate should have at least an opportunity to read it? I do not speak now of what it embraces, but here is a new report, stating conclusions and opinions, and quoting treaties. That report occupies 15 pages. I for one feel a very grave responsibility as a Senator in regard to the conduct of the foreign relations of this country. I hope not to be deficient in my duty to the citizens of the country; but it does seem to me that I ought to be accorded the right to read the grounds on which grave international proceedings are put before I am called upon to vote.

Mr. MORGAN. Suggestions of the Senator from Massachusetts always carry with them great weight, and I can not dispute at all the justice of his proposition that Senators should have a chance to read the report before they are called upon to vote upon the joint resolution. But in this case the report is nothing else at all than a mere summarizing of the facts set forth in the Document No. 104, which has been on our tables since the 1st day of February, and which contains the entire case, out of which nothing is excepted and to which nothing is added. It is a mere conclusion of the committee upon this state of facts, and the larger part of the report is made up of quotations from Senate Document 104. It was done for convenience of reference. It was done in order that Senators in running their eyes over the page might find those points distinctly displayed upon which this case hinges entirely.

Now I will proceed to state what the case is, and I will do it very briefly, because it is well understood in the Senate and in the country what the case is. It originated in the arrest of Julio Sanguily on the day before the revolution broke out in Cuba. He was a regularly naturalized citizen of the United States; took his naturalization papers and a passport from this Government to Cuba in 1878 and had them registered in the American consulate there and also in the Captain-Generalcy of Cuba, and from that time on he has kept it renewed. He has kept himself constantly in the presence of the Cuban Government as an American citizen.

Sanguily had been a general, and a very distinguished one, in the former war of rebellion. He was a native of Cuba who had spent some time in the United States, but married in Cuba, as I am informed. I do not know whether he married in Cuba or in the United States, but I am informed that he married in Cuba, raised a family there, had some small amount of property left him after the confiscation of the former revolution, and found it necessary to reside there for the purpose of existing. He has seven very heavy wounds upon his person, received during the previous revolution, and some of those wounds are still in a raw and festering condition. He has now got to be a man past middle age. He has raised his family there in Cuba.

On the day before the revolution broke out, 300 miles away from Habana, he was arrested in his house, in his bathroom, with no persons in the house but his wife and children, and without any arms or ammunition whatever in the house. He was taken immediately to jail, and at 11 o'clock at night, either that night or some subsequent night, he was put through the inquisition of an examination by a military officer, without the presence of counsel or witnesses, or any person to guide him, and a record was made of his statement, in all of which he denied any complicity at all in the present revolution. Sanguily admitted upon his examination in open court afterwards, as he admitted, no doubt, upon that secret examination (which nobody has ever seen except the officers who took it and the court that tried Sanguily; he has never seen it) that an overture had been made to him to engage in the present rebellion, which he refused absolutely to participate in. The man had some recollections of what he had suffered before. His wounds would have kept him out of active service; his age would have prohibited him from going into the military service of Cuba; and while doubtless his sympathies have been always the same, he had given no expression to them. The Spanish Government has not been able to produce one word said by him to any human being except in reply to communications received by

him or personal communications made to him in an overture to go into the rebellion, which he absolutely refused to do. He was made incommunicando—that is to say, he was put in solitary imprisonment.

Immediately our consul-general, upon being informed of it, within a day after his incarceration, demanded that his trial should proceed in accordance with the civil laws of Spain, that law which I have here, the act of 1821. That demand was based upon our treaty of 1795, which subsequently was modified by other provisions of other treaties, but finally was expounded in a declaration made between Mr. Cushing and Senor Calderón y Collantes on the 12th day of January, 1877.

I will state the occasion for that protocol, as it was called. It was a declaration on the part of the ministers of both Governments. During the previous revolution, which was then just drawing to a close, many American citizens had been arrested and confined and condemned and shot under circumstances that gave great irritation to the people of the United States. The Spanish Government planted itself upon its right to try these cases in any way that it saw proper, and insisted that the Government of the United States had no authority and no right to interfere, no matter what supposed injustice might be done to their citizens on the trial of the cases. Thereupon Mr. Cushing brought this subject forward and an agreement was entered into mutually between the two Governments in this protocol, which prescribed the right of subjects of Spain in the United States and citizens of the United States within the Spanish dominions to trial, under certain stipulations, which are here contained.

Now I will read the Spanish part of those stipulations:

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

Mr. Sanguily does not fall within that exception, because he was captured in his bathroom and without any arms in his hands or about his house or anywhere else, and that is admitted.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821—

Which I have now before me—

even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law—

That does not apply to Sanguily—

but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with a copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles 20 to 31 of the said law; they shall have the right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain-General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law.

The act of 1821, in article 37, the last article in the act, provides as follows:

The provisions of this law are confined to the provinces of the peninsula and adjacent islands.

That law when it was enacted had no application to Cuba, but this treaty took up this Spanish law that applies entirely to the peninsula and the adjacent islands, and made the law a part of the right of the treaty, referred to it expressly by date, and its provisions also, and made it expressly a part of the treaty.

The first complaint which was made by our Government, made immediately, was that Sanguily had been arrested by the military power, placed in solitary confinement, was not permitted to communicate with counsel or with any person else for as much as twelve days, and even after that he was not permitted to do it; and that he therefore had no opportunity to prepare for his defense in the methods prescribed by this treaty engagement with the United States.

The next objection made was that the court before whom he was summoned was a court consisting of five judges, when this law and the treaty provide for a court of six judges, the audiencia before whom the case should be removed after it had been tried by a civil tribunal.

The next objection made was that he was not permitted to have bail. He was permitted to have what they call bail in Cuba; that is to say, he was permitted, in order to save his property from confiscation, to give a bond in $10,000 for the security of the costs of the prosecution. He was not able to give that bond, and of course what little property he had—he had not much—was subject to confiscation for the purpose of paying the costs of that trial as it proceeded.

Now, just at that point, as to the organization of this court, as to the method of proceeding, as to locking this man in solitary confinement, and in forbidding him to converse with any person whatever for this period of time, and for a much longer period in fact than I have stated, here now the Government of the United States interposed the objection that that court had no jurisdiction of Sanguily because they proceeded contrary to the treaty. That question, instead of being decided by the political Government of Spain, was submitted by the prosecuting attorney of that Government to Cuba, to the decision of the court, and the court decided that they had the right to proceed notwithstanding the treaty, that a later law enacted for Cuba in Spain had overruled the act of 1821 and had repealed it; that it had substituted it, and thereby had repealed that much of the treaty, was the assertion.

That left the question on the part of the Spanish Government entirely in the hands of the Spanish authorities, without consulting the Government of the United States in any way whatever. That is the first point that is made.

Mr. Sanguily was kept in prison there with many delays, without being granted the trial provided in the act of 1821, which prescribed that he should have a trial within a limited number of days. He was kept in prison upon one pretense and another for a long period of time—as much as three months. Thereupon the Government of Spain instituted, while he was in prison, another proceeding against him for kidnaping, and put him through the same course of examination, put him incommunicado, shut him up in a dungeon, locked him up, kept everybody from communicating with him, had a new case against him entirely, and in that case they put upon him a bond of $20,000 to pay the costs of the prosecution. Our Government again interposed, and by the most vigorous and solemn protest in respect to this second arrest—or, rather, not an arrest, but the second prosecution, for he was already in a dungeon at that time—demanded that the proceedings in that case also should be conducted according to this treaty and according to the law of 1821. Spain absolutely refused to do it. They held on to that case against Sanguily—the kidnaping case—until after his conviction for rebellion, and thereupon the court nolled that case; they quashed the proceeding and dismissed it entirely. They were never able to find the slightest color of evidence against him on the subject of kidnaping, and it is not only fair to assume, but we are compelled to assume, that that case was piled upon the back of the other for the purpose merely of detaining him in prison after he should have been acquitted upon the other case, thus taking an American citizen and piling upon him accusation after accusation, contrary to the treaty, and holding him for trial under these accusations.

Finally, after many delays and many protestations on the part of the Government of the United States at the delays which had taken place, and which were entirely unnecessary, they came down to the point of time, in November, 1896, when they were willing to put this case on trial. They fixed a day for the trial ten days distant from the notice which they issued through the official paper.

Up to that time the charges against Sanguily, although often demanded, had never been furnished by the Government of Spain. The Government of the United States up to that time was in total ignorance of what the charges were, except from the general newspaper current reports about them. Sanguily and his counsel having demanded the charges, were refused; the Government of the United States having demanded the charges, that demand was refused.

Finally he got a notice that they had concluded to try him. Upon that trial no evidence was given which in the slightest degree, in my opinion, tends to implicate Mr. Sanguily. The whole of the proceedings in that case is spread in the record, and they are set forth in this report, and Senators can read it here if they choose to do so. It is not a lengthy proceeding, but it contains all that was said to have occurred in that trial, and our consul certifies it to the Government of the United States as a full presentation of what occurred on that trial.

Testimony was read on that trial and received by the court which was not sworn to, reports of officials, police officials, military authorities, were read upon that trial against Sanguily which had never been sworn to, and those reports were not based upon actual statements of fact within the knowledge, or which purported to be within the knowledge, of the reporting officer, but upon information which he had derived from various sources which he did not disclose. Even those reports do not implicate Sanguily.

One part of the case consisted of this state of facts: It appears from the testimony that Sanguily had not been to New York since 1878. He was accused of being a member of the committee here

which was conducting the war against Cuba, which he denied. He had never been to New York. A man by the name of Azcuy came from Cuba to the United States, and in parting with his son in Florida, as he testified, he received a commission as a colonel in the Cuban army. It is strongly to be inferred from the testimony, as it is stated in this trial, that his object in getting the commission was not to enter the military service of Cuba, but, as he was a sugar planter there, to protect himself against the raids of the Cubans if they should come in upon him. He stated that that commission was handed to him by his son, a young man in Florida, about the time he was leaving on the boat to go to Cuba. When he arrived in Cuba, the officers searched him, and in his cravat they found this commission. He tore it up, put part of it in his mouth, and chewed it up, but another part of it was recovered. It is impossible for the experts to determine, so they testified, from that paper what it was that it contained, but it carries upon its face a mere suspicion that it was a commission to this man Azcuy as a colonel in the Cuban army. There is a part of a name attached to that piece of mutilated and torn paper which would spell out the last four or five letters in Sanguily's name, but the number of Sanguilys that are in Cuba nobody knows. That is a very common name there, as it is here. Mr. Sanguily denied that he had ever seen Azcuy; that he had ever known such a man; that he had ever heard of him; that he had any knowledge of him. He denied the issuance of that paper, and said that it was not in his handwriting; and yet that was put in evidence against him. Now, it is utterly impossible that that man, going from the United States to Habana with that paper in his pocket, could have received it from Sanguily, for he had never seen him, never knew him, had no connection with him. Sanguily says he never prepared any paper of that kind; that he had no authority to do it; that he was not in the rebellion, and had no connection with it officially or otherwise. It is upon that paper and upon the reports of those officers that Sanguily was convicted.

The witness who brought the message to Sanguily inviting him to join in the rebellion, whose name was Coloma, says that he did not see Sanguily; that he had no communication with him; that when he saw Betancourt, Betancourt informed him that Sanguily was not going in with the movement, and therefore he did not see him, and had no communication with him. That was the witness who was relied upon by the Government of Spain to connect Sanguily with this rebellion; that a message had been brought to him; that he had correspondence with the men engaged in the rebellion, and that through that correspondence he became involved in the rebellion. The man testified, and entirely denied having seen Sanguily, or having known him. He said he had probably seen him on one occasion, but denied having any acquaintance with him, or having any connection with him at all. That man, in making that denial, confessed his own guilt; he acknowledged that he brought a message to Betancourt, and delivered it to him. That was enough, of course, to fix him; and after Sanguily's first trial that man was shot in prison. Coloma was shot in the Spanish prison, doubtless executed because of his complicity in the rebellion. That was, as I say, after Sanguily's first trial. When the second trial came on, Coloma was not present, of course, to exonerate Sanguily, and Sanguily lost the benefit of his testimony.

The first trial was had. An appeal was taken from the judgment and sentence of the court, which was life imprisonment in chains, to the supreme court at Madrid. That case was reversed by the supreme court at Madrid, but upon what ground is not stated in any of these proceedings, except that Consul-General Lee said he was informed it was upon the merits of the case; that there was not sufficient evidence found in the records to convict Sanguily. In another place it is said that it was a reversal upon some technical ground. At all events, the case was reversed and sent back for trial in Cuba. The proceedings went on, and a demand was made for an immediate trial of Sanguily or else for his release. It was made in those words by the Government of the United States through its consul-general.

I am moving over the surface of the testimony in a very general and discursive way, because I do not intend this morning to enter into particular detail of the facts. They are set forth in the report which I have submitted to the Senate, and also in the exhibits to the report, Senate Document No. 104.

When the second trial came on, it was witnessed by our vice-consul, Mr. Springer, who, in a dispatch to our Government, gives a full statement of all that occurred on that trial.

Now, I undertake to say that on either of those trials, or on both of them, there were two manifestations—one was extreme hatred toward the Government of the United States, in which the counsel for the Government of Spain indulged in his diatribe before the court, and the other was the absence of any evidence to convict Sanguily of any complicity in the rebellion.

An appeal was taken to Madrid from the last decree or judgment, which was followed by the same sentence as the former, life imprisonment in chains, and that case is pending, we suppose, in Madrid now.

On this brief statement of the case, the question arises, What right has the United States to interfere here? Can the United States interfere upon the general ground that there has been a false trial and a judgment obtained either by corrupt testimony or unauthorized testimony or illegal testimony, or testimony which is insufficient? If we could put the case upon that solitary ground, there would be ample reason for the resolution which the Committee on Foreign Relations has reported to this body, because there was never, I will undertake to say, in the history of jurisprudence any case where there was less show of reason for the conviction of the defendant. But we go upon higher ground than that, the ground that we have the undoubted right and the duty of interfering.

Now, what is that? It is that in these trials, from beginning to end, notwithstanding the protestations that were made on the trials, at the time of the trials, and by our consul-general in the intermediate period, the intervals between the trials, the Government of Spain insisted on trying this man under the rules which apply in Cuba, under statutes that exist there later than the act of 1821, and utterly ignored and discarded all of the rights of this American citizen under that treaty.

So the case as presented here is as much a case of an international sort and depends as much upon international right as if the Spanish Government had fired into an innocent merchantman upon the high seas. The treaty rights of the United States have been grossly violated, frequently violated, defiantly violated in this proceeding, and there is nothing to be inferred or ltaken from the fact that it is a judicial proceeding there, or in the nature of a judicial proceeding, because that court had not the jurisdiction to try this man in the manner and form he was tried or before the court which tried him.

This, Mr. President, presents the general outline of this case. Other Senators will be heard upon this subject in more detail than I feel at liberty to indulge in this morning, particularly as the views which I have had the honor to present are set forth in the report which I submitted to the Senate on yesterday.

I wish to make, Mr. President, a parliamentary inquiry. Perhaps the Senator from Nebraska [Mr. ALLEN] will concur in my view of it. I wish to know whether I have the right to move to substitute the joint resolution reported by the committee for the concurrent resolution of the Senator from Nebraska?

Mr. ALLEN. Mr. President, I hope the Senator will not do that. I am in favor of both resolutions.

Mr. HOAR. Will the Senator from Alabama repeat what he proposes?

Mr. MORGAN. I inquired of the Chair if it was competent, in the present situation of the resolution of the Senator from Nebraska, for me to offer the joint resolution reported by the Committee on Foreign Relations as a substitute for his concurrent resolution. It was a parliamentary inquiry merely.

Mr. ALLEN. I hope the Senator from Alabama will not do that, for if he does it will place some of us in an awkward attitude. I am in favor of the joint resolution reported by the Senator and want to vote for it, but I can not vote for it as a substitute for my resolution. Why not let it be added as an amendment to the pending resolution?

Mr. MILLS. As a substitute.

Mr. ALLEN. Not as a substitute. I know what I am talking about.

The VICE-PRESIDENT. The Chair will answer the parliamentary inquiry of the Senator from Alabama, if he desires an answer.

Mr. MORGAN. I do.

The VICE-PRESIDENT. The Chair will have no hesitation in entertaining the motion of the Senator from Alabama.

Mr. WHITE. What is the request, Mr. President?

The VICE-PRESIDENT. The Chair will state that the Senator from Alabama [Mr. MORGAN] makes the parliamentary inquiry whether he may offer the joint resolution he has indicated as a substitute, as the Chair understood the Senator, for the concurrent resolution of the Senator from Nebraska [Mr. ALLEN]. The Chair will entertain the motion, if that motion is made.

Mr. MORGAN. Mr. President, I do not wish to incur the antagonism of any Senator on the floor to the joint resolution reported by the committee by any motion which I might make here. It is a very delicate subject and one of very serious importance, and I do not feel warranted in interposing my own personal judgment in the direction of that matter; but I appeal to the Senator from Nebraska to allow the joint resolution to pass, as it will not hinder his resolution.

Mr. ALLEN. I am perfectly willing that my resolution may be laid aside temporarily to pass this joint resolution. I will go further, and say that I am perfectly willing to have my joint resolution go to the Committee on Foreign Relations if they will take it up and consider it and report on it one way or another in a short time.

Mr. MORGAN. I will say to the Senator that I will urge it before the committee, and I think there will be no reluctance in considering it.

Mr. ALLEN. If I can have any assurance that the resolution will not be strangled in the Committee on Foreign Relations, but will be reported favorably or adversely, I shall be content to have it referred to that committee.

Mr. MORGAN. The Senator from Nebraska can have the pledge of every Senator who is now on the floor connected with that committee that his resolution will be promptly considered and reported.

Mr. ALLEN. Then let my resolution be referred to the Committee on Foreign Relations, Mr. President.

The VICE-PRESIDENT. It will be so ordered.

JULIO SANGUILY.

Mr. MORGAN. Now I ask for the consideration of the joint resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The VICE-PRESIDENT. The joint resolution has heretofore been read at length.

Mr. PETTIGREW and Mr. DANIEL addressed the Chair.

The VICE-PRESIDENT. The Senator from Virginia.

Mr. DANIEL. Mr. President, the admirable statement of the Senator from Alabama [Mr. MORGAN] has so clearly presented this case that I hesitate to say anything; and if the body of the Senate were as familiar with the record as the members of the Committee on Foreign Relations I should be perfectly content to leave the matter in the attitude in which he has placed it. But as some Senators have not read this record, and as few can be aware of the enormity of the proceedings of the Spanish Government and the Spanish authorities in Cuba against a citizen of our country, I hope I shall not trespass too much upon the patience of the Senate if I call attention to the fact that his imprisonment has long been declared to be illegal by the Executive Government of the United States, and that the entire proceeding against him is in direct violation of our treaty with Spain.

Two years ago on yesterday, Mr. President, this man Julio Sanguily was arrested by soldiers in Cuba, and for two years he has languished, sick and sore and wounded, in the Cabanas fortress in Habana. He has been held in military bondage. He has been tried by military procedure in part, and it is so clear that the proceedings against him have been illegal that the very statement of the text of the law and the facts would carry conviction to any human mind.

After considerable delay, he was given a trial in Cuba. It was by a proceeding partly military and partly civil, in which military testimony, ex parte testimony, hearsay testimony, unsworn testimony, was heard against him. So arbitrary were these proceedings of the Spanish authorities that, after the usual delays which have attended all of those proceedings, an appeal was taken. The trial was set aside, as we are told by our consul, although we have no copy of the appellate record, on the ground that the testimony against him was insufficient.

After more delay he had a new trial in December last, nearly two years after his arrest. His trial again was partly military and partly civil, and he was for the second time condemned to perpetual imprisonment in chains.

Mr. HOAR. Mr. President, the report which has just come to our hands leaves in a great deal of obscurity some matters which are necessary for the understanding of this question, and I should like, at some time convenient, to put to the Senator from Virginia, who we all know to be a very able lawyer, one or two inquiries about the details of this case. Perhaps I had better not do it now, as I see he is making a connected statement, but before he sits down, after he has finished his connected statement, I wish he would permit me to put a question or two to him.

Mr. DANIEL. I shall be glad then to try to answer any question the Senator may propound.

Mr. HOAR. I shall not interrupt the Senator now.

Mr. DANIEL. I think the views of our consul, set forth in detail, and to which I shall presently refer, will satisfactorily answer any pertinent inquiry.

Again, Mr. President, an appeal has been taken to the court of cassation, at Madrid; but in the meantime this man is wounded, sick, and in prison. He has been treated rigorously, harshly, cruelly, and brutally. The manner in which he has been treated is a disgrace to this century and to civilization. He has been made at times incommunicado, as stated by the Senator from Alabama—that is, put in solitary confinement—itself a penalty inflicted upon him before trial.

A copy of the proceedings under which he was held was not furnished promptly, was not furnished reasonably. On the contrary, we find our consul, as late as August 27, 1895, reporting to our State Department that the lower court in Cuba has refused to the advocates of Aguirre and Sanguily even a view of the proceedings taken against them.

After his condemnation and imprisonment for life in perpetual chains, a copy of the proceedings of the court was asked for by our consul. It was refused once; it was refused again; it was refused thrice. Our consul then asked that he might be permitted to take a copy of the proceedings of the court. He presented a request from the Government of the United States that he, their representative, might be permitted to take a copy of the proceedings by which our fellow-countryman was held. For the fourth time this privilege was denied.

More than this, Mr. President, our representative in Cuba has been arrogantly insulted by the Spanish authorities; and not only has he in his person been insulted by the Spanish authorities, but this country has been insulted by them and he has been told by a Spanish officer high in authority, to whom he made a most polite and courteous appeal, that his conduct in presenting this intervention in favor of Sanguily, by order of our State Department, was a disgrace to the United States and to the American flag.

Now, Mr. President, this consul of the United States, Mr. Ramon O. Williams, has acted with so much discretion, so much energy in the general conduct of his defense of American prisoners in Cuba that I hesitate to make any sort of criticism upon him, and yet I deem it not unfit to say that if at that time he had demanded his passports to this country, and if a fleet had been sent to demand an apology from the Spanish Government for this insult to our representative and to our flag, I do not believe there is a single citizen in the United States who would not have rejoiced that it had been done.

There is a voluminous correspondence here. There are more than eighty letters, covering a period of two long years, many telegrams, and much diplomatic correspondence. If red tape would save a citizen of this country from brutal imprisonment, there has been enough red tape used in this case to build a cable between America and Spain, and if printer's ink were of any effect, there has been enough of it used to make an ocean for the cable to be laid in.

Mr. HALE. Will the Senator from Virginia allow me to ask him a question? I take it that the object of this joint resolution——

Mr. DANIEL. I will yield to a question, but I do not want to yield to the argument of the Senator just now.

Mr. HALE. Assuming that the object of the joint resolution is the release of Sanguily—I understand that is the purport of it; I did not hear it read, but I understand that is the object of it——

Mr. DANIEL. That is the purport of it.

Mr. HALE. The Senator is just now speaking of the red tape that has been resorted to in this matter. Now, let me ask him to state, if he has not already done so—I was called into the Committee on Appropriations, and have not heard all that he said or that the Senator from Alabama said—whether this whole matter has been the subject of direct negotiations conducted diplomatically between the State Department and the Spanish Government for the purpose of securing the release of Sanguily; and if that be true, has that fact come before the Committee on Foreign Relations? If so, and if this subject-matter, which is rather in the domain of negotiation than of legislation, has been taken up by our State Department faithfully, will the Senator tell the Senate what has been the result? Is it not a fact that at the present moment the Department has conducted negotiations to such an extent that it is expecting the release of Sanguily by the Spanish Government within a few days? Has not that information come directly to the committee within a few days?

Mr. DANIEL. No; it has not come to me.

Mr. HALE. Has there been no communication from the Secretary of State to the committee, stating that as a result of the negotiations it is expected that Sanguily will be released through the ordinary methods of diplomacy within a few days?

Mr. LODGE. No.

Mr. DANIEL. None within my knowledge.

Mr. LODGE. None.

Mr. HALE. I ask the Senator, then, and the Senator from Ohio [Mr. SHERMAN], if he is here, whether he has not a letter from the Secretary of State covering that point?

Mr. DANIEL. I must decline to yield to the Senator to furnish him information, which he could easily get at the State Department or by reading this record, on a point which is not pertinent to the course of my remarks.

Mr. HALE. The Senator must remember that the Committee on Foreign Relations, a great committee, is the organ of this body, and that we——

Mr. DANIEL. I am not bound to yield my time on the floor because the Committee on Foreign Relations is an organ of this body.

Mr. HALE. And that we must rely upon it for facts.

Mr. DANIEL. I am the organ of the State which I in part represent, and when I get through, which will be within a very short

period of time, I will yield to any organ that desires to be heard by the Senate.

Mr. HALE. I will not take up any more time, simply saying——

Mr. DANIEL. Whether it is the organ of the governor-general of Cuba or of the Queen of Spain or of anybody else.

Mr. HALE. We have our own views upon this subject.

Mr. DANIEL. I do not mean to say anything that may be at all offensive to the Senator.

Mr. HALE. I know the Senator does not. I could say something offensive if I wanted to.

Mr. DANIEL. I could not say anything offensive to him even if I desired.

Mr. HALE. Before this subject is ended—and it will not be ended in one hour or in two days—I hope the committee will put the Senate in possession of what the State Department has been doing to secure the release of Sanguily, if that is the object of the joint resolution.

Mr. DANIEL. I will answer the Senator from Maine; and I beg him not to think that just a little byword of badinage is meant to be offensive, and that I could under any circumstances say anything offensive to him.

Mr. HALE. The Senator has not offended me in the least.

Mr. DANIEL. The State Department has been dealing with this matter diplomatically for two years, and two years is long enough for this country to get a citizen of the United States out of prison when it itself has claimed to the Government holding him that he is illegally there. I will presently read to the Senator from Maine the dispatches from the State Department directing that the illegality of Sanguily's imprisonment be called to the attention of the Spanish authorities, and that exception be taken to its proceedings, and if there is not some one who prompts action in this matter I am afraid that another year or two years may pass before this man is released.

Mr. GRAY. If I do not interrupt the Senator, I will state to him that I have just this moment seen an Associated Press dispatch that the counsel of Sanguily has withdrawn his appeal in order to facilitate the matter of his release by pardon.

Mr. DANIEL. I am unwilling that an American citizen illegally detained shall be subjected to any condition. It is a humiliation to this country to submit to any condition when the power of another country is exercised to detain illegally the humblest of its citizens.

Mr. GALLINGER. Will the Senator permit me to make a single observation?

Mr. DANIEL. And if Sanguily, despairing of action on the part of the United States, has submitted himself to the tyranny of an odious Government and has been compelled by sickness, by poverty, by delay, and by the failure of his own Government to defend him, as he is entitled to be defended, it is a humiliation to the country that he has been compelled to withdraw the appeal as a condition of his liberty; and if I represented this country in any place in which I could act with authority, I should telegraph Sanguily not to withdraw his appeal, but to stand upon his rights as an American citizen, and that there are enough people in this country who do respect those rights to see that he shall not longer be detained in a Spanish fortress.

Mr. HALE. Will the Senator just there let me read a dispatch? It is entirely as the Senator pleases.

Mr. DANIEL. Yes, sir.

Mr. HALE. It reads:

HABANA, *February 25.*

Señor Mesa Dominguez, counsel for Julio Sanguily, has filed in the Habana court papers withdrawing the appeal to the supreme court of justice of Madrid made against the Habana criminal court condemning Sanguily to imprisonment for life.

So that under the advice of counsel Sanguily has withdrawn his appeal and stands ready to be pardoned. An American citizen has the right to do that.

Mr. FRYE. Will the Senator from Virginia allow me?

Mr. DANIEL. I yield to the Senator from Maine.

Mr. FRYE. If the counsel for Sanguily has done that, he has done an exceedingly wicked and unjust act toward his client.

Mr. HALE. How does the Senator know that?

Mr. FRYE. I know it from this fact: Sanguily has been convicted of a crime, the punishment for which is imprisonment in chains for life. He has now appealed to Madrid, and if that appeal is withdrawn it is a confession of the crime, and judgment follows. The only condition that Spain has made in relation to the release of this man has been that it could not pardon him until he was a sentenced criminal, which is the law of all nations.

Mr. HALE. Suppose pardon follows?

Mr. FRYE. Beg pardon. One moment. If his counsel has withdrawn the appeal, then that man is a convicted criminal, liable to punishment, to imprisonment for life, and can only escape it by pardon, and if he escapes by pardon then he loses for himself and family all claims whatever for damages against Spain. That is what Spain has been contending for all the time.

Now we contend, on the other hand, that the man has been unjustly convicted; that he has not been treated according to his treaty rights; that he has been treated against international law, and that Spain must deliver him up to us; and if I had my way a ship of war would start forthwith to Habana and deliver him. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries——

Mr. HALE. That tells the story.

The VICE-PRESIDENT. The Senator from Maine will suspend. The Chair desires to remind the occupants of the galleries that a repetition of this offense will result in the galleries being cleared. The Chair desires to have the Sergeant-at-Arms see that that order is executed. This is the Senate of the United States.

Mr. MILLS. The galleries are filled with American people, and they have a right to express their sentiments on this question.

Mr. HALE. My colleague has told the whole story. It is not desired to release this man, but what is desired is war.

Mr. DANIEL. When the Senator gets through——

Mr. HALE. That is what the Senator wants; that is what is desired; but I tell the Senator and the rest of the Senators that this country will not be driven to war in the next seven days, not if I can help it.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor.

Mr. HOAR. Will the Senator allow me to ask him a question as to a fact?

Mr. DANIEL. I hope the Senator will allow me to proceed. I do not like to be cut up in my argument. However, I will yield to the Senator from Massachusetts.

Mr. HOAR. It will be a very quiet question, and it is in regard to the matter of citizenship. We get our information from the report on this subject. Now, I wish to put this question for information simply, and I should like to have the attention of every Senator, if we may have quiet in the Senate. I beg the Senator from Virginia kindly to listen to the question. I want to get into a condition of a little less heat, if possible. Here is the report of the committee:

Sanguily was registered in Cuba as an American citizen on the 22d of August, 1878, on a passport issued by the United States on the 7th of August, 1878. He then resided in Habana until his arrest, on the 24th of February, 1895.

That is the report. Now, what does Sanguily say? This is a question which in my humble judgment is of very great importance indeed. He says he has been a citizen of the United States since 1889.

Mr. WHITE. What page is that?

Mr. HOAR. On the sixth page.

Mr. DANIEL. That may mean 1879.

Mr. HOAR. 1889 is what it says.

Mr. DANIEL. It is possible it may be a misprint.

Mr. HOAR. So, is it not true that this gentleman's citizenship is a pretended and not a real citizenship; that he resided in Habana during the time when he must have had five years' residence here, and after having taken out original papers and got naturalized? He resided there at the time of his naturalization, and he has resided there ever since. Now, that is what you report to us.

Mr. DANIEL. Mr. President, I beg leave to state——

Mr. HOAR. Where is your citizenship?

Mr. DANIEL. When the Senator will yield to me for the purpose——

Mr. HOAR. I am through.

Mr. DANIEL. I beg leave to state that throughout these proceedings it is recognized and acknowledged that Sanguily is an American citizen.

Mr. HOAR. Where?

Mr. DANIEL. I can not read all the papers while I am upon my feet.

Mr. FRYE. In the communication to-day from Mr. De Lôme.

Mr. DANIEL. In a communication to-day, which recognizes him as an American citizen.

Mr. LODGE. If the Senator from Virginia will allow me, I will state that it is acknowledged by the Spanish minister himself.

Mr. DANIEL. It is acknowledged not only by the Spanish minister in his correspondence, but it was acknowledged by the prosecutor at the bar in his trial.

Mr. HOAR. But Sanguily says he is not, and the committee reports that during these whole seventeen years he has dwelt in Habana, when he must have dwelt here five years to be a citizen.

Mr. DANIEL. An American citizen can reside where he pleases.

Mr. HOAR. Not during the preliminary stage. He must reside five years in this country.

Mr. DANIEL. He is registered as an American citizen on the list with our consulate at Habana. He had a passport as an American citizen from our Secretary of State. He had a passport as an American citizen from the governor-general of Cuba. He

was recognized as an American citizen, and prosecuted as such by the prosecutor at the bar when he was tried. He is treated and called an American citizen in all of this correspondence.

Mr. HOAR. Will the Senator pardon me? The express declaration is this: The passport is dated 1878, and nobody pretends that he made his original application or left Cuba until 1879.

Mr. DANIEL. I have satisfied my mind that Julio Sanguily is an American citizen if this record be true. The State Department has satisfied itself that Sanguily is an American citizen and has twice made demand in the name of this Government upon Spain either to try him or to release him, because he is an American citizen. So I do not feel called upon at this hour to go behind the action of the Department of State and the Spanish minister and the Cuban authorities and the American consul and the court in which he was tried.

Mr. President, I shall not detain the Senate by going into the minutiæ of the case, but I wish to call attention to the fact that these proceedings have been treated as illegal by our own Government. If the Senator from Massachusetts will turn to the letter of our consul he will see that he states in his protest against the trial of Sanguily——

Mr. HOAR. Will the Senator read the second paragraph of the letter, on page 2?

Mr. DANIEL. The consul protests against—

All proceedings hitherto practiced in this case, or that hereafter may be practiced in this case by the court-martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations.

This was done in pursuance of telegrams from Assistant Secretary Uhl of March 16, 1895. I beg the Senator to turn——

Mr. HALE. Is the Senator referring to the letter of December 17?

Mr. DANIEL. I have not the reference to the page. I will give it to the Senator, if he will wait a little.

Mr. HALE. Is the Senator referring to the letter of the consul of December 17?

Mr. DANIEL. It is a letter in answer to the telegram of Mr. Uhl of March 16, 1895, page 12 of the record.

Mr. HALE. Page 12 of the report?

Mr. DANIEL. Page 12 of the report.

We have under date of May 7, 1895, from Vice-Consul Springer the following to our State Department:

With further reference to the case of Julio Sanguily, I have now the honor to transmit herewith copy and translation of a communication from his excellency the segundo cabo (Acting Captain-General), dated the 6th instant, in answer to the communication of this office of the 25th ultimo, which contained a solemn protest against the subjection of Mr. Sanguily for a second time to a military court and his being put "incomunicado," or into solitary confinement, from the 24th of April, pending such military inquiry, despite the decree of Governor-General Calleja, of March 16, inhibiting or waiving military jurisdiction.

While professing the desire to scrupulously comply with the terms of the protocol between the United States and Spain of January 12, 1877, it will be observed that this Government sees no impropriety of holding an American citizen subject to a military jurisdiction pending inquiry and investigation for proofs to be used against him and furnishing copies of the same upon transfer of his case to a civil court of ordinary jurisdiction for trial. It claims there is no essential difference between military procedure or indictment and the actual trial of the case.

That is the report of our vice-consul-general. Now, here is Mr. Uhl's reply from the State Department, dated Washington, May 21, 1895:

Carillo's case, involving most important principle, has been presented by United States minister to Spain. In cases of Aguirre and Sanguily you will file formal protest declining to recognise validity of military jurisdiction in preliminary stage.

Then Mr. Uhl goes on to state to our consul the grounds of this protest.

The treaty of 1795—

He says—

excludes the exercise of military jurisdiction altogether and requires arrests to be made and offenses proceeded against by ordinary jurisdiction only. Protocol—

Referring to the protocol of the Collantes-Cushing agreement of 1877—

The treaty of 1795 excludes the exercise of military jurisdiction altogether and requires arrests to be made and offenses proceeded against by ordinary jurisdiction only. Protocol merely recognizes, declares, and explains this treaty right. Military arm has no judicial cognizance over our citizens at any stage. Even arrest, when made by military power, is by a conventional figment deemed to have been a civil act. By no fiction can proceedings of military judge instructor be deemed the act of an ordinary court of first instance. Assumption of such cognizance in Aguirre case and rearrest of Sanguily, after submission to civil court, apparently for mere purpose of asserting military jurisdiction in summary proceedings, were an exercise of functions against which you will enter protest, reserving all rights of this Government and its citizens in the premises.

This protest was formally made by Mr. Springer. All the rights of our Government and of its citizens were reserved from a period dating from May 21, 1895.

Mr. President, I would next call the attention of the Senator from Massachusetts to a part of the protest as made by Mr. Springer to the governor-general of Cuba. It is dated May 25, 1895, and will be found on page 18 of the record, and specifically carries out the instructions of our consul.

I beg leave now also to call attention to the letter of Mr. Uhl to Mr. Springer, dated Department of State, Washington, June 8, 1895.

Mr. PLATT. May I interrupt the Senator from Virginia for a moment?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. DANIEL. I yield for a question.

Mr. PLATT. In one of the documents, the register of naturalized citizens, it is said that Sanguily was naturalized in 1878. In the record of his trial and his confession, as it is claimed, he said he was naturalized in 1889. Is there any explanation of that?

Mr. DANIEL. I presume it is a misprint. I noticed that.

Mr. PLATT. Is there any explanation of that discrepancy?

Mr. MORGAN. This matter has been drawn into controversy here, and it is perfectly susceptible of explanation and statement. Mr. Williams, on the 27th day of February, 1895, sent this dispatch to Mr. Uhl:

On reaching the office the next morning I found that Mr. Julio Sanguily is registered in this consulate-general as an American citizen on a certificate of naturalization issued to him on the 6th of August, 1878, by the superior court of New York, and passport 9310 of the Department of State, dated the 7th of same month and year, and also upon the personal document issued to him on the 23d of the same month and year by the government-general of this island.

Mr. HALE. What is the date when he was naturalized?

Mr. PLATT. 1878.

Mr. LODGE. The 6th of August, 1878.

Mr. MORGAN. August 6, 1878.

Mr. HALE. Could he have been for five years a resident of the United States before that?

Mr. MORGAN. I do not know about that.

Mr. HOAR. He must have been within the United States for five years.

Mr. VILAS. I should like to call the attention of the Senator from Alabama to the second paragraph of the letter of Mr. Lee to Mr. Rockhill, on page 2, in which he says:

Sanguily had proved himself a very brave and efficient officer in the Cuban war from 1868 to 1878——

Mr. HALE. Then he was naturalized.

Mr. VILAS—

and had been wounded seven times.

How, with that record behind him, could he have been naturalized in 1878 unless it was fraudulently done?

Mr. HALE. When the statute declares that he must have five years' residence in the United States.

Mr. MORGAN. I object. I am speaking by the indulgence of the Senator from Virginia.

The VICE-PRESIDENT. The Chair understood the Senator from Virginia to yield to the Senator from Alabama. Is that correct?

Mr. DANIEL. I will do so, though I was not aware that I had done so. I yield to the Senator from Alabama very cheerfully.

Mr. MORGAN. I have read now from the dispatch which sets forth the fact stated in this report. On the trial of this case and after the trial the Government of the United States attempted to get a certified copy of the proceedings, and the Spanish Government refused to deliver it to the Government of the United States.

Therefore Mr. Williams was compelled to resort to the official report of that case, to the trial of the case as it was printed, in the Spanish papers in Cuba; and it is in that report that this statement comes that he had been a citizen of the United States since 1889. That report is taken from the newspapers. It is all the evidence the Government could get as to what was stated; but there it was stated by Sanguily, and it was stated in his confession. Now, what confession? The confession that was made at 11 o'clock at night before a military officer in his dungeon, contrary to the treaty. Whether we got it right or whether we got it wrong nobody knows.

Mr. HOAR. But that is not the whole point, if the Senator will pardon me.

Mr. MORGAN. I am not arguing the point; I am merely stating the fact.

Mr. DANIEL. I hope I may be permited to proceed.

Mr. HOAR. I think I have imposed upon the Senator's good nature more than I should have done.

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor.

Mr. DANIEL. When I was interrupted by another inquiry, which was not at all pertinent to the course of my thought, I was about to read a letter of Assistant Secretary Uhl, June 18, 1895, to Vice-Consul Springer, in which he says:

On May 6 Sanguily was still in military prison, his transfer to civil jurisdiction being promised as soon as military proceedings could be copied. If not yet transferred, you will demand that military imprisonment cease forthwith and that he be speedily given civil trial on charges preferred by civil

process or else released. Telegram sent you May 21 and your protest thereunder make clear the refusal of this Government to recognize military jurisdiction in first instance.

My comment upon that letter is simply this: Here was a formal action on the part of the United States, following a protest by a demand. It was an instruction to our consul to make peremptory demand upon the Cuban authorities, in June, 1895, either to proceed immediately and promptly to try Sanguily by civil process or release him. What respect Spain paid to that demand of the United States may be well imagined when I read another letter from the Department of State, from Assistant Secretary Adee to Mr. Williams, dated September 3, 1895. The months of July and August had passed after this peremptory demand. Mr. Adee says:

In view of protracted delay in Sanguily case, of disregard of petition preferred by him on suggestion of authorities that it will secure his release, and of acquittal of Gerardo Portela, jointly accused with him of kidnapping, the Department feels compelled—

Compelled to do what?

to demand his immediate trial or release.

Just exactly what it had done two months and a half before. This demand was treated in the same dilatory manner that other demands had been treated. After this demand steps were taken to send to Spain to get depositions. Finally, after nine months' delay, and after the United States had protested against his trial in this mongrel, military-civil fashion, he was tried and condemned after the manner that they had protested against, being condemned to life imprisonment in chains on December 5, 1895.

About the time of that trial and condemnation the Senate of the United States passed resolutions, offered by the senior Senator from Florida [Mr. CALL], calling for all correspondence relating to the trial, conviction, and sentence to hard labor for life of Julio Sanguily, an American citizen, and directing the Secretary of State to obtain a copy of the record of the trial. So this very body—the Senate—has for over a year treated Sanguily as an American citizen, and held out its hand to him as such.

This action of the Senate inspired a little life in the dilatory proceedings which had been hitherto taken. On December 7 the Assistant Secretary of State of the United States communicated this resolution to Consul Williams and instructed him—

to obtain and forward to this Department as soon as practicable a certified copy of the record.

That will be found on page 69 of this record. On January 23, 1896, some six weeks later, Mr. Uhl telegraphed to our consul:

When may certified copy of record in Julio Sanguily's case be expected?

On January 24 Mr. Williams replied:

The superior court refuses to furnish a certified copy of the proceedings in the trial of Sanguily. I am translating the correspondence for transmission to you.

Upon this refusal of the Spanish court to furnish this Government with a copy of the proceedings under which it detained a citizen, Mr. Uhl telegraphed to Mr. Williams, under date of January 25, 1896, as follows:

Apply for permission to examine and copy the record in Sanguily's case. If granted, have same copied and transmit here.

On February 26, 1896, Mr. Williams reported to Mr. Uhl that he had made three ineffectual appeals to the president of the superior court for a copy of the record. He reported also his statement that the United States desired it for the purpose of comparing and satisfying itself in the exercise of its rights as one of the two contracting parties to the treaty of 1795 and the protocol of 1877, and of the refusal to accede to this very humble and modest demand.

Our consul then, foiled in his own effort to get a transcript of the paper under which this citizen was held, the United States having made requests for it in the most dignified form of international communication, and he having begged for it for the fourth time and been denied, called into consultation Señor Miguel Viondi, the advocate of Sanguily in Habana. He consulted him as his adviser, and asked him:

As you are the advocate of Mr. Julio Sanguily, please inform me the reasons upon which are founded his indictment and imprisonment; and—

Second—

if I could, legally, obtain a copy of the record of his trial, and of the order of the judge for his indictment and imprisonment.

The opinion of Mr. Viondi, who very ably, eloquently, and very bravely defended Sanguily before the court before which he was tried, was given in full to our consul, and I extract from his legal opinion the following expressions. After relating somewhat of the history of the matter, he says:

From the above statement you will see that the order of indictment and of imprisonment of Mr. Julio Sanguily is founded solely, exclusively, on reasons that appear in the proceedings remitted to the civil court by the court-martial; that is, on what is prohibited by the protocol. In confirmation, I accompany a full copy of the order of indictment.

To your second question, that is, if you can, as consul-general, legally obtain copies of the record or of the order of indictment and of imprisonment, I have to say that you can legally obtain it. For although it is true that the defense of Sanguily has presented an appeal, which has been accepted, to the supreme court at Madrid, it is only against the sentence; but the record of the trial has remained deposited in the superior court of Habana, and though the latter has no authority to alter, modify, transfer, etc., the proceedings had thus far in the case, still it has authority for the issuance of copies of the full, or of parts, of the proceedings. A certified copy of the record has been transmitted to the supreme court, as I have informed you, but the original record remains in Habana. Therefore, if you, in Habana, in representation of your nation, should solicit a copy of it for your Government in order that it may see if the protocol has been faithfully observed, this could not in justice have been refused you; likewise, a copy of it should not be refused for the direct inspection of your Government.

Then he adds in answer to the pretension of the Spanish judge—

This is not a question of jurisdiction. It would be so were you to propose some modification of the record. Then the court would tell you, with reason on its part, that it has no jurisdiction, because it would be a matter for the decision of the supreme court at Madrid.

Once again our consul tried to get a copy of the record, and he communicates to our Government as follows:

The answer of Mr. Viondi, dated January 25, 1896, is herewith accompanied as inclosure 9.

Then he goes on to refer to his correspondence on the subject, and sums up the status of this matter as it stood a year and a half ago, after eleven months of diplomacy, as follows:

In brief—

He says—

This correspondence shows—

First. That the superior court of Habana refuses, alleging the lack of jurisdiction therefor, and because the case has been appealed, to furnish a copy of the record in question for the information of the Government of the United States, the other party to the treaty of the 27th of October, 1795, and of the proctocol of the 12th of January, 1877; postulating further that this consulate-general, from not being a party to the case, has no right of intervention in it.

Second. That the advocate for Mr. Sanguily, Mr. Viondi, is of the opinion that the court is authorized to furnish a copy of the record in this case in the same way as it is authorized, alike with other courts, to furnish copies and extracts of proceedings needed as evidence in other cases; also—

And I call attention to this expression of opinion of the Spanish or Cuban lawyer as concurring with the action of our State Department—

also that the order of indictment and imprisonment issued by the civil judge has been based upon the proceedings of the court-martial.

It appears therefore—

And here, Mr. President, lies the meat of this whole matter, again repeated by our consul:

It appears, therefore, that the proceedings had by the superior court of the said jurisdiction in the trial and condemnation of Sanguily are but the continuation of the proceedings initiated against him by the court-martial, against which this consulate-general protested before the governor general by order of the Department of State on the 25th of last April, copy of which protest is annexed herewith as inclosure 14.

I am, etc., RAMON O. WILLIAMS,
Consul-General.

UNIFORM SYSTEM OF BANKRUPTCY.

The VICE-PRESIDENT. The Senator from Virginia will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business; which will be read by title.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. STEWART and others addressed the Chair.

Mr. HOAR. I believe I am entitled to take the floor on the bankruptcy bill.

Mr. STEWART. I have the floor, I think. I was recognized when the bill was last up.

Mr. ALLISON. Is the bankruptcy bill now before the Senate?

The VICE-PRESIDENT. The Chair laid before the Senate the unfinished business, which has been read by title, and which is the bankruptcy bill. The Chair was not advised, but the RECORD shows, and the Chair is now advised, that the Senator from Nevada [Mr. STEWART] was upon the floor at the time the bill was up before.

Mr. ALLISON. I hope the Senator from Massachusetts or the Senator from Nevada, whoever has the floor, will yield, so that I can ask unanimous consent that the Senate shall now proceed to the consideration of the Indian appropriation bill.

Mr. HOAR. I yield. The Senator from Nevada has the floor, however.

Mr. STEWART. Before yielding, I should like to make some remarks about the bankruptcy bill, because there has been a speech on one side in which I think the defects of the bill did not appear. I will occupy but a minute. I think that the involuntary portion of the bill is as cruel as the genius of man can well invent. I can state the point in a minute. There are three causes of bankruptcy. One is when a note is unpaid for thirty days. Another——

Mr. HOAR. That is not in the bill. There is no such provision in the bill.

Mr. ALLEN. I rise to a parliamentary inquiry.

Mr. STEWART. That is not in the bill, the Senator says. I have a copy of the bill here, and I can show it.

The VICE-PRESIDENT. The Senator from Nevada will please suspend.

Mr. STEWART. On page 5 of the bill will be found a provision that if a debtor fails to secure a release of any property levied

upon under process of law for $500 or over he shall be considered a bankrupt.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Nevada. The Senator from Nebraska rises to a parliamentary inquiry, which he will state.

Mr. ALLEN. I desire to know what has become of the joint resolution just now under consideration.

Mr. HALE. It has gone to the Calendar.

The VICE-PRESIDENT. The joint resolution goes to the Calendar unless the Senate should otherwise order.

Mr. MILLS. I move that the Senate proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. The Chair has not taken the Senator from Nevada from the floor, but the Senator from Nebraska rose to a parliamentary inquiry. The Chair has answered that inquiry, and the Senator from Nevada is upon the floor.

Mr. LODGE. I desire to make a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will answer it.

Mr. STEWART. I do not want to be taken off the floor.

Mr. LODGE. I merely wanted to state that the joint resolution of the committee was reported yesterday and is on the Calendar.

The VICE-PRESIDENT. The Chair thinks the joint resolution goes back to the Calendar.

Mr. LODGE. Certainly.

The VICE-PRESIDENT. The Chair has no doubt of that.

Mr. LODGE. The Chair stated that it went over and went on the Calendar; that is all.

The VICE-PRESIDENT. The Chair does not so hold.

Mr. CALL. I ask unanimous consent that the Senator from Virginia be allowed to conclude his remarks.

Mr. STEWART. I would have been through before now if I had been allowed to go on.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent that the Senator from Virginia be permitted to conclude his remarks. Is there objection?

Mr. ALLISON. I do not wish to be discourteous to the Senator from Virginia——

Mr. DANIEL. I will be very brief, Mr. President.

Mr. ALLISON. But I hope the Senator will find it convenient to postpone the completion of his remarks for a little while, in order that we may complete the Indian appropriation bill.

Mr. ALDRICH. It is imposible in this part of the Chamber to hear the Senator from Iowa.

Mr. ALLISON. I have already asked unanimous consent that the bankruptcy bill may be laid aside, and that we may proceed with the Indian appropriation bill. I hope that will be agreed to, and I hope the Senator from Nevada will yield, that I may ask unanimous consent for that purpose.

The VICE-PRESIDENT. Does the Senator from Nevada yield?

Mr. STEWART. I regret very much that I can not have an opportunity to point out some of the very serious objections to the bankruptcy bill, so that the country will not have the impression that it is really a bill for the benefit of debtors when it is a most atrocious bill. It is not so designed, I grant, but its effect, it seems to me, would be most atrocious if it became a law. I will not go on with my speech now; but when the bill comes up I ask unanimous consent that I may have the floor, and I do not want anybody to take it away from me until I have made my speech.

Mr. HOAR. That is all right. The Senator is entitled to the floor.

Mr. STEWART. When the bill comes up again, I want unanimous consent that I may expose some of its defects.

Mr. HALE. The Senator does not need to obtain unanimous consent. He will be entitled to the floor when the bill comes up.

The VICE-PRESIDENT. The Chair will recognize the Senator from Nevada as being entitled to the floor on the bill when it is again brought before the Senate.

Mr. STEWART. The next time I hope I will have a chance to show the defects in the bill. I now yield to the Senator from Virginia.

Mr. HOAR. Will the Senator from Nevada permit me to say that as soon as the fact was called to my attention that he had taken the floor, I yielded at once. The Senator was entirely right; and if he shall point out any of the undesigned atrocities of which he speaks the bill will be promptly amended.

Mr. STEWART. I think I can do it when I have the opportunity. I hope the Senator will call it up and give me that opportunity. I now yield to the Senator from Virginia, and hope he will have unanimous consent to conclude his remarks.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Florida [Mr. CALL] that the Senator from Virginia have unanimous consent to conclude his remarks at this time.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I hope that the Indian appropriation bill will be taken up by unanimous consent, in order to relieve us of the situation with respect to the bankruptcy bill; and as the Senator from Virginia has stated that he desires to occupy only a brief time, I will with pleasure, so far as I am concerned, yield to him after the appropriation bill is taken up to conclude what he desires to say.

The VICE-PRESIDENT. The Chair will submit one request at a time.

Mr. ALLISON. If the Chair will permit me, I was recognized by the Chair and made this request for unanimous consent before the Senator from Florida made his request. The Senator from Nevada took the floor and said he would yield to me in a moment. I endeavored to retain the floor.

The VICE-PRESIDENT. Upon that statement, the Chair will submit the request of the Senator from Iowa to the Senate. The Chair did not understand the Senator from Nevada to yield to the Senator from Iowa.

Mr. MILLS. I wish to say, in response to the request, that I think appropriation bills and bankruptcy bills can wait until we can strike the chains from the limbs of an American citizen in a Spanish dungeon.

Mr. HOAR. He is not an American citizen.

Mr. MILLS. Congress will be in session, we all know, before the fiscal year will end, and we shall have ample time to attend to all these measures, even if we do not do so during the remaining days of the present session. It seems to me that the question presented by the Committee on Foreign Relations, by their unanimous report, is one that ought to command the attention of the American Senate at every moment until we shall have finally acted on it.

Mr. ALLISON. I call for the regular order.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Iowa.

Mr. MILLS. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MILLS. I hope the motion will be voted down.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CALL. Now I hope the Senator from Virginia will be allowed to proceed.

Mr. ALLISON. If the Senator from Virginia desires to continue his remarks, I yield to him with pleasure, so far as I am concerned.

Mr. MILLS. The rest of us can continue on the Indian appropriation bill in the same way.

Mr. HOAR. I want it understood that the bankruptcy bill will be in order after this bill is disposed of. I ask unanimous consent to that effect.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. What is the request?

Mr. COCKRELL. What was the request of the Senator from Massachusetts?

The VICE-PRESIDENT. Will the Senator from Massachusetts indicate his request fully?

Mr. HOAR. My request is that if any time intervenes when appropriation bills are out of the way, the bankrupcy bill shall retain its place.

Mr. ALLEN. I object to that, Mr. President.

The VICE-PRESIDENT. Objection is interposed. The Senator from Virginia is recognized.

Mr. DANIEL. Mr. President, I should say here, before passing to another point in this case, that in January, 1896, our Government did call upon the Royal Government of Spain at Madrid to furnish a copy of the proceedings under which Sanguily was held, and that this at that late day was done, nearly one year after he had been arrested.

Mr. President, if there were nothing else in this record but the plain and palpable violation of our treaty rights with Spain, it would have been enough to inspire the prompt, diligent, stern demand of this Government for the release of that prisoner. But all along the track of this history it has been evident from the course of the Spanish authorities in Cuba that they have lost no opportunity, and that they have invented opportunities, to make themselves disagreeable and offensive to our authorities and to delay the ordinary course of justice.

As soon as it became evident that Sanguily could not be successfully prosecuted in a just sense for participation in rebellion, another charge was brought against him, that of kidnaping. He was committed to court-martial under that charge. On the very next day commenced another series of protests on the part of our

consul, and I beg leave to read the protest of Mr. Williams to the Captain-General of Cuba, dated April 25, 1895. On this head he says:

Notwithstanding the decree issued on the 16th of March last by his excellency the Governor-General of this island, inhibiting the military jurisdiction of the cognizance of the case of the American citizen, Mr. Julio Sanguily, and ordering its transfer to a court of the civil jurisdiction in strict observance of the agreement of the 12th of January, 1877, nevertheless, I am informed by his advocate that he has again been subjected to a court-martial by order of the military jurisdiction, this time on a charge alleged to be related to the kidnaping last year of Mr. Fernandez de Castro, and in consequence this American citizen has been again remanded into solitary confinement and deprived of all intercourse with his counselor by order of the court-martial.

Here, Mr. President, was a second offense against this citizen and a second offense against this Government in the very hour of its protest against a similar offense, and after the authorities in Cuba had pretended that they were recognizing, in some degree at least, the claim of our Government and were transferring the prisoner to the civil authorities. Our consul, in his protest, says:

This proceeding on the part of the military jurisdiction is not only an infraction of the agreement, but it is likewise in contradiction of the said decree of the 16th of March last, of his excellency the Governor-General of this island.

Showing, Mr. President, that after the righteousness and justice of our demand had been acknowledged, and in some degree carried out by the Captain-General of Cuba, the very offense was again repeated. Then he says:

I have therefore, and in compliance with the instructions of my Government, to ask your excellency to have the goodness to order that this second case against this American citizen be also transferred to the civil jurisdiction for trial, as his excellency the governor-general was pleased to order in the first case; and also by order of my Government to enter its most formal protest before the government of this island against any delay in the transferring of this second cause against Sanguily to the civil jurisdiction; as likewise to protest against all proceedings hitherto practiced in this case, or that may hereafter be practiced in this case, by the court-martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations.

May the 4th, nine or ten days later, found Sanguily still in military bondage; and on that day the Captain-General, in his goodness, which had been so politely invoked, was pleased to repeat that he would soon send Sanguily to the civil jurisdiction, and Vice-Consul General Springer wrote to Mr. Uhl:

I understand that to-day is the tenth day that Mr. Sanguily has been "incomunicado" (in solitary confinement) by order of the military authority, not allowed the visits of his family, or even to see his advocate appointed by him for his defense.

So, Mr. President, most extraordinary exactions were made, not only upon this prisoner, but upon Aguirre, another prisoner, also. On June 25, 1895, Mr. Springer, the vice-consul, telegraphed to our Government here:

ASSISTANT SECRETARY OF STATE,
Washington, D. C.:

Bail bond of $10,000 required of Aguirre, or in default thereof embargo of property for costs, is according to law, but his lawyer has not yet been permitted to examine charges, the court stating that all "sumarios" are secret according to Spanish criminal law. Bond the same in Sanguily's case, and in addition one for $20,000 for charge of kidnaping.

SPRINGER, *Vice-Consul-General.*

This charge of kidnaping appears to have been a mere trumped-up case. In a little while the party alleged to have been his accomplice was discharged, although for a while longer Sanguily was held; and Mr. Springer says on that subject:

I am informed by Sanguily's lawyer that another person was connected with him on the same charges or indictment of kidnaping, a certain Geraldo Portela, of this city, who was arrested subsequent to Sanguily, and confined in the Morro Castle. The case of Portela was instituted before the military authorities, while that of Sanguily was passed to the civil jurisdiction. Portela was not brought to trial, but his case was quashed and he has been released for nearly a month, and under no kind of restriction, whereas Sanguily is still imprisoned in the Cabana fort awaiting trial.

I am, etc.,
JOSEPH A. SPRINGER,
Vice-Consul-General.

Finally, Mr. President, and rather late in the day, the authorities in Cuba took the ground that our consuls did not have the right diplomatically to make the direct protest and demands upon the Cuban authorities which they were making, but it was abundantly shown by our consul in reply that under a consular treaty between Germany and Spain—

Consuls-general, consuls, vice-consuls, or consular agents shall have the right to address the authorities of their district in remonstrance against every infraction of the treaties or conventions existing between the two countries, and against whatever abuse complained of by their countrymen.

And he justly took the ground that, as we were to have the same rights as any favored nation, the United States Government was entitled to be treated in the same way.

I would call attention further, Mr. President, to the fact that Mr. Williams reports in a letter which he wrote from Brooklyn—and I would thank my friend from Alabama [Mr. MORGAN], who has the record before him, and is so familiar with it, to hand that letter to me——

Mr. MORGAN. Here it is.

Mr. DANIEL. In May, 1895, Mr. Williams, our consul-general, came to the United States. He was in Brooklyn, and he wrote to our Government reciting the story of his interview with the Spanish authorities respecting Sanguily, and also respecting Aguirre. He says in the course of this letter, after reciting the arrest:

In consequence, and apprehending from the activity displayed by the Government in making arrests, in subjecting the parties arrested to court-martial for trial, in issuing proclamations suspending the action of the civil law in certain cases, and from the haste with which the military jurisdiction was proceeding in the trials of the accused, I went early the next morning, the 25th of February—

That was the day after Sanguily's arrest—

to see the governor-general with the view of informing him of the American citizenship of Sanguily.

It is Sanguily, the American citizen, all the time in this correspondence, I may here observe.

On reaching the palace I learned that Aguirre had also been arrested and subjected to court-martial, and on being received by the governor-general, I informed him that both these men were naturalized citizens of the United States, and that as such they were inscribed in the register of foreigners kept by the general government of the Island of Cuba.

So here, Mr. President, let me point out, at this stage, a clear and specific reply to the suggestions that Sanguily was not an American citizen. Here is a statement of that fact by our consul to our Government, a statement acted upon afterwards by all parties. He then says:

I then remonstrated against their commitment to the court-martial for trial, and asked for their immediate transfer to the civil jurisdiction, in accordance with the terms of the said agreement.

This was instantly upon learning of Sanguily's arrest.

Mr. President, the smallest tribe in darkest Africa that has a chieftain to stand forth to represent it could never have been treated more contemptuously by a neighbor than the Government officials of the United States have been treated by the Spanish authorities in Cuba.

The governor-general—

As our consul says—

was surprised on my informing him of the American citizenship of these men, and instantly answered me in an outburst of most violent language and gesture, saying that it was a disgrace to the American flag for the Government of the United States to protect these men who, it was notoriously known, were conspirators against the Government of Spain, and exclaiming louder and in still more violent language and gesture that American citizens were openly conspiring in the United States against Spain, and that he would shoot every one of them caught with arms in hand in any attempt against the government of the island, regardless of the consequences.

This piece of brutal bluster, Mr. President, was exercised by the governor-general of Cuba to the consul of the United States, standing under our flag and representing the honor and dignity of this nation, and, sir, that was related to this Government nearly two years ago. The consul says:

Upon this utterance I calmly interjected the remark: "But, General, in carrying out such measures you will surely observe in all its parts the agreement between the two Governments?" Then recovering himself and in moderated tones he answered: "Yes; in observance of the agreement." I then said: "Well, General, that is all I have come to ask for, but these American citizens, instead of having been committed before a civil court in observance of the agreement, have been subjected for trial to a court-martial contrary to the agreement; for neither of them has been captured with arms in hand against the Government, but arrested by the municipal police while peacefully deporting themselves in the city (Habana)."

The governor-general then, the consul states—

made reference to the law governing the residence of foreigners in the Island of Cuba, giving me to understand that it was paramount to the agreement between the United States and Spain.

In other words, the governor-general of the Island of Cuba took the ground, as suggested by the Senator from Alabama, that the local laws of Spain for the government of Cuba superseded a treaty right of the United States. Says the consul:

I then replied: "But, General, the Government of the United States will never admit that a local law or regulation is superior to an international compact; that Article VI of the Constitution of the United States is very plain upon this subject; also section 2000 of the Revised Statutes of the United States requires that the same protection to person and property shall be given by the Government of the United States to naturalized citizens in foreign countries as is accorded to native-born citizens." He then said: "Yes; but let the prisoners themselves invoke their rights of American citizenship before my judge-advocate (ante mi fiscal), who will consider and decide upon their rights under the agreement." As this was a plain effort on his part to eliminate my action as the representative of the United States in the matter, I replied: "General, my Government will not accept such a proposition, nor is it contemplated in the agreement that a Spanish judge-advocate could supersede a consular or diplomatic representative of the United States on such an occasion. That therefore, just as soon as possible, I would formulate a remonstrance against the infraction of the agreement in committing Sanguily and Aguirre before a court-martial instead of before a civil court, and would present it to him for his consideration."

What was the effect of this courteous, cool, calm, and forbearing manner of the American consul to this fiery Spanish don? Says our consul:

Hereupon he again remarked, in a violent tone of voice, as though my action was voluntary and not obligatory: "Your defense of these men is a disgrace to the American flag." I then politely answered him, saying: "General, I am acting entirely within the confines of my official duty and in accordance with the instructions of the Secretary of State of the United States, and in strict conformity with the agreement of the 12th of January, 1877." I then bid him good morning and withdrew.

But he did not withdraw to his own country. I wish that the war ship, as suggested by the Senator from Maine [Mr. FRYE], had

been in the harbor of Habana, and that some admiral had been upon board of it who would have opened his guns upon the Spanish forts unless that citizen was immediately surrendered, and have taught this arrogant, insolent, brutal nation, which is the Turk of the West, the unspeakable Spaniard, who is doing the work of hell in the neighboring Island of Cuba, that when the United States of America demands the rights of one of her citizens she means to stand by the demand, and to send force to see that it is recognized and acknowledged; and if the senior Senator from Maine [Mr. HALE] imagines that this country can ever secure peace by submitting to continued contumely and insult to our citizens, he has built his hopes upon a foundation of sand.

Mr. President, I might go through the rest of this lugubrious and lamentable document. I might show continued insult to our consul even after these two repeated insults, but I dislike to unfold this dismal record. I have only produced that part of it which I have read to vindicate my own action and that of the committee of which I am a member, in bringing before the Senate the resolution which has been offered. That resolution says, in effect—though I do not know that I can repeat its exact words—that the President of the United States is requested to demand of Spain the immediate and unconditional release of Julio Sanguily, and also to prefer such just claims for damages against the country which has incarcerated him unjustly as to him may seem just.

It seems that there is something going on between this country and Spain of which we are not fully advised, and the senior Senator from Maine has produced a telegram or letter which contains some assurance that poor Sanguily, at the end of two years of incarceration, after filling this record with his own piteous appeals to the nationality of his adoption to defend him, has, by his counsel, withdrawn his appeal from his last sentence of condemnation, doubtless upon some expectation or assurance if he will plead guilty of the offense with which he is charged, that pardon will be extended to him, and that, branded for life as a convict, he may steal out of the prison in which he was hopeless of any rescue by the people to whom he belonged.

Mr. President, I hope that that intelligence is not true. I hope that this Government, which has twice made demand, thrice, I may say, upon the Spanish Government to release or try this prisoner in accordance with law, which has again and again set forth its protest to governor-general and to court and to the Spanish authorities that this is unjust, will not permit its citizen, at the end of an unjust incarceration, to humiliate himself before the Spanish throne in order to get that liberty which we contend he was entitled to all along.

The humiliation of a citizen of this country is the humiliation of every man in it. Inasmuch as Spain has done this unto him, she has done it unto me and to every American citizen who is proud of his free rights under a free Constitution, and who intends everywhere and at all times to defend them.

Let me say further, Mr. President, the closing letter of our present consul in Habana sets forth a state of facts which we might well anticipate from those which have been already given to the Senate. He writes in the present year, January 6, and says:

UNITED STATES CONSULATE-GENERAL,
Habana, December 31, 1896. (Received January 6, 1897.)

SIR: Yesterday noon I visited the Cabañas fort and had a talk with Mr. Julio Sanguily, an American citizen, and formerly a general in the insurgent army. As you know, he was arrested in his house while taking a bath on the 24th of February, 1895.

Just there let me remark that so far from being armed, he was entirely without arms; and there is a fact proved in this record which goes to attest that he was not contemplating rebellion, for it was shown by a witness upon Sanguily's trial that eight months before he had pawned his sword and pistol; had parted with, to a pawnbroker, the very weapons which he would have been busy to have gotten and employed had he been upon the eve of rebellion. The consul further states:

Sanguily had proved himself a very brave and efficient officer in th Cuban war from 1868 to 1878, and had been wounded seven times. It was therefore naturally supposed that sooner or later he would have joined the insurgent side of the war now in progress in this island. He had, so far as I am informed, committed no overt act in that direction, and was taken without arms in hand.

On the 28th of November, 1895, or, say, nine months and four days after he was arrested and thrown into a cell at the Cabañas fort, he was tried and sentenced to be imprisoned for life.

Yes, he was tried by mongrel military and civil procedure more than nine months after he had been held in durance vile under such a treaty as that which we hold with Spain.

An appeal was taken to the supreme court of justice at Madrid, which decreed, upon some technical ground, that Sanguily should be retried.

Consul-General Lee relates that—

On the 21st of December, 1896, his second trial commenced, and ended by his being again sentenced to perpetual imprisonment.

From this second sentence an appeal has been taken which, whether successful or not, will greatly lengthen the time he has already passed in his cell.

Now, mark this fact. I read awhile ago the opinion given to our consul by Mr. Miguel Francisco Viondi, who defended Sanguily, and who advised our consulate in Habana. Consul-General Lee says of him:

The lawyer who defended this prisoner in his first trial now looks from the bar of a cell adjoining his in the Cabañas fort, and I am informed that the lawyer who managed his appeal before the Madrid court has suffered in consequence thereof, so that it may be difficult to procure in Madrid another person versed in the law who will consent to manage for Sanguily the appeal proceedings.

In view of all these facts—

General Lee, our consul-general, says—

In view of all these facts, and for the additional reason that Sanguily has been in a cell twenty-three months to date, is not in good health, and is suffering from old wounds, I respectfully suggest that the Department bring these facts to the notice of the Madrid Government and ask that instructions be issued that he be released from prison on the condition that he will leave this island and not return until the present war has terminated.

I should regret, Mr. President, that any condition whatsoever should be annexed to the demand for Sanguily's release; but I can well imagine that our consul-general in Cuba at so late a date as December, 1896, had despaired of any such course on the part of our Government as would have been dictated by its traditional policy, and as would seem to be demanded of a brave chieftain standing forth to defend the honor, the integrity, and the liberty of a nation, but this condition was not so humiliating as the one now suggested. It was only that he should depart in peace and return to the country of his adoption. Such a condition has been denied him. Even the proposal to leave the country and return to the United States has not been sufficient to relax the iron and relentless grasp of Spain upon a citizen which we have contended for over a year, nearly two years, she had no right to hold in the manner of arbitrary detention which she adopted in violation of our treaty with her.

Mr. President, I have little more to say on this subject. I have made a plain and explicit statement of this case, and I have gone to the prolixity of reading parts of these records so that those who read this story may understand why it is that the Foreign Relations Committee of the United States Senate advise and ask the President to make immediate and unconditional demand upon the Spanish Governme .t for the surrender back to us of our compatriot, who for two years has lain sick and sore and wounded in a dungeon, and has never yet had the arm of America outstretched to save him from this brutal tyranny, which is the curse of Spain and the disgrace of civilization.

Mr. HOAR. The Senator from Virginia kindly said he would answer a question when he got through. I wish to ask him one question. When does he or the committee to which he belongs suppose that this man spent the five consecutive years of residence within the United States immediately preceding the issue of the naturalization papers which the law requires for their validity? I ask the Senator from Virginia that question, if he will answer it.

Mr. DANIEL. We have the record of the consulate in Habana; we have the decision of our State Department; we have the recognition of the governor-general of Cuba; we have the records in the case, and what everybody conceded and declared. I did not deem it necessary to investigate.

Mr. HOAR. That does not answer my question.

Mr. DANIEL. That is the answer.

Mr. HOAR. Now, it appears upon this document, repeated in a half dozen places, first that the man says he got his citizenship in 1889. I understand, however, that the Committee on Foreign Relations suggests that that is a misprint, and very possibly it is. He says in several other places—it is repeated all through—that this naturalization was taken out in the superior court of New York in August, 1878. It is repeated all through that he was engaged in the Cuban insurrection up to 1878, that he came abroad after that time, after the armistice or amnesty of that time, went to New York, and got these naturalization papers within a space of two or three months.

So it is absolutely clear that the naturalization paper was fraudulent and that the Department of State and our other officials merely took it for granted without putting the dates together; and now when they are put together it is found that the man is no more an American citizen than the Senator from Virginia is a citizen of Cuba.

Mr. STEWART. Where does the Senator get those facts?

Mr. HOAR. The committee furnished the evidence; it is all here.

Mr. HALE. The committee itself furnishes the evidence. It is in the report.

Mr. LODGE. Mr. President, the Committee on Foreign Relations did not think it was necessary to go behind the record of a court of record of the city of New York. I did not know it was customary to go behind the certificate of a court of record. I do not know who has power to do it. Certainly a consul of the United States has not the power to do it. It is the record of the superior court of the State of New York that that man was naturalized. It is a mere assumption and assertion that he was fraudulently naturalized. That is something which must be proved.

Mr. HALE. Would you prove it by your own——

Mr. LODGE. I am not here to prove that he was honestly naturalized. I take the record of the superior court of the city of New York, and until it is overthrown he is a naturalized citizen. Now, one word more——

Mr. HOAR. Before my colleague passes to his other word, will he yield to me for a minute?

Mr. LODGE. On the point of naturalization I should like to say now what I have to say.

Mr. HOAR. That is right.

Mr. LODGE. We issue naturalization papers to very many citizens. Perhaps some are not properly naturalized. We know that the privilege has been abused. We know that in many cases there have been fraudulent papers. But when an American citizen offers his certificate of naturalization, when it is accepted by the foreign government, when it is acknowledged by the Secretary of State, when he is duly registered in the consulate where he ought to be registered, then, Mr. President, I for one am not disposed to haggle over the question whether or not that naturalization paper was properly issued to him. We have the right to make the assumption that it was properly issued to him until the decision of the court is overthrown, and that can not be overthrown by saying that there are statements here from the consul-general which appear to conflict with the law under which the certificate of naturalization was issued.

We are bound by that, as the Secretary of State was bound. Every Spanish official admitted the citizenship of this man. Are we to say to all our naturalized citizens, "We are going to try you on the technical question whether these naturalization papers were properly issued to you before you can receive the protection of the American flag. Foreign governments may do to you anything they like, and the Senate of the United States and the House of Representatives and the Department of State will not seek to protect you until they have examined your naturalization papers?" I believe, as regards all foreign countries, that our naturalization certificates should be held sacred. We should uphold them, and protect them, and defend them. If we are going to draw distinctions among our naturalized citizens, where is it to stop? Are we to say to all the naturalized Americans in this country, "We will not agree to protect you. When you take out your naturalization paper, it is waste paper if anybody chooses to question it or to intimate that some technicality is wrong?"

I do not think, Mr. President, that any government can afford to take that position. I may be entirely wrong, but it strikes me as a general matter of policy that we have to follow the old rule which Henry Clay laid down at the time of the war of 1812, that the flag at the masthead was the seaman's credential. It is perfectly true that that meant that the deck was a part of American soil, which is a different point, but the English also demanded in those days proof that the seamen were American citizens and claimed, from identity of names, that they might be of English birth. We fought that war on the ground that the flag and the ship should cover the whole case.

It seems to me we have no right to go behind the action of an American court. We are all aware that this man was born in Cuba. We are all aware that he bears a Spanish name. Those of us who have inquired into the case know that he and members of his family were educated in this country; that their relations with this country have been close. There is no denial of any of these facts. We know that he took out naturalization papers; that they were lawfully issued and duly registered in the consular court. The minister of Spain in this city has admitted his citizenship. Are we to question it?

Mr. STEWART. It was admitted in the sentence.

Mr. LODGE. It was admitted by the Spanish court. It was admitted throughout the correspondence that he was an American citizen. If Spain admits his citizenship, why should we question it?

Mr. President, this is but one case among many. I have a case within my own knowledge of two young men whose name is Glean. Glean is not a Spanish name. The father was the American consul at Sagua la Grande. He was the first American consul at that post when it was established. He was a citizen of my State, and he married a wife in my State. His boys are of American blood and parentage. By his residence there as consul he became interested in sugar plantations. He bought property and established himself. These boys carried on the business. A little while ago—last year—those two boys, who never had been anything but American citizens, without a drop of blood in their veins that was not American, had their house entered by Spanish forces and they were seized by soldiers. They were in danger of their lives. Nothing but their claim of American citizenship saved them from death. They were taken out in the heat of summer and thrown into a foul prison in Sagua la Grande. There they were kept for some months. They were tried by a military tribunal and acquitted. They were let out then on condition of reporting every three days to the Spanish commandant. They were then tried by civil court and were again acquitted. The only charge against them was that they had given shelter for one night to a man supposed to be an insurgent—a fact never proved.

Finally let out, they escaped to this country, penniless, beggared, ruined, their property destroyed absolutely. Their claims against Spain have been filed in the State Department, and they are beggars, ruined, for no reason in the world.

Those are some of the cases, Mr. President, within the knowledge of the committee. There are many others. The State Department to-day is full of reports about American citizens, unquestioned Americans, men named Scott, men named Govin, men named Glean, as these men are named, whose names alone show their citizenship. The Department is full of accounts of the wrongs, the outrages done to them. We can not get at those consular reports. They are held back from us on the ground that the consul will not be safe if he is known to have made such a report to Congress. We can not, in other words, even protect an American consul in the discharge of his duty. Those are the things which have caused the Foreign Relations Committee to feel that the time has come when we might properly act.

Let me say that those of us on the Foreign Relations Committee who have been opposed to this passive attitude in regard to the Cuban question have made no effort to press the Cameron resolution to the front. We have not sought to bring on agitating debates. We have done nothing to precipitate this question. We have allowed the resolution to lie upon the table untouched and undiscussed. We were well aware that with the Administration and Congress at odds on this matter discussion was useless. It would only lead to disturbance and could serve no good end. But when a resolution was presented to us with the absolute facts in regard to a case of this sort, we felt that we must act. We did not examine into the records of the superior court of the city of New York to see whether or not they had issued fraudulent papers to Julio Sanguily. We accepted the statement of the Spanish authorities. We accepted the statement of our own Secretary of State. We accepted the certificate of the American consul, and we took the ground that there had been a great outrage committed on an American citizen.

We thought that something ought to be done. We were not disposed to sue for his pardon. I suppose, Mr. President, that is a very wrong feeling to have, but it did not seem to the committee that it was the part of the Government of the United States to sue for the pardon of one of its citizens whom we believed innocent and who had appealed against the decision of the court. We thought we had a right to demand his surrender. That is all that this resolution is, and when we bring it in here, Senators say to us that because we wish to protect American citizens we desire to precipitate this country into war.

From 1868 to 1878 General Grant kept war ships in the harbor of Habana all the time to protect American citizens; and nobody then rose in the Senate and said that he intended war by so doing. When the Senator from Maine [Mr. FRYE] said that he thought it was the duty of the Government to send a ship of war to Habana for the protection of American citizens, the reply was immediately made: "That is what you want; you want war." It is not an act of war to send one of our ships into any port of any nation in the world with which we are at peace. Our ships of war go everywhere. It is no act of war to send them to Habana. We have the right to send our ships there to protect American citizens. We ought to have had a ship of war there all the time, ever since these troubles broke out. That is what President Grant did. That is the proper thing to do. When there are troubles going on, every nation sends its ships that they may be on hand to protect the property of its people everywhere. It is done all the time all over the world. We have sent ships and landed sailors and marines to protect American property and American citizens over and over again, and no one thought of crying out "War!" because we did so. Why, then, is it such a heinous offense to have ships of war in Cuban waters to protect American citizens?

I have no desire to argue the Cuban question. That has been gone over, and we know what the situation is in regard to it. The only point that I desire to make, the single point that the committee desire to make, is as to the protection of American citizens. We put this resolution on that ground, and that ground alone. Whatever else our duties may be, certainly one of our duties is the conservation of American interests and the protection of American citizens. That is all the committee seek. They are not seeking to pick a quarrel with Spain. They have no more desire to precipitate this country into war than any other members of the Senate. But when a case like this is referred to them, they thought, and they thought so unanimously, that it was their duty to submit the resolution and to ask upon it the action of the Senate. And when we submit this joint resolution, asking merely for the surrender of an American citizen, we are met with the reply that we want to bring on war. American citizens, in other words, are to have every infamy and injury in the world inflicted upon them, and anyone who dares to raise his voice in their behalf is told that he wants to bring on war.

Mr. President, look abroad to-day. Europe has sat by and looked on with perfect calmness while the Armenians have been slaughtered by the thousands. They have looked on with indifference while the Cretans have been struggling for freedom from the Moslems. Greece has interfered. She has attempted to rescue her fellow-men of kindred religion and race in the Island of Crete, and last Sunday the war ships of four great powers shelled those insurgents, men of their own faith, because they were trying to shake off the yoke of the Turk, and English war ships have been convoying Turkish munitions of war to the Island of Crete, if we may believe the dispatches in the newspapers. They say it is done in the interest of peace, and any man who lifts his voice, as the English people are now lifting their voices and denouncing the attitude of their Government, is told that he wants to hurl his country and Europe into war.

Ah, Mr. President, the power that is anxious to preserve the peace of Europe, the power that is so afraid that we shall vindicate and look after American citizens, is not primarily interested in peace. The power that holds those great European administrations by the throat and wishes them to keep Turkey where it is, is not a power that cares one straw for the slaughter of human beings in Armenia, but it is a power that is interested in the interest and the value of Ottoman bonds. That is what is behind this desire to keep Turkey in the control of the Greek Christians; that is what is holding the hands of Europe's Christian governments in regard to Armenia, and that is what is the trouble in this country in regard to Cuba.

The best thing that could happen to business, if business would only see it, would be to have the Cuban question settled and taken forever out of the way. But the great business interests do not wish it done. They are afraid of the immediate business result. I am not going to argue or discuss that question. We have determined, practically, at the White House and in the Capitol that the war in Cuba shall go on to its bloody, ruinous end; that that island shall be devastated and destroyed, American property and all, for it will never go back to Spain. But we have decided to let it go on. The Committee on Foreign Relations have not attempted to disturb that admirable decision. We have allowed the matter to rest. We have now simply brought in a joint resolution to try to protect an American citizen, stated to be such a citizen by the act of a court of New York, an act which can not be set aside by collateral evidence. That is all we have tried to do; that is all we ask the Senate to do. There are dozens of other cases. There are Americans to-day in those dungeons in Cuba.

To those persons in certain parts of the country who are devoted admirers of England, I commend the conduct of England when one of her citizens has been imprisoned and illtreated. Does anyone within the sound of my voice suppose that if a man bearing a naturalization certificate of the Queen of England had been treated as Julio Sanguily has been treated, England would have hesitated as to what she would do? She is anxious for an arbitration treaty with us, and is devoted to peace of course; but if Spain had laid a finger on one of her citizens, England would have had him out of his prison and had him surrendered at once if it had taken the whole fleet of England and all her army to do it. England has some very admirable qualities.

I have said far more than I meant to say, but I desired to defend the committee of which I am a member against the charge which has been made, that because we want to ask for the surrender of an American citizen we are therefore a parcel of jingoes, trying to thrust the country into war; that because we say that in times of disturbance we should do that which General Grant did, keep an adequate force in Habana to look after American interests, therefore we want to plunge the country into war. I have no desire to plunge this country into war with anybody. I do desire that an American citizen, whether he is a naturalized citizen or native born, wherever he goes, shall be protected by the power of the United States Government. [Applause in the galleries.]

Mr. HOAR. Mr. President, the Revised Statutes of the United States declare—

> That no alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

This man confesses, and it appears in a dozen places in the committee's report, that he came to this country after the conclusion of the rebellion of 1878, stayed here two or three months, and went back, and has not been in the United States since. He got some fraudulent papers out of a New York court, the same New York court——

Mr. LODGE. May I ask my colleague how it is proved to be a fraudulent paper?

Mr. HOAR. Because the matter of residence is distinctly shown.

Mr. LODGE. How does my colleague know that Sanguily was not here before that time?

Mr. HOAR. He must have been here five years before August 6, 1878.

Mr. LODGE. How does my colleague know he was not here?

Mr. HOAR. Because he says and the American consul says he was in the Cuban insurrection and was wounded seven times.

Mr. LODGE. Was he there the whole ten years? Is that stated?

Mr. HOAR. Yes, sir; it is stated.

Mr. LODGE. I wish my colleague would kindly point out that statement in the report.

Mr. HOAR. He stated himself that he was naturalized in 1889.

Mr. LODGE. Does my colleague think his statement overthrows the record of the court?

Mr. HOAR. I do. There were 60,000 fraudulent naturalization papers issued from that same New York superior court within three days in the year 1868. They floated all over a part of the country, and according to my colleague's idea every one of those fellows was entitled to plunge the United States into war if he went abroad and was badly treated. These court records are of the slightest possible importance. They are challenged at the polls; they are inquired into by election officers; and it never was pretended that they are anything but prima facie evidence. Again and again and again men have been indicted and punished for voting on them, in spite of the record.

Now, there is not any earthly question of these facts. If any other cases exist, let them be produced, and we will deal with them, but we have a case now where a man fought in the Cuban rebellion from 1868 to 1878. It appeared, in substance, during his trial that he was there at the time of the amnesty in 1878. Then he came to this country, stayed two or three months, went back with these fraudulent papers, and, as he swears expressly in his own testimony, he has been there ever since. He says he has been there nineteen years.

There is the fact, and I am not going into any other question. A question has been raised as to a pardon. I do not think a pardon would in the least affect his claim against Spain, if he has any. It is a mere mode of letting him out. If when this man is to be let out, within, as we suppose, a very few days, he is to be pardoned, he has all the rights of claim against Spain preserved, as I understand, because the pardon does not in the least take them away. If we are going to plunge this country into a war, let us have something to stand on. Let us have some facts. Let us have an American citizen, and not a man who has got a fraudulent naturalization, to do it on. That is what I claim.

Mr. LODGE. I wish to ask my colleague who has proposed to plunge the country into war? Does it plunge the country into war to ask for the surrender of an American citizen?

Mr. HOAR. What is proposed is to have the United States Senate demand this man's surrender. If they demand this man's surrender, and it is not done, I think the logic is to go to war to enforce the demand. I do not think the Committee on Foreign Relations are meaning simply a piece of empty bluster without having it backed up by the military and naval force of the country. If that is the intimation, I will acquit any member of that committee of any such proposition. But I say we have a right to demand of this committee to know whether this man is an American citizen or not. Of course the State Department did not question it. The facts were not brought to their attention. They found the old record, just as in the case where many pretended citizens have voted again and again. But now we have got the fact to deal with. He stated in his trial tha he was naturalized in 1889. He says in almost the same sentence that he had not been out of Cuba for seventeen years. He has to dwell within the United States to be a naturalized citizen. If, on the other hand, he was naturalized at the time he was registered in Cuba he had only been out of Cuba for a few months, and he did not get naturalization then.

Mr. TELLER. Mr. President, I do not intend to discuss on this bill the question that has been discussed very extensively; but the Senator from Massachusetts seems to think that we ought to treat the question whether this man is a citizen or not in this body through our committee.

Mr. HOAR. We may find he is not.

Mr. TELLER. We may find that he is not, and we may find that he is. It is the first time, when a question of this kind had been determined by the authorities that were entitled to determine it, it is the first time I ever heard that we should take an appeal to the Committee on Foreign Relations or any other committee. Now, what are the facts? The Senator from Massachusetts assumes that it is a fraudulent certificate of naturalization, and then he brings in here some testimony of some kind, nobody knows whether it is correct or not, to dispute the certificate of naturalization.

Mr. HOAR. It is the testimony the Committee on Foreign Relations brings us. It is the man's own statement.

Mr. TELLER. We do not know whether it is correct or not. This man has been treated as an American citizen by the United States. He has been treated by the Spanish Government as an American citizen. In the sentence they declare he is an American citizen.

It seems to me it is not worth while for us to discuss the question whether he is an American citizen or whether he is not. He has declared before the world that he is an American citizen, and we can not escape our duty by saying this man may not be an American citizen, or by going to the extent the Senator from Massachusetts does and saying that he can not be an American citizen; that it is a fraud, because he must have been in Cuba ever since. Every intendment must be in his favor. He has a naturalization paper. He has the declaration of this Government that he is a citizen of the country. We have a statute that has been on our books for many years which declares that a naturalized citizen stands exactly equal in all respects as to the protection of his rights in foreign countries with an American citizen. Having this naturalization certificate, nobody, not even the State Department, has the right to inquire. They should first act, and inquire afterwards.

When a controversy arises between the country with whom we are contending as to whether he is a citizen, it is time enough to contest it. It has been admitted that he is a citizen. The Spanish authorities, the Captain-General, repeatedly declared that he was an American citizen. The proof is abundant that they treated him as an American citizen, and never raised the question whether he was a citizen. It is left for the Senator from Massachusetts to raise it here, while the decree declares that they have convicted and sentenced an American citizen.

Mr. President, there is not very much in this question. It is too late to raise the question, and it can only be raised when the government which claims he is infringing upon his rights says he is not a citizen. Then the question may be considered by his government whether he is a citizen or not. Here is a case where they declare he is a citizen. Here is a declaration in defiance of his citizenship that they will proceed, and proceed in a way not justified by the treaty with that country. Then we are met here with a statement that he may not be a citizen, and we will allow him to be outraged, and we will allow the Government of the United States to be insulted and debased; and then we will get out of exercising the ordinary prerogatives of a decent government by saying, "After all, I think that fellow's naturalization papers are fraudulent."

There never has been such a proposition made in American history before and I hope there never will be another. I do not know whether all the facts as we have them are true, but I do know that there is enough here to demand the interference of this Government. I do know that there is not a self-respecting government in the world that, on the state of facts presented to the Senate here to-day, would not make the demand that we are proposing to make.

I know that it may be futile for the Senate to pass such a resolution. I know the Senate passed a resolution here the other day about the Greeks which at least expressed sympathy and encouragement to them; but we are told this morning in the morning papers that a resolution of the Senate does not count, that the Secretary of State will not transmit it because it must be the action of both bodies or else he is not obliged to pay attention to it.

Mr. President, it does not make any difference, in my judgment, what may happen. You may pass this resolution and the House may approve of it, and it may go to the State Department, and the pusillanimous conduct of the Department for the last two years with reference to these things will be repeated.

I have not much expectation of anything better in the next Administration, but I thank God that at least this Administration will be going out of office and out of the way in the next ten or twelve days. I pray and hope that the Republican party, when it gets into power, may have a little of the old enterprise and spirit of the party, and that we make ourselves respected at home and abroad in as great a degree as to-day we are despised. In the whole history of this country there never has been a time when the world looked upon us with the contempt that it does to-day, and it is due to the administration of the great State Department and the executive department of the Government for the last four years.

So far as I am concerned, I agree with the Senator from Maine who sits in front of me [Mr. FRYE] when he said he would send a ship. Mr. President, I would send every ship we have got, and I would send a ship wherever there was an American citizen whose rights were being tampered with or infringed upon. I would not count dollars by the side of American manhood and American liberty and American rights. When old Paul stood before the Roman ruler and said, "I am a Roman citizen," the ruler trembled. I would make every power in the world respect American citizenship, and I would make them tremble when they did not if it took all the guns and all the ships and all the money that this country has got.

Mr. President, unless you do that you will be in trouble all the time. One single declaration that American citizenship is too sacred for the hand of the oppressor will bring peace and will save us infinite trouble and infinite difficulty. But we shall not get it, Mr. President, until we get a new Administration; and I hope we will get one then that may do these things.

JULIO SANGUILY.

Mr. ALLEN. Mr. President, this discussion seems to be proceeding upon the Indian appropriation bill. For the purpose of testing the question whether we shall have war or peace, and whether there is really any sincerity in these resolutions, I move that the Indian appropriation bill be temporarily laid aside, and that the joint resolution with reference to Julio Sanguily be taken up for consideration.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator's motion is not in proper form. The motion will have to be to proceed to the consideration of the joint resolution.

Mr. ALLEN. I move that the Senate proceed to the consideration of Senate joint resolution 207, which has been under discussion.

Mr. ALLISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The joint resolution will be read.

Mr. CALL. I ask the Committee on Appropriations if it is not possible for us to agree upon some time when the joint resolution may be taken up?

Mr. CHANDLER. Mr. President, I rise to a question of order.

Mr. HILL. The Senate can take up the joint resolution now if it wants to do so.

The PRESIDING OFFICER. The joint resolution will be read by title.

The SECRETARY. A joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The PRESIDING OFFICER. Upon the motion the Senator from Iowa calls for the yeas and nays.

Mr. ALLISON. I withdraw the request for the yeas and nays.

Mr. HILL. I renew it.

Mr. MILLS. That is right.

Mr. HILL. Let us have a vote, and let us test the question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. FAULKNER's name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. SMITH (when his name was called). I am paired with the senior Senator from Idaho [Mr. DUBOIS].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised by him that our views upon the joint resolution are the same, and I will therefore vote. I vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. I am not advised how he would vote, and therefore I withhold my vote. I should vote "nay."

The roll call was concluded.

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. WHITE (after having voted in the negative). I wish to inquire whether the Senator from Idaho [Mr. SHOUP] has voted?

The PRESIDING OFFICER. The Senator from Idaho [Mr. SHOUP] has not voted.

Mr. WHITE. I will withdraw my vote in that event.

Mr. DUBOIS. I vote "yea."

The result was announced—yeas 40, nays 27; as follows:

YEAS—40.

Allen,	Carter,	Lindsay,	Roach,
Bacon,	Chandler,	Lodge,	Squire,
Berry,	Daniel,	Mantle,	Stewart,
Blackburn,	Davis,	Martin,	Teller,
Blanchard,	Dubois,	Mills,	Thurston,
Brown,	Gallinger,	Morgan,	Turpie,
Butler,	Hansbrough,	Murphy,	Vest,
Call,	Hill,	Pasco,	Voorhees,
Cameron,	Jones, Nev.	Peffer,	Walthall,
Cannon,	Kenney,	Pritchard,	Wilson.

NAYS—27.

Aldrich,	Cullom,	Jones, Ark.	Proctor,
Allison,	Gibson,	McMillan,	Pugh,
Baker,	Gorman,	Mitchell, Wis.	Quay,
Bate,	Gray,	Palmer,	Sewell,
Burrows,	Hale,	Perkins,	Sherman,
Caffery,	Hawley,	Pettigrew,	Wetmore.
Chilton,	Hoar,	Platt,	

NOT VOTING—23.

Brice,	Gear,	McBride,	Tillman,
Clark,	George,	Mitchell, Oreg.	Vilas,
Cockrell,	Gordon,	Morrill,	Warren
Elkins,	Harris,	Nelson,	White,
Faulkner,	Irby,	Shoup,	Wolcott.
Frye,	Kyle,	Smith,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution

(S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

The PRESIDING OFFICER. Is there any amendment to be proposed to the joint resolution as in Committee of the Whole?

Mr. LODGE, Mr. TELLER, and others. Vote! Vote!

The joint resolution was reported to the Senate without amendment.

Mr. WHITE. I ask that the joint resolution be read.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba, upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

Mr. WHITE addressed the Senate. After having spoken for some time,

Mr. CAFFERY. Will the Senator from California permit me to interrupt him?

Mr. WHITE. I yield.

Mr. CAFFERY. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Lodge,	Quay,
Allen,	Cockrell,	McMillan,	Roach,
Allison,	Daniel,	Mantle,	Sewell,
Bate,	Dubois,	Martin,	Sherman,
Berry,	Faulkner,	Mills,	Shoup,
Blackburn,	Gallinger,	Murphy,	Squire,
Brown,	Gray,	Palmer,	Tillman,
Burrows,	Hale,	Pasco,	Turpie,
Butler,	Hansbrough,	Peffer,	Vest,
Caffery,	Hawley,	Perkins,	Vilas,
Call,	Hill,	Pettigrew,	Walthall,
Cameron,	Jones, Ark.	Platt,	Wetmore,
Cannon,	Jones, Nev.	Pritchard,	White,
Carter,	Kenney,	Proctor,	Wilson.
Chandler,	Lindsay,	Pugh,	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The Senator from California.

Mr. WHITE resumed his speech. After having spoken in all nearly three hours,

Mr. ALLISON. I ask the Senator from California to yield to me that we may have an understanding respecting the business of the Senate for the evening.

Mr. WHITE. I yield to the Senator.

[Mr. WHITE'S speech will be published after it shall have been concluded.]

Mr. ALLISON. I ask unanimous consent that at 6 o'clock this evening we take a recess until 8 o'clock, and that during the night session we consider appropriation bills only. I hope there will be no objection to that.

Mr. HILL. What is the proposition of the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock, and that the evening session be devoted to the consideration of appropriation bills only. Is there objection?

Mr. HILL. I object, Mr. President.

Mr. ALDRICH (to Mr. ALLISON). Then move to take a recess at 6 o'clock.

Mr. ALLISON. Then, Mr. President, I ask unanimous consent that at 6 o'clock a recess be taken until 8 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock. Is there objection?

Mr. HILL. There is no objection to that.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

METROPOLITAN RAILROAD COMPANY.

Mr. ALLEN. I ask permission at this time to submit a concurrent resolution, for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate for further consideration the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

Mr. ALLEN. I want to make a brief statement respecting the resolution to this effect: It had been my purpose to antagonize the bill referred to in the resolution until certain concessions should be made by the Metropolitan Street Railway Company. I was in the Senate on the 23d of February until, I think, pretty nearly 6 o'clock, when evidently there was no intention of transacting any further business, and in my absence this matter was brought to the attention of the Senate and the conference report was formally agreed to.

Now, I hope the Senator from Michigan [Mr. MCMILLAN] who has this matter in charge will agree to the resolution and let the measure come back from the President to be considered. I think the Senator from Michigan understood, possibly in a general way, that there would be some opposition to the conference report. There was a strong, determined purpose here——

Mr. MCMILLAN. I desire to say that I was not aware that there was any opposition at all to the bill referred to. The only opposition made to the bill was made by the Senator from Missouri, in regard to the issuance of stock or certificates. That was the only objection made to the bill that I am aware of. I can not see very well how the bill can be recalled now after it has passed.

Mr. FAULKNER. I suggest to both Senators that there may be some misunderstanding about this matter, and that the resolution go over until to-morrow.

Mr. ALLEN. I am afraid the President may approve the bill meantime, and it will become a law before action can be taken on the resolution.

Mr. FAULKNER. I think if the Senator would suggest to the President by telephonic message otherwise, he would not take any action before to-morrow, and there would be no danger of the bill becoming a law.

I will state that I had the same view as the Senator himself in regard to the bill, but I had reasons presented to me which influenced my mind, and I am satisfied will influence the mind of the Senator, not to make the contest I intended to make with him in reference to the bill; because of its meritorious character and because it involves the interests of a large number of citizens and not the interests that both the Senator and I wanted to contest.

Mr. ALLEN. I understood, and understand now, that there was quite a general purpose to antagonize the measure, and while I can not, of course, say that the Senator from Michigan knew that it was so generally understood that I supposed he did know it, I wanted to be present when this matter came up for consideration for the purpose of antagonizing and putting upon it certain amendments which it does not now contain.

I hope the Senator, in view of that fact, will permit the resolution to pass, and let the bill come back to the Senate.

Mr. GALLINGER. Mr. President, I think the committee has dealt generously with everybody on this question, and I object to the present consideration of the resolution.

Mr. ALLEN. Very well, Mr. President, if that is the course to be pursued, let it be so.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

Mr. HILL subsequently said: I desire to enter a motion to reconsider the vote by which the conference report on the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company was concurred in. I enter that motion in behalf of the Senator from Nebraska [Mr. ALLEN], and accompany it with a concurrent resolution, which I ask may go over.

Mr. ALDRICH. When was the bill passed?

Mr. HILL. Just two days ago. It is within the time.

The concurrent resolution was read, and ordered to lie over, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia.

MRS. HANNAH LETCHER STEVENSON.

Mr. VEST. The Senator from California very kindly yields to me, and I have a personal favor to ask of the Senate.

There is a pension bill pending here the circumstances attending which are such as will appeal to every Senator. It is in behalf of the widow of General Stevenson, an old lady 78 years of age, and in very indigent circumstances. I think there will be no objection to the bill, it being in the ordinary form, giving the beneficiary a pension of $50 a month. As I have said, she is the widow of General Stevenson, who was in the Mexican war and was a brevet brigadier-general in the Regular Army. If I can secure the passage of the bill, I can obtain its passage in the House. I ask unanimous consent to call up the bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson.

Mr. HILL. Not disturbing the regular order.

Mr. VEST. Of course, without disturbing the regular order. The Senator from California yields to me.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Missouri asks unanimous consent for the present

consideration of the bill he has indicated, without displacing the regular order. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALIEN OWNERSHIP OF LAND IN THE TERRITORIES.

Mr. SHOUP. Will the Senator from California yield to me for the purpose of calling up a bill for present consideration?

Mr. WHITE. I yield.

Mr. SHOUP. I ask unanimous consent for the present consideration of the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the consideration of the bill indicated, not displacing the unfinished business. Is there objection?

Mr. COCKRELL. Let it be read for information.

The bill was read for information.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LINDSAY. That is a very complex bill; it seems very important, and I do not think it ought to be passed without consideration.

Mr. WHITE. If the Senator from Kentucky has not examined the bill, I would not ask him to vote upon it; but I beg that he will examine it.

The object to be attained is this: The present law in reference to the holding of lands in the Territories by aliens virtually shuts out all capital. For instance, in the case of a corporation, aliens can not hold over 20 per cent of the capital stock. While this bill imposes a great many restrictions, as Senators will see, to holdings by aliens, it is not as drastic as the law which it amends. So far as I am personally concerned, I would impose no restriction, for I should be delighted to see money put into the Territories, whether by aliens or not. In fact, in some cases, I should a little rather see it come from aliens than from anybody in this country. To-day there are hundreds of thousands of dollars which can be invested in the Territories, and, notwithstanding our present ideas regarding diplomacy, I do not suppose anyone will contend that the foreigner could run away with the Territory. He might possibly have the title, and if he put in his money it is hard to say which would be the better off. The people of the Territories, so far as I know, those who have interests there and who wish to see the Territories built up, are in favor of the bill. The representatives are in favor of it, and those of us who know something about it, so far as I am aware, favor the measure. I hope the Senator from Kentucky will examine the bill.

Mr. LINDSAY. I withdraw the objection.

Mr. HOAR. I must object to the present consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. HOAR subsequently said: I objected just now to a bill which had been read through in regard to the rights of aliens in the Territories. I desire, on examination and explanation of the bill, to withdraw my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK HANLEY.

Mr. DAVIS. I desire, with the permission of the Senator from California, to call up the bill (H. R. 8706) to correct the military record of Patrick Hanley.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH R. QUINT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 6792) granting a pension to Hannah R. Quint.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGENTS OF NATIONAL BANKS.

Mr. ALDRICH. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill indicated by him, not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHILTON. I should like to know how the bill proposes to change existing law?

Mr. ALDRICH. The only change in existing law is that it allows a new agent to be appointed in case of the death of the old agent.

Mr. CHILTON. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEPENDENT FREE-DELIVERY SYSTEM.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists.

Mr. COCKRELL. What is the order of business? Has the bill been reported?

Mr. CHANDLER. It has been reported unanimously from the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. When?

Mr. CHANDLER. It has been on the Calendar for a long time.

Mr. COCKRELL. I asked for the Calendar number, and nobody gave it.

Mr. CHANDLER. The Calendar number is 1550. I beg the Senator's pardon. It allows persons to pay for their own carriers. It does not enlarge the carrier service paid for by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, in accordance with the unanimous-consent agreement of the Senate, a recess will now be taken until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House recedes from its disagreement to the amendments of the Senate numbered 3 and 4 to the bill (H. R. 9638) making appropriations for the support of the Army for the year ending June 30, 1898, and agrees to the same.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved;

A bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

ST. LAWRENCE RIVER BRIDGE.

Mr. HILL. I ask unanimous consent to call up the bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from New York asks unanimous consent that the Senate proceed to the consideration of a bill which will be read, not displacing the unfinished business.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOTTLING DISTILLED SPIRITS IN BOND.

Mr. BLACKBURN. I ask that the Senate now consider a House bill entitled "An act to allow the bottling of distilled spirits in bond," which has been reported by the Senate Committee on Finance without objection. It has been so amended by the committee, I am sure, as to meet the objections of every Senator who had any; and I am certain that it will not take more than two or three minutes to act upon this important bill.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I supposed we meant to take up the Indian appropriation bill this evening.

Mr. BLACKBURN. If the Senator will allow me, I will say that if this bill shall delay the Senate at all I will withdraw the request.

Mr. PETTIGREW. I will yield to the Senator if he will allow me to get up the Indian appropriation bill first.

Mr. HALE. That is right; get the appropriation bill up and then yield.

Mr. BLACKBURN. I am perfectly satisfied with that course.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the Indian appropriation bill be taken up without displacing the unfinished business. Is there objection?

Mr. HILL. Which unfinished business—the Cuban resolution?

The PRESIDING OFFICER. The Cuban resolution. The Chair hears no objection, and the Indian appropriation bill is before the Senate as in Committee of the Whole.

Mr. BLACKBURN. Now the Senator has the bill up.

The PRESIDING OFFICER. The Indian appropriation bill is before the Senate.

Mr. PETTIGREW. I yield to the Senator from Kentucky.

BOTTLING DISTILLED SPIRITS IN BOND.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent that the bill indicated by him be considered by the Senate.

There being no objection, the bill (H. R. 8582) to allow the bottling of distilled spirits in bond was considered as in Committee of the Whole.

Mr. BLACKBURN. I ask that the amendments of the Committee on Finance may be read as the Secretary proceeds with the reading of the bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WHITE. I will say to the Senator from Kentucky that I think there is no objection. We had better get through with the matter as fast as possible.

Mr. BLACKBURN. I thought we would get through more quickly in that way.

The PRESIDING OFFICER. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was, in section 1, line 11, after the word "distiller," to insert "or owner;" and in line 18, after the word "withdrawal," to insert "which entry for bottling purposes may be made by the owner as well as the distiller;" so as to read:

That whenever any distilled spirits deposited in the warehouse of a distillery having a surveyed daily capacity of not less than 20 bushels of grain, which capacity or not less than 20 bushels thereof is commonly used by the distiller, have been duly entered for withdrawal upon payment of tax, or for export in bond, and have been gauged and the required marks, brands, and tax-paid stamps or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller or owner of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, which entry for bottling purposes may be made by the owner as well as the distiller, may remove such spirits to a separate portion of said warehouse which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper, or storekeeper and gauger, in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same.

The amendment was agreed to.

The next amendment was, in section 1, line 25, after the word "proof" to insert "but produced at the same distillery by the same distiller;" and in line 27, after the word "any," to strike out "matter" and insert "substance;" so as to read:

Provided, That for convenience in such process any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or the subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any bonded warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export.

The amendment was agreed to.

The next amendment was, in section 1, line 36, before the word "prescribe," to strike out "shall" and insert "may;" so as to read:

Provided also, That under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, the provisions of this act may be made to apply to the bottling and casing of fruit brandy in special bonded warehouses.

The amendment was agreed to.

The next amendment was, in section 1, line 51, after the word "distiller," to insert "or owner;" so as to read:

Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse, and such stamps shall have a cash value of 10 cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller or owner using the same.

The amendment was agreed to.

The next amendment was, in section 1, line 60, after the word "bottle," to insert:

It being understood that the spring season shall include the months from January to July, and the fall season the months from July to January.

The amendment was agreed to.

The next amendment was, in section 2, line 17, before the word "gauger," to insert the words "storekeeper or storekeeper and;" in line 19, after the word "therein," to strike out "and reduce, by the addition of pure water only, such spirits as are withdrawn for bottling purposes, below the original proof, but to not less than 80 per cent proof," and to insert "and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per cent proof for spirits for domestic use, or to not less than 80 per cent proof for spirits for export purposes;" so as to read:

The distiller may, in the presence of the United States storekeeper or storekeeper and gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per cent proof for spirits for domestic use, or to not less than 80 per cent proof for spirits for export purposes, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and no spirits shall be withdrawn for bottling under this act until after the period shall have expired within which a distiller may request a regauge of distilled spirits as provided in section 50 of the act of August 28, 1894.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. NELSON. I regret to say that I am compelled to oppose the bill. I have received remonstrances from many of my constituents who insist that it is a bill tending to give the distillers a monopoly of the bottling business, to the detriment and damage of the other wholesale dealers in liquors.

Mr. BLACKBURN. Will the Senator allow me?

Mr. NELSON. Certainly.

Mr. BLACKBURN. I will say that that objection might have obtained as the bill came from the House to the Senate Committee on Finance. The word "owner" has been inserted wherever the word "distiller" appears, and no privileges are given to the distiller that are not given in equal measure to the owner. I am sure that the objection of the Senator from Minnesota is removed as the Finance Committee of the Senate has amended the bill. The Senator from Rhode Island [Mr. ALDRICH], who reported the bill, was the author of all the amendments, which obviate every objection the Senator suggests.

Mr. NELSON. I would be glad to make an inquiry of the Senator from Rhode Island.

Mr. WHITE. If the Senator will allow me, I will say one word about the measure. I have been interested in this measure because the people of my State are largely interested in the production of wines, and consequently of grape brandy. I believe the statement made by the Senator from Kentucky is entirely correct. I believe there is nothing in the bill which is not in the interest not only of the producer of the article, but also of those who have invested their money in it.

Mr. NELSON. I dislike to interrupt the proceedings or to object to any Senator's bill, but I desire to state that I have received a great many remonstrances from the wholesale dealers in St. Paul and Minneapolis, in my State, against the bill as it passed the House. If those objections have been removed, I shall not object to the bill. If they have not, I must object to it.

Mr. WHITE. Permit me to say——

Mr. NELSON. I should like to hear from the Senator from Rhode Island after the Senator from California has spoken.

Mr. WHITE. The actual producers of the article referred to favor the bill. Those who deal in the adulterated article oppose it. I trust the Senator from Minnesota, if the matter is postponed, will investigate it, at the same time remembering that the actual producer, the person whose money is involved in the original

product, is in favor of the bill. Unless the Senator from Minnesota has some knowledge actually pertaining to the matter now before us and which will justify the postponement of this measure, I hope he will submit it to a vote.

Mr. NELSON. I want to ask the Senator a question. Does the bill give the same bottling privileges to the wholesale dealers that it gives to the manufacturers and producers?

Mr. WHITE. It does; and the Senator from Rhode Island will be able to assure the Senator from Minnesota that that is the case.

Mr. NELSON. I should like to hear from the Senator from Rhode Island.

Mr. ALDRICH. The bill as it came from the House, I will state in answer to the inquiry of the Senator from Minnesota, was extremely objectionable, not only to the large number of wholesale dealers throughout the country, but to all persons who are anxious that the revenue should be preserved; but I think that every one of the objections urged by the wholesale dealers, and so far as I know by anyone else, has been removed by the amendments suggested by the committee. I think in its present shape the bill will be entirely satisfactory to the Senator from Minnesota and his constituents.

Mr. NELSON. Upon these assurances, I will withdraw all opposition to the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PEFFER subsequently said: I wish to enter a motion to reconsider the vote by which the Senate passed this evening the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The PRESIDING OFFICER. The motion will be entered.

Mr. VEST. I move to lay the motion upon the table. It is a motion to reconsider, as I understand.

Mr. HALE. The motion was only entered.

The PRESIDING OFFICER. The motion to lay the motion to reconsider on the table will be entered.

Mr. ALDRICH. I suggest that both motions be entered together.

Mr. PEFFER. I do not wish any further action, but simply to enter the motion to reconsider at this time.

Mr. ALDRICH. The motion of the Senator from Missouri can also be entered at the same time.

Mr. PEFFER. In the meantime, I will consider what has been done.

Mr. CHANDLER. I call the Senator's attention to the fact that the words "or owner" were inserted in the bill; so that owners may bottle spirits, to which some objection was made.

Mr. PEFFER. I was unavoidably absent when the vote was taken on the bill, and being called off suddenly I was not aware of it, so that I do not know what was done; but if the question can lie over until to-morrow, I will find time to examine it, and probably everything will be found right by that time.

Mr. BLACKBURN. What is the motion, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas submitted a motion to reconsider the vote by which the Senate passed the bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

Mr. BLACKBURN. I hope the Senator will not insist upon that.

Mr. PEFFER. I think, if the opportunity be afforded me for an examination, that perhaps within the next half hour I can be satisfied upon the point which I am not quite satisfied upon now; and the matter can go over until then.

Mr. BLACKBURN. Very well.

Mr. PEFFER. At any rate, I shall not delay it long.

Mr. BLACKBURN. Does the Senator make a motion to reconsider, or enter a motion to reconsider?

Mr. PEFFER. I enter a motion to reconsider.

Mr. BLACKBURN. Very well.

Mr. PEFFER subsequently said: Mr. President, having had some conversation with Senators who favored the passage of the bill to which I entered a motion to reconsider a while ago, I ask leave now to withdraw the motion to reconsider.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to withdraw the motion to reconsider the vote by which the Senate passed House bill 8582. Is there objection? The Chair hears none, and the motion is withdrawn.

IMPURE AND UNWHOLESOME TEA.

Mr. WHITE. I ask for the immediate consideration of Senate bill 3725, a bill to prevent the importation of impure and unwholesome tea, a bill approved by the Treasury Department and unanimously by the committee to whom it was referred.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the bill indicated by him be now considered by the Senate, with the understanding that the unfinished business and the Indian appropriation bill shall retain their places.

Mr. PETTIGREW. I feel that we should go on with the appropriation bill.

Mr. WHITE. I will say to the Senator that if there is any discussion with reference to this matter, I will withdraw the request.

Mr. PETTIGREW. I give notice that I shall object to any further unanimous consent until we take up the appropriation bill.

Mr. CHANDLER. I hope the Senator will except the bill that I was about to call up when I yielded to the Senator from California.

Mr. PETTIGREW. I can not do it.

Mr. CHANDLER. I know the Senator can do that.

The PRESIDING OFFICER. The Chair hears no objection, and the bill called up by the Senator from California will be read as in Committee of the Whole.

Mr. ALLEN. I supposed it was to be read for information.

The PRESIDING OFFICER. If the Senator from Nebraska so desires, the Chair will have the bill read for information.

The Secretary read the bill (S. 3725) to prevent the importation of impure and unwholesome tea; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I desire that we shall now proceed with the consideration of the Indian appropriation bill.

Mr. CHANDLER. I hope the Senator from South Dakota will allow me to have a bill passed. It has been read, it has been amended to suit everyone who has examined it, and it will take but a moment. It is a bill to enable the Government to take all the property at Great Falls——

Mr. PETTIGREW. I hope the Senator from New Hampshire will not press that matter now. Let us go on with the Indian appropriation bill for a while and see what we can do.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield further.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The PRESIDING OFFICER. The pending amendment to the amendment of the committee will be stated.

The SECRETARY. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted by the claimant."

Mr. BROWN. This being an important amendment and partly discussed, I should like to have a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Kenney,	Pettigrew,
Allen,	Chilton,	Lindsay,	Pugh,
Allison,	Cockrell,	McMillan,	Quay,
Bacon,	Daniel,	Mantle,	Shoup,
Baker,	Davis,	Martin,	Smith,
Bate,	Faulkner,	Mitchell, Wis.	Teller,
Berry,	Gallinger,	Morgan,	Thurston,
Blackburn,	Gorman,	Murphy,	Vest,
Brown,	Hale,	Nelson,	Vilas,
Burrows,	Hawley,	Palmer,	Walthall,
Caffery,	Hill,	Pasco,	Wetmore.
Call,	Hoar,	Peffer,	White,
Cannon,	Jones, Ark.	Perkins,	Wilson.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question recurs on the adoption of the amendment submitted by the Senator from Utah to the amendment of the committee.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. I ask to have the amendment read in connection with the text which it proposes to amend.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted by the claimant;" so that when amended the sentence will read, after the word "issue," in line 5:

> And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior unless such award has been paid to and accepted by the claimant.

Mr. PETTIGREW. I see that this seems to be a controverted question and liable to lead to considerable discussion. I therefore suggest that we try to dispose of those amendments over which there will not be so much controversy, perhaps, and let this lie over until to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the pending amendment of the committee and the amendment to it may lie over until to-morrow morning. Is there objection? The Chair hears none. The next amendment will be stated.

Mr. PETTIGREW. The next amendment is at the bottom of page 68.

The SECRETARY. On page 68, after line 17, the Committee on Appropriations report to insert:

For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General, relating to Indian Affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by an employee of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed or may hereafter disburse to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. PETTIGREW. I wish to amend the amendment by adding after the word "disbursed," in line 5, on page 69, the words "under the appropriation heretofore made." It is an unexpended balance. Then, after the word "disburse," in the same line——

The PRESIDING OFFICER. The Senator from South Dakota will suspend until the amendment to the amendment is read.

The SECRETARY. After the word "disbursed," in line 5, page 69, insert the words "under the appropriation heretofore made."

Mr. JONES of Arkansas. I prefer that that amendment should not be acted upon until there is some explanation made about it.

Mr. PETTIGREW. I wish to perfect the amendment; that is all.

Mr. JONES of Arkansas. I suggested that this amendment of the committee be passed over yesterday, because it seems to me, as it is at this time, it is exceedingly indefinite. If it is the intention to make the appropriation in line 2 a part of the $2,000 hereinbefore appropriated, all this could be reached by inserting, after the word "and" and before the words "accounting officers," in line 2, page 69, the words "out of the said sum of $2,000," so as to limit the appropriation to the $2,000. If it is not limited to the $2,000 there ought to be some words of limitation applied to it, because there is absolutely no limit to it. If it is a separate appropriation——

Mr. PETTIGREW. I am undertaking to do that by the amendment which I have just offered and by another amendment which I shall offer.

Mr. COCKRELL. Let them both be read.

Mr. JONES of Arkansas. Let them both be read for information, as I think, so far from accomplishing that, they open the door wider than it was before.

Mr. PETTIGREW. As I understand it, the appropriation heretofore made has not all been expended for the reason that the accounts were not passed by the Treasury Department, and the purpose is not to appropriate a sum of money greater than $2,000 in addition, but to allow them to use that money which is already appropriated. I think this amendment to the amendment, which was suggested by the clerk of the Committee on Appropriations, covers the ground.

Mr. JONES of Arkansas. If the Senator will allow the amendments to be read for information, and not have them adopted before we understand them, perhaps I shall have no objection.

The PRESIDING OFFICER. The Senator from South Dakota will state the two amendments, and then both will be read by the Secretary. The Senator will state the last amendment.

Mr. PETTIGREW. The Secretary has the first one I offered, and the second is, after the second word "disburse," in line 5, to insert the words "nnder this appropriation for this purpose."

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The SECRETARY. After the word "disbursed," in line 5, insert the words "under the appropriation heretofore made;" and after the word "disburse," in the same line, insert the words "under this appropriation for this purpose;" so that if amended that clause of the amendment would read as follows:

And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed under the appropriation heretofore made, or may hereafter disburse under this appropriation for this purpose, to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. JONES of Arkansas. As I understand the amendment, the first part, on page 68, makes an appropriation of $2,000 to accomplish this work. The question in my mind was whether the intention of the committee was to have a separate appropriation by the latter part of the amendment, beginning at the word "and," in line 2, and if they did, there ought to be a limitation to it. If they intend it to be a part of the $2,000 provided for in the first part of the amendment, it ought to be so expressed. As I understand the amendment to the amendment proposed by the Senator from South Dakota, it will limit the latter part of the appropriation to an appropriation heretofore made, which was $3,000, if I am not mistaken, in the last act.

Mr. PETTIGREW. Three thousand dollars.

Mr. JONES of Arkansas. How much of that $3,000 has been expended?

Mr. PETTIGREW. I do not know.

Mr. JONES of Arkansas. My understanding was that it had all been expended, but that there was a claim that there was a considerable amount of work done that was not covered by that appropriation, and that this $2,000 was intended to cover that. However, I shall not insist on any further amendment, but I hope that when this paragraph is taken up in the conference committee, that point will be examined, and that it will be amended so as to express clearly the meaning of the committee.

Mr. PETTIGREW. I will say to the Senator that if the amendments which I have suggested do not cover the ground absolutely, we will try and fix it up so that they shall.

The amendments to the amendment were agreed to.

Mr. VILAS. I should like to draw the attention of the Senator from South Dakota to the fact that the same words ought to be used in line 25 on page 68, and in the second line on page 69. At one place it says "employee" and in the other it is "clerk." The same word ought to be used in both places.

Mr. PETTIGREW. I have no objection to that amendment.

Mr. GORMAN. Let it read "a clerk" instead of "an employee."

Mr. VILAS. I move to strike out in line 25 the words "an employee" and insert the words "a clerk."

The PRESIDING OFFICER. That amendment to the amendment will be made, if there be no objection. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. The next amendment passed over is on page 48.

The SECRETARY. On page 48, after line 17, the Committee on Appropriations report to insert:

For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau School, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

Mr. GALLINGER. When this amendment was before the Senate a few days ago, I took occasion to state that in my opinion this is not an opportune time for Congress to go into the business of purchasing prairie farm lands at $25 or $50 an acre. Now, I am not going to take the time of the Senate to discuss the amendment any further this evening, but I do desire to record my vote against it, and I trust the Senate will grant me the courtesy of giving me the yeas and nays on the question as to whether we ought to make this investment. I demand the yeas and nays on the amendment.

Mr. PETTIGREW. I will consent to striking the amendment out of the bill.

Mr. GALLINGER. That suits me better.

The PRESIDING OFFICER. The Chair understands that the amendment reported by the committee is withdrawn.

Mr. ALLISON. Let it be disagreed to.

Mr. PETTIGREW. Yes; let the amendment be disagreed to.

The PRESIDING OFFICER. The amendment will be regarded as disagreed to.

Mr. PETTIGREW. There is an amendment on page 52, which was passed over, which I ask to have considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 52, after line 10, the Committee on Appropriations reported to insert:

For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000.

Mr. GALLINGER. I will ask the Senator in charge of the bill if he is willing that that shall likewise go out of the bill?

Mr. PETTIGREW. If the Senator insists upon calling for the yeas and nays, I probably shall consent to it.

Mr. GALLINGER. I shall probably make a point of order against it.

Mr. PETTIGREW. I wish to say that this amendment is recommended by the Department, as well as was the other. In this case the Department made suggestions with regard to a modification of the amendment, which the committee adopted; so that it is exactly as recommended and approved by the Department.

Mr. GALLINGER. I will say to the Senator in reply that this amendment is general legislation on an appropriation bill. If there is need of this appropriation, the Senator can bring in a bill and have it acted upon in the usual way, when we can examine it and discuss it. I make the point of order that the amendment is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair is of the opinion that

the point of order is not well taken. The question is on the adoption of the amendment.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. PETTIGREW. I am not going to consent to the striking out of this amendment, but I am willing that it shall be passed over until to-morrow.

Mr. ALLISON. That is right.

Mr. PETTIGREW. And then I shall offer the other amendment which I have just withdrawn. That can go over until to-morrow also.

I presume there will be a controversy over the amendment with regard to the Five Civilized Tribes——

Mr. BATE. Yes, sir; there will be.

Mr. PETTIGREW. I did not hear the Senator.

Mr. BATE. I said that there would be a controversy over the amendment in relation to the Five Civilized Tribes, and I suggest that that go over until to-morrow morning.

Mr. PETTIGREW. Upon the amendment with regard to the Five Civilized Tribes there are Senators who desire to speak, and so it seems to me we might as well pursue the discussion to-night, with the understanding that there shall be no vote taken upon it.

Mr. TELLER. I am directed by the Committee on Appropriations to propose an amendment on page 50, line 11, after the word "dollars," by inserting the following:

For a dormitory for boys, $3,500, to be immediately available.

Mr. PETTIGREW. That amendment is recommended by the Committee on Appropriations, and I have no objection to it.

The amendment was agreed to.

Mr. TELLER. Now I ask to have the total changed, in lines 11 and 12, to "$34,250" instead of "$30,750."

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

Mr. PETTIGREW. On page 37 I wish to offer an amendment, in lines 1 and 2, by striking out the words "to be paid out of the interest of the trust fund of said Indians."

Mr. COCKRELL. Why is that amendment offered?

Mr. PETTIGREW. I would say that these words were inserted by the House of Representatives in the clause making appropriations "for pay of employees at the several Ute agencies." It is an entirely new item, and I have a letter from the Commissioner of Indian Affairs, which I shall have read if it is desired.

Mr. TELLER. The amendment is offered simply because there is no interest there out of which the payment can be made, and there will be no funds to pay the employees if the words the Senator moves to strike out are left in.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota [Mr. PETTIGREW].

The amendment was agreed to.

Mr. PEFFER. I wish to make a suggestion or two as to the amendment on page 57, relating to the Five Civilized Tribes. I wish to call the attention of the Senate to the first proposition of the amendment, which reads:

That said Commission—

Commonly known as the Dawes Commission—

shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town; also all lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal-oil and natural-gas lands, now leased, occupied, and improved for mining purposes; etc.

I find a good deal of objection among the Indians to the incorporation of this amendment. Such of them as have spoken to me personally, or by their attorneys or agents, object to the entire amendment. Still, if it is insisted upon by the Senate, they desire to suggest one or two amendments to the amendment.

I wish to ask, in the first place, the Senator who has charge of this bill why it is necessary to change the present plan of adjusting these difficulties in the Indian Territory? Why not let the Dawes Commission go on with their work? An appropriation was made last year for the Commission and another one is made in this bill, or in another bill, for continuing the work of the Commission. Why now interfere with the progress of their labor by a specific act of Congress? I think it would be more satisfactory to the Indians generally, now that the Dawes Commission has undertaken its labors, to let them go on and treat with the Commission. I ask the question of the Senator who has charge of the bill, what advantage is there in making this change?

Mr. PETTIGREW. I will say briefly to the Senator that there are 400,000 people in the Territory and that we have two sets of courts—courts to try offenses and cases between Indians and Indians, and courts to try offenses between white people and white people and white people and the Indians; that these tribal courts are absolutely corrupt in every particular; that judges and juries can be bought, and are bought, openly and aboveboard. Witnesses who are troublesome are shot down. There is no protection for life or property. Last year there were over 300 murders, and in one judicial district in the month of December there were 31 murders. It is for the purpose of blotting out this stain upon our civilization that we are trying to undo this condition of affairs in that country, and it is the purpose of the committee to wipe out the jurisdiction of those tribal courts and confer jurisdiction upon the United States courts of the business of that Territory.

Mr. PEFFER. If the Senator will allow me, I am not speaking to the same amendment which the Senator is. I am not referring to the courts at all. I am speaking to the first part of the amendment which begins in line 3, on page 57.

Mr. PETTIGREW. In regard to the allotments?

Mr. PEFFER. Yes, in regard to the allotments.

Mr. PETTIGREW. That amendment it was agreed should go over until to-morrow. It was a controverted question. However, if the Senator desires to discuss it to-night, that would probably be just as well as to have it go over. I suggest, if any Senator wants to speak upon it, that I shall have no objection.

Mr. PEFFER. I shall only occupy a very little time.

Mr. PETTIGREW. I did not understand the Senator's question. If he is talking of the question of allotting the use of these lands, I will say that the amendment simply provides for the allotment of the use of agricultural lands, not mineral lands or town sites.

Mr. VILAS. I ask if the amendment in regard to the Five Civilized Tribes has been taken up for consideration?

Mr. PETTIGREW. Not at all. The Senator from Kansas asked me a question in regard to it, and I was simply answering the question.

Mr. PEFFER. I do not think still that the Senator understands my question. I do not wish to discuss it at any length, but I want to be informed regarding it.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. PEFFER. Certainly.

Mr. ALLISON. I only desire to suggest to the Senator from Kansas that I learn that there is a probability that those favoring this amendment and those who are opposed to it are likely to make considerable modifications in reference to it and that an arrangement may be made whereby certain portions of this amendment will be omitted. If that be true, I think the suggestion of the Senator from South Dakota that this amendment go over is a wise one. It seems to me a useless thing here to debate the details of an amendment which is likely to be modified when the matter comes up for consideration to-morrow. So I suggest to the Senator from Kansas, unless this amendment is to be considered and disposed of to-night, it is wise to allow the whole matter to go over until to-morrow.

Mr. PEFFER. I will state to the Senator from Iowa that I was not aware of any arrangement of the kind of which he speaks.

Mr. ALLISON. There is no arrangement; but there may be one.

Mr. PEFFER. It is not my purpose, I will state to the Senator, to discuss the amendment at length. I merely wanted to be informed as to one or two matters, and perhaps the Senator from South Dakota can give me the information, if he is permitted to, and I be not interrupted,

Mr. ALLISON. I shall not interrupt the Senator from Kansas or the Senator from South Dakota.

Mr. PEFFER. I first want to know what advantage is expected to be derived by this amendment, in taking away from the Dawes Commission the right and the power which they now have to treat with the Indians in respect to all these matters?

Mr. PETTIGREW. I will state to the Senator that we do not take away the right or the power to treat, but, on the contrary, we provide that if at any time they make a treaty which is ratified by a tribe, this act shall no longer apply to that tribe.

Mr. PEFFER. One other question. Beginning at the semicolon in line 9, on page 58, the amendment reads:

Also all mineral lands, including coal-oil and natural-gas lands, now leased, occupied, and improved for mining purposes.

Mr. PETTIGREW. We do nothing with that. It is left as it is. We do not interfere with it in any way.

Mr. PEFFER. Would the Senator be willing to accept two amendments? To insert the word "and," after the word "leased," in line 10; and in the same line, after the word "occupied," to strike out the word "and" and insert "or;" so as to read:

Now leased and occupied or improved.

Mr. PETTIGREW. I do not know that there is any particular objection to that.

Mr. PEFFER. If the Senator will be willing to accept that amendment, I have nothing further to say at this time.

Mr. PETTIGREW. I accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, on page 57, after the word "leased," it is proposed to insert the word "and;" and after the word

"occupied," in the same line, it is proposed to strike out the word "and" and insert "or."

The amendment was agreed to.

Mr. PLATT. I think there ought to be an amendment to this amendment.

Mr. ALDRICH. The amendment has gone over until to-morrow.

Mr. PLATT. Has it gone over?

Mr. PETTIGREW. Yes. I simply answered a question of the Senator from Kansas.

Mr. PLATT. Perhaps the Senator from South Dakota would accept an amendment striking out the words, in line 16 and 17, "now living with said tribes?"

Mr. PETTIGREW. I shall not object to that.

The PRESIDING OFFICER. The amendment will be stated.

Mr. VILAS. If this is a convenient time for the Senator from South Dakota, I should like to offer an amendment which has been agreed to by the committee.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut [Mr. PLATT] will first be stated. Then the Chair will recognize the Senator from Wisconsin [Mr. VILAS].

The SECRETARY. In lines 16 and 17, on page 57, after the word "freedmen," it is proposed to strike out the words "now living with said tribes."

The amendment was agreed to.

Mr. VILAS. Let my amendment be now stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wisconsin will be stated.

Mr. PLATT. I will let my amendment go over until to-morrow. I understand that the amendment is not quite satisfactory, and I propose that the matter go over.

Mr. WALTHALL. We can make it so in a minute.

Mr. PLATT. Let it go over until to-morrow.

Mr. WALTHALL. I prefer to have it considered now.

The PRESIDING OFFICER. The amendment will be regarded as reconsidered if there be no objection.

Mr. WALTHALL. This matter can be adjusted in a minute. I move to strike out the words "now living with said tribes," beginning in line 16, and to insert "including the Mississippi Choctaws." There is no objection to that, I think.

Mr. PLATT. I have no objection to it.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be stated as modified by the Senator from Mississippi.

The SECRETARY. In line 16, after the word "freedmen," it is proposed to strike out the words "now living with said tribes" and insert "including the Mississippi Choctaws."

The amendment was agreed to.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wisconsin [Mr. VILAS] will be stated.

The SECRETARY. After line 2, on page 77, it is proposed to insert:

To enable the Secretary of the Interior to adjust the account of J. Montgomery Smith, late a member of the Chippewa Indian Commission, for his services and compensation, for proper expenses in completing his work, and closing his accounts in connection with said commission, from the 11th day of June, 1896, when said commission was abolished, to the 13th day of July following, as if he had remained a member of said commission to the last-named date, and to pay the amount due him thereon, $359, or so much thereof as may be necessary.

Mr. PETTIGREW. I have no objection to the amendment. The amount is justly due. I have thoroughly examined it, and so have the committee.

The amendment was agreed to.

Mr. PETTIGREW. I now offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 8, on page 53, it is proposed to insert:

For the construction of main building, $700, to be immediately available; for salary of superintendent of construction, $800, to be immediately available.

Mr. PETTIGREW. This school at Rapid City was provided for last year and $25,000 appropriated. The Department spent $3,000 for the site and advertised for bids for the building. The lowest bid was $22,700. The amount of money on hand is but $22,000. The Department therefore ask that this additional appropriation be made, so that they will not have to get up new plans and readvertise, and thus lose the summer. They say if this can be done they can complete the building so as to use it next September. The $800 for the superintendent of construction is necessary for the same reason, there being no money in the former appropriation.

The amendment was agreed to.

Mr. PETTIGREW. The sum total should be corrected to read: "$31,400."

The PRESIDING OFFICER. That change will be made by the Clerk, as usual.

Mr. PETTIGREW. I now offer another amendment, which I send to the desk, to come in on page 35, at the end of line 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after line 3, it is proposed to insert:

For pay of employees at the Sisseton and Wahpeton agencies, S. Dak., $3,960.

Mr. PETTIGREW. The necessity for this arises from the fact that there is no money whatever provided under existing law for the payment of any employees at this agency; during the last year there has been none, and they have got along as best they could. It therefore becomes absolutely necessary that this appropriation should be made. I made inquiry of the Department yesterday, and find that there is no provision whatever under existing laws for the payment of any employees but the agent, and that this appropriation is absolutely necessary.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 61, at the end of line 14, it is proposed to insert:

Provided, That $5,000 of said sum shall be expended to survey and resurvey, if necessary, the lands in the Rosebud Indian Reservation, in South Dakota, south of and near White River, where the Lower Brule Indians now reside, to be immediately available.

Mr. PETTIGREW. This does not increase the appropriation, but simply provides that of the sum appropriated by the other House $5,000 shall be used to survey the land, or resurvey the land, where the Lower Brule Indians located late last fall. Some of these Indians were here before the Committee on Indian Affairs and were very anxious to take their allotments, a good many of them having their houses already built, and this survey will enable them to do so.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, at the end of line 20, it is proposed to insert:

That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation lying north of Salt or Black River, to be known as Fort Apache Reservation, with headquarters at Fort Apache, Ariz.

The amendment was agreed to.

Mr. PETTIGREW. The last amendment proposes to divide the San Carlos Indian Reservation into two reservations. There are two reservations to-day. In other words, one-half of those Indians live on one side of Salt River and the other half on the other side.

Mr. COCKRELL. How far apart?

Mr. PETTIGREW. Eighty-seven miles apart, over a mountain road. They have a subagent at the other agency. There are 1,700 Indians at one and nearly 3,000 Indians at the other. The Department recommended the change, and presented a document in support of their recommendation. The amendment is suggested by the Department, and is in the terms they recommend.

Mr. ALLISON. I hope the Senator from South Dakota will have that document inserted in the RECORD.

Mr. PETTIGREW. I ask consent that the document be inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

The document referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1897.

SIR: There is transmitted herewith a letter from the Commissioner of Indian Affairs, dated 2d instant, recommending that a part of the San Carlos Indian Reservation, in Arizona, be separated and created an independent reservation, to be known as the Fort Apache Indian Reservation, and put in charge of a separate agent. There is also submitted a map of the present reservation, showing clearly the proposed division. Voluminous reports on the matter are on file in this Department, and will be sent to the appropriate committee if desired.

The Commissioner's recommendation has my approval, and I have therefore to request that the item proposed by him be inserted in the Indian appropriation bill (H. R. 10002) now under consideration in the Senate, and that said bill be consistently amended as suggested in the accompanying letter.

Very respectfully,

D. R. FRANCIS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 2, 1897.

SIR: I have the honor to return herewith the report of Lieut. W. C. Rivers, First Cavalry, in charge of the White Mountain Apache Indians, referred to this office by the Department for report January 24, 1896, and to inclose copy of report thereon from Capt. A. L. Myer, Eleventh Infantry, acting agent at San Carlos Agency, dated December 20, 1896, together with tracing showing boundary of proposed separate reservation. In his report Captain Myer coincides with Lieutenant Rivers as to the advisability of setting aside the Fort Apache Reservation as a separate Indian agency, as fully set forth in his said report. The reasons given by Captain Myer are briefly as follows: No one agent, no matter how energetic, can supervise the territory now embraced in the San Carlos Agency, and give the required attention to the Indians located near the agency and also to the Indians, located north of the Black or Salt River, as the distance between the agency proper and Fort Apache is 80 miles over a very rough mountain road, and the mail facilities are such

that it requires two weeks to receive an answer to a letter from the agency proper to the subagency at Fort Apache. Besides this, the agent located at San Carlos can not possibly visit Fort Apache more than once in each quarter, and as he is responsible for the property there, he can not have personal supervision of the same, and is compelled to depend on others.

The inaccessibility of the present subagency at Fort Apache from the agency at San Carlos may be better understood when it is known that to travel from one place to the other over the 80 miles distance and crossing the range of mountains dividing the two places it requires six days to make the trip with six mules hitched to an ordinary army escort wagon, and it would be impossible for a strong team to haul an ordinary spring wagon over the divide. There is no mail route between the two places, and the mail in getting from the agency to the subagency, or vice versa, travels around over a distance by wagon and rail of over 500 miles.

As will be seen from Captain Myer's report, the total amount paid employees, aside from employees of the Fort Apache school now on the White Mountain Apache Reservation, is $9,960. If a new agency were established additional employees would be required, as follows: One clerk, $1,000; 1 miller, $840; 6 police privates, $740, making a total increase over present expenditures of $2,560. The salary of the agent at, say, $1,500, would not be used in case an Army officer were placed in charge of the agency.

In view of the statements contained in Lieutenant Rivers's report and the report of Captain Myer thereon, and having considered the situation at that point and the benefits to be derived by the Indians of the reservation, and the fact that the business between this office and that reservation would be greatly facilitated were it a separate agency, I have the honor to respectfully recommend that all that part of the present White Mountain or San Carlos Reservation (as declared and modified by Executive orders dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26 and March 31, 1877) lying and being north of the Salt or Black River, be set aside by Executive order and declared to be a separate and independent reservation, to be known as the Fort Apache Reservation, and placed under a separate United States Indian agent. This would give a population of 3,090 Indians below the Salt or Black River on the San Carlos Reservation, and 1,782 above said river on the Fort Apache Reservation, according to the census taken by Captain Myer in July, 1896.

If this recommendation meets with your approval, I have the honor to respectfully recommend that the following item be inserted in the Indian appropriation bill (H. R. 10002) now under consideration:

"That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation (as declared and modified by Executive orders dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26 and March 31, 1877) lying and being north of the Salt or Black River, to be known as the Fort Apache Reservation, with headquarters at Fort Apache, Ariz."

Also that the bill be amended as follows:

Page 1, "for pay of fifty-six agents of Indian affairs," etc., to read "for pay of fifty-seven agents of Indian affairs," etc.

Page 3, after line 2, insert "at the Fort Apache Agency, Ariz., $1,500."

Page 6, line 20, after the words "any or," insert "$86,500" in lieu of "$85,000."

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. PETTIGREW. That necessitates another amendment. On page 3, at the end of line 2, I propose to insert:

At the Fort Apache Agency, Ariz., $1,500.

That is a provision for the payment of an agent. The subagent, who gets $1,200 now, is disposed of by this amendment, so that the increase is only $300.

The amendment was agreed to.

Mr. PETTIGREW. On page 6, line 20, the total appropriation for Indian agents will have to be increased to correspond with the item just agreed to, so that it will read "$86,500," instead of "$85,000."

The PRESIDING OFFICER. The change will be made by the Secretary.

Mr. PETTIGREW. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, after the word "dollars," in line 5, it is proposed to insert:

Of which sum, or so much thereof as may be necessary, there shall be expended by the Secretary of the Interior in the erection of two day schoolhouses for the Lower Brulé Indians who reside on the Rosebud Agency south of White River.

Mr. PETTIGREW. This amendment does not carry an appropriation. Last fall about 500 Indians went south of White River and have taken up their lands there and are building houses. This provides for two schoolhouses for them, to be located by the Secretary of the Interior.

The amendment was agreed to.

Mr. PETTIGREW. On page 33, after line 12, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 33, line 12, after the name "South Dakota," it is proposed to insert:

And $2,200 may be expended by the Secretary of the Interior to construct a blacksmith shop, carpenter shop, and dwelling house at a point south of White River, on the Rosebud Agency, where the new issue house is to be located, to be immediately available.

Mr. PETTIGREW. This amendment does not increase the appropriation. It simply provides that these buildings shall be erected at the place to which the Indians have gone. I had a conversation with the Commissioner of Indian Affairs on the subject, and he earnestly recommended the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I have an amendment which I was requested to offer by the chairman of the House Committee on Indian Affairs. It relates to the New York Indians.

Mr. HALE. Has it been submitted to the committee?

Mr. PETTIGREW. It has not been submitted to the committee. Neither has it been submitted to the Department.

Mr. HALE. Then I shall object to it.

Mr. PETTIGREW. I wish the Senator would not do that until he has heard what it is.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 8, on page 30, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, directed, under such rules and regulations as he may prescribe, to make allotment among the Indians entitled thereto of all the lands embraced in the Allegany and Cattaraugus Indian reservations in the State of New York: *Provided*, That after such allotment shall have been made, the power of alienation in said lands shall be suspended for a period of twenty years.

Mr. PETTIGREW. I desire that the amendment shall be printed in the RECORD, and go over until to-morrow.

Mr. QUAY. The amendment has not been before the Committee on Appropriations.

Mr. ALDRICH. It might as well be objected to now.

Mr. QUAY. The committee has not considered it.

Mr. ALLISON. It ought not to be done anyway. I object.

The PRESIDING OFFICER. Does the Senator from Iowa make the point of order on the amendment?

Mr. PETTIGREW. I withdraw the amendment.

Mr. QUAY. Let it go over.

Mr. ALLISON (to Mr. PETTIGREW). Offer it to-morrow.

Mr. PETTIGREW. I offer the amendment to be printed.

The PRESIDING OFFICER. The Senator from South Dakota asks that the amendment may be printed. Is there objection? The Chair hears none. The amendment will go over and be printed.

Mr. ALLEN. I should like to ask the Senator in charge of the bill if the committee is now through with its amendments?

Mr. GORMAN. A great many amendments have gone over until to-morrow.

Mr. PETTIGREW. The committee amendments are disposed of, except those which have gone over until to-morrow.

Mr. MANTLE. I desire to offer an amendment. On page 63, after the word "dollars," in line 25, I move to insert the words "to be immediately available."

Mr. PETTIGREW. I will say that the amendment simply makes available money to survey a boundary line. If it be not available until the 1st of July, the work can not be completed this year. Making it immediately available, the work can be completed this year.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana.

The amendment was agreed to.

Mr. MANTLE. I desire to offer another amendment. It is an amendment proposed by the Indian Affairs Committee.

Mr. ALLISON. On what page and line is the amendment to be inserted?

Mr. PETTIGREW. It is entirely new matter.

Mr. MANTLE. This is a new amendment.

Mr. ALLISON. Where is it to be inserted?

Mr. MANTLE. I wish it to become a part of the bill. It is a distinct and separate proposition, not connected with any item now in the bill.

Mr. ALLISON. Let it be reported, and then we will see where it should come in.

Mr. MANTLE. It may be inserted at the end of the bill.

The SECRETARY. It is proposed to add to the bill the following:

That there be paid to the Naalem band of the Tillamook tribe of Indians, of Oregon, the sum of $10,500, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,500: *Provided*, That said Indians shall accept said sum in full of all demands or claims against the United States for the lands described in said agreement.

Mr. ALLISON. I reserve the right to make a point of order on the amendment until I understand what it is.

Mr. MANTLE. Then I desire that the amendment shall go over. I have still another amendment.

Mr. COCKRELL. Let it be printed.

The PRESIDING OFFICER. The amendment will go over and be printed.

Mr. MANTLE. I understand that is the request of the chairman of the Committee on Appropriations.

Mr. ALLISON. It is.

Mr. MANTLE. I have another amendment which I desire to offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 4 on page 85 it is proposed to add:

That section 8 of an act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and

for other purposes, be amended by striking out from the last paragraph of said section the following proviso, to wit:

"*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

That section 9 of said act be amended by striking out from the last paragraph therefrom the following proviso, to wit:

"*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

Mr. MANTLE. Mr. President, I desire to state, in explanation of the amendment, that at the last session of Congress treaties, one with the Blackfeet Indians and one with the Belknap Indians in the State of Montana, were adopted. After getting into a committee of conference, an addition was made to the bill as it passed the Senate, embracing the language quoted in the amendment, and which I now seek to have stricken out. That amendment provided that where locations had been made within these Indian reservations prior to the passage of the law and the ratification of the treaty they should be deemed to be good locations; that they should be legal. This addition was made in the conference committee and was not a part of the original treaty as presented.

I believe that the proviso was incorporated in order to make these treaties conform in this particular to some other treaties which had already been ratified. The result, however, of the incorporation of that clause in the treaty has been to create a great deal of dissatisfaction among the people in the State of Montana. There is a belief that certain parties have thus been favored at the expense of others, and if possible I should like now to remedy this matter by having those clauses stricken out.

I therefore submit the amendment, to the end that the feeling of dissatisfaction and complaint upon this score may be done away with.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana.

The amendment was agreed to.

Mr. ALLEN. I offer an amendment to be inserted on page 35, after line 3.

The SECRETARY. On page 35, after the amendment adopted after line 3, it is proposed to insert:

That the annuities of the Sisseton and Wahpeton bands of Dakota or Sioux Indians arising under the treaty of July 23, 1851, between said bands of Indians and the United States, which annuities were declared forfeited by the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, be, and the same are hereby, restored and continued from the time of the last payment before said act forfeiting the same to July 1, 1902, the date of the expiration of said treaty of July 23, 1851, for which purpose a sum of money sufficient to pay said annuities is hereby appropriated out of any money in the Treasury not otherwise appropriated; and after deducting all sums actually paid to said Sisseton and Wahpeton Indians, by reason of said treaty of July 23, 1851, the sum remaining unpaid, after deducting and paying attorneys' fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct; and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. That is new and independent and very important legislation. I make the point of order that it is not in order on this bill.

Mr. ALLEN. I dislike very much to disagree with my learned friend, the chairman of the Committee on Appropriations. It occurs to me that it is not independent legislation at all, or new legislation. It is germane strictly to the purposes of this bill. The object of the amendment is simply to restore these Indians to certain rights that were taken away from them by the act of 1863, and after what is known as the New Ulm massacre. I can not understand wherein it can be considered as independent legislation.

I have no desire to debate the matter for any length of time. It occurs to me that at first blush it strikes the mind that it is germane to the pending bill. The amendment has been submitted to the Committee on Indian Affairs; it was passed upon favorably by that committee, and ordered sent to the Committee on Appropriations. Why the Committee on Appropriations did not see fit to put this amendment on the bill I do not know.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment contains general legislation, and is therefore not in order, if the point of order is made.

Mr. ALLISON. I make the point of order. There is no doubt about it.

Mr. ALLEN. I do not want to contend with the Chair, and do not propose to, but there ought to be some reason given for the point of order. The mere assertion that the point of order is well taken does not prove anything at all. It does not convince anybody that that is true.

Now, I think that general legislation—and I believe it so strikes the average mind—is legislation upon some independent subject, that is, not germane to the purpose of the bill. I know it is the most convenient thing in the world for the Committee on Appropriations to make the point of order, as they call it, and have the Chair sustain the point of order, and by that means squelch the amendment. But that does not prove anything. It does not prove that the amendment is not germane to the bill, nor does it prove that it is general legislation. I appeal from the ruling of the Chair upon that subject.

The PRESIDING OFFICER. The Senator from Nebraska appeals from the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate.

Mr. ALLEN. On that I ask for the yeas and nays.

Mr. BACON. I hope the amendment will be read.

Mr. ALLEN. It is suggested——

Mr. ALLISON. If the Senator from Nebraska will allow me for a moment, I suggest, if the matter is to be pressed, that the Senator from Nebraska let it go over until to-morrow. This is an amendment which involves from a million to a million four hundred thousand dollars, and it is to be followed by another amendment which the Senator from Nebraska will offer, involving an unascertained amount, as this is unascertained. So it is important legislation and is absolutely new, and if we are to have a discussion of the amendment as respects its merits it can not be very well gone into to-night. So I trust the Senator from Nebraska will not press the amendment at this time.

Mr. ALLEN. I have no disposition to do that. I am perfectly willing that it shall go over. I have another amendment upon the same subject.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor.

Mr. ALLEN. I will yield to the Senator from Minnesota.

Mr. DAVIS. I rose for the purpose of offering an amendment.

The PRESIDING OFFICER. The Chair understood the Senator from Nebraska to say that he has another amendment.

Mr. ALLEN. Yes, sir; I have two or three, which I hope will meet a better fate.

On page 34, after line 6, I move to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 6, on page 34, it is proposed to insert:

That the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, be, and they are hereby, restored to all rights, privileges, and benefits they and their ancestors had and enjoyed under the treaty entered into September 29, 1837, at the city of Washington, in the District of Columbia, between Joel R. Poinsett, on behalf of the Government of the United States, and the Medawakanton Sioux Indians, by certain of their chief men, proclaimed June 15, 1838, and the treaty entered into between the United States, through Luke Lea and Alexander Ramsey, as commissioners, and the Medawakanton and Wapakoota Sioux Indians, by certain of their chief men, and proclaimed by Millard Fillmore, as President of the United States, August 5, 1851, and all treaties and acts of Congress supplementary thereto and amendatory thereof: *Provided*, That the titles to all lands that were owned by the said Medawakanton and Wapakoota Indians that have been extinguished since the 18th day of August, 1862, by treaty with said Indians, or by act of Congress, are hereby quieted in the United States or its grantees, as the case may be: *And provided further*, That the said Medawakanton and Wapakoota Indians now known as and being a confederacy of the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, shall be paid by the United States the sum of 95 cents per acre for all lands that were owned by them, respectively, on the 18th day of August, A. D. 1862, and which were confiscated by the United States by an act of Congress entitled "An act for the relief of persons for damages sustained by reasons of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, be, and the same are hereby, restored and continued from the time of the last payment before said act forfeiting the same, to July 1, 1902, the date of the expiration of said treaty of August 5, 1851, for which purpose a sum of money sufficient to pay said annuities is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and after deducting all sums actually paid to said Santee and Flandreau Indians, by reason of said treaty of August 5, 1851, the sum remaining unpaid, after deducting and paying attorney's fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct, and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. I make the point of order upon the amendment that it changes many existing laws and modifies several treaties.

Mr. PALMER. Is this an amendment proposed by the committee?

Mr. ALLEN. No, sir; it is an amendment proposed by myself.

The PRESIDING OFFICER. It is an amendment proposed by the Senator from Nebraska.

Mr. PLATT. I should like to ask the Senator from Nebraska

whether the Committee on Indian Affairs did not sanction the amendment?

Mr. ALLEN. The Committee on Indian Affairs sanctioned the amendment. It has made a very elaborate report upon it. There was not a dissenting voice in the committee.

I have no desire to press the matter this evening. I am perfectly willing to let it go over, as the previous amendment went over a moment ago; but I will press it to-morrow morning, and I will keep pressing it from the time the Senate opens until it closes until there is a fair and equitable hearing of the rights of these Indians, and I shall not be cut off from debate by this very convenient point of order which is made upon all these meritorious amendments.

Mr. WHITE. I trust the Senator from Nebraska does not intend to curtail the expressions of the Senate in regard to the rights of the Cubans, which would seem to be somewhat intermingled with the rights of the Indians.

Mr. ALLEN. The Cubans and the Indians are a good deal alike here. They are used as a very convenient football when we do not desire to do anything else.

Mr. WHITE. I fully agree with the Senator from Nebraska, but I sometimes criticise votes.

The PRESIDING OFFICER. Does the Senator from Iowa insist upon the point of order?

Mr. ALLISON. I do insist upon the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is obnoxious to the third clause of the sixteenth rule, which provides against general legislation.

Mr. ALLEN. Then I appeal from the ruling of the Chair, and shall insist——

Mr. PETTIGREW. Will not the Senator withdraw the amendment and offer it to-morrow?

Mr. ALLEN. No, sir; I will let it stand exactly in this shape.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PETTIGREW. I hope the matter will not be pressed now. Let it go over until to-morrow.

Mr. ALLEN. I am perfectly willing to let the amendment go over, but I want the appeal to go over with it.

The PRESIDING OFFICER. The amendment will go over, by unanimous consent.

Mr. CHANDLER. Subject to the appeal.

Mr. ALLEN. I want the appeal to go with it. I now offer an amendment to be inserted at the bottom of page 26.

The SECRETARY. At the bottom of page 26 it is proposed to insert:

Adult allottees of land in the Peoria and Miami Indian reservations in the Quapaw Agency, Ind. T., who have received allotments of 200 acres each, may sell 100 acres each of said allotments and all inherited lands, subject to the approval of the Secretary of the Interior.

Mr. PETTIGREW. This involves another controverted question.

Mr. ALLEN. There can not be any controversy about it. Congress last year passed an identically similar provision as respects the Wyandotte Indians.

Mr. PETTIGREW. I should like to examine the amendment and talk it over with the Senator from Nebraska and see what there is to it. I do not understand it now.

Mr. ALLEN. Very well.

Mr. PETTIGREW. Therefore I think it ought to go over.

Mr. ALLEN. I have no objection to its going over.

Mr. ALLISON. I desire to make the point of order on that provision, unless the Senator has a recommendation from the Secretary of the Interior or some one who has made an examination of the subject. I do not think we ought to authorize the sale of Indian lands unless we have information about it, to be communicated to the Senate and placed in the RECORD.

Mr. ALLEN. I have not consulted the Secretary of the Interior about the matter. I have not considered it my duty to do so. Congress passed last year an identically similar provision as respects the Wyandotte Indians, and I have not conceived it at any time to be my duty to consult the Secretary of the Interior as to the discharge of my duty except at such times as I felt unable to discharge it myself. If the Senator from Iowa desires to make the point of order on the amendment, I should like to have it made now, and let the amendment go over with the others.

Mr. CHANDLER. Will the Senator from Nebraska indulge me with a word?

Mr. ALLEN. Certainly.

Mr. CHANDLER. The Senator certainly knows how careful Congress has been not to allow Indians to sell their allotted lands.

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. Congress has been free to allow leases of such lands, but the right of alienation has been very carefully reserved in order to protect the Indians from parting with their lands for a song.

Now, the Senator can hardly be serious when he says that if he proposes an amendment of this kind, to allow Indians to sell their lands wholly or any portion of them, the Senate ought to take his word for the fitness and propriety of the amendment, and that there is anything harsh or censorious in suggesting that there ought to be an official recommendation from the officials of the Government to guard these Indians and protect them against imposition. It seems to me that he ought not to take the view he does of the point of order made upon the amendment.

Mr. ALLEN. Possibly I ought not, but, however, I do take that view. If the Senator will permit me, I will state that the amendment provides that these allottees can alienate their lands only upon the approval of the Secretary of the Interior. He must approve of it before that can be done. Congress last year passed identically this law in so far as it applied to the Wyandotte Indians. If it was good law for the Wyandotte Indians, why is it not good for these Indians?

Mr. CHANDLER. Necessarily, the Senator will allow me to say, there must be a difference between different tribes. How are we to know that the one tribe is circumstanced as the other tribe is?

Mr. ALLEN. There can not be any difference in the world. They are both civilized tribes. These Indians are as civilized as the Wyandottes; and, in fact, if there is any difference, the difference is in favor of these Indians. Now, why the necessity of going over to the Secretary of the Interior, who has been there about six weeks, taking his opinion upon the subject? I presume that when the good people of New Hampshire sent my distinguished friend here they expected him to act upon his judgment.

Mr. CHANDLER. Not upon questions of this kind, by any means. They would expect me to act in such a case upon the opinion of the regularly constituted authorities of the Department.

Mr. ALLEN. And they have been wise in their selection.

Mr. CHANDLER. I admit that.

Mr. ALLEN. If it is necessary to consult the Secretary of the Interior, then would it not be a wise conclusion for us to arrive at for every man here to go home except the chairman of the committee and the Secretary of the Interior and the presiding officer and the clerks?

Mr. ALLISON. The Senator from Nebraska quite misunderstands me. I undertake to say that matters of this kind in the usual course of business in the Senate are either examined by a committee or come here on the recommendation of the officers in charge of the administration of Indian affairs. That is all I meant to say. I do not wish to disparage in any way the Secretary of the Interior or to pass any encomium upon him because he happens to have been there only six weeks or a few months. What I think ought to be done in these matters is to have them pass in the regular and ordinary course of legislation. That is usual, as the Senator very well knows. Now, I will ask him if the Committee on Indian Affairs recommend this provision?

Mr. ALLEN. No, Mr. President, they have not recommended it; but what would that signify?

Mr. ALLISON. It ought to signify a great deal.

Mr. ALLEN. Yes; it ought to signify, as the Senator from Iowa says, a great deal, but it does not signify anything. Less than twenty minutes ago I offered two amendments to this bill that were unanimously approved by the Committee on Indian Affairs and they met the objection of the Senator from Iowa, and his objection was sustained by the Chair. What does that signify? Here are reports, printed reports, involving 25 or 30 pages of printed matter, giving the whole history of those amendments, and yet here, with a snap of the finger, the Senator from Iowa objects to these amendments, the Chair sustains him, and the Senator from Nebraska is remediless. Suppose we should run the same gantlet with the proposed amendment, would not the Senator from Iowa have risen at his desk and suggested that it was general legislation, and would not the Chair equally as quickly ruled that it was general legislation, and therefore objectionable? Why go to the expense of printing a report and having an examination if it is to go off the bill anyway? Now, I shall insist upon this amendment as upon the others.

The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to insist upon the point of order?

Mr. ALLISON. I do not make it at the moment. It can go over until to-morrow, as I understand the bill is going over.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Nebraska will go over until to-morrow.

Mr. ALLEN. Then I offer the amendment I send to the desk, to come in after the one just offered; and out of four I beg to express the hope that one of them may go upon the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the bottom of page 26 insert:

That the territory comprising the Osage and Kansas Indian reservations be, and is hereby, detached from the Territory of Oklahoma and attached to the Indian Territory, and the said territory comprising said reservations

shall be and is hereby attached to and made a part of the northern judicial district of the said Indian Territory, and at least two terms of the United States court therein shall be held each year at Pawhuska, at such times as the judge of said district shall fix and determine.

Mr. ALLEN. Now, if the Senator in charge of the bill will listen to me a moment, I am satisfied that he will agree that this amendment may go upon the bill. This is my last effort to-night to put an amendment on the bill.

The capital of the Osage Nation is Pawhuska, located almost in the center of the Osage Nation. I think it is quite 40 miles distant from either border. No court is held in that territory. The courts of Oklahoma west of there assume to exercise jurisdiction over that territory, and it is very inconvenient for litigants and witnesses and counsel to attend those courts. They have to go, I think, something like 60 or 70 miles, possibly farther, to reach the court. This amendment transfers the jurisdiction over the Osage Nation to the northern district of the Indian Territory, over which Judge Springer now presides, and establishes a term of court at Pawhuska, the capital of the Osage Nation, and by that means making it convenient for litigants and parties having business before the court. In talking this morning with Colonel Freeman, the agent at that agency, this proposed amendment met his approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. DAVIS. I offer the amendment which I send to the desk.

The SECRETARY. On page 35, after line 4, insert:

And nothing in section 27 of chapter 543, volume 26, of the United States Statutes at Large, pages 1038 and 1039, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts, and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States, and in all such cases the Secretary of the Interior shall cause all claims for service under such agreements to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong, and so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals, in the Treasury of the United States.

Mr. DAVIS. Mr. President, the object of the amendment can be stated in a very few words. It applies to the Sisseton and Wahpeton bands of Indians, or rather to some portions of them. As a result of the massacre of 1862, the annuities of those Indians were entirely confiscated. Some 250 of those bands were never in the massacre, but were in the service of the United States or conducting captive women and children back to their homes in Minnesota. Some 250 who were involved in the common confiscation retained General Sanborn, of St. Paul, to prosecute claims for restoration of their pro rata part of those annuities. He proceeded in that prosecution, with the result that the Department of the Interior allowed on behalf of these 250 or 270 men, as their pro rata part of the confiscated annuities, some $500,000, upon which his compensation at 10 per cent was about $50,000. He held individual contracts with each of these scouts. By the legislation of 1891 that money, instead of being turned over to these men per capita, was distributed to all the rest of the tribe, the remainder of whom had not signed any contract with him. Those who had not signed contracts object to paying, and those who had signed contracts paid, but they could not pay upon the basis that they would have paid had they received the full amount allotted to them, because it had all been lessened by a distribution to the entire band.

The act of 1891, unintentionally by its framers, did an injustice to General Sanborn, because it provided that only contracts then in force should be recognized in the payment. His contract was made in 1877, and was for twelve years. It was void until it was approved by the Department of the Interior. It was not approved until 1882. The twelve years had elapsed in 1891. He contended that the contract took effect only from the time it was approved.

I will state that this amendment has been examined by the Committee on Indian Affairs. It, I believe, has the approval of every member of the committee. It was to have been reported six or eight months ago, but for some reason or other it never has been reported. The amendment carries no appropriation whatever, but merely enables the Secretary of the Interior to audit and adjust this claim.

Mr. ALLISON. Let me ask the Senator from Minnesota if this claim is audited and adjusted will it not be paid necessarily out of the Treasury?

Mr. DAVIS. It is to be paid out of the Treasury, but is a charge to this Indian fund.

Mr. ALLISON. It is charged to the Sisseton and Wahpeton fund?

Mr. DAVIS. Yes, sir.

Mr. ALLISON. To their annuity fund?

Mr. DAVIS. Yes, sir.

Mr. ALLISON. I do not know, of course, about the details of which the Senator speaks. I have no doubt they are correct. But my impression is that this money will come out of the Treasury in the end, because the Sissetons and Wahpetons will insist next year, or the year thereafter, that we had no right to appropriate their funds in this way. If the Committee on Indian Affairs believes that this is a just claim and ought to be paid to them, although it is a claim that ought properly to go upon the deficiency bill, I do not know that I shall object to it. It only displays, however, the complications and intricacies of the amendment of the Senator from Nebraska by disclosing that the money which was to be paid to the Indian scouts of the Sissetons and Wahpetons, amounting to $500,000, or whatever the amount, was distributed to the whole tribe and not to these scouts.

Mr. DAVIS. They got their share, but their share was lessened.

Mr. ALLISON. They got their share, being members of the tribe. After we have all these matters adjusted, of course the scouts will in some way insist that they should be reimbursed for the amount they have lost. So this is a complicated case involving two or three or four treaties and several statutes. I do not wish to stand in the way of any person who has prosecuted these claims properly, nor do I wish in any way to oppose the amendment if it has only the purpose of paying to an attorney what he ought to have out of the tribal funds which can properly be used for that purpose. The Senator from Minnesota of course must be more familiar with that than I can be.

Mr. DAVIS. I will read four lines of the amendment:

And so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals in the Treasury of the United States.

There is a fund there.

Mr. ALLISON. There is an ample fund there. These Sisseton and Wahpeton Sioux have a million and a half dollars on deposit in the Treasury drawing 5 per cent interest, which we gave to them in consideration of their relinquishing their right to the annuities which the Senator from Nebraska talks about.

Mr. PETTIGREW. Not at all.

Mr. ALLISON. I know we have some difference about that; but if this is to be paid out of their fund, of course if it is only a charge to their fund; but the question as to how it shall be paid will come up hereafter. It is to be paid out of the Treasury. I think, if the Senator will allow me to make the suggestion, that it ought to be paid directly from the annuities from the interest upon the fund held in the Treasury by the Sisseton and Wahpeton Indians.

Mr. ALLEN. I should like to ask the Senator from Iowa if in his opinion the proposed amendment involves general legislation?

Mr. ALLISON. I think it does; but it is a very small affair, as the Senator very well knows, and I do not wish to interfere with what appears to be a just settlement of a small matter, as this seems to be. If the Senator desires to make a point of order on the amendment, of course he can do so.

Mr. ALLEN. No; I do not want to kill any legislation that way. I want to kill it on its merits. I only wanted to emphasize the fact, however, that there seems to be some distinction in making points of order upon measures where they are all open to the point of order. I have offered two amendments bearing upon this same subject——

Mr. ALLISON. I make the point of order on the amendment proposed by the Senator from Minnesota.

Mr. DAVIS. I have drawn an amendment which covers the suggestion of the Senator, providing that the money shall be paid directly out of the fund.

Mr. ALLISON. But the Senator sees that the objection made by the Senator from Nebraska——

Mr. DAVIS. Let it go over until to-morrow, then.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment is obnoxious to the first and third clauses of the sixteenth rule.

Mr. PETTIGREW. Let it go over.

Mr. DAVIS. Let it go over until to-morrow.

The PRESIDING OFFICER. The amendment will go over.

Mr. BAKER. I desire to offer an amendment to be inserted at the end of line 8, on page 67.

The SECRETARY. It is proposed to insert at the end of line 8, on page 67:

That it being impracticable to provide homes in the Indian Territory for the Absentee Wyandotte Indians as contemplated by the acts of Congress approved June 10, 1896, and August 15, 1894, the Secretary of the Interior is hereby directed to use the money appropriated therefor by acts of August 15, 1894, and March 2, 1895, in locating homes for said Indians upon any lands that may be available and suitable for such purpose, except that out of said money so appropriated as aforesaid, R. B. Armstrong, attorney for said Absentee Wyandottes, be allowed and paid the sum of $1,000 for services and expenses already incurred in and about such matters in behalf of said Indians.

Mr. PETTIGREW. I will state as to this amendment that Congress made an appropriation first of $15,000 of money which belongs to these Indians to try and purchase land for them in the Indian Territory. Afterwards it was found that land could not be secured for that sum, and Congress afterwards appropriated $6,000 more. It was then found impossible to secure lands in the Indian Territory. These Indians sent one of their number, and he has been here two or three winters on this matter, and has been to the Indian Territory, and has spent a great deal of time and money in trying to secure these locations.

The Commissioner of Indian Affairs recommended that all this money be distributed among the Indians, after paying this representative of theirs $2,100, or 10 per cent of it. This amendment, I see, provides that he shall be paid $1,000. The Secretary of the Interior did not agree with the Commissioner of Indian Affairs, and thought the effort to secure homes for these people should not be abandoned. This amendment provides that the effort shall be continued to secure homes for these people wherever they can be procured. They can not be procured, under the existing acts, in the Indian Territory. I think, therefore, that it is entirely proper and covers the question. I have letters here from the Department in regard to the subject, if it is desired that they shall be read.

The amendment was agreed to.

Mr. STEWART. I wish to offer an amendment.

Mr. PETTIGREW. I have two committee amendments yet not disposed of, if the Senator will wait a moment.

Mr. STEWART. It will take but a moment. Will the Senator give way now?

Mr. PETTIGREW. I will yield to the Senator from Nevada.

Mr. STEWART. On page 67, line 2, after the word "dollars," I move the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment already adopted, on page 67, line 2, insert:

To reimburse the county of Ormsby, State of Nevada, for money expended in the purchase of improvements on lands donated to the Government for an Indian school, $6,375.

Mr. STEWART. In 1888 Congress passed a law which made an appropriation of $25,000 to establish an Indian school in Ormsby County, Nev. I will state the condition of things at the time. There was a tribe of Indians in Ormsby County known as the Washoes. They never had had any appropriation from the Government and always had been friendly. In fact, they all lived about the capital at Carson. There was a large number of children among them, and there was a general desire that there should be a school established. The Piute tribe had two reservations about 75 miles north and south, with railroad accommodations to that point, which made this a central point and accommodated them all.

An Indian school has been established, and it is doing much good. A condition of the appropriation was that the lands should be furnished free. The legislature authorized Ormsby County to issue bonds not to exceed $10,000. It was not expected that a very large portion of it would be used. The county commissioners used a thousand dollars of it and bought the requisite amount of land, good land, but it had no improvements upon it and no water upon it. They would have been required to purchase water rights and to make improvements. The commissioner, Noble, I think, was his name, was sent out there to examine it. He rejected for those reasons the lands which they had purchased. They then advertised for other farms, and quite a number of offers were made of reasonably cheap property, but there was one farm which had a water right and had nine buildings on it and was under a high state of cultivation.

The Indian agent insisted upon having this particular farm. He reported that the improvements on it were worth $6,375. The desire to have these Indians provided for induced the commissioners to take the responsibility to buy the farm, costing considerably more than that. The aggregate that they expended amounted to $10,000. One thousand of it, however, was expended for land that was not accepted, and an act was passed to deed that back. But the amount for interest and principal involved the sum of $12,000 up to date. There have been a great many donations made of sites for Indian schools, but most of them are simply donations of land. The land in any part of the county, without the improvements, could have been bought for from $1,000 to $1,500, but the Government would then have been compelled to purchase water rights and make improvements. The improvements were extra.

I have communicated with the Department, and there are a few cases where the donations included improvements, but none have been reported where it was done by taxation. It was where there were some institutions and persons had improvements upon it, and they have donated it. The general donations have been of land without improvements.

The county of Ormsby is financially embarrassed. The taxation is over 3 per cent on a very high valuation, and this amount of money becomes oppressive. Inasmuch as the Washoes never received a dollar, and this was specially for their benefit, I think it but equitable and fair that the Government of the United States should pay for the amount of the improvements on that land. They hesitated a long time and presented other sections, but the agent was very anxious to secure this particular farm. He was right, because it was worth vastly more to the Indians than any other land that could have been selected. But the anxiety to have the school was such and the necessity for it so great that they made this expenditure. It seems to me not unreasonable that compensation for the improvements should be made. The amendment, without any interest, gives the exact amount at which the agent estimated the value of the nine buildings and the water right, the fencing, and the agricultural improvements that are upon the land.

Mr. ALLISON. This seems to be a very equitable case, as stated by the Senator from Nevada, but inasmuch as there is no estimate for it and it is not reported from any committee——

Mr. STEWART. It is reported from a committee. The Committee on Indian Affairs have authorized it to be reported.

Mr. ALLISON. To be added to the bill?

Mr. STEWART. Yes.

Mr. ALLISON. Then I will be glad to have that fact appear from the desk. I ask that we may have the record stated.

Mr. STEWART. That is correct. It is authorized by them. It was brought up in the committee in the first instance and there was not a quorum present. Afterwards a majority of the committee authorized their names to be used in recommending this particular appropriation, and it so appears on the back of the amendment.

Mr. ALLISON. If it has been reported and referred to the Committee on Appropriations——

The PRESIDING OFFICER. The Chair will state that the amendment has not been referred to the Committee on Appropriations, so far as the record shows.

Mr. STEWART. It was not referred to the Committee on Appropriations, for it came in after the Committee on Appropriations had reported the bill. Will it have to go over?

Mr. ALLISON. I feel constrained to make the point of order on it.

Mr. STEWART. Then I ask that it be referred to the Committee on Appropriations. It will then be in order to-morrow morning, I understand.

Mr. ALLISON. I suppose so.

Mr. STEWART. I think it is pretty hard to make a point of order against an amendment of this kind. I think it is very extraordinary that a point of order is made on it.

The PRESIDING OFFICER. The Chair will have to sustain the point of order made by the Senator from Iowa.

Mr. WILSON. I will state that the Committee on Indian Affairs gave this matter their full consideration some two weeks ago and reported back the amendment through the Senator from Nevada. The committee came to a unanimous agreement that it was an equitable and just case and should be allowed.

Mr. STEWART. I think I did refer the amendment to the Committee on Appropriations.

The PRESIDING OFFICER. The point of order, the Chair thinks, is well taken.

Mr. WILSON. Whether it was referred to the Committee on Appropriations or not, it seems to have been the intention that it should have been referred, and perhaps there was some oversight somewhere.

Mr. HOAR. I desire to move an amendment to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

To build and properly furnish a house for a boarding school for the Hualapai Indians of Arizona, to be expended under the direction of the Secretary of the Interior, $40,000.

Mr. ALLEN. I should like to ask the Senator if that is not general legislation?

Mr. HOAR. It is a mere expenditure. There is an offer to purchase a very valuable farm and give it to these Indians on condition that the boarding school be equipped and furnished. There is no general legislation about it.

Mr. ALLEN. Yes, but I understand this to be new legislation.

Mr. HOAR. It is not legislation at all. It is merely an appropriation for executing a law.

Mr. ALLEN. I infer that this is a new provision, and that money is to be appropriated to purchase certain property.

Mr. HOAR. To build and equip a house on property given to the Government for this purpose.

Mr. ALLEN. Yes, I understand what it is, but I simply wanted to make a parliamentary inquiry as to whether it was not general legislation?

The PRESIDING OFFICER. The Chair will state, in answer to the Senator's parliamentary inquiry, that if a point of order is made, the Chair will decide it.

Mr. ALLEN. I do not know that I want to make the point of order on the Senator from Massachusetts.

Mr. ALLISON. Let the amendment be again read.

Mr. ALLEN. The Committee on Appropriations are, of course, perfectly familiar with the question of whether this is general legislation or not, whether it has been properly estimated for, and whether it has passed through the Committee on Indian Affairs; and if the Senator in charge of the bill will explain that to the Senate, I shall be glad. I call his attention to the matter. The Senator from Massachusetts proposes an amendment to purchase some property, proposing to expend the sum of $40,000 for that purpose. Not being in charge of the bill, and not having a great deal to do with it at this precise moment, I inquire of the Senator from South Dakota, who ought to know, by virtue of his position, whether this amendment is not obnoxious to the rule which has been enforced here this evening with reference to other amendments?

Mr. PETTIGREW. I will say that I do not care to make the point of order upon the amendment which has been offered.

Mr. ALLISON. I ask that the amendment may be read.

Mr. ALLEN. I submit that if the point of order is going to be made upon one, it ought to be made upon all.

Mr. HOAR. This is a mere proposition to give a very valuable and costly farm to the United States for the exclusive purpose of these Indians. That is all there is of it.

Mr. ALLEN. My proposition was a mere proposition to restore certain Indians to their rights. I wanted to restore certain Indians to their rights here awhile ago; nobody disputed their right; the law gave them these rights away back in 1851, and even before that, and I simply wanted to restore them. Before I could get my wishes presented to the Senate in intelligible shape, the point of order was made upon me and sustained. Now, I do not insist upon that rule being applied to the Senator from Massachusetts [Mr. HOAR], because there is a great deal of distinction between that Senator and myself; but I simply wanted to know—and I ask in all seriousness—why this rule, which is applied with such vigor and with such apparent asperity and acrimony to legislation offered a few moments ago, should not be applied to proposed legislation when offered by the Senator from Massachusetts?

The Senator from South Dakota [Mr. PETTIGREW] declines to make this point of order. If one is vulnerable to the point of order, the other is vulnerable. I would not say for a moment, nor would I have any Senator to infer, that I mean to charge that there is anything like favoritism here; but I think, if a rule is to be applied to the Santee Sioux Indians and the Sissetons and Wahpetons, who are poor people out in a poor country struggling for a livelihood, where they stand in absolute need, that the point of order ought to be made upon a proposed amendment which is to expend $40,000 not for any necessaries, but for some of the luxuries of life. I do not suppose it would be possible for me to induce the Senator in charge of this bill to make the point of order. I suppose he waived it out of respect for the courtesies which were interchanged between the Senator from Massachusetts and himself on yesterday evening. [Laughter.]

Mr. PETTIGREW. If the Senator will allow me, I will say that the Senator from Massachusetts is a most amiable gentleman, and of course if any favors were to be extended, I should extend them to him.

Mr. ALLISON. I ask that the amendment may be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert at the end of the bill the following:

To build and properly furnish a house for a boarding school for the Hualapai Indians, of Arizona, to be expended under the direction of the Secretary of the Interior, $40,000.

Mr. ALLEN. I did not understand the Senator from South Dakota; possibly it was my fault. Did I understand the Senator from South Dakota to say that he waived the point of order in respect to the memory of Miles Standish [laughter], or in respect to some other matter?

Mr. WILSON. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. WILSON. Is the Senator from South Dakota the only Senator on the floor who can make a point of order?

The PRESIDING OFFICER. Any Senator has the right to make a point of order.

Mr. WILSON. Then, what is to prevent the Senator from Nebraska himself making the point of order? If he is so anxious about it, why does he not make it himself?

Mr. ALLEN. Nothing whatever.

Mr. WILSON. I did not know but that there was some rule on the subject.

Mr. ALLISON. I make the point of order against the amendment, it not having been estimated for and not having been reported from any committee. If the Secretary of the Interior desires to expend this money, there is ample provision already in the bill for him in the general appropriation for educational purposes.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. HOAR. I should like to say, in justice to the ladies who have raised this sum of money which they propose to give to the United States, that this amendment was proposed at the request of a very benevolent body of ladies, who have spent a great deal of their own money and gathered a good deal for Indian education, particularly one lady, whose name, if I should mention it, would be recognized by almost the whole country. They propose to purchase for these Indians a very valuable and costly farm. They desire that the United States shall put up a proper house, which $40,000 would erect, and perhaps a less sum would answer. Then they will give the farm. It is a sheer gift of what in some way or other the United States is bound to do.

I thought it likely that the committee might be of opinion that the details of the matter should be submitted more directly to the Secretary of the Interior, and I find no particular fault with the course of the Senator from Iowa, but I rather hoped he would let it go, because the Secretary of the Interior is obliged to expend the whole sum.

Mr. ALLISON. The Senator will see, if he will examine the bill, that there is a large sum appropriated for the maintenance of schools, and also a large sum for the purchase of sites and the erection of school buildings. So that, if these ladies desire to aid in the cause of education, I have no doubt they can make their appeal to the Secretary of the Interior.

Mr. HOAR. I think that is an excellent reason, and the Senator from Iowa generally has excellent reasons for whatever he does or says. I am very sorry, however, that after waiting about fifteen minutes without making the point of order he should be nagged into doing so by the insistence of the Senator from Nebraska.

Mr. ALLISON. If the Senator will allow me a moment, I called for the reading of the amendment. I did not hear it when it was first read, as my attention was diverted to a number of other matters, as Senators know it frequently is, and so I called for the reading of the amendment.

Mr. HOAR. I have no complaint to make of the Senator from Iowa.

Mr. ALLISON. It is not necessary, then, for the Senator to make insinuations respecting my delay and to say that I was nagged into making the point of order.

Mr. JONES of Arkansas. I rise to a point of order, Mr. President.

Mr. HOAR. I desire to say——

The PRESIDING OFFICER. The Senator will please suspend until the Senator from Arkansas states his point of order.

Mr. JONES of Arkansas. I ask what question is pending before the Senate?

The PRESIDING OFFICER. There is no question now pending before the Senate.

Mr. HOAR. I desired before the point of order was made to be permitted to make a statement about this matter.

What happened was exactly this: The matter was referred to the Committee on Appropriations days ago, and they, of course, considered it as everything is considered there. I moved the amendment, and the Senator in charge of the bill said he did not desire to make a point of order against it. It had been read three or four times, and then the Senator from Nebraska [Mr. ALLEN] made a speech at some length, saying that he had not any objection to the amendment; he did not want to make a point of order—but wanted to know whether it had not been made by the Senator from South Dakota [Mr. PETTIGREW]—because the Senator from Massachusetts had certain amiable qualities, which I will frankly admit the possession of on my part. Thereupon, after that speech, the amendment having been read two or three times, my honorable friend from Iowa made his point of order.

Mr. ALLISON. I wish to say——

Mr. HOAR. I certainly accept the Senator's statement.

Mr. ALLISON. It was a very important matter that we were asked to adopt as an amendment, and it was read twice—once at my request and once before the request—as Senators probably know. I asked to have it read the second time, as I did not hear it read the first time, and when I heard it read I made the point of order. Of course the Senator may have his opinion, but he is mistaken in saying that I was goaded or pressed by the Senator from Nebraska into making the point of order. I have felt, and feel now, that if we are to pass the appropriation bills, especially this Indian appropriation bill, it is not wise for us to load it down with amendments which are not in order, and with amendments which propose the payment of claims and things of that sort.

Mr. HOAR. I should like to state to the Senator from Iowa that

the Senator from Nebraska, in the speech he made, did not raise the point of order on the amendment, but seemed to think that the Senator from South Dakota should do so, but that Senator said he would not make the point of order, and then the Senator from Iowa got up and made it.

Mr. ALLISON. Very well.

Mr. PALMER. I rise to a point of order, Mr. President. If the conversation between the Senator from Massachusetts and the Senator from Iowa is over, I desire to make a suggestion.

The PRESIDING OFFICER. The Chair had recognized the Senator from Massachusetts [Mr. HOAR], and the Chair now recognizes the Senator from Illinois [Mr. PALMER].

Mr. ALLISON. I yield the floor to the Senator from Illinois with great pleasure. I have no doubt he has some matter of substance that he wants to speak upon.

Mr. PALMER. I imagine I have.

Mr. HOAR. Perhaps the Senator will allow me only one sentence?

Mr. PALMER. The Senator from Massachusetts can say that one sentence.

Mr. HOAR. I wish to assure the Senator from Iowa that nothing could happen to make me either guilty of any act of disrespect or thought of disrespect toward him.

Mr. PALMER. I want to inquire what is the parliamentary situation of the amendment on pages 70, 71, and 72? I inquire whether that has been disposed of?

The PRESIDING OFFICER. That amendment has been passed over until to-morrow.

Mr. PALMER. I want to move to strike out all after the word "purposes," in line 24 on page 70, down to and including the word "actions," on page 71, line 6, upon which I shall ask the yeas and nays.

Mr. SHOUP. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 23 on page 66, after the word "year," it is proposed to insert:

In addition to the extension heretofore granted.

Mr. PETTIGREW. This amendment simply provides for a year's additional time for homesteaders to prove up on their lands where they have taken lands upon Indian reservations. It is simply an amendment to the House provision, which I think does not give an extension.

Mr. COCKRELL. Let the clause be read as proposed to be amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to amend the clause so as to read:

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year in addition to the extension heretofore granted, in which to make payments as now provided by law.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after the amendments already adopted, it is proposed to insert:

To enable the Secretary of the Interior to pay the scouts and soldiers and their descendants of the Sisseton, Wahpeton, Medawakanton, and Wapakoota Sioux Indians who have not been paid, if any there be, who, after thorough investigation, are found to be entitled to such payment, $10,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

Mr. PETTIGREW. I have a letter from the Commissioner of Indian Affairs in regard to this matter. It appears that in making up the rolls some of these Indians were left out, and he says it will take $9,027 to pay them. The amendment is for $10,000. He says the amount named, that is, $10,000, will pay twenty-five scouts and soldiers omitted from the pay rolls of 1895, if that number were omitted. The amendment is so drawn that no payment will be made unless after thorough examination the Department decides that it is due.

Mr. ALLISON. Will the Senator have that letter inserted in the RECORD?

Mr. PETTIGREW. I ask that the letter be inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, if there be no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 19, 1897.

SIR: I am in receipt of your letter dated the 15th instant, inclosing copy of an amendment which your colleague, Mr. KIEFER, proposes to introduce to the Indian appropriation bill when it is considered. You ask to be advised whether or not the amendment should be incorporated in the bill.

In reply, I return the amendment with advice that the same should be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,

D. M. BROWNING,
Commissioner.

Hon. J. S. SHERMAN,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1897.

SIR: In reply to your letter of 4th instant I have the honor to state that the names of the following deceased scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, Wapakoota bands of Sioux Indians, to wit:

1. Ta su su,
2. Wa su e da ya,
3. Wryins Ka na nee,
4. Edward La Ramie,
5. Jos. Robnitt (No. 6 not on list furnished),
7. John Other Day,
8. Alfred Miller,
9. Ta chau pu ma za,
10. Peter Boyer,
11. S. A. Adams,
12. James Nam de cha,
13. Louis Vasseur,
14. Peter Leclaire,
15. Moses Moore,
16. William A. Findley,
17. John Campbell,
18. Peter Ortebise,
19. Barry J. Wells,
20. Michael La Riviere,
21. Sa ga ya ma zu,

or the names of their descendants and heirs, do not appear on final roll paid by Special Agent Shelby during the months of October and November, 1895, the per capita of which was $391.65.

It is also found that of the above-mentioned scouts and soldiers, the names of—

1. Ta su su,
3. Wryins Ka na nee,
11. S. A. Adams,
12. James Nam de cha,

do not appear on the rolls paid in 1892 and 1894, based upon the censuses of 1891 and 1893, therefore do not appear to be entitled.

The following names, to wit:

Wau di ey ya, 75, M.,

Ia te pi ya, or Ahan zi wi ca yo, 68, M.,

appear on the original Elrod roll, but do not appear on any subsequent scout and soldier roll, nor can they be identified on Sisseton roll, upon which payment was made in accordance with provisions of agreement entered into between the United States and the Sisseton tribe of Indians, approved December 12, 1889 (26 Stats., page 1036). The amount due each, if found to be entitled, would be their proportionate shares of $305.81 and $391.65, respectively.

To pay these people, if, after a thorough investigation, they are found to be entitled, will require the sum of $9,027.92.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. A. R. KIEFER,
House of Representatives, Washington, D. C.

The amendment was agreed to.

Mr. JONES of Arkansas. I desire to offer two or three amendments which I should like to have pending. I do not propose to ask that they be acted on to-night. I suggest that in line 17, on page 58, the following insertion be made, after the word "law:"

Provided, That said appellate court may, in its discretion, designate one place in addition to those at which courts are now held.

Mr. PETTIGREW. Is that in the Five Civilized Tribes?

Mr. JONES of Arkansas. Yes.

Mr. PETTIGREW. I think that amendment should be adopted. In the northern district, west of the railroad, there is no provision for a court in all that country,

Mr. JONES of Arkansas. That is true, and that is the reason I think the discretion should be vested in the appellate court.

Mr. PETTIGREW. I think, however, the amendment should read "at such other places as may be designated by the judge of said court."

Mr. JONES of Arkansas. Say "by the court." Let it be done by the appellate court.

Mr. PETTIGREW. Yes.

Mr. JONES of Arkansas. I think the suggestion of the Senator in charge of the bill is better than mine.

Mr. ALLISON. I want to call attention to the fact that the Senator from Nebraska on my left [Mr. ALLEN] has already provided for one place for holding court in the Indian Territory under an amendment which we have agreed to.

Mr. PETTIGREW. No, that is hardly the fact. The amendment proposed by the Senator from Nebraska provided for holding a court in the Osage country.

Mr. ALLISON. I know, but it is attached to the Indian Territory. The judges will be spread all over the Indian Territory, including the place designated by the amendment of the Senator from Nebraska.

Mr. JONES of Arkansas. I have no doubt there should be a court held at that place.

Mr. ALLISON. I only call attention to it.

Mr. ALLEN. The amendment I offered was agreed to.

Mr. BATE. I suggest there should be a point of order made to that whole section, that it is general legislation; but I do not propose to raise it now. If, however, the committee amendment falls, this amendment will fall with it.

Mr. WILSON. I should like to ask the Senator from Arkansas if he thinks, if this legislation is enacted, the judges will designate a place to hold court?

Mr. JONES of Arkansas. That is the intention of it.

Mr. WILSON. I want to say that some two or three years ago we created an appellate court in this country, and we left it in the power of the judges to designate two other places for holding court,

but the people of the West have never been able to get those Federal judges to designate any place to hold court, although the law clearly contemplated that they should do so. If we enact similar legislation here upon an appropriation bill, it might be that those judges, consulting their ease, as the appellate court judges have in the western district of which my State is a part, would compel litigants to travel 1,800 miles in order to reach a court, and you might not get your court established after all. Why not designate where you wish to hold it absolutely and unconditionally? Of course it is a matter for the Senator, however.

Mr. JONES of Arkansas. I believe that the appellate court in that country are the best judges as to where the court should be held. That there should be some additional places at which court should be held I have no doubt, and I think the court is better qualified to determine that question than we would be without some investigation. There are Senators here who are insisting that the court should be held at one place or another, and I do not know whether those selections are the best or not; but whatever the necessity may be, if presented to the appellate court, I have not a doubt that it will be promptly decided, and I am willing to accept the amendment as suggested by the Senator from South Dakota. I hope the Senator will send the amendment to the desk.

Now, I propose to offer and have pending an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 18, after line 4, it is proposed to insert:

That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

Mr. ALLISON. Where does that come in?

Mr. JONES of Arkansas. On page 18, line 4, at the end of the legislation about the Creek Nation.

Then I will offer another amendment.

Mr. PALMER. May I interrupt the Senator from Arkansas to ask whether it is intended that that money shall be paid from the money of the Indians or from the Treasury of the United States?

Mr. JONES of Arkansas. To be paid from the money of the Indians. They have something like two and a half million dollars in the Treasury. They owe for the building of schoolhouses and for school purposes about $103,000, as the officers of the nation state. They also owe for outstanding awards of the nation $230,000, making a total of a debt which they have outstanding against the nation of about $335,000. This amendment proposes that the Secretary of the Interior may pay, out of their funds in the Treasury, $300,000 on this debt, after it has been carefully investigated by the Secretary of the Interior and been found regular in all respects.

Mr. BATE. I ask the Senator whether it is proposed that this money shall be paid out of the corpus of the fund of the Indians?

Mr. JONES of Arkansas. The proposition is to take it out of the money of the Cherokees held by the Treasury.

Mr. BATE. A fund upon which they receive interest?

Mr. JONES of Arkansas. Yes, sir.

Mr. BATE. It is to be taken from the body of their fund?

Mr. JONES of Arkansas. Yes, sir; it is to be taken to pay the debts they owe, and on which they are paying interest now.

The PRESIDING OFFICER. The Secretary will state the amendments suggested by the Senator from Arkansas, as modified by the Senator from South Dakota, which he accepted.

The SECRETARY. On page 58, in line 17, after the word "law," it is proposed to insert:

And at such other places as shall be designated by the judges of said court.

Mr. JONES of Arkansas. "By the appellate court," I would say, instead of "judges of said court." It ought to be done by the entire body of the appellate court, by an order made by the court.

Mr. PETTIGREW. Very well. I have no objection to that.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. It is proposed to insert on page 58, line 17, after the word "law," the words:

And at such other places as shall be designated by the appellate court.

Mr. JONES of Arkansas. I think that is in good shape.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. Where does the Senator from Arkansas desire the last amendment he sent up to be inserted?

Mr. JONES of Arkansas. At the end of the provision regarding the Chickasaw Nation. I do not remember the page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert:

For fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely: For arrears of interest, at 5 per cent per annum, from December 31, 1840, to June 30, 1889, on $184,143.09 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852; and for arrears of interest, at 5 per cent per annum, from March 11, 1850, to March 3, 1890, on $56,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1852, $558,520.54, to be paid to the treasurer of said nation upon requisition signed by the governor and national secretary of the Chickasaw Nation, and to be immediately available.

Mr. ALLISON. I make the point of order against the amendment just read by the Secretary.

The PRESIDING OFFICER. The Senator from Arkansas has not yet offered the amendment, but states that he will offer it to-morrow.

Mr. JONES of Arkansas. I simply present the amendment to be taken up to-morrow.

Mr. ALLISON. Then I present the point of order that I desire to make on it.

Mr. JONES of Arkansas. I am perfectly willing that the Senator from Iowa shall make the point of order on the amendment when it is offered. I think we can meet that proposition when it comes.

Now I offer another amendment, to which I will agree that the Senator may make the same sort of proposition, to come in at the end of the Chickasaw legislation.

The SECRETARY. At the end of the Chickasaw legislation in the bill it is proposed to insert:

That the disbursing officers of the Treasury be, and they are hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to the trustee or legal representatives of Eli Ayres the sum of $58,158.46: *Provided*, That such payment when made shall operate as a final settlement in full, as between the said trustee and legal representatives of said Eli Ayres, his or their heirs or assigns, and the United States, for any claim against the United States which said Ayres may have had during his lifetime by reason of the fact that he purchased, and there was conveyed to him, the right and title of certain Chickasaw Indians to 124,160 acres of land in the State of Mississippi, held by such Indians under the provisions of a treaty made by the United States with the Chickasaw Nation of Indians on the 24th day of May, 1834, and which said lands so purchased by said Ayres were appropriated and disposed of by the United States; the deeds by which said Indians conveyed said lands to said Ayres to be duly surrendered upon the payment to said trustee or legal representatives of the amount herein appropriated: *And provided further*, That when said deeds are so surrendered to the United States, and said payment so made to the trustee or legal representatives of said Eli Ayres as aforesaid, this act shall operate to forever quiet all such land titles in the State of Mississippi heretofore and now affected by reason of the appropriation and sale, or other disposition of the lands so purchased by said Ayres of said Indians, as herein set forth. The said amount of $58,158.46 is hereby made immediately available.

Mr. ALLISON. I give notice that I shall interpose a point of order against the amendment.

Mr. PETTIGREW. I now wish to go back to the amendment on page 48 objected to by the Senator from New Hampshire [Mr. GALLINGER]. He has examined the report of the Commissioner of Indian Affairs and the letter of the superintendent of Indian schools, and withdraws his objection to the amendment.

Mr. ALLISON. On what page?

Mr. PETTIGREW. It is the committee amendment on page 48.

The Committee on Appropriations reported an amendment on page 48, after line 17, to insert the following:

For the purchase of the east half of section 16, township 107, range 48, Moody County, in the State of South Dakota, to be used as an industrial farm for said Flandreau school, at a price not to exceed $25 per acre, $8,000, or so much thereof as may be necessary.

The amendment was disagreed to, and I move that the vote by which it was rejected be reconsidered. Then I will ask that the amendment may be reinstated.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to reconsider the vote by which the amendment was rejected.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. Before the amendment is agreed to, I desire simply to say that had my attention been called, as was not, to the recommendations of the Secretary of the Interior and the Commissioner of Indian Affairs, two gentlemen in whom I have the highest confidence, I probably should not have made the opposition to the amendment that I did.

In addition to that, the senior Senator from Colorado [Mr. TELLER] assures me that it is very necessary that the purchase shall be made, and that it is in the line of true economy. Hence I withdraw my opposition to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PETTIGREW. There is an amendment on page 52 which it was agreed should go over until to-morrow, but I understand the Senator from New Hampshire withdraws his objection.

Mr. GALLINGER. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 10, on page 52, it is proposed to insert:

For the purchase of not less than 100 acres of good farming land in the immediate vicinity of the Indian training school at Pierre, S. Dak., to be used as an industrial farm for said school, and to be, in his judgment, suited for such purpose, $5,000.

The amendment was agreed to.

Mr. PETTIGREW. I should like, at this time, to secure, if possible, an agreement to take up the pending bill to-morrow morning, immediately after the routine morning business, under the ten-minutes rule.

Mr. ALLEN. I do not think that order ought to be made. I shall object to it.

Mr. PETTIGREW. Without limiting debate, then, I ask unanimous consent that we may take up the bill to-morrow morning, immediately after the routine business.

Mr. ALLEN. I shall object to that request. We ought to have some time to-morrow morning to transact morning business.

Mr. PETTIGREW. After the routine morning business.

Mr. ALLEN. There is no objection to its being taken up after all of the routine morning business is transacted, but I shall strenuously object to the bill interfering with morning business, and I shall object to its being considered under any limitation as to debate.

Mr. PETTIGREW. Do I understand it is agreed that the bill shall come up to-morrow immediately after the routine morning business?

Mr. ALLISON. Immediately after the morning business.

Mr. ALLEN. Yes; so far as I am concerned.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the present bill shall be taken up immediately after the routine morning business to-morrow. Is there objection?

Mr. ALLEN. I do not know about that. The Cuban joint resolution will be before the Senate.

The PRESIDING OFFICER. The Chair will state that the joint resolution is the unfinished business, and will come up at the end of the morning hour.

Mr. ALLEN. Then I desire to make a parliamentary inquiry. At the expiration of the two hours, would the Cuban joint resolution, by force of that fact, come before the Senate to be considered?

The PRESIDING OFFICER. At 1 o'clock.

Mr. WHITE. I believe I will be entitled to the floor at 1 o'clock. I mention this for fear the Senator from Nebraska may seek to take the floor upon the subject then.

Mr. ALLISON. I hope the Senator from Nebraska will allow the Indian appropriation bill to be proceeded with to-morrow morning after the routine morning business is concluded.

Mr. ALLEN. I do not object to that.

Mr. ALLISON. It seems to me it is manifest that if we are to pass the appropriation bills at all we must proceed to consider them in season and out of season until they are disposed of. It has been disclosed to-night that there are a number of contested questions as to the pending bill, some of which the Senator from Nebraska himself has raised during the evening, involving amendments that will occupy a great deal of time to-morrow, and I hope we will agree that the appropriation bills shall be considered. It is absolutely certain that if they are not considered continuously from now on until disposed of they can not pass at the present session. I do not believe any Senator desires to have them defeated or postponed.

Mr. ALLEN. I have not objected to taking up the pending bill at the conclusion of the routine morning business to-morrow and considering it during the morning hour. I do object to any limitation upon debate on the bill, and shall object to that; and I shall object to its displacing the Cuban joint resolution.

The PRESIDING OFFICER. The Chair will again state the request of the Senator from South Dakota.

Mr. WHITE. If the Chair will permit me for one moment, with the permission of the Senator from Nebraska who has the floor, I will say that while I am perfectly willing, and in fact personally I prefer, to conclude the remarks which I commenced to make to-day, it appears to me that every member of the Senate must be cognizant of the fact that we are now proceeding within less than ten days of the expiration, not to say the death, of the present Congress. If the joint resolution regarding the Cuban matter passes the Senate and goes to the House, and passes the House and goes to the President, it will there be relegated to the limbo of forgotten things. It is not to be expected that the President will reverse the policy which he has himself clearly outlined and will sign the joint resolution; and it is not to be expected that if he is opposed to it he will veto it and again subject himself and his policy to the commentaries which he knows they will be subjected to here. Hence, if we are practical, if we are desirous of doing something, we will spend our time in an effort to pass bills which we may pass and which may become laws.

The Senator from Iowa has informed us with truth that we have barely time enough to pass the appropriation bills, devoting ourselves to them without considering anything else. If we are here for practical purposes, we will devote ourselves to appropriation bills. If we are here for the purpose of making a display, in the language of a gentleman whom I know my friend the Senator from Nebraska will love to quote, of an entirely innocuous character, we will go on with the consideration of the Cuban matter.

Mr. PALMER and Mr. CHANDLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ALLEN. I thought I had the floor. I yielded to the Senator from California for just one moment.

Mr. STEWART. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. The Chair was under a misapprehension, and will therefore recognize the Senator from Nebraska.

Mr. CHANDLER. Has the Senator from Nebraska the floor continuously?

Mr. ALLEN. Just a second. Let me state ten words, and I will give up the floor to anybody who wants it.

I do not desire to obstruct the passage of the appropriation bills. I want that distinctly understood. But I do not propose to be snapped off, or cut off, or quirked off, as to any meritorious amendment to this or any other bill. That is one thing I want to guard against, and it is one thing I propose to guard against, so far as my capacity will go.

I sympathize with the Senator from Iowa who has these bills in charge, and I desire to see him successful in getting every one of them through before Congress adjourns. I sympathize with the Cuban joint resolution, and the argument of the Senator from California finds no place whatever in my mind. We can not afford to neglect our duty or fail to discharge our duty because the distinguished gentleman at the White House may see fit to neglect his. Let us send the joint resolution to him and let us see what he will do with it, and let him be responsible.

Mr. PALMER. Mr. President——

Mr. SQUIRE. Will the Senator from Illinois yield to me for a moment?

Mr. PALMER. The Senator from Washington asks me to yield the floor to him, and if I am entitled to it, I do so with great pleasure.

Mr. STEWART and Mr. SQUIRE addressed the Chair.

The PRESIDING OFFICER. The Chair would rule that the Senator from Illinois can not farm out the floor. The Chair will recognize the Senator from Nevada.

Mr. STEWART. Mr. President——

Mr. PALMER. Have I farmed it out already, Mr. President? [Laughter.]

Mr. STEWART. Mr. President, I simply wish to remark that a large majority of the Senators to-day voted, in view of all the circumstances—and they are Senators who do not desire to interfere with the appropriation bills—to take up the Cuban joint resolution. If there is anything that affects the character and standing of this Government, it is that it shall vindicate the principles upon which it was established; that it shall exercise the protection over struggling republics on this hemisphere which it assumes to exercise. We assume that we will protect them. We will not allow any foreign government to interfere. We say we will see justice done. This Government, by the Monroe doctrine, has said to the world that it will see justice done to the struggling republics on this hemisphere and that it will not allow any other government to interfere. We have assumed that responsibility.

Now, having assumed that responsibility and having said "hands off" to everybody else, we stand by and see the most aggravating outrages against humanity perpetrated on our borders, not only against the Cubans, but against our own citizens, and it is said that the Senate shall not speak out because the Executive has determined otherwise, and that the voice of the people shall be stifled; that there shall be no Americans in the Senate because there is none in the White House. [Applause in the galleries.]

Mr. HAWLEY. I call attention to the disorder in the galleries.

The PRESIDING OFFICER. The Chair will inform the occupants of the galleries that the rule of the Senate prohibits any demonstration of approval or disapproval, and if it is repeated the Chair will be compelled to have the galleries cleared.

Mr. GALLINGER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state his parliamentary inquiry.

Mr. GALLINGER. I desire to know what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the request for unanimous consent made by the Senator from South Dakota [Mr. PETTIGREW], which, when the Senator from Nevada yields the floor, will be submitted to the Senate by the Chair.

Mr. STEWART. I for one desire to have an opportunity to vote what I believe to be the American sentiment. I want to vote for the joint resolution which comes from the Committee on Foreign Relations and demand the release of an American citizen who is held contrary to law, contrary to the usages of war. I should like to vote for the release of all who are kept in dungeons and tortured and about to be killed by this barbarous power.

The United States is responsible for every outrage against the laws of humanity that occurs in Cuba, because we have assumed that nobody else shall act. Having assumed that, how dare we

refuse to exercise the power we have undertaken to exercise and to keep all other hands off? It seems to me we have forgotten the Monroe doctrine. We have forgotten that we will allow nobody else to interfere. It is admitted by the Executive, by the documents here on file, by the Committee on Foreign Relations, and by the whole country that outrages are being committed in Cuba which demand the interference of civilized governments. If those outrages were committed elsewhere, if they were committed on the other side of the Atlantic, the monarchies of those countries would not permit them. Here we have assumed this jurisdiction, and then we say to the Spanish desperadoes, to the Spanish barbarians, "Murder; kill; do what you please, and there will be no expression here, because we can not expect a corresponding expression at the White House."

That is no excuse for us. I am glad the Committee on Foreign Relations has spoken at last. If the Senate refuses to respond to that sentiment, we will be held responsible. That was the opinion of the Senate when it voted by this large majority to-day to take up the joint resolution. I think my friend the Senator from California, who occupied so much time, is not in a position to lecture us and tell us to stop or the appropriation bills will fail.

Mr. WHITE. Will the Senator allow me?

Mr. STEWART. We have not made them fail. We have not occupied the time. If the appropriation bills fail, they will fail because unnecessary time is occupied in opposing a sentiment dear to every American heart. Let us pass the joint resolution as it comes from the Committee on Foreign Relations without debate, and if we are Americans we will do it, and do it quickly.

The PRESIDING OFFICER. The Chair will submit to the Senate the request of the Senator from South Dakota, which is the only matter now before the Senate. The Senator from South Dakota asks unanimous consent that immediately after the routine morning business to-morrow the Indian appropriation bill shall be taken up for consideration. Is there objection?

Mr. PALMER. I rise to address the Senate on this question, if no other.

Mr. ALLEN. Mr. President——

Mr. ALDRICH. Let us get the consent.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I object.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. CHANDLER. I ask unanimous consent to call up a bill.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. PALMER. If I am entitled to the floor, I object to any other Senator addressing the Senate on any other question unless he is in order.

The PRESIDING OFFICER. The Chair has recognized the Senator from New Hampshire as entitled to the floor.

Mr. JONES of Arkansas. I thought a motion to adjourn was made.

The PRESIDING OFFICER. The Chair did not hear it.

Mr. JONES of Arkansas. I heard it made twice.

DISTRICT WATER SUPPLY.

Mr. CHANDLER. I ask unanimous consent to call up Senate bill 1823. I have waited all the evening. I yielded once or twice when I had the floor out of courtesy to Senators, and I am almost persuaded to yield to the Senator from Illinois. The bill has been amended to the satisfaction of everybody who has any interest in it.

Mr. HILL. What is the bill?

Mr. CHANDLER. I ask that it may be considered, so that it may pass the House.

Mr. CALL. What is the bill?

Mr. CHANDLER. It is a bill to increase the water supply of the city of Washington. I ask that it may be now considered.

Mr. GALLINGER. It is very important.

The PRESIDING OFFICER. Pending that request, the Senator from Rhode Island moves that the Senate adjourn.

Mr. CHANDLER. I ask the Senator from Rhode Island to withdraw his motion until this bill can be acted upon.

Mr. ALDRICH. I withdraw the motion if the bill can be passed by unanimous consent.

Mr. CHANDLER. It has been read through, and I do not think anybody will object to it.

Mr. HILL. In the interest of temperance, I hope the bill will be passed. [Laughter.]

Mr. PALMER. I ask the Senator from Rhode Island to withdraw the motion to adjourn, in order that I may be allowed a few minutes.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. CHANDLER. After my bill is passed, I will yield with great pleasure. It will take but a moment.

Mr. PALMER. I accept no terms.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has heretofore been read as in Committee of the Whole, and the committee amendments have all been agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIO SANGUILY.

Mr. PALMER. Mr. President——

Mr. ALDRICH. What becomes of my motion to adjourn?

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to withdraw it.

Mr. ALDRICH. I did not.

Mr. PALMER. If the Senator from Rhode Island is entitled to the floor, no doubt he has a right to make the motion, and I will not oppose it; but I should like to address the Senate for five minutes, my particular purpose being to reply to the Senator from Nevada [Mr. STEWART].

Mr. President, there is a statesman in the White House—a bold, brave, patriotic, manly statesman—whose purpose it is to enforce the laws of the country and international law. The President has endeavored to maintain the strictest neutrality on the part of the United States in this unhappy controversy between Spain and her Cuban colony. I have listened in the Senate to these attacks, and I have regarded the recent Cuban exploitation as a mere tempest in a teapot, which ought not to stand in the way of the proper consideration of the appropriation bills and such other legislation as is incumbent upon the Congress of the United States.

With that statement, sir, I have consumed all the time I desire to occupy.

BUREAU OF AMERICAN REPUBLICS REPORT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of State covering the report of the Director of the Bureau of the American Republics for the year 1896.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 25, 1897.

BONDED WAREHOUSES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a report of the Commissioner of Internal Revenue relative to the discontinuance of general bonded warehouses established under the provisions of the act of August 24, 1894; which was referred to the Committee on Finance, and ordered to be printed.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 22d instant, information relative to the removal of certain employees in the Bureau of Animal Industry at South Omaha, Nebr.; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. THURSTON presented a petition of sundry citizens of Bladen, Nebr., and a petition of sundry citizens of Stuart, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CALL presented a memorial from the Seneca Nation of Indians, remonstrating against the proposed purchase by the Secretary of the Interior of the title or interest of the Ogden Land Company in and to lands embraced within the Allegany and Cattaraugus Indian Reservation, in the State of New York; which was ordered to lie on the table and be printed.

Mr. PLATT presented a petition of the general assembly of Connecticut, praying for the enactment of legislation increasing the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY,
January Session, A. D. 1897.

Concerning an act of Congress relating to letter carriers.

Whereas on the 11th day of June, 1896, the Senate of the United States passed a bill known as S. 3058, to regulate the salaries of letter carriers, and which provides that in cities of 75,000 or more inhabitants they shall receive for the first year of service $800, and for the second year $900, for the third year

$1,000, and for the fourth year and thereafter $1,200, and that in cities of less than 75,000 inhabitants they shall receive $600 for the first year, $800 for the second year, and $1,000 for the third year of service and thereafter; and

Whereas a similar bill (H. R. 260) has been favorably reported by the House Committee on Post-Offices and Post-Roads, and in addition has received the approval of many State legislatures, city governments, boards of trade, and, without exception, the public press: Therefore,

Be it resolved, That the senate and house of representatives of the State of Connecticut, recognizing the arduous and responsible duties of this branch of the public service, and the fact that for the past nineteen years it has been more than self-supporting, and that the increase in the gross receipts during the last fiscal year will more than cover the additional cost of this measure, do hereby request the members of the Senate and House of Representatives in Congress from the State of Connecticut to use every proper means to secure the enactment of this measure into law.

Resolved, That the clerk of the senate and the clerk of the house be instructed to forward copies of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from Connecticut in Congress.

HOUSE OF REPRESENTATIVES, *February 17, 1897.*

Passed.

FRED A. SCOTT, *Clerk.*

SENATE, *February 19, 1897.*

Passed.

SAML. A. EDDY, *Clerk.*

Mr. PLATT presented a petition of the Christian Endeavor Society of West Torrington, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Manchester, Conn., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial, nonpartisan industrial commission; to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to further protect the first day of the week as a day of rest in the District of Columbia; which were ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STEWART, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH. I renew the motion that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 26, 1897, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 25, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. LACEY. I present a conference report on the bill S. 3328.

Mr. BARRETT. Mr. Speaker——

The SPEAKER. Does the gentleman rise to correct the RECORD?

Mr. BARRETT. I rise to ask a question with that in view. I find on page 2300 of the RECORD the statement:

[During the reading of the bill, Mr. Bryan entered the Hall, and was loudly applauded by members on the Democratic side.]

I ask if that is not an improper thing to put in the RECORD?

The SPEAKER. The Chair thinks it is a very improper thing to put in the RECORD. Is it there?

Mr. BARRETT. I desire to move it be stricken out.

The SPEAKER. The Chair will order it stricken out.

REPEAL OF TIMBER-CULTURE LAWS.

Mr. LACEY. I present a conference report on the bill S. 3328.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment inserting the word "only" in the nineteenth line of said bill.

That the Senate concur in the House amendment inserting after the word "in," in the twenty-first line, the words "North Dakota," and after the word "Dakota," in the same line, insert the words "and Nebraska."

JOHN F. LACEY,
WM. B. ELLIS,
THOS. C. McRAE,
Managers on the part of the House.

R. F. PETTIGREW,
T. H. CARTER,
J. H. BERRY,
Managers on the part of the Senate.

The statement is as follows:

The word "only" was inserted in the nineteenth line of the bill by the House without being considered by any committee of the House, and its retention would repeal the existing law, except in the States of North Dakota, South Dakota, and Nebraska, in relation to commutation of homestead entry after fourteen months' residence thereon.

The words "North Dakota and Nebraska" have been inserted in the twenty-first line of the bill, because the Sioux Indian Reservation extends into both the States named.

Mr. LACEY. Mr. Speaker, I move that the House agree to the conference report.

The conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 948) to remove charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; and

A bill (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to present a conference report on the Agricultural appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9061) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 6, 8, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 22, 25, 26, 27, 28, 29, 30, 31, 32, and 33, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$65,000;" and strike out, in line 20, page 18 of the bill, the word "twenty-five" and insert in lieu thereof the word "thirty;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY,
Managers on the part of the House.

S. M. CULLOM,
M. S. QUAY,
WILKINSON CALL,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

In explanation of this report your conferees beg to submit—

That amendments numbered 6, 13, 15, and 18 refer to the increases proposed by the Senate to the Division of Botany, to the Division of Biological Survey, to the Division of Publications, and a proposed renewal of the sugar investigation; to all of which your conferees refused to agree, and from which the Senate receded.

Amendments numbered 1, 3, 9, 11, 12, 14, 22, and 23 refer to slight increases proposed by the Senate to the Division of Chemistry, to the Bureau of Animal Industry, to the pomological investigation, to the agricultural experiment stations (with a view of ascertaining the agricultural resources of Alaska, with special reference to the desirability and feasibility of the establishment of an experiment station in that Territory), to the Department library, to the contingent expenses of the Department, and to the purchase of seeds; to all of which your conferees agreed.

The bill as passed by the House carried $3,155,702, which amount was increased by the Senate $62,200, making a total of $3,217,902. In conference, the Senate increase was reduced by $35,000, leaving a net increase of $27,200. The total of the bill as agreed to in conference is $3,182,902, being $72,630 less than the amount carried by the Agricultural appropriation act for the current fiscal year.

All the other amendments, namely, numbered 2, 4, 5, 7, 10, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, are merely corrections of errors in printing, punctuation, and totals, and do not affect the general intent or purpose of the bill.

J. W. WADSWORTH,
E. S. HENRY,
J. D. CLARDY.

Mr. WADSWORTH. Mr. Speaker, I move that the conference report be adopted.

The motion was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to present a conference report on the Army appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3 and 4 to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have been unable to agree.

J. A. T. HULL,
R. WAYNE PARKER,
Managers on the part of the House.

M. S. QUAY,
EUGENE HALE,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The amendment on which disagreement is had relates to the Army and Navy Hospital at Hot Springs, Ark. The House provision appropriated for hospitals except the one above referred to; the Senate amendment appropriated specifically for the above hospital. The House conferees proposed an amendment by which the Secretary of War could use in his discretion any part of the general hospital appropriation for the Army and Navy Hospital at Hot Springs, thus placing this hospital on the same basis as all other army hospitals. This was refused by the Senate conferees. After the repeated votes of the House we did not feel authorized to surrender the House contention and report the disagreement, leaving to the judgment of the House further action on the bill.

J. A. T. HULL.
R. WAYNE PARKER.

Mr. HULL. Mr. Speaker, the committee of conference, as stated in the report, was unable to agree in regard to the Hot Springs Hospital. The House, by a specific vote, instructed its committee to insist on the position of the House, which was to leave out the appropriation for this hospital. We found in our conference with the Senate conferees that it was impossible for them—I will not say impossible, but at least that they did not feel authorized—to agree to any proposition which would not meet the approval of the Senators from Arkansas, and it did seem to the conferees on the part of the House that in a full and free conference of the two Houses the contention and the disagreement should be confined to the conferees representing the two independent Houses of Congress. It seems, however, that in this matter there are three legislative bodies, the House, the Senate, and the Senators from Arkansas; and if that is to be the rule of legislation whenever any extravagant matter is foisted upon an appropriation bill, it will be impossible to get away from it unless the Senator or Senators representing the State directly concerned shall rise above his or their own personal wishes and legislate for the good of the people at large.

Mr. TERRY. At that point may I interrupt the gentleman for a moment?

Mr. HULL. Certainly.

Mr. TERRY. I would ask the gentleman if he might not add a fourth legislative body—the chairman of the Committee on Military Affairs? And in that connection I would ask him if it is not a fact that all the members of the committee are in favor of this appropriation except the honorable chairman?

Mr. HULL. I will say to the gentleman from Arkansas that that is not the fact at all.

Mr. TERRY. I have been so advised.

Mr. HULL. The committee is practically unanimous in favoring the doing away with that hospital at Hot Springs. I will say further to the gentleman from Arkansas that the Secretary of War, a member of his own party, after a full investigation of the question, reports that it costs the Government $38,000 a year to keep up that hospital, an average of four and a half dollars a day for every patient.

Now, Mr. Speaker, the conferees and the Committee on Military Affairs (whom the gentleman has brought in question) have felt that it is assuming a very grave responsibility to report back a disagreement in such a shape that a great appropriation for the Army of the United States shall fail. We would not surrender the position taken by the House, but feel like placing on the members of the House the responsibility of deciding. And we have brought the report back in this form, awaiting the further instructions of the House, without any intention on the part of the majority of the conferees to make any motion until the House decides what it desires shall be done.

The gentleman from New York, one of the conferees on the part of the House, while believing—I am certain I do not misrepresent him in this, although he can speak for himself—while believing that the hospital at Hot Springs should be done away with, does not believe that the Army appropriation bill should fail on account of the controversy over this small sum of $38,000. And I will say further that the entire amount, $38,000, is probably not chargeable to that hospital, because if this appropriation should fail, the Army surgeon detailed there and the hospital steward detailed there would probably be assigned to duties somewhere else and receive their salary just as they do now. But the contention on the part of the majority of the conferees on the part of the House is simply this, that the House in these matters of conference is not treated fairly by the Senate; that the House conferees ought to represent the sentiment of the House and not surrender always to the Senate. If the House itself wants to concede the contention of the Senate and continue an institution which is no longer of any benefit to the country, the conferees will not feel that they have been turned down by such action on the part of the House. The House, on full information, can take such action as seems best to each member. If, on the other hand, the House of Representatives should insist on its right in this matter and should prefer to let this bill die, the conferees will be perfectly satisfied with that conclusion.

I now yield to my friend from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, this is a rather important matter, not on account of the hospital at Hot Springs, but on account of the position in which the House finds itself in this conference. We have proposed, as stated in this report, that the general appropriations for hospitals for the Army (which is a lump sum) should be made applicable to hospitals at army posts or elsewhere. The result would be that the Secretary of War and the general in command of the Army could, as to this hospital, as well as to any other post belonging to the Army, send doctors or Army officers or in any other respect take charge of the management. The position which this particular hospital has occupied for the last eight years in our appropriation bills has been unique, the provision having been a direction to the Secretary of War to send doctors to a particular place. This provision was a "rider" in the beginning. The attempt is to put it in as a "rider" now. And the State of Arkansas holds up the Army supply wagon until its "rider" can get aboard and travel with it. Until this is accomplished, the State of Arkansas says the wagon shall go no farther.

Now, I do not think that is legislation. I think it requires two Houses to make an appropriation. We have not objected to the whole matter going before the Secretary of War—not the present Secretary of War, who may be thought to be prejudiced on this subject, but before the new Secretary of War—to be looked into and decided as he pleases. We do object, in the name of the House, that in this marriage relation between the two great bodies constituting the legislative authority of the Government, the wife should say to the husband, "I will not keep house unless my boy has his Noah's ark this year." We believe it takes two to make an appropriation; that when the House sends to the Senate its suggestions with reference to appropriations, that body may disapprove them. It may send suggestions that we may disapprove. We then agree on certain items, but when we have both agreed on these items as necessary for the Army, we do not think it is legislation for the other party to say, "Unless you pass this particular petty appropriation, we will not pass the great Army bill; we will hold it up."

Now, I do not believe the controversy will go to that extent. That effort has not been made. I do not mean to say that the coordinate legislative authority of this Government has threatened this House in that way. But practically it amounts to the same thing. We are at the end of the session, and unless $38,000 or $50,000—I have forgotten what the exact sum is—goes to a particular hospital the Army bill sleeps.

Mr. HOPKINS of Illinois. I wish to ask the gentleman this question: Is it a fact that this bill will fail unless the House conferees yield to the Senate?

Mr. PARKER. I do not believe it. I do not believe that a legislative body of the Government would say that because we do not agree to a special "rider" in favor of a certain hospital, the Army bill shall fail.

Mr. HOPKINS of Illinois. Then it is your opinion, is it, that if the House conferees insist on the elimination of this Senate amendment from the bill, the bill will be agreed to by the Senate and will pass?

Mr. PARKER. It is certainly my judgment. It is my judgment simply because I do not think it has ever been tried by this House.

Mr. HOPKINS of Illinois. Do the other conferees entertain the same opinion that you do on this subject?

Mr. PARKER. You will have to ask the chairman himself on that subject.

Mr. TERRY. I should like to ask the gentleman, on that point, if certain of the House conferees have not threatened that if they do not get their way about this, the bill will be defeated?

Mr. PARKER. Oh, no; we have never made any such threats.

Mr. TERRY. Has it not been so stated?

Mr. PARKER. It never has been, to my knowledge.

Mr. HOPKINS of Illinois. In the time of the gentleman from New Jersey [Mr. PARKER], I should like to put the same question to the chairman of the Committee on Military Affairs [Mr. HULL], so that the House may know.

Mr. HULL. Mr. Speaker, that is a mere matter of judgment. I can only say that the conferees on the part of the Senate have said that they would not consent, and the Senate would not consent, to allow us to drop the hospital at Hot Springs.

I do not care to go into all the details of our conference, but I

should like to say that, in my judgment, the Senate will not agree to the Army bill with this proposition stricken out, unless the Senators from Arkansas themselves consent to its passing the Senate.

That is my best judgment on the subject, and if my friend will yield just a minute, I want to say in answer to what the gentleman from Arkansas [Mr. TERRY] has said, that there has been no threat on the part of the conferees of the House. There has been this statement: That we did not believe that the House would consent; but there has never been any proposition that we were not willing to refer it to the House without prejudice, and let the House have a square vote on this question; but we have not been able to get that much from the Senate conferees. If we could have done that, we should have been satisfied. We have never been able to get the Senate to report the proposition that we made, or to insert in these amendments the proposition referred to by the gentleman from New Jersey [Mr. PARKER] to put the whole matter, by the specific terms of the bill, under the control of the Secretary of War, and let him use his discretion as to this hospital, as he does about every other hospital in the United States, and let the Senate vote on that proposition. We could get no concession.

Mr. TERRY. On that, since the gentleman has stated——

Mr. HULL. The gentleman from New Jersey has the floor.

Mr. TERRY. I want to ask you a question.

Mr. PARKER. I should be glad to finish my statement. There will be plenty of opportunity to ask questions.

Mr. TERRY. I wanted to ask it in that connection.

Mr. PARKER. I only want to say one word more. Under the Constitution this House has a right to originate revenue bills. It has always been understood that that term included appropriation bills. This present practice would make the House simply submit estimates of those bills. The House would propose and the Senate dispose.

It is hard to say to what extent the House will be asked to enact what it does not want for fear of the failure of a good measure. Only last session it sent over to the Senate a bill to raise revenue for this country, and got back the statement that it must give free coinage or there would be no bill for revenue. It then sent over a bill to reduce the interest on the public debt, and got back the answer that there must be free coinage or there would be no reduction of interest. I am not discussing the merits of these matters, I am only speaking of the position and practice between the House and the Senate. We now send to the Senate an Army bill, carrying appropriations needed for the support of the Army, and it is said that, unless the House is made to do what it does not want to do, that is, agree to a certain particular hospital, the bill will fail.

I yield back the balance of my time to the chairman.

Mr. McCLELLAN. I move that the House recede from its disagreement with the Senate amendment and concur in the same.

I do not want, Mr. Speaker, to discuss the merits or demerits of the hospital at the Hot Springs of Arkansas. That has already been done at great length while the Army bill was under consideration in Committee of the Whole. The point made by the gentleman from New Jersey [Mr. PARKER] and the gentleman from Iowa [Mr. HULL] is not that this appropriation is extravagant, for it has been variously estimated that if the hospital is discontinued there will only be a net saving of from $3,700 to $6,000 annually; but I take it that it is because in some way, a way which I confess is not clear to me, the House, by concurring in this amendment, will suffer some loss of dignity, some loss of prestige. Now, as a matter of fact, in the various conferences that we have had the Senate has yielded on some amendments and we have yielded on others. Perhaps the amendments yielded have not involved the grave question that this amendment is said to involve—the question of the constitutional rights and powers of the House; but, nevertheless, both the Senate and House have yielded.

This appropriation for the hospital at Hot Springs, Ark., is one that has been carried on the Army appropriation bill year after year ever since the hospital was built. Possibly technically it has not been a change of existing law; but certainly it has amounted to that. When the House struck out the appropriation for this purpose it made an innovation. The Senate does not ask any new legislation. It merely asks to restore the appropriation that has been made every year for a number of years past. And, moreover, it has been the almost invariable custom that where one House proposes new legislation, and the other House declines to agree to such new legislation, the House proposing the innovation yields. We are confronted with one of two propositions; for I agree with my friend the chairman of the committee that if we do not agree to this amendment the bill will fail. We are confronted with one of two propositions—either that we will preserve our sacred dignity inviolate or that the bill will fail; and we will then be subjecting the Army to the risk and the House to the inconvenience of having the whole question up again in the extra session, and being confronted again with this very proposition of the dignity of the House of Representatives.

Mr. LOUD. I would like to ask the gentleman is it a question of dignity or right. Should this amendment be in this bill?

Mr. McCLELLAN. In view of what the Surgeon-General has said in his report about this hospital, I think it should. I have changed my mind, I am very frank to say. On the other hand, Mr. Speaker, if we are willing to yield and concur in the Senate amendment, there is no question but that the bill will pass. That is the only point in dispute; and much as I dislike to disagree with my colleagues on the conference committee, I was unwilling to sign the report and in the last five days of the session make it absolutely certain that the bill would fail. I have felt that there was no other course for me to follow but to take the responsibility of stating the facts in the case as I understand them and of submitting this motion to the House and urging that it be agreed to. I reserve the balance of my time, and yield to my friend from Wisconsin [Mr. GRIFFIN] such time as he may desire.

The SPEAKER. How much time does the gentleman yield?

Mr. McCLELLAN. Such time as the gentleman may desire.

Mr. GRIFFIN. Mr. Speaker, I am not one of those who are so sensitive with reference to the respective rights of the two legislative bodies concerning matters which necessarily come before them for concurrent action as some of the other members on the Committee on Military Affairs. I am willing to concede the fact that the conferees on the part of the House have diligently and in good faith exhausted all their powers, their persuasion, and their ingenuity to secure an agreement with the conferees of the Senate; but having done so, and having failed, I believe it is the duty of the conferees on the part of the House and of this House to agree to the Senate amendment. If it were a change that the Senate was effecting from the usual course of things, I would view it differently; but we are the body who are asking for the change, not the Senate. Ever since 1883 this hospital at Hot Springs has been maintained. It is true that one of the officers of this Government has expressed the idea that it has not quite met the expectations, and that it may not meet the expectations, of those who were instrumental in its construction and opening. Nevertheless, Mr. Speaker, to my mind this is not the time when we should curtail the military establishment of this Government. There may not be, and yet it seems to me that I can see in the distance a speck that might be an indication of trouble with some foreign nation. With that in view, and laying aside the personal pride of this House and of the members of the committee of conference of this House, casting that aside, I believe it to be the duty of this House to accept the Senate amendment.

Mr. SAYERS. Will the gentleman allow me one question?

Mr. GRIFFIN. Certainly.

Mr. SAYERS. What amount of dollars and cents is involved in this difference between the two bodies.

Mr. GRIFFIN. It is said $38,000. I do not verify that.

Mr. McCLELLAN. The net saving to the Government has been estimated at from $3,700 to $6,000.

Mr. SAYERS. So that even if the Senate should recede from the amendment there would only be a saving of $3,500 to $4,000.

Mr. McCLELLAN. Probably $6,000 net.

Mr. HULL. Will the gentleman yield to me for a minute?

Mr. GRIFFIN. Certainly.

Mr. HULL. I would like to fully explain this. The Secretary of War gave a detailed statement in an explanation of the House bill and he put it at $38,000. Now, then, there may be a saving of more or less of part of that made by the army surgeons being detailed to other places. The contention of the Secretary of War is that you may be able to reduce the force in the Medical Department, if there is any other place for them to work; so that he puts the saving at $38,000.

Mr. DOCKERY. Will the gentleman allow me a question right there?

Mr. GRIFFIN. Certainly.

Mr. DOCKERY. I am not familiar with the merits of this controversy. I do not know whether the Senate or the House conferees are right; but there is an unbroken rule prevailing between the two Houses which has come to be regarded as unwritten law. It ought to settle this question. I understand this to be the rule: That where one body proposes any new legislation, if the other body persists in antagonizing it the body proposing the new legislation must in the end recede. Now, I do not know whether this is new legislation or not, but I have merely stated the rule as I understand it.

Mr. SAYERS. I would say to the gentleman that that ought to be the rule and generally is the rule, but it is not by any means an unbroken one.

Mr. GRIFFIN. That is the very point I am contending for. We introduced this proposition into the Army bill as new legislation. The Senate say, and they have a right to say, that they will not accept that change, and the gentleman from Missouri [Mr.

DOCKERY], who is largely experienced in the methods by which legislation is accomplished, tells us that under the custom it is our duty ultimately to recede in this case, or, rather, to accept the Senate amendment.

Mr. DOCKERY. I do not know anything about this controversy. I was speaking generally.

Mr. GRIFFIN. But you said that the body which had proposed new legislation to which objection was made by the other branch of Congress ought in the end to recede; that that was the custom.

Mr. DOCKERY. I think that is the rule which usually obtains as between parliamentary bodies.

Mr. LOUD. I would suggest, however, that that rule does not apply to the Senate. They always insist. [Laughter.]

Mr. GRIFFIN. Well, Mr. Speaker, I do not believe when we are conducting a discussion in this House in saying anything which tends to array the Senate against the House, or the House against the Senate. Furthermore, I do not believe it is good policy on the part of this House to question the methods of the Senate in determining what they will or will not do. If Senatorial courtesy is so far respected in that body that the Senators from the State of Arkansas may say to the Senate, or to the conferees, that a bill shall not pass unless a certain proposition shall be retained in it, it is not for us to question that. That is one of the Senate's own methods, one of its own customs, with which we have nothing to do. This appears to me, Mr. Speaker, to be treated by some gentlemen as wholly a question of pride, and in my opinion such a consideration ought not to have any place in this controversy. The Senate has the undoubted right to say that it will not pass a measure unless a certain proposition shall be included in the measure. Even on bills for raising revenue, the right to originate which rests exclusively in this House—that exclusive right of origination on our part does not debar the Senate from proposing changes or amendments in such measures. That right is explicitly guaranteed by a provision of the Federal Constitution, and why, on an occasion of this kind, should we be so sensitive about a matter for which we are alone responsible in the first instance, when the Senate, in the exercise of its right, says that it will not accept this bill unless such a provision is contained in it?

Mr. Speaker, this Hot Springs Hospital, although singled out by name in the bill, is not, as the gentleman from Iowa would have the House infer, made the subject of a special appropriation. The bill names this hospital and mentions others generally, but when it comes to fixing the appropriation it is found to be made in a gross sum.

Mr. LITTLE. I will ask the gentleman whether it has not been the uniform custom to mention this hospital in the appropriation bill?

Mr. GRIFFIN. I understand that it has been the custom for several years.

Another point, Mr. Speaker. The Surgeon-General of the Army, who is supposed to be closer to this institution and to understand more about its advantages than perhaps the Secretary of War himself, speaks of it in his report with much favor. Now, I would rather accept the testimony of the Surgeon-General as to whether this hospital is a desirable institution or not than the testimony of an officer of the Government who does not come in such direct contact or association with institutions of this kind, and, under all the circumstances, I believe that this House would maintain its honor and its proper pride in a much more becoming manner by accepting the motion of my friend from New York [Mr. MCCLELLAN] and by receding from the position that it took originally. I yield back to the gentleman from New York the remainder of the time.

Mr. MCCLELLAN. I reserve the balance of my time, Mr. Speaker.

Mr. HULL. Mr. Speaker, I confess that I am somewhat surprised at the position taken by my colleague on the committee, the gentleman from Wisconsin, not on the proposition to recede, but on the general argument. I concede that the Senate has a right to reject any proposition that may be sent to it by the House, but if I were making the statement I would not limit that right to the Senate. It seems to me that while my friend was contending for the rights of the Senate in that respect he might have very gracefully added that the House has the same right if, in its judgment, it chooses to exercise it, to even refuse its assent to any proposition in the bill.

Mr. GRIFFIN. That is well understood.

Mr. HULL. So is the right of the Senate well understood; yet I understood my friend to make his argument altogether upon the right of the Senate.

Mr. GRIFFIN. The right of the House was stated before I rose to address the Chair.

Mr. HULL. Well, Mr. Speaker, it seems to me that the two Houses ought to stand upon a plane of equality. Now, I want to very briefly put before this body the position of the majority of the House conferees as I understand it, and if I misstate it my friend from New Jersey [Mr. PARKER] will correct me. We are not contending that the House has not the right to recede and agree to the Senate amendment; but we are contending that, representing the dignity and power of the House of Representatives in this conference, we were not at liberty, after the three votes of the House upon this question, to surrender the position which the House had taken and hand this body over to the Senate without power to assert its own dignity, its own rights. If the House, in this matter, shall vote for the proposition of the gentleman from New York [Mr. MCCLELLAN], the conferees on the part of the House will still be fully satisfied with the position they have taken, and will feel that they have faithfully guarded the rights of the House in the matter up to this point.

Now, let me refer a moment to a point raised by my friend from Missouri. This is an anomalous proposition—to designate specifically by name a particular hospital in an appropriation bill—doing away with the discretionary power of the Secretary of War as applied to all other hospitals. It has been done heretofore only in the case of this hospital at Hot Springs.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. HULL. I will in a minute. If we are to concede in this case the right of the Senate to stop all appropriations for the Army, unless we agree to this particular matter, then we shall be met by this same method of proceeding hereafter.

The proposition in this case is different from a mere question involving new legislation, because we offered to put into this bill the words "at army posts and other places," so as to include all hospitals. Special provisions of this kind on appropriation bills should not be considered permanent law. Our contention was that in an appropriation bill we ought not to single out a particular hospital and by name insist that the Secretary of War must use a part of this appropriation for that particular hospital. I now yield to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Is it not a fact that it has been the uniform custom in our Army appropriation bills to mention specifically this hospital at Hot Springs; and is not the reason of it that this is a general hospital—an army and navy hospital? I ask the gentleman whether the naming of the hospital by the Senate in this amendment is not simply in keeping with the uniform custom on these bills?

Mr. HULL. I have stated that such has been the rule ever since this hospital was established.

Mr. LITTLE. So it is not a change.

Mr. HULL. But I think the rule is a bad one, and the sooner it is broken the better; and I do not believe such a provision on the bill of last year should bind us this year.

With regard to the suggestion that this hospital is unique, and that unless it be named specifically the Secretary of War can not use any part of this fund for its support, I wish to say to gentlemen of the House that there is nothing in such a contention. The whole force of the suggestion would be obviated by putting in the words we have proposed. The effect of a provision in that form would be that the money appropriated could be used in accordance with the discretion of the Secretary of War for this hospital on the same basis as all other hospitals.

Mr. DOCKERY. I am not advised as to the contention in this case; and the gentleman will allow me to ask whether the proposition now in issue is a new item of legislation?

Mr. HULL. The proposition in issue is to this extent a new item—that we propose to leave out of the appropriation bill words that have heretofore been in it.

Mr. DOCKERY. Which body originated the new legislation?

Mr. HULL. We did, if it can be called new legislation.

Mr. NORTHWAY. Have the conferees on the part of the House any recommendation to make to the House in relation to this matter?

Mr. HULL. That is a very hard question. Our object is to put the House in possession of all the facts in the case; and the question whether this bill shall fail or not will be decided by each individual member of the House for himself.

Mr. NORTHWAY. If the committee of conference has any recommendation to make to the House, I propose to vote in favor of that. If not, then this is an independent proposition for the House to deal with.

Mr. HULL. That is exactly what I have been trying to make the House understand. I want it to feel that it is an independent proposition. While in my opinion there are some members of the Senate who will do what they can to pass the bill in accordance with the House contention, I am absolutely satisfied that the bill will fail unless we agree to the contention of the Senate. The question now for each member of the House to determine is whether as an individual member he is willing to contend for the position of the House to the extent of letting the Army bill fail if that position be not assented to.

Mr. HYDE. Is it contemplated in any quarter to abolish this hospital? Is that question involved in the conference report?

Mr. HULL. Under the amendment proposed by the House it

was intended to close the hospital at Hot Springs. In the amendment proposed by the Senate it was made obligatory that the Hot Springs Hospital should be kept up. In the proposition of the House conferees it was proposed to leave the whole matter with the Secretary of War. I think that answers the gentleman's question.

But the point which I want to impress upon the House is simply this: That each member is as competent to determine whether a great appropriation bill should fail as are the members of the committee of conference on the part of the House. What we desire is that each member shall vote as he pleases, with the understanding that we leave with the House itself the question whether the position of the House shall be surrendered or shall not be. We were not willing, as conferees, to submit to the demands of the Senate. The House can do as it pleases.

Mr. MCCLELLAN. Does any gentleman desire to continue this discussion? [Cries of "Vote!" "Vote!"]

Mr. NORTHWAY. I should like to say a word or two.

Mr. MCCLELLAN. I yield to the gentleman.

Mr. NORTHWAY. While I have once voted to reduce this appropriation, yet I look at the question in this way: If a bill were introduced here to repeal the whole law pertaining to the hospital at Hot Springs, no one would contend that the Senate would not have a right to pass upon that measure, and if they declined to assent to it, no one could stand here and say that they were not exercising their constitutional right. Now, can we indirectly undertake to repeal a law by reducing an appropriation, and ask that the Senate shall be bound by that? I submit not.

The question being taken on the motion of Mr. MCCLELLAN that the House recede from its disagreement to the Senate amendment and agree to the same, the motion was agreed to.

On motion of Mr. MCCLELLAN, a motion to reconsider the last vote was laid on the table.

PACIFIC RAILROADS.

Mr. HUBBARD, from the Committee on Pacific Railroads, by unanimous consent, submitted the views of the minority on the bill H. R. 10294, to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned; which were ordered to be printed.

ORDER OF BUSINESS.

Mr. LOW and Mr. MILLER of Kansas addressed the Chair.

The SPEAKER. The Clerk will proceed with the regular order, which is the call of committees.

The Committee on the Judiciary was called.

SUPREME COURT OF OKLAHOMA TERRITORY.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on the Judiciary to call up the bill (H. R. 3278) to amend section 1 of an act approved December 1, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to provide for two additional associate justices of the supreme court of Oklahoma, and for other purposes," approved December 21, 1893, be, and the same is hereby, amended so as to read as follows:

"That hereafter the supreme court of the Territory of Oklahoma shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, and a majority of the judges sitting must concur to render an opinion reversing a judgment or other determination of the district court."

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Mr. HENDERSON. I will ask the Clerk to read the report.

The report (by Mr. BAILEY) was read, as follows:

The Committee on the Judiciary have had under consideration House bill 3278, and report the same back to the House with the recommendation that it pass.

Mr. HENDERSON. I ask for a vote.

Mr. NORTHWAY. Is the bill unanimously reported?

Mr. HENDERSON. Yes.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

THE POSTAL SERVICE.

Mr. HENDERSON. I am also directed to call up the bill (H. R. 4808) to increase the efficiency of the postal service. I will yield to the gentleman from Missouri [Mr. BURTON].

The bill was read, as follows:

Be it enacted, etc., That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

SEC. 2. That it shall be lawful for any inspector of the Post-Office establishment of the United States to arrest, or, in case of escape or any attempt to escape, to pursue and arrest, any person found violating any act of Congress relating to the postal service, or for crimes against postal laws, and to bring said person or persons when so arrested before the nearest magistrate having jurisdiction in such cases, to be dealt with as the law directs.

SEC. 3. That every inspector of the Post-Office establishment of the United States authorized to make arrests by this title shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an inspector, and shall have authority to demand of any person, present or near at hand, to assist him in making any arrest authorized by this title, where such assistance may be deemed necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $200 nor less than $5.

SEC. 4. That every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes, with any inspector of the Post-Office Department, or any person assisting him, in the execution of his powers and duties under this title shall be guilty of a misdemeanor and be fined not less than $100 nor more than $2,000, or be imprisoned not less than one month nor more than one year, or both, for each offense.

The Committee on the Judiciary recommended an amendment striking out sections 2, 3, and 4.

Mr. HOPKINS of Illinois. After those sections are stricken out, how will the bill read?

The Clerk read the bill as proposed to be amended, as follows:

That any person duly appointed as an inspector of the post-office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Mr. MCMILLIN. I should like to have the report read.

Mr. HOPKINS of Illinois. This is a very important change of the law, and I should like to have some explanation.

Mr. HENDERSON. Let the report be read, and the gentleman from Missouri [Mr. BURTON] can make a statement.

Mr. BURTON of Missouri. I think the report will explain it. I shall be glad to answer any questions that may be asked.

The report (by Mr. BURTON of Missouri) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4808) to increase the efficiency of the postal service, having had the same under consideration, submit the following report:

That sections 2, 3, and 4 be stricken out, and that the bill as so amended do pass.

There are many violators of the laws governing the postal service who escape prosecution because of the inability of the inspectors of the Post-Office establishment to procure their arrests. Under the present law the inspectors are not authorized to arrest offenders, but are compelled to procure warrants and the service of United States marshals or their deputies. In many instances it is absolutely necessary that the offenders should be arrested immediately upon discovery; otherwise they make their escape. The bill as recommended confers upon the inspectors the same powers of arrest as are now possessed by United States marshals and their deputies and the sheriffs and their deputies in the several States.

This will enable the inspectors to arrest without warrant upon reasonable suspicion justified by the facts and circumstances surrounding the case, but will not relieve them from liability for arrests made without reasonable care. The efficiency of the postal service will be greatly promoted by the passage of the bill as recommended.

Mr. HOPKINS of Illinois. I should like to ask if this bill has been recommended by the Post-Office Department?

Mr. BURTON of Missouri. It has.

Mr. HOPKINS of Illinois. Has it been submitted to the Attorney-General or the Department of Justice?

Mr. LOUD. Let me say to the gentleman that this bill was drawn by the Assistant Attorney-General for the Post-Office Department, and has been earnestly urged for a number of years. The bill, in the shape in which it was introduced, was drawn by the Assistant Attorney-General.

Mr. HOPKINS of Illinois. It is a radical departure——

Mr. MILES. And I will say, with the permission of my friend, that some matters which seemed to the Judiciary Committee to be objectionable were stricken out, and the bill is really more conservative than it was when introduced into the House.

Mr. MCMILLIN. On that subject I should like to ask my friend——

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has the floor.

Mr. MCMILLIN. After the gentleman from Illinois has concluded, I will ask my question.

Mr. HOPKINS of Illinois. I will suggest to the gentleman in charge of the bill that this is a radical departure from established law that has been in force in this country since the foundation of the Government. The selection of these post-office inspectors has heretofore been made for other purposes than the one designed by this bill. In selecting a marshal or a sheriff we look for different qualities than we do in a man who is to act purely as a post-office inspector.

Post-office inspectors are now under the civil service. These men have a life tenure. They have been put in that position without any reference at all to the additional duties that will be

imposed upon them if this bill shall become a law, and it seems to me that we ought to be a little careful in making such a radical change as is here proposed. I should certainly want my friend from Missouri [Mr. BURTON] to give some more reasons than are stated in the report of the committee why Congress should make this change. Now, I do know from my observation in a number of cases that if in those cases this authority had been allowed to a post-office inspector, great trouble would have come to innocent men. They are not men of that broad discretion and conservative temperament that ought to be trusted with such power and authority as are granted in the bill itself.

Mr. BURTON of Missouri. In answer to my friend from Illinois, I think it can be truthfully said that the post-office inspector as a rule is on a parity with the sheriff or deputy sheriff, respectively, in the several States. I do not apprehend that there has been any disposition on the part of the Post-Office Department to appoint as inspectors men who are not qualified, or to appoint them for any other purpose than to secure a proper enforcement of the postal laws. Now, then, let it be understood that there are many violations of the postal laws wherein the violators not only escape prosecution, but arrest, because of inability of inspectors to arrest. It is only necessary to call my friend's attention to that infant and growing industry, "green goods." Frequently the post-office inspector runs down and ascertains the party who does the "buncoing" in connection with that industry, and then, before he can secure from a commissioner of the United States a warrant for his arrest, the party makes his escape.

In order that the House may clearly understand what power is conferred by this bill, let us for a moment contemplate what are the powers of arrest. Any citizen has the right to arrest anyone who has committed a felony, either with or without a warrant; but if a private individual arrest one without a warrant, and he be sued for false imprisonment, then, in order to protect himself from money liability, he must prove not only that a felony has been committed, but that the particular party whom he arrested committed that felony. Officers are authorized to arrest without warrant, upon suspicion, provided that suspicion is justified by the facts and circumstances surrounding the case. Wherefore, if a United States marshal or a deputy marshal, or a sheriff or a deputy sheriff, without a warrant, arrest one for the alleged commission of an offense, and it appears on investigation that he had reasonable cause to believe that a crime had been committed, and the party whom he had arrested committed that crime, then, although he may have been mistaken, he can not be mulcted in damages. This bill merely proposes to confer upon an inspector of the Post-Office Department the right, whenever the circumstances or the facts in a case will justify him, to make an arrest. If he makes an arrest when the facts and circumstances do not justify it, then, of course, he is liable to be mulcted in damages. In other words, this bill confers upon the inspectors of the Post-Office Department just the same authority and power that is now conferred under the internal-revenue act upon officers who are called upon to enforce the provisions of that law. This bill came before the Committee on the Judiciary. We were of the opinion that the second and third sections of the bill, which confer special powers upon these inspectors, ought not to be enacted, but we did believe——

Mr. MILES. Those were all stricken out.

Mr. BURTON of Missouri. Those were all stricken out. But we did believe that it would be quite in harmony with our system of government, so far as powers are conferred upon officers, and in the interest of justice, of law, of order, and of prompt capture and punishment of those who from day to day are violating the postal laws, that these inspectors should have conferred upon them the powers that are now conferred by law upon sheriffs, deputy sheriffs, United States marshals and deputy United States marshals, and internal-revenue inspectors.

Mr. McMILLIN. Will the gentleman permit a question at that point, if it does not interrupt him?

Mr. BURTON of Missouri. Certainly.

Mr. McMILLIN. Marshals of the United States have jurisdiction given to them by the laws of the United States, and that is confined to the laws of the United States; but under the peculiar wording of this statute you give these officers not only the jurisdiction now given to the marshals under the law of the United States, but go beyond that, and give the constabulary authority that applies to the State where the offense occurs. It strikes me in some cases you may give these officers jurisdiction beyond that which the marshal has by reason of the fact that you clothe them with double authority.

Mr. BURTON of Missouri. Mr. Speaker, I think my friend has not correctly read the bill.

Mr. McMILLIN. This is the paragraph to which I call attention, and maybe in the haste of debate I have not given it the proper consideration. They—

Shall have in each State the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Mr. BURTON of Missouri. My friend will see that the powers of these inspectors are limited in these lines to the enforcement of the postal laws—none other.

Mr. HOPKINS of Illinois. Oh, no; the gentleman is mistaken about that. That says that he shall have the same powers of arrest that the State gives to the sheriff and the deputy sheriff.

Mr. BURTON of Missouri. Oh, no; "That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have in each State the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof."

Mr. McMILLIN. The point I was making to my friend was that whereas the constables and sheriffs of one State may have one authority, like officers in another State may have another authority; so that you may be giving these inspectors greater authority in one State than they will have in another, instead of making their authority uniform.

Mr. BURTON of Missouri. I think not. I think the general power of arrest, either under warrant or without it, is substantially the same in every State in the Union.

Mr. McMILLIN. I have had to take the bill as it struck me in the hurry of debate, and I may not have caught its true import.

Mr. NORTHWAY. Let me ask the gentleman from Missouri this question: If one of these officers should arrest a man without just cause, would he be liable the same as a sheriff or deputy would be liable?

Mr. BURTON of Missouri. Exactly so. When he arrests any person arbitrarily, without reason or excuse, for a violation of the postal laws, he can not justify himself by saying "I am a post-office inspector, and therefore I am at liberty to do this thing without being called to account." He must justify every arrest he makes, if it be called in question, by showing that he had reasonable ground for making the arrest.

Mr. RAY. Mr. Speaker, I desire to say, and particularly to say to my friend from Illinois [Mr. HOPKINS], that under the former administration of the Department of Justice this law was cordially approved by that Department, and they would have conferred powers even more extensive than we propose in this bill. The officers of the Department of Justice under the present Administration also cordially approve of this proposed law. It can work no harm, and it will work a great deal of good. The evil sought to be reached is principally this: The inspectors go out through the country and they find that crimes are being committed, violations of the postal laws and regulations. Most of those crimes are committed by professionals, men who generally are not known in the communities where the offenses are committed. The inspectors get upon the track of these criminals and chase them down, and finally catch them red-handed at some post-office, engaged in the commission of a crime against the postal laws. Remember, these criminals are generally unknown in the communities where they operate. In such a case the inspector, being without power to arrest, is compelled, under the existing law, to go to some officer of the law and make a complaint and swear out a warrant before he can arrest the offender, and in the meantime, while he is doing that, the offender discovers that he is being followed and is about to be arrested, so he disappears, runs away, and the criminal law is absolutely defeated for want of this power of arrest in the inspectors.

Mr. SAYERS. If the general rule of law which applies to the arrest of persons charged with offenses is to be broken in this instance, why should it exist at all?

Mr. BURTON of Missouri. It is not broken in this instance.

Mr. SAYERS. It is broken when you propose to allow these men to make arrests without an affidavit.

Mr. BURTON of Missouri. I would answer my friend from Texas by saying that it is not proposed to break the general rule of law and authorize anybody and everybody to make arrests. The proposition is to confer that power upon officers who have been particularly designated for this special work and whose work is incomplete because of the want of the power to arrest.

Mr. SAYERS. Why should not the same principle apply to every executive officer, every marshal and every deputy marshal?

Mr. RAY. This is not breaking the ordinary rule at all. If a deputy marshal or a marshal of the United States comes upon a man engaged in the commission of a crime, he has a right, under the existing law, to arrest him. In the State of New York and in most of the States of the Union, every officer, sheriff or deputy sheriff, constable or marshal, may arrest a man without a warrant when he finds him in the commission of a crime.

Mr. SAYERS. Yes, when he finds him in the very act.

Mr. RAY. In the very act.

Mr. MILES. The officer always makes the arrest at his peril, and he does so under this bill.

Mr. RAY. Certainly. In many of the States of the Union even a private citizen may arrest an offender without a warrant.

Mr. BURTON of Missouri. He may; but he takes the risk.

Mr. RAY. Now, in this case is there any good reason, in the interest of justice, why these inspectors, who are responsible to the community and to the Government, who are good men, selected because of their wisdom and discretion, should not have power to arrest offenders against the postal laws of the United States when they find those offenders engaged in the commission of some crime? This power can not be abused, while it ought to, and it must, result in great good. The Committee on the Judiciary, after a full investigation, were unanimous in favor of the bill.

Mr. TERRY. Not unanimous; I beg the gentleman's pardon. I was opposed to it, and am still opposed to it.

Mr. RAY. I am sorry to hear that. I did not know that the gentleman had opposed it, and I thought the committee were unanimous, and I can still say that they were substantially unanimous in recommending the passage of the bill.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire to make one or two suggestions in opposition to the passage of this bill in its present form. I think there is a wide difference between clothing one of these post-office inspectors with the powers of a United States marshal or a sheriff in one of the States, and clothing with such authority a person specially qualified for the performance of such duties by appointment in the regular way. These post-office inspectors become detectives, and a parallel to the action here proposed would be to clothe a Pinkerton detective with the authority of a marshal or a sheriff when searching out crime. We know, Mr. Speaker, what a strong protest has gone up in this country from the labor organizations because in a few instances these private detectives have been granted by local authorities the power of deputy sheriffs. It has been claimed, whether truthfully or not, that such persons have exceeded their authority—have deprived honest men of their liberty when it would never have been done had the exercise of the authority in question been in the hands of a person other than a detective. That is one of the reasons why I think this House should pause before it clothes these detectives of the postal service with this authority.

The next objection to the bill to which I wish to call the attention of gentlemen in charge of it is this: The gentleman says that if a man is unlawfully arrested, he has his action against the post-office inspector the same as he would have against the marshal or the sheriff. But I observe, Mr. Speaker, that the bill embraces no provision requiring bondsmen. A United States marshal is required to give a bond; a sheriff in any of the States is required to give a bond; but there is no provision of that kind with reference to these inspectors.

Mr. BURTON of Missouri. Does my friend assume that a marshal is liable on his bond for an unlawful act of his deputy—an unlawful arrest?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. BURTON of Missouri. Well, I differ with my friend on the proposition of law.

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest acting under the color of his official authority, his principal, the sheriff, is liable and his bondsmen are liable upon an action brought against the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond for the faithful discharge of his duty and that of his deputies, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable on good and sufficient bonds for their unlawful acts. That the bill as now framed does not do this is one of my objections to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois, if done under color of his office; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY], and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 786 of the Revised Statutes of the United States reads as follows:

SEC. 786. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of $20,000, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

It will be noted that the condition of the bond is simply "for the faithful performance of said duties," not that he will not do unlawful and unauthorized acts—that he will not commit torts and wrongs affecting the rights of individuals.

Now, that statute has been up for construction many times, and it never has been held that the marshal is liable for a tort committed by him while in the discharge of his duties, such as an illegal arrest, or an assault and battery, or a murder, or anything of that character. The bond is for the faithful discharge of his duties, and it does not bind his sureties so as to make them responsible for assaults and batteries or anything of that sort, something that it is not his duty to do.

Mr. TERRY. I should like to ask the gentleman if the marshal and his deputies are not responsible for acts done under color of their office?

Mr. RAY. They are personally responsible, of course, for all wrongs committed by themselves.

Mr. TERRY. Are not their bondsmen responsible for all acts done under color of their office?

Mr. RAY. These officers are responsible personally if they make an illegal arrest.

Mr. TERRY. Are not their bondsmen responsible?

Mr. RAY. They are responsible personally if they commit an assault and battery; but their bondsmen are not liable for their torts or wrongs where they go outside of the discharge of their duties.

Mr. TERRY. A malicious assault and battery is not virtute officii, or colore officii—neither by virtue of his office, nor under color of his office—but an illegal arrest, done by a marshal or a deputy marshal, is by color of his office.

Mr. HOPKINS of Illinois. And the bondsmen are responsible?

Mr. RAY. It has never been so held.

Mr. HOPKINS of Illinois. It has been so held.

Mr. RAY. It has been held directly the contrary. If an officer departs from the command of the process under which he acts and assumes power and authority, and so commits a wrong while holding office, the sureties in his bond are not liable. If he assumes power that he does not possess and so commits a trespass on property or on the person of another, the sureties are not liable. Such acts are not within the conditions of the bond.

Mr. WATSON of Ohio. Is there anything in that section that provides that the bondsmen of a United States marshal are not so responsible?

Mr. RAY. It does not read that they are not responsible, nor that they are, for an assault and battery or an illegal arrest.

Mr. DOOLITTLE. Or a false imprisonment.

Mr. RAY. Or a false imprisonment. They are liable, undoubtedly, if they commit such an act; but their bondsmen are not liable.

Mr. HOPKINS of Illinois. The bondsmen are liable for anything that the officer is liable for, done under color of his office.

Mr. WATSON of Ohio. There are ten suits now pending in the courts in the city where I live involving that liability.

Mr. RAY. That may be, but the plaintiff will be defeated.

Mr. TERRY. Mr. Speaker, I was opposed to this measure in the Committee on the Judiciary for substantially the reasons that have been so ably urged by the distinguished gentleman from Illinois [Mr. HOPKINS]. I am still opposed to this measure. The ostensible purpose for which the passage of this bill is urged is to accomplish the arrest of "green-goods men."

Now, in order to accomplish one particular object it is proposed to enact the vicious legislation of arming post-office inspectors with the power to make arrests in all cases of alleged violations of the postal laws. If there is real necessity for legislation of this kind, so as to reach the dealers in "green goods," why not limit the bill to that?

Mr. MILES. The purpose of the bill is only to reach cases growing out of the violation of the postal laws.

Mr. TERRY. Oh, I understand that; but the real violation of the postal laws which you say you want to stop by this drastic measure is the dealing in green goods.

Now, if that be the object of the bill, why not limit it to that? Why clothe these petty officials with this sweeping power to invade the sacred rights of the American citizen? There is already too much machinery provided in this land for the invasion of the rights of American citizens. This is another stone piled upon that towering Cæsar's column that is already overshadowing the liberties of the people of this country.

Mr. RAY. May I ask my colleague a question right there?

Mr. TERRY. I will yield to you later on. I say there is already too much machinery. It is already too easy for an irresponsible power to trample under foot the rights of American freemen. It is sufficient that the marshals and deputy marshals and sheriffs and deputy sheriffs—men who, by coming into constant contact with the courts and the judges, are taught something of conservatism, are taught to respect the rights of the citizen—it is enough that men of that character, who learn conservatism by judicial contact, should be clothed with the right to arrest American citizens.

Now it is proposed to send forth the creatures of the civil service—these petty Federal officials—clothed with the right, without warrant, to arrest an American citizen! Do you members here know how officious a lot these petty post-office inspectors and officials are? How they are constantly, in order to secure a record of efficiency, hounding the hard-worked and poorly paid fourth-class postmaster, and deviling him with all kinds of petty criminations and charges? Do you want to have that evil legalized and spread over all the districts of this country? But they say if the inspector arrests one wrongfully, that he can be prosecuted and held in damages. The distinguished gentleman from Illinois has pointed out how unavailing that remedy will be in the hands of a citizen who has been wronged. These officials are birds of passage, here to-day and yonder to-morrow. Why, if you sue one of these post-office officials and obtain a judgment against him, you might as well have a mortgage on a last year's whip-poor-will's nest.

Now, sir, in addition to that, suppose some fourth-class postmaster, in some remote rural section in Illinois, Arkansas, Texas, or any other part of this great country, has been arrested and dragged down to the Federal court, perhaps 300 or 400 miles from his residence——

Mr. CANNON. May I ask the gentleman a question?

Mr. TERRY. Not at present. (Continuing.) And he wants to bring suit. In the first place, if he brings suit, as he might, against the sheriff or the deputy sheriff in his county where the offense was committed, the post-office inspector, under another law on the Federal statute, could have the case transferred to the United States courts, and the fourth-class postmaster, or any other citizen whose rights had been invaded, would have to take his witnesses hundreds of miles to prosecute and obtain his rights; and then, at the expiration of a long, harassing litigation, have a judgment against a petty officer that he could not make a cent on. Now I yield to my friend from Illinois [Mr. CANNON].

Mr. CANNON. I want to see if I understand the object of this legislation. This is to give to post-office inspectors power to act as United States marshals in prosecution of offenses under the postal laws. In any district of the United States that they find a postmaster or a post-office official violating the postal laws, they may arrest him with or without warrant, as the case may be.

Mr. TERRY. That is the object of the bill.

Mr. CANNON. Now let me ask my friend if they retain this power that they have now. Am I correct in supposing that they can go and make complaint before a commissioner or judge, as the case may be, and get a warrant?

Mr. TERRY. They will have to go and make a formal complaint and obtain a warrant.

Mr. CANNON. And then the deputy marshal can execute it.

Mr. TERRY. Then the deputy marshal can execute it.

Mr. CANNON. Now, then, am I correct in this: If the post-office official were to escape from the district in which he committed the crime and go into another district, that the complaint could be made in that district and the man arrested?

Mr. TERRY. Why, certainly; there is ample machinery.

Mr. CANNON. And by that machinery, anywhere in the boundaries of the United States, is he not pretty apt to be caught?

Mr. TERRY. He is pretty apt to be caught. We have the machinery. It is already sufficient; and I think it is a dangerous precedent to clothe any set of men with authority to arrest, unless it is that character of men who have learned, as I have already stated, some degree of conservatism from contact with judicial officers.

Now, I differ with my friend from New York [Mr. RAY] in regard to the liability of the marshal and deputy marshal upon his bond. It has been my understanding of the law that a marshal is responsible for any act that he does by color of his office. He is responsible for an illegal arrest; he is responsible if, while he has a man under illegal arrest, he maltreats him, pretending that it was necessary in order to effect the arrest.

Mr. MILES. But not his bondsmen.

Mr. TERRY. Even his bondsmen.

Mr. MILES. Under this law? Because of maltreatment?

Mr. TERRY. His bondsmen are responsible, as I understand the law, for all his acts done by color of his office, but not for any malicious or willful acts done outside of that. I understand that to be the law. That has been held to be the law in my State.

Mr. Speaker, I do not desire to consume the time of the House unnecessarily, but I do insist that this is not a proper measure. If the evil specially complained of is of such extent as to attract the attention of the Post-Office Department, why do they not recommend a law to authorize arrests in that class of cases? That would be the proper remedy. Mr. Speaker, it is an old saying that "hard cases make bad law," and so it may be said that extreme cases upon which legislation is invoked generally result in the enactment of bad laws. I reserve the balance of my time, and yield five minutes to my colleague, Mr. NEILL.

Mr. NEILL. Mr. Speaker, I desire to express my dissent from the provisions of this bill. In my judgment it is unnecessary, and in my opinion it would invest these post-office inspectors with an authority not contemplated by the laws of this country, and would result in a species of persecution and prosecution not expected or desired by the American people. I happen to have had, in my brief time here as a Representative, at least one case which may serve to exemplify the injustice and oppression that might be wrought under this bill if it should become a law. I had a case in which a post-office inspector visited a fourth-class post-office in the Sixth Congressional district of Arkansas and made an investigation, and recommended and insisted that the postmaster should be removed upon mere technicalities and quibbles which amounted to nothing. I myself made an appeal to the Fourth Assistant Postmaster-General. I went to the Department and presented the whole correspondence, from which it appeared that this post-office inspector had been acting as a sleuthhound, had been nosing around, looking up little matters in which there was not the slightest malfeasance or misfeasance or any indication whatever of intentional wrong. More than this, that inspector, before he left the village where that post-office is situate, gave it out to outside parties that the postmaster would be removed. In consequence of that action, I was besieged by a person desiring to be appointed to the prospective vacancy before the inspector's report was received by the Post-Office Department in this city. Now, if that post-office inspector had been invested with the power which this bill would give him, it is not to be doubted that the postmaster would have been arrested, dragged to Little Rock, and incarcerated in jail there until he could be tried by a Federal court. I went before the Fourth Assistant Postmaster-General, and he, like an honest man, after investigating the whole matter, said, "Mr. NEILL, I will not remove your man. He shall not be removed, because there is no evidence of any intention on his part to do wrong." That case illustrates what might be done under this bill if it were the law, and I hope that it will be voted down.

Mr. LOUD. Mr. Speaker, there never has been a proposition before this Congress to invest anyone with the power to make arrests but some attorney on the floor has felt called upon to defend the defendant. There is one phase of the human mind which has often been presented to my notice, but which I have never been able to comprehend. That is the fear, apparently the honest fear, which seems to possess the average Congressman that he or some of his friends may suffer injustice by being arrested by Federal officials.

Now, Mr. Speaker, in two or three days I shall have lived fifty years in this world, yet I have never been arrested. So far as I

know I have never even been in danger of suffering from the severe hand of the law which our friend from Arkansas has so eloquently referred to.

Mr. TERRY. Maybe you ought to have been. [Laughter.]

Mr. LOUD. Possibly, but I never have been. However that may be, Mr. Speaker, my experience has taught me that a man who obeys the laws of his country need not fear the oppressive hand of the officers of the law. Here is a measure which has been presented to Congress year after year ever since I have been a member. Four or five of the best lawyers in this body appeared on behalf of the Government to urge the passage of the bill. My friend from Illinois [Mr. HOPKINS] evidently thought that the defendant needed some one on this floor to defend his case. What does this bill propose? The gentleman from Illinois [Mr. HOPKINS] and the gentleman from Arkansas [Mr. TERRY] well know that it simply proposes to put in the hands of the post-office inspectors—and let me say that a finer body of men is not to be found in this country; a body of men compared with whom the average deputy marshal or deputy sheriff sinks into insignificance—the bill simply proposes to put in the hands of these men the power of making arrests——

Mr. HOPKINS of Illinois. Will the gentleman permit a question?

Mr. LOUD. Certainly, if it is pertinent to this phase of the case.

Mr. HOPKINS of Illinois. I want to ask the gentleman whether this bill was not considered by the Committee on the Post-Office and Post-Roads, and whether that committee did not decide not to report the bill to the House?

Mr. LOUD. No, Mr. Speaker; emphatically, no.

Mr. HOPKINS of Illinois. Well, I have been misinformed by a member of the committee.

Mr. LOUD. Oh, well, I want to say to the gentleman that if he accepts the information he may get from some one member of the Post-Office Committee, he will be misinformed and misled all the time. [Laughter.] The Post-Office Committee did consider this measure. I introduced it myself, at the request of the Post-Office Department and the Department of Justice. As it involved legal questions, the Post-Office Committee unanimously recommended that it be reported back to the House and be referred to the proper committee, the Committee on the Judiciary. Now, the gentleman from Arkansas seems to assume that somebody has said that the sole object of giving the inspectors this power is that they may arrest green-goods men. I would like to ask the gentleman where he got that idea?

Mr. TERRY. That was stated as a reason before the Committee on the Judiciary by the gentleman who opened the discussion in favor of the bill.

Mr. LOUD. The gentleman's own good sense should have taught him that that was only an insignificant part of the objects of this bill. There are hundreds and hundreds of offenses committed against the postal laws; the gentleman well knows that. Post-office inspectors—there are but 104 in the whole United States—are selected by reason of their eminent fitness and ability for these very positions.

Mr. WATSON of Ohio. Will the gentleman allow me a question?

The SPEAKER. Does the gentleman from California yield?

Mr. LOUD. I am liable never to get ahead if I continue to yield to other gentlemen; but I will yield once more.

Mr. WATSON of Ohio. I ask this question simply for information, for I assume the gentleman from California knows all about these matters: A post-office inspector gives bond, I suppose, for the faithful discharge of his duty?

Mr. LOUD, Mr. Speaker, the gentleman ought to know as much about that as I do. I will say to him, however, that a post-office inspector does not give bond.

Now, here is the position: A post-office inspector is located, we will suppose, in the city of New York to detect persons who are abstracting money from letters—persons who may be in the postal service, or outside of it. The inspector is upon the trail of the offender in many instances for one, two, and three months; and when the criminal is discovered, the inspector has no power to arrest him. He must go before a commissioner and make complaint; and upon that complaint a warrant is issued. Then a deputy marshal goes and makes the arrest. The innocent citizen whom gentlemen suppose to be oppressed by this power of arrest feels in this indirect manner the strong arm of the law just as severely as though the inspector himself made the arrest. But if the party be really guilty, he will in many cases, before the arrest can be made, have escaped; so that the months of labor that the post-office inspector has spent upon the case are lost.

I was surprised, Mr. Speaker, that there was any debate whatever on this question. When I talked with the Judiciary Committee it was assumed that this measure could pass by unanimous consent. I do not believe there should be a single vote in opposition to it. For the purpose of assisting in the better performance of the duties devolving upon these officers this power should be granted to them.

Mr. TERRY. I yield five minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I regard this as a very important bill, reaching much further in its provisions or their effect than might be concluded from a cursory reading of the measure. The bill proposes to confer upon post-office inspectors an entirely new power. It proposes to clothe them with the same authority to make arrests that is now possessed by United States marshals and their deputies. If this House will pardon a personal reference, I want to say, drawing upon my personal experience, that when I was assistant United States district attorney I had a good deal of experience with United States marshals and United States post-office inspectors; and, remembering that experience, I can not help saying to this House that to pass this bill would, in my opinion, be a very great mistake and one which this House would be swift in the future to correct.

There are several objections, Mr. Speaker, to this bill. In the first place, I assume—although there seems to be some objection to that assumption, especially on the part of the distinguished gentleman from New York [Mr. RAY], a member of the Judiciary Committee—that the majority of the lawyers of this House will agree with me in saying that when a United States marshal or his deputy, having given bond in compliance with the Federal statute, makes a false and unwarranted arrest, that officer is liable for the consequences arising from said arrest. But in this bill there is no provision requiring post-office inspectors to give bond for the faithful performance of their duty. In other words, you will authorize these inspectors to arrest without giving bond, but require marshals to do so.

Mr. RAY. Will the gentleman permit me a moment? No one has denied that if a marshal or his deputy makes a false or unlawful arrest, he is liable for it. Nobody denies that proposition. The only question that has been mooted here is whether or not the bondsmen are liable in the case of such a false arrest.

Mr. WATSON of Ohio. Well, I will make my proposition broad enough to include the bondsmen. I am willing to submit that proposition to the judgment of the lawyers of the House, if they have time to pass upon it.

A MEMBER. The bondsmen ought to be liable.

Mr. WATSON of Ohio. I do not think there is any doubt that they are. I know that in the State which I have the honor in part to represent on this floor that question has been decided in our courts within the last three weeks, and a verdict has been rendered by a jury against an officer and his bondsmen for a false arrest, committed in the city which I represent. I had not supposed there was a single lawyer on the floor of this House, much less a lawyer upon the honorable and dignified Judiciary Committee, who would question this proposition. To pass this bill will confer upon a large number of men power which, as I have stated, they do not now possess, and which, in my view, will be dangerous to be used by them.

The distinguished gentleman from California [Mr. LOUD] who last spoke in favor of this bill said that a man who always obeyed the law need never fear an unlawful arrest. I must combat that proposition. I wish to say that within the last twelve months a gentleman living near my own city was arrested for the commission of the most heinous offense that has ever occurred in our State—a deliberate, cold-blooded murder, committed under the most atrocious circumstances. Yet, at the preliminary hearing it was shown to the satisfaction of everyone that that man did not commit the crime, and in the very nature of the circumstances surrounding the tragedy could not possibly have done so. And yet, all his life he will have to live under the shadow, and his children and his children's children will have to live under the shadow, of his having been arrested and charged with that most awful murder. Men are being arrested almost every day in this country charged with crimes that they never committed.

The SPEAKER. The time of the gentleman has expired.

Mr. TERRY. I yield to the gentleman three minutes more.

The SPEAKER. The gentleman from Ohio [Mr. WATSON] is recognized for three minutes.

Mr. WATSON of Ohio. Another very serious objection to this bill, in my opinion, is this, that these post-office inspectors are always on the wing. The distinguished gentleman from Arkansas [Mr. TERRY] said a moment ago that he would just as soon undertake to sue a last year's whip-poor-will's nest as to sue one of these post-office inspectors. I would just as lief undertake to sue the bird itself. We can always find the nest, but we can not find the bird. How are you going to get jurisdiction of a post-office inspector? There is not a word in this bill conferring jurisdiction. A United States marshal and his deputy always have a situs, and a party knows where he can go and bring his suit. You can always find them, and you know your jurisdiction. But these

post-office inspectors, as every man knows who has ever had anything to do with them, are always traveling, always on the wing. So it would be practically impossible to serve them with a writ.

I do not desire to limit the right to arrest for crime. I think that ought to be conferred on the proper officers, and it ought to be guarded with great jealousy. But I am opposed to the provisions of this bill, which give every post-office inspector of this Government, in addition to the power he now possesses, the right to invade a home and arrest a man or a member of his family, under a power equal to that possessed by the United States marshal or deputy marshal. It is too dangerous a power to be conferred upon any class of men without the most mature and deliberate consideration, and I hope the bill will be defeated.

Mr. BURTON of Missouri. I yield five minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Speaker, appreciating as I do the good judgment of the gentleman from Ohio [Mr. WATSON] and of the gentleman from Arkansas [Mr. TERRY], I am a little surprised at their opposition to this bill.

There is nothing in this bill that confers on these post-office inspectors the power to arrest any one where there is not a showing that they are guilty of some offense, that they have been guilty of a violation of law.

Gentlemen who oppose this bill proceed upon the idea, it occurs to me, that these inspectors, as soon as this authority is vested in them, will start out seeking to arrest and imprison innocent people wherever they may find them. Now, that is not in keeping with human nature. On the contrary, men are more liable to let the guilty go unwhipt of justice than they are to go out and seek an opportunity to arrest innocent men.

What is there in this bill? It simply confers upon post-office inspectors the power to arrest an individual who has been guilty of a violation of the law. It does not confer upon him the right to take that man and put him in prison; it does not confer upon this inspector the right to pass judgment upon the guilt or innocence of this man; but it simply confers upon him the authority to arrest a man who has been guilty of some violation of law and take him before a court of competent jurisdiction, there to answer for the violation of law.

Mr. WATSON of Ohio. Well, he may have to imprison him in order to get him there.

Mr. KYLE. If he is guilty, they ought to hold him. Yes, and he should be held until he has had a trial to determine his case.

Mr. TERRY. Suppose a post-office inspector thinks a man is guilty when he is not guilty, can he arrest him?

Mr. KYLE. Oh, well, in all the experiences of life we have to deal with men whom we think guilty. Every day that rolls around, men are arrested for murder, arson, and for all those offenses.

Mr. TERRY. I understand that; but there is redress for false imprisonment.

Mr. KYLE. Men are arrested every day, and if they go before the court and they are found innocent they are turned loose.

Mr. TERRY. The distinguished gentleman from Mississippi [Mr. KYLE] says this bill only authorizes arrests of men who are guilty. That is the statement which the gentleman just made.

Mr. KYLE. Oh, well, if I said that, I did not mean to make the statement as broad as that. I intended to be sensible about it, if I knew how to be.

Mr. TERRY. I thought you did.

Mr. KYLE. All people who are arrested are not always proven to be guilty. Now, this proposition simply involves the propriety of conferring upon these inspectors the right to arrest a man who has been guilty of a violation of law. Suppose my friend from Ohio [Mr. WATSON] was a post-office inspector, and he came down to Mississippi, into the district which I have the honor to represent, and found some postmaster there had been guilty of malfeasance in office, that he had been wrongfully appropriating the receipts of his office, or that he had been guilty of some other offense against the postal laws. As the law stands now, while he might know that that man had been playing the rôle of a thief, before he could do anything with him he would have to go and hunt up a commissioner or some other official legally authorized to administer an oath, swear out an affidavit against him, procure his warrant, and then arrest the man whom he had ascertained was guilty of a malfeasance in office, and before he could find a marshal to execute the warrant the fellow would be gone.

Now, with that sort of roundabout way of getting at it, the postmaster, who knows himself he is guilty, when he finds that this inspector is there and is going to find it out, while he is going and hunting a commissioner to make out his affidavit and then the marshal to make the arrest, the bird has flown.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. KYLE. Yes, sir.

Mr. LINNEY. Is there any State in this Union that confers upon any citizen thereof the right to make arrest, except where a crime has been committed in the presence of the officer, without an affidavit upon which the warrant issued?

Mr. KYLE. I believe that is the general rule; but we are proposing to make a law here. Now, that is what we are proposing to do in this bill. But there is nothing in it that proposes to confer upon these inspectors any authority to make an arrest which a United States marshal does not have.

Mr. LINNEY. Would you be willing to confer any such right upon any citizen?

Mr. LOUD. They can not arrest your moonshiners. This is only for offenses against the postal laws.

Mr. KYLE. Now, Mr. Speaker, I do not think that there is anything in the suggestion made by the gentleman from North Carolina. If there is danger from the source that gentleman indicates, that ought to be considered; but I submit to the good judgment and the good sense of this House that there is no danger to come from that source, because it is not in keeping with the experience of men upon this floor that men seek opportunity and run in great haste to arrest men who are innocent and men against whom there is not, to say the least of it, a probability of guilt, as shown upon affidavit to be made before a commissioner authorized to administer oaths. I do not know of any such practice as that. I do not know of any officer who ever exercised authority in that way. Well, now, if our experience does not call to mind some officers going in that direction, why we are to get scared about it I can not see. That is all I desire to say.

Mr. TERRY. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, my friend from North Carolina, in the question he propounded to my friend from Mississippi, has suggested the idea I have in mind. If I understand the existing law, any marshal or deputy marshal, or any sheriff or deputy sheriff, has no right to arrest a citizen except by warrant duly issued, unless it be for an offense committed in the presence of the officer. Now, that being true, it seems to me that this bill is ambiguous. What does it mean? Does it mean that a post-office inspector can make arrest where a warrant has been issued, as the marshal or deputy marshal or sheriff or deputy sheriff can; or does it mean that he can without any warrant, simply upon inquiry, simply upon information, arrest a citizen? If it means that, it seems to me it goes too far, to place it in the power of any individual, without a warrant and without an affidavit on which that warrant is based, to arrest a citizen in respect to a crime that is not within his knowledge or committed in his presence. That is going much further than Congressional or State legislation has gone heretofore.

Mr. RAY. May I interrupt the gentleman just a minute?

Mr. PATTERSON. Yes, sir.

Mr. RAY. This bill does not confer any power upon the post-office inspectors that is not now vested by law in the marshals. It is intended to give the one the power now possessed by the other.

Mr. PATTERSON. Well, now, that is the question.

Mr. RAY. It reads that they are to have the same power of arrest precisely that is now by law vested in the marshal.

Mr. PATTERSON. But I will say to my friend the advocates of this bill, in every speech they have made, have made it upon the assumption that the inspector would have the same power to make an arrest that a marshal, a deputy marshal, a sheriff, or a deputy sheriff would have after the warrant had been issued. If that is the meaning of it, the bill goes too far; if it is not the meaning of it, this bill is unobjectionable.

Mr. RAY. Permit me. If they have proceeded thus, it has been upon a wrong basis, an incorrect understanding of the bill, because this bill is intended to cover this proposition and none other—that if the inspectors should have a warrant in their hands, they may arrest; if they do not have a warrant, they can not arrest, unless the offense is committed in their presence.

Mr. PATTERSON. Well, there is no objection to that.

Mr. RAY. That is all that the bill is intended to accomplish.

Mr. PATTERSON. There is no objection whatever to that, but that is not the scope of this bill, as explained by my friend from Mississippi [Mr. KYLE]. It is not the scope of the bill as explained by my friend from California [Mr. LOUD]. They assume that this inspector has the same power to make arrest, without a warrant, which the marshal and sheriff has with a warrant.

Mr. MILES. Oh, no.

Mr. KYLE. I do not say that.

Mr. RAY. That is not the intent.

Mr. PATTERSON. Then I wish to say——

Mr. KYLE. What I sought to say was this: That the inspector might go before a commissioner and swear out a warrant and then go and make the arrest without having to go and look up a United States marshal and let the fellow escape.

Mr. RAY. And he makes the arrest under the warrant.

Mr. KYLE. And by virtue of it; and there is nothing in this bill, let me say to my friend, that would warrant him in making an arrest otherwise.

Mr. BRUMM. Under a warrant, as just stated?

Mr. TERRY. Can not the sheriff or deputy sheriff, for probable cause, in his judgment, make an arrest?

Mr. PATTERSON. Not unless the crime is committed in his presence.

Mr. RAY. My friend is correct. He might arrest if the offense were committed in his presence; but a citizen might do that in most of the States under the State law, and it does seem just and proper. But if they are proceeding simply upon information or belief, then they must go to a competent officer and make their proof and get their warrant, and then proceed under that. Now let me say to my friend here that all this bill does, all this bill purports to do, is to enable the inspector to go with his evidence to a commissioner or other proper officer, make his proof, and if that officer sees fit to issue a warrant, the inspector may take it and go immediately and make the arrest, and not have to delay to go, in many cases 20, 50, and perhaps 100 miles, to get the marshal. If the offense is committed in his presence, he may arrest without a warrant. The great object sought is to enable inspectors to make arrests in proper cases, and to execute warrants of arrest when to delay would enable offenders to escape.

Mr. PATTERSON. But that is not the meaning of this bill, and that is not how it is understood by its advocates. It has been construed upon this floor, as I understand, to mean that the inspectors shall have the same power to make arrests which a marshal or a sheriff has after the warrant is issued. If that is not the meaning, it seems to me that the bill ought to be amended so as to relieve it from the ambiguity which evidently exists. The language of the bill is:

> The same power in executing the law governing the postal service of the United States as marshals and their deputies and sheriffs and their deputies in such States may have, by law, in executing the laws thereof.

Now, what is the meaning of that? Does it mean what the gentleman from New York says, or does it mean what the gentleman from California contends it means? I insist that the bill ought to be amended so as to make it mean exactly what the gentleman from New York describes.

Mr. RAY. Permit me to say, Mr. Speaker, that no man on the Judiciary Committee had the slightest idea that any such construction could be given to the language of the bill. As my friend from Tennessee states, some gentlemen have given that construction to the bill in discussing it to-day, but I do not believe any such construction can properly be given to it. We certainly ought not to give these post-office inspectors any broader powers than the marshals and deputies have now.

Mr. HOPKINS of Illinois. Then would it not be well to have this bill recommitted to the committee and have a measure so framed as to be free from the objections that have been raised to this one?

Mr. RAY. It can be amended here in three minutes if it is found necessary to amend it. I do not think, however, that any good lawyer who scans the bill carefully will claim that it bears the construction suggested by the gentleman.

Mr. TERRY. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, the question that to me seems most important in this case is whether or not the bill consolidates the power of the judiciary with that of the constabulary; in other words, whether they are thrown into one. If it does that, it strikes me that that alone ought to be sufficient to defeat this bill. As I understand it, it is proposed by this bill to permit the post-office inspectors to act as judges in the first instance and to determine whether, in their opinion, the man is guilty or not.

Mr. MILES. How does the gentleman get that construction?

Mr. BRUMM. I get it from the gentleman who has stated it here, and I have not heard it contradicted. Now, if the proper construction of this bill bears the gentleman out, or if there is any danger of that construction being taken as the right one, then the bill ought not to pass. As we all know, the post-office inspectors are birds of passage. They can and do travel anywhere and everywhere over the country. They are usually without any local habitation when they are engaged in their work. Any dishonest man may personate a post-office inspector, may visit a post-office, and may utilize this power of arrest to make it easier for him to rob the post-office and the postmaster. Give the inspectors the power proposed in this bill, and you increase the danger of this evil. It seems to me, Mr. Speaker, that these are sufficient reasons why this bill should not pass.

Mr. LAYTON. Read the statement in the report about giving them power to arrest without warrant.

Mr. BRUMM (reading):

> This will enable the inspectors to arrest without warrant upon reasonable suspicion justified by the facts and circumstances surrounding the case, but will not relieve them from liability for arrests made without reasonable care. The efficiency of the postal service will be greatly promoted by the passage of the bill as recommended.

So that, as has been stated here, these men will have the power to arrest anybody without warrant, and, being mere birds of flight, they will be entirely irresponsible and can not be called to account. Such a grant of power is against the genius of our institutions, and ought not to be tolerated.

Mr. COOPER of Florida. Mr. Speaker, this bill, it seems to me, is both unnecessary and dangerous. I have had considerable experience in practicing before the United States courts in cases involving violations, or alleged violations, of the postal laws, and it is quite clear to me that this bill ought not to pass. In the first place, it is objectionable upon general principles. The liberties of the citizen should never be endangered, nor should any official be authorized to trespass upon them except on the ground of absolute necessity.

There is no necessity to confer the power to make arrests upon these post-office inspectors. That power is now vested in the marshals and their deputies, who are amply able to execute the process of the courts, or to make arrests without such process where the circumstances and the law justify such action. In the next place, these inspectors are not lawyers. They are appointed simply to go around and inspect the post-offices. I ask the House to bear in mind that an arrest for alleged violations of Federal law involves almost invariably carrying the accused person away from his home and from the vicinage in which he lives, at great expense and hardship, to a remote point. Gentlemen say, "If people do not violate the laws they will not be arrested." It is not so, Mr. Speaker. The postal laws contain many provisions violations of which are not necessarily criminal, provisions which may be technically violated by mere mistake or ignorance. A post-office inspector will feel authorized to go into a community, and, if there happens in his sight an occurrence which he chooses to construe into a violation of the law, to arrest a citizen or a number of citizens and take them away 100 or 200 or 500 miles to the seat of the United States court or before a commissioner—without a warrant, without affidavit, without the judgment of any judicial officer that such arrest is necessary or that any offense has been committed. This involves a great hardship, and one wholly unnecessary to the execution of the law.

Let me illustrate. I have known a case where a post-office was located half a mile or a mile outside of the village that it served; and the mail carrier from that office every day passed through the business portion of the village while carrying the mail to the railroad station. Now, certain merchants, for convenience, would mail their letters with the mail carrier, because otherwise they would be required to go half a mile or a mile in the other direction to mail them at the post-office. In such a case an overzealous post-office inspector attempted to have a number of leading citizens of that community arrested and carried a hundred or two hundred miles from their homes to answer a charge of conspiracy to decrease the salary of the postmaster. A commissioner oftentimes would refuse to issue a warrant in such a case, where it was apparent to him that no offense had been committed or that the matter was trivial. But an overzealous or ignorant post-office inspector—not an inhabitant of the State, not under bond, not coming in contact with the people—might go into a community and arrest one man or a dozen men and take them to a remote locality at great expense, take them away from their business, away from their friends, subject them to the expense of employing counsel, possibly keeping them temporarily in jail while their cases were pending before the commissioner or while sureties were being obtained.

[Here the hammer fell.]

Mr. TERRY. I yield to my friend from Florida one minute more.

Mr. COOPER of Florida. It must be remembered, as I have said, that most of the charges of Federal offenses involve the taking of the accused from his home to a distant place. Is there any necessity for the passage of this bill? Are we not now enforcing our postal laws? Can not the regular bonded officers and their deputies enforce those laws? Can not the commissioner appointed by the court, and supposed to have some judicial knowledge, enforce the law? Can not the United States marshal or his deputies be relied on to make arrests wherever they are proper? This bill is without necessity; it is oppressive; its passage offers no advantage commensurate with the danger of this kind of legislation. It is against the genius of our institutions, which are opposed to putting the liberty of the citizen into the hands of any official where it can be avoided.

Mr. TERRY. I yield to the gentleman from Missouri [Mr. DE ARMOND] five minutes, or such time as he may desire.

Mr. DE ARMOND. Mr. Speaker, in order that it may be further understood that this bill was not reported with the concurrence of all the members of the Judiciary Committee, I wish to say that when the matter came up in that committee at a time when I was present, I expressed my opposition to it, which still exists. I was not present, however, at the meeting when it was decided to report the bill.

I will not take the time of the House by going into the merits or

demerits of the bill. Because it is alleged that there are violations of the postal laws which are not easy of punishment, it is claimed that extraordinary, unheard-of powers should be conferred upon the post-office inspectors. How far these powers go, how far they will be executed, how they may be abused, no one can guess; no one knows.

A large share of bad law originates in good intentions, directed to particular abuses. Those abuses being in view, the greater abuses which may arise from the supposed remedy applied to them, are lost to sight and lost to consideration. That is the case I think with regard to this measure. If it were possible by law to provide that when one who violates the postal laws can be arrested and prosecuted in no other way, he may be arrested or prosecuted by clothing, for the time being, these inspectors with extraordinary powers, good might result. But to authorize the inspectors—a horde of them—not bonded with respect to such duties, to make arrests when and where and how they please, is a very dangerous thing.

It is said that if these officials abuse the power proposed to be conferred upon them, they may be proceeded against for this abuse. A poor remedy would that be in ninety-nine cases out of one hundred for the person who might be the victim of that abuse of power. Far better to endeavor to arrest violators of law in a lawful way than to make lawful what, according to all correct canons of interpretation and all correct systems of jurisprudence ever since civilization advanced into law, has been regarded as lawless and dangerous. I think the bill ought not to pass.

Mr. BAILEY. Will the gentleman allow me one question?

Mr. DE ARMOND. Yes, sir.

Mr. BAILEY. Is there a minority report against this bill?

Mr. DE ARMOND. I do not know that there is.

Mr. BAILEY. It happened that I was not in attendance upon the sessions of the Judiciary Committee when this bill was under consideration, and I know nothing about it. I was at that time attending a meeting of the Committee on Elections.

Mr. DE ARMOND. I do not know whether there is a minority report, the measure having been passed upon by the committee at a time when, as I have said, I was not present.

Mr. RAY. Mr. Speaker, I offer the amendment which I send to the Clerk's desk. After the amendment is read I ask to have the bill read as it will read when amended.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York [Mr. RAY].

The Clerk read as follows:

In line 9, page 1, after the word "thereof," add the following: "*Provided*, That the power of arrest or detention shall not exist in any case without a warrant or process, unless the offense is committed in the presence of such inspector;" so that the bill as amended will read as follows:

"*Be it enacted, etc.*, That any person duly appointed as an inspector of the Post-Office establishment of the United States by the Postmaster-General shall have, in each State, the same powers in executing the laws governing the postal service of the United States as the marshals and their deputies and the sheriffs and their deputies in such State may have, by law, in executing the laws thereof: *Provided*, That the power of arrest or detention shall not exist in any case without a warrant or process, unless the offense is committed in the presence of such inspector."

The amendment of Mr. RAY was agreed to.

The amendments recommended by the committee, striking out sections 2, 3, and 4, were agreed to.

The question was taken on ordering the bill as amended to be engrossed and read a third time.

On a division (demanded by Mr. TERRY) there were—ayes 69, noes 51.

Mr. TERRY. I ask for the yeas and nays.

Mr. HENDERSON. Let it go to the passage.

Mr. BURTON of Missouri. Will not the gentleman consent that the yeas and nays be taken on the passage of the bill?

Mr. TERRY. We can take the yeas and nays now, and settle it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 94, not voting 144; as follows:

YEAS—117.

Aldrich, T. H.	Curtis, Kans.	Hatch,	Loud,
Anderson,	Curtis, N. Y.	Heiner, Pa.	Low,
Andrews,	Dalzell,	Henderson,	McLachlan,
Apsley,	Danford,	Henry, Conn.	Meiklejohn,
Arnold, Pa.	Daniels,	Hepburn,	Meyer,
Atwood,	Dockery,	Hill,	Miles,
Babcock,	Ellis,	Hitt,	Miller, W. Va.
Baker, N. H.	Erdman,	Hooker,	Milliken,
Bennett,	Evans,	Howe,	Mitchell,
Blue,	Fairchild,	Huling,	Moody,
Bowers,	Fenton,	Hull,	Mosley,
Brewster,	Fischer,	Hunter,	Northway,
Broderick,	Fletcher,	Hurley,	Otjen,
Burton, Mo.	Foote,	Johnson, Cal.	Patterson,
Burton, Ohio	Gamble,	Joy,	Pearson,
Calderhead,	Gillet, N. Y.	Kiefer,	Perkins,
Chickering,	Gillett, Mass.	Kirkpatrick,	Pitney,
Clark, Mo.	Griffin,	Knox,	Poole,
Codding,	Grout,	Kyle,	Prince,
Connolly,	Hager,	Lacey,	Quigg,
Cousins,	Hall,	Leighty,	Raney,
Crowther,	Halterman,	Leisenring,	Ray,
Crump,	Hart,	Long,	Royse,
Russell, Conn.	Stahle,	Thomas,	Wanger,
Scranton,	Stewart, Wis.	Tracey,	Wilson, Ohio
Shafroth,	Stone, C. W.	Treloar,	Wood,
Shannon,	Stone, W. A.	Turner, Ga.	Woomer.
Sherman,	Strode, Nebr.	Updegraff,	
Simpkins,	Taft,	Van Voorhis,	
Snover,	Tayler,	Walker, Mass.	

NAYS—94.

Allen, Miss.	De Witt,	Layton,	Shuford,
Arnold, R. I.	Dinsmore,	Lewis,	Sorg,
Bailey,	Doolittle,	Linney,	Southwick,
Bankhead,	Eddy,	Little,	Sparkman,
Barney,	Ellett,	Livingston,	Spencer,
Beach,	Faris,	Loudenslager,	Stallings,
Bell, Colo.	Fitzgerald,	Maddox,	Stokes,
Bell, Tex.	Gardner,	Maguire,	Strowd, N. C.
Black,	Gibson,	McClellan,	Sulloway,
Brosius,	Graff,	McCreary, Ky.	Sulzer.
Brumm,	Grow,	McCulloch,	Talbert,
Buck,	Hardy,	McDearmon,	Tate,
Cannon,	Harrison,	McRae,	Terry,
Clardy,	Hendrick,	Mercer,	Thorp,
Clark, Iowa	Henry, Ind.	Milnes,	Towne,
Cockrell,	Hopkins, Ill.	Minor, Wis.	Tucker,
Cooke, Ill.	Hopkins, Ky.	Money,	Warner,
Cooper, Fla.	Howell,	Moses,	Watson, Ohio
Cooper, Tex.	Hyde,	Neill,	White,
Cooper, Wis.	Jenkins,	Noonan,	Williams,
Cox,	Johnson, Ind.	Ogden,	Willis,
Crisp,	Kleberg,	Pendleton,	Wilson, S. C.
Culberson,	Latimer,	Pugh,	
De Armond,	Lawson,	Reeves,	

NOT VOTING—144.

Abbott,	Dayton,	Lorimer,	Rusk,
Acheson,	Denny,	Mahany,	Russell, Ga.
Adams,	Dingley,	Mahon,	Sauerhering,
Aitken,	Dolliver,	Marsh,	Sayers,
Aldrich, W. F.	Dovener,	Martin,	Settle,
Aldrich, Ill.	Draper,	McCall, Mass.	Shaw,
Allen, Utah	Foss,	McCall, Tenn.	Skinner,
Avery,	Fowler,	McCleary, Minn.	Smith, Ill.
Baker, Kans.	Goodwyn,	McClure,	Smith, Mich.
Baker, Md.	Griswold,	McCormick,	Southard,
Barham,	Grosvenor,	McEwan,	Spalding,
Barrett,	Hadley,	McLaurin,	Sperry,
Bartholdt,	Hainer, Nebr.	McMillin,	Steele,
Bartlett, Ga.	Hanly,	Meredith,	Stephenson,
Bartlett, N. Y.	Harmer,	Miller, Kans.	Stewart, N. J.
Belknap,	Harris,	Miner, N. Y.	Strait,
Berry,	Hartman,	Mondell,	Strong,
Bingham,	Heatwole,	Morse,	Swanson,
Bishop,	Hemenway,	Murphy,	Tawney,
Boatner,	Hermann,	Murray,	Tracewell,
Boutelle,	Hicks,	Newlands,	Turner, Va.
Bromwell,	Hilborn,	Odell,	Tyler,
Brown,	Howard,	Otey,	Van Horn,
Bull,	Hubbard,	Overstreet,	Wadsworth,
Burrell,	Huff,	Owens,	Walker, Va.
Catchings,	Hulick,	Parker,	Washington,
Clarke, Ala.	Hutcheson,	Payne,	Watson, Ind.
Cobb,	Johnson, N. Dak.	Phillips,	Wellington,
Coffin,	Jones,	Pickler,	Wheeler,
Colson,	Kem,	Powers,	Wilber,
Cook, Wis.	Kerr,	Price,	Wilson, Idaho
Corliss,	Kulp,	Reyburn,	Wilson, N. Y.
Cowen,	Lefever,	Richardson,	Woodard,
Crowley,	Leonard,	Rinaker,	Woodman,
Cummings,	Lester,	Robertson, La.	Wright,
Curtis, Iowa	Linton,	Robinson, Pa.	Yoakum.

Mr. ABBOTT. I was called from the House when my name was called. I should like to vote.

The SPEAKER pro tempore (Mr. HENDERSON). Under the rule the gentleman would not be permitted to vote now, if he was absent when his name was called.

Mr. ADAMS. I should like to vote. As I entered the door, I heard my name called, but I was not in time to vote intelligently.

The SPEAKER pro tempore. The gentleman being absent from the Hall at the time his name was called, the Chair does not think he can entertain the request.

Mr. ADAMS. I was in the House at the time my name was called.

The SPEAKER pro tempore. The gentleman could have answered to his name.

Mr. BAILEY. If the gentleman from Virginia, Mr. OTEY, has not been excused, I ask that he be excused on account of illness in his family. I was with him last night when he received a telegram announcing the illness of his grandchild.

There being no objection, Mr. OTEY was excused.

Mr. CROWTHER. I ask leave of absence for my colleague, Mr. VAN HORN, who has been called from the House on account of sickness in his family.

There was no objection.

Mr. STROWD of North Carolina. My colleague, Mr. MARTIN, has been called home on account of the illness of his brother, and I ask that he be excused.

There was no objection.

The Clerk announced the following pairs:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. CORLISS with Mr. COWEN.

Mr. PICKLER with Mr. MINER of New York.

Mr. HARMER with Mr. HUTCHESON.

Mr. KULP with Mr. SHAW.
Mr. MCCALL of Massachusetts with Mr. JONES.
Mr. MAHON with Mr. OTEY.
For this day:
Mr. MCCORMICK with Mr. TURNER of Virginia.
Mr. DOVENER with Mr. RUSK.
Mr. BARTHOLDT with Mr. BOATNER.
Mr. AVERY with Mr. COBB.
Mr. WILLIAM F. ALDRICH with Mr. LESTER.
Mr. WALKER of Virginia with Mr. MCLAURIN.
Mr. VAN HORN with Mr. CLARKE of Alabama.
Mr. BROMWELL with Mr. STRAIT.
Mr. DRAPER with Mr. WASHINGTON.
Mr. SMITH of Michigan with Mr. NEWLANDS.
Mr. BINGHAM with Mr. CULBERSON.
Mr. COOK of Wisconsin with Mr. RUSSELL of Georgia.
Mr. HUBBARD with Mr. CATCHINGS.
Mr. GROSVENOR with Mr. ABBOTT.
Mr. HICKS with Mr. YOAKUM.
Mr. OVERSTREET with Mr. TURNER of Virginia.
Mr. REYBURN with Mr. CROWLEY.
Mr. SIMPKINS with Mr. MEREDITH.
Mr. STEWART of New Jersey with Mr. OWENS.
Mr. TRACEWELL with Mr. ROBERTSON of Louisiana.
Mr. WELLINGTON with Mr. SWANSON.
Mr. WILBER with Mr. WHEELER.
Mr. LINTON with Mr. BELL of Texas.
On this vote:
Mr. HAINER of Nebraska with Mr. BARTLETT of Georgia.

The result of the vote was announced as above recorded.

The bill was read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. There is nothing further from the Committee on the Judiciary to-day.

INCREASE OF CIRCULATION OF NATIONAL BANKS.

Mr. VAN VOORHIS (when the Committee on Banking and Currency was called). Mr. Speaker, I present for consideration the bill (H. R. 849) increasing the circulation of national banks.

The bill was read, as follows:

Be it enacted, etc., That upon deposits by national banking associations of United States bonds, bearing interest as provided by law under the provisions of sections 5159 and 5160 of the Revised Statutes, such associations shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by existing law, equal in face value to the full par value of the bonds so deposited; and national banking associations now having bonds on deposit for the security of circulating notes less in face value than the par value of the bonds, or which may hereafter have such bonds on deposit, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the aggregate value of the circulating notes held by such associations to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of existing law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of sections 5167 and 5171 of the Revised Statutes, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security.

Mr. MCRAE. Mr. Speaker, I make the point of order that this bill is improperly on the House Calendar and not in order during the morning hour.

The SPEAKER. The gentleman will state the ground of his point of order.

Mr. MCRAE. The ground is this: That it will necessarily involve a charge on the Treasury to furnish the increased issue of notes. Under the national banking act the Government is required to furnish the notes to the bank, and if this increase is authorized by this bill, it will necessarily involve a charge on the Treasury, and therefore indirectly appropriates money and should be upon the Union Calendar.

Mr. ARNOLD of Pennsylvania. I make the point of order that it will result in a profit to the Treasury, inasmuch as the national banks are taxed 1 per cent on their circulation, and therefore there would be no charge upon the Treasury.

Mr. MCRAE. Then if the bill raises revenue, that is another reason why it is not now in order.

The SPEAKER. The Chair will hear the gentleman from Arkansas.

Mr. MCRAE. Mr. Speaker, I had no notice that this bill would come up, and I have not a copy of the rules before me, and can not now refer to any decisions, but I submit to the judgment of the Chair that, as this bill will indirectly involve a charge upon the Treasury, it ought not be considered during the morning hour.

The SPEAKER. The Chair thinks that very remote.

Mr. MCRAE. Then I raise the question of consideration against the bill. It ought not to pass.

The SPEAKER. The question now is, Will the House consider the bill?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MCRAE. Division, Mr. Speaker.

The House divided; and there were—ayes 126, noes 28.

Mr. MCRAE. I demand the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-seven gentlemen have risen in support of the demand for the yeas and nays—not a sufficient number.

Mr. MCRAE. Tellers, Mr. Speaker.

The SPEAKER. The gentleman asks for tellers on ordering the yeas and nays.

The question was taken.

The SPEAKER. Twenty-nine gentlemen have risen in support of the demand for tellers. Thirty-six are required to order tellers. Not a sufficient number has risen. Tellers are refused; the yeas and nays are refused; the ayes have it, and the House decides to consider the bill.

Mr. COX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COX. The bill coming from the Committee on Banking and Currency is now to be considered. I wish to make an inquiry how long we would have to discuss this bill?

The SPEAKER. Unlimited time, if the House chooses to give it.

Mr. COX. My idea was this, Mr. Speaker: A bill of this importance ought not to be passed without full discussion. The gentleman knows, as I know, the minority of the committee who reported this bill are opposed to it. Now, what I was trying to arrive at was the time for discussion in regard to the matter, not a vote, so the House should understand what this bill means.

Mr. JOHNSON of Indiana. I do not understand what the gentleman means by saying that a majority of the committee are opposed to this bill.

Mr. COX. I did not say that.

Mr. JOHNSON of Indiana. I beg pardon. I understood the gentleman to say a majority of the committee were opposed to it.

Mr. COX. I said the minority were opposed to the bill.

Mr. VAN VOORHIS. What time does the gentleman desire?

Mr. COX. What would suit the gentleman from Ohio? I suggest that we go on with the debate, and then come to some arrangement.

Mr. VAN VOORHIS. I suggest, Mr. Speaker, thirty minutes on a side.

Mr. COX. Oh, no. I suggest that we go on with the debate, and then that we come to some conclusion when we ascertain the feeling of the House.

Mr. WALKER of Massachusetts. Mr. Speaker, I shall object to any arrangement that does not allow full debate of this bill either four or six hours or the whole of to-day's session. I want an hour.

Mr. MCCREARY of Kentucky. I suggest that the gentlemen may agree when the debate shall have proceeded for some time.

The SPEAKER. The gentleman from Ohio is in charge of the bill.

Mr. VAN VOORHIS. I move that the time be limited to an hour on a side.

The SPEAKER. The way in which the gentleman can reach the question of limitation is this: He has charge of the bill, and can move the previous question; and if he is supported by the House, that will determine the question. There is no other way except that or agreement.

Mr. VAN VOORHIS. Then I ask for the previous question.

Mr. MCMILLIN. Surely the gentleman does not wish to pass the bill without any debate?

Mr. GROSVENOR. There will be no trouble in extending the time after the previous question is ordered.

Mr. MCMILLIN. If the previous question is ordered, it takes unanimous consent to extend it beyond the time fixed by the rules.

Mr. GROSVENOR. Perhaps it would be wise to extend it to that extent.

Mr. MCMILLIN. We can not understand that you will always be wise on your side.

The SPEAKER. The gentleman asks for the previous question.

Mr. MCMILLIN. A parliamentary inquiry. That, I believe, gives only twenty minutes' debate on a side?

The SPEAKER. That gives twenty minutes' debate on a side.

The question was taken on ordering the previous question; and the Speaker announced that the yeas seemed to have it.

Mr. MCRAE, Mr. WALKER of Massachusetts, and others. Division!

The question was taken; and pending the announcement,

Mr. MILES. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 87, not voting 118; as follows:

YEAS—150.

Aldrich, W. F.	De Witt,	Huling,	Raney,
Aldrich, Ill.	Doolittle,	Hull,	Reeves,
Anderson,	Eddy,	Hunter,	Reyburn,
Andrews,	Ellis,	Hurley,	Rinaker,
Apsley,	Evans,	Hyde,	Robinson, Pa.
Arnold, Pa.	Fairchild,	Jenkins,	Russell, Conn.
Arnold, R. I.	Fischer,	Johnson, Ind.	Scranton,
Atwood,	Fletcher,	Joy,	Shannon,
Baker, N. H.	Foote,	Kiefer,	Sherman,
Barham,	Fox,	Kirkpatrick,	Snover,
Barney,	Gardner,	Knox,	Southard,
Barrett,	Gibson,	Lacey,	Spalding,
Bartholdt,	Gillet, N. Y.	Leisenring,	Sperry,
Beach,	Gillett, Mass.	Leonard,	Stahle,
Bennett,	Graff,	Lewis,	Steele,
Bingham,	Griffin,	Linton,	Stewart, Wis.
Boutelle,	Griswold,	Long,	Stone, C. W.
Bowers,	Grosvenor,	Loudenslager,	Stone, W. A.
Bull,	Grout,	Low,	Strode, Nebr.
Burrell,	Hager,	McEwan,	Strong,
Burton, Mo.	Halterman,	McLachlan,	Taft,
Burton, Ohio	Harmer,	Meiklejohn,	Tayler,
Calderhead,	Harris,	Mercer,	Thorp,
Cannon,	Heatwole,	Miller, Kans.	Tracey,
Chickering,	Heiner, Pa.	Miller, W. Va.	Treloar,
Clark, Iowa	Henry, Conn.	Milliken,	Van Voorhis,
Clark, Mo.	Henry, Ind.	Milnes,	Wanger,
Codding,	Hepburn,	Mitchell,	Warner,
Coffin,	Hermann,	Murray,	Watson, Ohio
Connolly,	Hill,	Noonan,	Wellington,
Cooke, Ill.	Hitt,	Northway,	White,
Corliss,	Hooker,	Otjen,	Willis,
Crowther,	Hopkins, Ill.	Perkins,	Wilson, Ohio
Crump,	Hopkins, Ky.	Pitney,	Wood,
Curtis, N. Y.	Howe,	Poole,	Woodman,
Danford,	Howell,	Powers,	Woomer.
Daniels,	Huff,	Prince,	
Dayton,	Hulick,	Quigg,	

NAYS—87.

Abbott,	Dinsmore,	Maguire,	Shafroth,
Aldrich, T. H.	Dockery,	McCall, Mass.	Shuford,
Bailey,	Ellett,	McClellan,	Skinner,
Baker, Kans.	Erdman,	McCreary, Ky.	Sorg,
Bankhead,	Faris,	McCulloch,	Sparkman,
Bartlett, Ga.	Fitzgerald,	McDearmon,	Spencer,
Bell, Colo.	Hall,	McMillin,	Stallings,
Bell, Tex.	Hardy,	McRae,	Stokes,
Bishop,	Harrison,	Miles,	Strowd, N. C.
Black,	Hart,	Minor, Wis.	Sulzer,
Blue,	Hartman,	Money,	Talbert,
Buck,	Hendrick,	Moody,	Tate,
Clardy,	Hicks,	Moses,	Terry,
Cockrell,	Johnson, Cal.	Ogden,	Towne,
Colson,	Jones,	Patterson,	Tucker,
Cooper, Fla.	Latimer,	Pendleton,	Turner, Ga.
Cooper, Tex.	Lawson,	Pugh,	Walker, Mass.
Cooper, Wis.	Layton,	Richardson,	Wheeler,
Cox,	Little,	Robertson, La.	Williams,
Crisp,	Livingston,	Royse,	Wilson, S. C.
Culberson,	Loud,	Sayers,	Woodard.
De Armond,	Maddox,	Settle,	

NOT VOTING—118.

Acheson,	Dingley,	Mahany,	Russell, Ga.
Adams,	Dolliver,	Mahon,	Sauerhering,
Aitken,	Dovener,	Marsh,	Shaw,
Allen, Miss.	Draper,	Martin,	Simpkins,
Allen, Utah,	Fenton,	McCall, Tenn.	Smith, Ill.
Avery,	Fowler,	McCleary, Minn.	Smith, Mich.
Babcock,	Gamble,	McClure,	Southwick.
Baker, Md.	Goodwyn,	McCormick,	Stephenson,
Bartlett, N. Y.	Grow,	McLaurin,	Stewart, N. J.
Belknap,	Hadley,	Meredith,	Strait,
Berry,	Hainer, Nebr.	Meyer,	Sulloway,
Boatner,	Hanly,	Miner, N. Y.	Swanson,
Brewster,	Hatch,	Mondell,	Tawney,
Broderick,	Hemenway,	Morse,	Thomas,
Bromwell,	Henderson,	Mozley,	Tracewell,
Brosius,	Hilborn,	Murphy,	Turner, Va.
Brown,	Howard,	Neill,	Tyler,
Brumm,	Hubbard,	Newlands,	Updegraff,
Catchings,	Hutcheson,	Odell,	Van Horn,
Clarke, Ala.	Johnson, N. Dak.	Otey,	Wadsworth,
Cobb,	Kem,	Overstreet,	Walker, Va.
Cook, Wis.	Kerr,	Owens,	Washington,
Cousins,	Kleberg,	Parker,	Watson, Ind.
Cowen,	Kulp,	Payne,	Wilber,
Crowley,	Kyle,	Pearson,	Wilson, Idaho
Cummings,	Lefever,	Phillips,	Wilson, N. Y.,
Curtis, Iowa	Leighty,	Pickler,	Wright,
Curtis, Kans.	Lester,	Price,	Yoakum.
Dalzell,	Linney,	Ray,	
Denny,	Lorimer,	Rusk,	

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent to speak just three minutes.

Several members objected.

The following additional pairs were announced:

On this vote:

Mr. HAINER of Nebraska with Mr. HUTCHESON.

Mr. DOLLIVER with Mr. ALLEN of Mississippi.

Mr. THOMAS with Mr. CATCHINGS.

The result of the vote was then announced as above recorded.

The SPEAKER. The previous question is ordered, and twenty minutes for debate on either side is allowed under the rules of the House. The gentleman from Ohio [Mr. VAN VOORHIS] is recognized to control the time in the affirmative, and the gentleman from Tennessee [Mr. COX] to control the time in the negative.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman from Massachusetts [Mr. WALKER], chairman of the Committee on Banking and Currency, desires an hour's time in which to address the House, and in view of the position he occupies on the committee and his long service in the House, I ask unanimous consent that that time be accorded him, apart from the twenty minutes on each side allowed under the rule for debate.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts [Mr. WALKER] may be allowed one hour outside of the forty minutes allowed by the rule for debate. Is there objection?

Mr. COX. Mr. Speaker, if the gentleman is going to speak in support of the bill, of course we shall expect the same courtesy to be extended to those opposing it.

Mr. WALKER of Massachusetts. I will say frankly to the House that I am opposed to the bill.

Mr. WILLIAMS. Mr. Speaker, I shall object to the request unless it is agreed that a corresponding length of time shall be given to the other side.

Mr. JOHNSON of Indiana. What is "the other side?" The gentleman should understand that the gentleman from Massachusetts [Mr. WALKER] is opposed to the bill.

Mr. WILLIAMS. Then I will put it in another way. Unless the balance of the House together is allowed a corresponding hour, I shall object to the gentleman from Massachusetts having an hour. [Laughter.]

The SPEAKER. Objection is made, and the gentleman from Ohio [Mr. VAN VOORHIS] is recognized.

Mr. WALKER of Massachusetts. One other suggestion, Mr. Speaker. I suggest that the time for debate be two hours, one hour on each side.

Mr. JOHNSON of Indiana. I suggest that that would hardly be fair to those who favor the bill, because the gentleman from Massachusetts will speak an hour in opposition to the bill, and there will be also twenty minutes allowed to the opposition under the rule.

Mr. SHERMAN and others called for the regular order.

The SPEAKER. The regular order is called for. The gentleman from Ohio [Mr. VAN VOORHIS] is recognized.

Mr. VAN VOORHIS. Mr. Speaker, under existing law the national banks are authorized to issue circulating notes to an amount equal to 90 per cent of the par value of the bonds deposited with the Treasurer of the United States for the purpose of securing circulation. By this bill it is proposed to amend existing laws so as to authorize the banks to issue circulating notes to the par value of the bonds deposited with the Treasurer.

Mr. COLSON. Mr. Speaker, if it will not interrupt the gentleman, I wish to ask him if that is the only change it makes in the existing law.

Mr. VAN VOORHIS. That is the only change. Under the proposed amendment it would be possible for the banks to issue on the bonds now on deposit with the Treasurer, in addition to the circulation already out, $23,366,850 of circulation. This additional circulation could be given the banks without increasing in any way the burdens of the Government.

Mr. WILLIAMS. Mr. Speaker, may I interrupt the gentleman for a moment? I wish to withdraw the objection which I made a moment ago to the request that the gentleman from Massachusetts [Mr. WALKER] should be allowed to occupy an hour.

The SPEAKER. Is there further objection?

Mr. MILNES. Regular order, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. VAN VOORHIS. It would not increase the burdens of the Government, but it would yield a profit to the Government of $237,291 by reason of the tax on the additional circulation that this bill would give to the banks. At the same time the note holder would be absolutely secure, for the bonds of the Government are selling upon the market at a considerable premium, and, in addition to the bond security, the note holder has a first lien upon the assets of the bank. So that we have an increase of circulation, which would benefit the banks; we have a profit to the Government, and the note holder would be absolutely secure.

This amendment to our banking laws has been recommended by the Comptroller of the Currency. It was first recommended by John Jay Knox in 1883; and every annual report of every Comptroller since that time has repeated this recommendation. This is all I care to say at present. I reserve the residue of my time.

Mr. COX. Mr. Speaker, the ground of opposition to this bill on the part of members of the minority of the committee can be readily explained. There can be no debate about the note holder being secured, even though notes be issued to the par value of the bonds; but there is a difficulty, a very serious one, as I think, which I believe the House has not properly considered. There is no law imperative upon the national banks to take out circulation. The truth is that about eight of the largest banks in the United States

take out no circulation at all. Now, I was willing, and am yet, to vote for this bill if it be made imperative upon the banks to take out circulation.

Let me call attention to what in my judgment would be the result of this bill. With the banks holding the bonds, and the circulation unprofitable, because of the high price of the bonds, they refuse to take out circulation. Any practical business man can see at once why they refuse. There is no financial sense in buying bonds at $1.15 or $1.20 for each dollar of bonds and then getting circulation to the amount of only 90 per cent of the face value of the bonds, when the money necessary to purchase the bonds could be otherwise used for the profit of the bank.

Now, what is going to be the result of this bill if it should become a law? Outside of about eight banks in the United States (and they are very large banks), you will advance the price of the bonds. That is what this bill is going to do. Any new bank attempting to organize will have to pay the premium upon bonds held by parties outside the bank. In the meantime the same influences which are operating now to advance the price of the bonds will continue to operate. And when you do that you have done nothing toward increasing the banking circulation; you practically leave the banks in the position in which they now are. There is nothing imperative upon those institutions to take out circulation. Consequently they will content themselves with the profits arising from the interest on the bonds they are bound by law to deposit, and not a dollar of circulation will they take out until they believe they can make money on the circulation. This they decide for themselves, and the amount taken out is fixed by the banks instead of being controlled by law.

Mr. HALL. There is one thing which my friend from Tennessee does not make clear to my mind.

Mr. COX. I hope I shall do so.

Mr. HALL. I do not understand why simply permitting the banks to take out notes to the amount of the par value of their bonds would increase the value of the bonds, unless also the circulation upon those bonds were increased.

Mr. COX. Why, my dear sir, whenever you increase the use of a bond it becomes more valuable. Hence, whenever you can take out more circulation upon a bond, you increase the value of the bond.

Mr. McCLELLAN. Would you not increase the price of the bonds still more by forcing all national banks to become banks of issue?

Mr. COX. My friend has made the mistake which I think several other gentlemen make. It does not follow, because a bank takes out circulation to the value of the bonds which it holds (a proceeding which I contend ought to be made imperative upon them) that the amount of notes taken out in that way will necessarily enter into the circulation of the country. That will depend upon the business of the country. But the very moment you give a national bank the power to take out notes to the amount of the par value of the bonds, and it takes out circulation to that amount, it becomes the interest of the bank that that money shall be put into circulation. Though the notes may be taken out and put in the vaults of the bank—not put in actual circulation—the tax on those notes is charged against the bank at the Treasury Department the very moment they are taken out. Hence it becomes the interest of the banks to put out circulation so as to offset the expense which they incur in taking out their circulation. They are the judges how they will put out these notes, and how many of them they will put out.

Mr. MITCHELL. Do I understand the gentleman to object to legislation which will increase the value of our United States bonds?

Mr. COX. I do object to increasing the value of the United States bonds if you propose to continue your bank currency based on such bonds, and then leave it to the holders of the bonds to control the amount of bank circulation in the country.

Mr. HULICK. Do I understand the gentleman from Tennessee to insist upon having these great banks of New York City and other large cities compelled to issue notes to the full amount of their bonds? Is that the gentleman's idea?

Mr. COX. No; my idea is to compel them to take out circulation upon their bonds at the par value of those bonds. How they will use the notes when taken out is a matter of banking. But if the notes be taken out, it becomes the interest of the banks to use that circulation instead of holding it locked up in their vaults.

In other words, the tax on circulation attaches to the amount of circulation the bank may be entitled to, and to recover back this expense it becomes the interest of the bank to use its circulation. It obtains it as it wants it, but the tax covers the full amount the bank is entitled to.

Mr. HULICK. You would compel them, therefore, to put out the circulation of their notes into the country.

Mr. COX. No; I propose that they take from the Government an amount of circulation up to the par value of the bonds. Then how they shall use it will be a matter discretionary with the banks.

Mr. McMILLIN. I will ask my colleague a question, with his permission. Is it not a fact that a large number of the banks which demanded an increase of circulation during the worst of the panic through which we have been going returned the circulation without ever having cut the bands on the packages, and did not utilize it at all?

Mr. COX. That is true; and you will strike the same thing again the first time the occasion arises, because the self-preservation of the banks is a higher law than any we can pass here. Now, I yield the rest of my time to the chairman of the committee, the gentleman from Massachusetts [Mr. WALKER], with whom I have been serving for so long, and I think he ought to have had the time which he asked for the discussion of this bill.

Mr. WILLIAMS. Mr. Speaker, I want to ask unanimous consent that the gentleman from Massachusetts [Mr. WALKER] be allowed an hour.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that the gentleman from Massachusetts [Mr. WALKER] be allowed an hour in which to address the House outside of the regular time allowed by the rules. Is there objection?

Mr. GROSVENOR. I object.

The SPEAKER. Objection is made.

Mr. McMILLIN. Mr. Speaker, there was a suggestion by the gentleman in charge of the bill [Mr. JOHNSON of Indiana] that debate be limited to one hour on a side. This is a very important measure. Copies of the bill have been exhausted, and I therefore ask unanimous consent that one hour on a side be given for discussion, and that the time which has been taken up already be counted in that time. I make that request in view of the fact that copies of the bill have been exhausted, and that opportunity for amendment has been taken away by the previous question. I do not think that is an unreasonable request, concerning so important a measure.

Mr. WALKER of Massachusetts. I hope the gentleman from Ohio will not object to my having an hour.

Mr. GROSVENOR. Mr. Speaker, I withdraw my objection, and am willing that the gentleman may have whatever time he wants.

The SPEAKER. The gentleman from Ohio withdraws his objection to the request that the gentleman from Massachusetts [Mr. WALKER] be allowed one hour. Is there further objection? [After a pause.] The Chair hears none.

Mr. McMILLIN. I did not wish to cut off the gentleman. Now I will renew the request that I made a moment ago.

The SPEAKER. The gentleman asks unanimous consent that there be an hour for debate on either side, including the remarks of the gentleman from Massachusetts.

Mr. McMILLIN. Including what has been consumed.

Several MEMBERS. No, no.

The SPEAKER. Objection is made. The gentleman from Massachusetts [Mr. WALKER] is recognized for one hour.

Mr. HULICK. Before the gentleman begins, ought we not to have it determined when a vote shall be taken, so that those of us who are compelled to retire can do so? I think we should be informed when the vote is to be taken.

Mr. WALKER of Massachusetts Mr. Speaker, I thank the House for its great courtesy in giving me an hour by unanimous consent. This question, at this time and in this form, is one of the most momentous questions that this House has had brought before it during the last ten years.

A thing may be proper to be done, desirable to be done, and justice may require that it should be done at one period, and yet it may have in it immense potency of evil if done at another period.

At least three in five, and I believe nine in ten, of the people of this country are under the impression that what is for the banking interests of the country, and what is represented in the banking interests of the country, is opposed to them and their interests. Under these circumstances, and at this time, to even seem to grant any privileges to the banking interests and the money interests of this country is, I want to say to the House, fatal to the best interests of the country, because of its adding to this prejudice. As a naked proposition, to have been voted upon when John J. Knox first recommended that this legislation should be had, or at any time previous to the last five years, this should have passed unanimously. To-day it ought to be voted down unanimously, and I believe that before I get through a very large majority of this House will be of the same opinion, however they may vote.

Mr. Speaker, I want to say first that it is the natural right of every man, or any two men, or any five men combined, to give a promissory note for products to any of their neighbors who will take it. It is the natural right of every man to agree with his neighbor that he will deliver to him any time in the future, near or remote, any given thing.

Our national banking act requires that before five men shall do this they shall deposit with the Government a fee for doing

it, and this fee amounts to anywhere from 10 per cent of their capital up to $25,000 for a bank of $250,000 capital up to $2,000,000, in buying its bonds, upon which it then allows them to take out promissory notes to give for titles to products.

Mr. JOHNSON of Indiana. If the gentleman will pardon me a minute. Mr. Speaker, it is evident that this debate, if all the time allowed be occupied, and I imagine it will be, will probably run up to about 6 o'clock, and there would be only a few gentlemen who would remain. I therefore ask unanimous consent that the vote be taken to-morrow morning, immediately after the reading of the Journal.

Mr. WALKER of Massachusetts. That is a good idea to disperse my audience.

Mr. JOHNSON of Indiana. I am not going to disperse the gentleman's audience; but I want all the members present when the vote is taken.

The SPEAKER. Does the gentleman yield for that purpose?

Mr. WALKER of Massachusetts. Oh, yes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the vote upon this question be taken to-morrow morning immediately after the reading of the Journal. Is there objection?

Several members objected.

Mr. WALKER of Massachusetts. Mr. Speaker, the people of this country have helped to build up the national banking system, and it has been one of the most blighting things that has existed in national law, to the whole South and to the Northwest of this country during the last ten years. I believe I can show to this House before I take my seat that this statement is true. Just look at it a moment. In the first place, in every other country the banks issue currency just as freely as they issue checks or drafts; and there is no reason why a bank should not issue its paper money—its currency—absolutely without cost, up to a reasonable amount, namely, the capital of the five persons who have formed the bank, who have put their capital into the bank, and it should be issued without a farthing's cost except the printing of the bank notes. A bank bill is nothing in law or usage but a certified check or a certificate of deposit in the bank to the man holding it. That is all it is to the man who holds it.

Now, the $1,000,000,000 of currency in this country is costing the people of this country in higher rates of interest $60,000,000 at 6 per cent, for the banks are now making nothing on it, and therefore must get $60,000,000 more on their $4,500,000,000 loans. Furthermore, our Treasury is costing $17,000,000 more. That makes $77,000,000 absolutely wasted, taken out of the pockets of the people, in higher prices, in everything they buy. I could demonstrate the accuracy of this statement to any twelve men so as to get a unanimous verdict upon this proposition. Any man can figure their extra cost when he goes to buy goods, boots, shoes, food, clothing. On an average all products are held a year before they are consumed.

Now the rates on loans and discounts in this country are 1 per cent higher than normal, and prices 1 per cent above what they would be under rational banking and currency laws, such as they have in all other civilized countries. A man spending, say, $300 a year loses $3 in higher prices under this system. Another man spends $1,200; his purchases cost $12 extra; and if it be $12,000, it would be $120. This is susceptible of proof. It is shown by the bare statement I have made. I will prove it in another way. The banks carry $800,000,000 of cash reserves and $200,000,000 in deposit in banks as reserves, 3 per cent on which is $6,000,000, which amount, with 6 per cent on the former sum, $48,000,000—a total of $54,000,000, and, adding the $17,000,000 wasted on the public Treasury, amounts to $71,000,000. That is the second way to prove it, for there is not another country in the world where the currency issued by the banks does not more than cover the cash reserves and the total reserves held in the banks worth 6 per cent here to banks while in circulation. That is the second way to prove it. The third way is this: We have $4,500,000,000 of loans and discounts. At least 25 per cent more loans and discounts could be made if the banks issued their currency freely; in country districts more than 50 per cent more. Why, in the Massachusetts banks, as you can see by looking at the appendix to my argument before the Committee on Banking and Currency on February 18, 1897, that I have put on the desks of all members, our loans in New England were 125 per cent to total of deposits and capital under the Suffolk system in 1856, while to-day you can not loan over about 87 per cent even in New England, and much less in the whole country—42 per cent more in 1856 than in 1896.

Then, again, listen to this statement. There is a bank in the town of my friend from Pennsylvania [Mr. BROSIUS], the town of Lancaster, Pa. It has a capital of $200,000. All its capital is invested in bonds, to take out circulation. But let us see how it works. When you take that $200,000 in capital anywhere where you want to establish a bank, you find this: Our bonds sold to pay only 2.45 per cent interest for the eight years previous to the panic of 1893. Their normal price is 130 to pay 2.5 of income on their price, which is more than 3 per cent more than they averaged to pay in the eight years previous to 1893. You have, on the bonds that you get at 130, bonds amounting to $153,846.16. If you get currency up to par, what have you? You must put up 5 per cent for the redemption fund, or $7,692.31. That leaves you a possible loanable fund of only $146,153.85. You have reduced your loanable capital by 26.92 per cent from what you had when you began. And, furthermore, you can not loan a dollar to anyone unless he wants the bank bills. You have taken every dollar of your money and put it into bank bills; and if your customer can not use bank bills, but wants a check or a draft on New York, you can not loan him one cent until you send your bills to New York.

Again, when you have that money in your vaults, and it is not in circulation, you lose about 6 per cent, but in case you succeed in getting the money into circulation you get full interest on it, while out. In the country districts of New England, under the Suffolk system of current redemption, a system they had all over that country, they provide for current redemption in a big commercial city, Boston. They issued 100 per cent in currency in Vermont, equal to their capital, and made their loans and discounts at one-half of what they could make them had they not issued currency freely. In Virginia the banks had in circulation 96 per cent of currency to their capital.

Now, under the Suffolk system, what would be the result in aggregating $200,000 capital? You would have your capital and also currency to the amount of $200,000 if you could keep it in circulation. By keeping it at par with coin, as we did in New England, you would have, after setting aside 5 per cent for a current redemption fund, $390,000 possible loanable funds. The currency of the banks was as large as their capital in many cases, and they were thus able to make their loans and discounts at one-half of what they could without their currency, $390,000, under a rational and customary system, while issuing it to the par of the bonds, you can loan but $146,000, about three-eighths as much.

Raising $20,000 for a bank, they would only get of loanable funds $14,615.38, while under my bill their possible loanable funds would be $39,000.

Do you want to perpetuate this system? Can any political party afford to do so? It is believed all over this country that the bankers bought the $262,000,000 of bonds of this Government at 111.84 when its credit was destroyed, and by the very action of the bankers themselves. Of course I do not believe it, but that is the popular belief. They bought these bonds at 111.84, when their normal price in prosperous times was 127.44. The people thus lost $41,000,000. Those bonds have gone up, so the bankers have pocketed $16,000,000, and the popular belief is that they now want this bill passed so as to make the price of those bonds go up, so they can pocket the other $25,000,000. If that is the popular belief, does this House want to give these people any more specious evidence that it is true? I tell you, gentlemen, that the vote of this country very largely hangs on the vote on this measure, which ought to have passed years ago, but which, passed to-day, is giving a stone for bread and a scorpion for a fish; and it will be so regarded by large masses of honest people all over the country. Look at the situation a moment. Repeal your tax, allow the banks to issue circulation to the par of the bonds, with bonds at a nominal price of 130. What are the facts? In New York and Boston and other 4 per cent localities the profit to banks on currency will be 44 per cent more than in a 6 per cent locality, when it should be 50 per cent more in the 6 per cent locality.

Do you want to perpetuate such a system? How long must the people of the Northwest, of the South, and of all our agricultural regions, where money is 6 and 8 and 10 per cent, be compelled to go to New York to get their money? When our bonds sold to pay an income of 2.45 per cent in 1890, the New York City banks had $3,500,000 in currency. On October 2, 1893, when the bonds paid 3¾ per cent income on their price, New York City banks run their currency up to $15,800,000. Do you want to vote for this bill to aggravate and perpetuate such a system? Nay, verily. Only mischief to our country lurks in it. In a 4 per cent locality the profit is 174.4 per cent more than in an 8 per cent locality, when it should be 100 per cent more in the 8 per cent locality. In New York City, rating it a 4 per cent locality, the profit is 6555.5 per cent more than in a 10 per cent locality, when every man knows that in a 10 per cent locality the profit ought to be 150 per cent more than in a 4 per cent locality.

Do we propose to vote for this bill in the light of these facts and go to the country on our record? I want to say to this House that the evidence before our committee is conclusive that the people do not want cheap money. They want their natural rights on this money question. If they can be allowed to issue money freely, as they are allowed to do in every other country excepting this, and as our people did under the old State-bank system, the evidence is that you will hear nothing more of the greenback question or of the free-silver question. They are willing to accept any reasonable conditions for making good money. The people are taking these things as weapons to fight the bankers of this country, as they misunderstand the matter, and this bill, if passed, will seem

to justify the opinions that have been instilled into their minds for years.

Now, let me give you a few more figures. In 1856 the loans to capital and deposits in the State of New York, outside of the city, was 116.5 per cent. To-day it is only 77.6 per cent. In New York City it was only 87.8 per cent. To-day it is 96.9 per cent. New York City has to-day 10 per cent more loans than she had in 1856 to her capital and deposits, while the State of New York, outside of the city, has 50 per cent less to-day than in 1856. Thus our banking and currency system works against the farming sections. Is it not perfectly evident to this House that, the loans and discounts of those country banks being so much less than they were formerly to the same amount of funds, the country people are paying about one-third more interest than they would have to pay if they could issue currency as under the old Suffolk system, which system was just as safe in every respect as the existing system, and that they are now seriously suffering?

I tell you Republicans that if you do not act with the greatest wisdom and promptness on this currency question you will not have as many Republicans in the Fifty-sixth Congress as there are Democrats in this Congress. We are proceeding in the wrong direction in this bill. We ought to amend our national banking law, and that at once, so as to permit the national banks to issue currency naturally, as was done under the old New England Suffolk system, under the Scotch system, the Canadian, and all others excepting ours, and under the State-bank system all over this country. The currency issued by those banks was not safe because there was no provision for current redemption in a large adjacent commercial city. In Virginia they had twice as much coin to their currency as there was in New England. Thirteen and one-half per cent was what we had in New England, and yet our bills sold at a premium everywhere and our bank failures were practically unknown; while in Virginia, for the reason that they did not provide for currency redemption in Baltimore, as over their own counters, their bills and those of all the other States except Louisiana sold at a discount. This simple contrivance makes the difference between money at par and at a discount. Now, nobody doubts that this bill ought to have passed long ago, but we are asked to do this thing at the wrong time, and therefore it ought not to be passed now.

I have not time to go any further into that question, but now let me ask your attention to some figures in this table:

State.	Year.	Percentage of currency to—				Percentage of specie to—			Percentage of loans and discounts to total of capital and deposits.	Percentage of excess of loans and discounts to total of capital and deposits in 1856 over 1896 on the same funds.	Total national and State banking capital per capita.	Circulation per capita.
		Capital.	Deposits.	Loans and discounts.	Total currency and deposits.	Currency.	Loans and discounts.	Currency and deposits.				
Maine	1896	64	240	39	70.59	15	5.76	10	113.4	34.5	----------	$8.08
	1856	46	33	22	24.55	22	5.04	6	84.3	----------	----------	7.69
Massachusetts	1896	45	109	26	52.13	17	4.50	9	111	25.6	----------	21.56
	1856	45	28	19	21.66	22	4.37	5	88.4	----------	----------	9.06
Vermont	1856	103	498	54	83.27	5	2.85	4	115.7	46.5	----------	12.60
	1896	40	40	28	28.69	19	5.33	5	79	----------	----------	10.34
Rhode Island	1856	27	176	19	63.73	10	1.56	6	112.2	22.8	----------	31.63
	1896	38	38	21	27.67	16	3.24	4	91.4	----------	----------	21.08
New York, except New York City	1856	76	113	28	55.55	5	1.44	3	116.5	50.1	----------	7.48
	1896	47	15	15	13.05	49	7.15	6	77.6	----------	----------	3.67
New York City	1856	15	12	8	10.92	139	10.73	15	87.8	----------	----------	10.33
	1896	41	8	7	7.01	240	15.76	17	96.9	a 10.4	----------	13.65
Virginia (and West Virginia)	1856	96	210	61	67.73	24	12.04	16	112.8	35.6	$7.90	10.67
Virginia (old)	1896	39	14	12	12.21	59	7.27	7	83.2	----------	6.25	1.14
North Carolina	1856	93	522	50	83.92	24	11.77	20	116.2	32.8	5.73	5.79
	1896	26	14	11	12.65	73	7.79	9	87.5	----------	2.93	.44
South Carolina	1856	37	212	29	67.94	19	5.52	13	110 8	----------	21.65	9.24
	1896	24	12	7	10.65	47	3.34	5	110.7	----------	2.96	.39
Georgia	1856	50	329	40	76.70	22	8.66	17	110.8	31.8	12.05	6.33
	1896	31	17	13	14.27	60	7.73	9	84.1	----------	3.08	.55
Louisiana	1856	38	49	26	32.47	113	29.78	37	81.4	----------	30.37	10.20
	1896	35	7	7	6.61	194	13.83	13	82.6	a 1.47	4.71	.89
Indiana	1856	112	231	65	82.51	35	22.85	29	111.6	51.8	3.38	3.34
	1896	33	16	15	13.81	60	14.50	14	73.5	----------	8.19	2.16
Michigan	1856	70	42	29	29.56	27	7.59	8	94.8	9.22	1.54	.77
	1896	31	12	10	10.52	84	8.04	9	86.8	----------	10.71	1.96
Six New England States	1856	47.1	152.1	28.7	60.4	13.5	3.9	8.2	125	42.5	----------	16.36
	1896	30	21.9	15.6	17.9	38.3	5.9	6.8	87.7	----------	----------	11.10

a Excess in 1896 over that of 1856.

State.	Currency notes issued by the banks, 1896.	Currency notes that would be in circulation were there the same percentage of circulation to banking capital to-day as in 1856.	Currency notes that would be in circulation were there the same per capita in circulation to-day as in 1856.
Virginia	$1,891,145	$10,596,158.40	$13,343,400
North Carolina	705,385	4,858,452.00	9,528,100
South Carolina	446,785	1,961,379.85	9,985,600
Georgia	1,019,438	3,111,158.50	12,322,000
Louisiana	997,233	2,196,563.50	13,753,600

Virginia to-day is robbed, practically robbed, of $12,000,000 of working capital that she would have under a rational banking system. And the same is true of all the other States—the agricultural States particularly. The large cities are relatively profited by the present national bond system of issuing currency, but in every other place it is a blighting curse.

Ah, but you tell me the trouble is they have no capital in the agricultural sections. That can not be the trouble, for they have more capital per capita in every State of this Union than they had in 1856, the year these figures were made for. There are no inducements for persons having capital to put their capital into banking in those sections. They do not do it because it will not pay them unless they can issue currency freely. They can do better by investing their money in the large centers, losing the advantage which they would have if they could put their capital into banking and issue bills upon it and have every dollar give additional dollars to loan. This has become such a terrible oppression that you can not find currency in circulation in many portions of the agricultural sections of the country.

Now, in seven States of the Northwest—California, Colorado, Idaho, Montana, Nevada, Oregon, and Washington—the loans and discounts, as compared with capital and deposits—which are the funds of the banks—are only 52 per cent, while in 1856 the proportion in Massachusetts was 125 per cent. Just think of it a moment, 125 per cent of loans and discounts, as compared with capital and deposits, while now in the seven States that I have named the percentage is only 52.5. If those States had grown up under the Suffolk system—under a rational and universal system of banking and currency, such as exists in every country of the world except this—they would be loaning 125 per cent, and loaning it for one-third to one-half less than the rates at which they are now loaning their money, while at the same time they would be paying as large dividends on their banking stock as they are paying to-day.

Again, the present system compels our banks to be bond speculators. Why, sir, in 1881, when our bonds were paying 3 per cent on their purchase price, there was $312,000,000 of bank money in circulation. In 1890, when those bonds paid only 2.45 per cent, the money in circulation was reduced to $126,000,000. That is to say, when we want least money, the banks issue the most; when we want most money, they issue least. Our present banking system makes the currency of this country a "freak" currency, not issued with any regard to demand and supply, but issued wholly with reference to the profits of the banker.

Now, the remedy for these evils is to reform our banking and currency system. Let us save all we have in the national banking system that is valuable. Let us make each bank redeem its notes, every one of them, at some great commercial center which they themselves may elect, under the supervision of the Comp-

troller of the Currency, and keep every dollar of it at par with the most valuable coin. Allow them to issue their notes against their assets, up to their capital, just as they do in every other country and as they did in this country before the adoption of the national banking system. Let us have the supervision that we now have over them. If the bills of any bank come in for current redemption too frequently, it will be in order for the Comptroller of the Currency to notify such bank that it must not issue so many notes. The aggregate notes of all the New England banks were redeemed, on an average, five times a year—some of them not more than three times, some of them not more than once, some of them a dozen times.

In a city they can not issue currency under a free banking or a free currency system, because the currency is cleared at the clearing house as checks and drafts are and does not stay out long enough to make it an object for them to issue it. Under a rational banking system those sections of the country that need the most currency issue the most and get the profits on it and the people low rates of interest. The prices of loans and discounts are thus reduced, and they get their money as cheaply, or nearly so, as business men in New York.

It is a fact within my personal knowledge that the country banks throughout New England loaned their money on the whole and on the general average as low as it was borrowed in the city of Boston in 1856. Under a national banking system, loans and discounts in this country would, within ten years after our adoption of such a system, be scarcely higher in one part of the country than another, except as affected by the security given. To-day, although the security is equal, loans and discounts are in some parts of the country double what they are in others.

Mr. Speaker, I want the House to vote on this question intelligently. I want members to understand what they are doing. I do not want this House to advertise to the country that it is legislating in the interest of the bankers only when it is not so doing. Let me say to this House that there is no instance in history of any coinage system or any banking system of any country having been corrected or reformed upon the solicitation or with the approval of the bankers of that country. The very qualities that make men safe bankers—the very elements of character that make the Americans such splendid bankers, patriotic, and in every way as honorable, as any class of men in the community—are the elements of prudence, conservatism, and caution which lead them to fight, and fight to the death, anything that will touch existing conditions. Therefore this House must legislate outside of and adverse to the advice or approval of the bankers.

Mr. COOPER of Florida. Will the gentleman yield to me a moment?

Mr. WALKER of Massachusetts. Yes; or to anybody else.

Mr. COOPER of Florida. I wish to ask a question for information. I ask the gentleman whether there is anything that occurs to him as objectionable in this bill in permitting an increased issue of currency on the deposit of bonds?

Mr. WALKER of Massachusetts. Yes; there is a most decided objection. The great trouble in this country to-day—the source of the anxieties and panics that prevail from time to time—is the plan of making the Treasury responsible for the current redemption of the whole of this thousand million of currency. This system was only made endurable up to 1893 by this great Government being a part of the clearing-house system in New York, being a member, practically, of the New York clearing house. That required the keeping of nearly $300,000,000 in our Treasury, in order to make the people and the banks feel secure in the action of the Government, and the people were taxed for the interest on that sum.

Pass this bill and immediately $23,000,000 more will be added to the sum of money troubling the United States Treasury. Furthermore, the bonds that are now in existence will be sent into the banks, and from $50,000,000 to $100,000,000 will be added to still further perplex the Treasury of this country, and to cause still more anxiety, and to cause still more panics, to throw men out of employment and make still more trouble. It will aggravate the situation.

Mr. COOPER of Florida. Will the gentleman permit me one further question?

Mr. WALKER of Massachusetts. Yes.

Mr. COOPER of Florida. In your judgment, then, will the passage of this bill increase the national-bank circulation in the United States?

Mr. WALKER of Massachusetts. I have no question about its increasing very much the national banking circulation in the United States, but I do not believe it will reduce the price of loans and discounts by the smallest farthing, but I do believe it will still further congest money in New York; in fact, all the money except the bank currency. The bank money is currently redeemed. If the New York bankers, or any other bankers, get any of this national circulation, it will be sent to Washington to be redeemed, and go back to the bank that issues it. The banks, therefore, will send all of their silver certificates, Treasury notes, legal-tender notes, and everything else to New York. The result now is that there is kept in New York from $60,000,000 to $100,000,000 of surplus money that the people can not borrow. This bill will still further increase it, and continue to limit the country districts in money accommodations.

One word more. You understand that if we have banks all over the country, situated as they were before the war, in every large town, the banker knows the men in that town and whether they are good for a loan or not, and these countrymen can borrow money in their own town; but get 100 miles away from them and the banker does not know the people who desire to give their notes in borrowing money, and therefore he will not dare loan the money. This national banking system amounts practically to a prohibition to the farming interests of some sections of this country as to borrowing money. [Applause.]

Mr. HILL. The gentleman from Massachusetts objects to the bond security under the national banking system because it locks up an unnecessary amount of money, and would therefore favor some other method. Why does the gentleman oppose an amendment looking to a release of part of the money that is locked up? Is not his objection rather against the whole system, and not against this particular measure?

Mr. WALKER of Massachusetts. My fundamental objection is against this needless, extravagant, oppressive system, and I object to this bill because it will not release one dollar of money, practically, for the people. That is to say, every dollar of this money that goes into general circulation will come back here to be redeemed and go into the banks that issue it, and throw out of those banks the silver certificates, the Treasury notes, and the legal-tender notes that they now have, which will drift to New York, so that the parts of this country that need the loans and discounts will not be helped by the smallest farthing. Those sections can not afford to buy bonds and take out currency, as I have proved.

Mr. WATSON of Ohio. Are you not opposed to the entire national banking system?

Mr. WALKER of Massachusetts. I say that it is impossible to-day to repeal the 10 per cent tax on State banks, because when we allow any notes to be issued by any banks we ought to provide for the banks keeping those notes at a par with all the money that we now have; and if we allowed State banks to issue their currency, we could make no provision, unless the National Government assumed it, for keeping their notes at a par with our coin, whether silver or gold. Therefore we are obliged to keep the 10 per cent tax on State-bank currency, and I believe that the national system, framed on the Suffolk plan as to currency, is better than the State-bank system.

Now, I want to say this—and I know I am going to be misrepresented in the newspapers, as I always am, about it. If we had no greenbacks, no Treasury notes, no silver certificates, and if we could not amend our national banking system, this House ought, within twenty-four hours, to repeal that 10 per cent tax on State-bank currency and give the people a chance to have cheap money, and they soon would make it good money.

Mr. WATSON of Ohio. Will you please answer my question? Are you not opposed to the whole national banking system?

Mr. WALKER of Massachusetts. No, sir; I am not. I am in favor of a national banking system and of providing for the issuing of currency notes against the assets of the banks up to the amount of their capital, and I know they can do so safely by the Suffolk system of redemption. I am in favor of abolishing the bond security and the present method of issuing currency, and of allowing banks to issue notes up to the par of their capital, and requiring them to keep all that paper money at par with the best coin money we have. That is what I am in favor of.

Mr. OTJEN. Will you explain what you mean by the Suffolk banking system?

Mr. WALKER of Massachusetts. Let me tell you what that system was. The State of Massachusetts required the banks to keep a certain percentage of coin to their deposit and currency. They might issue all the notes that they would redeem over their own counters at par, up to the amount of their capital. But the Boston banks got together and determined that they would not accept any country-bank paper money in payment of any notes in their banks unless the banks would redeem their paper money at some bank in Boston, as well as over their own counters. That compelled the country banks, in order to circulate their money, to redeem it at some Boston bank. That was early in the thirties. The Boston banks again got together and agreed that the Suffolk Bank should do all this redemption of the currency of the country banks, and that forced the country banks to redeem their currency at the Suffolk Bank. The country banks fought this at first, but they soon saw it was for their advantage. The result was that they could keep their currency in circulation to a larger amount by this system. Every bank in the six New England States voluntarily came into the system.

The result was that on only 13.5 per cent of gold the New England currency sold all over this country at a premium. That of the Virginia banks sold at a discount because Virginia banks

did not provide that their bills should be redeemed in Baltimore or New York; on 24 per cent of gold to currency their bills sold at a discount. Just that simple provision that they should be redeemed in some large commercial city caused that difference. Now, I have a bill before our committee that I would be pleased to have passed. It is the Suffolk system pure and simple, only providing that the banks shall take up pro rata our greenbacks—legal-tender notes—and currently redeem them, instead of the Treasury; and then the whole question is solved and money may be issued as freely as under any State system that has ever existed in this country and be absolutely good money.

Mr. COX. I desire to call the gentleman's attention a moment to a question, and that is, if in his bill, in talking about a system of banks——

Mr. WALKER of Massachusetts. I move to amend the bill under consideration by striking out all after the enacting clause, and inserting the bill I send to the desk.

Mr. JOHNSON of Indiana. That can not be done.

Mr. COX. I will ask you if you authorize the banks to take out circulation to the par value of the bonds, and you let the tax remain on this circulation just as it is?

Mr. WALKER of Massachusetts. Not at all.

Mr. MITCHELL. Has this bill of which the gentleman speaks been reported?

Mr. WALKER of Massachusetts. No; and never will be until the Republicans are in earnest about reforming our financial and currency system.

Mr. COX. Do not you work in this way: A man can take out dollar for dollar to the par value of his bonds; he then goes to his community and lends that dollar for 8 per cent, and then draws 4 per cent upon the bonds?

Mr. WALKER of Massachusetts. The gentleman may put that in his speech. I do not accept that at all. I am not going into that bond question at all. I provide no use of bonds.

The SPEAKER pro tempore (Mr. BENNETT). The bill sent to the desk by the gentleman from Massachusetts will be read for information.

Mr. WALKER of Massachusetts. I hope it will not be read in my time. I ask that it be printed in the RECORD with the notes on the side and the footnotes so that the House may see what its provisions are.

The SPEAKER pro tempore. What the gentleman asks can only be done by unanimous consent.

Mr. WALKER of Massachusetts. I ask unanimous consent that it be printed in the RECORD as a part of my speech.

Mr. JOHNSON of Indiana. You do not move it as an amendment?

Mr. WALKER of Massachusetts. I withdraw that.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the bill be printed in the RECORD as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

A BILL TO SECURE TO THE PEOPLE THE ADVANTAGES ACCRUING FROM THE ISSUE OF CIRCULATING PROMISSORY NOTES BY BANKS, TO INCREASE THE VOLUME OF SUCH NOTES, AND TO SUPERVISE AND CONTROL BANKS BY OFFICERS OF THE UNITED STATES.

Banks to organize under existing law except as modified.

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Be it enacted, etc., That national banking associations may be organized for the transaction of business under this act and shall be subject to existing law, excepting as hereinafter provided. All national banking associations organized after the passage of this act shall be organized under this act, and all national banking associations whose corporate existence is extended shall be reorganized and extended under this act. National banks, how organized and reorganized.

SEC. 2. That any bank incorporated by special law, or any banking institution organized under a general law, having a paid-up capital of $20,000 or more, may become a national banking association under this act, with the approval of the Comptroller of the Currency, by the name prescribed in its organization or by any other name approved by the Comptroller; and in such case the articles of association and the organization certificate shall be executed by not less than a majority of the directors of such bank or banking association; and the certificate shall declare that the owners of two-thirds of the capital stock have authorized the directors in writing to make such certificate and to change and convert such bank or banking institution into a national banking association under the provisions of this act. A majority of the directors, after executing the articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make the organization perfect and complete under this act. A majority of the board of directors of each association organized, reorganized, or extended under this act shall be composed of persons who perform no other official service for the association. Any bank may reorganize, etc. Twenty thousand dollars or more capital required. Organization certificate. Power of directors.

SEC. 3. That any banking association organized and doing business under existing law of the United States may withdraw all its United States bonds deposited to secure its circulating notes in manner now provided for the withdrawal of a part of such bonds, and withdraw such circulating notes, and upon so doing and its compliance with the provisions of section 5 of this act, shall be deemed a banking association organized under this act. National banks, how reorganized.

SEC. 4. That in places of less than 4,000 inhabitants, with the permission of the Comptroller of the Currency, banking associations may be organized with a paid-up capital of not less than $20,000. In places of less than 4,000 inhabitants.

SEC. 5. That each association organized under this act, before it shall be authorized to commence a banking business, shall deliver to the Treasurer of the United States United States legal-tender notes, including Treasury notes, or coin, or coin certificates, as provided in section 6, subject to section 14, in amounts equal to 12 per cent of its capital, as capital is defined in section 26 of this act. Shall deliver to the Treasurer of the United States lawful money, etc., when organized.

SEC. 6. That upon a delivery of coin, coin certificates, or United States legal-tender notes, including Treasury notes, to the Treasurer of the United States, the association making the same shall be entitled to receive from the Comptroller of the Currency United States legal-tender notes of different denominations, having printed on the reverse side the currency note of the association authorized in section 10, in blank, registered and countersigned as provided by existing law, equal in amount to the coin, coin certificates, and United States legal-tender notes, including Treasury notes, delivered; but at no time shall the total amount of all currency notes supplied to and issued by any association under this section and section 10 exceed the amount of its capital stock at such time actually paid in and unimpaired, plus its surplus and undivided profits, excepting as provided in section 17. The promise of the association receiving and issuing such notes to pay the same on demand shall be attested by the signature of the president or vice-president and cashier or assistant cashier before being issued by it.

To receive United States legal-tender notes combined, with bank notes provided in section 10.

Currency notes never to exceed capital, etc.

SEC. 7. That no banking association shall plead in defense, in any action brought against it, that any note signed by its officers and paid out by it is a United States legal-tender note.

Legal-tender note a bank note only, to the bank issuing it.

SEC. 8. That the Secretary of the Treasury is hereby authorized to issue United States legal-tender notes described in section 3 of the act of March 3, 1863, in the manner described in section 6, to the amount necessary to carry into effect the provisions of this act.

Volume of legal-tender notes allowed.

SEC. 9. That the lawful name and description of notes issued under section 6 shall be greenbacks.

Greenbacks, lawful name.

SEC. 10. That the Comptroller of the Currency shall issue currency notes of different denominations, in blank, to any association, and the association may issue the same, as provided in section 20, in addition to the greenbacks described in section 6, equal in amount to the amount of the greenbacks taken out by it during the first year of its corporate existence as a bank of loan and discount. Thereafter he shall issue to any association, and the association may retain and issue, the notes described in this section at his discretion, but not less in amount than the amount of the greenbacks taken out by such association, and not to exceed in amount the amount of its unimpaired capital, as described in section 68, and the Comptroller of the Currency may recall the same from any association at any time, in order to reduce the volume of such notes held by any association to an amount deemed by him safe for the association to have or to put in circulation. The amount of such notes to be issued to or retained by any association under this section shall be annually or oftener, at his discretion, ascertained and determined by the Comptroller of the Currency. The notes issued in blank in compliance with this section shall not exceed in amount the greenbacks issued to the association under section 6 until the setting aside of gold in the Treasury, as described in section 13. Each association taking out the notes described in this section shall add to the redemption fund described in section 27 and keep therein a sum in lawful money equal in amount to 5 per cent of the average of such notes so taken out that it has in circulation, as found from time to time, such 5 per cent to be held for the redemption of its greenbacks and reserve notes.

May issue circulating notes against assets, etc.

Comptroller to regulate sum of notes issued.

SEC. 11. That the lawful name and description of notes issued under section 10 shall be reserve notes.†

Lawful name, reserve notes.

*Reserve required, 1895	$408,291,726
1894	417,146,759
Reserve held, 1895	571,436,854
1894	660,467,511
†Net assets of national bank, in capital, surplus, and undivided profits	1,028,765,783
All kinds of paper money in circulation	1,095,377,992

Profits to bank on currency under existing law and conditions, about one-fourth of 1 per cent.

As all taxes except one-fifth of 1 per cent, safety-fund tax, are removed, the average profit, taking the country over, under this bill, on the currency kept out, would be about 6 per cent. Nothing is gained on the greenbacks and 6 per cent on the reserve notes.

SEC. 12. That the Treasurer shall forthwith redeem and destroy existing United States legal-tender notes issued under acts passed before July 1, 1890, and put in circulation previous to the passage of this act, in such manner as he may deem proper, equal in amount to 95 per cent of the aggregate of the coin, coin certificates, and United States legal-tender notes, including Treasury notes received for greenbacks issued under section 6; and the Treasurer shall set aside 5 per cent of such aggregate paid in, for the redemption fund, as described in section 27.*

Ninety-five per cent old issue of legal tender to be destroyed as new legal tender is issued.

Five per cent lawful money paid in kept for current redemption fund.

SEC. 13. That when there shall be no more in amount of the legal-tender notes described in section 12 outstanding issued before the passage of this act than the amount of the gold then held by the Treasurer for the redemption of such notes, the gold so held shall then be set aside by the Treasurer of the United States and used only to redeem and cancel such notes,† and from and after thirty days from the setting aside of gold herein mentioned such notes shall not be used by any banking association in redeeming its notes or be counted in the reserve fund of any national banking association.

Gold in Treasury set aside to redeem old issues of legal-tender notes.

Certain legal-tender notes can not be counted in reserve fund.

SEC. 14. That upon the execution of the provisions of section 13, a sum of money equal in amount to all moneys subsequently paid into the Treasury of the United States under section 6 and section 8 of this act shall be held in the Treasury as a separate fund, out of which the Treasurer of the United States shall, from time to time, redeem greenbacks held by certain associations in amount and manner as follows, to wit:

Amount of legal tender notes limited.

When such funds shall amount to 1 per cent of the total amount of greenbacks taken out under section 6 and section 8 of this act by banking associations and then held by them, or oftener, he shall call in, redeem, and cancel such notes so held that are in excess of the total amount of such notes issued to banking associations and held by them, previous to the setting aside of gold, as described in section 13 of this act. He shall first reduce the amount of such greenbacks to those associations which hold the largest amount of greenbacks in proportion to their capital, until the holdings of such greenbacks by all associations has been reduced to the sum required to be taken out by them in section 5 of this act. Thereafter the taking out and the holdings of greenbacks by all banking associations, as prescribed in section 5 of this act, shall be reduced so as to keep the total amount of greenbacks held by all banking associations as near as may be at the amount so held at the time of the setting aside of gold, as provided in section 13.

Reduction of legal-tender notes banks are required to take.

SEC. 15. That two years from the day of the setting aside of the gold, as described in section 13, any gold so set aside then remaining shall be free money in the Treasury of the United States; and thereafter the notes described in section 12 shall not be a legal tender for any debts due or payable in the United States; but such notes when presented to the Treasurer of the United States or to any assistant treasurer shall be redeemed out of any moneys in the Treasury not otherwise appropriated.

Balance of gold free money in two years.

* These "reserve notes" are not "reserve certificates." They are in no sense "issued against the reserve held." They hold exactly the same relation to the "reserve held" as any other liability of the banks. For each $95 of old issue of greenbacks that are redeemed and destroyed $100 of new greenbacks are issued and $100 of reserve notes, making $200 of currency for each $95 retired.

† Outstanding United States legal-tender notes $346,000,000
Gold redemption fund in Treasury in February, 1896 146,000,000

Total legal-tender notes to be assumed by bank 200,000,000

to relieve the situation. Thus, when the banks have assumed the current redemption of only $200,000,000 of legal-tender notes, the Treasury will be wholly relieved from paying gold on any form of paper money, and it will be a matter of as much indifference what the Government pays out as in the case of any private citizen.

Visible gold on July 1, 1895, as reported by the Director of the Mint:

In United States Treasury	$156,591,864
In national banks	148,791,837
In State banks	10,404,308
Total commercial gold	315,788,009

Interest paid on deposits makes deposits time deposits.

SEC. 16. That each deposit of money or funds made by any association or by any individual in any association doing the banking business defined in section 69 upon which the association receiving such deposit pays or agrees to pay any money or interest shall not be subject to withdrawal excepting on a day named in a notice given in writing to such association not less than thirty days before such withdrawal: *Provided*, That this section shall not apply to moneys deposited and withdrawn within seven days or to moneys or funds that banking associations are allowed to keep in other banks as a part of their reserve.

Emergency issue of legal-tender notes.

SEC. 17. That the Comptroller may issue to the national clearing house association, provided for by section 62, or clearing houses provided for in section 57, or to any banking association organized under this act the greenbacks described in section 6 to any amount approved of in writing by the Secretary of the Treasury, in addition to the amount issued under section 6: *Provided*, That the association applying for such additional notes shall deliver to the Treasurer of the United States or any assistant treasurer bonds* in kind and amount acceptable to the Secretary of the Treasury as security for such notes, and shall pay interest on the amount of such notes so issued at the rate of 6 per cent per annum, such interest on such notes to be paid at such time and in such manner as the Comptroller of the Currency may determine. But a sum no more than 90 per cent of the par value of any bond shall be issued in such greenbacks.

To be secured by bonds.

Rate of interest to be paid on emergency notes.

Ninety per cent of face value of bonds.

How bonds may be recovered.

SEC. 18. That any association depositing bonds and receiving greenbacks secured thereby, as provided for by section 17, may withdraw such bonds so deposited after thirty days from the date of such deposit upon paying the accumulated interest on the notes issued upon the deposits of such bonds up to the date of their withdrawal, and in addition to such interest shall deposit with the Treasurer lawful money or greenbacks, issued to associations under section 6 of this act, to an amount equal to the greenbacks issued to the association under section 17 and for the security of which the bonds were deposited; but no more than 5 per cent of the greenbacks issued to any other one association under section 6 of this act shall be accepted as a deposit for the withdrawal of such bonds.

Only 5 per cent of the notes of any one bank to be paid in to redeem bonds.

Notes to be put in redemption when paid in.

SEC. 19. That the notes deposited for the withdrawal of bonds shall be immediately put in redemption, and the money received for them shall be kept as a special fund with which to redeem and destroy the amount of greenbacks issued to the association under section 17 of this act, and such greenbacks shall be destroyed equal in amount to the greenbacks issued to the association when the bonds hereinbefore mentioned were deposited to secure such notes.

Currency notes to be furnished by the Comptroller of the Currency in blank.

SEC. 20. That in order to furnish suitable currency notes for circulation as money, under sections 6 and 10, the Comptroller of the Currency shall furnish such notes, in blank, to banking associations entitled to receive them, and every provision of this act shall, unless otherwise provided, apply equally to the currency notes issued under sections 6 and 10: *Provided, however*, That the reserve notes issued under section 10 shall have printed on the reverse side of them the statement that they are to be finally redeemed and paid by the Treasurer of the United States as provided in section 34, and the greenbacks issued under section 6 shall be finally redeemed and paid as provided in section 24 or 26. The Comptroller may cause a supply of reserve notes to be printed for associations in anticipation of their being paid out by them.

How currency notes are to be finally paid.

May print notes in anticipation of use.

*United States bonds in national banks to secure circulation	$206,463,167
Other United States bonds in national banks	$17,578,925
Other bonds held by national banks (estimated)	125,000,000
Total bonds held in 1895	142,578,950
The total securities, aside from United States bonds held by national banks, most of which are bonds	148,569,030

Gold and silver certificates to be redeemed and canceled.

SEC. 21. That hereafter no certificates shall be issued or reissued by the Treasury of the United States upon the deposit of gold coin, silver coin, or any other money, and that all existing coin certificates and money certificates shall be canceled and destroyed upon being received into the Treasury, and the coin or money remaining upon which they were issued shall be treated as free coin or money in the Treasury; and no currency note authorized under existing law shall be issued or reissued to any banking association of a less denomination than $3,* and all such notes of less denomination than $3 hereafter received for redemption shall be canceled upon being received in the Treasury, and like notes in blank of a larger denomination shall be returned in place of them; and no United States legal-tender notes, including Treasury notes of a less denomination than $3 shall be hereafter issued or reissued, but those of a larger denomination shall be issued and reissued in place of them.

No currency notes to be issued under $3 and existing notes canceled.

No legal-tender or Treasury notes to be reissued under $3.

May retire currency notes on certain conditions.

SEC. 22. That any association, upon giving to the Comptroller of the Currency notice of its intention so to do, may surrender its greenbacks, or any part of them, issued under section 6, in excess of the amount it is required to take under section 5, and receive lawful money therefor.

Banks dissolving, how notes are retired.

SEC. 23. That any association dissolving its organization, upon surrendering to the Treasurer greenbacks issued under section 6 to any association to the amount of its own greenbacks shall recieve lawful money therefor from the Treasury of the United States.

When capital is reduced, notes retired.

SEC. 24. That any association which reduces its capital stock may then deposit a like proportion of its greenback notes in excess of the amount it is required to have in section 5 of this act, and receive lawful money therefor, and the Treasurer of the United States is hereby authorized and directed to redeem the greenbacks herein described as they are presented, out of any moneys in the Treasury not otherwise appropriated, and the Comptroller shall forthwith put in redemption the money paid in or surrendered and destroy those of the bank reducing or surrendering greenbacks in the manner prescribed by law.

Notes surrendered to be put in redemption.

May reduce reserve notes.

SEC. 25. That any association may reduce its reserve notes issued to it under section 10 of this act by surrendering them for destruction to the Treasurer of the United States, and the Comptroller shall destroy the notes so surrendered in the manner prescribed by law. The liability of any association for its reserve notes issued under section 10 shall neither be canceled nor reduced in any other manner: *Provided, however*, That the doing by an association or others of any one of the things provided for in this section, and sections 22, 23, and 24, must be with the permission of the Comptroller of the Currency.

How liabilities on notes are to be extinguished.

Permission of Comptroller required.

Treasurer of the United States shall pay the bank for notes bought of the United States Government.

SEC. 26. That upon the expiration of the corporate term of any association organized under this act, and its corporate existence not extended by the Comptroller of the Currency, or upon the insolvency of an association, or by the order or with the consent of the Comptroller, approved by the Secretary of the Treasury, the Treasurer shall redeem the greenbacks issued to the association under the provisions of section 6 of this act. In redeeming such notes the Treasurer shall do so in coin of the same intrinsic value as the nominal value of the money deposited by the association for the greenbacks issued to the association upon the date of such deposit.

Full value of notes to be paid to the bank.

Five per cent redemption fund to be kept by Treasurer.

SEC. 27. That the Treasurer shall at all times keep and have on deposit in the Treasury of the United States in coin, or coin certificates, for the redemption fund of each association during the solvency of the association, a sum equal to 5 per cent of the greenbacks and reserve notes of such association, to be held and used for the current redemption of its greenback and reserve notes; and when the notes of any association organized under this act, assorted or unassorted,

*Treasury report, October, 1895:	
One-dollar notes in circulation	$44,861,938
Two-dollar notes in circulation	29,806,988
Total outstanding notes under $5	74,668,926

shall be presented for such redemption to the Treasurer of the United States, in sums of $500, or any multiple thereof, or in sums equaling not less than 1 per cent of its total circulation of banks having less than $30,000 in circulating notes, the same shall be redeemed.

Redemption agents may be appointed and redemption fund deposited with them.

SEC. 28. That the right to confer the duties and responsibilities of executing the provisions of the preceding section, or any part thereof, and of other sections or parts of sections of this act relating to the redemption fund provided for in section 12, or the redemption of such notes, upon reserve banks, or other suitable agents under such regulations as he may deem safe and proper, and to deposit any part of the redemption fund or funds provided for in sections 10 and 12 in such places, taking such security therefor as he may deem proper, is hereby conferred upon the Treasurer of the United States, with the approval of the Secretary of the Treasury; but no part of such redemption deposit shall be counted as a part of the reserve of any bank.

Security approved by Secretary of Treasury to be taken.

Publication to be made of what bonds are accepted as security.

SEC. 29. That the Secretary of the Treasury shall publish in one of the three papers having the largest circulation in business circles in New York City a list of the securities and the amount of each kind accepted by him to secure any notes issued on bonds under section 17, or to secure any deposits made in any bank.

Secretary to sell bonds to redeem notes.

Time bonds are to run.

Denominations of bonds.

How disposed of.

SEC. 30. That to enable the Treasurer of the United States to fund the greenbacks issued under section 6, the redemption of which by him is provided for in this act, and to enable him to execute all the provisions of this act, the Secretary of the Treasury is hereby authorized to issue, from time to time, on the credit of the United States, coupon bonds or registered bonds, redeemable at the pleasure of the United States after one year, and payable in coin three years from date, and bearing interest at a rate not exceeding 4 per cent per annum, payable semiannually, to any amount then necessary for that purpose; and the bonds herein authorized shall be of such denominations, not less than $50, as may be determined upon by the Secretary of the Treasury, and the Secretary of the Treasury may dispose of such bonds at any time, at the market value thereof, for coin, or coin certificates.

Depositories of public money required to keep reserve.

SEC. 31. That any banking association or clearing-house association organized under this act may be designated by the Secretary of the Treasury as a depository of public money and may be required by the Secretary to keep on hand, on account of such deposits, such reserve fund as he may deem expedient; but no part of such deposits by the Secretary shall be counted in computing the reserve required by law.

Comptroller may close up banks in certain cases.

Comptroller may take possession of assets.

Comptroller to create a fund.

SEC. 32. That upon the insolvency of any association or whenever, in the opinion of the Comptroller of the Currency, the complete redemption and retirement of the reserve notes issued to and retained by any association under section 10 of this act is then necessary for the protection of the holders of such notes, the Comptroller may take possession of all the assets of such association, which assets shall be held to include the liability to assessment of all stockholders, and create and deliver to the Treasurer of the United States a fund equal in amount to such notes; and the Comptroller, after completing such fund or as much thereof as can be realized from the assets, and not before, shall deliver the remaining assets, if there be any, to the association.

Comptroller to return to bank remainder of assets.

Five per cent redemption fund dissolved or paid back.

SEC. 33. That the 5 per cent redemption fund, provided for in sections 12 and 27, of an insolvent association shall be free moneys in the Treasury, and the 5 per cent provided for in section 10 shall be returned to such association upon its insolvency.

Treasurer of United States to redeem reserve notes and greenbacks.

SEC. 34. That the greenback and reserve notes of the insolvent association shall be immediately redeemed and canceled by the Treasurer of the United States out of any moneys in the Treasury not otherwise appropriated.

Comptroller may sell or mortgage assets.

SEC. 35. That the Comptroller of the Currency is hereby authorized to sell the whole or any part of the property of an insolvent association, or to pledge the whole or any part of its property or assets, at any time, as security for any loan he may elect to make in order to create the fund mentioned in section 32.

Cash reserve to be kept in gold and silver coin from thirty days after gold redemption fund is created.

SEC. 36. That from and after thirty days from the setting aside by the Treasurer of the United States of the gold mentioned in section 13, the cash reserve required by law to be kept by each national banking association, however organized, shall be in gold coin and gold bars of the United States or silver coin of the United States, or in greenbacks issued to other associations under section 6 of this act.

Bank must pay interest on average deficiencies on reserve required.

SEC. 37. That when the daily total reserve held of any national banking association averages less for any month than the amount required to be kept by it at all times, it shall pay into the Treasury of the United States a duty for that month equivalent to interest, at the rate of 6 per cent per annum, on the amount of the average deficiency in such reserve for that month.

Two per cent to be paid when gold reserve is not kept

SEC. 38. That every national banking association shall pay into the Treasury of the United States a duty on that part of its average daily cash reserve required by law to be kept in gold that is not averaged to be so kept, in any month, at the rate of 2 per cent per annum.

One-tenth per cent tax per annum to be paid on average individual deposits during suspension of specie payments.

SEC. 39. That whenever any banking association fails to pay in coin or coin certificates on demand the greenbacks and reserve notes or other notes signed by its officers and paid out by such association it shall pay an additional duty, at the rate of one-tenth of 1 per cent per annum, on a sum equal to the average amount of the individual deposits in such association until such coin payment is resumed.

Powers of Comptroller not lessened.

SEC. 40. That nothing in the preceding section, and no action taken by any banking association under this act, shall bar any action taken, or proposed to be taken, by the Comptroller of the Currency under sections 32, 33, 34, and 35 of this act.

One-fifth of one per cent safety fund tax.

SEC. 41. That in addition to all other taxes or duties provided for in this act each association organized under it shall pay into the Treasury of the United States a tax as the Secretary of the Treasury shall from time to time prescribe equivalent to not less than one-fifth or more than one-half of 1 per cent per annum* in each year on the average amount of reserve notes issued under section 10 of this act and in circulation for the purpose of anticipating the redemption and destruction, in certain cases, of the reserve notes issued to associations under section 10 of this act: *Provided, however*, That such tax shall not be levied to exceed one-fifth of 1 per cent per annum at a time when the total amount of all

*Four-fifths of the present paper-money circulation would be $300,000,000; one-fifth of 1 per cent per annum on the reserve notes, $300,000,000, would yield $1,200,000 per annum. The losses on the circulation to the United States Treasury on notes of insolvent banks, as shown by thirty years' experience under the existing banking laws, could not by any possiblity have been over $1,000,000 during the whole thirty-three years of the existence of the national banking system, had the national banks issued their notes under the provisions of this bill. Were the banks reorganized under this bill with $300,000,000 of circulation, the income to the United States from this one-fifth per cent tax would be $200,000 more each year than the total losses for the whole thirty-three years. The Government estimate for the bills lost and worn out past redemption, and to the advantage of the United States Treasury, is two-fifths of 1 per cent per annum on all circulation. Excluding the one-dollar and two-dollar bills, the loss might not be more than one-half, and the gain to the United States at one-fifth of 1 per cent on the $300,000,000 would be $1,000,000, which, added to the gain (over the losses) of the tax of one-fifth of 1 per cent would make the income to the United States Treasury about $2,000,000 per annum under this bill.

For the last five years the 1 per cent tax now collected on circulation has averaged $1,582,443. The banks are now in effect carrying without interest every dollar of the $1,000,000,000 paper money in circulation. Under this bill they would still carry one-fourth without interest and would get interest on the other three-fourths equal to the average rates on all loans and discounts made in all the country. This sum is estimated at from $36,000,000 to $50,000,000 per annum, ultimately making that much saving per annum in lower rates of interest on the loans made to the people. Besides these items, James S. McCoy, Government actuary, estimates the loss to the people in interest on the gold carried in the United States Treasury from 1879 to 1895 at $144,241,556. It will be more, rather than less, in the next twenty-five years under the present system.

moneys paid into the Treasury under this section exceeds by $2,000,000 the total net amount paid out of the Treasury under the provisions of section 34 of this act.

All money received to be a miscellaneous receipt.

SEC. 42. That all moneys received under any section of this act shall be covered into the Treasury as a miscellaneous receipt. The Treasurer of the United States shall keep an account of all moneys paid into the Treasury or paid out by him under each of the several sections of this act, and include a statement of the same in his annual report.

Treasurer to keep separate accounts of money received.

Daily condition of bank to be recorded.

SEC. 43. That the Comptroller may at all times know the condition of each national banking association, however organized, each national banking association shall make such record at the close of each day as the Comptroller shall request, in a book kept for that purpose, which record shall show the total amount of its reserve notes paid out and in circulation, and the amount of such notes received from redemption agents, and its total deposit account, and its total reserve account, as shown by its books at the close of each business day, and of what the reserve consisted, which daily record of deposits, reserve, and reserve notes, and other matter requested by the Comptroller, shall be made up in duplicate for each month, and two copies or reports thereof transmitted to the Comptroller of the Currency on or before the 10th day of the following month.

Comptroller may request additional report.

Copy of daily record of condition sent to Comptroller.

SEC. 44. That the duty upon the averages of the kinds of money which made up the reserve during each month, and all taxes and duties imposed by this act shall be due and payable semiannually on the 1st day of April and the 1st day of October in each year. Any clearing-house association, when requested so to do by any banking association, may assume and may pay any duty or tax imposed on such association by this act.

When duties and taxes are to be paid.

SEC. 45. That the records and reports provided for in the preceding sections, and any other facts and data he may request, of banking or clearing-house associations or any director or officer thereof, shall be in such form as the Comptroller shall direct.

Comptroller to direct form of records and reports.

SEC. 46. That national-bank examiners shall be held to be employees in the office of the Comptroller of the Currency while examining associations organized under this act, and their fees shall be paid out of the appropriation for the Bureau of the Currency.

National-bank examiners.

SEC. 47. That before making the record for the day, as provided in section 43, or required by the Comptroller, every transaction of that day pertaining thereto shall be duly entered in the books of the association.

Records to be made up in bank every morning.

SEC. 48. That from and after the thirty days mentioned in section 36 not less than 50 per cent of the cash reserve required by law to be kept by banking associations shall be in gold coin and gold bars of the United States and 50 per cent may be in silver coin and in greenbacks issued to other banks.

Reserve, how kept.

SEC. 49. That each banking association may keep its coin and bonds in such places and under such circumstances as the Comptroller of the Currency may approve.

May keep coin and bonds in any place Comptroller permits.

SEC. 50. That any national banking association that fails to keep, use, and pay out its silver coin, and gold coin, and currency notes issued under section 6 and section 10 so as to keep all three kinds of money at a parity each with all the others from and after the setting aside of gold described in section 13 shall be deemed to have failed to pay in coin or coin certificates on demand the greenbacks and reserve notes or other notes signed and issued by its officers, as provided in section 39.*

When coin payments are suspended.

*Cash reserve required in 1895	$255,889,345
Cash reserve required in 1894	191,713,249
Cash reserve held in 1895	340,103,995
Cash reserve held in 1894	402,894,682
Including State bank, the cash reserve held could not be less than	600,000,000

Holding the cash reserve one-third in silver would equal $200,000,000, and one-third in gold would equal $200,000,000, one-third in greenbacks, $200,000,000—total, $600,000,000; so that the substitution of silver dollars for the one-dollar and two-dollar notes, added to the $200,000,000 of silver dollars held in banks in the reserve fund, would increase the actual coin silver dollar in constant use by $374,608,920.

Expert advisers provided for.

SEC. 51. That there is hereby constituted and appointed a board of advisers to the Comptroller of the Currency, consisting of seven experts, to consult and advise with the Comptroller upon changes desirable in and methods of executing existing law concerning banking, over which board the Comptroller of the Currency shall preside.

Substitutes for advisers, how appointed.

SEC. 52. That the president of the chief redemption bank in San Francisco, New Orleans, and each of the other five chief redemption cities in the country, or such substitute as any one of them shall from time to time appoint, shall be a member of the board of advisers, which board shall meet once a year, or oftener, if the Comptroller of the Currency or a majority of the board so determines, and at such time and place as the Comptroller shall appoint.

Meetings of board of advisers.

Recommendations to be recorded.

SEC. 53. That the recommendations of the board of advisers, or a synopsis thereof, shall be entered in the records of the board, and the decision of the Secretary of the Treasury, from time to time, as to what person or persons are entitled to act under sections 51 and 52 shall be final.

Who constitute advisers decided by Secretary of Treasury.

Duties payable in gold and legal-tender notes in certain cases.

SEC. 54.* That from and after the passage of this act the duties due and payable on goods imported shall be paid in gold or in United States legal-tender notes issued prior to the passage of this act, until the setting aside of the gold in the Treasury mentioned in section 13 of this act for the redemption of certain of the United States legal-tender notes.

Personal liability of officers in a certain case.

SEC. 55. That in case any banking association issues or pays out its currency notes, issued to it under section 10 of this act, in excess of the amount designated by the Comptroller of the Currency, as the limit in amount of such notes such association may issue or pay out, in such case the president, cashier, bookkeeper, and solicitor, and all other persons regularly performing similar services under whatever name to such association, in case of the insolvency of such association, while such excessive issue or paying out of notes continues, shall be individually liable to and shall pay to the receiver of such association the full amount of any deficiency there may be in the assets of such association, as described in section 32, to pay such notes. Any association organized under this act, aggrieved by any action taken in its case by the Comptroller of the Currency, may appeal to the board of expert advisers, and the decision of such board in such case, when approved by the Secretary of the Treasury, shall be final.

Secretary may sell bonds for deficient revenue, and to maintain specie payments.

SEC. 56. That in order to enable the Secretary of the Treasury to carry into effect the provisions of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," and to provide for any deficiency in the revenues of the Treasury of the United States to meet the appropriations made by Congress and appropriations made by existing law, the Secretary of the Treasury is hereby authorized to issue and sell for the period of four years, from time to time, bonds as described in the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," such bonds to be payable at the pleasure of the United States after one year from the date of their issue and upon the expiration of three years, or bonds payable after three years and upon the expiration of seven years, or bonds due on a certain day within three years from the date of such bonds, as the Secretary of the Treasury may elect. Such bonds to bear interest at a rate not exceeding 3 per cent per annum.

Power to sell bonds limited to four years.

Time bonds are to run.

Banks may incorporate into clearing houses.

SEC. 57.† That any five or more national banking associations are hereby authorized to unite in forming a clearing-house association. By adopting a constitution and by-laws the banking associations certifying to the Comptroller of the Cur-

*This provision is designed to bring legal-tender notes into the Treasury for redemption. It would soon expire in its own working.

†This section makes a solid union of all the banks in the country into practically one bank, with all the advantages of a United States national bank, with 4,000 branches, leaving each bank as free as now and with none of the disadvantages of a United States national bank. The union is voluntary, and in no sense compulsory. It also gives to every country bank all the assistance and support it could receive were it a branch of a United States national bank.

rency that fact shall in that act become a clearing-house association body corporate, upon such constitution and by-laws being approved in writing by the Comptroller of the Currency.

Comptroller to approve constitution and by-laws.

SEC. 58. That any changes in the constitution or by-laws of any such association, to become valid, must be approved in writing by the Comptroller of the Currency, and the Comptroller may annul any part of the same at any time after a hearing thereon, with the concurrence of a majority of the board of advisers.

Changes in constitution and by-laws to be approved by Comptroller.

Comptroller and board of advisers may annul by-laws.

SEC. 59. That clearing-house associations shall be subject to like examination by national-bank examiners as national banking associations, and shall make such reports as the Comptroller of the Currency may request.

Examination of clearing-house association.

SEC. 60. That any incorporated banking association may be admitted to membership in any clearing-house association incorporated under this act; and the membership of any banking association may be terminated by any action of the clearing-house association approved by the Comptroller of the Currency.

Any bank may join clearing house.

SEC. 61. That each member of such clearing-house association shall share in its fees and other income, and in its assessments, expenses, and losses, in the proportion that the sum of its capital, surplus, and undivided profits bears to the sum of all the capital, surplus, and undivided profits of all the associations composing the clearing-house association, as shown by the annual report of the Comptroller of the Currency last made previous to the apportionment of the same.

Expenses and income, how apportioned.

SEC. 62. That five or more clearing-house associations organized under this act may form a national clearing-house association upon the same terms and conditions as those governing in the case of clearing-house associations composed of banking associations: *Provided, however*, That national clearing-house associations may buy and sell such bonds as are necessary to the conduct of its legitimate business to any amount and of any kind approved of by the Comptroller of the Currency, and may provide for the coin redemption of currency notes of banking associations, and may take and issue, under the provisions of section 17 of this act, the greenbacks described in section 6, in denominations of not less than $1,000.

Clearing houses may form national clearing houses.

SEC. 63. That any clearing-house association organized under this act may be designated by the Secretary of the Treasury as a depository of public moneys, and may also be employed as financial agent of the Government.

Clearing houses may become depositories of public money.

SEC. 64. That each clearing-house association may make loans to or borrow from other clearing-house associations, and banking associations may make loans to or borrow from clearing-house associations. In all such loaning and borrowing clearing-house and banking associations shall be exempt from the usury laws of the States in which they are located.

May loan to and borrow money from banks.

SEC. 65. That any clearing-house association organized under this act may establish a department for the clearing of currency notes of banking associations in the current redemption of such notes.

May redeem currency notes.

SEC. 66. That any clearing-house association organized under this act may deliver to the Treasurer of the United States, or to any assistant treasurer of the United States, for safe-keeping, any kind of money or bonds, and receive such a statement of the fact of their being in the Treasury of the United States as the Secretary of the Treasury may approve.

Treasurer of the United States may keep money and bonds for clearing houses.

SEC. 67. That any banking association may withdraw from any clearing-house association and any clearing-house association may withdraw from the national clearing-house association upon such conditions as the Comptroller of the Currency may approve.

Banks may withdraw from clearing house, and clearing-house association may withdraw from the national clearing house.

SEC. 68. That the capital of each banking association shall at all times be held to be, and shall be, the sum of its nominal capital plus its surplus and undivided profits, as shown by the last published annual report of the Comptroller of the Currency; and each share of its nominal capital stock shall be held to be a certificate of ownership to the person owning it of so much of the total actual capital of the association as herein described as the nominal value of the share bears to its total nominal capital; but no solvent association shall be required to make up or to keep its capital at a sum greater than the sum of its nominal capital.

Capital is capital, surplus, and undivided profits.

SEC. 69. That a duty equal in amount to one-fifth of 1 per cent per annum be, and is hereby, imposed on the average amount of the individual deposits that are subject to payment by check or draft or like instrument, whether payable on demand or at some future time, in each incorporated banking association, trust company, insurance company, loan association, or other corporation doing a deposit and loan and discount business, by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; when any part of the obligations bought or received or sold or issued by it is used in whole or in part in commerce among the several States: (1) *Provided*, That in case any association pays one-half the tax herein imposed on the day it is due and payable, the other half shall be and is hereby remitted: (2) *And provided further*, That any association is hereby authorized to deposit in the Treasury of the United States an amount of lawful money equal to not less than 12 per cent of the amount of its capital, as capital is defined in section 68 of this act, and receive legal-tender notes of the United States to the amount of such deposit.

Conditional tax on deposit in all deposit and discount banks.

Half of tax remitted, etc.

May secure legal-tender note circulation.

Such notes issued to it shall have a currency note of such association printed on the reverse side, which note, when the note of the association printed on the reverse side is signed by the proper officers of the association, may be paid out by it, but under the same restrictions as are imposed upon associations on such notes when issued to national associations under sections 6, 13, 39, and 50 of this act, excepting that the securing such notes by any association other than those organized under this act shall confer no authority to issue any other currency notes. In case any association takes out notes, as provided in this section and named greenbacks in this act, the tax imposed in this section shall be wholly remitted; but in case such notes are taken out and such tax is remitted, such association shall keep such record and make such reports to the Comptroller of the Currency and submit to such examinations by national-bank examiners as are now or may hereafter be required of national banks. All associations subject to this section shall also be subject to section 16 of this act. This section shall take effect on the first day of the first calendar quarter next succeeding the four months next succeeding the day of approval of this act.

Tax wholly remitted in a certain case.

SEC. 70. That in case of the taking possession of all assets of an association by the Comptroller of the Currency, as authorized and described in section 32 of this act, the assessment of all stockholders shall only be made in case such assessment is necessary to make up the fund mentioned in section 32 equal in amount to the currency notes mentioned in section 32, in which case the full assessment shall be made.

Assessment of shareholders.

Any portion of such assessment over and above the amount necessary to make up such fund may be remitted, and any moneys collected under such assessment over and above such amount shall be returned to those paying such assessment in such manner as to make such payments as nearly equitable as may be.

Remission of assessment.

SEC. 71. That this act shall not affect existing national banking associations and currency notes issued to them, excepting as to the provisions of sections 13, 14, 15, 16, 21, 36, 37, 38, 39, 40, and 43 to 69, inclusive, which sections shall take effect immediately and apply to all national banking associations, however organized, and to currency notes issued by them.

Act not to affect existing associations, except.

Mr. HILL. I want to ask the gentleman—if the national banking system is to remain as it is, the system of the country—if this 10 per cent increase in circulation to those having bonds deposited amounting to $23,000,000, would not that be beneficial to the

country banks rather than to the larger banks of our reserve cities?

Mr. WALKER of Massachusetts. Not at all; because the country banks can not afford to buy bonds at their price and issue any currency, as I have proved by figures of the actuary of the Treasury.

Mr. HILL. That is not the question I ask.

Mr. WALKER of Massachusetts. That is the question I answered. I do not want an argument. [Laughter.]

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. WALKER of Massachusetts. Let me repeat again that just as sure as you pass this bill you will have from fifty to a hundred millions of additional currency to perplex the Treasury and to assist to cause panic, pass whatever tariff bill you choose.

Mr. HILL. May I ask the gentleman if the banks can not furnish their own redemption fund?

Mr. WALKER of Massachusetts. I can not yield further to the gentleman. I am willing to yield to any gentleman who has not asked a question. I want to elucidate this subject and not to take advantage of anybody.

Mr. BOATNER. Then I will ask the gentleman to yield to me.

Mr. WALKER of Massachusetts. Certainly.

Mr. BOATNER. I quite agree with the gentleman from Massachusetts——

Mr. WALKER of Massachusetts. Oh, do not make a speech. Please ask your question. [Laughter.]

Mr. BOATNER. If the gentleman yields to me, he will have to yield to me to put the question in my own way.

Mr. WALKER of Massachusetts. I yield for a question only.

Mr. BOATNER. Well, my question is whether the gentleman has any hope of substituting the banking system which he advocates for the one which we now have? [Laughter.]

Mr. WALKER of Massachusetts. I have no more doubt, Mr. Speaker, that it will be substituted for the existing system than I have of my own existence, for there is no other path to reform; but whether it will be done by this House, or by the next, or whether we are to have three or four Congresses elected and are to go through still more trouble and agony before it is done I do not know. But I do say to this House that if the Republicans soon coming into power do not adopt this, or its equivalent, there will be no more Republicans in the next House than there are Democrats in this one, and the next Presidential election will go against them. Their Presidential votes in 1900 will not be as many as Scott had in 1852. [Laughter.]

I tell you now, gentlemen, that you know and are acting on only the opinion of the bankers. You pay no regard to the South and the West and the masses of plain people of this land. The people of those sections have been begging and pleading for twenty years that you correct this banking system, but you have laughed them to scorn. You have not listened to their arguments or entreaties. You have not listened to their statements, even. If we make such a tariff as we ought to have, with duties as low as possible without cutting down American wages, and give the people freedom of banking in currency, the same as they had before the war, there will be no reason for putting Republicans out of power. But if we do not do these things, there will be every reason for putting us out of power in 1900. Give us merely the tariff you propose, and the sections of the country that are now most prosperous will continue to prosper more and more, but the sections that are not prosperous now will not be materially helped by it alone.

I am speaking to you the words of truth and soberness. [Laughter.] You little know, gentlemen, the burden to the merchants and the manufacturers of their interest account. It is the most onerous account they have. No other one compares with it. Reduce their interest account. Encourage manufacturers, especially in the South and Northwest, and they will find profits where they now find losses. You will have lower prices for goods everywhere. I have already told you how much cheaper.

Mr. THURSTON has given a signed interview, as by authority, which reads in part as follows:

> I feel that all proposed financial legislation can and ought to be postponed until this country has a chance to test the effect of the new protective tariff. We are not therefore very much interested about any money issue.

No; then the Republicans are not very much interested about continuing to hold this Government. The Republicans had no right to make a contest to get possession of this Government if they did not propose to so legislate and so act as to keep it. The Democrats had no right to make a contest to get this Government in 1892 if they did not propose to so legislate and so act as to keep the Government. Such a contest between parties is an honorable contest between honorable men; otherwise nay.

Again, what does Mr. SHERMAN say in articles written for a magazine and elsewhere? Mr. SHERMAN, in a speech in the Senate of the United States, said:

> There is scarcely a doubt but that in all contingencies of trade or finance, except the contingency of war, the whole mass of United States Treasury notes now in circulation can be maintained at par with coin.

Aha! "Except the contingency of war." War! We had a message sent to this House a short time ago involving the contingency of war, and millions and billions did the value of property shrink in our country in an hour, and all because of our rotten financial system, when, had a like message been sent to the British Parliament, or to the German or the French Chamber, it would not have caused a ripple in the business of those countries. Nay, it would have helped it by creating a demand for the war materials required.

But this was not enough. The same gentleman wrote an article in the April Forum on "Deficiency of revenue the cause of our financial ills," and on page 144 of that magazine he says:

> There is scarcely a doubt but that in all conditions of trade or finance, except in the contingency of war, the whole mass of United States notes and Treasury notes now in circulation can be maintained at par with coin.

Yes, and this when we have taxed our people $500,000,000 in the last ten years to keep our Army. We have taxed them half as much or more to build a navy; and the sinews of war, viz, sound bankers' credit, would be destroyed in the twinkling of an eye, according to the supposed highest authority in this country. Pass this bill and you give the people a stone when they ask for bread, a scorpion for a fish! Nay, verily, I beg and plead with this House to vote this bill down and give the people instead what they ask for, which will make banking first many fold more profitable to the banks, and thus cause new banks to start up, which will soon cut down rates of interest and furnish cheaper money for the people. This will stimultate trade and enterprise, especially in the outlying country localities. If you want to build up New York, if you want to build up Chicago, if you want to build up Richmond, if you want to build up Savannah, if you want to build up Birmingham, if you want to build up any of your cities, aim first to build up the country, and the country, and a prosperous country only, will build up the cities.

But gentlemen say: "Wait! Wait! Wait! England reformed her currency in 1695, when she was in a fierce struggle with France, her old antagonist, and had on her hands, in addition, a war with Holland." It will not do to wait, gentlemen. The people have been calling on us for twenty years to reform this currency system. Reform it now! [Applause.]

Mr. Speaker, I agreed to yield ten minutes of my time (if I have any remaining) to the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. NORTHWAY. I raise the question whether the hour accorded to the gentleman from Massachusetts [Mr. WALKER] was not granted as a personal courtesy to him, and whether he can surrender any part of the time to anybody else.

Mr. WILLIAMS. I understand that the gentleman from Massachusetts yields to me ten minutes.

The SPEAKER. The gentleman from Ohio [Mr. NORTHWAY] raises the question whether the hour granted to the gentleman from Massachusetts was not granted to him personally. But if the House has no objection, the Chair will recognize the gentleman from Mississippi.

Mr. COX. The time to be occupied by the gentleman from Mississippi will come out of the time of the gentleman from Massachusetts?

The SPEAKER. It comes out of the time of the House.

Mr. WILLIAMS. Mr. Speaker, as my position with reference to this bill is somewhat peculiar, I wish an opportunity to explain it. With an amendment which I shall read, and which I shall ask unanimous consent of the House later to offer, I am willing to support this bill. Without it, I am unwilling to do so. Contrary to the opinion generally prevailing with disciples here of the school of politics to which I belong, I do not believe that the passage of this bill will have any bad effect upon the country, provided the amendment which I shall read be coupled with it.

Mr. Speaker, gentlemen who agree with me in opposing the entire national banking system seem to think that the passage of a bill of this sort will fasten that system still more securely upon the country; and they go so far as to say that a vote for this bill would be an indorsement of the national banking system. I am opposed in toto to the present national banking system, and for some of the reasons stated by the gentleman from Massachusetts [Mr. WALKER], as well as for others frequently stated by me. I am also opposed in toto to a protective tariff. But I no more regard the support of an amendment which looks to perfecting the existing national banking system as an indorsement of that system than I would regard an amendment lessening the burdens of a tariff bill as an indorsement of protectionism. I no more regard it as an indorsement than I would regard the payment of a ransom to brigands, in order to purchase my release while held a captive by them, as an indorsement of brigandage.

I have no idea that the present bill can cure the great, the principal disease which is affecting this country—the disease of constantly and continuously falling prices. I think I know that nothing can cure that disease except an increase in the volume of

the thing which measures prices, viz, real or coin or basic money, and therefore a decrease in its value, and therefore an increase in the price of other things as measured by it. But there is another disease which is hurting the country only less than that. It is the disease of the congestion of the circulating blood of the country in the head or in the heart, whichever you may call it—the congestion of the circulation in the great money centers. That congestion, Mr. Speaker, comes partially from the existence of the disease of falling prices, but not altogether. It comes partially from that cause, because wherever business is unprosperous and productive enterprise unprofitable men take to using their money in the loan market instead of using it in productive enterprise. Therefore money is congested about the money centers, where it can find most ready lenders. But there is another reason for it; and that other reason, in my opinion, is the difficulty of banking at a profit in the sparsely settled sections of the country under the present national banking system. This operates against the rural districts—against my people—and in favor of the commercial centers; to the upbuilding of speculative enterprises to the detriment and starvation of productive industries.

Now, although opposed in toto to the present national banking system, yet if I can get any amendment ingrafted upon the system whereby it will become more profitable to open banks where they are not now very profitable, or whereby it may become somewhat profitable to open them where they are not now profitable at all, as is the case in the greater portion of my section of the country, I think I ought to welcome such an opportunity to facilitate exchange and the planting and handling of crops. The system is here. Whether we can ever get rid of it or not is a question; but so long as it is here, it ought, in my opinion, to be made to do the work of the people. And although an increase of the circulation will not be an increase of the money of the country, and an increase of circulation without an increase of money can not cure the disease of falling prices, such an increase will have the effect of relieving other difficulties and evils under which the country labors, among them the one which I mentioned a moment ago.

Mr. Speaker, I think this bill will ease the work of exchange to the tune of $22,000,000 at the very lowest, and will put the increased currency just where it is now needed, and will enable it to be brought out just when it may be needed, provided there is one little amendment inserted in it. I shall ask unanimous consent at the proper time to offer this amendment and to obtain a vote of the House upon it, and I hope there will be no objection to it on the part of the committee. It is as follows:

After the word "deposited," in line 11 of the bill, insert:
"And no national banking association shall pay taxes on an amount of circulation less than 75 per cent of the circulating notes which they are entitled to issue under this act."

Without that amendment this bill is nothing, an emasculated, purposeless thing, a mere sop thrown out to make the people think you are doing something, because just as long as it is to the interest of the national banks not to issue 90 per cent it is true that it is a little bit less against their interest not to issue 100 per cent, but it will not make much to their interest to issue it, and to keep it out, and in my opinion they will not do it.

Nor would I, if I could, force them to keep their circulating notes out all the time; but I want in this bill to furnish them with an inducement to increase the currency of the country; not its money, because a paper promise to pay a dollar is no more a dollar, whether it is the promise of a bank or a promise of the Government, than a paper promise to pay a horse is a horse, and it can have no more effect upon prices in the long run than promises to pay horses can have on the number of horses. But if we can get this, it will ease exchange, it will multiply business facilities and banking facilities in the section of the country where I live. When we have forced the banks to pay taxes upon at least 75 per cent, if they take out a charter, of the amount which they are entitled to issue, as my amendment does, then you may safely rest assured that they will keep afloat all of that 75 per cent, which they can keep afloat safely and consistently with business interest. Nor would I force them to do any more than that.

I wished to say these few words, Mr. Speaker, in order that my own position might be understood, both here and elsewhere. I thank the gentleman from Massachusetts [Mr. WALKER] for yielding me the time, and especially thank him in view of the fact that earlier in the day I had objected to time being granted him by the House.

The SPEAKER. The gentleman from Tennessee——

Mr. COX. Mr. Speaker, I desire to yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. VAN VOORHIS. I yield eight minutes to the gentleman from Indiana [Mr. JOHNSON].

The SPEAKER. The gentleman from Tennessee [Mr. COX] has yielded time to the gentleman from Colorado [Mr. BELL] and he has been recognized.

Mr. JOHNSON of Indiana. Mr. Speaker, inasmuch as two gentlemen have spoken on the other side on this question, I supposed it would be proper for some one to be heard in favor of the bill.

The SPEAKER. It would be proper, but the Chair has recognized the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, I object to this bill on the same ground that my friends from Massachusetts [Mr. WALKER] and from Mississippi [Mr. WILLIAMS] object to it, except that I go a little further. If this privilege of increasing the currency is extended to the banks and you do not require the currency to be taken out, it seems to me that we aggravate this situation. This bill continues a premium to the banks to call in their notes. It seems to me that we forget that national banks were originally organized not for the benefit of the bankers, primarily, but for the benefit of the people. This is a banker's measure, pure and simple. You will bear in mind that the theory of the banks of the Old World was to primarily aid the people, and our first bank followed this plan.

The directors of the Bank of England regarded it as their duty prior to 1810 to discount every solvent note that came to the bank. Up to 1810 that was regarded as the bounden duty of the bank. When any solvent note for a legitimate enterprise came to the bank, its directors believed that, as the Government agent, it was the duty of the bank to discount the note. If there was any indication of scarcity of money, the directors of the bank regarded it as their duty to liberally discount notes and relieve the pressure. But in 1810, as the historian tells us, Sir Robert Peel stood with the people, but after 1816 the same Sir Robert Peel went over to the side of the bankers, and from that time was the spokesman of Lombard street. The directors then said that they would not discount every note, but would leave it to the bank to say whether it would be to its interest to discount notes. The elder Peel, when he heard that his son had voted for that change, said: "My son Robert upon yesterday doubled his fortune, but ruined his country."

Now, what did we see during our late panic? I do not know what our friends in the great money centers saw, but there came to the State of Colorado and to every State in the West, probably, notices from the New York bankers insisting that every bank should draw in its loans and its circulation and insist upon the repeal of the Sherman Act. I carried two of those notices in my pocket, given me by the bankers of Colorado, and I want to say that before Senator SHERMAN introduced his bill for the repeal of the Sherman Act the banks all over the West were given notice that such a movement was going to be made, and asking them to begin the war.

Now, what I mean to say is that if you increase the circulation, and you make provision that the banks must issue the money and keep it in circulation, or that if they do not keep it in circulation they must keep it ready to circulate, then it will benefit the people. But if you do not do that, the very moment that the controlling portion of the banking population of this country concludes to coerce Congress again they will draw the circulation in and make another bankers' panic. They will return their circulation to the Comptroller, get the 1 per cent interest, and their bonds will go right along drawing interest. You are simply increasing their power for evil. No safe benefit can inure to the people through this bill unless you require the banks to issue the circulation and stop all interest on the bonds, so they may have no premium before them to call it in.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN VOORHIS. I yield to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I listened, as I always do, with a great deal of interest to what was said by the gentleman from Massachusetts [Mr. WALKER], the distinguished chairmain of the Committee on Banking and Currency, when he had the floor. If it were proper for me to make any strictures upon his remarks, I should say that he was hardly germane in what he said to the bill now under consideration. There were some things said by him in the course of his argument to which I can not give my assent, but he also said much with respect to the defects in the present banking and currency system to which I most heartily subscribe.

The national banking system, Mr. Speaker, has given us a sound and uniform paper money. In this respect it has been a marked success. It has lamentably failed, however, to give us a flexible and elastic currency; that is, a currency possessing the capacity to expand and contract to meet the varying needs of business and of commerce. It is also true, as alleged by its opponents, that under this system the currency congests at the great financial centers, and the agricultural sections of the country, the South and the West, have not a proper supply of it; that they are compelled to go without currency when they require it to effect exchanges; that they have not a sufficient volume of it with which to carry on the exchanges of their everyday life or to prosecute any extraordinary enterprises which they undertake, unless they secure it at extraordinarily high rates of interest.

Mr. Speaker, I believe that there is a great awakening to this

defect in our present currency system upon the part of many of the thinking and reflecting people of the country. They are disposed to recognize the evils as well as the benefits which flow from the system. When the time has come that a gentleman from Massachusetts, and one from Mississippi, and one from Indiana, can stand upon the floor of the House of Representatives and each frankly admit that there is something worthy to be considered in these grievances which are urged by the South and West, and unite in the opinion that there ought to be a remedy applied to the wrong as soon as possible, it certainly augurs well for the future of the country.

In my humble opinion, sir, the redress for these evils to which I refer is not to be found short of a complete revision of our entire banking and currency system. I sincerely hope it is true, as recently declared in a newspaper article, that the President-elect, immediately upon his accession to power, will send a special message to Congress recommending the establishment of a commission, to consist of members of the Senate and the House, to study and examine into the question of banking and currency reform, and formulate and present to Congress a bill to be acted upon by it at an early day. I earnestly trust, too, that a Committee on Banking and Currency is to be appointed at the special session of Congress, that it may take upon its shoulders this much-needed work of relieving all sections of the country, which suffer from a lack of a sufficient volume of good paper money.

You may pass a bill for the holding of an international bimetallic conference, if you please. The nations of the Old World will probably accept your invitation. They will treat you with profound respect. They will sit in the conference with complaisancy, listen to your arguments and very likely reply to them, and then they will politely bow themselves out, just as they have done on previous occasions, and leave you precisely where you were when you commenced. If you are going to give the people any financial relief; if you are going to destroy anything of the demand for a short-weight dollar and for all forms of dishonest paper currency, you must do it not through an international bimetallic conference, which is almost certain to be a failure, but by a general revision of your banking and currency laws, whereby you give them not simply a sound and uniform currency, but a currency sufficient in volume, well diffused throughout the country, and obtainable at all times at reasonable rates of interest.

But now with reference to the particular measure under discussion. It seems to me, sir, that the fundamental error with the gentleman from Massachusetts lies in the fact that because he can not obtain all he wants now, he is, therefore, unwilling to accept anything whatever. It strikes me that the position just taken in this debate by the gentleman from Mississippi is much more rational. If we can not have a new and perfect machine just now, let us patch as well as we can the old implement, for, when patched, it will do better work than if left in an imperfect state. There is no knowing how soon we may be able to accomplish a general reform. The gentleman from Massachusetts tells us that it may be three or four Congresses in the future. Let us, therefore, address ourselves as practical legislators to such amendments of the existing system as we can now secure, and which will have a tendency to remedy, at least to some degree, the admitted defects.

Mr. Speaker, when the national banking law was enacted our bonds were selling low, and it was therefore deemed dangerous to the note holders to permit the banks to issue circulating notes to the par value of the bonds. But a great change soon occurred. The national credit improved. The bonds greatly appreciated in value, until now they are not only at par but are at a considerable premium. There is no longer any danger in permitting the banks to issue to the par value of the bonds. If any depreciation should hereafter occur in these bonds, the bill under consideration provides an adequate remedy. It retains the provision of the existing law which requires the banks to immediately put up, in such an event, additional bonds to cover the margin of depreciation.

The bill, sir, has not been recommended simply by the banking interests of the country, as the gentleman from Massachusetts [Mr. WALKER] seemed to imply. It has been recommended also by the commercial and business interests of the country. The principle it contains has the indorsement of every Secretary of the Treasury who has ever mentioned the subject. It has been indorsed by every Comptroller of the Currency who has held that office from the time the national banking system was established down to the present time. It has the approval of the present Secretary of the Treasury and of the present Comptroller of the Currency. Nor is any tax upon the people involved in the bill. Indeed, a benefit is to result to the people, since, in its practical operation, the bill will permit an increase in the circulating medium at those times when it is most needed to answer the demands of trade and commerce.

The bill confers no advantage upon the banks that is not also the advantage of the people; and I want to say right here, Mr. Speaker, that I disagree with the proposition that whatever benefits the banks must necessarily be to the injury of the people. The interest of the banks and the interest of the people are generally identical. At any rate such will be the case in this instance if this bill becomes a law, and additional circulating notes can be issued in time of need. Under the pending measure the national-bank circulation can, with the bonds now available for security, be increased upward of $30,000,000—quite an item in such a money stringency as we encountered in the panic of 1893.

Mr. WALKER of Massachusetts. The gentleman does not mean to intimate that I have stated that whatever benefits the banks must necessarily injure the people?

Mr. JOHNSON of Indiana. I did not understand the gentleman to lay this down as a general proposition, but he certainly argued that this proposed law was in the exclusive interest of the banks.

Now, Mr. Speaker, it has been objected by the gentleman from Tennessee [Mr. COX] that this bill does not make it imperative on the banks to take out circulation. The amendment offered by the amiable and able gentleman from Mississippi [Mr. WILLIAMS] is nothing more nor less than another form of putting the objection of the gentleman from Tennessee. The trouble with their proposition is that it establishes a hard and fast line by which the volume of circulation is to be regulated. This is the great objection to the national banking system. Under the bond security, the circulation must necessarily be confined within certain prescribed limits. The national banking act also imposes certain limitations upon the taking out and the surrender of currency by the banks, and the effect of all this is to establish an arbitrary volume of currency, utterly regardless of the ever-varying needs of business, and to make elasticity in the money supply very difficult, if not impossible. Instead of being hampered by arbitrary regulations as to the amount of money to be placed in circulation, the bank should, in my opinion, be left free to issue and retire currency as the business interests of the community require, and for this reason the objection of the gentleman from Tennessee and the amendment offered by the gentleman from Mississippi ought not, in my judgment, to be considered by the House. But the gentleman from Tennessee says that the effect will be to appreciate the value of the bonds. That is purely conjecture, purely a matter of speculation. It is not at all likely that the bonds will increase in value to such an extent as to overcome the advantage of the increased circulation and render note issuing as unprofitable as it is at the present time.

It should not be forgotten, Mr. Speaker, that this bill is not the sole measure relating to national banks which is sought to be enacted by this Congress. Only a few days ago a bill authorizing the incorporation of national banks with a capital stock of $20,000 passed this House. Other remedial legislation is likely to be hereafter attempted. It is therefore the part of wisdom not to leave these matters entirely out of consideration in passing upon the merits and probable effects of the pending bill. The gentleman from Massachusetts claims that the passage of the bill will increase the drain upon the Treasury reserve; but this, sir, is not a proposition to issue more greenbacks or more United States Treasury notes, like those issued under the act of 1890. The drain could certainly not bear any such a relation to the Treasury as that produced by these kinds of paper.

[Here the hammer fell.]

Mr. VAN VOORHIS. Does the gentleman from Tennessee [Mr. COX] desire to consume any more of his time?

Mr. COX. If no gentleman desires to occupy the time now in opposition to the bill, I will add a few words.

The gentleman from Indiana [Mr. JOHNSON], who has just taken his seat, in seeking to answer the objection which I made to the bill that it should be made imperative on the banks to take out circulation, has not met that objection. I will go further and say that if you adopt a provision making it imperative on the banks to take out circulation, then I will vote to reduce the tax upon circulation. The proposition, then, resolves itself into this, and there is no escape from it: The argument of the gentleman from Indiana is that we should leave it to the discretion of the banks as to when they will take out circulation or when they will not. My argument is that if a bank can deposit a bond worth, we will say, $1.12 to every dollar of face value—a bond drawing 4 per cent interest, paid by the taxpayers of this country—and then if it can obtain upon that bond $1 of circulation for every dollar of face value, to be loaned out to the people throughout the country at 6, 8, 10, or 15 per cent, there can be, in my mind, no objection to compelling the bank holding such bonds to take out that circulation.

The country will then understand that there is a certain amount of banking circulation out, because it will be imperative upon the banks to take out that amount. Under such circumstances no sort of machinery can bring about a contraction of the currency through the concerted action of the large money centers against the smaller moneyed interests. The people will know what amount of circulation is outstanding. How it shall be used is a totally different question. That is a question which addresses itself to the sound discretion of every well-managed bank.

Gentlemen who disagree with me are willing to increase the

power of the banks by permitting them to take out circulation to the extent of the par value of their bonds, while they would leave it discretionary with the banks whether to take out that currency or not. Gentlemen answer my proposition by saying that the banks should be left to decide when they need the circulation and when they do not need it. I say, with all respect to gentlemen holding different views, that under such an arrangement the question how much circulation there should be would be decided by the banks purely according to their own interest. That is the trouble.

If the banks are compelled to take out this circulation, they need not hold it in their vaults; the notes need not be signed; they may be left with the Secretary of the Treasury; but they will pay taxes on that amount of circulation. What, then, will be the interest of the banks? It will be to furnish the country with a proper circulating medium, as far as they can.

I repeat—and this is all I wish to say on the bill—if you leave it discretionary with the banks to take out circulation or not, the bill will accomplish nothing. In that case, whether the banks take out circulation or not will depend on the price of the bonds. If the bonds advanced in price, there would be no inducement for the banks to take out circulation that will yield them less money to bank upon than that which the bonds themselves would yield. What hardship is there upon the banks in such a proposition as I advocate? None in the world. If this Government gives to the banks the right to carry on a banking business—if it guarantees their notes and stands behind them and besides issues to them notes to the full amount of the par value of the bonds which they hold, while at the same time it pays them 4 per cent interest, or whatever the rate may be, upon those bonds—is it asking too much that the bank be required to take out the circulation to which it is entitled, and not permitted to contract or expand the circulation of the country at its pleasure?

The Government should hold the power to control the amount of circulation, and not the banks.

Mr. VAN VOORHIS. I now yield to the gentleman from Pennsylvania [Mr. BROSIUS].

Mr. BROSIUS. Mr. Speaker, I quite agree with the statement of the gentleman from Indiana [Mr. JOHNSON] who addressed the House a few moments ago, that the only stable and safe way to improve our currency is to do it by gentle stages—not by uprooting our present system or superseding it by a new and different one, but by correcting such defects as time and experience may reveal in the system.

Singularly enough, Mr. Speaker, there is a very remarkable confusion of tongues among us upon the subject of banking and currency—a confusion comparable only to the lingual curse of Babel. I think that in the Banking and Currency Committee—and I disclose none of its secrets—there are several members who have bills of their own that have been considered, and I think I may be permitted to say that upon all those bills, each one represented by a member, the committee probably—and I speak approximately—if they voted to-day, would stand about 16 to 1, there being 17 members on the committee.

Now, I think that the national banking system is the best banking system that the wit and wisdom of man ever devised. A great many of the criticisms that are made upon it are about as valuable as the criticism of Mr. Tooke years ago on the banking system of England, when he said that the Bank of England was one of the most wanton, ill-advised, pedantic, and rash pieces of legislation that had ever come within his observation.

That was the criticism of a great publicist on finance; yet nobody in England believed his criticism was warranted, and nobody paid any attention to it. Now, in spite of the great weight that should attach to anything said by the distinguished chairman of the Committee on Banking and Currency because of his long and attentive study of this question, yet I think his strictures upon the banking system of this country are about as valuable as those of Mr. Tooke upon the banking system of England. Moreover, I think the complaints which are made of our national banking system have about as much in them, nine times out of ten, as the celebrated complaint of Sidney Smith in regard to the solar system, when he said to his friend Jeffries: "Damn the solar system! Bad light; planets too remote; pestered with comets—a feeble contrivance! I could make a better myself." [Laughter.]

Let me read what Justice Miller, the late lamented justice of the Supreme Court of the United States, said about our national banking system, and he expressed my view on the subject:

> It is a matter of interest which I can not forbear to mention here, that the present national banking system, in my judgment, and in that of many thinking men—statesmen and philosophers—is the best that the world has ever known.

I do not want any statesman to lay violent hands upon that system. It has got a deep taproot. I do not want it uprooted. I want it to be nurtured with care. I want amendments passed to improve it, when we are sure we know what we are doing. But when we are in doubt about that, I want us to keep our hands off. Now, Mr. Speaker, I am cordially in favor of this bill, because it will afford some relief where the need is most urgent. I would like to bring some relief to our brethren in the South and West. I know there is a difficulty about the currency in those sections, but I say that until by law you can equalize the material conditions, the resources, the capital, and the wealth of the different sections of our country, you can not equalize the benefits which banks afford. Legislation is unequal to such a task.

[Here the hammer fell.]

Mr. HILL. Mr. Speaker, believing that the public interest will be better served by coming to a vote now than by a continuation of this debate, I will yield back to the gentleman in charge of the bill the time that he assigned to me, and ask that a vote be taken now.

Mr. VAN VOORHIS. I ask for a vote.

Mr. WILLIAMS. Before that vote takes place, I ask unanimous consent that the amendment which I read may be considered as pending, and may be voted upon by the House.

Mr. JOHNSON of Indiana. I object.

Mr. WILLIAMS. I am sorry that the gentleman objects, because some of us could vote for the bill if that amendment were allowed to come in.

The SPEAKER. Objection is made. The question is on the engrossment and third reading of the bill.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 126, noes 37.

Accordingly, the bill was ordered to be engrossed and read a third time; and it was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS, Mr. COX, and Mr. SULZER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 45, not voting 165; as follows:

YEAS—144.

Aldrich, T. H.	Danford,	Hulick,	Pugh,
Aldrich, W. F.	Dayton,	Hunter,	Quigg,
Aldrich, Ill.	Doolittle,	Johnson, Ind.	Ray,
Andrews,	Erdman,	Joy,	Reeves,
Arnold, Pa.	Evans,	Kiefer,	Reyburn,
Arnold, R. I.	Faris,	Kirkpatrick,	Rinaker,
Atwood,	Fenton,	Knox,	Royse,
Baker, N. H.	Fischer,	Kyle,	Russell, Conn.
Barham,	Fitzgerald,	Lacey,	Scranton,
Bartholdt,	Fletcher,	Layton,	Sherman,
Beach,	Foote,	Leisenring,	Simpkins,
Bishop,	Foss,	Leonard,	Snover,
Blue,	Gamble,	Lewis,	Sorg,
Boatner,	Gardner,	Linton,	Southwick,
Boutelle,	Gibson,	Long,	Spalding,
Bowers,	Graff,	Loud,	Stable,
Brewster,	Griffin,	Loudenslager,	Stewart, Wis.
Brosius,	Griswold,	McCleary, Minn.	Stone, C. W.
Buck,	Grosvenor,	McClellan,	Strode, Nebr.
Bull,	Grow,	McEwan,	Strong,
Burrell,	Hager,	McLachlan,	Sulloway,
Burton, Mo.	Harrison,	Mercer,	Taft,
Burton, Ohio	Hart,	Miller, Kans.	Thorp,
Calderhead,	Heiner, Pa.	Miller, W. Va.	Turner, Ga.
Cannon,	Henderson,	Milliken,	Updegraff,
Chickering,	Henry, Ind.	Mitchell,	Van Voorhis,
Clark, Mo.	Hepburn,	Mondell,	Walker, Va.
Codding,	Hicks,	Moody,	Wanger,
Coffin,	Hilborn,	Murphy,	Warner,
Colson,	Hill,	Northway,	Watson, Ohio
Connolly,	Hitt,	Otjen,	White,
Cooke, Ill.	Hooker,	Patterson,	Willis,
Cooper, Fla.	Hopkins, Ill.	Payne,	Wilson, Ohio
Cousins,	Howe,	Pearson,	Wood.
Crowther,	Howell,	Phillips,	
Crump,	Hubbard,	Poole,	
Curtis, Kans.	Huff,	Price,	

NAYS—45.

Allen, Miss.	De Armond,	McMillin,	Strowd, N. C.
Baker, Kans.	Dinsmore,	Miles,	Sulzer,
Bankhead,	Dockery,	Money,	Talbert,
Bartlett, Ga.	Hendrick,	Moses,	Tate,
Bell, Colo.	Jones,	Neill,	Terry,
Bell, Tex.	Lawson,	Pendleton,	Towne,
Berry,	Little,	Robertson, La.	Tucker,
Clardy,	Livingston,	Sayers,	Walker, Mass.
Cockrell,	Maddox,	Shafroth,	Williams.
Cooper, Tex.	Maguire,	Shuford,	
Cox,	McCulloch,	Stallings,	
Crisp,	McDearmon,	Stokes,	

NOT VOTING—165.

Abbott,	Bingham,	Cummings,	Gillet, N. Y.
Acheson,	Black,	Curtis, Iowa	Gillett, Mass.
Adams,	Broderick,	Curtis, N. Y.	Goodwyn,
Aitken,	Bromwell,	Dalzell,	Grout.
Allen, Utah	Brown,	Daniels,	Hadley,
Anderson,	Brumm,	Denny,	Hainer, Nebr.
Apsley,	Catchings,	De Witt,	Hall,
Avery,	Clark, Iowa	Dingley,	Halterman,
Babcock,	Clarke, Ala.	Dolliver,	Hanly,
Bailey,	Cobb,	Dovener,	Hardy,
Baker, Md.	Cook, Wis.	Draper,	Harmer,
Barney,	Cooper, Wis.	Eddy,	Harris,
Barrett,	Corliss,	Ellett,	Hartman,
Bartlett, N. Y.	Cowen,	Ellis,	Hatch,
Belknap,	Crowley,	Fairchild,	Heatwole,
Bennett,	Culberson,	Fowler,	Hemenway,

Henry, Conn.	Martin,	Pickler,	Tawney,
Hermann,	McCall, Mass.	Pitney,	Tayler,
Hopkins, Ky.	McCall, Tenn.	Powers,	Thomas,
Howard,	McClure,	Prince,	Tracewell,
Huling,	McCormick,	Raney,	Tracey,
Hull,	McCreary, Ky.	Richardson,	Treloar,
Hurley,	McLaurin,	Robinson, Pa.	Turner, Va.
Hutcheson,	McRae,	Rusk,	Tyler,
Hyde,	Meiklejohn,	Russell, Ga.	Van Horn,
Jenkins,	Meredith,	Sauerhering,	Wadsworth,
Johnson, Cal.	Meyer,	Settle,	Washington,
Johnson, N. Dak.	Milnes,	Shannon,	Watson, Ind.
Kem,	Miner, N. Y.	Shaw,	Wellington,
Kerr,	Minor, Wis.	Skinner,	Wheeler,
Kleberg,	Morse,	Smith, Ill.	Wilber,
Kulp,	Mozley,	Smith, Mich.	Wilson, Idaho
Latimer,	Murray,	Southard,	Wilson, N. Y.
Lefever,	Newlands,	Sparkman,	Wilson, S. C.
Leighty,	Noonan,	Spencer,	Woodard,
Lester,	Odell,	Sperry,	Woodman,
Linney,	Ogden,	Steele,	Woomer,
Lorimer,	Otey,	Stephenson,	Wright,
Low,	Overstreet,	Stewart, N. J.	Yoakum.
Mahany,	Owens,	Stone, W. A.	
Mahon,	Parker,	Strait,	
Marsh,	Perkins,	Swanson,	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CORLISS with Mr. COWEN.

Mr. MCCALL of Massachusetts with Mr. SPARKMAN.

Mr. BARRETT with Mr. WOODARD.

For the balance of this day:

Mr. MEIKLEJOHN with Mr. MCRAE.

Mr. WELLINGTON with Mr. SWANSON.

Mr. SMITH of Michigan with Mr. NEWLANDS.

Mr. PITNEY with Mr. DENNY.

Mr. JENKINS with Mr. ABBOTT.

Mr. DALZELL with Mr. TYLER.

Mr. MILNES with Mr. RICHARDSON.

On this question:

Mr. BINGHAM with Mr. WHEELER. (Mr. BINGHAM would vote for the bill and Mr. WHEELER against it.)

Mr. ADAMS with Mr. BAILEY.

Mr. JOHNSON of California with Mr. HARTMAN.

Mr. AITKEN with Mr. KLEBERG, on this vote.

Mr. BAILEY. The announcement of the pairs reminds me that I agreed to pair with the gentleman from Pennsylvania, Mr. ADAMS. I voted "no." I desire to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. HARTMAN. I voted "no." I am paired with the gentleman from California, Mr. JOHNSON. I desire to withdraw my vote, and suggest that if necessary, in order to make a quorum, I might answer "present."

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. MCCALL of Massachusetts. I voted "yea." I am paired with the gentleman from Florida, Mr. SPARKMAN. I desire to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. MCRAE. Mr. Speaker, I agreed to pair with the gentleman from Nebraska, Mr. MEIKLEJOHN. I desire to withdraw my vote. I voted "no."

The SPEAKER. The gentleman's vote will be withdrawn.

The result of the vote was then announced as above recorded.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

BUREAU OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the Secretary of State, covering the report of the Director of the Bureau of the American Republics for the year 1896.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 25, 1897.

The message and the accompanying documents were referred to the Committee on Foreign Affairs, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 24, 1897:

An act (H. R. 9123) to prevent forest fires on the public domain;

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city;

An act (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

Joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes;

An act (H. R. 10102) to remove the political disabilities of Col. William E. Simms; and

An act (H. R. 8197) for the relief of John J. Guerin.

IMPRISONMENT OF AMERICAN CITIZENS IN THE ISLAND OF CUBA.

Mr. HITT. Mr. Speaker, I desire to present a privileged report on a resolution of inquiry.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred House resolution No. 552, having duly considered the same, report the accompanying substitute therefor and recommend its adoption:

"*Resolved by the House of Representatives*, That the President be requested to transmit to the House of Representatives, if not incompatible with the public interests, all correspondence on file in the State Department not hitherto communicated to Congress in regard to the imprisonment of American citizens by Spanish officials in the Island of Cuba."

Mr. HITT. Mr. Speaker, this is a unanimous report of the committee, and I ask for its adoption.

The resolution was agreed to.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. Before putting the motion, the Chair will lay before the House the following report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

A bill (H. R. 948) to remove charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN HORN, indefinitely, on account of sickness in his family.

To Mr. OTEY, for one week, on account of death in his family.

To Mr. MARTIN, for three days, on account of sickness in his family.

The motion to adjourn was then agreed to; and accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Neuse River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for a jetty near Bogue Inlet, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GAMBLE: A bill (H. R. 10360) to restore to the public domain the lands embraced within the forest reservation in the State of South Dakota set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. BOWERS: A bill (H. R. 10361) to restore to the public domain the lands embraced within the forest reservations in the State of California set up and established by Executive order of February 22, 1897—to the Committee on the Public Lands.

By Mr. WILLIAM A. STONE: A bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin"—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 10364) declaring war between the Kingdom of Spain and her colonies and the United States of America and their Territories—to the Committee on Foreign Affairs.

By Mr. COLSON: A resolution (House Res. No. 555) to pay Hon. N. T. HOPKINS of Kentucky for clerk hire and stationery from December 2, 1895, to February 18, 1897—to the Committee on Accounts.

By Mr. MONDELL: A resolution (House Res. No. 556) requesting the President to furnish to the House all reports and papers relating to the segregation from the public domain of the lands embraced in the Executive proclamation of February 22, 1897—to the Committee on the Public Lands.

By Mr. MURPHY of Arizona: A memorial of the legislature of the Territory of Arizona, urging the construction of the proposed Buttes reservoir, in Pinal County, Ariz.—to the Committee on Indian Affairs.

Also, a memorial of the legislature of the Territory of Arizona, asking Congress to provide by law for loaning to the University of Arizona ordnance and ordnance stores, etc.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTLETT of Georgia: A bill (H. R. 10363) to increase the pension now paid to Mrs. Lucinda Booth, widow of Wiley Booth, a soldier of the war of 1812—to the Committee on Pensions.

By Mr. MAGUIRE: A bill (H. R. 10365) granting increase of pension to Louise K. Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10366) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petitions of the Advent Christian Church, of Providence, R. I., the Free Baptist Church and the Young People's Society of Christian Endeavor of Arlington, R. I., and the Arcadia Baptist Church, in favor of the Gillett-Platt bill (H. R. 7441), prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rev. J. B. Davis and Rev. J. D. Gardner, of Providence, R. I.; also of C. A. Pratt and others; also of W. S. Walker and others, favoring the passage of the Shannon bill (H. R. 9515), to raise the age of protection to 18 years—to the Committee on the Judiciary.

By Mr. BULL: Petition of A. S. Rounds, grand commander of the order of the Golden Cross, favoring the enactment of the bill regulating fraternal beneficiary societies (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BURTON of Missouri: Petition of A. Eppenawr and other citizens of Nevada, Mo., in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of William Aster & Son and other citizens of Momence, Ill., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of L. P. Bardwell, of Marion, Iowa, praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter—to the Committee on Post-Offices and Post-Roads.

Also, petition of 61 citizens of Cedar Rapids, Iowa, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petition of J. W. Thompson and other citizens of Marion; also of J. W. Hughes and others, of Topeka, Kans., praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of Theodore Deetjen and other citizens of Hoboken, N. J., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of N. W. Allen and other citizens of Minneapolis, Minn., asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of George S. Rix and 44 other citizens of Milbank, S. Dak., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. GILLET of New York: Petition of 242 citizens of Elmira, N. Y., in favor of House bill No. 354, to establish a national university—to the Committee on Education.

By Mr. HAGER: Petition of C. H. Cappellar and other citizens of Atlantic, Iowa, protesting against the passage of the Cullom and Sherman bill to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICK: Petition of J. A. Cope and other citizens of Glade, Ky., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Petition of E. Greenfield's Son & Co. and other business firms in the city of New York, in regard to rate of duty on desiccated cocoanut—to the Committee on Ways and Means.

By Mr. JOHNSON of North Dakota: Petition of Rev. S. F. Beer and 26 other citizens; also petition of C. A. Harris and 44 others, residing in the State of North Dakota, to raise the age of consent to 18 years—to the Committee on the Judiciary.

By Mr. LOUD: Resolution of the San Francisco Chamber of Commerce relative to the necessity for representation of the Territory of Alaska in the House of Representatives—to the Committee on Territories.

By Mr. PERKINS: Resolutions of the Farmers' Institute of Sac City, Iowa, protesting against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE: Petitions of George G. Denor and other citizens of Patterson; J. H. Hoffmann and others, of Jennings; C. H. Vincent and others; V. E. Dupris and others, of Carevero; O. Cromwell and others, of Chacahaula; J. R. Parkerson and others, of Franklin; J. C. Morris, A. F. Barnett, and others, of New Orleans; William Millot and others, of St. Marys Parish; William J. McClellan and others, of Morgan City; George Malagarie and others, of Broussard; M. D. Kearney and others, of Lake Charles; G. A. Martin and others, of Lafayette; F. & D. Gande and others, of Lafourche Crossing, and John B. Lewis and others, of Jeousette, in the State of Louisiana, asking for the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Louis Diss and other citizens of Ilion, N. Y., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of P. Ross Parrish, of Romeo, Mich., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Campbell Coyle, of Toledo, Ohio, favoring the passage of the Cullom and Sherman bills to prevent railroad-ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: Petition of Emil Stampfli and other citizens of Columbus, Ohio, in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 26, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

LIST OF JUDGMENTS RENDERED.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 24th instant, a list of all judgments rendered against the United States by the circuit and district courts of the United States, under section 11 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," which require an appropriation for their payment, and which have not heretofore been reported to Congress; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th instant, supplemental estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1897, and for prior years, amounting to $23,209.37, and for the postal service, payable from postal revenues, amounting to $3,620.09; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HUGH T. TAGGART.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General of the 25th instant, requesting that an appropriation of $25,500 be included in the general deficiency appropriation bill, for payment to Hugh T. Taggart for services performed under appointment by the Department of Justice; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved;

A bill (H. R. 4156) to amend the postal laws providing limited indemnity for loss of registered mail matter; and

A bill (H. R. 9689) for the relief of Daniel E. De Clute.

CREDENTIALS.

Mr. BACON presented the credentials of Alexander Stephens Clay, chosen by the legislature of Georgia a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

EDWARD VUNK.

Mr. VILAS. I ask unanimous consent to dispose of a House bill proposing to grant a pension, being the bill (H. R. 3842) to increase the pension of Edward Vunk.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Edward Vunk, formerly a member of Company D, Twelfth Regiment Wisconsin Infantry, to $45 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA M. WAY.

Mr. PEFFER. I ask unanimous consent to proceed to the consideration of the first pension bill on the Calendar, the bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Amanda M. Way, of Los Angeles, Cal., on the pension roll as army nurse, and to pay her a pension at the rate of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETH PORTER CHURCH.

Mr. BURROWS. I ask unanimous consent to call up the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant an honorable discharge to Seth Porter Church, alias Samuel Church, from Battery I, Second United States Artillery, to date August 29, 1848.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HAWLEY. I ask unanimous consent to proceed to the consideration of House bill 7320. It is a bill to prevent trespassing upon the national parks. The commissioners of the Gettysburg and Chattanooga parks are much troubled by trespassers of various sorts. There is an amendment to the bill.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out section 4 in the following words:

SEC. 4. That any person to whom land lying within any national parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be guilty of trespass, and is liable to a penalty of not more than $1,000. And it shall be lawful for the park employees by force to eject such person from the land so held and from the park.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. SHOUP, and Mr. WALTHALL were appointed.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present the memorial of David Lubin, of Sacramento, Cal., on behalf of the State Granges of California, Oregon, Illinois, Washington, Missouri, Virginia, and Pennsylvania, setting forth certain evils of the present system of protection, and suggesting modifications. The memorial is very short and I move that it be printed as a document and referred to the Committee on Finance.

The motion was agreed to.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that the Territory of Alaska be given representation in Congress; which was referred to the Committee on Territories.

Mr. VEST presented sundry petitions of citizens of Jefferson City, Kansas City, Kirkwood, Portland, and Columbia, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SHERMAN presented the petitions of W. E. Lynch and sundry other citizens; of Henry M. Green and sundry other citizens; of Rev. D. E. Hoffman and sundry other citizens; Fanny Miller and sundry other citizens; Charles Scharf and sundry other citizens, and of E. E. Weller and sundry other citizens, all of Fostoria, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of Rev. William R. Evans, of Gallia; of Rev. T. K. Leonard and sundry other citizens of Clyde, and of Rev. S. H. Randelaugh and sundry other citizens of Lindsey, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. DAVIS presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the removal of the office of supervisor of steamboat inspection from that city; which was referred to the Committee on Commerce.

He also presented a memorial of the Union Veteran League of Minneapolis, Minn., remonstrating against the extension of the civil service to cover pension boards of examining surgeons; which was referred to the Committee on Pensions.

He also presented a petition of the department of superintendence of the National Education Association, and a petition of sundry citizens of Mankato, Minn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. FRYE presented a petition of members of the Shaker church of Sabbathday Lake, New Gloucester, Me., praying that the movement to establish a court of arbitration between Great Britain and the United States be speedily consummated; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Pleasant Plain Quarterly Meeting of Friends, of Woolson, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Sac County, Iowa, and the petition of Rev. J. A. Maple, of Keokuk, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of the legislature of the Commonwealth of Massachusetts, praying that an appropriation be made for the construction of a dry dock at Charlestown, in that State; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Central Labor Union of Lawrence, Mass., praying for the passage of the so-called seaman's bill without amendment; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Amherst, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. NELSON presented the petition of H. H. Bergsland and sundry other citizens of Red Wing, and the petition of N. W. Allen and sundry other citizens of Minneapolis, Good Thunder, Freeborn, North Branch, Crow Wing, and Moose Lake, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. COCKRELL presented the petition of August Huge and sundry other citizens of Kirkwood, Mo., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petition of the Woman's Club, of Madison, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. VILAS presented the petition of Rev. S. Mereness and sundry other citizens of Oxford, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. TURPIE presented a petition of the professors and students Indiana of University, Bloomington, Ind., and sundry petitions

of citizens of Indiana, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of J. E. Elder, grand regent of the Royal Arcanum, and sundry other citizens of Indiana, and a petition of sundry citizens of Bristol and Elkhart, Ind., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. BRICE presented a petition of the Credit Men's Association of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Painesville, Ohio, praying for the enactment of legislation to punish contempts of court; for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented the petition of Rev. W. L. Y. Davis, in behalf of the Methodist ministers of Cincinnati, Ohio, praying for the enactment of legislation regulating the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Hollingsworth Division, No. 100, Order of Railway Conductors, of Columbus, Ohio, and sundry petitions of citizens of Springfield and Noble County, Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Rev. Charles K. Hunton, in behalf of the Luther League of America, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a memorial of the Western Tract Society of Cincinnati, Ohio, remonstrating against the adoption of the proposed amendment to the so-called Loud bill, preventing agents from mailing periodicals at the same rate as publishers, etc.; which was ordered to lie on the table.

He also presented petitions of the Christian Endeavor societies of the Presbyterian churches of South Charleston, Castine, and Vinton County; of the Woman's Christian Temperance Union of Greene County; of the Young People's Society of Christian Endeavor of Columbus; of the Young People's Society of Christian Endeavor of the Central Christian Church of Cincinnati; and of the Christian Endeavor Society of the Reformed Church of Hartville, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Western Reserve Society, Sons of the American Revolution, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Eliza G. Rice, secretary of the Woman's Christian Temperance Union of Yellow Springs, Ohio, praying for the enactment of legislation to abolish the sale of intoxicating liquors in the Capitol building, and also for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HANSBROUGH presented the petitions of Henry Well and 61 other citizens of Cavalier; of Mrs. A. M. Cook and 40 other citizens of Cogswell; of C. W. Pollock and 49 other citizens of Casselton, and of C. A. Harris and 44 other citizens of Grafton, all in the State of North Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. VILAS presented the petition of E. A. Abbott and sundry other citizens of Lodi, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of D. Grotophorst and 28 other citizens of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Grand Council of the Royal Arcanum of the District of Columbia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society, of Orange, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Printing, to whom was referred the amendment submitted by Mr. VOORHEES on the 18th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on the Library, to whom were referred the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, and the bill (S. 3356) to incorporate the Society of the Colonial Dames of America, to report them adversely, and to submit a report thereon.

Mr. ALDRICH. I ask that the bills may be placed on the Calendar, with the adverse report.

Mr. HANSBROUGH. I have no objection to that course being pursued.

Mr. QUAY. May I ask the Senator from North Dakota which of the societies of Colonial Dames the committee propose to incorporate, or whether both of them are to be incorporated?

Mr. HANSBROUGH. We are not reporting in favor of the incorporation of either one of the societies. The committee authorized me to make an adverse report on both bills.

Mr. QUAY. On both bills?

Mr. HANSBROUGH. Yes, sir; both the New York society and the Pennsylvania society.

Mr. QUAY. I did not notice. I supposed the bills were reported favorably.

Mr. HANSBROUGH. No, sir; adversely.

Mr. GALLINGER. Both of them are reported adversely.

Mr. HANSBROUGH. Yes, sir.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator desire that the bills shall be placed upon the Calendar?

Mr. ALDRICH. I requested that the bills should be placed on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6634) granting a pension to Sarah M. Spyker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 20th instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on the Census, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON IMMIGRATION.

Mr. HALE, from the Committee on Printing, to whom was referred the resolution submitted by Mr. CHANDLER on the 24th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed 800 additional copies of the report of the results of the mission of the Commissioner-General of Immigration to the Italian Government, October, 1896: 300 for the use of the Senate and 500 for the use of the Commissioner-General of Immigration.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. From the Committee on Immigration, I desire to ask that an additional number of copies may be printed of the conference report on the immigration bill, for which there is a large demand. The print is entirely exhausted.

There being no objection, the order was agreed to, as follows:

Ordered, That the report of the committee of conference on H. R. 7864, an act to amend the immigration laws of the United States be reprinted.

BILL INTRODUCED.

Mr. GEAR introduced a bill (S. 3730) for the relief of the Columbian Dry Dock Company, of Baltimore, Md., which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HENRY A. DU PONT.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be allowed and paid to Henry A. Du Pont, from the contingent fund of the Senate, the sum of $1,855.45, being the amount expended by him in prosecuting his claim to a seat in the Senate from the State of Delaware.

CONSIDERATION OF BILLS BY COMMITTEES.

Mr. VEST submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That no report shall be received by the Senate from any standing or select committee, unless such report has been considered by said committee at a session attended by a quorum of its members.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts:

An act (S. 321) granting a pension to James W. Dunn;

An act (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

An act (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel; and

An act (S. 2832) for the relief of Daniel T. Tollett.

METROPOLITAN RAILROAD COMPANY.

The VICE-PRESIDENT. As a part of the morning business, the Chair lays before the Senate a concurrent resolution, coming over from a previous day. The resolution will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate for further consideration the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

PROPOSED EXECUTIVE SESSION.

Mr. PETTIGREW. Mr. President——

Mr. HILL. Will the Senator from South Dakota permit me a moment? I ask unanimous consent that we may have an executive session at 3 o'clock this afternoon.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent that there be an executive session at 3 o'clock this afternoon.

Mr. FRYE. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I give notice, so that no one may be taken by surprise, that at 3 o'clock this afternoon I shall submit a motion for an executive session.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. The Senate will remember that some days ago I called up what is known as the labor-commission bill. At that time there were serious objections to some of its features, but since then a compromise bill has been arranged between the opponents of the original bill and the committee representing the labor organizations, to which I think there will be no objection by any Senator on the floor. I should be glad if the Senate would now take up the bill and consider the compromise bill and send it to the other House.

Mr. WHITE. May I ask the Senator from Pennsylvania what commission bill he refers to? I was unable to hear him.

Mr. QUAY. The labor-commission bill.

Mr. WHITE. I have no objection.

Mr. PETTIGREW. I demand the regular order.

The VICE-PRESIDENT. Does the Chair understand the Senator from South Dakota to object?

Mr. PETTIGREW. I understand that the regular order this morning after the routine morning business is the Indian appropriation bill, and I desire to proceed with it. I will yield to the Senator after the bill is laid before the Senate.

Mr. ALLEN. What is the request of the Senator from South Dakota?

Mr. PETTIGREW. Simply that the order of last evening be carried out, that after the routine morning business the Indian appropriation bill shall be taken up. Is the morning business closed?

The VICE-PRESIDENT. The Senator from South Dakota demands the regular order. The Chair will state that the morning business having been disposed of, the regular business is the Calendar under Rule VIII.

Mr. PETTIGREW. I understand that last evening unanimous consent was given to take up the Indian appropriation bill immediately after the routine morning business.

Mr. CHANDLER. That is true, Mr. President.

The VICE-PRESIDENT. With that statement, the Chair lays before the Senate the Indian appropriation bill.

The SECRETARY. A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. ALLEN. Mr. President——

Mr. PETTIGREW. Now, Mr. President——

The VICE-PRESIDENT. The Senator from Nebraska has addressed the Chair.

Mr. PETTIGREW. One moment. Will the Senator from Nebraska yield to me for a statement?

Mr. ALLEN. Yes; I will yield for a statement.

Mr. PETTIGREW. There are two committee amendments which, of course, will be the first to be considered. I desire to take up the one first on page 70 and dispose of the two committee amendments; and then the amendments offered by the Senator from Nebraska will be in order.

Mr. ALLEN. I have been trying to get in an objection here.

The VICE-PRESIDENT. The Chair recognized the Senator from Nebraska, but he yielded the floor.

Mr. ALLEN. Last night I said I would object to taking up the Indian appropriation bill if it interfered in the slightest degree with the consideration of the Sanguily resolution.

Mr. STEWART. That does not come up until 1 o'clock.

Mr. ALLEN. Very well; let it go over until that time.

Mr. STEWART. It is the unfinished business at 1 o'clock.

Mr. PETTIGREW. I desire to proceed with the consideration of the amendment on page 70.

The VICE-PRESIDENT. The amendment of the committee has been read. The amendment of the Senator from Utah [Mr. BROWN] to the amendment of the committee will be read.

Mr. QUAY. I ask the Senator from South Dakota to yield to me in order that I may call up the bill which I mentioned a few moments ago.

Mr. PETTIGREW. With the understanding that it will lead to no debate, I will yield.

Mr. QUAY. If there is any debate or any objection, I will withdraw it.

Mr. HAWLEY. What is the bill?

Mr. QUAY. It is what is known as the labor-commission bill. I do not know whether the Senator from Connecticut, who, I believe, was rather hostile to the bill in its original form, is aware that a compromise bill has been arranged between the opponents of the bill and the committees of the labor organizations, which, I understand, is unobjectionable. I desire to call up the bill and substitute the compromise bill for the bill of the House, if there is no objection.

Mr. HALE. That is a very important matter. It will give rise to debate. I must object.

Mr. QUAY. I understand that there are no objections to it, and that is the reason why I have asked to take it up. I will adopt the suggestion of my friend from Minnesota [Mr. DAVIS], and ask that the substitute be read.

The VICE-PRESIDENT. The Chair was unable to near whether objection was interposed by the Senator from Maine.

Mr. HALE. I objected.

Mr. QUAY. Objection was interposed. I merely ask that the proposed substitute be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the proposed substitute.

The Secretary read as follows:

Substitute for 9188.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be called the "industrial commission," to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker, and nine other persons who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or subcommissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks,

stenographer, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 4. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 5. That the term of the commission shall be two years. The salary of each member of this commission appointed by the President shall be $3,000 per annum and actual traveling expenses.

SEC. 6. That any vacancies occurring in the commission by reason of death, disability, or from any other cause, shall be filled by appointment of the President of the United States.

SEC. 7. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. HALE. That is a gigantic scheme for building up a great set of officeholders at the rate of $5,000 a year. I object to it.

The VICE-PRESIDENT. Objection is interposed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 153) authorizing the persons herein named to accept certain decorations;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A bill (S. 3340) authorizing Herbert H. D. Peirce to accept a medal from the Russian Government;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain; and

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 849) to increase the circulation of national banks;

A bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma; and

A bill (H. R. 4808) to increase the efficiency of the postal service.

The message also announced that the House had passed a concurrent resolution providing for the printing of 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing that during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, be suspended, and said bills and joint resolutions may be written by hand; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;"

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 8706) to correct the military record of Patrick Hanley;

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories; and

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah [Mr. BROWN] to the amendment of the committee, beginning on page 70, will be stated.

The SECRETARY. After the word "Interior," in line 8 on page 72, insert the words "unless such award has been paid to and accepted by the claimant;" so that when amended the clause will read:

And no right of either party shall be impaired by reason of any previous award or ruling made by the Secretary of the Interior, unless such award has been paid to and accepted by the claimant.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BROWN. This is a very important amendment. We have partly discussed it. It was called up last night, and there was not a sufficient number present to consider it properly. I shall have again to ask for a full Senate before considering it. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Lodge,	Quay,
Allison,	Davis,	Mills,	Roach,
Bate,	Elkins,	Mitchell, Wis.	Sherman,
Berry,	Frye,	Morgan,	Shoup,
Blackburn,	Gear,	Morrill,	Stewart,
Blanchard,	Gorman,	Murphy,	Teller,
Brown,	Gray,	Nelson,	Tillman,
Burrows,	Hale,	Pasco,	Vest,
Call,	Hawley,	Peffer,	Vilas,
Cannon,	Hill,	Perkins,	Walthall,
Carter,	Hoar,	Pettigrew,	White.
Chandler,	Kenney,	Platt,	
Chilton,	Lindsay,	Pugh,	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present. The question is upon agreeing to the amendment submitted by the Senator from Utah to the amendment of the committee.

Mr. BROWN. The object of the amendment, Mr. President, is simply to carry out the scheme proposed by the committee to submit the whole question, with all its equities, defenses, and points, to the Court of Claims. It is claimed here that many of these claimants presented their claims to the Secretary of the Interior and he has adjusted them; that they had accepted the allowance and been paid the amount, and that they are satisfied with it. This amendment simply proposes that the court shall take that fact, among others, into consideration, and give it such weight as the court sees fit. I hope the amendment to the amendment will be passed at this time.

Mr. BURROWS. It seems to me that the amendment proposed by the Senator from Utah [Mr. BROWN] ought to be accepted by the committee. If this matter is going to the Court of Claims there is no reason why they should not examine the full question and ascertain how much has been paid each one of the claimants, and not bar the Indians from making any proper defense of the claims.

I have very great doubt myself whether there is any great merit in the claims whatever. In fact, from a conversation had with officials who are familiar with it, I am satisfied that the claims are without foundation. I hold in my hand a report made by the Secretary of the Interior upon these claims, embracing also the report of the Commissioner of Indian Affairs, from which it appears that out of this fund there have been paid to these attorneys in all the sum of nearly $200,000. It is true that did not exhaust the fund, and possibly that is the reason why these additional claims are filed, with a view of securing, if possible, from the Indians the remaining $80,000.

The Secretary of the Interior, in commenting on these claims, says, among other things:

It further appears that since the appropriation was made the following claims have been paid: September 6, 1894, to J. M. Bryan, 6½ per cent, $32,025.11; September 8, 1894, to William Wilson, 2 per cent, $16,007.72; September 8, 1894, to William H. Hendricks, 2 per cent, $16,007.72; total $84,040.55; that claims of attorneys for services were adjudicated by your office under section 2104 of the Revised Statutes and transmitted to the Department for its action, as follows: August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent, $32,015.45; September 5, 1894, claim of Garland & May, 1½ per cent, $15,060; total, $47,075.45.

These claims, as well as the claim of John T. Heard for $10,000, and of the Wilshire estate for $13,500, hereinafter referred to, have been approved by the Department by letter of January 5, 1895.

The Secretary of the Interior further says:

The claims of Messrs. Bryan, Hendricks & Wilson have been paid, and the claims of Messrs. Jones, Voorhees & Boudinot, Messrs. Garland & May, Mr. John T. Heard, and the Wilshire estate have been approved, as above stated, and now require no consideration.

The claim of John A. Sibbald.—

The Secretary says, speaking of this claim:

I do not think that Mr. Sibbald is entitled to anything more than one-fifth of the amount allowed on the Wilshire claim, in accordance with his agreement with Mr. Wilshire.

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1873 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of $3,000 would be ample compensation for all the services rendered; and that sum is allowed.

And he was paid it.

The claim of E. J. Ellis.—The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. I think, however, that the compensation suggested by you is quite inadequate. I am of opinion that the estate of Mr. Ellis should be allowed the sum of $4,000 in full for his services.

And that amount was allowed and paid. The Secretary further says:

I do not see any merit in the claim set up by Mr. McKnight, as the surviving partner of the law firm of Ellis, Johns & McKnight, and his claim is rejected.

The claim of C. M. Carter.—Mr. Carter's legal services extended from the latter part of 1883 to the year 1893; they are fully recognized by Mr. Bryan, who swears in his affidavit on file that the Old Settler Cherokees were benefited to the full extent of the amount agreed to be paid to Mr. Carter for his legal services; that he has advanced $213 to pay costs in their case. I am satisfied that Mr. Carter is justly entitled to be paid the full amount of his claim for legal services, viz, $3,185, and that sum is allowed.

And he was paid.

The claim of Joel L. Baugh.—I am unable to see what services Mr. Baugh has rendered which would justify the payment to him of the sum of $6,000. His services may have been valuable, but it is not easy to perceive just exactly what they were. But, under all the circumstances, I would approve an allowance to him of the sum of $1,000.

The claim of John W. Douglas.—Mr. Douglas was employed as one of the attorneys of these Indians in the Court of Claims in the early part of 1884, and until the year 1889, when he was appointed one of the Commissioners of the District of Columbia. His services were valuable and meritorious, and the compensation which he asks is moderate, viz, the sum of $2,500, which is allowed.

The claim of John L. McCoy.—This is a claim filed in behalf of the administratrix of John L. McCoy, deceased, who was for a short time a commissioner for the Old Settlers. It appears that he was appointed in 1875 and served about two years. I am unable to see what claim Mr. McCoy has upon this fund, and I agree with you in its rejection.

And so the Secretary of the Interior comments upon all these claims, passing upon them and allowing what in his judgment ought to be allowed, having before him all the contracts and all the facts in the case. I submit that it is a little unsafe to adopt the amendment of the committee without the amendment proposed by the Senator from Utah. If gentlemen are anxious simply that justice should be done to these claimants, there is no reason why the Court of Claims should not have jurisdiction to inquire into all the facts and ascertain how much the claimants have received. It appears from the report of the Secretary, as I said before, that they have already been paid out of this fund $198,000, and then other claimants filed their claims and their claims were passed upon by the Commissioner of Indian Affairs and by the Secretary of the Interior; and many of them were disallowed because they were absolutely without merit; others were allowed for a small sum.

With the amendment proposed by the Senator from Utah, giving the court jurisdiction to inquire into all the facts, if these parties have already been fully paid and there is any sum remaining out of the sum of 35 per cent, it belongs to the Indians, and out of professed regard for the Indians we ought to do whatever we can to secure them in their rights.

Without reading at length this report, I ask to have it printed in the RECORD.

Mr. TELLER. It has been printed, and it has been read here half a dozen times.

Mr. BURROWS. Has it been printed in the RECORD?

Mr. PETTIGREW. Every item.

Mr. TELLER. And it has been discussed here. However, I do not object to its going into the RECORD.

Mr. BURROWS. Very well; instead of reading it to any further extent, as I would be obliged to do if objection is made, I will ask to have it printed in the RECORD.

Mr. TELLER. If the Senator desires to read it, I do not care.

Mr. BURROWS. I ask that it be printed in connection with the vote on this proposition, and I trust the amendment of the Senator from Utah will be adopted. It certainly can do nobody any harm, and it may be that it will preserve the right of the Indians to this fund.

Mr. TELLER. If the amendment of the Senator from Utah was that they should be charged with what they have got, so that when a man got within $500 of what he ought to have had he might be charged with what he had received, the amendment would be fair; but the amendment is just opposite; it prevents every man who has ever received a dollar from getting another dollar. That is the objection to it.

Mr. BROWN. Then let it read "and accepted in full payment."

Mr. TELLER. If you will add the words "in full payment" after "accepted," that will cover it, because some of these people entered a protest very vigorously that they were not properly paid.

Mr. BROWN. I have no objection to adding those words.

Mr. BURROWS. It can be modified in that way.

Mr. TELLER. If they received any money, and have not received as much as the court says they should have received, that is to be a charge against them.

Mr. BROWN. After the word "accepted," I will add the words "in full payment."

Mr. TELLER. That is all I desire.

Mr. BROWN. I understand the committee will accept the amendment.

Mr. PETTIGREW. I shall not accept it, but I shall not call for the yeas and nays. I want to have the matter disposed of.

Mr. BURROWS. I should like to have the document to which I referred printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The following is the document referred to.

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, IN RESPONSE TO SENATE RESOLUTION OF MARCH 2, 1895, DIRECTING THE SECRETARY OF THE INTERIOR TO REPORT TO THE SENATE ANY AND ALL PAYMENTS AND DISTRIBUTIONS FROM THE APPROPRIATION OF $300,386.31 IN FAVOR OF THE "OLD SETTLERS," OR WESTERN CHEROKEE INDIANS, MADE BY ACT OF AUGUST 23, 1894.

DEPARTMENT OF THE INTERIOR, *Washington, January 13, 1896.*

SIR: I have the honor to acknowledge the receipt of Senate resolution of March 2, 1895, in the following words:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon."

In response thereto, I transmit herewith copy of a communication of the 17th instant from the Commissioner of Indian Affairs, to whom the resolution was referred.

The Commissioner states that copies of all material papers showing the conclusions of his office and the Department, and giving reasons therefor, are furnished, but that the papers are very voluminous, many of the exhibits being printed volumes of many pages, and with the clerical force of his office it is utterly impracticable to furnish the copies required.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1896.

SIR: I have the honor to acknowledge receipt of Senate resolution of March 2, 1895, referred by you to this office for report on March 4, 1895, as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon."

The amounts paid from the appropriation of $300,386.31 in favor of the "Old Settlers," or Western Cherokee Indians, made by act of August 23, 1894 (28 Stat. L., 451), for legal and other services rendered those Indians in the prosecution of their claim against the United States, are as follows:

September 6, 1894, Joel M. Bryan, commissioner and treasurer of the Old Settler Cherokees, 6½ per cent on $300,386.31	$52,025.11
September 6, 1894, William Wilson	16,007.72
September 6, 1894, William H. Hendricks	16,007.72
(Commissioners, 2 per cent each, upon the amount of the judgment.)	
These three amounts were paid by authority of various councils of the Old Settlers, particularly of November 22, 1875, October 25, 1883, and October 31, 1884. (See Exhibits A, B, and C.)	
January 16, 1895, Garland & May	15,000.00
Paid upon recommendation of this office dated September 5, 1894, and the authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits D and E.)	
January 22, 1895, John T. Heard	10,000.00
Paid under act of August 15, 1894 (28 Stat. L., 31, Private Laws), and authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits E and G.)	
February 4, 1895, Jones, Voorhees, and Boudinot	32,015.45
Paid upon recommendation of this office dated August 31, 1894, and authority of the honorable Secretary of the Interior dated January 5, 1895. (See Exhibits F and E.)	
February 8, 1895:	
Catherine Wilshire, administratrix	10,800.00
John A. Sibbald	2,100.00
John A. Sibbald, assignee	600.00
Paid upon recommendation of this office of November 21, 1894, and authority of the honorable Secretary of the Interior of January 5, 1895. (See Exhibits G, H, and E.)	
March 2, 1895, J. W. Douglas	2,500.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit N.)	
March 4, 1895, J. J. Nowell	10,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit N.)	
March 6, 1895, W. S. Peabody	8,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 9, 1895, S. O. Hemingway	1,500.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I.)	
March 9, 1895, C. M. Carter	3,185.04
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 11, 1895, D. A. McKnight, administrator E. John Ellis	4,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
March 11, 1895, Joel L. Baugh	1,000.00
Paid by authority of the honorable Secretary of the Interior, dated January 22, 1895. (See Exhibit I; also Exhibit G.)	
June 24, 1895, S. C. Dunham	545.00
Paid upon recommendation of this office, dated April 2, 1895, and authority of Secretary of Interior, dated May 15, 1895. (See Exhibits J and K.)	
September 23, 1895, Cherokee Nation, money loaned and interest—$3,600 loaned January 7, 1875, at 5 per cent, $7,296.50; $900 loaned December 27, 1859, at 5 per cent, $1,350.13	8,645.63
Paid by authority of the honorable Secretary of the Interior, dated May 18, 1895. (See Exhibits L and M.)	
Total	193,932.47

This disposes of all the claims that were paid. There were other claimants, but as the resolution calls only for the amounts paid, no report upon the unpaid claimants is made, except as they are discussed in the accompanying exhibits.

In reply to the request for "copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs, and the action had thereon," I have the honor to say that with the clerical force of this office it is utterly impracticable to furnish the copies required. The papers are very voluminous, many of the exhibits being printed volumes of many pages. There accompany this, however, copies of all the material papers, showing the conclusions of this office and the Department, and giving reasons therefor.

Very respectfully,

D. M. BROWNING, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

EXHIBIT A.

TAHLEQUAH, CHEROKEE NATION, IND. T.,
November 22, 1875.

The Western or Old Settler Cherokees, in pursuance of previous appointment, having met in convention under authority of the provisions of the Cherokee treaty of 1846, to consider the best method of prosecuting their claim for a balance due them of per capita funds from the Government of the United States, under the Cherokee treaties of 1835–36 and 1846, adopted the following resolutions:

"*Resolved by the Western or Old Settler Cherokees in general convention assembled*, That it is the sense of said Cherokees that the Government of the United States is legally indebted to them (the said Cherokees) for a balance of per capita moneys due under the Cherokee treaties of 1833, 1835–36, and 1846, with interest on the same up to date of final payment, and was withheld from said Cherokees when the per capita funds were paid the Cherokee people in 1851–52, under the provisions of the treaties of 1835–36 and 1846.

Resolved further, That the partial payment of said per capita moneys made to said Old Settler Cherokees in 1851 is not and can not be in law or equity a final and full settlement between the United States Government and said Old Settler Cherokees on account of their said per capita funds, due under said treaty of 1835–36 and 1846, for the following reasons:

"First. That the said partial payment was practically forced upon said Cherokees by the United States.

"Second. That at the time of said partial payment in 1851 said Old Settler Cherokees filed a written protest with the disbursing officer or paymaster of the Government (Mr. Drennen), protesting that the payment then made was not a full payment of the moneys due said Old Settlers under said treaties, and reserving their rights to the balance due them of said per capita funds, and that in 1849–50 the Old Settlers' delegate, J. L. McCoy, filed his protest in the Department at Washington, claiming the whole amount due.

"Third. That the treaty of 1846 referred to makes specific provisions that no misapplied funds or charges shall be deducted from the per capita funds, 'Old Settler Cherokees,' under said treaties in a final settlement.

"*Resolved further*, That inasmuch as the treaty of 1846 abolished all party distinctions in the nation except in so far as the same may be necessary to carry out the provisions of said treaty, and said treaty also made further provisions that the Cherokee people or any part of them could peaceably assemble and petition their own government or the Government of the United States for a redress of grievances, the said Old Settler or Western Cherokees have, from time to time, before and since the late war of the rebellion, met in convention for the purpose of prosecuting and recovering of their said claim for the said balance due them, but have so far failed to secure any final result or settlement for the want of funds to aid such prosecution.

"*Resolved further*, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following-named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses; *Provided*, That on a final settlement with said Old Settler Cherokees, the said commission account for their expenditures out of said per cent, and all receipts signed to said United States Government by said commission on account of said per cent shall be taken and deemed to be the receipts of said Old Settler Cherokees for the amount received.

"*Resolved further*, That said commission, either in whole or in part, at their discretion, be authorized to proceed at their earliest convenience to Washington, D. C., to prosecute said claim, and for that purpose they, the said commission, are authorized to make a loan from the Cherokee Nation for funds sufficient to defray their necessary expenses.

"*Resolved further*, That the president of this convention furnish the said commission with a copy of these resolutions."

I certify that the above and foregoing resolutions is a true copy of the original resolutions, this, the 25th day of November, 1875.

WILLIAM WILSON,
President Convention.
H. T. LANDRUM,
Secretary.

Approved:
CHARLES THOMPSON,
Principal Chief, Cherokee Nation.

UNION AGENCY, *December 20, 1875.*

I hereby certify that Messrs. J. L. McCoy, J. M. Bryan, and William Wilson, are known to me as Old Settlers, and were duly appointed November 22, 1875, as commissioners to represent the Old Settlers' claim before the Department and Congress at Washington.

G. W. INGALLS, *Indian Agent.*

EXHIBIT B.

Proceedings of the meeting of the ninth annual council of the Old Settler or Western Cherokee Indians, held at Tahlequah, in the Cherokee Nation, on the 25th day of October, 1883, to further consider the prosecution of their claim against the United States for moneys due them under the treaties of 1835–36 and 1846, and the several acts of Congress in relation thereto, and to authorize and direct their commissioners and treasurer in that respect, which convention is held in pursuance of the power and authority of that part of the second article of the treaty of 1846 which provides that all parties shall cease except so far as they may be necessary to carry out the provisions of the said treaty with respect to said Old Settler or Western Cherokee Indians.

Mr. William Wilson, permanent president, in the chair; Robert L. Owen, secretary.

A committee was appointed, after the annual report of the commission was read and adopted, consisting of the following representative Old Settler Cherokees, to wit: Judge Riley Keyes, Capt. B. W. Alberty, H. C. Barnes, Aaron Terrell, and R. L. Owen. The committee reported to the convention the following resolutions, which, after being fully discussed, were unanimously adopted:

RESOLUTIONS.

First. That we tender our thanks to the Secretary of the Interior and the Commissioner of Indian Affairs for their efforts to have justice done in the investigation and payment of our claim.

Second. *Resolved*, That we memorialize the Senate of the United States to appoint a committee, to be composed of three Senators, to take the "Old Settler" claim in hand, to investigate the claim, correct any errors that may have been made by any authority of the United States Government, and report the amount found for appropriation.

Third. *Resolved*, That our councilors and clerks be paid each $4 a day, and that a competent committee of three persons be appointed to sit at Tahlequah during the next session of the national council, to receive from each clerk and councilor and commissioner the amount then due; said committee to be appointed by the president of the present council, and said committee to be paid $4 per day for their services.

Fourth. *Resolved*, That at the earnest request of Mr. Bryan we hereby relieve him from acting as treasurer of the 35 per cent set apart for the purpose of prosecuting the Old Settler claim.

Fifth. *Resolved*, That when the amounts of our home council expenses and our commissioners' services shall be made out by the committee above provided for, the said committee shall forward a statement of the same, revised and approved by the commission, to the Secretary of the Interior, who is hereby authorized and requested to pay the same after the appropriation of the sums due us shall have been made.

Sixth. *Resolved*, That in consideration of the continuous and faithful labor and expenses of J. M. Bryan for eight or nine years in prosecuting, under much uncertainty of ever receiving a dollar's reward, the Old Settler Cherokee claim, at his own expense, even paying printing bills, expenses of attorneys who were helping the claim, etc., he having sold everything he has in the prosecution of this claim, practicing law whenever in the nation in order to keep up his expenses, and thus giving his entire time and energy to this work; and in further consideration of the said J. M. Bryan having contracted a large part of the 2½ per cent for assistance in the management of said claim, we, the Old Settler Cherokee Indians, in council assembled, agree to pay Mr. Bryan 2½ per cent additional, making in all 5 per cent; and the Commissioner of Indian Affairs is respectfully requested to have the same paid to J. M. Bryan out of the 35 per cent set apart for the prosecution of our said claim. The honorable Commissioner of Indian Affairs is respectfully requested to pay to Mr. Bryan, our Old Settler commissioner, for his services as such, out of the 35 per cent as above stated, at $4 a day from November 22, 1875, until the claim is closed: *Be it further resolved*, That all contracts with attorneys, or any other person or persons, for services hereafter to be presented for the approval of the Secretary of the Interior of the United States be first approved by our three commissioners, J. M. Bryan, William Wilson, and W. H. Hendricks.

Seventh. The acts of all previous councils of the Old Settlers are hereby reaffirmed and declared to be in full force, except where contrary to these resolutions, in which case such acts or parts of acts are repealed.

WILLIAM WILSON,
President of the Convention.
R. L. OWEN, *Secretary.*

Approved November 9, 1883.
[SEAL.]

D. W. BUSHYHEAD, *Principal Chief.*

EXHIBIT C.

Proceedings of the meeting of the tenth annual council of the Old Settlers or Western Cherokee Indians, held at Tahlequah, in the Cherokee Nation, on the 31st day of October, A. D. 1884, to further consider the prosecution of their claim against the United States for moneys due them under the treaties of 1835–36 and 1846, and the several acts of Congress in relation thereto, and to direct and authorize their commissioners and treasurer in that respect, which convention is held in pursuance of the power and authority of that part of the second article of the treaty of 1846 which provides that all party distinctions shall cease except so far as they may be necessary to carry out the provisions of the said treaty with respect to said Old Settlers or Western Cherokee Indians.

Mr. William Wilson, permanent president, being ill and unable to attend the convention, Mr. Henry C. Barnes was elected by the convention as president pro tempore, and after a full and exhaustive report of the management and status of the claim by Col. J. M. Bryan, spokesman for the commission, a committee was appointed, after the report was read and adopted, consisting of the following representative Old Settler Cherokees: Clem Hayden, chairman; Robert L. Owen, secretary; Aaron Terrell, E. Cornelius Boudinot, and Joseph Gladney, for the purpose of examining the report of the commissioners, Bryan, Wilson, and Hendricks, and reporting to the convention what they should deem a judicious course.

After thoroughly discussing the report of the commission, with contracts, documents, etc., submitted therewith, the committee unanimously reported the following resolutions:

RESOLUTIONS.

Be it resolved by the Old Settler Cherokees, That there having been contracted, by our authority, with different attorneys in the States, by our commissioners, Bryan, Wilson, and Hendricks, the amount of 22½ per cent of the amount recovered of our claim for services actually rendered in the prosecution of the Old Settler Cherokee claim, of which 13 per cent has been approved and 9½ per cent is as yet unapproved by the Interior Department, we hereby approve the two other contracts, to wit, John A. Sibbold's, for 5 per cent, and C. M. Carter's, for 4½ per cent, of the recovery, and respectfully request, if necessary, that the honorable Secretary of the Interior also approve the same.

Be it further resolved, That as no suitable or proper fee has been allowed our commissioners, William Wilson, president of the commission, and William Hendricks, for their enterprise and foresight in reviving the claim and working in its behalf so faithfully, we hereby allow them 2 per cent each in full of their services, and that this and the per diem allowance for the services of J. M. Bryan as our special attorney and commissioner, as well as the 5½ per cent provided for him by our councils of 1877 and 1883, be also approved by the Interior Department, if necessary, and that the honorable Secretary is especially requested to have the same done, our said attorney and commissioner having devoted his entire time for nearly ten years and his whole fortune to the interests of the Old Settler Cherokees.

Be it further resolved, That for the purpose of harmonizing all our contracts for defraying expenses of our commissioners and home expenses, and the payment of two attorneys' fees not approved by the Interior Department, and for the payment of borrowed money from the Cherokee Nation, as authorized by our council, that Col. Joel M. Bryan be, and he is hereby, appointed treasurer of the Old Settlers, and as such is hereby authorized to receive from the proper officer or officers an amount of money out of any sum or sums that may be allowed said Old Settlers or Western Cherokees, as may be necessary to meet the provisions of this our council's decisions,

the amounts of which are hereinafter itemized, to receipt to the United States therefor in the name of and for us, which said receipt shall be as binding upon the Old Settler Indians as if executed by them individually, and shall be the Old Settler Cherokees' receipt therefor.

Be it further resolved, That the following amounts are hereby approved, and our treasurer is hereby authorized to disburse said funds when received in payment of said amounts, to wit:

	Per cent.
1. For attorneys' fees not as yet allowed by the Interior Department, 0½ per cent of the entire claim recovered	0½
2. For Joel M. Bryan, himself as by act of the councils of 1877 and 1883, 5½ per cent of the entire claim recovered	5½
3. For Joel M. Bryan, as commutation of his per diem allowance, 1½ per cent of the entire claim recovered	1½
4. For our commissioners, Wilson and Hendricks, 4 per cent of the entire claim recovered	4
5. For our debts to the Cherokee Nation for borrowed money and for home and contingent expenses, 2 per cent of the entire claim recovered	2
Total amount	22

Be it further resolved, That J. M. Bryan is hereby authorized to present the claim of the Old Settler Cherokees to the United States Government for the value of the lands and improvements at the old Cherokee Agency in the State of Arkansas, on the Arkansas River, due to us under the treaties of 1828 and 1833.

Signed by the committee.

CLEM HAYDEN, *Chairman.*
ROBERT L. OWEN, *Secretary.*
AARON TERRELL.
JOS. B. GLADNEY.
E. C. BOUDINOT, JR.

The above resolutions, being read and fully discussed, were unanimously adopted.

HENRY C. BARNES, *President pro tem.*
ROBERT L. OWEN, *Secretary.*

Approved.

D. W. BUSHYHEAD, *Principal Chief.*

EXECUTIVE DEPARTMENT, *Cherokee Nation.*

I hereby certify that the foregoing five pages is a true copy of the original proceedings of the Old Settler or Western Cherokees, as placed on file in the executive department of the Cherokee Nation, as furnished by Col. Joel M. Bryan on this 6th day of November, 1884.

[SEAL.]

GEORGE O. BUTLER,
Assistant Executive Secretary Cherokee Nation.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
March 2, 1885.

It appearing from the proceedings (herewith) of the tenth council of the Old Settler or Western Cherokees, held at Tahlequah, Cherokee Nation, October 31, 1884, that Col. Joel M. Bryan was appointed treasurer of the Old Settler or Western Cherokees, I know of no objection to such appointment.

H. PRICE, *Commissioner.*

I concur.

DEPARTMENT OF INTERIOR, *March 3, 1885.*

H. M. TELLER, *Secretary.*

EXHIBIT D.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 5, 1894.

SIR: I have the honor to transmit herewith, for your consideration and approval, an affidavit of Heber J. May, representing the firm of Garland & May, as to the professional services rendered under their contract dated December 9, 1889, in the prosecution, before the Court of Claims and the United States Supreme Court, of certain claims of the Old Settler or Western Cherokee Nation of Indians against the United States, for which services said Garland & May are to receive, in accordance with the terms of said contract, the sum of $15,000.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT E.

In the matter of the claims for attorneys' fees in the Old Settler Cherokee cases.

DEPARTMENT OF THE INTERIOR,
Washington, January 5, 1895.

SIR: Pending the consideration of the claims of various attorneys for fees in the above-stated matter, I have concluded that inasmuch as there is no contest over the fees claimed by the following-named persons, to wit, Jones, Voorhees & Boudinot, for $32,015.45; Garland & May, for $15,000; John C. Heard, for $10,000, and the Wilshire estate for $13,500, the same should be paid without further delay.

I therefore approve your findings in respect to these claims, and direct that the same be paid.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT F.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 31, 1895.

SIR: I have the honor to submit herewith, for your consideration and approval, an account in favor of Messrs. John Paul Jones, Reese H. Voorhees, and E. C. Boudinot, accompanied by the affidavits of Reese H. Voorhees and other papers and documents in connection therewith, for professional services rendered in behalf of the Old Settler Cherokee Indians, under their contract dated November 4, 1889, in procuring for the benefit of said Indians, by act of Congress approved August 23, 1894, the sum of $200,386.31, of which sum the claimants herewith are to receive as compensation for said services an amount equal to 4 per cent on said sum, amounting to $32,015.45, under the terms of said contract.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT G.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 21, 1895.

SIR: An appropriation was made by a clause in the general deficiency act approved August 23, 1894 (28 Stat. L., 424, 451), to pay a judgment of the Court of Claims in favor of the Old Settler or Western Cherokees, as follows, viz:

"The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses and for legal services justly or equitably payable on account of said prosecution."

The claim which this appropriation was intended to satisfy had been pending for a great many years. In 1875 the Old Settler or Western Cherokee Indians held a council and appointed commissioners to prosecute the claim, setting apart for defraying the expense of such prosecution 35 per cent of whatever sum might be recovered to the Indians on account of the claim. Out of this 35 per cent the commissioners were authorized to employ the professional services of attorneys at law and to pay the other expenses incidental to the prosecution of the claim. Subsequently to the setting aside of this percentage the Indians in council at various times made specific appropriations therefrom for different purposes, as follows, viz:

	Per cent.
For J. M. Bryan, commissioner and treasurer	6½
For William H. Hendricks, commissioner	2
For William Wilson, commissioner	2
For payment of debts of Old Settlers, money borrowed from Cherokee Nation	2
Total	12½

These appropriations by the council of the Old Settlers reduced the amount that was available for use by the commissioners in the employment of counsel to 22½ per cent of the amount recovered.

Lawful contracts made by the Old Settlers commissioners have received the approval of this office and the Secretary of the Interior, providing for fees as follows, viz:

	Per cent.
W. W. Wilshire	5
W. S. Peabody	8
E. J. Ellis (conditional)	2
Jones, Voorhees & Boudinot	4
Garland & May (about)	1½
C. M. Carter	¼
Joel L. Baugh (conditional)	1¼
Total	22½

The condition on which Mr. Ellis's contract was approved was that the value of the services rendered by the attorney prior to his death and under the contract as a quantum meruit should be left to be thereafter adjudicated, and the condition on which Mr. Baugh's contract was approved was that the fee payable thereunder, together with the fees allowed under other approved contracts and the amounts appropriated by the Old Settlers council, should not exceed 35 per cent.

Since the appropriation has been made, the following claims have been paid:

September 6, 1894, to J. M. Bryan, 6½ per cent	$52,025.11
September 8, 1894, to William Wilson, 2 per cent	16,007.73
September 8, 1894, to William H. Hendricks, 2 per cent	16,007.73
Total, 10½ per cent	84,040.58

Claims of attorneys for services have been adjudicated by this office under section 2104 of the Revised Statutes and transmitted to the Department for its action, as follows:

August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent	$32,015.45
September 5, 1894, claim of Garland & May, 1½ per cent	15,000.00
Total, 5½ per cent	47,015.45

Claims have been filed in this office by attorneys and parties in whose favor the Old Settlers have made appropriations, including those whose claims have been paid, as follows, viz:

	Per cent.		Per cent.
J. M. Bryan	6½	Joel L. Baugh	1¼
William Wilson	2	John T. Heard	1½
Wm. H. Hendricks	2	J. W. Douglas	¼
J. M. Bryan (treasurer)	2	S. O. Hemingway	¼
Jones, Voorhees & Boudinot	4	John L. McCoy	2
Garland & May (about)	1½	Richard C. Wintersmith	25
W. W. Wilshire	1¼	Belva A. Lockwood	10
W. S. Peabody	8	J. J. Newall	2½
D. A. McKnight, for estate of E. J. Ellis	2	Total	72⅞
C. M. Carter (about)	¼		

The total of the claims submitted in excess of the amount available for fees to attorneys in this case is 50⅞ per cent, and in excess of fees provided for in approved contracts is 49⅞ per cent. This includes 1½ per cent which the act of August 15, 1894 (28 Stat., 31, Private Laws), authorizes to be paid to Mr. John T. Heard on the determination of the Secretary of the Interior that services were rendered the Old Settlers by said Heard and were contracted for in good faith by persons authorized to represent said Indians, and 12½ per cent appropriated by the Old Settlers' council. There remains in claims presented, not covered by approved contracts, resolutions of the councils of Old Settlers, nor the act of Congress of August 15, 1894, above referred to, 35⅞ per cent.

Some of these claimants for themselves, and others by their attorneys, claim that the provisions of the law making the appropriation authorizes the payment of their claims as being "equitably" due on account of legal services rendered in the prosecution of the claim of the Indians. This claim involves the pro tanto repeal of the laws relating to Indian contracts and the adjudication and payment of the fees of attorneys under such contracts. Before entering into a discussion of the specific claims, therefore, it seems expedient that I shall consider the scope and effect upon the claims that should be given the language used in the act making the appropriation to meet the judgment in the case.

That part of the act relied upon by the attorneys claiming under unapproved contracts is the following:

"And the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution."

The law relating to contracts between Indian tribes and individual Indians, not citizens of the United States, and attorneys, is section 2103 of the Revised Statutes, which requires that such contracts shall contain certain prescribed stipulations, and shall be executed in a peculiar manner, and be approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Section 2104 of the Revised Statutes provides for the payment by the United States, out of the Indians' moneys, of the fees of attorneys earned under such contracts, and is as follows:

"And no money or thing shall be paid to any person for services under such contract or agreement until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement showing each particular act of

service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, in proportion to the services rendered under the contract."

Section 2105 of the Revised Statutes prohibits the payment of any fees to attorneys for Indians, except as provided in the two preceding sections, and also prohibits the attorney from receiving such fee contrary to law, heavy penalties being provided both against the unlawful paying and the unlawful receiving of such money or fees.

There are no words of repeal used in the act making the appropriation, and before the language used in said act can be construed as it is claimed by the claimants under unapproved contracts it should be, it must be held to have the effect of repealing the statutes of the United States above referred to by mere implication. It is probably not material to the determination of the question whether the sections of the Revised Statutes bearing on the case have been repealed by the act making the appropriation to state the purposes for which it was deemed desirable to amend the language of the appropriation as originally introduced in the bill; but as this office is fully aware of the object of the attorneys who first suggested the amendment, there having been several conferences on the subject between said attorneys and myself, it may not be deemed improper for me to state those purposes as I understood them at the time and do now understand them to have been.

In rendering the opinion of the Supreme Court (148 U. S., 427) giving judgment against the United States in favor of the Old Settlers, Chief Justice Fuller made use of certain language which might be construed to deny to some extent the right of the Old Settlers to maintain a tribal organization for any purpose, and to operate to prevent the payment of fees earned by attorneys under contracts made with said Indians as a body politic and approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Another consideration was that by the rules of the Treasury Department under the old methods of accounting, all judgments of the Supreme Court were paid by the First Auditor and First Comptroller. This appropriation would not, therefore, come on the books of this office, and the Commissioner of Indian Affairs and Secretary of the Interior would not be able to pay the fees due attorneys under approved contracts. No other officers of the Government have jurisdiction to adjudicate such claims, and the attorneys would in consequence be likely to lose the fees that had been earned by them even should it have been eventually determined that the Supreme Court's opinion would not interfere with their payment.

It was to meet the possible contingency of such a construction of the opinion of the Supreme Court in the case and to bring the appropriation within the jurisdiction of this office that the attorneys thought it desirable to amend the appropriation, and in informal discussions of the situation with Mr. Voorhees and other attorneys in the case I agreed with them as to the expediency of such a step. It was under the circumstances and at the instance of attorneys having approved contracts that the amendment to the appropriation was made.

The statute must be construed in accordance with the ordinary rules laid down by the courts for the construction of statutes.

As to the construction that the Revised Statutes have been repealed by implication and a new rule established by the appropriation act to govern the payment of attorneys' fees in this case, it is a well-established rule of construction that repeals by implication are not favored and are never admitted where the former can stand with the new act. (Chew Heong *vs.* United States, 112 U. S., 536; United States *vs.* Henderson, 11 Wall., 652.)

In Wood *vs.* The United States (16 Peters, 362) the Supreme Court said:

"The question then arises whether the sixty-sixth section of the act of 1799, chapter 128, has been repealed or whether it remains in full force. That it has not been expressly or by direct terms repealed is admitted; and the question resolves itself into the more narrow inquiry, whether it has been repealed by necessary implication. We say by necessary implication, for it is not sufficient to establish that subsequent laws cover some or even all the cases provided for by it, for they may be merely affirmative or cumulative or auxiliary. But there must be a positive repugnancy between the provisions of the new laws and those of the old, and even then the old law is repealed by implication only pro tanto to the extent of the repugnancy."

Under the rule laid down in this case repeals by implication must be necessary; that is, it must be necessary to imply the repeal of a former to give effect to a later statute before such repeal will be admitted. There must be such a repugnancy between the laws of the old and those of the new statute that they can not be construed nor administered together.

Upon examination of the language of the appropriation it will be observed that it is not in any manner repugnant to section 2104 of the Revised Statutes. It does not purport to establish in this case a new rule to guide the Commissioner of Indian Affairs in adjudication of the claims of attorneys. In fact, it implies a power already possessed by the Commissioner to withhold from distribution among the Indians some part of the money appropriated, and purports only to give him specific direction as to the exercise of that power. "The Commissioner of Indian Affairs is directed to withhold from distribution among said Indians *only* so much," etc. The law is merely directory, and relates to the exercise of a power already resting in the Commissioner under existing law. The Commissioner of Indian Affairs is directed to withhold, etc., "only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to pay the expenses and for *legal* services justly or equitably payable," etc.

This authority to withhold only so much of the part of the judgment set apart by the Indians for the prosecution of the claim as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution does not change the law that authorizes him to pay out such funds, and although authorized to withhold a certain part of the fund from distribution among the Indians, yet when payments of fees out of that fund come to be made he must be governed by the law which provides how legal claims can be established. Persons without approved contracts who are now insisting that they shall have this fund paid out to them knew when their supposed agreements were made and the service, if any, was rendered that they were not only prohibited from receiving payment, but that to do so they would be guilty of an offense punishable under section 2105 of the Revised Statutes.

The question might be raised whether the term "legal services" as used in this provision of law does not mean services lawfully rendered.

The payments out of this appropriation for "legal services" must be restricted to such fees as may be shown to be "justly or equitably payable" to those attorneys who rendered service under approved contracts which did not expire by limitation prior to the recovery.

This rule must be varied from somewhat in the cases of the estates of W. W. Wilshire and E. John Ellis, who died before the expiration of their contracts, and after rendering "legal services" thereunder, and the claim of John T. Heard is governed by the special act of Congress for his relief.

As the statutes relating to Indian contracts and the payment of fees thereunder is still in force and applicable in this case, they would operate to prevent the payment of any fees to those attorneys who base their claims on informal or unapproved contracts.

Having thus disposed of all claims of attorneys who have no approved contracts as a class, it is not necessary for me to specifically discuss any of the claims of that class; but in order to show the absurdity of some that have been filed, I will cite briefly the claims of R. C. Wintersmith and Mrs. Belva Lockwood.

Mr. Wintersmith's claim is for 25 per cent of the amount appropriated, or $200,000, and it is based on a power of attorney dated November 29, 1873, and signed by Riley Keys, J. A. Scales, and John L. McCoy, who held themselves out as the legal representatives of the Old Settler Cherokees. It is not signed by Mr. Wintersmith, and there is no evidence that said Keys, Scales, and McCoy were ever authorized by the Old Settlers to represent them or to make a contract on their behalf. It does not appear from the records of the Old Settlers case in this office that either Keys or Scales were ever appointed by the Indians to represent them in the suit. McCoy was appointed in 1875 as a representative, but served only about two years in that capacity, when he was dropped by the council, and Hendricks was appointed in his stead.

Furthermore, Mr. Wintersmith does not show by proper proof that he ever rendered any services under his alleged contract. He states, however, that since his so-called employment in 1873 to the present time he has labored as attorney for these Indians. This is a singular statement in the light of the fact that Mr. Wintersmith was never known, so far as the records of the case show, to have been interested in the prosecution of the Old Settlers claim until he filed his claim for services.

Mrs. Lockwood's claim of 10 per cent, or about $80,000, is based on several powers of attorney to J. J. Newell, herself, and others, given by various parties claiming authority to bind the Old Settlers. Some of these powers of attorney and contracts were given by parties authorized to make contracts, but they were never approved as required by law, although they had been filed for approval. It is not necessary to set out here the reasons for not approving them. In her claim Mrs. Lockwood seems to have confused the claims of the Western North Carolina Cherokees and of the Eastern Band of Cherokees with that of the Old Settlers, and most of the services she claims to have rendered related to the suits of the Indians of the former classes exclusively. She mentions an informal contract between J. M. Bryan and herself stipulating for the employment of her services in the Old Settlers case.

In her claim Mrs. Lockwood files a contract between herself and James Taylor, John L. McCoy, and James M. Bell, claiming to represent the Western North Carolina Cherokees, i. e., the North Carolina and Eastern Cherokees, who were residing east of the Mississippi River at the date of the treaty of 1835, and who have subsequently removed to the Cherokee Nation, Indian Territory, and the Old Settlers, or Western Cherokees, who were residing west of the Mississippi at the date of said treaty of 1835, by virtue of resolutions of a council of the Western North Carolina Cherokee Indians held November 17, 1884.

At the time of this council the Old Settlers or Western Cherokees were represented by a board of commissioners properly authorized and composed of Messrs. J. M. Bryan, William Wilson, and William H. Hendricks. It is hardly necessary for me to say that apart from the fact that the Old Settlers by their own council had provided a commission with authority to represent them in the prosecution of their claim, the council of the Western North Carolina Cherokee Indians had no power to authorize the appointment of a representative to prosecute the Old Settlers claim, and therefore Mrs. Lockwood would not have been entitled under her contract to any fee out of the Old Settlers appropriation even if there were not other objections thereto.

The first claim for "legal services" to be considered is that of the estate of W. W. Wilshire, and is based on services rendered by Mr. Wilshire before his death, under two contracts, the second being a continuation of the first. Mr. Wilshire was first employed by the Old Settlers July 1, 1882, the date on which the first contract was made. That contract expired by limitation July 1, 1886, and was renewed by contract dated September 28, 1886, which was limited by its terms to expire September 28, 1891. Both of these contracts were approved by the Commissioner of Indian Affairs and the Secretary of the Interior. The contract expired finally in 1891, more than two years prior to the ultimate recovery on behalf of the Indians, and if Mr. Wilshire had been living it is doubtful whether any fees could be paid him on account of his services, notwithstanding they might have been of great value to the Indians in the prosecution of the claim.

This conclusion is based on the well-established rule that where an attorney voluntarily abandons a case in which he has been employed, and thereby makes it necessary for his client to employ the services of other attorneys or counsel, he has no claim against his client for compensation, notwithstanding his services may have been of great value in the preparation and prosecution of the case. The rule would be the same in a case where an attorney has been employed for a term of years to prosecute a claim on compensation of a rate per cent on the amount recovered thereunder. If the recovery is not had before the expiration of his contract, he is not entitled to his fee nor to demand as a matter of right the extension of his employment to cover a further term of years, and if the client shall see fit not to extend the time, but shall employ other counsel, who recovers on the claim, the attorney first employed would not have a right to claim his fee under his expired contract.

This rule does not apply, however, in a case where the abandonment of a suit by the attorney is involuntary, as where he dies before recovery and after rendering services of more or less value to his client. In such an event it seems that the rule is the deceased attorney's estate should be paid a compensation in proportion to the services rendered by him. Upon this rule Mr. Wilshire's estate is entitled to be paid a fee for the services rendered by him in this case prior to his death. It is impossible, however, for the estate to comply with the provisions of section 2104 of the Revised Statutes, which requires the filing of a detailed statement of service under his contract; but as the law should not be construed as requiring a claimant, whose good faith is apparent as in this case, to perform a palpable impossibility, I do not see any legal impediment in the way of paying a reasonable fee in this case.

In arriving at the amount justly due for such services as were rendered by Mr. Wilshire, it is not sufficient to consider the amount of service, but rather its character and value as compared with the services remaining to be rendered before a final recovery was reached. In this view of the matter, I must conclude that the services rendered in securing the report of the special commissioner appointed to investigate the Old Settlers' claim and the concurrence of the Secretary of the Interior in that report were insignificant in value, for the reason that those reports were totally ignored and repudiated by Congress first and the courts afterwards. Congress refused to recognize the findings in those reports as sufficiently accurate to warrant the appropriation of the money to pay the claim, and it was referred by a committee of the Senate to the Court of Claims for a finding of fact under the provisions of the Bowman Act, so called. The Court of Claims reported the findings of fact, and while in the reports of the special commissioner and the Secretary of the Interior it was found that $421,653.63 were due, the court found only about $224,975.68 to be due, and the final judgment of the Supreme Court reduced the amount to $212,376.94.

The most valuable service that was rendered by Mr. Wilshire was, therefore, in connection with the reference of the case to the Court of Claims for a finding of fact and the prosecution of the matter in the court under that reference, he having died before it was referred to the courts for adjudication by the Congress.

Mr. Bryan, on the part of the Old Settlers; and Mrs. Wilshire, on behalf of the estate of W. W. Wilshire, have entered into an agreement of compromise in the case, by which it is understood the estate shall receive the sum of

$13,500 in full satisfaction of the claim. This agreement is not, of course, binding on this office nor on the Department, but considering the services rendered by Mr. Wilshire, and that by his death the Indians were placed under the necessity of employing other attorneys to carry on the prosecution of the suit, for whose services they will pay fees aggregating more than the total fee provided for in Mr. Wilshire's contract, I think the amount agreed upon in this compromise is not more than should be paid, and I therefore find the estate entitled to receive that amount as the value of Mr. Wilshire's services as a quantum meruit.

A one-fifth interest in the contract was assigned by Mr. Wilshire in 1883 to Mr. John A. Sibbald, and he has filed in the case a protest against the compromise agreement between Mr. Bryan and Mrs. Wilshire, and also a sworn statement, in general terms, of the services rendered by Mr. Wilshire and himself in the case, and claiming (1) the allowance of a fee of 8½ per cent of the sum recovered as the reasonable minimum value of the services rendered by Wilshire & Sibbald under the contract prior to the death of Wilshire; and (2) the allowance of at least one-half of 1 per cent of the sum recovered for the services rendered by Sibbald under the contract after the death of Judge Wilshire.

The services claimed to have been rendered by Mr. Sibbald after Judge Wilshire's death has relation to the passage of the act of February 25, 1889 (25 Stats., 694), referring the case to the courts for final adjudication. Doubtless Mr. Sibbald rendered some service in this connection, but it will be observed by an examination of the report of the Senate committee on the bill (No. 217, Fiftieth Congress, first session) that the reasons given by every member of the committee except one (Senator JONES, who was opposed to the claim) for the passage of the bill were based on the findings of the Court of Claims, and it would seem, as said by Mr. Heard in a letter of September 1, 1894, on the subject, that the second reference was practically compelled by the findings of fact already reported to the committee by the court.

The services rendered under the contract prior to Mr. Wilshire's death, which Mr. Sibbald values at 8½ per cent of the total amount of the judgment, have been considered above in the discussion of the compromise agreement referred to, and I find nothing in the papers filed by him to warrant a modification of the conclusion reached to allow the amount fixed in that agreement.

I therefore find that there is justly and equitably payable for "legal services" rendered under the Wilshire contracts the sum of $13,500.

Taking up the claims in the order of the date of the contract on which they are based, the next to be considered is that of W. S. Peabody. This claim is for a fee of $64,000.90, and is based on a contract entered into between said Peabody and the Old Settlers by J. M. Bryan, their agent, attorney, etc. The contract provides for the employment of Mr. Peabody "to prosecute said claim before the proper committees of Congress, the Departments, or courts of the United States to a final termination and collection of the same," for a compensation of 8 per cent on the dollar of the amount collected on said claim. It was to run for four years, and was approved by the Commissioner of Indian Affairs and the Secretary of the Interior. As it expired from time to time it was renewed, the last renewal having been approved March 11, 1892.

Mr. Peabody declares himself as being unable to submit a statement of each act of service under this contract, giving fact and date in detail, as required by the statute, but has filed four affidavits, alleging in more or less general terms that he has performed the services called for in the contract.

Before entering into a consideration of the affidavits filed by Mr. Peabody, it seems to me best that I should discuss another matter which has a material bearing on the claim—that is, the fact that for over two years during the life of his contract Mr. Peabody was in the service of the Government, and therefore not in a position to render any service under the same without laying himself liable to heavy penalties under section 5498 of the Revised Statutes. Mr. Peabody entered into the employment of the Government on April 21, 1891, he having been appointed by the Secretary of the Interior to a position in the Geological Survey on that date, and continued in that position until October 20, 1893. While he was so employed, namely, on February 10, 1892, his contract with the Old Settlers was renewed, which renewal, as I have said, was approved by the Department March 11, 1892.

This removal was entered into two months after Mr. Peabody's contract had expired, and when it was presented to this office for approval the question was raised whether the contract could be revived to cover the time which had elapsed between the expiration of the contract and the date of the renewal, the office being of the opinion that, the contract having expired, it was necessary for the parties to make a new contract complying with all the formalities of the statute, and that all rights of the attorney under the old contract had lapsed with its expiration. The question was submitted to the Department with a report of February 24, 1892, with a request that the office be instructed as to whether there was any legal impediment in the way of the approval of the renewal, in view of the time that had passed since the expiration of the contract.

In response to this request the Department, under date of March 5, 1892, transmitted an opinion by the Assistant Attorney-General for the Interior Department, in which he held that there was "no legal objection to the approval of the agreement submitted," and the Secretary advised this office that he concurred in this opinion and saw no objection to the approval of the contract, if it received the favorable consideration of the Commissioner of Indian Affairs. Accordingly it was approved March 10, 1892, by the Commissioner.

Mr. Peabody has employed Mr. J. M. Vale to prosecute this claim on his behalf, and some time in the latter part of August I requested him to discuss in a brief the question whether Peabody's acceptance of employment by the Government was not such an abandonment of the Old Settlers' case as to debar him from recovering any fee on account of services if any had been rendered by him prior to entering upon such employment.

Mr. Vale claims that Mr. Peabody was exempt from forfeiture on account of his abandonment of the case and acceptance of other employment which prevented him from rendering further service without criminal liability on two grounds, viz:

First. That the contract by its terms left it optional with him to render the service in either one of three places, "the proper committees of Congress, the Departments, or courts of the United States."

Second. That the question was passed on by the Department at the time of the approval of the last renewal, while Mr. Peabody was in the employment of the Government, and it is held that there was "no legal objection to the approval of the renewal."

As to the first ground assigned by Mr. Vale why Mr. Peabody's acceptance of employment by the Government during the life of his contract, and when he might reasonably be called on to render services thereunder, should not be considered an abandonment of the service of the Old Settlers—namely, that the contract contemplated an election by Mr. Peabody of the forum in which his services should be performed—I have to say that it seems to me that such a construction of the contract is not warranted by its terms.

The contract was for Mr. Peabody's employment "to prosecute said claim * * * to a final termination." Where? "Before the proper committees of Congress, the Departments, or courts of the United States;" not either of these places, but wherever it was necessary to appear to prosecute it. Otherwise Mr. Peabody would have been at liberty to elect to prosecute before the courts, and if Congress itself had allowed the claim, and not referred it to the courts for adjudication, he would have had no service to perform.

In that event I apprehend that it would not have been seriously contended that he should have a fee for the services he had elected to perform but was prevented from doing by a settlement of the claim before it reached the courts, yet this is what Mr. Vale's argument would imply. Mr. Vale cites quite a number of authorities in support of his interpretation of the word "or" as it appears in the contract, none of which seem to me to reach the case in point. In fact, to give the word the interpretation he claims for it would have the effect to defeat the apparent purpose of the contract and the clear intention of the parties to be plainly gathered from the context. This seems so plain that I do not feel it necessary to cite authorities on the subject.

With reference to the claim of Mr. Vale that this office and the Department are now estopped from raising the question of Mr. Peabody's abandonment of the Old Settlers' claim in accepting service with the Government by the act of the Commissioner of Indian Affairs and the Secretary of the Interior in approving the renewal of his contract at the time of his employment in the Geological Survey, the attention of the Department is invited to the fact that there is nothing said in the correspondence relative to the approval referred to which discloses a knowledge on the part of this office or on the part of the Department that Mr. Peabody was so employed. It is possible that the fact of his employment in this Department was a matter of which the office and the Department should have taken judicial knowledge, but I doubt whether that is so, at least so far as this office is concerned. However this may be, I do not see how the fact of the approval of the renewal of Mr. Peabody's contract at the time of his employment by the Government can be said to estop the office and the Department from the proper adjudication of a claim for fees under the contract. The question of whether the attorney would be entitled to any fee at the showing of service was not involved in the consideration of the renewal, and could not arise at that time.

It will be observed that the only question under consideration at the time the renewal was approved was whether the contract could be revived and renewed in the manner in which it was proposed to do so. The question of the payment of fees was a matter to be considered at another time, and could not be passed on at that time. It would seem to me that it could be just as well said that the Secretary and the Commissioner are estopped by their approval of a contract from allowing a less compensation than is provided therein when they come to pass on the claim for fees thereunder.

I am therefore of the opinion that Mr. Peabody was under obligation to render service under his contract in the prosecution of the Old Settlers claim at all times during pendency of the suit, and in every place where the issues between the Indians and the Government were to be tried, and that his acceptance of employment by the Government before the final recovery on the claim was a voluntary abandonment of the prosecution of the case and a forfeiture of his fees for services thereunder, if any had been rendered; also that the approval of the renewal of the contract by the office and the Department during his incumbency in office was not a decision that the services called for in the contract had been rendered so as to entitle him to the fee provided for therein.

I am therefore unable to find that Mr. Peabody is entitled to anything under his contract. He has filed four affidavits of services, neither of which fully complies with the statutes. He declares that he did not keep a memorandum of his services, and that it would be impossible for him to file a statement showing each act of service, with date and fact in detail, as required by law, and that the best he can do is to give inclusive dates within which he rendered service. This he has done in his affidavit of November 13, 1894; but even in this, as in all his other affidavits, he fails to give even one specific date upon which he rendered any single act of service.

In this affidavit he says that between the dates of December 9, 1882, and January 24, 1883, he rendered service before C. C. Clements, the special agent of the Interior Department; between January 24, 1883, and December 12, 1883, he rendered service before the Commissioner of Indian Affairs and the Secretary of the Interior; that between December 12, 1883, and February 13, 1884, he rendered services, in connection with Mr. Wilshire and Mr. Sibbald, in advancing the case before committees of Congress, where it was then pending; that during the period from February 13, 1884, to February 9, 1885, he was all ready to consult with his associates, and did so consult when desired; that he, from February 9, 1885, until March 3, 1889, while the case was pending before Congress on the findings of fact by the Court of Claims, was in frequent consultation with his associates and aided in all actions possible by appearing personally and whenever it was proper and advantageous to the case for him to appear and in furtherance of its re-reference to the Court of Claims; that after the case was sent to the Court of Claims the second time he considered his work performed, although he was consulted from time to time between March 3, 1889, and April 21, 1891, on which latter date he entered the Government service, where he remained until October 30, 1893, and during which time he rendered no service under his contract; that from about November 1, 1893, until the passage of the act of August 13, 1894, he was in consultation with his associates from time to time, and rendered service such as was to the best interest of the claim before committees of Congress.

The first date given by Mr. Peabody is that of his contract, and the second date given is that of Mr. Clements's report. The next date is December 12, 1883, which is the date of the report of the Secretary of the Interior on the claim, and February 13, 1884, the case was referred by the Committee on Indian Affairs of the Senate to the Court of Claims under the Bowman Act. February 9, 1885, the Court of Claims reported its findings of fact under that reference, and March 3, 1889, the law was passed referring the case to the courts for adjudication.

It will be observed that all of the dates given by Mr. Peabody are dates of public reports and other actions of public officers, and that his affidavits upon which the law declares the Secretary of the Interior and the Commissioner of Indian Affairs shall determine the amount of fees to be paid to an attorney under his contract are not sufficient to show any service whatever under said contract.

An examination of all the records in this case and all the correspondence relating thereto on file in this office fails to disclose the fact that Mr. Peabody performed any service in the case which would place him on record. The principal acts of service that he seems to claim to have rendered were in connection with the report of Mr. Clements, the special agent, and of the Secretary of the Interior, made in 1883, relative to the claim. As I have said, these reports were, in my opinion, insignificant factors in the case. They were ignored and repudiated by Congress and by the courts. In addition to the fact, therefore, that Mr. Peabody forfeited his fee by entering into the service of the Government during the life of his contract, I am of the opinion that he fails to sufficiently show that he rendered any considerable service in the prosecution of the case under said contract.

In support of his claim Mr. Peabody has filed, in addition to his own affidavit, communications from several gentlemen who were connected with the case, and one from Mr. Bryan himself, in which reference is made in a general way to his services, but these references are too general upon which to base any conclusion as to the value of those services.

Mr. Peabody claims, in round numbers, a fee of $64,000. Taking into consideration the fact that there is evidence of Wilshire's work in connection with all of the matters to which Mr. Peabody claims to have directed his services, and in addition to this that Mr. Wilshire rendered valuable services

in the Court of Claims in the prosecution of the case on references for findings of fact, I am satisfied that if Mr. Peabody is entitled to anything at all, it would be much less than has been allowed Mr. Wilshire's estate; not more than $6,000 or $8,000 worth of service, it seems to me, could have been rendered by him, even on his own showing.

I do not, however, for reasons stated above, find that Mr. Peabody is entitled to anything at all under his contract.

The next claim is that of David A. McKnight, as surviving partner of the law firm of Ellis, Johns & McKnight, for compensation for professional services rendered the Old Settlers or Western Cherokee Indians. This claim is based on a contract dated December 15, 1888, between the Old Settlers, by J. M. Bryan, their attorney, etc., and E. John Ellis, then a member of the law firm of Ellis, Johns & McKnight, stipulating for Mr. Ellis's employment as assistant counsel or attorney for said Old Settlers or Western Cherokee Indians to prosecute their claim before the proper committees of Congress, the Departments, or the courts of the United States, to a final determination and conclusion of the same, for a compensation to be paid him or his legal representatives or assigns of a sum equal to 2 per cent on the dollar of amount collected on said claim.

Mr. Ellis died on April 25, 1889, after having rendered some service under his contract.

The contract was not approved until March 3, 1893, some time after its expiration. This fact is not material in view of the opinion of the Attorney-General, August 4, 1876 (15 Opinions, 585), that the approval of a contract operates by relation to the date of the contract, and has the same effect as if it had then been given, and that a claimant under the contract is not confined to acts of service done subsequently to the date of approval, but may show acts done at a time after the date of the contract.

It is therefore important for those representing Mr. Ellis's estate to show that he had rendered services subsequently to the date of his contract in order for them to recover quantum meruit for services rendered by Mr. Ellis, the compensation to be in proportion that the services rendered bear to those contracted for. (Glendennin *vs.* Black, 23 Am. Dec., 140; Weeks's Attorneys at Law, sec. 334.)

Mr. McKnight claims first an allowance of the contract fee of 2 per cent on the ground that the contract was made with the firm of Ellis, Johns & McKnight, of which firm Mr. Ellis was a partner, and that the applicant is a surviving member of that firm and the administrator of Mr. Johns, deceased.

Mr. McKnight discusses this claim at some length, and cites authorities to show that a contract made with a member of a firm on firm business is a firm contract. I have not been able to examine all of the references cited by Mr. McKnight in support of this contention, but it seems to me that in view of the well-known rule that a client may contract with a firm of attorneys for the individual services of one partner, and the conduct of Mr. Bryan, the representative of the Old Settlers or Western Cherokees, in making this contract, which clearly shows, if he does not so declare, that his intention in making the said contract was to secure the individual services of Mr. Ellis in this case, I think Mr. McKnight has not sufficiently shown that it was understood by Mr. Bryan, Mr. Ellis, and the other members of his firm that this was a firm contract to sustain his claim.

The record in this case shows that Mr. McKnight, as a representative of the survivors of the firm of Ellis, Johns & McKnight, tendered their services in carrying out the terms of the contract with Mr. Ellis, which services were rejected by Mr. Bryan or by attorneys employed by him in the case, and in accordance with his directions. The contract made by Mr. Ellis with Mr. Bryan might have been treated by the members of his firm among themselves as a firm contract and regarded as an asset of the firm, but that would have been a matter between the parties composing the firm and of which this Department could take no notice. I am of the opinion that the contract with Mr. Ellis was not one on which a suit for specific performance of its terms could have been maintained in the courts against the surviving partners, and therefore was not a firm contract so far as the Indians were concerned.

Second. That if the contract was with Mr. Ellis and not with the firm, the allowance of a fee of 1½ per cent of the amount recovered is a reasonable minimum value of the services rendered by Ellis prior to his death.

In support of this claim it is submitted that Mr. Ellis was entitled to at least 1 per cent for passing the bill of February 25, 1889, referring the case to the courts for adjudication, and that he was entitled to at least one-half per cent for his services in preparing the petition and entering his appearance as counsel in chief or attorney of record in the Court of Claims.

With reference to the claim of 1 per cent for passing the bill of February 25, 1889, the attention of the Department is invited to the fact that nearly every attorney who has submitted a claim in this case has claimed exclusive credit for the passing of this bill. Mr. Ellis being dead it is impossible to require in this case the filing of an affidavit of each act of service, and as the law should not be construed to require that impossible acts should be performed, the value of Mr. Ellis's services in this connection must be determined from proofs of another character.

The Hon. John T. Heard, in a letter to which I have referred above, suggests that the passage of the act of February 25, 1889, was practically compelled by the findings of fact by the Court of Claims on the references under the Bowman Act by the committee of the Senate.

Mr. Sibbald, in his affidavit relative to the services rendered under Mr. Wilshire's contract, claims that the bill was prepared by Mr. Wilshire, and introduced at his instance in Congress. Mr. Peabody claims that he rendered services in connection with the passage of that bill, and, in fact, I think all of the attorneys make this claim in their affidavits in this case, except Mr. Heard, and possibly Messrs. Douglas and Hemmingway. It would therefore be impossible, in view of the record, for this office to hold that Mr. Ellis alone was entitled to the credit of securing the passage of the act of February 25, 1889, by Congress, but that he did perform some service in connection with the passage of that bill is shown by letters from Hon. S. W. Peel and Hon. H. L. Dawes, both of whom said that they knew that Mr. Ellis was interested in the prosecution of the claim, and that he frequently consulted with them upon the subject and with other members of the Committee on Indian Affairs of the House of Representatives and of the Senate. Mr. Peel was chairman of the Committee on Indian Affairs in the House of Representatives in the Fiftieth Congress, and Mr. Dawes was chairman of the Committee of Indian Affairs in the Senate during that Congress.

While it is a fact that Mr. Ellis signed the first petition that was filed in the court in behalf of the Old Settlers as attorney of record, the record in this case is not sufficiently clear to satisfy me that Mr. Ellis prepared that petition or that he had any other connection with it than as a consulting attorney and the signing of the same as attorney of record. Considering all together the evidence submitted in other cases bearing on the facts in this case, I do not think that the claim of Mr. McKnight should be allowed as submitted.

But as Mr. Ellis has been shown to have rendered services under his contract, and as he died during the existence of the contract without recovering anything thereunder, his estate, or the assignees of his estate, would be entitled to recover quantum meruit for said services a compensation in proportion that the said services bear to those contracted for. The services contracted for were the prosecution of the claim of the Old Settlers before the proper committees of Congress, the Departments, or the courts of the United States to a final determination and conclusion of the same; that is, the prosecution of the claim before the proper committees of Congress while it is pending before those committees; before the Departments of the United States while it might have been pending before the Departments, and in the courts of the United States, should it be pending before the courts.

There were but little over four months between the date of Mr. Ellis's contract and his decease, and during that time there was nothing to be done, or nothing was done, except to secure the passage of the act of Congress referred to and the filing of the first petition in the Court of Claims. As has been shown, several attorneys had connection with the passage of the act, and I think it is sufficiently shown that the petition was drawn by Messrs. Jones & Voorhees; so that Mr. Ellis's services in connection with this matter were very small. It is, of course, a most difficult thing to decide, upon the uncertain evidence presented in this case, what an attorney's services, such as were rendered by Mr. Ellis, should be valued at, but it seems to me, in view of the compensation payable to other attorneys in this case, that Mr. Ellis's estate, or assignees of his estate, would not be entitled to recover on account of those services more than $2,000, and I therefore determine that that amount is justly or equitably payable to Mr. McKnight, as an assignee and administrator of an assignee of the estate of Mr. Ellis, for legal services performed by him under said contract.

The next claim in order of date of contract is that of Messrs. Jones, Voorhees & Boudinot. This claim was discussed in a report of August 31, 1894, wherein I submitted my determination in the case to the Department and reference is had here to that report.

The next claim in order is that of Messrs. Garland & May, which was discussed in my report of September 5, 1894, to which I here refer.

The claim of C. M. Carter is based on a contract of February 15, 1893, and is for $3,185. In addition to this he claims the sum of $333, which was advanced by him to Mr. Bryan to pay the expense of printing, etc. Inasmuch as the Old Settlers or Western Cherokee Indians have by their council appointed a treasurer and set apart 2 per cent of the amount recovered to pay the debts of the Indians, money borrowed or money advanced to Mr. Bryan must be paid by him as the treasurer of the Old Settlers.

Mr. Carter has filed two affidavits in support of his claim, one dated March 13, 1894, and the other dated September 7, 1894, but neither one of these affidavits is sufficient to authorize the payment to him of the fee under his contract. They show services in general terms rendered under so-called contracts of different dates from November 28, 1883, to and including January 27, 1893. None of these contracts were ever approved by this office and the Department as required by law, and the services rendered thereunder can not be paid for under sections 2104 and 2105 of the Revised Statutes.

The contract of February 15, 1893, was approved by this office February 28, 1893, and by the Department March 2, 1893. Prior to the approval of this contract the office, in a letter of February 21, 1893, advised Mr. Carter that it could not approve a contract for services rendered prior to the date thereof. It would be impossible, therefore, for this Department to authorize the payment of any fee to him on account of services rendered under any alleged former contract which had not been approved in accordance with the provisions of the statutes, but that his contract could be approved so as to authorize him to render services thereunder after its date, and receive a proper compensation therefor.

He was also advised that the amount of fee or compensation to be paid under his said contract, if it were approved, must be determined by a showing made by him as to the services actually rendered after its date, such showing to be made in accordance with the provisions of section 2104 of the Revised Statutes, and that if he desired the contract approved upon these conditions, and would advise this office to that effect, proper consideration thereof would be given.

Under date of February 23, 1893, Mr. Carter filed in this office in quadruplicate an affidavit made by him February 22, 1893, setting forth the services that he expected to render under the contract, and informally indicated to the office that it was his wish to have the contract approved, so that he might be paid for services rendered after the date thereof, and in view of this the contract was approved by the office and transmitted on February 28 with a report to the Department for the action of the Secretary of the Interior thereon, the approval being indorsed on the contract in the following language, viz: "The within contract is hereby approved so that payment may be made for such services only as may be rendered by the attorney thereunder after the date thereof."

In a communication of September 7, 1894, Mr. Carter says that in making the contracts with Mr. Bryan he understood that he was contracting with a white man, a citizen of the United States domiciled in the Cherokee country and duly and properly delegated and authorized by the Old Settlers to attend to the prosecution of their claims, and that his authority as such agent and representative was recognized by the Department; therefore he did not deem it necessary under the law to seek to have his contracts approved. The mistake that Mr. Carter made in this respect is that the contracts were not with Mr. Bryan, but with the Old Settler Cherokees, by Mr. Bryan, their attorney in fact. Mr. Bryan is one of the Old Settler Cherokees and was properly delegated to represent them in making these contracts.

Under date of November 14, 1894, I wrote Mr. Carter, asking him to furnish this office with an affidavit setting forth his services under his contract, which had been approved. This, I infer, he declines to do from his letter of November 16, 1894, in which he takes the position that the language used in making the appropriation in Congress lays down a different rule for the adjudication of the claims and that his fee is justly and equitably due, and therefore the claim is not to be adjudicated under the statute. I think Mr. Carter is mistaken in this position, for the reasons that I have set out in another part of this report. In view of the fact, therefore, that Mr. Carter does not show that he rendered any service whatever under his contract, I am unable to find that he is entitled to any fee thereunder.

The only other claim based on an approved contract is that of Joel L. Baugh, whose contract was dated February 14, 1894, and which provides for a fee of 1½ per cent. Mr. Baugh has submitted an affidavit showing that he is an Old Settler Cherokee, and that on June 20, 1891, the Old Settlers in council appointed him as an assistant commissioner to act as such in the aid of or in the place of Joel M. Bryan, their commissioner, in the prosecution, winding up, and final settlement of all matters appertaining to their claim against the Government. These council proceedings directed Mr. Bryan to enter into a contract with Mr. Baugh, otherwise there would have been no necessity for such a contract, and he might have been paid his fee if sufficient money remained out of the 25 per cent, in the same manner as Mr. Bryan, Mr. Hendricks, and Mr. Wilson, the Old Settlers' commissioners. This contract, however, was not made, as I have stated, until February 14, 1894.

Mr. Baugh's affidavit shows that he has been diligent in rendering services in assisting Mr. Bryan, who is his grandfather, in the prosecution of the case since his appointment both before and since the date of his contract, giving date and fact in detail of the services rendered by him since the contract; the other services, those rendered prior to the date of his contract, being stated in general terms.

I can not, however, conclude that the services rendered by him are worth 1½ per cent, or about $12,000, but will allow him three-fourths per cent, or $9,000, for said services.

This includes all of the claims that can be paid under contracts by the

Department as I construe the law. There is one other claim which is especially provided for by an act of Congress dated August 15, 1894 (28 Stats., 31, Private Laws of the United States), an act to enable the Secretary of the Interior to pay John T. Heard for professional services rendered the Old Settlers or Western Cherokee Indians out of the funds of said Indians.

This act authorizes and directs the Secretary of the Interior to pay to John T. Heard, for professional services rendered, out of any money appropriated, or to be appropriated, by Congress for the Old Settlers or Western Cherokee Indians, by reason of a judgment rendered by the Court of Claims in favor of said Indians, the sum of $10,000, or such part thereof, if any, as shall remain of the 35 per cent set apart by resolution in various councils of the Old Settlers for the expense and prosecution of said claim after the ascertainment and determination of the amount of such fees and charges and other claims as are properly chargeable against said 35 per cent, provided that the Secretary shall first determine that the professional services were rendered to the Old Settlers and were contracted for in good faith by persons authorized to represent the Indians.

There are three things to determine in the adjudication of this claim: First, that there is sufficient of the 35 per cent set apart by the Old Settlers to defray the expenses of prosecuting this claim to pay the $10,000; second, that Mr. Heard rendered the professional services claimed; and third, that they were so rendered under a contract entered into in good faith by some one authorized on behalf of the Old Settlers to make such a contract.

If the Department should concur with me as to the amounts found in this report to be due the claimants, there would be left out of the 35 per cent set apart a little over 13 per cent, and therefore ample money to pay Mr. Heard's fee; and even if the Department should determine that anything is due and payable on account of the Peabody claim, and should Mr. Carter furnish the proof necessary to establish his claim under the statutes, there would still be left enough, and more than enough, to pay Mr. Heard's fee.

I think it is sufficiently shown by Mr. Heard's affidavit in his claim, and by all the papers and correspondence had with reference to the matter, that the services claimed to have been rendered by him were so rendered on behalf of the Old Settlers, and that these services were valuable and contributed largely to the ultimate recovery of the claim.

Attached to Mr. Heard's affidavit are several affidavits by prominent attorneys of this city, one of whom had personal knowledge of the amount and character of work performed by Mr. Heard, tending to show that the fee of $10,000 is a very reasonable compensation for those services.

It was satisfactorily shown by Mr. Heard, when he submitted his contract of July 25, 1893, to this office for approval, that he had rendered the services under contract with Mr. Bryan, who was authorized to make such contracts on behalf of the Indians. The Department will recall that this matter of Mr. Heard's fee was discussed in office reports of September 6, 1893, and January 2, 1894, and that the office was directed to prepare a bill, to be acted on by Congress, having in view the granting of authority to pay this claim. There is ample proof, therefore, in my opinion, that Mr. Heard rendered the services alleged, and that they were rendered under contract with a proper party, who had authority to represent the Indians in such matters, and I therefore see no reason why the claim should not be paid, and I find that he is entitled to receive $10,000, in accordance with the act for his relief.

A claim has been filed on behalf of the estate of John L. McCoy by Walter A. Duncan. Mr. Duncan bases the claim of the estate on Mr. McCoy's services as a commissioner for the Old Settlers. Mr. McCoy was one of the commissioners appointed in 1875, but served only about two years, and William H. Hendricks was appointed in his place. The estate claims for McCoy's services the same amount that has been paid to Mr. Hendricks and Mr. Wilson, Mr. Bryan's co-commissioners, who have been engaged in the prosecution of the case with him since 1878.

There was no provision made by the Old Settlers' council for the payment of any compensation to Mr. McCoy, and as Messrs. Wilson and Hendricks were paid their compensation under authority of the Old Settlers' council, I do not see how this Government can pay Mr. McCoy's estate anything, even if it were shown that his services during the two years were of such a valuable character that they entitled him to receive the compensation. The only remedy for Mr. McCoy's estate that I can see must be sought by the application to the council for the payment thereto of such amount as the council shall determine Mr. McCoy's services were worth. There is a fund of 2 per cent set apart for the payment of debts, out of which the claim of the estate might be in part paid, if it is just and right.

Another claim has been filed by the Cherokee Nation for $4,500, on account of moneys advanced by the said nation to the Old Settlers. This claim can not be paid by the Government, but must be paid by the Old Settlers' treasurer out of the fund set apart by the Indians to pay such debts. The Old Settlers' commissioners were required by the act of the Cherokee Nation to give bond for the repayment of this money, and the Old Settlers' treasurer, Mr. Bryan, is responsible to the Indians for the proper disbursement of the fund set apart for the payment of debts.

All the papers that have been filed in this office relating to these claims are herewith transmitted to you.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT H.

DEPARTMENT OF THE INTERIOR,
Washington, September 28, 1894.

SIR: I acknowledge the receipt of your communication of the 4th instant, transmitting an assignment to Mr. Sibbald of one-fifth interest in the contract of Mr. Wilshire with the Old Settler Cherokees, with request for instructions.

In response thereto I transmit herewith an opinion, dated the 27th instant, from the honorable Assistant Attorney-General for the Department of the Interior, in which I concur, and you will be governed in your action in this matter by the opinion herewith transmitted.

The papers accompanying your communication are returned, and those filed in the case are herewith transmitted.

Very respectfully,

WM. H. SIMS,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, September 27, 1894.

SIR: I have given attentive consideration to the claim of John A. Sibbald, esq., and to the questions in connection therewith presented in the communication from the Commissioner of Indian Affairs, dated September 4, 1894, which on the 5th instant was referred to me by Acting Secretary Sims, with a request for an opinion thereon.

The matter has been orally argued by counsel for Mr. Sibbald and the estate of Mr. Wilshire, respectively.

The statement of facts in the letter of the Commissioner of Indian Affairs renders it unnecessary for me to recite them.

The principal question on which my opinion is asked is as to whether the agreement of the Old Settler or Western Cherokee Indians with Mr. Wilshire of September 28, 1886, is a renewal and extension of the agreement entered into between the same parties of July 1, 1882, or a separate and distinct contract between the parties thereto.

It appears from the papers presented that the original contract of employment was to continue for four years, it having been so limited in the approval indorsed thereon, and was approved by the Indian Office on October 9, 1882, and by the Department October 10, 1882.

This contract expired on July 1, 1886, and on September 28, 1886, the Old Settler Cherokees entered into a new contract with Mr. Wilshire, to continue for five years from the date thereof.

The first question that arises is, Can such a contract be revived and renewed after its expiration, and extended to cover the period intervening between its expiration and subsequent renewal and revival?

Upon this question I have only to say that the identical question was considered by Assistant Attorney-General Shields in the case of the renewal of the contract between the Old Settler Cherokees and W. S. Peabody, and answered in the affirmative (Fifty-second Congress, second session, Ex. Doc. No. 18, p. 476), and I see no reason to dissent from that opinion.

The question, then, is, Can the construction of the contract of September 28, 1886, contended for by Mr. Sibbald, that this contract is not a separate and distinct contract of employment, but a renewal and extension of the original contract of July 1, 1882, be maintained?

It is said in Professor Parsons's work on Contracts (vol. 2, p. 511): "No precise form of words is necessary even in a specialty. Thus words of recital in a deed will constitute an agreement between the parties on which an action of covenant may be maintained. And the recital in a deed of a previous agreement is equivalent to a confirmation and renewal of the agreement." And it is a rule of construction that the whole agreement is to be considered and such a meaning given to the particular parts as will, without violence to the words, be consistent with all the rest, and with the evident object and intention of the contracting parties. (Smith on Contracts, p. 543.)

That it was the intention of the parties when they executed the contract of September 28, 1886, that the original contract of July 1, 1882, should be revived and renewed by the new contract, I can not doubt, and I think that this intention is sufficiently manifested by the language they have employed.

The first recital in the contract of September 28, 1886, refers to the original employment of Mr. Wilshire under the contract of July 1, 1882; in the second, reference is made to the limitation of the original contract to the term of four years from its date; in the third, it is stated that Mr. Wilshire had faithfully performed his duty as attorney of the Old Settler Cherokees "up to the present" under the original contract, and in the last recital it is stated that it is the desire of the Old Settler Cherokees that Mr. Wilshire's employment as their attorney should be continued until their claim be finally disposed of.

The contract then sets out: "Therefore the said J. M. Bryan, etc., duly authorized by their general council for that purpose, doth hereby agree, for and on the part of said Indians, to and with said William W. Wilshire, to continue his said employment as the attorney for said Indians in the prosecution of their claim against the United States, etc., until the same shall be finally settled and disposed of, etc.; and in consideration thereof the said J. M. Bryan, etc., for and in behalf of said claimants, hereby agrees to pay, or cause to be paid, to the said William W. Wilshire, for his services in the prosecution and collection of said claim as aforesaid, a sum equal to 5 per cent of any and all sums that may be collected for said claimants from the United States: *Provided*, that said compensation shall be in full of all demands of the said Wilshire for any and all services rendered by him at any time for said Indians. And the said William W. Wilshire, for and in consideration of the promise and agreement of said Indians as aforesaid, hereby agrees to continue his services as the attorney of said Indians," etc. Then follows an agreement as to continuance of the contract for five years from and after the date thereof.

Not only in the recitals of the contract under consideration is there an evident intention to connect the employment of Mr. Wilshire under the new contract with his previous employment under the original contract and to continue it, but in the contracting part it is explicitly stated that it is the desire of the Old Settler Cherokees to continue Mr. Wilshire's employment as their attorney.

And I can see no reason for the proviso, unless the new contract was intended to embrace a compensation for the services rendered under the original contract, and by inference to continue it.

The last question upon which I am called for an expression of opinion, to wit, whether the indorsement on the contract of July 1, 1882, assigning one-fifth interest therein to Mr. Sibbald, is a valid assignment, and can be approved at this time, so as to authorize the payment to him of one-fifth of such sum as may be found due to Mr. Wilshire's estate, for services rendered by Mr. Wilshire under the contract of July 1, 1882, must, I think, be answered in the affirmative.

The provision relative to assignments of contracts with Indians is found in section 2106, Revised Statutes of the United States, which reads:

"SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or any part of one, shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also endorsed thereon."

The assignment to Mr. Sibbald, indorsed on the contract of July 1, 1882, complies with the requirements of the statute, and needs only the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

As the contract of 1886 was, in my opinion, merely an extension of the time limit in the contract of 1882, I am unable to see any valid reason against the approval now of the assignment to Mr. Sibbald of an interest in the contract of 1882.

If all the facts in respect of Mr. Sibbald's connection with these contracts have been submitted to me, the approval of the assignment will, in my opinion, give to him the same interest in the renewal or extension contract that he had in the original.

I therefore answer the questions submitted in the affirmative.

Very respectfully,

JOHN I. HALL,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

Approved.

WM. H. SIMS, *Acting Secretary.*

EXHIBIT I.

In the matter of the claims for attorneys' fees, etc., in the case of the Old Settler Cherokees *vs.* United States.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1895.

SIR: I acknowledge the receipt of your communication of November 21, 1894, submitting for the decision of the Department the claims of attorneys

and others for services on account of the claim of the Western or Old Settler Cherokee Indians against the United States Government.

At the request of the counsel for the parties an oral discussion was had before the Secretary. Counsel were fully heard and their arguments have been carefully considered. It is only necessary very concisely to recite the facts:

An appropriation was made by a clause in the general deficiency act approved August 23, 1894 (28 Stat. L., 424, 451), to pay a judgment of the Court of Claims in favor of the Old Settlers or Western Cherokees as follows, viz:

"The Old Settlers or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners; and Joel M. Bryan, treasurer, and so forth, eight hundred thousand three hundred and eighty-six dollars and thirty-one cents; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses, and for legal services justly or equitably payable on account of said prosecution."

The claim which this appropriation was intended to satisfy had been pending for many years. In 1875 the Old Settlers or Western Cherokee Indians appointed commissioners or agents to prosecute the claim, setting apart for defraying the expenses of such prosecution 35 per cent of whatever sum might be recovered by the Indians on account of their claim. Out of this 35 per cent the commissioners were authorized to employ legal counsel and attorneys, and to pay for their services and for other expenses incident to the prosecution of the claim. Subsequent to the setting aside of this percentage, the Indians at various times made specific appropriations therefrom for different purposes, as follows, viz:

"For J. M. Bryan, commissioner and treasurer, 6½ per cent; for William H. Hendricks, commissioner, 2 per cent; for William Wilson, commissioner, 2 per cent; for payment of debts of Old Settlers, money borrowed from Cherokee Nation, 2 per cent."

Certain contracts with attorneys, made by the commissioners or agents, received the approval of your office and of the Secretary of the Interior, viz:

"W. W. Wiltshire, 5 per cent; W. S. Peabody, 8 per cent; E. J. Ellis (conditional), 2 per cent; Jones, Voorhees & Boudinot, 4 per cent; Garland & May, for a fee of $15,000 (conditional); C. M. Carter, a conditional fee; Joel L. Baugh (conditional), 1½ per cent."

It further appears that since the appropriation was made the following claims have been paid: September 6, 1894, to J. M. Bryan, 6½ per cent, $52,025.11; September 8, 1894, to William Wilson, 2 per cent, $16,007.72; September 8, 1894, to William H. Hendricks, 2 per cent. $16,007.72; total, $84,040.55; that claims of attorneys for services were adjudicated by your office under section 2104 of the Revised Statutes and transmitted to the Department for its action as follows: August 31, 1894, claim of Jones, Voorhees & Boudinot, 4 per cent, $32,015.45; September 5, 1894, claim of Garland & May, 1½ per cent, $15,000; total $47,075.45.

These claims, as well as the claim of John T. Heard for $10,000, and of the Wilshire estate for $13,500, hereinafter referred to, have been approved by the Department by letter of January 5, 1895.

It further appears that claims were filed in your office by attorneys and parties, including those whose claims have been paid, as follows, viz: J. M. Bryan, 6½ per cent; William Wilson, 2 per cent; William H. Hendricks, 2 per cent; J. M. Bryan (treasurer), 2 per cent; Jones, Voorhees & Boudinot, 4 per cent; Garland & May (about) 1½ per cent; W. W. Wilshire, 1½ per cent; W. S. Peabody, 8 per cent; D. A. McKnight, for estate of E. J. Ellis, 2 per cent; C. M. Carter (about) three-eighths per cent; Joel L. Baugh, 1½ per cent; John T. Heard, 1½ per cent; J. W. Douglas, five-eighths per cent; S. O. Hemingway, five-eighths per cent; John L. McCoy, 2 per cent; Richard C. Wintersmith, 25 per cent; Belva A. Lockwood, 10 per cent; J. J. Newall, 2½ per cent.

It further appears that the contracts made with the commissioners of the Old Settler Cherokees, and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, were executed and approved in conformity to the provisions of the Revised Statutes (sec. 2103).

When these contracts were so approved by the Secretary of the Interior, it being supposed that the Old Settler Cherokees were an Indian community, endowed with a capacity to act collectively, the contracts were not made with the individual members of that part of the Cherokee Nation known as the "Old Settler" or "Western" Cherokees, but with commissioners appointed by a council or convention of the Old Settler Cherokees.

Section 2103 of the Revised Statutes provides, among other things, that contracts with Indians shall contain the names of all parties in interest, their residence and occupation, and if made with a tribe by their tribal authority, the scope of authority, and the reason for exercising that authority, shall be given specifically. It also provides that the judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

The contracts under consideration were not executed by the individual Indians comprising the Western Cherokees; they did not contain the names of the parties in interest, who were the individual Indians, but of the commissioners of the Old Settler Cherokees, who, it now appears, had no capacity to act collectively.

Mr. Chief Justice Fuller, delivering the opinion of the court in United States *vs.* Old Settlers (148 U. S. R., 427, 478), said:

"The question remains as to the character in which petitioners came into court, and to whom the amount awarded should be distributed.

"The Old Settlers or Western Cherokees are not a governmental body politic, nor have they a corporate existence, nor any capacity to act collectively. The money belongs to them as individual members of an Indian community, recognized as such by the treaty of 1846, and treated as distinct and separate from the Cherokee Nation, so far as necessary, to enable the Government to accord them their treaty rights. They are described in the fourth article of the treaty as all those Cherokees west of the Mississippi who emigrated prior to the treaty of 1835; and they might be held to include those now living who so emigrated, together with the descendants of those who have died, the succession to be determined by the Cherokee law. The petition does not set forth their names, nor the extent of the rights and interests claimed, respectively, but purports to be brought by three persons, for themselves and as commissioners of the Western Cherokees; and they alleged that the claimants are the remaining part of those Cherokee Indians who formed and composed the Western Cherokee Nation, and that they have maintained their separate organization so far as to adjust and settle their claims against the United States. But the evidence is quite inadequate to justify the court in treating the immediate petitioners as appointed by all the beneficiaries as their agents to receive and disburse the amount awarded."

Under these circumstances, valuable services having been rendered to the Old Settler Cherokees, both under contracts supposed to be valid under the provisions of the Revised Statutes, designed for the protection of the Indians from improvident agreements and contracts, and under agreements made with the Indians, but not strictly within the rigid requirements of the Revised Statutes, which gave just and equitable claims on the Old Settler Cherokees, for professional services in the prosecution of their claims, the act of Congress, making the appropriation to pay the judgment in favor of the Old Settler Cherokees, provided that "the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by said Indians to pay the expenses, and for legal services justly or equitably payable on account of said prosecution."

What construction should be put upon this provision? I am of opinion that it was intended to vest the Commissioner of Indian Affairs with the same power to adjust the claims of attorneys for professional services that a court of equity possesses in passing upon claims for legal services.

It is seen that according to the decision of the Supreme Court these Indians had no power to act collectively; and it being well known that there were claims for valuable professional services rendered to them in the prosecution of their claim against the United States which were not in exact conformity to the provisions of the Revised Statutes, Congress plainly intended that claims for professional services should be adjusted without reference to the Revised Statutes, which, if applied to the case, would deprive every claimant of his merited reward, but upon those principles which would govern a court of equity in like circumstances.

But it is urged by the counsel for the Indians that the words in the appropriation act, "and for legal services justly or equitably payable on account of said prosecution," were added ex abundanti cautela, lest the decision of the Supreme Court in Old Settlers *vs.* United States, supra, should "give trouble to those gentlemen who had for several years, under approved contracts, devoted their professional ability, time, and labor continuously and faithfully to this case."

In reply to this argument it is sufficient to say that if that was the intention of Congress it has been very unhappy in its choice of terms to express its meaning. But the argument is entirely gratuitous.

The language used clearly indicates an intention to place no other limit upon the power of the Secretary of the Interior to adjudicate these claims than that they shall not exceed the 35 per cent set apart by the Indians, and that they shall be just and equitable, according to the rules which govern courts of equity in such cases.

After this statement of my general views on the subject, I shall do no more than state in a few words my conclusions upon the claims presented.

The claims of Messrs. Bryan, Hendricks & Wilson have been paid, and the claims of Messrs. Jones, Voorhees & Boudinot, Messrs. Garland & May, Mr. John T. Heard, and the Wilshire estate have been approved, as above stated, and now require no consideration.

The claim of John A. Sibbald.—I do not think that Mr. Sibbald is entitled to anything more than one-fifth of the amount allowed on the Wilshire claim, in accordance with his agreement with Mr. Wilshire.

The claim of W. S. Peabody.—Upon this claim I am of opinion that Mr. Peabody's acceptance of employment under the Government of the United States can not be considered an abandonment of his contract. The proof filed shows that he performed very valuable services during a period of many years, extending from the year 1878 to the close of the case. I have carefully considered his claim, and I can not think that, however valuable and meritorious these services may have been, he is entitled to the enormous sum at which he rates them. I agree with you that the sum of $8,000 would be ample compensation for all the services rendered; and that sum is allowed.

The claim of E. J. Ellis.—The proof shows that this claim is of the most meritorious character. To be sure, the services of Mr. Ellis were not of long duration, for he died a few months after he was employed in the case. I do not think, under the circumstances, that the representatives of Mr. Ellis are entitled to a very considerable compensation for his services. I think, however, that the compensation suggested by you is quite inadequte. I am of opinion that the estate of Mr. Ellis should be allowed the sum of $4,000 in full for his services.

I do not see any merit in the claim set up by Mr. McKnight, as the surviving partner of the law firm of Ellis, Johns & McKnight, and his claim is rejected.

The claim of C. M. Carter.—Mr. Carter's legal services extended from the latter part of 1883 to the year 1893; they are fully recognized by Mr. Bryan, who swears in his affidavit on file that the Old Settler Cherokees were benefited to the full extent of the amount agreed to be paid to Mr. Carter for his legal services; that he has advanced $213 to pay costs in their case. I am satisfied that Mr. Carter is justly entitled to be paid the full amount of his claim for legal services, viz, $3,185, and that sum is allowed. The claim for $333 advanced by him to Mr. Bryan can not be paid out of this fund.

The claim of Joel L. Baugh.—I am unable to see what services Mr. Baugh has rendered which would justify the payment to him of the sum of $3,000. His services may have been valuable, but it is not easy to perceive just exactly what they were. But, under all the circumstances, I would approve an allowance to him of the sum of $1,000.

The claim of John W. Douglas.—Mr. Douglas was employed as one of the attorneys of these Indians in the Court of Claims in the early part of 1884, and until the year 1889, when he was appointed one of the Commissioners of the District of Columbia. His services were valuable and meritorious, and the compensation which he asks is moderate, viz, the sum of $2,500, which is allowed.

The claim of S. O. Hemingway.—In 1886 Mr. Hemingway was employed by Mr. Bryan to assist the other counsel in the prosecution of the claim of the Old Settlers, and appears from his affidavit to have performed meritorious services in their behalf, which are therein detailed. I do not understand that this is denied, but it is said that his contract was not properly executed and approved under the Revised Statutes, which is true; but I think his services were meritorious, and that he should receive a reasonable compensation for them, and a fee of $1,500 is allowed.

The claim of John L. McCoy.—This is a claim filed in behalf of the administratrix of John L. McCoy, deceased, who was for a short time a commissioner for the Old Settlers. It appears that he was appointed in 1875 and served about two years. I am unable to see what claim Mr. McCoy has upon this fund, and I agree with you in its rejection.

The claim of Richard C. Wintersmith.—This claim was rejected by you. I am unable to discover any contract under section 2103 or otherwise upon which he can predicate a claim. His power of attorney was signed by Keys, McCoy, and Scales, none of whom were authorized at the time to represent the Old Settlers; besides, the proof of his services is so indefinite that a claim could scarcely be based upon it.

The claim of James J. Newell.—Mr. Newell is certainly entitled to be paid for the services which his proofs show that he rendered. They were of the most meritorious character. He was one of the pioneers in the prosecution of the claim. He largely contributed to lay the foundation on which ultimate success depended. He labored and other men entered into his labors.

The beneficial character of his services is shown by the affidavits on file in your office. It was principally owing to his efforts that the agencies were brought into activity which eventuated in final success.

It is upon the contract acknowledged in the city of Washington on the 8th day of January, 1877, by Mr. Bryan in his own right and as delegated attorney for Messrs. Wilson and Hendricks, his cocommissioners, that Mr. Newell

relies as evidence of his employment as attorney for these Indians to prosecute their claim. The value of these services was recognized by the Indians by the adoption of the resolutions unanimously adopted by the council held October 13, 1882, set out in the report of the House Committee on Indian Affairs. (House Ex. Doc., Fiftieth Congress, first session, Report No. 342, p. 18.)

But it is said that by his contract Mr. Newell was only to be paid in the event of his securing payment to the Old Settlers of their claim; that his fee was entirely contingent upon his success; if he failed he was to receive nothing.

Now, what is the language of the contract? "And we do hereby agree and contract with the said J. J. Newell to pay him for his services as attorney a sum equal to eight per cent of the amount which may be allowed or recovered on said claim, the payment of which is hereby made a lien upon the said claim, and is to be paid out of the said thirty-five per cent set apart by the convention as aforesaid." Did that make Mr. Newell's fee entirely dependent upon his success? It certainly made his fee dependent upon the recovery of the claim, but he was to be paid for his services as the attorney for the Indians. If he had abandoned the employment before the recovery of the claim, he would have forfeited his right to compensation. That is the law governing all contracts.

It is then said that "he abandoned fully and absolutely, in 1883, all efforts in behalf of the Old Settlers. He refused to keep his contract with the Old Settlers, and by so doing he compelled the Old Settlers to employ additional and other attorneys to secure the payment of their claim, which Mr. Newell admits that he was employed to do for the compensation in his contract, and which he admits he did not do."

There is no evidence that Mr. Newell abandoned the employment; on the contrary, it appears that in the latter part of the year 1882 he applied to the Indians, through Mr. John L. McCoy, who had been one of their commissioners, for a renewal of his contract with Messrs. Bryan, Wilson & Hendricks, and that in a council held October 18, 1882, the following resolution was passed:

"*Resolved further*, That the proposition of J. J. Newell, made through John L. McCoy to us, to renew any contract made by said McCoy or any Old Settler Cherokee commissioner or commissioners, is hereby rejected."

The Indians then employed other counsel in place of Mr. Newell.

The conduct of one party to a contract, which prevents the other from performing his part, is an excuse for nonperformance. (United States *vs.* Peck, 102 U. S. R., 64.)

The sum of $10,000 would, I think, be a just compensation, and is allowed.

The claim of Mrs. Belva A. Lockwood.—Mrs. Lockwood's claim can not be recognized as an original claim upon the fund. It appears, however, that Mrs. Lockwood has an agreement with Mr. J. J. Newell (which is filed with her claim) by which it was agreed that the fees which should be received by Mr. Newell under his contract with the commissioners of the Old Settler Cherokees should be divided into three equal portions, of which she should be entitled to one portion.

I agree with you that the claim filed by the Cherokee Nation for $4,500, on account of moneys advanced by them to the Old Settler Cherokees, can not be paid out of this fund.

The claim of Stephen W. Parker.—This claim was referred to me by your letter of January 9, 1895. I am unable to discover any merit in it. Mr. Parker does not appear to have had any contract with the Indians or their commissioners, formal or informal, nor am I able, from the statement in Mr. Parker's petition, to understand what are the professional services for which he claims compensation. The claim is consequently rejected.

This disposes of all the claims submitted to me.

The papers accompanying your communication of November 11, 1894, are herewith returned.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT J.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 9, 1895.

SIR: I have the honor to submit herewith for your consideration a letter addressed to you by Samuel C. Dunham, under date of December 13, 1894, and filed in this office on the 24th day of the same month, inclosing affidavits of himself and Reese H. Voorhees in support of his claim for services as stenographer in connection with the Old Settler or Western Cherokee claim against the United States, amounting to $545.30, in accordance with the terms of a contract made between Joel M. Bryan, on behalf of the Old Settlers, and the said Samuel C. Dunham, dated March 15, 1892, as shown on page 705, Senate Ex. Doc. No. 13, Fifty-second Congress, second session.

Although the services referred to were rendered prior to the date of the contract, thereby rendering it impossible for this office to approve said services so as to allow payment for the same under said contract, there seems to be no reasonable doubt that the services were actually rendered, or that the compensation allowed by the contract is reasonable. I therefore respectfully recommend that authority be granted for the payment to Mr. Samuel C. Dunham for said stenographic services in the sum of $545.30, and that the office be instructed to state an account for the same, to be referred to the accounting officers of the Treasury for payment from the appropriation "Judgment in favor of the Old Settler or Western Cherokee Indians."

Very respectfully,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT K.

In the matter of the claim of Samuel C. Dunham, filed in the Indian Office on the 24th of December, 1894. Old Settler Cherokees case.

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1895.

SIR: On the 2d of April last you referred to me for consideration the claim of Samuel C. Dunham for compensation for services as stenographer in connection with the Old Settler Cherokees' claim against the United States, amounting to $545.30.

These services appear to have been rendered in accordance with a contract made with Joel M. Bryan on behalf of the Old Settlers, and are shown by the affidavit of Reese H. Voorhees, esq., counsel for the Old Settlers, to have been for reporting the arguments made in the Court of Claims in the trial of the Old Settler case in that court for the purpose of preserving them for further use in their case against the United States.

Mr. Voorhees swears that the work was done under his personal observation and fully met the requirements of his employment and contract, and Mr. Voorhees thinks the charges for his services reasonable and just. The claim is also supported by the affidavit of claimant. You recommend that authority be granted for its payment, and that your office be instructed to state an account for the same, to be referred to the accounting officers of the Treasury for payment from the appropriation "Judgment in favor of the Old Settler or Western Cherokee Indians."

I think the claim is just, and should be paid as one of the debts incurred in the prosecution of the Old Settlers claim. It is therefore approved. The papers transmitted with your office letter are herewith returned.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT L.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 21, 1895.

SIR: I have the honor to submit herewith for your consideration the application of J. M. Bryan, as treasurer of the Old Settler Cherokees, through his attorney, Joel M. Baugh, for the 2 per cent of the sum appropriated under act of August 23, 1894, for the benefit of the Old Settler Cherokees, amounting to $16,007.72.

This 2 per cent of whatever sum might be secured to the Old Settler Cherokees through Congress was set aside by a council of said Indians assembled in 1884, a report of the proceedings of which, duly approved, is herewith inclosed, for the payment of debts contracted and expenses incurred by them in securing said appropriation, to be disbursed by their treasurer, J. M. Bryan.

I would therefore respectfully recommend that the said application for this 2 per cent receive the approval of the Department, and that authority be granted this office to forward the same to the treasurer for payment.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

EXHIBIT M.

In the matter of the claim of Joel M. Bryan, filed in the Indian Office February 16, 1895. Old Settler Cherokees case.

DEPARTMENT OF THE INTERIOR, *Washington, May 18, 1895.*

SIR: With your letter of February 21, 1895, you transmitted for my consideration the application of Joel M. Bryan, as treasurer of the Old Settler Cherokees, for 2 per cent of the sum appropriated under the act of August 23, 1894 (28 Stat. L., 424, 451), to pay the judgment of the Court of Claims, as modified by the decision of the Supreme Court in United States *v.* Old Settlers (148 U. S. R., 427).

Before considering this claim, it is proper to refer to the resolution passed by the Senate of the United States on the 2d of March, 1895. The resolution is as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per cent of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law, except allowances already made for legal services, and to report to the Senate any and all payments and distributions from said fund already made, with copies of all papers in any manner connected with said payments and distributions filed in the Interior Department and the office of the Commissioner of Indian Affairs and the action had thereon."

While a resolution passed by either branch of the Congress of the United States is entitled to great respect, in so far as the Secretary of the Interior is directed by this resolution of the Senate to withhold from distribution and payment that part of the $800,386.31 appropriated by the act of August 23, 1894 (28 Stat. L., 424, 451), set apart by these Indians to pay the expenses and for legal services justly or equitably payable on account of the prosecution of their claim against the Government of the United States. I can not think that the Senate possesses the power under the Constitution to interfere with a Department of the executive government in the performance of a duty imposed upon it by an act of Congress, involving the payment of private claims which may be found to be justly due. If I had any doubts on the subject the opinion of Mr. Attorney-General Hoar (13 Opin. Atty. Gen., 113) would serve to dispel them.

In the case of the new Idria Mining Company, submitted to him for his opinion by the Secretary of the Interior, he said:

"If, as I understand the New Idria Mining Company are prepared to establish, to the satisfaction of your Department, their claim under the statute of 1860, chapter 362 (14 Stat. L., 251), to receive a patent for certain lands in California, they have a legal right to have the question of their claim to such patent passed upon, such that your Department is bound to consider and determine the same, notwithstanding the request of the Judiciary Committee of the House of Representatives for a suspension of action. Their claim, as I understand it, is of a title to land created by law. If under the law they have this title, and are prepared to furnish the proofs of it, the law gives the right to a patent, and the issuing of a patent is not made discretionary with the executive officers of the Government. The question, then, resolves itself into this, whether, when a right is created by law and a duty devolved upon an Executive Department under the same law, the enjoyment or enforcement of such right can be suspended at the request of a committee of the House of Representatives.

"I am unable to see that this result could be attained by any action even of the whole House of Representatives or of both branches of Congress, unless by a change in the law itself. To deprive any person of a right which the law creates at the request of anybody would be a novel idea under a system of government which is supposed to be a government of laws and not of men. If it were a subject depending upon your discretion, where you might properly regard all the equities of the case, and the probability that a decision at one time or another might affect them favorably or otherwise, the probability that Congress would take material action upon the question involved might well have an important influence in determining your action, and the suggestion of a committee of Congress, or its chairman, would be justly entitled to great respect. But it can not be that any person can rightfully be hindered in the enjoyment of his legal rights upon the suggestion of a possibility that the law may at some time or other be changed."

It appears by the papers submitted that this 2 per cent of whatever sum might be secured to the Old Settlers was set aside by a council of the Old Settlers assembled in 1884, for the payment of debts contracted and expenses incurred by them in securing their claims against the Government of the United States, to be disbursed by their treasurer, Joel M. Bryan.

The action of this council can not be recognized as conclusive evidence in support of claims against these Indians, for the reason that they are not an Indian community, endowed with the capacity to act collectively. (See my letter to you of January 22, 1895.) Under the authority given in the act of August 23, 1894, to the Commissioner of Indian Affairs "to withhold from distribution among said Indians only so much of that part of said judgment set apart by said Indians to pay expenses and for legal services justly or equitably payable on account of said prosecution," all claims and debts

incurred in the prosecution of their claims should be paid when properly verified. But, with the exception of the debt of $4,500 due to the Cherokee Nation for money loaned to the Old Settler Indians, Mr. Bryan has furnished no evidence of such indebtedness. He should be required to furnish an itemized account, with vouchers, and such claims for expenses as are properly verified should be allowed.

The claim of the Cherokee Nation was rejected by my letter of January 22, 1895, upon the recommendation contained in your letter of March 21, 1894. But it should be paid out of the fund retained for the payment of expenses to the Cherokee Nation directly or to its constituted agent upon a release being filed in your office and proof that the moneys borrowed were expended for expenses properly incurred in the prosecution of the claim of the Indians.

Very respectfully,

HOKE SMITH, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

EXHIBIT N.

MEMORANDUM.

Claims of attorneys in appropriation to pay claim of Old Settler or Western Cherokees.

[Prepared in the Indian Office for use in their discussion.]

The act making appropriations to pay the Old Settler or Western Cherokee claim (Public, No. 202) directs the Commissioner of Indian Affairs to withhold from distribution among the Indians only so much of that part of the judgment set apart by the Indians for the prosecution of their claims as is necessary for him to pay the expenses and for legal services justly or equitably payable on account of said prosecution.

This memorandum is prepared on the assumption that no attorney is entitled, either legally or equitably, to payment of any fees unless his contract was a lawful and valid contract and alive at the date of the recovery on behalf of the Indians, and he can show services that conduced to such recovery in accordance with section 2104 of the Revised Statutes.

No contract between an Indian tribe and an attorney would be lawful or valid so as to authorize the payment of a fee to the attorney unless it had received the approval of the Commissioner of Indian Affairs and the Secretary of the Interior, as required in section 2103 of the Revised Statutes. Where an attorney had a lawful and valid contract which expired by limitation (the statute requires that all Indian contracts shall be limited as to time or duration), and which has not been renewed, he will not be entitled, either legally or equitably, to any fee for such services as he may have rendered under such expired contract.

Attorneys have filed claims for fee in this case as follows:

1. *Betsa A. Lockwood and J. J. Newell.*—These claimants appear from the papers filed to base their claims on unapproved contracts with Jim Taylor and others as representatives of the Western North Carolina Cherokee Indians.

The contracts were not approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and it is perhaps not necessary to discuss the merits of the claims. However, I will state that it does not appear from the records or files of this office that Jim Taylor, or any of the other parties signing the contract with Mrs. Lockwood, was ever an authorized representative of the Old Settlers, except McCoy, who appears to have been a commissioner of the Old Settlers during the year 1875 and a part of 1876, and as Mrs. Lockwood's contract was made in 1885, it was at a time when McCoy was without authority to act in the matter. The council proceedings authorizing the appointment of the attorneys in fact who made the contract with Mrs. Lockwood was designated by the clerk of the council in his affidavit as "the convention of Western North Carolina Cherokee Indians."

This convention would have no power to authorize the employment of an attorney to represent the Old Settlers, and it would appear that Mrs. Lockwood would not be entitled to the fee she claims.

Mrs. Lockwood admits, on page 3 of her statement of May 18, 1894, that the Eastern Cherokees appointed delegates to prosecute their claim and the claim of the Old Settlers, and her contract was executed by these delegates.

Furthermore, if the contract were one under which Mrs. Lockwood would be otherwise entitled to pay, she would not be entitled for the reason that the contract under which she claims expired by limitation April 23, 1890, and was not renewed. The failure to renew could be construed in but two ways, namely, Mrs. Lockwood either voluntarily abandoned the service or was dismissed the service by the Indians. As all contracts with Indians for contingent compensation contemplate the recovery on the claims to which they relate, no attorney who has failed to accomplish the purpose of his contract has the right, on account of services rendered without result, to demand a fee or the continuance of his employment by the Indians. The Indians having the right to refuse to keep in their employ an unprofitable attorney, the results of their refusal to renew Mrs. Lockwood's contract would be the same as her voluntary abandonment of the service, namely, to deprive her of any right to demand or receive the fee provided therein.

Mrs. Lockwood, who is also prosecuting Mr. Newell's claim, does not appear to have filed the contract under which he claims, and, as it was never approved by this office, it is not of record here. It is impossible, therefore, to determine what it provided. As, however, it expired long before any recovery was had in behalf of the Indians, he would not be entitled to the fee, especially as the Old Settlers in 1882 expressly refused to renew his contract.

In connection with these two claims attention is invited to Department letter of January 23, 1886 (2453, 1886).

Messrs. Marble and Hazleton have filed a brief in the J. J. Newell claim, with affidavits, but, as his right is dependent upon a question of law, no material difference is made in the case.

2. *J. W. Douglas, attorney for G. L. Douglas.*—There is no formal contract on which to base this claim. The claimant seeks his fee under a letter of March 20, 1884, from Mr. Bryan to J. W. Douglas, advising him that Messrs. Wilshire and Heard had informed him (Bryan) that they desired said J. W. Douglas to assist them in the case, and that said Douglas would do so for $5,000; therefore Bryan agreed to pay him the $5,000 if he would render the services desired.

This letter is not even formally accepted by Mr. Douglas, who assigned it to his son on taking office under Mr. Harrison's Administration. He was District Commissioner.

It would seem that there is no lawful authority for this office to pay Mr. Douglas's claim. He might, however, have his remedy against Mr. Bryan, as to which, however, there is some doubt in view of the statute on the question of Indian-attorney contracts.

3. *John L. McCoy's estate.*—The estate of John L. McCoy makes claim for $16,000 on account of services alleged to have been rendered by McCoy as a commissioner of the Old Settler or Western Cherokees in 1875-76. This claim is one with which the Government has no concern, in view of the fact that the Old Settlers did not, by any of their councils, provide for Mr. McCoy's compensation, as they did in the case of Wilson, Hendricks, and Bryan. If Mr. McCoy rendered the services claimed, his estate should apply to the council of the Old Settlers, who may, if his claim is deemed a proper one and there is sufficient money remaining of that set apart for the payment of debts of the Old Settlers, direct the treasurer to pay the claim.

4. *O. M. Carter.*—The first six contracts mentioned in the affidavit of Mr. Carter were never approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as required by section 2103 of the Revised Statutes, and were not, therefore, valid contracts.

The seventh contract provides in its terms for payment for services rendered prior to its date, as well as for services to be rendered subsequently thereto. Mr. Carter was advised, in a letter of February 21, 1893, that his contract could not be approved for services rendered prior to its date, and that it would be impossible for this Department to authorize the payment of any fee to him on account of services rendered on account of any alleged former contract (see Opinions Atty. Gen., vol. 18, p. 517) which had not received the approvals required by the law; but that it could be approved to authorize him to render services thereunder after its date and to receive proper compensation therefor, and that if he would indicate his desire to that effect it would be approved to that extent. He informally asked for its approval as indicated, and it was so stated in a report of February 28, 1893, to the Secretary, submitting the contract approved in the following language:

"The within contract is hereby approved so that payment may be made for such services only as may be rendered by the attorney thereunder after the date thereof."

Mr. Carter's affidavit shows services rendered under his old (so-called) contracts, but it is not sufficient, under the statute, to show services under the contract of February, 1893. The alleged contracts not having been approved can not be taken into consideration, and any service rendered thereunder was at his own risk.

He should be called upon to make proof under the approved contract only, and in accordance with section 2104.

5. *Richard C. Wintersmith.*—The claim of Mr. Wintersmith was filed by Hon. Phil. B. Thompson, who has a power of attorney to represent him therein. It is based on a power of attorney given in 1873 by Riley Keys, J. A. Scales, and John L. McCoy, and which provides for the payment to said Wintersmith of 25 per cent of whatever amount the Indians might recover on the claim, in consideration for services said Wintersmith might render as attorney for said Indians. This power of attorney is not signed by Mr. Wintersmith and was never approved by this office and the Interior Department. It is not a legal contract, and Mr. Wintersmith can not therefore be paid.

In addition to the fact that the contract was not a legal one, Mr. Wintersmith showed no service on behalf of the Indians further than to say that from November 29, 1873, when he was appointed by the parties above named as attorney, to the present time, which embraces twenty years, he has labored as their attorney.

6. *Cherokee Nation.*—The Cherokee Nation files its claim for $4,500 against the Old Settler Cherokees for money loaned said Old Settlers in 1875 and 1882.

This claim is a matter with which the Interior Department has no concern, inasmuch as the Old Settler council has appointed a treasurer to disburse the money which was set apart for the payment of debts, which money should be paid over to the treasurer and he should be held accountable to the council therefor.

7. *E. John Ellis.*—This claim is based on a contract entered into December 15, 1888, between the late E. John Ellis and Mr. Bryan, as Old Settler commissioner and treasurer. This contract was not filed in this office for approval until 1892, some time after the death of Mr. Ellis, which occurred in April, 1889. It was approved by this office March 2, and by the Department March 3, 1893. It provided for the payment to Mr. Ellis of a fee equal to 2 per cent of the amount recovered to the Indians on the claim, and stipulated for his employment to prosecute, as attorney of record, the suit against the United States on behalf of the Old Settlers.

The contract was filed in this office by Mr. D. A. McKnight, who was a member of the firm of Ellis, Johns & McKnight. Mr. McKnight claimed that the contract was a firm contract, notwithstanding it was made with Mr. Ellis personally; and after Mr. Ellis's death Mr. McKnight offered to continue the prosecution of the claim on behalf of the firm. His offer, however, was declined by Mr. Bryan, through his attorneys, Messrs. Jones & Voorhees, and he filed letters from Hon. S. W. Peel and Hon. H. L. Dawes in support of the claim that during the period between December 15, 1888, and April, 1889, Mr. Ellis rendered valuable service in behalf of the Old Settlers. They submit, as a part of the record in the case, copy of a petition which was filed in the Court of Claims at the beginning of the suit, and which was signed by Mr. Ellis as attorney of record in the case; and both Mr. McKnight and Mr. Johns (the latter of whom is now deceased) filed affidavits relative to the making of the contract and services rendered by Mr. Ellis.

On the other hand, Mr. Bryan filed several affidavits in this office tending to show that Mr. Ellis did not do anything whatever in the prosecution of the claim of the Old Settlers. One of his affidavits is made by Hon. J. W. Douglas, whose claim is discussed in another part of this memorandum, and who makes oath to the fact in this case that he, with Messrs. Jones & Voorhees, met Mr. Ellis in the office of said Jones & Voorhees in 1889, the object of which meeting was to discuss the institution of the prosecution of the claim of the Old Settlers in the courts under the act of February 25, 1889; that at said meeting Messrs. Jones & Voorhees suggested and urged the adoption of a plan upon which to prosecute the claim, involving considerable novelty as compared with the plan pursued under the Bowman Act, and that because of its novelty it received considerable criticism and discussion; that after the plan had been fully explained and the objections thereto answered, it was agreed to by all present, and Messrs. Jones & Voorhees were requested to prepare a petition embodying the same, and a second meeting was agreed upon to consider the petition when so prepared; that in accordance with this agreement, Jones & Voorhees prepared the petition, called the attorneys together when it was completed, presented said petition to them, and Mr. Ellis, having been selected by the attorneys as attorney of record, signed it as such.

This affidavit is to meet the claim of Mr. McKnight that Mr. Ellis prepared the petition which he signed.

An affidavit by Hon. John T. Heard, to practically the same effect as that of Mr. Douglas, was also filed by Messrs. Jones & Voorhees as attorneys for Mr. Bryan.

Mr. Joel L. Baugh makes affidavit to the fact that he thoroughly and carefully examined all papers which were before the Committees on Indian Affairs in the House of Representatives and the Senate of the United States in the claim of the Old Settler Cherokees during the Fiftieth Congress, and which are now in the files of Congress. Among said papers are briefs and other papers signed by attorneys in the case, but there is no paper of any character whatsoever on file in said claim bearing the name of the late E. John Ellis, and no evidence whatever of the fact of Ellis having ever appeared before the committee in connection with the claim.

Mr. Bryan makes an affidavit in answer to the claim of Mr. McKnight that Mr. Ellis did service before the passage of the bill authorizing the Court of Claims to adjudicate this bill, in which he states that at the date of his employment of Mr. Ellis the work necessary to, and which in fact did secure, the passage of the bill had been done.

The papers in this case are voluminous and affidavits on both sides are positive. If the assignees of Mr. Ellis's estate can show that any service was rendered by him under his contract, his estate would be entitled to compensation on account of the fact that he was prevented by death from carrying

out the provisions of his contract and the abandonment of the service was involuntary.

8. *W. S. Peabody.*—This claim is based on a contract between said Peabody and the Old Settler Cherokees made December 9, 1882, and renewed December 6, 1886, and February 10, 1892. Of this contract Mr. Peabody has assigned three-eighths of the compensation provided for to one C. Hayden, of Choteau, Cherokee Nation. The fee provided for is 5 per cent of the amount of the recovery, or $64,000.90.

Mr. Peabody makes a claim for legal services under his contract, and makes affidavit that the account is correct and just, and that the services charged for were rendered and charged under and in accordance with his contract; that his services actually date from early in the spring of 1882, he having been brought into the case through Mr. Wilshire, acting then for Mr. Bryan, the terms of his contract having been verbally settled for several months before the contract as reduced to writing was actually signed; that he actively cooperated with counsel for Eastern Cherokees in securing clause in the sundry civil bill for the fiscal year ending June 30, 1883, authorizing the Secretary of the Interior to investigate and report upon the Old Settler claim, along with other claims in dispute; that on the signing of his contract he continued his services in the line of their inception; the resolution of December 15, 1882, was an incident of his advice and counsel, and its prompt answer by the Interior Department on the 16th of December, 1882, was at his instigation; that the resolution and report of the Secretary of the Interior thereon is embodied in Senate Ex. Doc. No. 17, Forty-seventh Congress, second session; that he assisted C. C. Clements, special agent of the Department, in collecting the data embraced in his report dated December 12, 1882; that it was understood that in the division of the labor among the counsel he should take the lead and assume the responsibility and labor incident to the departmental branch of the case and before committees of Congress, while other counsel should lead and assume the labor and responsibility of the case in the courts, should it ever reach the court for trial.

Except as thereinafter stated, he had been at all times, from the inception of his service in 1882 down to the final passage of the act appropriating the money, ready to consult with his associates and render service in the case, and has so consulted and rendered service covering a period of approximately twelve years of continuous service, with the exceptions above referred to. That on the reopening of the matter in the act of 1882 before the Interior Department, and following the report of Mr. Clements, he appeared before the Commissioner of Indian Affairs and urged the transmittal of the report to the Secretary, which was done December 14, 1882; that he also appeared from day to day before Mr. Clements and assisted him in an examination of the matters under his consideration affecting his clients, which resulted in his further report of January 24, 1883, in which he increased the amount theretofore found due over $50,000. He refers to certain Senate executive documents in support of this statement in his affidavit.

The affidavit is 10 pages in length and the statements contained therein are detailed, date and fact being given. He states that he had frequent conferences with Mr. Wilshire, of which he kept no memorandum, and that he kept no memorandum of his conferences with other counsel since in the case, or of acts to forward the case, because such conferences and acts were so frequent and so a matter of course that he could not keep a minute thereof without noting substantially how he was employed every day. That, as in other cases wherein he has been engaged, he has kept right at work to accomplish the end in view, thinking of success and directing his efforts thereto, and not to keeping a diary, and he is therefore compelled to rely upon printed records of the Government to a degree in pointing out his particular acts of service, with the dates thereof; but that he "desires it to be understood that each of the steps which the case has taken in its forward movement since his connection therewith, except, possibly, the appeal to the Supreme Court of the United States and certain of the latter proceedings in the Court of Claims, was with his knowledge and consent; and that when in charge of the particular work in hand such work was not accomplished in any one of its steps without many repeated efforts." That at no stage did the matter move forward of its own motion and inherent justice, it requiring attention and receiving notice from him; that after the finding of fact by the Court of Claims it was plain that the matter should be again referred to that court with power to hear and determine the case to final judgment, and in connection with explaining the same to the proper committees of Congress he appeared from time to time; that as one of the results of such appearance and efforts in which he participated, he refers to Report No. 1680, Forty-ninth Congress, second session, from the Committee on Indian Affairs, attached to his affidavit; that he was diligent in his efforts before the proper committees of the Forty-seventh and Forty-eighth Congresses, and, whenever necessary, before the Interior Department, in explaining and clearing away whatever difficulties were found to exist from the want of a proper understanding of the merits of the case; that the work particularly assigned to him was accomplished when the case was sent to the Court of Claims the second time, so far as his leadership was concerned, but that he continued to be consulted from time to time until April 21, 1891, when he accepted employment in the Geological Survey, where he continued until October 20, 1893; but during that period the case was in the courts under the management of able counsel, employed especially to conduct it there, and no occasion existed for calling him into consultation, and he rendered no service during that time in the case, though his contract was extended during that period to cover twelve years from its original date by the approval of the Commissioner of Indian Affairs and the Secretary of the Interior; that when he retired from the service of the Government in October, 1893, the case had been remanded back to the Court of Claims from the Supreme Court of the United States, with directions as to judgment, and it again became a part of his duty to give it attention before the Departments and the committees of Congress. In this service, from December, 1893, he gave the matter his personal attention whenever required so to do by the exigencies of the case; but the array of counsel had been increased from what it had been originally, and less work devolved upon him than in the earlier stages of the case.

Mr. Peabody's affidavit is so long and contains so much that ought not to be therein that it is almost impracticable to determine what service he rendered the Indians as set forth therein. I fail to find that he has specified a single day on which he performed any act of service, the only dates contained therein being dates of documents or public records. As to that part of Mr. Peabody's affidavit which relates to securing the passage through Congress of an act referring the matter to the Court of Claims for adjudication. Mr. John T. Heard has filed a letter inviting attention to Senate Report No. 207, Fiftieth Congress, first session, wherein it is shown that a favorable report was made by the Senate committee on the claim only because of the finding of fact in the case by the Court of Claims in Congressional case No. 14.

This report contains also the views of Hon. J. K. JONES against the bill, wherein he declares that he did not believe that the claimants had any case, and that if they had, he would not be willing to refer the case to the Court of Claims to render judgment after its findings of fact. Mr. Heard was one of the attorneys employed by Mr. Bryan to prosecute the case before the Court of Claims while it was there for finding of fact, and he files this letter because he feels that through his exertions he secured from the Court of Claims a favorable finding, and he does not feel that any other attorney should claim credit for doing the work.

Mr. Voorhees has informally requested that this matter be held up until he has an opportunity to file some papers in the case.

EXHIBIT O.

MEMORANDUM.

Request of John A. Sibbald for the approval of an assignment by W. W. Wilshire.

[Prepared in the Indian Office for use during its consideration.]

This assignment is indorsed on a certified copy of a contract dated July 1, 1882, between J. M. Bryan, attorney in fact for the Old Settler Cherokees, and W. W. Wilshire. This contract was approved by the Commissioner of Indian Affairs October 9, 1882, and by the Secretary of the Interior October 10, 1882, and expired July 1, 1886. The assignment recites, "For value received I hereby sell and assign to John A. Sibbald and his assigns one-fifth interest in the within contract, which assignment is also indorsed upon the original," and is signed by Mr. Wilshire. Proof is presented by Mr. Sibbald that it is impossible for him to procure the original of said contract, in order to file the same, to have the assignment indorsed thereon approved by the Commissioner and the Secretary.

After the expiration of the contract, one-fifth of which was assigned to Mr. Sibbald, Mr. Wilshire entered into a new contract with the Indians on September 28, 1886, which was to run for five years, having in view the prosecution of the same claim referred to in the old contract. No assignment appears to have been made to Mr. Sibbald of this new contract by Mr. Wilshire, who died August 19, 1888, pending the prosecution of this claim.

The new contract of Mr. Wilshire was approved by this office February 2, 1887, and by the Department February 3, 1887, and is recorded in Miscellaneous Record Book, volume 2, page 47, one of the records of this office.

This assignment of Mr. Sibbald was filed in this office by Mr. J. Walker Cooksey, of Washington, D. C., with his letter of August 1, 1893.

In a letter of September 28, 1893, Mr. Cooksey was advised as follows:

"The contract between Mr. W. W. Wilshire and the Old Settler or Eastern Cherokees, which was entered into July 1, 1882, expired July 1, 1886, without Mr. Wilshire having secured any settlement of the claim in favor of the Indians, and he made a new contract with them September 28, 1886, which was to run for five years, but, as we have seen, he died August 19, 1888. There does not appear of record that any assignment was made of the last contract, or any part thereof, and it is not understood that Mr. Sibbald makes any claim to an interest therein, although it was expressly intended to be in lieu of the other.

"The first contract expired by limitation July 1, 1886, and it could not be recognized by this office as authority for the payment of attorney's fee thereunder, and it is not seen how my approval of any assignment of an interest therein, even if regular, would be of any value or benefit to the assignee."

The ground upon which this view of the matter was taken was that as Mr. Wilshire's estate, if it were paid anything at all on account of his services, would be paid under the contract of September 28, 1886, alone, and not in any manner under the contract of which Mr. Sibbald claims to have an assignment.

In Mr. Sibbald's letter of August 31, 1894, he discusses the opinion of the Attorney-General in the E. John Ellis case (18 Opinions, 517) as one of the reasons supposed by him to have been given why the assignment ought not to be approved. This reason was not raised officially, but the objection was pointed out to him as applying to the contract of which he has an assignment as a part interest; that is, the Wilshire estate have to make their claim under the contract of 1886. Proof of services rendered under the contract which expired could not be recognized as sufficient to pay him under the other, because of the opinion of the Attorney-General that the Department is not authorized to pay for services rendered prior to the date of the contract providing therefor. The contract of 1886 was, it is true, for the continuation of Mr. Wilshire's services, but his rights under the contract of 1882 expired with the contract, and his estate will be required only to show services under the contract which was in existence at the time of his death. This opinion was not cited as an objection to approving Mr. Wilshire's assignment, but to paying anything under the expired contract.

The other objection to the approval of the assignment discussed is that it is for an interest in a contract which has expired, which objection was made in letter of September 28, 1893, above referred to. As to this objection, Mr. Sibbald claims in his letter that the contract of September 28, 1886, was an extension of the contract of 1882, on account of recitations therein contained. The contract provides for the continuance of Mr. Wilshire's employment in behalf of the Old Settler or Western Cherokees, and the consideration of this continuance is that he had efficiently performed his duties in prosecuting their claim under the former contract, and that his familiarity with said contract and laws was such that it was the desire of the claimants that his employment as attorney to the Indians should be continued until their claim should be finally disposed of, and therefore the Indians agreed to continue his employment.

Mr. Sibbald also calls attention to the fact that the contract stipulation that the compensation agreed upon should be in full of all demands of said Wilshire, and any and all services rendered by him for said Indians, and that Mr. Wilshire in consideration of the promises of the claimants and their agreement agreed to continue his services as attorney for said Indians.

Mr. Sibbald claims that these recitals in the contract should be conclusive; that it is a renewal and extension of the first contract upon all the parties for the same consideration; that it recited and proclaimed the services faithfully performed thereunder, and made it a continuation and extension of the first contract, and as such was confirmed by the approval of Commissioner Atkins and Acting Secretary Muldrow, without any modification or explanation whatever. Aside from the legal aspect of the case, Mr. Sibbald claims that by the amendment to the general deficiency act to pay the Old Settler or Western Cherokees the Commissioner's power to approve his claim is beyond all question and removed from all doubt, for, he says, it is a well-settled principle of law that even an equitable assignment passes to the assignee all the rights of the assignor in the entire assignment, and the latter can not, from the time of the assignment, exercise any control over it (6 American and English Cyclopedia of Law, 663), and the question of power to approve his assignment under the appropriation act is discussed by him at length.

It is true, as stated by Mr. Sibbald, that in a letter of April 5, 1887, from this office, it is stated that there is returned to Mr. Wilshire one part of a contract of September 28, 1886, for the extension of the period of five years from September 28, 1886, the contract of 1882 between said Wilshire and the Indians. It appears from this that the office at that time regarded this contract as a renewal and the extension of a contract which, however, had not been in existence for nearly three months, it having expired and all rights having lapsed with its expiration on July 1, 1886.

The office is not bound by this statement in the letter of April 5, 1887, to Mr. Wilshire, for the reason that the question to which it relates was not a point in issue, and it could not be presumed that the Commissioner of Indian

Affairs would give as particular attention in that matter as he would when the rights of claimants are raised under it.

The recitals in the contract which referred to the contract of 1882 could not have been intended as an extension of the old contract, which was made for the purpose of continuing Mr. Wilshire's services on behalf of the Old Settlers.

The recitals by Mr. Sibbald from said new contract are merely facts recited by the Indians in the beginning of the contract or preliminaries to the contract, as showing the reason and the consideration which moved them in making the new contract.

As to Mr. Sibbald's claim that his assignment can be acted upon favorably by the Commissioner of Indian Affairs under the general powers given in the act making the appropriation, it would seem that this is not such a case as would authorize the Commissioner to exercise his powers in the premises from the fact that the services rendered by Mr. Sibbald were not rendered to the Indians, but to Mr. Wilshire, and that it is not a claim against the Indians, but a claim against his estate. Mr. Wilshire was the responsible party in this contract, the Indians looked to him to perform the work called for in the contract, and the assignment is not out of moneys of the Indian tribe, but out of whatever fee may be allowed Mr. Wilshire's estate.

(Letter to Secretary September 4, 1894.)

The VICE-PRESIDENT. The question is on agreeing to the amendment, as modified, of the Senator from Utah, to the amendment of the committee.

Mr. BROWN. Let the amendment to the amendment be read as modified.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "Interior," in line 8, page 72, insert the words "unless such award has been paid to and accepted in full payment by the claimant."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. I think there is but one other committee amendment, and that is with regard to the Five Civilized Tribes.

Mr. BATE. Do I understand that the vote just taken was upon the amendment of the committee providing that the claims shall go to the Court of Claims? Do I understand that to be the fact?

Mr. PETTIGREW. Yes, sir; that was the vote.

Mr. BATE. It all goes to the Court of Claims?

Mr. PETTIGREW. It all goes to the Court of Claims.

Mr. BATE. Before that is done, I have a document I want to have read touching this contract.

Mr. PETTIGREW. I think the document has just been read, and ordered to be printed in the RECORD.

Mr. BATE. I think not. This document bears particularly on the contract and original parties to the contract between these Indians and Bryan and his associates who did the work.

I will state in a word my object. The original contract between these Old Settler or Cherokee Indians and the attorneys does contain that condition about which we have been contending, that is to say, that they shall set apart 35 per cent to meet contingent expenses, including attorneys' fees. It has in it that clause which has been a subject of material difference, for after speaking of the fund to be set apart, qualifies it by saying "or so much thereof as may be necessary." It was upon that clause in the original resolutions, I take it, that the Secretary of the Interior acted at the time that he appropriated this fund to the extent of $198,000 to the payment of the attorneys' fees. I want that understood, Mr. President. I have here a copy of the original contract in Senate Document No. 77 of the Fifty-fourth Congress. The resolutions are short, and I should like to have those bearing directly on this point likewise inserted, along with the other document, in the RECORD. However, I will read a brief extract from the document, No. 77, in regard to the contract. It is the original contract, signed by the proper parties:

Resolved further, That it is deemed expedient and proper that the said Old Settler Cherokees prosecute the said claim before the Government of the United States to a speedy, just, and final settlement; and for that purpose the following-named persons, J. L. McCoy, J. M. Bryan, and William Wilson, be, and they are hereby, constituted a commission, with full powers to represent said Cherokees before the Government, with full and ample authority to do and cause to be done any act and doing necessary and proper to be done in the premises; and with full authority to employ such assistance in the prosecution of said claim as they may deem necessary, and that a sum equal to 35 per cent of the amount of said claim when recovered, or so much thereof as may be necessary, be set apart and subject to the draft and receipt of said commission, and payable to them or their order by the proper authorities of the United States Government, which per cent shall be applied in the payment of said prosecution and all incidental expenses: *Provided*, That on a final settlement with said Old Settler Cherokees, the said commission account for their expenditures out of said per cent, and all receipts signed to said United States Government by said commission on account of said per cent shall be taken and deemed to be the receipts of said Old Settler Cherokees for the amount received.

Resolved further, That said commission, either in whole or in part, at their discretion, be authorized to proceed at their earliest convenience to Washington, D. C., to prosecute said claim, and for that purpose they, the said commission, are authorized to make a loan from the Cherokee Nation for funds sufficient to defray their necessary expenses.

Resolved further, That the president of this convention furnish the said commission with a copy of these resolutions.

I certify that the above and foregoing resolutions is a true copy of the original resolutions, this, the 25th day of November, 1875.

WILLIAM WILSON, *President Convention.*
H. T. LANDRUM, *Secretary.*

Mr. BERRY. There is a committee amendment in regard to the Five Civilized Tribes. I call the attention of the Senator from Connecticut to it. It is the next one to be considered, I understand.

The VICE-PRESIDENT. The amendments will be stated in their order.

The SECRETARY. On page 56, under the heading of "Miscellaneous," the Committee on Appropriations propose, in line 8, after the word "dollars," to insert "of which sum so much as may be necessary for expenses of employees for 1897 to be immediately available;" so as to read:

For salaries of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $25,000; for expenses of Commissioners and necessary expenses of employees, $10,000, of which sum so much as may be necessary for expenses of employees for 1897, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 56, line 11, after the word "of," to insert "a clerk detailed as;" and in line 17, before the word "thousand," to strike out "forty-three" and insert "forty-two;" so as to read:

Provided, That $2 per diem for expenses of a clerk detailed as special disbursing agent from date of original detail by Interior Department, while on duty with the Commission, shall be paid therefrom; for clerical help, including secretary of the Commission, $5,600; for contingent expenses of the Commission, $1,400; in all, $42,000.

The amendment was agreed to.

The next amendment was, under the same heading, page 57, line 1, after the word "reimburse," to strike out "himself" and insert "A. S. McKennon."

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The SECRETARY. Under the heading "Miscellaneous," page 57, line 2, after the word "services," insert:

Provided further, That said Commission shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town; also all lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal-oil and natural-gas lands, now leased, occupied, and improved for mining purposes; that the use of the surface of all other lands in the Indian Territory belonging to the Chickasaw, Choctaw, Cherokee, Muscogee (or Creek), and Seminole tribes shall be allotted equally among their respective citizens, area and value being taken into consideration, such allotments to embrace other Indians and freedmen now living with said tribes, according to the provisions of existing treaties and laws in relation to such other Indians and freedmen.

That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted and all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory, and the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

Mr. PETTIGREW. I think in line 25, on page 57, the word "court" should be inserted between "States" and "commissioners;" so that it will read: "United States court commissioners."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "States," in line 25, on page 57, it is proposed to insert the word "court;" so as to read:

And the United States court commissioners in said Territory shall have, etc.

The amendment to the amendment was agreed to.

Mr. CALL. Mr. President, I understood the Senator from Wisconsin [Mr. VILAS] proposed to raise the point of order on so much of that amendment as relates to the allotment and setting apart of town sites, and I suggest that so much of that part of the amendment be allowed to go over until he appears.

Mr. VEST. I should like to say to the Senator from Florida that if he will wait until the amendment is read, I propose to make a motion which materially changes the issues presented in the amendment as it stands. I will wait until the Secretary has read the amendment, and then submit the motion.

The PRESIDING OFFICER (Mr. PASCO in the chair). The reading of the amendment of the Committee on Appropriations will be continued.

The Secretary resumed and continued the reading of the amendment, as follows:

That there shall be appointed by the President, by and with the consent of the United States Senate, two additional judges for said Territory; and the appellate court of said Territory shall designate the places in the several judicial districts therein at which and the times when such judges shall hold court, such courts to be held at the places now provided by law, and at such other places as shall be designated by the appellate court; and said judges shall be members of the appellate court, and shall have all authority, exercise all powers, perform like duties, and receive the same salaries as other judges of said courts, and shall serve for a term of four years from the date of appointment.

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement

made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nation.

That no act, ordinance, or resolution of the council of either of the aforesaid Five Tribes hereafter passed shall be of any validity until approved by the President of the United States.

Mr. VEST. Mr. President, I move to strike out all after the words "Provided further," in line 3 on page 57, down to and including the word "freedmen," in line 18; also to strike out all of lines 3, 4, 5, and 6 on page 59.

The effect of this motion—and it is a very important question, especially to the States bordering the Indian Territory—is to eliminate from the amendment the allotments of land there provided for, and also to eliminate that portion of the amendment which relates to the leases which now exist in the Five Civilized Tribes by the action of the councils of those tribes ratified by the Interior Department. It also strikes out that portion of the amendment which submits all the proceedings or laws and resolutions of the Indian councils to the President for his ratification, leaving only in the amendment those provisions which affect the substitution of the jurisdiction of the United States courts for those of the Indian tribunals as they now exist.

Mr. President, no one can feel a greater interest in this legislation than I do. I have for years been familiar with the condition of affairs in the Indian Territory. The State I represent lies immediately contiguous as to a large portion of its southern frontier upon this Territory, or upon those Five Civilized Tribes. Texas, Arkansas, and Missouri are necessarily more interested in this question than any other of the States of the Union, although it is a question which affects vitally the autonomy of all these Five Civilized Tribes and the general interest of the people of the United States. No one who has not given attention to it can for an instant or to any degree appreciate the situation of affairs now among those Indians. They were removed there from east of the Mississippi River under agreements or treaties made between them and the United States Government. Those treaties, the principal of which was made in 1866, immediately after the termination of the last war, gave to those Indians the occupation of this Territory upon which they now are so long as they maintained their tribal relations and continued to live there. They have never had a fee-simple title; they have had a conditional fee in those lands, and nothing more. But that fee ought to be respected, and their rights, if possible, ought to be respected by the people of the United States. The fact that these are a weak people comparatively, that they have just emerged from a condition of savagery, that they have been greatly wronged in all portions of the Union, makes every generous mind consider their situation with all the forbearance that can be possible under the circumstances. I have always been their friend. I have acted in my capacity as a Senator from the beginning of my service here in the interest, as I believe, of those Indians, in the preservation of their rights, in the advancement of their social and political condition. But we have come to that place where something must be done as a matter of self-preservation to the Indians and to ourselves.

The first preliminary and necessary condition to all agreements made with them has been, and must be, that they would so govern themselves as to preserve life and liberty and property not only for their own citizens, but for those of the States immediately contiguous. It is not possible that this Government ever abdicated the right to protect its own people; it is not possible that they could have made an agreement which would put a social and political cancer in the middle of our territory which threatens the security of the people of the United States immediately contiguous to this area.

Without going into details, I assert as a fact which can not be denied, about which the proof is so overwhelming as to make it absurd to contradict it, that the authorities of the Indian Territory in the Five Civilized Tribes, because of circumstances, probably, for which they are not responsible, are unable to protect life, liberty, and property in their own midst, and that Territory has become a harbor for criminals.

I will confine myself to a personal statement as to the condition of the southern part of my own State. Property has been depreciated 25 per cent in southern Missouri by reason of the condition of affairs in the Indian Territory now. Towns in Kansas and in Missouri have been attacked openly, banks robbed, and railroad trains stopped by armed banditti, whose haunts are in the Indian Territory, among the full-blooded Indians in the mountains. They attack our settlements, perpetrate deeds of unparalleled outrage, and then dash back into the recesses of the Indian Territory, where they are as absolutely secure as if in the middle of the great Sahara Desert.

Along the line of the Missouri, Kansas and Texas Railroad, which runs from north to south 240 miles through that Territory, the towns are inhabited by whites. There are to-day in the Indian Territory some 275,000 white people and 80,000 Indians. We have the anomaly of an Indian Territory in which a large majority of the residents and inhabitants are of the white race. It has become, as I say, a harbor for criminals.

More than that, Mr. President, their courts are a travesty upon justice. They are governed by corruption, bribery, and open and notorious fraud. They have laws absolutely antagonistic to our civilization. Their punishments are entirely different from ours. They inflict whipping and even torture, and when death is inflicted, it is done with the rifle, and after the fashion of an Indian when he goes upon the warpath.

Mr. FRYE. That is an improvement on our way of taking life.

Mr. VEST. I shall not stop to discuss whether or not taking life by electricity or the rope is preferable, but I simply mention the fact that they adhere to the rifle because it is indicative of their preference still or prejudice for the old condition and the old weapon to which the Indian has been accustomed in his predatory warfare.

More than this, we intended that Territory as a home for these Indians, where they might learn from us our habits, our laws, and our form of government. They hold their lands to-day by tenure in common, and not by severalty, and what is the result? A few men have there a vast monopoly of all the lands in the Territory. One man has more than forty farms, and under the tenure in common any Indian can fence in any land unoccupied and improve and cultivate it at his will. Some of the half-breeds, with the aggressive and monopolizing tendency of the white race, who have intermarried with the Indian women and become entitled to the rights of members of the tribe, have fenced in more than forty farms, upon which they have put nomadic white men not entitled to be in the Indian Territory. Capital has been furnished by outside speculators, and those farms are cultivated and the proceeds divided, while back in the hills are the peon Indians, the blanket Indians, still in the condition of savagery, not speaking the English language, with no sympathy with the white race, and they are made simply the argument for appealing for the sympathy of Congress and the American people, while that sympathy furnishes money to those half-breeds who cultivate the land, and take the proceeds, and pay nothing to the blanket Indians. The men whom we see here in these galleries representing the Indian tribes represent this system, utterly alien to the purposes of the Government in setting aside that area to be inhabited by them.

Mr. President, we have been forced heretofore by conditions there to establish United States courts. In the treaties made in 1866 with those Indians, after the close of the war, stipulations were made that the United States might establish courts within these Five Civilized Tribes. In three of those treaties these stipulations are contained. It is true—and I want to be entirely frank in the matter—that these treaties also provided that, as to their local affairs, their local Indian tribunals should be permitted to exist. But, as a matter of course, it never was intended that there should be provisions made by law in the way of establishing United States courts which are absolutely inconsistent with the existence of those Indian tribunals. These treaties were made before the smoke had cleared from the battlefields of the last war, and they are necessarily crude and imperfect. Nobody thought then that railroads would run in a few years through that country, and that the scream of the locomotive would be heard in the recesses of the Indian Territory.

What has been the result of our establishing United States courts? We have now three courts with a limited jurisdiction. At the same time we have the anomaly, absolutely impossible, as every lawyer will see, of Indian tribunals exercising jurisdiction over the same subject-matter and in absolute conflict with the tribunals of the United States. In other words, we have 275,000 white people whose lives, liberty, and property are controlled by the jurisdiction of the United States courts established by Congress; we have some 80,000 Indians who appeal to Indian tribunals under different laws with a different legal autonomy; and I assert as a lawyer that it is absolutely impossible that this condition of affairs can continue to exist.

I think the amendment as it is now drawn goes too far. I believe that no drastic enactment is absolutely necessary further than that which I have endeavored upon my motion to retain in the bill. I would do away with this legal inconsistency. I would put the Indians in the Territory under the same laws with the white people. I would endeavor as far as I could kindly, justly, reasonably to meet the new condition of things and to make those two races, if possible, mingle and look to the same source for protection to themselves and their children. Of course we shall be told that even this enactment that I propose partially violates the treaty rights of the Indians.

Mr. President, my answer to that is that there is no intelligent man in the Indian Territory, or outside of it, who does not recognize the fact that these treaty conditions must be done away with to a large extent. It is impossible for the status to be maintained as it now is. All I seek to do is in a spirit of justice and forebearance to meet the absolute necessities now imposed upon us. It is obvious that there was no intention to rob the Indian by this amendment, as proposed by the committee, with which I have

nothing to do, because I call attention to the fact that the amendment as it stands under the allotment clause, which I propose to strike out, takes every acre of land in that Territory and divides it among the Indians, and does not give one inch of it to any white man or to any corporation.

The Missouri, Kansas and Texas Railroad Company, of which I was formerly attorney for a long number of years, has a grant of nearly 2,000,000 acres of land in that Territory conditional upon the fact that the Indian title shall be extinguished. Under this amendment as it stands that title of the railroad, or claim of the railroad, is absolutely eliminated, to which I have not the slightest objection. I shall never vote for any legislation which takes from those Indians one cent which belongs to them, either in real estate or in money. It is their country under the grant given to them, not an absolute, but a conditional fee by the United States. They are entitled to receive all that was granted to them heretofore. No railroad company, no white man, no intruder should ever be permitted to take from them one cent to which they are entitled.

Mr. BERRY. There is nothing in the amendment to give the railroad company anything.

Mr. VEST. Nothing at all. I alluded to that, as I said, to prove that this amendment was not drawn in order to rob the Indians. It gives to them every acre of land in the Territory as it stands now. But my idea is that the Dawes Commission should regulate that matter. That commission has been eminently successful, far more so than I ever expected them to be, I must confess. They are now progressing satisfactorily, and the Indians have at last come to one mental condition for which I am very grateful. They have now ascertained, I believe for the first time, that the United States Government is in earnest. The intelligent men amongst them have now come to what is inevitable—the conclusion that their present condition must be changed. I have told them repeatedly for the last fifteen years, yes, for nearly twenty years, that it was their duty to themselves, to their tribe, and to their children to meet the United States in a fair, friendly, and just spirit, to give up their close corporation, to take their lands, and to change the tenure in common to one in severalty. They have advanced in civilization until now they stand beneath the blazing sun of enlightenment and Christianity. They have schools and legislatures. Let them go still further and assume the full citizenship and the full responsibility that ought to be imposed upon all the denizens of this great country.

This is not a proposition to rob them, to oppress them; it is to protect them; it is to protect the citizens of the contiguous States. Senators who live in States at a distance have no idea of the outrages committed upon the people of Kansas, Missouri, Texas, and Arkansas by reason of the unfortunate situation which now prevails in that Territory.

Mr. MORGAN. Mr. President, all in this bill that relates to the disposal of Indian lands, whether that disposal reaches to the title or whether it reaches to the right of occupancy, ought to go out of this bill and ought to be referred to the Committee on the Five Civilized Tribes, with express and serious mandatory instructions to that committee to take this subject under consideration and report a bill to cover the whole subject. It is a subject, Mr. President, that we can not deal with or afford to undertake to deal with by piecemeal. If every hour of the remaining days of this session was devoted to an honest, sincere, and close debate upon the questions of law and fact that are involved in this amendment, the Senate of the United States would then barely be able to reach an intelligent and just conclusion as to what we ought to do in this, the most delicate of all the trusts that we have ever had to execute on the part of this Government.

I will allude very briefly to the history of this matter.

Mr. PETTIGREW. I should like to make an inquiry of the Senator. Do I understand him to make some proposition in regard to the matter? Perhaps there can be some understanding, so that we can stop the debate.

Mr. MORGAN. I want to take all of the subject out of this bill and refer it to the Committee on the Five Civilized Tribes.

Mr. PETTIGREW. All of the subject?

Mr. MORGAN. Yes; I mean all that relates to the disposal of the lands.

Mr. PETTIGREW. We do not dispose of any lands at all by this amendment.

Mr. MORGAN. Well, we shall see about that.

Mr. PLATT. Mr. President——

Mr. MORGAN. If Senators will allow me, I have the floor and I intend to hold it in spite of interruptions until I have the opportunity in a few words to present some views which at least concern me as a Senator.

Mr. PLATT. Then the Senator does not wish me to ask him a question?

Mr. MORGAN. I will hear the Senator's question.

Mr. PLATT. I wanted to know whether the Senator understood that the Senator from Missouri [Mr. VEST] had moved to strike that part from the bill.

Mr. MORGAN. I understood he had.

Mr. PLATT. I did not know whether the Senator understood that.

Mr. MORGAN. I think the amendment is subject to a point of order.

Mr. BATE. With the permission of the Senator from Alabama, I rose at the time he did, but he got the eye of the Chair first, in order to make a point of order on the amendment, and I expect to make it.

Mr. MORGAN. I think the amendment is subject to a point of order, and I think it is also subject to a very much more serious objection, and that is that we are undertaking here to legislate in the dark.

I am informed here, Mr. President, that everybody is in favor of the motion to take the amendment out of the bill. If so, I do not care about delivering any views upon it to the Senate, I prefer to wait until the proper committee get charge of it and go before them.

Mr. PETTIGREW. I will say to the Senator that what I was aiming at was to close the debate on this question and adopt the remainder—that portion in relation to the court and the enactment of laws in the Territory. I consent to striking out the portion with regard to the apportionment of the lands.

Mr. MORGAN. That is all I want.

Mr. BATE. That is not all I want, Mr. President.

Mr. PETTIGREW. If there is no objection, I will consent to the amendment offered by the Senator from Missouri.

Mr. JONES of Arkansas. We all consent to that.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Missouri, to strike out the portion of the pending amendment indicated? The Chair hears none, and it will be agreed to, in the absence of objection.

Mr. PETTIGREW. I should like to ask a question. I supposed the amendment offered by the Senator from Missouri took out that portion from line 3 to line 18, inclusive, on page 57.

Mr. PLATT. It does; but, if the Senator from Missouri [Mr. VEST] will give me his attention, I think the amendment also included lines 3, 4, 5, and 6, on page 59.

Mr. VEST. It did. I have it marked here, and the Secretary can read it.

Mr. PETTIGREW. I will accept that portion of the amendment which relates to page 57, but not the other.

Mr. VEST. That strikes out all after the words "*Provided further*," in line 3, on page 57, down to the end of line 18, on the same page.

Mr. PETTIGREW. That I consent to.

Mr. VEST. That leaves out of the question the other portion of my motion, which strikes out lines 3, 4, 5, and 6, on page 59.

Mr. PETTIGREW. I am willing to modify that portion of the amendment so that the laws of the Indians shall be in force unless disapproved by the President.

The PRESIDING OFFICER. The portion of the amendment referred to will now be stated.

The SECRETARY. After the words "*Provided further*," in line 3, on page 57, it is proposed to strike out all of the amendment of the committee down to and including line 18, on the same page, as follows:

That said commission shall set apart the lands upon which any town is now located in the Indian Territory, together with a reasonable amount of land to provide for the future growth of said town; also all lands occupied by any church, cemetery, school, charitable or penal institution, or public building of any sort outside of the limits of any town; also all mineral lands, including coal-oil and natural-gas lands, now leased, occupied, and improved for mining purposes; that the use of the surface of all other lands in the Indian Territory belonging to the Chickasaw, Choctaw, Cherokee, Muscogee (or Creek), and Seminole tribes shall be allotted equally among their respective citizens, area and value being taken into consideration, such allotments to embrace other Indians and freedmen now living with said tribes, according to the provisions of existing treaties and laws in relation to such other Indians and freedmen.

Mr. COCKRELL. I suggest to the Senator to retain the words "United States commissioners," in lines 24 and 25. I see that was amended to read "United States court commissioners." That is not correct. It should be "United States commissioners."

Mr. PETTIGREW. I move to strike out the word "court," inserted a few moments ago.

Mr. COCKRELL. Let it remain "United States commissioners," just as it was before.

Mr. PETTIGREW. I had asked to have the word inserted because that is the general title of those officers; but these courts were created by a special act and the title of those officers is "United States commissioners;" therefore the word "court" should not be inserted.

The PRESIDING OFFICER. In the absence of objection, the amendment suggested by the Senator from South Dakota will be agreed to. The Chair hears none.

Mr. HALE. Let that portion of the amendment relating to the

supervisory power of the President be read, so that we may see exactly what is contemplated.

Mr. CHANDLER. You have not provided it yet.

Mr. VEST. The Senator in charge of the bill does not agree to the amendment.

Mr. HALE. I understood the Senator did agree to the proposition.

Mr. VEST. No; he agrees to it if it is changed so as to state "unless disapproved by the President." As it is now, it is an affirmative statement that the President shall approve.

Mr. PLATT. Does not the Senator think that the President ought to have power to disapprove?

Mr. VEST. I should prefer myself that the President should have nothing to do with it. I think his labors are sufficient now; that his duties are enough. To make him virtually the governor of the Five Civilized Tribes is a little too much.

Mr. HALE. Then the Senator does not agree to any proposition which confers final supervisory power upon the President?

Mr. VEST. I think that matter ought to be left to the Commission which is now in the Indian Territory, to arrange it with the consent of the Indians, and I think it will be properly adjusted. I do not like to take away from them all governmental control of themselves. We have never had any such enactment as this at all.

Besides that, it seems to me physically impossible for the President of the United States to look into the proceedings of every one of those Indians' councils and pass upon every resolution, every appropriation, every police enactment. What does the President of the United States know about those questions?

Mr. HALE. There is now no tribunal that scrutinizes and scans these acts and passes upon them beyond the council itself, is there?

Mr. VEST. That is true; and their governors. They have a government something like ours. They have a council, or a legislative body, and they have a governor.

Mr. HALE. Has the governor, the official who acts as governor, any power to veto an act of the council?

Mr. VEST. I understand he has the veto power. They drew their constitution in similitude of ours.

Mr. HALE. And he must sign every act passed by the council?

Mr. VEST. Yes, sir; and the council can pass it over his veto.

Mr. HALE. After the fashion of the State governments?

Mr. VEST. Yes, sir.

Mr. PLATT. The trouble about it is that all important legislation in those nations is carried through by bribery and corruption.

Mr. VEST. I think that is true.

Mr. PLATT. It does seem to me that the President or somebody ought in those cases to have power to disapprove.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to insist upon his further amendment to strike out on page 59?

Mr. VEST. Yes, sir; but we can determine that hereafter.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out of the committee amendment, on page 59, after line 2, the words, "That no act, ordinance, or resolution of the council of either of the aforesaid Five Tribes hereafter passed shall be of any validity until approved by the President of the United States."

Mr. HOAR. I should like to suggest whether it would not be well to have in there also a provision that the bill shall become a law if the President of the United States does not disapprove it within a certain time, like our constitutional provision? That was the arrangement in all our early colonies. It may be very inconvenient for the President in some particular condition of the public business to make such a thorough examination of a legislative enactment as would justify a positive veto. I do not remember which Senator moved the amendment.

The PRESIDING OFFICER. The proposition is to strike out.

Mr. PLATT. Before the question is taken on the motion to strike out, I will move to perfect the text in the line the Senator from Massachusetts desires, I think.

Mr. HOAR. Very well.

Mr. PLATT. I move to amend the text by striking out the word "no," in line 3, and inserting "the;" by inserting the letter "s" after the word "act," after the word "ordinance," and after the word "resolution," so as to be "acts," "ordinances," and "resolutions;" after the word "ordinance" to strike out "or" and insert "and;" and after the word "passed" to strike out the words "shall be of any validity until approved" and insert "may be disapproved;" so that it will read:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed may be disapproved by the President of the United States.

Mr. JONES of Arkansas. Ought there not to be a limit to the power of disapproval?

Mr. HAWLEY. A time limit.

Mr. JONES of Arkansas. A time limit.

Mr. PLATT. Say six months.

Mr. HAWLEY. I suggest three months.

Mr. BATE. On that amendment I agree with the Senator from Missouri that it is physically impossible for the President to examine the act. In the next place, I contend that it is amenable to the point of order, of which I have already given notice I intend to make when I shall have the floor. In relation to this particular amendment, it is proposed that the President shall give his approval to the acts of those Five Tribes which may be passed by the council. He has no right to do it under the treaties and under the arrangements which have been existing heretofore, and I shall contend that it is amenable, under the third clause of Rule XVI, to the point of order that it is general legislation.

The PRESIDING OFFICER. The Senator from Connecticut moves to amend the clause which the Senator from Missouri moves to strike out.

Mr. PLATT. Let the amendment be stated.

The PRESIDING OFFICER. The amendment suggested by the Senator from Connecticut will be stated from the desk.

The SECRETARY. It is proposed to modify the amendment so that it will read as follows:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Civilized Tribes hereafter passed may be disapproved by the President of the United States at any time within three months.

Mr. BERRY. Ought there not to be a provision that the acts shall be in force until disapproved, because there are a number of laws—like those to pay mileage and providing for clerks and all that—which, if they had to wait, would be inoperative?

Mr. WHITE. I should like to have the amendment stated again.

Mr. PLATT. I move to insert the words "within three months after the passage thereof."

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. It is proposed to modify the amendment so as to read:

> That the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed may be disapproved by the President of the United States at any time within three months after the passage thereof.

Mr. HOAR. It seems to me a more convenient way would be to shorten the time, and to say that those acts shall not go into effect within thirty days or fifty days after their passage, and may in the meantime be disapproved by the President.

Mr. HALE. "And shall be certified to the President of the United States."

Mr. HOAR. "And shall be certified to the President of the United States." I think any Senator will see that it might be very inconvenient in many cases to have these acts go into force for thirty or forty days. Suppose, as I think the Senator on my left suggested, it were an act for the payment of money and it were in force for a time. The President's disapproval would be of no account. Suppose it were an act involving succession to real estate or personal property or affecting a crime. To have a little period of twenty or thirty or forty days when the old law was changed and have it changed back at the end of that time would be infinitely inconvenient. I suppose the mail from that Territory does not take more than three days to come to Washington.

Most of the States—my own State has a provision that laws shall not take effect ordinarily, though they may make an exception in particular cases, for thirty days after their passage. It seems to me the best way would be to enact that all laws shall take effect thirty days after their passage, unless in the meantime disapproved by the President of the United States, and that they shall be certified to the President upon their passage. I should like to have the clerks take down the amendment:

> All acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed shall take effect thirty days from their passage, unless in the meantime disapproved by the President of the United States, to whom they shall be certified upon their passage.

Mr. VILAS. Suppose it were a resolution for an adjournment?

Mr. JONES of Arkansas. Then I would like to call the Senator's attention to the fact that there would be great inconvenience about the pay of members. They ought not to be subjected to that sort of restriction.

Mr. HOAR. There ought to be some exception to the general rule, if the language I propose is clear.

Mr. CALL. Mr. President, I should like to make a suggestion with reference to the proposed amendment. By the fifth article of the treaty of December 29, 1835, the United States guaranteed to the Cherokee Nation the right by their national council to make and carry into effect all such laws as they may deem necessary for the government and protection of persons and property within their own country belonging to their people or to such persons as have connected themselves with them.

The treaty has been reaffirmed time and time again in pursuance of many decisions of the Supreme Court of the United States declaring its validity, as much so as if we were treating with a foreign nation. In the pending bill we are providing for the continuance of the commission to negotiate with these independent nations. Now, how you can upon any bill, and particularly upon an

appropriation bill, undertake to declare the invalidity and destroy the obligation of this treaty, it is difficult to see; but how you can do it at the same time that you are authorizing a commission to negotiate to obtain the consent of these people is an inconsistency which certainly ought not to be placed upon an appropriation bill.

Mr. GRAY. I rise to a parliamentary inquiry, which is, whether there is not now before the Senate a point of order in regard to the whole amendment, as being in the nature of general legislation on an appropriation bill?

The PRESIDING OFFICER. The Senator from Tennessee announced his intention to make a point of order.

Mr. BATE. I am waiting for that purpose.

Mr. GRAY. May I ask the Senator whether he has made the point of order?

Mr. BATE. I will make it when I get the floor.

Mr. GRAY. Why should not the Senator do it now?

Mr. BATE. Mr. President——

Mr. BERRY. Will the Senator from Tennessee permit me to make a suggestion?

Mr. BATE. Certainly.

Mr. BERRY. I suggest that the text be perfected before the point of order is made. The amendment might be changed so as to affect the question whether the point of order is well taken.

The PRESIDING OFFICER. The Chair understood that the Senator from Tennessee was withholding his point of order until that had been done.

Mr. BATE. I was, sir.

Mr. BERRY. Let the amendment of the Senator from Missouri be disposed of.

Mr. PLATT. It has been disposed of.

Mr. BERRY. Entirely.

Mr. PLATT. Not this part of it.

Mr. BATE. I raise the point of order——

Mr. BERRY. That part with reference to the President's approval has not been disposed of. I suggest that it be disposed of.

Mr. BATE. I have the floor.

Mr. HOAR. I have dictated to the Secretary the amendment which I propose.

The PRESIDING OFFICER. The Chair will state the condition of the question. The Senator from Missouri has made a motion to strike out certain lines on page 59. The Senator from Connecticut [Mr. PLATT] has offered an amendment modifying the text, which will be acted upon before the motion to strike out is put. The Senator from Massachusetts [Mr. HOAR] now proposes an amendment.

Mr. HOAR. I desire that my amendment may be read for information, and that I may be allowed to make one observation in regard to it.

The PRESIDING OFFICER. The Chair has not finished the statement of the parliamentary condition of the question.

Mr. HOAR. I beg pardon.

The PRESIDING OFFICER. While the amendment of the Senator from Connecticut is pending, the Senator from Massachusetts proposes a further change in language, which will be read at the desk.

Mr. BATE. I believe I have the floor.

Mr. PLATT. I wish to withdraw the proposed amendment.

Mr. HOAR. Then I ask leave to propose mine.

The PRESIDING OFFICER. The Senator from Connecticut has withdrawn his amendment. The Senator from Massachusetts now offers an amendment, which will be stated.

The SECRETARY. The following is proposed in substitute for lines 3, 4, 5, and 6 on page 59:

That all the acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes hereafter passed shall be certified immediately upon their passage to the President of the United States, and shall not take effect if disapproved by him or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment.

Mr. HOAR. I desire to point out that all the matters necessary for conducting the current business of the legislature, like the payment of employees or governing their conduct, can be provided for in advance by a general law submitting to each house, or the houses acting without the form of legislature, the power of dealing with those matters just as we deal with our printing or the contingent fund.

Mr. HAWLEY. I would suggest the amendment be put in this form:

No act, ordinance, or resolution of the council of either of the aforesaid Five Tribes hereafter passed shall be valid until the lapse of thirty days after their submission to the President of the United States, except only such as relate to members, employees, and the contingent expenses of the council.

However, I will not move the amendment.

The PRESIDING OFFICER. The Chair understands the amendment to be withheld. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment. [Putting the question.] The noes appear to have it. The noes have it.

Mr. PETTIGREW. What is the question?

The PRESIDING OFFICER. The question was on agreeing to the amendment offered by the Senator from Massachusetts to the amendment. It was disagreed to.

Mr. PETTIGREW. I did not hear the vote on the amendment. I can not hear the Chair.

The PRESIDING OFFICER. It was disagreed to.

Mr. PETTIGREW. No one heard that the question was put. I did not hear it, and I thought I was paying attention.

The PRESIDING OFFICER. The Chair will again submit the question.

Mr. ALLEN. A point of order has been raised by the Senator from Tennessee, and that is the only question before the Senate.

The PRESIDING OFFICER. The Chair stated some time ago that the Senator from Tennessee suggested that he intended to make a point of order.

Mr. ALLEN. I understood the Senator from Tennessee to say that he did make it.

The PRESIDING OFFICER. The Senator from Nebraska will allow the Chair to get through its statement.

Mr. ALLEN. Certainly.

The PRESIDING OFFICER. The Chair understood that the point was being withheld pending the effort to amend the text, and the Senator from Tennessee stated that that was the actual status of the matter.

Mr. ALLEN. The Senator from Tennessee has been making the point of order here for half an hour.

The PRESIDING OFFICER. The Senator from Tennessee is on the floor of the Senate, and can correct the Chair if it is in error.

Mr. BATE. I understand the pending question is on the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. That is the pending question. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will again be stated.

The SECRETARY. It is proposed to strike out of the committee amendment lines 3, 4, 5, and 6 on page 59 and insert:

That all acts, ordinances, and resolutions of the council of the aforesaid Five Tribes hereafter passed shall be certified immediately upon their passage to the President of the United States, and shall not take effect if disapproved by him or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The ayes appear to have it. The ayes have it; and the amendment to the amendment is agreed to.

Mr. BATE. Mr. President, the condition of the amendment from the committee has been somewhat changed by the various motions which have been made and adopted, especially that of the Senator from Missouri, which has stricken out a good deal of that which was objectionable to those who oppose this character of legislation. There is left, however, in my judgment, the most objectionable feature in the bill, and I invite the attention of the Senate to it because we shall have to vote upon this perhaps very soon, and it, is very important not only to the Indians, but likewise to the Government.

Now, we have stricken out the amendment beginning with the words "*Provided further*," in line 3, down to line 18, page 57. That involves a good deal of matter that was objectionable, and which I thought was amenable to the point of order I proposed to make. But there are other things in the amendment which are equally objectionable, and upon which I propose to make the point of order. It is obnoxious to section 3 of Rule XVI; and I will read only that part of it which relates to this matter:

No amendment which proposes general legislation shall be received to any general appropriation bill.

This is a general appropriation bill, and the amendment proposes general legislation. All the general legislation has not been stricken from the bill which is obnoxious to that rule, and therefore I say it should not be ingrafted upon the bill, but should be set aside.

Beginning in line 19, where the motion to strike out ceases, because it extended to and included line 18, it reads thus, and this remains in the amendment:

That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted and all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory, and the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

The next clause is that there shall be appointed by the President, by and with the consent of the Senate, two additional judges for said Territory, etc. We see now by this that they are to take control absolutely of the entire judiciary of the Civilized

Tribes; they are to deprive them of their existing law; they are to deprive them of their existing courts; and they are to violate the treaties which have been solemnly entered into between the Government of the United States and those Indians; and that goes to the vitals of their existence. It not only does that, but it will extend to the destruction of that race of people, so far at least as their present organization is concerned. It will tend to destroy their tribal relations, which in my judgment are essential to the Indians' prosperous existence. My point is, when you do that here by legislation, it is general legislation, and should not be placed upon appropriation bills, and therefore it is obnoxious to the point of order, and should be set aside.

Let us look for a moment and see. We are aware, as has been stated by the Senator from Florida [Mr. CALL] just now, that these tribes of Indians have certain powers of government granted to them. In other words, a fee-simple title to the lands they now hold and local self-government was given by the United States in consideration of lands in Mississippi, Georgia, Alabama, Tennessee, and other States which to-day are worth millions and millions of dollars, and these Indians, under an arrangement made by the United States, went West and settled upon these lands. Now we are told here that in process of time it has become necessary for us to control the Indians who are there and put a different government over them to that which they now have, that will be more acceptable to the United States.

I was somewhat surprised at the statement of my learned friend the Senator from Missouri when he said that the Five Civilized Tribes of Indians have not a fee-simple title to these lands. The best way to answer an argument of that kind is not by discussing it, but by turning to the patent itself and producing the highest affecting this title known to the law. I have a copy of the original patent to this land as granted by the United States to these Indians, which was signed by President Martin Van Buren, and let us see whether it is a fee-simple title that was granted to them. If it was a fee-simple title, then the next question which presents itself is, If they have such title now, what right have we to put, without their consent, a government over that land which we have thus ceded to them? What right have we to take away from the Indians the courts which they have established for their government under the protecting shield of the United States, with guaranty of protection, and which for the last fifty years they have been accustomed to, which have been working well, and have in the main been very successful?

I especially invite the attention of the Senate to this fact in regard to the fee-simple title, as heretofore it has been the subject of much discussion, and the matter has been left in doubt. I looked the matter of title up. I now read from that portion of the treaty which relates to it, and this will show the conditions and how egregious the error of the Senator from Missouri touching the land tenure of these tribes. On page 423 of this treaty, in the appendix, it reads thus:

Therefore—

It is the conclusion of this treaty, and this is a treaty signed by the United States with them when they procured these lands—

Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation, the two tracts of land so surveyed and hereinbefore described, containing in the whole fourteen millions three hundred and seventy-four thousand one hundred and thirty-five acres and fourteen-hundredths of an acre, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever.

This is a sample of the treaties which were executed, as I understand, with the other tribes. Now, that is certainly a fee-simple title. No lawyer can dispute that fact. What are the conditions that would do away with that fee-simple right? Let us see. Without troubling the Senate with reading all of this, I turn to where it sums up in a few lines, just above the signature of President Martin Van Buren. What does it say, and what are the conditions to which the Senator from Missouri [Mr. VEST] alluded? I read:

And which condition is, that the lands hereby granted shall revert to the United States if—

"If," mark you, that is a qualification—

if the said Cherokee Nation becomes extinct or abandons the same.

And not having become extinct and not having abandoned the same, of course that fee-simple title which has been granted heretofore by the United States still exists. They own it in fee simple, and owning it in fee simple, what right, I ask, has the Government of the United States, especially when you take into consideration its various treaties, to take possession of this land, change their courts, change their autonomy, and uproot everything connected with their government, and destroy their rights? What right has the Government of the United States to do it? In doing so we are trampling upon the rights of the weak. We are depriving them of that which we have given them under the terms of solemn treaties. We are denying to them that fee-simple title which we have granted solemnly unto them with conditions, and the conditions which would vacate it have not yet transpired. Although there have been repeated attempts to oust them of this fee-simple title and to oust them of their rights under these treaties, yet they have not been able as yet to do it. The United States Government not only acknowledged this right in the Indians but agreed to pay for the land or property in their possession that it may use. It has agreed to pay the Indians in this very treaty, which provides that—

The United States shall always have the right to make and establish such posts and military forts—

This is the reservation—

in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds for the construction and support of the same as may be necessary: *Provided*, That if the private rights of individuals are interfered with a just compensation therefor shall be made.

That is the right, the fee-simple title, that they have in these lands, and the Government, in that solemn treaty, agrees to pay them for any damage to their land or for taking any of their land or other property for public use. Therefore, might I not say, sir, that unless it was taken by the consent of the council of these tribes, which consent is required by every treaty, every acre of land that has been taken for the purpose of running railroad tracks over that Territory 200 feet wide, and there are five or six railroads two or three hundred miles long, the United States Government should pay under the treaty these Indians for that land a just compensation?

Not only that, Mr. President, but the Senator from Missouri [Mr. VEST] in his speech just concluded alluded to the fact that there had been some grants of land made to the Neosho Valley Railroad Company. Now, what is the history of that transaction? I have it here before me. I say, Mr. President, the United States is standing upon dangerous ground; it is trembling upon the brink of bringing on itself a large indebtedness—of millions. This land is now worth, as I understand it, from $5 to $25 per acre, and being worth that much, if the United States should take away all the rights of these Indians to it, which she seems to be doing by rapid legislative strides, and assume the ownership of this property and the rights to this land in violation of the treaty, will the Government not be bound to these Indians for the land it has granted to this railroad company? And would not this railroad company have a right to it? This, I believe, was the first road constructed through the Indian Territory, and is now known as the M., K. & T., and extends from the Kansas and Missouri line down to the Texas line at a place called Preston, some 250 or 300 miles long, running through the entire Territory. By permission I will give two extracts—but not stop to read them—from that charter by the Congress of the United States, granted in 1866.

[July 25, 1866.]

CHAP. CCXLI.—An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of aiding the Kansas and Neosho Valley Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from the eastern terminus of the Union Pacific Railroad, eastern division, at the line between Kansas and Missouri, at or near the mouth of the Kansas River, on the south side thereof, southwardly, through the eastern tier of counties in Kansas, with a view of its extension, so as to effect a junction at Red River with a railroad now being constructed from Galveston to Red River at or near Preston, in Texas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company, every alternate section of land or parts thereof, designated by odd numbers, to the extent of ten sections per mile on each side of said road, to be selected within 20 miles from [of] the line of said road, etc.

* * * * * * *

SEC. 9. *And be it further enacted*, That the same grants of lands through said Indian Territory are hereby made, as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

Thus it will be seen how, by such legislation as this, we are approaching this responsibility for millions. The Government transcended its rights in granting these lands conditionally, and I fear it will turn to plague us.

But, Mr. President, we are told that there is a nest of robbers in this Territory. Well, if so, who makes it so? Is it not the white men who go there? According to the statement, they do go there; and very likely while there they perform some very evil deeds. They form organizations that perhaps ought not to exist and are unlawful; but the United States Government is to blame for it. For the treaties say the Government shall keep whites from molesting them. White people have gone there and outnumber the Indians, and they control to a great extent the government of that country. Because these lawless bands of white men—not Indians—are there, is no reason why we should go and take away from the Indians the rights which we have solemnly granted to them.

Is there any part of this country that is exempt from raids upon trains and banks and stores, which have characterized those in this Territory, as the Senator from Missouri [Mr. VEST] says? You will find them in the North. You will find them in the

West and South; and in New England, the other day, parties went into a bank and robbed it. You will find them doing it in Chicago only last week. You will find them in St. Louis and elsewhere. These marauders in the Indian Territory are not alone in that character of crime. While the James brothers live in history, Missouri, the home of the Senator, will be known as a prolific field of such operations. Yet there is no more crime in that State than in any other part of our country. Missouri is a State that observes the law with as much promptness and pertinacity as any State in this Union; yet she is not free from such troubles, no more than is the Indian Territory.

Mr. President, the point I wanted to make especially is that this amendment would be an enforced obligation. These Indians deny the right of the Government to do what it is now seeking to do, to despoil them of their rights which they hold under solemn treaties. If you take the history of the Dawes Commission for some four or five years, since 1893, it will be seen that Congress has been strengthening its power at every session. They, the Commissioners, have been in this Territory and tested the matter in some cases, and I think it proper that the sentiments of these Indians as regards this Commission should be known. The Indians are accepting the situation, not as a matter of choice, but as the best they can do under the embarrassing situation; they are agreeing to the Dawes Commission. They have had their meetings; they have had their councils or legislatures; they have appointed their agents, and they have in some instances met the representatives of the Government in the Dawes Commission in conference; they have sought to treat with them. I believe the Cherokees did enter into an agreement with the Commission, but none of the others have done so for want of time, as the report will show.

One of the ugly features in this—and I know no man here appreciates it more sensibly or highly than the Senator from Missouri—is that while we are holding out to them the hand of negotiation we hold in the other hand a bludgeon with which to brain the Indian. Shame upon us! That is the situation, or at least that is the force and meaning of this amendment when taken in connection with the Dawes Commission. I say this is unmanly; it is cowardly in the Government of the United States thus to extend negotiation to these Indians, and while that negotiation is pending and being considered, that we strike them down with a blow, which we do by this amendment. Why do I say this? Because one of the parts of this bill not stricken out is the following:

That said Commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this act if in conflict therewith as to said nation.

This is intended to drive them into an agreement with the Dawes Commission, and if they do not agree to it, they shall get this terrible blow couched in this amendment.

In proof of what I said just now I beg to read a sentence or two from the appeal that is made by these Indians.

We represent—

They say—

70,000 faithful, law-abiding, liberty-loving people, who have, perhaps, too blindly trusted in their treaties as sacred and incapable of being violated.

The act of June 10, 1896, declared for the first time that it was the duty of the United States to establish a government in our country. It was the first declaration of a definite policy.

That met with some success, and now this provision is put in, more drastic, more aggressive, and more ruinous and destructive to the Indians than any measure that was ever offered in Congress. They say even then of the former commission:

Our commissions were authorized, ready, and willing to treat, and of this the United States commission was fully advised (see Senate Ex. Doc. 94, 111, 112, etc.), but these important matters could not possibly be closed up in six days.

They say further that it destroys their judiciary, that it paralyzes their executive department.

I read what these Indians through their representatives have said in their "appeal" to this Congress:

Emasculating our legislative bodies, partitioning and administering our great estates without our consent, without proper safeguards, and regardless of vested rights, as a measure of coercing agreements we are ready to make without coercion.

We earnestly appeal to your high sense of justice and to your magnanimity against this extreme measure.

First. Because it is not necessary. The record proves this (Senate Ex. Doc. 94, 111, 112), but, in addition, we here register our solemn declaration that our people are ready and earnestly intend treating on the lines heretofore indicated by Congress.

That they have not had sufficient opportunity of negotiating, after resolving upon this course last fall.

Second. This measure is unjust, because it puts our people under extreme duress and ruinous conditions, as a manifest and declared preliminary to a proposed negotiation.

We feel that "consent" under such conditions is no consent at all, but the submission of the weak to the impatient violence of the strong, that will give our people a false idea of the great Republic and its citizenship.

It is beneath the dignity of the United States to strike our people to the earth while inviting negotiations. We can not believe that the advocates of this measure would feel justified in pressing it if they should examine the correspondence submitted, and realize the sincerity of our purpose to negotiate.

We earnestly trust that this solemn declaration, made on behalf of the sincerity of our people, will suffice to induce the Congress not to press at this time such an extreme and unnecessary measure.

S. H. MAYES,
Principal Chief, C. N.
G. W. BENGE,
W. W. HASTINGS,
Cherokee Delegates.
JOHN F. BROWN,
Chief Seminole Nation.
P. PORTER,
G. W. GRAYSON,
G. A. ALEXANDER,
WM. A. SAPULPA,
Creek Delegates.
J. B. JACKSON,
G. W. DUKES,
E. N. WRIGHT,
D. M. HAILEY,
Choctaws.
R. M. HARRIS,
Governor Chickasaw Nation.
WM. L. BYRD,
ISAAC O. LEWIS,
WM. M. GUY,
RICHARD McLISH,
Chickasaw Delegates.

They assert here in their organization, through their representatives, that they intend to treat with the Dawes Commission, yet this Senate is trying to force this measure upon them.

I now ask the Senate if it is not general legislation, if this is not objectionable to the point of order that I have made, when it reads:

That the United States courts in said Territory shall have full and exclusive jurisdiction.

Who has that jurisdiction now? Let us see if this is not general legislation. Had not the Indians, through their council, through their legislative organization, the control of their own tribe, of their own people? Does not the law, as it now stands, allow only the white man to go before the white man's court? If he has trouble with the Indian, the white man's court has jurisdiction over both. The Indians have exclusive jurisdiction, where Indians alone are concerned, in both criminal and civil suits. This amendment takes the jurisdiction away from those Indians and gives it exclusively to the white man, and hence, you see, it is general legislation, and as such it is amenable, I say, to the point of order.

I read from that part of the amendment not stricken out:

Shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted, and all criminal causes for the punishment of any offense committed after the passage of this act, etc.

Now, Mr. President, that is taking the jurisdictional authority from them and applying it to another. Is not that general legislation? And is it not obnoxious to paragraph 3 of Rule XVI? I ask that we have a vote on this part of the amendment under my point of order.

In conclusion I assert it deprives the Indian of his rights, and it is general legislation. It is destructive of their courts, their autonomy, and their rights in every respect. It is in violation of the solemn treaty with these Indians entered into with them. Therefore, I say it is general legislation in the wrong direction, and it is general legislation upon that which is vital to them, and more vital to them than anything which has been stricken out. I approve, of course, the striking out of that which has been done on the motion of the Senator from Missouri, or has been conceded by the chairman of the Committee on Indian Affairs, who has the bill in charge. I concede all that, but this objectionable point, and the most vital, still remains. I think the best thing to do is to get rid of the whole matter. Let us maintain the point of order and let this be stricken out, and on some future day, as suggested by the Senator from Alabama, there can be a general bill framed to regulate all these matters and put the Government of the United States and the Indian also in a proper position.

I ask that my point of order be maintained.

HOUSE BILLS REFERRED.

The bill (H. R. 849) to increase the circulation of national banks was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma," was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 4803) to increase the efficiency of the postal service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

TARIFF HEARINGS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

JULIO SANGUILY.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

Mr. PETTIGREW. I ask that the unfinished business be laid aside, and that we proceed with the consideration of the Indian appropriation bill.

Mr. BERRY. Temporarily, without prejudice.

Mr. PETTIGREW. Temporarily, without prejudice, if it is desired.

Mr. MORGAN. It was the understanding, by unanimous consent yesterday, that the joint resolution was to come up at 1 o'clock to-day.

Mr. PETTIGREW. Then I move that it be laid aside.

Mr. MORGAN. The Senator can not do that without violating the unanimous-consent agreement.

Mr. WHITE. I am entitled to the floor on the joint resolution, I believe.

Mr. PETTIGREW. I am not aware of any such unanimous-consent agreement. I should like to have it read.

Mr. WHITE. I do not object to the request of the Senator from South Dakota.

Mr. PETTIGREW. I do not intend to violate a consent agreement.

Mr. LINDSAY. There was no consent agreement about it, that I understand.

Mr. BERRY. Is the joint resolution to be temporarily laid aside? The Senator from California who has the floor has no objection to that until we can get through with the bill that is now before the Senate. I appeal to the Senator from Alabama not to urge the joint resolution at this time.

Mr. FRYE. I hope the Senator from Alabama will consent to allow the joint resolution to go to the Calendar. The telegraphic communications received to-day, undoubtedly reliable, show that Sanguily, by advice of his attorney, has, under duress of a two-years' imprisonment, consented to the judgment and the sentence by withdrawing the appeal; that the Queen Regent has signed the pardon, and that Sanguily is free.

Now, while I regard that as unfortunate in many respects, it seems to me it leaves the joint resolution without any necessity of further consideration. I do not believe, and never did, in wasting powder simply for the purpose of making a noise.

I shall vote, under these circumstances, to proceed with the appropriation bill. I do not believe anyone doubts my friendliness to Cuba. Every pulsation of my heart is with the patriots who are fighting for liberty, and I have an utter detestation of the brutalities of Spain; but I do not believe there is any further necessity of considering the joint resolution. I hope it will be permitted to go to the Calendar.

Mr. MORGAN. I am acting here——

Mr. CALL. I ask the Senator from Alabama to allow me to say——

Mr. MORGAN. Who has the floor?

The PRESIDING OFFICER. The Senator from California [Mr. WHITE] has the floor. Does he yield to the Senator from Alabama?

Mr. PETTIGREW. I move to take up the Indian appropriation bill.

Mr. WHITE. I am entitled to the floor; but I have stated that I have no objection to yielding the floor; but I should like to say a word. However, I will yield temporarily to the Senator from Alabama. I do not wish to incommode the Senator in charge of the appropriation bill, and will not do it; but, having the floor, I think I am entitled to the courtesy of a request before I yield it. I may be mistaken.

The PRESIDING OFFICER. The Senator from California yields to the Senator from Alabama.

The speech of Mr. WHITE begun yesterday and not concluded is as follows:

Mr. WHITE. Mr. President, some time ago I determined to offer certain suggestions with relation to the Cuban question, and especially concerning the Presidential jurisdiction regarding recognition of independence. But as the session was drawing to a close, and as the chairman of the Committee on Appropriations and other members of that committee specially charged with the consideration of those very important measures warned us that there was no time to be spared, I concluded that the Senate would devote itself to the examination of the appropriation bills, and felt that it would be inopportune for me to interject remarks upon another subject. I therefore withheld my views, intending to offer them later on if they seemed relevant to anything that might hereafter occur. But the proceedings this morning have demonstrated that it is not the intention of the Senate of the United States to engage in the business of considering appropriation bills and that we are to spend valuable hours in sensational utterances. We are to engage in fruitless argumentation upon a resolution which can not pass, and which, if passed, would not become effective or even receive Executive consideration; a resolution which could not aid Mr. Sanguily and would, on the contrary, interfere with the effort now being properly made to accomplish his release.

A resolution was offered several weeks past in this body with reference to Cuban independence. That resolution was not pressed. It came in here with considerable flourish of trumpets, if I may be permitted to use such an expression, and was sidetracked. Some reason, no doubt, existed for this. I have no complaint to make on this account, for I am now and have been opposed to its passage.

When the chairman of the Committee on Appropriations [Mr. ALLISON] last night informed the Senate that it was necessary to sit until midnight in order to pass bills to appropriate money to maintain this Government, we were all made aware of the danger of delay, and yet this morning the Senator deliberately displaced the appropriation bills, and practically declared to the people of the United States that the Senate will not, though it can, pass measures of controlling importance, and will needlessly thus create an absolute necessity for the calling of an extra session, while in the opinion of some of us such necessity would not exist if we attended to our plain duty and ceased the making of disturbing remarks.

If we are to discuss Cuba, we shall go on and discuss it. Both sides shall be heard. After a debate which can not be short we will vote upon a resolution, the passage of which can not, as I have said, be followed by any desirable consequences.

Mr. HALE. Will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. Certainly.

Mr. HALE. Allow me to suggest here that up to this moment from the beginning of the session all the time on this great subject-matter has been taken up by those who are in favor of what are called the Cuban resolutions. Senators who have not believed it was wise to embark upon that subject or to pass declarations inflammatory in their nature, which would tend to complicate the situation, have contented themselves, as the Senator from California has, as I have, and as have a dozen other Senators, with saying nothing, but depending upon the general conservative spirit of the Senate to go on and do business. We are now within seven or eight days of the end of the session, and Senators should understand that, with this whole subject precipated, those Senators who heretofore have declined to participate in the debate and have allowed it to go on by the advocates of the Cuban resolutions, can not consent that this matter shall be voted upon until it is thoroughly debated, and it can not be said and urged that it is in the interest of delay, because up to this time hardly one Senator has lifted his voice against any of these resolutions. We have been content to go on and do business, I repeat, and desire now to do that, but Senators may as well understand that here, within one week of the end of the session, with all the appropriation bills which have not been passed pending, to take up this question and to begin to debate it and to follow its debate until the question is taken, substantially confiscates every hour of this session, and no appropriation bill can be passed.

I trust the Senators who voted to displace an important appropriation bill in order to take up this joint resolution will realize that we shall not be taunted because we choose to debate this subject, which the Senate has taken on against our votes, with the charge that we are delaying matters. We have a right to be heard, Mr. President, on this question as well as all of the Senators who have fulminated before the country ever since last December, and who will only be content now in dragging this discussion before the Senate. The matter will be discussed, and the other side will be presented.

Mr. WHITE. Mr. President, in connection with the remarks of the senior Senator from Maine, I may be permitted to observe that I have taken much interest in the legal aspects of this question; but I have refrained from indulging in any lengthy debate, or doing more than to ask a very occasional question of Senators occupying the floor, because I did not wish to interfere with other measures.

The resolution now forced upon us presents so many grave questions that those of us who differ from the majority of the Committee on Foreign Relations should not remain silent, and I for one do not propose to do so. I intend expressing my opinions. It can not be truly stated that I am so acting to consume time, because my course in the past has been demonstrative of my desire in the other direction. If I can prevent the accomplishment of a mistaken plan, I will do so.

Let me ask, preliminarily, What is the object attempted to be brought about by precipitating this discussion at this time, really in violation of the agreement which was tacitly had last night, to devote this day's session to the consideration of appropriation bills? From 11 o'clock this morning until this moment we have been engaged in discussing this resolution reported by the Committee on Foreign Relations only yesterday, accompanied by a report of 96 pages, a large portion of it closely printed. Are we entitled to examine that report? Can this be done in a minute?

Assuming that there is reason for the passage of this resolution, assuming that there is a result in sight, and a desire to benefit

this unfortunate man—though the course adopted is most hurtful to him—assuming all this, let me inquire by what authority and in what manner do Senators who are so fervid expect to accomplish anything by its passage in this body? Let it be granted that the Senate of the United States shall adopt it; let it be granted that those of us who oppose the views of the majority of the Committee on Foreign Relations shall remain silent and allow everything to be said by the other side and permit the resolution to go through intact. Then the House of Representatives is reached; grant that it shall be accorded a favorable reception there—and this is purely a matter of assumption—then, as the resolution is joint, it must be presented to the President of the United States. Is it to be supposed that he will approve it? Manifestly not. I speak from the record, a record of which every Senator should be thoroughly cognizant. The executive department of this Government has had this affair under advisement. The President has been acting within the lines of his authority and has considered this very issue. He has done his duty as he understands it, and if he is to be consistent he will pocket this joint resolution. Do the advocates of this resolution think that anything practical is to be gained by pressing it here and now? It will not benefit Sanguily. It will avail no one.

Mr. HILL. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. HILL. The premier of the next Administration reported this joint resolution to the Senate yesterday.

Mr. WHITE. Yes, sir.

Mr. HILL. And while he would not ask it to be acted upon then, he expressed a hope that the Senate would take it up to-day and pass it at once. It is whispered to me from the rear that he voted against its consideration to-day; but I was not going to make that statement. I simply suggest that even if the Senate alone passes the resolution, it will at least have some moral effect upon the next Administration, I should hope.

Mr. WHITE. I differ from the Senator from New York. I hope the Senator from New York will not make it incumbent on the chairman of the Committee on Foreign Relations to carry into his policy as Secretary of State the views which he has announced in this Chamber.

Mr. HILL. Why should he not be consistent?

Mr. WHITE. It is within his power and sole jurisdiction, Mr. President, it appears to me, to be or not to be consistent [laughter], and I submit that the Senator from New York should not seek to tread within that sacred circle. [Laughter.]

It is a fact that the Committee on Foreign Relations, having had Cuban affairs under their consideration, and having had an opportunity to press them when a final vote might have been reached, have nevertheless waited until the appropriation bills have come here, and then have sought a final decision. I for one, occupyiny a seat upon the minority side of this Chamber, do not wish it truthfully charged that I have been a participant in the defeat of appropriation bills, but I do not propose to be foreclosed of mp right to discuss this subject which has been incontinently and improperly interjected into our business.

I think I have shown, Mr. President, that nothing of good can follow the adoption of this joint resolution even by the Senate and the House. It has no place here. Sanguily does not need it. Common sense dictates that his case will not be furthered by its adoption. Why not withdraw it?

Mr. President, there are several resolutions on the Calendar touching the Cuban question. That part of our history which covers Cuban disturbances is rather a peculiar one. I will present the general resolution 163, which I ask may be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The Secretary read as follows:

That it is hereby declared that a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. WHITE. Then there was introduced the following resolution by the Senator from Georgia [Mr. BACON]:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power.

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

Then we have the joint resolution of this morning, which has already been read, but which I shall incorporate in my remarks, accompanied, as I said before, by Report No. 1534, comprising 96 pages of largely, closely printed matter.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives, etc., That the Government of the United States demands the immediate and unconditional release of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba, upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

We have not adopted the resolution regarding independence. At the last session we expressed an opinion favoring recognition of belligerency. This was a mere expression of opinion. It was in no way binding on the Executive. Our attitude is peculiar. We are not willing to recognize the independence of Cuba. In my judgment we are without power to do so. Then we are expected to demand the release of an alleged American citizen charged with the commission of crime abroad. We are required to find his citizenship, to declare him innocent, and to, by implication, censure the Department of State. All this is to be done without examination—proceeding upon faith entirely—in the last days of this Congress.

Mr. President, the termination of this Administration will soon be witnessed. Everyone in this Chamber knows that upon the most important and radical issue before the American people I dissent from the position of Mr. Cleveland as clearly and as fully as I expect to dissent from the financial policy of the Administration of Mr. McKinley, but I do not permit my views upon one or a dozen subjects to interfere at all with my defense of the conduct of the Executive in the matters now under review. I deem it my duty to see that something is presented in justification of the President and the Secretary of State with reference to unfounded accusations of usurpation which have been repeated with wearying frequency here and elsewhere. Were the appropriation bills allowed a right of way, I would postpone my observations; but I must deal with conditions as I find them.

The joint resolution reported by the Senator from Alabama who sits in front of me [Mr. MORGAN], with the indorsement of the Senator from Ohio [Mr. SHERMAN], who is to be the Secretary of State, comes to us just as this Administration is going out. The Senator from Ohio, as the head of the diplomatic department of the incoming Government, will soon attend to this matter himself. Instead of coming here as chairman of his committee and now seeking to put the burden upon us, let him wait a few days and take the responsibility himself. He will have to do so ultimately. Why does he not abstain rather than to join in an effort to defeat the appropriation bills and precipitate a discussion which can have only that result, and which will not, I assure him, end in the passage of the joint resolution here pending?

Mr. SHERMAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Ohio?

Mr. WHITE. I yield to the Senator from Ohio gladly.

Mr. SHERMAN. Mr. President, the Senator from California seems to desire to drag me into this debate when I certainly do not care to enter upon it.

As to the joint resolution which is pending, I think it ought to command the unanimous approval of the Senate. I believe in the declaration that injustice, gross injustice, almost barbarous injustice, has been done to a naturalized citizen of the United States, and I say, therefore, that his rights, the rights of even a single person, ought to be respected, guarded, and protected by the Senate of the United States.

I have not, however, been in favor, and am not now in favor, of passing this joint resolution at this moment when it stands in the way of appropriation bills. I have so voted and shall so vote again, and I trust that, after the debate has gone on for a while, Senators here will see the necessity of taking up the appropriation bills and passing them.

I do not think there is any matter of criticism in the fact that this joint resolution was reported from the Committee on Foreign Relations by the honorable Senator from Alabama [Mr. MORGAN] rather than by myself. That was done because he has taken a more active interest in the subject than I. He has prepared a long, full, and detailed report setting out every material fact which bears upon the case. Therefore at my request that Senator properly reported the joint resolution, and I shall vote for it.

I hope that Senators will not be carried off merely because they have been defeated upon a question of the order of business. They themselves stand in the way of a vote on this resolution. I believe the friends of the joint resolution are willing to vote upon it without delay, and thus the opinion of the Senate may be had and the appropriation bills be taken up; but to say that, because we desire this joint resolution to be passed, we are opposed to the passage of appropriation bills is a gross injustice to us. I intend to support and stand by the Committee on Appropriations this day and until the end of the session, in order that they may complete all the appropriation bills which are necessary in order to carry on the operations of the Government; but that shall not prevent me from doing what I think is right in behalf of any of the people

of the United States to protect our citizens against unlawful insolence, violence, and wrong. I trust in God the time will never come when I shall see an American citizen wronged of his rights and persecuted and prosecuted unjustly by any power, great or small. That is the way I feel now.

I am in favor of protecting this particular American citizen, although he is a naturalized citizen, in all the rights of man. I would not see him destroyed or driven to the fate of another naturalized citizen who was probably compelled to kill himself, or who was killed in custody. I am opposed to wrong and violence and tyranny wherever it is exercised, and when it is inflicted upon a citizen of the United States I will stand by him if I am alone.

Mr. WHITE. Mr. President, we are all opposed to wrong. Of course we are all in favor, I hope, of protecting American citizens. I am as resolute in this as the Senator from Ohio. Some of us differ as to exactly how we should go about it; some of us prefer that an American citizen should be actually protected, while some prefer to talk of protection without bringing it about. The American citizen who behaves himself will be protected. Whether he acts lawfully or otherwise, he will be guarded in his rights. But I must have a case reasonably proven before I can act.

The Senator from Ohio, as chairman of the Committee on Foreign Relations, allowed this joint resolution to be brought in, when he knew that thereby he would precipitate a debate and that nothing practical could come of it. Did he think that those of us who have refused heretofore to engage in discussions because we did not wish to interfere with legislation would be driven from the assertion of our conscientious opinions by the pretext that we were consuming time, and this because we do not wish an obnoxious resolution to be voted upon? The Sanguily matter has been before his committee for months, and he selected the most inopportune time for this display. The Senator from Alabama is an able man and thoroughly conversant with these questions, but the Senator from Ohio did not escape any responsibility for himself when the Senator from Alabama reported the resolution. The Senator from Ohio, knowing that this resolution could not be adopted, knowing that within ten days he will be in charge of the State Department, still risked the defeat of the appropriation bills. Having done that, he turns around and says he is in favor of taking up the appropriation bills and regrets the disturbance which he himself has inflicted upon us. This may appear to the Senator from Ohio to be consistent. It does not appear to me to be very consistent.

More than that, the Senator says that he ascertained that Julio Sanguily was being badly treated. When did he learn that? Within the last two or three days? As chairman of the Committee on Foreign Relations, he ought to have known as much about this matter as those of us who are not upon that great committee. There was brought into the Senate many, many days ago, Senate Document 104, setting forth all the evidence contained in the report of the committee presented to us this morning. So this subject was before the Senator from Ohio, and before those who sympathize and agree with him, weeks ago, and action was withheld until this late hour, when, as I have stated, the able and conservative Senator who is chairman of the Committee on Appropriations had announced the impossibility of legislation unless we devote unremittingly each full day remaining to our proper work. Senate Document 104, containing all this evidence, was filed here on February 1 of this year, and its contents, it is safe to say, were known to the Senator from Ohio much earlier. If he has other information, he has not disclosed it.

The merits of Julio Sanguily's complaint can be dealt with by the Senator from Ohio in ten days from this date in accordance with his views of the proprieties. That it can not be dealt with earlier, except in accordance with the views of the present Administration, is a fact which, whether he likes it or not, he must concede. Why, then, press the resolution? The first and most important question, perhaps, calling for examination, is that involving the power of Congress to pass a general resolution of recognition, either of belligerengy or independence. It is not proposed to rely upon legislation enacted upon any supposition or presumption, but it is sought to directly recognize the independence of an alleged Cuban republic, not only without Executive concurrence, but in the face of the fact that the Executive has steadfastly declined to make such recognition. It is the determination of the advocates of Congressional power to force recognition in spite of the Executive. Can this be done? At the outset it is proper to consider whether Congress has any such power, and if it is ascertained that the authority exists, whether a proper case has arisen for its exercise.

When it was stated that the Secretary of State claimed that the Executive possessed the exclusive authority to recognize independence, he was denounced in many quarters, not only in various newspapers, but also upon this floor; and it was even stated here that the doctrine which he advanced was absolutely novel, and that no similar pretension had ever been made. This groundless assertion has been so far modified that a distinguished Senator who ably advocated the so-called Cuban side of the controversy declared that the claim was first made twenty-three years ago. It will be easy to show that not only is there nothing new in the recent announcement of the Secretary of State, but that the view which he has taken seems to be supportable on principle, and is certainly in accord with the best precedents, diplomatic and judicial. There is nowhere in the Constitution a direct delegation, in terms, of power to recognize belligerency. Nothing of the kind is contained in the legislative grant, nor does specific phraseology conferring the authority manifest itself in that part of the organic law which is devoted to the executive department. It was lately said by a most able and learned Senator, with regard to the constitutional provisions referring to the Congress, that—

> There are more provisions devoted to that subject than to any other. It precedes the judicial department; it precedes the executive department; it is first in time, first in right, power, and authority.

And the same learned Senator further remarked:

> If, then, the President perversely and lawlessly refuses or declines to appoint an ambassador when Congress desires one in the form of law, we could direct by law that he should appoint one to a particular country; and in case of his further refusal, we could name and designate a person as our political agent to perform such duties as are usually performed by the Presidential appointee, because such a power is necessary and proper to the execution of the paramount power of Congress to regulate our intercourse with foreign nations. And we may well note here how close this construction is in harmony with the Constitution, a harmony designed in all its parts, because such an appointee by Congress, the person temporarily designated by Congress, vested with ambassadorial, consular, or ministerial powers would receive a two-thirds vote of both Houses of Congress, the Senate and the House of Representatives, a larger majority than if he had been appointed and commissioned by the President and the Senate to that office, for such law could only be passed over the veto of the President by a two-thirds vote of both the Senate and the House.

Notwithstanding my high regard for the abilities and character of the distinguished Senator from whom I have quoted, I find myself unable to subscribe to this doctrine. While it is true that a law which passes over the Presidential veto receives a larger majority than would an appointee of the President confirmed by the Senate, yet it appears to me that this is not the point at all. The treaty-making power is vested in the Executive, subject to the advice and consent of the Senate, and while a treaty may be repealed by a law, it can not be made in any other way than that designated in the organic instrument. The President must propose the treaty. He may withdraw a treaty before ratification. He may decline to submit an amended treaty to the other contracting power. If the Senate unanimously votes to make a treaty, such vote is of no effect unless the Executive submits the convention.

President Harrison, without consulting the Senate or either branch of Congress, recognized the Dole Government of the Hawaiian Islands, and the Secretary of State, on the 15th of February, 1893, placed before Congress a treaty of annexation entered into by this Government with the representatives of the new establishment of Hawaii. This treaty was being considered by the Senate when it was withdrawn by President Cleveland, and although it has been generally supposed that a majority of the Senate favored the scheme outlined in that document, no opportunity was given to vote upon it, and no one denied the authority of the President to withdraw the proposition; and whether the Senate relished Mr. Cleveland's action or did not relish it was entirely immaterial. He had the constitutional power to act as he did, and although Senators might have considered that they were better advised in the premises than the President, nevertheless this faith in themselves was not potential enough to overcome constitutional obstacles.

I can not bring myself to believe that the mere fact that Congressional powers are enumerated earlier in the Constitution than those of the Executive adds anything to the authority expressly given. The words used to confer power upon the Executive are just as potential for the purposes named as those which demark legislative limits. While it is true, perhaps, that the more weighty obligations are assigned to the Congress, yet this does not affect the completeness and exclusiveness of the Presidential grant as far as made. If the Supreme Court, contumaciously or corruptly, fails to decide cases submitted to it, Congress can not, for that reason, do the work of the court. The argument that there is danger that the President may refuse to do his duty is not new. It was largely acted upon in the formulation of the Articles of Confederation, but the views of our early statesmen were considerably modified when the constitutional convention met. That power given might be abused all knew. It was not expected that a system could be devised which would render usurpation or other misconduct impossible. Various duties were assigned to different officers in the hope that such distribution would result beneficially, and that evil would less frequently prevail than under other dispensations. The claim made that the President represents the one-man power and Congress the people is mythical.

The President and Congress and the judiciary each and all represent the people, and the Government thus formed constitutes

that system, composed of three independent departments which the people have ordained. The department which is the repository of executive power is the creation of the people and represents their behests, and he who seeks to deprive the executive of those rights attacks the people and endeavors to avoid the popular will constitutionally expressed. Congress can not usurp executive functions. If the President may not exercise power conferred upon Congress, so also is it true that Congress can not trench upon executive territory. The functions permitted to the executive and those committed to the judiciary and Congress in the aggregate constitute, as I have said, the governmental scheme outlined in the organic law. It appears to me peculiar to hold that the defined and limited jurisdiction of the Congress possesses an absorbing and accumulating nature adequate to draw to itself the nonasserted powers of the other departments, that Congress is the beneficiary of executive nonaction.

If it be true that we are governed under a system of delegated powers, under what rule of construction can we hold that, although the Constitution gives to the President and does not give to Congress the power to appoint ambassadors, nevertheless, if the President refuses to do so, Congress may undertake his constitutional duty? It seems to be thought that the exigencies of the situation will justify this. No exigency can warrant the doing of any act by either department not permitted by the Constitution. The powers not conferred by the Constitution are reserved. This reservation is not made in favor of Congress. It was not designed to give plenary authority to Congress. The people, it is true, jealously guarded their rights, but the whole plan was formed to protect their interests. The experiences of the confederation had not been lost. The ablest men of the time believed that three departments, distinct, independent, each separated from the other by impassable lines, were essential to the perpetuity of free institutions. Neither of these can lawfully grasp jurisdiction because of nonexertion by the department to which it has been committed.

The absolute separation of the executive from the other departments was early the subject of solicitude. In the convention Mr. King expressed his apprehension that an extreme caution in favor of liberty might enervate the Government we were forming. He wished the House to recur to the primitive axiom that the three great departments of government should be separate and independent; that the executive and judiciary should be so as well as the legislative; that the executive should be so equally with the judiciary. Those who desire to study this portion of the debates will find it in the Second Journal Constitutional Convention (Madison), page 394.

During the debate upon the executive power, Mr. Madison said (I Journal, page 387):

> If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is clear also that they be independently exercised. There is the same and perhaps greater reason why the executive should be independent of the legislative than why the judiciary should.

This, Mr. President, is the language of Madison.

It was well said by the Supreme Court of the United States in Marbury *vs.* Madison (1 Cranch, 176):

> The powers of the legislature are defined and limited, and that those limits may not be mistaken or forgotten, the Constitution is written. To what purposes are powers limited and to what purpose is that limitation committed to writing if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation.

And in the same case it was also said:

> Questions in their nature political, or which are by the constitutional laws submitted to the Executive, can never be made in this court.

In Kendall *vs.* United States (12 Peters, 610) the court said:

> The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power.

The very basis of our governmental plan is the distribution of responsibility among the several departments. Unquestionably the Executive may fail to do his duty, and great public interests may be sacrificed; but so, also, may it be said that Congress may fail to act discreetly, and thereby sacrifice grave public interests. Charges of that kind have been often made, and there has been much evidence in support of the accusations.

If Congress has the right to appoint an ambassador in the case already mentioned, who is to determine whether the refusal of the President to make an appointment has been perverse or lawless? The answer will probably be that Congress must determine the fact. Therefore, it necessarily results that whenever the legislative department may decide to harass the President, it can find this jurisdictional fact and can thereupon assert his prerogatives, and practically exercise the functions of government committed to him.

But I am unable to find a word in the Constitution directly or by implication assigning Presidential functions to Congress when the Executive declines to act affirmatively. As well might it be urged that a similar failure of Congress, with reference to some conceded duty, such as appropriating money for necessary public purposes, would vest authority in the President to meet the exigency. With equal reason it might be contended that because the Senate to-day declines to act upon appropriation bills, and devotes itself to issues upon other topics, that therefore the President alone has the power to appropriate money.

Presidential obligation or Congressional duty are not enjoined conditionally. The grant is in each instance absolute. Neither department has a contingent right to move. The location of jurisdiction is fixed by the instrument and not by the whim or caprice of the official. It can always be found. It needs no expert to discover it, nor is it located first here and then there. The plea that somebody could act the fool or the knave was no doubt a factor in the convention's deliberations. If it was believed that a man selected to the highest national office could be trusted to obey the Constitution, especially with the sword of impeachment hanging over him, such assumption was probably based upon the idea that the people would most likely choose an honest and capable man, and that the presence of such honesty and capability was necessarily involved in the faith of the fathers that a republican government was possible.

The authors of the Federalist frequently had occasion to refer to the division of power, and they strenuously contended that proper lines of demarcation had been provided. There is not a hint anywhere indicating that it was supposed that Congress had the right to exercise in any event or at all the duties assigned to the Executive.

The President has power to grant reprieves and pardons, except in cases of impeachment, and this authority is exclusive, as stated in Klein's case. (13 Wall. U. S., 138.) He is also given jurisdiction, by and with the advice of the Senate, to make treaties, and he shall nominate and by and with the advice of the Senate shall appoint ambassadors, etc. The exclusiveness of the grant is as evident in the case of the executive as in the Congressional and judicial instances. Mr. Justice Story says:

> In the government of this commonwealth the legislative department shall never exercise the executive or judicial powers, or either of them, etc. (I Story, Cons., section 520.)

James Wilson, who was an associate justice of the Supreme Court of the United States and professor of law in the College of Philadelphia, in the course of a lecture delivered by him on "Government" (to be found in volume 1, Wilson's Works, Andrews's edition, page 365) says:

> Though the foregoing great powers, legislative, executive, and judicial, are all necessary to a good government, yet it is of the last importance that each of them be preserved distinct and unmingled in the exercise of its separate powers with either or with both of the others. Here every degree of confusion of the plan will produce a corresponding degree of interference, opposition, combination, or perplexity in its execution. * * * Liberty and security in government depend not on the limits which the rulers may please to assign to the exercise of their own powers, but on the boundaries within which their powers are circumscribed by the constitution.

He further says (page 367)—and his language may be quoted with appropriateness here:

> Each of the great powers of government should be independent as well as distinct. * * * The independency of each power consists in this, that its proceedings, and the motives, views, and principles which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers.

In speaking of the power of the President to grant pardons, Mr. Rawle (Rawle on the Constitution, page 164) concludes that in the case of a vacancy in the office of President there is no power to grant pardons, and remarks (page 166) that in the exercise of the benign prerogative of pardoning it has been justly said that the President stands alone.

The authors of the Federalist understood that they were giving to the President considerable authority.

Mr. Madison's remarks, to be found in the thirty-eighth number of the Federalist, pages 291, 292, Hamilton's edition, clearly prove that he was not only cognizant of the fullness of executive power, but that he justified it.

In discussing the objections made to the Constitution with reference to the blending of powers, Mr. Madison declares (47 Federalist, 373):

> No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the Federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, that it will be made apparent to every one that the charge can not be supported, and that the maxim on which it relies has been totally misconceived and misapplied.

I quote again from Mr. Madison:

> It is agreed on all sides that the powers properly belonging to one of the departments ought not to be directly and completely administered by either

of the other departments. It is equally evident that neither of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judicial, the next, and most difficult task, is to provide some practical security for each against the invasion of the others. What this security ought to be is the great problem to be solved.

Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the Government, and to trust to these parchment barriers against the encroaching spirit of power?

This is the security which appears to have been principally relied on by the compilers of most of the American constitutions. But experience assures us that the efficacy of the provision has been greatly overrated, and that some more adequate defense is indispensably necessary for the more feeble against the more powerful members of the Government. The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex.

Said Mr. Justice Harlan, in Clough *vs.* Curtis (134 U. S., 371):

One branch of this Government, this court said in the Sinking Fund Cases (99 U. S., 700), can not encroach on the domain of another without danger. The safety of our Constitution depends in no slight degree on the strict observance of this salutary rule.

It is undoubtedly true, as said by Chief Justice Fuller in Ex parte Tyler (149 U. S., 164), that the maintenance of a system of checks and balances characteristic of republican institutions requires the coordinate departments of Government, whether Federal or State, to refrain from infringement on the independence of each other.

It might be added that the lodgment of concurrent authority in the executive and legislative departments could never have been intended. The confusion sure to ensue from such a plan is manifest. Nor is there any reason to suppose that any Presidential prerogative is made dependent upon the nonaction of Congress. If there is a word in the Constitution justifying the assertion that the President has the right to recognize independence until Congress sees fit to act, and that then his power ceases, it has not been pointed out. The Presidential power in this respect has been exercised during recess and when Congress was in session, and has never been successfully combated.

By affixing his signature to an act or a treaty containing such phrase, the President does not effect any change in the Constitution. He can not take constitutional power in virtue of any clause of an act of Congress; nor can he so surrender it. The constitutional power of each of the three great departments of the Government, respectively, belongs to the offices, not the officers, and can not, by any act or words of theirs, be withdrawn from the permanent and pervading authority of the Constitution. (7 Op. Atty. Gen. (Cushing), 276.)

Said Attorney-General Black (9 Op. Atty. Gen., 468–469):

As Commander-in-Chief of the Army it is your (the President's) own judgment what officer shall perform any particular duty, and as the supreme executive magistrate you have the power of appointment. Congress could not, if it would, take away from the President, or in any wise diminish, the authority conferred upon him by the Constitution. * * * If Congress had really intended to make him independent of you, that purpose could not be accomplished in this indirect manner any more than if it was attempted directly. Congress is vested with legislative power; the authority of the President is executive. Neither has a right to interfere with the functions of the other.

Whether the powers conferred upon Congress are more important than those devolving upon the President it is immaterial to inquire. It may be assumed for the sake of argument that the greater responsibility rests upon the former. It is, nevertheless, true that the failure on the part of the President to exercise those functions which pertain to his office and which are not permitted to Congress, can not result in an investiture of authority in the legislative department; nor is it correct to say that the framers of the Constitution intended to subordinate the Executive to the Congressional will in cases other than those where such intention is plainly announced.

In considering the President, Hamilton said (The Federalist, No. 73, page 546):

The propensity of the legislative department to intrude upon the rights and to absorb the powers of the other departments has been already more than once suggested; the insufficiency of a mere parchment delineation of the boundaries of each has also been remarked; and the necessity of furnishing each with constitutional arms for its own defense has been inferred and proved.

In further discussing the reasons for the conferring of authority upon the President, Mr. Hamilton continues (page 547):

The propriety of the thing does not turn upon the supposition of special wisdom or virtue in the Executive, but upon the supposition that the legislative will not be infallible; that the love of power may sometimes betray it into a disposition to encroach upon the rights of the other members of the Government; that the spirit of faction may sometimes prevent its deliberations; that impressions of the moment may sometimes hurry it into measures which its own mature reflection would condemn.

Examples of this kind are, as we all know, of frequent occurrence. These expressions were used with reference to the veto power, but demonstrate that the legislative department was not regarded as constituting an errorless tribunal.

The same view of the subject has been taken by constitutional writers since that time. Justice Miller, in his Lectures on Constitutional Law, page 94, mentions the fear which was entertained with reference to the powers of the executive, and in commenting thereon he says:

This belief, though natural enough at that time, was a very great mistake. The nearer we approach to individual responsibility in the executive, the nearer will it come to perfection. It is my deliberate opinion that of all the three branches which have been discussed, the executive has been in time, under the construction given to the Federal Constitution and its practical administration, most shorn of the powers granted to it thereby. * * * But the branch of the Government which has grown the most, and which a sagacious man might, perhaps, have foreseen would so expand, is the legislative.

Justice Miller also says (Lectures, page 157):

The experience of a century of the operations of the Government has shown that while the growth of the country in territory, in population, in wealth, and in power has added largely to the patronage of the Executive in the way of appointments to office and to the importance of those offices, and while the frequent accession of successful and popular military chiefs to the Presidency, some of whom were men of arbitrary disposition, and well inclined to the exercise of all the power which the Constitution gave them, and who have shown in every instance a disposition for a continuance in power by seeking or accepting a reelection, there has never been the slightest danger to the liberties of the country, or of an overthrow of the existing institutions, or of any material infraction of the general principles of constitutional government from this quarter. In fact, of all the three branches of the constitutional government of the United States, the executive has been the most crippled, confined, and limited in its practical use, during the period mentioned, of the power really conferred on it.

See also Story on the Constitution, section 1570.

These comments, it is submitted, are sufficient to justify the statement that the powers delegated to the Executive by the organic law are not, in the event of his neglect to exercise the same vested in any other department of the Government. It is true that impeachment can scarcely be called a remedy, but it is likewise true that the power to impeach is a deterrent, and the responsibility of the President to the people and the authority vested in Congress to impeach him constitute ample security against maladministration. To assume that it is necessary or that it would be proper to otherwise limit the authority of the Chief Magistrate is to insinuate that the system under which we are operating is a failure, and that the people can not find within their midst a man to whom the discharge of the obligations of the Chief Magistracy can be safely confided. I will hereafter discuss the relative fitness of the Executive and Congress to deal with diplomatic questions.

During the convention Mr. Morris remarked, in response to a suggestion by Mr. Madison, who favored the trial of the President on impeachment proceedings by the Supreme Court, that he thought no other tribunal than the Senate could be trusted. The Supreme Court were too few in number, and might be warped or corrupted. He was against a dependence of the Executive on the Legislature, considering the legislative tyranny the great danger to be apprehended; but there could be no danger that the Senate would say untruly, on their oaths, that the President was guilty of crimes or facts, especially as in four years he can be turned out.

Those who are curious with reference to this interesting portion of the discussion can find it in 5 Elliott's Debates, page 538.

It is evident that these great men deduced from their impartial study of the question the conclusion that it was necessary to guard against legislative usurpation.

THE RIGHT TO RECOGNIZE THE INDEPENDENCE OR BELLIGERENCY OF A FOREIGN GOVERNMENT IS VESTED EXCLUSIVELY IN THE EXECUTIVE.

I understand that it is generally conceded that the President has the power to recognize belligerency and independence, but it is claimed that this power is not exclusive, and that it is subject to the paramount authority of Congress. However, suggestions have been made to the effect that the Executive does not possess the power at all; that it is purely legislative. I will therefore first consider the subject in that aspect, and if I can show that the power does exist in the Executive, its exclusive character must, I think, be admitted.

It appears to me that if the President has the authority at all, such authority must be exclusive. I can not conceive, as already intimated, that there can be a concurrent delegation of the power to recognize to both Congress and the Executive, and it seems to me clearly untenable to assert that while the President may, if Congress remains passive, recognize belligerency or independence, nevertheless his action can be neutralized or reversed by act of the legislative department. But I will examine this branch of the subject as the argument progresses.

Among Presidential duties is that which authorizes the reception of ambassadors and other public ministers.

Judge Story, perhaps the ablest commentator upon the Constitution, treats this section as follows:

SEC. 1565. The next power is to receive ambassadors and other public ministers. This has been already incidentally touched. A similar power existed under the confederation; but it was confined to receiving "ambassadors," which word, in a strict sense (as has been already stated), comprehends the highest grade only of ministers, and not those of an inferior character. The policy of the United States would ordinarily prefer the employment of the inferior grades; and therefore the description is properly enlarged, so as to include all classes of ministers. Why the receiving of consuls was not also expressly mentioned, as the appointment of them is in the preceding clause, is not easily to be accounted for, especially as the defect of the confederation on this head was fully understood. The power, however, may be fairly inferred from

other parts of the Constitution; and, indeed, seems a general incident to the executive authority. It has constantly been exercised without objection; and foreign consuls have never been allowed to discharge any functions of office until they have received the exequatur of the President. Consuls, indeed, are not diplomatic functionaries or political representatives of a foreign nation, but are treated in the character of mere commercial agents.

SEC. 1566. The power to receive ambassadors and ministers is always an important and sometimes a very delicate function, since it constitutes the only accredited medium through which negotiations and friendly relations are ordinarily carried on with foreign powers. A government may, in its discretion, lawfully refuse to receive an ambassador or other minister without its affording any just cause of war. But it would generally be deemed an unfriendly act, and might provoke hostilities unless accompanied by conciliatory explanations. A refusal is sometimes made on the ground of the bad character of the minister, or his former offensive conduct, or of the special subject of the embassy not being proper or convenient for discussion. This, however, is rarely done. But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, flagrante bello. In such a case a neutral nation may very properly withhold its recognition of the supremacy of either party or of the existence of two independent nations, and on that account refuse to receive an ambassador from either. It is obvious that in such cases the simple acknowledgment of the minister of either party or nation might be deemed taking part against the other, and thus as affording a strong countenance or opposition to rebellion and civil dismemberment. On this account, nations placed in such a predicament have not hesitated sometimes to declare war against neutrals as interposing in the war, and have made them the victims of their vengeance when they have been anxious to assume a neutral position. The exercise of this prerogative of acknowledging new nations or ministers is therefore, under such circumstances, an executive function of great delicacy, which requires the utmost caution and deliberation. If the Executive receives an ambassador or other minister as the representative of a new nation, or of a party in a civil war in an old nation, it is an acknowledgment of the sovereign authority de facto of such new nation or party. If such recognition is made, it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party. These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded, not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. At all events, in the case of a revolution or dismemberment of a nation, the judiciary can not take notice of any new government or sovereignty until it has been duly recognized by some other department of the Government to whom the power is constitutionally confided.

SEC. 1567. That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department, without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power), is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confided to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form.

Plainly indicating that it was the view of that distinguished jurist that the Constitution had vested this authority not temporarily, not during a recess of Congress, but permanently and exclusively in the executive department. He continues:

It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And in our own short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.

SEC. 1568. As incidents to the power to receive ambassadors and foreign ministers, the President is understood to possess the power to refuse them, and to dismiss those who, having been received, become obnoxious to censure, or unfit to be allowed the privilege by their improper conduct, or by political events. While, however, they are permitted to remain as public functionaries, they are entitled to all the immunities and rights which the law of nations has provided at once for their dignity, their independence, and their inviolability.

In a note to Judge Story's work we find the following:

NOTE 1.—It is surprising that The Federalist should have treated the power of receiving ambassadors and other public ministers as an Executive function of little intrinsic importance. Its language is, "This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance which will be without consequence in the administration of the Government. And it was far more convenient that it should be arranged in this manner than that there should be a necessity of convening the Legislature, or one of its branches, upon every arrival of a foreign minister, though it were merely to take the place of a departed predecessor.—*The Federalist*, No. 69, page 421.

It is perhaps fair, let me observe, to assume that the attack made upon this provision did not arrest great attention. The avowed purpose of The Federalist was to discuss only objections made by the opponents of the proposed plan, which seemed to be serious. The failure to regard this provision as of vital import was not astonishing because of the absence of circumstances which eventuated in later years. That The Federalist was not always conclusive, appears by reference to No. 77, where it is expressly stated that the President possesses the power to remove officers only by or with the advice and consent of the Senate—a misconception long indulged in. (See 5 Op. Atty. Gen. (Crittenden), 290, 291.)

Judge Story, in that portion of the commentaries to which I have alluded, says:

If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of a nation or party.

It will be noted that the learned commentator does not adopt this opinion, but the authority to which he refers is Rawle on the Constitution, chapter 20, pages 195, 196. Mr. Rawle published his commentaries in 1825. Although his work was exceedingly valuable, yet some of his conclusions were found to be untenable, and the book has practically passed out of print. It is not easy to discover where Mr. Rawle found the authority for his statement, and his contention is successfully combated by Judge Story, not only in the comments which I have read, but in a decision by that great jurist to which I will in a moment allude. Judge Story's work was published in 1833, and afterwards, and while he was an associate justice of the Supreme Court of the United States, he rendered the decision in Williams *vs.* The Suffolk Insurance Company (3 Sumner, 272 et seq.). He there said:

The Government of Buenos Ayres insists that the Falkland Islands constitute a part of the dominions within its sovereignty, and, consequently, that it has the sole jurisdiction to regulate and prohibit the seal fishery at those islands, and to punish any violation of its laws by a confiscation of the vessels and property engaged therein. On the other hand, the American Government insists that the Falkland Islands do not constitute any part of the dominions within the sovereignty of Buenos Ayres; and that the seal fishery at those islands is a trade free and lawful to the citizens of the United States, and beyond the competency of the Buenos Ayres Government to regulate, prohibit, or punish. The controversy is still undisposed of by the two Governments, each maintaining its own claims and pretensions, and neither admitting the claims or pretensions of the other. In this state of the diplomacy between the two countries, while the whole matter is in contestation between them, or, as we may say, flagrante lite, the question is whether it is competent for this court to reexamine and decide, in its judicial capacity, upon the claims and pretensions of the two Governments, and thus to interpose its positive umpirage to settle the matters in dispute, at least to the extent required for the proper adjudication of the cases now before it.

It will be noted the issue was clearly presented. The material, the vital, the relevant issue was whether the islands named belonged or did not belong within a certain jurisdiction, and therein was involved the other question as to whether a determination had been legally reached upon that subject. He continues:

My judgment is that this court possesses no such authority, and that it is bound up by the doctrines and claims insisted on by its own government, and that it must take them to be rightful until the contrary is established by some formal and authorized action of that government.

Now, let us see how the "government" alluded to manifested its decision.

I wish to direct the attention of the Senate particularly to this judicial announcement:

It is very clear, that it belongs exclusively to the executive department of our Government to recognize, from time to time, any new governments which "may arise in the political revolutions of the world; and until such new governments are so recognized, they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty."

Mr. President, here is a decision handed down in 1838, which clearly announces the doctrine for which the present Secretary of State, Mr. Olney, contends, and which has been lately condemned as revolutionary. Here it is announced from the bench by one of the ablest jurists who ever presided over a court, clearly and positively, that the power to recognize is not only vested in the Executive, but that such an investiture is exclusive.

The Supreme Court of the United States affirmed the judgment in Williams *vs.* The Suffolk Insurance Company (13 Peters, 420), using this language:

And can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and Government of the Union.

If this were not the rule, cases might often arise in which, on the most important questions of foreign jurisdiction, there would be an irreconcilable difference between the executive and judicial departments. By one of these departments a foreign island or country might be considered as at peace with the United States, whilst the other would consider it in a state of war. No well-regulated government has ever sanctioned a principle so unwise and so destructive of national character.

And yet, Mr. President, we have heard it asserted again and again that this doctrine of the Supreme Court of the United States—the declared judgment of the highest judicial tribunal known to our law, promulgated many years ago—is unprecedented. It has been even intimated that the Secretary of State who proclaimed it risked impeachment. Perhaps it may be a crime to declare the law. It is clear that the Supreme Court believed that the President in recognizing independence on his own responsibility did so "in the exercise of his constitutional functions."

I know that it was said by the distinguished Senator from Georgia [Mr. BACON] that those portions of these decisions which relate to Executive jurisdiction are obiter dicta. It may be that it was unnecessary to decide whether or not the Executive authority was exclusive; but it is plain that the jurisdiction of the Executive to effectively recognize independence was a material issue absolutely necessary to the decision of the case. These authorities are conclusive of the existence of Executive control if the Supreme Court has any jurisdiction to settle such questions. If the Executive, without Congress, can not recognize, then the basis of the court's decision drops out.

My object in citing this case is to disclose the views entertained

by Judge Story and his associates. That jurist had considered the subject in his commentaries, as I have shown, and hence his attention had been specially directed to the matter, and he had also in mind Mr. Rawle's view already referred to, and upon which he had commented, and, taking the expressions contained in the commentaries and those found in the decision in 3 Sumner above mentioned, it is obvious that it was the carefully thought-out opinion of Judge Story that the authority to recognize was exclusively in the Executive.

I have had occasion to consider this topic to some extent when resolutions advising a recognition of belligerency were before the Senate, and I then referred to several adjudications, and I shall take the liberty of again citing some of them in brief.

In 2 Black, 670, I find the following:

> Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government, to which this power was intrusted. He must determine what degree of force the crisis demands.

It is plain that it was the opinion of the Supreme Court that the President was authorized and was the proper party to find the facts as to belligerency. It is true that the conflict involved was domestic, but the citation is nevertheless relevant. It will be noted that "political department" is used as synonymous with "executive department." Judge Story evidently thought that the word "government" was used as equivalent to "executive department" in Gelston *vs.* Hoyt (3 Wheat., 324), because that case is referred to by him in Williams *vs.* Suffolk Insurance Company as upholding the jurisdiction in the President to proclaim belligerency.

In Kennett *vs.* Chambers (14 How., 50, 51), Chief Justice Taney said:

> It is not necessary in the case before us to decide how far the judicial tribunals of the United States would enforce a contract like this, when two States, acknowledged to be independent, were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations, and until the period when that department recognized it as an independent State, the judicial tribunals of the country were bound to consider the old order of things as having continued and to regard Texas as a part of the Mexican territory.

In alluding to the constitutional power, or rather to the power of the President derived from the Constitution with reference to our foreign relations, I beg leave to quote from Chancellor Kent. Said that very able man:

> The President is the constitutional organ of communication with foreign powers.

It was evidently the view of that able jurist that the Presidential duty in this respect was not derived from any statute and did not depend upon the will of Congress.

Again he says:

> The power of receiving foreign ministers includes in it the power to dismiss them, since he (the President) alone is the organ of communication with them, the representative of the people—

Not the representative of Congress, but "the representative of the people"—

> in all diplomatic negotiations, and accountable to the community not only for the execution of the law, but for competent qualifications and conduct of foreign agents.

It is to be noted that according to this statement the President is the representative of the people in all diplomatic negotiations, and he is said to be accountable to the community. There is no intimation that he is accountable to Congress in this regard. He derives the authority from a higher source, from the people. He rests upon the consent of the governed, as evidenced by the Constitution.

During the recent Chilean difficulty it was held by the district court of the United States for the southern district of California as follows:

> It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the political or executive department of the United States. This doctrine is firmly established. (U. S. *vs.* Trumbull, 49 Fed., 99, 104.)

And in the Itata case (56 Fed., 510) Judge Hawley, speaking for the circuit court of appeals, said:

> The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the executive department of the United States at the time the alleged offenses were committed.

It thus appears that whenever our courts have been called on to solve an issue which depends upon the existence or nonexistence of a nation they have turned uniformly to the executive, and have accepted the determination of that department as conclusive and binding upon them. Can it be, Mr. President, that this jurisdiction thus affirmed by our judiciary and announced for years and years by all the departments of our Government rests pro hâc vice only in the Executive, and that his authority is of such flimsy tenure that it is subject to Congress; that he is possessed of the power to recognize only when Congress does not see fit to withdraw it from him? Is there any scheme in the organic law for an appeal from Executive action in this matter? Either the power to recognize is vested in the Executive or it is not. If the right is conceded, then, in the absence of any constitutional limitation, it must, I assert, be exclusive. That he does not derive it from any act of Congress is obvious, for no one has pointed to an act of Congress presuming or pretending to give him any such right.

I have said, Mr. President, in line, as I take it, with the authorities on which I have been commenting and to which I have attempted to attract the attention of the Senate, that if it be conceded that the Executive has the power to recognize independence, then, unless there can be pointed out in the Constitution some limitation of that power, some appellate jurisdiction in Congress, some restriction upon it, something justifying the conclusion that in the absence of Presidential exercise of that authority it may be assumed by Congress, the conclusion inevitably follows that the Presidential prerogative is attached to that office only, and that the President either derives his authority from the Constitution or he does not possess it at all. It further appears evident that if the Executive may recognize independence, the debate is at an end as to the point now considered, and the position of the Secretary of State is justified.

Mr. Wharton, whose abilities as a lawyer and as an author and whose researches into matters pertaining to international affairs earned for him high reputation throughout the civilized world, compiled a digest on the international law of the United States, pursuant to authority given by Congress and under the Congressional eye, and this work comes nearer constituting an accepted American text-book upon this subject than any other treatise. In discussing this subject, he heads the section with reference to belligerency as follows: "Such recognition (i. e.), belligerency determinable by Executive," and he cites with apparent approval a statement of Secretary Seward in his letter to Mr. Dayton, wherein it is said:

> It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives. This is a practically and purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.

He was discussing at that time a proceeding in the House of Representatives touching the recognition of the alleged newly formed Government of Mexico, pertaining to a protest made by the House of Representatives, wherein they affirmed their hostility to the encroachments of monarchic powers within the confines of a sister republic. Mr. Seward thus asserted jurisdiction—exclusive jurisdiction—in the Executive, and in so doing he followed the line of precedents heretofore mentioned, and from which the State Department has deduced a uniform rule of conduct, and has regarded the claim of exclusive right in the Executive as based upon the correct interpretation of the Constitution.

While the Executive has rarely, as in the case of President Jackson in the Texas matter, sought the advice of Congress as to such issues, this advice has never been asked as signifying a doubt of the executive claim, or an assertion that the jurisdiction rested elsewhere than in the Executive. The opinion of Congress has been solicited merely in an advisory way. Congress often seeks to advise without being requested so to do, and may, I presume, when solicited, contribute the notions of its members. The value of such advice is quite another thing. No legal force can be affirmed of it.

A question touching this topic was passed on by Chief Justice Marshall in United States *vs.* Hutchings (2 Wheeler Crim. Cases, 546). The opinion of that able jurist is thus given by the reporter:

> The court decided that the commissions shall go to the jury merely as papers found on board the vessel; but on the main question the court was of opinion that a nation became independent from its declaration of independence only as respects its own government and the various departments thereof; that before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the executive authority of those nations; that as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

It may be argued that here again the court's conclusion is obiter dictum, but it was material whether the country in question had been acknowledged to be independent, and the judgment of the Chief Justice that that acknowledgment should be by the Executive contains his opinion as to the character of recognition which must take place before the fact can be judicially assumed. The concurrence of opinion between Marshall, Story, and Taney, and other able jurists quoted, ought certainly be sufficient to relieve the Secretary of State from the charge of advancing a new and absurd claim—an accusation, it may be noted, which has been flippantly urged by some of the most widely circulated newspapers in the country and by persons in official position who ought to know better. It sometimes happens that an unfriendly feeling toward an individual or an officer begets ill-advised comment.

In The Ambrose Light (25 Fed., 443), Judge Brown says:

The additional facts proved show, however, such a subsequent implied recognition by our Government of the insurgent forces as a government de facto in a state of war with Colombia and entitled to belligerent rights as should prevent the condemnation of the vessel as prize. A communication from the Department of State to the Colombian minister, bearing date the day of the seizure, seems to me to constitute such a recognition by necessary implication.

Here, therefore, the court not only conceded the right of the President to recognize belligerency, but even held that such recognition was accomplished unintentionally by an executive communication. The action of the Executive, so taken and not designed to recognize belligerency, nevertheless fixed the legal status of this vessel, and justified a judgment against the Government and relieved the vessel from condemnation as prize.

The point determined was obviously material. I am aware that it has been said here, I believe without too much consideration, that we are not bound by the decisions of the courts. In one sense this may be true. As far as voting is concerned, we are scarcely bound by anything. When our names are called, we may vote as we please. But if we can not accept the construction placed upon the organic law for many, many years, for three or four generations, by our ablest judges, we are certainly inconsistent with the attitude which some of us assume in criticising the Supreme Court because it has lately changed its opinion as to certain propositions.

Mr. Blaine, May 9, 1881, in a letter to Minister Christiancy, said:

If the Calderon Government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government, with a view both to order within and negotiation with Chile for peace, you may recognize it as the existing provisional government and render what aid you can by advice and good offices to that end. Mr. Elmore has been received by me as the confidential agent of such provisional government.

As has already been remarked, it is well settled in diplomacy that the reception of a minister or agent vested with diplomatic functions is a recognition of the existence of the government which has sent the envoy here. Mr. Blaine did not consider it necessary to consult Congress upon this subject. He acted upon the theory that Congress had no authority in the premises.

President Arthur, in his third annual message (1883), in speaking of the difficulties between Chile and Peru, and especially with reference to the uncertain nature of the government of the last-named country, said:

Meanwhile the provisional government of General Iglesias has applied for recognition to the principal powers of America and Europe. If the will of the Peruvian people would be manifested, I shall not hesitate to recognize the government approved by them.

In the message thus sent by President Arthur to the Congress of the United States, and regarding which no unfavorable comment has ever been made here or elsewhere, he wrote, "I shall not hesitate to recognize," etc. President Arthur used the personal pronoun, and seemed to have no doubt of his right to completely recognize independence when, in his official judgment, the occasion might arise.

Can there be such a thing as incomplete recognition of the independence of a government resulting from the declaration of the President seeking to directly recognize it? If the President of the United States to-day receives a minister from the alleged Republic of Cuba, would there be any doubt that that formal reception of the minister would be conclusive of the fact that the new government had been recognized as an independent state?

When Dom Pedro relinquished his claim to the Brazilian throne, President Harrison acted promptly, and in his message to Congress (Foreign Relations 1890, page 4) he says:

Toward the end of the past year the only independent monarchical government on the Western Continent, that of Brazil, ceased to exist, and was succeeded by a republic. Diplomatic relations were at once established with the new government, but it was not completely recognized—

Mark the phrase—

until an opportunity had been afforded to ascertain that it had popular approval and support. When the course of events had yielded assurance of this fact, no time was lost in extending to the new government a full and cordial welcome into the family of American commonwealths.

Mark the phrases "completely recognized," "full * * * welcome into the family of American commonwealths." Is a "complete" or "full" recognition subject to Congressional reversal? Here, therefore, is another Presidential communication to Congress, directly stating that the Executive not only recognized the Brazilian Government, but that he has left nothing to be done to complete the acknowledgement. No one has challenged the efficacy of that recognition, and I again ask, Will anyone say that Congress might have risen in its constitutional might and, by the passage of a resolution, made void that which the President made complete?

On December 9, 1891, President Harrison, in a message to Congress, stated that which I shall read. These communications were not confidential; they were notoriously made. The country knew all about them. They were printed as Congressional documents, and placed upon the desks of Senators and Representatives, and constitute a portion of the history of this Union. President Harrison said:

The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a provisional government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this government so soon as it should have established its de facto character, which was done.

Hence the President, without consulting Congress, without asking for the approval of Congress, without seeking the ratification of his act, without submitting to any further scrutiny than every communication upon the state of the Union must have in this and the other body, sent instructions to Chile, to the American minister, directing him, in virtue of the Executive authority, to recognize the changed condition.

He also recognized the new Government of the Hawaiian Islands under circumstances which were, to say the least, novel. His ability to do this was never doubted, though the wisdom of its exercise was questioned.

The references which I have thus made evince the uniform and unchallenged assertion of Executive jurisdiction, and whatever may be the true construction of the Constitution, the power asserted was complete, absolute, and effective. No action of Congress was needed to ratify or approve. If there is any Congressional power to repudiate such recognition, it can be found nowhere in the Constitution, but is based upon the notion that Congress has powers not granted, and has the right to draw to itself all functions not accorded to or exercised by the other Departments, a contention absolutely in conflict with that organic provision which reserves to the people the powers not granted.

The exclusive right of the Executive has been maintained in almost every instance, the exceptions being where the Executive thought it well to consult Congress, as did President Jackson in the Texas case. But even there he did not relinquish or doubt his authority.

Mr. President, we are apt to confuse the true interpretation of our duty with the result toward which our inclinations point. When we seek to reach a desirable end, or when we find an independent officer exercising his authority in a manner differing from our ideas of propriety, we are too apt to seek to extend the limits of our domain and to interfere with subjects intrusted by law to other hands. Hence it is that legislators differing from the Executive endeavor to defend their criticisms by assuming unwarranted jurisdiction.

The exclusive right of the Executive has been maintained, as I have said, in almost every instance. President Jackson did not recognize the jurisdiction of Congress to do anything more than to advise. He was willing to act upon such advice, not because it was necessary for him to do so, but because in the discharge of his Executive power he thought it better to do so. Nor is there anything in the resolution which was passed by Congress at that time assuming any greater authority or power than the giving of advice. There are expressions to be found, notably in remarks by Mr. Clay, not altogether consistent, I may say, upon this subject, indicating to some extent that he believed Congress had authority in the premises. We have had such claims of power here, but we have no case where Congress has ousted Executive jurisdiction, or where the proclamation of the Executive upon this subject has ever been repudiated. It seems to me a most peculiar view to assert that there is jurisdiction here not only to upset that which has been done, but to perform acts which it is thought ought to have been performed, but which the Executive has declined to do, and which the Constitution provides, if done at all, shall be done by the President.

In the memorandum upon the power to recognize the independence of a new foreign state (Senate Document No. 56, Fifty-fourth Congress, second session) a large number of authorities are collated which it is unnecessary to review here. The references to the debates concerning the South American revolutions are quite interesting as demonstrating that at that very early date it was generally conceded that the jurisdiction was with the Executive.

Volume 4, page 71, Memoirs, John Quincy Adams, we find that that statesman has made the following entry with reference to a conversation with Mr. Monroe:

The President told me that last evening a member of the Senate came to him and asked him if at the Cabinet meetings before the commencement of the session of Congress the determination was taken not to acknowledge the Government of Buenos Ayres, professedly to the end that Congress might take the lead in this measure. And this was now inquired obviously with a view to justify the present conduct of Mr. Clay. The President answered that at that time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres, and, if so, whether it was expedient; that it had been concluded the Executive was competent; but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress. Mr. Monroe added if Mr. Clay had taken the ground that the Executive had gone as far as he could go with propriety toward the acknowledgment of the South Americans, that he was well disposed to go further, if such were the feeling

of the nation and of Congress, and had made his motion with that view, to ascertain the real sentiments of Congress, it might have been in perfect harmony with the Executive. But between that and the angry, acrimonious course pursued by Mr. Clay there was a wide difference.

This plainly shows that Mr. Monroe himself believed that the power to recognize is in the President, but he was not averse to consulting those whose right to nullify his acts he denied. But he made no intimation that there was any question as to the exclusiveness of Presidential jurisdiction.

He spoke also, as shown by these quoted remarks, of public opinion. He was naturally anxious to discover the sentiments of the people, though he did not design sacrificing his constitutional power or abdicating any of his constitutional privileges, whatever might be the opinion either of Congress or of the people. He recognized unquestionably that as the servant of the people it was his duty to maintain the laws which had been provided for his guidance, and which he must follow until the people in their sovereign capacity established a different system.

On page 204 of the same memoirs we find the following:

My draft of a dispatch to R. Rush was read. They were all startled at the paragraph announcing it as the President's intention at no remote period to recognize the Government of Buenos Ayres.

The whole conversation, everything that was said—and the remarks are set forth at some length in his memoirs—goes to show that the people, that the Congress, all interested, were anticipating the decision of the Executive upon the matter then pending. That Mr. Monroe asserted the jurisdiction in himself, and that he intended to see that it remained where the Constitution had placed it, no one can deny.

The following significant expressions appear in the same diary, on page 205:

Mr. Crawford now said that if the acknowledgment was to take place, he should prefer making it in another form, not by granting an "exequatur" to a consul, but by sending a minister there; because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that as those bodies had the power of impeachment over us, it would be quite convenient to have them thus pledged beforehand.

I said my impressions were altogether different. I would make the acknowledgment as simple and unostentatious as possible, with as little change in the actual state of things as could be. I thought it not consistent with our national dignity to be the first in sending a minister to a new power. It had not been done by any European power to ourselves. If an exchange of ministers was to take place, the first should come from them. As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genêt. Mr. Madison had exercised it by declining for several years to receive, and by finally receiving, Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution, and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive right and duty to perform.

Crawford said he did not think there was anything in the objection to sending a minister on the score of national dignity, and that there was a difference between the recognition of a change of government in a nation already acknowledged as sovereign and the recognition of a new nation itself. He did not however deny, but admitted, that the recognition was strictly within the powers of the Executive alone, and I did not press the discussion further.

Therefore not only did the Secretary of State in that discussion, and not only did other members of the Cabinet concede and hold the existence of this exclusive power in the President, but the President himself, while believing it to be wise to obtain the approval of Congress, so believed only because of the Congressional power to appropriate and for the reason that he wished that matters should proceed without friction. No intimation is contained at any place in this discussion or in the detailed report of what occurred at that time to warrant any doubt that Mr. Monroe himself held the same views now entertained by Mr. Cleveland and Mr. Olney.

Mr. HOAR. Will the Senator from California allow me?

Mr. WHITE. I yield to the Senator from Massachusetts.

Mr. HOAR. I should like to ask the Senator from California if he does not agree that a declaration of war against a foreign district or country is a recognition of it as a sovereign power?

Mr. WHITE. Such a declaration is undoubtedly an assumption of the existence of a power against which war could be declared. This is certainly true.

Mr. HOAR. Suppose, for instance, Cuba had practically maintained her independence of Spain, Spain being utterly unable to help herself, and Cuba had committed hostile acts upon our commerce, is not the power in Congress to declare war with Cuba, as the power is in Congress to regulate commerce with Cuba, under such circumstances, with all the incidents that follow?

Mr. WHITE. Congress may declare war against a nation or it can regulate commerce with a nation. An act of Congress declaring war does not by its terms create independence or declare that status. The declaration assumes the status, however.

Mr. HOAR. So we could not have a treaty of peace?

Mr. WHITE. Well, we could have a treaty; I concede that. A treaty is initiated by the Executive, and the Senate advises and consents.

Mr. HOAR. The Senator will pardon me a moment. I do not want to interfere with his argument. I put this question in support of the conclusion to which I had myself arrived, which is, I think, the one which was in the thought of President Jackson, and perhaps would reconcile every expression which is to be found in our history.

It is very clear that this is an incident, however great or important it is. The power in the Executive is clearly incident to the power not merely to send ambassadors, but to invite the sending of ambassadors from abroad, as the Senator has so well shown, and I agree with the Senator that it is a power which necessarily must continue all the year round, and may be exercised on an hour's notice sometimes, and it can not be exercised by Congress for that reason. But it seems to me, with great respect, that while it is incident to the treaty-making power of which the President is a part, as the Senator said, it is also an incident of certain constitutional powers of Congress. Yet these powers never will be brought into conflict, although they may reside to a limited extent in both. But the question we are dealing with is not whether Congress may have it as incident to the power to regulate commerce, not whether Congress may have it as incident to the power to declare war, not whether Congress may have it as incident to its power of legislation over the conduct of American citizens, not as an incident or consequence; our question now is, Does it rest in Congress primarily and originally before any of these other constitutional things are done?

Now, I agree with the Senator that the very necessity of the case makes it an executive power, and an executive power alone, where nothing is to be done but recognition. So this is a very grave matter that we should not concede unless the Constitution requires it, that the power of recognizing a foreign country may sometimes be a necessary incident to some constitutional legislative power of Congress; and I hope that nothing will occur in this discussion on either side which will amount to a limitation or abridgment of that power. The Senator will pardon me for the interruption.

Mr. WHITE. It is true that the question to which I am immediately addressing myself is the attempt absolutely and directly by a joint resolution to recognize the independence of another government.

Mr. HOAR. As incident to nothing?

Mr. WHITE. Yes, sir; predicated upon nothing incidentally. The resolution directly deals with the subject. It is confined to that specific topic alone. I am not here to enter into a discussion as to the effect of indirect legislation which Congress may perhaps at some time see fit to enact in conflict with Executive view. It is always dangerous to seek the discussion of irrelevant subjects, or to attempt the adoption of rules to govern cases not yet presented.

As far as a declaration of war or a treaty of commerce are concerned, both presuppose the existence of nationality upon which the declaration or legislation may be operative, but whether in the exercise of our constitutional power of passing a bill regulating commerce, concurred in by the Executive, a peculiar collateral consequence may result, I do not propose at this hour to elaborately consider. Such a course would be foreign to the purpose I have at hand. I am endeavoring to show that, as far as the attempt to directly recognize a revolutionary organization goes, it is not within our sphere. Whether indirect action of Congress might result in the assumption of another national existence, it is not certain that such assumption could absolutely create a nation. But this is speculative. I do not believe that any such conflict of authority or peculiar combination of circumstances will ever be manifested. I could add that we might readily hold commercial relations with communities not constituting a nation. This Government has continued moving in the present channel for many years without, I think, any substantial deviation in practice from the course to which I have alluded.

I do not feel prepared to change our procedure now. The citations which I made from Mr. Adams's account of Mr. Monroe's statement are interesting, and are certainly sufficient to acquit the Executive or the Secretary of State from the charge of asserting anything new. The specific proposition contended for by the present Administration is that in the case of Cuba Congress has not the power directly to declare independence, or even belligerency. I have stated that I believe that contention to be well founded, and I have sought to fortify my opinion by referring to precedent and to principle.

Mr. President, it is clear that the Constitution does not make it the duty of Congress, nor does it give to either House, the authority to receive ambassadors or ministers. This function is conferred upon the President only. It has been suggested that this delegation of authority amounts to nothing more than the enjoining of a duty to extend proper courtesies to diplomatic officers coming from abroad. With due respect, it appears to me

that this argument has nothing in reason to sustain it. Can we afford to urge that as important an instrument as the Constitution, upon which our governmental framework absolutely rests, is devoted to any extent or at all to a mere matter of etiquette? The duty which the President must perform under the organic law with relation to ambassadors and ministers is not merely to grasp their hands or to otherwise salute them in the most approved method of the day; nor is it exhausted or even exercised by giving invitations to receptions or dinners. It means more than this. As the Executive is granted the power to receive, so he is accorded the right to determine to whom such reception should be vouchsafed. He receives officially if he believes that the party presenting himself is not only individually the sort of a man who ought to be received, but he also is bound to determine whether he in fact represents a foreign power.

Necessarily this authority to determine is involved in the discharge of the duty to receive. When a person offering himself at the Executive Mansion claims that he is entitled to be received as a minister, the President, from the very nature of the case, is compelled to decide whether his pretensions are well founded, and in doing this he is bound to find on the issue as to whether the applicant represents a foreign power. Thus the alleged minister of the Cuban Republic seeks to meet the Executive; Mr. Cleveland refuses to receive him, because he declares that the minister does not represent a foreign power. Congress can not dictate to the President as to who he shall receive, for the simple reason that the duty to receive being constitutionally delegated to him, he must determine for himself whether a case has arisen calling for the exercise of that power. It is the duty of Congress to pass laws to govern the country, but it is within its sole discretion to enact or not to enact. If we refuse to appropriate a dollar for public purposes we might be and would be derelict, but no court could mandamus us, because Congress judges for itself as to whether a case has arisen calling for the exercise of its functions.

The President may act badly; indeed, his conduct may justify impeachment. So Congress may behave in an outrageous manner, and the people may be without any further remedy than that which is expressed at the polls. No scheme of government ever devised can insure ability and honesty upon the part of those intrusted with power, and there is no individual or officer to whom authority has been delegated who may not violate his obligations and work evil. But the accomplishment of such regrettable results is no argument against jurisdiction. It must be remembered that the existence of jurisdiction may well mean the power to do not only that which is right, but also that which is wrong.

Where is there a word in the organic law indicating preference for Congressional jurisdiction? The legislative limitations therein prescribed were suggested by ages of experience. Danger lurks in excited multitudes and appears in the consequences of uprisings and insurrections as well as in the remorseless mandates of kingly power. The fathers sought to guard against extremes. The delegation of authority to the Executive was designed to confer exclusive jurisdiction to the extent indicated. Concurrent jurisdiction in such a matter as this would be confusing and lead to perilous disputation. The power thus accorded is not and never will be subject to appeal. Congress must pass a bill over the Presidential veto, because the Constitution so declares; but Congress can not, by bill, modify or abrogate the Executive authority with reference to foreign relations, and especially with regard to receiving ambassadors and ministers. So also of the legislative and executive jurisdictions. Were it otherwise, the whole scheme would be a failure. If the legislative department is preferred, this means that the executive and judicial departments exist only in subordination to Congress, whose edicts are in fact supreme. This position is not only violative of the words of the Constitution, but in conflict with the often expressed intentions of the fathers. It has no support in our history. It is revolutionary, and destructive of that independence without which the Presidential office can never be properly exercised.

SOME OF THE DIFFICULTIES OF THE CONTRARY POSITION.

It is intimated that the President has the power to recognize, but it is said that this is only a conditional grant. It is limited in some mode. It exists now, and it may not exist to-morrow. This position I repudiate, for I find no direct grant to Congress justifying such a conclusion; nor does it appear to me that such authority is granted anywhere by implication, or is the necessary attendant of any authority specifically delegated. If the President recognizes the belligerency or independence of the Cuban Republic, can Congress repudiate such recognition? I take it that this is not possible. If the Presidential recognition of belligerency is valid in any case, in what case is it invalid? And if the President has authority to absolutely recognize independence in any case, is not that authority the result of discretion conferred upon him by the Constitution? And such discretion involves the ability to refuse as well as to grant, and if it is not competent for Congress to nullify Presidential recognition of belligerency or independence, can Congress render nugatory the decision of the President denying such recognition? I think that I have already shown that the framers of the Constitution were not engaged in the business of guarding Congress against the President, but that they felt the necessity of so organizing the Houses that they could not subordinate Presidential jurisdiction within allotted lines save in one mode, to wit, impeachment.

The plenary authority exercised by the President in foreign affairs is exemplified to some extent not only in receiving ministers, but even in providing for the exercise by foreign consuls of authority within the United States.

When the British consul at Charleston, at the beginning of the late civil war, acted in a manner contrary to the wishes of Mr. Lincoln and his Cabinet, the exequatur was revoked and Mr. Bunch's powers terminated. No consultation was had with Congress upon this subject. It is discretionary with the President to refuse an exequatur, although, as Mr. Blaine declared in his letter to Mr. Morgan, May 31, 1881 (1 Whar. Int. Law, page 765), the exercise of that undoubted right is an extreme one, rarely resorted to here.

Instances of the dismissal of ministers are numerous. We remember very clearly the action of Mr. Cleveland in demanding the recall of Minister West, owing to his correspondence with an alleged British subject called, for the time being, Murchison. No power was conferred by Congress upon the President, but he, having the right to control the matter, exercised his prerogative at his discretion.

In Schuyler's American Diplomacy, page 136, I find the following:

It may be mentioned here that our Government has never been slow to use its right in asking for the recall of, or of sending away, a foreign minister who becomes obnoxious. The recall of Mr. Genêt, the French minister, was asked in 1793; that of Mr. Jackson, the British minister, in 1809; that of Mr. Poussin, the French minister, in 1849; Mr. Crampton, the British minister, was given his passports in 1856; and intercourse ceased with Mr. Catacazy, the Russian minister, in 1871.

In all those cases the act was the act of the Executive; it was the result of Executive discretion; there was no participancy by the legislative department, and none claimed.

If Congress possesses the power to settle the question of belligerency or independence, it is clear that all sources of material information ought to be open to investigation and examination.

I beg leave to refer to remarks made by me on a former occasion touching this question:

There is another ground which appears to me very strong in support of the contention that the recognition power is lodged in the Executive. There is before the Senate a document which was read by the Senator from Alabama, and which I deem quite important. I refer to House Document 224 of the present session. I read a few lines for purposes of illustration:

"No. 2699.] CONSULATE-GENERAL OF THE UNITED STATES,
"*Habana, January 7, 1896.*

"SIR: With reference to the proclamation of the Captain-General of the 2d instant declaring a state of war to exist in the provinces of Habana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2695 of the 4th instant"—

At this point I find a note stating that the proclamation mentioned is not printed. From this I conclude that the omitted paper has not been revealed to Congress. No one appears to controvert this supposition. When the House adopted the resolution calling for this correspondence it did so in the following phraseology:

"*Resolved*, That the Secretary of State be directed to communicate to the House of Representatives, if not inconsistent with the public interests, copies of all correspondence relating to affairs in Cuba since February last."

The House passed the usual resolution in the regular form which custom authorizes. Manifestly information has been withheld—no doubt properly. Time out of mind, if I may use that expression with reference to this very modern Government, it has been the custom to withhold information, the disclosure of which the Executive deems incompatible with public interest. The document thus legitimately withheld may contain essential and controlling facts upon this subject. That it is important would seem to follow to some extent from the very circumstance that it is retained. Has the Executive the right to thus deny information? Our Chief Magistrates have always done so, pursuant to unchallenged custom and in compliance with recognized usage, evidenced by many hundred resolutions calling upon the Executive for diplomatic information. The President is not directed; he is merely requested, and always with the qualification which I have noted. The Executive right to withhold delicate diplomatic correspondence is incidental to the Presidential office. Can it be that the Constitution has placed upon Congress the burden of deciding and the duty to determine issues concerning belligerent or other relations to foreign powers and has not at the same time compelled the President to give us everything within his knowledge? Can it be that we are to pass upon a part of the case and not upon the whole? Can it be that under the law we are deprived of material evidence and yet are expected to render final and determinative judgment upon an imperfect record—a fraction of the aggregate proof? I say not. The President has before him all information. He reviews a complete history. Plainly, he is in a better condition to judge of the true state of affairs than are we. He has the means to secure all relevant information.

Having in charge the diplomatic relations of the Government, he is, or should be, better advised than the Senate or the House of Representatives, or both.

It was early settled that the Executive could not be compelled to surrender up to both Houses of Congress information which that officer deemed to be of such a character as to render it inadvisable to make a disclosure.

When President Washington sent in the proposed treaty with Great Britain, a question arose as to whether the President had any right to negotiate a treaty of commerce (2 Marshall's Washington, page 377). Mr. Livingstone offered a resolution in the

House requesting the President to furnish a copy of the instructions to the minister of the United States who negotiated the treaty with Great Britain. Mr. Madison proposed to amend so as to except such papers as, in the judgment of the President, it might be inconsistent with the interests of the United States at this time to disclose (id., page 378). This proposition was rejected, and the resolution offered by Mr. Livingstone was passed by a vote of 62 to 37. Afterwards the President communicated to the House his refusal, and in concluding it he said:

As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office under all the circumstances of this case forbid a compliance with your request. (Id., 381.)

I can not find that the power of the President to retain information the disclosure of which he deems incompatible with the public interest has ever been doubted, and the uniform practice of Congress admits this power. We do not direct the President nor do we seek to compel him to make disclosures against his own judgment. On the contrary, the Presidential discretion is in terms conceded in every resolution seeking information from the State Department which Congress sees fit to pass.

The question of the recognition of belligerency or independence should be determined upon a full view of the entire situation. Every fact bearing upon it ought to be before that department charged with the responsibility of acting. It is manifest that the most important documents, the most direct and convincing circumstances, may be contained in official communications containing matter which ought not to be made public. Indeed, it is safe to say that the most important information is doubtless encountered in such documents. The very gravity of the disclosures therein contained makes it inadvisable to surrender them. So that we who claim the right to pass upon this issue must concede that all avenues of information are not open to us—many are open to us, no doubt, but all are not open to us—and that the most material part of the case is withheld in harmony with the Constitution, which, it is claimed, gives us the power to overrule the Executive, notwithstanding his superior facilities for knowing the facts, and his power to withhold information officially received by him, and which appears to him (perhaps correctly) properly determinative of the entire matter. If it be true that the Constitution has made it our duty to pass upon the diplomatic questions involved and has given to the President means of obtaining information not granted to any other department, and has likewise left the disclosure of such knowledge wholly discretionary with him, the system is radically defective. It is not likely that the President requires more data than the Senate or the Congress, and to require us to act without all the evidence is to compel a judgment in the absence of the most material evidence.

I have already referred to the opinion of Mr. Monroe on this subject regarding Executive power. I wish to attract attention to the circumstance that Mr. Monroe deemed it advisable to send commissioners to the South American states for the purpose of enabling him to determine whether he should recognize the independence of the new governments. These commissioners he, as Chief Executive, sent to the South American republics that he might obtain information to justify him in reaching a conclusion as to whether he ought to accord a declaration of independence or not. In many instances subsequent Administrations found it desirable to send emissaries abroad for the purpose of determining similar issues without consulting Congress.

Agents or messengers have been sent not as diplomats or ministers, and therefore without consultation with the Senate, the branch of Congress solely authorized to confirm envoys and plenipotentiaries; but these appointments have been justified, not only in many of the cases cited but in many others, because of the fact that they were the mere agents of the Executive, his messengers sent abroad to bring him word as to affairs concerning which he needed information in order to duly execute a constitutional power, to wit, the recognition of a new government.

The case of Mr. Trist, who was sent as a confidential agent to Mexico (and the object and purpose of his mission appears, 2 Wharton on International Law, section 154), is an exemplification of the authority of the President in this regard. The appointment of Archbishop Hughes and Bishop McIlraine, Mr. Everett, Mr. Winthrop, and Mr. J. B. Kennedy as confidential agents with reference to matters connected with the recognition of belligerency during our domestic strife contributes an interesting chapter to the exercise of authority by the President without consulting the Senate and all within the recognized diplomatic limits.

The case often referred to here—so frequently that it is not necessary for me to discuss it—of Mr. Mann and the Hungarian controversy is in point. Mr. Webster's elaborate presentation of the subject and the treatment it received at the hands of Mr. Everett are all in the same line. I will not go over them, for they have been dwelt upon often and are familiar to the Senate and to the country.

When we speak of the advisability of reposing power in one department of the Government in preference to another, our argument is only of value in so far as it tends to illustrate the motives and objects and ends sought to be accomplished by the framers of the Constitution, and in an ambiguous case, if it is found that the lodgment of power in one particular department would be manifestly inadvisable, and if the language is obscure or the construction in doubt, perhaps we may be aided to some extent when we consider it on principle and in the light of the practical interpretation of experience.

THE NECESSITY OF SECRECY IN DIPLOMATIC AFFAIRS.

It is notorious that it is practically impossible to preserve secrecy as to matters occurring in the Senate. It frequently happens that debates taking place in supposed executive session are publicly reported; and while it is usually true that the reports made and the deductions drawn are not altogether correct, and there are many omissions of vital and essential features, yet it is also a well-known fact that whenever a sensational proposition or anything calculated to excite public curiosity or interest is announced in executive session it finds its way to the public. The delicacy of foreign negotiations, the ease with which controversies nearly settled may be impeded by ill-advised expressions or premature disclosure, is too plain to need comment.

Nor is this all. We know that the Senate is not now and never has been and never can be as reliable a place for the carrying on of those negotiations which are frequently necessary in the management of international disputes, and the same may be said with more emphasis with reference to Congress. Thus, within a year perhaps, we have heard remarks made with reference to foreign governments with which we were at peace. We have heard a friendly nation called "a toothless wolf," "a Gila monster," "a nation whose symbol of power is a monkey and an organ grinder," and kindred phrases in a body several of whose members now claim almost exclusive diplomatic authority. Our ability to excite a foreign government, our ability to involve the Government of the United States in difficulty, certainly will not be seriously challenged. We are not as successful in procuring the spreading of the wings of peace over the earth. Mr. Sanguily may well doubt the propriety of our interference with his case, which is now being energetically pressed by our State Department.

While intemperate remarks are delivered here, persons in whom we have an interest are being tried and sentenced for violations of municipal law, and our State Department is endeavoring to extricate, by diplomacy, many in whom we are concerned who have, by reason of their desire to liberate another people, placed themselves within the reach of the criminal processes of a friendly power. It is believed that utterances made upon this floor, which could not have any effect for good, have made it more difficult for the Executive to procure liberation of individuals in Cuba who have been in the greatest peril.

The Constitution conferred upon the Senate and the House jurisdiction as to treaties, and also in the matter of certain appointments, and that it was the part of wisdom so to do is, I believe, obvious. Whether we consider a treaty as a contract, in accordance with the views of Mr. Frelinghuysen and others, or whether we regard it as in the nature of legislation (and the Constitution declares a treaty to be the supreme law of the land), it is proper for the lawmaking power to be consulted as to subjects which not only affect foreign relations but often directly interfere with the acts of Congress and the exercise of municipal powers by the several States. In the making of a contract the ability and character of the Senate has always been of great assistance, and I doubt whether there has ever been a topic of international concern submitted in the form of a treaty where much light and many wise suggestions have not emanated from this body. Legislation can not be conducted by the Executive alone, and upon the same principle it may be said that no treaty ought to be made without the cooperation of the Senate, and the framers of the Constitution, in making it impossible to perfect such an instrument in the absence of two-thirds ratification here, undoubtedly considered that such a strong indorsement would atone for the absence of the other branch of Congress. Were the concurrence of the House necessary, there would be much friction, many misunderstandings, and numerous contentions with nations with whom we had been previously on terms of amity. But the justification of the policy to be met with in the matter of ratifying treaties is found in the fact that we there deal not only with foreign governments regarding purely international matters, but with propositions affecting legislation, and which must, as I have already remarked, have more or less effect upon the domestic concerns of the several States.

The difficulties unavoidable in treating diplomatic questions in the Senate must be evident to all. Not only are imprudent remarks indulged in because of impulses natural to momentary excitement, induced occasionally by ill-founded newspaper utterances, mistaken reports—the result of journalistic enterprise and competition—but Senators are in the habit of giving their opinions through resolutions of various kinds, often accompanied by speeches exceedingly demonstrative and very seldom involving

the actual opinion of a majority of the Chamber or even of a committee.

Such resolutions, after being discussed at the time of their presentation, are sent to committee and are perhaps never reported back, or if reported are in a modified form; and when the matter is investigated it is perhaps discovered that the circumstances are not such as to warrant the belligerent remarks which had been made at the time of introduction.

When Mr. Cleveland sent in his Venezuelan message there was considerable excitement. Senators for the first time during my brief incumbency here expressed their appreciation by applause upon the floor. A bill was speedily passed placing the necessary funds in the hands of the Executive to enable him to proceed with the work outlined in the message. Resolutions of varied form were introduced, and finally the Committee on Foreign Relations, through the distinguished Senator from Minnesota [Mr. DAVIS] who sits near me, presented a concurrent resolution of considerable length, purporting to define the Monroe doctrine and to extend its application much beyond the lines laid down by Mr. Cleveland.

Afterwards the same distinguished Senator delivered an address in support of his report. He took very advanced ground. The resolution is still upon our Calendar, and no vote will ever be had upon it. I intend to refer to several other reports of the Committee on Foreign Relations preceding the remarkable Sanguily resolution now before us, and shall endeavor to show that the Secretary of State has done his duty under the law ably and effectively. But I will now yield to the chairman of the Committee on Appropriations [Mr. ALLISON], and if the appropriation bills are again displaced I will continue my argument. At all events, I will not, under prevailing circumstances, proceed further at this late hour.

GEORGE WASHINGTON AGUIRRE.

Mr. MORGAN. I am very thankful to the Senator from California for his courtesy. He has the floor on the joint resolution which is before the Senate, and it can be disposed of if Senators will only contain themselves a little while in a legitimate and in a decent way. I rose under the privilege which was accorded to me by the Senator from California to ask unanimous consent for the adoption of a resolution which I will read:

Resolved, That the President is requested, if it is not, in his opinion, incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

You will observe, Mr. President, that there is quite an association of dates there that have a great hold upon the affections of the American people. He seems to have surrendered on the 4th day of July, 1896, and his name his George Washington Aguirre. He is 19 years of age, and he surrendered under a proclamation of amnesty which invited him to come in and surrender. Doubtless he is one of our American boys, of Cuban origin, who has gone down there to take a hand in that scrimmage, as I am afraid a good many of them are inclined to do. For the benefit of the Senator from Massachusetts [Mr. HOAR], if he doubts the citizenship of this man (he seems to turn his head in this way as if he wanted to make a point of citizenship, as he made yesterday), I will call his attention to another name by reading the following letter:

NEW YORK CITY, *February 24, 1897.*

MY DEAR SIR: I desire to call your attention to the case of George Washington Aguirre, an American citizen, 19 years of age, and a prisoner in the Cubana fortress in Habana since the 4th day of July last. He surrendered under the amnesty proclamation of General Weyler promising freedom to those who gave themselves up. He was promptly ordered to be court-martialed, but by the interference of General Lee this was changed to an order for a civil trial. This civil trial has not come yet and likely never will, without the aid of our Government. The tortures of this boy threaten his life. I make this statement to you upon respectable authority, who have requested this letter. I have no personal knowledge of the facts. The authority of this nation should correct such wrongs, and speedily. His release should be demanded at once.

I am, very truly, yours,

ETHAN ALLEN.

Hon. JOHN T. MORGAN.

Now, there is another name connected historically with the United States, and I suppose I can venture to assume here in presenting this resolution that this boy, whose name is George Washington Aguirre, and who is only 19 years of age, is a citizen of the United States, because Ethan Allen has said so. That is as far as I can go upon it. Now, acting upon that predicate, I want to ask the unanimous consent of the Senate for the adoption of this resolution for information from the President.

Mr. HOAR. What was it the Senator called my attention to? I came into the Chamber as he finished the reading.

Mr. MORGAN. I called attention to the fact that this man was evidently of Cuban birth, born of a Cuban family, because his name is Aguirre. I supposed the Senator would be ready to raise the question of naturalization on him, and I wanted to say that I had no further testimony to offer on the subject than the testimony of Ethan Allen.

Mr. HOAR. The Ethan Allen of the Revolution?

Mr. MORGAN. His grandson.

Mr. PLATT. He is president of the Cuban junta of New York.

Mr. MORGAN. He is a grandson of Ethan Allen of the Revolution and is very apt to be president of a revolutionary junta, or whatever you may call it.

Mr. HOAR. I thought the Senator said something about the case that was up yesterday as I came in.

Mr. MORGAN. No; I was going to get to that after a little. I ask for the adoption of the resolution, Mr. President.

Mr. FRYE. It is only a resolution of inquiry.

Mr. WHITE. If there be no objection and no discussion, I will yield for that purpose only. I wish to make a very limited number of observations, which will not consume five minutes.

Mr. MORGAN. Of course one objection will carry it over.

The PRESIDING OFFICER. The resolution will be read at the desk for information.

The Secretary read the resolution, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. HOAR. It alleges certain facts.

Mr. GRAY. I rise to say a word and to ask a question.

The PRESIDING OFFICER. Does the Senator from California yield for the purpose?

Mr. WHITE. I can not yield for a debate.

Mr. GRAY. It is not debate. I want to ask a question.

Mr. WHITE. I will yield to the Senator from Delaware.

Mr. GRAY. I want to appeal to the Senator from Alabama that he allow the resolution to be so amended as not to make the Senate of the United States responsible for allegation of fact of which they can know nothing. It may be all true, but if he will put in the word "alleged" before "citizen" and "alleged" before "surrendered," I have no objection to the resolution. Otherwise I have.

Mr. MORGAN. I will do that with great cheerfulness, because the Senate of the United States has got so far that it is not willing to take any responsibility for——

Mr. LINDSAY and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. The resolution will be amended accordingly. Does the Senator from California yield to the Senator from Kentucky?

Mr. WHITE. For a question.

Mr. LINDSAY. I desire to know whether this able-bodied young man, who abandoned the Cuban cause and took advantage of the amnesty proclamation, ought not to change his name before he asks the Senate of the United States to intervene in his behalf. That was a very un-George Washington like act, and I do not think he comes here in a position to demand any extraordinary consideration at the hands of the Senate.

Mr. MORGAN. How could he change his name?

Mr. CALL. Will the Senator allow me to say a word?

Mr. LINDSAY. I refer to the George Washington part of his name.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. WHITE. I do not want to discriminate, and therefore I yield to the Senator from Florida.

Mr. CALL. Mr. President, I happen to know this young man, George Washington Aguirre. He is a native American, born of Cuban parents, who became naturalized and lived in this country and abroad. He is a young man, animated by a noble, virtuous, honorable sentiment of devotion to the country of his forefathers. He went to Cuba for the purpose of rendering patriotic aid to the cause which he believed in common with all the Cuban people to be a true and honorable effort to obtain independence. He is quite a youth, not yet being 21 years of age. He was here in Washington just before his departure for Cuba. I have no doubt from these facts, which are within my knowledge, that the statements of the letter read by the Senator from Alabama are true.

Mr. LINDSAY. He did not desert the Cuban cause?

Mr. CALL. I suppose that, like many others, he might have been exhausted by the severe privations, to which he was unaccustomed. I know nothing about that; but a youth, comparatively of tender years, and not accustomed to great exposure, might quite naturally be unable to continue in the service.

Mr. WHITE. As I understand, the resolution in its present form is objected to, and therefore I presume it will go over.

Mr. FRYE. The Senator from Alabama accepted the amendment proposed.

Mr. WHITE. Then, if it may be voted upon without further discussion, I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Alabama accepted the amendment of the Senator from Delaware. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let us hear the amended resolution.

The PRESIDING OFFICER. The resolution will be read as amended.

The Secretary read the resolution as modified, as follows:

Resolved, That the President is requested, if not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive of the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and an alleged citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. GRAY. Let it read "is alleged to have surrendered." We do not know anything about that.

The PRESIDING OFFICER. The resolution will be so modified.

Mr. ALLEN. I rise to a parliamentary inquiry. If this resolution is passed, does it displace the Sanguily resolution?

The PRESIDING OFFICER. It does not, the Chair will state.

Mr. BERRY and Mr. MILLS. Question.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the resolution. Is the Senate ready for the question? The question is on agreeing to the resolution of the Senator from Alabama as modified.

The resolution as modified was agreed to.

Mr. WHITE. Mr. President, I trust that we will find George Washington Aguirre to be a duly qualified citizen of some country. I am not altogether convinced of his innocence, of his impeccability, or his statesmanship. I do not consider these propositions established merely because he bears the name of George Washington. I remember some time ago prosecuting a person, who was sent to the penitentiary of my State, whose name was Juan de Dios (John of God). He never by word or deed justified a claim of honesty.

I do not intend to discuss questions relating to Julio Sanguily at any length to-day for the reasons stated by the Senator from Maine [Mr. FRYE]. I understand that a resolution will be offered later by Mr. Sanguily's friends in this Chamber protesting against his pardon. They seem to be disturbed because he is at liberty.

Objections have already been registered to the action of Sanguily and his counsel in admitting guilt and seeking pardon. It is unfortunate that we have not been able to control Mr. Sanguily in this respect, and his absence from prison will deprive the world of a vast amount of very effective and charming eloquence, accompanied, no doubt, by applause of an intelligent and discriminating character. It is indeed too bad that Sanguily has been pardoned, even though our resolution has not passed and has not been transmitted to the Government of Spain. It is to be hoped, Mr. President, that when the Committee on Foreign Relations brings us a case for discussion hereafter it will be a live case, and it is to be hoped when a resolution is produced here demanding somebody's surrender that we may not discover in the midst of patriotic declamation that the gentleman whose liberty we are seeking to obtain has already successfully petitioned for a pardon and admitted his guilt without consulting us. We can hardly retrieve our position by substituting George Washington Aguirre for Don Julio Sanguily. [Laughter.]

I regret that the chairman of the Committee on Foreign Relations is not in this Chamber. Possibly he may have heard of the pardon of Don Julio Sanguily. Were the chairman of the committee here, I should ask him whether it is true that he had in his pocket, or that his committee had in its custody yesterday, when this question was being considered, a document showing that Mr. Sanguily had petitioned for pardon. Such an assertion has been made, but I should like to know whether it is true. I have no information upon the subject. If the report be true, the Committee on Foreign Relations should not have kept the information from the Senate. If it was not proper information to be given publicly, we might have placed ourselves "in comunicado," and should have closed the doors; in that way we might perhaps have constituted ourselves a body of "pacificos."

I do not wish to interfere with the appropriation bills which were set aside to-day in order that Don Julio Sanguily might be released. I will yield to the Senator from South Dakota to make the motion of which he has already given notice.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW and Mr. LODGE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MORGAN. I ask unanimous consent to make a statement in behalf of the Committee on Foreign Relations before that motion is put.

The PRESIDING OFFICER. The motion is not debatable, except by unanimous consent.

Mr. MORGAN. I have asked unanimous consent.

Mr. FRYE. The Senator can say what he pleases after the appropriation bill has been taken up. Nobody can prevent it.

Mr. PETTIGREW. I insist on my motion. The matter can be debated after the Indian appropriation bill is taken up.

Mr. CALL. Will the Senator allow me to say a word?

Mr. FRYE. The Senator can speak after the bill has been taken up.

Mr. PETTIGREW. After the bill is up, Senators may talk as much as they please.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

Mr. BERRY. Mr. President, I propose to discuss the Indian appropriation bill, and not the Cuban question. In a very few words I desire to reply to the Senator from Tennessee [Mr. BATE].

In the first place, in regard to the point of order he has made as to this legislation, I do not wish to detain the Senate except to say that almost the entire legislation which has been had with reference to the Indian country has been legislation on appropriation bills. The Dawes Commission was created by an appropriation bill; the sale of the Cherokee strip lands was by an appropriation bill, and the Dawes Commission was continued at the last session of Congress on an appropriation bill.

These questions of order have invariably been decided by the Senate according as to what its judgment was on the merits of the question. There can be no objection to this legislation on an appropriation bill which would not apply on any other bill. All I ask of the Chair is that he follow the almost universal rule which has been followed by presiding officers in the past, and that this question be submitted to a vote of the Senate to determine whether or not it is in order, and let the Senate determine it.

In regard to the other point made by the Senator from Tennessee, I want to say that, upon the motion of the Senator from Missouri [Mr. VEST], the part of the bill to which the Senator from Tennessee so much objects, and to which a large part of his speech was confined, has already been stricken from the bill, and is not now before the Senate.

Mr. BATE. If the Senator will pardon me, I did not refer to that part of the bill at all.

Mr. BERRY. The Senator from Tennessee alluded at length to the allotment of lands, and to the railroad company, which, he said, was entitled to receive a large number of acres of land.

Mr. BATE. I hope the Senator will do me the justice to say that my speech was in reply to the Senator from Missouri, who discussed that point.

Mr. BERRY. That is not in the bill; it has been stricken from the bill.

I wish to say, furthermore, that there was nothing in that amendment which would have given the Missouri, Kansas and Texas Railroad, or any other railroad, one foot of land in that Territory under any condition. The amendment was specifically framed to prevent their getting anything under it. Therefore, if that had remained, the criticism of the Senator from Tennessee would still be wholly without foundation; but that is out of the bill.

In regard to the legislation as to the Dawes Commission, I want to state that I believe now that the authorities of those tribes in that Territory are disposed to make conditions and treat with the Dawes Commission. I want to say that until within the last year, however, some of those nations did not intend to treat, and showed no disposition to treat. That is not true of all of the tribes, but it is true as to some of them. But I want to be entirely fair and just to those people, and I will say now that I believe the men who represent them here have come to the conclusion and know that the condition which exists there can not be continued, and that the time has come when other arrangements must be made, and I believe they will be made.

That which is left in the bill is in regard to the condition of the courts in that country. I state now that the men in that Territory, the Indian citizens there, know and believe, and are as anxious as anyone else, that the present jurisdiction should be taken away from the Indian courts and conferred upon the courts of the United States. It has been notorious, it is not denied, that those Indian courts have been absolutely as corrupt and unreliable as it is possible for human beings to be. I do not say that every man connected with them is corrupt, but I claim that corruption prevails to an alarming extent in those courts; and it is not denied by the representatives of those tribes.

Every intelligent man who has gone there and who knows anything of the condition there has come to the conclusion that some change is absolutely necessary. Five or six years ago the Senator

from Connecticut [Mr. PLATT] and the then Senator from Massachusetts, Mr. Dawes, believed very much as the Senator from Tennessee now believes, but there is not one of them who went into that section from any part of this country, I care not whether he lived in New England or any other part of the North or in the South, who has made himself familiar with the conditions there, who does not know that there is an absolute obligation on this Government to see that matters shall not continue as they have in the past. There have been robberies outrageous, mostly by white men, I will say, who have taken refuge in that nation. They robbed a bank within my own town in broad daylight, living, as I do, upon the border. The robbery was committed by ten men who came out of the Territory and shot down one of our citizens on the street.

All the provision of the bill which is material is that the jurisdiction of those courts shall be taken from them, and that criminals shall be tried the same as the white men who are now in the Territory. The United States court has already jurisdiction of controversies where one of the parties is a white man and the other is an Indian. The proposition of this amendment is to extend that jurisdiction to all parties, and to place Indians upon precisely the same plane as the white men, giving them the same rights—giving them the right to sit upon a jury and to take their chances among the whites.

The Senator from Tennessee insinuates that there is something in the amendment which would violate the rights of those Indians. I think if a vote was taken in those Territories—and I know there are men now in this city connected with those Territories who so believe—it would result largely in favor of this legislation, so far as the courts are concerned.

With regard to the treaty with the Dawes Commission, that provision has been stricken out. As I said before, if this provision is retained in regard to the courts, I have no doubt but what within six months or a year treaties will be made in regard to allotments and all the rights of the Indians will be protected; but if this legislation be defeated, the Senator will find that there will be no agreements of any kind with the Dawes Commission. If the Senate desire a suitable settlement of this matter, to which both sides agree, it will keep this provision in the bill in regard to the abolition of the Indian courts.

Those courts, as everybody in that section and as every committee which has visited there knows, are incapable of rendering justice between their own citizens and are bringing scandal upon each of those nations. If this provision is retained, I believe the men who have heretofore resisted the Dawes Commission, who have refused to make any agreement, within less than twelve months will consent to a peaceable adjustment. I desire to say now that I believe they are in earnest, and the only thing which could put us back for five years and force us to go over this again is to defeat this provision. If we do so, they will go back to their people, and this fight will have to be made over again. They will say that there is no danger, and then the fight goes on, as it has gone on for the last four years. If we want to settle the matter peaceably, we may settle it in this way, which is favored by every man who comes from that section in both Houses of Congress, whether he be a Democrat or a Republican. Every Senator who has visited there, and every delegation from the House of Representatives that has been there, and everyone who lives in that locality knows that this is the best way to do it. It is best for the Indians and best for the 300,000 white men there. It is only Senators and others who do not live there and who are not familiar with the facts who make this fight and these objections to the settlement of this question.

Mr. LODGE. Mr. President, I had no intention of saying a word on this resolution, which I think was properly laid aside and the appropriation bill taken up. But, in the absence of the chairman of the Committee on Foreign Relations [Mr. SHERMAN], the Senator from California [Mr. WHITE] saw fit to attack that committee and revive the debate, and say one or two things which I do not propose to leave unanswered, as the chairman of the committee is not present to say anything in regard to it.

I am very sorry that the Senator from California should be so disturbed about the flow of eloquence in the Senate on the Sanguily resolution, and about the applause in the galleries. I think he was unreasonably disturbed. He spoke for four hours himself, and no galleries interrupted him. [Laughter.] Also, Mr. President, I want to say that this matter is not to be settled by sneers, nor is an answer made in this case by mispronouncing the name "Julio," nor is this case answered by making fun of some man whose name happens to be that of the great general and statesman whose birthday we celebrated here a few days ago. This matter can not be disposed of by sneers.

The case in which a pardon has just been granted is but one case. There is information which has been withheld from the Senate and from the American people in a great many other cases not in relation to Cubans, but in relation to American citizens. Those will all come to the surface. We shall all see it some day; the Senate will have the opportunity of seeing it; the American people will have the opportunity of seeing it.

As to this specific case and the charge made against the Foreign Relations Committee, I desire simply to say a single word. That committee had received no information that this man had been pardoned. The Committee on Foreign Relations began to consider this case about one month ago. The report they made is dated the 1st day of February. We put the matter over from week to week at the request of the State Department, because we were told that the diplomatic negotiations which had been going on for about twenty-three months were about approaching a close, and the Department hoped in a few days to have this man pardoned. We put it over; and finally we reported the resolution, and we got the man's pardon the next morning. In other words, twenty-three months were consumed in diplomatic negotiations; but after the matter was taken up and it was discussed by the committee and presented at the bar of American public opinion, the news of the man's pardon came by cable this morning, and we are sneered at because we are told he was going to be pardoned any way.

Mr. GRAY. May I ask the Senator a question as to a matter of fact?

Mr. LODGE. Certainly.

Mr. GRAY. The Senator from Massachusetts says that twenty-three months have been consumed by the State Department in negotiations in regard to the case of Sanguily.

Mr. LODGE. I think I have stated the fact correctly.

Mr. GRAY. Is it not a fact that the larger part of those negotiations, and the greater part of the time occupied in pursuing them, was consumed in discussing the treaty between the United States and Spain in regard to citizens of the United States who were arrested for participating in rebellion, without arms in their hands, and demanding for them a trial by a civil court under the treaty; and whether, at last, those negotiations were not successful in procuring that trial, and that the necessary delay was by reason of the procedure of the courts, which, of course, takes time?

Mr. LODGE. I did not enter into what the diplomatic negotiations were about.

Mr. GRAY. The Senator from Massachusetts gave that impression; at least, I so understood him.

Mr. LODGE. I stated that diplomatic negotiations had been going on in regard to this man's case for twenty-three months, and that is absolutely true.

Mr. GRAY. But the Senator gave the impression that futile negotiations were going on for twenty-three months, whereas at different stages the demands made by the State Department were acceded to by the Government of Spain, and the trial demanded before a civil court for Sanguily was granted after necessary delay owing to their form of procedure.

Mr. LODGE. I did not say the negotiations were futile. That word was not used by me, but used by the Senator from Delaware.

Mr. GRAY. I say that is the impression I got from what the Senator stated.

Mr. LODGE. I did not so state, but I shall not quarrel with the Senator about that. All I said was that for twenty-three months diplomatic negotiations had been going on in regard to this man; that the question has been considered in the committee for one month; that the resolution was reported to the Senate yesterday, and this morning we have cable news that Sanguily is pardoned. Those are the simple facts, and I am perfectly willing to leave them.

Mr. GRAY. Those are not the simple facts.

Mr. LODGE. I beg the Senator's pardon. Had not diplomatic negotiations been going on for twenty-three months?

Mr. GRAY. There it is again, Mr. President. The simple statement is made that negotiations of a diplomatic character have been going on for twenty-three months, and the impression is made—I do not know whether it is sought to be made by the Senator from Massachusetts or not—that negotiations, which were futile in their character, have been going on all that time in regard to the release of Sanguily, whereas a greater part of the time was occupied in demanding the rights of Sanguily under the treaty with Spain.

Mr. CHANDLER. Where was Sanguily all the time?

Mr. LODGE. I did not say that the negotiations were futile. The Senator from Delaware keeps saying that.

Mr. GRAY. I intended that the Senator should state or that I should state for him what the real facts were.

Mr. LODGE. I omitted no facts. I say diplomatic negotiations were going on for twenty-three months, and during that time this man was in prison. There is no question about it. I do not say the negotiations have not been successful. We know they have been successful, because he was released this morning or yesterday.

I say it was twenty-three months that the State Department was engaged in negotiations before the Senate did anything, so that they did not seem unreasonably impatient about it.

Mr. TELLER. Will the Senator allow me to state that this

man was tried and condemned on December 3, 1895, and sentenced on December 3, 1895, more than a year ago.

Mr. LODGE. He was sentenced more than a year ago, Mr. President.

Mr. GRAY. The trial from which the appeal was made was had on the 3d of December, 1896. That was the trial against which the State Department protested.

Mr. LODGE. He has been tried, and an appeal has been taken, and all that. But, Mr. President, I do not care to go into the details of it. The facts are perfectly well known.

I only desire to say, in reply to what the Senator from California [Mr. WHITE] has said, that the Committee on Foreign Relations had put this matter over two or three times at the request of the Secretary of State, because Sanguily was about to be released and action was about to be taken as the result of diplomatic negotiations. We had no information yesterday that he was pardoned, so far as I am aware.

Mr. MORGAN. We have none now.

Mr. LODGE. We had no information that he had been pardoned.

Mr. WHITE. Nobody said you had.

Mr. LODGE. I understood the Senator from California—if I misunderstood him, I am very sorry—to say that the committee yesterday had information that Sanguily had been pardoned.

Mr. WHITE. I stated that the committee, as I understood it, had the information in their pockets, or the chairman had in his pocket a petition filed by this gentleman's counsel and himself, asking for pardon, and that they knew of the processes which had been had in connection with the affair.

Mr. LODGE. What counsel does the Senator refer to?

Mr. WHITE. The counsel, if I may be permitted to pronounce his name—although I have heretofore supposed that I had a little knowledge of the Spanish language—I may be permitted to say Julio Sanguily, notwithstanding a correction by the infallible authority at present upon the floor. [Laughter.]

Mr. LODGE. The Senator is welcome to pronounce that name any way he likes. I thought from his knowledge of Spanish that he was mispronouncing the name humorously, as that is the common form that is employed against Cubans.

All I want to know is who the counsel is who has made this statement. I received no information and the committee recejved none.

Mr. WHITE. I had no reference to the Senator, and was not thinking of him in connection with the matter.

Mr. LODGE. I can only answer for the committee. The committee received no statement. There was a dispatch read here by the Senator from Maine [Mr. HALE] from Mr. Dominiguez, I think, who said an appeal had been taken. That was read here in open Senate by the Senator from Maine. But there was nothing sent to the committee except a single communication from the State Department, and not from the counsel. That did not say that the pardon had been granted. It said what had been said before, that efforts were being made to obtain a pardon.

Mr. GRAY. Let me ask the Senator whether the information he got in committee—as long as he has spoken of what occurred in the committee—was not to the effect that a pardon had been determined upon just as soon as the condition precedent, which is requisite under Spanish law, had been complied with?

Mr. LODGE. I understood that they were trying to get a pardon.

Mr. GRAY. I tried to get out the information that it had been determined upon by the Spanish executive.

Mr. LODGE. Then the Senator said that a pardon had been granted.

Mr. GRAY. That it had been determined to be granted as soon as the condition precedent, necessary under under Spanish law, had been complied with.

Mr. LODGE. That is exactly what I said. I said that we received information that a pardon was shortly expected.

Mr. GRAY. Yes.

Mr. LODGE. And that it had not been granted.

Mr. GRAY. Your previous statement was, unless I misunderstood you—of course I have no altercation, and will have no altercation, with the Senator—that the information was merely that efforts were being made to obtain a pardon.

Mr. LODGE. No; I mean that the process was going on for twenty-three months, or any period you please.

Mr. GRAY. You said it was approaching a conclusion.

Mr. LODGE. That was what we were told at the beginning of February, when we took the matter up—that it was approaching a conclusion. As the Senator well knows, we postponed the matter from week to week on that account.

I did not mean to be drawn into this discussion. What I desired to say was that the committee did not have the information which the Senator from California attributed to it. I know nothing about the counsel except from the dispatch read by the Senator from Maine. I did not then know that the Mr. Dominguez who is named in the dispatch was the counsel for Sanguily.

Mr. CALL. Mr. President, I think the Senators of the Committee on Foreign Relations and the Senator from California [Mr. WHITE] might let some other Senators have an opportunity of saying something upon questions of importance which come before this body.

On yesterday the Senator from California, professing great interest in the passage of the appropriation bills, spent the whole day in discussing a question which had no practical connection with the business of this Senate—a mere question of his opinion that this Government was an absolute Government, that the executive power was paramount and supreme over the legislative department of this Government—a contention, Mr. President, which is answered in every word and in every line of the Constitution of this country, a government of the people, with the legislative power supreme.

But I have been solicitous, having introduced the resolution, to have an opportunity of saying something upon it and have not until this moment had an opportunity, when, upon the pending appropriation bill, having been the author of this resolution and the author of the resolution for the recognition of the independence of Cuba, I am compelled to say a word in vindication of these resolutions.

Mr. President, the resolution for demanding on the part of this Government the release of Sanguily was not in the interest of Mr. Sanguily, it was not in the interest of any private individual, it was for the honor and the dignity of this American country; and it would seem to me that it would have touched and inspired the bosom of every man who had any instinct of patriotism, and pride in the honor and in the glory of our flag and our institutions—the degrading comparison between our country and England, that a man who had thrown around him the prestige of American citizenship, be it right or be it wrong, by the authority of our Government, in chains and perpetual imprisonment, tried by a mockery of justice, not upon evidence that was ever communicated, but upon alleged facts held in the bosom of the Captain-General, and which upon the trial was decided that inasmuch as he was an officer of high dignity and importance, his opinion of this confidential information should be held binding upon the court and its judges; under a pretense of that kind this American citzen was sentenced to perpetual imprisonment in chains. And yet we find advocates upon this floor defending, and seeking to continue this indignity to the Government and the people of the United States, and interposing objections and arguments upon subjects that have no relation to it.

Mr. President, what has the Senate before it that it should permit this delay, not in the examination of Sanguily's right, but on the question of whether or not treaties of the United States with Spain, demanding on the part of that Government certain rights to American citizens, should be respected and regarded?

Here we have the report in the case of Lopez from the State Department, murdered, as stated by our own authorities. Here we have the case of Govin, butchered, miserably butchered, reported by our own authorities. We have the case of the citizens of the United States taken on board the *Competitor*—sailors, humble men, having no part in the contracts or charters by which that vessel was bound to go to certain ports—held to-day in confinement and under sentence of trial by court-martial. Protest after protest on the part of the consular authorities and the representatives of this Government has been filed. What do we have now as a sequel of the action of the Senator from California and others here who have prevented the assertion on the part of the United States of its intention to protect American citizens?

Mr. President, I read from the New York Journal one of the latest reports, a report which we understand is sanctioned by the consul-general of the United States, who has sent in his resignation because he is unable to protect American citizens of the United States by the authority of this Government. Let us read:

DR. RUIZ'S DYING MESSAGE TO HIS WIFE AND CHILDREN.

To Mercedes, Evangeline, Ricardito, Rene, and Gloria:

Farewell, children of my life. Be obedient to your mother. I bless you all. I shall be killed.

To Rita, my wife, my soul, adios. If I am removed, tell all.

RICARDO.

This is an article by George Eugene Bryson. I know George Eugene Bryson. He is a young man who grew up in my State. I have known him all his life. He is of respectable family, and he is a man of character. He has been the correspondent of one of the great New York journals in the South American countries, and recently for the last few years in the Island of Cuba. What does he say:

Dr. Ruiz, tortured, dying in his cell—

Ah! that does not move these advocates of the Government of Spain's continued persecution of our people.

Dr. Ruiz—

An American citizen—

Dr. Ruiz, tortured, dying in his cell under the brutality of his Spanish jailers, found a means to leave a record that proves his murder and makes the story of his suicide a plain lie.

As soon as the facts of his arrest became known, his wife tried to send him in some things to make his prison life endurable. He was "incommunicado." She could not see him or exchange a word with him.

KEPT THE WIFE OUT.

They would not even allow her to send him his meals, and she had to take back the cot she brought to the prison door.

Of course, Spain gives her prisoners neither bed nor bench to lie on. Not even a mattress or a bundle of rags tempers the hardness of the foul floor on which a prisoner must sleep.

Knowing all this, the wife of the unfortunate dentist was importunate in her plea to be allowed to send her husband something. At last she wore the jailers out, and they permitted her to send to her husband an old steamer chair.

MESSAGE ON A CHAIR.

And it is this chair that after his death proves the case against his murderers, and will, if there is left the least spark of patriotism in the breasts of the men at the head of the Government at Washington, avenge Dr. Ruiz's death.

The widow yesterday brought this chair to the American consulate. It had been returned to her by the governor of the jail at Guanabacoa.

On the bottom of the chair, painfully scratched by the prisoner's finger nails, was this message:

DOOMED MAN'S BLESSING.

"*To Mercedes, Evangeline, Ricardito, Rene, and Gloria:*

"Farewell, children of my life. Be obedient to your mother. I bless you all. I shall be killed.

"To Rita, my wife, my soul, adios. If I am removed, tell all.

"RICARDO."

The message was scratched so deeply in the paint and varnish that even though the bottom of the chair is splashed with blood, the words are clearly legible.

It is typical of the stupidity of the Spanish jailors that they allowed the chair to go out uninspected.

Consul-General Lee will probably forward the chair to Washington with the documents in the case.

MORE INCRIMINATING EVIDENCE.

There is more evidence, though it comes indirectly through a horrified priest, who visited a prisoner in a cell adjoining that of Ruiz. This prisoner was afterwards executed.

The priest's story accounts for the puzzling marks found on the dead dentist's wrists by Dr. Burgess—

The American employee of the Marine-Hospital Service in Habana—

at the autopsy. They were the marks left by the torture. They bound cords about his wrists and twisted them.

This is what caused the shrieks that came from poor Ruiz's cell.

From this and other evidence it is easy to piece out the whole awful story.

I will insert in the RECORD the remainder of this statement of fiendish cruelty that the people of the United States may understand how it is that here in this representative body no ear is found for the demand that the power of this Government shall be exerted for the protection of American citizens, and that these pretenses made here are unworthy of consideration.

FONDESVIELA'S FIENDISH WORK.

Arrested on the flimsiest evidence, Fondesviela tried in the usual way to torture out a confession. If the prisoner had yielded under the torment, he would have been shot to death for rebellion.

He would not yield, and they dared not free an American to tell of the tortures. From the moment they began to rack him his death was a certainty.

Ruiz realized this, and in the intervals between the rackings—these devils are ingenious enough to give a man a respite in which to think over what suffering he has still to go through—the prisoner scratched the message in the old chair on the chance that it would get back to his family and tell them of his fate.

RUIZ'S CASE NOT ISOLATED.

Ruiz is not the only man who has passed through torture to death in Cuba. To-day there are hundreds hoping that the death will not be long delayed.

Acting Captain-General Ahumada, in response to Consul-General Lee's energetic protest in the Ruiz case, promised to investigate the question, to probe it to the bottom and punish the guilty, but diplomatic promises will be the end of it unless Lee's demands be supported from Washington and backed up by the presence of American warships in Cuban waters.

RUIZ'S WIDOW THREATENED.

In fact, Fondesviela, the responsible, if not the actual assassin, remains in his post, has been recommended for new promotion, and only yesterday visited the Ruiz residence and by menaces and threats attempted to induce the widow to sign some papers with reference to her husband. The real purport of these papers was not fully explained.

Mrs. Ruiz came to this city afterwards to inform the consul-general, who, I understand, advised her to sign nothing, and afterwards sent a note to the palace, protesting against such molestations and insisting that she be protected from future impositions of a like nature.

Other Americans residing in Guanabacoa and Regla have come to the consul demanding protection, saying that open and repeated threats from Fondesviela's adjutants convince them their lives are in jeopardy.

Sanguily, held in prison for twenty-three months, upon evidence which is unworthy of being introduced or considered in any court, racked with wounds and disease, abandoned by the Government which had promised him protection, was compelled to confess. All systems of law discredit a confession taken from a prisoner under circumstances of cruelty. It is said here that he has confessed his guilt; but the record proves that he was not guilty and could not be guilty, and that his confession was extorted from him. But suppose he was guilty; what has that to do with the duty of the Government to protect from outrage and cruelty the citizens of the United States or those whom it has permitted to claim citizenship?

Mr. President, I introduced a year ago a joint resolution for the independence of the Island of Cuba. I introduced it again at the commencement of the present session. I have introduced resolution after resolution demanding that the Government of the United States shall protect its citizens and that it shall demand of Spain that this arbitrary imprisonment in violation of treaties shall cease; and here we have the conclusion of it; here we have a book of names of American citizens arrested in direct violation of the terms of the treaty between the United States and Spain, not one, but a hundred of them, and we are told by the Senator from Massachusetts [Mr. LODGE], who as a member of the Committee on Foreign Relations has evidence which is not accessible to the rest of us, that there are records still more startling which are held in the Department of State. It is time that the American people should know whether the statement in this paper that the citizens of the United States are petitioning the Queen and the Government of Great Britain for protection because they can not receive it from their own Government is true. It is time we should know whether or not the name "American citizen" has become a reproach in foreign lands, and whether in the Island of Cuba this terrible scene of fiendish butchery of women, of children, of young girls, whose bodies are found in a pit mutilated, shall continue; whether or not this Government has the power and has the duty impressed upon it sufficiently by this body to perform its plain duty of extending protection to American citizens unlawfully arrested and confined.

I ask unanimous consent to submit a resolution now and have it passed.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, that all correspondence in the State Department relating to the alleged murder of Dr. Rentz, claimed to be an American citizen, at Guanabacoa, Cuba, by the authorities of Spain, be communicated to the Senate; and also that he inform the Senate of what efforts have been made, if any, to obtain information on the subject.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the resolution which has just been read may be now considered. Is there objection?

Mr. WHITE. I object.

The PRESIDING OFFICER. The Senator from California objects, and the resolution will go over.

Mr. WHITE. Mr. President, I do not wish to incommode the Senators who have charge of the appropriation bills, and I do not intend to do so, and I will say but a very few words.

The Senator from Massachusetts [Mr. LODGE] seems to think there has been a personal onslaught of some kind upon himself, and he was led to call my attention to the lack of enthusiasm created by my remarks made to the Senate yesterday. I presume his object in thus informing us was designed to excite my envy when contrasting my position with the enthusiastic demonstrations which ever attend his eloquent and relevant statements.

However, I have lived long enough to know that there are many great men in this world and that I have no claim to greatness, and it is enough for me even temporarily to rest in the shadow of the mighty intellectual power whose instruction has been so generously given. I, perhaps, might survive some of the comments of the Senator, but I do not know how I can exist in view of his criticism upon my pronunciation of the name of the party mentioned in the joint resolution. I ventured to call him Julio Sanguily, and the Senate has been informed that I mispronounced his name, and this I did in a disrespectful manner. If it were not for my faith in the abilities of the Senator from Massachusetts and my consequent belief that all of the Spanish scholars I have ever met have been mistaken as to the pronunciation of such names, I would, perhaps, hesitatingly venture to adhere to my own view. I will, however, study the lesson proffered by the Senator from Massachusetts and shall endeavor to absorb some of that learning which must be useful to the Senate, pertinent to this debate, and natural to the Senator from Massachusetts.

I regret that my friend the Senator from Florida [Mr. CALL] also accuses me of having taken up too much time. It is seldom that I take the floor save for an inquiry, whereas the Senator from Florida is a chronic speaker upon the subject of Cuba. He is not in a position to rebuke me for my single infraction. Now, that Julio Sanguily (I hope I may be permitted to continue to so pronounce his name) is free, we are treated to the case of Ruiz, and are told upon the authority of a newspaper, infallible, of course, before all tribunals, that Ruiz was badly treated, murdered in a dungeon. Comments on this topic are directed at me, and, as far as I am able to appreciate the Senator's meaning, the insinuation is conveyed that

I and other Senators who do not favor declaring war without ascertaining what we are to fight about are guilty of the murder of Ruiz, and this because Sanguily has been pardoned. This conclusion might be considered slightly illogical by some, but not by the Senator from Florida.

Mr. HALE. Let me ask the Senator whether any motion has been made to substitute any other island for Cuba?

Mr. WHITE. I will say to the Senator from Maine that no motion has been made, but there are insinuations that something of the kind is coming; that if it be true that Sanguily has confessed his guilt, nevertheless there is suffering elsewhere, and it will be urged that while we were mistaken in the case of Sanguily, a valid cause of complaint must exist as to some one. There must be an oppressed innocent somewhere, and we will be fully informed regarding the outrage by illustrations in the newspapers and magnificent orations in the Senate.

Mr. HALE. But no motion has been made to substitute any other island for Cuba?

Mr. WHITE. Not yet.

Mr. GALLINGER. We are going to put in the State of Maine next instead of Cuba.

Mr. WHITE. The Senator from Florida, after commenting upon the immense amount of time that I took in discussing the Cuban question yesterday, in order to be truly consistent, proceeded to make a speech upon the subject himself.

I yielded to the appropriation bills, and I will do so again in the hope that these important measures may be passed, and that we may establish a field day for the discussion of Cuba, and give notice to all alleged suffering patriots, wherever found, that their cases will be taken up as soon as the Calendar will permit, and our Navy increased correspondingly to the necessities of our belligerency.

Mr. HALE. Will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. Certainly.

Mr. HALE. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. MORGAN. That bill is already before the Senate.

The PRESIDING OFFICER. The Chair will state that the Indian appropriation bill is now pending before the Senate.

Mr. WHITE. It might seem peculiar that the remarks which I am endeavoring to answer were addressed to the Indian appropriation bill.

Mr. HALE. I understand that it is before the Senate.

Mr. CALL. Mr. President——

Mr. MORGAN. Have I the recognition of the Chair?

Mr. HALE. The Senator from California yielded to me.

Mr. MORGAN. I should like to know whether I am recognized as entitled to the floor?

The PRESIDING OFFICER. The Senator from Maine has been recognized in the time of the Senator from California.

Mr. MORGAN. I thought I was recognized. I am mistaken.

Mr. HALE. The Chair recognized me.

The PRESIDING OFFICER. The Chair was about to recognize the Senator from Alabama, but found that the Senator from California still retained the floor.

Mr. MORGAN. I am mistaken, and I yield.

Mr. HALE. I simply desire to hold the Senate, so far as it can be done, to the consideration of the real business of the session. Everybody understands that if the appropriation bills are not considered and acted upon and passed—and there are only six days more in which to consider them—more or less of them will go over until the next session, and that the next session will be complicated with all subjects of legislation.

Mr. JONES of Arkansas. I suggest to the Senator that there are but four days after to-day.

Mr. HALE. I was reckoning everything, including Sunday, because I have no doubt the Senate will be obliged to sit on Sunday.

Mr. JONES of Arkansas. That will make five.

Mr. HALE. There are in all only six days, including to-day and Sunday, and all I desire is that the Senate will confine itself to the consideration of the real business.

Mr. President, the moot court is over. The amazing display which was made here by the Committee on Foreign Relations in hurrying in an inflammatory joint resolution, couched in the most offensive form, in order to take up the time of the Senate, has passed. Nobody expects anything to come of it, and if the Senate will actually proceed with the consideration of the appropriation bills, which must be passed in order to prevent complications which will result next session, then there need be no question of doubt that the bills will receive consideration and actually be passed. But if the time is to be taken up by debating questions which are dead matter and which are ended, then Senators ought to understand and ought to realize that it will be impossible to pass the appropriation bills.

I do not propose to take any time upon this point. My motion was made not because it was needed formally, but in order to bring the body to the consideration of the actual business before it. All other matters ought to be left aside and out of consideration, as every hour will be needed from now until 12 o'clock on the 4th of March to pass the annual appropriation bills.

Mr. MORGAN. The Senator from Maine ought to start out on a regular tour of lecturing, if he can find a lot of school children for his audience. On yesterday it was obvious and notorious that the Senator from Maine, being a member of the Committee on Appropriations, served notice upon the Senate that because the Senate chose to take up the Sanguily joint resolution, the joint resolution would not be permitted to pass. The RECORD shows it.

Mr. HALE. I said that it would not be permitted to pass without full debate.

Mr. MORGAN. Oh, that is what it meant. We know what that meant. It meant a filibuster.

Mr. HALE. Will the Senator allow me?

Mr. MORGAN. I will.

Mr. HALE. After the Senator himself has consumed days and days upon the subject of Cuba, and Senators in sympathy with him have consumed days and days, until over 150 columns of the CONGRESSIONAL RECORD have been taken up on that side and nothing has been said on the other side, it certainly is very extreme ground for him to take that if anybody wants to discuss the joint resolution it is filibustering. I deny it.

Mr. MORGAN. I yielded that far, and it is as far as I am going to yield. I do not expect to be interrupted any further.

The Senator from Maine, being a member of the Committee on Appropriations, charged with the duty of carrying the bills through, because the Senate of the United States, by a vote of 40 to 27, concluded to take up the joint resolution for discussion—I was prepared to vote upon it without offering a word of debate—notified the Senate that a filibuster would be organized which would carry the appropriation bills over beyond this session.

The Senator from California [Mr. WHITE] rose in his place and spoke three or four hours, during which time he did not touch the appropriation bills nor did he touch the Sanguily joint resolution. He spoke evidently for the purpose of giving utterance to some remarks which he had prepared upon constitutional law as affecting the power of the President of the United States and the power of Congress upon the recognition of foreign governments, and such as that. His speech was able enough, but entirely inappropriate to the occasion. So the Senator was merely occupying time, and doing it for the purpose of staving off any result upon the Sanguily case until something else could happen.

Now, we are informed that something else has happened. Who informs us? How do we get the information? Does the President of the United States inform this body that any change has taken place in the Julio Sanguily case? I have heard of no message from him. I have heard of no statement from the Secretary of State. We are informed now, as we were about the Ruiz case, through the newspapers as to the situation of this grave affair between the two powers—Spain and the United States of America. We are left here entirely in the dark, as far as the Executive is concerned, in respect to the attitude of this question.

I lament that the relations between the President of the United States and the Congress of the United States and the American people upon a question like this are so strained and are so dislocated that the Congress of the United States, in neither branch, can get information from him until it is pulled out of him by a sort of corkscrewing-resolution process in respect of any matter that concerns Cuban affairs.

I do not wonder that he wants to cover it up. I am not surprised that he prefers darkness rather than light in respect to these matters. I am not surprised that he shrinks from the examination of the American people whose hearts are aflame with a desire to see justice done to their citizens in Cuba. But so it is. We are confronted with that situation, and we are compelled to act without his guidance, his advice, his admonition, or his information.

Sir, the appropriation bill that is now before the Senate involves an inquiry into the condition of the Indian tribes in this land, the people who are dependent upon us by an enforced citizenship which they never desired and very few of them have ever consented to accept, although we have tendered them land in payment for their acceptance. We are taking care of that class of our citizens. If one of those poor Indian citizens had happened to be in Cuba and had been treated as Sanguily has, I suppose there would be some appropriation put in this bill to provide for his family, to provide for his return to the United States, to provide for the protection of a man with an enforced allegiance; or if a negro were to go to Cuba, as some have gone from my own State, for the purpose of participating in this struggle on the side of

Cuba, and one of those men should be treated as Sanguily has been treated, the Senate would be aflame with anxiety and determination to rescue that man from the jaws of Cuban cruelty and destruction; and I would be amongst the first of the men to vote for any sort of necessary provision for the purpose of extricating the man from that situation.

But here we are providing for the Indians. We have always provided for the negroes when we could. We have adopted citizens, who have come to us flying from persecutions and wrong and injustice. We have adopted citizens in this country, and all of that class are now informed by the honorable Senator from Massachusetts [Mr. HOAR] and by the Senator from Maine [Mr. HALE] that hereafter when they are found in foreign parts they are to take with them a certificate of their naturalization which must show regularity on its face in every particular; otherwise the Government of the United States will be exonerated from its obligation to take care of them. I call the attention of this naturalized class in the United States to the attitude of the Senator from Massachusetts upon that question.

Mr. HOAR. Mr. President——

Mr. MORGAN. I decline to yield.

Mr. HOAR. I wish to state that that is absolutely a misstatement of my position.

Mr. MORGAN. I decline to yield. The record shows what your position was, and I am speaking from the record.

Mr. HOAR. I know; but it is different from what the Senator states.

Mr. MORGAN. I am not asking the Senator for any information about his position, because here is the record that shows what it was.

The point was made here yesterday that after the State of New York, through its judicial tribunals, had accepted the citizenship and allegiance, under oath, of Julio Sanguily, that record was liable to collateral attack in favor of Spain against the United States. That is the attitude. Senators get upon the floor, and for the purpose of justifying the imprisonment of Sanguily they take the ground here that he was justly condemned to a life in chains because they could imagine, out of the testimony in this case as they conceive it, that there had been some fraud in the naturalization of Sanguily.

If Sanguily had never been naturalized in this country, there is, Mr. President, an impulse of humanity that seems to be a welcome impulse, and very much at home in the Christian heart, which prompts, encourages, and sustains an honest Christian man in his demand that persecution under the name of the law and under the form of the law shall not be employed by any nation, at least one near to us, for the purpose of crushing out the life of a poor, old wounded, soldier, whose festering wounds, acquired twenty years ago, still disable him from hard labor and from the service of his family except in a precarious way.

Mr. HALE. What, Mr. President——

Mr. MORGAN. No; I beg pardon.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. MORGAN. I decline.

Mr. HALE. The Senate understands that this committee is the only committee that refuses to answer a question.

Mr. MORGAN. The Senator from Maine can reply in his own time and in his own way. If he wants to argue the Cuban question on the appropriation bill, let him reply to me. That is all right.

Mr. HALE. Well——

Mr. MORGAN. But he can not take my time and interject his speech into mine. I decline, sir, to be interrupted by the gentlemen who are so anxious to discuss in my time upon the appropriation bill the Cuban question. Let them discuss it in their own time.

Mr. HALE. It is the only committee in the Senate——

Mr. MORGAN. I object to any interruption.

Mr. HALE. Which refuses to answer——

Mr. MORGAN. I call the Senator to order. I call him to order.

Mr. HALE. I say it is the only committee in the Senate that allows no questions to be asked.

Mr. MORGAN. I call the Senator to order.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. MORGAN. I call him to order. He must not interrupt me, and I do not intend to submit to it. I notify the Senator from Maine.

The PRESIDING OFFICER. The Senator from Alabama will proceed.

Mr. MORGAN. Here is a citizen of the United States, so stated in the last dispatch from General Lee. I will read that dispatch from General Lee, because he has that sort of humanity in his bosom that comes from a man who has courage and who has proved it in a life-long devotion to principle, even against the frowning, scoffing, persecuting spirit of the whole world. His name is a guaranty of honor, of courage, good sense, manhood, and American patriotism. See how he speaks about Julio Sanguily, whom the Senator from California [Mr. WHITE] found it opportune to ridicule to-day, with his wounds, his bruises, his persecutions, his distresses, his compulsion under duress to permit his counsel to ask for a pardon. If the Senator from California, who has had full opportunity in his life to do so in a patriotic cause, had worn the scars that Sanguily wears, he might be pardoned, possibly, for scoffing at him now in his distress and his misfortune. Here is what Lee says about Sanguily, writing to Mr. Rockhill:

Yesterday noon I visited the Cabañas fort and had a talk with Mr. Julio Sanguily, an American citizen, and formerly a general in the insurgent army.

Lee had not found out that he was not an American citizen. He was proud to visit him in that character. He honored him because he found that his native land was so prone to that chronic cruelty which belongs as much to the Spanish character as it does to the Comanche Indian, and he found that Sanguily had the inspirations of an honest, patriotic heart beating in his bosom, and that after the failure of the revolution of 1868 to 1878 he had come to this free land and accepted our invitation to become a citizen of the United States, although he had been compelled by his poverty to return to his native land in order to rake together, with his wife and children, the little fragments of a confiscated estate, that he might live upon it, not being able because of his wounds to work at anything else. That glorious, grand man, Fitzhugh Lee, was proud to take him by the hand in a prison and call him an American citizen, while the Senator from Massachusetts repudiates him as such because he thinks there is a possibility that there was some fraud in his naturalization.

Mr. HOAR. The Senator from Alabama repudiates as such——

Mr. MORGAN. I object to an interruption.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. HOAR. And doubts the name of——

Mr. MORGAN. Reply in your own time. I call the Senator to order; and that will not be a joke, either, if it is repeated. The Senator can amuse himself as much as he pleases by an interference with a gentleman on the floor in violation of the rules of the Senate, and shelter himself under the supposed dignity of his prestige and position here, but he can not do that with me.

Says Lee:

As you know, he was arrested in his house while taking a bath on the 24th day of February, 1895.

This letter was written January 6, 1897, and day before yesterday was the 24th of February, 1897, completing the full two years that that poor man had been confined in a Spanish dungeon for the mere purpose of exhibiting him to the world, and particularly to the Cuban people, as a desperate example of the rashness and inconsiderateness of a man daring to be suspected—not guilty, but suspected of harboring in his bosom some of the pulsations of honest liberty. Two years! That is not enough for these Senators. No; it is not enough! In the times of the Inquisition it would have been enough for Spanish cruelty, and even now I fancy that I can see the Vatican from its eastern porch raising its hand above the head of the honorable Senator from California, one of his disciples, and saying, "Well done, my servant; you are pursuing exactly the course that was observed in the Spanish Inquisition; you are true to Spanish instincts; you are true to the spirit of persecution, and you can laugh while Sanguily bleeds, sighs, and perishes." Says Lee:

Sanguily had proved himself a very brave and efficient officer in the Cuban war from 1868 to 1878, and had been wounded seven times.

A glorious record for this lover of liberty; a glorious example to set our children; yes, to us, who have forgotten how our liberties were bought and the wounds that were kept bleeding and festering for them for more, perhaps, than twenty years after our Revolutionary struggle. Sanguily sets us an example, Mr. President, that I would that the younger men of this country could feel. Yet I know that amongst the eldest who have got to be either of the class or the advocates and defenders of the class called the business interests have forgot the last instincts of patriotism, and are now just as corroded as were the British persecutors of the Americans in the times of the Tories and the Whigs of the Revolution.

It was therefore naturally supposed that sooner or later he would have joined the insurgent side of the war now in progress in this island.

That was a natural supposition. That was all there was to the case, for Sanguily, feeling incompetent to take further part in open rebellion, abstained like an honorable man from secret council with the enemies of Spain. Why? Because he felt the obligations of his oath of allegiance to the United States and felt that

he had no right as an honorable man to violate it. Hence, when a message was sent to him inviting him to become a member of the insurrection he positively refused and cut himself aloof from all associations of the kind. Because a man is honorable enough to obey his allegiance to the United States Government he is not only arrested in Cuba and tried upon that suspicion which naturally, says Lee, grew out of his situation, but he is here persecuted as a convicted man, and some Senators on this floor rejoice that that poor man, in the midst of his persecutions, has been subjected to a condition from which he could not escape with his life otherwise than by confessing guilt when he was not guilty and accepting pardon when he was not entitled to pardon, because no guilty thought had entered his mind or had ever found expression in his action.

That is the situation of Julio Sanguily, a man who, in point of honor and in point of that respect which the world owes to a high character, will compare favorably with the character of the best man on this floor. Now, says Lee:

On the 28th of November, 1895, or, say, nine months and four days after he was arrested and thrown into a cell at the Cabañas fort, he was tried and sentenced to be imprisoned for life.

He omits to mention the chains.

An appeal was taken to the supreme court of justice at Madrid, which decreed, upon some technical ground, that Sanguily should be retried.

On the 21st of December, 1896, his second trial commenced, and ended by his being again sentenced to perpetual imprisonment.

From this second sentence an appeal has been taken, which, whether successful or not, will greatly lengthen the time he has already passed in his cell.

The lawyer who defended this prisoner in his first trial now looks from the bar of a cell adjoining his in the Cabañas fort, and I am informed that the lawyer who managed his appeal before the Madrid court has suffered in consequence thereof, so that it may be difficult to procure in Madrid another person versed in the law who will consent to manage for Sanguily the appeal proceedings.

Lee foresaw what the result of that appeal would be in Madrid. The lawyer who defended him before had been disbarred and robbed of his office, and he was left there without money, without friends, without an advocate, without even the friendship of the American minister, to run the risk of an appeal that would condemn him to an African fortress in chains for life.

Well, sir, I do not wonder that Sanguily might be frightened and forced under this duress even to permit his counsel to ask for this pardon. I do not know hearts that are quite strong enough to stand the Spanish Inquisition repeated in Cuba. We have read enough of the martyrdom of that Inquisition to understand that it requires nerves more steel-like than we have got and perhaps consciences purer to be able to withstand even for the sake of God and His Church the persecutions of the Inquisition of Spain. These men have no power to touch a suspected prisoner otherwise than with cruelty, and the punishment of a man in Cuba who is suspected of running counter to the will and policy of the Spanish Government begins the very minute that he is landed in a prison. They begin to punish him before he is convicted, and if they find that the evidence is not going to be sufficient to convict him, they punish him until they wear him out before giving him a trial. That is what was done in Sanguily's case. Yes; you American Senators see it and know it as I do. You stand here and look it in the face and do not blush.

He says:

Only a few days after the arrest of Sanguily a proclamation was issued—

Mark this—

Only a few days after the arrest of Sanguily a proclamation was issued offering amnesty to all persons in arms who would give themselves up.

That proclamation, we are informed, was issued.

It seems that this ought to apply to persons who had been arrested without arms in hand. Two other Cuban officers of distinction—Ramon Perez Trujillo and José María Timoteo Aguirre—were arrested, I am told, at the same time as Sanguily and for the same reason, namely, because it was thought that they would engage in the war. After a short incarceration they were liberated.

They were not American citizens, Mr. President. There the discrimination commences, and presently I shall have something to say on authority about discrimination. Every American who holds naturalization papers who has been placed under arrest—and few have escaped in Cuba—has been discriminated against deliberately and with cold blood because simply he held those naturalization papers. Now, it is a well-known fact that an American citizen of Spanish origin or of a Spanish name who has got a passport or certificate of naturalization from the United States does not dare to show it when he is arrested for fear he would be killed on the spot. That is the sort of character we have got in Spain. We deserve it. But, Mr. President, I do not enjoy it. It is not pleasing to me; it may be to others.

And when it was day, the magistrates sent the serjeants, saying, Let those men go.

And the keeper of the prison told this saying to Paul, The magistrates have sent to let you go: now therefore depart, and go in peace.

But Paul said unto them, They have beaten us openly uncondemned, being Romans, and have cast us into prison; and now do they thrust us out privily? nay verily; but let them come themselves and fetch us out.

And the serjeants told these words unto the magistrates: and they feared, when they heard that they were Romans.

And they came and besought them, and brought *them* out, and desired *them* to depart out of the city.

Ah, Mr. President, it was Paul's valor and vigor alone, and he possessed it, too, in a degree equal to that of any man, I suppose, who ever lived, fortified as he was also by Divine inspiration. But it was the glorious title of Roman citizen that sheltered him on that occasion, and it was that that he appealed to.

He could not be taken with that character upon him and be degraded by being thrust out privily; he could not be stolen out of that prison or seduced out of it.

Mr. DAVIS. He declined a pardon.

Mr. MORGAN. Yes. He would yield to nothing but the Roman right. He stood upon it, and it stood him in hand, and these persecuting magistrates, after they had sent their sergeant to induce him to accept this pardon and this secret dismissal from prosecution, came to him and begged him that he would accept an open door and depart from the city.

Mr. President, that was nearly two thousand years ago, and that example has stood here upon Sacred Writ for the encouragement and protection of men who enjoy the citizenship of great countries which are willing to protect their citizens wherever they may be found; and we find, while that sacred principle is connected with the highest development that is possible of human character, perhaps the most distinguished and the noblest Christian that lived in the world was made the subject of this sort of persecution, he claimed not the power of angels to release him, as he could have done, but he appealed to his Roman citizenship, and the very judges and persecutors who had cast him into prison came and opened the door and begged him to depart.

Sir, we had an example of that kind secured to us in the Constitution of the United States and in the glorious and priceless name of American liberty; but Senators on this floor turn their backs upon it and spurn it, and ridicule the man who claims the title of American citizen, and call him a fraud, because they suspect in their evil imagination that there is possibly some lapse in the proceeding by which he was naturalized. They stand here to claim that he is not an American citizen. Why and for what? In order that he may justly suffer imprisonment for life in chains. Leave it to them upon the law and the facts, and Sanguily would have gone to Ceuta without the possibility of restoration, and passed his life in chains.

The point was astutely made here. If it had been made in that Spanish court—and it is only because the Senator from Massachusetts was not a Spaniard that it was not made—if this point had been made in a Spanish court, it would have prevailed there doubtless, and probably would have prevailed in the Senate of the United States and in the mind of our heroic President, and Sanguily would have been condemned to life in chains. That is the judgment you have pronounced upon that poor man. The American Government says he is a citizen; you say he is not. This is a question between two governments, not a question between poor Sanguily and even the Senator from Massachusetts. The American Government has said in the very initial proceeding, started and reported in the dispatch from our consul-general, Ramon O. Williams, on the 25th day of February, 1895, that this man is an American citizen, and gives the date of his naturalization, the number of his passport, and the fact that he had a passport given him by this Government. Then he proceeds to say that he took that passport and returned to Cuba; that he had it registered there in the American consulate and also in the office of the Captain-General. So that this noble character, which he supposed, like the character of the Roman citizen, would even open dungeon doors to his release when he was innocent, would be kept in constant view of the Captain-General of Cuba. There he lived, and no man can say one word to the contrary, an obedient man to that glorious character of an American citizen. He valued it, appreciated it, and acted upon it, and now he suffers for it, and it is all he does suffer for.

Mr. President, I wish to read one little extract from the judgment of the court which pronounced the sentence of death upon Sanguily:

11. Whereas according to article 8 of the civil code and article 41 of the law concerning foreigners, the penal laws are binding upon all persons living in Spanish territory, and as, consequently, the provisions of the penal code are applicable to Don Julio Sanguily y Garit, since his American citizenship gives him only the rights granted by the protocol of January 12, 1877, which rights have been recognized.

There, in the sentence of death upon that man, that Spanish court does him the honor to declare his American citizenship, yet the Senator from Massachusetts snatches from him that tribute to his character, which entered into a document, no doubt the chief

factor in his condemnation. All the way back through these papers, every time Sanguily is alluded to, he is mentioned as an American citizen.

Sanguily was educated in the Northeast, in New York City, I believe, elegantly educated in our colleges, for he belonged to a family which was able to bestow upon him those accomplishments. When his native country became involved in the war of 1868 to 1878, the young man went there, and very soon was rewarded with the commission of a general, and he earned it upon the field in the noble wounds that he bears upon his body, in the gallant conduct which he performed there and which has become a part of the history of Cuba. This man, while incarcerated, prepared two papers in his own defense, one of which he addressed to the Government of the United States and the other was evidently prepared for his counsel. I will insert those papers in my remarks without now stopping to read them, with only the observation that I think it would put the best lawyer in this Senate to a pretty severe task to prepare a better paper than either of them.

The papers referred to are as follows:

[Inclosure 2 in No. 2312.]

Mr. Sanguily to Mr. Williams.

SIR: I, Julio Sanguily, imprisoned in the Cabaña Fortress for the supposed offenses of rebellion and kidnaping, appear before you to protest of the unjust imprisonment suffered and the concluded violation, victim in both charges.

In the first I have been sentenced by only five judges. Have been indicted and put in prison by virtue of a warrant founded in the circumstantial evidence of the process originated before the military jurisdiction.

Besides, I have been subjected to a new trial by the civil authority, which is not in accordance of the protocol of 1877.

According to that protocol the law of procedure that has to be applied to the citizens of the United States is the one of April 17, 1821.

That law directs from articles 19 to 23 an especial procedure, by virtue of which every act of the process must be with the consent of the defendant's counsel. Article 23 says that the witnesses must testify in the presence of the defendant and his counsel.

Article 24 says the presiding judge must pronounce sentence.

Article 25 says that after sentence has been pronounced the case must be carried to the (audiencia) and the parties to be heard there again (article 28) pronouncing definite sentence within the third day by six judges.

Laying aside the warrant of process and imprisonment founded in the facts of the case originated before the military jurisdiction, the undersigned could never have been tried by oral process, because the protocol of 1877 objects to it, and says that the citizens of the United States can not be tried only by the law of April 17, 1821, with entire publicity regarding the witnesses, who have to testify in the presence of the defendant's counsel, who can make any remarks he may deem necessary, first pronouncing sentence by the judge, and then with new proof by the audiencia, and that composed of six judges (article 27).

The exponent has had only one sentence, by virtue of a law that is not applied, and that sentence has been pronounced by the audiencia, composed of five judges, sentencing to perpetual chain.

Article 2 of the protocol has reference to the law of April 17, 1821, and also articles 4 and 5, all in reference to the citizens of the United States.

Such is the law in force regarding citizens of the United States. And the general consulate objected against military jurisdiction, the one subjected by the exponent. The Captain-General acceded to the demand of the general consulate by merits directed in article 1 of said protocol.

Though another Spanish law may have been promulgated following that of 1821, it is not possible to lay aside without the accord and consent of the United States of the one particularly determined in the protocol, i. e., the citizens of the United States must be tried by the law of April 17, 1821, more advantageous than by secret process, by which the Spanish subjects are subjected to.

The law of 1821 also demands proofs in order to convict, and the Spanish law in force, or say that one of the oral process, authorizes the laying aside of the proofs and the conviction or discharge, only in conscience of the judges. And the conscience of the judges of the Spanish tribunal toward the undersigned is not a guaranty sufficiently impartial, taking into consideration the political offense and the important part taken by the undersigned in the last war.

In the case of kidnaping, as in the previous one, the protocol and law of April 17, 1821, is not applied and is subetituted by the oral process.

The exponent has not consented to the law that has been applied—

In the first place, because the treaty has a public character and can not be renounced individually; in the second place, because it designates an obligation of the Spanish Government which has to be fulfilled; in the third place, because, as it appears in this case, did not know the existence of a law that favored me so much, an ignorance that can not be imputable to the Spanish authorities, necessarily cognizant of the treaty, which did not wish to apply in prejudice to a citizen of the United States; in the fourth place, because the Spanish criminal law, in article 8, declares that the criminal jurisdiction can never be prorogued.

Then it can not be said that the undersigned has been submitted to a criminal jurisdiction, which does not belong to him, proroguing to that jurisdiction his own.

The undersigned does solemnly swear, in the name of the Almighty God, that, until now, did not know the existence of the law of 1821, and being imprisoned since February 24, 1895, and sentenced in one of the cases, by virtue of a law to which is not submitted, but excluded by the protocol of 1877, appears before his consul with the present protest, against the arbitrary and violation of the law of which is a victim, that through the representative of his nation may be elevated to the United States Government, so that it may obtain the immediate liberty of one who is suffering imprisonment illegally and has already been sentenced unjustly, and besides that I demand from the Spanish Government an indemnity in the sum of $500,000, damages caused by the said Government in depriving me of my liberty arbitrarily decreeted and against the solemn law of treaties.

At the date of this protest and claims of damages the undersigned has already suffered one year and eleven days of illegal imprisonment in a fortress.

So the United States Government can not consent that, contrary to the expressed laws, a citizen of his nation be deprived in such a manner of his own liberty by a foreign Government.

JULIO SANGUILY.

CABAÑAS FORTRESS, *March 6, 1896.*

Memoir presented to the United States Government by Julio Sanguily, a citizen of same, demanding his liberty and indemnity of the Spanish Government for reason of the unjust imprisonment of which he is the victim.

The treaties and protocols in force between the United States of America and Spain relating to its citizens and subjects are laws.

The first treaty in the chronological order is that of 1795. That treaty was ratified in 1819 for another one, with exception of articles 2, 3, 4, and 21 and the second clause of the twenty-second.

The seventh clause of the treaty of 1795 remained, therefore, in force. Said clause says: "That the citizens of the United States shall be granted free access to all judicial procedures and to be present at all hearings and examinations relating to same."

As that clause was not sufficiently clear, several conferences were had between the minister plenipotentiary of the United States at Madrid and the minister of state of His Majesty the King of Spain, agreeing definitely in 1877 to sign on the 12th of January of said year the protocol, which, according to its preamble, has for its object the following: "To terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure and to make declaration on both sides as to the understanding of the two Governments in the premises and respecting the true application of said treaties."

That protocol has been signed by the Hon. Caleb Cushing, for the United States, and by His Excellency Señor Dn. Fernando Calderon y Collantes, minister of state of the Spanish Government, the president of the cabinet, His Excellency Señor Dn. Antonio Canovas del Castillo, confirming same and communicating it to the governor and Captain-General of Cuba through a royal order.

Said protocol ends with the following words: "In order to give the Government of the United States the completed security and good faith of His Majesty's Government in the premises, command will be given by royal order for the strict observance of the terms of the present protocol in all the dominions of Spain, and specially in the Island of Cuba."

The exponent was indicted by military jurisdiction in two cases—one for the rebellion, and the other for kidnaping. The consul-general of the United States demanded immediately of the Spanish authorities, and referring to article 1 of the protocol of January 12, 1877. The Spanish authorities, recognizing the justice of that demand, consented that the case would pass to the civil jurisdiction.

This action of the Spanish Government in the Island of Cuba proves that they recognize the protocol, because the first of its clauses was fulfilled. But the Spanish Government has not recognized all the other clauses of the protocol, having violated them, and the exponent goes to prove it.

All the protocol is united to the law of April 17, 1821. That law has never been applied to Spanish subjects in the Island of Cuba. It is an especial law of Spain, and if it was published in Cuba in El Diario del Gobierno Constitucional de la Habana, dated July 10, 1821, was a new reference; and so it is that article 37 of same declares that the dispositions of that law as understood are limited to provinces of Spain and adjacent islands.

The mentioned law of April 17, 1821, was never a law in Cuba for the Spanish subjects. But the Spanish minister by common consent with that of the United States having selected it exceptionally, to proceed and resolve only when concerning to citizens of the United States.

In accordance with the treaties, the citizens of the United States condemned by the Spanish authorities in criminal cases must be subjected to the especial law exclusive of any other law.

Examining now the protocol of 1877, said protocol having been fulfilled by the Spanish Government only in the first clause, article 2 refers to those who may be arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821.

Article 3 refers to those who may be taken with arms in hand, mentions as law for the citizens of the United States, adding: "In conformity with the provisions of articles 20 to 31 of the same law."

Those articles from 20 to 31 direct that the trial must be public, the witnesses testify in public in the presence of the accused or counsel; that the counsel or the accused can make observations or examine the witnesses; that after the evidence the counsel may expose to the judge all he may deem convenient to his client, and after the counsel has been heard the judge may pronounce sentence.

The sentence pronounced by the ordinary judge shall be referred to the audiencia of the judicial district, in accordance to article 5 of the protocol, referring again to the law of April 17, 1821, and before the audiencia, according to this law, the citizens of the United States can present new evidence, and his counsel speaking afterwards, the audiencia, composed of six judges, among them necessarily the president, shall pronounce sentence lastly.

The law of April 17, 1821, which the protocol guarantees, has not been conceded to the exponent, and has been condemned by another law in which the process has been secret. The witnesses have not testified in the presence of the accused or his counsel, and has been subjected to oral process where there is only one, sentence having been pronounced by five judges and not by six, as the law of April 17, 18-1, requires.

Has already been condemned in one of the cases, and the other is being finished in the same manner.

Besides, in the oral process, conviction can be agreed without process at the conscience of the judges, and the law of April 17, 1821, says "that the crime charged in the indictment must be fully proved."

The exponent is suffering imprisonment in a military fortress nearly twelve months for reason of a law not included in his case, therefore violating the agreement of the treaty or protocol.

Moreover, the imprisonment is founded in the facts and antecedents instituted in the case by the military jurisdiction where the cases were initiated.

In the protest accompanied with this exposition swore in the name of Almighty God not to know the law of April 17, 1821, a law that protected him so much, and now repeats the same solemn oath. Therefore invokes in the name of justice that the liberty taken from him so arbitrarily be restored immediately.

Besides the damages caused by the privation of his liberty, add the injury caused his honor, charging him with the infamous crime of kidnaping, a charge of which he is entirely innocent; and said charge had been published in the newspapers on several occasions.

The two newspapers inclosed, La Lucha and Diario de la Marina, having the largest circulation in Cuba, published to the injury of the exponent his complicity in the case of kidnaping, instituted against him by the mystery of a secret process.

The imprisonment and the case of kidnaping have been realized, applying to him a law of which he was excepted by virtue of a treaty between the United States and Spain.

How much is the damages value?

The nation that breaks a treaty to imprison conveniently a foreign subject exempted by a law of said treaty and subjects him to an inquisitorial proceeding by which he is dishonored through the infamous and repugnant nature of the crime charged him, such nation is obliged to pay the damages occasioned so arbitrarily.

The exponent estimates the damages caused by privation of his liberty and his honor, the two most valued treasures of the human being, in the sum of $60,000.

It must be taken also into consideration that the exponent, besides suffering imprisonment since February 24 of last year, has been incommunicated during twelve days, thus separated from his family and the world; that cruel and arbitrary incommunication was not even ordered by the civil authority, but by the military jurisdiction, an authority twice unqualified—first, because it was a military authority prohibited by the treaty, and, second, because the incommunication was effected contrary to the law of 1821.

The inclosed copy of protest of the consul-general of the United States, dated April 5, 1895, confirms the above fact.

From the prison he claims justice from the Government of his nation and invokes in the name of said justice and the law of treaties to demand of the Spanish Government his immediate liberty and also the immediate payment of the indemnity lawfully claimed.

In order that the Government of the United States may have full knowledge of the case, inclosed is copy in Spanish of the law of April 17, 1821, also copy in English of the Cushing-Collantes protocol, which refers to the former law.

Confirming the facts mentioned in the protest and memoir, the Spanish tribunal that passed the sentence for rebellion did not consent to send to the United States Government authenticated copy of the process and imprisonment, refusing previously that the consul-general of the United States should examine the case; and that opposition of the Spanish authorities was because they did not wish that the United States Government should be aware of how the treaty of 1877 had been violated, not having observed the procedure of the law of April, 1821, notwithstanding the cases against the accused had been transferred to the ordinary tribunal, that in the procedure the rules of the treaty should be observed.

And it can not be any other reason founded by the refusal of the judicial authorities that the United States Government should see the cases mentioned.

There can not be any ignorance alleged on the part of the Spanish tribunal. No tribunal ignores the laws of its country; therefore everything has been the work of bad faith.

JULIO SANGUILY.

HABANA, *March 6, 1896.*

Sanguily is a man of elegant accomplishments, a man of noble aspirations, a man of honorable deeds, who to-day would greatly prefer death to dishonor, and he is buffeted and kicked about in the Senate of the United States, derided and mocked at, simply because, not that he has appealed to us for justice, but because on the 1st day of February, 1897, the President of the United States, in obedience to a resolution offered by the Senator from Florida [Mr. CALL], sent in the record contained in the State Department of the treatment of that man. The Senate waited upon it, notwithstanding the honorable Senator from Florida next pursued this subject by a resolution, which he insisted that we should consider, and he pressed it, sir, with that vehemence and strength which is due to an honorable Senator inspired with thoughts of justice toward suffering manhood. Finally we took it up, because we felt that there was no hope for Sanguily but pressure to be brought at least by the Senate of the United States.

In the very first communication which was made by Ramon O. Williams this amnesty is called to the attention of our Government, which applies to all men who had even taken part in the insurrection by agreement or by overt act, whether they were found with arms or without arms, that they should be pardoned, should be amnestied, whenever they came in and submitted to the authorities. That amnesty was issued while Sanguily was locked up in prison. He was arrested on suspicion the day before the revolution broke out. While he was locked up in prison, this amnesty was issued. Of course we supposed, and everyone else supposed, that that would naturally dismiss the Spanish prosecutions against him. His offense, if committed at all, must have been committed antedating that amnesty and before he was locked in that prison, for a conspiracy was all that they have ever charged. Here stood the offense perfect and complete, if it had ever been committed, at the date of the pronouncement of that amnesty.

Why, then, was he not entitled to the benefit of it? Ah, sir, the reason stands out prominently that, while everybody else got the benefit of it, Sanguily was an American citizen and was discriminated against. That is the only reason. No man can argue out of this situation. You may shut your eyes to it and run away from it, but when you allow common sense and reason to operate in respect to these facts, that is the situation, and that is the result.

There stood that amnesty. When Sanguily was put upon trial he pleaded it. His counsel got up in court and called attention to it, stating that the proclamation of amnesty was made when Sanguily was locked in jail, and that he was not taken—and the evidence showed that he was not taken—with arms in his hands. He pleaded discharge from prosecution. The court overruled the plea, and held him. Who can account for that upon motives or sentiments or ideas of justice or right or honesty or uprightness? He was held contrary to that plea, because, and only because, he was an American citizen. When the counsel for the State came to argue that case against Sanguily upon this manufactured evidence, which would not have convicted a negro of bad reputation of chicken stealing in the South, he goes on to descant upon that very fact.

I can not for the moment lay my eye upon that paper, but it is in one of the papers which is published in this report, in which the prosecuting attorney dwells with great emphasis and decidedly bad feeling upon the idea that Sanguily should have left his native land and come to the United States, where nothing but hostile sentiment pervaded the people of this country, and have accepted naturalization at the hands of this Government. A decent man in his common senses, in his rational mind, who could not find a reason for preferring the Government of the United States to the Government of Spain under any circumstances, must have some very strong attractions or attachments in Spain or Cuba to draw him away from this hospitable and splendid land, where this young fellow was educated in our colleges.

He had acquired a love for the people of the United States; and that is one of the bitterest things that Spain has to encounter, that her young men and her young women of good family and good sense and good breeding and good fortune, or good talents and abilities of any kind, witnessing the splendid developments and the glories of this great Republic just across the narrow divide of waters between Florida and Cuba, stand there and look from their home trees out upon the north, and desire above all things that God would bless them with American citizenship. I hope that the flame that burns in Cuban hearts to-day in behalf of this splendid Republic, its institutions, its people, and its history, will continue to burn until the altar shall be built in Cuba upon which that flame shall fasten itself like the fire which descended from heaven upon the altar in the temple of David, and stand there and burn forever.

I will turn to the last trial and see what the counsel who prosecuted had to say about the case. In the first part of the trial the diatribe was much more prolonged and specific and cutting; it was even almost equal to the irony of the Senator from California [Mr. WHITE], which seemed to be quite red-hot, if not white hot, against Sanguily and all the people who had any respect for his wounds, his character, and his devotion to human principles.

The fiscal—

That is, the prosecuting attorney—

laid special stress upon the testimony of the accused, who had stated, when interrogated by the court, that he had not accepted the convention of Zanjon, of 1878, but had gone abroad to the United States, whence he did not return until 1879, and then as a citizen of the United States, and bitterly censured him for his acts of renouncing his nationality, of accepting the citizenship of another country, even of such a country as the United States.

Mr. CAFFERY. Will the Senator kindly inform me from what page he is reading?

Mr. MORGAN. Pages 93 and 94 of the report of the committee—

here the fiscal took occasion to pronounce a decided eulogium of the United States—of that friendly and powerful nation that feels bound in dignity to protect its adopted citizens who had privileges here that even those who had not ceased to be Spaniards did not enjoy, and of again returning to the land of his birthplace, of his forefathers, and of his wife and son, to resume his residence, and forgetful of the duties imposed on him as a foreign citizen to remain neutral, to conspire to head a revolutionary movement, issuing commissions, and executing preparatory acts of rebellion such as recruiting men and acquiring arms and ammunition.

And while he says the proof is positive upon those propositions, there is not one particle of proof. That man lied in his throat in the presence of the court when he said so upon the record.

Now, why are we censuring Mr. Sanguily for putting in this plea of amnesty? He did not get it. He was pressing his plea of amnesty for two years. That did not require of him to make any false confessions; that did not require of him that he should come and plead guilty to an accusation of rebellion and treason, and that he should acknowledge that he deserved the punishment of a life in prison and in chains. I should think that anyone would prefer to receive the benefits of an amnesty, which requires nothing of him in the existing state of facts, to being compelled to put in a plea for pardon for an offense of which he knew he was not guilty.

And, Mr. President, they seem to have had a great deal of trouble in getting this plea of pardon properly hurried up. The President of the United States has not yet got any information of it; he can not have; otherwise he would have self-respect enough, if he did not have enough for the Senate, to send in a message here informing us of the consummation of this pardon, in order that we might cease work upon this resolution. He can not have it in honor and justice to his own reputation as a man and President; otherwise it would have been here. The Senate of the United States in solemn deliberation acting upon a matter of this kind, entitled to receive evidence of this kind or information of this kind sent from the President of the United States, is denied any recognition in the premises: the evidence is withheld, if it exists, and we are expected to decide this case according to our own feeble judgment—a lot of intelligent gentlemen whose opinion, alas, amounts to nothing! That is what the Secretary of State said about us, and he said it in the ear of the Spanish minister here, in order that Spain might have a sufficient degree of contempt for this body and the other House of Congress. "The opinions of a

set of gentlemen which, when expressed, amount to nothing." "I am the great I am of this Government; I am the Government, and what these other men may do dangling about and around the fringe of things, what opinions they may express, may do very well for comment in the social circle or possibly for a question of debate in a debating society, but when you come down to facts, I am the Government; what I do is done, and what I do not do you have no right to touch." That is the situation.

Here came that resolution from the committee. The committee asked to set a day for the consideration of it, although it was another day of chains and imprisonment for Sanguily. If any Senator on this floor had to suffer one such day as that, though he should live for a hundred years, he would never forget that day. The humiliation it would work upon his heart would be so depressing, and the scars that were left there would be so deep and so annoying, that he would forget the most of life when he had to turn to that dismal day spent in a Spanish prison, an innocent man under unjust accusations and deserted by his Government. Sanguily had another day of it, and days have been added since the 1st day of February up to to-day, and for every day added to it somebody is responsible. God and man will both hold somebody responsible for every added day of Sanguily's sufferings in that prison.

Mr. President, when this committee came into the Senate with this report and gave a day upon it, I say there was still another day added to Sanguily's torment, although we could not help ourselves. We knew what was coming here. We knew that Spain had her advocates upon this floor for anything she has attempted to do—not men merely to excuse her, to palliate the situation, but absolute advocates for all the tyranny she has shown in Cuba. We knew that, and we knew we would have to confront it; but we supposed that our duty was none the less incumbent and peremptory on that account, for the man who has a great and solemn duty to perform can not stop and look at the obstacles that may confront him. If he is honest, he will look to the result and will try to reach it, though he may be foiled, as we have probably been here; but the introduction of the resolution put the cable wires into motion, kindled up the fires beneath the sea, and here we find information of a cable arrangement printed in the newspapers here this morning, said to have come across the cable, that Sanguily's counsel, Mr. Dominguez, had entered an abandonment of his appeal from his last condemnation to the supreme court of Spain, and thereupon the Queen of Spain had made it a special case and sat down and granted him a pardon—a pardon by cable! Why? What was the hurry about it? Because the Queen of Spain knew that she could not stand the arraignment that was being made in this Senate.

If that royal head, for which I have great respect, had conceived for one moment that the conduct of her Spanish subjects in Cuba could be justified upon any law, international law, treaty law, law of humanity, she would have said, "My royal word is at stake for the preservation of these laws, and I will not yield by cable a pardon to this man Sanguily. I will have his case set before me on the trial record, and I will examine it," like the President of the United States would examine a pardon petition here upon the record, and determine in his own cool and quiet judgment, according to conscience and right and law, whether or not the man was entitled to a pardon. But here the agreement is cabled to Spain, and as soon as the wires can bring it from the royal hand—the papers state that she signed the pardon with her own hand—without ever looking into Sanguily's case, startled and alarmed by the Nemesis of justice that was about to overtake her, she shrank from the collision and granted this pardon.

The duress, Mr. President, was as great upon Spain even as it had been upon Sanguily. What was the duress upon Spain? Nothing but being confronted with the truth. That was all. This message sent in here and the report based upon it and the resolution reported to this honorable body convinced her that the cheapest way out of this affair was, first of all, to get Sanguily to put himself in a condition of self-abasement and self-condemnation, then to grant him a pardon, and then to escape the fine that she saw she would be obliged to pay for this man's sufferings. "Money makes the mare go," and it seems to have had that effect in this case. "I have got poor Sanguily," says the Queen of Spain, "locked in a dungeon. I have got the waiting wife and little boy outside, who have been for two years living upon the charity of friends; I have got his character in my grasp; I have got him condemned contrary to the treaties with the United States and the law of Spain itself; he is my prisoner, and as much in my power as the timid mouse is in the power of the cat when he is playing with him before he eats him up." That is the way Spain had Sanguily; and then they begged Sanguily to dismiss his appeal in order that they might get a chance to pardon him!

Oh, what welcome news was that to this President in our White House, who has been down upon his hunkers now for two years praying with Spain to release him! How glad his honest and noble American heart must be, and in what wild transports of joy must be his magnificent person when he hears that after all, by the combination between the Crown of Spain and the President of the United States, they have now taken a poor creature and have at last dragged out of him a condition where they can escape paying damage and possibly have the liberty, like the sluggard, of sleeping and snoring while Americans suffer!

That is a lovely thing. There has that much good come out of it, Mr. President. There is one happy heart in this country, and that is the heart which for two years has been evading its duty of relieving Sanguily, when it was charged in the very first, the initial correspondence on this subject, that the treaty was being violated, as has often been charged since. That heart, which was engaged with all this knowledge of the breach of the treaty before his eyes, driven in upon his consideration, now finds that after two years of consideration, weighty consideration, he is able to escape through the sufferings of poor Sanguily.

Mr. President, he escapes two duties, one to his country and the other to his manhood. I am willing that he should escape both. I am willing, if it is to be the fate of Sanguily, that he should thus be immolated, thus destroyed; but I wash my hands of it here in the presence of the Senate of the United States. I am not guilty of having destroyed this poor man. I am not guilty of that act of cowardice which has exposed him to extreme penalties and compelled him to listen to extreme demands of injustice, demands which violate the integrity of the Government of the United States in its relations to him. I am not guilty of that, thank God! I commend those who can find any comfort in Sanguily's fate and condition to a diligent search for that comfort, for I must think when in their most thoughtless moments the name of Sanguily shall hereafter occur to them there will be a startling jar in the bosom that will satisfy them that some great wrong has been done which can properly be laid at their doors.

Now, once more about the question whether the matter was presented in regard to these treaties; whether it was pressed upon the consideration of the Government of Spain by the Government of the United States. Joseph A. Springer, our consul at Habana, in the absence of Mr. Lee, I suppose, or in the absence of Mr. Williams, May 4, 1895, made a communication to Mr. Uhl, who was then First Assistant Secretary of State. I will not read the whole of it, as some parts do not bear particularly upon this matter:

I have now the honor to accompany copy and translation of a communication received to-day from the Acting Captain-General to the effect that orders had been given to have copies made by the special judge of instruction of those parts of the cause instituted against Julio Sanguily and others, for conspiracy, for rebellion, which affect the American citizens, Messrs. Julio Sanguily and José María [Timoteo] Aguirre Valdes, which copies would be shortly sent to the civil jurisdiction of this city, his excellency having waived the military jurisdiction in favor of the civil jurisdiction as respects the said parties.

I understand that to-day is the tenth day that Mr. Sanguily has been "incommunicado" (in solitary confinement) by order of the military authority, not allowed the visits of his family, or even to see his advocate appointed by him for his defense.

That was pretty close confinement.

On the 26th day of April Mr. Williams had sent a dispatch to Mr. Uhl, which I will read:

I have the honor to inform you that in compliance with the telegram of the honorable Secretary of State of the 16th instant, I addressed a communication yesterday to his excellency the general in charge of the Captaincy-General, asking for the transfer of Mr. Julio Sanguily on the second charge from the military to the civil jurisdiction for trial, in accordance with the requirements of the agreement of the 12th of January, 1877, and entering at the same time the formal protest of the Government of the United States before the government of this island against any further delay in his transfer to the civil jurisdiction; protesting alike against all the proceedings hitherto practiced or that may hereafter be practiced by the court-martial now trying him, because they are in clear contradiction of the said agreement between the two nations.

Mr. President, I have read this more for the sake of reaching the ears of some of the members of the committee who seem to overlook the proposition than for any other purpose. I desire to show that in the very beginning of this proceeding, under the instructions of the Department here, our consul was directed to protest that no part of the military proceeding held against Sanguily in either of these cases should form a part of the judicial or civil proceedings afterwards had, but they had to start de novo; they had to abandon the inquisition of the military tribunal; they had to abandon the record which they made ex parte and without conferring with him at all. They could not, under the act of 1821 and the protocol of 1877, use that evidence against Sanguily, for that law, which is made a part of the treaty, expressly forbids it.

So our Government protested and kept on protesting. Now, here again, as late as December 24, 1895, Mr. Williams again writes on this subject:

With reference to previous correspondence relating to the arrest and trial of the American citizen Mr. Julio Sanguily, for rebellion against the sovereignty of Spain in this island, I have now the honor to inclose a copy and translation of a communication received under date of the 8th ultimo from

the chief justice of the royal audiencia of the province of Habana, asking for a literal copy of the formal protest I addressed the governor-general by order of the Department on the 25th of last April—

That is, from April to December—

against all the proceedings that had been practiced then or that might be practiced in the future by the military jurisdiction in the trial of Sanguily, because contrary to the provisions of the Collantes-Cushing protocol of the 12th of June, 1877, which requires that the above should be tried exclusively by the ordinary or civil jurisdiction.

I also inclose copy and translation of my answer to the chief justice, with which I accompany copy of my said protest. I sent a copy of this protest to the Department with my dispatch, No. 2491, of the 25th of April last.

There we began to make that point in April. As soon as this man had got out of the first case of secret imprisonment so that the consul could have a chance to see him and know what was in his case, right then and there our Government protested and continually it has protested up to this very hour that no part of the military proceedings against Sanguily could be used against him under any circumstances or in any phase of the case.

But they have gone on, and up to the very last trial, Lee himself protesting again about it, they still resorted to their military proceeding. They still took what they call their ex parte confession of the witness, made at the hour of 11 the night he had been arrested, doubtless alarmed, with no one to protect him, no one to know whether the officer took a correct record of his case or not. That is called here an open trial in a place of justice. Ah, Mr. President, how are the mighty fallen!

Now, I look back to earlier days, during the former Administration of Mr. Cleveland, and I recall to the attention of the Senate the case of A. K. Cutting, over in Mexico. Do you remember it? Thomas F. Bayard was then Secretary of State, and I trust that in his honorable association with the great and brave people of Great Britain he has not forgotten enough of his Americanism and enough of British sentiment also to have humiliated himself to the position of the present Secretary of State upon these questions. I hope not, and I believe not.

Now, what is it? Here is Bayard's dispatch to Mr. Jackson, of Georgia, who was then our minister to Mexico:

You are instructed to demand of the Mexican Government the instant release of A. K. Cutting, a citizen of the United States, now unlawfully imprisoned at Paso del Norte.

Ah, heroic language, and it worked its results right along.

By the documents before me, the following facts appear:

On June 18 last A. K. Cutting, a citizen of the United States, who for the preceding eighteen months had been a resident "off and on" of Paso del Norte, Mexico, and as to whose character for respectability strong evidence has been adduced, published in a newspaper of El Paso, Tex., a card commenting on certain proceedings of Emigdio Medina, a citizen of Mexico, with whom Mr. Cutting has been in controversy. For this publication Mr. Cutting was imprisoned on the 22d of June last at El Paso del Norte, in Mexico. * * * But the paper was not published in Mexico, and the proposition that Mexico can take jurisdiction of its author on account of its publication in Texas is wholly inadmissible and is peremptorily denied by this Government.

He did not wait to find out what the supreme court of Mexico would say about it—"peremptorily denied."

It is equivalent to asserting that Mexico can take jurisdiction over the authors of the various criticisms of Mexican business operations which appear in the newspapers of the United States. If Mr. Cutting can be tried and imprisoned in Mexico for publishing in the United States a criticism on a Mexican business transaction in which he was concerned, there is not an editor or publisher of a newspaper in the United States who could not, were he found in Mexico, be subjected to like indignities and injuries on the same ground. To an assumption of such jurisdiction by Mexico neither the Government of the United States nor the governments of our several States will submit. They will each mete out due justice to all offenses committed in their respective jurisdictions. They will not permit that this prerogative shall in any degree be usurped by Mexico, nor, aside from the fact of the exclusiveness of their jurisdiction over acts done within their own boundaries, will they permit a citizen of the United States to be called to account by Mexico for acts done by him within the boundaries of the United States. On this ground, therefore, you will demand Mr. Cutting's release.

But there is another ground on which this demand may with equal positiveness be based. By the law of nations—

Mark the expression—

By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

Ah! what a splendid statement that is of that glorious code, the law of nations. Let me repeat it:

By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

Where is there a nation, Turkey not excepted, that will hold in common with Spain the incarceration of this bleeding and beseeching American citizen for his treaty rights for two years under suffering such as human pen or tongue can never describe, and what government, but the Government of the United States, under the Administration of Grover Cleveland, could stand by quietly and silently and see such things inflicted without so much as raising its hand except to provide a way to slip out of the case? How are the mighty fallen, I repeat! When this grand Bayard made this utterance of international law, our Government and the Senate had not recoiled from their dignity and their power and their duty. We had not then become the apologists of tyranny, cruelty, murder, rape, arson, and universal destruction. We are now. He proceeds:

Among these sanctions are the right of having the facts on which—

Let me call Senators' attention to this—

Among these sanctions are the right of having the facts on which the charge of guilt was made examined by an impartial court, the explanation to the accused of these facts, the opportunity granted to him of counsel, such delay as is necessary to prepare his case, permission in all cases not capital to go at large on bail till trial, the due production under oath of all evidence prejudicing the accused, giving him the right to cross-examination, the right to produce his own evidence in exculpation, release even from temporary imprisonment in all cases where the charge is simply one of threatened breach of the peace, and where due security to keep the peace is tendered. All these sanctions were violated in the present case.

That is in the case of the publication of the alleged libel. They were all violated here in the face of the official authority—violated against protest made by the counsel of Sanguily in both of these trials. He was convicted upon testimony that was not sworn to, upon reports of police officers who did not even give the names of their informants. What would Bayard have said to that? What has he said about it—for the cases are exactly parallel?

Mr. Cutting was summarily imprisoned by a tribunal whose partiality and incompetency alike were shown by its proceedings.

Take the proceedings here, Senators, and see whether they do not show incompetency or else mischievous partiality and malice.

He was refused counsel.

This man was not only refused counsel, but the counsel who defended him for no offense that Mr. Lee mentions, to say the least of it, except defending him, at the time of the latest dispatch to our Government, was occupying a cell whose prison bars confronted those of Sanguily. The witness who testified before and had exculpated him in respect of the message that he bore to Betancourt, showing that he did not know Sanguily, never met him, never spoke to him, had been shot to death in his Spanish prison. The counsel who took up the case on appeal to Madrid, and argued it there and gained it, was deprived of his office, disbarred, and is now suffering the penalties of that privation.

Mr. Cutting was summarily imprisoned by a tribunal whose partiality and incompetency were alike shown by its proceedings. He was refused counsel—

So was Sanguily—

he was refused an interpreter—

So was Sanguily—

to explain to him the nature of the charges brought against him.

Here is the testimony in the case of the *Competitor*. A poor little man—I do not call him a poor little man except in the sense that he is a young man; he belongs to a family that is greatly respected, as the Senator from Arkansas [Mr. JONES] on my left knows the family—(to Mr. JONES) do you not know him?

Mr. JONES of Arkansas. I know the family.

Mr. MORGAN. It is a respectable family in Arkansas. The young man went out to make his first reputation in life as correspondent for a Florida paper. He got on a little sloop of perhaps three or four hundred tons burden, merely going to the Island of Cuba, without arms or preparation for war or enlistment or anything of the kind. He was seized there. He stayed on board the ship. He did not go with the balance. He did not feel like escaping, because he felt no guilt. He was seized, put into prison; he was made incomunicado; he was tried under military authority. They started to try him under that, and transferred the trial into the civil court. Here are two gentlemen who were sworn before the Committee on Foreign Relations. Dr. Diaz was one of them, and the other was the correspondent of the New York World. Here is their testimony in respect of the trial in the *Competitor* case. One of the defendants, I think it was young Melton, after the court had been engaged in the prosecution of him for an hour or so, was asked to stand up. I believe I am putting it correctly. Here is my colleague in the examination, the Senator from Minnesota [Mr. DAVIS], and he will correct me if I am wrong. When he stood up, he was asked what he had to say against the accusation.

He said: "I do not know what it is. I do not read Spanish. I have heard something read here, but I do not know what it is. I can not answer to something that I do not understand." Instantly judgment of death was pronounced upon him, and that man is in Cabanas prison to-day. That was eighteen months ago, was it not? It must have been eighteen months ago. Dr. Diaz was there and saw it. He testified in the same way with the correspondent of the New York World. They both came here and swore to it. A perfect mockery! I have applied twice in the last eighteen months to get from the Government of the United States information about the *Competitor* case, and the first time the President returned the resolution and said it was not compatible with the public welfare to give us the information.

Now, there was a pretense, beyond question, utterly unjustified, for section 2001 of the Revised Statutes expressly requires him as President to make a return to the Congress of the United States

of the facts attending all such cases. Instead of obeying the statute, he would not even respond to a resolution of the Senate, but took shelter under the privilege we gave him of hiding the facts if he did not think it was compatible with the public welfare to furnish them. Then, finally, here seven or eight days ago we got, in conjunction with the other case, the case of Melton and several other *Competitor* prisoners, a statement; but that statement is entirely imperfect. It contains no record of the trial. It contains nothing of the evidence adduced. It does not contain the accusation. It is the most meager thing that ever was seen. And our Government has slept upon the rights of this young man from Arkansas, and he is there, a native-born American citizen, if an Arkansas man can be a native-born American citizen, and I suppose he can. He is there; he is that sort of a man; he has been suffering from that time to this for no offense in the world except that he accepted employment from a little newspaper in Florida and went down there to try to get information upon which he could get a little start in life.

There is this young American citizen. Another case is here, but there is no use of going over the cases. They are numerous. Here is the record. I have not the time to stop to read them. I will conclude what I was reading from Mr. Bayard, and then I will close. I know the Senator from New York has an engagement with the Senate at this time to-day, and I ought not to have trespassed upon the time as much as I have:

He was refused counsel; he was refused an interpreter to explain to him the nature of the charges brought against him; if there was evidence against him it was not produced under oath, with an opportunity given him for cross-examination; bail was refused to him; and after a trial, if it can be called such, violating, in its way, the fundamental sanctions of civilized justice, he was cast into a "loathsome and filthy" cell, where, according to one of the affidavits attached to Mr. Brigham's report, "there are from six to eight other prisoners, and when the door is locked there are no other means of ventilation"—an adobe house, almost air-tight, with a "dirt floor."

That would be a palace beside the place Sanguily has been in.

He was allowed about 8½ cents, American money, for his subsistence. He was not furnished with any bedding, not even a blanket. In this wretched cell, subjected to pains and deprivations which no civilized government should permit to be inflicted on those detained in its prisons, he still languishes, and this for an act committed in the United States, and in itself not subject to prosecution in any humane system of jurisprudence, and after a trial violating the chief sanctions of criminal procedure.

These circumstances you will state as giving an additional basis, a basis which, if it be established, this Government will not permit to be questioned for the demand for Mr. Cutting's immediate release.

Mr. GRAY. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. GRAY. I should like to call the attention of the Senator from Alabama to the difference between the Cutting case and the Sanguily case, and in doing so I want to premise that I sympathize thoroughly with this Cuban patriot. I denounce and have denounced the hardships and cruelties to which he has been subjected. I think they are contrary to civilized procedure of any kind. But, in simple justice to the present State Department, I desire to point out that the Cutting case referred to what is known as extraterritorial crime, and was discussed by Mr. Bayard as a question of international law upon which this Government took a very pronounced position, in consonance with that of all the other civilized governments, that a crime committed in the United States could not be punished in the Republic of Mexico or within the territory of any other civilized government than the United States. He properly stood upon that proposition, and made a peremptory demand for the delivery of the prisoner, who had been arrested under those circumstances.

In the case of Sanguily we have an arrest made for an alleged crime that is recognized by a treaty between the United States and Spain. If I remember rightly, he was arrested for participating in or being cognizant of——

Mr. MORGAN. He was arrested for conspiracy.

Mr. GRAY. Or for a conspiracy looking to a rebellion against the authority of Spain. That was a municipal offense. Sanguily was within the territory of the country against whose laws he was charged with having conspired.

Mr. MORGAN. So was Cutting.

Mr. GRAY. And the offense alleged to have been committed was committed in that territory, and that offense was recognized, as I said before, by solemn agreement between the United States and Spain, in which it is said that:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

The diplomatic activity of the State Department was exercised from the time of his arrest down to the successful issue of that activity in having him tried before a civil tribunal in conformity to the obligations of this treaty. The correspondence which has been sent to the Senate shows that activity was unremitting, that demands never ceased on the part of the Department of State until the trial before a civil tribunal, as secured by that treaty, was obtained for Sanguily. That is the difference between this case and the case of Cutting.

Mr. MORGAN. The last point of difference is a very valuable fact. On the part of Mr. Bayard demands did cease. The demand was made for his instant release—it was enforced. On the part of Mr. Olney, demand after demand was made, refused by every tribunal that got hold of it in Cuba, defiantly and insultingly, and still not enforced. The demands were both entirely distinct. Bayard succeeded because he stood up to what he said; Olney failed because he did not.

Mr. GRAY. Mr. Olney, if the Senator will allow me again, succeeded in getting all that he had a right to demand under the treaty, and that was a civil trial, the trial of Sanguily before a civil tribunal instead of a military tribunal.

Mr. MORGAN. The Department in three or four dispatches said, you can not have jurisdiction to unite proceedings of a military court with a civil court. Your military proceedings have not anything to do with it; and yet they tried him upon that united record against which our Government protested every time. There was the main ground, the want of jurisdiction in the court; that and the fact that there were only five judges, when there ought to have been six.

It is true that in a large sense the cases are not parallel in respect to the locality at which the offense was alleged to have been committed, and yet the Government of Mexico did contend, and very rationally, it appears, too, that the publication of a libel is of the essence of the offense, and that the publication was notoriously made by Cutting in Paso del Norte, because he sent the papers there addressed to different individuals, through the Mexican post-office, and communicated his libel against this man there in Paso del Norte through as many readers as he could get it into the hands of; he made his publication, in fact, there. But Bayard does not stand there. The Senator from Delaware omits the second point. Here is where I stand with Bayard. I will repeat it:

But there is another ground on which this demand may, made with equal positiveness, be based.

After getting rid of this territorial or extraterritorial question,

By the law of nations no punishment can be inflicted by a sovereign on citizens of other countries unless in conformity with those sanctions of justice which all civilized nations hold in common.

That is a broad enough text for me. No man can say that that great principle has not been violated flagrantly and defiantly in the facts of this case.

Mr. President, I beg pardon of the Senator from New York for having intruded upon him to the extent I have done. Before taking my seat I wish to say in behalf and in the defense of the Committee on Foreign Relations that, while we have from time to time received intimations that efforts were in progress to obtain a pardon for Julio Sanguily, some of those intimations doubtless came through the State Department or from the State Department, but they came to the chairman of the committee as sacred personal secrets and I for one refused to listen to them. I will not permit myself to sit in a committee and listen to personal confidences between the chairman of that committee and the Secretary of State which I am forbidden, when I hear the facts, to come into the Senate and descant upon to my brother Senators. You do not send me to that committee room for any purpose of secretion. But this way of getting along, which I despise, is what we have been subjected to in this business; and every once in a while would outcrop an intimation that if we did not go to the bottom of this thing, if we did not make a report but gave delay, Sanguily would be pardoned. I never saw the day when, if Sanguily were my brother, I would have asked pardon under the circumstances unless I found that I belonged to some government that did not have sufficient self-respect and regard for the rights of American citizenship to d mand my right.

Mr. STEWART. Will the Senator allow me a suggestion?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nevada?

Mr. MORGAN. Yes, sir.

Mr. STEWART. Does the Senator doubt that he was one of the instrumentalities through which this pardon, if it be a pardon, was obtained? Does he not see the connection between the report of the Foreign Relations Committee of the joint resolution and the action taken in Madrid? The papers all stated that it was over there reported, and that they were considering the matter, and in consequence of it were very much agitated. Does he suppose there would have been any action taken of any kind if he had kept quiet; even an attempt to evade it or get out of it?

Mr. MORGAN. The Committee on Foreign Relations have not taken up one fact, hint, or suggestion outside of the message of the President of the United States. They have presented this case exclusively and solely upon the facts stated in that message.

Mr. STEWART. I do not question that.

Mr. MORGAN. While there might have been many grounds of suspicion and belief, we have not considered them. We have confined ourselves to the record of facts.

Mr. STEWART. The Senator does not comprehend what I mean. I mean to say there would have been no movement whatever anywhere if it had not been instigated right here in the Senate Chamber.

Mr. MORGAN. It had not been for two years, and I supposed a year's trial was long enough to find out what they would do. They allowed Sanguily to swelter in that horrible den, that prison, secluded not from the joys of life, but from life itself, health, and everything of the sort for two years; and it was not until there was activity in the Senate and in the Committee on Foreign Relations that there came this loading of the cables with cablegrams which resulted in his pardon.

Well, I repeat, if Sanguily was my brother, and was circumstanced as he is, I would say to him, "Accept no pardon for an offense unless you are guilty of it." There is time enough for a guilty man to ask a pardon, but an innocent one ought never to be compelled to do it. It is an injustice to him and a dishonor to the man who compels him to do it. This man was innocent upon the face of the testimony. He was innocent under the moral law, the international law, the municipal law of Cuba, under the treaty law. The court that tried him had no jurisdiction, and if ever a case can arise in the United States that more clearly demands the interference of the Government, as it was made by Bayard in that case from which I have just been reading, I hope I shall not live to see it.

What would have been done if the testimonial of Martin Koszta had been examined into before the liner could have been pulled upon the gun that was loaded to sink that Austrian ship in the event he was not surrendered into the hands of the American admiral? Ah! we had admirals then; we had Daniel Websters then; we had men of power, of good, pure consciences, unshaken by the desires of official position or by the tenderness of former political associations.

I regret, Mr. President, that I have been compelled to take the floor in the Senate of the United States, especially upon a bill that is not appropriate to my discussion, and to make this presentation of the facts; but after inviting the Senate of the United States as a member of this committee, along with the unanimous expression of that body, to pass such a resolution as we have reported, I could not consent to say to the world I was satisfied to stop this case upon the rumor of a cablegram announcing a pardon for Julio Sanguily.

Mr. CALL. Mr. President, I shall not occupy the attention of the Senate for any length of time. The Senator from California [Mr. WHITE] and the Senator from Maine [Mr. HALE] treat this discussion very lightly.

The Senator from California says that I have been a chronic speaker on the side of Cuba. If that be true, the Senator from California has been a chronic speaker on the side of Spain. I introduced a resolution here to inquire into the facts relating to the death of another American citizen charged to be murdered under circumstances of extreme cruelty by the Spanish authorities in a prison at Guanabacoa, Cuba. I desire to present for the consideration of the Senate—and I shall ask that that resolution be taken up to-morrow—the following dispatch contained in the Herald, and alleged to be authentic:

General Lee calls upon Mr. Olney for a "war ship immediately," and declares, "I can not and will not stand another Ruiz murder."

The dispatch is given, as follows:

OLNEY, *Washington:*

Have demanded release of Scott, American citizen, who has been kept in prison and incomunicado, without due process law, eleven days.

Trust you appreciate gravity situation and are prepared to sustain me.

Must have war ship immediately. How many ships have you at Tampa, Key West, and southern waters, and are you prepared to send them here, should it become necessary?

I can not and will not stand another Ruiz murder.

LEE, *Habana.*

I do not know whether this dispatch is authentic or not. Coming, as the former communication did, from Mr. George Eugene Bryson, whom I know, and confirmed by the correspondent of the Herald, I take it that it is authentic; and certainly there should be no objection to a resolution demanding that the Department should make an inquiry in regard to the truth of this statement in a newspaper of the character of the Herald.

Mr. MORGAN. Does the Senator from Florida know whether the press dispatch in regard to the pardon of Sanguily is authentic?

Mr. CALL. I do not.

Mr. MORGAN. The Senator knows as much about one as the other.

Mr. CALL. I know as much about one as the other.

Mr. GRAY. Mr. President, the question just asked by the Senator from Alabama induces me to say a single word in regard to what I think has been abundantly displayed by the extracts read from this correspondence during the Senator's speech. They have shown, and he has stated, the activities of the State Department from the moment almost of the arrest of Sanguily down to this time, exerted in his behalf.

As I said a moment ago, under the treaty obligation imposed upon us equally with Spain, we were compelled to recognize the right of Spain to arrest and hold for trial any person, whether a citizen of the United States or not, who is charged, sufficiently charged, with the offense of sedition, treason, or conspiracy against the institutions, public security, integrity of territory, etc., of Spain. Sanguily having been so arrested and tried before a military court, protest was at once made by the Department of State of the United States and a peremptory demand was made that treaty obligations should be respected, and he was turned over to the civil court to be tried according to the stipulations of that treaty. That trial was had according to the procedure, I presume, obtaining in Spain in courts of that kind, very different, I imagine, from that to which we are accustomed in this country where the common law prevails. It would seem that in Latin countries the harsh rule obtains that a prisoner is presumed to be guilty until he is proved innocent. I understand that depositions can be read against him without that security which attaches to every person charged in an American or English tribunal of being brought face to face with his accusing witnesses.

But however that may be, we bound ourselves, as we bind ourselves always with countries having that code of laws, to respect their action under their municipal law, and everything was obtained to which we were entitled by the treaty, when we at last did obtain from Spain under this demand, the peremptory demand of the Department of State, that Sanguily should be tried before a civil tribunal.

There were objections to that first trial, which was had, I think, as far back as November, 1895, and an appeal was taken to the higher court at Madrid, a supreme court, an appellate court at all events, and the verdict and judgment in the civil court which had condemned Sanguily was set aside and a new trial was had as late as December 23, 1896.

Now, what could the State Department have done in that interval? We were bound by our treaty, and however sad and deplorable the state of Sanguily was—and I have no doubt it was deplorable and sad in an extreme degree—we were as much bound to respect the obligation that we had undertaken by entering into that treaty as Spain was. So when he was retired after the first trial had been set aside by the appellate court, only as long ago as the last week in December, 1896, and then condemned, upon the application of Sanguily and his counsel the State Department intervened again to have him relieved from the penalty that was imposed upon him by Spanish law and in a Spanish court. And from that time to this, so far as this correspondence goes, and so far as all the information I have been able to obtain goes, the State Department has been active in season and out of season in pressing upon Spain the propriety and necessity of relieving Sanguily from the penalties of the law under which he had been condemned. At last, after the not very long interval since December 23, 1896, those intercessions and that interference on his behalf have resulted in his pardon and release, and we have in the newspapers to-day telegraphic statements—doubted by some members on this floor whether it be authentic or not—that he has actually been released. But I have the pleasure of holding in my hand an Associated Press dispatch, just received, which I am sure that every member of the Senate and every person within sound of my voice will be glad to hear. It is to this effect:

WASHINGTON, *February 26, 1897.*

Secretary Olney has received a cable from Consul-General Lee as follows: "Sanguily released to-day."

However he was released, that was the end that we had in view. These other matters may come up afterwards; but here was this American citizen languishing in a Spanish dungeon and our interference was sought that he might be delivered from that bondage. He has been delivered, thank God, and is to-day a free man. So much has been accomplished by an American Secretary of State, who throughout all this sad business has never failed to assert the rights and dignity of this country in behalf of this Spanish-American citizen.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. DANIEL. Does the Senator claim that the conduct of the Spanish authorities toward Sanguily was legal under our treaty?

Mr. GRAY. I claim that we were in no situation to determine that question while this man was languishing in the dreary hours of our investigation in a Spanish dungeon; that the first thing to do was to open the prison doors and allow this Spanish-American to go free into the glad sunlight that shines upon the Senator from Virginia to-day, and to share with him the privileges of breathing the free air of heaven. That is what I wanted accomplished, and that is what the Senate has accomplished.

Mr. DANIEL. I am very glad it has come at last, and we can say, at least, that the resolution of the Senate brought in day before yesterday has not delayed it. I would ask the Senator, however, if he takes the ground now that the treatment of Sanguily was legal, why was it that Mr. Uhl on the 21st of May, 1895, took

the ground that it was illegal? I should like to know why it was that the State Department of the United States, now nearly two years ago, declared that the military arm had no judicial cognizance over our citizens at any stage, and why it was that these protests were made against the conduct of Spain if it was legal, and, if it was not legal, why we have waited a year and a half to let Mr. Sanguily get the benefit of our action?

Mr. GRAY. That is a pretty long question, Mr. President; but if the Senator wants an answer I will say it is because the American Secretary of State and his assistant, Mr. Uhl, were, in season and out of season, pressing the extreme contention of the Government of the United States against Spain in behalf of this unfortunate prisoner, because they left no point unurged, because they left no energy unemployed, that might produce the result which has been brought about at last to-day.

I am not concerned just now, when Mr. Sanguily is breathing for the first time in these long dreary months the air of freedom, to go back and discuss as on a certiorari the legality of this judgment. It may have been illegal. Certainly, according to our Anglo-American ideas of the administration of justice, it violated many of the fundamental rules that ought to govern where the liberty or life of a citizen is involved. But, Mr. President, I do not know but that those rules of administration are common to all Latin countries. I know there is a vast difference between the administration of criminal law in the countries where the civil code obtains and in our own, and that the difference between their codes and ours is very much in our favor. I rejoice that we live under a system of laws that secures the rights of the citizen and of the humblest person who is brought before the bar of a court charged with a serious crime, and that he is presumed to be innocent until he is proved to be guilty. But what has that to do with the charges that have been made here, I submit, without wishing to use the word offensively, recklessly, to-day against the conduct of the State Department, when every bit of this correspondence, every bit of the evidence, proves its untiring activity in regard to the case of this Spanish-American citizen, who has been in Cuba all these years with the protection of his naturalization papers in his pocket?

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Maine?

Mr. DANIEL. I should like to ask the Senator from Delaware one more question. Why was it that our consul, in pursuance of instructions from the State Department of May 16, 1895, uttered the protest to the Spanish Government in the name of this country that "All proceedings hitherto practiced in this case, or that may hereafter be practiced in this case by the court-martial now trying this American citizen, because they are in clear contradiction of the said agreement between the two nations?" I ask the Senator if he considers that the State Department has done its duty, in permitting an American citizen to lie incarcerated for two years after laying before the government that holds him a formal protest and charge that it is lacking and illegal, and if he means to defend upon the floor of this Senate such ation as this?

Mr. GRAY. Mr. President, I am not here by any means to defend all the proceedings, or any of them, that have taken place in the courts that tried Sanguily. I think that that case and some others are a disgrace to the civilization of our age. I think that cruelties have been practiced upon the Island of Cuba upon men who were entitled to the treatment which human beings are entitled to everywhere, cruelties that put that country almost out of the pale of the protection of the family of civilized nations. But we are dealing, and the State Department is compelled to deal, with Spain as one of that family of nations with whom we have treaty obligations; and I have read already in the hearing of the Senate what some of those treaty obligations are. They unquestionably recognize the right of Spain to arrest and try before civil tribunals persons charged with the crime of treason or sedition or conspiracy against the institutions, laws, or security of the King of Spain.

This man having been so arrested and tried before a military tribunal illegally and contrary to the obligation of that treaty, protest was made by the State Department immediately, in the very dispatch to which the honorable Senator from Virginia refers me, April 25, 1895, less than two months after he was arrested, stating peremptorily, and in language as emphatic as could be employed, that the Government of the United States would not tolerate for one moment the trial, condemnation, and punishment of this man by a drumhead military court. Thereupon, and as a result of that interposition, he was turned over to a civil court, and that civil court having tried him and condemned him, an appeal was taken to the appellate tribunal in Madrid, the supreme court of judicature there, and the judgment and condemnation obtained in that civil trial was set aside and reversed, and then another civil retrial was had only last December, the 23d and 24th of the month.

What could we have done in the meantime? Spain could have said, "We are resorting to our accepted code of laws," doing just as the United States would have done if, during the rebellion, a person had been charged with communicating with the enemy and tried in a district court of the United States and England had protested that the prisoner was an English subject and that he must not be tried at all. We would have appealed to our statute book and said, "We have nothing to do with the justice of the findings of the jury or the judgment of the court; our municipal laws govern, and we must obey and stand by our municipal law."

Mr. HOAR. If the Senator will allow me, it was like the case of McLeod.

Mr. GRAY. Yes, sir.

Mr. DANIEL. I beg leave to remind the Senator that this man was not found in rebellion, and it was especially provided that as to those without arms in their hands they should be differently treated.

Mr. GRAY. So we demanded; so the Secretary of State demanded, for it was because he was not found with arms in his hands that this treaty gave the right to the United States to demand his trial by a civil tribunal.

Mr. DANIEL. It was done again after the demand.

Mr. GRAY. What was done?

Mr. DANIEL. He was again "incomunicado," put in prison again upon another charge.

Mr. GRAY. I can not talk Spanish.

Mr. DANIEL. I thought you talked Spanish.

Mr. GRAY. You attribute too many accomplishments to me.

Mr. DANIEL. You are talking pretty good Spanish now, if you will excuse me.

Mr. GRAY. I am trying to talk pretty good English, or pretty good American, just as the Senator chooses.

Mr. DANIEL. I merely wanted to call the attention of the Senator to the fact that Mr. Uhl calls the attention of our consul to the fact. He says:

> By no fiction can proceedings of military judge instructor be deemed the act of an ordinary court of first instance. Assumption of such cognizance in Aguirre case and rearrest of Sanguily, after submission to civil court, apparently for mere purpose of asserting military jurisdiction in summary proceedings, were an exercise of functions against which you will enter protest, reserving all rights of this Government and its citizens in the premises.

Now, I will ask the Senator if he does not think that, after making so many protests in one case after another, the presence of military power on the scene of action would have improved the situation?

Mr. GRAY. Mr. President, the Senator from Virginia is rather trying to lead me off into a discussion of some minute details of this correspondence. All I started out to assert, and what seems to provoke his questions, has been that so far as this correspondence goes, so far as any evidence that we have before us in this Senate or elsewhere that I know of goes, the State Department has done its duty in actively pressing the rights of Sanguily as an American citizen, and claiming and obtaining for him a trial in accordance with the stipulation of that treaty.

Now, the Senator says, "Oh, but there was no evidence before that court to convict him." I do not know but the Senator is right. I do not know but that in Spain or in Cuba in times of great excitement courts may be organized to convict. God knows it has been charged that courts in this country of ours have been organized to convict in times of great excitement, and have convicted American citizens. No one who recollects the military tribunals of war times will deny this.

But, however that may be, the State Department could not go down and stand before the tribunal and urge before it an argument as counsel for the defense could urge on the law or the facts tending to the acquittal of Mr. Sanguily. The King of Spain is as much bound to stand by the judgment of his courts as the President of the United States is to respect the judgment of a State court or of a United States court.

The Senator from Massachusetts reminded me a moment ago of the celebrated case of McLeod in 1838, was it not?

Mr. HOAR. I think in 1842 or 1843.

Mr. GRAY. In 1842 or 1843, during an émeute across the American border, McLeod had committed a murder. He was tried in an American court and acquitted. The British Government demanded possession of him on the ground that he was a member of a military expedition, if that be the fact—the Senator from Massachusetts will correct me if I am wrong—and he was tried and acquitted in a court of the State of New York.

Mr. HOAR. If the Senator will pardon me, Alexander McLeod was a Canadian, a British subject. He was arrested in this country on the charge of having been a member of an expedition on the steamer *Caroline*. At any rate, an American citizen was killed in that expedition. Thereupon the British Government claimed that he was in one of the British military forces, and demanded the discharge of McLeod, he not being responsible for an act avowed by his Government. Our Government insisted that that question must be tried in a New York court and that the question of the validity of that defense must be set up there. Contrary to the demand of the British Government, the trial was proceeded with.

Mr. GRAY. That was in a State court of New York?

Mr. HOAR. Yes; a State court of New York, and the man was acquitted.

Mr. DANIEL. By the courtesy of my friend, I will ask one more question, if it will not interrupt him. The Senator agreed in reporting the joint resolution demanding the release of Sanguily, and is in favor of it, is he not?

Mr. GRAY. Mr. President, I do not know by what authority the Senator speaks of what happened in committee.

Mr. DANIEL. I beg pardon of my friend. He is in favor of the resolution, is he not?

Mr. GRAY. I am not in favor of the resolution now, that Sanguily is released. I do not want to have him arrested again.

Mr. DANIEL. But you were in favor of it?

Mr. GRAY. I am more in favor of Sanguily's liberty than I am of succeeding here in the trial of a certiorari case with the Senator from Virginia.

Mr. DANIEL. That is all.

Mr. GRAY. And Sanguily will have no thanks to give to the eloquence of the Senator from Virginia, in which we all so much delight——

Mr. DANIEL. I am not seeking for thanks.

Mr. GRAY. If it should result in some irritation of that somewhat harsh and despotic Government and should place him in bonds again. Let us get him home first, if his home is on this soil, and put our arms around him, and say, "You are free, and we intend that you shall stay so." That is all I want done with Sanguily. And then we will treat this matter with Spain afterwards.

Mr. DANIEL. I wish to ask the Senator if he has official information of Sanguily's release?

Mr. GRAY. I have here a dispatch purporting to be from the State Department, a telegram from Consul-General Lee, dated to-day, which reads:

Sanguily released to-day.

That that is a fitting end to all our aspirations here, we all agree.

Mr. DANIEL. By whom is that dispatch signed?

Mr. GRAY. It is an Associated Press dispatch, stating that Mr. Olney states to its correspondent——

Mr. DANIEL. A press dispatch not signed?

Mr. GRAY. An Associated Press dispatch obtained from the reporters' gallery up there [indicating], stating that Secretary Olney had shown to its representative a cable dispatch from Consul-General Lee, reading:

Sanguily released to-day.

I take it that that is correct.

Mr. DANIEL. Is there any condition imposed upon it?

Mr. GRAY. That is all I know about it.

Mr. HILL. Without intending to offer any opposition to the Indian appropriation bill, which I do not desire to do, I will say that there are matters to be considered in executive session which require attention, some important matters which we should act upon. It is for that purpose alone that I now move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. May I ask the Senator to yield one moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. HILL. Yes, sir.

Mr. ALLISON. I am satisfied that the Indian appropriation bill, if we can go on with it, will be disposed of within an hour. I think most of the matters of dispute have been so arranged as that very little time will be taken in the consideration of the bill; and I wish the Senator from New York would waive for the moment his motion to go into executiv session until this bill is disposed of. I assure the Senator that the Indian appropriation bill will take but a very short time, in my belief, and certainly the Committee on Appropriations would feel compelled to go on with the bill unless the Senate feels that it should decide to take up executive business.

Mr. HILL. I see the force of the suggestion of the Senator from Iowa. I therefore ask unanimous consent that in one hour from now we proceed to the consideration of executive business.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. Say at the conclusion of the Indian appropriation bill. I hope that will be done.

Mr. CULLOM. There will be no objection if that be done.

Mr. BROWN. I think I shall have to object to an executive session.

The PRESIDING OFFICER. Does the Senator from New York accept the modification suggested by the Senator from Iowa?

Mr. HILL. What is the modification?

The PRESIDING OFFICER. To go into executive session immediately after the disposal of the Indian appropriation bill.

Mr. HILL. That is all right.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that, as soon as the Indian appropriation bill is disposed of, the Senate shall proceed to the consideration of executive business.

Mr. GORMAN. I object, Mr. President.

Mr. HILL. Then I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of executive business.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 48; as follows:

YEAS—20.

Allen,	Chandler,	Martin,	Turpie,
Blanchard,	Chilton,	Mills,	Vest,
Caffery,	Gray,	Murphy,	Vilas,
Call,	Hill,	Roach,	Voorhees,
Cannon,	Lindsay,	Smith,	White.

NAYS—48.

Aldrich,	Dubois,	McBride,	Pugh,
Allison,	Elkins,	McMillan,	Quay,
Bacon,	Faulkner,	Mantle,	Sherman,
Baker,	Frye,	Mitchell, Wis.	Shoup,
Bate,	Gallinger,	Morgan,	Squire,
Berry,	Gorman,	Nelson,	Stewart,
Brown,	Hale,	Pasco,	Teller,
Burrows,	Hansbrough,	Peffer,	Thurston,
Carter,	Hawley,	Perkins,	Tillman,
Cockrell,	Hoar,	Pettigrew,	Walthall,
Cullom,	Jones, Ark.	Platt,	Wetmore,
Davis,	Lodge,	Pritchard,	Wilson.

NOT VOTING—22.

Blackburn,	Gear,	Jones, Nev.	Proctor,
Brice,	George,	Kenney,	Sewell,
Butler,	Gibson,	Kyle,	Warren,
Cameron,	Gordon,	Mitchell, Oreg.	Wolcott.
Clark,	Harris,	Morrill,	
Daniel,	Irby,	Palmer,	

So the motion was not agreed to.

Mr. PETTIGREW obtained the floor.

Mr. WALTHALL. Mr. President——

Mr. PETTIGREW. I yield to the Senator from Mississippi.

Mr. WALTHALL. I offer an amendment to come in after the word "services" on page 57, line 2, of the bill.

The PRESIDING OFFICER. A point of order is now pending. As soon as the point of order is disposed of, the amendment proposed by the Senator from Mississippi will be considered. The amendment can be now considered by unanimous consent.

Mr. WALTHALL. I ask unanimous consent of the Senate to consider the amendment which I propose at this time, as I am obliged to leave the Chamber within the next thirty or forty minutes.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that an amendment which he proposes may be now considered. Is there objection? The Chair hears none. The amendment will be stated.

The SECRETARY. In line 2, page 57, after the word "services," it is proposed to insert:

That the said commission shall without delay enroll the Choctaws now resident in the State of Mississippi as citizens of the Choctaw Nation, and such Choctaws who possess at least one-eighth of Choctaw blood shall be enrolled on a special roll, and are entitled to all the rights of Choctaw citizenship, except in the annuity under the treaty of 1830, as therein provided.

Mr. PETTIGREW. Mr. President, the amendment offered by the Senator from Mississippi peremptorily requires that these Indians in Mississippi shall be placed upon the rolls. I have not had an opportunity to examine this question, so as to know whether they are entitled to be placed on the rolls or not, and entitled to a share of the property of those tribes; but I am willing to trust the commission, which have power and authority to investigate the question as to whether they are Choctaws or not and entitled to a share of this property. I therefore offer an amendment which I send to the desk as a substitute for the one offered by the Senator from Mississippi.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read as follows:

That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws, under their treaty, are not entitled to all the rights of Choctaw citizenship except an interest in the Choctaw annuities.

Mr. PETTIGREW. I appeal to the Senator from Mississippi to accept that as a substitute for his amendment.

Mr. WALTHALL. I should prefer very much to have the amendment in the form in which I submitted it, but I shall not detain the Senate at this late hour in discussing the matter. I will accept the substitute proposed by the Senator from South Dakota.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. WALTHALL. I will ask to have inserted the fourteenth

article of a treaty between the United States and the Mingoes, chiefs, captains, and warriors of the Choctaw Nation, made at Dancing Rabbit Creek, on the 15th of September, 1830, and also a communication from the Secretary of the Interior, transmitting certain information bearing upon this subject, which he sent us the other day in response to a resolution of the Senate, in order that this amendment may be understood by all concerned.

The PRESIDING OFFICER. The matter referred to by the Senator from Mississippi will be inserted in the RECORD in the absence of objection. The Chair hears none.

The papers referred to are as follows:

ART. XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of 1 section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1897.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, dated 11th instant, viz:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:

"First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.

"Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 24, 1843, before United States Commissioners Clayborne and Graves, relative to importance of the fourteenth article of the treaty of 1830.

"Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.

"Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty, or have ever executed a relinquishment of their rights of Choctaw citizenship."

In response thereto I transmit herewith copy of a communication of 15th instant from the Commissioner of Indian Affairs and accompanying papers.

As to the question of whether or not the Mississippi Choctaws were parties to any subsequent treaty to that of 1830, or have ever executed a relinquishment of their rights of Choctaw citizenship, the Commissioner says that four treaties in which the Choctaw Nation has been interested have been entered into since that of 1830, but that he can not find in any of them anything to indicate whether the Choctaws in Mississippi were a party to any of them as a distinct faction or otherwise; neither does he find any provision by which the Choctaw Indians in Mississippi relinquish any rights of Choctaw citizenship they may have acquired under the fourteenth article of 1830, or otherwise.

Very respectfully,

D. R. FRANCIS,
Secretary.

The PRESIDENT OF THE SENATE.

—

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1897.

SIR: I am in receipt, by Department reference for immediate report, of a resolution of the Senate calling for certain information relative to the Choctaws in Mississippi, as follows:

"*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:

"First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.

"Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 24, 1843, before United States Commissioners Clayborne and Graves, relative to importance of the fourteenth article of the treaty of 1830.

"Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.

"Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty or have ever executed a relinquishment of their rights of Choctaw citizenship."

In reply I have the honor to inclose a copy of the memorial of the Choctaw Nation adopted by the legislature of that nation and approved by its principal chief on December 24, 1889, said memorial relating to the Mississippi Choctaws.

I also inclose a copy of the deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, taken on February 24, 1843, before United States Commissioners John F. H. Clayborne and Ralph Graves, relative to the importance of the fourteenth article of the Choctaw treaty of 1830 (7 Stat. L., 333).

I also inclose an excerpt from a report made by United States Commissioners J. Murray and P. D. Vroom to the President of the United States on July 31, 1838, in which they state that in a great number of cases Choctaws in Mississippi were forced to remove from reservations granted them under the fourteenth article of the treaty above mentioned. These last two named copies are made from the printed record of the Court of Claims in case No. 12742, "The Choctaw Nation of Indians *vs.* The United States."

On account of the limited time within which I have to make this report, I have not been able to search the files of this office for the original of the report of the Commissioners from which these copies are taken.

As to the question of whether or not the Mississippi Choctaws were parties to any subsequent treaty to that of 1830, or have ever executed a relinquishment of their rights of Choctaw citizenship, I have to state that four treaties in which the Choctaw Nation has been interested have been entered into since that of 1830, as follows:

Treaty of 1837 (11 Stat. L., 573), by which the Chickasaws were permitted to form a district in the Choctaw country in the Indian Territory, and certain adjustments of rights between the two nations in the lands ceded to the Choctaws prior thereto were accomplished.

The treaty of November 4, 1854 (10 Stat. L., 1116), by which the boundary line between the Choctaw and Chickasaw districts in the Choctaw Nation was provided to be run.

The treaty of 1855 (11 Stat. L., 611), entered into for the purpose of readjusting the relations between the Choctaw and Chickasaw nations, and the treaty of 1866 (14 Stat. L., 769), readjusting the relations of the Choctaw and Chickasaw nations with the United States after the civil law.

There is nothing that I can find in any of these treaties to indicate whether the Choctaws in Mississippi were a party to any of them as a distinct faction or otherwise. These treaties were negotiated with the Choctaw and Chickasaw nations as bodies politic and there is no recognition of any separate factions of either of said nations.

Neither do I find any provision in any of said treaties by which the Choctaw Indians in Mississippi relinquish any rights of Choctaw citizenship they may have acquired under the fourteenth article of 1830 or otherwise.

Very respectfully, your obedient servant,

THOS. P. SMITH,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES.

Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

Whereas they are denied all rights of citizenship in said States; and

Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore,

Be it resolved by the general council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provision for the emigration of said Choctaws from said States to the Choctaw Nation.

The national secretary is hereby instructed to furnish a certified copy of this memorial each to the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and the Commissioner of Indian Affairs, with the request that they do all they can to secure the accomplishment of the object of this memorial, and this resolution shall take effect and be in force from and after its passage.

Approved December 24, 1889.

B. F. SMALLWOOD, *P. C. C. N.*

This is to certify that the foregoing is a true and correct copy of the resolution of the general council of the Choctaw Nation passed and approved in extra session in December, 1889.

Witness my hand and the great seal of the Choctaw Nation this 30th day of December, A. D. 1889.

[SEAL.]

J. B. JACKSON,
National Secretary Choctaw Nation.

—

BOARD OF CHOCTAW COMMISSIONERS,
Hopahka, February 24, 1843.

Direct interrogatories to be propounded to Greenwood Leflore, a witness on the part of the United States, summoned at the instance of Messrs. Poindexter and Kirksey, on their suggestion that many of the claims presented by Choctaws for the consideration of this board are fraudulent and void, to be used as evidence in the investigation of said claims.

First interrogatory. Have you any interest whatever, either as claimant, agent of claimants, or otherwise, in any claims under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit Creek, which were presented before the former board of commissioners, or which have been presented or are to be presented for the consideration of this board?

Second interrogatory. Do you know of any frauds committed or attempted to be committed upon the Government of the United States by any Indian or class of Indians or their agents in cases of such claims?

Third interrogatory. Do you know or have you heard of any Indian who has ever removed to the Choctaw country west of Mississippi and has since returned to the country ceded by the treaty of 1830 and is now residing here? If you do, give us his name, and describe him so particularly, if you can, that this board may be able to recognize him should he come before them in person; and if any such person be dead give us his name and the names of his family and relations, so that a claim in behalf of his heirs may be detected.

Fourth interrogatory. Do you know how many Indians or heads of families there were who applied or offered to apply for the benefit of the fourteenth article of the treaty?

Fifth interrogatory. Were you not one of the chiefs who negotiated this treaty on the part of the Choctaws, and did you not make yourself acquainted with the extent of the benefits realized by your people from most of its provisions?

JOHN F. H. CLAIBORNE,
RALPH GRAVES,
Commissioners.

The answers of Greenwood Leflore to the interrogations propounded on his direct examination before the board of commissioners sitting at Hopahker, as a witness on the part of the United States, summoned at the instance of Messrs. Poindexter and Kirksey, on a suggestion that many of the claims presented by Choctaws for the consideration of this board are fraudulent and void, to be used as evidence in the investigation of said claims.

To the first interrogatory I answer that I have no interest whatever in any claims under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit Creek, which were presented before the former board of commissioners, or which have been presented or are to be presented for the consideration of this board. I was provided for by the supplement of the treaty, and have received from Government a patent for my land. I was also the purchaser of two or three small reservations under the nineteenth article, about which there never has been any difficulty. I have never had anything to do with any claims under the fourteenth article, nor with any under the nineteenth article, which would come before this board.

To the second interrogatory I answer that I do not know of any frauds committed or attempted to be committed upon the Government of the United States by any Indian or class of Indians or their agents in cases of such claims.

To the third interrogatory I answer that I do not know, nor have I ever heard, so far as I can now recollect, of any persons who ever removed to the Choctaw country west of Mississippi and have since returned to the country ceded by the treaty of 1830, and are now residing here, except John F. Price, William Leflore, and Anthony Turnbull. The first is a white man who had a Choctaw family; the second is my brother, and the third is a mixed-blood Choctaw. The first never made a claim for land, not being entitled to a reservation under any provision of the treaty, and the other two were provided for, one by the supplement, and the other, by the nineteenth article, had their lands reserved, and sold them before their emigration west. I can recollect no others, and do not believe I ever heard of any others, and none of them can be claimants before the present board.

To the fourth interrogatory I answer that I do not know how many Indians

or heads of families there were who applied or offered to apply for the benefit of the fourteenth article of the treaty.

To the fifth interrogatory I answer that I was one of the chiefs who negotiated this treaty on the part of the Choctaws, and am sorry to say that the benefits realized from it by my people were by no means equal to what I had a right to expect nor to what they were justly entitled by the stipulations of the treaty on the part of the Government. The treaty was made at the urgent solicitations of the commissioners of the Government, and upon their abundant assurances that its stipulations would be faithfully carried out.

Confiding in these assurances and in the honor of Government to comply with the treaty, if it should be ratified at Washington, and conceiving it, under the circumstances, a measure of policy, if not of necessity, so far as the Choctaws were concerned, I urged it upon my people in the face of a strong opposition, which I finally determined, if possible, to remove by suggesting the insertion of the fourteenth article. This article was accordingly inserted, and, believing it removed the principal objection to the treaty, I signed it myself and procured for it the support of many who were previously hesitating and undetermined. After the treaty was ratified I was active in urging forward the emigration of the people, and induced most of those in the part of my district where I resided to remove west. I think there were very few in the vicinity of my residence who applied for the benefit of the fourteenth article, and the most of them, I think, were duly registered and got their lands reserved.

This article was inserted to satisfy those in the southern part of my district and other parts of the Choctaw country who were opposed to the treaty and were inimical to me from an impression which prevailed among them that I wished to sell their country and force them to go west. After the treaty I did not consider myself any longer chief, and as I was engaged in preparing the people for the first emigration, and actually accompanied it, my intercourse with the Indians was confined to those in my part of the country who sustained me in my course and were preparing to remove west, and I never troubled myself about the course pursued by those who had been opposed to my measures, had rejected my advice, and were determined to remain in the ceded country. I do not, of course, know how many of them applied for the benefit of the fourteenth article.

Before closing my answer to this interrogatory I think it proper to state that about three years after the treaty I was present at Columbus during the excitement which arose there at the time of the land sales about the contingent locations of the fourteenth-article claimants, and hearing a remark made by one of the agents of these claimants in a public speech to a large assembly of people, charging the chiefs who had made this treaty with bribery and corruption, I arose after he sat down and retorted the charge of fraud in as severe language as I could command. I was excited, and might have said more than was proper; but I felt, in the absence of any positive knowledge on the subject, that I had a right to impute any motives to one who could make such a serious and unfounded charge affecting my character as one of the chiefs who had been mainly instrumental in making the treaty. I knew that the locating agent, who lived in my section of country, had been furnished with a list containing but few names of persons registered under the fourteenth article of the treaty, but did not at that time know that many had applied to the registering agent for the benefit of this article whose applications had been rejected.

I have never since then taken any pains to inform myself particularly about their claims, and I do not know how many received the benefit of this article, or, being entitled to the benefit of it, failed to realize it. I would also add that the commissioners on the part of the United States went to the ground, at Dancing Rabbit Creek, much prejudiced against me, and would have no intercourse with me. They believed they could make a treaty with the other chiefs without my aid, and attempted to do so. After ten or twelve days of fruitless negotiations with them they failed entirely to make any treaty. The commissioners then came to me and made many apologies for their neglect of me, saying they had been deceived and misled in regard to me by many misrepresentations, and then solicited me to enter into negotiations with them. I then told them if they would embrace in the treaty such provisions and articles which I suggested, the fourteenth article being one of them, I would undertake to make a treaty in two days. They agreed to the articles I suggested, and in twenty-four hours I had the treaty made.

GREENWOOD LEFLORE.

Sworn to and subscribed before us, at Hopahka, this 24th February, 1843.

JOHN F. H. CLAIBORNE.
RALPH GRAVES.

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To the President of the United States:

SIR: * * * In all cases where the claimant has been actually expelled from his possession within the five years, or in which the land he occupied had been sold by the Government and surrendered to the purchaser, or where the claimant died in possession, the board have considered the cases as standing on the same ground as cases of continued residence, and have allowed them.

It is proper also to state that since the board received a copy of the supplemental law they are not aware that any case has been presented to them in which the claimant has removed west of the Mississippi. A few such cases had been heard before, and, as they were upon the records, the board have thought it proper to report them with the rest.

There are many cases also in which claimants have removed from the lands occupied by them at the time of the treaty in consequence of the settlement of the whites in their neighborhood. This and the consequences naturally resulting from it, and the proofs offered of its effects upon their minds, have induced the board to recommend such cases to Congress for allowance.

The Choctaw Indians are shy and reserved in their intercourse with the whites, and do not readily mix with them; it is proved in a great number of cases that they have been most wantonly abused and ill-treated by them, and that they could not live in peace in the same neighborhood. The large stocks of cattle and hogs introduced by the white settlers destroyed their crops, and their houses and cabins were torn down, burned, or taken possession of by them when they left home on their necessary hunting expeditions or to seek employment in picking cotton, etc. Under these circumstances they were compelled in a great number of cases to remove.

It is in proof also that many removed in consequence of reports circulated among them that the lands occupied by them had been sold by the Government, and when it was impossible for them to ascertain the truth or falsehood of such reports. They well knew, however, from bitter experience, that whether true or false, they were at the mercy of their white neighbors. The instances are not rare, as the evidence abundantly shows, in which families have been wantonly driven from their homes, and have for several years been wanderers, living about in all seasons in open camps, and seeking a precarious subsistence, which scarcely sufficed to keep them alive.

* * * * * * *

All of which is respectfully submitted.

J. MURRAY,
P. D. VROOM.

WASHINGTON CITY, *July 31, 1838.*

Mr. PETTIGREW. I understand the pending question is the point of order raised by the Senator from Tennessee [Mr. BATE].

The PRESIDING OFFICER. That is the matter pending at the present time.

Mr. PETTIGREW. I am ready to vote on the question if the Senate is. I do not care to make any remarks. I ask, however, to have it submitted to the Senate.

Mr. VILAS. Will not the Chair rule upon it? The point of order is addressed to the Chair.

The PRESIDING OFFICER. The Chair will state that the point of order is against the amendment beginning in line 19 on page 57, and going down to line 7 on page 59. The point of order, the Chair understands, is that it is general legislation.

Mr. PLATT. I understood when the point of order was raised that it referred only to the clause of the amendment which is found on page 59, relating to the acts, ordinances, and resolutions of the council. I wish that the Senator from Tennessee would confine the point of order to that portion of the amendment.

Mr. BATE. The point of order is against the clause beginning at line 19, where it establishes the court. The point of order first was to apply against the clause beginning on page 57, line 2, "*Provided further,*" but that was stricken out.

The PRESIDING OFFICER. The Senator from Tennessee will please state how far his point of order extends.

Mr. BATE. From the matter in line 19 down to——

Mr. VILAS. Down to line 6 on page 59.

Mr. BATE. Down to line 6 on page 59.

The PRESIDING OFFICER. That was the statement made by the Chair.

Mr. PLATT. I wish to make an appeal to the Senator from Tennessee to withdraw his point of order as to so much of the amendmeat as relates to the courts. It is of such great importance that I trust that he will not make his point of order as to that portion of the amendment.

Mr. BATE. I should be glad to withdraw it if I could consistently.

The clause against which I interpose the point of order is the most vital part in the whole amendment, in my opinion, because it gives jurisdiction to the court. I do not want to lop off the limbs and leaves of the tree and let the trunk stand. It takes away from the Indians every single power they have in the way of settling their own matters by their own courts, which power was granted to them by the Government, and the amendment says exclusive jurisdiction shall belong to the court which you propose to establish. If we are going to wipe out all that, then of course I would yield to the appeal; otherwise I can not. I ask for the ruling of the Chair.

Mr. VEST. I offered the amendment which eliminates the provisions in regard to allotting the lands in severalty and in regard to the leases, and in regard to the veto power over acts of the Indian council, in a spirit of compromise and in order that the least possible friction should occur as between the Indians and the Government of the United States. I endeavored to explain, to the best of my ability, how impossible it is to administer any law when there are two systems vitally antagonistic and inconsistent existing in the same territory.

Now, the Senator from Tennessee, not satisfied with eliminating the most objectionable features, certainly, insists upon his point of order as to what it is evident is absolutely necessary in the interest of peace and good government not only in the Territory but in the adjoining States. What is the point of order? That the amendment proposes general legislation. We establish a commission by two acts, both of them appropriation laws. We defined in connection with the appropriation of money, as we had a right to do, in my judgment, the functions and duties of the commissioners. The Senate deliberately declared that we had a right to do this, and those statutes are in operation and the commission is in the Territory, and has been there for three years, and it will remain there. It has been successful in its work.

What do we propose now? Simply to enlarge the functions and the duties of the commission. This is a question res adjudicata as far as this tribunal is concerned. The other legislation commenced this work, and we simply enlarge upon it. I shall make no appeal to the Senator from Tennessee, for he will do his duty as I am endeavoring to do mine, but I do appeal to the Senate. Here is a great emergency in regard to an important portion of this country. As the Senator from Arkansas said to-day, most pertinently and truly, if we take a backward step now, if we defeat the amendment on any ground, we give new life to those in that Territory who will insist upon the present condition of things, and that condition is not only dangerous but disgraceful and outrageous beyond any description of mine.

I appeal to the Senate that if ever there has been a case where no technicality should be allowed to come between us and a great duty it is now.

Mr. STEWART. I wish to suggest that a different rule by custom prevails with the Indian appropriation bill than with any

ordinary appropriation bill. In every Indian appropriation bill, in order to administer the affairs of the Indian Bureau and to carry out the policy adopted by Congress, it is necessary to incorporate a great deal of legislation, and if this bill is subjected to the rigid rules that apply to other appropriation bills, then there must be a new system altogether.

Both Houses have acted upon the theory that they will put in the Indian appropriation bill all the germane legislation necessary to carry out that policy. Nearly all the legislation in regard to Indians was incorporated in the general Indian appropriation bill, and it must of necessity be so, unless there is a radical change in the entire policy. The technical objection to following the policy which has been followed by both Houses from time immemorial in compliance with a rule that can not be applied to the rest of the appropriation bills is a violation of precedent, because the precedents and practice grow up under the rules and become a part of them. They have the force of rules. The general legislation that is incorporated in the Indian appropriation bill to carry out the policy in dealing with the Indians is absolutely necessary. It has been adopted at every session of Congress when I have been here. It must be now.

Mr. VILAS. I wish to make only one observation. The appeals which have been made here illustrate perfectly well the flagrant violation of the rules of the Senate which Senators wish to accomplish, if possible, in order to carry out their ends. The Senate has made itself a spectacle in the country, not so much for the want of rules as for the want of its own obedience to the rules which are prescribed. It is incumbent upon the presiding officer of the Senate to read the rules and administer them fearlessly and firmly and according to their spirit and meaning. I hope that the rule of the Senate will be observed in this instance and that we shall not set another example to add to those which have drawn upon the Senate deserved comment.

The PRESIDING OFFICER. The former occupant of the chair has been in the habit of submitting questions similar to this one to the Senate, in order that the voice of the majority of the body might prevail. The temporary occupant of the chair does not feel justified, under those circumstances, in substituting his individual opinion for that of the majority of the Senate. Therefore the question is submitted to the Senate.

Mr. BATE. On this very question the Vice-President himself ruled without submitting it to the Senate.

The PRESIDING OFFICER. The Chair has examined the ruling upon the item in the bill a few years ago, and finds it entirely different from the present question.

Mr. VILAS. I wish to add one word, since the point of order is to be submitted to the Senate. In the last Congress we passed a law, independently of the appropriation bill, creating courts in the Indian Territory and giving them their jurisdiction. That was general legislation. In former days the President of the United States negotiated with the Five Civilized Tribes treaties in which were inscribed the solemn engagements of the United States to those tribes, and they were ratified by the Senate. That was general legislation.

Now it is proposed, upon an appropriation bill brought in here, not by the committee to whom we have specially referred and delegated jurisdiction to consider matters relating to the Five Civilized Tribes, for we have just such a committee, but brought in here by the Appropriations Committee, and in defiance of the rules of the Senate, to strike down utterly all the solemn engagements of the Government of the United States with those tribes of Indians, upon which they have relied with a trusting faith in the honor of the United States. We propose to change the very law which we passed only in the last Congress creating the courts in that territory, and the Senate is asked to say that that is not general legislation.

Mr. BATE. Mr. President, I do not desire to detain the Senate on this question, but it seems to me it is so vital to these civilized tribes of Indians that the Senate ought to consider it. If we are to override the rules of the Senate, let us withdraw the rule; let us set it aside; but if we have it here, let us respect it. In my opinion there can be no question on earth in regard to this being an increase of the judical power, to say the least of it, and if it is, it is obnoxious to the rule. I beg to say further that this right is conceded to the Indians by the most sacred obligation that a government can enter into. You find here every treaty from 1830 down to 1866 and the agreement finally made in 1875, recognizing these rights which we now propose to strike down from the Indians.

I call the attention of the Senate to that fact, because we want to do what is legally right and what is morally right. It is a proposition to put the Dawes law, which is now in existence, into execution there. It has been successful to some extent, and these Indian tribes come along and say, "We are willing to do that; give us a chance; we want time." Now, instead of giving them time, while you hold out that negotiation to them, you brain them with this bludgeon and say, "We will pass this law depriving you of all your rights." That is the situation. We want to strike down these people, while at the same time holding in the other hand the proposition of negotiation. That is presented to the Senate as a moral, an upright, a proper thing to do. I say, it looks to me like it is unmanly, immoral, and vicious legislation.

I know the fate of the Indians is trembling in the balance. It is the sword of Dionysius hanging suspended by a hair as it trembles over the neck of Damocles. A single twitch of the hair may take his life. So it is with the Indians. They are standing upon a pivot, upon the brink of ruin, and the Senate is called upon to knock from under them the last prop that is sustaining them. I hope the Senate will not do so and that we will take action as I have indicated.

The PRESIDING OFFICER. The question is, Is the the pending amendment in order?

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I transfer my pair with the Senator from Georgia [Mr. GORDON] to the Senator from Wyoming [Mr. WARREN] and vote "yea."

The PRESIDING OFFICER (Mr. PASCO, after having voted in the negative). The present occupant of the chair announces his pair with the Senator from Washington [Mr. WILSON], and withdraws his vote.

The result was announced—yeas 36, nays 24; as follows:

YEAS—36.

Bacon,	Cockrell,	Lindsay,	Platt,
Baker,	Davis,	McBride,	Proctor,
Berry,	Dubois,	McMillan,	Quay,
Blackburn,	Elkins,	Mitchell, Wis.	Roach,
Brice,	Frye,	Morgan,	Shoup,
Butler,	Gallinger,	Nelson,	Stewart,
Call,	Gear,	Peffer,	Teller,
Cannon,	Jones, Ark.	Perkins,	Vest,
Carter,	Kenney,	Pettigrew,	Wetmore.

NAYS—24.

Aldrich,	Caffery,	Hoar,	Smith,
Allen,	Chandler,	Lodge,	Tillman,
Allison,	Chilton,	Mills,	Turpie,
Bate,	Daniel,	Murphy,	Vilas,
Brown,	Faulkner,	Pugh,	Voorhees,
Burrows,	Hill,	Sherman,	White.

NOT VOTING—30.

Blanchard,	Gray,	Mantle,	Squire,
Cameron,	Hale,	Martin,	Thurston,
Clark,	Hansbrough,	Mitchell, Oreg.	Walthall.
Cullom,	Harris,	Morrill,	Warren,
George,	Hawley,	Palmer,	Wilson,
Gibson,	Irby,	Pasco,	Wolcott.
Gordon,	Jones, Nev.	Pritchard.	
Gorman,	Kyle,	Sewell,	

The PRESIDING OFFICER. The Senate decides that the amendment is in order.

Mr. ALLISON. I move that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

The motion was agreed to.

Mr. VILAS. I move to strike out the words "full and exclusive" before the word "jurisdiction" in the twentieth line on page 67.

Mr. President, I would be very glad to find some basis upon which—something like justice and decent consideration for the solemn engagements of the United States—we could carry on the invasion of that Indian people by our appropriation bills if the progress of the invasion can not be resisted. The amendment as it is proposed by the Committee on Appropriations undertakes to sweep away the very solemn engagement made by this country with the Five Civilized Tribes. We have, in the manner by which the United States executes its most solemn covenants, agreed to give the Five Civilized Tribes their own government. We agreed to give them their own lawmaking councils, their own courts, and under the courts which they instituted, under the councils which they established, they progressed in their own way to a degree beyond that which any other Indians in this country have ever attained. There was no trouble with their progress, there was no trouble with their development, until white men, in violation of the solemn promises of the United States, invaded their territory and undertook to throw down their usages and customs.

Now, sir, not in response to the necessities of the Indians, not in response to any demands which faults of theirs invoke judgment from us, but purely and simply that the progress of invasion upon their rights may be stimulated and assisted by the United States Government, it is proposed to trample down their courts, their councils, and all there is of their own government which they have maintained under the promise of our protection.

Mr. JONES of Arkansas. I should like to ask the Senator from Wisconsin if he believes the United States judges selected by the President of the United States, and appointed to preside over the courts in that country, are less honest than the incompetent men who are selected by Indians to preside over their courts?

Mr. VILAS. Mr. President, I do not. I should be much better satisfied to have the United States judges administer the law there than to have the Indian courts do it.

Mr. JONES of Arkansas. That is all that it is proposed to do.

Mr. VILAS. But, sir, I have no right to tell those Indian people, when we covenanted with them that they should govern their own country and their courts should administer justice after their laws, that we will take them by the throat and subject them to ourselves. For that reason I move to strike out these words in order that we may extend to our judges jurisdiction to try the cases concurrently with theirs, as a primal step in this invasion. All the force and effect of the amendment which I propose is simply to so far moderate the demand which we are making upon them (or rather it seems to me to be the cruel and unjust invasion of their rights we are projecting) as to strike out those words which shall give our courts entire and exclusive jurisdiction, and leave them to exist side by side with the Indian courts.

Now see, Mr. President, and I hope Senators will recognize where this leaves the case. Our United States courts will then be there in their territory with a completely concurrent jurisdiction with their courts. Already the jurisdiction of the United States courts is conclusive in all cases in which a white man is concerned. All that I am asking to do here now is to prevent taking away from them the jurisdiction of their own courts in suits between Indians themselves. That is all that I ask.

The amendment of the committee undertakes to destroy not their courts for white men, but their courts for Indians. No, it goes a good deal further than that; for if our United States courts are to decide all the causes that arise between the Indians, as well as between Indians and white men, which they now have the jurisdiction to do, if they are to decide all causes of every description, if they are to decide them according to the laws of the United States and the laws of the State of Arkansas extended over that Territory, then all there is left of their autonomous government is gone. What is there of a country whose laws can not be enforced, whose courts are gone, whose officers have no power? And thus it is, sir, that by this single act we are at once stripping those people of every advantage which they have so long possessed with such benefit to themselves, and based upon the solemn covenants of this Government.

Sir, we have been talking here for two or three days about protecting the rights of an American citizen whose citizenship depended only upon some act without the accompaniment of a single article of benefit to this country, and yet all at once we are about to trample down these people who have lived in this country from their birth, whose ancestors lived here, who gave up their own territory to occupy this upon the faith of our obligation to preserve it to them. We will trample them down with a ruthlessness and recklessness of right such as has hardly been shown in Cuba to any of the people who have been abused and injured there.

I would be glad, as I said, to find some way to agree with this amendment, or at least to have it less violent and less oppressive than it is. I appeal to those gentlemen who seek it. If we begin by giving to our courts a concurrent jurisdiction with theirs, I think we have gone far enough at this time.

At the last session of Congress we passed laws which almost denuded them of their rights. Let us not carry it so far at this session of Congress that nothing remains. Let us at least try to preserve the semblance of fair dealing, and if we do add something to the force of the persuasion which the Dawes Commission is addressing to those people, yet let us add it so that in the end we may secure an agreement with them and that this thing shall be done less by the violence of arbitrary enactment than by the consent of the Indians, however that consent may be obtained.

I do not desire, sir, to occupy the attention of the Senate or to protract the discussion, but I can not suffer this thing to pass in this way without some effort to do what seems to me the duty incumbent upon me, much as I should be glad to escape it.

Mr. GALLINGER. Mr. President, a few moments ago unanimous consent was given that we should take a recess at 6 o'clock until the hour of 8 o'clock. Since then several Senators have appealed to me to ask that that order may be changed, so that the recess may be taken until half past 7, and that from half past 7 until 8 o'clock be occupied with the consideration of pension bills on the Calendar, and no other business to be done from that time until 8 o'clock. I will ask the chairman of the Committee on Appropriations if this will be agreeable to him, if the Senate will consent to it?

Mr. ALLISON. It will be agreeable to me, if the Senate agrees to it.

Mr. GALLINGER. I ask unanimous consent that my request be acceded to.

Mr. BATE. I hardly think that will give sufficient time to Senators to get their dinners and return to the Chamber. I know yesterday evening when we came back we remained here quite a little while before there were more than twenty Senators in the Chamber.

Mr. GALLINGER. I will say that several Senators on the other side of the Chamber have appealed to me to make this request. There is no case on the pension Calendar in which I am personally interested.

Mr. BATE. I do not wish to interfere with the Senator, but merely make the suggestion. A good many of us live quite a distance from the Capitol.

Mr. JONES of Arkansas (to Mr. GALLINGER). Ask unanimous consent.

Mr. GALLINGER. I ask unanimous consent to modify the agreement in regard to the recess as I have suggested.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the agreement heretofore made be modified so that the Senate will convene after the recess at half past 7 o'clock instead of 8 o'clock, with the understanding that no other business be done, but that the time be devoted to pension bills on the Calendar.

Mr. VILAS. And no other business but pension bills shall be transacted?

Mr. GALLINGER. That alone.

The PRESIDING OFFICER. And that no other business shall be transacted.

Mr. BROWN. I understand, then, that another unanimous consent can not be obtained for any other purpose?

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. No other bills can be considered except those included within the unanimous consent. Is there objection to the request?

Mr. BROWN. Is it understood that no other unanimous consent can be obtained?

Mr. GALLINGER. That is it.

The PRESIDING OFFICER. It excludes all other matters, whether by unanimous consent or otherwise. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. GALLINGER. The time is to be consumed in the consideration of pension bills only.

The PRESIDING OFFICER. Unobjected pension bills already on the Calendar.

Mr. PLATT. Mr. President, it is very unsatisfactory to attempt to debate a matter of this sort under circumstances in which the Senate is placed almost at the close of the session and almost at the close of the day, but I think that I ought to occupy a few minutes' time in reply to the Senator from Wisconsin [Mr. VILAS].

I know that the Senator from Wisconsin would be glad to have the carnival of crime and the saturnalia of corruption which is going on in the Indian Territory among the Indians and by means of Indian courts put an end to. I am sure he desires that. I think that he recognizes, as we who are familiar with that situation do, that never in the history of the world was there a condition of affairs so disgraceful and so deplorable. The means by which that disgraceful and deplorable condition is kept up is the Indian courts.

Mr. President, I am not going into the question of treaties. It extends over a long period of our history. Men of great legal ability who have gone into it, who have investigated it thoroughly, do not believe that in this provision there is any violation of any treaty which we have made with the Indians, either in the early history of this Government or more recently. But that is too long a subject, too complicated a subject, to discuss in the few minutes which I may be permitted to occupy.

I take the other ground that, if there is any treaty which by its letter stands in the way, that treaty has been violated in its spirit by those Indians, until the United States not only is no longer bound to observe it, but is bound to step in and exercise its duty and its power to take care of those Indians.

The Senator from Wisconsin talks as if they were all Indians who are in control of those courts; as if white people had gone there and invaded that Territory, and were seeking to despoil the Indians. Not at all, Mr. President. The people who are responsible for this corruption, for this deplorable condition of things, are as white as you or I, sir. They are Indians under the Indian law. They have been admitted by the Indian tribes as Indian citizens; they have come in complete control of the Indians, and are running legislatures and courts for their own benefit, and not for the benefit of the real Indians.

Mr. STEWART. Will the Senator state what is the proportion of whites and Indians?

Mr. PLATT. About one-third of the Indians in the Five Civilized Tribes are full bloods, and two-thirds are either of mixed blood or white people. By the laws of those tribes, when a man marries an Indian woman, he becomes an Indian for all purposes of their laws, and white people have gone there and become Indians by marrying women with Indian blood, for the purpose of enriching themselves and despoiling the real Indians. That thing has been carried on until the whole community have come under the power of those white men, who are now insisting upon treaties originally made with the Indians.

Now, about those treaties. Those treaties were made when it was supposed that a white man would not go to that country. They were made by the Indians upon the representation that they wanted to be kept away from white people and that white people should be kept away from them; that they wanted to live by themselves, have their own courts—their Indian courts, their Indian legislatures, their Indian laws. They have not only violated the spirit of those treaties in this, but they have allowed white people to become Indians. But all those white people who are Indians in that country are not intruders at all. They have gone there by permission of the Indians. The spirit of the treaty whereby we agreed that they should live by themselves and have their courts has been utterly violated by the Indians; and I insist upon it that the United States, in making those treaties, did not absolve itself from the duty, if the Indians so conducted that they were to be overrun by white people, to step in and take care of those Indians, the real Indians, to see that they were not despoiled by white people whom they themselves had brought among them.

Mr. President, there is only one way to remedy this state of affairs, and that is to give our courts jurisdiction there. The Indian courts are so utterly corrupt that injustice is bought in them at every term of the court openly and notoriously. Justice is not administered. If the amendment of the Senator from Wisconsin should prevail, giving concurrent jurisdiction to the United States courts with the Indian courts, it would simply amount to this, that the men who were honest would go into the United States courts, and the men who were dishonest would go into the Indian courts, until they would be purely dishonest bodies and dishonest means of the so-called administration of justice.

I do not believe that there is anything in this amendment which violates the spirit of any treaty we have made. I do not believe that the United States, in making an agreement with the Indians, is bound to keep the letter of that agreement when the Indians have so conducted themselves that to keep the letter of it will destroy its spirit and destroy the Indians also.

But with regard to treaties, the Seminoles have none which guarantee them any courts. The Choctaws and Chickasaws have entered into an agreement whereby they have agreed to give up their courts, and if this amendment passes it will not be three months before the other Indian tribes, the Creeks and the Cherokees, will also have agreed to surrender their courts.

Mr. President, this is the most important piece of legislation that has been proposed for the settlement of this difficulty, for the settlement of this disgrace, this burning shame, this blot on our system of government; and the Senators who insist now upon keeping the letter of the treaties, as it seems to me, are sticking in the bark, and are unconsciously asking the Senate to do great wrong and injustice by keeping to the technical letter of treaties.

Mr. BATE. Mr. President, I wish to say but a few words in response to the remarks which have just been concluded by the Senator from Connecticut [Mr. PLATT]. They induce me to present some letters from leading citizens of that country. I have those letters here. I do not propose to comment upon them, but I wish them to go into the RECORD as a controversion and contradiction of what the Senator has said in regard to the morals of those people and in regard to the criminality and saturnalia of crime of which the Senator spoke.

Two of the letters are from judges of the court there, one is from a Baptist minister and there are one or two others from prominent people there. The letters are short, but they show just to the contrary of what the Senator has stated, and show that there is a better average morality per capita there than in any of the States of the Union. There may be troubles in that Territory, as there are troubles elsewhere. Those people are not responsible for that. It is the fault of the white men who are there, the white men who have crowded out the Indians. The Indian has been driven to the jumping-off place, and now that he has reached that condition, you propose to strike him down, and deny him the last vestige of right, which is this little court of his own, where he has his magistrates and constables to administer justice where nobody but Indians are tried. That is what you propose to do now, by giving exclusive jurisdiction to the courts which are to supplant the Indian courts.

Mr. President, the United States courts are already there. Those courts have jurisdiction in cases between white men and Indians and between white men exclusively; but the Indians have a little court of their own, exerting that power which was given them under every treaty. The Senator from Connecticut says the treaties do not do that. I have read the language, and it is in print to-day. They do it in every instance.

Talk about the morals of those people! Mr. President, I challenge history, I challenge the Senator's historical knowledge, to point out, from the day of the rape of the Sabines in Rome down to the present day, an instance where any single nation of people have ever advanced in civilization from a barbarous condition to the condition in which those Indians now are. They have their schools, they have their churches, they have their capital at Tahlequah, with 3,000 inhabitants. How many churches are there, Mr. President? Twelve churches, I understand; at any rate, they have eight or ten, Moravian, Unitarian, Baptist, Methodist North and South, Presbyterian, and others. That is not all. There are negroes there, and they have a separate church for the negroes. They also have their schools, with 200 pupils, male and female, in separate institutions, with separate teachers, at the public expense.

Mr. President, talk to me about these Indians being desperadoes and being immoral and vicious and bad people! We should take the beam out of our own eye before we take the mote out of our brother's. We have these troubles at home all around us daily. I trust matters will improve in that Territory. I hope that the Christian religion will advance and relieve the present state of affairs. The Christian religion has already done much for the people of that Territory. It has elevated them from barbarism into civilization, and it is making advances there now. I say it is historically true, as I am informed, that there are more members of Christian churches and communicants among this tribe of Indians per capita than there can be found in any State in this Union, and yet we are told by the Senator from Connecticut that a saturnalia of crime exists there.

These things, Mr. President, are historic. They may have troubles in the Indian country. There are, of course, marauders there just as there are in other portions of this country. But the gist of this thing is, Will you override the sacred obligation that this country has entered into with these poor creatures?

I have listened here for the last few days, and particularly during the last week of this session, to appeal after appeal in behalf of the unfortunate Cubans. Not only that, sir, but lamentations loud and long have been uttered in favor of the Armenians, inhabitants of a country three or four thousand miles away from us. Furthermore, we have heard much said here about the arbitration treaty. Why is that treaty favored? Because it will benefit mankind. But you say, Does that help us? The very men who advocate that treaty, the very men who advocate the cause of Cuba, and who shed tears over Armenia, are the men who now stand on tiptoe, with their ears pricked to hear a sweet sound that may come from Crete.

It is our duty, sir, according to my view of this matter, to maintain the status quo with these Indians. Let your courts which are there now have the jurisdiction which they at present exercise. We do not propose to disturb that, but do not let us extend their jurisdiction; do not let us make it exclusive; do not sweep away the rights of the Indian in a judicial point of view.

Mr. President, it is a part of their social organism to have these courts, which have been allowed by our Government in every treaty we have made with them. Theirs is a tribal organization; and I say, sir, you may look to the history of the Indian race, and wherever you have found the tribal organization of the Indians has been disturbed you have destroyed the Indians. The tribal relation is their natural condition, and whenever it is maintained as it is amongst these civilized tribes, with the laws of Christianity and the influence of the good people of this country thrown around them, as it has been, you find that they become elevated to a high point of civilization, surpassing, as I have said, any race of people known to history.

The question now is, shall we take the last prop from under them, which is their own courts, thereby giving exclusive jurisdiction to the courts presided over by judges whom we have sent there?

I do not care to say anything further upon the subject, Mr. President, but I hope the amendment will prevail. It is a proper, it is a just amendment; it goes to the merits of this case, and I shall vote for it.

I now formally request that I may be permitted to insert in the RECORD three or four letters of about twenty-five lines each from Judge Parker, Judge Bryant, Mr. King, the principal of the American Baptist Home Mission Society, and Mr. Wisdom, the United States Indian agent.

The PRESIDING OFFICER. If there be no objection, the papers indicated by the Senator from Tennessee will be inserted in the RECORD. The Chair hears no objection, and it is so ordered.

The papers referred to are as follows:

OFFICE UNITED STATES DISTRICT JUDGE,
EASTERN DISTRICT OF TEXAS,
Galveston, Tex., March 9, 1896.

DEAR SIR: As you are aware, for nearly six years I have been on the bench, and among other places hold court at Paris, Tex. During this time my duty has led me to a careful study of the conditions existing in the Indian Territory. The courts at Paris and Fort Smith have improved the Territory very much in ridding the country of lawless men, and if a comparison is made with any adjoining country, considering area and population, it will be found that less crime is committed in the Territory than any contiguous Territory or State of equal size. This is due solely to the fearless and certain enforcement of the law by the above courts.

If you look to Oklahoma, you will find that crime is practically unpunished as compared with the Indian Territory. Many circumstances combine to make the Paris and Fort Smith courts preferable, but the main reason is, the juries are not acquainted with the parties or witnesses, are not related to nor interested in them, except to do their duty firmly and fairly, and consequently the innocent are protected and the guilty punished.

The records of these courts will compare favorably, to say the least, with any court on earth. The Indian is seldom a defendant in my court. The crimes are committed by white men nearly altogether, and they are generally fugitives from justice from the States.

The question of governing the Indian Territory is a simple one. If the United States will follow strictly its treaty obligations and expel all intruders from the Indian country, the question is then settled. The trouble comes from the intruder, and when he is removed, the cause is removed and the trouble ceases.

If Congress puts the Indian Territory into a Territorial form of government, or takes the jurisdiction from Paris and Fort Smith and gives it exclusively to the courts in the Indian country, crime will rule the day; life and property will not be safe. In making this statement I desire to be distinctly understood as not reflecting on the judges or marshals of those courts. They are gentlemen and good officers and will do all that anyone can do to enforce the law. The fault is not with them. If the juries are composed of white men, in many verdicts of fact feeling will determine it, and the Indian will sincerely think it does in all. If the juries are composed of Indians, the white men will think the same. If the juries are composed of both, they will agree possibly in one case out of ten. In any event, either the white or Indian element will have no confidence that the verdicts are impartial. You know there are many feuds in the country, and they play no small part in the enforcement of law.

The Indians and the law-abiding white men in your country have confidence in the juries at Paris and Fort Smith, because they are not involved in the local feuds and local interests, not related to nor acquainted with the defendants, and consequently can have no motive to do other than right. If the United States will expel the intruder, let the tribal relations stand as they are, the question is settled and settled right. Many white men live in the Indian country that are honest and good citizens, but they comply with all regulations, are not in the criminal courts, and this letter does not apply to them. I refer to the large class of white men in your country who live by crime.

I would write more fully, but I am very busy here and have not the time. I will add, personally, it would be to my interest to lose the jurisdiction at Paris; it would relieve me of great labor and annoyance, but interest does not control me. I have given you my real convictions on this question.

Yours, truly,

D. E. BRYANT.

Hon. HOLMES COLBERT,
Washington, D. C.

Charge of Judge Stewart, December 1, 1894:

* * * * * * *

"And I say now, and I say it everywhere, and I am proud to say it, that I lived on the border, right on the edge of the Chickasaw Nation, for years before I came to this country, and I will say that there never has been a more law-abiding people than the people of this Territory. Why do I say it? These people were here for years without law; these white men who came in here with the permission of the Indians had intercourse with each other to protect their rights; they had no law to protect them against crime; yet these men went out and built towns, they erected churches and schoolhouses, and the good order of society was preserved and maintained without law, and now for the world to say that this Territory, as a whole, is more lawless than other new countries is a slander on the good people of this Territory, and it is not true. I have seen it and I know it."

WASHINGTON, D. C., *December 20, 1894.*

SIR: In accordance with your knowledge of crime in the Cherokee Nation, were there as many as fifty-three murders committed there during September and part of October last, and no attempt to make arrests?

W. A. DUNCAN.

To Judge I. C. PARKER, *Fort Smith, Ark.*

FORT SMITH, ARK., *December 21, 1894.*

To Hon. W. A. DUNCAN,
Cherokee Delegate, National Hotel:

In reply to your dispatch of 20th, I state four cases of murder were reported to United States commissioners here as having occurred in the Cherokee Nation during the whole of September and October last. Arrests in all cases.

I think all the cases over which court had jurisdiction were reported. These were cases over which court here had jurisdiction. There were probably as many more cases of murder committed by Indians upon Indians. There was more crime than usual during these months, owing to the number of reckless men attracted to that country by payment to the people of so large a sum of money. The story that there were 53 murders committed in the Cherokee Nation during the month of September and part of October for which no one was brought to justice, in my opinion, is a grave mistake. Some one has imposed on the author of the statement to the committee. I do not believe any such statement is warranted by the truth, and I think a gross injustice is unintentionally done your people by such statement.

I. C. PARKER.

CHEROKEE ACADEMY,
Tahlequah, Ind. T., January 15, 1895.

HONORED SIR: I have read with interest the newspaper report of your reply to the report of the Dawes Commission. Allow me to add my humble indorsement thereto. After a three years' residence in your nation, with perfect liberty to observe your people, and every possible opportunity to study their customs and the administration of your Government, with no possible political limitations, and in a work that brings men of all classes and conditions together on common ground, and having traveled the length and breadth of your country in public and private conveyance, I am free to say that I have ever found the enforcement of law as effectual, and the safety of persons and property as sure as in any of the well-governed Atlantic Seaboard States in which I made my home for many years. And this is especially true of the safety of our women from insult and annoyance upon our streets, or on the highways, where they frequently travel unattended for many, many miles together. I have never heard of a single instance where the slightest insult or indignity has been offered them.

I may say also upon the grave question at issue, merely as the conviction of one who has the best interest of your people at heart, and who has no personal gain or loss in the balance, that any of the plans submitted for a change of government for the Cherokee Nation (I know nothing about the others) must be detrimental to the best interests of the Cherokee people, if not of fatal result to the full-blood Indians.

Believing the position of yourself and your delegations to be the only correct one in the face of the facts, allow me to wish you godspeed toward success in your noble efforts for your people.

WALTER P. KING,
Principal under the American Baptist Home Mission Society.

Hon. C. J. HARRIS,
Principal Chief of the C. N.,
National Hotel, Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., January 3, 1895.

SIR: I am in receipt of your letter of December 18, 1894, in which you state that a statement was made on that day, before the House Judiciary Committee, that 53 murders had been committed in the Cherokee Nation from the 15th of September to the 20th of October, for which no one had been brought to justice. You also ask if I have any information to prove or disprove this statement, or if I give it any credit.

I would respectfully state that my information discredits any such statement, and I do not believe it to be true.

I know that the Cherokees, as a rule, apprehend and punish all criminals, and their laws are reasonably well executed.

Whenever I have called upon the Cherokee authorities to assist me in capturing outlaws they have always responded.

Very respectfully,

DEW M. WISDOM,
United States Indian Agent.

J. F. THOMPSON,
Cherokee Delegate, care National Hotel, Washington, D. C.

Mr. TELLER. Mr. President, we owe to these Indians just the same obligation that we owe to any other class of our population, and that is to secure them a proper government. We practically agreed to do that when we made our treaties with the Indians, but they have shown themselves incapable of managing their own affairs in a way to bring peace and order and quiet and to do justice to the citizens of that country.

Three years ago a committee of this body went down to the Indian Territory and took testimony as to the condition there, and came back and made a report of the condition. That report is on file. It shows the necessity for this class of legislation.

METROPOLITAN RAILROAD COMPANY.

Mr. HILL. With the kind permission of the Senator from Colorado, I rise to a question of privilege. I introduced yesterday, in behalf of the Senator from Nebraska [Mr. ALLEN], a concurrent resolution calling for the recall of a bill from the President, and said that it could go over until to-day. It was called up this morning, as I supposed it would be, but instead of it another resolution was called up which was not the one I offered in behalf of the Senator from Nebraska. It was waived. I desire to know why it was that the concurrent resolution was not laid before the Senate this morning as a part of the morning business. I ask that it may be called up now and passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. TELLER. Will it take any time?

Mr. HILL. It ought not to.

Mr. ALLEN. Oh, no.

Mr. PETTIGREW. What is it?

Mr. HILL. It is to recall a bill from the President, in accordance with the resolution I offered yesterday.

Mr. PETTIGREW. I should like to know whether it is simply to correct a clerical error?

Mr. ALLEN. Yes; a clerical error.

Mr. HILL. It is not my bill. It is a matter of courtesy on my part to another Senator. The Senate passed the wrong resolution.

Mr. PETTIGREW. I think if the Senator from New York could remain in the Senate long enough, he would get full information with regard to the powers of the body. I am glad he has discovered this one.

Mr. HILL. Yes, sir; the resolution is correctly drawn.

Mr. TELLER. Let it be taken up. I do not want to spend much time over it.

The PRESIDING OFFICER. The concurrent resolution will be read for information.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company, of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FAULKNER. I object to the consideration of the resolution. I do not know the object of the resolution.

Mr. HILL. The Senator knows, permit me to suggest, because I discussed the question with him yesterday.

Mr. FAULKNER. The Senator never gave me any reason for it.

Mr. HILL. Was not the Senator from West Virginia in the chair when I offered the resolution?

Mr. FAULKNER. I was, but the Senator never gave me any reason why the resolution should be passed. As a member of the subcommittee, I do not know any reason why it should. I can not agree to a concurrent resolution recalling the bill from the President unless I know the reason why it is to be done.

Mr. ALLEN. I should like to ask the Senator from West Virginia if he wants to take advantage of the technical mistake of the Presiding Officer in not laying this resolution instead of the other one before the Senate?

Mr. FAULKNER. I would ask the Senator, in reply, if he would want to take advantage of the District Committee when every member of it was engaged in public business elsewhere when the matter was taken up this morning? If they had been here they would have discussed the question, and the propriety of passing the resolution.

Mr. ALLEN. When the resolution was submitted almost every member of the District Committee was here.

Mr. FAULKNER. There was——

Mr. HILL. The Senator from West Virginia was in the chair. Why was the wrong resolution presented this morning instead of the one I offered in behalf of my friend the Senator from Nebraska?

Mr. FAULKNER. That I do not know. I was in the committee room.

Mr. VEST. Let me make an inquiry. Does the Senator from West Virginia state that the right resolution was offered?

Mr. FAULKNER. Two resolutions was offered yesterday, one by the Senator from Nebraska. Then the Senator from New York called the attention of the Senator from Nebraska to the fact that it requires a concurrent resolution to accomplish the result he had in view, and at the request of the Senator from Nebraska the Senator from New York, for that Senator, prepared a concurrent resolution and offered it to the Senate, and it went over until to-day.

Mr. HILL. It is there now.

Mr. ALLEN. Was it not in lieu of the simple Senate resolution?

Mr. FAULKNER. I do not know how it was offered; I do not remember the language, but it was offered with that view. This morning, while the District Committee was engaged with its public duties, when the morning hour came on, this resolution was passed without any objection whatever. It would have been objected to by the District Committee if any of the members of the committee had been present. I can say that to the Senator frankly.

Mr. HILL. That has nothing to do with it. I was entitled, or the Senator from Nebraska was (for I care nothing about the bill; I know nothing about it; I did it as a pure act of courtesy to him), to have the concurrent resolution laid before the Senate as a part of the morning business. I supposed the resolution laid before the Senate was the one I offered.

Mr. FAULKNER. I made a very fair proposition to these gentlemen. If they can give any reason why the bill should be recalled from the President, then, of course, I will not object to the resolution being considered.

Mr. HILL. What is the Senator's statement?

Mr. FAULKNER. If the Senator can give any reason why it is the duty of the Senate to recall the bill from the President, I will not object to the consideration of the resolution; but there ought to be some reason given to the Senate.

Mr. HILL. I have already explained that I am not opposed to the bill. I know nothing in regard to it. I was consulted about it by the Senator from Nebraska. He kindly asked me to put it in form, as I have been giving some little attention to the question suggested—the recall of a bill from the President. That is all. It was purely as a matter of courtesy that I offered it. I supposed it was laid before the Senate this morning, until the Senator from Nebraska called my attention to the fact that the wrong resolution was laid before the Senate, not the one I offered.

Mr. FAULKNER. I will say to the Senator from Nebraska, that if he can give any good reason why the resolution should be passed and the bill recalled from the President, I will not interpose any objection; but there ought to be some reason stated.

Mr. ALLEN. The Senator from West Virginia knows the reasons, and he has known them for a month or more.

Mr. FAULKNER. If it is the reason——

Mr. ALLEN. No, no; there are a variety of reasons.

Mr. FAULKNER. If it is the reason as to which I stated, I would oppose the resolution. I will oppose it.

Mr. ALLEN. The Senator is not in ignorance of the reasons, and he has not been for several weeks.

Mr. FAULKNER. If that is the only reason, then I do not think the public interest would justify us in recalling the bill from the President.

Mr. ALLEN. I want to say that in my judgment the conference report was deliberately slipped in and passed in the absence of several Senators who were known to be antagonistic to the bill.

Mr. GALLINGER. I will say in behalf of the chairman of the committee, who does not seem to be present, that he resents any such imputation.

Mr. ALLEN. I know he resents it. I understand the Senator from New Hampshire resents it.

Mr. GALLINGER. I do not, because I do not know anything about that part of it.

Mr. FAULKNER. If the Senator will permit me, I think if he will look at the RECORD he will find that there has been no bill which has had the deliberation, the length of time bestowed on it in the Senate as the bill of which he is speaking and the conference report thereon have had. The conference report was here from the 13th of January until the middle of February.

Mr. ALLEN. I have been in the Senate every day with the exception of a day or two from the opening of Congress until this moment, occasionally being in the cloakroom and out in the committee room, as my duties required me to be. I never could be here when the bill was mentioned by a member of the District Committee. I would come in after a time and find that some order had been made in relation to it.

Mr. GALLINGER. Will the Senator permit me?

Mr. ALLEN. Certainly.

Mr. GALLINGER. This bill was referred to the Senate committee on the 21st day of December, reported to the Senate on the 13th day of January, passed the Senate on the 5th day of February; on the 8th day of February the conferees failed to agree and reported, and it went back to them; on the 23d day of February, 1897, the conference report was agreed to, and on the 24th of February the bill was signed by the Presiding Officer.

Mr. ALLEN. I am not disputing that. It is not pertinent to the question at all.

Mr. GALLINGER. It shows simply that the bill has had most careful consideration and deliberation.

Mr. ALLEN. Most deliberate, doubtless, but it was always at a time when the opponents of the bill were not present.

Mr. FAULKNER. I wish to say, in justice to the committee, and I think the Senator from Nebraska ought to admit it, that he never called the attention of any member of the committee to any objection to the bill up to the time when he presented the resolution. At least, if he did so, I never heard of it, and I never heard of any objection either to the bill or to the conference report except from the senior Senator from Missouri [Mr. COCKRELL]. I would not sign the conference report until he was thoroughly satisfied with the modifications of it to suit his views. That is the sole objection I ever heard to the bill from any Senator.

Mr. ALLEN. What can be the objection to allowing the concurrent resolution to pass, and let the bill come back and be considered?—because it can be considered before Congress adjourns.

Mr. GALLINGER. Is unanimous consent asked?

The PRESIDING OFFICER. The proposition before the Senate——

Mr. BURROWS. I desire to say to the Senator from Nebraska that my colleague, the chairman of the Committee on the District of Columbia, is called out of the Chamber and is not here at this time, and I shall have to object myself to the resolution being taken up in his absence. So I ask that it may be passed over.

Mr. TELLER. If that is the case, I should like to proceed.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. I object, most decidedly.

Mr. HILL. I rise to a parliamentary inquiry. What is the effect of the error of the Presiding Officer, or the error of the clerks, in not handing down the concurrent resolution as a part of the morning business? Will it not come up to-morrow morning?

Mr. TELLER. Certainly.

Mr. GORMAN. It will.

Mr. COCKRELL. It ought to.

Mr. HILL. I want a ruling to that effect, and then we will decide.

The PRESIDING OFFICER. The Chair understands that the concurrent resolution will come up regularly to-morrow morning.

Mr. COCKRELL. Let it come up to-morrow morning, just as it ought to have come up this morning.

Mr. FAULKNER. I will say frankly that if the Senator from Nebraska will ask unanimous consent that the resolution may be treated as a part of the morning business to-morrow, personally I will not object, and I do not think any other Senator will object, under the circumstances.

The PRESIDING OFFICER. There can not be any objection, inasmuch as the resolution has not been submitted to the Senate as a part of the morning business.

Mr. FAULKNER. If there is not consent, the resolution will go to the Calendar.

The PRESIDING OFFICER. The resolution is entitled to its day. The Chair understands that the request for unanimous consent for the present consideration of the resolution is denied. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. ALLEN. Mr. President——

Mr. TELLER. I have been yielding. I do not want to interfere if the concurrent resolution can be disposed of.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. TELLER. Certainly.

Mr. ALLEN. I desire to ask the Senator from West Virginia and the Senator from New Hampshire, in view of the fact that there was a clerical error in not laying the resolution before the Senate this morning, to allow it to be corrected now, so that the RECORD shall show the passage of the concurrent instead of the Senate resolution.

Mr. GALLINGER. We must object to that. We have no objection to the resolution coming up when we are present. It came up this morning when every member of the committee was absent. I have no objection to its being considered to-morrow morning.

Mr. ALLEN. I understand the Senator objects to the resolution, however.

Mr. GALLINGER. I shall oppose it with all the power I have.

Mr. ALLEN. No doubt.

Mr. GALLINGER. It is not much, but all I have.

Mr. ALLEN. Doubtless, if the Senator uses all his power, the resolution will be defeated.

Mr. GALLINGER. That depends upon circumstances.

Mr. COCKRELL. Will the Senator from Colorado yield to me?

Mr. TELLER. Certainly.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

Mr. ALLISON. I submit to the Senator from Missouri that it will take ten minutes to call the roll.

Mr. FRYE. We will take a recess at 6 o'clock.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 7.30 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 7.30 p. m.

Mr. HOAR. I ask unanimous consent to call up the bill (H. R. 8623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia."

Mr. PEFFER. That is not a pension bill.

Mr. GALLINGER. When the order was made, I suggest to the Senator from Massachusetts, an agreement was entered into that no other business but action upon unobjected pension bills would be done during this half hour.

Mr. HOAR. Very well.

Mr. GALLINGER. I should be happy to yield, of course; but that agreement was made on the floor at the suggestion of several Senators.

The PRESIDING OFFICER (Mr. PASCO in the chair). Under the unanimous agreement entered into this afternoon, unobjected pension bills on the Calendar will now be considered, and the Secretary will read the first bill.

MALACHI SALTERS.

The bill (H. R. 9319) granting a pension to Malachi Salters was considered as in Committee of the Whole. It proposes to place the name of Malachi Salters, late a sergeant of Company F, Ninth Regiment of Illinois Volunteer Cavalry, upon the pension roll of the United States, and to grant him a pension of $50 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE FOWLER.

The bill (S. 3237) granting a pension to Annie Fowler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Brigadier-General," to strike out "Edwin" and insert "Edward;" and in line 7, after the word "Fourteenth," to strike out "New York Regiment" and insert "Brooklyn (Eighty-fourth New York Volunteers);" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of Annie Fowler, widow of Col. and Bvt. Brig. Gen. Edward B. Fowler, of the Fourteenth Brooklyn (Eighty-fourth New York Volunteers).

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE WEIRER.

The bill (H. R. 2689) granting a pension to Charlotte Weirer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "in lieu," to strike out "of all pension granted" and insert "of the pension she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Weirer, widow of Antonio Weirer, late of Company E, Second Regiment United States Artillery, and pay her a pension of $12 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALPHONZO O. DRAKE.

The bill (H. R. 7205) granting a pension to Alphonzo O. Drake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" and in the same line, after the word "month," to strike out "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 a month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW J. MOLDER.

The bill (H. R. 6757) granting a pension to Andrew J. Molder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Molder, late a private in Capt. John Miser's Company, Hempstead County Arkansas Militia, and to pay him a pension of $12 per month.

The PRESIDING OFFICER. There is a mistake in the spelling of the word "captain." The bill will be amended by inserting the correct spelling, in the absence of objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNA G. VALK.

The bill (H. R. 7055) increasing the pension of Anna G. Valk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Anna G. Valk, widow of William W. Valk, late surgeon of the Fourth Maryland Volunteer Infantry, to the sum of $35 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELI D. WALKER.

The bill (S. 583) to grant a pension to Eli D. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, after the word "month," to strike out "from and after October 1, 1891;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli D. Walker, late a private in Company I, One hundred and sixty-first Ohio Infantry Volunteers, and to grant him a pension of $12 per month.

SEC. 2. That this act shall be in force from and after its passage.

The amendment was agreed to.

Mr. GALLINGER. I suggest that section 2 be likewise stricken out. It is unusual.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE A. BEACH.

The bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers, was considered as in Committee of the Whole. It proposes to grant a pension of $12 a month to Hattie A. Beach, child of Erastus D. Beach, late private of Company H, One hundred and forty-third Regiment New York Infantry Volunteers.

Mr. GALLINGER. In line 5, after the word "Beach," I move to insert the words "dependent and helpless."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers."

JERE SMITH.

The bill (H. R. 5128) to increase the pension of Jere Smith was considered as in Committee of the Whole. It proposes to place the name of Jere Smith, a sergeant of Company F, Thirteenth Regiment of Tennessee Cavalry, on the pension roll at $12 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. JOHN H. GEARKEE.

The bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maj. John H. Gearkee, late of the Twenty-second Regiment of Iowa Volunteer Infantry, at $50 per month, said pension to be in lieu of the one he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID N. THOMPSON.

The bill (H. R. 6765) to increase the pension of David N. Thompson was considered as in Committee of the Whole. It proposes to increase the pension now paid to David N. Thompson, late a private of Company C, Thirty-fourth Regiment Illinois Infantry Volunteers, and to pay him $30 per month, in lieu of the pension that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA A. KIRKPATRICK.

The bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca A. Kirkpatrick, widow of William A. Kirkpatrick, late a sergeant and second lieutenant in Company F, Sixty-third Regiment of Illinois Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASSIUS M. CLAY, SR.

The bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cassius M. Clay, sr., a major-general in the volunteer service of the United States in the war of the rebellion, and pay him a pension of $50 per month, in lieu of any pension he may now receive on account of such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. WELLS.

The bill (H. R. 6268) to increase the pension of William N. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William N. Wells, late acting master United States Navy, at $30 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHEPPARD.

The bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sheppard, late private of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and to grant him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HELEN A. DE RUSSY.

The bill (H. R. 6159) to increase the pension of Helen A. De Russy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Helen A. De Russy, of Washington, D. C., widow of Col. Rene E. De Russy, Corps of Engineers, and brevet brigadier-general, United States Army, and to pay her a pension of $50 per month, the same to be in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY C. SAWYER.

The bill (S. 3393) to increase the pension of Wesley C. Sawyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Wesley C. Sawyer, late captain Company H, Twenty-third Massachusetts Volunteers, and pay him a pension of $50 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARETHUSA WRIGHT.

The bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Arethusa Wright, of Sheridan, Oreg., at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg."

LEROY M. BETHEA.

The bill (H. R. 7317) to increase the pension of Leroy M. Bethea was considered as in Committee of the Whole. It proposes to increase the pension of Leroy M. Bethea, of Wilcox County, Ala., from $12 to $25 per month, for services in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ROBERTS.

The bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Nancy Roberts, widow of Jesse Roberts, late a private in Company A, Forty-ninth Kentucky Volunteer Infantry, on the pension roll at $12 per month.

Mr. PEFFER. I am satisfied there was a mistake in preparing the report. I ask the Senate to recede from its amendment, so as to let the amount stand as it was reported.

Mr. GALLINGER. I think that course is proper.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHERINE G. LEE.

The bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee was considered as in Committee of the Whole. It proposes to place upon the pension roll, and to pay her a pension of $12 per month, the name of Mrs. Catherine G. Lee, the daughter of William Rosser, a soldier of the Revolutionary war from the State of Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA D. BEEBE.

The bill (H. R. 6915) granting a pension to Julia D. Beebe was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon of the One hundred and fifty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA W. HOLLIDAY.

The bill (H. R. 7422) granting a pension to Lydia W. Holliday was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Lydia W. Holliday, of Wheeling, Ohio County, W. Va., late army nurse in the army hospitals of the United States Volunteers, in the late war, from 1861 to 1865, on the pension roll, at $20 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARRIET CLARISSA MERCUR.

The bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Clarissa Mercur, widow of Prof. James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y., and pay her a pension of $40 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GROTIUS N. UDELL.

The bill (H. R. 3605) granting a pension to Grotius N. Udell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grotius N. Udell, late private of Company B, Sixth Regiment Iowa Infantry, and to pay him a pension of $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER ABERCROMBIE.

The bill (H. R. 4076) for the relief of Abner Abercrombie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner Abercrombie, of Monroe County, Ga., late a private in Captain Ashurst's Company of Alabama Volunteers in the Indian war of 1838, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. SPOFFORD.

The bill (H. R. 6730) granting a pension to Edward C. Spofford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward C. Spofford, late a sergeant of Company F, Thirty-fifth Massachusetts Volunteer Infantry, and pay him a pension of $30 per month from and after the passage of this act, in lieu of the pension now received by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMILY M. TYLER.

The bill (H. R. 6560) to increase the pension of Emily M. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily M. Tyler, widow of Erastus B. Tyler, late a brevet major-general of United States Volunteers, at $50 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE L. GREIG.

The bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie L. Greig, widow of the late Theodore W. Greig, brevet major of volunteers, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN MARIA MEINHOFER.

The bill (H. R. 8942) granting a pension to Ann Maria Meinhofer was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ann Maria Meinhofer, widow of Louis Meinhofer, late a private in Company B, Forty-first New York Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. FRANCES C. DE RUSSY.

The bill (S. 2125) granting a pension to Mrs. Frances C. De Russy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 7, before the name "Gustavus," to insert "and brevet brigadier-general;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, the name of Frances C. De Russy, widow of the late Col. and Bvt. Brig. Gen. Gustavus A. De Russy, of the United States Army.

Mr. COCKRELL. I thought we had already passed that bill.

Mr. GALLINGER. There are two pension bills where the beneficiaries have similar names, I will say to the Senator.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES EGANSON.

The bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Eganson, late seaman United States Navy, serving on ships *Pennsylvania* and *United States*, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE A. BRADLEY.

The bill (S. 3707) granting a pension to Catherine A. Bradley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine A. Bradley, widow of James F. Bradley, captain of Company F, One hundred and second Regiment United States Colored Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. DONOHUE.

Mr. GALLINGER. I have one bill in charge that I intended to report this morning. I ask permission to report it and have it considered at this time. I report back from the Committee on Pensions without amendment the bill (H. R. 6038) to increase the pension of Joseph M. Donohue, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place the name of Joseph M. Donohue, of Shelby County, Ky., late a private in Company A,

Fifteenth Kentucky Regiment, on the pension roll as a pensioner at $12 per month instead of $6 per month, which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL (at 7 o'clock and 50 minutes p. m.). I move that the Senate take a recess until 8 o'clock.

The motion was agreed to; and at the expiration of the recess (at 8 o'clock p. m.) the Senate reassembled.

ENGROSSING AND ENROLLING OF BILLS.

The PRESIDING OFFICER (Mr. PASCO in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine [Mr. HALE] to the resolution.

Mr. ALLISON. It ought to pass.

Mr. HOAR. As a matter of course.

Mr. HALE. I ask concurrence on the part of the Senate.

The concurrent resolution was considered by unanimous consent, and agreed to.

PETITION.

Mr. CALL presented a petition of sundry citizens of Ocala, Fla., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT POLICE COURT.

Mr. HOAR. I ask the Senate to lay aside the pending order informally that I may call up the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia."

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 10, after the word "of," to insert the words "the United States, the District of Columbia, or;" so as to read:

That section 4 of the act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, be, and the same hereby is, so amended as to read as follows:

"SEC. 4. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided. If, upon the trial of any such cause, an exception be taken by or on behalf of the United States, the District of Columbia, or any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this act, and for the time and method of the entry of appeals, and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in line 34, after the word "any," to strike out the word "defendant" and insert the word "party;" and in line 36, after the word "his," to insert the words "or its;" so as to read:

Any party desiring the benefit of the provisions of this section shall give notice in open court of his or its intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days.

The amendment was agreed to.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if there is any provision made in this bill for the allowance of a writ of error provided the justice to whom it is presented refuses?

Mr. HOAR. Yes; there is the same provision which applies now in all United States jurisprudence, that there may be an application to the court above, and if the justice thinks proper, he orders it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MEMORIAL MUSEUM.

Mr. HAWLEY. I have the consent of the Senator in charge of the Indian appropriation bill now pending to enter a motion requesting the return of a certain bill from the House of Representatives. I will not take up the time now to explain the matter, but I give notice that I will move that the Senate request the House of Representatives to return to this body Senate bill 3608. I will call up the motion afterwards for action.

Mr. CHANDLER. What is the title of the bill?

Mr. HAWLEY. That compels a little explanation. I am sure the Senate did not fully understand the purport of the bill. It gives away a portion of the Washington Monument Lot. Nothing on earth is good enough to come into the ground which is dedicated to that magnificent monument, the admiration of the world. The Washington Monument Lot is not mentioned in the bill, but the description will show that it takes a piece, about an acre, out of the lot.

Now, we decided long ago that we would erect no more buildings on the reservations in this city. Senators who have been here for some time will remember the prolonged discussions that arose over the location of the Congressional Library. Many Congressmen desired to place the building upon some one of the reservations, saying we had public land enough; that we were under no necessity of buying other land. The better sentiment of Congress prevailed, and the Library is where it ought to be, as every man of taste will say, a very noble adornment of this city and an honor to the nation.

I then said, and others said, that we never, never would consent to an encroachment of any sort upon these reservations. If we continue this, we shall have, perhaps, in the Washington Monument Lot buildings used for honorable purposes like this one, but they will be of incongruous architecture—a village of incongruous architecture—and posterity will curse us for the mauling and mangling of the noble plan of this grand city.

So, while I am perfectly willing to vote for any necessary appropriation or be taxed personally to buy any other piece of ground to obtain a suitable site for the noble purpose of the bill, I still adhere to my views—no buildings on the reservations, and, above all things, no building on the Washington Monument Grounds. No man shall exceed me in profound admiration and respect for the Daughters of the Revolution. They are doing a noble work, reviving not only intellectual creeds of patriotism, but a blessed sentimental love of country.

They shall have a museum and a good place for it; we will buy them any proper location, but I do beg the Senate to say that it shall not be on the Washington Monument Lot. That is the purport of Senate bill 3608. I do not think Senators knew it. I doubt if there has been a meeting of the Committee on Public Buildings and Grounds this winter. I have consulted three gentlemen on that committee, and they never knew of the bill at all.

Mr. CHANDLER. I ask the Senator to request unanimous consent to move the recall of the bill.

Mr. HAWLEY. I will be glad to do so. I will do so at this moment, if Senators say so.

Mr. TELLER (to Mr. HAWLEY). Do it now.

Mr. HAWLEY. I move that the Senate request the House of Representatives to return Senate bill 3608.

The PRESIDING OFFICER. The Senator from Connecticut moves that the House of Representatives be requested to return Senate bill 3608, the title of which will be stated.

The SECRETARY. A bill setting apart a plot of public ground in the city of Washington in the District of Columbia for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

CALEB L. JACKSON.

Mr. PETTIGREW. I demand the regular order.

Mr. QUAY. I wish to have passed a bill to correct the military record of a soldier. It will not take half a minute.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. PETTIGREW. I will yield to the Senator from Pennsylvania provided the bill leads to no discussion, but not after this.

Mr. QUAY. Certainly it will not lead to discussion. It is merely a bill to complete a military record. I ask the Senate to proceed to the consideration of the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against Caleb L. Jackson as a member of Company D, One hundred and forty-sixth Regiment of New York Volunteers, and provides that it shall be held and considered that the said Jackson died on or about the 4th day of June, 1863, while in the military service of the United States, and on account of disability incurred in such service and in line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Several Senators addressed the Chair.

Mr. PETTIGREW. I insist upon the regular order.

Mr. BRICE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. PETTIGREW. I insist upon the regular order.

Mr. PALMER. Will the Senator from South Dakota yield to me?

Mr. BRICE. I ask the indulgence of the Senator from South Dakota——

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. PALMER. Will the Senator from South Dakota consent that I may ask for the present consideration of Senate bill 588, for the relief of William H. Hugo?

The PRESIDING OFFICER. The Chair will state that the Senator from South Dakota has just declined to yield to the Senator from Ohio.

Mr. PALMER. But I still hope the Senator from South Dakota will yield to me, on account of the peculiar merit of this claim.

Mr. PETTIGREW. I insist upon the regular order. We could spend the entire evening in calling up bills from the Calendar, but I should like to dispose of the Indian appropriation bill to-night.

Mr. ALLISON. We must dispose of it to-night.

Mr. PALMER. I understand the Senator from South Dakota declines to yield.

The PRESIDING OFFICER. The Senator from South Dakota insists upon the regular order.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

The PRESIDING OFFICER. The pending question is on the adoption of the amendment offered by the Senator from Wisconsin [Mr. VILAS] to the amendment reported by the Committee on Appropriations inserting the matter on page 57 of the bill. Is the Senate ready for the question? [Putting the question.] The noes appear to have it.

Mr. VILAS. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were not ordered.

Mr. BROWN. I ask that the amendment be read at the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 20, page 57, before the word "jurisdiction," strike out the words "full and exclusive;" so as to read:

That the United States courts in said Territory shall have jurisdiction, etc.

Mr. BROWN. The pending question is on the adoption of that amendment?

The PRESIDING OFFICER. The pending question is on the adoption of the amendment just stated.

Mr. TELLER. Mr. President, I had the floor when the Senate went into executive session.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. TELLER. I do not intend to make any lengthy remarks. I called attention to the fact that the Senate had sent a committee to the Indian Territory some three years ago, and the committee made a report to the Senate of the condition of affairs in the Indian Territory. I judge from the remarks of the Senator from Wisconsin [Mr. VILAS] that he never read that report, because he seems to think that if we take from these Indians the right to hold their own court we shall be doing them some injustice and that it will be against their will.

There is in no country that I know of a civil condition like that in the Indian Territory. Perhaps there is no community in the world where so few, in proportion to the whole number, control and manage the affairs of the nation or community as in the Indian Territory. The great body of the Indian people have no voice or lot, so to speak, in the management of its affairs. Its political affairs are controlled by a few; they have the advantage of all the wealth of the nation; and the courts instituted many years ago by the Indian community, and to which they are entitled if we maintain the strict letter of the treaty, I have no doubt are not such courts as civilization and commerce and trade require.

The committee that went from this body to the Indian Territory took especial pains to look into the condition of the Indian judiciary, and I think I state it mildly when I say that perhaps in no community in the world are there more inefficient courts than there. I do not believe I should overstate it if I should say that in no community in the world are there courts so corrupt as those in that country. Numbers of citizens of that Territory came to us and presented cases of their individual experience in those courts. I recall a good many of them, but I recall one in particular, which I think I may mention.

A reputable man in the Territory came and told us that he had a contest as to his right to the possession of certain lands. He went into court as the plaintiff. After he had got into court, the judge sent him a note saying that if he would pay him $300 he would give him the decision. The case was to be tried by a jury. The jury was called, and the foreman of the jury, not intending that the judge should have much advantage of him in the way of a financial transaction, sent a note to the plaintiff's counsel, telling him that for $40 he would give him the verdict of the jury. This citizen, thinking that that was not the proper way to secure justice, declined to make the arrangement. He found the jury against him, and of course he was defeated.

Mr. PLATT. And, Mr. President, the result of that lawsuit is that a white man who by marrying an Indian wife has become an Indian, owns a town of 2,000 inhabitants.

Mr. VILAS. On what evidence is such a statement as that made about a court or a jury? Is there any testimony about it; has there been any trial of it?

Mr. TELLER. I have been stating what a citizen told us.

Mr. VILAS. Oh, yes.

Mr. PLATT. It is notorious there, and there is not any question about it.

Mr. TELLER. That is not the only instance where similar occurrences have taken place. I have been at a trial in the woods where one of these courts was in session, where a man was being tried for his life. I do not know what the methods were; but it seemed to be generally understood around there that the man was in no possible danger, because his friends were there with a sufficiency of currency to see that he was not convicted. Possibly that statement was not true, but the air was absolutely full of such talk. At any rate, the man got off. I listened to the testimony, and I doubt very much whether he would have gotten off in any other community; but he did get off there. It seems to be a common thing for people there to say, "Oh, he will not be convicted, because Mr. So-and-so is here, who will see that he is not convicted." That is the condition all over that country. I do not mean, of course, to say that every judge does that; but a great many of them do it.

I repeat, a great number of Indians came to us and said: "Above all things we want an opportunity, if we have a contest about property, to go into the United States court." I have no doubt that if the matter could be submitted to the Indians who would act independently, a great majority of them would be delighted to have the opportunity of having the security and certainty of justice which they would get in the United States courts.

Now, why should the Senator from Wisconsin complain? I said, when I opened my remarks before the recess, that we are under obligation to give to the Indians a decent government. We have the power to legislate for them absolutely. I know we have made a number of treaties with them, and that some of them may stand in the way; but a treaty, after all, is but a statute, it is but a law, and there is no more crime in abrogating a treaty by law than there is in the repealing of a statute. It depends, of course, upon what the character of the repealing statute may be.

So far as the people's property rights are concerned, we have no power to take away any such rights; but when it comes to a question of political rights, we are as absolute over them as we are over the citizens of this District; we are as absolute as any State legislature over the political affairs of a State; and if a member of a legislature should get up and insist that they had enacted a law on a certain subject heretofore, and that a bill pending proposed to repeal it, and that that was a great crime, he would not be any further out of the way than is the Senator from Wisconsin when he treats this transaction as a violation of a treaty.

We have made innumerable treaties with these Indians which it is neither to their interest nor to ours should be maintained, and we have not attempted to maintain them. If we found it to our interest, we would see that the treaties were not maintained, and if they found it to their interest, they would see that they were not maintained.

We stipulated that they might go to and remain in that Territory in isolation; we agreed to protect them in that isolation; that they should remain there by themselves, subject only to their own law, without interference by anybody. Mr. President,

it was the Indians themselves who made that condition impossible of execution on our part.

I was told recently by a man who is an Indian—although nobody would know it to look at him; but he is an Indian in law—that in some neighborhoods there are ten white men to one Indian; but I believe from my observation, and the best information I can gather, taking the whole Indian Territory, there are five white men to one Indian.

Those white men went there by the invitation of the Indians; they are not there in violation of our treaties, because we were only to remove such persons as the Indians insisted should not go into that country; but the Indians took them in, invited them there, and they are the people who have made that country worth living in.

Of course we have taken jurisdiction of all the white men, and we have established courts; but still one Indian may bring another Indian into these corrupt, incompetent courts, where there is neither protection for person or property, and where, if they get justice at all, they are compelled in a great many cases, if not in a majority of cases, to buy it. There is no use of mincing words about this subject. There is not on the face of the green earth, in my judgment, a country where there is more corruption than there is in that Territory in their legislative affairs and in their judicial affairs.

It is incumbent upon us to see that they have honest and capable courts, and no one should say that is a hardship when we say that every controversy, whether it arises between an Indian and an Indian or an Indian and a white man, or between white men and white men, should be submitted to the Federal courts. Those courts have always been of the very highest possible character; and I believe I may say that the courts there now and the United States judges there now are men of the highest character, and nobody complains that there is any want of protection to life, liberty, and property in those courts.

When the Senator from Wisconsin gets up here and tells us that the pending proposition is a violation of the treaties, I say it is not a violation of the treaties. It may be that we may abrogate a treaty, but if we do, we do it in a constitutional and legal manner. The Senator is a lawyer, and ought to distinguish between a violation of a treaty and the abrogation of a treaty. There never was a treaty made where the right was not reserved by the party making it to abrogate it whenever the conditions required it. There never was a treaty made between two nations where there was not a reserved power of abrogation, and that will always be the case. That will be the case with a treaty of arbitration or anything else, and especially, as suggested to me by a Senator on my left [Mr. DAVIS], for a breach of it. The Indians have failed to keep the provisions of the treaty on their part.

Mr. VILAS. In what respect?

Mr. TELLER. In the respect that they have covenanted with us that they would maintain a decent government there. They have not done so. If the Senator will look over the treaty, he will find that those Indians have agreed to maintain a government to give protection to all classes, and they have not had such a condition there for many years.

Mr. President, I shall not attempt to detail the condition there. Senators know something about it. There is not any community in the United States in any such condition, and no such condition has ever elsewhere existed. The crime, the murder, theft, and other things that are going on there are beyond comparison with any other community that has ever existed on this continent. I do not mean to bring an accusation against all those people. There are a great many people down there who are good people, and they are Indians, too; but they are not those who are standing with the Senator from Wisconsin to-day. They are the men who want to see the strong hand of the Government put out.

We paid those people immense sums of money. We paid it to them upon the theory that every Indian there participated with every other Indian; that all men stood alike. There can be no complaint of the want of benevolence and generosity on the part of the United States, because we paid them more than their lands were worth. That should be divided among them per capita. When our committee were there Indians would appeal to us, and say, "If any more money is to be paid to us, do not let it be paid through the nation; see that it is paid through a United States officer, for that is the only way that we shall ever get it."

Mr. President, I could take an hour to detail the methods by which they swindle the poor Indians, who live in the bush and the brush, as they were detailed to us not by the Indians themselves, not so much by those who had suffered, for they were too ignorant to do that; but many of them who had stood by and looked on knew there was no method of redress save through the strong hand of the United States.

Whatever may be said about our treatment of the Indians, we have dealt with the Indians in the Indian Territory most munificently and magnificently. We bought them out in Mississippi and Georgia in 1828, 1829, or 1830; we commenced negotiations with them, and paid them immense sums of money. Considering at the time the poverty of the American people, the sums were immense. We moved them out to that country and gave it to them. I do not know how much right we had to do that; I believe we took it away from one tribe of Indians, perhaps, to give it to another; but we gave them that land to which they had no claim, or we paid them immense sums of money, and have been paying them immense sums of money since.

A few years ago we paid the residue of it; and for their title, which was disputed by a great many, we paid immense sums. We have treated them in such a way that no complaint ought to be made; and now we say to them, "We intend that every Indian in that Territory shall have the same right with every other Indian." We find, however, that one man has got three or four farms, another man has got a hundred, another man has got fifty; and we say, "You are not carrying out the purpose for which you were put upon this land; you are not giving to all the tribes the benefit of this great fund." We might say to them, "You have stolen most of the money paid into the hands of your rulers; you have not stolen the land, but you have stolen the usufruct of it."

I know they told me that one Indian had 150 farms rented out, while there were plenty of Indians living along the streams cultivating an acre or two of land. I found one man there who, I was told, had an income of $20,000 a year. He is an Indian under the law, but he is a white man in fact. He became an Indian under the law by marrying an Indian woman—a white woman who had married an Indian, and thus became an Indian under the law, and when her first husband died, she married this white man, and then he became an Indian. He had an income, we were told, from the town in which he had settled, of $20,000, and yet he had not a drop of Indian blood in his veins, nor had his wife, from whom he had derived this great advantage. That man is one of those who are talking about the great crime of removing people from the protection of Indian law, and putting them under the protection of the laws of the United States.

We passed on the railroad through a community where the country was settled, and I think upon every quarter section was a farm. In going miles there was not an Indian to be seen, but the whole community was a white settlement, and every white settler in the entire community for more than twenty miles was paying tribute to a single man, a white man who had married an Indian woman.

Mr. President, that is the condition all over that country, and those are the men who can induce some people who are friendly and kindly disposed toward the Indians, but ignorant of the true condition, to protest against any legislation that shall take from them their ill-gotten gains and the lands to which they are not entitled and divide them amongst the Indians.

That is all that is proposed by this amendment. First, we say we will give to the Indians the protection of the Federal courts. I do not see how any American citizen can complain of that. Nobody can pretend anywhere that the Indian will derive any more benefit from his Indian court than he will from a white man's court. Nobody can suppose, and nobody can believe, that the Indian will be better off. Shall we allow them to continue this system of jurisprudence simply because we have made a contract with them that they should have their own courts? Mr. President, such contracts, if made, had better be abrogated than kept.

That is all that has been attempted. The Committee on Indian Affairs of this body have carefully examined this proposed legislation. Senators who, like the Senator from Missouri [Mr. VEST], live on the border of that country, who have been familiar with it for twenty or thirty years, and all the people, I believe, who live in that section on both sides of the Territory, who have as much interest and as much attachment for the Indians as anybody who lives in any other section of the country, favor such legislation. I will say here that the best friends of the Indian are found amongst the people who live in his neighborhood and by the side of him. They are the men who know his weaknesses and his wants; they are the people who are ready to help him and lift him up. There is no antagonism felt for him by them. They know what is good for him.

We have to-day heard the Senator from Missouri, who has had large experience with these people, discuss this matter; and I do not think he has said anything about the condition of that country compared with what he might have said. It is a little difficult for one to come here and make these charges; but we might as well understand the truth about the matter.

The time has come when this condition must be changed, when there must be protection to life and property in that Territory; and the first step toward it is to give those people courts; to make a place where every Indian, whenever he thinks his interests are being intrenched upon, may go and have redress. We want to

open the United States courts to every Indian who may think he is being imposed upon by others. That is all there is of it, Mr. President; and if the Senator from Wisconsin had, as the Senator from Connecticut, the Senator from South Dakota, and myself, spent a week there and found the facts, and when we came back and made a report as mildly as we could consistently with the truth, I am sure he would not feel that it was incumbent upon him to stand here as the defender of a system which is a stench in the nostrils not only of the white man, but of the Indian.

Mr. HOAR. Mr. President, it does not seem to me that it is necessary to discuss the theory of the power of abrogating treaties, as stated by the Senator from Colorado [Mr. TELLER]. It ought, it seems to me, as he has stated it, to have a considerable limitation. But it seems to me that these Indian treaties are very different things from ordinary treaties with entirely independent nations. They are like the promise made by a father to his son, or by a guardian to an insane ward or a spendthrift ward.

Mr. TELLER. Or a minor.

Mr. HOAR. Or a minor ward. Now, after a bargain is made, the father is bound by his honor and good faith and duty, of course, to keep his promise, in substance, and he has no right to break it for his own advantage and for the sake of getting something for himself; but, after all, he is the representative of the boy's interest, and not the boy. Now, if a father promises a son that, if he will attain a certain rank at school, he shall spend his vacation in New York, and it turns out that there is a pestilence in New York, is he obliged to keep that promise? Or suppose he finds that the boy has contracted bad habits which would make it perdition to him to be allowed some indulgence the father has promised him, some luxury which his doctor has said would be ruinous to the boy's health, should the father keep such a promise? He must, from the necessity of the case, be the representative and the judge of both sides.

Now, we are the supreme legislator for the Indian; we must be, and if we agree that an Indian shall have courts of his own, or a legislature of his own, or have certain indulgences which belong to civilized man, and it turns out in experience that keeping that promise in its letter is the ruin of the Indian himself, we are discharged from our obligation.

I will go as far as my honorable friend the Senator from Wisconsin [Mr. VILAS] in saying that it would be base and wicked, after we have got Indian lands, or any other thing which was Indian property, or after we had settled with them a claim which was doubtful, upon the consideration that we would do something for them in the way of paying them money or anything else, to break that promise for our own purposes. And I do not understand that the Senator from Colorado, or any other member of this committee, differs from the Senator from Wisconsin on that proposition.

Mr. TELLER. Not at all.

Mr. HOAR. But they say that, having undertaken to give the Indians this kind of autonomy, legislative and judicial, it has turned out that the Indian is being ruined by it. You might just as well do as our ancestors would have done if they had been making a bargain with them. Suppose that we passed a law one hundred years ago that we would give a tribe of Indians 100 hogsheads of rum a year forever, and it turned out that we have thereby created a nation of drunkards, who are getting delirium tremens whenever that gift was carried out, would we not consider it a duty to repeal that law?

This account of the state of things in the Indian Territory does not come from the class of persons who, whether justly or unjustly, are charged with being greedy for Indian lands. This pitiful picture comes from men who have endured obloquy and opposition as the humane and disinterested friends of the Indian.

Take my late colleague, Mr. Dawes. Mr. President, there is not an example in our recent public life of a statesman who deserves the honor and gratitude of the American people, and especially of the Indian, as he does. He came into this body a great political leader. He had led the House of Representatives through the stormiest and most difficult period of its recent history, perhaps of its entire history, with a vigor and a power that none of the great leaders of that time surpassed or hardly equaled. He came in here and, laying aside very largely the ordinary object of ambition and of political desire, which would have given him a fame and political power which human nature likes to enjoy, he devoted himself to a thorough and intelligent study of the Indian problem.

Wherever there was an attempt to do a wrong to a poor Indian, you found him at the Department of the Interior or at the Indian Office or on his feet in the Senate protesting. He spent his summers in visiting those countries and in studying that problem, and there are few of the philanthropists among mankind who deserve a crown of laurels for their disinterested, faithful, wise, and honest work more than he. Now he comes back with a picture, which the Senator from Connecticut [Mr. PLATT] confirms.

I cite these names, Mr. President, rather than those of the Western Senators, because of the imputation sometimes cast upon some persons in that part of the country of an indifference to Indian rights, and it turns out that here are those wards of ours that we are to legislate for, in which the United States is, in keeping the word of promise to the ear, breaking it to the hope.

When we said we would give them an Indian court did we promise to give them what is no court, but a corrupt partisan on the bench, bribed and bought? That is not keeping a treaty; that is not doing the duty of a guardian; that is not doing the duty of a legislator; that is not doing the duty of a friend.

Mr. President, suppose we had not any treaty, and that there were Indians for whom we were legislating, and they had property, and they were using their property in this way, or it was being taken from them by leeches and bloodsuckers. We should not have a right to take that property from them and put it in the United States Treasury for the benefit of the people, but it would be our duty to take it from them and put it into the hands of some other guardianship than their own. Now, this treaty right being respected to its full extent is nothing but protecting the property of these wards, and when we enact that that property shall be secured and protected by the best tribunal we can devise, we are keeping the treaty, and we are keeping it for their benefit and not for ours.

So I expect to follow the humane Senator from Connecticut; I expect to follow the experience of the Senator from Colorado, who has had something to do with the administration of such things in executive as well as legislative capacity, in removing from these courts what has been described, the correctness of which description no one can contest, and providing two courts composed of men whom we know we can trust.

Mr. STEWART. I have just a word to say in regard to this matter. We entered into a treaty with these Indians that they should have Indian courts. They were separated from the whites and lived in a tribal relation. They have no Indian courts; they have no possibility of Indian courts. There are, as stated in these reports, at least five white men to one pure-blooded Indian. Now, will anybody say that where there are only one-fifth of them pure-blood Indians they can have Indian courts? By inviting the whites in there they have wholly incapacitated themselves to hold courts at all. They do not have any control over the courts. The white influence is entirely predominant, and while there are a great many good, honest people there, as there are everywhere, there are a great many who have gone there and married Indian women for the purpose of what they could make out of it.

The description of these courts and of the condition there, as given in the Dawes report and in the report of our own Senators, is such, it seems to me, that if anybody will read it carefully, will listen to it, he will see that the whole purpose of the treaty is gone; that the Indians are not capable of carrying out their part of it, and establishing and maintaining Indian courts, because they are but a remnant of the population. They have no power there at all. That condition of things having taken place, they being unable and being insufficient in number to maintain courts or laws, it seems to me it is the duty, under the treaty, for the United States to give them courts, and to give them honest courts, because there is in the proper sense no Indian rule there at all.

It is the rule of the white man, and the white man must necessarily be governed by law, or he will not be a good citizen. We all know that. He must be restrained. A few of the leading Indians, very few, and a great number of whites who have gone there as adventurers have control of this government, and the whole purpose of the treaty is subverted. If we carry out that treaty in its spirit, we will establish courts and give the Indians the benefit of the law which the treaty contemplated.

Mr. ALLISON. I ask unanimous consent that the debate upon this amendment may be continued under the five-minute rule until the vote is taken.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the debate upon the pending amendment shall proceed under the five-minute rule.

Mr. VILAS. I wish to make some observations.

Mr. ALLISON. Then I will modify my request. I ask unanimous consent that after the Senator from Wisconsin shall have concluded his remarks, the five-minute rule shall be applied to this amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. VILAS. I do not know of any other Senator who wishes to speak on it.

Mr. ALLISON. Very well.

Mr. VILAS. Mr. President, the Senator from Colorado [Mr. TELLER] asked why I should complain, and he spoke once or twice as if in making the remarks I made I were merely echoing the complaint of some of the Indian people whose rights are to be rudely trampled upon. I have not spoken to one of them on the subject. I have never discussed the question concerning their

rights in this matter with one of those people or given any heed to them. I do not make a personal complaint. I presume nothing that can be said will now stay the action of the Senate as nothing heretofore has ever stayed the action of the Senate in dealing with these Indian people, but I do still venture to say that when the United States makes a solemn agreement it ought to keep it.

I utterly repudiate any such code of law or ethics as that laid down by the Senator from Colorado, that we are to keep a covenant so long only as it comports with our interests; that we can break treaties made with people so soon as we find that we are not deriving benefit from our engagement and they are.

The United States made a bargain with these several tribes. The Senator from Colorado says that we paid them a great deal of money. Sir, it was an insignificant sum of money. We have paid other tribes vastly greater sums since that time for their lands. But are we to break our bargain because now, sixty years afterwards, we think we paid them too much? Is our engagement dependent upon our subsequent judgment of the consideration we gave for their lands? No, sir. And precisely in the same way it seems to me we can not, as men of honor, burden it with such sweet sophistries as our friend the Senator from Massachusetts [Mr. HOAR], with all his distinguished ability, has endeavored to ingraft upon this discussion.

But when the United States bargains with a tribe of Indians that if they will surrender their homes and their lands for a new home and a patent in fee, with the right of absolute government by themselves, is the United States by and by, when greedy citizens thrust themselves unbidden upon them and have destroyed or disturbed their comfort in defiance of the engagement of the United States to protect them, to turn around and say, "We will ravish the rest from you of what is yours; we will kick our engagement under foot, not because we want it, but in tender consideration of you poor people."

Yet that very people have progressed since the time when they were given their separate government as no barbarians ever before progressed in the march toward civilization. Those people who were raw Indians when they went there established for themselves governments and courts and legislatures, and until white men came upon them, reckless of every right of theirs and greedy as devils let loose, they were making such gains that they needed no kind father's hand to spare them from themselves.

Mr. HOAR. May I ask the Senator from Wisconsin a question?

Mr. VILAS. Certainly.

Mr. HOAR. Suppose this bargain had been made with individuals who had become insane, what would the Senator do then?

Mr. VILAS. Suppose the Senator had made a bargain with some individual person who subsequently became insane, would the Senator answer that he would not keep it?

Mr. HOAR. No. If I were the guardian, I would deal with him, an insane person, so as to see that his interests were properly dealt with. But the trouble with what the Senator from Wisconsin is talking about is that nobody proposes it.

Mr. VILAS. Nobody proposes to do anything except in the interests of the Indian, and that race of Indians, which have prospered and advanced in civilization until but a few years ago they were pointed to with pride as an evidence of what an Indian people could become, are now to be treated as unworthy of expressing an opinion about their own desires simply because we want their land.

Take the Senator from Nevada [Mr. STEWART]. He says the Indians have incapacitated themselves for conducting government because they have suffered white men to come in upon them. In each one of the treaties with these people the United States solemnly promised them that they would use their whole force to prevent these intruders from coming upon them, and only so long ago as just four years, when we wanted that fine body of land known as the Outlet, we stipulated and bargained with the Cherokees and enacted into a statute that we would remove their intruders and relieve them from those persons who were crowding in upon them and denying them their rights. And one of the stipulations of the engagement was, not that the United States would tell whom it was good for them to have among them, but that they should decide, in accordance with the agreement which was made—let me read a word from it, for this was the bargain made with the Cherokee Nation when they made cession of that 6,000,000 acres—

For and in consideration of the above cession and relinquishment the United States agrees, first—

It was the prime consideration which they demanded—

that all persons now resident or who may hereafter become residents in the Cherokee Nation and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment, etc., shall be removed in accordance with the treaty.

Sir, has ever a man been removed?

Mr. TELLER. Many of them.

Mr. VILAS. Are not the hordes in that country there in defiance of the Indian's rights?

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS. Certainly.

Mr. PLATT. The intruders referred to were about 6,000 persons who claimed to be Indians. The other persons who are there are white people who do not claim to be Indians, but who have been permitted to come there by the citizens, and are not called intruders.

Mr. VILAS. Were the 6,000 removed?

Mr. PLATT. That question is practically settled. We afterwards had an appraisal of the improvements which those persons had put on their lands, and they have been paid for those improvements, and most of them have gone from the Territory.

Mr. VILAS. I only read that as a single illustration.

Mr. HOAR. I should like to ask my honorable friend, if I am not interrupting him too much, what he proposes to do? In the first place, is the picture of these courts drawn here and drawn by Mr. Dawes in his report a true one, in his judgment? If it be true, as stated by Senators on this floor and as stated by Mr. Dawes, what does the Senator propose to do? Shall it continue? Shall the United States allow a court in which a judge gets $300 from a party for a judgment and the jurors get $40 apiece for a judgment to continue perpetually? Now, I should like to know what the Senator's view is?

Mr. VILAS. I wish to ask the Senator from Massachusetts if he thinks our fathers would have established government, if in forming its institutions, they had considered a rumor that some time or other there was bribery of a jury or of a court?

Mr. HOAR. That is not a fair answer to my question.

Mr. VILAS. I think this is the third session of Congress in which I have heard this same story as the reason why we should despoil these people.

Mr. HOAR. The Senator does not answer my question. Does the Senator believe Mr Dawes's statement, and Mr. PLATT's statement, and Mr. TELLER'S statement on that subject? That is what I should like to know. I do not want to ask him as to the veracity of those gentlemen; but does the Senator believe they are correct in their statements?

Mr. VILAS. I have no doubt whatever——

Mr. HOAR. It is a practical question.

Mr. VILAS. That there are evils in that country which need correction?

Mr. HOAR. That is not my question. It is a very interesting matter. Have these gentlemen given us a correct picture of those courts?

Mr. VILAS. I doubt it very much.

Mr. HOAR. Well.

Mr. VILAS. Now I will state my answer, if the Senator desires.

Mr. HOAR. The next question, then, would be, if it is a correct picture, what would the Senator do about it?

Mr. VILAS. Before I undertake to throw down established institutions, contrary to our solemn engagements, I would have a thorough inquiry and a careful examination, and I would have my bill taken up as a proper measure and not jammed through on an appropriation bill. If there is any court in the Indian Territory that renders a judgment more reckless of rule and law than that such a measure as this is not general legislation upon an appropriation bill, where is the judgment?

Mr. HOAR. That is another proposition. I should like to know and I ask whether the Senator really believes that the report of the committee of this body who visited the Territory for that purpose and the report of the Dawes Commission, the official authorities visiting those Indians, is true or not; and if it be true, whether he thinks that state of things should continue. And the Senator replies by saying that he thinks the Senate did very wrong in letting this legislation in on the appropriation bill. I voted with the Senator on that.

Mr. VILAS. I understood the Senator did.

Mr. HOAR. But what I want to know, if the Senator is willing to tell me, is whether he thinks the report of the Senators and of Mr. Dawes and his Commission, as friendly a judge of the Indians as ever existed, is true? I am acting on that belief, and if it be true, then I should like to know what the Senator from Wisconsin would suggest?

Mr. VILAS. I do not think the Senator derives from that report anything but a one-sided view of the condition that exists there. Of course I am not distrusting the good faith or the veracity or the excellent judgment of those men; I know it; but they are presenting only a single side of the picture, and they are presenting it as darkly as possible, almost. On the other hand, we have such information as the Senator from Tennessee produced here to-day, statements of clergymen, statements of agents and persons of excellent character, just as much character, just as good judges, as those gentlemen, who say the Indians are doing well in many respects.

I do not doubt that there are a great many violations of law.

We do not, as I had occasion to point out a little while ago, set them a very good example of law when we trample down our own rules in order to trample them down too. I do not wonder that the Indians can not understand our methods. I remember too, sir, that with all our self-exploitation, as honest and upright man as ever was in this country, old General Harney, testified before a committee of Congress that in fifty years' service of this country in the West he had never known the Indians to be the first to break a treaty, and had never known one to be kept to them.

I will answer the Senator in another respect. I have been very desirous of having something done with the Indian Territory. I am violating no confidence and saying nothing of self-praise when I say that the very bill upon which the Dawes Commission was enacted I wrote and participated in its enactment. I have desired the success of the Dawes Commission. At the last session of Congress, after various provisions had been attempted to be made for the purpose of crowding down these Indians had been ruled out of order by the Vice-President, I offered an amendment which was adopted by the Senate to continue the Dawes Commission and making an appropriation for them, and the conference committee wrote the whole thing in there afterwards.

Now, I am not going to do more than point out the right of these people, and there I am going to leave it. I know perfectly well how fruitless it is to struggle against any combination here to obtain an end through an appropriation bill, such as we have seen manifested in this case, but I am going simply to point out the ground upon which we stand and upon which I think we have a right to expect another judgment.

Let me observe the fifth article of the treaty with the Cherokee Nation, which was made in 1835:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

Yet, although the United States gave them a perpetual covenant, it is with the understanding that they could extend to them afterwards that sort of fatherly love and care which entitled them to break up whenever the United States wanted the territory.

But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians.

The only qualification under our laws relating to intercourse with Indians; in everything else we stipulated it should be their councils' right forever to pass. Yet, sir, this very amendment proposes to substitute courts of the United States, to disregard their laws, and to practically leave their councils without any authority whatever.

By and by, and that only thirty years ago, there was another treaty made with them. They wanted the Cherokees to do something, and they procured from the Cherokees an agreement, or made another treaty with them, in which, in article 13—

The Cherokees also agree that a court or courts may be established by the United States in said Territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the nations shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty.

There is the explicit provision of the treaty, which it is unnecessary that we should trample down. When the Senator asks what I would do, I have suggested by the establishment of the Dawes Commission, by the continued effort to treat with the Indians, by dealing with them honestly, that we should secure their engagement again in a fair way to exchange the present condition of things for that which we may represent and show them to be applicable. It is entirely possible there is nothing but the terrific haste of some persons to obtain their ends which is urging on this legislation.

Only within a year a very marked advance has been made by the Dawes Commission. They have agreed with these people upon the obtaining of certain steps which look to a final adjustment of the whole matter. It is reasonable to believe that we can do it, and my earnest hope and prayer have been that instead of doing this deed of wickedness and disregard of our rights we should facilitate in a reasonable and proper way the accomplishment of the object for which the Dawes Commission was established.

Mr. President, I do not desire to detain the Senate. I have presented the idea I wished to present on the subject, and with that I shall leave it.

Mr. PLATT. Mr. President, I wish to reply to the Senator from Wisconsin in a single sentence. He talks about the sacredness of some treaties, to keep which is to violate every reason for which the treaty was made. As the Senator from Alabama [Mr. MORGAN] to-day referred to the Scriptures, I wish to answer the entire argument of the Senator from Wisconsin in a scriptural quotation:

For the letter killeth, but the spirit giveth life.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment to the amendment?

Mr. VILAS. We ought to have on this question, I think, the yeas and nays.

Mr. HOAR. I hope the vote will not be taken now, but that it may be deferred until to-morrow morning. ["No!" "No!"]

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). The question, I understand, is upon the amendment of the Senator from Wisconsin?

The PRESIDING OFFICER. It is upon the amendment offered by the Senator from Wisconsin to the amendment of the committee.

Mr. BROWN. I vote "yea."

Mr. BACON (after having voted in the affirmative). I misunderstood the question. I thought it was upon the amendment of the committee. I ask that the amendment offered by the Senator from Wisconsin be read.

Mr. CULLOM. I think we had better start again and call the roll over. I do not think anyone knows exactly what we are voting on.

Mr. BACON. The discussion has lasted so great a length of time that we have lost sight of the precise question. I ask that the amendment offered by the Senator from Wisconsin may be read at the desk.

Mr. HOAR. I ask unanimous consent that the roll be called over again after the reading of the amendment.

Mr. CULLOM. After the reading of the amendment offered by the Senator from Wisconsin to the amendment of the committee.

The PRESIDING OFFICER. Unanimous consent is asked that the roll call be again commenced. Is there objection? The Chair hears none. The amendment upon which the vote is to be taken is the amendment offered by the Senator from Wisconsin to the amendment of the committee, which will now be read; and then the roll will be immediately called, as it has already been commenced. The Secretary will state the amendment to the amendment.

The SECRETARY. On line 20, page 57, it is proposed to strike out the words "full and exclusive" before "jurisdiction;" so that the clause will read:

That the United States courts in said Territory shall have jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted, etc.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment to the amendment.

Mr. PALMER. Before the call commences I should like to state——

The PRESIDING OFFICER. The Chair will state that the matter is not debatable, as the roll call had commenced and several Senators had responded to their names.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote, I withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. As my colleague [Mr. MITCHELL of Oregon] is paired with the senior Senator from Wisconsin [Mr. VILAS], by consent of the Senator from Wisconsin, I have transferred my pair to my colleague, so that we may vote. I vote "nay."

Mr. MANTLE (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. ROACH (when his name was called). I have a general pair with the Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. ROACH. I announced my pair, but I have the privilege of voting to make a quorum. I vote "nay."

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. I am informed by his colleague that if the junior Senator from Rhode Island were present he would vote as I have voted. I therefore permit my vote to stand.

Mr. PALMER (after having voted in the affirmative). I perceive that the Senator from North Dakota [Mr. HANSBROUGH] did not vote. I withdraw my vote.

Mr. GALLINGER. I am paired with the senior Senator from Texas [Mr. MILLS], and I suggest to the Senator from Illinois that we transfer the pairs, so that the Senator from Texas [Mr. MILLS] and the Senator from North Dakota [Mr. HANSBROUGH] will stand paired.

Mr. PALMER. That arrangement will be satisfactory. My vote will then stand.

Mr. GALLINGER. I vote "nay."

The result was announced—yeas 8, nays 40; as follows:

YEAS—8.

Bate,	Chandler,	Palmer,	Vilas,
Brown,	Gray,	Pasco,	White.

NAYS—40.

Aldrich,	Chilton,	Lindsay,	Roach,
Allen,	Cockrell,	McBride,	Sewell,
Allison,	Cullom,	McMillan,	Shoup,
Bacon,	Daniel,	Nelson,	Squire,
Berry,	Dubois,	Peffer,	Stewart,
Blackburn,	Gallinger,	Pettigrew,	Teller,
Brice,	Gorman,	Platt,	Thurston,
Butler,	Hawley,	Proctor,	Tillman,
Call,	Hoar,	Pugh,	Vest,
Cannon,	Jones, Ark.	Quay,	Wilson.

NOT VOTING—42.

Baker,	Gear,	Kyle,	Pritchard,
Blanchard,	George,	Lodge,	Sherman,
Burrows,	Gibson,	Mantle,	Smith,
Caffery,	Gordon,	Martin,	Turpie,
Cameron,	Hale,	Mills,	Voorhees,
Carter,	Hansbrough,	Mitchell, Oreg.	Walthall,
Clark,	Harris,	Mitchell, Wis.	Warren.
Davis,	Hill,	Morgan,	Wetmore,
Elkins,	Irby,	Morrill,	Wolcott.
Faulkner,	Jones, Nev.	Murphy,	
Frye,	Kenney,	Perkins,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations.

Mr. PALMER. I rise for information having reference to this same amendment reported by the committee. I ask the attention of the Senate, and particularly of the Senator from South Dakota [Mr. PETTIGREW], to that part of the amendment which commences on line 19, page 57. I want to get from him his interpretation of the language that follows. I read:

That the United States courts in said Territory shall have full and exclusive jurisdiction and authority to try and determine all civil causes in law and equity hereafter instituted—

The word "of" was inserted after the word "and," in line 22; so as to read—

and of all criminal causes for the punishment of any offense committed after the passage of this act by any person in said Territory.

I wish to ask the Senator whether the purpose is to abolish all the Indian courts? As a matter of course, there can be no difference between abolishing courts in express terms or taking from them all jurisdiction. I then read further——

Mr. PETTIGREW. Shall I answer the Senator from Illinois now?

Mr. PALMER. I will at this point be glad to hear from the Senator.

Mr. PETTIGREW. I will state that the purpose of it is to take away the jurisdiction of the Indian courts as to all cases and offenses hereafter. It would leave those courts, however, in existence to dispose of the business on hand at the present time. But as to all new cases, all new crimes, all new offenses, from the time this bill becomes a law, the jurisdiction is placed in the United States court. That is the purpose of the committee amendment.

Mr. PALMER. I understand, then, that the purpose of the language which I have just read is to practically abolish all the Indian courts?

Mr. PETTIGREW. That is the purpose.

Mr. PALMER. And that they shall have no jurisdiction hereafter?

Mr. PETTIGREW. Hereafter.

Mr. PALMER. But that they may exercise such jurisdiction as they now have in causes pending before them?

Mr. PETTIGREW. Yes; pending before them.

Mr. PALMER. Now, I should like information upon another point. Beginning in line 24, the amendment proceeds:

And the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, etc.

May I be permitted to inquire whether the commissioners appointed under existing laws have any final jurisdiction whatever?

Mr. PETTIGREW. They have.

Mr. PALMER. What is that jurisdiction?

Mr. PETTIGREW. They have the jurisdiction of a justice of the peace to try and determine civil actions where the sum involved is not greater than $100.

Mr. PALMER. Who appoints the commissioners?

Mr. PETTIGREW. They are appointed by the judges.

Mr. PALMER. By the judges?

Mr. PETTIGREW. Yes; the same as United States court commissioners are appointed elsewhere.

Mr. HOAR. They are appointed by the courts, not the judges.

Mr. PALMER. My doubt would be whether a court can give judicial functions to its appointees. The commissioners appointed by the United States courts have no judicial powers. Although they have powers that very nearly resemble those that are judicial, I should doubt exceedingly the right of any court to create judicial officers.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PALMER. I am very glad that it has. I may be permitted at least to ask a question for information.

Mr. HOAR. Mr. Webster declared in the Senate a great many years ago that these provisions of the Constitution of the United States were not applicable to the Territories, and that our power of legislation in regard to the Territories was not fettered; and I think that has been the understanding ever since. Undoubtedly all the constitutional provisions which declare what is of common right, like the prohibition to try a man twice for the same offense or to take his property without due process of law, etc., will be scrupulously observed, and should be; but perhaps they would be treated as limitations on the legislative power. But the power to create judicial officers or the exercise of judicial functions by officers not appointed for life, which would not be permitted in the States, is not denied to Congress so far as it relates to a Territory. I suppose that is the well-settled law.

Mr. ALLEN. I suggest to the Senator in charge of the bill to strike out the word "full," in line 20, on page 57, and insert the word "original." That will make the amendment comply more closely with the language used in the law books.

Mr. PETTIGREW. The Senator will find that the jurisdiction of these courts is prescribed by special statute.

Mr. ALLEN. The sentence reads:

That the United States courts in said Territory shall have full and exclusive jurisdiction, etc.

The law book used the expression "original and exclusive jurisdiction." The word "full" is not equivalent to "original." I suggest that there may be some trouble in the tribunals there respecting that matter.

Mr. PETTIGREW. I have no objection to the amendment to the amendment.

Mr. ALLEN. Then I move to strike out the word "full," in line 20, after the word "have," and to insert "original."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 20, page 57, after the word "have," strike out the word "full" and insert the word "original;" so as to read:

That the United States courts in said Territory shall have original and exclusive jurisdiction, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon agreeing to the amendment of the committee as amended.

Mr. VILAS. I should like to ask the Senator in charge of the bill if, since the motion of the Senator from Missouri [Mr. VEST] was adopted striking out fifteen lines on page 57, the words in line 24, page 58, and in lines 1 and 2, on page 59, ought to go out of the bill? Those words relate only to the words which were included in the amendment before it was changed by the motion of the Senator from Missouri. The first half of the sentence ought to be retained and the last member of it rejected, it seems to me.

Mr. PETTIGREW. The words the Senator refers to are, I think, the last three lines on page 58 and the first two lines on page 59.

Mr. VILAS. The last part of the last line on page 58 and the first two lines on page 59.

Mr. PETTIGREW. That simply provides, as to any one of the tribes which makes an agreement through the commission appointed to make an agreement with them, that this act shall not apply after the agreement is ratified by Congress. If we ratify an agreement which takes care of all the questions in this act——

Mr. JONES of Arkansas. But there is nothing that this will apply to, since the provision was stricken out on the motion of the Senator from Missouri this morning. It seems to me if it were modified so as to leave stand the words "That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes," and stop right there, it will be complete; and the other is practically inoperative on account of the amendment made to the amendment this morning.

Mr. PETTIGREW. I am not so sure about that. I do not see why they could not make an agreement to change absolutely the jurisdiction of courts or substituting another court or a different court. They might make a contract with these people that we

would ratify which would take that nation out of the jurisdiction of the court constituted by this act. I can see no harm in leaving the words in the bill.

The PRESIDING OFFICER. The question is upon the committee amendment as amended.

Mr. PALMER. May I ask the Senator from South Dakota whether it is the purpose of the amendment to make the members of these tribes citizens of the United States? I find this language, commencing on page 58:

Now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

Is it the purpose of the amendment to limit juries to the Indian tribes, or is it meant to declare that any citizen may be a competent juror? Now, it happens in this case that there are white people in that Territory who are citizens of the United States. Would they be competent jurors?

Mr. PETTIGREW. As the law now stands, only persons who are not citizens of the tribes can act as jurors in the United States courts; but as we confer jurisdiction over citizens of these tribes, we also allow those who can speak the English language to act as jurors. That is the force and effect of the provision.

Mr. PALMER. With other citizens?

Mr. PETTIGREW. With other citizens.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment of the committee.

The amendment was agreed to.

Mr. JONES of Arkansas. I should like to ask if the amendment offered by the Senator from Mississippi [Mr. WALTHALL] was adopted by the Senate?

The PRESIDING OFFICER. It was adopted as amended.

Mr. PETTIGREW. The substitute which I offered for it was adopted.

Mr. JONES of Arkansas. Very well.

Mr. PETTIGREW. I now offer an amendment to come in on page 30, at the end of line 8.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, after line 8, it is proposed to insert:

The Secretary of the Interior is directed to negotiate through an Indian inspector with the Allegheny and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto in severalty; and the agreement, if any, shall not be binding until approved by Congress.

Mr. COCKRELL. Does that amendment say that they shall make their report to Congress?

Mr. PETTIGREW. It says that the agreement shall not be binding until ratified by Congress.

Mr. COCKRELL. Let them make their report to Congress.

Mr. PETTIGREW. I have no objection to that.

Mr. COCKRELL. I ask that the amendment be again read.

The Secretary read the amendment.

Mr. COCKRELL. The amendment should read:

The agreement, if any, shall be reported to Congress.

Mr. HOAR. I think a proper way, instead of having all these subordinates report directly to Congress, would be to provide that the agreement should be reported to the Secretary of the Interior, and then laid before Congress.

Mr. COCKRELL. That is right. Let it read:

The agreement shall be reported to the Secretary of the Interior, and by him submitted to Congress for approval or disapproval.

Mr. PETTIGREW. The amendment says it shall not be binding until ratified by Congress, and as it is made by the regular officer of the Department, an inspector, I do not see how he could report to anybody else but to the Secretary of the Interior. However, I do not object to the Senator's amendment.

Mr. CALL. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be read as amended.

The Secretary read as follows:

The Secretary of the Interior is directed to negotiate through an Indian inspector with the Allegany and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto in severalty, and the agreement, if any, shall be reported to the Secretary of the Interior, and by him reported to Congress for approval or disapproval.

Mr. ALDRICH. The other language is better than the language now proposed.

Mr. CALL. I do not know anything about this amendment. There may be some discussion about it, but I have a memorial on the subject.

Mr. PETTIGREW. Let the amendment be read.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. CALL. I have been requested to ask the attention of the Senate to a memorial of the Seneca Indians in connection with this amendment.

I supported an amendment similar to this at the last session, in connection with the New York Senator.

I have no knowledge on the subject, and have done all that I promised to do in bringing this memorial to the notice of the Senate, without expressing any opinion on the subject.

Mr. STEWART. While the amendment is in preparation, I wish to offer an amendment.

Mr. ALLEN. I want to call attention to this matter.

Mr. STEWART. While that amendment is in the course of preparation will the Senate receive an amendment which I offered last night?

The PRESIDING OFFICER. The amendment of the Senator from South Dakota [Mr. PETTIGREW] will be passed over temporarily, and the amendment of the Senator from Nevada will be stated.

Mr. STEWART. It is an amendment which I offered last night. An objection was then made on account of its not having been referred to a committee. That objection has now been disposed of.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, after line 2, it is proposed to insert:

To reimburse the county of Ormsby, State of Nevada, for money expended in the purchase of improvements on lands donated to the Government for an Indian school, $6,375.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. ALLEN. I call attention to some amendments offered by me last evening, which were laid over until to-day. I desire to have them now taken up.

The PRESIDING OFFICER. The Chair will recognize the Senator from Nebraska as soon as the pending amendment is disposed of.

Mr. COCKRELL. I offer the amendment now in the form in which I send it to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota [Mr. PETTIGREW], as modified by the Senator from Missouri [Mr. COCKRELL], will be again stated.

The Secretary read as follows:

The Secretary of the Interior is directed to negotiate, through an Indian inspector, with the Allegany and Cattaraugus Indians in the State of New York for an allotment of all the lands in their reservation to the Indians entitled thereto, in severalty, and report the result to Congress, and the agreement, if any, shall not be binding until approved by Congress.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. TELLER. I do not know that I shall object to that amendment going in, because I suppose they might try the allotment plan; but I know that it does not come from the Indians. I know they do not desire any allotment, and I do not believe they ought to have it.

Mr. CALL. The purport of their memorial is that they do not desire it.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

Mr. ALLEN. I call for the reading of the amendment to which I referred.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. At the bottom of page 26 it is proposed to insert:

That the adult allottees of land in the Peoria and Miami Indian Reservation, in the Quapaw Indian Agency, Ind. T., who have received allotments of 200 acres each, may sell 100 acres each of said allotments and all inherited lands, on obtaining the consent of the Secretary of the Interior in each individual case, which sale shall be afterwards approved by him.

Mr. PALMER. I am opposed to that amendment. I should like to raise the point of order against it, if I can do so.

The PRESIDING OFFICER. Does the Senator from Illinois raise the point of order against the amendment?

Mr. PALMER. I do.

Mr. ALLEN. I hope my friend from Illinois will not do that.

The PRESIDING OFFICER. The Senator from Illinois will please state his point of order.

Mr. ALLEN. This is desired by the Indians themselves. They are a civilized tribe of Indians. They have 200 acres of land each, and many of them are competent and intelligent business men, and they want to sell a portion of the land. The Senator from Illinois knows very well that the Indians do not cultivate very extensive farms. This amendment proposes to permit them to sell one-half of their inheritance, providing the Secretary of the Interior, in the first instance, gives his consent to it, and then, after the contract is made, it must go back to him in each case for his approval or disapproval.

Mr. PALMER. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANTLE. I now desire to offer an amendment moved by me last night on behalf of the Committee on Indian Affairs, which was objected to by the Senator from Iowa [Mr. ALLISON], and the point of order raised against it. I understand that the Senator from Iowa is willing to withdraw his objection and permit the amendment to be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert, after line 3, on page 43, the following:

That there be paid to the Nsalem Band of the Tillamook tribe of Indians, of Oregon, the sum of $10,500, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,500: *Provided*, That said Indians shall accept said sum in full of all demands or claims against the United States for the lands described in said agreement made with them, dated the 6th day of August, 1851.

Mr. MANTLE. I do not care to discuss the amendment, unless some explanation is desired. As a report has been made upon the matter and printed, I presume Senators understand what the amendment is.

Mr. LINDSAY. I will ask the Senator whether the amendment contemplates the payment of the money per capita to each individual Indian, or, if to the tribe, to what authority?

Mr. MANTLE. It proposes to pay this money to the remnant of the tribe. I understand there are only about seventeen members of the tribe now living. This claim has been pending a good many years, and there is absolutely no objection to it from any official source. Upon the other hand, the claim has been recommended and its payment advocated by every Secretary of the Interior, every Commissioner of Indian Affairs, and everyone who has had anything whatever to do with it since the time the debt was contracted.

Mr. LINDSAY. I do not make the inquiry in any spirit of objection to the amendment——

Mr. MANTLE. I understand.

Mr. LINDSAY. But only to ascertain to whom this money is proposed to be paid.

Mr. MANTLE. It is proposed that the money shall be distributed per capita among the members of the tribe now living and the heirs of those who are dead. It does not appear that they have ever received a cent for the land.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. MANTLE].

The amendment was agreed to.

Mr. ALLEN. I call attention now to the other amendments which I offered yesterday, and which were passed over. I ask, first, action on the amendment with reference to the Sisseton and Wahpeton Indians.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after the amendment adopted after line 3, it is proposed to insert:

That the annuities of the Sisseton and Wahpeton bands of Dakota or Sioux Indians arising under the treaty of July 23, 1851, between said bands of Indians and the United States, which annuities were declared forfeited by the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, be, and the same are hereby, restored and continued from the time of the last payment before said act forfeiting the same to July 1, 1902, the date of the expiration of said treaty of July 23, 1851, for which purpose a sum of money sufficient to pay said annuities is hereby appropriated out of any money in the Treasury not otherwise appropriated; and after deducting all sums actually paid to said Sisseton and Wahpeton Indians, by reason of said treaty of July 23, 1851, the sum remaining unpaid, after deducting and paying attorneys' fees in accordance with agreement with said Indians on file in the office of the Commissioner of Indian Affairs, the balance shall be paid per capita to said Indians or disbursed for their benefit for such objects and purposes and in such manner as the Secretary of the Interior may deem for their best interests, or deposited in the Treasury for the use and benefit of said Indians, and paid to them or expended for their benefit in such manner as the Secretary of the Interior may direct; and on all sums remaining in the Treasury of the United States said Indians shall receive interest at the rate of 4 per cent per annum, said interest to be paid to them per capita on the 1st day of November of each year.

Mr. ALLISON. That amendment was read last evening, and I made the point of order against it that it was general legislation. I have since consulted with the Senator from Nebraska respecting this matter, and I have prepared an amendment in substitution of that amendment and to one other offered by him.

Mr. ALLEN. Yes, sir; the one in reference to the Wapakootas and Medawakantons.

Mr. ALLISON. If the Senator from Nebraska will accept the amendment which I send to the desk as a substitute, I will withdraw the point of order.

The PRESIDING OFFICER. The substitute proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 42, after line 2, it is proposed to insert:

That the Secretary of the Interior is hereby directed to report to Congress, as soon as practicable, or at its next regular session, copies of all treaties or agreements made with the Sisseton and Wahpeton bands of Dakota or Sioux Indians prior to and since 1863; also a statement in detail, as far as practicable, of all amounts or sums paid to said Indians under said treaties or otherwise, including amounts for subsistence since said period; also the extent of reservations granted to them by said treaties or agreements, or any of them, and amounts now in the Treasury arising from the sale of their reservation or portions thereof; also a statement of all the appropriations made for or on their behalf since said period, or on behalf of any of them. The Secretary of the Interior shall also make a like report respecting the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians; also including any and all amounts paid to said bands, or any of them, under treaties and appropriations made since 1863 for the benefit of the Sioux of different tribes, including the Santee Sioux, of Nebraska. The Secretary of the Interior shall also embrace in his report a statement of annuities due, if any, and unpaid to said Indians prior to the passage of the forfeiture act of 1863.

Mr. ALLEN. I suggest to the Senator from Iowa the propriety of adding to the Sissetons and Wahpetons the same language that is added to the Santee Sioux; that is, the closing portion of the amendment. One thing which I think ought to be made prominent in the report of the Secretary of the Interior is the amount of money the Government has received from the sale of these lands. To illustrate, the 320,000 acres of land in one body that the Government of the United States got from these Indians, paying, all told, 30 cents an acre for them—that is, we did not pay them 30 cents, but we agreed to pay them the interest on 30 cents—and the Government got that land and sold it for $1.25, and possibly more, an acre.

Mr. ALLISON. I think the amendment covers all the essential points.

Mr. ALLEN. I suggest to the Senator from Iowa that it probably does cover them as to the Santee Sioux, but does not cover them as to the Sissetons and Wahpetons.

Mr. COCKRELL. I want to ask the Senator if that is a substitute for the amendment of the Senator from Nebraska?

Mr. ALLISON. Undoubtedly.

Mr. COCKRELL. That is what I supposed.

Mr. ALLISON. I propose to have this amendment placed in the bill where I have indicated, and the other amendments are to be dropped by the Senator from Nebraska.

Mr. ALLEN. Yes, sir.

Mr. ALLISON. All the information required is to be found in the amendment as I proposed it. I think there is no modification necessary.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa, the Senator from Nebraska having withdrawn his amendment, as the Chair understands.

Mr. ALLEN. I withdraw the amendment I offered.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Iowa.

The amendment was agreed to.

Mr. JONES of Arkansas. I ask the Senate now to take up some of the amendments I offered last evening, and which were laid over.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. On page 18, after line 4, it is proposed to insert:

That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Arkansas.

Mr. WILSON. Mr. President, it seems to me that before we adopt that amendment there ought to be some explanation by the Senator of the character of this debt. If it is simply warrants held by certain people scattered over the country, who are seeking in this manner to get the cash, the full par value, on these warrants, which probably were obtained at a great discount—of which, of course, I have no knowledge, and perhaps the Senator can correct me, if I am mistaken—anyhow, I should like to have some explanation of the amendment.

Mr. JONES of Arkansas. I think if the Senator had listened to the reading of the amendment, he would have been satisfied that any difficulty such as he suggests is guarded against in the amendment.

Mr. WILSON. I beg to assure the Senator from Arkansas that I listened to every word of the amendment. I understand this matter is to be examined into and is to be reported upon, and if it shall be found that no fraud of any kind is shown, that then it is to be paid, and it is to have the approval of the Secretary of the Interior first. I undertake to say that no fraud will be shown, that the $300,000 will be paid out if this amendment is adopted, and I should like to know something of this debt before we adopt

an amendment paying this amount out of the trust fund of this Indian nation.

Mr. JONES of Arkansas. Mr. President, the language of the amendment which I thought had possibly escaped the attention of the Senate is:

Provided, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt, or issued its warrants representing the same, for a full and valuable consideration, and that there was no fraud in connection with the incurring of said debt or the issuing of warrants.

Mr. ALLISON. I should be glad to have the Senator read the first clause of that amendment.

Mr. JONES of Arkansas. It reads:

That the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debt to the Government of the Creek Nation.

Mr. ALLISON. That surely should require the assent in advance of the Creek Nation to such payment.

Mr. JONES of Arkansas. The Creek Nation is asking for it. Their petition is here, presented by officers of that nation.

Mr. ALLISON. Then it should be stated in the amendment "with the consent and authority of the Creek Nation filed with the Secretary of the Interior." Is this amendment reported from any committee?

Mr. JONES of Arkansas. I think it has not been. The matter is before the Committee on Indian Affairs, but my impression is that the amendment has not been reported. There are two agents of the Creek Nation here, accredited by the Creek council, asking that this appropriation be made. The reason they give for asking for this appropriation is that there are $103,000 outstanding of debts incurred by the nation for the building of certain schoolhouses and the establishment of certain schools; that there are outstanding $230,000 of warrants, which have been incurred in the administration of their affairs as a nation, making a total of $335,000 outstanding of the debt. They sent these two agents here from the council, authorized by the governor, asking that they be allowed to use a sufficient sum of their money in the Treasury to pay these debts. The limitations were prepared by members of the Committee on Indian Affairs, though I believe the amendment has not been voted on by the committee.

Mr. ALLISON. Then I suggest, if this amendment is to be adopted, that it provide for the assent and approval of the council of the Creek Nation, to be passed after the passage of this act and to be filed with the Secretary of the Interior.

Mr. JONES of Arkansas. I have no objection to the amendment. I shall be glad to have any limitation of that sort put on the payment of the money. If the Senator from Iowa will suggest the amendment that he would like to have go in, it can be inserted.

Mr. ALLISON. I would suggest to insert:

Upon the properly authenticated demand of the Creek Nation after the passage of this act.

Mr. JONES of Arkansas. At the beginning of the amendment?

Mr. ALLISON. Yes.

Mr. PEFFER. While the Senate is considering the phraseology of the amendment, I will take the liberty of suggesting that it would be well to have an officer appointed, either an individual or several of them, to examine into the facts and report them to Congress.

Mr. ALLISON. Before the payment is made?

Mr. PEFFER. Before the payment is made.

Mr. JONES of Arkansas. This requires that the Secretary of the Interior shall do that.

Mr. TELLER. He will provide the method.

Mr. PEFFER. Does it require him to disburse the money?

Mr. JONES of Arkansas. It requires him to investigate before he pays a dollar.

Mr. TELLER. And then he has to disburse it.

Mr. JONES of Arkansas. Then he has to disburse it.

Mr. WILSON. My recollection is that the Committee on Indian Affairs pretty thoroughly investigated this matter at the time when the two representatives were before the committee asking for the allowance of this money. That was some time ago. I do not recall fully all the facts, but my recollection is that from the statements made by the agent of the Indian council the appropriation did not meet with the entire approval of the Indian Affairs Committee.

Now, my objection is that we are in every Congress coming here and taking these trust funds, gradually appropriating them for this purpose and that, and if it is to continue a little longer, there will be none of them left. These people have issued a large amount of county or Territorial warrants——

Mr. JONES of Arkansas. National warrants.

Mr. WILSON. Or national warrants (I do not know by what name they may be called in that country; they are the same as our county warrants in the West) and doubtless these warrants are to-day in the hands of the much-despised goldbugs. They are here in this manner and in this way seeking payment of the same. I have been greatly in hopes that the resources of that section of country, their rentals, might keep up their schools, etc., without intrenching upon their trust funds, and I regret to see an amendment of this character proposed to the Indian appropriation bill without first having received full and complete consideration and recommendation by the Committee on Indian Affairs.

Mr. ALLISON. Let me ask the Senator from Washington if there is a recommendation from the Secretary of the Interior for this payment?

Mr. JONES of Arkansas. There is; and from the Commissioner of Indian Affairs.

Mr. WILSON. I am very much obliged to the Senator from Arkansas for answering the question of the Senator from Iowa.

Mr. JONES of Arkansas. I will withdraw what I said just now, and let the Senator from Washington answer. I do not want to interrupt.

Mr. WILSON. Oh, no. The Senator from Arkansas entirely misunderstands me. If he had only waited a moment, he would have heard. I was about to say that I do not recall that there had been any such recommendation before the committee, but I do recall, I will inform the Senator from Iowa, that these two representatives appeared before the committee. The Senator was present at the time.

Mr. ALLISON. I ask that the amendment may be stated as amended.

The Secretary read as follows:

Upon the properly authenticated demand of the Creek Nation, made after the passage of this act, the Secretary of the Interior shall, through an officer of the Government, disburse $300,000 of the money in the Treasury of the United States belonging to the Creek Nation of Indians, only for the payment of the debts of the government of the Creek Nation: *Provided*, That no debt shall be paid until by investigation the Secretary of the Interior shall be satisfied that said nation of Indians incurred said debt and issued its warrants representing the same for full and valuable consideration, and that there was no fraud in connection with the incurring of said debt and the issuing of warrants.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Arkansas. I ask the Senate now to take up the next amendment which I offered last night.

The SECRETARY. On page 11, after line 25, it is proposed to insert:

For fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely, for arrears of interest, at 5 per cent per annum, from December 31, 1840, to June 30, 1860, on $184,140.09 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December 31, 1840, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of treaty of June 22, 1855; and for arrears of interest, at 5 per cent per annum, from March 11, 1850, to March 3, 1890, on $58,021.49 of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March 11, 1850, and restored December 27, 1887, by the award of the Secretary of the Interior, under the fourth article of the treaty of June 22, 1855, $558,520.54, to be paid to the treasurer of said nation upon requisition signed by the governor and national secretary of the Chickasaw Nation, and to be immediately available.

Mr. ALLISON. I make the point of order upon the amendment that it is not estimated for, and that it is a pure claim and an absolute gratuity. I believe it has the partial sanction of the Committee on Indian Affairs, although I am not sure about it.

Mr. JONES of Arkansas. The amendment passed the Committee on Indian Affairs almost unanimously; possibly there may have been one or two votes against it. I am not sure about it. I think there was but one. It was reported to the Senate and referred to the Committee on Appropriations.

Mr. ALLISON. That does not make it in order.

Mr. JONES of Arkansas. I think the fact that it is an appropriation to carry out treaty stipulations with the Chickasaw Indians does make it in order.

Mr. TELLER. That is a mooted question.

Mr. JONES of Arkansas. I will not detain the Senate at this late hour in making a statement about it further than to relate the facts, as I understand them, in a word.

Between 1830 and 1835 the Chickasaw Indians sold their lands on this side of the Mississippi River and put the money into the Treasury of the United States. They had an agreement with the Government of the United States that they should receive 5 per cent interest on that fund. In 1840 the United States erroneously used $180,000 of that fund. In 1850 it erroneously used $60,000 of that fund, and of course there was no interest paid on those items after they were taken out of the trust fund.

In 1854 there was a treaty between the Chickasaw Indians and the Government of the United States, in which, in article 4, the statement was made that the Chickasaw Indians claimed that there had been funds improperly taken out of their trust funds, and it was agreed between the parties that the Secretary of the Interior should take up and determine the question whether these sums had been improperly taken out of the trust fund, and that his finding should be final.

Now, there was no action under that agreement solemnly made between the Government of the United States and these Indians

until Mr. Lamar, Secretary of the Interior, thirty years after that time, took up the question. It being an old question, it was referred to the Court of Claims to find the facts. The Court of Claims found the facts. It reported that these sums had been erroneously taken out of the funds of the Indians, and the funds were restored by act of Congress to the trust fund of the Indians. From 1887 the interest has been paid on the $180,000, and from 1889 or 1890 it has been paid on the $60,000.

The claim of the Indians is that there ought to be the same interest paid on these funds from the time they were taken out of the trust fund until they were restored that would have been paid if by the mistake or the wrongful act of the Government this money had not been taken out of their funds. That is the statement in a nutshell, as I understand it.

The Court of Claims did not undertake to pass on the question of interest. While I do not understand how it would be possible for them to have any question about the propriety of paying interest on funds taken out in this way, they said the question of the payment of interest was a matter to be settled by the legislative branch of the Government, and they left that to be determined by Congress. I believe the money is fairly and justly due these people. If we had settled this debt when the Indians insisted that it should be done—if, instead of the Secretary of the Interior failing to take up and determine this question and decide what was right between the Government and these Indians, he had done so, the interest on this fund would have been paid all along from then until now.

It seems to me the Government of the United States ought not to take advantage of the neglect of the Secretary of the Interior to take up and determine this question, the Indians being willing that the Secretary himself should render his finding and agreeing in the treaty that his finding should be final.

I have said all I care to say about it. I believe I have stated the facts fairly.

Mr. PLATT. As one member of the Indian Affairs Committee, I did not agree to report this amendment to the Senate to have it go before the Appropriations Committee and be placed on the appropriation bill. I do not think it ought to be put on the appropriation bill, because there is no time to go into the question.

Mr. CULLOM. It is merely a claim.

Mr. PLATT. There is no time to go into the history of the whole case.

It is true that there has been restored to these Indians about $240,000 through the action of the Committee on Appropriations. It took one of the findings of the Court of Claims one year, and then it was not satisfied with the other, and referred it back to the Secretary of the Interior. The Secretary of the Interior indorsed the finding of the Court of Claims, and so it was paid through the Committee on Appropriations. But that was $240,000. Now, here is a claim for $585,000 for interest to be paid on the $240,000 principal.

Without going into the whole history of this case, which is a long and somewhat interesting one, there is one feature of it which it seems to me ought to be considered by the Senate in determining whether or not it will pay this interest. These funds were invested by the United States in State bonds, a considerable portion of them being invested in the bonds of the State of Arkansas. The United States was not bound by law or in equity or in any other way to assume the securities. The State of Arkansas and other States, the bonds of which were in this fund, defaulted, and the United States assumed the debt in order that the Indians might not suffer; and they pay a good deal more than interest by assuming the debt and the interest on the securities, being the bonds of the States which did not pay them. It seems to me that that certainly as an equitable consideration ought to come in. But I am not going to discuss the merits of this question on a point of order.

Mr. ALLISON. The Senator from Arkansas alludes to the fact that this payment is to be made under the fourth article of the treaty of 1854, whereby there was to be a restatement of accounts between the Indians and the Government. That restatement of accounts, although provided for in 1854 was not made until Mr. TELLER, now a member of this body, came into the Interior Department, and then he, under what is known as the Bowman Act, referred the whole question to the Court of Claims to state an account.

Mr. PETTIGREW. Secretary Lamar.

Mr. ALLISON. Secretary Teller made the submission.

Mr. PLATT. Secretary Lamar indorsed it.

Mr. ALLISON. Secretary Teller made the submission.

The Court of Claims allowed $240,000 of errors in the statement of account. In restating this account they held the Government to be bound for $50,000 paid to Hon. William M. Gwin, who at one time was a member of this body, and received under contract made with those Indians $50,000 out of that sum which he had secured for the Indians. It is shown by the testimony fairly well that these Indians made an agreement to pay him $50,000 if he would secure for them certain allowances which had been refused. The Court of Claims allowed the Indians for that $50,000 in restating the account. They alluded to the question of interest, and stated that as between individuals a restatement of account did not authorize interest upon a readjustment of items, and that the question of interest was purely an equitable one in the discretion of Congress, and in the report they allowed $240,000 in all.

When the report came to the Committee on Appropriations, we were asked to make an appropriation for that sum. We reinvestigated, so far as we could, the findings and statements and evidence before the Court of Claims, and we made up our minds that the $50,000 paid to Mr. Gwin was paid under the authority of the Indians, and that they had no right to ask the Government to reimburse them for that sum; and instead of appropriating $240,000 we appropriated $184,000. We allowed, however, a restatement of the account by the Secretary of the Interior and a reexamination of it as respects the Gwin claim. Mr. Noble, then the Secretary of the Interior, made a restatement of the account, and said upon the whole he thought it was wiser and better for the Government to pay that sum. He submitted an estimate for the amount, as Secretary Lamar had submitted an estimate for the whole amount four years before, and upon this report of Secretary Noble we appropriated the remaining $50,000.

This account covered a good many items of expenditure made by the Government under treaties for subsistence, transportation, and various things which, upon restatement, were found to be excessive. These amounts were not taken from the funds that were in the Treasury as trust funds, but they were a part of the funds authorized by treaty stipulations to be paid to these Indians for certain purposes.

After the provision for a restatement of account was put into the treaty of 1854, it lay sleeping there until 1885, apparently without any urgency as respects the restatement of account, and in 1885 this question was resurrected and submitted, and the Secretary of the Interior approved the finding of the Court of Claims and allowed them $240,000, and we appropriated the money and they have received it.

Now comes the suggestion of $585,000 of interest to be paid out of the Treasury, including interest upon the $50,000 which was paid to Mr. Gwin upon the direction certainly of the accredited agents of these Indians here in the city of Washington. I undertake to say that a more glaring gratuity was never projected into the Senate. I make the point of order on the amendment.

The PRESIDING OFFICER. The Chair will request the Senator to state again the grounds on which he bases the point of order.

Mr. ALLISON. The grounds of the point of order are that, as shown by these reports and the statements, it is not under treaty stipulations, but is a gratuity to these Indians, as shown by the reports which I have on my desk; an equity about which we have absolute discretion, and that it is in the nature of a private claim of an Indian tribe. So it has no foundation whatever.

Mr. JONES of Arkansas. I will ask the Senate to indulge me for a moment to reply to the statement made by the Senator from Iowa, as I can not agree that it shall go unchallenged in the Senate, if I understand this case.

Article 4 of the treaty of which I speak, and which the amendment proposes to carry into effect, is in these words:

> The Chickasaws allege that in the management and disbursement of their funds by the Government they have been subjected to losses and expenses which properly should be borne by the United States. With the view, therefore, of doing full justice in the premises, it is hereby agreed that there shall be, at as early a day as practicable, an account stated, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys which from time to time have been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the treaties of 1832 and 1834—

That was their trust fund—

> and all the disbursements made therefrom.

"And all the disbursements made therefrom."

> And said account, as stated, shall be submitted to the Chickasaws, who shall have the privilege, within a reasonable time, of filing exceptions thereto, and any exceptions so filed shall be referred to the Secretary of the Interior, who shall adjudicate the same according to the principles of law and equity, and his decision shall be final and conclusive on all concerned.

I will not detain the Senate by going over all the details, but I will read what the court said on the question of interest, and I will read the statement of the account as stated, and then I shall be willing for the Senate to determine whether or not it was part of the trust fund. These are the words of the court:

> In an action between individuals interest would also be allowed, for the issue presented is one of unauthorized disbursement by a trustee of trust funds expressly stipulated to be held invested in interest-bearing securities.
>
> We refrain, however, from expressing any opinion on this subject, as the question must necessarily be taken to the legislative department of the Government, which alone has power to grant relief, which will consider the equities of the case, and which will decide whether it is one wherein the doctrine should be waived that, as the sovereign does no wrong and is ever ready and willing to pay just debts, the Government pays no interest.

"The sovereign does no wrong," and yet by treaty stipulation we agreed (section 4 of the treaty of 1854) that the Secretary of the Interior should state this account, and still it was not done for more than thirty years. The sovereign, of course, does no wrong, but

ought not to pay interest, because it was not to be blamed for that delay.

Now, the items, as stated from the office, of which this account consisted are as follows:

Chickasaw general fund—

This is from the finding of the court—

Chickasaw general fund:
Payments of transportation and demurrage to S. Buckner (charged against the trust fund prior to December 31, 1840), $58,200.

And yet the Senator from Iowa says this was not a trust fund.

Mr. ALLISON. No; I did not say that. I said it had not been placed in trust bearing interest. That fund was a part of the $6,000,000 that was used to transport these people across the Mississippi and into the Indian Territory. It was to be used for that purpose, and the remainder of it not used, as I recollect now—I do not remember the obligations of the treaty—was to be part of the trust fund.

Mr. JONES of Arkansas. Whatever it was, the courts said it was taken out of the trust fund, and taken out erroneously.

Payments to conductors of emigration (charged prior to December 31, 1840), $26,563.68.

The same time exactly. Now comes the other item:

Payment to assignees of William M. Gwin (charged prior to March 13, 1850), $56,021.49.

Mr. ALLISON. Will the Senator allow me? How could the William Gwin payment be taken out of the trust fund when William Gwin agreed to secure the placing in the trust fund of a certain amount of money? One hundred and twenty-five thousand dollars was ordered to be paid to them, and he took $50,000 out of the sum before it was put into the trust fund.

Mr. JONES of Arkansas. The court finds that out of the Chickasaw general fund these three items were taken. It mentions the Gwin payment among the others. Out of the incompetent fund the other item, $99,000, was taken.

We had agreed by treaty stipulation to pay the interest on this money. I admit that the sovereign ought not to do any wrong; but I believe as firmly as I believe that I am living that the Government is under every moral obligation on earth to pay interest on every dollar of this money that went into the trust fund of these Indians, and was misappropriated. Would not the interest have been paid if the money had remained in the trust fund? Will anybody pretend to deny it? We paid interest on it before it was taken out. We have paid interest since it was put back. Why not pay interest in the interim? Why not pay interest for all that time?

The Senator complains that this amounts to $500,000. Whose fault is that? If the Secretary of the Interior had made the restatement in 1854, when it should have been made, it would have amounted to a bagatelle, but when our own neglect has allowed this to stand for more than thirty years, refusing to do justice to these people, I must think that a complaint of the amount of the interest that is due can not be charged as a fault on the part of the Indians, and it ought not to be a just ground for complaint against the amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Iowa to raise the point of order that this is a claim. The Chair will read the rule applicable to the case. Section 4 of Rule XVI provides that:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The amendment purports on its face to be for the purpose of carrying out certain treaty stipulations with the Chickasaw Nation, but it appears from the statement of the case that has been made that the amount actually agreed to be paid under the treaty has been paid; that the amount has been approved by the Secretary of the Interior and has been paid, but that there is a claim for a still further amount of interest which has never yet been adjudicated. That being the case, it is not included in the exception to the rule. The point of order is sustained.

Mr. JONES of Arkansas. I wish to offer another amendment.

The SECRETARY. On page 11, after line 25, it is proposed to insert:

That the disbursing officers of the Treasury be, and they are hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to the trustee or legal representatives of Eli Ayres the sum of $58,158.46: *Provided*, That such payment when made shall operate as a final settlement in full, as between the said trustee and legal representatives of said Eli Ayres, his or their heirs or assigns, and the United States, for any claim against the United States which—

Mr. ALDRICH. This is evidently a private claim. I suggest there is no use to take the time of the Senate at this late hour by reading the whole of the amendment. The first part of it shows it to be a private claim, and subject to the point of order.

Mr. JONES of Arkansas. If the Senator from Rhode Island will hear it all, he may possibly know more about it; but as he seems to know what it is without reading it——

Mr. ALDRICH. The first sentence in the amendment shows that it is a private claim.

The PRESIDING OFFICER. The Chair will be unable to rule upon the amendment until it has been presented in full.

The Secretary resumed and concluded the reading of the amendment, as follows:

Said Ayres may have had during his lifetime by reason of the fact that he purchased, and there was conveyed to him, the right and title of certain Chickasaw Indians to 124,160 acres of land in the State of Mississippi, held by such Indians under the provisions of a treaty made by the United States with the Chickasaw Nation of Indians on the 24th day of May, 1834, and which said lands so purchased by said Ayres were appropriated and disposed of by the United States; the deeds by which said Indians conveyed said lands to said Ayres to be duly surrendered upon the payment to said trustee or legal representatives of the amount herein appropriated: *And provided further*, That when said deeds are so surrendered to the United States, and said payment so made to the trustee or legal representatives of said Eli Ayres as aforesaid, this act shall operate to forever quiet all such land titles in the State of Mississippi heretofore and now affected by reason of the appropriation and sale or other disposition of the lands so purchased by said Ayres of said Indians, as herein set forth. The said amount of $58,158.46 is hereby made immediately available.

Mr. ALDRICH. I raise the point of order that it is a private claim.

The PRESIDING OFFICER. The Chair would like to hear the Senator from Arkansas upon the point of order.

Mr. JONES of Arkansas. I have nothing to say. I submit the amendment. To be frank about it, however, the amendment is a private claim. There is no question about it.

The PRESIDING OFFICER. The Senator from Arkansas admits the point of order. It will therefore be sustained.

Mr. MCBRIDE. I offer the amendment which I send to the desk.

The SECRETARY. On page 53 strike out lines 10 to 17, inclusive, and insert:

For support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each, $50,100; for pay of superintendent at said school, $1,800; for the erection of a school and assembly building, and dining hall and kitchen, and other necessary buildings, $15,000; for general repairs and improvements, $5,000, for steam-heating plant, $15,000; in all $86,700.

Mr. PETTIGREW. This is a substitute for the provision now in the bill. This school has been enlarged, so that it takes a larger sum of money to manage it. The amendment is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs. I have the letters here, which I shall be glad to have printed in the RECORD.

The PRESIDING OFFICER. The letters will be printed in the RECORD, as requested, without being read, in the absence of objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 18, 1897.

The honorable SECRETARY OF THE INTERIOR.

SIR: My attention has been called to the needs of increased capacity for the Indian Industrial School at Salem, Oreg., and upon request of Senator MCBRIDE, from that State, I have the honor to modify my estimate of appropriations for this school. That estimate was as follows:

Support of 250 pupils	$41,750
Pay of superintendent	1,800
General repairs	5,000
Steam heat	10,000
Total	58,550

The capacity of this school is between 250 and 300 pupils, but that capacity refers almost entirely to dormitory accommodations, as the school building and dining hall are entirely inadequate for the accommodation of even 250 pupils. The total enrollment for this school for 1896 was 350 pupils. Under the present management the school has prospered to a considerable extent, and, as stated in my annual report, I am of the opinion that this school should be enlarged. It is the only nonreservation school of any size on the Pacific Coast, and being located near the Indian population of the Northwest can be filled at less expense than in the majority of instances. Climatic conditions, also, demand that there should be a large nonreservation school for the Indians of that section. Salem, by reason of its location, presents the most available point for this purpose. Superintendent Potter states that in order to increase the capacity of his school it will be necessary to give him additional buildings, and therefore desires to have a new school and assembly building, a new dining hall and kitchen, three small cottages for employees, and a shop building; all of which to be heated by steam, thus doing away with the dangerous method at present used of warming the buildings by stoves. I would therefore respectfully recommend that, in view of the circumstances, that my first estimate be changed so as to read as follows:

Support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each	$50,100
Pay of superintendent at said school	1,800
For the erection of a school and assembly building, and dining hall and kitchen, and other necessary buildings	15,000
For general repairs and improvements	5,000
Steam heating plant	15,000
Total	86,900

The increase in the estimate for steam heating plant is rendered necessary on account of the additional buildings asked for, which require to be heated. By the expenditure of this additional amount, I am of the opinion that the efficiency of this school will be enhanced very largely, and that it will extend its influence throughout the Northwest. While the appropriation is only increased for 50 pupils, yet, under the economical management of the superintendent, he will unquestionably maintain a much larger number. As before stated, the utmost capacity of the school is taxed, and I am informed by the superintendent that many are therefore necessarily turned away. The improvements asked for will give the Pacific Coast a most excellent nonreservation industrial school.

Very respectfully, D. M. BROWNING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1897.

SIR: I am in receipt of your communication of 18th instant, addressed to the Commissioner of Indian Affairs, and also your letter of 22d, to me, relative to an amendment intended to be proposed by Mr. MCBRIDE to the bill (H. R. 10062) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, viz: On page —, strike out the clause making appropriations for the Indian school at Salem, Oreg., and insert the following in lieu thereof:

"For support and education of 300 pupils at the Indian school, Salem, Oreg., at $167 per annum each, $50,100; for pay of superintendent at said school, $1,000; for the erection of a school and assembly building and dining hall and kitchen, and other necessary buildings, $15,000; for general repairs and improvements, $5,000; for steam-heating plant, $15,000; in all, $86,900."

In response you are informed that under date of the 18th ultimo the question of increasing the capacity of this school was submitted by the Commissioner of Indian Affairs (copy herewith), and I have had the matter under advisement, and have concluded, in view of the statements contained in the Commissioner's letter, to recommend that the proposed amendment be adopted.

Very respectfully, D. R. FRANCIS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Oregon [Mr. MCBRIDE].

Mr. COCKRELL. What does the Senator propose to strike out?

Mr. PETTIGREW. Simply a whole paragraph, and inserting what has been read.

Mr. COCKRELL. On what page?

Mr. PETTIGREW. On page 53.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The SECRETARY. On page 53 strike out beginning with line 10 down to and including line 17, in the following words:

For support and education of 250 Indian pupils at the Indian school, Salem, Oreg., at $167 per annum each, $41,750; for pay of superintendent at said school, $1,000; for general repairs and improvements, $5,000; for steam-heating plant, $10,000; in all, $58,350.

The amendment was agreed to.

Mr. DAVIS. I offer an amendment in lieu of the one I offered last night.

The SECRETARY. After line 3, page 35, it is proposed to insert:

And nothing in section 27 of chapter 543, volume 26, of the United States Statutes at Large, pages 1038 and 1039, shall be construed to apply to any contract for services for the prosecution of any claim against the United States or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts, and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section 2103 of the Revised Statutes of the United States, and in all such cases the Secretary of the Interior shall cause all claims for service under such agreements to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong, and so much money as is necessary for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals, in the Treasury of the United States: *Provided*, That the amount so audited, allowed, and paid shall not exceed the sum of $44,000.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Minnesota [Mr. DAVIS].

Mr. ALLISON. I make the point of order upon the amendment that it is legislation.

Mr. DAVIS. I have no doubt, under the spirit of the ruling of the Chair made a few moments ago, that the amendment is subject to that objection. I am very sorry for it. It is a just amendment.

The PRESIDING OFFICER. The point of order is sustained. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. ALLISON. Let them be concurred in in gross, unless certain amendments are to be reserved.

Mr. VILAS. I was going to ask for the reservation of the one amendment simply to make a remark upon it; that is all; not to take a vote.

Mr. PALMER. I desire to propose two amendments on page 71.

The PRESIDING OFFICER. The amendments indicated will be reserved.

Mr. CULLOM. My colleague proposes to offer new amendments.

Mr. PALMER. I propose to strike out the words "power to contract," etc., on page 71, line 2.

The PRESIDING OFFICER. That is a committee amendment on page 71. The Senator from Illinois had better reserve that amendment and let the others be acted upon.

Mr. PALMER. I want to reserve those two amendments.

The PRESIDING OFFICER. Are there other amendments to be reserved?

Mr. VILAS. I should like to have, for a moment, the amendment in respect to the Uncompahgre Ute Reservation reserved. I do not intend to ask for any vote upon it, but I should like to have it reserved.

Mr. COCKRELL. Those three amendments are reserved.

The PRESIDING OFFICER. Two amendments; the one indicated by the Senator from Illinois and the one indicated by the Senator from Wisconsin will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. There are two exceptions. The Senator from Illinois [Mr. PALMER] is now recognized with reference to the amendment which he had reserved.

Mr. PALMER. I desire to strike out on page 71 the words "power to contract through their duly authorized commissioner, agent, or attorney," and insert the words, "capacity to sue and be sued." The whole paragraph relates to the Old Settler or Western Cherokee Indians.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment made as in Committee of the Whole.

The SECRETARY. On page 71, line 2, after the word "with," strike out the words "power to contract through their duly authorized commissioner, agent, or attorney" and insert the words "capacity to sue and be sued;" so as to read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with capacity to sue and be sued.

Mr. PALMER. I desire to insert the words "capacity to sue and be sued," so that the provision shall not be held to ratify any contract that may have been heretofore made.

Mr. PETTIGREW. I have no objection to the amendment.

Mr. TELLER. The very purpose of submitting the whole thing is that the court could try it upon the contracts which they have made. If this amendment is made, it practically nullifies the whole theory and spirit of the submission.

Mr. PALMER. I do not think so.

Mr. TELLER. Of course. We have provided in another place that they may be sued, and they are not asking to sue.

Mr. PALMER. The real effect of the language I propose to strike out would be to validate the contracts already made. I do not think it is necessary at all that those contracts should be validated. The force and effect of those contracts should be determined by the Court of Claims. I propose to amend so as to read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians with the capacity to sue and be sued, etc.

As it now stands, it reads:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with power to contract through their duly authorized commissioner, agent, or attorney, etc.

If it is not intended to validate contracts that would otherwise be invalid, the mere capacity to sue and be sued, of a standing in the Court of Claims, would be given by the words I propose to substitute. But the effect of the words I propose to strike out would be to validate the contracts which would be involved in the very authority given to the Court of Claims to adjudicate these matters.

Mr. TELLER. It is nothing of the kind. It simply says that these people may have made contracts, and it leaves it to the court to determine whether they have made them or not. It is said that they had the power to make them. The court determines whether they have made the contracts.

Mr. PLATT. There was a question as to whether these Indians were so much a tribe that they had power to contract, and it is simply to cover that. That is the reason why it was inserted.

Mr. TELLER. It does not validate a contract.

Mr. PALMER. I do not believe a word of it. I believe that the real intent and office and effect of the words that I propose to strike out is to validate contracts. This is a matter between the United States and these claimants, and while the United States may have no power to validate contracts between private parties, it may validate contracts with itself or contracts that it is called upon to execute. I insist upon the amendment, because this will give them a standing in the court, but will determine nothing as to their rights.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Illinois to the amendment made as in Committee of the Whole. [Putting the question.]

Mr. PALMER. On that I ask for the yeas and nays. ["No!" "No!"] I must do it, because I insist upon the amendment.

Mr. CHANDLER. I ask that we may have the amendment read that the Senate is to vote upon.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The SECRETARY. In line 2, page 71, after the word "with," it is

proposed to strike out the words "power to contract through their duly authorized commissioner, agent, or attorney," and to insert the words "capacity to sue and be sued;" so that it will read:

And the Old Settler or Western Cherokee Indians, for the purposes of the actions hereby authorized, shall be considered a tribe of Indians, with the capacity to sue and be sued.

Mr. CULLOM. I hope the vote will be taken over again without calling for the yeas and nays. If the Senate votes on it again, perhaps it will allow the amendment to be made.

Mr. PETTIGREW. Let the amendment go in.

Mr. CHANDLER. I hope the Senator from Illinois will not call for the yeas and nays, because it may delay the passage of the bill.

Mr. NELSON. Mr. President——

Mr. CHANDLER. I do not yield to the Senator from Minnesota.

Mr. CULLOM. I simply ask that the vote may be taken over again by a viva voce vote.

Mr. QUAY. I understand the Senator from South Dakota has accepted the amendment.

Mr. PETTIGREW. I have no objection to it.

Mr. CHANDLER. I have not yielded to anyone. I wish to address myself to the amendment. I do not think that the yeas and nays ought to be called, because it may delay the business of the Senate. I wish that the pending bill could be disposed of to-night, but it ought to go over until to-morrow morning, because there may be some votes upon material questions.

Mr. ALLISON and others. No, no.

Mr. CHANDLER. Very good.

Mr. CULLOM. Let us have another vote on the amendment of my colleague.

Mr. TELLER. Let us take another vote on it. I do not care.

Mr. CHANDLER. I hope the Senator from Illinois will not insist upon the yeas and nays on his amendment.

Mr. TELLER. No one has insisted upon the yeas and nays.

Mr. QUAY. I wish some Senator would inform me why a vote is to be taken on an amendment which has been accepted by the Senator in charge of the bill?

Mr. COCKRELL. Let the Chair have an opportunity of announcing that the objection is withdrawn and the amendment has been accepted.

The PRESIDING OFFICER. The Chair will state, on the question of the adoption of the amendment submitted by the Senator from Illinois, that the Chair understands the request for the yeas and nays to be withdrawn.

Mr. PALMER. Am I correct in my understanding?

Mr. TELLER. Let the vote be taken over again.

Mr. CULLOM. Yes; let the vote be again taken without the yeas and nays.

Mr. PALMER. Very well.

The PRESIDING OFFICER. The Chair will again put the question on the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. There is one more amendment to receive the action of the Senate, and that is the one reserved by the Senator from Wisconsin [Mr. VILAS] on page 66, in relation to the Uncompahgre Indian Reservation.

Mr. VILAS. With reference to that I only want to make one remark. We had some question the other day with respect to the quantity of minerals which had been reported by the Geological Survey, and their value, and my distinguished friend from Colorado [Mr. TELLER] was of the opinion that it did not amount to much. I want to give the figures just in a moment from the special report on that subject made by the Geological Survey, and instead of elaborating, I will simply say that they sum up the amount of tons of that mineral as disclosed in six veins, which they name at 23,744,000 tons.

Mr. TELLER. That is the St. Louis property.

Mr. VILAS. No; that is in the Uncompahgre Ute Reservation.

Mr. TELLER. The St. Louis property is the only property that ever has been worked. No other has been worked.

Mr. VILAS. I am reading from what is said in the report in respect to the Uncompahgre Ute Reservation, that the amount in the six veins, which they name and of which they give a map disclosing the particular location and all, is above 23,000,000 tons.

Mr. TELLER. I will say that on the ground in dispute there never has been a location made, and there is no law to make locations. The Geological Bureau are talking about another place. They are talking about the property that is owned by the St. Louis company.

Mr. VILAS. The Senator is simply mistaken.

Mr. TELLER. I am not mistaken at all.

Mr. VILAS. Here are the maps, and here are the veins described and shown on the Uncompahgre Ute Reservation.

Mr. TELLER. The St. Louis company owns the property.

Mr. PETTIGREW. If there is that much mineral in it, it is not worth anything, for it would supply the world for thousands of years.

Mr. VILAS. The report not only shows this quantity of mineral there by the figures of the Geological Survey, each vein carefully stated in full detail—which I shall not take the time to read—but the commercial value of the mineral is set forth, showing that the present price per ton in Chicago and St. Louis is from $40 to $50, and, even with hauling it nearly 100 miles by wagon, the cost of delivering it is but about $25 to $30 a ton, which can unquestionably be immensely reduced. If we estimate it, therefore, at but $10 a ton, the value of that mineral goes above $200,000,000.

Mr. STEWART. That is only their estimate.

Mr. VILAS. Of course it is such an estimate as the Geological Survey would make from a careful examination of the veins, measuring their length and width, and the calculations they make in regard to them. Of course it is not a mineral location, and nobody pretends that it is; but this is the Geological Survey's report.

Mr. TELLER. There is no possible way for the Geological Bureau, or anyone else, to tell what is in an undeveloped region; and if they have made any statement as to quantities in a mine, it is a developed mine, for from a hole 10 feet deep nobody can tell anything about it. They are talking about a property that has been located and filed on by the parties who have gone in there; but not a single filing has been made on this land proposed to be opened, for it can not be made.

Mr. VILAS. Nobody pretends that it is a mineral location.

Mr. TELLER. Then they can make no estimate.

Mr. VILAS. Of course they can; but they can not make as complete a one as they could by digging; but they can make a very good estimate.

I do not desire to take up the time by asking for a vote, but I want to call attention to the fact that, so far from overestimating, unquestionably the value of that mineral deposit was underestimated in what I said in regard to it.

Mr. PALMER. I wish to propose a further amendment. After the word "attorney," in line 3 on page 71, in the committee amendment, I move to strike out the words:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

Mr. TELLER. I would say that those words were moved to be stricken out, and the amendment was voted down in the Senate, I suppose, of course, technically, the Senator can move the amendment over again, but are we to go over this fight again?

Mr. PETTIGREW. We have voted on the amendment in the Senate as well as in Committee of the Whole.

Mr. PALMER. I do not understand it to be so.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, inserting the clause in relation to the Uncompahgre Indian Reservation in Utah, as it has been amended. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is concurred in.

Mr. TELLER. What is the amendment which the Senator from Wisconsin reserved?

The PRESIDING OFFICER. The amendments adopted with reference to the Uncompahgre Indian Reservation.

Mr. ALLISON. Let us have the third reading of the bill, Mr. President.

Mr. HILL. I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator will not do that, but will allow the bill to pass. It has passed every stage now except the third reading.

Mr. HILL. The Senator from Illinois is entitled to be heard and to have an opportunity to offer his amendments.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and will be heard.

Mr. PALMER. I move, beginning with line 3, and concluding with line 6, on page 71, to strike out the words:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States is otherwise hereby suspended as to said actions.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that that amendment has already been concurred in, and that his motion comes too late.

Mr. PALMER. If it is too late, I submit; but I did not hear the question put on the amendment.

The PRESIDING OFFICER. All the amendments made in Committee of the Whole have been concurred in in the Senate. The bill is in the Senate and still open to amendment.

Mr. CHANDLER. The Senator from Illinois had intended, as he told me, to reserve this amendment to be voted on in the Senate.

Mr. PALMER. I announced my intention to do so.

Mr. CHANDLER. And this amendment reaches the whole root of this business. There is an attempt here to create contracts

by law which do not otherwise exist. I submit that this amendment should be voted on.

Mr. PALMER. I gave notice of it.

The PRESIDING OFFICER. The Chair will state that the only way to reach the matter now is by a reconsideration, the Senate having acted.

Mr. BATE. I move a reconsideration, Mr. President.

Mr. STEWART. Let the reconsideration be had by unanimous consent.

Several SENATORS. All right.

Mr. PALMER. If that shall be agreed to, I have no objection.

The PRESIDING OFFICER. Unanimous consent is asked that the adoption of the amendment which appears upon pages 71, 72, and 73 be reconsidered.

Mr. TELLER. As to all those items?

The PRESIDING OFFICER. The motion is that the amendment be reconsidered. Is there objection? The Chair hears none, and it is so ordered.

The amendment now offered by the Senator from Illinois will be stated.

The SECRETARY. After the word "attorney," in line 3, on page 71, it is proposed to strike out the words:

And the operation of sections 2103 and 2104 of the Revised Statutes of the United States are otherwise hereby suspended as to said actions.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Illinois to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I now move that the Senate proceed to the consideration of the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. ALLISON. I should be glad to proceed a little while with this bill to-night, not with a view of considering any controverted questions, but to make some progress with the reading of the bill; and I desire to give notice that immediately after the routine morning business to-morrow I shall ask the Senate to proceed with its consideration. There are very few controverted questions in this bill, and I think it will take but a short time to dispose of it. I now yield to the Senator from Ohio.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BRICE. I ask unanimous consent for the present consideration of the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

I will state, if I may, for the information of Senators, before asking for the reading of the bill, that this is a bill for extending the present law governing the refunding of bonds in the Territory of Arizona so as to include other Territories, without making any other substantial change. It is not a bill validating bonds, or a bill changing the character or status of bonds, except authorizing the refunding of bonds at a lower rate of interest in the adjoining Territories precisely as is now and has been for some years the law in the Territory of Arizona.

Mr. JONES of Arkansas. Has the bill passed the House of Representatives?

Mr. BRICE. It has.

The PRESIDING OFFICER. The bill will be read for information.

Mr. BRICE. If the Senator desires any examination of the bill, I will ask that the bill be now read and shall not press its passage until the Senator has had an opportunity to examine it.

Mr. THURSTON. The bill passed the other House and came to the Committee on Territories and has been very carefully amended in that committee so as to exclude the refunding of any future indebtedness, or of any indebtedness which is not interest bearing. It only extends substantially the provisions of the present laws of Arizona to the refunding of the interest-bearing indebtedness of the other Territories as they exist at the present time.

Mr. WHITE. I call the attention of the Senator from Nebraska to the other fact, that the committee have reported in favor of eliminating section 16 of the bill, which, perhaps, would have the effect of validating certain bonds. The committee had not time to investigate it, and therefore reported in favor of eliminating that provision of the measure.

Mr. THURSTON. That is also true.

Mr. DAVIS. The committee gave particular attention to the bill, scrutinized it at several meetings, and had it examined by a subcommittee. It is an extension, almost in identical terms, to the other Territories of the act passed two years ago, I think, in regard to Arizona, which has worked extremely well. The Delegates from all the Territories were consulted; there was no objection to it, and, indeed, there was a very general desire for its passage.

The PRESIDING OFFICER. The bill will be read by title for information.

The SECRETARY. A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the bill may be now proceeded with. Is there objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

Mr. ALLISON. I am told by the Senator from Nebraska that there are several amendments to the bill. Why not consider the amendments as they are reached in the reading of the bill, and thus save an additional reading?

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the amendments to the bill may be considered as they are reached. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Territories was, in section 1, line 5, before the word "indebtedness," to insert "interest-bearing;" and in the same line, after the words "United States," to strike out "and such future indebtedness as may be or is now authorized by law;" so as to make the section read:

That for the purpose of liquidating and providing for the payment of the outstanding and existing interest-bearing indebtedness of the Territories of the United States the governor of each Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners for the Territory in which they hold office, to be styled the "loan commissioners of the Territory," and shall have and exercise the powers and perform the duties hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "due," to strike out "or that is now or may be hereafter authorized by law;" in line 12, before the word "indebtedness," to insert "interest-bearing;" and in line 13, after the word "due," to strike out "or is now or may be hereafter authorized by law;" so as to make the section read:

SEC. 2. That it shall be, and it is hereby, declared the duty of the loan commissioners of each Territory to provide for the payment of the existing indebtedness of such Territory due and to become due, except such indebtedness as has been recognized or covered by reason of an act of the legislative assembly of New Mexico, approved January 28, 1867, entitled "An act to amend an act entitled 'Militia' and acts amendatory thereof," and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either, of the legal interest-bearing indebtedness hereby provided to be paid, and also that which may at any time become due, the said commissioners shall from time to time issue negotiable coupon bonds of the Territory when the same can be done in harmony with this act.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "treasurer," to insert "or have his engraved signature thereon;" so as to read:

That coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of the bond.

They shall be consecutively numbered and bear the same number as of the bond to which they are attached, and shall be signed by the Territorial treasurer or have his engraved signature thereon.

The amendment was agreed to.

The next amendment was, in section 9, line 15, after the word "supervisors," to insert "or commissioners;" and in line 17, after the word "supervisors," to insert "or commissioners;" so as to make the clause read:

The Territorial board of equalization, or, on the failure of said board, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the board of supervisors or commissioners in each county and to the municipal and school authorities; and the said board of supervisors, or commissioners, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal, and school taxes.

The amendment was agreed to.

The next amendment was, in section 10, line 27, after the word "supervisors," to insert "or commissioners;" in line 33, after the word "supervisors," to insert "or commissioners;" in line 39, before the word "county," to insert "interest-bearing;" in line 42, before the word "indebtedness," to insert "interest-bearing," and in line 43, after the word "allowed," to strike out "or that may be hereafter allowed by law;" so as to make the clause read:

The board of supervisors or commissioners of the counties, the municipal and school authorities are hereby authorized, directed, and required to report to the loan commissioners of the Territory their bonded and outstanding indebtedness; and said loan commissioners shall, on written demand of any taxpayer or holder of said indebtedness, require an official report from the board of supervisors or commissioners of counties, the municipal or school authorities, of their bonded and outstanding indebtedness; and said loan commissioners shall have the same power to enforce said order and compel the production of evidence as a court of competent jurisdiction; and said loan commissioners shall provide for the redeeming or refunding of the interest-bearing county, municipal, and school district indebtedness, and

shall refund said indebtedness in the same manner as other Territorial indebtedness, and they shall issue bonds for any interest-bearing indebtedness now allowed to said county, municipality, or school district.

The amendment was agreed to.

The next amendment was, in section 11, line 3, after the word "funded," to strike out "bearing a higher rate of interest than 4 per centum," and in line 8, before the word "bonds," to strike out "lower interest-bearing;" so as to read:

That whenever any of the holders or owners of any bonds, warrants, or other evidence of indebtedness of the kind and description in this act authorized to be funded, desire to surrender the same to the loan commissioners on or before the maturity of said indebtedness and exchange such bonds, warrants, or other evidences of indebtedness for the bonds by this act authorized to be issued, it shall be the duty of the loan commissioners to receive and cancel the indebtedness so surrendered and issue in lieu thereof to said holders or owners of said surrendered obligations 4 per cent Territorial bonds.

The amendment was agreed to.

The next amendment was, in section 16, line 1, after the word "that," to strike out:

The provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

And insert:

The United States shall in no way be liable for any of the indebtedness in this act authorized to be funded.

So as to make the section read:

SEC. 16. That the United States shall in no way be liable for any of the indebtedness in this act authorized to be funded.

The amendment was agreed to.

The next amendment was, in section 17, line 4, after the word "eighty-six," to strike out:

Known as the Harrison Act: *Provided, however*, That the present existing and outstanding indebtedness, together with such warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school governments for the year ending December 31, 1898, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the Harrison Act.

So as to make the section read:

SEC. 17. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the act of Congress approved July 30, 1886.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BRICE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. THURSTON, Mr. SHOUP, and Mr. WHITE were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask that the Post-Office appropriation bill may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated, which will be read by title.

The SECRETARY. A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

Mr. QUAY. Mr. President——

Mr. ALLISON. I was about to move that the Senate adjourn.

Mr. QUAY. I wish to suggest to the Senator, and I trust he will withdraw his motion for the purpose of permitting me to make the suggestion, that the Senate might now devote five or ten minutes to the consideration of the measure known as the Little bill, to prohibit the sale of intoxicating liquors in the Capitol.

Mr. ALLISON. I certainly have no objection if the Senator thinks he can pass the bill to-night.

Mr. QUAY. I should be very glad, if the Senate will indulge me, to call up the bill.

Mr. HILL. We last evening passed a substitute for that bill, which is a measure to provide an additional supply of pure and wholesome water for the District of Columbia. That answers the purpose.

Mr. QUAY. We can take care of the water, and the tea, too.

Mr. ALLISON. I am satisfied that it will be impossible to dispose of the bill to-night, in view of the thinness of the Senate.

Mr. QUAY. Then I give notice that I will call it up to-morrow.

Mr. HILL. I give notice that I will oppose it.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 27, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1897.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. Elon Farnsworth Willcox, Sixth Cavalry, to be captain, February 6, 1897, vice Carter, Sixth Cavalry, appointed assistant adjutant-general, who resigns his line commission.

Second Lieut. Milton Fennimore Davis, Fourth Cavalry, to be first lieutenant, January 14, 1897, vice Michie, Second Cavalry, appointed adjutant.

Ordnance Department.

Maj. Isaac Arnold, jr., to be lieutenant-colonel, February 23, 1897, vice Parker, deceased.

Cavalry arm.

Second Lieut. James Augustine Ryan, Tenth Cavalry, to be first lieutenant, February 3, 1897, vice Preston, Ninth Cavalry, appointed adjutant.

Second Lieut. Frank Merrill Caldwell, Third Cavalry, to be first lieutenant, February 6, 1897, vice Willcox, Sixth Cavalry, promoted.

Infantry arm.

First Lieut. Benjamin Ward Leavell, Twenty-fourth Infantry, to be captain, February 12, 1897, vice Bullis, Twenty-fourth Infantry, appointed paymaster, who resigns his line commission.

CONSULTING ENGINEER, INTERNATIONAL BOUNDARY COMMISSION.

W. W. Follett, to be consulting engineer of the United States on the International (Water) Boundary Commission provided for in the convention with Mexico of March 1, 1889, to fill a vacancy.

PROMOTIONS IN THE NAVY.

Lieut. Commander Uriel Sebree, to be a commander in the Navy from the 24th day of February, 1897, vice Commander Francis M. Green, retired.

Lieut. Uriah R. Harris, to be a lieutenant-commander in the Navy from the 24th day of February, 1897 (subject to the examinations required by law), vice Lieut. Commander Uriel Sebree, promoted.

Lieut. (Junior Grade) Augustus N. Mayer, to be a lieutenant in the Navy from the 24th day of February, 1897 (subject to the examinations required by law), vice Lieut. Uriah R. Harris, promoted.

UNITED STATES DISTRICT JUDGE.

William W. Clark, of North Carolina, to be United States district judge for the eastern district of North Carolina, vice Augustus S. Seymour, deceased.

POSTMASTERS.

Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia, in the place of Alice B. Bussey, whose commission expired January 4, 1897.

Ira R. Allen, to be postmaster at Fairhaven, in the county of Rutland and State of Vermont, in the place of Warren L. Howard, removed.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 26, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. MILES. Mr. Speaker——

Mr. PERKINS. I desire to present a privileged report.

Mr. MILES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Maryland rises to a question of personal privilege.

Mr. MILES. Mr. Speaker, in the consideration of the bill H. R. 4808, from the Judiciary Committee, of which I have the honor to be a member, on yesterday I participated to some extent in the colloquial debate. The gentleman from Illinois [Mr. HOPKINS] laid down a certain proposition of law to which I respectfully and particularly called his attention, and I begged leave to differ with that gentleman on the principle of law as he had stated it. I had no objection to the position which the Reporter's notes as taken yesterday indicated that I had taken on the principle of law then under discussion. I supposed that the RECORD this morning would show his position and mine as taken on yesterday. I find, however, this morning that the gentleman from Illinois has seen fit to

correct the RECORD in such a way as to reverse positions with me, and to put me in the position of denying a proposition of law which I consider sound.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MILES. Certainly.

Mr. PAYNE. The gentleman refers to the gentleman from Illinois [Mr. HOPKINS]. I notice that he is not here. Will not the gentleman defer until the gentleman from Illinois comes in?

Mr. MILES. I would like to say, Mr. Speaker, that I would gladly do that, except that I will be compelled to ask leave of absence on account of sickness in my family, and may be away a few days. I desire that the RECORD shall be corrected, in order that I may be put right before I shall leave. I have no disposition to insist that the motion which I shall presently make shall be acted on now, namely, that the RECORD be corrected so as to conform to the notes of the Reporter, which I have before me, and which I propose to have read. I have no objection whatever to the gentleman from Illinois correcting the RECORD so as to sustain his well-known reputation as a lawyer; but I have very serious objection to the gentleman so correcting the RECORD as to put me in a ridiculous position, and to put me before the lawyers of this House and the country in the position of denying the very proposition of law which he himself was denying. I shall, therefore, ask, Mr. Speaker, that the Reporter's notes as taken be read; that the notes as corrected by the gentleman from Illinois be read; and I shall move that the RECORD, on page 2350, containing the remarks of the gentleman from Illinois, be amended so as to conform with the Reporter's notes.

The SPEAKER. The Clerk will read as indicated by the gentleman from Maryland.

Mr. MILES. I would like to call the attention of the Speaker to the fact that, although the Reporter's notes are interlined, the Clerk will be able to read very distinctly what was said. The gentleman from Illinois being absent, I have no disposition to seek to put him in a false position. I believe he made a bad break as a lawyer, but I believe him to be a good lawyer, and a little too much of a tactician for me. I desire, Mr. Speaker, simply to put myself right; I am perfectly content, however, and want it understood that so far as I am concerned the whole matter may be stricken out, in order to protect the gentleman's reputation as a lawyer.

Mr. PAYNE. I still suggest to the gentleman to let this matter stand over until the gentleman from Illinois [Mr. HOPKINS] comes in.

Mr. MILES. This is my only opportunity.

Mr. GROUT. I understand the gentleman says it may lay over for action?

Mr. MILES. Until next week, when I expect to be here, if the gentleman considers it of sufficient importance.

Mr. PAYNE. I think the gentleman from Illinois [Mr. HOPKINS] will be in in a few minutes. He is in the city, and no doubt he will be here directly.

Mr. MILES. I would like to have the Reporter's notes read. I want the Reporter's notes read without the interlineations, and then I desire that the Reporter's notes shall be read with the interlineations which were made by the gentleman from Illinois.

The Clerk read as follows:

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest his principal, the sheriff, is liable for it, and his bondsmen are liable upon an action brought against the principal, the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond against his illegal acts, and against the illegal acts of his deputy, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable for their unlawful acts. That the bill as now framed does not do this is my chief objection to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY] and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 785 of the Revised Statutes of the United States reads as follows:

The Clerk read as follows:

Mr. RAY. My friend from Illinois [Mr. HOPKINS] does not claim that the sureties on a sheriff's or a marshal's bond are liable in case he makes a mistake?

Mr. HOPKINS of Illinois. I undertake to say that if an action would lie against the principal without a bond, then, in my State, if the deputy makes a false arrest acting under the color of his official authority, his principal, the sheriff, is liable and his bondsmen are liable upon an action brought against the sheriff.

Mr. WATSON of Ohio. What does a marshal or a sheriff give bonds for?

Mr. HENDERSON. Not against murder.

Mr. WATSON of Ohio. Against breach of the peace?

Mr. RAY. Against murder and against assault and battery——

Mr. HOPKINS of Illinois. A sheriff gives bond for the faithful discharge of his duty and that of his deputies, and his bondsmen are liable for his acts under color of his office.

Now, allow me to state my proposition a little further. These gentlemen seem to take exception to it.

Mr. WATSON of Ohio. Not all of us; I agree with the gentleman.

Mr. HOPKINS of Illinois. Under the law as it exists to-day the bondsmen of these officers of the courts are liable for their illegal acts. If a sheriff arrests unlawfully a constituent of mine, that constituent has a right to sue the bondsmen. But in this bill there is no such provision. And the remedy which is proposed here is a remedy without any merit whatever, because these post-office inspectors are in general men without any property. There is no method of garnisheeing the salaries paid by the Government of the United States. If, therefore, a post-office inspector is clothed with the authority proposed in this bill, there is absolutely no remedy for a man who may be unlawfully arrested by such an official. So it seems to me that if gentlemen here desire to give to post-office inspectors authority which they do not now possess, the bill ought to be elaborated so as to make these men liable on good and sufficient bonds for their unlawful acts. That the bill as now framed does not do this is one of my objections to its passage in its present form.

Mr. MILES. Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal acts of that officer, or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

Mr. HOPKINS of Illinois. I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

Mr. MILES. Of course; but can judgment be rendered for any unlawful act that he may commit?

Mr. HOPKINS of Illinois. I undertake to say that it can in Illinois, if done under color of his office; and such ought to be the law everywhere.

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. HOPKINS of Illinois. Well, I understand the law is the same in Ohio and most of the States.

Mr. BURTON of Missouri. I desire to yield five minutes to the gentleman from New York [Mr. RAY], and then I wish to reserve the balance of my time. I trust the Chair will recognize, at the end of five minutes, the gentleman from Arkansas [Mr. TERRY].

Mr. RAY. Mr. Speaker, some of these gentlemen have taken issue with me as to the law in this case as I have stated it. I said that any man who would read the statutes would not make the statement that some of these gentlemen have made, and I was contradicted by some of my wise friends. Now, the Congress of the United States has passed a law on this subject, and I desire to read it. Perhaps I do not understand it, but I think I do. Section 785 of the Revised Statutes of the United States reads as follows:

Mr. MILES. Now, Mr. Speaker, as my attention has been called to the fact that the gentleman from Illinois [Mr. HOPKINS] is absent, I desire to say that if it is understood that my motion that the RECORD be corrected so as to conform to the notes of the stenographer shall remain pending, I will not insist upon its consideration at this time, but will wait until the gentleman from Illinois can have an opportunity to be heard upon it if he so desires.

Mr. PAYNE. I hope that will be done.

The SPEAKER. The gentleman from Maryland must make some motion.

Mr. MILES. I have made a motion. I have moved that the RECORD, on page 2350, containing the remarks of Mr. HOPKINS of Illinois, be so corrected as to conform to the notes of the Official Reporter.

The SPEAKER. The gentleman moves that the RECORD be corrected on page 2350, in the part indicated by him, so as to conform to the notes of the stenographer. That is the motion now pending before the House.

Mr. MILES. Now, Mr. Speaker, I ask unanimous consent, in deference to the gentleman from Illinois, that my motion lie over until he can have an opportunity to be present and be heard upon it.

The SPEAKER. The gentleman from Maryland asks unanimous consent that his motion lie over subject to being called up by him; not, however, to interfere with——

Mr. MILES. I can not make any qualifications of my request, Mr. Speaker.

The SPEAKER. The fear of the Chair is that, as the time will be very much occupied from now until the end of the session, this matter might interfere with more urgent public business.

Mr. MILES. Well, Mr. Speaker, I am not responsible for this error, and I am not content that the RECORD shall stand so that the gentleman from Illinois and I shall appear to have exchanged positions upon a legal proposition, and if I am not permitted to have the motion lie over in deference to the gentleman from Illinois, then, in deference to myself, I must insist upon its being disposed of now.

The SPEAKER. The Chair merely desired to know how long the gentleman desired to have the motion lie over.

Mr. MILES. If I can not have unanimous consent that it lie over, I shall insist upon having it disposed of some time before 3 o'clock to-day, as I shall be compelled to leave at that time.

Mr. PAYNE. If it is to go over to be called up during the day, I do not see any objection to that.

The SPEAKER. The gentleman from Maryland asks unanimous consent that this motion lie over for the present, to be called up at some time during the day.

There was no objection, and it was so ordered.

CORRECTION.

Mr. BARTHOLDT. Mr. Speaker, I desire to correct the Journal. On page 5 of volume 1 of the Journal of this Congress, published a few days ago, I find that my name is omitted from the list of those who cast their votes for the honored occupant of the Speaker's chair. By reference to page 4 of the RECORD it will be seen that I did cast my vote for Hon. THOMAS B. REED for Speaker of this House, and I will add that if I had had ten votes I should have cast them all the same way.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHARLES W. STONE. Mr. Speaker, I move to suspend the rules and pass the bill S. 3547, with the amendments recommended by the Committee on Coinage, Weights, and Measures.

Mr. QUIGG. Mr. Speaker, I demand a second.

ORDER OF BUSINESS.

Mr. MORSE. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MORSE. I have been examining the Manual, and I think I am entitled to have consideration of House bill No. 366, which was under consideration on last suspension day. I ask the attention of the Chair to page 348 of the Manual, which says that on the third Monday of each month——

The SPEAKER. If the gentleman from Massachusetts will suspend, the Chair will try to see that justice is done him.

Mr. MORSE. I thank the Speaker. I trust that he will see that I do not lose any of my rights.

The SPEAKER. The Chair will see that the gentleman from Massachusetts does not lose either his rights or his privileges.

INTERNATIONAL MONETARY CONFERENCE.

The bill (S. 3547) was read, as follows:

Be it enacted, etc., That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. McRAE, Mr. QUIGG, and Mr. DOCKERY demanded a second.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. McRAE. I object.

The SPEAKER. The Chair desires to submit the question to the House. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] moves to suspend the rules and pass the bill (S. 3547), which has been read, with certain amendments which have been reported to the House from the Committee on Coinage, Weights, and Measures, and the question is upon the suspension of the rules.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. It may be that there is no rule of the House and no custom that would control in the matter, but the gentleman from Arkansas [Mr. McRAE], who is a member of the committee and is opposed to the principle of this proposition, as I understand, rose and demanded a second. The Chair, in his discretion, recognized the gentleman from New York [Mr. QUIGG] as calling for a second. The effect of that recognition, under our rules, is to put the control of the time on both sides in the hands of gentlemen on the same side of the question.

The SPEAKER. The gentleman is correct as to the practice, but the Chair was informed, or supposed he was informed, by the gentleman from Arkansas that he was in favor of the proposition, and therefore told him that he thought he ought to recognize somebody who was opposed to it. If the Chair was mistaken in that, he will accord recognition to the gentleman from Arkansas.

Mr. RICHARDSON. I was under the impression that the gentleman from Arkansas was opposed to the proposition.

The SPEAKER. Possibly the Chair misunderstood.

Mr. McRAE. I did state to the Chair that I would perhaps vote for this bill, but explained——

Mr. McCREARY of Kentucky. Mr. Speaker, a parliamentary inquiry——

The SPEAKER. The Chair would like to have the present one disposed of.

Mr. McRAE. I stated to the Chair the exact position I occupied toward this bill. While I have no faith in the scheme proposed by the bill, I expect——

Mr. GROSVENOR. I rise to a point of order.

Mr. McRAE. I expect, if we are fairly treated, and an opportunity given to explain why, to vote for it.

Mr. GROSVENOR. I make the point of order that debate on the question is not in order at this stage.

The SPEAKER. The gentleman from Arkansas is not debating the question. He is simply making a statement in regard to the parliamentary situation—correcting a misunderstanding that may have existed.

Mr. RICHARDSON. Besides, there is already a point of order pending.

Mr. McRAE. While I am opposed, as I believe the most of the Democratic party are opposed, to this method of reaching the question, yet those of us who were members of that committee have felt that it was our duty to consent to the reporting of the bill, and perhaps we may vote for it, in order that the judgment of the people as registered in the November election in favor of an international agreement may be promptly and fairly tested. We thought that the minority in this House and the minority on the committee should at least have the right to control a part of the little time allowed, and for that purpose and for these reasons I sought recognition.

The SPEAKER. The Chair desires to recognize members in accordance with a distinct understanding that a part of the time goes to one side of the question and a part to the other. The Chair hopes the gentleman from Tennessee will accord to the Chair a desire to carry out that understanding.

Mr. RICHARDSON. Unqualifiedly. I indorse the position of the Chair in this matter. I was under the impression that the gentleman from New York [Mr. QUIGG] agreed with the gentleman from Pennsylvania; and I meant no reflection on the gentleman from New York in opposing the recognition made by the Chair. I thought the minority of the House ought to control the time in opposition to the measure. But I think the Chair is correct if the gentleman from Arkansas occupies the position which I now understand him to state that he does.

The SPEAKER. Is there objection to considering a second as ordered?

Mr. McCREARY of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will proceed.

Mr. McCREARY of Kentucky. Under the rule, if the pending motion be seconded, only twenty minutes are allowed for debate on each side. I desire, at the proper time, to move that one hour be allowed on each side. This is a very important bill.

Mr. DINGLEY. The time can only be extended by unanimous consent.

Mr. McCREARY of Kentucky. I am aware of that. I desire to ask unanimous consent at the proper time.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

So the motion to suspend the rules was seconded.

The SPEAKER. Twenty minutes on each side are now allowed for debate. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized to control the time in the affirmative, and the gentleman from New York [Mr. QUIGG] to control the time in the negative.

Mr. McCREARY of Kentucky. I ask unanimous consent (though I would prefer that the request be made by my friend from Pennsylvania) that one hour be allowed for debate on each side of this question. This is a matter of international importance. This is one of the most important bills that we have had before the House of Representatives. And I should like to occupy fifteen or

twenty minutes myself. I had the honor of participating in the last international conference on this subject, and there are some questions connected with it that I should like to bring to the attention of the House.

The SPEAKER. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that the time for debate be extended so as to allow one hour on each side. Is there objection?

Mr. GARDNER. I object.

Mr. GROW. I hope the gentleman from New Jersey [Mr. GARDNER] will withdraw his objection. On a question of this kind a debate of two hours is certainly not too long.

Mr. GARDNER. Upon the appeal of gentlemen around me, I withdraw the objection.

The SPEAKER. Is there further objection? The Chair hears none, and the time for debate is extended accordingly. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized.

Mr. BAILEY. I ask unanimous consent, in view of the extension of time, that the two hours shall be so divided that gentlemen represented by the gentleman from New York [Mr. QUIGG], who believe in the maintenance of a single gold standard, shall have one-third; gentlemen represented by the gentleman from Pennsylvania, who believe in international bimetallism, shall have one-third, and that the gentleman from Arkansas [Mr. MCRAE] shall be permitted to control one-third of the time in behalf of those who believe in independent bimetallism.

Mr. DINGLEY. The artificial distinction which the gentleman is making can not be admitted.

Mr. BAILEY. Of course the granting of the request does not agree to the distinction.

Mr. DINGLEY. Let the time be divided between those who are in favor of this bill and those who are opposed to it. That is all there is of it.

Mr. BAILEY. The gentleman knows very well that there are three different views in the House on this question.

Mr. MILNES. Regular order.

Mr. TERRY. Let us have a little fair play about this matter, instead of calling for the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized.

Mr. CHARLES W. STONE. Mr. Speaker, in order that there may be no misunderstanding, I desire to ask the Chair whether the extension of time was in addition to the twenty minutes allowed under the rule or whether it included the twenty minutes.

The SPEAKER. It included the twenty minutes.

Mr. McCREARY of Kentucky. Mr. Speaker, one other question. At the time I asked for the extension, I said that I should want fifteen or twenty minutes myself.

The SPEAKER. That was not included in the request submitted by the Chair.

Mr. McCREARY of Kentucky. I hope I may have that time.

Mr. HENDERSON. Let us have the regular order, and go on with this bill.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. I know that, under the rule, the gentleman having charge of a bill, under the motion to suspend the rules, controls the twenty minutes provided for in the rules. I desire to inquire whether he will control the whole hour, under the agreement that has been made, and whether the gentleman from New York [Mr. QUIGG] will control the hour on the other side.

The SPEAKER. The Chair understands, unless some special provision is made, that the gentleman from Pennsylvania [Mr. CHARLES W. STONE] will be recognized to control the hour on the one side and the gentleman from New York [Mr. QUIGG] to control the hour on the other side.

Mr. McMILLIN. I think there ought to be some equitable disposition of the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] is recognized, and the debate begins at a quarter before 1 o'clock.

Mr. CHARLES W. STONE. Mr. Speaker, the purpose of this bill as it came from the Senate was very simple and easily understood. It provided merely for representation of the United States in any international monetary conferene that may be called, and it authorized the President of the United States to call such conference, if, in his judgment, that course seemed judicious.

The committee of the House of Representatives having charge of this bill have recommended some additional features. They propose to vest in the President not simply the power to call a conference, but to prepare for the conference, if necessary, or to substitute for it the plan of negotiation by diplomatic communication.

It is a fact, stated by our representatives at the last conference, that in that conference they were embarrassed, owing to the fact that they had not, as they expressed it, that knowledge of the autonomy and the monetary systems of the nations with which they were to confer that enabled them to formulate propositions which would be likely to be patiently and favorably considered by those nations; and it is in part in aid of a monetary conference, as preliminary thereto, that we propose to vest in the President the right to appoint special commissioners to conduct any preliminary negotiation that may be necessary and that may contribute to the success of the conference.

If in his judgment it is deemed best, if it is deemed that he can promote the purpose of the bill better by commissioning men with special qualifications to conduct diplomatic negotiations with the nations separately in lieu of a conference, this bill provides that he may do it. It simply proposes to vest in the Executive all appropriate means to attain the end which the bill has in view.

As gentlemen are aware, there is an existing law providing for the appointment of commissioners to an international conference by the Senate and the House as well as the President. This bill employs practically the same phraseology in expressing its purpose. A further amendment to the Senate bill now under consideration provides that the existing law shall be repealed, so that there shall be no question whether the proposed legislation is simply supplementary to the present law or whether by implication it repeals it. The committee say that it is prudent and proper, to avoid misunderstanding, that there should be an express repeal, and that the exclusive power of designating the representatives of this country at the international monetary conference shall be vested in the President.

Now, as to the general purpose of the bill, I do not propose in anything that I shall say to open the door for an academic discussion of the relative merits of silver and gold or of the question of a single or a double standard. That question was debated on a hundred thousand platforms throughout this country before the last election, and the verdict of the people was rendered. A fair concensus of the opinion of the voters of the country would indicate that the people of the United States are in favor of what is termed bimetallism, but they differ in the methods by which they will attain it, and the basis upon which they would have it rest.

The majority of the voters of this country have pronounced in unmistakable terms that they propose to attain it by no methods and to have it rest on no basis that shall lower the present standard of value or diminish by the hundredth part of a cent the value of a single dollar that now exists in our currency. They insist that the end in view shall be attained only with due reference to that fundamental principle, and that such end can be attained with due regard to that principle only by the concurrent agreement of the principal commercial nations of the world. We have announced a distinct purpose, a distinct pledge, if you please, that we will endeavor to promote this end by that means, and by that means simply; and the purpose of this bill is to crystallize into statutory form that express sentiment, purpose, and pledge of the American people.

Now, sir, it may be said—it frequently is said—that a conference will be but a vain and useless thing; that we have held four conferences, and that they have been failures. It is true, Mr. Speaker, that we have held four conferences, and it is true that they have not been productive of practical results; but it is also true that the last conference had so much promise of practical results that it saw fit to adjourn with a view of meeting again and continuing the investigation. It is also true, Mr. Speaker, that within the two or three years that have elapsed there has been a decided change in the condition of affairs. The popular branch of the British Parliament twice has passed resolutions favoring an international conference, and they passed them once, at least, without opposition. It is also true that the popular branch of the German legislative body has passed a resolution to a similar effect. It is also true that the French Chamber of Deputies, echoing the declarations of the minister of finance of France, has declared its purpose and its desire to promote this object.

So, sir, with the change of the control of the ministry of England, with the practical change in the zeal and earnestness, at least, of the attitude of France, with a declared interest in this matter in the legislative body of Germany, we approach another conference under entirely different circumstances from those which characterized the opening of the last. And then again, what I deem an important matter, the United States goes into that conference under an entirely different condition of affairs. It was announced in the conference of 1892, by the chairman of our delegation, that the United States then occupied simply a temporary position, prepared to travel one way or the other, as its policy and interest might dictate. The United States enters another conference now with a declaration of a positive purpose and policy. It enters that conference saying to the other nations, "We come to you in agreement substantially; we come not as suppliants, asking any special favor to ourselves, we come to stand by the commercial nations of the world upon whatever basis they may determine, and to compete with them, to struggle with them, if necessary, for our share of the space upon that platform. We come with an avowed purpose, and we ask of them, not simply as a favor to us, but as a matter of common concern, as a matter of interest to them as well as to us, to consider this great question."

I apprehend the representatives and the statement of the United States will be listened to in a manner which we have not been listened to before.

I do not undertake to say, Mr. Speaker, that an international conference is bound to be a success. I do not undertake to say that it will certainly result in the attainment of the purpose stated in the first section of this bill, but I do mean to say that it may result in that conclusion; and I insist that so long as there is reasonable possibility of success we ought in good faith to the American people to make an honest and an earnest effort to attain it. I do not undertake to say that the entire purpose contemplated by this bill may be attained; but I do say that there is a strong probability that something may be done. I say that some step in advance may be taken; and if you can secure an agreement that binds the great commercial nations of the world upon any proposition that recognizes the fact that this is a question of common concern, that it ought to be dealt with as a matter of common concern by all these nations, it is a long step in advance. But, sir, whether this shall be a success or failure, whether practical results shall come from it or not, it is time that the question was settled. If it shall succeed, if beneficent results shall come to this people and to the world, we shall all be gratified. If it shall not succeed, then there will be removed from the domestic arena an important factor which now seems to enter into the solution of our currency question.

So, sir, I say we ought to proceed, we ought to sound and sound to the bottom the possibilities of some practical results from this line of action. Upon these grounds, Mr. Speaker, upon the ground that there is a possibility, that there is a reasonable probability of progress, if not the attainment of the entire purpose in view, upon the higher ground of a moral obligation arising from a distinct and positive pledge to the American people, I ask for the passage of this bill. We have made an honest promise, a deliberate promise, and a promise by and to an honest people ought to be honestly and fairly recognized, and honestly put into practical operation. [Loud applause.]

Now, Mr. Speaker, I do not propose to use the time which I would like to occupy, but which many gentlemen upon this floor also have some claim to; and I desire as far as possible to divide it in such a way as shall be fair to the various elements desiring to be heard on this question.

Mr. HARTMAN. I desire to ask the gentleman a question. Has the gentleman any information which he would be willing to give to the House as to the effect, or the probable effect, of the additional amendments which are put on the bill?

Mr. CHARLES W. STONE. In answer to the inquiry of the gentleman from Montana, I have only to say that the amendments placed upon the bill are designed to give it greater efficiency, and in consultation—not consultation, but conversation—with various friends of the bill in the Senate, I am advised that they are regarded as valuable and important additions to the bill, which would rather tend to facilitate than to impede its passage. How much time have I occupied, Mr. Speaker?

The SPEAKER. The gentleman has occupied fourteen minutes.

Mr. CHARLES W. STONE. I will yield fifteen minutes to the gentleman from Kentucky [Mr. McCREARY], who was a member of the last international monetary conference.

Mr. McCREARY of Kentucky. Mr. Speaker, I shall support the Senate bill and also the amendment offered by the committee. The object of the proposed legislation is to secure, by an international monetary conference, or by diplomatic negotiations, "an international agreement establishing a fixity of relative value between gold and silver as money by means of a common ratio between those metals, with free mintage at such ratio." The bill fixes no time for the conference to be called or for the diplomatic negotiations to commence; but I have confidence that the incoming President, who is vested with such important power, will act promptly and wisely. I am in favor of the bill because I wish to do all in my power to promote bimetallism, and also because I desire to give Republicans every opportunity to comply with the pledge made in their last national platform.

The demands of commerce, agriculture, industry, and finance in the great and growing nations of the world, where progress and development, telegraphic communication, and railway facilities are so conspicuous, make it absolutely essential that there should be a currency which is safe and sound and of a common standard of value, and receivable by the people of every commercial nation on earth. That there is a growing feeling in our country in favor of an international agreement is very manifest. Both of the great political parties referred favorably to an international monetary conference in their national platforms in 1892, and in 1896 the Republican party in national convention declared:

> We are opposed to the free coinage of silver except by an international agreement with the leading commercial nations of the world, which we pledge ourselves to promote; and until such agreement can be obtained the existing gold standard must be preserved.

In addition to this, the President-elect, McKinley, declared in his letter of acceptance that he would use all proper means to promote an international agreement. The introduction of this bill, and its almost unanimous support in the Senate and the support it will receive in the House of Representatives, presents additional evidence that the people and their representatives are not in favor of the single gold standard, but that they earnestly desire pure and genuine bimetallism. When we add to this the fact that at the last November election six and one-half millions of voters cast their votes for a candidate for President who was in favor of the free and unlimited coinage of gold and silver at the ratio of 16 to 1 by the United States alone, the conviction that the people are in favor of bimetallism is clear and certain. The method of obtaining bimetallism seems to be the point of difference between the people of our country, and this is the problem which is to be solved. It is certain, however, that the last November election showed that the voters of our country were by an immense majority in favor of the concurrent use of gold and silver as a circulating medium of exchange at a fixed relative value as standard coin and legal tender. The Democratic party proposed to solve the problem by the free and unlimited coinage of gold and silver by the United States alone. The Republican party opposed this proposition, and pledged its best efforts to bring about bimetallism through an agreement between our country and other leading commercial powers. I have no doubt that thousands and perhaps hundreds of thousands of voters in the United States voted against the Democratic candidate for President and for the Republican candidate for President because they believed an international agreement was possible, and that this could be brought about with less disturbance to business and values and less danger to existing conditions than by the independent action of the United States.

The time has now come when we have an opportunity to try to solve the problem and determine whether international bimetallism is practicable. We have reached a situation when honest, earnest efforts should be made to secure an international agreement with the great commercial nations of the world; and if success should not be attained, then we will be ready to consider some other plan. It is certain that the demand for an international monetary agreement will not cease until it is accomplished or until an earnest effort results in failure. If it succeeds, I shall rejoice and be glad that the most momentous question now engaging the attention of the civilized world has been settled. If it fails, the tendency in favor of independent action by the United States alone will be greatly strengthened.

In this connection I can not omit to speak of the distinguished Senator who, as a preliminary promoter of international bimetallism, is now in Europe. He does not seem to have been successful in England, but his earnest efforts and the generous donation of his time, and the indorsement which it is claimed is given to him by those now high in authority, or soon to be high in authority, are confessions that something is desired or needed in monetary affairs other than that we now have.

Mr. COX. I would like to ask the gentleman two or three questions.

Mr. McCREARY of Kentucky. My time is limited. Give me one of them now. I yield for one question only.

Mr. COX. Did you not state on the floor of this House that at the last international conference, of which you were a member, the trouble in reaching bimetallism by international agreement was owing to the attitude of England?

Mr. McCREARY of Kentucky. My statement was not so broad as that. There were other causes. England has always stood like a lion in the way, obstructing movements toward international bimetallism. She is a creditor nation, and has had the single gold standard since 1816, and many believe she will never become a party to an international monetary agreement for the free coinage of gold and silver until other nations have entered into the compact and the situation compels her to such action. I hope she will join the movement after a while. I have no doubt the distinguished Senator who crossed the ocean in the interest of bimetallism found more encouragement in the Latin Union countries (France, Belgium, Switzerland, Italy, and Greece) and also in Spain and Russia, where silver and gold are used in nearly equal quantities as money, than he received in England.

I believe the nations of Europe, with perhaps the exception of the Scandinavian countries (Norway, Sweden, and Denmark), will gladly meet in conference with our country. Since I had the honor of being a member of the international monetary conference which met in Brussels, Belgium, in November, 1892, I have received many letters from the delegates composing that conference. I shall briefly refer to several letters received by me during the last month from distinguished and influential persons residing in some of the great commercial nations of Europe. Alfred de Foville, director of the mints in France, in his letter dated January 13, 1897, says:

> On the 9th of December last our prime minister, Meline, said to the Chamber of Deputies, relative to the agricultural crisis: "As to the remedy, it is

clearly indicated. It is to return to a state of thing which up to 1873 assured the safety of affairs—the reestablishment of a fixed relation between gold and silver."

Montefiore Levi, president of the Brussels monetary conference of 1892, and now a Belgian senator, in his letter dated January 11, 1897, says:

My firm belief is that if the United States proposes a conference it would meet with universal acceptance.

G. M. Boissevain, a delegate to the Brussels conference from the Netherlands, and the author of several important works on bimetallism, says in his letter dated January 16, 1897:

It is certain that my Government is as strongly as ever in favor of an international bimetallic arrangement, provided it can be secured on a solid basis, and in this opinion the Government is heartily supported by public opinion. I have a very strong feeling that it would be very desirable and necessary for your Government to invite a conference jointly with a European Government—let it be with France, best of all.

I have another letter, dated January 9, 1897, from one of the most prominent and influential members of Parliament in England, whose name I am not authorized to make public, who says:

It has long appeared to me that the only feasible way of bringing about an international agreement was for France and the United States to join in one at once at 15½ or 16 to 1. I look to France and the United States, by acting boldly, as the only countries fitted to move the question forward. * * * I should hope that if France and the United States agree to open their mints to silver and enter into an agreement for a term of years, England would open the Indian mints, and I believe Germany and other countries could be got to coin silver. France and the United States, with open mints in India, would be strong enough to maintain the parity. * * * When the ratio was once established, I should not despair of Germany and Russia and Austria, and even of England, ultimately joining. But two powers at least must lead the way. These powers must be France and the United States.

The suggestions of this able financier and distinguished member of Parliament are worthy of the kindest and most careful consideration. If the Latin Union countries were able under an international agreement to maintain the parity of gold and silver for many years, the question of the United States and a part of the nations of Europe entering into an agreement is well worthy of examination and consideration, especially when, as he says, Germany, Russia, and Austria, and even England, might ultimately join.

Mr. Speaker, I have been asked what international monetary conferences have accomplished. Four international monetary conferences have been held in the last thirty years. The first conference was held at the invitation of France, and met at Paris on June 17, 1867. The second conference met at the invitation of the United States at Paris, August 16, 1878. The third conference was called by France and the United States, and held in Paris in 1881. The fourth and last conference was held at Brussels in 1892. There were but nine nations represented in the conference of 1878, and thirteen nations represented in 1881. At the last conference, held in Brussels in 1892, twenty nations were represented and all the delegates were in their seats the first day the conference assembled. This showed the deep interest the nations of the world were taking in monetary questions, and that this interest had increased as the years had advanced. When the conference assembled at Brussels, the chairmen of the respective delegations, speaking for each of the twenty nations there represented, admitted that there was a serious monetary condition in Europe, and the minister of finance of Belgium, Mr. Berneart, in his address inaugurating the conference, declared that those who will find a remedy for the difficulties and perils of the actual monetary situation will certainly merit well of humanity; and Mr. Montefiore Levy, on accepting his high office as president of the conference, said with much force that the delegates had assembled to find, if it exists, a means of palliating by a more general use of silver in monetary affairs the serious inconvenience from which every civilized nation suffers to a more or less degree. I refer to these statements to show the great interest in monetary conferences and the universal admission that the monetary condition of Europe needed relief. While the monetary conferences that have been held were not successful on the main question, they made substantial progress in the development of bimetallism and helped to educate the people and open the way for that international agreement which I hope will come after a while.

I have been asked also if the prospect of success is better now than heretofore.

I believe the prospect for international bimetallism is better now than ever before. When the first conference was held, only about half of the nations of Europe participated. At the last conference all sent delegates. In the last year the French Chamber of Deputies and the German Reichstag have each declared in favor of a monetary conference, in order to secure an international agreement for the rehabilitation of silver at a common ratio with gold, and in England the House of Commons urged upon the Government the advisability of doing all in their power to secure, by international agreement, a stable monetary par of exchange between gold and silver.

The latest information I have seen on this subject is in the February number of the National Review, published in London, which contains an important review of the bimetallic situation in Europe by the several leaders of the movement in England, France, and Germany.

Dr. Edmond d'Arters, secretary of the French Bimetallic League, declared that there is no doubt that the French Government and a great majority of the French Parliament are in favor of bimetallism.

Dr. Otto Arendt, a member of the Reichstag and of the Prussian Diet, declares that only England blocks the way. Germany, he says, will participate in a conference called by any other power.

Lord Aldenham, who is a director of the Bank of England, says:

There is no doubt that France and the United States, by agreeing together, would themselves maintain a bimetallic law.

The action of legislative bodies and the declarations of prominent statesmen in the leading commercial nations of Europe show that the desire for international bimetallism is increasing.

I am heartily in favor of the amendment offered by the Committee on Coinage to the Senate bill which authorizes the President in his discretion to appoint one or more commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purposes specified in the Senate bill.

The greatest obstacle encountered in all the international monetary conferences, and particularly in the Brussels conference, was that the delegates were not vested with authority to make an agreement, and were compelled to deal with important questions theoretically rather than practically. One of the chief officers of the Bimetallic League in England stated a few days ago his opposition to any conference being summoned unless an agreement has been arrived at beforehand by the countries concerned, and many prominent bimetallists in Europe have recently expressed substantially the same opinion.

If it is possible to arrive at an agreement before the conference meets, the best plan I know of is through diplomatic negotiations.

I believe gold and silver should be maintained side by side; they should be equal in purchasing power, equal in debt-paying power, equal in legal-tender quality.

The position of the United States stands recorded in the act of Congress passed by the Senate and House of Representatives and approved by the President November 1, 1893, and there is no later law on this subject. It is as follows in part:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets, and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

The legislation now pending is for the purpose of securing international bimetallism. The bill as amended should be passed unanimously. Let us do all that can be honorably done to secure international bimetallism, and if, after an honest, sincere effort, the great commercial nations of the world will not join us, then the brave, patriotic, self-reliant, and self-confident people of our great Republic will determine what the United States shall do alone.

Mr. Speaker, "there is a divinity that shapes our ends, rough hew them how we will." Monetary problems and other problems are being solved in a way not expected by some. No longer can genuine bimetallism be opposed, as has so often been done, because of the enormous overproduction of silver. In 1890 the production of gold in the world was $118,000,000, and the production of silver about $200,000,000. In six brief years, as if the great Creator of man and of the world had interposed to answer the argument, the amount of gold annually produced in the world nearly doubled, while the amount of silver annually produced increased but little, and the Director of the Mint shows the remarkable fact that in 1896 the world's production of gold was $215,000,000 and the world's production of silver was $215,000,000, coinage value.

No longer can it be claimed that the election of a President will restore prosperity and bring every blessing to our country, for low prices, breaking banks, sheriffs' sales, armies of unemployed men and women, and the absence of a prosperity which cometh not refute the claim.

No longer can it be claimed that the per capita of money in the United States is just and sufficient, for the report of the Director of the Mint shows that in this the most progressive country on earth, surpassing all others in its agriculture, manufactures, mines, railroads, telegraphs, and enterprises of every description, all of which require large amounts of money, the per capita of money in the last quarter of a century has increased less than in any other great country in the world except France, where the per capita has for many years been a third more than in our country.

Since 1873 the per capita of money in the United States has increased $2.67, or from $21.36 to $24.03. In Great Britain it has more than doubled, having increased from $9.90 to $20.80. In

Germany it has increased from $18.59 to $19.28. In Belgium the per capita has doubled, having increased from $14.44 to $28.49, and in Italy it has also doubled, having increased from $4.88 to $9.96.

No longer can it be doubted who are the heaviest losers under existing conditions. There has been a loss to the farmers of this country on their products of nearly one-half by the fall in prices since 1875. I have here an exhibit made by Mr. Barker February 6, 1897, in which he gives the estimated acreage and value of the cereal crops of the United States for 1875, 1885, and 1895 and 1896, which I will insert in the RECORD:

Cereal crops of 1896 and estimation of what their value would have been at 1895, 1885, and 1875 prices.

Crop.	Area, 1896.	Value, 1896.	What the value would have been at prices realized in—		
			1895.	1885.	1875.
	Acres.				
Corn	81,627,000	$491,007,000	$564,042,570	$709,338,630	$1,011,958,530
Wheat	34,619,000	310,603,000	241,986,810	278,082,960	386,594,230
Rye	1,831,000	9,961,000	11,592,230	10,839,530	19,902,970
Oats	27,566,000	132,485,000	161,812,420	217,220,080	299,642,420
Barley	2,951,000	22,491,000	20,204,860	35,530,040	49,370,230
Buckwheat	755,000	5,522,000	6,862,950	5,983,000	9,648,850
Total	149,349,000	972,069,000	1,012,501,860	1,257,594,220	1,777,117,230

Not only has the farmer lost nearly one-half of the amount he should have received on his products, but he has lost heavily in the decrease in value of his land. The census report of 1890 shows that the property, real and personal, in the United States was of the value of $65,037,091,197, and that real estate, with improvements thereon, was valued at $39,544,544,333. According to the best information obtainable, real estate has shrunk in value nearly one-third, but the indebtedness of individuals and corporations, which has been stated by unchallenged authority to be sixteen thousand millions of dollars, has not shrunk, neither has the interest been reduced.

In the light of these facts who can doubt that something is radically wrong. The consensus of opinion is that our monetary system is one of the great causes, if not the greatest cause, of reduction in values, depression in trade, and want of confidence in business circles.

Our whole monetary system should be revised. I regret that my limited time will not permit me to say more on this important subject. The important act to be performed now is to secure bimetallism by international agreement, if possible.

I wish to say in conclusion that the passage of the pending bill will attract attention all over the world, and the people of the United States will watch with the deepest interest the debates and conclusions of the conference and regard its success as the crowning glory of the nineteenth century. The commissioners who will be appointed should go abroad with the indorsement of all parties. The nations of the world should understand by the action of our Congress that we are united and in earnest, and that we desire a fair and just settlement of this question for the benefit of the people and in the interest of nations.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. McCREARY of Kentucky. I should like to have five minutes more to finish my remarks.

Mr. CHARLES W. STONE. I should be glad to yield to the gentleman, but in view of the promises I have made to other gentleman I can not do so.

Mr. McCREARY of Kentucky. I ask, then, permission to extend my remarks in the RECORD.

There being no objection, leave was granted.

Mr. QUIGG. Mr. Speaker, I yield twenty minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. MILES. I believe it was understood this morning that I might have an opportunity, notwithstanding this discussion, to call up again the question of privilege which I raised this morning. The gentleman from Illinois [Mr. HOPKINS] is now present, and I want to allow him the opportunity which I stated I was content that he should have.

Mr. QUIGG. That does not come out of the time of this debate, I suppose?

Mr. HOPKINS of Illinois. Mr. Speaker, I requested the reporters to give me the notes of the remarks of the gentleman from Maryland, made this morning, and was waiting for them to be written out, but I had just as soon take the matter up now, if it is the wish of the gentleman.

Mr. MILES. I have no objection.

Mr. HOPKINS of Illinois. I ask the Reporter to allow me to take the notes of the proceedings of yesterday.

Mr. DINGLEY. I suggest that this be postponed until the bill under consideration is concluded.

Mr. MILES. Mr. Speaker, it was well understood this morning that I should have the opportunity which I am now insisting upon. The gentleman from Maine [Mr. DINGLEY] was not present. I assigned as a reason that it would be important for me to leave——

Mr. DINGLEY. But can it not be postponed just as well until this bill is completed?

Mr. MILES. The gentleman was not present when I stated the reason this morning. I can not consent to that, for the reason that I shall be compelled to leave here at 3 o'clock on account of sickness in my family. It will only take a few minutes, as far as I am concerned.

Mr. HOPKINS of Illinois. Mr. Speaker, I did not hear the statement of the gentleman from Maryland this morning, because I was not in the House. I have since conferred with him. The question that he propounded to me yesterday is as follows:

Do I understand the gentleman from Illinois [Mr. HOPKINS] to maintain that the bondsmen of a sheriff or marshal or deputy marshal are responsible for any illegal act of that officer; or does the gentleman mean to say that they are responsible only for acts necessarily incident to the discharge of the duties of the office?

This came up in a running debate, in which the gentleman from New York [Mr. RAY] took, as I supposed, a radical position. I did not fully understand the question of the gentleman from Maryland [Mr. MILES] at the time, and supposed that his position was identical with the one taken by the gentleman from New York [Mr. RAY]. My answer was:

I mean to say that as the bond runs, the bondsmen are liable to pay whatever judgment is rendered against the officer.

His rejoinder was:

Of course; but can judgment be rendered for any unlawful act that he may commit?

My answer, as taken by the Reporter, was:

I undertake to say that it can in Illinois; and such ought to be the law everywhere.

What I desired to impress upon the House yesterday was that the officer and his bondsmen were liable for his acts as such officer while done under the color of his office. When I came to look at my answer as taken by the Reporter, I thought that was not sufficiently clear, and I inserted what my understanding of the law then was and always has been, that he is liable for his acts "done under color of his office."

I inserted those words, which the gentleman complains of, because of the subsequent answer which he made.

Mr. MILES. What was that subsequent answer? The gentleman should read it, in justice to me.

Mr. HOPKINS of Illinois. The subsequent answer of the gentleman is:

Mr. MILES. It certainly would not be good law anywhere else than in Illinois.

Mr. MILES. That is, as you stated it.

Mr. HOPKINS of Illinois. The gentleman's position on the law, as he stated it, was correct law, and as I have understood it, and as I supposed the House understood my position. Now, in inserting the words—

If done under color of his office—

I simply did what has been done by every member of this House in the revision of his remarks where the notes of the Reporter do not state his position as he intended to state it. I did no more than the gentleman from New York or any other member has done in doing that. I did not look at the gentleman's answer yesterday, to see whether I had misconstrued the position of the gentleman from Maryland, and did not notice it until the gentleman called my attention to it after I came in on the floor this morning.

Mr. MILES. The gentleman will admit, however, I think, that the question which I asked him clearly shows that I had a correct apprehension of what he said.

Mr. HOPKINS of Illinois. Your original question, as I understood it, and as I was seeking to state it to the House——

Mr. MILES. But you evidently misunderstood me, did you not?

Mr. HOPKINS of Illinois. Yes; I misunderstood your first question. So that in inserting the words—

If done under color of his office—

I simply exercised the privilege that has never been denied to any member on this floor, and that is constantly practiced by members in revising their remarks.

Mr. COLSON. I ask unanimous consent that the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Maryland [Mr. MILES] be considered as most excellent lawyers. [Laughter.]

Mr. MILES. Mr. Speaker, I do not wish this House to consent to any such general proposition. I think the gentleman from Illinois is an excellent lawyer; I am only a humble member of that great profession; but in this particular instance an humble member of that profession was right, and is willing and content to insist upon the statement that he was right before this high tribunal. The gentleman from Illinois, as I now understand him,

has stated to the House that he misapprehended my question, and that, therefore, he was to some extent wrong, or stated the proposition of law a little too broadly, and that he revised the Reporter's notes so as to confirm the proposition of law which I had laid down. Is that correct or not?

Mr. HOPKINS of Illinois. The gentleman does not understand me to convey the idea that I have misstated him?

Mr. MILES. I do not want to be understood in that way. I do not believe the gentleman undertook, or now undertakes, to misstate me. I accept, Mr. Speaker, in good faith, the explanation which the gentleman has made to the House, and I am content that the matter shall drop where it is. [Applause.]

INTERNATIONAL MONETARY CONFERENCE.

The SPEAKER pro tempore (Mr. GROSVENOR). The Chair recognizes the gentleman from Arkansas for twenty minutes.

Mr. McRAE. I yield five minutes to the gentleman from Florida.

Mr. QUIGG. Does this come out of the time for debate?

The SPEAKER pro tempore. Ten minutes' time has been consumed and will not be considered as having been occupied during this debate.

Mr. QUIGG. I do not know that I understand the Chair to state that the ten minutes is to be deducted from the two hours' debate?

The SPEAKER pro tempore. Debate has been suspended for five minutes. The debate will now continue for the two hours originally agreed upon.

Mr. QUIGG. Excepting the ten minutes?

The SPEAKER pro tempore. The debate will continue for the full time of two hours.

Mr. SPARKMAN. Mr. Speaker, I shall occupy but a few minutes of the time of this House in stating the reasons which impel me to give this measure my support. I voted in the committee to report this bill to the House, and I shall vote here to pass it through the House, because, in my judgment, the people of this country, and a large majority of them, too, are in favor of bimetallism, at least by and through an international agreement. If there is anything in the history of this country during the past twelve months that has been emphasized above everything else, it is that the people desire bimetallism.

When the two great political parties of this country assembled in their respective national conventions last year, each one as I read their platforms declared in favor of bimetallism. True, the Republican party only favored this condition of things through international agreement, but they pledged themselves to use their best efforts to bring about an international agreement, which should result in giving the people bimetallism. The Democratic party did not go so far as that, but considering the conditions surrounding the country and the difficulties lying in the way of international agreement, and recognizing the great necessity of early action, declared in favor of bimetallism at the ratio of 16 to 1. On these two propositions, plainly set forth, each party went to the country and something like 14,000,000 of voters attested the devotion of the people to the double standard.

Now, Mr. Speaker, certainly the Republican party can not object to this bill, which has for its object the furthering of bimetallism by international agreement, as they stand committed to that proposition; nor can the Democratic party object, because the same necessities and conditions which justified them in demanding the free coinage of silver, even at the ratio of 16 to 1, would induce them to agree to a proposition that would give them similar results by international agreement.

Again, Mr. Speaker, I favor the passage of this bill because I think if its provisions are carried out in good faith it will redound to the benefit of the people of this country. As I view the situation which confronts us to-day, I feel that the best interest of the country will be conserved by a return to the bimetallic system, and especially so if it is brought about by international agreement. Many, even of those who supported the Democratic ticket, seemed to think that the proposition to coin gold and silver alike at the ratio of 16 to 1 was an experiment more or less dangerous; but certainly no bimetallist can find any objection to the adoption of that system through the concert of the great commercial nations of the world. And these are the objects and purposes of this bill.

Now, Mr. Speaker, I am not one of those who think that the provisions of this bill can not be carried out, and that the efforts we are making to-day are doomed to failure. On the contrary, I believe that the plan as outlined in this bill can be conducted to a successful termination, provided the proper effort is made to attain success. I believe that success or failure depends largely upon the incoming Administration, which will be charged with the execution of the provisions of this bill.

If an honest, earnest effort is made in that direction, then I believe success will crown the efforts of the President, and he will not have gone out of office before bimetallism by international agreement will have become an accomplished fact, or before such steps shall have been taken as will assuredly bring it about in the near future; but if he should disregard the wishes of the great body of American people, so recently expressed at the polls, and, listening to the whisperings of the small minority who believe in a single gold standard, should make no determined effort in the direction of international agreement upon this great question, then nothing will be accomplished and we had as well not pass this bill, as it is a waste of time and effort.

I repeat, Mr. Speaker, that there is no reason why with proper effort the objects and purposes of this bill should fail of accomplishment. Why, Mr. Speaker, ours is the most powerful nation on the face of the earth, and her influence when properly exerted is correspondingly great. Our past history affords many illustrations of this truth. Three-quarters of a century ago, when in our infancy, a President of the United States promulgated a doctrine alike startling and far-reaching in its effects. This was none other than the Monroe doctrine; and although we were weak then as compared with our present condition, all the great nations of the earth practically acquiesced in our claims thus clearly and plainly made, and to-day no principle of national law is more firmly established than the rights we then asserted.

Still more recently, and within the past few weeks, by and through the influence of this country, a treaty has been signed by the agents of the two English-speaking countries which, if formally ratified, as it doubtless will be, will make war between them a thing of the past. And when, through the same influence and the example set by these two great countries, the provisions of this treaty shall have extended to the other nations of Europe arbitration will take the place of sword and universal peace will prevail throughout the world. Then the large standing armies of Europe, which tax the resources of those great countries to their uttermost, will be disbanded and the millions of men forming them will be returned to peaceful pursuits, and, entering the various fields of industry, will contribute much toward bettering the condition of mankind and toward the material progress of the world.

If, then, our influence in all these great undertakings has been so potent among the nations of the earth, why should we fail of success in our efforts to bring about bimetallism by agreement between these nations? I see no reason, Mr. Speaker, except indifference. If we try, I believe success is possible. If we make no effort, or if the Republican party is not sincere in this matter, we will not succeed within the next four years at least. The opportunity is the Republicans, and the responsibility is likewise theirs. They have sought the former, and they can not escape the latter.

Mr. McRAE. I yield five minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, in the five minutes allotted me to address the House upon the pending measure, I desire briefly and plainly to state the position of the silver Republicans with reference to this bill. We intend to cast our votes in favor of the passage of the bill. In so doing, we desire to distinctly disavow any belief at all that there will result from its passage any international agreement for the achievement of bimetallism; and at the same time we desire to register our unqualified detestation of the idea embodied in the declaration which is made that we must have the consent of the leading commercial nations of the earth before we can legislate for ourselves. We desire to denounce that declaration of national incapacity as un-American, unpatriotic, humiliating, and degrading. We call attention to the fact that all of the international conferences which have been held in the past to achieve bimetallism have been dismal failures. We call attention further to the fact that, from the authority of the London Statist, which ought to be good authority in a gold-standard House, it appears that Great Britain enjoys an annual advantage each year in the matter of exports and imports of $345,000,000. In addition to that, she takes annually over $200,000,000 increased amount of our products in payment of interest, when the value of that property is measured by the scale of prices of 1895 as compared with the scale of 1890. Who believes that, thus enjoying an aggregate advantage of $425,000,000 per annum under the existing gold standard, Great Britain will ever consent to its surrender by an international agreement?

Again, I want it distinctly understood, Mr. Speaker, that no longer is there any opportunity to juggle with the word "bimetallism." Why? Because the word "bimetallism" does not appear in the platform at all.

Mr. ANDREWS. Mr. Speaker——

Mr. HARTMAN. I decline to yield, Mr. Speaker; I have but five minutes.

The pledge of the platform says, in plain words:

> We are therefore opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

That statement is a solemn pledge, first, to oppose free coinage except by international agreement, and second, failing in such agreement, to maintain the existing gold standard. Therefore,

Mr. Speaker, I want to impress upon this House the fact that no longer can they bring up before the American people the definition of bimetallism which was born in the mind of a distinguished Senator of the United States, and which means the maintenance of the gold standard, with silver as a subsidiary coin. That will not fulfill the pledge. An international agreement that England shall take so much silver, Germany shall take so much silver, France shall take so much silver, and that we shall have an enlarged use of silver, will not fulfill the pledge. It must be a straight, unequivocal, unqualified agreement to open the mints of the nations of the earth to the free and unlimited coinage of gold and silver at an established ratio, without any discrimination against either, each to be used as standard money. Mr. Speaker, we propose, as I have said, to respond to the demand of the platform and to give an opportunity to the Republican party to carry out their pledge. If they fail to carry it out, they fail to keep their promise. If they attempt to carry it out, they will fail to achieve international bimetallism.

Mr. McRAE. I do not think, Mr. Speaker, that it is fair that we should be required to occupy all our time before the gentlemen on the other side say anything; but that is the condition upon which we are allowed any time at all. As I desire to occupy only five minutes, I hope the Chair will notify me when that time has expired.

The question presented to us to-day by this bill, as I understand it, is whether this House will authorize the majority party to do what it promised by its platform adopted June 18, 1896, which declares that—

> We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our Government. We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

Upon that platform they went to the country, with Mr. McKinley as their candidate. In opposition the Democrats, Populists, and Silverites nominated Mr. Bryan on platforms declaring for the free and independent coinage of silver. The Democratic platform is as follows:

> We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation.

These two candidates, with these two propositions, Mr. Speaker, went to the people in November last, and if the returns are to be accepted as the proper judgment of the people, a proposition we can not now dispute, a majority of the people have decided that the Republican party, at least for the next four years, shall have an opportunity to bring about international bimetallism. I do not believe that it can be done. The declarations of all the political parties and the utterances of speakers throughout the country in the last campaign show that almost all of the people, without regard to party affiliation, believe in bimetallism, and so I think that since we can not get it independently at present we ought to put no obstructions in the way of those who believe in this method of reaching the question.

The Democratic party, the minority party in this House, is willing, I think, that the Republican majority and the new Administration which is to be inaugurated next week shall be given full opportunity and power and as many methods as is possible to devise to accomplish international bimetallism, if such a thing can be done. So far as I am concerned, I want the test and trial made as promptly as possible, for it is important that something be done to relieve the people from the present strain. We all know that the country is in a desperate condition and demands the careful attention of every patriotic citizen, be he Republican, Democrat, or Populist. We know that banks and business houses are failing every day, that thousands and millions of people are out of employment. We know that all branches of business are prostrated and values are falling.

We believe that this is because of the lack of a sufficient volume of redemption or real money; and with this condition confronting us we should not hesitate to take any step or try any plan that looks toward accomplishing what is needed. While I have no faith in this method, I hope it may succeed. The gentlemen who are by the favor of the people to conduct the affairs of this Government for the next four years ought to have the hearty cooperation of all friends of silver in their efforts to establish international bimetallism, for if they fail, I want this to be the last of such efforts. When we find Germany, England, and France with one-half of the gold of the world, and the annual interest charges to them from the other part of the world absorbing all the products of the gold mines of the world, it is unreasonable to suppose that those countries will agree with the United States, a debtor country, to assist her in securing bimetallism. But if you can get it that way, do so. If you fail, the people will, I think, demand of you, four years from now, to answer why; and if you do not make an honest effort, and do not recede from the position which you took in the canvass of 1896, I believe they will do for you in 1900 what they did last year for the retiring Administration. The people of this country, with their increasing business, do not intend to continue upon the gold standard if there is any possible way by which it can be changed. This is the opportunity for the Republican idea. If it fails, as I think it will, we shall demand independent action on the part of the United States.

[Here the hammer fell.]

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. McRAE] has five minutes remaining.

Mr. McRAE. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, we have had several international conferences, and they have resulted in nothing. The gentleman from Kentucky [Mr. McCREARY] has confessed this morning that the great trouble in these conferences lies with England. Is there any man in this House who supposes that England is going to yield the great advantage which she enjoys under the existing system? Suppose, Mr. Speaker, this conference should be appointed and it should utterly fail; then I want to ask, gentlemen, what are you going to do? What kind of security are you going to get? What kind of legislation are you going to have?

[Here the hammer fell].

Mr. McRAE. I yield four minutes to my colleague on the committee, the gentleman from Texas [Mr. COOPER].

Mr. COOPER of Texas. Mr. Speaker, in the Committee on Coinage, Weights, and Measures I gave my assent to this proposition. I expect to give my assent to it again when the vote is taken. But I say now that I believe this measure to be a will-o'-the-wisp. I believe that by this bill we are undertaking to do circuitously that which we ought to do directly and which we have the power to do independently of any nation on the earth. Four conferences of the kind provided for in this bill have been held; and it has been observed, I think, that at each conference the chance of obtaining the coinage of both gold and silver upon equal terms and so as to perform equal functions is getting further away from us.

We want to increase the volume of money in this country, and we want the volume of money to keep pace with population and commerce, and we want actual money. What gives value to money? It is the demand, and it is this that gives value to any article. It is use and demand that fixes the price and value of all things. Mr. Speaker, if this country alone can furnish the demand for the quantity of silver that is produced in the world, then it can give it the highest possible value and can sustain that which is asked, namely, a parity between the two metals.

It is insisted that we must have the agreement of other nations in order to sustain the parity or value of the two metals when coined. It is asked that we have a conference of this kind in order to secure the assent of England to bimetallism, or to the free and equal use of both gold and silver in this country. Sir, for eighty years England has refused to assent to bimetallism; since 1816 she has declined to place silver and gold upon equal terms. Yet from that period up to the demonetization of silver in 1873 there was no disparity in the value of the two metals. We do not need the concurrence of England in order to establish and maintain bimetallism, nor can we get it, because she is a creditor nation and it would not be to her interest to increase the volume of money, which would be done by the free coinage of silver.

Mr. Speaker, from a partisan view, it is, of course, immaterial to me or to those on this side of the House what course may be pursued by the party which is responsible for legislation here. But I remember, and I give it as a reminder to the other side, that four years ago we had a platform declaring, as I construed it—and it was so construed all over this country—for the free coinage of silver, accompanied with a declaration about maintaining a parity between the two metals, yet when that platform came to be construed the parties then in power construed it to mean the continuation of the single gold standard. The Republican party has now been placed in charge of the affairs of the Government upon a platform declaring that they will do all that they can to promote the free coinage of silver by international agreement. Yet that platform is to-day being construed by a large and strong element of that party to mean a single gold standard. They say that at the last election the issue was drawn between the single gold standard and the free coinage of silver and gold, and that upon that issue the people have decided, and therefore the platform must be construed in the light of events subsequent to the writing of the platform, and that such events justify the conclusion that the plank in the platform means the maintenance of the present single gold standard; and by this they argue that on this question the people are evoluting, and that they will never turn back to what those gentlemen term the "barbaric" system of the use of silver.

Mr. Speaker, it is immaterial to us from a partisan standpoint what course the gentlemen on the other side may pursue; but being interested in promoting the prosperity of the country, in increasing the volume of money, in furnishing to the people that character of money which will circulate freely and equally everywhere, we demand as Democrats the free coinage of silver and

gold upon equal terms—that they may both perform in this country the functions of money; and that this be done without waiting the advice, aid, or assent of any nation on earth.

[Here the hammer fell.]

Mr. QUIGG. It does seem to me that as this debate has proceeded the Republicans of this body must feel a decided nausea at the meal which their Committee on Coinage, Weights, and Measures have invited them to digest in this bill. They have heard from Democrats of the sort that supported the mule ticket, and from Democrats of the sort that supported the Bryan ticket, and from "Pops" of the sort that supported both tickets, that they are going to vote for this bill; and now Republicans, after having fought and won the most desperately contested campaign that this country ever saw, upon the distinct proposition that free silver was a humbug and a wrong, are asked to do something that throws a doubt upon the sincerity of their professions and tends to persuade the people that the Republican position was wrong and that free silver was right.

You can no more get away from the fact that the country will receive our vote—if to-day we pass this bill—as a concession to Bryanism any more than you can get away from the proposition that we fought and won the battle of 1896 on the gold standard; for that is how we did win it. If the Republicans who are asking us to pass this bill had had their way at St. Louis, we should have adopted a straddle platform and should have been hopelessly and deservedly defeated.

I oppose this bill, Mr. Speaker, first, because it is unnecessary as to its object; second, because it is inexpedient and unsuitable as to time and place, and third, because if any results are to follow, either upon the business of the country or upon the welfare of the Republican party, they must be distinctly dangerous.

What is the use of the bill, anyway? The President of the United States has a machine, for which we pay nearly $3,000,000 a year, by which he can conduct diplomatic negotiations. If he wants to find out the temper of any government upon any subject, all he has to do is to set in motion the machinery ordinarily and regularly provided for him, and he straightway discovers all that can be found out by any method of inquiry. Have we not proved by the results of three of these monetary conferences that the ordinary diplomatic machinery is as competent to get results as any such as is here proposed?

Why, sir, we had one conference when silver and gold were at par, and the question simply was how to keep them there. Yet it was impossible to reach an agreement. We had another when silver and gold were only at two points difference, and the question was how to bring them together just two points. But even in that condition agreement was impossible. We had a third when they were about twelve points off, and at that conference nobody so much as suggested a plan by means of which he was willing to say, on his reputation as an economist, that he thought a ratio could be established and held.

We are now invited to create another conference, and at a time when silver is not two, nor ten, nor twelve, but sixteen points away from the ratio that is proposed and intended by the advocates of this bill. The true ratio is now 32 to 1, not 16 to 1; and if we could not hold them together when they were together, and could not reconcile them when they were only two points off, or when they were only ten points off, how can it be supposed that success in this bimetallic enterprise is now possible?

Mr. LACEY. May I ask the gentleman a question?

Mr. QUIGG. I should rather not be interrupted. I have only a few minutes.

The gentleman from Kentucky [Mr. MCCREARY] said that the reason why we failed in these previous conferences was because the Governments empowering the commissioners did not give them a free hand. Well, are your commissioners under this bill going to have a free hand? Why, you know they are not. You know, indeed, there is no way by which you can give them a free hand. You know that the Constitution of your country requires that every treaty that is entered into upon any subject shall come to one branch of this Congress to be ratified. You know that the only authority that could be given to the delegates under this bill is the same which has always been given and no more, and there is no reason to suppose that the delegates from any country will enjoy a larger liberty than ours. It is quite true that they have not had a free hand. They have always gone to the scene of a conference apologizing to one another because they knew they could not do anything, and because they knew they were not expected to do anything.

I object to this bill because it is improper. This Congress has nothing to do with the declaration at St. Louis. The persons who were elected under that platform, to whom this country gave authority under the declaration of 1896, will be in this Capitol—when? Why, in just one week from now, and yet we are told that in advance of their arrival, before they have had any opportunity to consider what policies they will pursue, we must support a bill that comes to us from a Populistic Senate, a body that has defeated every measure for the relief of the Treasury that the Republicans of this House have passed; that we must accept its construction of what our party promised at St. Louis, and with its construction tie the hands of those by whom we shall be succeeded. I say that we have no business to muss with this question at all. We should leave it to be dealt with by those who were commissioned last November. It is they who have the right to construe that verdict and to say what measures they will adopt to give it effect.

In the report which the Committee on Coinage has sent in here in advocacy of this bill they quote from the Republican platform certain observations concerning an international agreement, which are held to be a promise to do something. But there is no promise to do this thing. We did not say in that platform what we should do. We did not say we would call an international conference. We did not define by what means the agreement should be promoted. We left all such questions to be decided in the light of events. Nor did we say only that we would do something to promote international agreement. We said very much more than that, and it is to be observed that the gentleman from Pennsylvania [Mr. CHARLES W. STONE] has left out of his report all the other words, the further words, that were used at St. Louis concerning our financial position. I want to read the whole of that plank, in order that the Republicans of this body shall have it in its entirety in their minds when they vote on this proposition. Now listen to this:

> The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the redemption of specie payments in 1879.

A MEMBER. Specie?

Mr. QUIGG (continuing reading)—

> Since then every dollar has been as good as gold.
>
> We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country.

Does that look like any more nonsense on the subject of a conference?

> We are, therefore, opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency must be maintained at a parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

That is the pledge on which we defeated the combined forces of Democrats and Populists, so valiant here in support of this bill. And we won our victory, not because of what we said concerning an international agreement, but in spite of it. I oppose this bill, in the next place, because if it is going to have any results at all they are bound to be dangerous to the commercial prosperity of the country. We have to-day the same standard that we have had for twenty years. We have to-day the monetary standard under which we were doing business when the McKinley bill was in operation. We had then the highest and the greatest prosperity that this country or any other country under the sun ever enjoyed. That prosperity was interrupted by a bill that locked up the capital of the country, suspended production, and drove labor into idleness, and by propositions that were aimed, as this is aimed, at a double standard and financial confusion. Instead of giving place in our policies to any more follies of this sort, follies which have always been expensive to the Republican party, we should hold aloof from them and repress them.

I warn the Republicans of this House against any more nonsense on the subject of free silver. I warn them against any more attempts to fool the people of this country. We have always been defeated and rebuked when we have engaged in that kind of enterprises. We took on every stump the plain position that the gold standard ought to be maintained, and from that position we should not depart. I reserve the balance of my time.

Mr. TOWNE and Mr. MILLIKEN rose.

Mr. QUIGG. I yield to the gentleman from Maine for a question.

Mr. MILLIKEN. I would like to ask my friend, in the first place, whether he thinks the Republican party was "fooling the people of this country" when they put in their platform the proposition that they would do all they could for international free coinage; and, in the second place, whether, when we get a ratio between gold and silver agreed to by the commercial nations of the world—and that is what the proposition is in the platform and what it means in this bill—whether that is going to interfere with the prosperity of the country; and whether the people of this country will be frightened by a bimetallic currency that is consented and agreed to by the commercial nations of the world?

Mr. QUIGG. The gentleman has asked me two questions that would take at least an hour and a half adequately to answer. But I will say, in the first place, that the men to construe the platform of 1896 and to adopt the measures to give it effect are the men who were elected under it, not the men who are here now and about to go home. To the second question I answer that I do not believe, nor is there any reason why anybody should believe, that this international conference, if called, will have any better or other results than all the other international conferences have had, which is

none at all; and, in the second place, that if an agreement were reached by an international conference upon any ratio whatever, I do not believe that the ratio would stay put. These are the answers. Now I yield to the gentleman from Minnesota for a question.

Mr. TOWNE. I wish the gentleman from New York would kindly state whether his construction of the platform of 1896 is that it embraces a promise to use the endeavors of the incoming Administration honestly and promptly to secure genuine free silver coinage by agreement with the leading commercial nations of the world.

Mr. QUIGG. I will say to the gentleman from Minnesota that I shall give my answer to that question in the next Congress, and to those who were elected with me to membership in that body. [Applause.]

Mr. TOWNE. Is that your answer? If you are content with it, I am, and the country will hold you to it.

Mr. QUIGG. I am absolutely content with it. How much time have I used, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has twenty-two minutes remaining.

Mr. QUIGG. Will the gentleman from Pennsylvania use a portion of his time now?

Mr. CHARLES W. STONE. I yield five minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, by reason of the relative production of gold and silver in the world for the last forty years, without some agreement among commercial nations for the use of silver as a money metal, the question of a standard of value in the money unit would be no longer one of bimetallism—that is, of gold and silver circulating on a parity with each other as standard money of ultimate redemption.

BIMETALLISM ONLY BY INTERNATIONAL AGREEMENT.

Without such agreement the question will be simply whether the standard of value shall be gold, with silver circulating in subsidiary coin, or whether the standard shall be silver alone, without any gold in circulation as money.

For more than five hundred years in all nations it has been a conceded fact, which Sir Thomas Gresham, master of the British mint under Queen Elizabeth, formulated about 1560 in the following words, known since that time as Gresham's law:

When two sorts of coin are current in the same nation of like value by denomination, but not intrinsically, that is, in market value, that which has the least value will be current, and the other as much as possible will be hoarded or melted or exported.

This statement of a fact of universal application in the experience of nations through all time varies in its wording but little from that of Nicolas Oresme, a Frenchman, one of the counselors of Charles V in his treatise on money in 1370, almost two hundred years before Gresham. Oresme's statement is:

That the legal ratio of coins must conform strictly to the relative market value of the metals; that if the fixed legal ratio of coins differs from the market value of the metals, the coin which is undervalued entirely disappears from circulation.

In our present money circulation there are two sorts of coin, one of gold, the other of silver; of the same value by denomination, but not intrinsically, i. e., in market value. They both circulate now on a parity with each other, because the Government has pledged its faith, in a duly enacted law, to keep them so, and has promised to keep in its Treasury not less than $100,000,000 in gold for such purpose. By reason of that pledge, an American silver dollar buys in market just as much of anything as a gold dollar. And a paper dollar buys just as much of anything as either a silver or a gold dollar. Take away that pledge, which is entirely independent of our coinage laws, and our gold and silver coins would immediately come under the operation of Gresham's law, which is just as fixed and immutable as Newton's law of gravitation. Take away this Government pledge, and so long as silver should have a less market value than its denomination, gold would not circulate as money. There would then be only silver in circulation so long as there should be any considerable difference in the market value of the two metals, unless both were kept in circulation by some specific agreement among the nations.

Many persons believe that the passage by Congress of a law to reopen the mints of the United States to the free and unrestricted coinage of silver at a ratio of value of 16 ounces of silver to 1 ounce of gold would of itself restore the silver of the world to its former market price of $1.29 cents an ounce, while it is now selling in all the markets of the world for less than 63 cents an ounce, making the commercial value of our silver dollar about 53 cents. In support of such belief it is claimed that this nation is great enough, rich enough, and powerful enough to legislate on any subject in its own way. Whatever may be claimed for this nation in greatness and power, in territorial extent, in vastness of material resources, and in its ever-increasing wealth and population—grant it all—but this nation is not great enough, rich enough, or powerful enough, nor is any other nation, nor are all the nations of the world put together great enough, or powerful enough, to make 53 cents in commercial value buy in the markets of the world 100 cents in commercial value. This nation is, however, great enough and powerful enough, and so is any other nation, no matter how poor or weak it may be, to make 53 cents in commercial value pay a debt to its own citizens of 100 cents.

There is no nation on the face of the earth, and there never will be one, great enough or powerful enough to fix by law the value in the money unit except for debt paying. Law everywhere makes and fixes the unit of valve, but the dealers in the commodities for which money is exchanged make and fix the real value in the unit. Value in money for trade and commerce is no more the creature of law than is the value in flocks, herds, and cultivated fields. The expectation of acquiring wealth through some theory of legislation has always been more alluring to mankind than by the slow process of labor and economy. But it is not in the power of human ingenuity to devise any scheme by which debased or depreciated money can be used successfully to develop the industries of a country or add to the wealth of a nation.

BUSINESS MAKES MONEY PLENTY.

The advocates of free and unrestricted coinage of silver, no matter what its commercial value may be, have a ready answer to all objections in the question, How can there be too much money? That depends upon its quality. If it is poor money, there is always too much. If good money, then never too much, if there is any use for it. The mere existence of money, no matter how much there may be, creates no business. Money not in circulation neither makes business nor adds anything to what is called prosperity. Business puts money into circulation, not the making of it. While there can not be great prosperity without money, yet business itself must first call for capital, for its development or its enlargement. And capital, which is only accumulated wealth, then furnishes the money for such purpose. Thus is created the demand for labor, and employment gives to labor its purchasing ability, for without employment it has none. In that way comes what is called prosperity. The mere fact of an abundance of money in existence but not in circulation can not make it. There never has been so large an amount of money in this country in time of peace as there has been for the last five or six years. Yet business never languished more, and the ability of labor to buy has seldom, if ever, been less.

There is of money in the country now over sixteen hundred million dollars, all good money, based on gold. A per capita, in round numbers, of $24, being greater than that of any nation, except France, Belgium, Australia, and the Netherlands. It is $3 per capita greater than the per capita in Great Britain. The per capita in gold and silver in this country is equal to that of Great Britain, and greater than that of any other nation except those already mentioned. France has more gold and silver and less paper than any nation. Her per capita is greater than that of any other nation, being $35.97, with only 84 cents of it in paper.

MONEY PER CAPITA.

The following table shows the money per capita and the kind of money in the seven nations having the largest money per capita, and the monetary system of the nation:

Nation.	Gold.	Silver.	Paper.	Total.	Monetary system.
France	$22.19	$12.94	$0.84	$35.97	Gold and silver.
Belgium	8.72	8.71	10.38	27.81	Do.
Australia	24.47	1.49	.....	25.96	Gold.
Netherlands	6.21	11.96	6.08	24.25	Gold and silver.
United States	8.78	8.89	5.93	23.59	Do.
United Kingdom	14.91	2.96	2.91	20.78	Gold.
Germany	12.21	4.20	1.18	17.59	Do.

There is no single silver standard nation in the world that has a money per capita of over $18. Mexico has $4.95 and Russia has $8.46. These two nations are fair representatives of the silver nations in their per capita.

The coinage of silver money of all denominations in the mints of the United States from April, 1792, to February, 1873, was $143,813,598.70; since 1873 to December, 1895, it has been $543,794,030.70, being about four times greater in coinage value for these twenty-two years since 1873 than for the eighty-one years preceding. The money per capita now is greater than ever before in time of peace. Ten years preceding 1892, which is conceded by everybody to be a period of equal if not greater business prosperity than in any other like period in our history, there was through it all the same kind of money we have now, except that there was less per capita and less of silver money. Whatever depression, therefore, there may be in the business of the country, or want of prosperity in its industries at this time, can not possibly be caused by a lack of money, especially in the coinage of silver.

COINAGE OF GOLD AND SILVER.

The coinage of silver money in the United States for the ten years preceding 1893, the year the law was repealed for Government purchase of silver bullion, was, coinage value, $301,926,941, and the coinage of gold for the same time was $271,095,731, the

silver coinage for the ten years being $31,000,000 greater than the gold. The world's coinage of silver money for the ten years preceding 1893 was, coinage value, $1,340,558,658, and the world's coinage of gold for the same period was $1,264,181,751, the silver coinage of the world for these ten years being $76,000,000 greater than the gold. For the year 1873 the world's coinage of silver money, coinage value, was about one-half as much as the coinage of gold. For the year 1888 the world's coinage of gold and silver was almost identically the same, each being, in round numbers, $135,000,000. For the three years ending with 1895 the world's coinage of gold alone was $691,042,987, being a larger average annual coinage of gold than the average annual coinage of both gold and silver from 1881 to 1887. Whatever may be the condition, therefore, of the business of this country at the present time can not possibly result from too little coinage of silver money any more than from too little coinage of gold. For the coinage of silver, like its production in the last twenty years, has greatly exceeded that of any equal period in the history of mankind. The public mind at this time is not so much disturbed about the quantity of money as about its quality, and as to what may be its character in the future.

Jefferson, in his notes on coinage in 1786 to Robert Morris, then Superintendent of Finance, says:

> The proportion between the value of gold and silver is a mercantile problem altogether. Just principles will lead us to disregard legal proportions altogether and inquire into the market price of gold in the several countries with which we shall principally be connected in commerce, and to take an average from them.

He recommended "the appointment of persons to inquire what are the proportions between the volume of the value of fine gold and fine silver at the markets of the several countries with which we are, or probably may be, connected in commerce, and what would be the proper proportion here, having regard to the average of the value at these markets." Jefferson, unlike many of the professed statesmen of to-day, did not think it wise to attempt to settle legal proportions between gold and silver without reference to the market value of the metals in the nations with which we should be connected in commerce. That the present market value of silver could be materially changed by the mere passage of a law by Congress for its free coinage at its old ratio of value to gold would seem to be utterly impossible, in view of the relative production of gold and silver in the world since 1850 and the decline in the market value of silver since 1859.

WORLD'S PRODUCTION OF GOLD AND SILVER.

The following statements of the production of gold and silver, including market price and coinage value of silver, are based upon the tables compiled by Dr. Adolph Soetbeer, who is, as all know, a most competent and reliable authority on these subjects. His tables of production and price, with the additions of the Directors of the Mint, for four hundred years are embodied in the Annual Report of the Director of the United States Mint for 1895 and 1896.

The following table shows the world's production of gold and silver, coinage value, from 1841 to 1895, both years inclusive, in periods of ten years each, except for the last five years:

Years.	Gold.	Silver.
1841-50	$363,928,000	$324,400,000
1851-60	1,332,981,000	372,261,000
1861-70	1,263,015,000	507,174,000
1871-80	1,150,814,000	918,578,000
1881-90	1,060,055,600	1,298,846,900
1891-95	815,664,500	1,025,742,300
Since 1850 (45 years)	5,622,530,100	4,122,602,200

The silver production of the world, coinage value, for the twenty years from 1855 to and including 1875 was $1,104,588,000; for the twenty years from 1875 to and including 1895 it was $2,833,845,200, being $1,729,257,200 greater for the twenty years ending with 1895 than for the twenty years ending with 1875. While the silver production of the world, coinage value, for the ten years ending with 1860 was less than a third in value of the gold production for that period, the production for the ten years ending with 1895 was $349,678,100 greater in value than the gold production for the same period.

The following table shows the production of gold and silver in the world in ounces and coinage value for each of the following years:

Year.	Gold.		Silver.	
	Ounces.	Value.	Ounces.	Value.
1840	652,291	$13,484,000	19,175,867	$24,793,000
1850	1,760,502	36,393,000	25,080,342	32,440,000
1860	6,486,282	134,083,000	29,093,428	37,618,000
1870	6,270,086	129,614,000	45,051,533	55,603,000
1895	9,683,821	200,285,700	169,180,945	218,796,100

The great increase in the world's annual production of gold began in 1850. The great increase in silver began in 1860. The world's production of silver, coinage value, for the year 1840 was, in round numbers, $25,000,000; for the year 1860 it was, in round numbers, $38,000,000, being less than a third in value of the gold for that year. Its production for the year 1870 was $56,000,000, and for 1895, in round numbers, it was $219,000,000.

MARKET PRICE OF SILVER.

The world's annual production of silver and market price since 1859 was as follows:

Year.	Ounces.	Coinage value.	Market price.	Price less than 1859.
1859	20,005,428	$37,618,000	$1.36	
1861	25,401,972	45,772,000	1.33½	.02½
1870	45,051,533	55,603,000	1.32½	.03½
1873	63,317,814	81,804,000	1.29½	.06½
1875	70,996,708	91,585,753	1.24½	.11½
1880	78,775,602	101,851,000	1.14½	.21½
1886	93,297,290	120,626,800	.99½	.36½
1894	167,732,561	216,802,200	.63½	.72½

In 1859 the market value of silver was $1.36 an ounce, the highest price ever known, before or since. Its market price in 1861 was $1.33½ an ounce, being 2½ cents an ounce less than in 1859; the world's production for that year, coinage value, in round numbers was $46,000,000. Its market price in 1870 was $1.32½ an ounce, being 3½ cents less than in 1859, and its production for that year was in round numbers $56,000,000. Its market price in 1873 was $1.29½ an ounce, being 6½ cents an ounce less than in 1859, and the world's production for the year 1873 was in round numbers $82,000,000. Its market price in 1875 was $1.24½, being 11½ cents less than in 1859; the world's production that year was in round numbers $92,000,000. Its market price in 1880 was $1.14½, being 21½ cents less than in 1859; the world's production was in round numbers $102,000,000. Its market price in 1886 was 99½ cents an ounce, being 36½ cents an ounce less than in 1859; the world's production for that year was in round numbers $121,000,000. Its market price in 1894 was about 63½ cents an ounce, being 73 cents an ounce less than in 1859; the world's production for 1894 was in round numbers $217,000,000.

This great increase in the world's production of silver for the last twenty years and the present production of both gold and silver, with their prospective increase for the future, renders it absolutely impossible for the free coinage of silver by this nation alone at a ratio of value to gold of 16 to 1 to add materially to the market value of silver.

COINAGE CREATES NO VALUE.

Reopening the mints to free and unrestricted coinage of silver would not create a single purchaser for it. The owners of the bullion brought to the mints would be the owners of the money coined therefrom. Coinage itself only stamps upon the coin its denomination, which is in reality only the same thing as stamping on it the weight and fineness of the metal out of which it is coined. That is all that law can do, except to fix the amount of indebtedness which the denomination of the coin would pay within the jurisdiction of the law. Law makes and fixes its denomination and debt-paying value. Its commercial value is fixed by the dealers in the commodities for which it is exchanged. As the uses of money for debt paying are so much less than its uses for trade and business, if its commercial value is much less than its debt-paying value it will fall to its commercial value for any purpose after the debts are paid existing at the time of its coinage or the fall in its market value. For all creditors, before creating a debt, if they know what the debt can be paid in, will see to it that the amount of the debt is enough greater to meet the difference, whatever it may be, in the commercial value and the debt-paying value of the legal tender to be received.

With free coinage the owner of silver bullion would have two ways of disposing of it. One, to sell it in the market, just as he does now; the other, to take it to the mint and have it coined. After coinage he would then have two methods of disposing of his coin. One, to pay his own debts, if he had any; the other would be to buy something with it. In debt paying it would pass at its denominational value to a person within the jurisdiction of the law under which it was coined. Its purchasing value in business would be its commercial value; that is, the market price of the metal out of which it may be coined. And there is no ingenuity of the human intellect that could by law change these conditions of trade.

Since Abraham paid Ephron for the Cave of Machpelah 400 shekels of silver, "current money with the merchant," mankind in business transactions with each other have dealt in realities, not in fictions; and that will continue to be the case until the acquisition of property ceases to be a desire of the human heart and the love of money is no longer an incentive to action. In this earliest business transaction settled with money (of which we have any account), it was money current with the merchant. From that time to this the merchant—that is, the dealer in property for which money is exchanged—determines what money shall

be current by fixing its commercial value, in receiving or rejecting it in trade for commodities, or in payment for property purchased.

The decline in market value of silver began while all the mints of the world were open to its free coinage, just as they had been for years before. No mint of any nation was closed before 1870. Silver, with its yearly increasing production, has continued to decline in market price since 1860, and it never has at any time regained the market price it sold for in 1870. Without some agreement, therefore, with the leading commercial nations as to the use of silver as a money metal, three grave questions in our monetary affairs will be presented for final settlement: First, whether we shall have a single silver standard, without any gold circulating as money; second, whether we shall continue the gold standard that we now have, with the pledge of the Government to keep silver money in circulation as now coined on a parity with gold; third, whether we shall have a single gold standard with silver circulating in subsidiary coin, on its market value for coinage, just as we had both metals from 1806 to 1878.

Without some agreement with or concurrent action by other nations for the use of silver as a money metal the result of reopening the mints of the United States to the free and unrestricted coinage of silver at a ratio of value of 16 ounces of silver to 1 ounce of gold, with the present market value of silver, would be: First, to drive all gold in this country out of circulation as money. Second, all debts due American citizens would be paid, if paid at all, at about 50 cents on the dollar, while all debts of American citizens due to citizens of foreign countries, not having a single silver standard, must be paid, if paid at all, at 100 cents on the dollar. A foreigner could buy silver bullion at the present market price of silver costing about $500,000, and take it to the mints of the United States, have it coined into about 1,000,000 of our standard dollars, and with such dollars he could pay a million dollars of indebtedness to citizens of this country, while an American citizen with a million of our standard silver dollars could pay only about $500,000 of indebtedness to citizens in foreign countries not having a single silver standard. Third, while the rate of wages would probably remain about the same as now, they would be payable in this depreciated silver money, which would then be the standard in our money unit. Thus would be established in reality for this country a single silver standard of money.

Should we keep the double standard as we now have it, by reason of the guaranty or pledge of the Government to keep silver, as money, on a parity with gold, no matter what the market value or the ratio of coinage might be, it would, so far as the Government is concerned, be in reality the same as having a single gold standard. For in all business fairness and honest dealing, even without such guaranty or pledge, the Government must pay gold on all its obligations, unless some other kind of payment is specifically named. In all cases where the debtor does not make legal tenders for the payment of debts, the debtor has the option of paying in any tender, if there is more than one; yet where the debtor himself makes the legal tenders, his creditors have the option as to which legal tender, if there is more than one, they will receive in payment of their debt. If that were not the case, then the debtor could make a worthless tender for the payment of debts, while there might be a good one in existence. In such case, if the debtor could select the legal tender for the payment of his debt, it would be a violation of the first great precept in equity, that the wrongdoer can not take advantage of his own wrong.

So long as 371¼ grains of pure silver—the weight fixed by our coinage law for a dollar in silver—was the equivalent in market value of 23.22 grains of pure gold—the weight fixed by our coinage law for a dollar in gold—the market value of each kept them as money, on a parity with each other, without any Government pledge or guarantee. So long as silver bullion sold in market for $1.29 an ounce, and it was coined into money at a ratio of 16 ounces of silver to 1 ounce of gold, each would exchange for the other, as 2 bushels of corn at 50 cents a bushel would be the equivalent of 1 bushel of wheat at a dollar, provided each sold in market as readily as the other at these prices. But when silver bullion of the same fineness fell in market value below $1.29 an ounce, then the parity in money value between it and gold was broken. At $1.29 an ounce 16 ounces of silver was the equivalent in market value of 1 ounce of gold, and each was selling in market as readily as the other.

FREE COINAGE OF GOLD AND SILVER.

So long as silver retained a market price of $1.29 an ounce, individuals owning silver bullion, the same as those owning gold bullion, could take it to the mint and have it coined into money of such denominations as might be fixed by law, without expense to themselves, for the reason that the silver was of the same market value before coinage as after. Its coinage, therefore, being only for the convenience of the public in doing business, was without expense to the owner, so it was called free coinage. But the owner of the bullion put the money coined into circulation and had whatever advantage might result from changing it from bullion to money. It made no difference how much silver bullion was coined into money so long as its market value at the relative ratio of coinage with gold was the same. That is, so long as 16 ounces of silver was equivalent, or nearly so, in market value to 1 ounce of gold, the mints of the world were everywhere open to the unrestricted coinage of silver. From 1792 to 1873 the mints of the United States were open to the free and unrestricted coinage of silver, except that the coinage of silver dollars was suspended from 1806 to 1834 by an order of Jefferson. The total coinage of silver of all denominations from 1792 to 1873 in the mints of the United States was done for individuals, and amounted to $143,813,598. Since 1878 all coinage of silver in the mints of the United States has been from bullion purchased by the Government, and the mints have been closed to the coinage of silver for individuals. But the total coinage of silver of all denominations from 1873 to December 31, 1895, was, as before stated, $543,794,030, being almost four times greater in these twenty-two years than for the eighty-one years preceding. For each of these silver dollars, or for the certificate which represents them, so coined and paid out the Government has received 100 cents, no matter what it paid for the bullion it purchased or what the market value of silver may have been.

Hence in business fairness the Government pledge to keep silver money on a parity with gold. But the reopening of our mints to the free and unrestricted coinage of silver at the old ratio of 16 to 1 would of necessity change all this. The Government would then cease to coin on its own account, and individuals would again put silver money into circulation coined out of their own bullion; and whatever profit or advantage there might be in the coinage would be theirs instead of the Government's. The Government could not, therefore, stand responsible for the money thus coined, and it would go forth, as in all cases of free and unrestricted coinage of money, without any redeemer except its own intrinsic value.

USE OF CREDIT INSTRUMENTALITIES.

If it would not be advisable for this nation to adopt either of the foregoing plans in its monetary affairs, then the only other alternative, in case of no agreement among the nations, would be a single gold standard in our money unit, with silver circulating as subsidiary coin. Whether that would be advisable and could be done successfully would depend, first, upon whether there is gold enough in the world for the world's business should all nations adopt it as the standard in their money of ultimate redemption, and whether, in case that should be done, there would be a reasonable probability that the future annual production of gold would be sufficient for any increase there might be in the world's business. To ascertain whether such a result would be possible, there are many considerations to be considered in connection therewith, and upon which ultimate success would largely, if not wholly, depend.

Reliable statistics show that of all the business transactions of the people of commercial nations as now transacted not to exceed 8 per cent of the volume of such transactions are made with actual money. The other 92 per cent is made with what is called substitute money or credit, like bank bills, bills of exchange, checks, drafts, letters of credit, and certificates of various kinds. This substitute or credit money answers just as well if not better for the transaction of business, if it is at all times convertible at the will of the holder at its face value into money of real or commercial value, commonly called intrinsic value. To illustrate, 1,000 persons owe each to the other $1. The first one has a dollar deposited in the bank. He draws a check on the bank for a dollar and passes it to his creditor, who takes it, if he believes it will be paid when presented at the bank. The second one does the same, and so it passes from one to the other until it again reaches the drawer of the check. One thousand dollars of indebtedness has been discharged and not a dollar in actual money has been used in doing it. This process is the same in large or small transactions by which business is done on what is called credit. But it could not be done at all without the actual dollar, which is called the money of ultimate redemption, nor without confidence that the dollar itself would be paid when the check should be presented. Without such confidence the dollar itself would have to be used in each transaction.

While the check was the instrument used to discharge $1,000 of indebtedness, yet the check itself was not paid, and no matter how many times it might be passed it would not be paid until the holder received for it $1 in commercial value. By its use the creditor simply exchanges one debtor for another. But without the confidence that the dollar of commercial value promised would be paid whenever the check should be presented, the first creditor to whom it should be offered would refuse to take it, and so on with every other one. The same would be true with the purchaser of commodities. No one would take the check for his commodity except in full faith and confidence that the dollar of commercial value which it promised was on deposit to be paid whenever called for. Law makes all the regulations for the use of substitute money, and makes and fixes the money unit in the standard of

value, but can not make or fix the value in the unit itself except for debt paying. There must therefore be the actual commercial value in the money of ultimate redemption called for in all this substitute money, or it would be no better than the paper rags of which it is composed.

The record of the clearing house of the city of New York, where all the business transactions passing through the banks of that city are settled daily, shows that not more than 8 per cent of the amount of business transactions are settled with actual money. The following statement is taken from the annual report of the clearing house of New York City for the year 1895.

The clearing-house transactions for the year have been as follows:

Exchanges	$28,264,379,126.23
Balances	1,896,574,349.11
Total transactions	30,160,953,475.34

The average daily transactions:

Exchanges	$92,670,095.49
Balances	6,214,276.55
Total	98,888,372.04

The average daily transactions for 1895, in round numbers, were $100,000,000. The actual money used in settling the final balance was, in round numbers, $6,000,000. As standard or coin money of commercial value is not consumed or destroyed, the same $6,000,000 would pay the balance of $100,000,000 of transactions the next day just the same, and so on through the year. From bank reports and reliable estimates there is at this time in this country about $600,000,000 in gold. That is a sufficient amount of actual standard money with our present facilities of communication and transportation to sustain in ordinary times of business confidence a volume of daily business transactions of ten thousand million dollars; which would be one hundred times greater than the daily business transactions of the city of New York, as shown by the report of its clearing house.

While this 8 per cent of the volume of business transactions in real money, that is, money of intrinsic value, might be sufficient in times of business confidence, yet to make sure that such confidence would not be injuriously affected in times of panicky distrust it is necessary that there should be in existence a larger amount of real money of ultimate redemption than 8 per cent of the volume of ordinary business transactions. Exactly how much larger it should be is not easily determined. That would depend upon facilities for communication and the cost and time in transportation. Less money would be required the greater the facilities, and the less the time and the cost in both communication and transportation. It would depend also largely upon what was used as money, and what was the standard of value in the money unit.

STANDARD MONEY.

What is money? What are its uses, and how can it be affected by law? Money is what is used to facilitate the exchange of commodities and the transfer of property, and to pay for the property transferred, and the difference in the values of the commodities exchanged. The essential requisites for standard money, that is, money of ultimate redemption, are:

First. That it shall retain the same value when paid out that it had when it was received; otherwise some one would be a loser by its use.

Second. That it shall contain the greatest amount of commercial value in the smallest space; for weight and bulk affects both convenience and expense in its use.

Third. That it shall be regarded by all who use it of the same commercial value; otherwise the uncertainty in the discounts or premiums to be agreed upon would destroy its uniform and certain value.

Fourth. That it shall be of a substance indestructible by fire, thus avoiding loss or the risk and expense of insurance.

Gold possesses all these requisites for such money in a greater degree than any other known substance; hence it has been used as money by all commercial nations. An additional reason to the inherent qualities already mentioned why gold is preferable as money over any other known metal is that it varies less in amount and cost of production from year to year, as proven by the experience of four hundred years, if not for all time. Another reason in its favor, the others being conceded, is its beauty. Everywhere and in everything, all else being equal, beauty rules the world. Silver has one of the requisites of standard money, the same as gold; it is indestructible by fire; but in all other respects it is not equal to gold as a money metal. While both gold and silver have been used as money from the earliest times, yet gold has always been regarded as the most desirable. In our earliest record of mankind, one branch of the river that went out of the Garden of Eden compasseth the land of good gold.

How is the standard of value in money fixed and what are its requisites? The standard or measure of anything must partake of the nature of the thing of which it is the standard. If it is the standard of length, it must itself have length, like the yardstick. If it is the standard of weight, it must itself have weight, like the pound. So of the standard of cubic contents, like the bushel. In the standards and units of weights and measures value is not involved; therefore law makes and fixes the standard. The words of the Constitution are:

> Congress may coin money, regulate the value thereof, and fix the standard of weights and measures.

Law makes and fixes the unit of value, just as it makes and fixes the unit of weights and measures; but it does not make or fix real value in one case any more than in the other. It regulates the relative value in one case and fixes the standard in the other. It regulates the value in money by fixing the alloy and the relative weights of the metals in exchangeable value.

THE UNIT OF VALUE.

The units fixed by law are only part of the arithmetic intended to facilitate a final settlement and payment of balances in business transactions. With us the unit of value is a dollar. In England it is a pound sterling. In France it is a franc, and so on, differing in different nations. These units differing in different nations, made by law for convenience, could be changed into any others, and the new ones would answer just as well; but the value in the money unit itself is not made by law. That the value in the standard of value varies with the amount of commodities, like wheat, corn, or cotton, which it would buy at different times is a perfect absurdity. If that was the case, then the commodities, varying in their production with the seasons, would be the standard of value. The standard of value could not itself be changing with abundant or short crops, or by decreasing or increasing demand for them. As the standard of value measures the value in all commodities, it can not itself be changing in its own value by the increasing or lessening quantity of any commodity.

The standard of value in the money unit of nations is a certain number of grains of gold, not so many bushels of potatoes, beets, or onions. The value of a grain of gold of certain fineness has been fixed by the acquiescing consent, the consensus of opinion of commercial nations, and it is of the same commercial value in them all. It is an absurdity that the standard of value by which the value in all commodities is measured could itself vary with the seasons, hot or cold, wet or dry, upon which depend the supply and demand of the commodities produced. Abundant or short crops, supply and demand in commodities, determine how many grains of gold shall be paid for them at different times. And the number of grains of gold will vary with the supply and demand of the commodity; but the value of the grain of gold itself does not vary, and can not while it continues to be the standard. If it did, it would no longer be a standard any more than would a yardstick 36 inches long be the standard of the yard in length if it was expanding and contracting with wet or dry weather.

In the report to Congress made by Robert Morris in 1783 on coinage and establishing a mint he says:

> It is right that money should acquire a value as money, distinct from that which it possesses as a commodity, in order that it should be a fixed rule whereby to measure the value of all other things.

Unlike the wise statesmen of our times, he did not think all other things called commodities could measure the value in gold or in the standard of the money unit. A grain of gold is the unit in weight of the money standard of value in all commercial nations to-day, and by it is settled and paid the balances in trade of them all, no matter whether gold or silver standard nations, in their domestic policy. Twenty-three and twenty-two hundredths grains of gold of a certain fineness is a dollar in our legal unit of value. A hundred and thirteen and one-tenth grains of gold of a certain fineness is a pound sterling in the legal unit of value in English money. But the value of the grain of gold is the same in either. Four cents three mills and a fraction is its value in our money, and it is equivalent to that value in the money of any commercial nation. Multiply 23.22—the number of grains in our dollar—by four cents three mills and a fraction, and the sum will be within a small fraction of 100 cents—i. e., our dollar. Multiply 113.1—the number of grains of gold in a pound sterling—by four cents three mills and a fraction, and the sum will be $4.86 and a fraction—the value of a pound sterling in our money, without reference to exchange. So with the gold in the money unit of any nation. The grain of gold of a certain fineness is everywhere the same in standard value, and what are called premiums or discounts are in reality only the discounts or varying amounts in value of what is to be exchanged for the gold.

PURCHASING POWER OF GOLD.

We hear much about the purchasing power of gold varying at different times, implying that the value of the gold unit in the standard of value itself is of greater or less value at one time than another. This is a confusion of terms in the use of language. The cheapening of the cost of commodities by reason of inventions

in labor-saving machinery, greater skill in various appliances of human ingenuity, may so reduce the cost of any commodity that the same number of grains of gold will purchase a much larger quantity at one time than another, the supply and demand remaining the same; but the value in a grain of gold would be the same in either case, and must continue to be the same so long as it is the standard of value. Will anyone contend that because wheat sold six months ago for 50 cents a bushel and now sells for $1 the value in the grain or ounce of gold that paid for it is now one-half what it was six months ago? Can the value in the grain of gold itself, in the money unit of the standard of value, which measures the value in all commodities, be varying with the supply and demand of the commodities themselves? If so, then there is no fixed standard of value independent of the supply and demand of the commodities. If that were the case, then the value in the money unit of the standard of value shrinks and expands to meet the conditions of supply and demand, and what is called the purchasing power of gold would then be greatest when the supply of commodities is greatest and the demand least, no matter what the cost of production might be, and vice versa in their supply and demand.

The value of the grain of gold in the money unit of the standard of value must remain the same through the varying conditions of supply and demand and cost of production in commodities, or there could be no such thing as a fixed standard of value. If that is not the case, then it is possible to have a fixed standard of weights and measures, but impossible to have a fixed standard of value, the most essential thing in all the business affairs of life, that will not be varying with the supply and demand and cost of production of commodities, the value of which is to be measured by the standard itself. The greater purchasing power of gold at one time over another consists in the cheapening of the cost, or the increase of supply over demand, of the commodities purchased, and not in an absolute increase in the value of a grain of gold. It may take more grains of gold at one time than another to buy the same quantity or amount of commodities, by reason of their greater or less cost in labor, by abundant or short supplies; but the real value in the grain of gold in the money unit of the standard of value must remain the same, and the variation in the amount or quantity of commodities that it will buy is not in the value of the unit, but in the greater or less cost of, or the respective supply and demand of, what is to be exchanged for it. No matter how many grains of gold, more or less, any commodity may at any given time command in the market, the value in the grain of gold itself continues the same, and that must necessarily be the case so long as it is the standard of value in the money unit of nations. It can no more be changed by one nation than can the mathematics of the world be changed by a nation attempting to change the axiom of the multiplication table that twice 1 are 2 into twice 1 are 4.

The scale of feet and inches on the stone or iron pier for marking the rise and fall of the tides or the flow of rivers marks the depth of the surrounding water, no matter how much or how little there may be; so the standard of value measures the rise and fall in the value of all commodities by the number of grains of gold which are required in payment. But the value in the grain of gold itself, so long as it is the standard, can no more vary than can the inches in the feet of the scale on the stone or iron pier. If it does, then it is no longer the standard of value, and the value in commodities would be measured by something else.

ONE STANDARD OF VALUE.

For a money standard of value the world might have selected some other metal, or it might have placed a different value on a grain of gold. But as that has not been done, any attempt to change it now would be like an attempt to change the mathematics of the world. There can be but one real standard of value in use in the same nation at the same time, no matter what may be in use as money. All attempts to fix a double standard, as it is called, has always required more or less legislation to keep both in circulation. While changes in alloy and relative weights have been resorted to for that purpose, the value in the grain of gold itself has remained unchanged.

Congress in 1853 changed all the silver coins of less denomination than the dollar from being proportionate parts of 412½ grains of standard silver to proportionate parts of 385 grains and a fraction, and fixed the legal tender for all silver at $5, which continued until 1873. The changes in legislation in 1834, 1853, and in 1873 were all made in order to keep a double standard, by keeping silver circulating on a parity with gold as a money metal.

Hamilton, in his report as Secretary of the Treasury on the establishment of a mint in 1791, said:

> As long as gold, either from its intrinsic superiority as a metal, from its rarity, or from the prejudices of mankind, retains so considerable a preeminence in value over silver as it has heretofore had, a natural consequence of this seems to be that its condition will be more stationary. The revolutions, therefore, which may take place in the comparative value of gold and silver will be changes in the state of the latter rather than that of the former. One consequence of overvaluing either metal in respect to the other is the banishment of that which is undervalued. There is scarcely any point in the economy of national affairs of greater moment than the uniform preservation of the intrinsic value of the money unit. On this the security and steady value of property essentially depends.

This declaration of Hamilton applies to all time and to all nations.

The standard of value in the dealings of mankind must be a fixture. Otherwise, how could agreements be made for future execution? If it is proposed to buy cloth of the merchant for future delivery, how could the merchant fix a price per yard if he could not tell what the length of the yardstick by which it must be measured would be at the time of delivery? If there were two yardsticks fixed by local law different in number of inches, then, of course, it would have to be specified which should be used. But if all mankind consented and tacitly agreed that the space measured by 36 inches would be a yard in all the dealings of mankind which were to be settled by measurement, that would be a standard of length which nobody would take into account as liable to vary, and whatever local legislation there might be would only relate to adapting other things to it. So with the world's standard of value in gold. All legislation has been only in relation to its debt paying, and to adapting other things to it in debt paying, or in exchangeable value.

As gold possesses all the requisites for a money standard of value and is in every way preferable as a money metal, there can not possibly be any objection to making it the standard of value in all commercial nations, provided that as standard money of ultimate redemption there would be enough of it in the world for the world's business, and that there would be a reasonable probability that its annual increase in production would be sufficient for any increase there might be in the world's business transactions. Whether that would be possible depends upon the relative production of gold and silver in the past, and the present annual production of gold, and its probable production for the future.

The world's annual production of gold alone now exceeds the annual production of both gold and silver twenty years ago or for any time previous to that. The world's coinage of gold alone into money for the three years ending with December 31, 1895, was $691,052,047, an average annual coinage of $230,350,682, being in round numbers $5,000,000 larger than the average annual coinage of both gold and silver from 1878 to 1888. The world's coinage of both gold and silver for the nine years from 1878 to 1888 was $2,033,725,461, being an average annual coinage of $225,969,495, which is $4,381,187 less than the average annual coinage of gold alone for the three years ending with 1895.

As neither gold nor silver are consumed, and as they are indestructible by fire or floods, all the gold and silver produced since the beginning of time is to-day in the keeping of mankind, except what may have been used in the arts and in manufactures, and the little that may have been lost in use.

Dr. Soetbeer's tables show that if the mints of all nations had been closed in 1850 to the coinage of silver into money, except what was then in existence, the world's annual production of gold since that time, as shown by these statistics of its production, would have been more than sufficient in standard money—i. e., money of ultimate redemption—for the world's business, just as it has been conducted from that time to this. And the annual production of gold at the rate of its production since 1891 would be sufficient in standard money for any probable increase in the world's business for the future.

For the year 1850, the beginning of the great increase in gold, the world's production was $36,393,000, and that was double the production of any previous year. For the year 1840 the world's production was $13,484,000, an increase in annual production in the ten years from 1840 to 1850 of $22,909,000. The world's entire gold production for twenty years preceding 1850 was $498,769,000, being an average annual production of $24,938,450. But the increase in the annual production of gold in the ten years immediately preceding 1850 having been $22,909,000, add that amount to the $24,938,450, average annual production for the twenty years, would make $47,647,450. Call it, in round numbers, $50,000,000 annual production of gold required for the world's business in standard money of ultimate redemption in 1850, in addition to the silver money then in use. That would be an amount in annual production more than three times greater than any year before 1840, and more than double any year previous to 1850. Then multiply $50,000,000 annual production by forty-five, the number of years from 1851 to 1895, inclusive, would make the sum of $2,250,000,000 in gold production required in standard money for the world's business for the forty-five years from 1851 to and including 1895.

WORLD'S SUPPLY OF SILVER GREATER THAN DEMAND.

When silver reached an annual production in 1860 of $37,618,000, its market price began to fall. In 1870 it had fallen 3½ cents per ounce below its price in 1859. In 1870, as I have already stated, the mints of all nations were open to the free coinage of silver just

as they had been for years before, so that the closing of the mints could not have effected the fall in price. Silver continued to decline in market price and was 6¼ cents an ounce less in 1873 than in 1859, and it never regained its market price of 1859 or 1870, notwithstanding the purchase by the Government for a number of years of substantially the entire silver production of American mines. But it continued to decline in all the markets of the world, until now it is less than one-half the price it sold for in 1870. The world's annual production of silver, therefore, had reached a supply before 1870 beyond the world's demand for its use, otherwise it would not have fallen steadily in market price for the ten years after 1859 and before the closing of any mint. This fact indicates that an annual production of silver of about $37,000,000 was all that the world's business required in 1870, for demand and supply regulate the market price of every product of labor.

The entire production of silver in the world for the twenty years preceding 1870 was, coinage value, $879,435,000, being an average annual production for that period of $43,971,750. Call it in round numbers $44,000,000. The decline in market value of silver from 1859 to 1870 of 3¼ cents an ounce, which it never regained, is conclusive, as I have already stated, that the world's production of silver had then in annual production reached, if it had not already passed, the limit required by the world in silver for its business transactions. But whether it had or not, that was the world's entire production for the twenty years. The increase since that time in the facilities for communication, the lessening of time and the cheapening in expense of transportation, would seem to render unnecessary any considerable increase of annual production in order to meet any increase there might have been in the world's business.

It is obvious that the world's increased facilities for doing business since 1870 have been much greater than the world's increase in population since that time. But call the average annual production of silver required for the world's business after 1870 in round numbers $44,000,000, which is a larger annual production than for any year before that time. Multiply this average annual production by twenty-five, the number of years from 1870 to 1895, inclusive, would make a sum of $1,100,000,000 as the amount of silver required from 1870 to and including 1895. To that amount add the entire production of silver from 1851 to 1870 of $879,435,000, making a total sum of $1,979,435,000, which would be what the world's business would have required in silver production, from 1851 to 1895, for its business transactions just as they were conducted during that period. On this basis of calculation the world would have required in standard money for all its business transactions of both gold and silver a production in these forty-five years from 1850 to 1895 of $4,229,435,000.

GOLD ENOUGH FOR THE WORLD'S BUSINESS.

The gold production of the world alone for this period from 1850 to and including 1895 was $5,622,530,100. So for these forty-five years from 1850 to 1895 if there had been no silver money in circulation except as subsidiary coin, there would have been a surplus in the world's production of gold of $1,393,095,100 over and above settling in gold the balances in the world's current business just in the way it was conducted. This $1,393,095,100 is the amount in gold production since 1850 over and above the world's business requirements for this period, in standard money of ultimate redemption, which might have been used additionally in the arts and manufactures, or to meet any unforeseen contingency in the world's business.

The increase in the world's production of gold, therefore, for the last twenty-five years shows conclusively that there is gold enough in the world for standard money—that is, money of ultimate redemption—for the world's business, without silver at all, except in subsidiary coin. With the present commercial value of silver in the markets of the world, and with the relative annual production of gold and silver, if there shall be no agreement with leading commercial nations for the use of silver as a money metal, then the great question to settle in our monetary policy will be whether we shall have a gold standard with silver circulating in subsidiary coin, just as we always had it after the time Jefferson suspended the coinage of silver dollars in 1806, until the coinage of silver dollars was resumed in 1878, or whether we shall have a single silver standard without any gold in circulation as money. For, as proven by the experience of all nations through all time, there can be no such thing as money coins, circulating at the same time in the same nation, coined at a ratio of value to each other differing materially from the commercial value of the metals out of which they are coined, without a specific government guaranty, or some arrangement for their redemption at their denominational value.

Mr. CHARLES W. STONE. I now yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am not willing to allow the gentleman from New York [Mr. QUIGG] to interpret the Republican platform for me. [Applause.] I do not understand that document as he has attempted to interpret it here, and I do not believe that the Republicans of the United States understood it as he attempts to give it interpretation. I find in that platform, Mr. Speaker, a pledge that the Republican party would use all honorable exertions to labor to secure the very international agreement that is looked to in this bill. It must be remembered that the Republican party does not change its views every year, and that the Republican platform of 1896 is but a continuation of the platform of 1892. There is no material difference between them. Every declaration that you find in one you find clearly stated in the other, or find to be a fair and just implication from that which is stated.

In 1892 we expressly commended the efforts that were then being made by a Republican Administration in the direction of an international conference. When we made the declaration that we did make in the platform, that we would use all honest efforts to secure international agreement, every man understood that that was in continuation of the policy of the last Republican Administration, and through this very means of an international conference. That, I say, was the understanding of everyone. I want to disclaim again, Mr. Speaker, the right of the gentleman from New York to interpret the platform to mean that we pledged ourselves irrevocably to a gold standard and against the free coinage of silver. Our declaration ought not to be so construed by anyone. Here it is:

> The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payment.

"Specie payment," observe—not gold. It plumes itself upon that fact.

> Since then every dollar has been as good as gold. We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free coinage of silver except by international agreement—

"Except by international agreement." "Except" is the emphatic word. There is a pledge that we are in favor of the free coinage of silver through an international agreement. No man can escape that language. The platform goes on—

> except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved.

Do you find in that language an irrevocable pledge for all time to the gold standard? The pledge is that "until" we can secure this international agreement "which we pledge ourselves to promote," we will maintain the existing gold standard.

Mr. Speaker, with the views that I have of this platform, I could not utter the sentiments the gentleman from New York has uttered without regarding myself as an apostate from Republicanism and as recreant to the pledge. [Applause.]

Mr. QUIGG. I yield ten minutes to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I am opposed to this bill. I can not give it my support. In my humble opinion bimetallism, that is, the concurrent circulation of gold and silver at a fixed ratio, each as a money of ultimate redemption, is a thing of the past, and I have no disposition to attempt to revive it. In my judgment, too, bimetallism is an absolute impossibility. I take no stock, sir, in the proposition that a mere statute can create values. A legislative enactment can no more control the immutable laws of trade than it can control the laws of God. When the market ratio between two metals is one thing, it can not by the simple edict of a legislative body be changed to another thing. The law of supply and demand will inevitably perform its perfect work, and the market ratio and not the legal ratio will prevail. We know something, sir, of bimetallism from our own experience.

Up to 1834 we had it in theory, as a matter of law, but as a matter of fact during all of that period we were upon a silver basis; we had only silver monometallism, gold having risen to a premium and gone out of circulation. Since 1834, down to the present, while for most of the time we have had bimetallism written in our laws, we have in fact been upon the existing gold standard. England tried bimetallism for years prior to 1816, and yet she was always on a monometallic basis, either on the gold basis or on the silver basis, according to which of the metals was the cheaper.

Mr. Speaker, if the immutable laws of trade, operating through the relation of supply and demand, make bimetallism impossible to a single nation, will you tell me how you can possibly expect that these laws will work any different results under an agreement for bimetallism among several nations? If every nation on the face of the globe to-day were to agree to the free coinage of gold and silver at a fixed ratio, in a short time you would have monometallism, either gold or silver, according to whichever metal was least in demand in the markets of the world.

Mr. TOWNE. Will the gentleman yield for a question?

Mr. JOHNSON of Indiana. No, sir. I mean no discourtesy to the gentleman, but my time is limited.

Mr. Speaker, relief for the country is to be found in standing by the gold standard, which is as naturally evolved from the progress

of mankind as is the telegraph, the sewing machine, or the great transatlantic ocean steamer; which is evolved from the necessities of trade and commerce, and not from a conspiracy upon the part of one class against the rights and interests of another class, as is often falsely asserted. Of this I have not the shadow of a doubt—gold is the best tool of trade, and is best adapted to the needs of a high civilization and a great commercial nation like our own. We should stand by the existing gold standard, sir, floating with it all the silver that we can safely maintain at a parity with it by the gold valuation. We should retire our greenbacks and our United States notes. We should divorce the Government from any of the functions of a bank of issue. We should put the burden of issuing paper money on the banks, where it properly belongs, they being amply able, under a well-devised system of banking and currency, to sustain it. We should so amend our national banking law as to give to the country not simply a sound and uniform paper currency, but also a currency ample in volume—one which can be diffused through the length and breadth of the land, to all sections—an inexpensive and elastic currency, which the people can everywhere have at a reasonable rate of interest with which to effect their daily exchanges and carry out their extraordinary undertakings. This is the only safe and sensible course to be pursued—the only one which will be sure to establish us upon a sound financial basis.

I am opposed to this measure, Mr. Speaker, for another reason. It is absolutely impossible to get the leading nations to agree to the free coinage of gold and silver at a fixed ratio. Is not our experience worth something to us upon this point? Four international conferences have assembled, and each one of them has terminated without doing anything toward promoting an international agreement. What has occurred recently to make us believe that there will be any change of sentiment upon the part of the other nations? On the contrary, all the leading commercial nations are now upon the existing gold standard, or, if not, they are anxiously striving to get there. Gentlemen say that certain legislative bodies abroad have recently declared in favor of an international conference; but, sir, is this anything more than occurred before some of the past conferences were held? The time was never more unpropitious for securing from other nations an agreement for the free coinage of the two metals at a fixed ratio than it is at the present time. I doubt not that a conference of the great commercial countries could be assembled. They would listen courteously to our proposals, discuss the economic questions involved, and then politely refuse to enter into any arrangement, and bid us good-bye, just as they have done on former occasions.

Certain gentlemen have risen on this floor and said that they had no faith in the success of this project, but that they were going to vote for it anyhow. I prefer, sir, to take the more logical position that this is a senseless proposal, without possibility of accomplishment, and therefore unworthy of my support. I propose to have the courage of my convictions and cast my vote against it. Mr. Speaker, how much longer shall we continue to temporize with this silver question? How much longer shall we continue to present to our countrymen and to the world the spectacle of our weakness, our vacillation, and our folly?

Why, sir, just at this time the great agitator who was the Democratic nominee for President in the last campaign, and who has renominated himself as the standard-bearer four years hence, is perambulating the country, rallying and organizing those who believe in a debased silver dollar for a renewal of the contest at the polls. Just at this very time the free-silver Republicans of the Senate and House, who walked out of the St. Louis convention to clasp hands with Populism and Democracy for a short-weight dollar, who went upon the stump and declared that the Republican party was irrevocably wedded to the gold standard, and that the bimetallism by international agreement, which it had suggested, was an absurdity and incapable of being attained, are issuing their address to the country, calling upon free-silver Republicans to organize in all the States and Territories of the Union to again do battle for a 50-cent dollar.

These advocates of remonetization of silver at the ratio of 16 to 1 are making no apologies or concessions; they have nothing in common with you in this measure. They are perfectly willing to see you stumble, and are biding anxiously their opportunity for another onslaught upon public and private credit. What is our plain duty in such an hour as this?

We should clasp our hands firmly to our swords; we should adjust our helmets; we should tighten our cuirasses; we should step bravely and resolutely into the arena of conflict, prepared once more to put our principles to the test and to battle nobly and courageously to maintain them.

I protest, sir, that the verdict which you will render, if you pass this senseless bill, will be that William McKinley ought to have been defeated last November, and that William J. Bryan ought to be inaugurated President of the United States on the 4th day of next March. [Applause.] You were obliged to temporize and to compromise on this question by the act of 1878, and you suffered the consequences. You were compelled again to violate sound monetary principles by the passage of the act of 1890, and the great distress under which the country is laboring to-day is in a measure owing to the fatal economic mistake which you made when you passed that act.

Let us now and henceforth have a little more courage, a little more resolution, than was displayed in the past. Let us not vacillate; let us not hesitate any longer. We are eternally right on the subject of the gold standard. We have won the field. Why should we now abandon it? Why pass a bill which will be construed all over the country as an admission upon our part that after all Mr. Bryan and his economic falsehoods are in a large measure entitled to public consideration and respect; that he is at least halfway right?

Ah, but we are told, Mr. Speaker, that the Republican platform requires us to do this thing; and you will mark, sir, that no class of men have been so solicitous to have the Republican party carry out the alleged pledges of its platform as the Democrats who fought against us with desperation and attempted to defeat us at the polls. We have, too, the refreshing spectacle of Republican free silverites who abandoned their party to battle for their financial heresies—those gentlemen who went on the stump in the recent campaign and proclaimed that the gold standard was an outrage and a conspiracy and that the Republican party was wholly unworthy of public confidence—now, after they have been defeated, not only insisting that we shall fulfill the pledges of our platform but actually undertaking, as the gentleman from Montana has done, to tell us what definition of bimetallism we have created for the future. They are supplementing all this with an open threat and declaration that they are now organizing, and propose, when this measure fails in operation, to meet us at the polls at the biennial election and at the next Presidential election, and force upon us a repudiation of public and private credit, and the adoption of a dollar which should be everywhere repudiated by advancing civilization and the intelligence of the nineteenth century.

Mr. Speaker, I know not what others may do in this matter. Speaking my individual preference and my individual conviction I say to this House that I shall take no step backward, but that I shall vote against this proposition, because I believe that bimetallism is a sham and a fraud, and that the existing gold standard ought to be maintained for the benefit of the very people in whose name it is so adroitly assailed and for the additional reason that I believe that the nations of the Old World will regard this invitation to a conference just as they have regarded the invitations we have previously extended, with outward courtesy, but at the same time with secret contempt, and that no good can possibly come of a conference, even if it is assembled.

Mr. CHARLES W. STONE. I yield four minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, we have only to witness the spectacle to which the House has been treated to-day to be confirmed in the contention of the Democratic party during the last campaign that the plank on the currency question that was inserted in the Republican platform was only placed there for the purpose of catching votes. The irreconcilable divisions that exist on the other side are sufficient to show that if this question were left to the Republican party there could be no bimetallism in this country.

The party criticised the Democratic Administration a few years ago, charging it with an "effort to demonetize silver." But in its last platform it pledged itself to maintain the gold standard till an international agreement could be had with foreign nations in favor of it. If the foreign nations never agree for us to move in that direction, we promise to stand still.

Does anyone think England will give her consent? Will she go for bimetallism? Is she not the "leading commercial nation" outside the United States, or, at least, one of the leading commercial nations? It is vain to expect it of her.

For one, and speaking, I think, the sentiments of the majority on this side, we propose to vote for this resolution, although we know, or believe, that it is destined to result in failure. But we do not propose to put any obstacle in the way of those who pretend to be in favor of bimetallism. For one, I stand where I have always stood on this question. I have ever believed—and I have voted as I believed—that it was the duty of the American people to establish a currency system for that people. I have believed, and yet believe, that it is within the power of the United States to make possible the free and unlimited coinage of both gold and silver at the ratio of 16 to 1, and I regret that we can not have that proposition put through here to-day instead of the one that is before us. I have voted for free coinage of silver every time it has been before Congress since I became a member.

I have always believed in free coinage. I believe that the people of the United States, who do 32 per cent of all the banking done in the world, 31 per cent of all the manufacturing that is done in the world, who have a majority of all the railroads that have been

laid down in the world, whose agriculture and expenditures for education both surpass those of Great Britain, France, Germany, Austria, and Italy combined, and who do a majority of the carrying trade of the world, can, if they will, maintain the free and unlimited coinage of silver.

I beg gentlemen on the other side of this Chamber to remember that beyond them and out of their reach, by their own act, the settlement of this question has been placed; they have no control now. Those Republicans who believe in free silver have tied their own hands. The incoming President has already selected as his Secretary of the Treasury one who had heretofore been a Democrat, but who departed from his party, who bolted its platform and abandoned its ticket because he did not believe in the free and unlimited coinage of silver. If quoted correctly, he does not favor silver.

You sent over to the other side, in a quiet, unofficial way, a distinguished and bright statesman, Mr. WOLCOTT, who has been wandering from court to court, and bowing at the feet of statesman after statesman there, pleading in vain for some little recognition of the rights of silver. The poor dove that day after day returned to the ark, weary-winged and leafless, was a no more sad spectacle than he when he returns to the Republican party now, announcing that he can accomplish nothing, and that in foreign climes he finds no dry land on which to settle his party's drifting and dilapidated ark.

Go on, gentlemen, with your work. Do yourselves no harm in your straitened and uncertain condition. The people of the United States are for free silver coinage, and the people of the United States will have free silver, despite your schemes. [Applause.]

[Here the hammer fell.]

Mr. CHARLES W. STONE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has seventeen minutes remaining.

Mr. CHARLES W. STONE. I yield three minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I am in favor of this bill and shall vote for it with pleasure. I deny the right of the gentleman from New York [Mr. QUIGG] to place a construction upon the last national Republican platform which this House shall accept. I deny his interpretation of the financial plank of that platform, which undertakes to commit the Republican party, now and forever, to gold monometallism. I deny his assertion, made upon the floor of this House, that that construction carried the last national election. I say to him now, and I say to the members of this House, that if that construction had been accepted by the people of this country, that grand representative of American manhood and the highest possibilities of American life, William McKinley, would not be inaugurated on the 4th day of next March President of this Republic.

The American people do not believe now, and I doubt if they will ever believe, in gold monometallism in the United States; but they do believe in gold as a standard of value, with as much silver in circulation as can be maintained on a parity with gold.

Neither are they in favor of absolute free silver. What we want is an international monetary conference that, if possible, will adjust this great and all-important question so as to meet, as far as possible, the demands of international commerce; and if we can not do it, let us try to make the nearest approach to it that it is possible to make.

I ask the Republican members of this House what we can say to the Republicans of the nation if we fail to keep the pledge made in the last Republican platform? I agree with the distinguished gentleman from Iowa [Mr. HEPBURN] that we agreed and bound ourselves in that platform to an international monetary conference, and unless we keep faith with the people of this Republic upon that subject, we can not escape their condemnation, and ought not to ask them again to indorse us at the polls. I hope this bill will pass. I have faith in the wisdom of the commission that will be appointed and in their judgment and loyalty on all questions that will affect this Republic. The people are looking forward to some legislation of this kind, and I trust this House will have the courage to pass this bill.

Mr. CHARLES W. STONE. Mr. Speaker, I hope the gentleman from New York will now use his time.

Mr. QUIGG. I yield eleven minutes, the balance of my time, to the gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Speaker, we are confronted here to-day with the spectacle of a bill presumably proposed by the Republican party, supported almost unanimously by the members of the Democratic and Populist parties upon this floor. I listened to the remarks of the distinguished gentleman from Iowa [Mr. HEPBURN]. He did not wish that the gentleman from New York [Mr. QUIGG] should construe the Republican platform for him. I say that I do not wish the distinguished gentleman from Iowa [Mr. HEPBURN] to construe the Republican platform for me. But I would far rather that he would do it than stand here and have the Democratic party and the Populist party construe the Republican platform for me. I have respect for those gentlemen and for their views. We met them fairly in open conflict; but I do not wish them to construe for me as a Republican the provisions of the platform under which we carried the country in November. Neither can I prevent distrusting their generous efforts to help us forward with this bill. I think they do it not in the interest of Republicanism, but in the interest of Populism, which has now got control of the Democratic party.

Now, Mr. Speaker, I do not intend to enter upon any general discussion of the principles of bimetallism; but I have heard nothing said in this discussion to change my view that bimetallism in the sense of the concurrent circulation of two metals as money at an arbitrary ratio, with free coinage for both, is an impossibility. I do not believe that you can create and maintain the value of a commodity by law. I do not believe you can create and maintain the relative value of two commodities by law. The demand for a metal for coinage may affect its value, but only to a degree. Other important considerations will determine its market value.

Now, Mr. Speaker, I think bimetallism and free coinage are a contradiction in terms; and that the only possible bimetallism is by preserving one as a standard and keeping the other as subsidiary. But I will not enter upon a discussion of this question; neither will I discuss any question of party policy or individual loyalty to party. I say they are not involved in this measure. I simply oppose the present bill at the present time. It is a bad bill. It is bad, in the first place, because it specifically provides that in whatever way a fixity of relative value of the two metals is to be brought about, it must be accompanied by free coinage. It does not leave it open to any conference that may be called for the purpose of securing international agreement to provide for an enlarged use of silver in any other way. The conference called, under the terms of this bill, when they meet, will find themselves bound hand and foot to the proposition that they must accompany whatever provision they may make with a provision for the free coinage of silver.

This bill is a bad bill, Mr. Speaker, because it does not prescribe any way or method by which free coinage is to be brought about, or by which fixity of relative value of the two metals is to be brought about. Is it not of considerable consequence that before we pass a bill of this importance the Congress of the United States should consider and determine in what way that is to be brought about? Should we not consider what propositions are to be submitted to this conference? Shall we go into this thing entirely in the dark? Ought not some proposition to be formulated? Why, the gentleman from Kentucky [Mr. MCCREARY] said the other conferences failed because they had no authority. What authority has this conference? I ask the gentleman in charge of the bill to tell us what this conference can do? They have nothing stated to them upon which they can act. This bill is a bad bill, and we are to have no opportunity for amendment. I refer to the way it is proposed to be put through under a suspension of the rules. An amendment was prepared which should contain the other provisions of the Republican platform, an amendment which says that—

> In thus authorizing the calling of an international conference, as described in section 1 of this act, the Government of the United States hereby declares "that it is unreservedly for sound money, that it is unalterably opposed to every measure calculated to debase the currency or to impair the credit of this country, that until such an agreement as this act contemplates can be obtained, the existing gold standard must be preserved and all our silver and paper money must be maintained at a parity with gold."

Mr. Speaker, is there a Republican who would have voted against that amendment? Is there a Democrat or a Populist who would have voted for it? And yet, sir, with this important measure before us, we, standing here and seeking an opportunity to support the Republican platform, are prevented from even offering an amendment, by gentlemen endeavoring to pass this bill under a suspension of the rules. This bill is a bad bill, as I have said, because it prescribes no method, while it declares for free silver. We do not know exactly what that declaration means, but we know one thing that it means. It means that silver is to be overvalued and that the overvaluation is to be maintained by the stamp of the Government. It means that a large part of the value of circulation is to be maintained by the fiat of the Government. That is Populism. That is the fundamental doctrine of Populism. Mr. Speaker, that is the doctrine that lies at the foundation of an irredeemable paper currency, and I say here, and I think the House will bear me out in the statement, that an irredeemable paper currency is what the Populists are after, and that if the nations of the earth can be brought to that ground, the real Populistic heaven will have been discovered.

Mr. WATSON of Ohio. What maintains the greenback at a parity with gold now?

Mr. KNOX. What maintains the greenback at a parity with gold? Not fiatism. The greenback is simply a promise to pay on demand. To pay what? To pay gold; and the Government of the United States is behind that promise. But when you stamp

upon a piece of silver that it is worth more than it is worth and circulate it as money, that is fiatism; that is Populism; that is on the basis of an irredeemable currency.

Mr. TOWNE. Let me ask the gentleman what maintained the parity of the silver dollar between 1878 and 1890?

Mr. COOPER of Wisconsin. Before the pledge was made.

Mr. TOWNE. Yes; before the pledge was made which has been cited to-day as the cause of the parity.

Mr. KNOX. If I can make myself understood by the distinguished gentleman, I will answer him. My position upon bimetallism is that a certain amount of silver can be circulated as money, and that is true bimetallism. The parity was maintained because the amount of silver that was coined into dollars was limited, and because the coinage was made by the Government upon Government account, and was entirely controlled by the Government. Does that answer the gentleman's question?

Mr. TOWNE. I understand the gentleman, then, to concede the principle that the maintenance of the parity depends upon establishing a demand sufficient to employ the supply.

Mr. KNOX. Not at all.

Mr. TOWNE. Reconcile that with your other answer.

Mr. KNOX. The market value of the commodity, which is silver, will be maintained by the considerations which maintain the market value of any other commodity; but I say that none of the questions which the gentleman addresses to me apply to money when it is used as token money, when its amount is limited, and when the coinage is not free, but is simply made on Government account.

Mr. TOWNE. Does the gentleman contend that the silver dollar between 1878 and 1890 was token money?

Mr. KNOX. It was a legal tender.

Mr. TOWNE. It was standard money, was it not?

Mr. KNOX. For all purposes.

Mr. TOWNE. Why, then, do you speak of it as token money?

Mr. KNOX. I say it stands precisely upon the principle of token money as long as the amount of the coinage is limited and the coinage is done upon Government account.

Mr. QUIGG. The gentleman from Minnesota does not mean to suggest that the silver in the dollar does the buying, does he?

Mr. KNOX. No, he does not mean that.

Mr. TOWNE. I mean to suggest that——

[Here the hammer fell.]

Mr. TOWNE. I would like time to tell you what I mean. [Laughter.]

Mr. CHARLES W. STONE. Mr. Speaker, I yield six minutes to the gentleman from Maine, Mr. DINGLEY. [Applause.]

Mr. DINGLEY. Mr. Speaker, in the six minutes which have been allotted to me I can only briefly suggest two reasons why I shall support the pending bill. First, it is in response to the clear, distinct, unequivocal pledge of the Republican party in the last campaign. [Applause.] Mr. Speaker, sometimes resolutions are adopted in national conventions hastily and inconsiderately that have no binding force, but everyone who is acquainted with the circumstances under which the St. Louis convention was held understands that this feature of the platform was a clear, distinct, and well-considered declaration of the Republican party. [Applause.]

The Republican party at St. Louis declared against the free coinage of silver by the independent action of this country, because they believed, as I believe, and as every scientific bimetallist in the world outside of politics believes, that such independent free coinage of silver at the ratio of 16 to 1, would be nothing in the world but silver monometallism and a silver standard. But the party said at the same time that they would promote, so far as in their power, an international agreement for the free coinage of silver under conditions which should make every dollar in silver as good as every dollar in gold; and that pledge it is our duty to-day by the passage of this bill to endeavor to redeem. [Applause.]

Secondly, Mr. Speaker, I am in favor of the passage of this bill because I believe that its defeat under the circumstances under which it is presented, and in view of the pledge which we made at the St. Louis convention, would result in a great injury to the sound-money cause. [Applause.] It must be understood that there are in this country thousands—yes, millions—of voters who, while opposed to the free coinage of silver by this country alone, because they believe that would give us simply silver monometallism, as I believe it would, are yet in favor of an honest effort to secure an international agreement upon this point, because they believe that if that can be secured through the cooperation of the great commercial nations of the world it would give us a currency every dollar of which would be as good as gold, and that we should thus have a gold standard or its equivalent. That is what they believe.

Now, in view of the fact that there are these millions of people who believe that this can be accomplished, I hold, without entering upon any discussion as to the probabilities of success, that it would be a great mistake for this side of the House under those conditions not to meet the wishes of those men and make an earnest endeavor to obtain such an international agreement. It it fails, then we shall have done our full duty in the premises and no harm will have happened. If it succeeds, then we shall have secured throughout the commercial world a universal common standard of value that will promote international trade. [Applause.] I believe, therefore, under these circumstances, without entering upon the discussion of the various questions involved, that it is the duty of every Republican, in view of the pledge that we made, in view of the fact that we should damage the cause of sound money by refusing to meet our pledge, to vote for the pending bill.

The suggestion that this is not the time to act is purely technical. The bill is here before us; and we must meet it one way or another. We as Republicans or we as sound-money men can not go to the country and say that if this measure had been presented to us two months hence, we would favor it; but now we are opposed to it. We can not dodge in any such way. [Applause.]

One word further. When the suggestion is made that gentlemen in favor of the free coinage of silver at 16 to 1 by this country alone are voting for this bill, I want you to read between the lines of speeches condemnatory of this bill which have been made here and elsewhere and you can infer that nothing would please some of them so much as to see this bill defeated to-day; and if their votes would do it without shouldering the responsibility for such action, I fear they would be so cast.

Mr. TOWNE. Will the gentleman yield for a moment?

Mr. DINGLEY. I can not yield.

The SPEAKER. The time of the gentleman from Maine [Mr. DINGLEY] has expired.

Mr. TOWNE. I desire simply to say——

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. TOWNE. I think I am entitled to rise to a question of personal privilege. The concluding remarks of the gentleman from Maine referred to those who believe in the free coinage of silver and gold at the ratio of 16 to 1, of whom I am known to be one——

The SPEAKER. The Chair thinks that is not a question of privilege.

Mr. TOWNE. The gentleman chooses to impute to us a sinister motive in voting for this bill——

The SPEAKER. In the opinion of the Chair, the gentleman does not present any question of privilege at all.

Mr. CHARLES W. STONE. I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, important declarations in political platforms are never the result of accident, but are always the result of design. They are always born of conditions existing in the constituents of the party that gives the utterance. The Republican convention at St. Louis was a representative body of a great party in the country, and the men who went there and represented their several constituencies understood the conditions at home. They did not go to St. Louis to declare a platitude nor to make a mere declaration that was not demanded by existing conditions and that was not in consonance with the opinions of their constituents. The Republican party at the threshold of the campaign was met by the question of what should constitute its financial plank, and looking to what the party had done and what it had already pledged itself to do, it found that it had put into the statute book of the United States the declaration that the country pledged itself to the maintenance of the parity between gold and silver on November 1, 1893, when a Republican Congress, by the almost solid vote of its party in both Houses, repealed the Sherman purchasing clause and enacted the following:

> That it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value.

That was the law of the United States of America when the St. Louis convention assembled and the platform was adopted, and yet the gentleman from New York [Mr. QUIGG] comes here and tells us that the Republican party is under no obligations in regard to the parity of this coinage, but is a single gold standard party. The compromises of the St. Louis convention produced the result that we have before us, and I want to read a single paragraph from the proceedings of that convention, which will show what the understanding of the representatives there present was when this plank was brought in.

I will say, first, that that was a memorable occasion, one that no man who witnessed it will ever misunderstand. It was an occasion that will be a warning to a great many men in this country that they must obey party dictation and follow party standards, or cease to be members of that political party.

Mr. QUIGG. What does the gentleman mean by that?

Mr. GROSVENOR. I mean exactly what I say.

Mr. KNOX. Does the gentleman mean to read anybody out of the party?

Mr. QUIGG. I want to say that I will not accept the voice from Ohio.

Mr. GROSVENOR. Oh, the gentleman will follow his party. He is a good Republican. He is just out on a mistaken notion——

Mr. QUIGG. I will follow the voice of my constituents right along.

Mr. GROSVENOR. I am going to talk with you about your constituents in a moment. [Laughter.]

I read from the official report of the proceedings of the St. Louis convention. I will give the language that was sent out to a listening world, borne upon the magnificent voice of a most distinguished Ohioan, now Senator Foraker, who is soon to take his seat at the other end of the Capitol, pledged to stand by this platform, giving force and effect to all its language and all its promises. No one who was present in that convention will ever forget the splendid delivery of that platform and the magnificent reception which it received:

The Republican party is unreservedly for sound money. [Great applause.] It caused the enactment of a law providing for the redemption of specie payments in 1879. Since then every dollar has been as good as gold. [Applause.] We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. [Applause.] We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the earth——

[The speaker was here interrupted by a demonstration of approval on the part of a large majority of the delegates which lasted several minutes. Continuing, Governor Foraker read as follows:]

which agreement we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be maintained. All of our silver and paper currency must be maintained at parity with gold, and we favor all measures designated to maintain inviolable the obligations of the United States, of all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

There was a scene never to be forgotten. Days had been spent in considering the platform, efforts had been made to compel candidates for President to more specifically announce their particular views upon this particular question, and finally the convention was brought face to face with the work of its committee, which had been carefully studied, fully deliberated upon, and finally brought forward for the action of the convention.

Now there came an issue, a crisis in that convention, when every representative of every constituency had an opportunity to declare whether he was satisfied or not satisfied with that declaration. A call of the States was demanded, and under the representative rules of a Republican convention every Republican representative had a right to stand up and record his vote for or against that platform, or that single section of the platform, voted upon as a separate and distinct proposition. They did not rush the platform through as a whole, but upon the demand for a vote upon the single resolution the States were called, and I am going to read the votes of four States on that occasion. That was the time to have protested. That was the time to say that it was a humbug. That was the time to deny the leadership of the committee on resolutions. When the State of Indiana was called, there were 30 votes, of thirty great Republicans, representing that great constituency, and all thirty of them voted "aye." [Applause on the Republican side.]

Mr. JOHNSON of Indiana. Inasmuch as the gentleman has referred to Indiana, he will permit me to remark that I never made an argument in the last campaign against free silver and its heresies that I did not necessarily strike bimetallism squarely in the face.

Mr. GROSVENOR. Very well, then, the gentleman struck his party in the face.

Mr. JOHNSON of Indiana. Not at all.

Mr. GROSVENOR. Now, we come down to the great State of Massachusetts.

Mr. JOHNSON of Indiana. I wish to say to the gentleman——

Mr. GROSVENOR. Now, the gentleman from Indiana has had time in his own right and has talked a good deal.

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. JOHNSON of Indiana. The gentleman from Ohio ought not to reproach anybody for talking a good deal.

Mr. GROSVENOR. Well, "the gentleman from Ohio" does not talk as fast as the gentleman from Indiana, and does not talk as sweetly.

Mr. JOHNSON of Indiana. He talks a good deal oftener.

Mr. GROSVENOR. And his voice is not as musical to himself.

Mr. JOHNSON of Indiana. Nor to anybody else.

Mr. GROSVENOR. Now we come to Massachusetts. Massachusetts was represented in that convention by her great leaders, men who understood the wishes of their constituency. One of them, the distinguished Senator, Mr. LODGE, had had much to do with the framing of the platform, and it is claimed for him, and I have never heard it disputed, that it was his pen that drafted the language of this financial plank. Massachusetts cast 30 votes, all solidly "aye." Then we come to the great Empire State. Among her leading men was the Hon. Thomas C. Platt, soon to become a Senator from the Empire State, and the whole 72 of them voted "aye." So did Pennsylvania, and so did 812 out of 924 representatives. Among the "ayes," among the States that cast their vote solidly and without protest for that plank of that platform, with its interpretation fully known and fully understood, was the grand old New England State of Connecticut, then represented by a delegation intelligent, patriotic, and wise.

I will at this point, Mr. Speaker, reproduce the table showing the "ayes" and "noes" upon the financial plank. It will be seen that of the 110½ votes cast against the plank, practically all of them came from States that afterwards cast their vote for Mr. Bryan:

State.	Vote.	Aye.	No.
Alabama	22	19	3
Arkansas	16	15	1
California	18	4	14
Colorado	8		8
Connecticut	12	12	
Delaware	6	6	
Florida	8	7	1
Georgia	26	25	1
Idaho	6		6
Illinois	48	46	2
Indiana	30	30	
Iowa	26	26	
Kansas	20	15	5
Kentucky	26	26	
Louisiana	16	16	
Maine	12	12	
Maryland	16	16	
Massachusetts	30	30	
Michigan	28	25	3
Minnesota	18	18	
Mississippi	18	18	
Missouri	34	*33	
Montana	6		6
Nebraska	16	13	3
Nevada	6		6
New Hampshire	8	8	
New Jersey	20	20	
New York	72	72	
North Carolina	22	7½	14½
North Dakota	6	6	
Ohio	46	46	
Oregon	8	8	
Pennsylvania	64	64	
Rhode Island	8	8	
South Carolina	18	18	
South Dakota	8	7	1
Tennessee	24	23	1
Texas	30	30	
Utah	6		6
Vermont	8	8	
Virginia	24	17	7
Washington	8	8	
West Virginia	12	12	
Wisconsin	24	24	
Wyoming	6		6
Arizona	6		6
New Mexico	6	2	4
Oklahoma	6		6
Indian Territory	6	6	
District of Columbia	2	2	
Alaska	4	4	
	924	812½	110½

*One absent.

Mr. HARDY. And the gentleman from New York was a delegate to that convention?

Mr. QUIGG. Yes, I was, and voted for the platform and shall construe it in the Fifty-fifth Congress.

Mr. GROSVENOR. It does not need any construction. We did not need any construction of it during the campaign.

I was saying that more than 100 men who will ornament the next House of Representatives on the Republican side owe their election to that platform and an honest espousal of it before the masses of the people. [Applause.]

Now, what have we here? The Republican party on this floor is called upon to act to-day. This bill is here for action, not repudiation. This bill came from the gathered wisdom of its friends at the other end of the Capitol; it came in obedience to the voice of the Republican party. True, a great many men got on board of the Republican ship during last summer. Are we to turn from our own proposition because Democrats voted with us? Quite the reverse. When we saw them drowning in the water, we gathered them up and took them ashore, and we have planted them on the rock of honest money and good government, and the Republican party owes nothing more to the men who have joined it for principle. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GROSVENOR. I ask unanimous consent to put certain of the paragraphs that I imperfectly read into my remarks.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to suspend the rules and pass the Senate bill as amended.

Mr. McMILLIN. Mr. Speaker, let us have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—ayes 281, noes 4, not voting 70; as follows:

YEAS—281.

Abbott,	Dingley,	Kleberg,	Settle,
Aldrich, T. H.	Dinsmore,	Kyle,	Shafroth,
Aldrich, Ill.	Dockery,	Lacey,	Shannon,
Allen, Miss.	Dolliver,	Latimer,	Sherman,
Anderson,	Doolittle,	Lawson,	Shuford,
Andrews,	Dovener,	Layton,	Simpkins,
Apsley,	Eddy,	Lefever,	Skinner,
Arnold, R. I.	Elliott,	Lewis,	Smith, Mich.
Atwood,	Ellis,	Linney,	Snover,
Avery,	Erdman,	Little,	Sorg,
Bailey,	Evans,	Livingston,	Southard,
Baker, Kans.	Fairchild,	Long,	Southwick,
Baker, Md.	Faris,	Loud,	Spalding,
Baker, N. H.	Fenton,	Loudenslager,	Sparkman,
Bankhead,	Fischer,	Low,	Spencer,
Barham,	Fitzgerald,	Maddox,	Sperry,
Barney,	Fletcher,	Mahany,	Stallings,
Bartholdt,	Foote,	McCall, Mass.	Steele,
Bartlett, Ga.	Foss,	McCall, Tenn.	Stephenson,
Beach,	Gamble,	McCleary, Minn.	Stewart, Wis.
Bell, Colo.	Gardner,	McClellan,	Stone, C. W.
Bell, Tex.	Gibson,	McCreary, Ky.	Stokes,
Bennett,	Gillet, N. Y.	McCulloch,	Stone, W. A.
Berry,	Gillett, Mass.	McDearmon,	Strode, Nebr.
Bingham,	Goodwyn,	McEwan,	Strong,
Bishop,	Graff,	McLachlan,	Strowd, N. C.
Black,	Griffin,	McMillin,	Sulloway,
Blue,	Griswold,	McRae,	Swanson,
Boatner,	Grosvenor,	Meiklejohn,	Taft,
Bowers,	Grout,	Mercer,	Talbert,
Broderick,	Grow,	Meredith,	Tate,
Brosius,	Hager,	Meyer,	Tawney,
Brumm,	Hall,	Miller, Kans.	Tayler,
Buck,	Halterman,	Miller, W. Va.	Terry,
Ball,	Hanly,	Milliken,	Thorp,
Burrell,	Hardy,	Milnes,	Towne,
Burton, Mo.	Harmer,	Minor, Wis.	Tracewell,
Burton, Ohio	Harris,	Mitchell,	Tracey,
Calderhead,	Harrison,	Mondell,	Treloar,
Cannon,	Hart,	Money,	Tucker,
Chickering,	Hartman,	Moody,	Turner, Ga.
Clardy,	Hatch,	Morse,	Turner, Va.
Clark, Iowa	Heatwole,	Mozley,	Tyler,
Clark, Mo.	Hemenway,	Murray,	Updegraff,
Clarke, Ala.	Henderson,	Neill,	Van Horn,
Cockrell,	Hendrick,	Newlands,	Van Voorhis,
Codding,	Henry, Ind.	Northway,	Wadsworth,
Coffin,	Hepburn,	Ogden,	Walker, Mass.
Colson,	Hermann,	Otjen,	Walker, Va.
Connolly,	Hilborn,	Overstreet,	Wanger,
Cooke, Ill.	Hitt,	Parker,	Warner,
Cooper, Fla.	Hooker,	Patterson,	Washington,
Cooper, Tex.	Hopkins, Ill.	Payne,	Watson, Ind.
Cooper, Wis.	Howe,	Pearson,	Watson, Ohio
Corliss,	Howell,	Pendleton,	Wellington,
Cousins,	Hubbard,	Perkins,	Wheeler,
Cox,	Huff,	Phillips,	White,
Crisp,	Hulick,	Pitney,	Williams,
Crowther,	Huling,	Poole,	Willis,
Crump,	Hull,	Powers,	Wilson, N. Y.
Culberson,	Hunter,	Price,	Wilson, Ohio
Cummings,	Hurley,	Prince,	Wilson, S. C.
Curtis, Iowa	Hyde,	Pugh,	Wood,
Curtis, Kans.	Jenkins,	Ray,	Woodard,
Curtis, N. Y.	Johnson, Cal.	Reeves,	Woodman,
Dalzell,	Johnson, N. Dak.	Reyburn,	Woomer,
Danford,	Jones,	Richardson,	Wright,
Daniels,	Joy,	Robertson, La.	Yoakum.
Dayton,	Kerr,	Royse,	
De Armond,	Kiefer,	Russell, Conn.	
De Witt,	Kirkpatrick,	Sayers,	

NAYS—4.

Henry, Conn.	Johnson, Ind.	Knox,	Quigg.

NOT VOTING—70.

Acheson,	Crowley,	Linton,	Raney,
Adams,	Denny,	Lorimer,	Rinaker,
Aitken,	Draper,	Maguire,	Robinson, Pa.
Aldrich, W. F.	Fowler,	Mahon,	Rusk,
Allen, Utah	Hadley,	Marsh,	Russell, Ga.
Arnold, Pa.	Heiner, Nebr.	Martin,	Sauerhering,
Babcock,	Heiner, Pa.	McClure,	Scranton,
Barrett,	Hicks,	McCormick,	Shaw,
Bartlett, N. Y.	Hill,	McLaurin,	Smith, Ill.
Belknap,	Hopkins, Ky.	Miles,	Stahle,
Boutelle,	Howard,	Miner, N. Y.	Stewart, N. J.
Brewster,	Hutcheson,	Moses,	Strait,
Bromwell,	Kem,	Murphy,	Sulzer,
Brown,	Kulp,	Noonan,	Thomas,
Catchings,	Leighty,	Odell,	Wilber,
Cobb,	Leisenring,	Otey,	Wilson, Idaho.
Cook, Wis.	Leonard,	Owens,	
Cowen,	Lester,	Pickler,	

The following pairs were announced:

Until further notice:

Mr. BARRETT with Mr. CATCHINGS.

Mr. MAHON with Mr. OTEY.

Mr. KULP with Mr. SHAW.

Mr. PICKLER with Mr. MINER of New York.

Mr. BROMWELL with Mr. STRAIT.

For this day:

Mr. McCLURE with Mr. McLAURIN.

Mr. WILBER with Mr. MILES.

Mr. HAINER of Nebraska with Mr. HUTCHESON.

Mr. COOK of Wisconsin with Mr. RUSSELL of Georgia.

Mr. STEWART of New Jersey with Mr. OWENS.

Mr. HICKS with Mr. CROWLEY.

Mr. WILLIAM F. ALDRICH with Mr. FITZGERALD.

Mr. THOMAS with Mr. COBB.

Mr. SMITH of Illinois with Mr. DENNY.

Mr. SCRANTON with Mr. SULZER.

Mr. LINTON with Mr. MOSES.

Mr. BELKNAP with Mr. RUSK.

Mr. LEONARD with Mr. LESTER.

On this question:

Mr. ADAMS with Mr. LEISENRING.

Mr. BAILEY. Mr. Speaker, the gentleman from Maryland, Mr. MILES, was called away on account of sickness in his family, and asked me to request leave of absence for him, and also to say that if he had been present, he would have voted "yea."

Mr. WALKER of Virginia. I ask if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. WALKER of Virginia. I desire to vote.

The SPEAKER. Was the gentleman present at the time when his name should have been called, and listening, and failed to hear?

Mr. WALKER of Virginia. I was. It was not called, I think.

The name of Mr. WALKER of Virginia was called, and he voted "yea."

Mr. DANFORD. Mr. Speaker, I desire to announce that the gentleman from Pennsylvania, Mr. SCRANTON, was unavoidably called out of the House a little while before the roll was called. If present, he would have voted "yea."

Mr. BRUMM. Mr. Speaker, my colleague, Mr. STAHLE, was unavoidably called from the House before the vote was taken. I wish to state that if present he would have voted "yea."

The SPEAKER. On this question the yeas are 281, the nays are 4 [loud applause]; two-thirds having voted in the affirmative, the rules are suspended and the bill is passed as amended.

PRINTING OF CONSULAR REPORTS.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Printing:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the annual reports of the consuls of the United States upon foreign industries and commerce. In view of the value of these reports to the business interests throughout the country, I indorse the recommendation of the Secretary of State that Congress authorize the printing of a special edition of 10,000 copies of the general summary entitled, "Review of the World's Commerce," and of 5,000 copies of "Commercial Relations" (including this summary), to enable the Department of State to meet the demand for such information.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 26, 1897.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson;

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

A bill (S. 3725) to prevent the importation of impure and unwholesome tea; and

A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

A bill (H. R. 8706) to correct the military record of Patrick Hanley;

A bill (H. R. 6793) granting a pension to Hannah R. Quint;

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse;

A bill (H. R. 3842) to increase the pension of Edward Vunk; and

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church.

The message also announced that the Senate had passed with

amendments the bill (H. R. 8582) to allow the bottling of distilled spirits in bond in which the concurrence of the House was requested.

REMOVAL OF SNOW AND ICE IN WASHINGTON, D. C.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate and agree to the same with an amendment as follows: After the word "to," in line 8 of section 1, insert the word "be;" and that the Senate agree to the same.

That the House recede from its disagreement to the second, third, fourth, fifth, and sixth amendments of the Senate, and agree to the same.

G. M. CURTIS,
AD. MEYER,
Managers on the part of the House.

JAMES McMILLAN,
CHAS. J. FAULKNER,
LUCIEN BAKER,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The Senate amended the House bill by inserting the word "agent" for the word "owner" wherever it occurred. The House accepted the amendments of the Senate, but a clerical error having been made in the official copy of the print of the bill, the bill was sent to conference, and the clerical error has been corrected by the insertion of the word "be" in line 8, so that the phrase shall read "cause the same to be removed."

The conference report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, asked a conference with the House of Representatives on the bill and amendment, and had appointed Mr. HAWLEY, Mr. SHOUP, and Mr. WALTHALL as the conferees on the part of the Senate.

TARIFF HEARINGS.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged report, which I send to the desk.

The report was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 15,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House.

The Committee on Printing having had under consideration House concurrent resolution No. 70, for the printing of 15,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, recommend that the same be agreed to, with amendments, as follows:

Strike out, in line 3, the word "fifteen" and insert "ten."

In lines 5 and 6 strike out "5,000" and insert "3,250."

In lines 6 and 7 strike out "10,000" and insert "6,750;" so that it shall read: "That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House."

These hearings will occupy two volumes, and the Public Printer estimates the cost of the work under this resolution as amended at $10,666.

The amendments were agreed to.

The concurrent resolution was then adopted.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

FOREIGN DECORATIONS FOR AMERICANS.

Mr. GROSVENOR. I have bills and resolutions, four in number, relating to allowing certain distinguished Americans to accept decorations. They have passed the Senate and are reported favorably in the House, and I should like to have them disposed of at this time.

The SPEAKER. The Clerk will report the first bill.

PROFS. SIMON NEWCOMB AND ASAPH HALL.

The Clerk read as follows:

Resolved, etc., That Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, be, and they are hereby, authorized to accept from the Government of the Republic of France the decorations awarded to them, respectively, for their services to the French Academy of Sciences as corresponding members.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

The Clerk read as follows:

Be it enacted, etc., That Rear-Admiral W. A. Kirkland, United States Navy, be, and he is hereby, authorized to accept a gold box presented to him by the Emperor of Germany.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M'CARTY LITTLE.

The next business was the resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration.

The joint resolution was read, as follows:

Resolved, etc., That Lieut. William McCarty Little, of the United States Navy, be, and is hereby, authorized to accept from the King of Spain, through the Queen Regent, the decoration of the cross of ordinary commander of the Order of Isabella the Catholic in recognition of his services in Spain in connection with the Columbian Exposition.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Mr. Speaker, I would like to know what the services referred to in the resolution were. In view of certain relations that we all perfectly understand, I doubt the propriety of passing this resolution, and I object.

The SPEAKER. Objection is made. The Clerk will report the next resolution.

HERBERT H. D. PEIRCE.

The Clerk read as follows:

Be it enacted, etc., That Herbert H. D. Peirce, secretary of legation at St. Petersburg, be, and he hereby is, authorized to accept a medal conferred upon him by the Imperial Russian Government in recognition of his services at the time of the coronation of the Czar.

Mr. GROSVENOR. The decoration in this case, as I understand, is a very small matter—a gold snuffbox or something of that kind. I do not know the details, as the resolutions do not come from my committee.

Mr. BAILEY. To my mind, Mr. Speaker, it is almost inexplicable that an American would want a decoration from any foreign government.

Mr. GROSVENOR. Well, these are not strictly decorations. They do not carry titles or anything of that kind.

Mr. BAILEY. I know; but some of these are cases of accepting decorations.

Mr. GROSVENOR. It is a custom to recognize the services of distinguished officers in connection with these international expositions.

Mr. BAILEY. This, I understand, is a proposition to recognize services rendered in the coronation of the Czar of Russia, and to that I object.

Mr. GROSVENOR. I do not know anything about that.

Mr. HITT. Will the gentleman from Ohio permit me a remark?

Mr. GROSVENOR. Certainly.

Mr. HITT. This medal is a form of international courtesy which has been extended by the Russian Government to many other governments; and to refuse it, or to authorize or necessitate its refusal, would be simple churlishness, because every other nation has accepted it. A refusal would be just like refusing an answer to a polite salute.

Mr. BAILEY. I decline to allow the gentleman from Illinois [Mr. HITT] to characterize my conduct as "churlish."

Mr. HITT. I did not impute any such thing to the gentleman. I spoke of the character of the act as it would be construed by people who are accustomed to the international usages. This matter is wholly unimportant and trivial to us in our view. But in the intercourse of nations these acts are so ordinary that they only attract attention when the customary compliance with usage is refused.

Mr. BAILEY. The gentleman from Illinois persuades me to yield; and while I think this is a very small thing for an American to want, still I will not raise any objection.

I am told that the proposition to accept something from the Government of Spain grows out of our Columbian Exposition, and while I do not know that this is a time for an American to be accepting decorations from Spain, yet in view of the fact that this relates to our own exposition I withdraw my objection.

Mr. GROSVENOR. This refers to an incident which occurred many years ago.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 25, 1897:

An act (H. R. 1095) granting a pension to Annie M. Ermer;

An act (H. R. 4548) granting a pension to Mary L. Arnold;

An act (H. R. 4655) granting a pension to Frederick A. Driscol;

An act (H. R. 446) to increase the pension of Julia H. H. Crosby;

An act (H. R. 8898) to increase the pension of Elizabeth Wellons;

An act (H. R. 7131) to restore Mrs. Elizabeth T. Anderson to the pension roll;

An act (H. R. 8037) for the relief of John McLain, alias Michael McLain;

An act (H. R. 3926) to correct the war record of David Sample;

An act (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

An act (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; and

An act (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

The following bills were presented to the President on the 13th of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell; and

An act (H. R. 1323) for the relief of Ira H. Sweatt.

WILLIAM M'CARTY LITTLE.

The SPEAKER. Objection is withdrawn to the consideration of the resolution, which will be read.

The Clerk again read the joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The House proceeded to the consideration of the joint resolution; which was read three times, and passed.

DECORATIONS FROM HAWAIIAN GOVERNMENT.

On motion of Mr. GROSVENOR, by unanimous consent, the House proceeded to the consideration of the bill (S. 150) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government.

The bill was read, as follows:

Be it enacted, etc., That Rear-Admiral George Brown, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Grand Officer of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Ensign George P. Blow, United States Navy, be, and he is hereby, authorized to accept a decoration of the Royal Order of Kalakaua, conferred upon him by the Queen of the Hawaiian Islands in recognition of his services to the late King;

That Lieut. George S. Dyer, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Companion of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Frank Laviere, of the U. S. S. *Charleston*, be, and he is hereby, authorized to accept a medal of honor conferred upon him by the Queen of the Hawaiian Islands, in recognition of his services to the late King;

That Capt. George C. Remey, United States Navy, be, and he is hereby, authorized to accept a decoration of a Knight Commander of the Royal Order of Kalakaua, conferred upon him by the King of the Hawaiian Islands on December 5, 1890, in recognition of his services to the King upon the occasion of his visit to California;

That Medical Inspector George W. Woods, United States Navy, be, and he is hereby, authorized to accept a decoration of the Royal Order of Kalakaua, conferred upon him by the Queen of the Hawaiian Islands in recognition of his services to the late King.

The bill was ordered to a third reading, read the third time, and passed.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. DALZELL submitted a resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

The SPEAKER. The Chair understands that the law provides for this proceeding, and that it is necessary for the transaction of business.

The resolution was agreed to.

MEMORIAL BUILDING, DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. MORSE. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

Be it enacted, etc., That there be set apart for the permanent use of the National Society of the Daughters of the American Revolution, for the erection of a memorial building thereon, a portion of the reservation or public ground owned by the United States, in the city of Washington, D. C., described as follows, namely: A plot 200 feet square at the intersection of Fourteenth street and B street, bounded on the north by B street and on the east by Fourteenth street. Said land shall be used only for the purposes of a memorial building to commemorate the services and perpetuate the memory of the heroes of the Revolutionary war, to be erected and owned by the National Society of the Daughters of the American Revolution, and when it ceases to be used for that purpose it shall revert to the United States and all rights hereby granted shall determine and cease.

Mr. MORSE. I desire to offer an amendment.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules and pass the bill with the amendment which the Clerk will read.

The Clerk read as follows:

Provided, That the plans and specifications for such building shall be approved by the Secretary of the Treasury before the construction thereof shall be commenced, and that said building shall be completed within ten years from the passage of this act.

Mr. BLUE. I demand a second on the motion to suspend the rules.

Mr. MORSE. I ask that a second may be considered as ordered.

Mr. BLUE. I object.

Mr. MORSE and Mr. BLUE were appointed tellers; and the question being taken on seconding the motion to suspend the rules, it was seconded; there being—ayes 131, noes 8.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

Mr. MORSE. I rise to a parliamentary inquiry. This identical bill, without the amendment, has passed the Senate. Is it in order now to move to substitute the Senate bill with the amendment?

The SPEAKER. The Chair understood that the gentleman presented a Senate bill.

Mr. MORSE. No, sir. The two bills are identical; but I presented the House bill with an amendment which has been deemed necessary to meet the objections of certain gentlemen.

Mr. HEPBURN. Mr. Speaker, I want to inquire of the gentleman from Massachusetts [Mr. MORSE] if he has offered the amendment proposed by the committee of this House?

Mr. MORSE. Not exactly, but substantially.

Mr. HEPBURN. Allow me to suggest to the gentleman that there is a very material difference.

Mr. MORSE. The bill as reported to the House came from the Committee on Public Buildings and Grounds. That was the bill that was under consideration by the House. Now, Mr. Speaker, I ask unanimous consent, if that is necessary, to substitute the Senate bill for the House bill as amended.

Mr. BLUE. I object.

Mr. MORSE. Then I ask a vote on the House bill as amended.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BLUE. I desire to yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to call the attention of the House to the fact that a House bill identical, I think, with that of the Senate was introduced and referred to the Committee on Public Buildings and Grounds. They reported the bill back, recommending its passage, with a very important amendment, an amendment differing very materially from the one proposed by the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Will the gentleman from Iowa allow me to correct him. The Senate bill was not referred to the Committee on Public Buildings and Grounds, but was referred to the Committee on the District of Columbia.

Mr. HEPBURN. Well, I may have been mistaken about the committee; but the point I want to make is that a committee of this House thought that the bill ought to be guarded, and they have proposed an amendment. The gentleman has not seen fit to adopt that amendment or to offer it.

Again, I want to call the attention of the House to the fact that this organization is not the original Daughters of the Revolution. This is an offshoot from that, a sort of rebellion against it, which has not succeeded as was expected. It is not the great order that we are familiar with, but it is a sort of side show growing out of it. The real society is the Daughters of the Revolution. Three or four years ago certain ladies, as I am informed, who were dissatisfied with a certain election, saw fit to bolt the society and established this society. Now, this is a lingering, sickly institution, and I think if we are going to recognize a society of the Daughters of the Revolution, a very proper one, perhaps, to be recognized in this way, we ought to take the real society and not the bogus one, and we ought, if we make a grant, to make it with proper limitations, such as the committee of this House felt to be necessary.

Mr. HULL. Will the gentleman yield for a question and a statement? I think my colleague is mistaken as to the relative standing of the societies. The society asking this has some 18,000 membership, while the one he refers to has but 2,000.

Mr. HEPBURN. Oh, the gentleman is entirely mistaken.

Mr. HULL. I am not mistaken. I am stating what I know.

Mr. HEPBURN. The society that was in session here a few days ago was the Society of the Daughters of the Revolution.

Mr. HULL. Yes.

Mr. HEPBURN. There were 2,000 people here in attendance upon that.

Mr. HULL. And they are the ones who are asking this.

Mr. HEPBURN. I beg your pardon.

Mr. GROSVENOR. The gentleman from Iowa [Mr. HULL] is correct about that. They are the ones who are asking this.

Mr. HULL. They are the ones who are asking this.

Mr. HEPBURN. This society which is asking this donation from the House is an offshoot from the other.

Mr. GROSVENOR. Whatever it may be, it is the one just in session in this city.

Mr. HULL. It is the one now in session, which overshadows all the others.

Mr. HEPBURN. I yield back the time granted to me by the gentleman from Kansas [Mr. BLUE].

Mr. JOHNSON of California. I should like to ask a question, to determine my vote on this bill. Is it the Society of the Daughters of the Revolution that has just been in session in this city that is referred to by this bill?

Mr. HEPBURN. That is not my understanding.

Mr. HULL. Oh, yes; it is.

Mr. SPALDING. Yes; it is.

Mr. SHERMAN. I should like to say to the gentleman from Iowa [Mr. HEPBURN] that I was personally waited upon by a committee of the society of ladies that was recently in session in this city, and which may be still in session. I do not know anything about this title of either society, but this society in session in Washington is the society intended to be covered by this bill.

Mr. HEPBURN. I may be in error about it. This is the point I am making. This society here is an offshoot, or the bolters, as we would say if they were men in connection with a political party. They have set up a new society of their own.

Mr. SHERMAN. May I say to the gentleman——

Mr. POWERS. May I ask the gentleman if it is not true that these two organizations have practically come together and settled their differences?

Mr. HEPBURN. I do not know.

Mr. POWERS. I am told so by some of the members who are present in the city at this time.

Mr. HEPBURN. They should let us know before we make this national grant.

Mr. POWERS. I would say to the gentleman that the general organization now holding its sessions in this city is very far from being a sickly organization. It has a strong, large delegation of ladies from all over this country, and if he could see those ladies as I have in the last few days where I reside, he would come to the conclusion that they were far from being sickly.

Mr. MORSE. I yield now to the gentleman from Pennsylvania.

Mr. CHARLES W. STONE. Mr. Speaker, I introduced this bill, and consequently have some knowledge as to the parties for whose benefit it was introduced. The bill was introduced in behalf of the Daughters of the American Revolution, an organization the continental congress of which, the general congress of which, met in this city about a week ago, and which is still in session. It is an organization comprising 16,000 to 18,000 members, scattered throughout every State in this Union, with a subordinate organization in every State and Territory except Alaska. It has a national charter granted by the Congress of the United States; and one of the duties imposed upon it is that it shall report to the Secretary of the Smithsonian Institution such matters as he may deem proper for publication. This may be an offshoot of some other organization, but if so it has far outgrown it. The child is far stronger than its mother.

Mr. HULL. Swallowed it up.

Mr. CHARLES W. STONE. And has practically swallowed it up. I understand, as the gentleman from Vermont [Mr. POWERS] has stated, that negotiations have been in progress for some time, and that they are practically consummated, leading to the merging or union of the two societies, the Daughters of the Revolution and the Daughters of the American Revolution. There are two societies of Sons of the American Revolution, and the relative strength of these two organizations is entirely different from the relative strength of the two organizations of ladies.

Now, this organization is one of great strength, and has got a fund already raised for this building. It has a national charter, granted by Congress, and the obligation is imposed upon it to report to a national officer, and it simply asks that this little piece of land, not occupied for anything else, may be set apart for their use, while they use it, for memorial purposes; simply that they may erect their building, of colonial architecture, of proper design, intended as a museum, where they may preserve those things that illustrate the character and manner of life of the Revolutionary period. They desire in this city of Washington, full of memorials of the late war, to build one single memorial building, without a cent of money from the Government, simply to perpetuate the memory of the fathers of the Revolution. They ask no title; they simply ask the privilege of occupying this unoccupied land just so long as they occupy it for memorial purposes and no longer.

Mr. MORSE. I yield two minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, just one minute. If my friend from Iowa [Mr. HEPBURN] will notice, this is the National Society of the Daughters of the American Revolution. My understanding is that there are two societies—the Daughters of the Revolution and Daughters of the American Revolution. The latter, an offshoot, perhaps, of the former, has grown about ten times the size of the original parent. Now, their differences have been adjusted, and now they have agreed upon formation into a united society, making a new membership of both of the old societies. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. What is the name?

Mr. SHERMAN. The National Society of the Daughters of the American Revolution.

Mr. HEPBURN. The gentleman is satisfied as to the facts in regard to this union of the societies?

Mr. SHERMAN. I am; certainly.

Mr. MORSE. I yield three minutes to the gentleman from Tennessee [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I do not care to take any of the time of the House, except simply to corroborate the statement made by my good friend from New York [Mr. SHERMAN] and the gentleman from Pennsylvania [Mr. CHARLES W. STONE] who preceded me, and to add that the differences that have existed between these two societies, one being the parent and the other the daughter, are rapidly approaching adjustment. And I might further add, in order to satisfy some little objection I have heard upon the floor, that this land is now public property, and the agreement with this patriotic organization in the bill is so guarded that if it ceases to be used for the purposes intended by this bill the ground and the improvements thereon revert to the Government. I hope there will be no objection to the passage of this meritorious measure.

Mr. MORSE. I reserve the remainder of my time.

Mr. HEPBURN. I would like to ask the gentleman from Massachusetts if he is willing, instead of the amendment he has offered, to substitute for that the amendment of the committee. If he will do that, after the statement made by the gentleman from New York, I have no objection to the passage of the bill.

Mr. MORSE. Mr. Speaker, I would simply say that I have conferred with some gentlemen on this floor, and it was found that the amendments of the Committee on the District of Columbia were so drastic that practically they would destroy the bill. The gentleman from Iowa [Mr. HEPBURN] would see if he had time to read the report.

Now, this building is to cost $100,000; and it has to be completed within a year. Gentlemen would not agree to that; that is unreasonable. They have raised a large amount of this money, but still have a large amount to raise. The gentleman from Pennsylvania [Mr. CHARLES W. STONE] has just told us that this fund is now in readiness.

Mr. CHARLES W. STONE. Oh, no. I said that $25,000 was in hand.

Mr. MORSE. If the gentleman from Iowa will look into the matter, he will be satisfied that the amendment I have offered covers all his objections. I ask that that amendment be read one more.

The SPEAKER. The amendment may be read in the time of the gentleman from Massachusetts.

The amendment was read, as follows:

Provided, That the plans and specifications for such building shall be approved by the Secretary of the Treasury before the construction thereof can be commenced, and the said building shall be completed within ten years from the passage of this act.

Mr. HEPBURN. Now, Mr. Speaker, I ask for the reading of the amendment proposed by the committee of this House.

Mr. BLUE. It may be read in my time, Mr. Speaker.

The amendment recommended by the Committee on the District of Columbia was read, as follows:

Provided, That before the construction of any such building upon said land shall be commenced pursuant to the right herein conferred the plans and specifications therefor shall be approved by the Secretary of the Treasury: *Provided also*, That the cost of said building shall not be less than $300,000, and also that said society shall furnish to the Secretary of the Treasury satisfactory proof of its ability to complete said building in accordance therewith: *And provided*, That the construction of said building shall be commenced within one year from the passage of this act and completed within five years.

Mr. BLUE. Now, Mr. Speaker, I am opposed to this measure, not because this is a patriotic society; nor because I object to the

erection of such a building or to the establishment of such institutions. But the capital city of this nation has been laid out on a general plan, with a parking system equal to that of any city in the world, and the chief beauty and glory of the capital of the Republic of the United States in coming time will be the adornment of the breathing places that are a part of this great plan. That plan ought not to be marred. This is merely furnishing a precedent for other encroachments which will eventually follow, and if this patriotic institution is to be permitted to appropriate a portion of one of the public parks, worth perhaps $150,000, other institutions, equally deserving, equally patriotic, will in time insist upon the same privilege. For that reason, Mr. Speaker, if this Government is to be compelled to donate a site for this building, I would very much prefer to vote an appropriation for the purchase of a suitable lot upon which the building could be erected than appropriate a part of one of the parks and thus mar the beauty of this splendid and glorious capital. I am against the bill for that reason.

I am against the bill as it now stands for a further reason. There is no good ground for the opposition which the gentleman from Massachusetts [Mr. MORSE] makes to the amendments proposed by the committee. If a portion of this public park, within the shadow of the Smithsonian Institution, in a beautiful portion of this great city, is to be occupied by a building belonging to this society, is it not wise to vest some executive officer of this Government with authority to pass upon the suitableness of the plans and specifications, so that the marring of the public grounds shall be as slight as possible?

Mr. MORSE. That is in my amendment.

Mr. BLUE. I did not so understand it.

Mr. CHARLES W. STONE. Yes; it is in the amendment.

Mr. BLUE. I think the gentleman is mistaken, and that he will find on examination of the amendment that it is not clearly stated; but if it is there, that disposes of so much of the objection. But, Mr. Speaker, what objection can there be to requiring this society to make a showing of its ability to construct this building? What objection can there be to fixing some reasonable limit of time for the commencement of this building? Is the Government to be required to turn over to this society for a period of ten years the exclusive right to use a portion of a public park under an option? Further than that, it has been disclosed in the discussion of this question that this society which seeks this donation was, at one time at least, divided into two rival branches.

Now, there is no assurance that this temporary coalition is to last, and perhaps long before the ten years have expired there will be two adverse wings of the society, each claiming the rights which this bill is intended to confer. Gentlemen say that the bill provides only for the "use" of this public square. Ah, but it is a perpetual use, and that means, in substance, that whatever may be the wording, however it may be explained that we give a mere "use," it really is equivalent to the conveyance of a fee simple, subject to forfeiture only when the society ceases to use the land for the particular purpose named in the bill. Mr. Speaker, I trust that this House will look into the matter well before voting a portion of one of the public parks of this city for this purpose without any sufficient restriction as to the time within which the building shall be constructed and without any sufficient regulation as to the character of the building that is to be erected there. But, if it is the sense of this House to pass this bill, then I trust that the gentleman from Massachusetts [Mr. MORSE] will give an opportunity for reasonable amendment before the vote is taken.

Mr. Speaker, I reserve the balance of my time.

Mr. MORSE. I yield ten minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I heartily agree with the gentleman from Kansas [Mr. BLUE] in his general proposition. I have always opposed taking public parks for public buildings. I believe that much of the beauty of this city consists in its beautiful parks. Distributed as they are all over the city, these small parks are more useful in the beautification of the city than if the same amount of land were aggregated in one location, which would be less convenient for the mass of the people.

But, Mr. Speaker, this is not a proposition to erect a public building for the use of the Government. We place in the public parks equestrian statues; we place there monuments to commemorate the great dead of our country, who gave their lives for its salvation. This building is to be a monument to the men of the Revolution, the men who for seven years fought to establish the Government under whose protecting shield we live to-day, and not only to establish free government, but to establish a home and a fortress for freedom upon the face of the globe.

If I had time, it would, of course, be easy to picture the great services and sacrifices and the heroic achievements of those men that have cast luster upon this great nation. Now, a patriotic society formed of patriotic women of this country are raising a fund (a part of which has been raised) to erect a building which shall be a monument to commemorate the achievements of the Revolution and which shall stimulate the patriotism of the younger generation that is growing up to-day and generations to come.

Why, sir, it is no new thing to do this. Every civilized nation on the globe has taken some means to commemorate the great achievements of those who have deserved well of their country. Greece did it; Rome followed her example. The people of those nations were not willing that the achievements of their great men should be recorded only in musty volumes upon the shelves of the student. They wanted those achievements brought before the eyes of the people in brass and stone, so that they might be reminded of the virtues of their great men and emulate their example.

While I agree with the gentleman from Kansas that as a general principle the parks should be preserved, I look upon the present proposition not as one to erect a building for public use, but rather a measure for erecting a building which shall serve as a monument and adorn any park of this city rather than mar it.

It is proposed to erect this building at the corner of Fourteenth street, immediately behind those shabby old buildings now there; and I have the hope that if we should put there such a monument as this building will be, it will have some influence in finally causing the removal of those old buildings, so that we may more conveniently have access to those public grounds.

My friend from Kansas [Mr. BLUE] wants to limit very strictly the time within which this building shall be erected. Why, sir, if gentlemen will look into the history of our public buildings, they will find that it would be very unreasonable to limit the time to less than ten years. How long has the post-office building down here been in course of construction? Why, sir, almost as long ago as I can remember, I was somewhat conspicuous in getting a bill passed by this House appropriating money to erect that post-office building. It has been growing and growing—not so fast as a hop vine in summer, but we hope that in the course of this generation it will be completed. My venerable friend from Pennsylvania [Mr. GROW], who occupied a distinguished position in this body almost a generation ago, reminds me of the fact that we were thirty years building the Washington Monument. And now, when a patriotic society of the women of this country, asking nothing of the Government in the form of money, propose to expend the contributions raised by themselves upon a monument to the men of the Revolution, you want to restrict them as to the time within which the building should be completed. You want to compel them to commence the building within one year. Why, sir, it was two years after the bill passed this House appropriating money for the post-office building in this city before the first blow was struck.

[Here the hammer fell.]

The question being taken on the motion of Mr. MORSE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

EVENING SESSION DISPENSED WITH.

Mr. PAYNE. I ask unanimous consent that the session for this evening be dispensed with, and that the present session continue until the House determines to adjourn.

There was no objection, and it was ordered accordingly.

COMMON CARRIERS AND THEIR EMPLOYEES.

Mr. ERDMAN moved to suspend the rules and pass, with the amendment of the Committee on Interstate and Foreign Commerce, the bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees.

The bill was read, as follows:

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or car service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier, either to the public or to the private parties concerned.

The wages paid by carriers subject to this act for any service rendered or to be rendered in the transportation aforesaid, or in connection therewith, or for the receiving, delivering, storage, and handling of such property, and the rules and regulations governing such employees, shall be reasonable and just. This provision shall not affect the right to make contracts for such wages not in contravention of any of the provisions of this act.

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act

and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy with all practicable expedition, put themselves in communication with the parties to such controversy and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

SEC. 3. That whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however*, That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within forty-eight hours after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That pending the arbitration the status existing immediately prior to the dispute shall not be changed.

Second. That the award shall be filed in the clerk's office of the circuit court of the United States for any district wherein the employer carries on business, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit, except that no person shall be punished for his failure to comply with the award as for contempt of court.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award, without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award, without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section 4.

SEC. 4. That the award being filed in the clerk's office of a circuit court of the United States as hereinbefore provided shall go into practical operation, and judgment shall be entered thereon accordingly; at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

SEC. 5. That every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged shall be delivered to the chairman of the Interstate Commerce Commission, who shall at once cause a notice in writing to be served upon the arbitrators fixing a time and place for a meeting of the arbitrators.

If an agreement of arbitration shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall decline to call a meeting of arbitrators thereunder unless, upon evidence satisfactory to them, it be shown that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 6. That during the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet strikes or boycotts against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, or without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages.

SEC. 7. That in every incorporation under the provisions of chapter 567 of the United States Statutes of 1885 and 1886 it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations; but members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of the provisions of this section; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 8. That whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, though the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor after due notice to such employees.

SEC. 9. That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, unlawfully attempt or conspire to prevent such employee from obtaining other employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000.

SEC. 10. That a sufficient sum of money to pay the traveling and other necessary and proper expenses of the arbitrators appointed and serving under this act, and to pay all other necessary and proper expenses of any conciliation or arbitration had hereunder, to be audited and allowed by the Chairman of the Interstate Commerce Commission, is hereby appropriated, for the fiscal years ending June 30, 1895, and June 30, 1896, out of any money in the Treasury not otherwise appropriated.

SEC. 11. That the act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October 1, 1888, and the provision contained in section 7 of an act approved June 13, 1888, "directing the Commissioner of Labor to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may interfere with the welfare of the people of the different States," are hereby repealed.

Mr. DOCKERY. I demand a second on the motion to suspend the rules.

Mr. ERDMAN. I ask unanimous consent that a second may be considered as ordered.

There being no objection, it was ordered accordingly.

The SPEAKER. There are now forty minutes for debate, of which the gentleman from Missouri [Mr. DOCKERY] will control twenty and the gentleman from Pennsylvania [Mr. ERDMAN] twenty.

Mr. ERDMAN. Mr. Speaker, this is a bill providing for the adjustment of labor difficulties arising between interstate carriers of commerce and their employees. It provides, in the first place, that it shall affect only those who are interested in carrying interstate commerce. It is a bill that passed the House in the Fifty-third Congress unanimously. It was agreed upon by the chiefs of the labor organizations and by representatives of railroad organizations, or persons who had supervised railroad organizations, and is understood to be satisfactory to all parties concerned. It is the same principle that is contained in the St. Louis and Chicago platforms.

It provides that in all difficulties between railroad carriers and their employees the Commissioner of Labor and the chairman of the Interstate Commerce Commission shall endeavor by mediation and conciliation to procure an adjustment, and if they can not do it, then it provides for the voluntary arbitration of the difference. The purpose is to have arbitration before violence, before a blow is struck. After that, it has been found usually too late to arbitrate. It provides that the railroad people may designate one arbitrator, and that the employees may designate the other, the third to be chosen by the two, and if they fail to agree, then by the Commissioner of Labor and the Chairman of the Interstate Commerce Commission. It provides that these arbitrators may hear and determine the dispute, and when they have submitted to this agreement, pending that, that the railroad company will not discharge, and that the railroad employees will not quit work. The purpose is to prevent strikes, and to have by mediation and conciliation at first, or in the event of the failure of that, then by arbitration, a determination of the dispute between them. It is not compulsory in any sense. It is not selling the freedom of the men, as some who have opposed the bill have thought.

The Commissioner of Labor, Mr. Carroll D. Wright, recently addressed a letter to a gentleman, in which he says of this bill:

Instead of contemplating involuntary servitude, the bill, it seems to me, places labor and capital on an equality as to the enforcement of contracts; and furthermore—and I am willing to admit that this is the chief reason for my liking the bill—it gives labor organizations an opportunity to dignify their bodies in ways that have not been open to them heretofore. It gives them the right to be heard in courts upon all questions affecting the conditions and terms of their employment through the officers and representatives of their associations, whether incorporated or unincorporated. It was upon this point that the Dallas matter turned. The judge did not follow the suggestions of the Attorney-General, however. The bill provides that no reduction of wages shall be made by receivers without the authority of the courts

therefor after due notice to such employees. Practically, this is a bill of rights that the workingmen, so far as railways are concerned, can not claim at present. The bill, further, is a new charter for workingmen, for it restrains employers subject to its provisions from requiring employees as a condition of employment to enter into obnoxious agreements, such as not to become members of labor associations or organizations. Nor can members of organizations be discriminated against because of their membership, and it leaves men to exercise their own free will as to charitable, social, or beneficial auxiliaries of railway corporations, and it furthermore restrains employers from attempting to injure employees through black lists. All these things, it seems to me, commend the bill, not only to the members of the great railway organizations, but to organized and unorganized labor everywhere, and instead of subjecting them to any kind of servitude, whether voluntary or involuntary, it gives them rights which are questioned, at least, at the present time.

I am, sincerely yours, CARROLL D. WRIGHT.

Mr. Speaker, I reserve the balance of my time.

Mr. DOCKERY. Mr. Speaker, I demanded a second on this bill in order that the gentleman in charge of it [Mr. ERDMAN] might make an explanation to the House. I know nothing myself as to the provisions of the bill. I now yield such time to the gentleman from California [Mr. MAGUIRE] as he may desire.

Mr. MAGUIRE. Mr. Speaker, I am opposed to this bill because I see in it the beginning of a most dangerous surrender of the individual liberty of all American laborers. To-day we invade the liberty of laborers employed or to be employed, either directly or indirectly, in interstate commerce. To-morrow the principle and the restriction will be applied to other classes, and so it will proceed by stages until all laborers will be included in judicial serfdom. This bill extends to other occupations the form of involuntary servitude now enforced in the occupation of seamanship. It extends the principle of industrial slavery now prevailing in the merchant marine to interstate (inland) commerce.

It is said by the author of the bill that arbitration under the bill is to be purely voluntary. So it is nominally, but the power exists in every railroad corporation in this country, immediately on the passage of this bill, to compel every man employed at manual labor, in connection with interstate commerce, to subject himself to a judgment such as is provided for in the bill and to the penalties provided for its disobedience.

Mr. ERDMAN. Will the gentleman permit an interruption?

Mr. MAGUIRE. Yes, sir.

Mr. ERDMAN. Will the gentleman point to one section of the bill that permits that?

Mr. MAGUIRE. There is no such provision in the bill. The provision for making the arbitration provided for universal and compulsory is not in the bill, but in the conditions that environ laborers of all classes, and which will enable employing corporations to force them to accept employment under the penalties and limitations of the arbitration law. The very conditions that drive these laborers to seek this legislation will drive them to slavery under its provisions.

I do not hope to prevent the passage of this bill, but in the utmost kindness and sincerity I warn the laborers who are urging its passage that it is dangerous legislation and will be a sad disappointment to them. A similar act applying to seamen engaged in the coastwise trade of this country, passed in 1890, was as voluntary in its letter as this is, but the shipowners determined that it was best that they should employ all their men under the provisions of that act, and they soon contrived by combination to compel every man whose necessities drove him to seek employment in that service to come in under the provisions of the act. So with this bill. Any railroad company in this country can, within twenty-four hours after the passage of this act, provoke a controversy with its men which will compel them either to enter upon the evils, wastefulness, and injury of a strike or to accept the temporary expedient of submitting to all the terms of this enslaving arbitration. When they submit to arbitration, the status quo, the condition prevailing just before the controversy, is to be maintained without limit of time until the arbitrators shall reach a decision—perhaps for two or three years. The men are bound to continue in the employment of employers whom, perhaps, they do not want to serve. They will be compelled to continue in an employment the conditions of which may have become distasteful and oppressive to them; but under the bill they must continue in that employment under conditions amounting to involuntary servitude.

When the award is made, they are bound again, pursuant to the award and regardless of their own wishes, to continue in the employment for another year. They are bound to remain in the employment of their judicially imposed masters, no matter how obnoxious the employment may have become, unless they have a right to seek discharge from the obligation upon grounds that are made exceptions by the terms of the bill.

Another thing. The individuality of the employee is lost under the bill. The bill provides that a majority of a railway laborers' organization may bind the others, not only to submit to arbitration, but to all the terms and penalties of the law. I very much doubt the constitutionality of that provision—nay, I know it is not constitutional.

It is my opinion and the opinion of the attorneys consulted by the representatives of the American Federation of Labor that the terms of the bill will apply to all mechanics and laborers engaged in the building and repairing of locomotives and cars, for they are incidentally employed in railroad operation, and may be held in certain cases to be employed in interstate commerce. A majority of any organization of laborers so employed can, under the provisions of this bill, compel the minority, without their consent or contract, against their will, against their protest, to submit to the arbitration and to the award. They are, equally with those who consent, to be compelled to submit to all the conditions of the law during the whole period of the arbitration and for a year afterwards. Some of the penalties, criminal penalties, that were originally provided for in the arbitration scheme and made part of the bill when first introduced have been stricken out; but I say to you that when the principle has been established, and the domination of railroad companies over their employees has been secured under this bill, the battle will then commence for extending the pains and penalties by which the partially enslaved laborers of this great department of human labor will be submerged and oppressed with all the severities that were originally proposed.

The gentleman says that all of the labor organizations, so far as he knows, favor this bill.

I am not authorized to speak for any labor organization in this matter. I speak only for my own principles, but I know that the American Federation of Labor regards this measure as a serious menace to the liberties and to the best interests of American laborers. It opposes the bill because it knows that the rights of labor are to be secured only through liberty and not through the permanent surrender of the liberties of the laborer for apparent temporary gain.

I yield back the remainder of my time to the gentleman from Missouri [Mr. DOCKERY].

Mr. ERDMAN. I yield five minutes to the gentleman from Iowa.

Mr. HEPBURN. The only purpose for which I desire time is to ask three or four questions of the gentleman in charge of the bill. Is it not true that the five great orders of railway employees are a unit through their properly constituted officers in asking for the passage of this bill?

Mr. ERDMAN. They ask for it; and they are here to-day pressing for it.

Mr. HEPBURN. These organizations are the organization of engineers, the organization of firemen, the organization of switchmen, and the organization of brakemen. These organizations are the ones affected by the bill.

Mr. ERDMAN. They are; and they are pressing for it here; and not a single member of the American Federation of Labor is affected by it. If the gentleman who has just concluded spoke for them, he spoke for some one who has no interest in it, not more than the snap of my finger; and he, I understand, can not afford to have the principle of arbitration in dispute go forward in this country. I yield two minutes to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, I have been detained from the House most of the day on matters of vital importance to my district. I returned but a short time ago and found that a vote on the international monetary conference had been taken during my enforced absence. My views on that subject are possibly known to some members of the House; but I feel it but right to state that if present I should have been compelled by conscience and duty to vote "nay."

Mr. ERDMAN. I yield one minute to my colleague [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Speaker, I simply wish to confirm what has been said by my colleague, Mr. ERDMAN, in regard to the various labor organizations connected with the railroad service, whose representative men have approved the measure. It has not been opposed by railroad owners or officials, but, so far as the Committee on Labor has been informed, it has met their approval.

This bill has been very carefully considered by the Committee on Labor. It has heard the representatives of labor fully, both in the last Congress and in this.

The importance of the railroad service to our people can not be overstated. Their daily needs are largely supplied by it, in fact; fuel, food, all the commodities of life. A strike which would involve our railroad systems would be appalling. This bill is designed to obviate such disaster by settling all disputes in a peaceful way. The principle of arbitration was indorsed by the Republican platform at St. Louis, and, in fact, by all political parties. It is in harmony with the most advanced thought of the age, and should obtain.

Of all bills before our committee this has had most careful and thorough consideration. It passed unanimously in the Fifty-third Congress, and I hope that a vote will be immediately taken and that the measure may pass this Congress.

Mr. ERDMAN. I yield one minute to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, for the information of the House I desire to state I am in receipt of a very short letter on the subject that I will read:

THREE BRANCH LODGE, No. 304,
BROTHERHOOD OF LOCOMOTIVE FIREMEN,
Argenta, Ark., February 18, 1897.

DEAR SIR: The inclosed circular will explain to you what is required, and is the unanimous voice of this lodge. You are respectfully requested to use your influence and utmost endeavors to have those bills passed.

Yours, for justice,
JAMES McCARTHY, *Master.*
A. H. ANDREWS, *Secretary.*

HON. WM. L. TERRY.

This is from the Brotherhood of Locomotive Firemen. Included in the list of bills is the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill. This labor organization states that they are in favor of all these bills. [Cries of "Vote!" "Vote!"]

Mr. DOCKERY. Mr. Speaker, I demanded a second in order to get an explanation of the bill, and in the light of the discussion I shall support the measure.

The question was taken; and, in the opinion of the Speaker, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

UNWHOLESOME TEAS, ETC.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass Senate bill No. 3725. The original bill is on the Speaker's table, and I wish the Clerk would read from the original Senate bill, as I think there are one or two minor amendments.

The bill was read, as follows:

Be it enacted, etc., That from and after May 1, 1897, it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited.

SEC. 2. That immediately after the passage of this act, and on or before February 15 of each year thereafter, the Secretary of the Treasury shall appoint a board, to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of $50 per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs."

SEC. 3. That the Secretary of the Treasury, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the custom-houses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof.

SEC. 4. That on making entry at the custom-house of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or in the discretion of the Secretary of the Treasury, such samples shall be obtained by the examiner and compared by him with the standards established by this act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section 7, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section 7: *Provided, however*, That the bond above required shall also be conditioned for the payment of all custom-house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this act.

SEC. 5. That if, after an examination as provided in section 4, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section 6, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the custom-house unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided*, That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section 6.

SEC. 6. That in case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

SEC. 7. That the examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section 4 of this act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis.

SEC. 8. That in cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee, if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding $5.

SEC. 9. That no imported teas which have been rejected by a customs examiner or by a board of United States general appraisers, and exported under the provisions of this act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition.

SEC. 10. That the Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulations.

SEC. 11. That teas actually on shipboard for shipment to the United States at the time of the passage of this act shall not be subject to the prohibition hereof, but the provisions of the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, shall be applicable thereto.

SEC. 12. That the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, is hereby repealed, such repeal to take effect on the date on which this act goes into effect.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. MILNES. Mr. Speaker, I demand a second. I would like to hear something about this bill.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. COX. I object.

The SPEAKER. Objection is made, and the gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. MILNES] will act as tellers.

The House divided; and the tellers reported—ayes 80, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. MILNES] will control the time.

Mr. PAYNE. Mr. Speaker, in 1883 Congress passed an act to prevent the importation of impure and unwholesome tea, or tea harmful to health. We tried then to make as good a law as we knew how; but notwithstanding the stringency of that law, which provided for the reexportation of all teas which did not come up to the standard, we find that to-day more poor, unwholesome tea, more tea sweepings and drug teas, are thrown upon the American market than upon all the other markets of the world. Our people consume more bad tea than all other countries. This is a subject about which we have heard a good deal for several years past in the Committee on Ways and Means. People interested in the tea trade, and interested in having only pure, wholesome teas imported into the United States, have appeared before that committee and set forth their various grievances and the difficulty of enforcing the old law. That law provided for inspectors to be appointed from men who were importers. Of course it was only human nature for those merchants to favor each other sometimes, and to favor themselves always in their decisions, and there was no appeal except to this board of merchants. The consequence is that the importation of poor teas into this country has increased.

This bill is the result of the united efforts of the people engaged in the tea trade, the people anxious for wholesome food, the Treasury Department, the Senate of the United States, and the Committee on Ways and Means. A bill nearly identical in language and entirely identical in character was recommended by the Ways

and Means Committee some days ago, and reported unanimously from that committee to the House. This particular bill was introduced into the Senate, and referred to the Committee on Commerce there, was unanimously reported to the Senate by that committee, and was passed by the Senate and sent over here this morning. In brief, the bill provides that the Secretary of the Treasury shall appoint seven inspectors of tea in the United States, to be chosen from those who are experts in tea. These seven men are to receive each a salary of $50 a year, to be paid out of the moneys appropriated for customs expenses. They are to meet upon the passage of the bill, and every year thereafter——

Mr. COX. Did the gentleman say $50 a year?

Mr. PAYNE. Fifty dollars a year each. They are to meet every year and establish uniform standards of purity and fitness for consumption, which standards are to be embodied in samples. Those samples are to be duplicated. There will be one at New York, one at Chicago, one at San Francisco, and the others are to be at such other places of import as the Secretary of the Treasury shall designate, and with those samples all importations of teas are to be compared. If the importation comes up to the samples, it can come in free of duty for consumption in the United States. If the importation does not come up to the standard, it is to be reexported and excluded from consumption here.

Mr. LACEY. How is the comparison to be made?

Mr. PAYNE. It may be by pouring hot water on the tea and making drawings of it, and comparing it with the sample in that way, or it may be done by chemical analysis, if necessary. The provisions for making the comparison are ample.

Mr. LIVINGSTON. Does the gentleman expect to get an honest performance of duty on the part of these inspectors at a salary of $50 per annum each? I wish you would explain how that can be done.

Mr. PAYNE. In the first place, the bulk of the inspection will be made by the customs officers, and these special inspectors will be called upon only where it is found necessary. I do not think there will be any difficulty about it. The Secretary of the Treasury thought the salary was ample and that he could secure the best talent for that amount, and gentlemen familiar with the business give assurances to the same effect.

Mr. COX. Are these offices under the civil service? [Laughter.]

Mr. PAYNE. The bill does not extend the civil-service rules to these inspectors. [Laughter.]

Mr. STEELE. All the honest tea importers are in favor of this bill, and will cooperate with the custom-house officers.

Mr. PAYNE. Yes, every one of them in the United States.

Mr. MILNES. The gentleman says that this bill has been asked for by the tea dealers?

Mr. PAYNE. Yes, sir; by the tea trade.

Mr. MILNES. By the importers?

Mr. PAYNE. Yes; and by others engaged in the business.

Mr. MILNES. Has the bill been approved or asked for by the trade journals of the country?

Mr. PAYNE. I have not read the trade journals, and can not answer that question; but I know that some of those journals have advocated very earnestly the passage of this bill, or of a similar bill which was proposed some time ago.

Mr. MILNES. Have the medical journals made any complaint as to the impurity of the teas imported?

Mr. PAYNE. I am unable to say. I am not in the habit of reading the medical journals.

Mr. MILNES. I have asked these questions because I want to know the reasons for the passage of the bill. I want to find out whether anybody outside of the tea importers are asking for its passage. If the people of the country who consume tea are not complaining of its impurity, if the trade journals are making no complaint, and if the medical journals are not urging the passage of the bill as promotive of the public health, I can see no reason for its passage. It seems to me that if the importers are the only persons asking for it, they must have some object of their own in view, and I should like to know what it is.

Mr. PAYNE. Because I do not happen to know what may be in the trade journals or the medical journals, it does not follow that those journals are not in favor of this bill. I do know that there has been a universal demand from all classes for some legislation which will secure to the people pure tea. This demand has gone so far that there have been applications time and again to the Committee on Ways and Means to impose such a duty upon tea as will exclude all poor tea. Various modes of relief have been devised. Everyone interested has seemed to be anxious for the passage of some such bill as this.

Mr. CLARDY. Who are to be the judges whether the samples provided by these commissioners compare favorably with the samples imported? The custom-house officers?

Mr. PAYNE. First, the custom-house officers; and if they can not tell, then the inspectors themselves. The inspector can be sent for, or the samples can be sent to the inspector. In the meantime the tea is held in the custom-house. If the decision is that the article is not fit for consumption, then the owner must give bond and remove it from the United States within six months. From the action of the inspectors an appeal may be taken to a board of three appraisers designated by the Secretary of the Treasury from the general appraisers of the United States. These appraisers, in determining the appeal, can call in any expert on the subject of tea to aid them in the determination of the question.

Mr. NORTHWAY. If this bill be passed, and rigidly enforced, what will be the effect upon the price of tea?

Mr. PAYNE. I do not think it will affect the price of good tea at all. Nor do I think it will affect the price of poor tea, if it be genuine. The habit is to collect this spurious stuff—the sweepings, the tea dust, the old tea leaves that have been allowed to remain so long on the tea plant that a large amount of tannin has developed in the leaf—and to mix these with a small quantity of pure tea, and then sell this spurious article throughout the country by means of various devices, such as the offering of chromos and gifts of various kinds. So far as regards any decent article of tea, I do not think this measure can increase the price. The universal opinion of the tea trade is that it will give to the public a sound article of tea at the same retail price for which good tea is selling to-day.

Mr. QUIGG. Will my colleague allow the point to be enforced that there is no other machinery in the bill for carrying out its provisions, especially as to judging of the tea, than the ordinary machinery now in use in the case of all importations?

Mr. PAYNE. That is true except as to these seven inspectors at $50 a year each. That is the entire additional expense to be incurred.

Mr. QUIGG. The purpose that they serve is simply to provide samples?

Mr. PAYNE. Yes, sir.

Mr. MILNES. As I understand, probably 90 per cent or more of all the tea coming into the United States comes to the port of New York or San Francisco?

Mr. PAYNE. Well, there is Chicago.

Mr. MILNES. The Chicago teas, I presume, all come from San Francisco.

Mr. PAYNE. Oh, no. Chicago is a port of entry; much of the tea coming there never sees San Francisco at all.

Mr. MILNES. Then it comes to the port of New York originally, does it not?

Several MEMBERS. Oh, no.

Mr. MILNES. Does this demand for the passage of the bill come from importers in different sections of the country?

Mr. PAYNE. It does.

Mr. MILNES. It is not confined to importers at New York City?

Mr. PAYNE. It is not. The importers throughout the country are united upon the measure.

Mr. HOPKINS of Illinois. There is a general demand for it.

The question being taken on the motion of Mr. PAYNE to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse;

A bill (H. R. 6792) granting a pension to Hannah R. Quint;

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898;

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

A bill (H. R. 8706) to correct the military record of Patrick Hamley; and

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

TEMPORARY BICYCLE MESSENGERS.

Mr. ALDRICH of Illinois. Mr. Speaker, I have an emergency resolution, a small matter.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH], chairman of the Committee on Accounts, presents a resolution.

Mr. ALDRICH of Illinois. I present it individually, and ask consent for its consideration, which I presume will be granted.

The SPEAKER. The Clerk will report the resolution.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ for the remainder of the session two bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid each out of the contingent fund of the House of Representatives, at $5 per day.

Mr. DOCKERY. That is the usual resolution.

Mr. ALDRICH of Illinois. That is the usual resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

And then, on motion of Mr. PAYNE (at 5 o'clock and 24 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the veto message of the President of the United States on the bill of the House (H. R. 6902) entitled "An act granting a pension to Mrs. Mary A. Viel," reported the same, accompanied by a report (No. 3040); which said veto message, bill, and report were referred to the House Calendar.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 3042); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on the Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 4979) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections, reported the same without amendment, accompanied by a report (No. 3044); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, reported the same without amendment, accompanied by a report (No. 3045); which said bill and report were referred to the House Calendar.

Mr. ALDRICH of Illinois, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10369) to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or any of its accessories, reported the same without amendment, accompanied by a report (No. 3046); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, reported the same without amendment, accompanied by a report (No. 3047); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported the same without amendment, accompanied by a report (No. 3048); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River, reported the same without amendment, accompanied by a report (No. 3050); which said bill and report were referred to the House Calendar.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9845) to provide for the purchase of a site and the erection of a public building thereon at Streator, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 3051); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENNY, from the Committee on Claims, submitted a supplemental report on House resolution No. 411, for the relief of Samuel Lee; which said supplemental report (No. 2999, part 2) was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MILES, from the Committee on the Judiciary: The bill (H. R. 568) for the relief of the International Cotton Press Company of New Orleans, La. (Report No. 3043.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 9132) for the relief of W. D. Catlett, of West Virginia. (Report No. 3052.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Proof to accompany House bill No. 6079, for the relief of Jerry Sullivan—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Proof to accompany House bill No. 6733, for the relief of George W. Winters—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Statement to accompany House bill No. 6078, for the relief of William H. Lankford—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 10368) providing for the preservation of the petrified forest of Arizona—to the Committee on the Public Lands.

By Mr. ALDRICH of Illinois: A bill (H. R. 10369) to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or any of its accessories—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: A concurrent resolution (House Con. Res. No. 73) to print 5,000 copies of Commercial Relations for 1895 and 1896—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10370) granting a pension to Mary A. Panabaker—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 10371) to confer the rank of lieutenant-colonel upon E. Y. Goldsborough—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Resolutions of the Rhode Island Historical Society, of Providence, R. I., in favor of the publication of the names of heads of families and other detailed information as shown by the First Federal Census—to the Committee on Printing.

By Mr. BAILEY: Petition of Henry Klappenbach and other citizens of Eagle Pass; Louis Garner and others, of Van Alstyne; and R. A. Gladish and others, of Hempstead, in the State of Texas, asking for the passage of the antirailroad ticket scalping bill

(H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Petition of James S. Cowden and others, of Vienna, Va., in favor of House bill No. 9805, to promote aerial navigation—to the Committee on Military Affairs.

By Mr. BERRY: Petition of John S. Boylson and other citizens of Covington, Ky., favoring the passage of the Cullom and Sherman bill to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. C. De Garma and other citizens of Covington, Ky., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. BULL: Resolution of the Rhode Island Historical Society, in favor of the passage of the Morrill resolution providing for the printing of the names of heads of families and other detailed information as shown by the First Federal census—to the Committee on Printing.

By Mr. FLETCHER: Petition of Henry Jajeski and other citizens of Minneapolis, Minn., asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FOOTE: Petition of Sherman Williams, of Glens Falls, N. Y., favoring the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of Thomas Gibson and other citizens of Groton, Mass., in favor of extending the Government mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. NEILL: Petition of B. F. Brown & Co. and 14 other citizens of Baldknob, Ark., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of the Young Men's Christian Association, also of the Madison Street Methodist Episcopal Church, of Chester, Pa., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Westchester, Pa., for the enactment of laws for the better observance of the Sabbath in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Union Star Council, No. 204, United American Mechanics, of Fernwood, Pa., praying for the passage of the Cameron resolution relative to Cuba, and for granting belligerent rights immediately—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz: J. Smith and 2 others, of Hyde Park; Louis McDonald and 5 others, F. L. Grandy and 9 others, of Owlshead; William Dunbar and 9 others, of Forestport; William H. McLoughlin and 18 others, of Rome; William McMullin and 18 others, of Delhi; V. H. Smythe and 15 others, of Clinton; E. H. Doody and 10 others, of Sylvan; M. L. Barry and 16 others, Hitchcock, Darling & Co. and 17 others, and Hoffman House Company and 17 others, of New York City; C. Waterman and 12 others, of Syracuse; M. Ditton and 15 others, of Buffalo; William Milander and W. E. Ford, of Rochester; Charles Horner and 8 others, of Saranac Lake; N. W. Mahar and 17 others, of Greenbush; Edward A. Spice and 9 others, of Canastota; H. C. Williamson and 12 others, of Watervliet; James Ryan and 20 others, of Greenbush; William Welch and 9 others, of Jordan; Ralph Stewart and 12 others, of Whiteplains; G. W. Elder and 10 others, of New York City and Brooklyn; also of T. B. McEvoy and 17 others, of Carbondale, Pa., and J. P. McEvoy and 16 others, of Throop, Pa., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of citizens of Menominee, Mich., praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHINGTON: Petition of L. P. Lowrie and other citizens of Monteagle, Tenn., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WELLINGTON: Petition of citizens of Baltimore, Md., asking for an appropriation to pay depositors who lost by the failure of the Freedman's Savings Bank—to the Committee on Appropriations.

Also, petition of Gideon Bussard, for payment of bill for stores and supplies furnished the United States Government during the late war—to the Committee on War Claims.

By Mr. WOOD: Petition of J. T. Spelman and other citizens of Clark County, Ill., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 27, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

SUPPLEMENTAL SCHEDULES OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th instant, supplemental schedules of claims amounting to $21,419.27, allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS AGAINST THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting estimates of appropriation of $484.25 to pay certain judgments against the District of Columbia; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MARTIN T. M'MAHON.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of the 24th instant, calling for a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, to provide for the bringing of suits against the Government of the United States, transmitting an additional judgment in favor of Martin T. McMahon, for which an appropriation of $3,629.70 is required; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS IN INDIAN DEPREDATION CASES.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of the judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company, of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3725) to prevent the importation of impure and unwholesome tea.

The message also announced that the House had passed the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees; and

A bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

A bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

A bill (H. R. 5472) concerning delivery of letters in towns, villages, and other places where no free delivery exists;

A bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse; and

A bill (H. R. 6792) granting a pension to Hannah R. Quint.

ST. LOUIS RIVER BRIDGE.

Mr. QUAY. I move that the Senate proceed to the consideration of the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

Mr. VILAS. I hope the Senator will not press that motion this morning.

Mr. QUAY. It must be pressed now or never.

Mr. VILAS. Well, it would consume a great deal of time if that bill were taken up for consideration.

The VICE-PRESIDENT. The Chair desires to state that the motion can not be entertained. The Chair will submit the request, but until the morning business is concluded, or until one hour has elapsed, under the rule which the Chair had read the other morning, a motion to proceed to the consideration of a bill on the Calendar can not be entertained. The Chair submits to the Senate the question, Is there objection to the request of the Senator from Pennsylvania?

Mr. VILAS. I am sorry to be obliged to say that I am not ready to consider that bill yet.

Mr. QUAY. I should be glad to have the Senator from Wisconsin state when he will be ready to proceed to the consideration of the bill.

Mr. VILAS. I shall be ready just as soon as I receive the memorial of the legislature of Wisconsin, which I have not yet received.

Mr. QUAY. The mails seem to be very slow between here and Madison, Mr. President.

Mr. VILAS. It is only two days, I believe, since the Senator informed us that the memorial was to be sent to the governor for his approval.

Mr. QUAY. It was passed on the 19th.

Mr. VILAS. It has hardly had time to get here yet.

Mr. QUAY. It was to be presented to the governor on Wednesday, the 24th.

Mr. VILAS. Very well.

CREDENTIALS.

Mr. CULLOM. I present the credentials of Charles W. Fairbanks, chosen by the legislature of Indiana a Senator from that State for the term beginning March 4, 1897; which I ask may be read and printed in the RECORD.

The credentials were read, and ordered to be placed on file, as follows:

In the name and by the authority of the State of Indiana.

To all who shall see these presents, greeting:

I, James A. Mount, governor of the State of Indiana, do hereby certify that on the second Tuesday after the meeting and organization of the general assembly of the State of Indiana, on, to wit, the 19th day of January, 1897, each house openly and by viva voce vote cast a majority of the whole number of votes for Charles W. Fairbanks, an inhabitant of said State and of the age of 30 years and upwards, and who has been nine years a citizen of the United States, for Senator, to represent the State of Indiana in the Senate of the United States for the term of six years commencing on the 4th day of March, 1897. At 12 o'clock meridian on the following day, the two houses convened in joint assembly, and the journal of each house having been read, showing that said Charles W. Fairbanks had received a majority of all the votes cast in each house, he, the said Charles W. Fairbanks, was declared duly elected Senator to represent the State of Indiana in the United States Senate for the term of six years commencing March 4, 1897.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis, this 21st day of January, in the year of our Lord 1897, the eighty-first year of the State, and of the independence of the United States the one hundred and twenty-first.

JAMES A. MOUNT.

By the governor:
[SEAL.]

WILLIAM D. OWEN,
Secretary of State.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of the Woman's Christian Temperance Union of Wyandotte, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Dorr, Mich., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to prevent interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Blissfield and Palmyra, in the State of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen, of Marquette, Mich., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of the District of Columbia, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

Mr. CAMERON presented a petition of the Moravian Christian Endeavor Society, of Lititz, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Association of School Directors, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of Ida Grove, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Eastern Branch National Home for Disabled Volunteer Soldiers, of Togus, Me., remonstrating against the adoption of the proposed amendment to the general deficiency appropriation bill which virtually takes from the control of the officers of the National Home a fund known as the post fund, and places it in charge of the War Department; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying Congress to appropriate money to be used on the public improvements of the country and to employ 1,000,000 persons for the period of ten years, allowing 300 working days per annum, and to pay an average of $2 per day to each and every person employed; which was referred to the Committee on Finance.

He also presented a petition of Mount Pleasant Lodge, No. 429, Brotherhood of Locomotive Firemen, of Chicago, Ill., and a petition of Twin City Lodge, No. 39, Brotherhood of Locomotive Firemen, of Rock Island, Ill., praying for the enactment of legislation punishing contempts of court, for the appointment of an international arbitration commission, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented the petition of Mrs. G. H. Read, of Bloomington, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to regulate the liquor traffic in the District of Columbia; which were ordered to lie on the table.

He also presented a petition of Branch No. 77, National Association of Post-Office Clerks, of Elgin, Ill., praying for the enactment of legislation reclassifying clerks in the railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of the Reformed Presbyterian Church, of Marissa, Ill., and a petition of sundry citizens of Enterprise, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Chicago, Ill., praying that the present tariff on Mexican oranges remain unchanged; which was referred to the Committee on Finance.

He also presented the petition of C. M. Patterson and G. H. Gargus, of Hettick, Ill., and a petition of sundry citizens of Alton and Chesterfield, Ill., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Commercial Club, of Chicago; of the officers of the Quarterly Meeting of Friends' Church, of Chicago, and the Fortnightly Club, of Moline, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of business firms of Chicago, and of sundry citizens of Aurora, Moline, Joliet, Oak Park, and Chicago, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois and New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GORMAN presented a petition of sundry business firms of Baltimore, Md., praying for the speedy enactment of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of A. L. Boggs, jr., and sundry other citizens of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of members of the East Baltimore (Md.) Station Methodist Protestant Church,

praying for the ratification of the pending arbitration treaty with Great Britain, provided it meets with the convictions of the Senators from that State; which were ordered to lie on the table.

He also presented resolutions of the committee on philanthropic labor of the Baltimore (Md.) Yearly Meeting of Friends, representing a membership of 3,000 persons, residing in Pennsylvania, Maryland, Washington City, and Virginia, expressing their belief that the cause of temperance will be advanced by prohibiting the sale and use of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Anti-Saloon League of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

He also presented the memorials of C. S. Murphy and sundry other citizens of Lonaconing; of H. McJenness and sundry other citizens of Oxford; and of John Odgers and sundry other citizens of Frostburg, all in the State of Maryland, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented the petition of J. B. Morrow, publisher of the Times, of Ellicott City, Md., and the petition of G. W. M. Cardell, publisher of the Leader, of Williamsport, Md., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Ministers' Conference of Baltimore; C. L. Marburg and sundry other citizens of Baltimore; Lee B. Bolton and sundry other citizens of Baltimore; the faculty of the Baltimore City College; H. S. Platt and sundry other citizens of Baltimore; T. J. Packard and sundry other citizens of West River; J. R. Ewing and sundry other citizens; W. W. Hopkins and sundry other citizens; and of E. J. Rinehart and sundry other citizens, all in the State of Maryland, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Representative Meeting of the Baltimore Yearly Meeting of the Religious Society of Friends (Orthodox), residing in Maryland, Virginia, and the adjacent parts of Pennsylvania, praying the Senate to embrace the present favorable opportunity to conclude a treaty of arbitration between the United States and Great Britain; which was ordered to lie on the table.

He also presented resolutions of the committee on philanthropic labor of the Baltimore (Md.) Yearly Meeting of Friends, representing a membership of 3,000 persons, residing in Maryland, Pennsylvania, Washington City, and Virginia, expressing their sympathy with and praying that the treaty of arbitration with Great Britain may receive favorable consideration, provided that its terms commend themselves to the Senate as safe to the nation and effectual in securing the objects sought to be obtained; which were ordered to lie on the table.

Mr. DANIEL presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Delcassion Club, of New York City, and a memorial of the Speranza Club, of New York City, remonstrating against the passage of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of Council No. 403, Royal Arcanum, of Norwalk, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Presbyterian church of South Charleston, Ohio, and a petition of the Pleasant Ridge Christian Endeavor Society of Cincinnati, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of Rev. E. A. Jester, of Youngstown, Ohio, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Congregational Club, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BRICE presented a memorial of 118 citizens of Findlay, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented the petition of George B. Troub, of Hicksville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of the O. E. Bell Company, of the Cincinnati Silver Company, of the Carlisle-Osborne Company, and of the Tiffany Jewelry Company, all of Cincinnati, Ohio, praying for the enactment of legislation providing 1-cent letter postage; which were ordered to lie on the table.

He also presented the petitions of Charles Meis & Co., of A. & A. W. Sommerfield & Co., of the W. B. Carpenter Company, Albert Mayer & Bro., Goldman, Beckman & Co., the Clemen Toy and Stationery Company, Henry Gershofer & Co., Frederick Silberberg & Co., George H. Dean and Kibe Bros., the Cincinnati Woolen Company, and of G. Sturn & Sons, all of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Lodge & Shipley Machine Tool Company, of Cincinnati; of Oscar Onken & Co., of Cincinnati; of the Kennard Shoe Company, of Cleveland; Sherwin-Williams Company, of Cleveland; the M. H. Alexander Company, of Cincinnati; A. J. Wenham's Sons, of Cleveland; the Nicola & Stone Lumber Company, of Cleveland; the L. H. Whitcomb Company, of Cleveland; the Citizens' National Bank, of Akron; the Pliny Watson Company, of Toledo; the Merchants and Manufacturers' Exchange Company, of Cleveland; the Diebold Safe and Lock Company, of Canton, and of McGowan Bros., of Steubenville, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. GRAY presented the memorial of Wilbur F. Crafts, superintendent of the Reform Bureau of Washington, D. C., remonstrating against holding the proposed Sunday session of the Senate; which was ordered to lie on the table.

Mr. THURSTON. I present a telegram in the nature of a memorial, remonstrating against carrying into execution the recent Executive order for the extension of the forest reservations. This is an important matter, and I ask to have the memorial incorporated in the RECORD.

There being no objection, the memorial was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

OMAHA, NEBR., *February 26, 1897.*

JOHN M. THURSTON,
United States Senate, Washington, D. C.

At a meeting of the Commercial Club of the City of Omaha, held at Omaha on the 26th day of February, A. D. 1897, the following resolution was unanimously adopted:

"The Commercial Club of the City of Omaha, interested in the growth and development of the transmissouri country, and particularly of the State of Nebraska, is greatly alarmed at the promulgation of an executive order by the President of the United States by which 21,000,000 acres of public lands in the Northwest are reserved from exploration, settlement, mineral development and filing, and railroad construction. Of these 21,000,000 acres of land, which, added to the 17,000,000 acres heretofore reserved, makes nearly 40,000,000 acres of the public domain, 3,000,000 are in the State of Wyoming and the Black Hills of South Dakota, which country is directly tributary to the State of Nebraska, and is one of the sections largely supplied by agricultural products of this State. In view of the alarming and disastrous results to flow from this executive order, it is

"*Resolved*, That while in sympathy with any legitimate effort to protect the forests of the public domain, we believe that this sweeping order will have no such result, but by making the so-called timber country an uninhabited waste, will increase the danger of the destruction of forests by fire, and in view of the fact that large sections of these proposed reservations are now settled by agriculturists and miners, whose industries must cease if this executive order shall continue in operation, we call upon our Senators and Representatives in Congress by proper legislation to annul the said order, believing that the present stringent laws are sufficient, if enforced, to fully protect timber on the public domain.

"*Resolved*, That these resolutions be telegraphed to the Senators and Representatives in Congress from the State of Nebraska, to be by them presented to the two Houses of Congress."

J. E. UTT,
Secretary Commercial Club.

Mr. TURPIE presented a memorial of the Irish-American Club of Indianapolis, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., and a petition of Dean Bros., of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. BATE presented a petition of the Chamber of Commerce of Nashville, Tenn., praying that an appropriation be made for the Cumberland River improvements in that State; which was ordered to lie on the table.

He also presented a petition of sundry lumber manufacturers of Nashville, Tenn., praying that a duty be placed on foreign logs and lumber; which was referred to the Committee on Finance.

He also presented the petition of Prescott F. Hall, secretary of the Immigration Restriction League, praying for the adoption of the report of the committee of conference on the so-called immigration bill; which was ordered to lie on the table.

He also presented the petitions of R. B. Currey, grand regent Royal Arcanum, and sundry other citizens of Nashville; of S. S. Finley, grand vice-regent Royal Arcanum, of Tennessee; of L. David and sundry other citizens of Knoxville; of the United Order of the Golden Cross, Grand Commandery of Tennessee, and of

S. Rosenthal, past grand regent, and sundry other citizens of Chattanooga, all in the State of Tennessee, praying for the enactment of legislation regulating beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented the petitions of E. L. Wilson and sundry other citizens of Columbia, of H. B. Norwood and sundry other citizens of Pikesville, of J. A. Cotton and sundry other citizens of Waverly, of L. P. Lowrie and sundry other citizens of Monteagle, of Ed. McElhinney and sundry other citizens of Tennessee City, of W. C. Wert and sundry other citizens of Kingston Springs, of V. A. Rushing and sundry other citizens of Box, of William Owen and sundry other citizens of Sequachee, and of Post C, Travelers' Protective Association, of Knoxville, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorials of J. D. Cox and sundry other citizens of Jonesboro, Tenn.; of the Tribune Printing Company, of Knoxville, Tenn.; of J. W. Case and sundry citizens of Johnson City, Tenn., and of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Spurlock-Neal Company, of Nashville; of Jo. I. Ivins, publisher of the Post, of Athens; of George W. Ochs, publisher of the Times and manager of the Tradesman, of Chattanooga; of J. E. & S. F. Brading, publishers of the Staff, of Johnson City, all in the State of Tennessee; of Thomas R. Cree, of New York, and of W. R. Tucker, secretary of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. WETMORE presented a petition of the officers of the Baptist church of Saunderstown, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the officers of the Baptist church of Saunderstown, R. I., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry churches and societies of Rhode Island, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a petition of the Rhode Island Historical Society, praying for the passage of the joint resolution (S. R. 195) providing for the printing of the names of heads of families and other detailed information as shown by the First Federal Census; which was referred to the Committee on the Census.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Stephen Salisbury and sundry other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Rev. J. D. Murphy, of Sedalia, Mo., and a petition of the St. Louis (Mo.) Exposition and Music Hall Association, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet, reported it with amendments.

Mr. PLATT. I am directed by the Committee on Patents to report the bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, without amendment. I had supposed that I had reported it before, but I fail to find it on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, with amendments, and submit a report thereon. I give notice that I shall call it up at an early day.

The VICE-PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the amendment submitted by Mr. BLANCHARD on the 23d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PROCTOR on the 26th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER (for Mr. PROCTOR), from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10178) for the relief of Francisco Perna, reported it without amendment, and submitted a report thereon.

DANIEL DRAWBAUGH.

Mr. PLATT. I desire to move the recommitment to the Committee on Patents of the bill (S. 1453) for the relief of Daniel Drawbaugh. A member of the majority of the committee has asked me to have the bill recommitted.

Mr. BERRY. I did not hear the statement of the Senator from Connecticut. What is the proposition? I failed to hear it.

Mr. PLATT. I asked to have the bill recommitted to the Committee on Patents.

Mr. BERRY. For what reason? Will the Senator state the reason?

Mr. PLATT. The bill was reported by a bare majority of the committee, and one of the committee who was in favor of the report has requested me to have it recommitted to the committee.

Mr. BERRY. If a majority of the committee desire to recommit it, of course I can make no objection. I did not know anything about it. My attention had not been called to it. I was one of the majority.

Mr. PLATT. Indeed, two of the members who were in favor of reporting the bill favorably have requested me to have it recommitted.

Mr. BERRY. That being true, I will make no contest about the matter. I had not had any information in regard to it, however, and I was one of the majority who agreed to report the bill favorably.

The VICE-PRESIDENT. In the absence of objection, the bill will be recommitted to the Committee on Patents.

PAY OF STENOGRAPHERS OF COMMITTEES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the following resolutions, reported them severally without amendment; and each was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands, in carrying on the investigation into the issue of patents for the lands embraced in the Perrine grant in Florida, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.

Resolved, That the stenographer employed to report the hearing before the Committee on the Library, February 13, 1897, in relation to the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, be paid from the contingent fund of the Senate.

Resolved, That the stenographer reporting the hearings on the Loud bill, before the Committee on Post-Offices and Post-Roads, on January 16, 23, and 30, 1897, be paid out of the contingent fund of the Senate.

Resolved, That the stenographers employed to report the hearings before the Committee on the Judiciary, relating to the nomination of Henry E. Davis to be attorney of the United States for the District of Columbia, be paid from the contingent fund of the Senate.

TARIFF HEARINGS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

SPECIAL EDITION OF CONGRESSIONAL DIRECTORY.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be, and it is hereby, directed to prepare and have issued a special edition of the Congressional Directory for the use of the extraordinary session, should one be called, and that said edition be ready on the first day of the session; and that the same compensation be allowed for the compiling and editing of said edition as is authorized by law for the regular editions, the same to be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3731) to punish obstruction of the exercise of constitutional power by either House of Congress; which was read the first time by its title.

Mr. HOAR. I desire to have the bill read in full.

The bill was read the second time at length, as follows:

Be it enacted, etc., That any Senator or Representative who shall willfully and without reasonable cause, for the purpose of preventing action by the House of Congress to which he belongs, absent himself therefrom; or any member-elect to either House of Congress who shall willfully and without reasonable cause refuse or neglect to take or subscribe the oath or affirmation required to qualify himself for membership therein for such purpose shall be punished by a fine not exceeding $1,000.

SEC. 2. The office of Senator or Representative in Congress may be resigned by filing a written resignation with the Secretary of the Senate or Clerk of the House of the person resigning as a member or by the willful refusal to attend the sessions thereof for the purpose set forth in the first section, proved by a conviction in pursuance of the provisions thereof. The failure of a member-elect of either House of Congress to qualify, for the purpose of preventing its organization or its action as aforesaid, shall, after conviction, be deemed and taken to be a refusal to accept the office, which shall thereupon become vacant, and the proper proceedings shall be had for choosing a person to fill the vacancy according to law.

Mr. HOAR. Mr. President, it is needless to say that I do not expect to get action on this bill at the short remainder of the present session. But I introduce it now because it does not relate to a danger especially affecting the proceedings of Congress or of either House, although it is one which is very likely to arise some time in the future here. I hope, however, the bill may be enacted at a time when the matter is not practically a danger, and that it may, perhaps, afford to the States a suggestion which will save the country from what now is one of its most imminent perils affecting the integrity of our institutions.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if there are any facts in existence, if there is any neglect of duty on the part of Members of the House or Senators, warranting the introduction of a bill of this kind?

Mr. HOAR. The very reason why I introduce it now is because there is no such fact likely to divide parties or to excite passion.

Mr. ALLEN. I did not know but that there was some present danger.

Mr. HOAR. Not in either House of Congress that I am aware of. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALTHALL introduced a bill (S. 3732) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO APPROPRIATION BILLS.

Mr. PUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF STENOGRAPHERS OF COMMITTEES.

Mr. PETTIGREW submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the compensation of the stenographer employed to report the hearing by the Committee on Indian Affairs in relation to the removal of the Lower Brule Band of Sioux Indians from their homes south of White River, South Dakota, be paid out of the contingent fund of the Senate.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report a statement before the Committee on Naval Affairs relative to torpedo-boat destroyers be paid from the contingent fund of the Senate.

ARBOR DAY.

Mr. PROCTOR submitted the following concurrent resolution; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 12,000 additional copies of Arbor Day: Its History and Observance, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I offer the resolution which I send to the desk, and ask that it may be read and lie over.

The resolution was read and ordered to lie over, as follows:

Resolved by the Senate, That the Committee on Finance be, and it is hereby, instructed to report to the Senate during the present session of Congress what action the said committee has taken in the matter of the investigation under the resolution adopted at the last session of Congress directing an investigation of bond sales by the Secretary of the Treasury.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

An act (S. 3614) to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River; and

An act (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Alabama.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BUTLER. I desire to enter a motion to reconsider the vote by which the Senate yesterday passed the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The VICE-PRESIDENT. The motion will be entered, as indicated by the Senator.

METROPOLITAN RAILROAD COMPANY.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from New York [Mr. HILL].

Mr. QUAY. I move that the pending order be laid aside, and that the Senate proceed to the consideration of the labor-commission bill.

The VICE-PRESIDENT. The Chair will state that the motion can not be entertained until the morning business is concluded.

Mr. QUAY. I supposed it was concluded.

The VICE-PRESIDENT. It is not yet concluded. The Chair lays before the Senate the resolution of the Senator from New York, coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. HILL on the 25th instant, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That the President be, and is hereby, requested to return to the House for correction the bill (H. R. 9647) to authorize the extension of the Metropolitan Railroad Company of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. I should like to have the Senator from New York [Mr. HILL] or the Senator from Nebraska [Mr. ALLEN] explain to the Senate the necessity for returning this bill to the Senate for correction. The Committee on the District of Columbia, who considered this matter at great length and with the utmost care, are not cognizant of any necessity for the return of the bill. Before the question is taken on the adoption of the resolution it is due to the Senate that some explanation should be made to the Senate by the Senators introducing these resolutions as to why the bill should be returned.

Mr. HILL. The Senator from New Hampshire seems to place some stress on the fact that the Senator who introduced the resolution should give some reason for its adoption. As the Senator is well aware, I stated when I introduced the resolution that I did so at the instance of the Senator from Nebraska, who had been called out of the Chamber at the time and who undoubtedly will give good reasons for its adoption. It is an ordinary resolution, such as it has been the practice of the Senate to adopt, and is carefully framed to avoid any constitutional difficulties that might arise. As to the merits of the matter, the Senator from Nebraska of course can explain. I know nothing about the merits of the bill itself. I have personally no objection to it, because I know nothing about it.

Mr. ALLEN. The resolution was drafted and introduced by the Senator from New York at my request, in consequence of my being called from the Chamber at the time on business which could not be neglected. It was my design, and I supposed the Senate understood the fact, that the resolution should be treated as a substitute for the Senate resolution which I had introduced a few moments before that time; and yesterday morning, when the resolution was laid before the Senate, I supposed it was the concurrent resolution which is now before the Senate, and that that resolution was adopted, until some hours after, when my attention was called to the fact that it was simply the Senate resolution and not the concurrent resolution that had been agreed to.

The Senator from New Hampshire understands quite well why this resolution is introduced. He understands fully as well as I do, if not better, the reasons for its introduction. This company has been engaged in a controversy with certain of its employees. The company blacklisted certain employees in consequence of their exercising the rights of citizenship. That fact was brought fully to the attention of the Committee on the District of Columbia, as I am informed by those who were before that committee

on an investigation. No attention whatever seems to have been paid to the requests or to the complaints of these persons. No attempt whatever, as I understand it, was——

Mr. GALLINGER. If the Senator will permit me, we allowed them to be heard for a full hour before our committee.

Mr. ALLEN. That was very gracious, indeed.

Mr. GALLINGER. Yes; it was, under the circumstances, very gracious.

Mr. ALLEN. Any ordinary American citizen ought to feel very thankful——

Mr. ALLISON. I see that this is likely to lead to debate, and it can be considered at a later hour in the day. I move that the Senate proceed to the consideration of House bill 10289, the Post-Office appropriation bill.

Mr. ALLEN. Pardon an inquiry. I should like to understand how the Senator from Iowa can, without my consent, get the floor and make a motion while I am talking?

Mr. ALLISON. Certainly I can not. If the Senator is on the floor, I do not ask it.

The VICE-PRESIDENT. The Chair will state that the Senator from Nebraska is entitled to the floor, having been recognized.

Mr. ALLISON. I do not wish to take the Senator from the floor.

Mr. ALLEN. I shall yield the floor in a few moments. I was proceeding to say, when the Senator from Iowa interrupted me——

Mr. ALLISON. I beg the Senator's pardon.

Mr. ALLEN. Oh, certainly.

Mr. ALLISON. I supposed the Senator had taken his seat.

Mr. ALLEN. There was nothing wrong in it at all. It is perfectly proper.

I was saying that any average American citizen ought to feel extremely grateful that the District Committee would give him or his friends an hour of their valuable time upon a matter of the importance of this bill. But it does not seem to have amounted to anything. The Senate is not even informed as to the result of the investigation. The Senator from New Hampshire, who called upon me a moment ago for an explanation of the resolution, within five minutes of that time himself develops the fact that there was a contest before the committee of which he is a member. He knew, and knows now, and the committee knows quite well, that there was a very strong contest before that committee; and I am led to believe that those Senators knew there was opposition in the Senate to the passage of the bill in its present form. It is very singular that among the number of Senators on this side and some on the other side who have opposed this measure without certain concessions and certain amendments—they have been unable to be in the Chamber when it was taken up in any of its various stages and considered.

Mr. MCMILLAN. I desire to state in answer to the Senator that the bill was passed in the Senate in its regular order, having been taken up when it was reached on the Calendar. The bill passed the House on the 17th day of December and three days later was referred to the Committee on the District of Columbia. It was not reported to the Senate until January 13, and then only after a full hearing. It was on the Calendar until February 5, and during that time I heard no word of opposition to the bill from any quarter. On the contrary, the committee received many letters asking for its passage. The Senate having agreed to take up the House bills on the Calendar, the Metropolitan bill was passed on February 5, without either being called up or opposed by a single Senator. Afterwards the Senator from Missouri [Mr. COCKRELL] said that he was intending to oppose certain provisions of the bill, and before the conference report was submitted the bill was changed so as to meet his objections. In this way the only objection I ever heard from any Senator until to-day was overcome. As I said, the bill passed in the usual way.

Mr. SHERMAN. Without objection?

Mr. MCMILLAN. Without any objection whatever. I wish to repeat that, after the bill was reported and before its passage, no Senator, either on the floor of the Senate or anywhere else, ever made any objection to the bill to me, nor am I aware that a Senator made objection to any other member of the committee. The only objection ever made to the bill was made by the Senator from Missouri [Mr. COCKRELL], as I have explained. He took exception to the clause which related to changing certificates of indebtedness into stock. That provision was eliminated in conference, and the conference report was made by me, as usual, after the House had accepted the report of the committee of conference.

Mr. ALLEN. I am not at all prepared to say that that statement is not correct, but I say that it is rather a remarkable circumstance that in the various stages of the bill, in being reported and acted upon in the Senate, and in the various stages of the conference report, it so happened that all of these orders have been taken and the action of the Senate has been taken when those who were opposed to the measure in its present form were absent from the Chamber, although I think they have attended with systematic regularity. I do not say, of course, that the Senator from Michigan, or any other Senator, had any purpose in slipping this measure through in the absence of those who opposed it. I would not be guilty of a remark of that kind. But it is a singular fact that every time the bill was brought up here and considered, it was when every Senator who was opposed to it in its present form was temporarily absent from the Chamber; and there are a number of Senators who are opposed to it.

As I am informed, the District Committee had before it a number of witnesses who testified to the fact that this road was guilty of depriving many of its oldest and most trusted employees of their right of citizenship. It made war upon them because they were members of the Knights of Labor, and discharged them from their positions not by reason of the fact that they were incompetent or neglectful of their duties, or that their habits were not perfect, but because they refused to dissolve their connection with that organization. The committee had before it the original evidence, as I am informed, a copy of which I send to the desk and ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF GENERAL ASSEMBLY,
ORDER OF KNIGHTS OF LABOR, 43 B STREET NW.,
Washington, D. C., February 8, 1897.

To the honorable Senate and House of Representatives:

For several months past the Metropolitan Railway Company, of the District of Columbia, has been engaged in a persistent and determined attempt to deprive its employees of the rights guaranteed by the laws of the United States to belong to any lawful labor organization which they may choose to join. In pursuit of this object, the said company have intimidated, discharged, blacklisted, and terrorized its employees, who are citizens of the United States, and entitled to the protection of its laws. The said Metropolitan Railway Company, which engaged in this criminal course of conduct, robbing its employees of their most sacred rights, is enjoying the possession and profit of a very valuable franchise as a gift from the people of the United States, and are to-day asking a still further grant of valuable privileges in the streets of the city of Washington, in the shape of H. R. No. 9047, which is now before your committee.

In behalf of the workingmen, whose rights are being trampled upon by this company in the most outrageous and criminal manner, we protest that your committee should not grant to this Metropolitan Railway Company the privileges asked for in H. R. No. 9047, or any other privileges, until said company complies with the laws of the United States, and grants to its employees the rights which they are entitled to under the law; to do otherwise, and to grant to this company the privileges it now asks would be to sanction their criminal acts already committed and to encourage them to still further violate the law and infringe on the rights of the poor and comparatively defenseless workingmen in their employ.

In pursuit of its policy of intimidating and coercing its employees to give up their rights as American citizens, the Metropolitan Company has already discharged and blacklisted fourteen men, twelve of them immediately after the closing of the session of Congress in June. They did not dare, apparently, to engage in so glaringly criminal an act while Congress was in session.

The twelve men discharged and blacklisted on the 25th of June last were the oldest and most competent employees of the company, and were victimized for no other reason than that they were active members of an assembly of the Knights of Labor. It was admitted by the officials of the company that they were honest, sober, and competent, and, so far as the services rendered by them to the company, no fault could be found.

The only cause assigned for their discharge was to the effect that they had interfered with certain legislation desired by the company at the hands of Congress; which charge was proven to the company to be absolutely false. The general officers appealed to every member of Congress, asking that they would address President Phillips on the subject of the discharge of these men, and request their reinstatement; to this appeal many of the honorable members of both Houses responded, but to all of these letters President Phillips turned a deaf ear. The company was not satisfied with merely discharging the men, but for some reason, best known to the company, the men have been prevented largely from securing employment elsewhere, either the company directly prevented them from securing employment, or else some tangible agreement must exist between the companies, providing that an employee who is discharged or who leaves the service of one company shall not be employed by another. The only trouble with these men seems to have been that they were members of organized labor, members of the Knights of Labor. For some time prior to the organization of the assembly, and since its organization, it was the policy of the company to require from all applicants for employment in the service of the company an agreement that they would not connect themselves with any organization of labor, should they be appointed to a position in the service of the company.

This is proven by the following affidavits of reputable citizens and business men of this city, who were interested in an endeavor to secure employment for some of their friends:

DISTRICT OF COLUMBIA, *County of Washington, ss.*

Personally appeared before me this 6th day of July, A. D. 1896, James E. Gessford, who, being duly sworn, deposes and says:

That he is engaged in business at Ninth and U streets northwest, in the city of Washington, in keeping a drug store. That after the Ninth street electric cars were started he was requested by Mr. Taliferro, who desired to secure an appointment as motorman, to see President Phillips at his office, together with Mr. Lewis J. Brown and Mr Taliferro. Mr. Phillips promised us his appointment, conditioned, as he said, "that you will promise me that he (meaning Taliferro) shall not join the Railway Street Assembly, as I intend to get rid of all those union men in such a way that they will not know how it was done, and if you learn of his joining any such union you will report it to me, and I will discharge him."

(Signed by) JAMES E. GESSFORD.

Subscribed and sworn to before me this 6th day of July, 1896.
[SEAL] OSCAR NAUCK,
Notary Public, D. C.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Personally appeared before me, this 6th day of July, A. D. 1896, Lewis J. Brown, who, being first duly sworn, deposes and says:

That he went to see President Phillips with Dr. Gessford, to secure the

appointment of Mr. Taliferro as motorman on the Ninth street cars, and that President Phillips promised Mr. Taliferro's appointment if Dr. Gessford and myself would promise him that he (meaning Mr. Taliferro) would not join the Street Railway Union, as he said he intended to discharge all the union men, one by one, in a way that they would never know the cause thereof.

(Signed by) LEWIS J. BROWN.

Subscribed and sworn to before me this 6th day of July, 1896.

[SEAL.] OSCAR NAUCK,
Notary Public (D. C.).

Here we have positive proof that the management of the Metropolitan Railway is guilty of a criminal violation of the laws of the United States.

Section 5508 of the Revised Statutes provides:

"PENALTY FOR EMPLOYERS' CONSPIRACY.

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, with intent to prevent or hinder his free exercise or enjoyment of any right or privileges so secured, they shall be fined not more than $5,000, and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

In view of the foregoing, we desire in the name of justice and fair play to enter our protest against this corporation being granted any privileges at the hands of your honorable body until it agrees to adjust the wrongs it has perpetrated upon the citizens who, to earn an honest livelihood, were compelled to accept service with the company. We are willing to submit the whole controversy to a disinterested tribunal to arbitrate the differences, and our people will accept the result, whatever it may be. Until then, we protest against any further grants of any kind whatever to the Metropolitan Railway Company, because the company have no legal or moral right to enjoin its employees from associating themselves together for a legitimate purpose, nor have they any legal or moral right to compel American citizens to surrender any of their constitutional rights as a condition of their obtaining employment with the company.

To allow this company to go on in its present course would mean that all corporations deriving their powers from legislative authority would be allowed to dictate to their employees as a master would to his slaves. Congress has entire power in the matter; it can prescribe the conditions under which a corporation may do business that seeks a franchise at its hands. This corporation should be compelled to adjust the present difficulties and give a guaranty that it will not resort to such un-American treatment of its employees in the future before any other privileges are conferred on it or any extension of its franchise is granted.

Such violations of law as this company is guilty of fully warrant Congress not only in refusing any further privileges, but are ample justification for steps being taken to revoke the grants already made to the Metropolitan Railway. It is a menace to the rights of every workman in the District of Columbia to permit such a corporation to continue in business here.

Very truly,

JAMES R. SOVEREIGN,
General Master Workman.
T. B. McGUIRE,
General Worthy Foreman.
JOHN W. HAYES,
General Secretary-Treasurer.
ANDREW D. BEST,
H. B. MARTIN,
DANIEL BROWN,
General Executive Board, Knights of Labor.

Mr. ALLEN. Mr. President, my information is to the effect that all the facts in this article and in these affidavits were fully before the Committee on the District of Columbia before this bill was reported favorably, and I should be glad to know from the chairman of that committee, as we proceed, why the evidence taken by the committee has not been reported to the Senate, so that the Senate might be properly informed upon the subject.

Mr. McMILLAN. I will state in reply that the customary hearing was given to the representatives of the Knights of Labor before the full committee, and there were present also the president and other officers of the railway company. Both sides were heard, and after going into the matter very fully it was decided by the committee, I think unanimously, that it was not wise for them to interfere and attempt to compel the railroad company to employ again the very men whom they had discharged. The railway company claim that these men were trying to disorganize the labor on their road; and while these were good men, yet they were engaged in a scheme to compel every man on the road to become a Knight of Labor or compel him to leave, and in that way they seemed to make some trouble.

Mr. ALLEN. And the committee thought, of course, that the railroad company was right, and that the men were wrong to have refused.

Mr. McMILLAN. We did not decide whether these men were right or wrong; we decided that such legislation had nothing to do with the bill under consideration. If the company had done some wrong to these men they had the courts to go to, and we thought that was the proper place for them to go.

Mr. ALLEN. Yes; but why did not the committee report these hearings?

Mr. McMILLAN. I will say, also, that the railway company did not ask for the extension of their line. It was asked for by the people on Columbia Heights, who were desirous of having the road extended, and the bill is in the interest of the people of the District, not in the interest of the railroad company. The hearings are reported for the use of the committee. It is not customary to report them to the Senate.

Mr. ALLEN. That is the old, old story. The company is not responsible for anything, and did not ask for anything, but the people asked for it, who are not connected with the company. I will not say to the Senator that I do not believe that at all, but I would need pretty strong evidence to induce me to believe that the company did not want to extend its road and make all the money it could, and that it was merely an eleemosynary association or corporation, ready to sacrifice its interest at the demand of the people of Columbia Heights. That does not answer the question at all. The Senator from Michigan gives no reason why the hearings were not reported. The Senator does not deny that it was made to appear before the committee of which he is chairman that the company was depriving these citizens of the United States of their rights of citizenship.

Mr. GALLINGER. If the Senator will permit me, no such matter was made to appear to the satisfaction of any member of the committee—not one.

Mr. ALLEN. I do not say to their satisfaction.

Mr. GALLINGER. Certainly not.

Mr. ALLEN. I do not suppose they could be satisfied in some respects.

Mr. GALLINGER. Probably not on the lines the Senator is traveling on.

Mr. ALLEN. But I say to the Senator from New Hampshire it is singularly suspicious that the hearings have not been reported to the Senate, so that the Senate and the world could know what took place there.

Mr. GALLINGER. The committee had no authority to employ a stenographer and to use the public funds for the purpose of having the hearing reported. It is a very unusual thing for any committee of the Senate to report hearings to the Senate in returning a bill.

Mr. ALLEN. It is not an unusual thing at all. There were six or seven different claims allowed this morning out of the contingent fund of the Senate for hearings before different committees.

Mr. GALLINGER. I will say to the Senator that I have myself reported from the Committee on the District of Columbia, and they are now on the Calendar of the Senate, seven very important bills, on every one of which I had a hearing, but I have not thought it necessary or proper to report those hearings to the Senate. I have reported the facts.

Mr. ALLEN. That does not answer it at all.

Mr. BACON. If the Senator from Nebraska will permit me, I will state that there are certain hearings where it is proper and necessary that the testimony should be reported. Those hearings are confined to cases where a particular subject-matter is sent to a committee for investigation, like, for instance, the investigation which was had before the Naval Committee as to the price of naval armor, etc. This matter of the complaint of these employees was never committed to the committee by the Senate, but came up incidentally. Here is a House bill which simply proposes to give the railroad company the right to extend its line.

Now, as a collateral matter, altogether outside of any matter submitted to the committee by the Senate, there arises an issue which is made by certain employees, who say that this additional franchise ought not to be granted to the company because it has treated its employees improperly. Certainly there was nothing in that which would require that the committee should return any report to the Senate upon the subject, because it did not relate to any matter which was pending before the Senate.

While I am on my feet, I want to say one thing, if the Senator from Nebraska will pardon the interruption. It is very well for the Senator from Nebraska, if he sees proper, to bring this matter to the attention of the Senate and for him to attempt legitimately to defeat the bill, but I do protest, Mr. President, it is not proper in so doing that he should seek to asperse the motives and the character of the men who are upon the District Committee.

Mr. ALLEN. It is not——

Mr. BACON. I hope the Senator will pardon me just one moment further.

Mr. ALLEN. Certainly.

Mr. BACON. The service upon the District Committee is extremely onerous. It is a very thankless task the members of that committee have to perform. It is one of great difficulty. From the beginning of the Senator's speech to the present time he has failed to confine himself to the discussion of the question as to whether the committee has acted improperly in an error of judgment as to the manner in which the proceeding has taken place, but has thrown insinuation after insinuation upon the committee in regard to this matter. For instance, the Senator in the beginning repeated time after time the statement that it was very strange that the bill was brought up before the Senate each time when no Senator who was opposed to it was present, and that in the face of the statement by the chairman of the committee that it had not been brought up at any irregular time, but that it had only proceeded in its regular way. Yet the Senator still repeated the statement that it was extremely strange that whenever it came up the Senators who were opposed to it were absent. If the Senators who were opposed to it were absent at the time when it came up in its regular order, it was certainly not the fault of the

committee, but only the fault of the Senators themselves that they were not in their seats.

Mr. ALLEN. Probably after a time the Senator from Georgia will prohibit me from talking upon the subject at all or drawing any deductions whatever.

Mr. BACON. I have for the past two years listened with very great pleasure to more than one speech of the Senator from Nebraska, and it is the first time that I have interrupted him.

Mr. ALLEN. I do not object to the interruption. I am always glad to submit to an interruption on the part of my friend from Georgia.

But, Mr. President, I am not yet prepared, like the men who are in the employ of the street railway company, to abdicate my rights as a citizen or as a Senator. I shall do that at the proper time. I shall draw my own deductions, whether they are correct or incorrect. The world can determine that fact. If my logic is at fault, the Senator from Georgia or the Senator from Michigan or the Senator from New Hampshire may correct it if they see fit.

I have not impugned the motives of this committee, and have not impugned the motives of any one of them, and do not now. I want to disclaim as publicly as I can any purpose whatever of impugning the motives of any member of the District Committee, but I must be permitted, in the same connection, to state the facts as I understand them to exist, and to draw my own deductions from those facts, and, much as I prize the opinion and judgment of the gentlemen composing that committee, I am not yet prepared to take their judgment in place of my own. I have acted for fifty years upon my own judgment, and I propose to act the remainder of my life upon my own judgment.

It is not denied that the fact recited in this paper was before that committee; it was made to appear by the affidavit of James E. Gessford, that Mr. Phillips, the president of the Metropolitan road—

> Promised us his appointment conditioned, as he said, that you will promise me that he (meaning Taliferro)—
>
> That is the applicant—
>
> shall not join the Railway Street Assembly, as I intend to get rid of all those union men in such a way that they will not know how it was done, and if you learn of his joining any such union you will report it to me, and I will discharge him.

That fact is not denied; that fact was before the Committee on the District of Columbia.

Mr. GALLINGER. And it was denied most emphatically.

Mr. ALLEN. Oh, yes; but how do we know it was denied?

Mr. GALLINGER. I say so.

Mr. ALLEN. Oh, the Senator says so. That settles it. But where is the evidence that it was denied?

Mr. GALLINGER. The same evidence the Senator has. He has the word of a Knight of Labor. I give the word of a Senator of the United States.

Mr. ALLEN. I have an affidavit, an affidavit that would subject a man to indictment for perjury if it were not true.

Mr. GALLINGER. Does the Senator want my affidavit?

Mr. ALLEN. No, but I want the evidence the Senator heard in the committee. I do not want any secondary or hearsay evidence.

There was the deliberate statement of the president of this road that he intended to disorganize the Street Railway Association. Mr. President, if the street railway employees had made that declaration respecting the railroad company, it would have been regarded as something just short of treason, and it would have been suppressed by the occupant of the White House if it had been declared in the street, in consequence of their not having a building in which to meet.

The Senator from New Hampshire says they are not concerned in this matter at all. That seems to be entirely correct. The affidavit of Louis J. Brown shows in substance the same thing. Here was this company, an applicant to Congress for additional powers, for an extension of its charter power, yet putting its feet upon those who were laboring for it; and the District Committee of this body loaned its influence to the triumph of the company and to the dethronement and destruction of labor.

Mr. GALLINGER. Now, if the Senator will permit me——

Mr. ALLEN. Certainly.

Mr. GALLINGER. His misinformation is monumental.

Mr. ALLEN. No doubt of it.

Mr. GALLINGER. It is monumental. The Committee on the District of Columbia considered this bill, reported it here, and it was placed on the Calendar. After it was on the Calendar, those gentlemen appeared and asked the courtesy of a hearing, the bill being on the Calendar. We listened very attentively to them—I said a moment ago for an hour, but it was two hours. The president of the company also made a statement to the committee. The committee then considered the subject at two or three different meetings, went all over the ground, considered it with the utmost care, and concluded that there was nothing in this matter that ought to influence us to deny this right, which the citizens desire more than the railroad company. Then the committee simply allowed the bill to remain on the Calendar, and it was considered in its proper way. That is all there is to it. The Senator from Nebraska is getting up a tempest in a teapot about this matter. It is not going to influence anybody, unless it may be some of his constituents. This thing is perfectly understood.

Mr. ALLEN. I have no doubt it is perfectly understood by the Senator from New Hampshire, and I have no doubt that he regards it as a tempest in a teapot. I have no doubt he is perfectly willing to line up with this street railway company against its employees.

Mr. GALLINGER. I am, if it is in the right.

Mr. ALLEN. It is much easier to stand with the strong and the powerful than it is with the weak and the humble; it is easier to stand in this Chamber and excuse the conduct of a great corporation like this in their abuse of their employees and in their depriving their employees of their rights than it is to stand and advocate the cause of the employees. Of course, occasionally these men, who are driven from their positions where they earn a livelihood for themselves and their families, receive a few crocodile tears from some of those gentlemen, but they rarely receive their votes when the vote will be of any benefit to them.

No, Mr. President; it was the duty of the District Committee, if it had a hearing upon this matter, to report the facts to the Senate, so that we could know exactly what the facts are and whether the bill reported by that committee ought to be amended or ought not to be amended. The Senator from New Hampshire may congratulate himself, if he sees fit, upon the fact that the District Committee has discharged its duty to these men in this case; he may console himself, if he desires, with that thought; but I do not believe the District Committee did its duty as it ought to have done without reporting the facts to the Senate and without recommending an amendment to this bill requiring an adjustment of the difficulty between this railroad company and its employees; and nothing that he may say or that any member of that committee may say will change my mind in that respect.

Mr. MILLS. Mr. President, I do not rise for the purpose of criticising the Committee on the District of Columbia. I apprehend that those who wish to serve these employees have misapprehended the proper remedy for the evil complained of. I want to get this bill back before the Senate, in order that I may offer an amendment to the bill and have it voted on in this body.

This is an act of incorporation. This company is a creature of law; it can not exist without the fiat of law; it does exist by the fiat of law. In the creation of this corporation Congress can impose whatever conditions it pleases, and see to the enforcement of those conditions. These corporations are created for public benefit; for public purposes; for the benefit of the whole people of the country; and every provision necessary to carry out that purpose ought to be placed in the act of incorporation. I am anxious to have the amendment placed in this act of incorporation, because an act of incorporation is in the nature of a contract, and a contract which it has been held by some courts it is impossible for the lawmaking power to change after it is once made.

I take it for granted that the policy which we have usually pursued to amend or alter a charter has been retained in the original charter in this case; but if it has not, here is the place to put a condition for the protection of the employees of this corporation.

We have heard much, Mr. President, about arbitration—arbitrating grave international questions and arbitrating questions between corporations and their employees all over the country. The working people have been demanding the creation of some tribunal of that sort; but here is the place to insert in this bill, which I wish to get back before the Senate, a provision that no employee of this corporation shall be discharged by the persons conducting its business until charges shall have been preferred against him and sent before the Commissioners of the District of Columbia, who shall have authority to hear evidence and to pass upon the validity of the charges, and that, if the charges are not supported, this corporation, created by law, shall not have the power to discharge its employees.

Freedom of speech is an inheritance of every American citizen; everyone has the right to discuss all public business, and the public business of all corporations created by law, and no corporation should be permitted to discharge its employees because some one of them, as an American citizen, has questioned the validity or the rightfulness of its action. He should not, for such reason, be incontinently dismissed from its service, and to have no remedy at all.

I state to my friend that I am not criticising him, nor any member of the committee, for what has been done. I want to offer my amendment, if we can get the bill back, and let the Senate vote upon it. I shall then be satisfied. I want to insert an amendment that this public corporation, created by law, shall not discharge its employees at will, without grave charges made against them, and those charges heard and determined by the Commissioners of the District of Columbia.

Mr. GALLINGER obtained the floor.

Mr. FAULKNER. I ask the Senator from New Hampshire to yield to me for a moment.

Mr. GALLINGER. Certainly, with pleasure.

Mr. FAULKNER. Mr. President, I want to be perfectly frank with the Senate in reference to the position I occupy touching the entire subject-matter that is now brought before us.

My attention was brought to the subject alluded to by the Senator from Nebraska [Mr. ALLEN], and I myself felt that something should be done in order to meet the demands of the men who claim that they were dismissed by this corporation because of the fact that they were members of a labor organization, and, although I was not present when the bill was passed in committee, and it had been placed upon the Calendar some two weeks, when I was called upon by these gentlemen I appealed to the chairman of the committee to give them a full hearing upon the subject of their complaints. In response to the appeal I made on their behalf, it was determined that the whole committee would hear the complaints of these men, and give notice to the railroad company of the hearing, so that its representative could also be present and contradict or controvert any proposition submitted by the Knights of Labor.

In pursuance to that agreement, the full committee met, both sides in this controversy were fully heard, and a large number of affidavits were submitted on behalf of the labor organizations and affidavits were submitted on the other side by the parties directly interested controverting the whole proposition. The gentleman who had been president of the railroad company, and who had been charged with making the statement contained in the affidavit which was read at the desk, was no longer connected with the company; he had resigned some few months before—I think some six or eight months ago—and Mr. Harries, who had been elected in his place, was before the committee, and the commitee questioned him and cross-questioned him as to his policy upon this subject. He stated in a succinct, clear, and definite manner the policy of his administration—a policy as to which, he said, no board of directors could influence or control him; that the question of belonging to a labor organization would not have the slightest influence with him either as to the employment or the discharge of any employee; that he himself was a member of the labor organizations of this city; that he was a member in good standing with these organizations; that he sympathized with their purposes and their objects, and that under no circumstances, even if an order should be passed by the board of directors, would he ever consent to be made the subservient tool of any policy that would affect the rights and liberty of a laboring man to join such organizations and to participate in the benefits which flow from them.

Being satisfied of that policy by the now existing organization of this railroad company, realizing that this was a collateral matter, which did not enter into and could not affect the merits of the question which was before the Senate, which was the giving of a great public benefit to a large number of citizens who are now compelled to walk up and down that long hill at Columbia Heights in the rain and slush and snow of winter and in the heat of summer, and believing that the purpose of the extension was a great public purpose, and not for the pecuniary advantage of that railroad company, I felt compelled, though I have all the sympathies which the Senator from Nebraska and the Senator from Texas have in reference to this matter, to say in the interest of the public that we should not put any obstruction in the path of the passage of the bill.

Mr. ALLEN. Will the Senator permit me a moment?

Mr. FAULKNER. Certainly.

Mr. ALLEN. Could we not have required this corporation to make an adjustment with these men?

Mr. FAULKNER. If we had said—and that was the only way it could have been done—we will not pass this bill until the railroad company makes some adjustment with these men. And that is what I was asked to do and that is what I had determined to do, until I realized from the testimony before us that the policy of this company was not antagonistic to the rights of these men.

Mr. MILLS. Does the Senator not think that the adoption of my amendment would have a good effect?

Mr. FAULKNER. I do not think it would. I do not think that any corporation or anybody else has the right to transfer my employees over to another organization or body of men to say whether I shall discharge them or not.

Mr. MILLS. Do you not think that Congress had the right to require that in the grant of the act of incorporation of that company?

Mr. FAULKNER. Congress has power to impose any conditions upon the grant of franchises that it chooses to impose; but I say that I have no fear that Congress will ever pass a law which will provide that the employees of anybody, or any corporation, shall be transferred over to a board of commissioners to decide whether they shall continue as employees or not.

Mr. ALLEN. Does the Senator justify the discharging of its employees by this corporation?

Mr. FAULKNER. No, sir; and I said I did not. I said that my sympathies on that subject were as strong as were the Senator's, and when I became satisfied that the policy of this company was not to do any such thing, then, under those circumstances, I could not and would not in the public interests interpose objections to the bill.

Mr. ALLEN. Does the Senator know that these corporations have blacklisted employees as if they had been guilty of crime?

Mr. FAULKNER. I will state that it was proved as conclusively as proof could be made that there is no blacklisting in the District of Columbia. On that point I was satisfied, and I came to the conclusion that there was no blacklisting on the part of the corporations in this District.

I have some question of doubt as to the other point, as to whether the evidence did not sustain the allegation that these men were, perhaps by reason of being agitators, as they were called, quietly discharged, but on the question of the blacklisting my mind is thoroughly satisfied.

Mr. ALLEN. Do I understand the Senator to say that because these men were agitators, as they were called—that is, American citizens who expressed their opinions—they were discharged in consequence of that fact?

Mr. FAULKNER. No, I do not mean that. I mean just what I say, and not what the Senator says. I mean to say that the impression was left on my mind, after hearing all the evidence, that by reason of the fact of these twelve men being active and earnest in trying to build up their organization, the railroad labor union, or whatever it may be called, urging men, and, as the officers of the railroad company claim, threatening them, so as to force them to join the labor organizations, did have an influence on the discharge of those men, but that was under a different administration of the Metropolitan Railroad Company. But the present president of that corporation, being a labor-union man himself, in full sympathy with labor and with organized labor, and he having assured the committee that it was his deliberate and well-considered policy not to interfere with them in any way, with the proof that there is a large number of labor-union men still in the employment of the company, and that they had never been interfered with, and with the statement of the president of the company that he had never asked any man whether he was a member of a labor union or not, and never would ask it in the employment of men by that company, convinced me that under the policy now existing there is no possibility whatever of this offense being committed.

Again, Mr. President, I should not be willing to recall this bill, even if I were in favor of the amendment of the Senator from Texas. When you make a law of that kind, it ought to apply to all corporations. Do not single out the very best corporation, the finest street railroad in the whole country. It has organized and gone to the expense, under a provision passed by this Congress which compelled them to do it, of putting in a magnificent line of railroad here at tremendous expense. Do not single out that particular railroad company and leave all the others out, but pass a general law for this District, if the Senator from Texas desires to do that. Then the question will come up for fair and full discussion as to the policy of transferring and turning over the question of the discharge of any employee of a corporation to be considered and heard by the District Commissioners.

Mr. President, I am a friend of organized labor, but I never would vote for such a provision as that. I recognize the rights of both parties in this great controversy—the right of labor to organize for self-protection, and the right of every man who employs labor either to discharge it or retain it, as, in his judgment, he believes his interest may be promoted. The laboring men can never receive protection by any provision of law of that character; they must receive it by combining, as capital combines, in labor organizations, and making the fight. For that reason I have always approved of organized labor.

Mr. ALLEN. Does the Senator approve of organized capital overriding labor?

Mr. FAULKNER. No, sir; I do not; but I say your puny acts of legislation can not affect this question. Laboring men must have the manhood and courage to stand up and organize themselves; and when they do so, they are the equals of capital. Segregated, separated, and isolated, each man for himself, he is no competitor with capital; but when labor is organized it is the equal of capital at any time.

Mr. ALLEN. Will the Senator permit me to suggest that he is throwing his great influence for organized capital against organized labor in this important transaction?

Mr. FAULKNER. No, sir; I am not. I am saying, as a Senator on this floor, looking at the interests which are committed to me, that I can not let a collateral matter come in here and stop a public improvement, demanded by the citizens of this District, when I am satisfied that under the present policy of this company no such offense will ever again occur.

Mr. GALLINGER. Mr. President, I shall not occupy much of

the valuable time of the Senate this morning in presenting this case as I understand it, but I do beg the indulgence of the Senate for a very few minutes.

I turn to the CONGRESSIONAL RECORD of yesterday, and I find the Senator from South Dakota propounded an inquiry to the Senator from Nebraska in these words:

Mr. PETTIGREW. I should like to know whether it is simply to correct a clerical error?

Mr. ALLEN. Yes; a clerical error.

The Senator from Nebraska yesterday wanted to get this bill back to correct a clerical error, and now this morning he wants to get it back, according to his own testimony, to put a provision on it compelling this corporation to restore to their service certain men whom they have dismissed, and the Senator from Texas [Mr. MILLS] wants to get the bill back to put on two or three sections of United States statutes, which apply to this question, and which are found in the laws at the present time, and are operative as regards this proposition.

Mr. MILLS. I wish my friend would not misstate my position. I said nothing about putting on any provision of the statutes.

Mr. GALLINGER. What the Senator proposes is in the statutes to-day, and applies to this and all other corporations.

Mr. MILLS. There is no such provision in the statutes. I shall not interrupt the Senator now, however, but I shall take the floor when he concludes.

Mr. GALLINGER. The Committee on the District of Columbia, as the Senator from Georgia [Mr. BACON] very properly and correctly stated, is a committee which is doing a vast amount of gratuitous and unappreciated work. They are considering legislation for this great District, and they are giving their valuable time, to the neglect of duties that pertain to their own States. They are listening to arguments and speeches and to all sorts of things which all sorts of men want to be heard upon in this District; and I do not deny the right of those men to demand of this committee that they shall be heard.

As regards the present bill, the committee gave it a long and careful consideration. Then it was reported to the Senate and placed upon the Calendar. These gentlemen appeared and asked for a hearing. That hearing was granted to them. We listened to them for two hours, and we took into consideration every argument they made. They presented the paper which has been read from the desk. That paper was sent to me almost a year ago, and I was commanded to telegraph certain gentlemen here representing this corporation that unless they restored these men I would, as a member of the Committee on the District of Columbia and as a Senator, obstruct future legislation in their interest. That is not anything new to us. We have heard of it for a long time. Two gentlemen did make affidavits—at least their affidavits are there in print. They did not appear before the committee, but they swore that they understood that this corporation had discharged these men because they belonged to organized labor.

On the other side, Mr. Samuel L. Phillips, one of the best known men in the city of Washington, who was president of that railroad company at one time, has given a long affidavit denying every allegation that is made in that direction. Another gentleman, whose name I need only mention to have it recognized, Mr. H. B. Colman, made a similar affidavit, which is on my desk. Another gentleman, Mr. S. Thomas Brown, gave a similar affidavit. He is a gentleman of integrity and standing in this community. Mr. Robert D. Weaver also gave an affidavit denying these allegations. Mr. A. B. Grinnell likewise made an affidavit in the same line. We listened to all this testimony, we gave it careful consideration, and the committee were of opinion that this was a controversy which did not belong at the present time in the Congress of the United States. The bill was on the Calendar. The complaints that these men made—the hardships, if you please, that may have been imposed upon them—had a remedy in the courts of the District of Columbia. This bill simply proposed a small extension of this road. The president of the road appeared and said: "Our company do not care whether you give this charter or not; the citizens living along the line of those streets are demanding that this extension shall be made."

I will say to the Senate, Mr. President, that scores of those men have been to me; they have been to me during the last two days begging of me that the bill shall not be recalled from the President of the United States, because they want the advantages of rapid transit which other citizens in other portions of the District of Columbia have.

Here is this great corporation. It is a great corporation; in my judgment the finest street railway in the United States, and perhaps the finest street railway in any city of the entire world. These men were compelled by Congress to put in an underground system of electricity. They spent $2,300,000 to put in that system of underground propulsion, and they are to-day heavily in debt. They are giving the citizens of this District, in my judgment, the best transit that can be found in any city on the American continent, and, as I say, perhaps in any city of the world.

Mr. ALLEN. Will the Senator permit me?

Mr. GALLINGER. For a moment.

Mr. ALLEN. Does that justify their brutal conduct of their men?

Mr. GALLINGER. It does not justify anything. Neither would it justify us in striking a blow at this corporation at the dictation of a few outside men who imagine they have grievances or at the dictation of the Senator from Nebraska.

Mr. George H. Harries is at the head of the corporation. Who is Mr. George H. Harries? He is a man who has come up from the ranks; who worked his way up through a printing office. He is to-day a member of the labor organizations of this country. He is in profound sympathy with every man who is struggling as he has had to struggle. The Senator from Nebraska intimates that I stand here as the champion of a corporation against the rights of human labor. I myself am a member of the International Typographical Union. I know what it is to struggle for a living. I know what every workingman in this country has to contend against, and when the Senator from Nebraska intimates that I have not as much sympathy with laboring men in this country as he has, he has not a correct knowledge of the struggles I have had to get a living in this world.

Mr. President, I am in profound sympathy with these laboring men, and I am in profound sympathy with every laboring man who belongs to labor organizations, as I belong to labor organizations; but that is no reason why I should stand here and do a wrong to a corporation at the dictation of some outside men who come here and demand that they shall be restored to their places, that their wages shall be paid from the hour they were discharged, and this corporation shall be taken by the throat by these men and compelled to do their bidding. I resent it, I resist it, and I say the Senate of the United States can not afford to make any such record as that.

We have given this matter careful consideration. We have listened attentively to these men who imagine they have grievances and who perhaps have grievances, but Mr. Harries, who is at the head of this corporation, is a union man; he is in sympathy with labor; he says the question of unionism or nonunionism has never been raised, so far as the employees on the road are concerned, and I believe that in his hands the interest of labor as well as the interest of the men who are employing him is absolutely safe, and that we do not want any further legislation on this little bill for the purpose of protecting here the interests of labor or capital in the District of Columbia.

The time of the Senate is very valuable. Many other things might be said, but I will not weary the Senate in stating them. Both sides of the question have been heard; I think the matter is fully understood, and I now move to table the resolution offered by the Senator from Nebraska.

Mr. ALLEN. I hope the Senator will not do that.

Mr. BACON. I trust the Senator from New Hampshire will withdraw his motion.

Mr. ALLEN. I hope the Senator from New Hampshire will not undertake to enforce any gag rule of that kind.

Mr. GALLINGER. I have made the motion in entire feeling that I am doing the right thing.

Mr. BACON. I desire to be heard.

Mr. GALLINGER. If Senators desire briefly to be heard, I will withdraw the motion for that purpose.

Mr. BACON. I rose before to address the Senate, not upon the merits of the question, but impelled simply by the desire to repudiate and repel what I thought were unjust aspersions on the part of the Senator from Nebraska against the membership of the District Committee of this body.

I do not wish to do anything further on that branch than to say that of course I recognize the right of the Senator from Nebraska to criticise, legitimately, any action of the committee, and not only that committee, but any other committee, but I do not think it was within the legitimate sphere of criticism to suggest that the committee, by trickery, has got through this body a bill which it could not have got through under any other circumstances.

Mr. ALLEN. I did not suggest anything of the kind.

Mr. BACON. I accept the Senator's disclaimer, and I am very glad to do so.

Mr. ALLEN. I suggested nothing of the kind.

Mr. BACON. The thing which the opponents of the bill before the committee desired to have done was that an amendment should be put upon the bill which would require the company to arbitrate the issue between itself and these employees. I favor the principle of arbitration between large corporations and their employees, because I recognize the fact that employees, even in their aggregate capacity, are not in position to cope with the power of great corporations. But I do not recognize the propriety, and I think this point ought to be made to appear clearly to the Senate, of a special bill for a special arbitration in a particular case.

I desire to say to the Senator from Nebraska, favoring, as I know he does, the principle of arbitration, that if he wishes to reach this matter in a practical way, to the benefit of those whose interest he advocates here, and for whose interests I do not admit that he has any superior regard to myself, let him introduce a general bill for the purpose of submitting to arbitration disputes between corporations in the District and their employees. Let him advocate it, and when it is put to a vote he will find that I will vote for it; but I will decline to vote for arbitration in a particular case against a particular company.

Mr. ALLEN. Will the Senator permit me to suggest that the Senator from Pennsylvania [Mr. QUAY] has a bill of that kind before the Senate, and he can not even get it up and get a hearing.

Mr. BACON. It certainly is not the fault of the District Committee that it can not be got up. The thing for the Senator from Nebraska to do is what I have suggested.

Mr. FAULKNER. I do not understand the Senator from Nebraska to say that the bill is confined solely to the District, and went to our committee. It is a general bill.

Mr. ALLEN. It is a general bill. It is such a bill as the Senator from Georgia referred to.

Mr. BACON. What is its scope? Is it confined to the District or does it go outside into the United States generally?

Mr. ALLEN. It takes in the District and the whole United States.

Mr. BACON. It is very difficult, as the interests are so varied, to get a bill framed which will meet the approval of everybody.

But if the Senator wants this particular matter to be effected in the District of Columbia, if he wishes to reach the particular evil which he says exists in this case—I shall not stop to discuss the merits of it—the way to do it is to secure a general bill which will insure arbitration between corporations in the District of Columbia and individual employees. I submit to the Senate, however, that it is opposed to every principle of law to incorporate upon the bill what was demanded, that there should be arbitration in this particular case. If the law of arbitration is to exist—and I repeat I favor it—it ought to be a general law, and not a provision for arbitration attached to a particular bill, and relating not only to a particular corporation, but to a particular dispute with one corporation. If the Senator from Nebraska introduces such a bill as I have indicated, he will not be a more earnest advocate than I; he will not more certainly vote for it than I will.

Mr. GALLINGER. I renew my motion to lay the resolution on the table.

Mr. ALLEN. The Senator will not undertake to cut off debate?

Mr. GALLINGER. I prefer to have the vote taken.

Mr. ALLEN. Then I will take occasion at another time to correct some of the glaring errors and misstatements of the Senator from New Hampshire.

Mr. GALLINGER. That is all right.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from New Hampshire to lay on the table the pending resolution.

Mr. ALLISON. I ask that the vote may now be taken on the resolution. Let us test the sense of the Senate upon it.

Mr. HILL. The Senator from Nebraska asks the ordinary courtesy to speak. Let us extend it to him, whether or not we agree with the resolution.

Mr. BACON. I hope the Senator from Nebraska will be permitted to speak. I appeal to the Senator from New Hampshire to withdraw his motion for that purpose.

Mr. ALLISON. I then shall feel constrained to move to proceed to the consideration of the Post-Office appropriation bill.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, which is not debatable.

Mr. ALLISON. Very well.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], but I am sure that he would vote "yea," and therefore I will vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I therefore withhold my vote.

Mr. THURSTON (when his name was called). I have a pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I desire to inquire whether the senior Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. I am paired with that Senator, and therefore withhold my vote.

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. WILSON. I announce my pair with the Senator from Florida [Mr. PASCO].

Mr. NELSON (after having voted in the affirmative). I have a pair with the Senator from Missouri [Mr. VEST], who, I see, is not in his seat. I therefore withdraw my vote.

Mr. PERKINS (after having voted in the affirmative). I desire to inquire if the junior Senator from North Dakota [Mr. ROACH] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PERKINS. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. DUBOIS. I take the liberty of transferring my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from South Dakota [Mr. KYLE]. I am assured that the Senator from South Dakota would vote "nay." I am not certain how the Senator from New Jersey [Mr. SMITH] would vote.

The result was announced—yeas 30, nays 25; as follows:

YEAS—30.

Aldrich,	Elkins,	Hoar,	Proctor,
Allison,	Faulkner,	Jones, Nev.	Quay,
Brown,	Frye,	Lodge,	Sewell,
Burrows,	Gallinger,	McMillan,	Sherman,
Caffery,	Gibson,	Mitchell, Wis.	Shoup,
Carter,	Hale,	Morgan,	Wetmore.
Chandler,	Hansbrough,	Morrill,	
Cullom,	Hawley,	Platt,	

NAYS—25.

Allen,	Cannon,	Mantle,	Pugh,
Bacon,	Chilton,	Martin,	Voorhees,
Bate,	Daniel,	Mills,	Walthall,
Berry,	Dubois,	Murphy,	White.
Blackburn,	Gray,	Palmer,	
Butler,	Hill,	Peffer,	
Cameron,	Lindsay,	Pettigrew,	

NOT VOTING—35.

Baker,	Gordon,	Nelson,	Thurston,
Blanchard,	Gorman,	Pasco,	Tillman,
Brice,	Harris,	Perkins,	Turpie,
Call,	Irby,	Pritchard,	Vest,
Clark,	Jones, Ark.	Roach,	Vilas,
Cockrell,	Kenney,	Smith,	Warren,
Davis,	Kyle,	Squire,	Wilson,
Gear,	McBride,	Stewart,	Wolcott.
George,	Mitchell, Oreg.	Teller,	

So the resolution was laid on the table.

HOUSE BILLS REFERRED.

The bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees was read twice by its title, and referred to the Committee on Education and Labor.

The bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask the Chair to lay before the Senate the international monetary conference bill which has come from the House of Representatives.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (H. R. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. CHANDLER. I ask that the bill with the amendments of the House of Representatives may be printed for the use of the Senate. I shall call it up on Monday for action.

Mr. GORMAN. I ask that the House amendments may be stated. Let us hear them.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. The amendments of the House of Representatives are, on page 2, section 2, at the end of line 4, to insert:

And he is further authorized, if in his judgment the purpose specified in the first section hereof can thus be better attained, to appoint one or more special commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purpose specified in the first section hereof. And in case of such appointment so much of the appropriation herein made as shall be necessary shall be available for the proper expenses and compensation of such commissioners or envoys.

SEC. 3. That so much of an act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," as provided for the

appointment of delegates to an international conference and makes an appropriation for their compensation and expenses, be, and the same is hereby, repealed.

Amend the title so as to read: "An act to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement."

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. CHANDLER. I shall on Monday move to concur in the amendments of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1743) to establish an additional land office in the State of Montana;

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company; and

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;" and

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The message further announced that the House had passed the bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CURTIS of New York, and Mr. TYLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution to print, for distribution by the Department of State, 5,000 copies of the Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc.; in which it requested the concurrence of the Senate.

JULIO SANGUILY.

Mr. DANIEL. I avail myself of this opportunity, Mr. President, after consultation with the Senator from Iowa [Mr. ALLISON] who is in charge of the Post-Office appropriation bill, simply to present certificates of naturalization of Julio Sanguily from the State of New York, and to ask that they may be made a part of the CONGRESSIONAL RECORD. They were kindly furnished me by the senior Senator from New York [Mr. HILL], to whose courtesy I am much indebted.

I would also ask, Mr. President, in connection therewith, that there may be inserted in the RECORD section 2167 of the Revised Statutes of the United States, page 379, which contains the provision as to the naturalization of aliens under the age of 21 years, from which it will be seen that the certificates of naturalization are in conformity with that section.

I have no desire either to enter into any discussion or to provoke any at this stage.

Mr. HOAR. To what section does the Senator refer?

Mr. DANIEL. Section 2167 of Revised Statutes.

Mr. ALLISON. I have no objection to the request of the Senator from Virginia, provided it does not lead to debate. If it does, I shall call for the regular order.

Mr. DANIEL. I was just about to state that I did not intend to enter into any discussion and hoped that I would not provoke any.

Mr. ALLISON. Very well.

Mr. HOAR. Mr. President, I think it is quite reasonable that the request of the Senator should be granted. I do not wish to enter into a discussion of the matter at this time, but I wish to point out an additional section of the Revised Statutes which I wish to have go into the RECORD with the section referred to by the Senator.

Mr. DANIEL. I hope that may be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. HOAR. Let it be stated from the desk, or let the Senator himself state it.

The VICE-PRESIDENT. The Senator from Virginia will please state his request.

Mr. DANIEL. That the credentials of naturalization of Julio Sanguily may be printed in the RECORD, and also section 2167 of the Revised Statutes to follow thereafter.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I consent, on what I am sure will be agreed to, that section 2170 of the Revised Statutes be also added.

Mr. COCKRELL. That is right.

Mr. HOAR. Before the request of the Senator from Virginia passes, I should like to suggest that the matter to be printed in the RECORD be inserted as of time immediately before the taking up of the Post-Office appropriation bill. We do not want it thrust in the midst of another subject, where we can not find it easily.

Mr. DANIEL. That may be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none, and the papers, together with the section of the Revised Statutes referred to by the Senator from Virginia, and also the section referred to by the Senator from Massachusetts, will be printed in the RECORD.

The certificate of naturalization of Julio Sanguily is as follows:

No. 23.

The people of the State of New York, by the grace of God free and independent,

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having examined the records and files in the office of the clerk of the county of New York, and clerk of the supreme court of said State for said county, do find certain affidavits in the matter of Julio Sanguily, on his naturalization—minor, there remaining, in the words and figures following, to wit:

[SEAL.]

Superior court of the city of New York.—In the matter of Julio Sanguily, on his application to become a citizen of the United States—minor.

STATE OF NEW YORK, *City and County of New York, ss:*

Joseph M. Mestre, of 450 West Twenty-third street (attorney), being duly sworn, doth depose and say that he is well acquainted with the above-named applicant; that the said applicant has resided in the United States for three years next preceding his arrival at the age of 21 years; that he has continued to reside therein to the present time; that he has resided five years within the United States, including three years of his minority, and that he has resided in the State of New York one year at least, immediately preceding this application; and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and deponent verily believes that for three years next preceding this application it has been the real and honest intention of the said applicant to become a citizen of the United States.

JOSEPH M. MESTRE.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

STATE OF NEW YORK, *City and County of New York, ss:*

Julio Sanguily, of corner of Forty-second street and Fifth avenue (gentleman), the above-named applicant, being duly sworn, says that he has arrived at the age of 21 years; that he has resided in the United States three years next preceding his arrival at that age, and has continued to reside therein to the present time; that he has resided five years within the United States, including the three years of his minority, and that he has resided one year at least, immediately preceding this application, within the State of New York, and that for three years next preceding this application it has been his real and honest intention to become a citizen of the United States.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

I do declare on oath that it is my bona fide intention, and has been for the three years next preceding this application, to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly to the King of Spain, of whom I was before a subject.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

I, Julio Sanguily, do solemnly swear that I will support the Constitution of the United States, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly to the King of Spain, of whom I was before a subject.

JULIO SANGUILY.

Sworn in open court, this 6th day of August, 1878.

THOMAS BOESE, *Clerk.*

All which we have caused by these presents to be exemplified, and the seal of our said supreme court to be hereunto affixed.

Witness Hon. Roger A. Pryor, a justice of the supreme court for the city and county of New York, the 20th day of February, in the year of our Lord 1897, of our independence the one hundred and twenty-first.

[SEAL.]

HENRY D. PURROY, *Clerk.*

I, Roger A. Pryor, a presiding justice at a special term of the supreme court of the State of New York, for the city and county of New York, do hereby certify that Henry D. Purroy, whose name is subscribed to the preceding exemplification, is the clerk of the said county of New York and clerk of said supreme court for said county, duly elected and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the exemplification is the seal of our said supreme court, and that the attestation thereof is in due form.

Dated New York, February 20, 1897.

ROGER A. PRYOR,

Justice of the Supreme Court of the State of New York.

STATE OF NEW YORK, *City and County of New York, ss:*

I, Henry D. Purroy, clerk of the supreme court of said State, in and for the city and county of New York, do hereby certify that Hon. Roger A. Pryor, whose name is subscribed to the preceding certificate, is presiding justice at a special term of the supreme court of said State in and for the city and county of New York, duly elected and sworn, and that the signature of said justice to said certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, this 26th day of February, 1897.

[SEAL.] HENRY D. PURROY, *Clerk.*

No. 24.

The people of the State of New York, by the grace of God free and independent,

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having examined the records and files in the office of the clerk of the county of New York, and clerk of the supreme court of said State for said county, do find a certain certificate of naturalization there

[SEAL.] remaining, in the words and figures following, to wit:

United States of America, State of New York.

CITY AND COUNTY OF NEW YORK, *ss:*

Be it remembered, that on the 6th day of August, in the year of our Lord 1878, Julio Sanguily appeared in the superior court of the city of New York (the said court being a court of record, having common-law jurisdiction, and a clerk and seal) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several acts of the Congress of the United States of America for that purpose made and provided. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required:

Thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted by the said court, to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereunto affixed this 6th day of August, 1878, and in the one hundred and third year of our independence.

By the court.

[SEAL.] THOMAS BOESE, *Clerk.*

All which we have caused by these presents to be exemplified, and the seal of our said supreme court to be hereunto affixed.

Witness Hon. Roger A. Pryor, a justice of the supreme court for the city and county of New York, the 26th day of February, in the year of our Lord 1897, of our independence the one hundred and twenty-first.

[SEAL.] HENRY D. PURROY, *Clerk.*

I, Roger A. Pryor, a presiding justice at a special term of the supreme court of the State of New York, for the city and county of New York, do hereby certify that Henry D. Purroy, whose name is subscribed to the preceding exemplification, is the clerk of the said county of New York and clerk of said supreme court for said county, duly elected and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the exemplification is the seal of our said supreme court, and that the attestation thereof is in due form.

Dated New York, February 26, 1897.

ROGER A. PRYOR,
Justice of the Supreme Court of the State of New York.

STATE OF NEW YORK, *City and County of New York, ss:*

I, Henry D. Purroy, clerk of the supreme court of said State, in and for the city and county of New York, do hereby certify that Hon. Roger A. Pryor, whose name is subscribed to the preceding certificate, is presiding justice at a special term of the supreme court of said State, in and for the city and county of New York, duly elected and sworn, and that the signature of said justice to said certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court this 26th day of February, 1897.

[SEAL.] HENRY D. PURROY, *Clerk.*

The sections of the Revised Statutes referred to are as follows:

SEC. 2167. Any alien, being under the age of 21 years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of 21 years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States without having made the declaration required in the first condition of section 2165; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

COMMERCIAL RELATIONS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the "Review of the World's Commerce," etc., being part of said Commercial Relations.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PETTIGREW. I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

ADDITIONAL JUDGES IN INDIAN TERRITORY.

Mr. PETTIGREW. I desire to have certain papers relating to appointment of additional judge of United States court for the central district of the Indian Territory printed as a document to accompany the Indian appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

SUGAR LOAF RESERVOIR SITE.

Mr. TELLER. A Senate bill has been returned from the other House with some amendments. I desire to have action on the bill. The amendments are of no great importance, and I desire that they be concurred in. I ask that the amendments may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2332) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry; which were, in line 10, after the word "at," to insert "public auction after thirty days' notice by advertisement;" in the same line, after the word "price," to strike out "of $2.50 per acre," and insert "at a price not less than $2.50 per acre;" and in line 12, after the word "prescribe," to insert "so as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River, as contemplated by the Government in reserving the reservoir sites of the arid region; but nothing herein shall prevent the purchasers, or their assigns, from using said water for mechanical, manufacturing, or other purpose which does not materially lessen said contemplated increased flow."

Mr. TELLER. I move that the Senate concur in the amendments.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. QUAY. Will the Senator from Iowa yield to me while I make a motion that the Senate take up what is known as the labor-commission bill?

Mr. HALE. I object for the present.

Mr. ALLISON. What is the request?

Mr. QUAY. My request was directed to the Senator from Iowa. The request was that the Senator from Iowa yield to me, that the appropriation bill might be temporarily laid aside while I make a motion to take up the labor-commission bill.

Mr. ALLISON. I am told by Senators around me that that bill will give rise to debate. If there can be unanimous consent that a vote shall be taken upon it, I might yield for that purpose. If it is to be taken up and displace the appropriation bill, I must object.

Mr. QUAY. The Senator from Maine objected yesterday to the consideration of the bill. I do not know whether he will or will not object to the proposition for unanimous consent.

Mr. HALE. I do object.

Mr. QUAY. Do I understand that the Senator renews his objection?

Mr. HALE. For the present.

Mr. QUAY. So that unanimous consent can not be had?

Mr. ALLISON. Mr. President——

Mr. QUAY. The Senator from Maine, however, says "for the present." Shall I take that as an intimation——

Mr. HALE. I will confer with the Senator from Pennsylvania about the matter during the course of the day.

Mr. ALLISON. I ask for a vote on the motion that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the committee amendments may be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Free-delivery service," on page 3, line 13, after the word "service," to strike out "at Detroit;" in line 14, before the word "thousand," to strike out "sixty" and insert "ninety," and in line 15, before the word "thousand," to strike out "twenty-four" and insert "fifty-four;" so as to make the clause read:

For incidental expenses, including twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes,

planting posts and pedestals, at $900 per annum; letter boxes, package boxes, posts, satchels, repairs, marine free-delivery service, etc, $90,000; in all, $13,254,000.

Mr. ALLISON. In line 14, after the word "service," I move also to strike out the words "and so forth."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 19, to strike out:

The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

Mr. ALLISON. I have a letter from the Postmaster-General asking that this paragraph, which the committee struck out, may be retained in the bill. The committee recommended the striking out of this provision because it is usual to make these reappropriations in the deficiency bill, but as it is a matter of no special importance I hope the Senate will disagree to the amendment of the committee.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The Secretary continued the reading of the bill and read lines 4 and 5 on page 4, as follows:

For experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. PLATT. I do not know that there is any better place in the bill to call attention to a matter which I have in mind. Last year there was, as the appropriation bill left the Senate, a provision in it for $50,000, which might be applied to defray the expense of what was called "experimental free delivery." There were some thirty offices in the country where there was an experimental free delivery. Some of them were self-supporting; among others one or two, one certainly, in Connecticut; and I took a very great interest in having that experimental free delivery continued, at least in the offices where it was self-supporting. But in conference that provision was reduced to $10,000 in the following words, under the head of "Free-delivery service:"

Provided further, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

When the conference report was presented last year, I called the attention of the chairman of the committee to the fact that the word "may" had been inserted, and asked him whether he understood that the experimental free delivery would be continued, at least in those offices which were self-supporting, and the chairman informed me that he did so understand it. I will read a little from the RECORD of last year—a very little. The chairman stated that—

The sum of $50,000 was stricken out and $10,000 inserted in lieu thereof, and in addition to that the amount heretofore appropriated for this purpose and still unexpended is made available in the future.

I said:

I notice that a little more is done than to strike out $50,000 from the Senate amendment and insert $10,000.

Then I stated how the Senate amendment read, and continued:

I see that the word "may" has been inserted. It is a small word, but I am very much afraid it may come to be a very important word. It now reads: "*Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery."

As we understand that the Postmaster-General is not very favorable to these experiments, the little word "may" may result in there being no experimental free delivery after the 1st of July, 1896.

Mr. ALLISON. The Senator from Connecticut will also observe that the amount heretofore appropriated for this purpose and still unexpended is made available. The word "may" is not inserted there. I have no doubt that the Postmaster-General will so use the money.

Mr. PLATT. While I am on my feet I wish to ask a question. Have the conferees any information upon the subject as to whether even in towns where the delivery has been paying its way it will be continued after the recommendation of the Postmaster-General, as I remember, that the whole matter should be discontinued?

Mr. ALLISON. I understand from the House conferees that that will be done. They had a consultation with the Postmaster-General. I have no doubt it will be done. I think in appropriations where the words "may in his discretion" or "in the discretion of the Postmaster-General" are not inserted it is generally regarded as equivalent to "shall."

The word "not" has evidently crept in there by mistake. The Senator from Iowa intended to say where those words are inserted they should be regarded as equivalent to the word "shall."

Notwithstanding that, immediately after the 1st of July, 1896, the free delivery in all those towns was discontinued at once. The attention of the Postmaster-General was called to it. His attention was called to what was stated here by the chairman of the conferees on the part of the Senate. He was thus informed that the intention of Congress was that that service should be continued. Yet, exercising a discretion which was given to him, he discontinued all of that service. I suppose nothing can be done about it now, but it was not according to the understanding of Congress, and the Postmaster-General knew that it was not; he discontinued those offices when he knew that the intention of Congress was the other way. I am sorry that I have not the correspondence showing somewhat the arbitrary way in which he dealt with this matter. I simply wish to call attention to it to show how the head of a Department overrode what he knew to be the intention of Congress, and that after his attention was called to it.

Mr. BUTLER. The Senator from Connecticut directs his remarks, I think, against lines 4 and 5, on page 4.

Mr. PLATT. I do not direct my remarks against any lines in the bill; but I thought it was a good place to call attention to what had been done in the past.

Mr. BUTLER. I understand that this appropriation is for experimental rural free delivery.

Mr. PLATT. An entirely different thing.

Mr. BUTLER. The Senator is discussing the experiments in cities and towns?

Mr. PLATT. In towns having a less population than the number which the law requires. There was a law that in towns having less than 5,000, I believe it was, there might be experimental free delivery.

Mr. BUTLER. That is covered by another paragraph in the bill.

Mr. PLATT. I think not.

Mr. BUTLER. I think so. Has the Senator from Connecticut any information that the Department has discontinued its experiments in rural free delivery?

Mr. PLATT. There is a distinction between rural free delivery, which has been established within the past year, and experimental free delivery, as it was called, which existed up to the commencement of the past year.

Mr. BUTLER. There never was any experiment until the last appropriation was made one year ago.

Mr. PLATT. The Senator from North Carolina could not have heard what I said, I think. Before the passage of the last appropriation bill there were about 30 towns in the United States where under a provision in former appropriation acts free delivery had been established, those towns not having the number of population necessary under the general law. There was great discussion here last year as to whether that was to be abandoned or should be continued; and it was stated by the chairman of the committee that under the $10,000 appropriation in last year's appropriation act he had no doubt it would be continued; that the conferees on the part of the House had had a consultation with the Postmaster-General and they said it would be continued. Yet immediately after the 1st of July, 1896, it was arbitrarily abandoned by the Postmaster-General.

Mr. BUTLER. The item under consideration is for experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. PLATT. I do not object to that item. I am in favor of it.

Mr. BUTLER. I intended to offer an amendment to that provision. I see from the last report of the Postmaster-General, on page 25, he states that this appropriation, which is a cumulative appropriation—that is, a few years ago an appropriation of $10,000 was made for this purpose. The report of the Postmaster-General for 1895 stated that that was so small it was not sufficient to make a fair experiment, and therefore last year, in the Post-Office appropriation bill, I offered an amendment appropriating $40,000, and to make available, in addition to the $40,000, the cumulative appropriation of $10,000 for two or three years, that had been running and had not been used, to make these experiments. The Postmaster-General reports that he is now making these experiments and that—

Care has been taken to choose territory in starting widely divergent in physical features and in the occupations and density of its population.

He says:

I shall at a later date prepare for the information of Congress such data as the experience of a limited period may furnish the Department.

The pending bill continues the appropriation. It is not as large as the Postmaster-General has had, because it was about $70,000 last year—$40,000, with the appropriations which had accumulated. This year he is given $50,000 to continue it. We have no data to show whether $50,000 is sufficient or not, but certainly the experiment should be continued, for the Postmaster-General states that he is not yet ready to make a report as to the success of the experiment. I think that instead of reducing the appropriation it ought to be increased, so that he could make experiments in more than two or three localities. I understand that he is now making one experiment in Massachusetts, in a densely populated section, and he is making another, I think, in West Virginia, in a sparsely settled section. There should be a sufficient amount to make experiments in half a dozen different counties widely differing in condition, but we do not know how much is necessary, for the Postmaster-General does not give us any information as to how many places he is now making experiments in and how much is necessary. This information I have obtained unofficially. Therefore I will not offer an amendment, though I think there should be an increased

appropriation. In the absence of information of any kind, except the fact that he is making the experiment, I will be satisfied that the appropriation shall go on until we can get some report from the Postmaster-General as to what is done and what can be done and what will be necessary.

The Secretary resumed the reading of the bill. The next amendment was, on page 5, line 1, before the word "expenses," to strike out "Miscellaneous" and insert "Stationery and necessary miscellaneous and incidental;" so as to make the clause read:

Stationery and necessary miscellaneous and incidental expenses for the money-order service, $7,000.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Second Assistant Postmaster-General," on page 5, line 13, before the word "fifty," to insert "one hundred and;" and in line 15, after the word "devices," to insert "by purchase or otherwise;" so as to make the clause read:

For mail-messenger service, $1,000,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of $150,000 of this amount in the transportation of mail by pneumatic tube or other similar devices by purchase or otherwise.

Mr. ALLISON. I move to amend the amendment by inserting after the word "amount," in line 14, the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 9, on page 6, the last clause read being as follows:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper and other supplies from the manufactories to the post-offices and depots of distribution, $29,000,000.

Mr. BUTLER. I should like to offer an amendment, which I think will not be subject to a point of order. In line 9, after the word "dollars," I move to insert:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

We have, practically, no law regulating the price to be paid per ton for carrying the mail. We have simply a maximum rate that was fixed a number of years ago, and the Postmaster-General has the discretion to fix any price—at that maximum or lower. But since that maxium was fixed, transportation rates for passengers and freight have been reduced. The reduction in freight rates has been nearly 40 per cent; the reduction in passenger rates has been about 18 per cent, and yet here the Government is paying now as much for mail as was paid before these reductions were made by the railroad company to private individuals.

We have heard a great deal about the deficit of the Post-Office Department. If we want to stop that deficit, let us apply common business methods to the conduct of this Department, such business methods as any private individual would adopt in the management of his own business. Our Government pays for the service the railroads render the Government in hauling the mails about $80,000,000 a year, while the whole star-route system of the country costs only about $5,000,000. The star-route service, running out from every county, city, and railroad station, and ramifying the country districts, which we would expect to cost a very large amount of the expenses necessary to maintain the Post-Office Department, costs but about $5,000,000.

Mr. President, this amendment simply proposes that the Government shall stand on the same footing as express companies, private individuals, and corporations that have dealings with the railroad companies. It simply, in a general way, requires the Postmaster-General, in making the contract with each railroad company and fixing the amount to be paid for the mail hauled, not to pay more than express companies and other people pay the railroads for a similar service. If the Government wants to go into the business of giving free gifts, then I say, let us find those who are needy and poor. Let us give it to the poor Indians, the wards of the nation. If we are going to throw away money, let us give it to the soldiers who fought for their country; let us give it to the paupers, or the widows and orphans; but in a common business transaction let us deal with common business methods.

I submit that, inasmuch as the Postmaster-General has never seen fit to make a contract for less than the maximum rate, it is fitting and proper as well as high time that Congress should at least request and direct him to pay no more for this service than others pay the railroads for similar services.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from North Carolina.

The SECRETARY. After the word "dollars," in line 9, on page 6, insert:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. ALLISON. That is already in the statute. The Postmaster-General can not do that under existing law. I have no objection to the insertion of the provision. It is a mere reenactment of what is now the law.

Mr. BUTLER. Then there can be no objection to it.

Mr. ALLISON. Certainly not.

Mr. BUTLER. All right.

Mr. PETTIGREW. Mr. President, the question of the pay to the railroads for transporting the mails has received some attention, and the committee have placed in the bill an amendment which provides for a committee composed of members of this body and the House of Representatives to investigate and report upon this whole question; and there certainly seems great necessity for it.

After all, the railroad mail service is but an express service, for the average speed of the railway mail trains of this country is but 26 miles an hour, and the average distance the mail is carried is but 448 miles. Yet we are paying, according to the report of the Post-Office Department, 8 cents a pound for the transportation of mail matter, a much larger sum than the express companies charge for a like service, and they not only pay the railroads for the service, but pay their own officers and gain a profit besides, and in many instances a very large profit. In dealing with this matter the Government of the United States has paid no attention, it seems to me, to the ordinary methods of business, and in no instance for years has it pursued that course which any prudent business man would have pursued.

We pay as much per pound to-day for carrying the mails upon the railroads in this country as we paid in 1878. What business man in the United States doing an express business for which he paid from twenty to thirty million dollars a year would have continued to have paid without murmur or complaint the same price to-day that he paid in 1878? The cost of carrying the mail since 1878 has been reduced nearly one-half, and yet no effort has been made on the part of the United States to secure any reduction whatever. Nineteen years have rolled by, the volume of mail has increased enormously, and yet nothing has been done. To-day the New York Central Railroad, between New York and Buffalo, receives from the Government of the United States compensation sufficient to pay the interest on the cost of a double-track railroad every year. They obtain interest at 5 per cent on a cost of $60,000 a mile of road for the mail service alone, and yet no effort is made to secure a reduction. The mails of the country would be carried at a profit to the Government if we paid only what the service is worth for railroad transportation. This one reform would wipe out the deficiency in postal revenue.

Further than that, instead of decreasing the amount of mail that can be carried at a 1-cent rate, it ought to be increased. It can be carried for that rate at a profit. Second-class mail matter in this country can be carried by the railroads of this country at a profit at 1 cent a pound, and yet we are paying 8 cents. I believe I can demonstrate that proposition to the satisfaction of every person within the sound of my voice; yet Senators rise and talk about economy, and cut off an appropriation of $10,000 for necessary surveys in the West, while year after year they have voted to pay millions upon millions more than it is worth for the railway-mail service. I believe we can save eight or ten million dollars a year from this one item alone and yet pay all the mail service is worth.

In the report of the Postmaster-General for 1890 he makes this statement, calling the attention of Congress and the people of the United States to this question, and yet nothing has been done about it:

In the past twelve years no reduction of rates has taken place, though the freight rates upon all railroads have been steadily lowered. During this period the weight of the mails has largely increased. It is quite reasonable to say that the reduction in freight rates generally between 1878 and 1890 is not less than 20 per cent, and in many instances it is much more. The largest expenditure of the Department is for transportation. The estimates just sent to the Treasury for the next fiscal year cover $22,610,123.31 for railroad transportation alone.

This bill carries $29,000,000, and there is no reduction yet, although years have rolled away since that report was made.

Finally we have this bill, in which provision is made for investigating this subject, and I am making these remarks for the purpose of calling the attention of the Senate and the House of Representatives to this question, so that this provision shall remain in the bill if the bill becomes a law.

Now, let us see what it is worth to perform this service. The report of Postmaster-General Bissell in 1894, page 53, shows that the average price paid for carrying mail was 8 cents a pound. Mr. Wilson, in his report of 1895, on page 31, makes the same statement. The report of the Postmaster-General for 1889, page 90, shows that the average haul of postal matter was 448 miles. You can make money carrying it in wagons at the price paid. The freight rate into the Black Hills before the days of the railroads, a distance of 205 miles, was $20 per ton. Yet we are paying $160 per ton for carrying the mails a little more than twice that distance.

True, we get a greater speed, but because we get the speed is no answer to the objection to this high rate unless the service is worth the price.

Mr. President, the Texas Pacific and Southern Pacific railroads carry caps, boots, cassimeres, and hardware from New Orleans to San Francisco for eight-tenths of a cent a pound, a distance of

1,500 miles, three times as far as the average distance the mail is carried, yet we pay 8 cents a pound for carrying the mails, or more than ten times as much. That, however, is not express service. But before I get through I shall show that freight rates are but a little larger than are charged for express service.

The distance from New York to Boston, in round numbers, is about 250 miles. The Adams Express Company carries 100 pounds for a cent a pound, and they carry the same amount from New York to Cleveland, a distance of five or six hundred miles, for a cent and three-quarters a pound.

The weight of the mail between New York and Boston or New York and Cleveland is greater than the weight carried by the express company on any of its trains, and yet we pay 8 cents a pound.

But here is a more interesting illustration. Milk is shipped by the railroads on the express trains, on the passenger trains, to New York, a distance of 396 miles, and the cans returned for nothing, for one-sixth of a cent a pound, and cream for one-fourth of a cent a pound, a uniform rate for the whole distance.

In an investigation had before the Interstate Commerce Commission last year, Mr. George R. Blanchard, representing the roads, testified that the distance could be extended to 1,000 miles with a uniform rate from every station, and that milk could be carried at a profit for one-sixth of a cent a pound over the whole distance, and one-fourth of a cent a pound over the whole distance for cream; yet we pay 8 cents for 448 miles.

Mr. Joseph H. Choate, who appeared for the railroads in one of those investigations, stated that a rate of one-half cent a pound on 40-quart cans of cream, and at one-third of a cent a pound on 40-quart cans of milk, and half those rates on bottled cream, brought a profit of from two to three hundred per cent, and he insisted on continuing the transportation. The dairymen near New York objected, and made complaint because the railroads brought the cream 400 miles and the milk for 400 miles at the same price that they charged for bringing it 50 or 60 miles. The railroad companies resisted a reduction of the rates for the long haul, which shows conclusively that they could do the business at a profit.

Mr. HAWLEY. If the Senator will allow me to interrupt him a moment, I will call his attention to the obvious fact that in the carrying of milk cans, with which we are all no doubt entirely familiar, the railroad company puts them on the car and then takes them off again at the proper point, whereas in the case of the mail service the railroad has nothing to do with it, but the Post-Office puts its innumerable packages in the cars and throws them out, and the railroad company has nothing to do but haul the car.

Mr. PETTIGREW. That is a very excellent suggestion, and in accordance with the facts.

Mr. ALLISON. I think it ought to be said in this connection that, as respects the cost to the railroads of transporting the mails, they are obliged to deliver the mails to post-offices that are within 80 rods of a railway station; and we have in this bill an appropriation for railway-messenger service—which means between the stations and the post-offices—of $1,300,000, or whatever the sum may be. That only covers about one-fifth of the post-offices, the mail to the other four-fifths being delivered by the railroad companies, and they certainly must pay something for those deliveries.

Mr. PETTIGREW. Oh, Mr. President, nearly all of those stations where a railroad company delivers the mails are within the 80-rod limit of the depot; they are small affairs; country stations, where the mail is thrown upon the top of the omnibus that goes to the train for passengers.

Mr. GEAR. I will state to the Senator these "small affairs" cost the railroad companies from seventy-five to one hundred and fifty dollars a year each.

Mr. PETTIGREW. No doubt they cost something, but perhaps not that much. They cost probably from $25 to $150 per year.

Mr. GEAR. I know whereof I speak when I say the cost is from seventy-five to one hundred and fifty dollars in each case, and if you will multiply that by the number of stations, you will find that it is not by any means a small affair.

Mr. PETTIGREW. They receive $29,000,000, and it is a small affair compared with the vast sum they receive for carrying the mails. When the representative of the railroads appeared before the Committee on Appropriations—I refer, Mr. President, when I say "representative of the railroads" to the Second Assistant Postmaster-General—the only argument he made for continuing this service at 8 cents a pound was that they had to deliver the mail from the car to the post-office where the stations were within 80 rods of the post-offices.

Mr. GEAR. I will state to the Senator that the $29,000,000 he alludes to is for all the service, not the delivery of the mail at these stations. Again, the compensation of some of these roads has been reduced, and not, as the Senator said, reduced a very small amount. I live on a fast-mail line, which extends 500 miles. That road is a land-grant road, and its compensation for this service has been reduced three different times, 20, 10, and 5 per cent. The reduction on that road amounts to more money than the original value of the lands which that road received from the Government. The road received 460,000 acres, which were open to entry and could have been bought by anybody for $1.25 an acre.

Mr. PETTIGREW. I did not yield to the Senator to make a speech.

Mr. GEAR. I did not want to make a speech. I merely wanted to put you right.

Mr. PETTIGREW. I can answer every proposition the Senator makes.

Mr. GEAR. I say these reductions amount to twice as much as the lands were worth when they were granted.

Mr. PETTIGREW. You can find instances where the receipts of the railroads are small; but I contend it is not individual cases or isolated railroads that make an argument as against the proof, which is uniform, which shows there has been no reduction in the price paid for this service since 1878; and yet the cost of the service has decreased since that time nearly one-half. Whatever may be said, the compensation has continued the same.

Mr. GEAR. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. PETTIGREW. I decline to yield further. I shall be glad to hear the Senator when I get through.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield.

Mr. GEAR. All right.

Mr. PETTIGREW. I have just read from the report of the Postmaster-General for 1890, in which he states that at that time no reduction had been made in this rate since 1878, and I assert that no reduction has been made since 1890.

But in addition to the payment for carrying the mail we allow $3,600,000 as compensation for the mail cars in this bill; and I assert that you can purchase new mail cars for every mail car now in the service for $500,000 less than the amount we are to pay next year for the use of those in the service, and that every year for the last twenty years we have paid more for the use of postal cars than new cars would cost. The life of one of these cars is from twelve to twenty years; and therefore we have paid twenty times over the cost of new cars in the last twenty years.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. PETTIGREW. I yield to the Senator.

Mr. BUTLER. I inquire of the Senator whether new cars could not be built for one-half of what we pay for the rent of them?

Mr. PETTIGREW. No; not for one half, but they can be built for five or six hundred thousand dollars less than what we are going to pay for the use of the cars for the next fiscal year. We could buy them over and over and over again for what we pay for the use of them.

Then we pay for carrying the mails in those cars 8 cents a pound, and we have continued this system for years. I trust it will come to an end; I trust that when we get the report of this commission that we may be able to correct these evils. The only wonder is that we have not done it long ago.

What is more, Mr. President, the Texas Pacific and Southern Pacific, when attacked for carrying freight from New Orleans to San Francisco at eight-tenths of a cent per pound, resisted increasing the rate, because they could carry it for that. They were carrying, however, foreign goods, not American manufactures, and American manufacturers complained because they had to pay nearly twice as much. The matter was brought before the Interstate Commerce Commission, and it was taken into the courts, and the roads hired lawyers, and they fought it through; they fought for the privilege of carrying this freight for eight-tenths of a cent a pound over the whole distance, and won their case.

What good is your tariff with a condition like that? Our foreign railroads—and they are nearly all owned in foreign lands; the officers of the road are simply the hired men to conduct the business—can place a rate upon foreign goods to distant interior points of this country which will absolutely destroy the protection of any tariff you choose to pass.

The Southern Pacific and Central Pacific railroads carry freight from New Orleans to San Francisco manufactured in foreign countries for a little over one-half of what they will carry goods manufactured in this country of a like character. That will be one of the questions to which the Senate ought to pay attention when we come to pass our new tariff bill, the modern recipe for prosperity.

Yet more, Mr. President. In regard to freight rates in England, let us see what has been accomplished there. The Great Eastern Railway of England, with a thousand miles of track, will carry farm products over its whole system, the whole distance of a thousand miles, for the rates I shall mention. Farm products, done up in packages of 20 pounds, so that they are convenient to handle like an express package, can be carried upon fast trains

over the whole 1,000 miles for 8 cents, considerably less than half a cent a pound; yet we pay for carrying the mails 8 cents a pound, or twenty times as much. From 20 to 25 pound packages can be carried for 10 cents over the whole system, and our railroads can carry the mails at a profit for the same price. This is the rate fixed by this road: 25 to 30 pounds for 12 cents, 60 pounds for 25 cents, over the whole system—the whole thousand miles—yet the average haul of the mails in this country is but 448 miles, according to the report of the Postmaster-General, and we pay 8 cents a pound.

Mr. ALLISON. What is the average haul over the line of which the Senator speaks?

Mr. PETTIGREW. I do not know what the average haul is, but they will haul it the whole thousand miles for these prices.

Mr. ALLISON. I understand that; but the Senator knows that that railroad, which has a thousand miles of track, has it within a radius of a few hundred miles.

Mr. PETTIGREW. I understand perfectly well the statement of the Senator; but the difference is between paying only 25 cents for 60 pounds and 8 cents a pound. That rate is fixed voluntarily by the road itself, and yet we have continued since 1878 paying this enormous price, and no effort has been made to reduce it.

Mr. FAULKNER. I ask the Senator from South Dakota, if he will permit me, whether or not the Second Assistant Postmaster-General did not say that that statement was an error, and that, so far as he was able to ascertain the facts, the cost of carrying the mails was about 1¼ cents per pound.

Mr. PETTIGREW. The report of the Postmaster-General for 1894, page 33, is that it costs 8 cents per pound, and he figures up what is lost between what is received and what we pay for carrying the mail. This was Mr. Bissell's report. Mr. Wilson in his report for 1895, on page 31, makes the same statement.

Oh, yes; the Second Assistant Postmaster-General came before the committee, and I should like to have every Senator read his testimony. I read an extract from it. I put to him this question:

You told us something of your business before you went into the post-office service.

Mr. NEILSON. Yes.

Senator PETTIGREW. What was that?

Mr. NEILSON. I was in the railroad service.

Senator PETTIGREW. What railroads?

Mr. NEILSON. I was on the Northern Pacific and on the Erie. I was on the Erie for twelve years and on the Cincinnati, Hamilton and Dayton for eight years.

Senator PETTIGREW. Which road did you leave at the time you went into the Department?

Mr. NEILSON. The Cincinnati, Hamilton and Dayton.

Senator PETTIGREW. What is the full name of that road?

Mr. NEILSON. The Cincinnati, Hamilton and Dayton.

Senator PETTIGREW. What was your position on that road?

Mr. NEILSON. General superintendent of the road.

Senator PETTIGREW. Who was your predecessor in the post-office service?

Mr. NEILSON. Mr. J. Lowrie Bell.

Senator CULLOM. He was a railroad man, too, was he not, or had been?

Mr. NEILSON. He is now the general traffic manager of the Central Railroad of New Jersey.

He resigned his position of general superintendent of a railroad to become Second Assistant Postmaster-General, with a salary of $4,000 a year. I say we heard from the railroads when we heard from the Second Assistant Postmaster-General. No doubt when he goes out of office after the 4th of March he will again enter the railroad service with a large salary. The general superintendents of railroads get all the way from ten to thirty and forty thousand dollars a year, and he resigned the position of general superintendent to take $4,000 a year. Perhaps he did it for glory. I will refer to some other things he said, in answer to the Senator from West Virginia.

I asked him how far the average haul of the mail was, and he said a thousand miles. He has studied this question, and his testimony is valuable, is it not, Mr. President? Then he stands up and says the reports of the Postmasters-General are not correct, that we do not pay 8 cents a pound; and he did not know how much we paid, nor how far the haul was. The Superintendent of the Railway Mail Service, who was just beside him, corrected him, and said the average haul was not over half that distance. The official reports of the Department show that the average haul is 448 miles. I suppose he had not had time to read the reports. He was made Second Assistant Postmaster-General in the interest of the railroads, and knew what he was there for, and did not propose to do anything else.

Mr. President, the express companies carry 100 pounds from New York to New Haven for a half cent a pound, to Boston for 1 cent a pound, to Cleveland for 1½ cents a pound, to New Orleans for 5 cents a pound, and we pay 8 cents a pound from New York to New Orleans, when our average haul is but 448 miles. The express companies will haul express a thousand miles for 5 cents a pound; they will carry express packages from New York to Elizabeth, 25 miles, for four-tenths of a cent per pound; to Jersey City for one-quarter of a cent; and this includes the delivery from domicile to domicile.

What more, Mr. President? As I said, this bill carries an item of $3,600,000 for the use of postal cars. Let us see how the railroads have responded to this generosity on the part of the Government; let us see how they have met these gifts; let us see how they have felt toward this Government for these enormous contributions, which in the last fifteen years have amounted to millions upon millions of dollars.

In the first place, they cheat every time they weigh the mails.

Mr. WILSON. How often is the mail weighed?

Mr. PETTIGREW. It is weighed once in four years, or oftener if they desire it.

Mr. WILSON. Does the Senator know whether there is or is not a reweighing?

Mr. PETTIGREW. Last spring—I will read first from the report of the Postmaster-General under the head of "Weighing the mails," from the report of 1896:

The Department takes every precaution at its command to insure honest weighing of the railroad mails. But this has not prevented one or two attempts on the part of railroad officials to pad the mails during the weighing season.

Mr. GORMAN. From what page does the Senator read?

Mr. PETTIGREW. Page 35. The report continues:

In the case of one of the more important lines the effort to do this was so clear—

It must have been very clear to awaken that Department—

and the Department secured through its inspectors such detailed and damaging evidence that I transmitted the papers to the Attorney-General, with request for criminal prosecution.

It must have been a very bad case.

Existing statutes, however, are so defective that some changes in the criminal law are imperatively necessary to insure the conviction and adequate punishment of those who attempt or who perpetrate such frauds on the Government.

What are the facts? The Seaboard Air Line procured 16 tons of public documents, franked by some member of the House of Representatives or of the Senate. They can secure them without the connivance at all of the persons who frank them. They ship them back and forth to their station agents. They ship this franked matter during the weighing season to a station, and have their agents take out the packages from the bags, redirect them, and mail them again. So they kept these 16 tons of frankable matter going for thirty days. The Department determined to have a reweighing. They had a reweighing for thirty days more, and then the railroad company secured an extra edition of a newspaper that weighed 5 tons; they shipped that back and forth along the line and distributed it over the line during the thirty days, and when the Postmaster-General complained, they asked him what he was going to do about it. And Mr. McBee, the manager of the road, asked the Postmaster-General why the Seaboard Air Line had been singled out for criticism for stuffing the mails during the reweighing period, when it was well known that all railroads practiced the same fraud upon the Government. So it is the general practice. There is no doubt about it. Everybody knows it. We do not need to investigate the matter much to learn that fact.

What is more, Mr. President, in addition to that they have set up a mail service of their own. Not only have they carried their own letters, which is the paying part of the mail service, but they carry each other's mail and distribute it from one road to another, and they set up a regular system of post-offices to carry the railway mail. There is great profit in carrying the mail which should pay 2 cents postage, and so the railroads have organized on their own hook a postal system which defrauds the Government out of hundreds of thousands, and I believe millions, of dollars a year because that branch of the service, the carrying of letters, is profitable.

In the Postmaster-General's report made in 1896, page 215, attention is called to this point by the Second Assistant Postmaster-General. It seems at first glance very astonishing that the Second Assistant Postmaster-General should call attention to this matter, but the employees began to use this railroad post-office. The employees handling the railway mail put their own letters into it, and the Second Assistant Postmaster-General then began to call attention to the matter. It got to be an enormous abuse. The railroads got nothing for doing the service. So long as they could do it for each other, it was a saving to their revenues—these foreign-owned corporations of ours; our masters rather than our servants—and they found no fault, but the very moment the employees began extensively to send their letters through the railway post-office service, the only way to get around it was to abolish the system. So the Second Assistant Postmaster-General calls attention to it and asks that legislation may be had to stop this practice.

The following from the report of the Postmaster-General for 1896 is of interest in this connection:

It was found upon close investigation, which was brought out more particularly by the detection of private correspondence being carried on under the cover of what is known as a "railroad business" envelope, that in some cases the families of employees were using this method of communicating with outsiders as well as those connected with the railroads. A careful investigation also disclosed the fact that the railroad companies themselves were misusing the privileges granted them by the Department in the character of their own correspondence and acting as intermediate carriers of mail between other companies and individuals. In connection with this misuse of the postal privileges granted the railroad companies, schemes had been worked

out and interchange offices had been established which formed a complete system of postal facilities.

July 2, 1896, the Postmaster-General issued Order No. 422, calling the attention of the railroad companies to the impropriety of their actions in such matter and requesting them to conform to sections 3985 and 3996 of the Revised Statutes, and notifying them that the statutes would be rigidly enforced.

So this is the response we have received to this enormous payment, to this generous treatment. They cheat us in regard to weighing the mails; they set up post-offices of their own, and a post-office mail service of their own to carry first-class mail matter, upon which class of matter there is a large profit to the Government. If there is a necessity for the reduction of expenses, here is a field where economists can profitably exercise their talents.

Mr. President, when the Indian appropriation bill was under consideration the Senator from New Hampshire [Mr. GALLINGER] was clamorous for economy. He talked about the deficiency of revenue and the depleted Treasury. He wanted to strike off an item of four or five thousand dollars for an Indian school in the West. Here is a chance for him to develop his genius. Here is a chance for him to exercise his talents in the interest of real economy, and yet he is silent upon this subject.

Mr. GORMAN. I should like to inquire of the Senator whether he does not believe that the present law gives sufficient authority to the Postmaster-General to prevent this abuse, and whether it has not grown up simply because of a want of proper administration?

Mr. PETTIGREW. I doubt if the present law is sufficient to reach all these difficulties, but I do believe that there is ample power to secure a reduction of these rates if they wanted to do it. But how can you expect that they will do anything when one Administration after another, it makes no difference whether it is Democratic or Republican, appoints railroad employees, who resign salaries four and five times greater than the Government pays to enter this service?

Mr. GORMAN. I made special inquiry, if the Senator will pardon me, as to the feature he was speaking of last, that is to say, the custom which has grown up with the railroad companies to establish postal facilities of their own. I believe the Postmaster-General, in the very report that the Senator read from, claims that having brought the Attorney-General's attention to the provisions of the law, he has since made regulations which will prevent further abuse in that line.

I do not understand the Senator to say that it is a defect in the law. The Senator will find it on page 216 of the Postmaster-General's report. He claims that he has corrected that abuse. So, if that be true, no further legislation by Congress is necessary. It only requires a vigorous and honest administration of the Post-Office Department so far as that particular branch of the service is concerned.

Mr. PETTIGREW. These railroads come to Congress and want legislation to compel them to keep their agreements with each other. My observation is that the present law is not sufficient to make them keep an agreement with the Postmaster-General; that the penalty must be severe and the punishment certain before they will obey the statute or keep an agreement with the Department.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. PETTIGREW. Certainly.

Mr. BUTLER. Does not the Senator know that the present law gives the Postmaster-General full power to have the mails weighed as often as he sees fit, and to refuse to certify the weight until he is satisfied that it is an honest weighing? So under the present law the Postmaster-General can have a weighing every thirty days, if he thinks necessary, and refuse to certify it. The roads would never get a chance until he makes the contract, and when he makes the contract for a given amount of money, there the Government's responsibility begins and not before. The trouble now is that they allow this padding to go on constantly, incessantly, on every railroad in the country, and the Postmaster-General has ample authority and power now conferred upon him by statute to prevent it. The two great abuses are, first, that the Government pays too high a price for the carriage of the mails: and second, that it pays for mail that is not carried. It pays for a vastly larger weight of mail than is actually carried.

The Postmaster-General can correct both abuses, because one statute gives him the power to weigh the mails and to see that there is an honest weighing and not to certify until it is done. The other statute gives him the power to fix the rate per ton. He can fix it. He has ample authority to put it at anything he pleases below a certain maximum. He can not go over a certain amount fixed by law. That amount, as has been stated, was fixed in 1878, and we are now exactly paying that maximum established in 1878. Every abuse that is complained of the Postmaster-General can correct and put a surplus into the treasury of that Department instead of having a deficit, if he sees fit to exercise his power under the present law.

Mr. PETTIGREW. It is hardly necessary to answer the Senator from North Carolina, as he proceeded to do that himself. However, while the Postmaster-General can reweigh and can weigh as often as he chooses where he thinks frauds have been practiced, still he says in his report for 1896:

Existing statutes, however, are so defective that some changes in the criminal law are imperatively necessary to insure the conviction and adequate punishment of those who attempt or who perpetrate such frauds on the Government.

So that after all the statute is defective, and he realizes, having been in the railroad service all his life, that it is only the sure conviction of a criminal offense that will make a railroad official obey the law. I shall be very glad, however, if the next Postmaster-General shall see fit to exercise the power he has under existing statutes to correct this evil.

Mr. President, I did not intend when I rose to discuss this question to occupy the time I have devoted to it. I intended simply to call attention to these figures, to these facts, to compare the prices we are paying with the prices individuals pay for similar service, for the purpose of emphasizing the importance of retaining this provision in the bill, which creates a commission to investigate the frauds connected with this service. I think, however, that we ought to amend it by providing that not more than 80 per cent of the amount paid last year shall be paid in the next fiscal year for this service. That would strike off one-fifth of the amount we are now paying at once, and thus save nearly $6,000,000.

I will not make that motion, however; and I will not make it for the reason that under existing law if the amendment offered by the Senator from North Carolina is adopted, the Postmaster-General can apply the remedy if he pleases, and I hope he will do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment stated by the Senator from North Carolina.

Mr. ALLISON. Let it be read.

Mr. HANSBROUGH. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 9, page 6, it is proposed to insert:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. ALLISON. The amendment certainly is objectionable. It does not apply to the paragraph under consideration. It should be "railway mail between said points."

Mr. BUTLER. Weight and distance being the same, I submit that when you say "like service"——

Mr. ALLISON. "Between said points." We are dealing now with this transfer.

Mr. BUTLER. No.

Mr. ALLISON. I move to add "between said points."

Mr. BUTLER. Before the Senator makes the motion, I will call attention to the fact that the amendment comes in at line 9 and not at the end of line 17. I purposely put it in line 9 so as not to affect the special amendment the committee propose to add.

Mr. ALLISON. I object to the amendment.

The PRESIDING OFFICER. The Senator from Iowa moves to amend the amendment by inserting what will be stated.

The SECRETARY. It is proposed to insert the words "between said points;" so as to read:

By express companies for like service between said points.

Mr. ALLISON. I withdraw my suggestion. I supposed the amendment of the Senator from North Carolina was to be inserted after the word "dollars" in line 15.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

Mr. ALLISON. Of course the amendment suggested by the Senator from North Carolina should not be adopted at this time. If we are to have an investigation of this subject, I think we had better know something about the rates that ought to be paid. Of course if we want to decide now and investigate afterwards, the Senator from North Carolina seems to know about this matter, and I confess I do not——

Mr. BUTLER. I submit that the investigation will be all right in due time, but this applies to the present year. It will be another year before we can have the result of the investigation. It is simply that the Government shall not pay for like service more than others are paying, and there can be no objection to that.

Mr. ALLISON. I make the point of order upon the amendment that it changes existing law and therefore is not in order.

Mr. PETTIGREW. I understood the Senator accepted the amendment when it was offered, and said it conforms to existing law.

Mr. ALLISON. I accepted it conditionally, because I supposed it applied to this particular provision as to the transfer.

Mr. PETTIGREW. I do not know that I particularly object. I am willing that the incoming Administration, inasmuch as they have power to correct these evils, shall try their hand at it.

Mr. ALLISON. I hope the Senator from North Carolina will also take that view as respects the new Administration.

Mr. PETTIGREW. I do not believe they will do it, however.

Mr. BUTLER. Do I understand the Senator from Iowa to say that this proposes to change existing law?

Mr. ALLISON. I think it changes existing law. The rates for railroad transportation are fixed by statute, and if there is a statute which incorporates the suggestion of the Senator from North Carolina I am not aware of it. If he will show it to me, then I will say, of course, that it does not change existing law.

Mr. BUTLER. I call the Senator's attention to the Revised Statutes, section 4002, and I ask the Secretary to read it.

The Secretary read as follows:

SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Mr. FAULKNER. Mr. President, it strikes me that it would be unwise for us at this time to make an ironbound law with reference to this subject, as provided by the amendment of the Senator from North Carolina. The reason why I think so is that the bill provides for a commission to investigate the very subject upon which it is proposed by the Senator from North Carolina to legislate definitely and positively. We had some little evidence before the committee as to the question of cost between the railroad transportation by mail and by express, and in comparing them I think that up to 4 pounds the difference was about 2 cents lower by express than by mail. That was the rate submitted to the committee.

There are a great many things in connection with this matter, and the Senate should not enact this proposition into law without considering them. So many things enter into it, in fact, that the committee found themselves absolutely unable, without investigation through a commission, to determine what is fair and just upon this question. If the Senator from North Carolina will notice, the commission is required to make its report the 1st of next January, so that we can have it here before Congress when the appropriations are to be made for the next fiscal year.

For example, the express car is a cheap car compared with the cost of a mail car. It has nothing in it whatever—it is a mere box car—except that at one end they put in some pigeonholes, while a large amount of paraphernalia is necessary for a mail car. An express car is not required to be heated or lighted under the terms of the contracts with the railroad.

Mr. BUTLER. May I interrupt the Senator from West Virginia for a moment?

Mr. FAULKNER. Certainly.

Mr. BUTLER. I call the Senator's attention to lines 18 and 19 of the next paragraph, which we have not yet reached:

For railroad post-office car service, $3,600,000.

That is for the rent of the cars after paying the railroads for hauling this matter, and also for keeping them lighted, heated, and the general furnishing of the car.

Mr. FAULKNER. I understand that.

Mr. BUTLER. So it is proposed to make an appropriation here for the service of which the Senator is speaking that is twice what it will cost, and I can prove it to the Senate or to any committee.

Mr. FAULKNER. We are going to attempt to prove that, if we can, through the commission; and we determined to be as liberal as possible. We determined to invest the commission with such powers that they can employ the finest experts who can be obtained in the United States to investigate thoroughly and to probe this whole question to the bottom, so that when we do act we can act intelligently.

For example, there are 40,000 stations in this country. This information came to me as the result of a very brief examination before the committee. At only 7,000 of those 40,000 stations in this country are contracts made by the Government for the transportation of the mail from the station to the post-office, and it costs two or three million dollars to do it. At the remainder, 33,000 stations, the railroad companies, as included in the cost of transportation, are compelled for that compensation to transport the mail from the stations to the post-office, to provide rooms for the mail to be stored at night, to be responsible for the mails, to employ the men necessary to handle the mail at the stations, and also to have the trucks, etc., necessary to transact that business.

Mr. BUTLER. May I call the attention of the Senator to the fact that all the points he is making are outside of the amendment entirely?

Mr. FAULKNER. I understand that the amendment——

Mr. BUTLER. They are entirely outside the amendment.

Mr. FAULKNER. I understand that the amendment of the Senator is to limit the cost of transportation to the sum paid by the express companies.

Mr. BUTLER. For like service. That is the proviso.

Mr. FAULKNER. "Like service."

Mr. CALL. What is "like service?"

Mr. FAULKNER. It is impossible to say what "like service" is, in the first place, and it will be impossible to compare the mail service with the express service. The express companies are insurers of their own goods. The express companies handle all their own goods. The express companies have to pay rent for every one of the rooms in the stations which they must have in order to handle their business. They have to provide their own men to handle the goods at the station. They have to provide, also, the trucks upon which they have to handle them. The amount for the transportation of mail clerks of itself would reach up to $3,000,000 if fare was paid for the transportation of these men upon trains at the ordinary rates. All that is done and included in the cost of transportation, and it is not required by the express companies. So it is almost impossible to make a comparison between the cost of the two services, and yet the Senator forces that comparison by the proposition to enact a specific and distinct law to that effect.

Mr. BUTLER. It leaves that in the discretion of the Postmaster-General, and requires him to say what is a similar service and what is not, and then the Postmaster-General in his next report will give the Senate information that he has never given to the public so far, and he will tell you why he pays the railroads so much and what is similar and what is dissimilar service. The amendment is not ironbound. It is simply of a nature that requires the Postmaster-General in his discretion not to pay for a like service more than the express companies and individuals pay.

Mr. FAULKNER. If the amendment of the Senator be adopted, I do not know that it would not increase the cost of the transportation of the mails. But we do not care about relying upon the report of the Postmaster-General when we here have appointed our own commission.

Mr. BUTLER. You have not appointed it yet.

Mr. FAULKNER. We hope to appoint it.

Mr. BUTLER. Let us discuss that question when we get to it.

Mr. FAULKNER. And we believe that we will succeed in getting the Congress of the United States to make a thorough investigation of this matter through the commission. I assume that where a great public question of this character is brought before Congress, for the purpose of investigating the amount of appropriation necessary to defray the public expenditures upon a very complicated and difficult question, it will not refuse to appoint the commission.

I therefore insist upon the point of order suggested by the chairman of the Committee on Appropriations, that this is general legislation; that it is not reported from any committee; that it has the indorsement of no committee, and has not been referred to the Committee on Appropriations one day before it was offered in the Senate.

Mr. CHANDLER. May I ask to have the amendment stated before the Chair rules upon the point of order?

The SECRETARY. After the word "dollars," in line 9, page 6, it is proposed to insert:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

Mr. CHANDLER. Mr. President, I am not in favor of the amendment of the Senator from North Carolina. I think the whole subject should be investigated, and that question will come up later in the consideration of this bill, but I am not willing to assent to the proposition that there is a rule of the Senate that we can not in making an appropriation of $29,000,000 put any limitations upon the methods in which it shall be expended to accomplish the general purpose intended. We are not obliged to pay this money in the precise way that former appropriations of this kind have been paid out. It is customary, and it is a good custom and a proper practice, to put upon large appropriations specific limitations and directions as to how the expenditures shall be made.

Mr. ALLISON. If the Senator will allow me, that is in cases where specific limitations have not already been put by law upon the appropriations.

Mr. CHANDLER. I appreciate the distinction made by the Senator, and he may possibly be right in this case, and yet it is a doctrine as to the construction of our rules which I am not willing fully to admit, that where a large appropriation is made and an amendment is proposed that it shall be paid in a particular direction, that it shall not be used for a particular purpose, that that amendment is out of order. I am not willing to assent to that doctrine at this time.

Mr. BUTLER. Mr. President, I had read a few moments ago section 4002 of the Revised Statutes. Those who paid attention to the reading of that statute will notice that it fixes a maximum

rate and leaves it to the discretion of the Postmaster-General to reduce it from time to time in his judgment. There have been two amendments to that statute, which is before you. One was in 1876, which reduced the maximum 10 per cent. I will not ask that that be read unless it is called for, as it would take time. In 1878 there was another amendment passed by Congress reducing the maximum rate 5 per cent, leaving all the provisions of the act which is before you in full force, simply reducing the maximum rate.

I submit that it is not new legislation in the appropriation bill, it is not general legislation that is subject to the rule of order, when you are making an appropriation of $29,000,000, to say, provided that not more of this amount shall be used for this service than is paid for like services by other individuals and corporations. We have already put the matter in the discretion of the Postmaster-General. This is simply calling his attention to a limit and asking him to use his discretion that the Government shall not pay more for this service than others pay for a like service. It is merely a limitation upon the appropriation, and I submit it is not subject to the point of order.

Mr. FAULKNER. That the point of order may be definitely known to the Chair, I will state that I make first the point of order that the amendment proposes to incorporate into the law general legislation that is not there, that it makes a limitation upon the Postmaster-General which is not in the law, and therefore changes existing law. The second point is that it is an amendment to an appropriation bill not reported by any committee. Another point is that it was not even reported by a committee and referred to the Committee on Appropriations for consideration a day before it was presented in the Senate.

Mr. BUTLER. If the Senator from West Virginia says that the amendment changes existing laws he admits that the Postmaster-General is paying more to-day for services than he ought to pay.

Mr. FAULKNER. No; I say that the law stating what his discretion shall be as to a given maximum amount, the amendment adds an additional provision that, although the maximum remains, in addition to that he is not to pay more than is paid by the express companies; and it is an additional provision and limitation that is not in existing law.

Mr. BUTLER. It is a mere limitation on the appropriation.

Mr. ALLISON. Let us have the ruling of the Chair.

Mr. CHANDLER. I will say something before the ruling is made, with the permission of the Senator from Iowa.

Mr. ALLISON. Certainly.

Mr. CHANDLER. The Senator from West Virginia can not be serious in his last proposition. There is no requirement that an amendment of this kind shall be reported by a committee of the Senate and referred to the Committee on Appropriations.

The amendment does not add any sum to the amount appropriated. If it increased the appropriation or added a new item, the Senator would be right; but when the Senator says that a mere provision not increasing an appropriation, but limiting the manner in which that appropriation is to be expended, must be notified to the committee of which he is an honored member before it can be offered in this Chamber, he is mistaken. So the Senator is pushed again upon the original proposition that the amendment changes existing law.

Mr. President, I repudiate the idea that when these annual appropriations are made, as they are required to be made year after year, there can not be a limitation on any one of the appropriations as to the manner in which it shall be expended which can be proposed by any Senator in this body when the appropriation bill is under discussion and whether any notice is given of it or not. I submit to the good judgment of the Senator from West Virginia that he is entirely wrong in his point of order.

The PRESIDING OFFICER. By the terms of existing law the amount to be paid by the Postmaster-General for the transportation of mails is to be determined by certain definite factors consisting of distance and weight. The proposed amendment suggests that hereafter, should the amendment become a law, the Postmaster-General shall deviate from the definite quantities now prescribed by the statute and inquire concerning the amount paid by certain express companies between different points. The proposed amendment, the Chair believes, would change essentially the basis of computation from definite factors to a wide, broad, indefinite field which might be constantly shifting. The Chair thinks the point of order is well taken.

Mr. BUTLER. I feel constrained to appeal from the decision of the Chair. Before entering the appeal, though, the Chair will pardon me that I may ask the Senator from Iowa a question. I should like to ask the Senator from Iowa if he would make a point of order against a proposition to reduce this appropriation from $29,000,000 to $20,000,000?

Mr. ALLISON. I do not know what I shall do on any particular amendment until it is offered and read at the desk.

Mr. BUTLER. I submit that I do not wish to offer an amendment of that kind, though I am prepared to furnish ample evidence to the Senate (and I will take the time of the Senate to do it on that amendment) that $20,000,000 is more than sufficient to pay for the railway mail service of this country. I do not wish to limit the amount, but I prefer to leave the whole appropriation of $29,000,000 and provide that only so much of it shall be used as is necessary to pay a rate to the railroads similar to that which they now get from express companies and other business concerns. I submit that that is fairer. I submit the point of order can not be made by the chairman against a proposition to reduce the appropriation to $20,000,000 or any other amount. If he were to make the point, the Chair would not sustain him.

Then, why is not this better, because it leaves the whole matter with the Postmaster-General, and on its equity? It needs no proof to show that it is fair. It is fair on its face. If $29,000,000 is necessary, then expend it; if $20,000,000 is necessary, expend it. But I will take the time of the Senate to prove that $20,000,000 is more than sufficient, if the point of order is insisted upon against this amendment.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. GEAR. I suggest the lack of a quorum.

Mr. ALLISON. A call of the roll will bring a quorum into the Senate if the yeas and nays are demanded on the appeal.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BATE. What is the direct point upon which we are to vote?

Mr. ALDRICH. I move to lay the appeal on the table.

Mr. CHANDLER. I heard the want of a quorum suggested by the Senator from Iowa [Mr. GEAR].

The PRESIDING OFFICER. The Senator from Iowa [Mr. GEAR] suggests the absence of a quorum in the Chamber. The Secretary will call the roll.

Mr. GEAR. My colleague suggests that a vote by yeas and nays will develop the presence of a quorum. I will withdraw the call.

Mr. ALDRICH. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Iowa has suggested the absence of a quorum, and——

Mr. BATE. I ask what is the question that it is moved be laid on the table?

The PRESIDING OFFICER. Pending the determination of the presence or absence of a quorum, the Senate can not, as the Chair understands, transact business. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cullom,	Jones, Ark.	Quay,
Allison,	Daniel,	Lodge,	Roach,
Bacon,	Dubois,	McBride,	Sewell,
Bate,	Faulkner,	McMillan,	Sherman
Berry,	Frye,	Mantle,	Shoup,
Blanchard,	Gallinger,	Martin,	Stewart,
Brice,	Gear,	Mills,	Teller,
Call,	Gibson,	Morrill,	Turpie,
Cameron,	Gordon,	Murphy,	Vest,
Cannon,	Gorman,	Nelson,	Vilas,
Carter,	Gray,	Palmer,	Walthall,
Chandler,	Hansbrough,	Peffer,	Warren,
Chilton,	Hawley,	Perkins,	Wetmore.
Cockrell,	Hill,	Platt,	

The PRESIDING OFFICER. Fifty-five Senators have responded to their names on the call of the roll. A quorum is present.

Mr. ALDRICH. I move to lay the appeal on the table.

Mr. BUTLER. Let us have the yeas and nays on that, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina appeals from the ruling of the Chair, and the Senator from Rhode Island moves to lay the appeal on the table.

Mr. COCKRELL. Now, will the Chair please state exactly what the proposed amendment is and the ruling of the Chair on it?

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to insert, after the word "dollars," in line 9, on page 6:

Provided, That the Postmaster-General shall not pay more for the transportation of the railway mail than is paid by the express companies for like service.

The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] made the point of order that the proposed amendment changes existing law. The further point was made that it had not been reported by nor referred to any committee of the Senate.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Upon that point of order the Chair held, if the Senator from North Carolina will permit the Chair to state the parliamentary situation, that the proposed amendment changes existing law in this, that under the provisions of section 4002 of the Revised Statutes of the United States weight and distance constitute the basis upon which the cost of carrying the mails is computed, whereas the proposed amendment contemplates computations based upon the rates of express companies, indefinite and unknown quantities, as the basis upon which

the maximum shall be fixed; and the Chair therefore sustained the point of order.

Mr. BUTLER. Now, if the Chair will pardon me. Mr. President——

Mr. ALDRICH. Debate is not in order.

The PRESIDING OFFICER. A motion is pending to lay the appeal of the Senator from North Corolina on the table.

Mr. BUTLER. I think the Chair recognized me, and no one will object if I call attention to the answer made to the point of order.

Mr. ALDRICH. Debate is not in order on the proposition, and I ask for the regular order.

Mr. BUTLER. I submit to the Chair——

The PRESIDING OFFICER. The Senator from Rhode Island makes the point of order that debate on the motion to lay the appeal on the table is not in order.

Mr. BUTLER. Is it debate to state the grounds briefly, without any debate, upon which the point of order was made, and the answer to the point of order?

Mr. GALLINGER. Of course it is.

Mr. BUTLER. If the Chair will pardon me——

Mr. ALDRICH. I ask for the regular order. Debate is not in order.

Mr. BUTLER. There are a number of Senators now here who did not hear the debate and the ground upon which an appeal was taken from the decision of the Chair.

The PRESIDING OFFICER. Upon the point of order made by the Senator from Rhode Island, under the rule the Chair must hold that debate is not in order on the motion to lay the appeal on the table.

Mr. MILLS. The question is now on laying the appeal on the table.

Mr. BUTLER. Then I ask unanimous consent to state my position and to restate the reason why I maintain the amendment is in order. I am now appealing to the Senate to decide whether or not it is in order. The point of order having been made, I ask unanimous consent to state to the Senate on what ground I made the appeal. Many Senators are now present who were not here when I stated my ground for the appeal.

Mr. ALDRICH. How much time does the Senator want to take?

The PRESIDING OFFICER. The Senator from North Carolina has not stated the length of time he desires to occupy.

Mr. BUTLER. A minute or two will be just about the time necessary.

Mr. ALDRICH. All right; I am willing.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to be permitted to proceed for two minutes to state his position with reference to the pending question. Is there objection? The Chair hears none; and the Senator from North Carolina will proceed.

Mr. BUTLER. I call the attention of the Senate to the fact that if I had moved to reduce the appropriation of $29,000,000 to $20,000,000, it would have been entirely in order, and nobody could have objected to it. I preferred to put in this amendment, which requires that the Postmaster-General shall not pay more for carrying the railway mail than is paid by express companies for a like service. That is more equitable. I submitted that that was arriving in a more equitable way at the same result we would get by reducing the appropriation.

Now, the amendment does not change the method of computation fixed by present law. Why? We have a system of weighing the mail. It does not change the amount of mail to be carried; it simply requires that the Postmaster-General shall not pay more per ton than is now paid by express companies. It does not make any difference whether the weighing shows one ton or a million tons; it simply provides that we shall not pay more per ton for a like service for a like distance. I claimed that it did not change the existing law, but was simply a limitation on the appropriation, and on that ground I appealed from the decision of the Chair.

Mr. CULLOM. Now, I hope we shall have a vote on the motion and proceed with the bill.

Mr. BUTLER. To expedite matters, I will ask that this may go over. As the merits of the question will come up under the provision to establish a commission, I will withdraw the appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Senator from North Carolina withdraws the appeal from the ruling of the Chair. The Secretary will report the next amendment of the Committee on Appropriations.

The next amendment of the Committee on Appropriations was, on page 6, line 8, after the word "dollars," to insert:

And the Postmaster-General is hereby authorized, in his discretion, to pay from the foregoing appropriation for the special transfer and terminal service between the Union Station at East St. Louis, Ill., and the Union Station at St. Louis, Mo., including the use, lighting, and heating of mail building, and the transfer service at St. Louis, at the rate of not exceeding $50,000 per annum, beginning on the 1st day of July, 1897.

The amendment was agreed to.

The Secretary read the next clause in the bill, as follows:

For railway post-office car service, $3,600,000.

Mr. BUTLER. I offer the following amendment to come in after the word "dollars," in line 19, page 6:

Provided, That not more than 10 per cent of the cost of the cars shall be paid for said service.

Mr. President, this paragraph——

Mr. ALLISON. I make the point of order on the amendment that it changes existing law. I do not wish to interfere with the Senator's observations, but undoubtedly——

Mr. BUTLER. If the Senator from Iowa will pardon me, I should like to ask what existing law the amendment changes?

Mr. ALLISON. The rates for car service are fixed by law now, by section 4003 of the Revised Statutes, I believe.

Mr. BUTLER. I ask for the reading of section 4003 of the Revised Statutes.

Mr. ALLISON. I will withdraw the point of order to save time, and let the Senator have a vote on his amendment.

The PRESIDING OFFICER. The point of order is withdrawn on the amendment proposed by the Senator from North Carolina.

Mr. BUTLER. Mr. President, here is an appropriation for $3,600,000—for what? Simply for the rent of postal cars. How many postal cars? Less than 500 are in use to-day to carry the mails of the country; and here is an appropriation, as I say, of $3,600,000 for the rent of those cars. The postal cars do not cost over $3,500 or $4,000 each to build, and to build the 500 cars will not cost the amount of money which is appropriated in this bill.

I submit that we have already voted $29,000,000 to pay the railroads for hauling the mails. That is at least from twelve to fifteen million dollars more than the railroads charge for like service for me, and for you, sir, for manufacturing concerns, and for express companies. We are paying $160 a ton, when but from $50 to $100 per ton is paid by others for like service.

In addition to that, here we are asked to appropriate $3,600,000 for the rent of cars. The cars put up at auction to-day would not sell for half of it. The Government can to-day go into the market and buy 500 postal cars better than those which are used in the postal service for less money than this.

I submit that if we are to pay this enormous price for carrying the mail, we should not also pay rent on postal cars, and that, if we do pay that rent, we should not pay more than 10 per cent of the cost of the cars. That is the amendment.

The existing law says that the maximum rate which the Post-Office Department can pay for these cars is $25 per mile per annum for cars of 40 feet in length; $30 per mile per annum for cars of 45 feet in length; $40 per mile per annum for cars of 50 feet in length; $50 per mile per annum for railway post-office cars of from 55 to 60 feet in length. That is the maximum rate; and yet to-day I make the statement, and defy contradiction, that the Post-Office Department is paying over $50 for every postal car in use, when even the maximum is only $25 for a car 40 feet in length. They pay on every car as if it were 60 feet in length.

I ask the attention of the Senate to some of the business methods we have had in the Post-Office Department. I call attention to the case of the Pennsylvania Railroad Company between New York, Pittsburg, Cincinnati, St. Louis, and Chicago. We paid this company for the use of 69 cars in one year the sum of $515,000. That amounts to $7,327 a car. We paid the Pennsylvania Railroad $7,327 a year for the use of each car, when the car did not cost but $3,500.

I call the attention of the Senate to another case, that of the New York Central. We paid that company for the use of 50 cars last year, and for those cars we paid $425,000; that is $8,500 a year for the rent of each postal car, when the cars cost only $3,500 apiece.

I submit that it is no wonder that there is a deficit in the Post-Office Department. There is not a private business in the country which would not be bankrupt in one year with such business methods as those. We pay over twice for the rent of the car what it would cost to build it and own it; and, in addition, we pay $160 a ton for mail, while the express companies can have it carried for less than $100.

It is a matter for the Senate. If it pleases the Senate of the United States to thus squander the people's money, if it pleases the people's representatives to thus throw it away, then let no man who votes for such a proposition as this talk about economy and the interests of good government hereafter.

Mr. President, these are grave statements which I make, and I challenge any Senator on this floor to rise to his feet and question them, for I am here armed with the proofs. I have no more to say. I do not wish to take the time of the Senate.

Mr. CULLOM. I shall not reply to the Senator, but I should like to have a vote at once.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER (Mr. THURSTON in the chair). Is the demand seconded?

Mr. ALDRICH. Have a sufficient number of Senators seconded the demand for the yeas and nays, Mr. President?

The PRESIDING OFFICER. The demand for the yeas and nays, in the opinion of the Chair, is not seconded.

Mr. ALLISON. I move to lay the amendment on the table.

Mr. MILLS. Let us have the yeas and nays on that.

Mr. BUTLER. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Iowa moves to lay the amendment proposed by the Senator from North Carolina on the table, and on that the yeas and nays are called for.

Mr. CALL. I hope the Senator from Iowa will withdraw his motion for a moment.

The PRESIDING OFFICER. Are the yeas and nays demanded?

Mr. MILLS. Yes; they are demanded, Mr. President.

Mr. ALLISON. Does the Senator from Florida wish to speak to the amendment?

Mr. CALL. Only to make a single observation.

Mr. ALLISON. I will withdraw my motion for a moment to enable the Senator to do so.

Mr. CALL. Mr. President, with reference to this amendment, I should be very glad to cooperate with the Senator from North Carolina in any measure reasonably fair for a reduction to a proper extent, giving reasonable compensation to the carriers for the railway mail service, but I think that the Senator from North Carolina is not doing a benefit to that purpose in this motion, although he so intends, because there are many of us who would like to vote for the amendment who can not ignorantly do so at this moment of time, with the few days only of this session yet remaining to pass these bills, without time to consider even the information which the Senator personally may have upon the subject, and venture upon something which may interfere with the reasonable compensation and the efficiency of this service at this time. Without any information, however much we may be disposed to do so, it seems to me not to be in the interest of the very purpose which the Senator desires to accomplish.

Mr. BUTLER. Will the Senator from Florida permit a question?

Mr. CALL. Certainly I will.

Mr. BUTLER. The amendment I propose simply provides that we shall not pay more than 10 per cent of the cost of the cars for the rent of them. Is not that a fair and clear proposition?

Mr. CALL. That seems to me a very indefinite idea upon this subject. It might be the whole cost of the railway car upon some particular route that might be necessary to be paid for. There is no relation between the arbitrary amount of 10 per cent and the reasonable cost of the service. Those two things have no kind of connection with each other. It is for that reason that I deprecate, in the interest of those who really desire to accomplish the objects sought by the Senator, that he should now offer this amendment.

Mr. BUTLER. This does not cover the service.

Mr. ALLISON. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to lay upon the table the pending amendment.

The motion was agreed to.

Mr. ALLISON. I desire to offer a modification of the amendment beginning in line 20, on page 6, and ending in line 3, on page 8. It is simply providing that the committee's suggestion in that amendment shall be changed to a commission, this Congress not having the power, I think, to appoint committees for the next. I send to the Secretary's desk the modification which I propose to make.

The VICE-PRESIDENT. The proposed modification will be stated.

Mr. ALLISON. It is to come in at the end of the amendment.

The SECRETARY. It is proposed to substitute for that portion of the bill beginning in line 19, on page 6, and ending in line 3, on page 8, the following:

That a joint commission is hereby created consisting of three Senators, members of the Fifty-fifth Congress, to be appointed by the present President of the Senate, and three members-elect of the House of Representatives of the Fifty-fifth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-fourth Cangress. Said joint commission shall make full inquiry into and examination of the whole subject of mail transportation and the cost thereof; and said commission is authorized to employ not exceeding two experts in aid of said commission, who shall receive such compensation as the commission shall determine to be just and reasonable. The Postmaster-General shall detail from time to time such officers and employees as may be requested by said commission in its investigation. Said commission may employ a clerk and stenographer and such other clerical assistance as may be necessary. Said commission is authorized, for the purpose of said investigation, to take the testimony of witnesses and send for persons and papers, and, through the chairman of said commission, or the chairman of any subcommittee thereof, to administer oaths. Said commission may also examine witnesses and papers respecting every item of expense entering into the cost of such transportation and the best practicable methods of diminishing the aggregate cost of such transportation consistent with the efficiency of the mail service, and shall make report to Congress on or before February 1, 1898, with such recommendations as respects said subjects as it may deem advisable; and shall also report such testimony taken in the course of such investigation. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of the said commission as herein provided for, on the certificate of the chairman of said commission. In case of vacancy by resignation or otherwise of any member of said commission, the vacancy may be filled by the presiding officer of the Senate or House in which such vacancy occurs.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. ALDRICH. I suggest a modification of that amendment where it reads, "to be appointed by the present President of the Senate," by striking out the words "the present President," so as to leave it "to be appointed by the Senate." I do not know who "the present President of the Senate" is. That is an unusual phrase to use in legislation; and it is a little uncertain when this law will go into effect. It may go into effect after the 4th of March. If it means the present Vice-President, he will be then out of office.

Mr. COCKRELL. It can not go into effect after the 4th of March.

Mr. ALDRICH. That is true; but it may go into effect too late for the commission to be appointed by the present presiding officer of the Senate. What it means I do not know. If it means the present Vice-President——

Mr. HOAR. Why not say "by the President of the Senate?"

Mr. ALDRICH. It is an unusual sort of phrase.

The VICE-PRESIDENT. Is there objection to the modification suggested by the Senator from Rhode Island?

Mr. CHANDLER. Before the suggestion of the Senator from Rhode Island is acted upon, I ask that the last clause in relation to filling vacancies in the proposed amendment of the Senator from Iowa may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

In case of a vacancy by resignation, or otherwise, of any member of said commission, the vacancy may be filled by the presiding officer of the Senate or House in which such vacancy occurs.

Mr. CHANDLER. There is nothing in that such as has been stated. That, I think, is correct, and it seems to me the suggestion of the Senator from Rhode Island is rather wide of the mark.

I will ask the Senator from Iowa whether, after the amendments are adopted to the substitute amendment, he desires to proceed with the discussion on the amendment at this time or to pass it over until he has finished the rest of the bill?

Mr. ALLISON. I think we might as well proceed with this discussion now, as the remainder of the bill ought not to occupy much time and the Senate at this hour is very full, and this is a most important amendment to the bill.

Mr. CHANDLER. Then, Mr. President, I shall ask leave to make a suggestion after the amendment proposed by the Senator is acted upon.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Iowa?

Mr. GORMAN. There is objection, Mr. President.

Mr. HILL. I was going to suggest that if this whole scheme is to be discussed before the committee amendment is amended, ought not the discussion to proceed now?

Mr. ALDRICH. It can proceed just as well with my amendment pending as in any other way.

Mr. CHANDLER. The objection to that is that there will be two amendments pending at the same time. I wish to move to strike the amendment entirely out, and therefore it will be more convenient to dispose of the amendment of the Senator from Rhode Island or have him withdraw it.

Mr. ALDRICH. The fact that that amendment is pending will not interfere with the Senator from New Hampshire moving to strike the whole paragraph out or to vote against it, which is the same thing. The question is on the adoption of the amendment.

Mr. CHANDLER. If the parliamentary position of the Senator from Rhode Island is correct, I move to strike out the whole amendment as proposed to be amended and to insert what I shall send to the desk.

Mr. ALLISON. If the Senator will allow me a moment, I hope the Senate will consider the amendment which I sent to the Clerk's desk as if it were printed in the bill as an amendment of the Committee on Appropriations, so that any amendment to it will be regarded as an amendment to the amendment proposed by the committee. This is done as a matter of convenience.

Mr. CHANDLER. To consider the proposed amendment of the Senator as adopted and the motion of the Senator from Rhode Island as pending?

Mr. ALLISON. No; I do not desire to consider it as adopted. I merely substitute what I sent to the Clerk's desk and had read by the Secretary for what is printed in the bill, and that is to be the amendment pending.

Mr. CHANDLER. Now, I move to strike it all out and insert what I send to the Secretary's desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire to the amendment will be stated.

The SECRETARY. It is proposed to substitute for the amendment proposed by the Senator from Iowa [Mr. ALLISON] from the Committee on Appropriations the following:

That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions shall be examined by a postal reform commission of five, to

consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General, said commission to expire on the 31st day of December, 1897.

The VICE-PRESIDENT. The question is on agreeing to the substitute amendment of the Senator from New Hampshire, which has just been read.

Mr. CHANDLER. Mr. President, I desire to call the attention of the Senate to the attitude of the question as now presented. The amendment proposed by the Senate Committee on Appropriations simply proposes to investigate the one subject of the cost of the transportation of the mails. The amendment evidently is directed toward the consideration of the cost of railway mail transportation. There is an elaborate machinery provided; great powers are given to this commission; the time for its work is extended until February 1, 1898, and the large sum of $50,000 is placed at the disposal of the commission. The commission may go to any railroad office, enter into it, and call for all its books and papers.

Said commission may also examine books and papers respecting every item of expense entering into the cost of such transportation.

This commission is vested with immense powers over the railroad companies of the United States, as great powers as I can conceive that it is possible to give to a commission created by act of Congress over any of the corporations of this country.

Mr. President, it may be that it is wise to do this. I am aware that the $30,000,000 expended yearly for compensation to the railroads for transporting the mails, in addition to the three millions and a half paid them for the railway post-office service, is deemed by many to be excessive.

I have heard, in a general way, the statement made that it is twice as large as the amount that ought to be paid to the railroads; that is to say, instead of $30,000,000, $15,000,000 should be paid. Others contend that if the railroads were paid only what they ought to be paid, there could be a saving made of at least $10,000,000 every year. The expenditures of the Post-Office Department are about $92,000,000. The annual deficit, paid for from the Treasury from moneys received by taxation, is about $12,000,000, and it is claimed by those who believe that these expenditures for railway transportation can be reduced that at least the whole amount of the deficit which is found to exist from year to year in the revenues of the Post-Office Department could be made up by the saving of at least $12,000,000 in the amount paid to the railroads.

Mr. President, that is a very important subject. It is a subject which must be dealt with by the Government and by the Congress of the United States. The Senator from North Carolina has submitted, in a supplemental and minority report from the Committee on Post-Offices and Post-Roads, a very forcible statement on the subject of the amounts paid by the United States for railway mail transportation. The subject must be taken up, investigated, and remedies applied for existing abuses, if upon investigation it shall be found that there are existing abuses.

The amendment of the Appropriations Committee proposes to deal only with this one subject in connection with the postal service, the one question whether or not we pay too much to the railroads for the transportation of the mail. There are, however, other alleged abuses in connection with the mail service. The investigations that have been made by the Committee on Post-Offices and Post-Roads in connection with the Loud bill have developed very serious abuses in the existing methods of the Post-Office Department. They are abuses which it is very likely are justified or authorized by the existing laws in reference to first, second, third, and fourth class mail matter. The abuses most complained of are those as to second-class mail matter; that is to say, in connection with the 1 cent per pound rate of postage on newspapers and periodicals. I will state the whole abuse in connection with newspapers and periodicals. First, the great number of sample copies, as they are called, of newspapers and periodicals introduced into the mail; and secondly, the publication as serials of books, works on literature and science, and other books of great bulk, literature valuable, literature harmless, and also literature much of which is claimed to be worthless and harmful to the community.

The Committee on Post-Offices and Post-Roads found a very widespread interest in this subject. They found hundreds and thousands and even millions of our people interested in the preservation and perpetuation of the so-called abuses. There were members of the committee besides the Senator from North Carolina who were opposed to any attempt at this session to deal with these alleged abuses, which fill the mails with thousands of tons of printed matter which it is alleged is carried by the Government at 1 cent a pound, a price far below the cost of carrying it. This immense number of tons of matter increases the compensation paid to the railroads of the country, these enormous sums which it is claimed are causing the great deficit that exists in the postal service and which it is believed will continue to increase until some remedy is applied.

Mr. BUTLER. Will the Senator from New Hampshire permit me?

Mr. CHANDLER. Certainly.

Mr. BUTLER. The Senator from New Hampshire states that 1 cent a pound is far below the cost of transporting second-class matter. I wish to correct him by stating that it is probably below what the Government pays. In that sense the statement may be correct. But I wish to state here, and I am sure he will agree with me, that it is not below the cost that the Government ought to pay, and which the Government would pay if the two amendments I offered this morning had been adopted. We could carry the mail at 1 cent a pound and put a surplus in the Treasury, instead of having a deficit, if we were to stop the exorbitant rates we are paying, more than the express companies and individuals pay, and also stop the enormous payments for car service, twice as much as the cars are worth.

Mr. CHANDLER. I am not certain the Senator from North Carolina is right in his statement. Undoubtedly the bare cost of transporting second-class matter from city to city is not much more than 1 cent a pound, but the Senator must bear in mind that I meant, in speaking of the cost of second-class matter, not merely the cost of railroad transportation, but the cost of receiving that matter at the post-office where it is deposited and of delivering it at the post-offices where it is received. The cent a pound, as representing the mere cost of transportation of so many tons of matter from city to city, is one thing. The total cost of receiving the mail matter and handling it and delivering it to the persons for whom it is designed, which includes, of course, the second-class matter's share of the general expenses of the Post-Office Department, is another thing.

Mr. BUTLER. In that connection, with the permission of the Senator, I wish to say that the entire cost of receiving, carrying, and delivering the mails would be less than that amount if the Post-Office Department was properly managed and if the Government owned its own cars and simply paid for the hauling of them what railroads haul express cars for.

Mr. CHANDLER. That is the Senator's opinion.

Mr. BUTLER. I can prove it.

Mr. CHANDLER. But there is as yet no evidence to demonstrate that the Senator is correct.

This subject has been investigated during the present session by the Committee on Post-Offices and Post-Roads, and incidentally the committee considered the question as to the expediency of adopting 1-cent letter postage in this country. They considered the subject of the extension of rural free delivery in this country. The committee took a general survey of the whole subject of the postal service, not merely that portion of it which relates to the cost of the transportation of the mails by the railroads, but that portion of it which relates to the whole subject of the classification of mail matter and of the rates of postage which are paid and which ought to be paid in this country by the patrons of the Post-Office Department.

Mr. President, the result was not satisfactory to the committee. There has not been sufficient time, with the examination we have been able to give, to frame a satisfactory bill. It became evident that the measure from the House, House bill No. 4566, known as the Loud bill, could not be passed at this session. Amendments were prepared to the bill by the acting chairman of the committee which he thought would be valuable. The bill was reported and placed upon the Calendar of the Senate with a report which I now hold in my hand, No. 1517, made on the 22d day of February. All of this was done with no expectation that the bill would pass, but with a distinct realization of the fact that it was impossible at the present session to have any legislation whatever on this great subject.

Having reached that conclusion, the Committee on Post-Offices and Post-Roads deemed it advisable to set on foot a commission to make inquiry into all these points of dispute, not merely the question of the cost of the railroad transportation of the mail, not merely one abuse or another abuse as to second-class matter, but all the questions that enter into and affect the question of railway mail transportation; and the committee have reported the amendment to the Post-Office appropriation bill which I have offered in lieu of the amendment proposed by the Senate Committee on Appropriations.

Mr. President, the commission proposed by the Senate Committee on Post-Offices and Post-Roads has this merit at least: It is an economical commission. It is proposed that it shall consist of the chairman of the Senate committee and the chairman of the House committee, the next Postmaster-General, and two civilians to be appointed by the President of the United States, and the sum of only $10,000 is proposed to be appropriated to pay for the services of the two civilian commissioners and the expenses of the commission. But to the commission is committed all these questions—the question of the cost of railway mail transportation, the question of existing abuses in the Railway Mail Service, and the question what shall be the rates of postage, and whether or not the

condition of the postal service is such or could be made such that 1-cent postage on letters can be granted to the people of this country.

Mr. President, that is the conclusion the committee has reached; it is the best conclusion which the committee can reach, and the committee I think in all its membership stands before the Senate asking that there may be a commission, constituted as the Senate may please in its discretion, to investigate not one part of this subject, but every part of it; and that it shall not only inquire carefully into the cost of the transportation by the railroads of such matter as is now admissible into the mails, but also into the question what matter shall be transported in the mails, into the question whether or not there are not now admissible into the mails publications and matter that ought to be excluded from the mails, whether a reduction in the deficit of the Post-Office Department can not be accomplished not only by reducing the amount paid to the railroads, but also either by excluding from the mails matter that ought not to be carried therein or by imposing upon such matter an adequate rate of postage which shall compensate the Government for the cost of carrying it

We are confronted on this view of the case by the proposition of the Senate Committee on Appropriations, which, although it creates a commission with great power and proposes to give it $50,000 with which to pay its expenses, provides for no investigation whatever of all these other subjects, no inquiry whatever into all these alleged abuses, but limits the work that is to be done by the commission solely to the one proposition that there may be some reforms instituted in connection with the cost of the railway mail transportation.

Mr. President, I say in all seriousness to the Senator from Iowa who advocates the proposition of the Committee on Appropriations that this whole subject ought to be investigated either by the commission which he proposes or by the other commission, or by a different commission from either, or in some appropriate way, such as shall find favor with the Senate. I hope that there may be a modification of the amendment as proposed by the Senate committee, and that if there is not a modification of it, the amendment proposed by the Senate Committee on Post-Offices and Post-Roads may be substituted. That committee have given a great deal of time to this question during the short session. I do not understand that the Committee on Appropriations have given any considerable time to the investigation of the subject of railway mail transportation. They have taken up the appropriation bill; they have seen this large appropriation of $29,000,000 required for railroad transportation, and $3,600,000 for railway postal-car service, and they have devised this proposition for a commission. But they have been satisfied with a limited inquiry which I take occasion to say in all earnestness will be inadequate to the subject. The whole subject ought to be investigated by a commission, if a commission is constituted, or there ought to be no commission whatever, and the question ought to be left to the Postmaster-General and to the regular and usual methods of preparing for legislation by Congress.

Mr. STEWART obtained the floor.

Mr. ALLISON. I ask the Senator from Nevada to yield to me for one moment, that I may now make an arrangement for the remainder of the day's session. I think it will be most convenient for Senators if we take a recess from 6 o'clock until 8 o'clock this evening.

In connection therewith I desire to state that it is absolutely essential, if we are to deal with the appropriation bills between now and the 4th of March, that the Senate shall continue in session until a very late hour to-night, or at least until we can pass the Post-Office appropriation bill and the sundry civil appropriation bill. Unless these two bills can be passed before we adjourn to-night, it will be necessary for us to have a session on the Sabbath day, and I hope we will not be compelled to do so. Therefore it is essential, I repeat, that these two bills shall be passed before the adjournment this evening.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. HILL. What is the precise request?

The VICE-PRESIDENT. The Senator from Iowa will kindly restate his request.

Mr. ALLISON. It is that at 6 o'clock this evening the Senate shall take a recess until 8 o'clock.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEWART. I ask for the reading of the substitute.

The Secretary read as follows:

That the question concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendations for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day of December, 1897.

Mr. STEWART. Mr. President, I much prefer the amendment of the committee. The scope of the reform proposed by that amendment is large enough. It will require a great deal of investigation and time. It is a reform also which must be dealt with by Congress and not by the Department. It must be dealt with with a strong hand. The other reforms suggested are simple, and if the Postmaster-General will keep his accounts in such a manner as to advise Congress where the abuse is, it can be very easily reached.

I am of the opinion that there are no abuses under the law so far as mail matter is concerned which can not be remedied by departmental rulings and by properly executing the laws. The scheme of cutting off second-class mail matter has been directed thus far, so far as it has been promoted by those outside of the two Houses of Congress, to the cutting off of the distribution of literature under the pretense that some bad literature may go through the mails, and under the false pretense that it is the literature—the books and the pamphlets—which loads down the mail more than anything else, whereas the fact is that the vast increase in the second-class matter grows out of the stuffed Sunday editions of the dailies. I do not know the amount of these editions that go through the mails, but I do know that many of the large Sunday editions weigh from 12 to 18 ounces. Some of the Sunday editions of the large dailies average a pound, as they are damp when they are sent out from the offices. Suppose a great daily has a circulation of 200,000 copies, which go through the mail. That is 200,000 pounds which go out of that establishment, if they have that amount of circulation, and there appears to be rivalry among the great dailies to have the largest Sunday edition. I do not believe there is any paper in the United States in favor of this system; but if one paper does it, another must, and each, in the enterprise of business, must send out a larger edition and more pictures, and more painting, and more stories than the other, if they are to compete in that field.

Everybody knows that the Sunday edition is a most inconvenient paper. I have seen gentlemen, when it was offered to them on the street, after they had called for it, because it was so large, refuse to buy it. When you have, it if you are not very strong, you want a servant to carry it. The literature that goes into the stuffed Sunday editions of the dailies may be all very well; some of it is interesting; but it can not compare with the literature that goes into the mails of well digested periodicals and reprints of standard works. Having made this raid upon this particular kind of matter, without taking into consideration anything else, and getting up the amount of excitement they have in regard to the Loud bill, it seemed to me there was some other motive than to curtail expenses, and it is generally understood in the country that the movement to force the Loud bill through is nothing more or less than a movement to prevent the discussion of economic questions, an attempt to prevent the people from having both sides of the money question presented to them. It is known very well that the great commercial press takes one side. It is known very well that the telegraph companies and the railroad companies, or those who manage them, take the same side of this question, and to facilitate the circulation of literature on their side of the question is very natural. Newsdealers discard literature advocating bimetallism. It is not sold on the railroads, it is not sold on the news stands; it is practically boycotted, so that it can not reach the people.

Now, the mails furnish the people a convenient opportunity at a reasonable price to get this literature. They also furnish an opportunity at a reasonable price to get standard works to put in their libraries. They could not afford to buy bound books at the price charged and pay the freight, because they can get five or six or ten books for the same price through the instrumentality of the mails. You will find throughout the country that the small circulating libraries, which are praised so highly, are largely composed of paper-bound books that have gone through the mails.

An educational frank has been attached, and it ought not to be. The Postmaster-General could keep a separate account, but that he has not done. I called upon him to ascertain the average weight of the newspapers that go through the mail on week days and the Sunday dailies. He could keep a few headings that might be readily suggested and see what literature weighs down the mails. The question can be reached without a laborious investigation.

But the other question the committee has dealt with requires an investigation. It requires an investigation to learn what the railroad companies can afford to carry this mail for, and what is paid them for similar service; and it requires a great deal of strength and impartiality to deal with the question of contracting with them. The other question is simple.

If we can have the railroad service properly arranged, and such abuses of second-class mail matter cut off as the Postmaster-General

can now do by his authority under rules and regulations which he may enforce, I believe that we can have 1 cent postage and not have any deficiency in our revenues. I believe that can be accomplished. If it is thought necessary to accomplish that by cutting off something that is weighing down the mails, and that is presented to us, it will be a single proposition that we can deal with.

As to this reform which I suggest, call your newspaper men and ascertain the weight and investigate that one point. Any committee can at once investigate the average weight of a newspaper. It will not be over 4 ounces. You can not find one during the week, with all its advertisements, that will weigh over 4 ounces. If it is desirable to have these great Sunday editions, let them be heard on that question. I doubt whether the newspapers themselves want that, because it is impoverishing them. They are running a race in this extravagance which makes it very difficult for the newspapers to maintain themselves. I do not believe it pays, though no one can get out of it while it goes on. This question can be very easily ascertained by a committee and by the Postmaster-General; but when you take up this railway system, which involves contracts and considerations of all the circumstances before the contracts can be made, the situation of the roads, what they do other service for, and what they can afford to do this for, it is a large investigation, and the labor imposed upon that committee is sufficient to occupy its attention without loading it with this other matter of detail which can be so easily disposed of by the Department itself.

Mr. DUBOIS. Mr. President, I am led to make a few remarks on account of the prospect of staying here every night until midnight, and of meeting on Sunday, which is not pleasing to the Senators; nor is it pleasing to the people of this country that the Senate should be compelled to be in session on Sunday. I am impelled to make these remarks through the scoldings which we get from the Senator from South Dakota [Mr. PETTIGREW], through the scoldings which we get regularly from the Senator from Maine [Mr. HALE], and from the warning which we have just received from the chairman of the Appropriations Committee [Mr. ALLISON], that unless we devote ourselves constantly to the business in hand, unless we refuse to discuss any matters which might appear to us to be of interest, we shall be compelled to stay here all the time or else the appropriation bills will fail.

If I were to be a member of the next Senate, I would not make any remarks now, but would renew a fight at that time which I led in this Chamber this Congress, to divide the appropriations. No good argument was ever given why the appropriation bills should not be divided and sent around to the various committees, where they belong. The members of the Committee on Appropriations have vast powers in this Chamber. They absorb almost all the power here. They put on amendments in their committee room which lead to long debate. It is with them to say what amendments will go on. They please themselves. They usurp the legislative power of this Chamber almost, and after the debate comes on the amendments which they themselves put on, they scold members here when they want to discuss matters of interest to themselves, their States, and the country.

I think the next Senate should divide the appropriations. It will be an elegant time. No party will have a majority in this Chamber. The Republican party can not organize the next Senate. There is a distinct party here now called the Silver Republican party. They will not cooperate with you. You have not the power to organize the Senate.

Mr. NELSON. Who are you referring to?

Mr. DUBOIS. You will not organize your Senate.

Mr. NELSON. Who are you referring to when pointing over here?

Mr. DUBOIS. I am referring to the Republicans.

Mr. NELSON. What have you got against them?

Mr. DUBOIS. I have this against them, that while saying to us for years, "We will help you make this fight for silver," you came out at St. Louis as the advocate of the single gold standard; and when you did it, as you were warned there, you lost the Pacific Coast Senators. Just so fast as the people of that section have an election for a Senator, just so fast will a Republican Senator go down. There have been seven Senators elected there to take the places of seven Republicans. One Republican comes back of the seven. Just so fast, I say to you, as the people there have a chance to express themselves, just so fast will you lose a Republican Senator if you cling to the single gold standard.

You can not organize the next Senate, nor can you organize any other Senate. As we said at St. Louis, the Republican party as a party has written its last law on the statute books of this country. If you get your tariff bill through, it will not be by Republican votes. You have not enough of them; you can not get them; they do not belong to you, and you will be further from getting them in the Senate after two years.

Therefore I say it will be a good time at the beginning of the next Senate to reorganize the Committee on Appropriations. There will be no candidates for President; there will be no reason why you should not distribute the appropriations. Nobody knows who is to compose that committee. Nobody knows who is to be the chairman of it. And in view of the surroundings here now which confront us, when we can do nothing at all except sit here night and day or have the appropriation bills fail, in view of this situation fresh in your minds, in the session which is to come I trust you will at once reorganize the Senate by distributing the appropriation bills, and putting them in the hands of the various committees where they belong. No argument has ever been advanced against it which is good.

Mr. HILL. Mr. President, the House of Representatives passed the Loud bill upon the theory that it was to do away with certain abuses in regard to second-class mail matter. No other legislation has been proposed seriously. That bill may be a good bill or it may not. It depends upon what view is taken of the question. The bill came to the Senate and the Post-Office Committee, not the Appropriations Committee, entered into an investigation of the whole subject-matter upon which that bill was based, and reported a bill, not as the judgment of the committee, but in order that the matter might be placed before the Senate, a tentative measure. There is no effort to be made to pass it. That same question, as to what shall be done in regard to second-class mail matter, is to confront the next Congress.

As has been well stated by the acting chairman of the Committee on Post-Offices and Post-Roads, that committee formulated a scheme for a commission and tendered it to the Appropriations Committee. The Appropriations Committee have never spent an hour upon the subject. They took the Post-Office Committee scheme and you do not recognize it when it comes out of the committee. They do not propose to investigate a single question out of which arose the Loud bill. Not a single abuse is to be investigated, but simply the question as to the cost of the transportation of the mail by the railroads; and now it is seriously proposed by the Committee on Appropriations that the one single subject shall be investigated.

Mr. CARTER. If the Senator will permit me, this is probably one of the most important items in the bill, and it is very essential indeed that Senators who are to vote upon it should be present while it is being discussed. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VILAS in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Hill,	Pettigrew,
Allen,	Chilton,	Hoar,	Pritchard,
Allison,	Cockrell,	Jones, Ark.	Pugh,
Bacon,	Cullom,	Lindsay,	Quay,
Baker,	Daniel,	Lodge,	Roach,
Bate,	Dubois,	McBride,	Sewell,
Berry,	Elkins,	McMillan,	Shoup,
Blackburn,	Faulkner,	Mantle,	Stewart,
Brice,	Frye,	Martin,	Teller,
Brown,	Gallinger,	Mills,	Turpie,
Burrows,	Gear,	Morrill,	Vilas,
Butler,	Gibson,	Murphy,	Walthall,
Call,	Gordon,	Nelson,	Wetmore,
Cannon,	Gray,	Peffer,	Wilson.
Carter	Hawley,	Perkins,	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The Senator from New York will proceed.

Mr. HILL. Of the two schemes, the one proposed by the Post-Office Committee and the one proposed by the Appropriations Committee, both intend the investigation of the subject of charges of railroads for mail transportation. So far so good; but that will not reach the desired information; that will not enable the next Congress to properly legislate. It is but a branch of the subject. Ordinarily it would seem as though, if the subject of mail matter was to be inquired into, at least the suggestion made by the Post-Office Committee should be followed. It strikes me that it is somewhat disrespectful to the Post-Office Committee that its scheme, which is a broad one, a liberal one, an extensive one, whereby we can procure sufficient legislation to remedy these abuses, should not be followed, and that we should be switched off from that proposition to a single question now proposed by the Appropriations Committee.

Mr. President, until the Loud bill was discussed there had been no suggestion from any place in regard to the investigation of railroad charges. The whole thing arose in connection with the investigation had in regard to the Loud bill. These various subjects will confront the next Congress. I call the attention of the Senator from Nevada [Mr. STEWART] to the fact that in the next Congress the very same difficulty will present itself that presents itself now; that there is no adequate data as to precisely what this superfluous second-class mail matter costs for its transportation. I listened to his argument before the committee (and he made a very able one, and it impressed me greatly), in which he stated that according to the present methods of keeping the books in the

Post-Office Department it is difficult to tell precisely with any sort of accuracy how much this second-class mail matter, which is regarded as objectionable, costs the Government to carry. That same difficulty will meet you at the threshold of your next inquiry. Why make two bites of a cherry? Why not take the whole subject up, and in an appropriate and legitimate manner, as recommended by the appropriate committee? Why branch off upon the one subject of simple railroad transportation, the one subject as to what the railroads charge for carrying the mail?

I have no doubt that the amount can be reduced, but not so easily as some people say. It is not to be determined so readily. It is not possible that it can be determined upon a mere glance at the figures. The railroads will have something to say upon this subject. It is not possible that every Postmaster-General has been paying, year after year through their respective terms, so much more than was really necessary. There will be two sides of the question, and possibly you may find, when you get through, that no reduction can be made. Then these other questions will come up as to what properly should be carried as second-class mail matter. My friend from Nevada suggests that the newspapers ought to sort of abandon their great big Sunday additions. He will have considerable difficulty in convincing the newspapers that they ought to do it. Are all the questions as to how much should be permitted to pass as second-class mail matter to be determined by this commission? No. After we have had an investigation, a partial one, simply, for the purpose of this legislation in regard to divers subjects involved here, it is proposed to abandon all that, although the committee frankly tell us that we have not really enough upon which to predicate a good bill; that we need more information in regard to the subject, and that the present bill is not to be pressed, and suggest the appointment of a commission. You abandon all that and propose simply to investigate one single portion of it, and appropriate $50,000 for that purpose.

Mr. President, I think it is bad policy. In the first place, no committee of the Senate has suggested it except the Appropriations Committee. The scheme has not originated in some other committee and been referred to the Appropriations Committee. No scheme has been presented by a standing committee of the Senate and referred to the Appropriations Committee, except the one proposed by the Post-Office Committee. Is it not desirable from every point of view that the chairmen of the respective committees, the Post-Office committees of the two Houses, should be upon this commission? Upon whom is the next Congress to rely for legislation? Ought they not to be familiar with the subject so that they can explain it? Ought they not to be familiar with the investigation? Is it not good policy that they should be members of this commission? Ought not the Postmaster-General, who is to recommend or disapprove this thing, to be consulted and to be a member of the commission? Certainly, it strikes me that way.

Then the Post-Office Committee's project is the appointment of two civilians. Now, we might as well be frank about that. It has been suggested that certain ex-Postmasters-General would be appropriate members of the committee, and there is great propriety in the suggestion. They are men who have for years given this subject their attention, who know in regard to whereof they speak. Therefore it strikes me that there is great force in the suggestion that the scheme as outlined by the regular committee of this body on this subject, which was the first to inaugurate and the first to present plans here, should be adhered to, and not this late scheme which is presented, which involves but one single point of this controversy. Ordinarily it would seem that these views should be accepted, and readily so.

What argument is there upon the other side? I do not know of any. What committee has suggested that the railroads were overcharging? Nowhere lately has any such suggestion been made. No doubt they are overcharging, it is said. That may be true; but that is one simple point around which revolves only a portion of the controversy.

In the first place, there is a demand among the people for the reduction of letter postage from 2 cents an ounce to 1 cent an ounce. Who is authorized here to say that that can be safely done? No one. It may be said that can be done if we reduce the price paid to the railroads. Possibly that may be so; but possibly it may be found that the reduction will not be sufficient to justify that outlay. Then what are you going to do? You must then make reforms in other directions. But you have not investigated whether reforms can be made in other directions. Can you change the rates on second-class mail matter? If so, to what extent? You have not investigated. Therefore, it strikes me the proper course for us to pursue is to take up the scheme to which the Post-Office Committee has given considerable attention, and which it has formulated under the lead of the distinguished Senator from New Hampshire [Mr. CHANDLER].

Mr. President, I am not going to allude to what the Senator from Idaho [Mr. DUBOIS] so appropriately said. When it comes to a conference committee, what is the effect? Members of the Appropriations Committee, who have nothing to do with post-offices, are to go into a conference on the Post-Office appropriation bill with members of the House Post-Office Committee; and the members of the Senate Post-Offices Committee are to remain over here at their places watching the Appropriations Committee to see what they do. That is the theory upon which our committees are made up.

It strikes me, Mr. President, that it would have been far better to have adopted the scheme suggested by the chairman of the committee who has proposed it here. The Senator from Rhode Island [Mr. ALDRICH] has offered an amendment to the committee's scheme.

Mr. ALDRICH. I intend to withdraw the amendment, if I ever get an opportunity.

Mr. HILL. It would not have made the plan harmonious if that amendment had been adopted; but I do not think that the scheme as proposed by the committee should be at all entertained. A commission would be better composed of the chairmen of the respective Committees on Post-Offices and Post-Roads of the other House and of this, the present Postmaster-General, the next Postmaster-General, and two private citizens. It strikes me that is proper; it strikes me that that is the right way to investigate the whole subject, so that you can take up your Post-Office bill at the next session of Congress and can provide in one comprehensive measure all the legislation which may be necessary for the purpose of enabling these reforms to be accomplished.

You can not stop this discussion by passing this bill. This bill only enables you to obtain more money. Then the question will arise as to whether you are still going to continue the second-class mail matter and such literature to the extent you do now. The moral question, which has been argued so largely and which entered into the discussion in the other House, will still continue as to whether what is called slush literature is to be carried on a par with your best literature—all those questions will again confront you.

Why not appoint such a commission as has been suggested after the most mature reflection, and thus expedite the investigation which will itself be effectual to accomplish such reforms? With all due respect to the Appropriations Committee, it seems to me that the single scheme upon which they have entered will not prove effective.

Mr. ALLISON. I desire to say a word or two, Mr. President, before the vote is taken upon the amendment of the Senator from New Hampshire [Mr. CHANDLER], and I shall content myself with discussing the present question and not those questions which are to arise in the next Congress, although I am very glad to have the advice of my neighbor and friend here [Mr. DUBOIS] as respects what ought to be done in the next Congress about committees, as also the advice of the Senator from New York [Mr. HILL] on the same subject, as we shall not have the opportunity then.

Mr. President, the question of selecting a commission to deal with this subject is an important one, I agree. Respecting the desire or the alleged threat of the Committee on Appropriations in any way to ignore the Committee on Post-Offices and Post-Roads, there was no such purpose. The amendment which the committee instructed me to report was practically formulated and agreed upon before the Committee on Post-Offices and Post-Roads had made any report, and I will say that it was the judgment of the Committee on Appropriations that, inasmuch as it was charged that the railways were receiving a very large compensation, a compensation far beyond the cost of transportation, that that question lay at the bottom really of this whole subject.

We may as well understand here, as the people understand everywhere, that the question of dealing with the transmission of intelligence is a subject in which the people of this country are interested, and they will from time to time see to it that whatever can be done to facilitate the transmission of that intelligence will be done. That is the first and primary thing. The people do not wish to pay exorbitant prices for that transportation, nor do they wish to pay any postage rate that is beyond a rate sufficient to make the system self-sustaining. The complaint on the one hand is the complaint of a deficiency of postal revenue, and on the other hand it is the statement that we should reduce the rate of postage from 2 cents an ounce to 1 cent an ounce, and that that should be done immediately, without reference to the question of the cost of transportation. That might be advisable if we could take from the Treasury a sum beyond that which is now necessary to be taken in order to make up the deficiency of the revenue, but in the present condition of the Treasury that is impossible.

It seems to me, therefore, that the first question to be decided in the solution of this problem is the question of the cost of transmitting the mails of our country with celerity, and having a mail service which is efficient.

It can not be denied that each and every year, certainly for the last twenty years, there has been improvement respecting the efficiency of the mail service. That improvement has been seen everywhere. It is also true that with the hard times, if I may use

that phrase, we have had in the last two or three years in our country, the deficiencies in our postal revenues have been less relatively than they were in prosperous times years ago, whilst the efficiency of the service has been greatly increased.

I remember, Mr. President, the first bill that I had charge of as a member of the Committee on Appropriations was the Post-Office appropriation bill. It was for the fiscal year 1874, and I had occasion then, and I have often thought of it since, to observe that the expenditures for the postal service during the prior year were $28,000,000, and the revenue which was derived from the postal service was $22,000,000, thus giving a deficit of $6,000,000 upon an expenditure of $28,000,000. After an interval of twenty-two years, we have here upon our table a bill appropriating more than $92,000,000, with an estimated deficit by our Postmaster-General in his report of less than $1,000,000, thus showing that, with all the complaints which have been made as to the railway service, as to the insufficient pay of mail carriers, as to the insufficient pay given to the postal clerks, as to this inundation, if I may call it so, of what is termed second-class mail matter, which is run over this country by postal cars and on railway trains at 50 miles an hour—with all these imperfections, which the Senator from New York and the Senator from New Hampshire have so well stated here, it is found that year by year the postal revenue, so far as it concerns the cost of service, has diminished relatively; and in the face of it all we have seen, during the twenty-two years of which I am speaking, this country girded with lines of railroads from the Atlantic to the Pacific. We have seen them spread over this country, north and south, east and west, like spiders' webs, not carrying the slow trains of 20 miles an hour, but carrying from coast to coast railway trains running upon an average more than 35 miles an hour between ocean and ocean, and each and every one of those trains carrying this second-class mail matter at the rate of 1 cent per pound. We carry letters at the rate of 2 cents for each ounce.

Every person who is familiar with the question of railroad rates knows that if we pay the cost of transportation of this mail matter according to its mileage, we should go back to the primitive condition in which we were when I was a student at college, and when, being more than 300 miles from home, I was obliged to pay 25 cents postage for each letter I received.

In 1873, when I had charge of the Post-Office appropriation bill, the rate of letter postage was 3 cents for each half ounce, and in 1883, ten years later, we reduced that postage upon letters one-third, and later we reduced it by providing that 2 cents should be the rate for letters of 1 ounce or less.

So that in twenty-two years of our service, with all these imperfections, and with all these laws standing upon the statute books as to the method of dealing with this question—to wit, weight and speed as the chief elements—we find that we have been able to reduce the postage upon letters at least one-third, carrying, as has been said here upon this floor, intelligence, and spreading it over every portion of this country—to our valleys, across our mountains—at the rate of a cent a pound; and with it the entire deficiency for 1898, as shown by the Postmaster-General in his estimate, will be less than $2,000,000 upon an expenditure of more than $92,000,000, as against $6,000,000 in 1873 upon an expenditure of $28,000,000.

Mr. President, with all these difficulties in our pathway, and with Senators on this floor stating that this railway service is an extravagant service—which I am not prepared to say is true or untrue—I can state as my belief that, as to the great body of the 181,000 miles of railroads in the United States, this pay is not extravagant when you take into consideration the efficiency of our railway mail service. But when it is stated here, and in the newspapers, and elsewhere, that the remedy for this deficiency is not in the reduction of letter postage to 1 cent, but lies in the destruction of our present system of fast railway mail trains, and that it can not be accomplished in any other way than by reducing the railway rates, then I think it is worth while upon a matter of so great moment, involving, as it does, this year $29,000,000, that we should have a careful investigation regarding it.

Mr. HILL. Will the Senator from Iowa allow me a moment?

Mr. ALLISON. I will.

Mr. HILL. Is the Senator able to inform the Senate whether his associates upon the Appropriations Committee concur with him in the belief that the rates now paid to the railroad companies for transportation are not extravagant?

Mr. ALLISON. I believe there is a rule in the Senate which prohibits us from stating what occurs in a committee of this body, but I do not think that I need to disclose what is said in the Committee on Appropriations if I say here that I know members of the Committee on Appropriations differ from me upon that subject.

Mr. HILL. I assumed that the theory upon which the investigation had been ordered was that at least a majority of the committee were convinced that the charges were extravagant, and hence the necessity for an investigation.

Mr. ALLISON. I only wish to add that the Senator from South Dakota [Mr. PETTIGREW] who is a member of the Committee on Appropriations has already spoken upon this subject, and other members have spoken in the Chamber, stating that they believed that the compensation is greater than it ought to be, and I have an opinion that on some railways it may be higher than it ought to be; but, taking the aggregate of the great railway lines in this country of 181,000 miles, more of them are transporting this mail at a loss than are carrying it at a large profit.

Mr. CULLOM. Mr. President, as the Senator from New York refers to the Committee on Appropriations, I desire only to speak for myself. In that committee every year for several years since I have been a member of it this same subject has come up, and we are met with a want of knowledge of what actually ought to be our course with reference to the specific appropriations in the Post-Office appropriation bill. I remember two or three years ago, when I happened to be chairman of the subcommittee, we had the same kind of controversy, and we decided it as the committee has this year and for the same reason, that we did not know exactly what ought to be done, and we feared to do anything, lest we might cripple the service and thereby produce complaint on the part of the people with reference to it. So it has gone on, until this year we had a hearing and action was taken in the committee with reference to what we should do. We had the Second Assistant Postmaster-General before us, and some others. If the Senator from New York will read the testimony which we took in the committee, he will find a tolerably extensive statement made by Mr. Neilson, who is the Second Assistant Postmaster-General, which shows that we should be doing an injustice to the railroads carrying the mails if we were to undertake to make a reduction without further information. Hence it has been that the Committee on Appropriations felt that they could not afford to allow this thing to go on longer without an investigation, so as to satisfy themselves, and to satisfy the Senate and the country as well whether we were paying too much or too little to the railroads.

I for one have felt that possibly we were paying too much; but when we get the testimony of the officer in charge of the subject, and find he says that we are not, I am not prepared to say that I shall make a cut with my eyes shut, and reduce the cost of transportation of the mails. I prefer that we should find out whether we are paying too much or not, and then act accordingly.

Mr. ALLISON. Mr. President——

Mr. HILL. While the Senator from Illinois is on that point——

Mr. ALLISON. I yield to the Senator from New York.

Mr. HILL. Was the question discussed in the committee—if it is an improper question I shall withdraw it—as to the desirability of including the investigation on the other lines?

Mr. CULLOM. What does the Senator mean by "the other lines?"

Mr. HILL. I assume that when the committee had this subject up, it did not neglect to notice the report of the Postmaster-General upon this subject which I hold in my hand.

Mr. CULLOM. Certainly not.

Mr. HILL. In that report the Postmaster-General calls attention to the fact of the abuses in regard to second-class mail matter.

Mr. CULLOM. So far as that is concerned, we have felt that the Committee on Post-Offices and Post-Roads had that subject under investigation, and that they were about to report or had reported a bill, and we did not undertake to go into the question of what character of mail matter should be carried by the railroads, or by anybody else. We did undertake, however, so far as we could, to satisfy ourselves whether at this moment we had information enough to justify us in changing the rates which have been given and are now given under the law. So we provided for this commission, as it is termed, to go at once into the investigation and ascertain that substantial fact which involves the expenditure of nearly $32,000,000. It seems to me that the Senator from New York, who is a member of the Committee on Post-Offices and Post-Roads—which has had the subject of the character of the mail being carried under their control for a number of years—and his committee, are the proper persons who ought to be prepared to say whether this kind of mail, that, or the other, shall be carried by the railroads or any other transportation companies.

Mr. ALLISON. Mr. President——

Mr. CALL. Will the Senator from Iowa allow me to say a word?

The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. ALLISON. I yield to my colleague on the committee.

Mr. CALL. I have been a member of the Committee on Appropriations for many years, and I will say for myself that there was no information furnished to that committee upon which an intelligent opinion can be formed whether or not the compensation paid to railroad corporations for the carriage of the mails is too great, and that I would be unwilling to go blindly into a reduction of it which might impair the efficiency of the service. The carriage and distribution of the mails in the United States is a matter of the greatest public interest. Its efficiency is a matter of great concern; it is a vast subject, and therefore while I, as I suppose every other member of the committee and possibly every other

Post-Office Department it is difficult to tell precisely with any sort of accuracy how much this second-class mail matter, which is regarded as objectionable, costs the Government to carry. That same difficulty will meet you at the threshold of your next inquiry. Why make two bites of a cherry? Why not take the whole subject up, and in an appropriate and legitimate manner, as recommended by the appropriate committee? Why branch off upon the one subject of simple railroad transportation, the one subject as to what the railroads charge for carrying the mail?

I have no doubt that the amount can be reduced, but not so easily as some people say. It is not to be determined so readily. It is not possible that it can be determined upon a mere glance at the figures. The railroads will have something to say upon this subject. It is not possible that every Postmaster-General has been paying, year after year through their respective terms, so much more than was really necessary. There will be two sides of the question, and possibly you may find, when you get through, that no reduction can be made. Then these other questions will come up as to what properly should be carried as second-class mail matter. My friend from Nevada suggests that the newspapers ought to sort of abandon their great big Sunday additions. He will have considerable difficulty in convincing the newspapers that they ought to do it. Are all the questions as to how much should be permitted to pass as second-class mail matter to be determined by this commission? No. After we have had an investigation, a partial one, simply, for the purpose of this legislation in regard to divers subjects involved here, it is proposed to abandon all that, although the committee frankly tell us that we have not really enough upon which to predicate a good bill; that we need more information in regard to the subject, and that the present bill is not to be pressed, and suggest the appointment of a commission. You abandon all that and propose simply to investigate one single portion of it, and appropriate $50,000 for that purpose.

Mr. President, I think it is bad policy. In the first place, no committee of the Senate has suggested it except the Appropriations Committee. The scheme has not originated in some other committee and been referred to the Appropriations Committee. No scheme has been presented by a standing committee of the Senate and referred to the Appropriations Committee, except the one proposed by the Post-Office Committee. Is it not desirable from every point of view that the chairmen of the respective committees, the Post-Office committees of the two Houses, should be upon this commission? Upon whom is the next Congress to rely for legislation? Ought they not to be familiar with the subject so that they can explain it? Ought they not to be familiar with the investigation? Is it not good policy that they should be members of this commission? Ought not the Postmaster-General, who is to recommend or disapprove this thing, to be consulted and to be a member of the commission? Certainly, it strikes me that way.

Then the Post-Office Committee's project is the appointment of two civilians. Now, we might as well be frank about that. It has been suggested that certain ex-Postmasters-General would be appropriate members of the committee, and there is great propriety in the suggestion. They are men who have for years given this subject their attention, who know in regard to whereof they speak. Therefore it strikes me that there is great force in the suggestion that the scheme as outlined by the regular committee of this body on this subject, which was the first to inaugurate and the first to present plans here, should be adhered to, and not this late scheme which is presented, which involves but one single point of this controversy. Ordinarily it would seem that these views should be accepted, and readily so.

What argument is there upon the other side? I do not know of any. What committee has suggested that the railroads were overcharging? Nowhere lately has any such suggestion been made. No doubt they are overcharging, it is said. That may be true; but that is one simple point around which revolves only a portion of the controversy.

In the first place, there is a demand among the people for the reduction of letter postage from 2 cents an ounce to 1 cent an ounce. Who is authorized here to say that that can be safely done? No one. It may be said that can be done if we reduce the price paid to the railroads. Possibly that may be so; but possibly it may be found that the reduction will not be sufficient to justify that outlay. Then what are you going to do? You must then make reforms in other directions. But you have not investigated whether reforms can be made in other directions. Can you change the rates on second-class mail matter? If so, to what extent? You have not investigated. Therefore, it strikes me the proper course for us to pursue is to take up the scheme to which the Post-Office Committee has given considerable attention, and which it has formulated under the lead of the distinguished Senator from New Hampshire [Mr. CHANDLER].

Mr. President, I am not going to allude to what the Senator from Idaho [Mr. DUBOIS] so appropriately said. When it comes to a conference committee, what is the effect? Members of the Appropriations Committee, who have nothing to do with post-offices, are to go into a conference on the Post-Office appropriation bill with members of the House Post-Office Committee; and the members of the Senate Post-Offices Committee are to remain over here at their places watching the Appropriations Committee to see what they do. That is the theory upon which our committees are made up.

It strikes me, Mr. President, that it would have been far better to have adopted the scheme suggested by the chairman of the committee who has proposed it here. The Senator from Rhode Island [Mr. ALDRICH] has offered an amendment to the committee's scheme.

Mr. ALDRICH. I intend to withdraw the amendment, if I ever get an opportunity.

Mr. HILL. It would not have made the plan harmonious if that amendment had been adopted; but I do not think that the scheme as proposed by the committee should be at all entertained. A commission would be better composed of the chairmen of the respective Committees on Post-Offices and Post-Roads of the other House and of this, the present Postmaster-General, the next Postmaster-General, and two private citizens. It strikes me that is proper; it strikes me that that is the right way to investigate the whole subject, so that you can take up your Post-Office bill at the next session of Congress and can provide in one comprehensive measure all the legislation which may be necessary for the purpose of enabling these reforms to be accomplished.

You can not stop this discussion by passing this bill. This bill only enables you to obtain more money. Then the question will arise as to whether you are still going to continue the second-class mail matter and such literature to the extent you do now. The moral question, which has been argued so largely and which entered into the discussion in the other House, will still continue as to whether what is called slush literature is to be carried on a par with your best literature—all those questions will again confront you.

Why not appoint such a commission as has been suggested after the most mature reflection, and thus expedite the investigation which will itself be effectual to accomplish such reforms? With all due respect to the Appropriations Committee, it seems to me that the single scheme upon which they have entered will not prove effective.

Mr. ALLISON. I desire to say a word or two, Mr. President, before the vote is taken upon the amendment of the Senator from New Hampshire [Mr. CHANDLER], and I shall content myself with discussing the present question and not those questions which are to arise in the next Congress, although I am very glad to have the advice of my neighbor and friend here [Mr. DUBOIS] as respects what ought to be done in the next Congress about committees, as also the advice of the Senator from New York [Mr. HILL] on the same subject, as we shall not have the opportunity then.

Mr. President, the question of selecting a commission to deal with this subject is an important one, I agree. Respecting the desire or the alleged threat of the Committee on Appropriations in any way to ignore the Committee on Post-Offices and Post-Roads, there was no such purpose. The amendment which the committee instructed me to report was practically formulated and agreed upon before the Committee on Post-Offices and Post-Roads had made any report, and I will say that it was the judgment of the Committee on Appropriations that, inasmuch as it was charged that the railways were receiving a very large compensation, a compensation far beyond the cost of transportation, that that question lay at the bottom really of this whole subject.

We may as well understand here, as the people understand everywhere, that the question of dealing with the transmission of intelligence is a subject in which the people of this country are interested, and they will from time to time see to it that whatever can be done to facilitate the transmission of that intelligence will be done. That is the first and primary thing. The people do not wish to pay exorbitant prices for that transportation, nor do they wish to pay any postage rate that is beyond a rate sufficient to make the system self-sustaining. The complaint on the one hand is the complaint of a deficiency of postal revenue, and on the other hand it is the statement that we should reduce the rate of postage from 2 cents an ounce to 1 cent an ounce, and that that should be done immediately, without reference to the question of the cost of transportation. That might be advisable if we could take from the Treasury a sum beyond that which is now necessary to be taken in order to make up the deficiency of the revenue, but in the present condition of the Treasury that is impossible.

It seems to me, therefore, that the first question to be decided in the solution of this problem is the question of the cost of transmitting the mails of our country with celerity, and having a mail service which is efficient.

It can not be denied that each and every year, certainly for the last twenty years, there has been improvement respecting the efficiency of the mail service. That improvement has been seen everywhere. It is also true that with the hard times, if I may use

that phrase, we have had in the last two or three years in our country, the deficiencies in our postal revenues have been less relatively than they were in prosperous times years ago, whilst the efficiency of the service has been greatly increased.

I remember, Mr. President, the first bill that I had charge of as a member of the Committee on Appropriations was the Post-Office appropriation bill. It was for the fiscal year 1874, and I had occasion then, and I have often thought of it since, to observe that the expenditures for the postal service during the prior year were $28,000,000, and the revenue which was derived from the postal service was $22,000,000, thus giving a deficit of $6,000,000 upon an expenditure of $28,000,000. After an interval of twenty-two years, we have here upon our table a bill appropriating more than $92,000,000, with an estimated deficit by our Postmaster-General in his report of less than $1,900,000, thus showing that, with all the complaints which have been made as to the railway service, as to the insufficient pay of mail carriers, as to the insufficient pay given to the postal clerks, as to this inundation, if I may call it so, of what is termed second-class mail matter, which is run over this country by postal cars and on railway trains at 50 miles an hour—with all these imperfections, which the Senator from New York and the Senator from New Hampshire have so well stated here, it is found that year by year the postal revenue, so far as it concerns the cost of service, has diminished relatively; and in the face of it all we have seen, during the twenty-two years of which I am speaking, this country girded with lines of railroads from the Atlantic to the Pacific. We have seen them spread over this country, north and south, east and west, like spiders' webs, not carrying the slow trains of 20 miles an hour, but carrying from coast to coast railway trains running upon an average more than 35 miles an hour between ocean and ocean, and each and every one of those trains carrying this second-class mail matter at the rate of 1 cent per pound. We carry letters at the rate of 2 cents for each ounce.

Every person who is familiar with the question of railroad rates knows that if we pay the cost of transportation of this mail matter according to its mileage, we should go back to the primitive condition in which we were when I was a student at college, and when, being more than 300 miles from home, I was obliged to pay 25 cents postage for each letter I received.

In 1873, when I had charge of the Post-Office appropriation bill, the rate of letter postage was 3 cents for each half ounce, and in 1883, ten years later, we reduced that postage upon letters one-third, and later we reduced it by providing that 2 cents should be the rate for letters of 1 ounce or less.

So that in twenty-two years of our service, with all these imperfections, and with all these laws standing upon the statute books as to the method of dealing with this question—to wit, weight and speed as the chief elements—we find that we have been able to reduce the postage upon letters at least one-third, carrying, as has been said here upon this floor, intelligence, and spreading it over every portion of this country—to our valleys, across our mountains—at the rate of a cent a pound; and with it the entire deficiency for 1898, as shown by the Postmaster-General in his estimate, will be less than $2,000,000 upon an expenditure of more than $92,000,000, as against $6,000,000 in 1878 upon an expenditure of $28,000,000.

Mr. President, with all these difficulties in our pathway, and with Senators on this floor stating that this railway service is an extravagant service—which I am not prepared to say is true or untrue—I can state as my belief that, as to the great body of the 181,000 miles of railroads in the United States, this pay is not extravagant when you take into consideration the efficiency of our railway mail service. But when it is stated here, and in the newspapers, and elsewhere, that the remedy for this deficiency is not in the reduction of letter postage to 1 cent, but lies in the destruction of our present system of fast railway mail trains, and that it can not be accomplished in any other way than by reducing the railway rates, then I think it is worth while upon a matter of so great moment, involving, as it does, this year $30,000,000, that we should have a careful investigation regarding it.

Mr. HILL. Will the Senator from Iowa allow me a moment?

Mr. ALLISON. I will.

Mr. HILL. Is the Senator able to inform the Senate whether his associates upon the Appropriations Committee concur with him in the belief that the rates now paid to the railroad companies for transportation are not extravagant?

Mr. ALLISON. I believe there is a rule in the Senate which prohibits us from stating what occurs in a committee of this body, but I do not think that I need to disclose what is said in the Committee on Appropriations if I say here that I know members of the Committee on Appropriations differ from me upon that subject.

Mr. HILL. I assumed that the theory upon which the investigation had been ordered was that at least a majority of the committee were convinced that the charges were extravagant, and hence the necessity for an investigation.

Mr. ALLISON. I only wish to add that the Senator from South Dakota [Mr. PETTIGREW] who is a member of the Committee on Appropriations has already spoken upon this subject, and other members have spoken in the Chamber, stating that they believed that the compensation is greater than it ought to be, and I have an opinion that on some railways it may be higher than it ought to be; but, taking the aggregate of the great railway lines in this country of 181,000 miles, more of them are transporting this mail at a loss than are carrying it at a large profit.

Mr. CULLOM. Mr. President, as the Senator from New York refers to the Committee on Appropriations, I desire only to speak for myself. In that committee every year for several years since I have been a member of it this same subject has come up, and we are met with a want of knowledge of what actually ought to be our course with reference to the specific appropriations in the Post-Office appropriation bill. I remember two or three years ago, when I happened to be chairman of the subcommittee, we had the same kind of controversy, and we decided it as the committee has this year and for the same reason, that we did not know exactly what ought to be done, and we feared to do anything, lest we might cripple the service and thereby produce complaint on the part of the people with reference to it. So it has gone on, until this year we had a hearing and action was taken in the committee with reference to what we should do. We had the Second Assistant Postmaster-General before us, and some others. If the Senator from New York will read the testimony which we took in the committee, he will find a tolerably extensive statement made by Mr. Neilson, who is the Second Assistant Postmaster-General, which shows that we should be doing an injustice to the railroads carrying the mails if we were to undertake to make a reduction without further information. Hence it has been that the Committee on Appropriations felt that they could not afford to allow this thing to go on longer without an investigation, so as to satisfy themselves, and to satisfy the Senate and the country as well whether we were paying too much or too little to the railroads.

I for one have felt that possibly we were paying too much; but when we get the testimony of the officer in charge of the subject, and find he says that we are not, I am not prepared to say that I shall make a cut with my eyes shut, and reduce the cost of transportation of the mails. I prefer that we should find out whether we are paying too much or not, and then act accordingly.

Mr. ALLISON. Mr. President——

Mr. HILL. While the Senator from Illinois is on that point——

Mr. ALLISON. I yield to the Senator from New York.

Mr. HILL. Was the question discussed in the committee—if it is an improper question I shall withdraw it—as to the desirability of including the investigation on the other lines?

Mr. CULLOM. What does the Senator mean by "the other lines?"

Mr. HILL. I assume that when the committee had this subject up, it did not neglect to notice the report of the Postmaster-General upon this subject which I hold in my hand.

Mr. CULLOM. Certainly not.

Mr. HILL. In that report the Postmaster-General calls attention to the fact of the abuses in regard to second-class mail matter.

Mr. CULLOM. So far as that is concerned, we have felt that the Committee on Post-Offices and Post-Roads had that subject under investigation, and that they were about to report or had reported a bill, and we did not undertake to go into the question of what character of mail matter should be carried by the railroads, or by anybody else. We did undertake, however, so far as we could, to satisfy ourselves whether at this moment we had information enough to justify us in changing the rates which have been given and are now given under the law. So we provided for this commission, as it is termed, to go at once into the investigation and ascertain that substantial fact which involves the expenditure of nearly $32,000,000. It seems to me that the Senator from New York, who is a member of the Committee on Post-Offices and Post-Roads—which has had the subject of the character of the mail being carried under their control for a number of years—and his committee, are the proper persons who ought to be prepared to say whether this kind of mail, that, or the other, shall be carried by the railroads or any other transportation companies.

Mr. ALLISON. Mr. President——

Mr. CALL. Will the Senator from Iowa allow me to say a word?

The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. ALLISON. I yield to my colleague on the committee.

Mr. CALL. I have been a member of the Committee on Appropriations for many years, and I will say for myself that there was no information furnished to that committee upon which an intelligent opinion can be formed whether or not the compensation paid to railroad corporations for the carriage of the mails is too great, and that I would be unwilling to go blindly into a reduction of it which might impair the efficiency of the service. The carriage and distribution of the mails in the United States is a matter of the greatest public interest. Its efficiency is a matter of great concern; it is a vast subject, and therefore while I, as I suppose every other member of the committee and possibly every other

Senator, would be glad to see the price reduced to the smallest point that would pay a reasonable and liberal compensation to the carriers, yet I should be entirely unwilling blindly to undertake anything which might impair the efficiency of the system. Without a careful examination and giving a fair hearing to all parties—the corporations' side as well as the people's side—it is impossible for anyone to form an intelligent opinion upon the subject.

Mr. ALLISON. Mr. President, I desire to state that there was no intention or purpose to impinge in the slightest degree upon any investigation that might be going on by the Committee on Post-Offices and Post-Roads. Indeed, as respects the question of second-class mail matter, except incidentally, it is not involved in this amendment. Of course, it would be proper for the commission to ascertain whether or not it is important that a serial number of Dickens's works or those of any other well-known author should be sent across the country at 50 miles an hour and thus be paid for at the rate specified by the Revised Statutes, or whether some means could not be devised whereby that class of mail matter could be carried at lower rates of payment to the railways and still be as effective in diffusing intelligence among the people. Therefore we could not very well deal with the question of railway compensation without taking into account in a greater or less degree the question of the character of the matter to be carried.

The matter of railway pay lies at the bottom of the question, and no one, it seems to me, can be more familiar with that than the Senator from New York [Mr. HILL].

Mr. HILL. I was going to suggest to the Senator from Iowa that the character of the literature would not affect the question of the rate. In other words, if a book, a volume, a pamphlet, weighs so much, it does not make any difference to the railroad company whether it is Jack the Murderer, or whether it is a copy of Dickens's works.

Mr. ALLISON. The Senator wholly misapprehended my point. I am sorry that I did not make myself understood.

My point is that as to matter that requires immediate and quick delivery, like the New York World or the New York Journal or the New York Tribune, or any of the other of our great newspapers in our large cities, it would not do to carry them upon a mail train going at the rate of 20 miles an hour; but if a serial book did not happen to reach its destination at the rate of 50 miles an hour, or if I wanted to send a pair of boots to my home under the 4-pound rule, that might possibly go at a slower rate than a letter. It would not be necessary for it to be carried over this country at the rate of 50 miles an hour from ocean to ocean. These are topics that intelligent men, whether they are on a commission or on a committee, must deal with in considering this great and comprehensive question of diffusing intelligence through the monopoly of the Government, maintained since its foundation.

There are three or four elements in the bill of cost. One is the railroad mail service, which is the largest of all. Another important element is the mail carriers, who, in sunshine and storm, in early morning and eve, go from house to house in cities and towns having the requisite population and carry the mail to the homes of the people and to their places of business. There is in the pending bill an appropriation of $13,000,000 to pay for that service and to provide for that expenditure. We did not embrace it within the purview of this examination. Twenty years ago it was as unknown as the axis of the earth. It is the invention of an official of the Post-Office Department, who conceived the idea of that method of dealing with the question.

The Senator from New Hampshire in his amendment proposes, although we confine the delivery of mail matter through the mail carriers to cities of 10,000 inhabitants, or where the revenues amount to $10,000 annually, that we shall inquire into the question of delivering the mail to all the rural homes, and there are 12,000,000 homes in the United States. I submit that that is not a necessary topic of inquiry in our consideration, because if we can extend and enlarge this delivery by carrier, we must do it gradually, ascertaining from time to time the expenditure. The letter-carrier system, which was unknown twenty-five years ago, has become a most important element in the distribution of the mail, and because these letters are so carried, they add to the cost of the postal service.

Mr. Neilson—I do not know whether he is a railway man, whether he is a Democrat, or what his particular relation to parties or people may be; he seems to be a man of intelligence—stated that on a route of 250 miles there was a profit to the Government in having mail matter carried at 1 cent a pound, but it is when you come to reach over beyond these great cities and beyond these aggregate populations and centers of population that you find there is an increase in the cost of the service.

I have no wish, and I do not think the Committee on Appropriations have, as to the method in which this shall be done. We have proposed what we believe to be the wisest and best course, and have submitted it to the Senate. That it should be done I think we all agree. The Senator from New Hampshire and the Senator from New York find fault with us for bringing in this scheme and plan because we brought it in after theirs. Our scheme and plan originated before we knew of theirs, and when we looked it over we thought that ours was better than theirs for the reason that it made the primary inquiry not the question of the rural delivery or the question of second-class matter, but the great question of the cost of transportation.

Now, we may have been mistaken about that, and if we have been and are mistaken I certainly shall find no fault, nor do I think the Committee on Appropriations will find any fault, with the Senate for believing the plan of the Committee on Post-Offices and Post-Roads to be the wisest and best.

Mr. CARTER. Mr. President, the subject-matter partially referred to in the proposed amendment of the committee has been very carefully considered in the Committee on Post-Offices and Post-Roads of this body for the last six or eight months. The proposition of the Committee on Appropriations to ignore the recommendations of the Committee on Post-Offices and Post-Roads brings up for consideration primarily a question of order in the disposition of the public business in this body. For the convenience of the Senate, the better to dispatch the business of the Republic presented here, it has been deemed necessary to subdivide the membership into committees, and if the matter will be considered for a few moments in the light of the necessity for this distribution to committees, a parallel can be drawn here applicable to every committee in the Senate, which will show the fallacy of the position of the Committee on Appropriations.

For instance, we have a Committee on Military Affairs, selected with special reference to the experience and capacity of the Senators who compose it to deal with that particular branch of the public service. Suppose, after the Committee on Military Affairs shall have spent an entire year in ascertaining the cost of maintaining the troops of the Army at different places throughout the United States, it shall come to the Committee on Appropriations and ask the incorporation of a clause in an appropriation bill which will enable the committee to acquire information not at its disposal in the committee room. In that request the Committee on Military Affairs would demand sufficient authority to send for persons and papers and to secure data relating to the whole matter of maintaining the Army on the most economical basis possible. Presume, then, in order to complete the parallel in this case, the Committee on Appropriations, ignoring the request of the Committee on Military Affairs, substitutes an amendment which merely proceeds to inquire the cost of beefsteak in the city of Chicago, thereby suggesting that the inquiries of the regular committee in other directions are either ignorantly proposed or utterly without necessity.

Again, a subject which has been seriously debated in this Chamber is that relating to the cost of armor plate for vessels in the Navy. The armor plate seems to be composed of a variety of metals, prepared under a process of a complicated character. A question has arisen whether the armor plate can be produced for less money, and a reasonable profit made by the manufacturers, than the Government has heretofore been required to pay. The Committee on Naval Affairs presents that inquiry, and in connection with it says "the Committee on Naval Affairs requires additional information before being able to reach an intelligent judgment on the question of the cost of armor plate," and the Committee on Appropriations is requested to incorporate an amendment which will enable the committee to acquire the information desired. The parallel will be complete as applicable to the point before the Senate if the Appropriations Committee should thereupon reply by proposing an amendment to inquire into the cost of pig iron in the Lake Superior country.

In the case before the Senate the Committee on Post-Offices and Post-Roads has been for a long time flooded with petitions and protests relating to what has become popularly known as the Loud bill, which embodies propositions to increase the rates of postage on second-class mail matter. The committee reached the conclusion that it could not intelligently pass upon that bill and its effects on the revenues of the Post-Office Department without more information, fuller light, than the records furnished or the committee could acquire from the witnesses examined. In consequence of the necessity for legislation apparently and of the desire of the committee intelligently to pass upon the question, the worthy acting chairman of the committee proposed to the Appropriations Committee the addition of an amendment which would enable the Post-Office Committee to proceed with its investigation, whereupon, as a response to this reasonable demand, the Committee on Appropriations says, "We will provide on our own account for a commission to inquire into the cost of railroad transportation of the mails."

The response is as full and as complete as would be the response in the armor-plate inquiry by announcing to us the cost of pig iron or iron ore in the Lake Superior country or north of it. It would be just as reasonable a response as if upon inquiry the Committee on Pensions, believing that the pension roll was increasing without just cause, desired to investigate the question,

and the Committee on Appropriations would respond by saying, "This committee, on its own account, will inquire the cost of paying the widows' pensions and let the balance of the subject go."

Mr. President, the question of deficiency in the revenues of the Post-Office Department can not be intelligently or fairly determined as to cause or cure by the investigation of any special or specific fact or circumstance connected with the service. It will be necessary, in conjunction with the matter of railroad transportation, to take into account the matter of tonnage, it being quite obvious that the railroad companies can afford to transport a large tonnage over their roads at a less rate proportionately than half the quantity or weight; and this might be carried on indefinitely.

The chairman of the Committee on Appropriations, in the course of his argument in support of the committee amendment, not only admitted but proclaimed the ineffective and incomplete character of the committee amendment when he suggested that when we arrived at a reasonable conclusion it would be necessary to go beyond the purview of the amendment and to inquire into the rates of postage, to inquire into tonnage, to inquire into classifications, to inquire, in short, into each and every item proposed in the amendment presented by the worthy acting chairman of the Committee on Post-Offices and Post-Roads. It has been suggested that another commission can be provided for the purpose of inquiring into the particular matters concerning which the Post-Office Committee desires special information. It is a sufficient reply to that to say that the two committees investigating would be compelled to travel over the same identical ground in so far as the railroad transportation question is concerned.

It does seem that the amount proposed to be appropriated by the Committee on Appropriations for the investigation within the next twelve months is excessive and unnecessary. After careful consideration it seemed to the Committee on Post-Offices and Post-Roads that the sum of $10,000 would be entirely adequate, considering the fact that the services of Government officials on the regular pay roll of the Government would be available for the use of the investigating body. It is difficult to see why the Committee on Appropriations insists upon conducting an investigation into a special subject when the demand comes for a general investigation, which we hope may not only result in acquiring such information as will enable us to dispose of the constantly recurring deficiency, but may enable Congress to provide a reduction in the existing postal rates as well.

Mr. TELLER. It seems to me that the members of the Committee on Post-Offices and Post-Roads have entirely misunderstood the purpose of the proposed commission or the necessity for it. As a member of the Committee on Appropriations, I should like to say that I never heard, when we proposed this amendment, that the Committee on Post-Offices had proposed any examination into the question of transportation.

Mr. CHANDLER. There was such an amendment before the Senator's committee when the subject was taken up.

Mr. TELLER. If it was, my attention was not called to it. It might have been there before we got through, but it was not there, I think, when the question arose. The chairman of the committee says it was not there before we got through.

Mr. ALLISON. Just as we finished the bill we found it.

Mr. TELLER. It was not there, or, if it was, our attention was not called to it. If it had been there, our attention would have been called to it when the bill was taken up.

Some time ago the attention of the country was attracted to this question by an article in one of the leading journals of the day, declaring that we were paying to the railroad companies about $10,000,000 more for the mail service than we should pay. We know, also, that the question as to whether the Government is charging proper rates upon material carried was discussed and considered in another place.

Now, the main purpose of the inquiry which the Post-Office Committee proposes is one that is entirely different, except it may include this, from the inquiry our committee proposes to make. When the House bill came before the committee, there were some members of the committee who believed that the rates now being paid for transportation were excessive. I confess I am one of that number. When we commenced to deal with the question, we found that, while it might be excessive in some sections and on certain roads, it might not be more than sufficient compensation to secure good service in others, and the committee were soon aware that they had not such information as to cost in different sections of the country to enable them intelligently to act on this question. Therefore the committee were disposed to take the action of the House of Representatives, where the bill had originated, as prima facie correct, and then to determine in some way, if possible, by the next time they were called upon to act, whether or not that was a correct sum.

The inquiry was limited because the committee felt that their jurisdiction required them to limit them to the simple inquiry, "Are you paying too much?" In other words, the inquiry was the question, Is the appropriation too large or not? That was perfectly legitimate for the Appropriations Committee to consider, and, if the Appropriations Committee did not have sufficient information, it is perfectly proper, in accordance with the constitution of the committees and the purpose for which they are created, to inquire and get the information, and to get it as best they could.

The question proposed by the Committee on Post-Offices and Post-Roads as to whether they should have 2-cent postage or 1-cent postage is an entirely different question, and one that the Committee on Appropriations would not attempt to deal with, because it would be a perversion of the purpose for which that committee was created. The other question also as to what should be the charge upon the different kinds of mail matter carried through the mail was, in my judgment, a question that the Committee on Appropriations did not have jurisdiction of. That is a question, as is the other, that properly belongs to the Committee on Post-Offices and Post-Roads. It is an investigation that they are supposed to be able to make, and an investigation that they can make at any time, with or without the authority of the Senate.

Now, there is not any reason why they may not go on with that inquiry if they choose; that they may add to it, if they choose, the other, which I think is not foreign to their jurisdiction, as to the limitations of the payments that we are making and what should be the policy. Whether the Government should own its own cars or whether the Government should rent them is not a question, in my judgment, for the Appropriations Committee, but a question for the Post-Office Committee, and they could properly extend their inquiry to that also. It seems to me that the members of the Post-Office Committee have entirely misunderstood the purpose of this inquiry. There is nowhere an intention to invade their jurisdiction, and in my judgment there is no invasion of it whatever. When you consider the fact that this is a question that may be determined on the one line and speedily, it seems to me that it is not wise to load it up with the other questions, which are not questions of mathematics, but are questions of policy. It is a very easy thing to determine what we ought to pay these railroad companies compared with what it is to determine the policy as to the amount charged and what shall be the character of the mail matter that is to be carried, and what shall be charged for the different classes of mail matter.

I myself am anxious to get the information on the very simple point as to what is a proper compensation to be allowed to the railroad companies for a proper postal service on their lines. I know that you can not apply any general rule. When we sought to strike off a percentage of the whole appropriation, we discovered at once that, while we might be doing great justice when applied to some sections of the country and to some railroads, we would be doing great injustice when applied to other lines in other sections of the country. Because of that, we thought it was better to go on as we were for a short period, and for that purpose the committee insisted that this finding should be speedy, and that we should have by the time the next appropriations came the knowledge needed. It can not be had on the line proposed by the Post-Office Committee; it can not be got in time; and when it is obtained, if it is connected with all these other questions, there will be much delay and much confusion about applying the information. The simple desire of the committee is that we may have the knowledge as to what it costs these railroad companies to carry the mails, and what is a fair profit for the service they render.

Mr. CHANDLER. Mr. President, I rise with some diffidence to speak again on this subject, in view of the uneasiness manifested by the Senator from Iowa [Mr. ALLISON]. In opening his remarks he made what seemed to me a distinction that I never yet had heard, as to the rights of Senators to speak upon this floor. He classified Senators into those who are going out of the Senate on Thursday next and those who remain after next Thursday, and seemed to be quite impatient at the idea that any Senators whose term might expire on the 4th of March should venture to say anything on the bills pending before the Senate, especially upon any proposition coming from the Appropriations Committee.

Mr. ALLISON. Mr. President, I am sure the Senator from New Hampshire does not wish to do an injustice to me.

Mr. CHANDLER. I was surprised at the Senator's remarks.

Mr. ALLISON. I expressed no impatience, but think, on the contrary, I have shown patience as respects this bill.

Mr. CHANDLER. The Senator sneered at Senators upon this floor who had shown a disposition to take part in this discussion, and called attention to the fact that they go out of the Senate next Thursday, when he would be rid of them. I felt that the suggestion was unworthy of the Senator from Iowa and not in accordance with his usual grace and courtesy toward members of the Senate.

Mr. ALDRICH. I am sure that the Senator from Iowa needs no defense at my hands; but I understood the Senator from Iowa to express his gratitude that those Senators were willing to give

us their advice while they had an opportunity before they left the Senate.

Mr. CHANDLER. The Senator from Rhode Island illustrates exactly the remarks of the Senator from Iowa, and leads me to do no injustice to the Senator from Iowa when I say that he sneeringly alluded to that fact, and taunted the Senators with the fact that they were going out by expressing his gratitude to them because they were willing before going out, or seemed inclined before going out, to advise the Appropriations Committee of the Senate in reference to matters of legislation.

Mr. President, I am sorry the Senator from Iowa did this. I never heard him say anything of that kind before in the Senate. I attribute it to that degree of uneasiness which affects the best of men when they become members of the Appropriations Committee. They are in a chronic state of sensitiveness if anyone ventures to criticise their action or to differ with them upon this floor; and we may expect to see more of it between now and the close of the session. We are here with four or five appropriation bills not disposed of, involving vast sums of money, loaded down with legislation. The committee are anxious to get those bills through, and every one of us may well feel, whenever he rises to speak, as if he were incurring in some slight measure at least the disapprobation of the committee for speaking at all.

I hope Senators will not be discouraged on that account from saying their mind, for I can assure them that after the session is over the members of the Appropriations Committee, one and all, including their very valuable and ever-ready assistant, the Senator from Rhode Island, will resume their usual sweetness and good temper, and the world and the Senate will go on just as before. But I hope that no Senator, be his term long or short, be it six years or four years or four days, will refrain while he is here from discussing every subject that is before the Senate in accordance with his convictions of duty.

Mr. President, this is a very simple question. We all agree that there should be an investigation. It is a mere question as to how that investigation should be made. The Committee on Appropriations decide to have it made by a commission to be composed, so far as the Senate is concerned, of the members of the Committee on Appropriations. We know very well beforehand who are to be the Senate members of this commission. They are to be members of the Committee on Appropriations. The contrary is the case in the House of Representatives. There the Post-Office Committee will furnish the three members; and so we shall have a commission to deal with this important subject composed of three of the members of the Senate Committee on Appropriations and three members of the House Committee on Post-Offices and Post-Roads.

Mr. PLATT. How does that follow?

Mr. CHANDLER. I will content myself, as far as the inquiry of the Senator from Connecticut is concerned, by saying that it will follow, as I happen to know.

Now, Mr. President, where is the Committee on Post-Offices and Post-Roads of the Senate, whose chairman is now absent? That committee can pass upon the controversies concerning the confirmation of postmasters; it can sit on little petty and contemptible questions that mainly constitute its business in connection with the question whether a Republican shall be confirmed as postmaster, or a sound-money Democrat confirmed as postmaster, or a Bryan free-silver Democrat confirmed as postmaster, or occasionally, now and then, once in a hundred, a Republican woman or man shall be confirmed. It can do that; and if a postmaster has his post-office robbed of a few hundred dollars, then the members of the Senate committee can investigate those questions and recommend to the Senate whether or not to relieve the postmaster.

But when a great question comes up, the greatest question of all in connection with the matter of postal reform, whenever the question of the cost of railway mail transportation comes up, and the Committee on Post-Offices and Post-Roads, which has begun an investigation of this subject and of the abuses that have crept into the postal service, ventures to suggest an humble commission, an economical commission, but a commission authorized to go over the whole subject, every part of it, from top to bottom, from right to left, their recommendation for such commission is treated with scorn by the Committee on Appropriations. It is not even seen by the members of the committee who have carefully made up this amendment, and the Appropriations Committee of the Senate takes control of the subject, organizes a commission, gives them $50,000, gives them almost tyrannical, certainly inquisitorial, power over the railroads of the country; and when the members of the Post-Office Committee of the Senate venture to suggest that the whole subject ought to be investigated and that their method may be on the whole the best, the Senator from Colorado [Mr. TELLER] tells them that it is none of their business, that it is a matter which belongs to the Senate Committee on Appropriations.

Mr. President, there is a little too much of this kind of concentration of power in the Senate. There is a good deal of talk about the concentration of power in another branch of Congress. There is quite as much of it here. The concentration of power is where the control of the money of the Government is accumulated in a few hands, and that is in the Senate Committee on Appropriations. The way in which the Committee on Appropriations have dealt with this modest suggestion of the Senate Committee on Post-Offices and Post-Roads is as good an illustration as you could have as to the manner and method of doing business in the Senate of the United States by the Senate Committee on Appropriations and the Senator from Rhode Island.

If the ordinary methods of investigation are not sufficient, if the recommendations of the Postmaster-General in reference to the subject are not sufficient so far as recommendations are concerned, if the recommendations of the two Committees on Post-Offices and Post-Roads in the House and the Senate on these subjects in the ordinary course are not sufficient, and an investigation is to be made by a committee or a commission (the chairman of the committee, the Senator from Iowa, first brought in a committee and he rose an hour ago and said he had found out that you can not appoint a committee in this way and he changed it to a commission), if a commission is to be appointed to deal with this question, why in heaven's name can it not take up the whole subject? Why is it necessary that the business of investigation should be monopolized by the Committee on Appropriations and this vast sum of money and these vast powers should be accumulated in their hands, and when Senators venture to criticise the proposition which the Senate committee has made, why is it to be suggested to them that their terms expire on the 4th of March, when the Senate Committee on Appropriations, sacred be its name and its character, will not have to endure the criticism of those Senators any longer?

Mr. ELKINS. May I interrupt the Senator from New Hampshire for an inquiry? Does the amendment proposed by the Appropriations Committee limit the selection of this commission to the members of the Appropriations Committee?

Mr. ALLEN. We can not hear the interesting conversation going on between the Senator from West Virginia and the Senator from New Hampshire.

Mr. ELKINS. I asked permission of the Senator from New Hampshire if I could interrupt him. I am sorry the Senator from Nebraska did not hear me.

Mr. ALLEN. I am sorry, too.

Mr. ELKINS. I simply wanted to ask a question. I do not occupy the attention of the Senate often.

Mr. ALLEN. I wanted to hear it.

Mr. ELKINS. Does the proposition coming from the Appropriations Committee limit the selection of the commission to the Appropriations Committee or does it permit the Vice-President to select from members of the Senate?

Mr. CHANDLER. I do not know how it will finally read when the Senator from Iowa and the Senator from Rhode Island finish it, but as it stands now it is to consist of three Senators to be appointed by the present President of the Senate.

Mr. HILL. If the Senator will allow me, I will state that it has been changed twice since they brought it in.

Mr. CHANDLER. The Senator from Rhode Island moved that it should be chosen by the Senate, which would be a fair method of doing it, but some one whispered to him, and he withdrew his proposition. The Senator from West Virginia had better not ask me too many questions.

Mr. ELKINS. Why should I not do so? What is the reason the Senator can not answer my questions?

Mr. CHANDLER. For the reason that the Senator will challenge me as to how I know that three members of the Appropriations Committee will be appointed if this clause becomes a law, and frankly I do not want to tell him how.

Mr. ELKINS. If the Senator will permit me, I want to know, if that is the case, how he knows it? It is not the language of the amendment.

Mr. CHANDLER. I know it is to be so, but I will not tell the Senator how I know it.

Mr. ELKINS. If the Senator will allow me, it might make a difference in the vote on this very proposition whether the Appropriation Committee is to furnish the three members or whether they are to be selected from the Senate.

Mr. CHANDLER. The Senator knows very well how conference committee are appointed, does he not?

Mr. ELKINS. Yes; I know the ordinary way.

Mr. CHANDLER. This committee will be appointed in the same way.

Mr. ELKINS. I do not know; it is not in the language of the amendment, as I understand it.

Mr. CHANDLER. I know that. The Speaker of the House always appoints the conference committee of the House, and the presiding officer of the Senate always appoints the conference committees of the Senate, and I am obliged by the Senator to tell in the presence of everyone that it is always done by a little slip

that is handed up to the desk by somebody. That slip I think is made out in this case, if the Senator will allow me, but I can not tell him how I know.

Mr. ELKINS. May I ask the Senator if he has talked with the Vice-President on the subject?

Mr. CHANDLER. No; I have not. I only have in mind the slip that is to go up. The Vice-President has it entirely within his power to tear up the slip and write another, but he never does.

Mr. ELKINS. May I ask the Senator one other question?

Mr. CHANDLER. I do not think the Senator ought to pursue this line of inquiry into the customs and practice of the Senate.

Mr. ELKINS. Does the Senator know the members of the commission who are to be appointed? Is he advised who they are?

Mr. CHANDLER. I have a suspicion, Mr. President.

Mr. ELKINS. Why should he not state it for the information of the Senate?

Mr. CHANDLER. They are excellent men, I will say to the Senator.

Mr. ELKINS. Then the Senator ought to be satisfied.

Mr. CHANDLER. They will do no injustice by the railroads of this country if they are appointed.

Mr. ELKINS. Are the railroads to be benefited?

Mr. CHANDLER. The railroads will not receive any injury from them.

Mr. ELKINS. The railroads are in a bad way with two committees of the Senate contending as to which shall spend a whole summer in investigating them at an expense of $50,000, as I understand it. The fight is not in the interest of the railroads, but as to which committee shall be permitted to investigate them.

Mr. CHANDLER. I am afraid we shall devour the Senator from West Virginia with them. [Laughter.]

Mr. ALLISON. The Committee on Appropriations has not any purpose to take charge of the matter.

Mr. ELKINS. It seems to me to be a fight as to what committee shall administer on the remaining assets of the railroads.

Mr. CHANDLER. I decline to be interrupted further, Mr. President. I am nearly through.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from New Hampshire declines to yield further.

Mr. CHANDLER. The proposition of the Senate Committee on Post-Offices and Post-Roads names every subject connected with this whole question; it names the subject of the abuses as to second-class mail matter; the question as to the expenses of the free delivery; the question of the reduction of railroad transportation; the reduction of postage, postage on letters, and other like questions. It sends them all to a commission to consist of the chairman of the House Committee on Post-Offices and Post-Roads and the chairman of the Post-Office Committee of this body, without regard to their personality.

They occupy those official positions, and the chairman of the Committee on Post-Offices of the other House is the chairman of the committee which also has the Post-Office appropriation bill. The chairman of the committee of the Senate does not have the Post-Office appropriation bill. The Post-Office appropriation bill, when it comes to the Senate, goes into the hands of the Committee on Appropriations. The proposition now before the Senate on my motion, reported from the Committee on Post-Offices and Post-Roads, selects those two chairmen, it selects the next Postmaster-General, and then provides that the President of the United States shall appoint two citizens from private life.

I submit that that commission, which is a little out of the ordinary routine, which is a little different commission from that which is constituted by making up a commission the way in which conference committees are made up in the two Houses, which always carry out, if they can, not the wishes of the Senate or the wishes of the House of Representatives, but the wishes of the committee from which they are appointed. I submit, if there is to be anything but a mere formal inquiry into this great subject-matter, this is a better way to constitute the commission.

Mr. President, I feel somewhat in earnest about this matter, and I speak with some freedom upon this subject. I speak with the more freedom because I am only the acting chairman of the Committee on Post-Offices and Post-Roads, and it never has been my purpose to take an active part in the management of its affairs, but, the chairman of the committee being absent, I speak in the interest of a great committee of this body, in the interest of a committee which is entitled to have something to say and which is entitled to have something to do with the large matters connected with the postal service, and not to be confined to little matters in connection with that service. I believe that I echo the sense of four-fifths of the Senators here when I say that, if a commission is appointed to investigate the questions connected with the postal service, if there is any such a thing as a fair organization of the Senate, an equality among the members of the Senate, an equality among the committees of the Senate, the method of doing it ought to be that recommended by the Committee on Post-Offices and Post-Roads, and not that recommended by the Committee on Appropriations.

Mr. ALDRICH. Mr. President, the questions involved in the amendment before the Senate are very simple. They have been disclosed in the debate by the members of the committee on the floor of the Senate. It appears that in the consideration of the Post-Office appropriation bill a proposition was made to reduce the pay to railroads for carrying the mails. All the members of that committee say very frankly that they had not before them the data to enable them to make an intelligent reduction, if reduction was to be made in regard to this matter, and they very naturally proposed an investigation, which is limited to the time between now and the next regular session of the Fifty-fifth Congress. This was a fair, intelligent, businesslike proposition, involving one single inquiry by the methods always used by the Senate, by some members of the Appropriations Committee, or perhaps some other members to be appointed by the presiding officer, whose duty it should be to ascertain the facts in regard to the cost of the transportation of mails and such other facts as should be pertinent to the appropriation for that purpose.

Now, the Senator from New Hampshire and other members of the Committee on Post-Offices and Post-Roads come in here and say that certain recommendations of theirs have been ignored; that certain prerogatives of theirs have been neglected by the Senate or by the Committee on Appropriations.

What are the facts? The Committee on Post-Offices and Post-Roads have had two years with full power to investigate any abuses which exist in the Post-Office Department or anywhere else in connection with the subjects before them, and full power to present to the Senate any legislation which they thought was necessary or desirable to reform those abuses. What have they done in those two years? What bill have they presented to the Senate for its action in those two years? If they believed that these abuses existed, as the various members of that committee say they believe, why have they not suggested some remedial legislation in that matter?

The House of Representatives sent to this body on the 7th of January last a bill which was heralded all over the country as a reform bill. It went to the Committee on Post-Offices and Post-Roads. It had to do with the very question which the Senator from New Hampshire is now asking the Senate to investigate. What did that committee do with that bill? They kept it in their possession until the 22d day of February, when they reported it back to the Senate. How? Not with the suggestion that the bill should pass, that these reforms should be inaugurated by the methods suggested by the language of the bill, or in any other form, but with amendments reducing the cost of letter postage from 2 cents to 1 cent. I think every member of that committee, without a single exception, has said upon this floor this afternoon that he did not know whether we could now afford to reduce letter postage from 2 cents to 1 cent, and the very purpose of the investigation suggested by the Senator from New Hampshire is to ascertain whether we can or not. Yet their recommendation, and their sole recommendation, as I remember it, of the amendments to this great reform bill which comes to us from the House of Representatives is to reduce letter postage from 2 cents to 1 cent.

Has there been any restriction on the part of anybody, on the part of the Senate, or on the part of the Committee on Appropriations as to the intelligence or as to the zeal of the Committee on Post-Offices and Post-Roads in connection with these affairs? Who has been restraining the Committee on Post-Offices and Post-Roads for the last two years when they believed and knew that these abuses existed, and they have not only not tried to investigate them, but they have suggested no remedy whatever, but, on the contrary, they have held in their possession the only remedy that has been suggested anywhere else in regard to this matter.

Mr. HILL. Will the Senator allow me a moment?

Mr. ALDRICH. Certainly.

Mr. HILL. Our efforts to get a quorum of the committee were very largely interfered with by a member of the Appropriations Committee, who appeared before us on several occasions in opposition to the Loud bill, and raised the technical question of no quorum. We were also involved in the question of the confirmation of postmasters, which of course was a political matter, if I may say so, which largely interfered with the business of the Post-Office Committee.

Mr. ALDRICH. I am very much surprised that any member of the Senate not a member of the Committee on Post-Offices and Post-Roads should have sufficient power over the majority of that committee to restrain them by sweet words or otherwise during the whole of these two years from doing a duty which they to-day have suddenly discovered is paramount upon them, namely, to investigate the great abuses which exist in the Post-Office Department. If they had had the same amount of zeal and patriotism which they have disclosed to-day upon this floor, does the Senator from New York seriously mean to say that any member of the

Committee on Appropriations, or other member of this body, would have prevented them from having any meeting for all these months, for the past two years?

Mr. HILL. But people have been sent from different portions of the country with the request to the committee that they be heard, and of the limited time at our disposal we gave them as much as we could, as representing all the different interests from Maine to California and Texas, in order that they might have a full and a fair hearing. Suggestions have been made by members outside and in, but we did the best we could in the limited time at our disposal, and finally concluded that we had not time to prepare a proper bill, and reported the measure for the consideration of the Senate, each member of the committee reserving the right to make any suggestion he saw fit in regard to it.

Mr. ALDRICH. Why a limited time, I should be glad to ask the Senator? The service of this committee commenced on the 4th day of March two years ago. It was not necessary, if these abuses existed to the extent which these gentlemen have stated, to have waited for action in another body. They certainly were not restricted in their zeal from the fact that the bill did not come here from the coordinate branch.

It seems to me, with all due deference and with the kindest feelings toward members of the Committee on Post-Offices and Post-Roads, that it comes with ill grace from them to lecture the Senate or the Committee on Appropriations or anybody else on account of the fact that they have not done what they claim to-day as their paramount duty in regard to this very business.

Mr. HILL. I assume the Senator knows the difficulty of conducting an investigation of that extent and character during a session of Congress, especially a session like this, which is drawing to a close, and when the bill did not get to us until after the middle of January.

Mr. ALDRICH. The bill has nothing to do with that question, I beg the Senator's pardon.

Mr. HILL. That bill was the one which attracted public attention to the abuses, or the alleged abuses.

Mr. ALDRICH. But, as a matter of fact, there is no constitutional prohibition upon the Senate from originating a bill to correct abuses in the Post-Office Department that I know of.

Mr. HILL. The extravagant compensation which has been paid for years to the railroads of the country has been evident to the Committee on Appropriations, and yet you have done nothing to stop them; and all of a sudden you have seen a new light, and now come in and want an investigation, and the chairman of the Committee on Appropriations has avowed that he does not think that any extravagant compensation has been paid.

Mr. ALDRICH. I have never heard until within the last two or three days——

Mr. HILL. I should like to have your views as to whether you really think that the railroads are receiving extravagant compensation.

Mr. ALDRICH. I have never had any occasion to investigate that subject.

Mr. HILL. And you do not know anything about it?

Mr. ALDRICH. I have never been a member of any committee whose duty it was to investigate this subject, but I hope and I trust that I should be found doing my duty, if I were a member of such committee, with quite as much zeal as the members of the Committee on Post-Offices and Post-Roads have shown.

The bill to which the Senator refers has been pending in the other House for more than a year. It has been publicly discussed in the press for, I think, more than two years, and the principles involved in it were as well known, I take it, to the members of the Post-Office Committee a year or ten months or nine months ago as they are to-day.

Mr. STEWART. They know nothing about the matter to-day. [Laughter.]

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Yes.

Mr. CHANDLER. Why is the Senator arraigning the Post-Office Committee for not proposing legislation? I have not arraigned the Committee on Appropriations for not legislating, and why does the Senator arraign us for being delinquent in our duty? Retaliatory arguments are fair enough when the facts warrant them. If that argument has to go on, I shall certainly ask the Senator where our resolution is for distributing the appropriation bills, which was referred a year ago to his committee, with the promise that on the first Monday of December he would report it; and we have not heard from it yet.

Mr. ALDRICH. The resolution to which the Senator refers was referred to the Committee on Rules, with the understanding that there was a full knowledge and determination on the part of the majority of the Senate at least that it was not likely to be reported very soon from the Committee on Rules, as I have already stated, and I think in the hearing of the Senator from New Hampshire.

Mr. HILL. The Committee on Rules is rather a conservative body.

Mr. ALDRICH. The committee did not have an opportunity to consider that question during the recess, and so they came in here at the beginning of the session and asked for an indefinite extension of the time. They admitted the fact that they had not had an opportunity to secure action, and the Senate has released the committee from any subsequent obligation on their part.

Mr. GALLINGER. The Senate never granted that.

Mr. HAWLEY. That is all "too thin," Mr. President. When we went away from here we were distinctly assured that on coming back in December that subject would be taken up. I am not likely to forget it, for I remember it very well. I remember the Senator's coming in and, with his seductive smile, asking that more time be given to the committee. We knew well that it would be more; we knew it meant all time should be given, and that no report would ever be made.

Mr. ALDRICH. I think the Senator from Connecticut and the Senator from New Hampshire will admit that, so far as the Senate, or a majority of the Senate at least, was concerned, there was no expectation or determination on their part that any movement should be inaugurated, by the Committee on Rules or otherwise, to distribute the appropriation bills at this session. I think we are not acting contrary to the spirit and intention of the Senate itself.

Mr. CHANDLER. If the Senator will allow me a word, I remember how sly—I mean how seductive and gracious—he was when he got that extension of time, and Senators yielded solely because of the extreme sensitiveness of the members of the Committee on Appropriations on the subject of the distribution of appropriation bills and their disposition to make it a personal matter with every Senator who thought the appropriation bills ought to be distributed; and I have been cowed in that way, as I continually am in the Senate, by having these personal assaults made upon me. [Laughter.]

Mr. CULLOM. I am very sorry that the Senator from New Hampshire is so humiliated and cowed, as he says; but I think there is no occasion for any ill feelings in reference to this subject. I take it that both the Committee on Post-Offices and Post-Roads and the Committee on Appropriations have desired to do their duty as best they could; but it is true that while we are in session we are so overwhelmed with work that it is very difficult to make extended examinations during the sessions of the Senate. I hope, however, that it will be conceded that all of us are trying to do the best we can for the interests of the Government.

I desire to refer again to a letter written by the Second Assistant Postmaster-General, which Senators will find upon their tables in connection with other testimony taken. It is a letter prepared by that gentleman, who is familiar with the transportation business, and who has the reputation of being a first-class officer. He gave us this letter at our request, after examining him somewhat lengthily, he being before us. There were some matters which he could not answer at the time, and we asked him to write a letter or make a statement of what he knew about them and to give it to us subsequently. Let me say—I do not know whether it has been referred to already—that the question as to what ought to be allowed by the Government for the transportation of the mails is substantially in the hands of the Postmaster-General. As a matter of fact, I think we have a right to complain somewhat, as no one who has been in the office of Postmaster-General, either under Republican administration or Democratic administration, has done his whole duty in reference to this subject. But I rose for the purpose of reading this paragraph from Mr. Neilson's letter:

> I have added such statements as could be prepared in so short a time, and trust this explanation may make them plain to you, and justify my opinion that the present amount paid for the service is not excessive, and that while, as Senator TELLER remarked, "most everything else had been reduced, excepting the railroads, and they should come down also," the facts are that so many improvements have been made in the facilities given the Department, the greater number of trains placed at its disposal, and so much more than was formerly required—asked of them—that I am sure a reduction would operate against the interest of the Department.

There is a declaration by an officer charged especially to look after that question, and he says "I am sure that a reduction would result in injury to the Department." In what way? The gentleman means that it would cripple the mail service to the people of the United States.

Mr. ELKINS. May I ask the Senator a question?

Mr. CULLOM. Certainly.

Mr. ELKINS. Is there any objection to letting both of these commissions go on and have the fullest kind of an investigation?

Mr. CULLOM. I have had the idea myself that it was particularly within the purview of the Committee on Post-Offices and Post-Roads to make the investigation as to the rate of postage, as to what should be allowed to be carried in the mails, and at what rate, and as these appropriations come to the Committee on Appropriations from the other House, carrying with them millions of

dollars, it becomes our special duty, so long as that function is devolved upon the Committee on Appropriations, to ascertain specifically whether these amounts are necessary and right.

Mr. ELKINS. Will the Senator yield to me for one moment?

Mr. CULLOM. Certainly.

Mr. ELKINS. Are the two propositions inconsistent? Why not have both of these commissions?

Mr. CULLOM. If the Committee on Post-Offices and Post-Roads desire their amendment adopted as a separate measure, all right. I have no objection to it; and let them make the investigation in reference to those particular features.

Mr. ELKINS. With the understanding that both commissions will go on and be authorized by Congress to investigate. Is there any objection to that?

Mr. CULLOM. That is a matter for the Senate to determine. I wish to read a little further from this letter:

If I remember correctly, I gave you my views of the subject of ownership of the postal cars; therefore will not trouble you with it again, except to say there would be no advantage in such an ownership, with almost a certain great disadvantage and unnecessary expense.

Mr. President, the Committee on Appropriations have felt that possibly the amount paid for the transportation of mails is too great. I remember two years ago, I think it was, when the distinguished Senator from Wisconsin [Mr. VILAS] who is now in the chair, raised that question, that he was very strongly impressed with the feeling that we were paying too much. I sympathized with that feeling, and yet the Committee on Appropriations not having special charge of postal matters, we went on with the best light we could get at that time, and sustained the rates that were in the bill and that the law provided for, I believe.

So another year came along, and another, and here we are again having to face the same question. So far as I am concerned, I have become tired of it. Before I have to vote upon another appropriation bill for the postal service I wish to have some report that will demonstrate whether we are paying too much or paying too little, or whether the present rate is right. Now, that is all there is in it.

I wish to say another thing. We can not deal with the question of appropriations for the mail service as though it were a matter of no consequence whether or not we cripple the service. The postal service is nearer to the great body of the people of this country than any other public service that is rendered. It comes to every man's door. Every man, woman, and child are interested. We have got in the way of having fast mails, rapid postal service, and extending it all over the country, and the committee which would blindly adopt a policy that would result in crippling the service as we have it to-day would be condemned at once by the people of the whole United States. So it is that the Committee on Appropriations have hesitated to take any steps, from time to time, looking to an investigation. The Post-Office Committee have had the opportunity of doing so. We felt this year, however, in view of the fact that the increase in the appropriation seemed to be larger than usual, and as the question was raised whether we should make a cut of 20 per cent or 10 per cent upon the amount appropriated for carrying the mails, that it was time for us to take a step to find out exactly what the truth is about it; and hence the proposition for a commission, reported by the chairman of the committee.

I hope there will be no feeling about it. I am sure I have none. I have believed, in spite of the report of the Post-Office Department, that perhaps there ought to be a cut, but I am not willing to do it so far as my own vote goes until I know more about it than any of us know to-day.

Mr. BURROWS. Mr. President, I agree with the Senator from Rhode Island that this is a very simple matter. There are many things about which there is not the slightest controversy. One is that the Post-Office Department is not self-sustaining. Secondly, the impression prevails that there is extravagance in connection with its administration, and that there is a broad field for reform. So far, we are all agreed, and the only controversy presented to the Senate at this time is how this reform shall be brought about. It is agreed that in order to inaugurate the reform intelligently it is an essential prerequisite that an investigation shall take place.

It is proposed by the Committee on Appropriations to create a commission consisting of three Senators and three members of the other House, to be appointed as indicated in the amendment, and to appropriate the sum of $50,000 for the expenses of the commission authorized by the amendment, to employ two experts, and to report the result of the investigation to Congress February next. The Committee on Post-Offices and Post-Roads, charged especially with the examination of questions connected with the postal service, have for a long time been conducting an investigation looking to reform in this Department. I have before me the testimony taken by that committee, numbering nearly 225 pages of printed matter, and upon that investigation the committee have made a report that an investigation ought to be had.

It seems to me as a matter of business (because that is all there is in this question) that the suggestions embodied in the amendment by the Senator from New Hampshire [Mr. CHANDLER], the acting chairman of the Committee on Post-Offices and Post-Roads, is most wise. It creates a commission by making the chairman of the Committee on Post-Offices and Post-Roads of the Senate a member of that commission; secondly, it makes the chairman of the Committee on Post-Offices and Post-Roads of the other House a member of the commission; and, thirdly, it constitutes the Postmaster-General a member, and then authorizes the President to appoint two civilians.

In making a commission of this kind some regard ought to be had for the qualifications of the members constituting it. The Committee on Post-Offices and Post-Roads, as I have said, have had this subject under investigation and examination, and while I have no desire to intimate at all that the Committee on Appropriations is not perhaps possessed of great information, yet I do submit that the Committee on Post-Offices and Post-Roads of the Senate, having had the matter under consideration, with that knowledge and with this vast amount of evidence before the committee, will be at once prepared to enter upon a thorough and intelligent investigation of the subject. So the chairman of the Committee on Post-Offices and Post-Roads of the House is fully qualified to act as a member of the commission. Then it is provided also that the commission shall have as one of its members the Postmaster-General, as I have said, which would bring to the deliberations of the commission the entire and the accumulated knowledge of the Post-Office Department to aid the commission in its investigation. Then add to this commission two civilians, appointed by the President, and you will have a commission that will make a thorough and complete investigation of the subject.

Then, too, the expense attending it is very much less than that proposed by the Committee on Appropriations, whose proposition is to appropriate $50,000 for the investigation. Of course, the members of the commission from the Senate and the members of the commission from the House will receive no compensation, but the $50,000 is for the two experts to be employed. It seems to be a very liberal appropriation. Under the amendment desired by the Senator from New Hampshire but $10,000 is to be appropriated. I therefore favor, and favor most heartily as a business proposition and as a sensible proposition, the amendment proposed by the Senator from New Hampshire. I am at an utter loss to understand why the Committee on Appropriations, desiring the investigation as we do, will not consent to that method, and I have yet to hear one suggestion from anyone of any objection to the method of investigation proposed by the Senator from New Hampshire.

I have no desire to say anything about the question of distributing the appropriation bills. My views, I think, are known upon that question. The present method of considering appropriation bills is one of the absurd things in the rules of the Senate. The time will come, I do not know when, when the various committees of the Senate having jurisdiction of a particular subject will have the appropriation connected with that branch of the service in charge also. I say I do not know when that will come.

This measure, the Loud bill, went to the Committee on Post-Offices and Post-Roads because it is the only committee having jurisdiction of the subject, and, as I said before, we made as thorough and complete an examination of it as possible and reported from that committee a proposition for a commission, and the amendment offered by the Senator from New Hampshire is that proposition slightly modified. Now, the work having been done by the Committee on Post-Offices and Post-Roads, it is proposed to take the matter away from their jurisdiction, and the suggestions of the Committee on Post-Offices and Post-Roads are to be utterly ignored after the hearings have been had before that committee, covering 225 pages, against a hearing covering only 30 pages before the Committee on Appropriations. I care nothing about that. I simply say that as a business proposition the plan suggested by the Senator from New Hampshire, which has the cordial support of the Committee on Post-Offices and Post-Roads, is the wise, sensible, efficient manner of reaching a conclusion in this matter.

Mr. BUTLER. I have the consent of the acting chairman of the Committee on Post-Offices and Post-Roads to offer an amendment to the amendment, which he will accept and incorporate as a part of the amendment.

The PRESIDING OFFICER (Mr. VILAS in the chair). The amendment to the amendment will be stated.

The SECRETARY. At the end of line 3, after the word "mails," it is proposed to insert:

The reduction of the cost of railway-car service and the advisability of the Government owning the postal cars necessary and paying the railways mileage rates for hauling the same.

Mr. BUTLER. That is one of the subjects to be investigated.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. BUTLER. Certainly.

Mr. HOAR. Mr. President, I do not wish to say anything about the general question between the Committee on Post-Offices and Post-Roads and the Committee on Appropriations, and still less about the very important question of changing what the experience of the Senate for a great many years has established, the system and jurisdiction of our committees, but I wish to express my protest and my earnest disapprobation of all these schemes for making commissions which are to be composed partly of members of the Senate and the House and partly of persons appointed by some other authority, whether the President of the United States or anybody else. The members of the Senate who go on one of these commissions go on there as a committee of the Senate. It is a legislative function and a legislative function of the highest importance and dignity in this world, certainly in this country, and I do not conceive that we have the right to impose upon our members the duty of acting upon committees with other persons on an equality.

Now, how are they to report? It may very well be that this report, which is in substance nothing but the report of a committee of the Senate or of a joint committee of the two Houses, will be made in opposition to the opinion of every member of this body, and we shall have here introduced into the Senate in the ordinary legislative way propositions and conclusions which the persons who introduce them as a committee can not defend conscientiously, because they are opposed to the conclusions and which there is no one else to defend.

I conceive that whether this body, which is the investigating board, is to be a committee of this body alone or not (and I think the same criticism applies to this plan which is urged in regard to the labor commission), the committee of this body, or of this and the other House, should have the authority, and the other persons, whether appointed by the President or not, should be experts, making the investigation under their direction, I believe it would be a serious surrender of the dignity and the authority of the Senate to undertake to constitute a commission of the class proposed.

I like the scheme of having whoever is appointed by this body employ its experts, direct them to make such investigation for them as they see fit, and direct them to express their expert opinions if they see fit. The experts may be appointed by the President of the United States and brought in, just as we might take officers of the Navy and Army and call them before a committee and get their results. But it seems to me that we shall find it an infinitely awkward and mischievous principle if we undertake to inaugurate the practice of having boards into which we send our committees, nominally as equals but not equals, because the number of the board is sufficient to overthrow the representatives of the Senate in all cases.

You have an investigation proposed. The members of the Senate who are on this commission want a certain kind of an investigation; they know what the Senate desires; they know what the Senate wants to learn; they know what they themselves desire to learn as a committee having the subject in charge, and then the experts come in and say: "We will vote you down and will not come into that. We think we want a certain other inquiry, which will not help the Senate in the least in your opinion, but in our opinion it ought to be made, and we will not ask one of the questions that you want to put, but all the questions we ask will be questions you do not want to put."

Mr. President, this is a subject on which I should like to spend twenty or thirty minutes. There are a good many other reasons which could be stated, but I have not time to do it, because I have something else to do; but I wished simply to make these remarks, not as an argument, but as a protest against the whole plan and system.

RECESS.

The PRESIDING OFFICER (at 6 o'clock p. m.). The hour of 6 o'clock having arrived, the order of the Senate takes effect, and a recess will take place until 8 o'clock to-night.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House returned to the Senate, in compliance with its request, the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

The message also announced that the House had passed the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes;

A bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder;

A bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;"

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" and

A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian government;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A bill (S. 3340) authorizing Herbert D. A. Pierce to accept a medal from the Russian Government;

A bill (S. 3725) to prevent the importation of impure and unwholesome tea;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 5128) to increase the pension of Jere Smith;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkes;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain; and

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France.

PETITION.

Mr. PEFFER presented the petition of S. Henneigh and sundry other citizens of Kansas City, Kans., and the petition of Rev. W. B. Slutz, of Wichita, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

BILL INTRODUCED.

Mr. CALL introduced a bill (S. 3733) granting a pension to Elizabeth Pittman; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. WILSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10090) to amend an act entitled "An act to regulate commerce," was read twice by its title.

Mr. CULLOM. I ask that that bill may remain upon the table for the present.

The VICE-PRESIDENT. It will be so ordered.

The bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin," was read twice by its title.

Mr. QUAY. I ask that the bill may lie on the table.

Mr. VILAS. I supposed it should go to the Committee on Commerce.

Mr. QUAY. The same bill has already been reported from the Committee on Commerce.

Mr. VILAS. I should like to be heard before the Committee on Commerce upon this bill.

Mr. QUAY. It is the same bill which was reported some time ago by the Senator from Missouri [Mr. VEST].

Mr. VILAS. I would be very glad to have the committee consider it.

Mr. QUAY. I do not think the Senator would gain anything by a reference of the bill. I move that the bill lie on the table.

Mr. VILAS. That is not the proper motion.

Mr. ALLISON. The bill would naturally lie on the table, unless there is some specific disposition made of it.

The VICE-PRESIDENT. The bill will lie on the table.

The bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, was read twice by its title.

Mr. PERKINS. As this is substantially Senate bill 3533 upon our Calendar, I ask that Senate bill 3533 be indefinitely postponed, and that this bill be substituted in its place on the Calendar.

The VICE-PRESIDENT. In the absence of objecteon, it will be so ordered.

ALABAMA RIVER BRIDGE.

Mr. MORGAN. Before we proceed with the appropriation bill I ask unanimous consent for the present consideration of a House bill.

The PRESIDING OFFICER (Mr. VILAS in the chair). The bill will be read by title.

Mr. ALLISON. I do not object to the consideration of this bill if it is an uncontroverted bill that in no way will lead to discussion.

Mr. MORGAN. There is no chance for discussion about it.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MORGAN. In line 13, I move to strike out the word "six" and insert the word "seven," so as to read "eighteen hundred and ninety-seven."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GRACELAND CEMETERY.

Mr. JONES of Arkansas. There is a House bill here to amend an act which authorizes the board of officers of a cemetery to sell certain property here in the city. It is only eight lines long, and I presume there can be no objection to it in the world. I ask unanimous consent that it may be taken up and put on its passage.

Mr. HAWLEY. What cemetery is it?

Mr. JONES of Arkansas. It is the Graceland Cemetery.

The PRESIDING OFFICER. The bill will be read for information.

Mr. ALLISON. To these little bills that lead to no debate or discussion I do not object, and for a few minutes may be considered.

Mr. GALLINGER. This bill will not lead to debate. It is a very important measure.

Mr. ALLISON. I do not object to its consideration, but I will object to any bills that in any way lead to debate.

Mr. CHANDLER. It is the Graceland Cemetery bill, and it ought to be passed.

Mr. GALLINGER. By all means.

The Secretary read the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH P. PATTON.

Mr. HAWLEY. The bill (H. R. 10290) for the relief of Joseph P. Patton proposes to relieve a man from an unjust dismissal. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to correct the record of the War Department in the case of Joseph P. Patton, late first lieutenant of Company C, Fifth Regiment of Ohio Volunteer Cavalry, by revoking the order of his dismissal and granting him an honorable discharge, to date September 21, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHIAS PEDERSEN.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4310) for the relief of Mathias Pedersen, to report it favorably without amendment. It is a small bill, and as it is a House bill and involves only a question of $300, I ask that it may be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mathias Pedersen, late of Spring Valley, Rock County, Wis., $300, being the sum unlawfully collected from him on November 27, 1863, by the board of enrollment, namely, $300, to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. GORMAN. I report from the Committee on Printing a joint resolution and ask for its present consideration.

The joint resolution (S. R. 209) regulating the distribution of public documents was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the time allowed members of the Fifty-fourth Congress to distribute public documents now to their credit, or to the credit of their respective districts or States, in the Government Printing Office, the Interior Department, the Navy Department, or any other Department or Bureau, and to present the names of libraries, public institutions, and individuals to receive such documents, be, and the same is hereby, extended to December 1, 1897, and the time for such distribution by members of Congress who have been or may hereafter be reelected, shall continue during their successive terms and until their right to frank documents shall cease.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS IN CUBA.

Mr. GORMAN. I report from the Committee on Printing the notes of a hearing before a subcommittee of the Committee on Foreign Relations on the condition of affairs in Cuba. I move that the hearing be printed as a document, so that every Senator may be able to get a copy of it.

The motion was agreed to.

INDIAN DEPREDATIONS.

Mr. BROWN. I ask leave to call up Senate bill 2726. It is a bill that there has been some little demand to have taken up. It is a short bill.

The PRESIDING OFFICER. The bill will be read for information.

Mr. ALLISON. I do not object to the consideration of the bill if it does not give rise to debate.

The Secretary read the bill (S. 2726) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. CHANDLER. I object to the consideration of that bill.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

HOUSE BILLS REFERRED.

The bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

IMPERSONATION OF DISTRICT INSPECTORS OF HEALTH.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia. It is an important bill that will not lead to discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. M'RAE.

Mr. BACON. I ask the Senate to consider the bill (H. R. 610) for the relief of John F. McRae.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John F. McRae, of the county of Telfair, in the State of Georgia, $462, for services rendered as deputy United States marshal of Georgia in the year 1859.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES DEAL.

Mr. ALLEN. I desire to make a favorable report from the Committee on Claims. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 5597) for the relief of Charles Deal, to report the same.

Mr. HILL. A similar bill passed the Senate and House at a previous session and went to the President, and got there five minutes too late. It is again reported, and I should like to have present consideration. It will take but a moment.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles Deal, late a deputy collector of customs at Champlain, N. Y., $240.04 for expenses incurred by him in the case of Hugh O'Hara against said Deal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

BURIAL IN NATIONAL CEMETERIES.

Mr. HAWLEY. I have just one more bill. Of the nurses who served during the war there are a few survivors. Some of them desire to be buried in a national cemetery, near the men they cared for. This bill gives the legal permission.

The PRESIDING OFFICER. The Senator from Connecticut asks for the present consideration of a bill, which will be read for information.

The Secretary read the bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries.

Mr. ALLISON. After this bill is disposed of, I desire to call for the regular order.

Mr. QUAY. I trust the Senator from Iowa will pardon me while I call up a bill which I think will create no discussion.

The PRESIDING OFFICER. Is there objection to the bill called up by the Senator from Connecticut [Mr. HAWLEY], and which has been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I will hear the Senator from Pennsylvania.

Mr. QUAY. I was about to ask the Senate to take up the bill the consideration of which I moved just previous to the adjournment last night. It is what is known as the Little bill, and prevents the sale of intoxicating liquors in the Capitol.

Mr. HILL. I object.

The PRESIDING OFFICER. Objection is made.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: After the word "to," in line 8 of section 1, insert the word "be;" and the Senate agree to the same.

That the House recede from its disagreement to the second, third, fourth, fifth, and sixth amendments of the Senate, and agree to the same.

JAMES McMILLAN,
CHAS. J. FAULKNER,
LUCIEN BAKER,
Managers on the part of the Senate.

G. M. CURTIS,
AD. MEYER,
Managers on the part of the House.

Mr. HILL. What are those amendments; the second, third, fourth, fifth, and sixth?

Mr. McMILLAN. Amendments simply putting in the word "agent," so as to read "owner or agent," and to cover the property that is owned by agents in the District of Columbia. That is all. The House conferees agreed to the amendments of the Senate.

Mr. WHITE. I will inquire if that expression is involved in the definition of a penalty. Is the use of the word "agent" in the definition of a penalty in the original bill?

Mr. McMILLAN. It simply gives notice to agents, so that agents will be notified as well as owners, that snow and ice shall be cleared from the sidewalks.

Mr. WHITE. It requires notice to the agents?

Mr. McMILLAN. Yes, sir.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, reported it without amendment.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I call for the regular order.

The PRESIDING OFFICER. The Senator from Iowa calls for the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1893.

Mr. QUAY. If the Senator from Iowa will permit me. I will take the floor for one moment on the regular order.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. ALLISON. The Senator from Pennsylvania says that he has something to say in connection with the appropriation bill.

Mr. QUAY. A practical elucidation of the relations between the Post-Office Department and the railway companies, which throws a deal of light upon the question of the propriety of the present appropriation to those companies, is contained in a letter to the distinguished Senator from Iowa, the chairman of the committee, from Mr. Neilson, the Second Assistant Postmaster-General, which I desire to put on record as a part of my remarks, and the only remarks I propose to make, on the pending amendment, and I send it to the desk to be read. If the Senator from

Iowa would prefer, I will have it printed in the RECORD without reading.

Mr. ALLISON. I hope the Senator will allow the letter to be printed in the RECORD without reading.

Mr. QUAY. That is satisfactory.

Mr. ALLISON. It is on the table of Senators.

The PRESIDING OFFICER. The letter will be printed in the RECORD, in the absence of objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 20, 1897.

DEAR SIR: In compliance with your instructions of Saturday morning, I beg to submit the following data, which I trust will be of service to your committee in their search for information in regard to the transportation expenses of this Department in connection with the question of proper and just remuneration to the railroads for such service as they render the Government in transporting the mails. I am particularly gratified at being thus permitted to give you the facts, because I fear some of the gentlemen of your committee did not fully appreciate the embarrassment of Captain White and myself in not being able to supply, at a moment's notice, all the information they required. This is a very large and important question; one that can not be treated or explained without most careful preparation for fear of misleading those who are interested in the importance of the service, and the obligation to the Government that I feel rests upon a few of us who have the management of the details in giving correct information from the postal-service standpoint.

The necessity of treating this very important question most cautiously is impressed upon us who daily handle the mails and realize the necessity of frequent and fast service, and the value of a desire on the part of the transportation companies to meet any requirement of the service. If all profit or advantage to these transportation companies is eliminated, I am satisfied the result which will naturally follow, by a loss of interest on their part, will redound to the disadvantage of the Department and loss of revenue by a falling off of first-class mail, which we are rapidly building up with the present arrangement and help of the railroads. I fully realize that the general idea of the service and possibilities differ from those I have endeavored to impress upon the gentlemen of your committee, and also some of the members of the House, but I feel it is my duty to state that which I know to be true and believe to be for the best interest of the service.

The backbone of the mail service is the railroad. To insure success to the Department and satisfaction to the public, the arrangements between the Department and railroads must, of necessity, be agreeable and satisfactory to both. This relationship can hardly be hoped for should close bargains be driven or the service be forced at a loss, or at less than cost; and I beg to suggest that any modifications and changes should only be made after a most careful and arduous investigation; made by such experts as you have at your command, who, I am sure, would at the same time gain much valuable information upon the question of properly adjusting the postal rates and classifications, which evidently need proper treatment.

As a sample of facts shown by the attached statements, I beg to call your particular attention to the line spoken of between Philadelphia and Pittsburg on the Pennsylvania Railroad. Train 7 runs seven times a week between the above points. The distance is 353.8 miles. It is a special mail train consisting of six cars entirely for Department use. Four of them are 60-foot postal cars paid for by the Department at the rate of $50 per mile per annum, which covers the service both ways, which is the case in all car allowances, making the actual pay $25 per mile per annum, which makes the cost to the Government per mile run 6¼ cents per car, amounting to $24.18 per car per trip for the use of the car alone. The other two are 60-foot storage cars which are not paid for. The total weight of mail carried in the six cars is 70,513 pounds, or 35 tons, a load that could easily be carried in the storage cars without the expense of the postal cars if the Government does not care to do post-office work in separations, etc., en route. I bring in this point here because Senator TELLER was disappointed that I did not give more items.

I will, therefore, show each point I can and trust you will pardon me if I quote too many. In other words, the railroad company could easily accommodate the load of mail in two cars and have the four other cars for other service if the Department did not require these additional facilities for postal work. About 4 tons of mail is properly accredited to each postal car, which cost for transportation (or weight) 23 cents per mile run, 353 miles gives $81.19, which, added to the $24.18 paid for car service, makes $105.32 per car for the run from Philadelphia to Pittsburg—353.7 miles. You will of course observe that practically one-fourth of the $105.32 is for post-office use. Consider this train from another standpoint. Were there no postal cars needed, the Government might be saved the entire expense of the four cars—$96.72 per trip—and the railroad permitted to earn additional revenue on this train by catering to other service to the extent of four cars, or two-thirds of the train. The above is the practical description of the special-train service, which must also be considered from the general-service standpoint of which it is a more important feature, drawing, as it does, nearly all the pay for the route.

This road provides 50 trains one way on our schedule. The 49 other trains, nearly all of which are daily, show a difference in cost of from one-half of this amount per trip or per mile to nine one-thousandths of a cent per mile, and less than one-half a cent per mile for 33 of these trains. While 1 train shows (special mail train 7) expense of $105.32 per car, there are 33 trains upon which you have more or less service for various mileage, receive an amount equal to $1.76 per trip of 353 miles, or practically nothing for the service. This is introduced as an example of the point I endeavored to make on Saturday, of service rendered for practically nothing on the majority of trains run on the large roads.

I do not understand that any one questions the propriety of the pay, at present, as applied to smaller roads, or roads transporting small quantities of mail. I have, therefore, selected the larger roads in hopes of showing you that which is true, that the roads with the greater service in reality render as much, if not more, service in proportion to the pay received than the smaller ones. To illustrate the peculiarities of the service on large roads, as compared with that of the smaller roads who only furnish a few trains each way daily, the road mentioned as having 50 trains west bound, seven and six times a week service, has 5 trains with postal cars, 7 trains with compartments, and 38 trains on which the mail is handled by baggage masters in baggage cars at almost no cost to the Government.

Some of the incidental expenses that the transportation companies are obliged to incur in carrying the mails may be classified thus: Laborers at large stations for handling and transporting the mails, and the delivery of mails to all post-offices, except at terminal points and those beyond the regulation distance. These two items alone cost from 15 to 20 per cent of the total amount received from the Government. There are 40,000 post-offices served by the railroads in this country. Seven thousand of them have what is known as mail-messenger service, which is paid for by the Government at a cost of $1,175,000. There are 33,000 post-offices supplied at the expense of the railroads because they are within the 80-rod distance. This would be three times the expense of the 7,000 post-offices to the Government, or about 10 per cent of the entire railroad allowance. The same companies are obliged to furnish office and transfer rooms, including light and fuel. The expense of the above items is very much larger in proportion to the service on Eastern than on Western roads, on account of the frequency of transfer junctions, value of property, number of post-offices, large towns, etc.

There are two other important factors in the question that slipped my mind in the verbal description. The transportation of postal clerks and officers of the Department, including inspectors and other employees, and the liability for accidents, both personal and otherwise. Transportation is furnished to the entire number of postal clerks and others of the Department while on duty to the extent of, say, 3,000 persons daily, $3 per day, which would be an inside estimate of the cost of the tickets if the Government was required to purchase transportation. This would amount to $15,000 per day, or a total of $4,695,000 per year of three hundred and thirteen days. My impression is that an actual count of those using the Government commission, or an order for free transportation, would greatly exceed this amount and would come much nearer half as much again.

The accidents referred to are of two kinds: One to the postal clerk (who rides free of charge), who, in case of injuries received while on the trains, usually brings suit against the companies and recovers damages for personal injuries; the other for damage done to persons or property by the postal clerk by carelessly throwing off pouches while the train is in motion. There are quite a number of personal cases against the companies in process of settlement all the time. We have no records of either these cases or the number of cases of damage caused by the carelessness of clerks, but I can safely assure you that it amounts to a large sum of money. As an illustration: The last year of my service on the Cincinnati, Hamilton and Dayton Railroad I paid out $7,500 for the carelessness of a postal clerk at one point in throwing pouches off on a platform full of people waiting for the train, injuring badly three and slightly five persons. Our entire mail service paid us $90,000 a year. So 8 per cent of the entire revenue for one year was paid out on account of one accident. You, of course, understand there is no way the railroads can recover any such money from the Government.

The postal-car question is one that I fear has never been fully understood. It appears to be the general idea and belief that the railroad companies would, of necessity, be obliged to furnish such cars for the transportation of mails whether paid for them or not. This is not the case with either the postal car or the combination or partial car, for which they are not paid. In the case of the postal car the illustration given in the Pennsylvania Railroad train 7 case, in the beginning of this report, is a fair sample. Two storage cars would perform the service as far as the railroad portion of the responsibility and necessities are concerned, and not be overloaded with the 35 tons.

The additional four cars simply add to the expenses in hauling, maintaining, original cost, etc. In the case of trains with only one postal car, without a storage car, the mail so hauled, were it not for the Government necessities of working in transit, would find a place in the ordinary baggage car without expense to them of hauling the postal car, maintaining, original cost, etc., as above. I think this will illustrate to you the fact that the railroads really have no use for the postal car that we require them to furnish, equipped in such a manner that it can not possibly be used for any other purpose.

The combination (or partial car) is a somewhat similar expense. On lines that do not require a full 40-foot car, and where the Government requires the service for separation of one or more postal clerks, the railroad companies are required to partition off a portion of the baggage car, from 15 to 40 feet in length, fitting up this space in the same manner as a postal car for a mail service, say of from 250 to 2,500 pounds of mail. They are given no allowance for the special use of this portion of the car, while it really causes the use of the baggage car, because if this space were not required for postal work the railroads, in most cases, would run a combination baggage and smoking car in place of the baggage car and a smoker, with the small quantity of mail stored in one portion of the baggage end, thus saving expense in handling one car, maintaining, and original cost.

The revenue of a 60-foot postal car, at $25 per mile run, to a railroad company is about $8,000; cost of hauling about $14,000; maintaining, lighting, heating, etc., about $1,200, making a shortage on that account alone of $7,200 per annum, allowing nothing for interest, renewal of car used up in ten years, replacement in case of accident, etc., upon an investment and possible loss of $6,000. The above case is figured out upon the most flattering terms, i. e., $50 per mile per annum for a 60-foot car both ways, or $25 one way.

The facts of the case are different, because the Government is paying for more 40 and 50 foot cars than for 60-foot cars. A 40-foot car, at $25 per annum, only pays half the amount given a 60-foot; a 50-foot car pays a little more than a 40-foot car, while the expenses are in a general way, excepting that of construction, about the same for each of the three sizes. It is hard to say what is most important and where lines in the service can be drawn. Each person is interested in his one or two letters as much as those who mail hundreds. The first-class mail will naturally be the money earner of the Department. To increase that, every effort should be made.

The Department is making great efforts to improve what might be termed local short-haul mail. To do this combination cars and postal clerks are needed. A very few pounds—say, roughly, 5—will pay the Government expense of clerks; but the value to the railroad company who furnishes the partial car is so near nothing it would hardly be considered. This service is most important to country and suburban districts, and is being pushed there.

If I had the data to give you what might be termed the grand totals of all service, including actual mileage, weights, etc., taking into consideration all service, I am satisfied your committee would be astonished at the low rate shown.

Our estimates show an average of 406 pounds of mail per train mile, the actual cost of which to the Government is 10.76 cents per mile run, giving a rate of about two one-hundredths of a cent per pound per mile.

I have added such statements as could be prepared in so short a time, and trust this explanation may make them plain to you, and justify my opinion that the present amount paid for the service is not excessive, and that while, as Senator TELLER remarked, "most everything else had been reduced excepting the railroads, and they should come down also," the facts are that so many improvements have been made in the facilities given the Department, the greater number of trains placed at its disposal, and so much more than was formally required—asked of them—that I am sure a reduction would operate against the interest of the Department. If I remember correctly, I gave you my views of the subject of ownership of the postal cars; therefore, will not trouble you with it again, except to say there would be no advantage in such an ownership, with almost a certain great disadvantage and unnecessary expense.

I believe the work of a competent committee would result in a great benefit to the Department. Much valuable information would be gained and many of the misunderstood features would be cleared up and properly explained, and I feel satisfied would do much to indorse the idea that I have

endeavored to make plain, in addition to offering such suggestions as they might see proper as to the newspaper and other bulky service, which can be handled to the advantage of the postal revenue under the same circumstances.

With great respect, I am, very truly,

C. NEILSON,
Second Assistant Postmaster-General.

HON. WILLIAM B. ALLISON,
Chairman Appropriations Committee, United States Senate, Washington, D. C.

Statement showing the cost of transportation and railway post-office cars per trip and the cost per mile per trip of trains on certain routes.

	Transportation.	Railway post-office cars.
Route 107011, New York to Buffalo, N. Y., 439.5 miles; New York Central and Hudson River R. R. Co.		
Train 11, west bound	$1,118.72	$150.52
Train 14, east bound	255.45	30.10
Total cost per round trip	1,674.17	180.62
Average	837.08½	90.31
Cost per mile, west bound	3.22	.34
Cost per mile, east bound	.58	.06
Total cost per mile (both ways)	3.80	.40
Average	1.90	.19
Train 3, west bound	150.32	35.10
Train 2, east bound	69.39	35.10
Total cost per round trip	219.71	70.20
Average	109.85	35.10
Cost per mile, west bound	.34	.07
Cost per mile, east bound	.15	.07
Total cost per mile	.49	.14
Average	.24½	.07
Route 104035, Boston to Providence, 43.98 miles; New York, New Haven and Hartford R. R. Co.		
Train 6, east bound	13.71	2.81
Train 57, west bound	8.29	2.81
Cost per round trip	22.00	5.62
Average	11.00	2.81
Cost per mile, outward	.31	.06
Cost per mile, inward	.18	.06
Total cost per mile	.49	.12
Average	.24½	.06
Route 135003, Chicago, Ill., to Union Pacific Transfer, Iowa, 489.9 miles; Chicago and Northwestern Rwy. Co.		
Train 15, west bound	221.57	24.24
Train 8, east bound	70.91	24.24
Cost per round trip	292.48	48.48
Average	146.00	24.24
Cost per mile, west bound	.45	.04
Cost per mile, east bound	.14	.04
Total cost per mile	.59	.08
Average	.29½	.04
Route 135001, Chicago, Ill., to Milwaukee, Wis., 85 miles; Chicago and Northwestern Rwy. Co.		
Train 13, west bound	17.38	4.68
Train 2, east bound	9.32	4.68
Cost per round trip	23.70	9.36
Average	13.35	4.68
Cost per mile, west bound	.20	.05
Cost per mile, east bound	.10	.05
Total cost per mile	.30	.10
Average	.15	.05
Route 118013, Danville Junction (n. c.), Virginia, to Atlanta, Ga., 409.4 miles; Southern Rwy. Co.		
Train 35, south bound	345.00	32.90
Train 36, north bound	82.17	32.90
Cost per round trip	427.26	65.80
Average	213.63	32.90
Cost per mile, south bound	.84	.08
Cost per mile, north bound	.20	.08
Total cost per mile	1.04	.16
Average	.52	.08
Special facilities.		
Train 35, south bound	70.10	
Cost per mile	.17	

Route 107011, New York to Buffalo, 439.53 miles; New York Central and Hudson River Railroad Company.

Train 11, west bound, carries 7 cars (5 postal and 2 storage); the railway post-office cost per train ($150.52) is for 5 postal cars, an average of $30.10
Average weight carried, 4 tons; transportation cost per car 109.12

Total 139.22

On this route there are 32 trains west bound carrying mail; 4 have postal cars, 28 have none. Sixteen of these trains cost less than $9 per trip for the entire service over whole distance.

Train 14 east bound carries four 60-foot railway post-office cars, for which the company is paid $10,987.50 per annum per car, or for each car per trip $30.10
Average weight carried per car about 2½ tons, for which the company receives $23,310.37 per annum, or for each trip 63.86

Total per trip per car 93.96

On this route there are 41 trains east bound carrying mails; 5 have postal cars, and the remainder have none. Twenty-two of these trains cost less than $9 per trip for the entire service over the route.

Train 3 carries one 60-foot railway post-office car, for which the company is paid $10,987.50 per annum, or for each trip $30.10
Average weight carried, 4½ tons, for which the company receives $47,062.06 per annum, equal to per trip 128.90

Total per trip 159.00

Train 2 carries one 60-foot railway post-office car, pay, $10,987.50 per annum, pay per trip 30.10
Average weight carried 2.4 tons, for which the company receives $21,720.81 per annum, equal to, per trip 59.48

Total per trip 89.58

Route 104035, Boston to Providence, 43.98 miles; New York, New Haven and Hartford Railroad Company.

Train 6 carries one 50-foot railway post-office car, for which the company receives $997.60 per annum, equal to, per trip $2.81
Average weight carried 4½ tons, for which the company receives $4,292.79 per annum, equal to, per trip 13.71

Total per trip 16.52

Train 57 carries one 50-foot railway post-office car, for which the company receives $879.60 per annum, being per trip 2.81
Average weight carried 2½ tons, for which the company receives $2,595.53 per annum, equal to, per trip 8.29

Total per trip 11.11

On this route there are 61 trains carrying mail. Of these, 4 carry railway post-office cars; 2, apartment cars, and the residue perform closed-pouch service over all or part of the route. On 53 trains the allowance per trip is less than $2.20.

Route 135003, Chicago, Ill., to Union Pacific Transfer, Iowa, 489.90 miles; Chicago and Northwestern Railway Company.

Train 15 carries two railway post-office cars, one of which is paid for at $8,848.75 per annum, being per trip $24.24
Average weight carried 3 tons, for which the company receive $40,486.62 per annum, being per trip 110.73

Total per trip 135.09

Train 8 carries one railway post-office car, which is paid for at $8,848.75 per annum, being per trip 24.24
Average weight carried 2 tons, for which the company receives $25,864.42 per annum, being per trip 70.91

Total per trip 95.15

On this route there are 21 trains which carry mail, on 9 of which railway post-office cars are operated over all or part of the route, 8 carry apartment cars, and 4 perform closed-pouch service. On 6 trains the allowance is less than $12 per trip.

Route 135001, Chicago to Milwaukee, 85 miles; Chicago and Northwestern Railway Company.

Train 13 carries one railway post-office car, for which the company is paid $1,710 per annum, being per trip $4.68
Average weight carried, 2½ tons, for which the company is paid $6,346.45 per annum, being per trip 17.38

Total per trip 22.06

Train 2 carries one railway post-office car, for which the company is paid $1,710 per annum, being per trip 4.68
Average weight carried, 1½ tons, for which the company is paid $3,404.94 per annum, being per trip 9.32

Total per trip 14.00

On this route there are 43 trains carrying mail over all or part of the route, 11 of which carry railway post-office or apartment cars, and the residue perform closed-pouch service. On 32 trains the allowance is less than $2 per trip.

Route 118013, Danville Junction to Atlanta, 409.40 miles; Southern Railway Company.

Train 35 carries two 60-foot railway post-office cars, for one of which the company is paid $10,235 per annum, being per trip $28.04
Average weight carried in one car estimated at 6 tons, for which the company is paid $62,978.93 per annum, being per trip 172.54

Pay per trip 200.58
Add for special facilities 70.10

Total 270.68

Train 36 carries two 60-foot cars, for one of which the company is paid $10,235 per annum, being per trip 28.04
Average weight carried in one car estimated at 3 tons, for which the company is paid $14,906.48 per annum, being per trip 41.08

Pay per trip 69.12

On this route 12 trains are carrying mail over all or part of its length. Railway post-office cars are carried on 8 of these trains, and apartment cars on 4 trains.

Route 12103, Dupont, Ga., to Port Tampa, Fla., 277.53 miles; Savannah, Florida and Western Railway Company.

Train 35 carries one 40-foot railway post-office car, for which the company is paid $3,420 per annum, or per trip	$9.37
Average weight carried, 2½ tons, for which the company receives $22,333.32 per annum, or per trip	61.18
Total per trip	70.55
Train 34 carries one 40-foot railway post-office, for which the company is paid $3,420 per annum, or per trip	9.37
Average weight carried, 1½ tons, for which the company receives $9,087.77 per annum, or per trip	24.89
Total per trip	34.26

On this route there are 12 trains carrying mail. Railway post-office cars are paid for on two trains. On 10 trains closed-pouch and apartment service is performed. On 5 trains the allowance is less than $3 per trip; on 4 it is less than $2 per trip.

Mr. ALLISON. I ask unanimous consent that the amendment under consideration when the Senate took a recess may be passed over until the Senate is fuller, and also the paragraph on page 8, beginning at line 17 and ending at line 3 on page 8, and that we may go on and consider the remainder of the bill.

Mr. GORMAN and others. That is right.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the pending amendment may be passed over and also the paragraph on page 8 of the bill. Is there objection? The Chair hears none, and it is so ordered.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 8, line 4, to increase the appropriation for railway post-office clerks from $8,000,000 to $8,182,000.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "thousand," to strike out "two hundred and twenty-five" and insert "three hundred;" and in the same line, after the word "dollars," to strike out "*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service" and insert "and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service in detail;" so as to make the clause read:

For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $209,000; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service in detail.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Fourth Assistant Postmaster-General," on page 11, line 14, before the word "thousand," to strike out "including salaries of inspectors, etc., and for per diem allowance to inspectors in the field while actually traveling on business of the Department at the rate of $3 per day, exclusive of Sundays excepting in cases of emergency, four hundred," and insert "three hundred and fifty-eight;" and in the same line, after the word "dollars," to strike out the following proviso:

Provided, That post-office inspectors, excepting those receiving salaries of $2,500 per annum, may be paid in excess of the $3 per diem allowed by this act for such items of actual and necessary personal expense incurred in the discharge of their official duties, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the date or dates which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects of, amounts of, and necessity for, such expenditures, may be accepted in lieu of the vouchers: *And provided further*, That post-office inspectors shall be paid, out of any money hereby appropriated, a salary at the rate of not exceeding the following: For first year's service, $1,200; second year, $1,400; third year, $1,600.

So as to make the clause read:

For mail depredations and post-office inspectors, $358,000.

Mr. CHANDLER. I should like to ask the Senator from Iowa what the effect is of these erasures upon the compensation, or rather upon the expense account, of the inspectors when they are in the field? The bill as it came from the House I understand reduced the allowance to inspectors from the present rate. Now, the Senate committee strikes all those provisions out. Does that leave the allowance to inspectors for expenses when traveling on business for the Department as now provided by law?

Mr. ALLISON. It does.

Mr. CHANDLER. That was the intention of the committee?

Mr. ALLISON. It was the intention of the committee to leave that matter as the law now provides.

Mr. CHANDLER. That will be the effect of the amendment?

Mr. BURROWS. It leaves their per diem pay the same as now?

Mr. ALLISON. The same as now.

Mr. CHANDLER. I will ask how the committee obtained the reduction of appropriation from $400,000 to $358,000? If the Senator can state, I should like to know why that was reduced.

Mr. ALLISON. This was the estimate of the Department. We did not feel that we had authority or that it was wise to exceed the estimate of the Department.

Mr. CHANDLER. The House enlarged the Department's estimate, then, I understand?

Mr. ALLISON. The House had enlarged the Department estimate. If the Senator will allow me a moment, I will state that the appropriation for the current year is $300,000. The Department estimate was $358,311. We left off the fractional hundreds and appropriated as the estimate of the Department provided for.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, after line 9, to strike out:

Section 413 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 413. The Postmaster-General shall make the following annual reports to Congress:

"First. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

"Second. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

"And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such number's as may be required by the exigencies of the service or by law."

Section 4020 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $4 a day; and the Auditor for the Post-Office Department shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway service, and to the appropriation for the free-delivery system the salary and per diem of the special agent detailed for that service."

Section 4048 of the Revised Statutes is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 13, line 21, after the word "detail," to insert "as far as practicable," and in line 22, after the word "service," to strike out "as provided in this appropriation act;" so as to make the clause read:

The Postmaster-General shall for the fiscal year 1899, and annually thereafter, submit in the annual estimates to Congress in detail, as far as practicable, for expenses of the free-delivery service.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLEN. I should like to ask the Senator from Iowa what effect it will have upon section 4 of the act of July 16, 1894, to make the change in line 3, on the last page, inserting the word "ten" where the word "seven" occurs?

Mr. ALLISON. Under the act of 1894 money orders may be destroyed at the end of ten years. They accumulate from year to year, so that there is an immense quantity, of course, in the crypt of the Post-Office Department. It is estimated by the authorities of the Post-Office Department that it is perfectly safe to destroy the money orders at the end of seven years rather than at the end of ten. So far as I have been able to examine the question, I think it might be reasonably done at the end of five years; but inasmuch as the House had fixed seven years, we did not in the committee propose a change.

Now, Mr. President, we will return to the amendment which was under consideration when the Senate took a recess.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The pending question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] to the amendment reported by the Committee on Appropriations, which will be read.

The Secretary read as follows:

That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the reduction of the cost of railway-car service, the advisability of the Government owning the postal cars necessary and paying the railways mileage rates for hauling the same, the adoption of 1-cent postage for single letters, and other like questions, shall be examined by a postal-reform commission of five, to consist of the two chairmen in the Senate and House of the present Committees on Post-Offices and Post-Roads, the Postmaster-General, and two citizens to be appointed by the President, who shall make their report and recommendation for legislation to the next Congress; and for the services of said civilian commissioners and the expenses of said commission the sum of $10,000 is hereby appropriated, to be immediately available, and to be expended according to the direction of the Postmaster-General; said commission to expire on the 31st day December, 1897.

Mr. CHANDLER. It occurs to me to say in reply to the remarks of the Senator from Massachusetts [Mr. HOAR], made just before the recess, that I do not think there is any objection to constituting a commission composed partly of members of the two Houses, the Senate and the House, and of civilians. The Senator from Massachusetts put himself upon record as opposed to a commission of that sort on the ground that possibly the members of Congress might find themselves outnumbered in such a commission, and then there would be an awkward result when their

report should be made to Congress. If a commission of this kind was invested with power to do things, I should think that criticism of the Senator might have some force. But it is a mere committee of inquiry. The gentlemen who compose a commission of this sort, taking the case we now have, a Senator, a member of the House, a Postmaster-General, and two civilians, will have no power vested in them. These gentlemen would have no power to do anything except to make inquiry. They ascertain facts.

It may be fairly presumed that a commission composed of such gentlemen as would meet on this occasion would make a safe investigating committee. They would not quarrel while they were ascertaining facts, and when the facts were ascertained and it became necessary to make a report to Congress it would not be material, if they happened to differ, that they should differ in their conclusions. It would be a difference fraught with no evil consequences. Each member of the commission, it might so happen, would make a separate report of his conclusion, and no harm would be done. I can not think that there is any gravity in the objections made by the Senator from Massachusetts, even if we supposed that the commission would split up, so to speak, in their opinions after ascertaining such facts as they could reach. On the other hand, the Senator from Massachusetts wholly overlooks the benefits to result if a commission of this kind should happen to be unanimous in its conclusion.

If we could have upon this important subject—the question of abuses in second-class matter, the question of the rates of postage on the various kinds of mail matter, and the question of the fair compensation to the railroads for transporting the mails—a commission, which should consist of a member of the House, the chairman of a committee, the chairman of the Committee on Post-Offices and Post-Roads; of a member of the Senate, the chairman of a committee, the chairman of the Committee on Post-Offices and Post-Roads; the Postmaster-General, and two eminent citizens, to be named by the President of the United States, and if we could have a unanimous report upon these questions from such a commission, surely a very important and valuable result would have been reached. The questions that now trouble us, that trouble the Committee on Post-Offices and Post-Roads, that give great anxiety and labor and tribulation to the Committee on Appropriations, would be solved in a way that would give satisfaction to the House and the Senate, and I doubt not to the American people.

So, Mr. President, while I respect highly the judgment on great questions and on small questions of the Senator from Massachusetts, I do not conceive that the reasons which he gave for opposing this commission as proposed by the Committee on Post-Offices and Post-Roads and favoring the commission proposed by the Senate Committee on Appropriations were forcible and valid reasons which ought to influence our action.

The commission as proposed by the Senate Committee on Appropriations is an anomaly. I have already called attention to the fact that the committee at first thought they could create a joint committee of the two Houses by act of Congress, and upon reflection they discovered that they ought not to create a joint committee, but that they can create a commission.

The Senator from Massachusetts says a commission composed wholly of members of Congress is all right and proper, but a commission composed partly of members of Congress and partly of public officials outside of Congress and partly of private citizens is objectionable. It seems to me that, considering the end which is sought to be accomplished here of a proper investigation, a useful investigation, by both the committees, the Senator from Massachusetts sticks in the bark when he objects to one method, to wit, the method of the Committee on Post-Offices and Post-Roads, and is willing to adopt the method proposed by the influential and potent and all-prevailing Committee on Appropriations.

I hope, therefore, that Senators who are willing to have a commission of any sort will think the commission proposed by the Committee on Post-Offices and Post-Roads just as good a commission as that which the Senate Committee on Appropriations in their wisdom have proposed to constitute.

Mr. GORMAN. Mr. President, the proposition that comes from the Committee on Appropriations for the appointment of a joint committee to investigate the question of mail transportation is the only one that could properly come from that committee at this time and under present conditions and circumstances. It is admitted on all sides that the expenditures of the Government have now reached a point that we must make an honest and earnest effort to reduce them, and to reduce them without in any way impairing the efficiency of the public service.

We have before us from the Departments estimates for the coming year amounting to over $530,000,000. Already up to this day the expenditures of the Government are exceeding the revenues by nearly $50,000,000 during the present portion of the fiscal year, and there is no bright prospect of any increase in the revenue and no way to meet the deficiency except to reduce the appropriations or increase taxation.

There has been a general belief that in the Post-Office Department, whose expenditures exceed by eight or nine million dollars the receipts of that Department, economies should be introduced without in any way impairing the efficiency of that great service which every man and woman and child in the United States is interested in; and the one item that seemed to attract the greatest attention of the Representatives of the people is the item which embraces over $30,000,000 for the transportation of the mails.

The former Postmasters-General have called attention sharply to that particular item. The distinguished Senator from Wisconsin [Mr. VILAS], who when Postmaster-General attempted himself, as Postmaster-General, as he had the power to a great extent to do under the law, to correct what were considered excessive payments on that account, succeeded to some extent. So far as I know, that is the only instance of any Postmaster-General in my time making any impress upon the payments on that account.

We have labored in Congress to correct that extravagance, if it be an extravagance. We have sought to gain information. The President of the United States has been requested to appoint commissioners to take testimony and to examine into the details and see whether the Government was paying too much to the transportation companies. We have tried a commission authorized by an act of Congress directing the Postmaster-General to make the investigation, and both of those commissions have been without fruit; no result whatever has come in the interest of the people; no recommendation either from the commission appointed by the President of the United States or that appointed by the Postmaster-General has come to Congress proposing any material reduction.

The only reductions which have been made have been made arbitrarily by Congress in spite of the reports of commissions. One reduction was arbitrarily made by the Appropriations Committee in the House of Representatives and the Senate, concurred in by both bodies; a reduction of 10 per cent, without regard to the service, and with very little knowledge except the general belief that we were paying too much. A second reduction of 10 per cent came. Both those reductions emanated from the great Appropriations Committee in a coordinate branch of the Government, and were concurred in by us.

Mr. President, when we considered this appropriation bill, with the estimates to which I have referred, and with the receipts of the Government before the committee, with the fact that the Post-Office Department is spending eight and ten million dollars more than its receipts, the one item that came up for reduction, so far as the committee was concerned, was this matter of transportation.

The other question, the question as to second-class mail matter and the rate of postage, was being dealt with by the Post-Office Committee of this body, and therefore the Appropriations Committee had naught to do with it. The Appropriations Committee were dealing with this expenditure, not with the policy of the Department as to the rate of postage or the class of matter which was to be embraced, but with this expenditure.

I submit to the Senate, to the Senator from New Hampshire, and to other Senators who have criticised the Committee on Appropriations, that we have dealt with the only branch of the question with which the Committee on Appropriations should have dealt. It was not one embraced in any other inquiry or investigation, and it belonged properly here to the Appropriations Committee. As was stated by the distinguished Senator from Colorado [Mr. TELLER], no reduction in the transportation rates has been made since 1878, and yet there has been a reduction in the cost of the transportation of everything on the face of the earth of nearly one-half since that date. The Committee on Appropriations were not prepared to make a reduction, for they had no data which showed what the reduction should be, and how great it should be.

The Post-Office Department as now constituted is opposed to any reduction whatever. That Department claims that they are not paying too much. They admit that there has been no reduction, while everything else has been reduced; but they say that it is their information that the increased cost to the railroads, the cost for increased bulk, has more than made up for what would be a proper reduction. The statements of those officers have not made any impression upon me. I believe that they are mistaken. All of the members of the committee were under the impression that the subject should be thoroughly inquired into. Inquired into how? In view of the past history of this matter, we believed that the best method was to inquire into it through members of this body and members of the other body, precisely as we inquired into the control and conduct of the great Departments of this Government, the Treasury Department, the Post-Office Department, and all the other Departments located in Washington, to see what reforms could be made and what economies could be introduced.

I know, and the country knows, that it has become the fashion in the newspaper press and through other sources to endeavor to make the public believe that there is extravagance in Congress; and yet I assert to-night that, notwithstanding we have had two

Democratic Administrations and one Republican Administration in the executive branch of the Government, there has not been in twelve years any recommendation or any act of the executive branch of the Government which has reduced these expenditures materially, and all of the reforms and all of the economies in this service have come alone through Congressional action and through Congressional inquiry.

Mr. CULLOM. Although the law gives the Department the authority to make such reforms.

Mr. GORMAN. I thank the Senator from Illinois for the suggestion. The law gives them perfect authority to institute these reforms, but we might as well look the facts squarely in the face, at least as to the Post-Office Department.

I said a moment ago that the only Postmaster-General within my knowledge who has attempted to deal with this question of mail transportation was the distinguished Senator from Wisconsin [Mr. VILAS]; but he had not left the Department six months before every economy he had introduced was wiped away, and the transportation companies practically not only received all they had received before, but their compensation has been constantly increasing from that day to this.

Mr. WHITE. Will the Senator from Maryland permit a question?

Mr. GORMAN. Yes.

Mr. WHITE. In the Senator's long service in this body when this question regarding the transportation of mails has arisen, does the Senator from Maryland know of any case, excepting the case of the Senator from Wisconsin when he was Postmaster-General, where, except on the part of Congress, there has been a bona fide effort to control this railroad extortion, which everyone seems to admit actually exists?

Mr. GORMAN. That was the statement I made, but it is made more clearly, however, by the honorable Senator from California.

I do not impute to the men who are in the Post-Office Department, or those who preceded them, a want of ability or of courage to act; but the fact is, Mr. President, that the great power of those corporations, who control everything, who are powerful enough to dictate policies and make and unmake public men, is so omnipotent that no executive officer has been found in the last twelve years, except in the single instance and to the extent to which I have indicated, who has attempted to reduce the compensation for mail transportation.

I have read the message of the present President of the United States asking this Congress to economize in its expenditures. I have seen statements emanating from the executive branch pointing out the extravagance of Congress, and yet when you come to turn to the estimates you find the very agents of the President who makes these declarations for economy sending Congress estimates higher than have ever before been made in the history of the Government; estimates which, on their face, amount to about $517,000,000 for the next fiscal year, omitting from the computation $17,000,000 more for rivers and harbors, for the improvement of which continuing contracts are made which will make the aggregate $534,000,000. I have seen executive officers preach economy and call attention to the extravagance of Congress, when I have not known this Administration or the preceding one to go substantially to work for the purpose of decreasing the expenditures of the Government in those matters which would not affect the general welfare or the proper conduct of the affairs of the Government.

You may take the matter of the reduction of the cost of your armor plate. Where did that come from? It came not from anyone who has the control of the purchase of armor or the technical knowledge in regard to it, but it emanated from the committee of which the distinguished Senator from New Hampshire is an honored member, the Committee on Naval Affairs. So it runs through all these great branches.

Now, I submit to the Senator from New Hampshire, practical as he is, and I submit to the Senate of the United States, that if we desire to make these reforms and bring about these economies we must take one subject at a time. The easiest way to kill a great reform and to promote extravagant expenditures is to preach economy, for one to declare himself as being better than his fellows, and then antagonize every proposition that goes to an actual and earnest reform. The easiest way to do it is to load down a proposition, to make it so broad that it will never reach a conclusion; and that, in my poor judgment, will be the result of the amendments offered by the distinguished Senator from New Hampshire, if they should be adopted. His proposition embraces within its scope more than can be handled by any one commission in the time named, for no commission could take up more than that one subject, which ramifies every section of the Union, which embraces every transportation line by rail and water in the United States; and with the best experts that they can get it will be all that they can do to bring to Congress in February next an intelligent statement of the real condition and the information which will enable us to determine what rates shall prevail hereafter.

That is all that is sought to be done; and why is it sought to be done in the way in which the committee proposed? I suppose I am not violating any confidence when I say that some of us on this side of the Chamber proposed that it should be by a commission appointed by the two presiding officers, the present Vice-President and the present Speaker of the House of Representatives. It so happens that there is a difference in the political faith of those two officers, but all of us have perfect confidence in their integrity. They would appoint a commission which would fairly represent both, if you please, of the great political parties of the country, although there is no politics in this matter of the payment for the transportation of the mails; but the appointment of a commission in that way would give confidence, and we should consider their recommendations as being more fair, when we come to deal with them hereafter, if there should be a fair representation made on a commission appointed by the presiding officers of the respective Houses.

It does seem to me, Mr. President, in view of these facts, and in view of the further fact that the matter embraced in the suggestion of the Senator from New Hampshire, covering the great policies of the Department, which affects the newspapers and publishers all over the country in the fixing of the rate of postage, is a matter of the highest legislation, belonging alone to the Post-Office Committee; and I should not have any objection at any time to empowering that committee with full authority to examine and report upon that subject whenever they see proper; but, in my judgment, you can not embrace such a provision on a great appropriation bill, whilst you may a question as to the fixing of compensation.

Mr. HAWLEY. Mr. President, I heartily sympathize in general with the views expressed by the Senator from Maryland, but I beg leave ask him whether he has overlooked—perhaps he has not—the fact that the railroad mileage has increased within the five or ten or twelve years of which the Senator has been speaking, I do not know how much, but perhaps 8 or 10 per cent, and that the population of the country since 1890 has doubtless increased not less than 11 or 12 per cent. So that if we suppose this compensation to have been correctly adjusted some twelve years ago, according to the increased bulk of the mails and the distance traversed, there would be a very natural growth of 8, 10, 12, or 15 per cent, roughly estimating, in the absolutely necessary and just expenditures of that Department fairly made. But I can not help sympathizing with those who believe that we have been paying more than necessary to the railroad companies for the transportation of our mails when we come to look at the rates at which they carry ordinary goods.

Mr. VILAS. Mr. President, I do not wish to occupy a very great length of time, but I want to make a few observations with respect to this matter.

The first idea in respect to our postal service is, as it seems to me, that it should be the best, the most efficient of any in the world, if we can make it so. Starting with that postulate, two other fundamental ideas in respect to this Government would seem to be absolutely recognized by everyone who will think of it. The first is that such a service should be obtained at the most reasonable cost; its economy should be a true economy—an excellent service, but at the lowest cost as well as the obtaining of the best service.

The next suggestion is that that cost should be assessed upon the beneficiaries of the service fairly. Our taxation for the support of the Post-Office Department is in the form of a special assessment intended to be corresponding in degree and extent with the benefits conferred upon those for whom the service is maintained.

Now, sir, intending in no case to be understood as meaning by any reduction of cost or expense to diminish in the least degree the full excellence and value of that service, it has seemed to me for many years that the extent of expenditure for the maintenance of the service was highly extravagant. I shall not stop to argue that proposition at length; but ten years ago I had occasion, in making a report upon this subject, to say for the information of Congress, so far as I could give it, a number of things and to make a number of suggestions in respect to that unnecessary cost and the best way of relieving it. Afterwards in the Senate I have tried to insist upon similar ideas, or upon some of them, but encountered in every instance the opposition of powerful influences, and we are never to deal with this subject until we arm some authority with power and until we establish in that authority the men who will exercise the power which the subject demands.

In 1839 the Parliament of England passed a law, which has never since been changed, I believe, for the government of their postal service in reference to the employment of railway mail carriers; at least it had not been changed at the last time I had occasion to look into the subject, and I think it never has been.

I recommended to Congress the first element of that system, and that was this: That an absolute authority should be given to the officers of the United States to compel any railroad to carry the

mails. I undertook when charged with departmental service to cut off payments to the railroads which were without a particle of authority of law. I cut them off. A million dollars had been paid for the use of apartments in cars in the likeness of railway postal cars, without a particle of authority to do it. The expenditure had run up to some $90,000 a year at the time when I had the first occasion to look into it; and it was cut off in every instance at once; but the railroads threatened that they would not carry the mails; and one railroad company, the Old Colony Railroad of Massachusetts, refused to carry the mails, notwithstanding, of course, that no payment not otherwise authorized by law was made to that road or any other; and therefore they did not carry the mails for a long time in consequence of that.

No step can be taken on this subject if you are to put the Department, or leave it as it now is, at the mercy of the powerful influences and combinations which exist in the country. The first recommendation which I more than once undertook to present to Congress was that the Department should be vested, as it is vested in Great Britain, with the power to compel railroad companies enjoying all the benefits of Congressional protection, through interstate-commerce laws and the Federal guardianship of interstate-commerce interests, to recognize their duty and comply with it by carrying the mails at such rates of compensation as the law should authorize.

Mr. ALLEN. What is to prevent the courts from compelling them to perform this service by a writ of mandamus?

Mr. VILAS. Mr. President, for want of a law to compel it, there has always been a doubt whether the courts would compel it, although in some instances the attempt has been made. I shall not stop to go into the history, because, so far as judicial action is concerned, it can not, I think, be affirmed that it can be counted on as a sure reliance, and perhaps I ought to add that it is even doubtful if the courts possess the power. They need a law, which the courts could then administer without any difficulty.

The next thing in the English system, after having prescribed that obligation, is to leave it to the Postmaster-General to make an agreement with the railroads to carry the mail upon such terms as he sees fit, or as the two can agree upon, precisely, in other words, as a great business corporation in the United States conducts its affairs. Every express company probably in the United States owns its cars. The great packers of meat—Armour, Swift, the Cudahys—own their cars, and as many of them, I venture to say, are owned by each one of those concerns as all the postal cars in the United States. Yes, the Fish Commission—that is an excellent illustration, for which I thank the Senator from Maryland [Mr. GORMAN]—the Fish Commission of the United States owns its own cars. The large breweries own their cars, as the Senator from Missouri [Mr. VEST] suggests.

The English system, as I was about to add, has been for the postmaster-general to make a bargain with the railroad companies. When they can not agree, the law authorizes and provides for a method of arbitration to settle the rate of compensation, but that is almost never; for with a wise and able and strong department authorized to conduct its affairs according to business principles, willing to deal fairly with the railroad companies, there has rarely been a controversy of any serious kind, as I am informed. Yet the English postal system, with the penny postage there as here, 1 penny, or 2 cents an ounce, yields a net revenue to the British Government, I think, of from ten to eighteen millions a year, though it is a vastly smaller service than ours, it must be remembered.

We have in our railway service almost as many miles of road as all the rest of the world together. We had in 1886, when I pointed out in a report a comparison of the figures, but possibly the relationship has somewhat changed since, because there has no doubt been a greater expansion of railroad mileage in other parts of the globe than in our own country in the last ten years.

Sir, we have had commissions, as was said by the Senator from Maryland. In 1874 the Senate appointed a commission of its own, that is, a committee of its own, to make an inquiry. It made an interesting report, but no special legislation followed. I believe we are still living under the law of 1873.

Mr. ALLISON. We are, with the exception of two reductions and a reduction as to the land-grant railroads of 10 per cent additional.

Mr. VILAS. Yes, I overlooked that. That is true. In 1876 Congress passed an act for a commission to examine the railway mail service by three persons. They studied it intently, and undertook to evolve a scheme of compensation which should be adjusted to the elements of weight, of car space, of speed, and of frequency of trains. The difficulty was that, trying to establish a single rule to go through the labyrinth of railroads throughout the United States and deal with all those considerations at once, they came to no agreement, and only reported intelligently an account of things, but rather too mystifyingly to result in legislation, and nothing was done.

Mr. FAULKNER. That was a Presidential commission.

Mr. VILAS. Yes; that was a Presidential commission. Subsequently the Department made an inquiry; but it amounted to nothing practical.

Sir, it occurred to me, and I presented that view in 1887, that the true course was, if we wanted to begin, and it seemed to me necessary to begin with care, and not expose the service—the true course was to begin by owning our postal cars.

Now, why? The statute of 1873, which has always since remained in force, saving only as to rates, provided that railroad companies should be compensated upon a graduated scale according to weights alone, and that graduated scale of weights and prices according to weights was to be fixed per mile of railroad per year for a term of four years. But for that the statute provides that the railroads shall furnish—

> Sufficient and suitable room, fixtures, and furniture in a car or apartment, properly lighted and warmed, for route agents to accompany and distribute the mails.

Now, if we stood upon that alone, every railroad would be obliged to furnish everything necessary. In addition to that, they were required to convey the mails with due frequency and speed upon all such trains and in such manner as the Postmaster-General prescribes; to deliver the mail into terminal post-offices and into all way offices not more than 80 rods distant from the station, and to carry without charge post-office inspectors and special agents, mail bags, blanks, stationery, and supplies. That was the obligation of the statute upon railroads as a condition of receiving this ratable pay for transportation.

Now, it will be observed next that the mail is by far the best paid service of any that the railroads perform. I state it without the least qualification and am sure it can not be challenged. When they had amounts large enough to require a full car, they were just as much obliged to provide and it was just as profitable and more profitable to provide a full car to be carried full of mail than it was to carry a half car of mail and provide half a car.

But, sir, in that complication of things, which led to the statute of 1873, there was a struggle of the larger roads for more pay, and the statute was adopted, hastily, as it were, put upon the appropriation bill, and then a commission ordered the very next winter to inquire into the subject, or a committee ordered by the Senate, and in two years another one. The statute was never satisfactory, although it has existed for twenty-four years. It was unsatisfactory in its origin, and almost immediately was attacked. That statute then superadds that, whenever the Postmaster-General shall require it, in every case in which the railroad company uses a full postal car it shall have additional pay for the use of that car. The very time when their business of mail carriage is most profitable to them we superadd rent, as it were. It is not called by that name, but that is a convenient name to call it—rent for the use of the car. If the car is but 40 feet in length, $25 per mile; if the car is 45 feet, $30; $40, if 50 feet, and $50 if it is a 55 or 60 foot car.

Although I find that the Second Assistant Postmaster-General, in the recent inquiry before the committee, upon mere general statement, without particularization of facts, has disputed the correctness of these conclusions, I wish to say that in the inquiry I had to make then I had the aid of as accomplished, skillful, business, and expert railroad man as I believe there is to be found, and as the result I reported at that time:

> Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each; that the best 50-foot cars can be built for $4,000 to $4,500 each; a new 60-foot car, equal to the most complete and handsome now in the service, for not over $4,600, and that taking together all the post-office cars in the United States their average value does not probably exceed $3,500.

I was speaking of this but a day or two ago with the distinguished Senator from Ohio [Mr. BRICE], whom everybody here will recognize as probably as well informed on that subject as any man can be. He told me that the cost of cars had been since much reduced.

Mr. FAULKNER. If the Senator will permit me, the statement before the committee was that a 60-foot car cost about $6,000 now. That was the estimate before the committee.

Mr. WHITE. May I ask the Senator whether that is more than the cars formerly cost?

Mr. FAULKNER. It is.

Mr. ALLISON. It is a different car.

Mr. WHITE. Is it more expensive to build a car now than it was years ago?

Mr. FAULKNER. Yes, sir; it is a different car, with additional furniture and different requirements of the Post-Office Department, which make it cost about $6,000.

Mr. VILAS. I was about to add that there had been some additional features of cost added to cars, such, for example, as the introduction of the Pintch system of gas and some other features of that kind which have somewhat added to the cost of cars. But it is the superlatively best postal car, equipped with all the features

of the highest experience, that reaches a cost of $6,000 to-day, in my opinion.

I found at that time that this was also true, that $60 a month for each car in use is ample provision for cleaning, heating, lighting, supplies of oil, ice, dusters, scrub brushes, soap, lamp fixtures, pails, and other minor articles of daily use, embracing all necessary labor and including ordinary repairs.

Mr. FAULKNER. I should like to state here that it was the testimony of Mr. White before our committee that the cost of a car was about $1,200 a year.

Mr. VILAS. That makes it about $480 more than this estimate. I am perfectly satisfied that it is excessive. I saw the statement. There is no occasion for so high an outlay on the average. There may now and then be cases for outlay upon special cars, but upon an average there is no occasion for that outlay.

Then, sir, I was satisfied—and every car in the United States was enumerated; the full number, including all held in reserve, as well as all in use—that at that time all of the cars in the United States could be bought for $1,600,000; add for cleaning, etc., at $720 a year apiece for the 342 in use, the cost of operation would be $246,240, making a total of $1,846,240. Yet it was necessary under the statute as it stood to estimate a sum of $2,000,000 to pay for the use of them for a single year, the exact amount being $1,881,580, but making allowance for the increase it would be $2,000,000, and in this bill, if I am not mistaken, the amount is $3,600,000. Now, observe that all that is in addition to transportation rate paid.

I take the last report of the Postmaster-General, and I turn to the table giving the statistics of the railway lines between New York and Buffalo on the New York Central and Hudson River Railroad, length of route, 439.52 miles; pay per mile for transportation—that is, outside of the rent of cars—$2,588.09, making total annual rate of pay for transportation $1,137,517.31. That is simply for hauling the postal cars. On that route there are ten lines, as they are called—that is, ten cars of 60 feet each—for which, at $50 apiece, $500 per mile was paid, making a payment for the one year for those ten cars, that could not be worth over $60,000 at the highest price known, $219,760, in addition to the full rate of transportation for drawing them, a rate of transportation which includes furnishing the cars according to statute. Now, that illustrates it.

I turn to another. Let me take this route, No. 110001, Philadelphia and Pittsburg, on the Pennsylvania Railroad, 350 miles in length; pay per mile for transportation, $2,081.07; annual rate of pay for transportation, $736,282; nine cars, 60 feet, $450 per mile annual rate of pay; total for the rent of the nine cars, $159,210.

In any case they would cost at the highest rate known, $54,000. In either one of those cases we have paid three times the value of the cars, if we assume them to cost the highest price.

Now, those are simple illustrations; they are among the heavier and more striking illustrations, taken from that report as it has come in to us from the last submission of the Postmaster-General.

Mr. FAULKNER. Will the Senator permit me?

Mr. VILAS. Certainly.

Mr. FAULKNER. This was a new subject to me until we investigated it in committee, but I will give the Senator an illustration and ask him how he explains it in reference to fixing the cost. The chief clerk of the Railway Mail Service, I think it was, testified that between New York and Philadelphia we paid for 19 mail cars per day. That was the number we paid for, and he said that by an arrangement with the different roads running between those two cities, in allowing mail to be carried in part of the baggage car or compartment car, baggage and mail, there were between those cities 104 trains carrying the mail, and yet we paid for only 19 trains. That was by an arrangement made between the Department and the company.

Mr. VILAS. I am unable to answer in respect to facts of which I have no knowledge, but I turn to that route.

Mail route 109004, New York and Philadelphia, distance 90.65 miles; annual rate of pay for transportation, $3,151.53; $285,686 for transportation; postal cars, twelve lines of 60 feet and two lines of 40, making $650 per mile; paid for those, $58,272.50. Those twelve cars of 60 feet are probably cars that have been a good while in service, but if they were of the highest cost known they would come to $72,000, and the two cars of 40 feet might come to $7,000 more, or say $80,000, as the entire cost of the cars for the use of which for one year we paid $58,278.50.

Mr. FAULKNER. The Senator does not seem to get the point. We paid for but 19 trains between those cities, yet I am informed by an arrangement with the companies running between the cities we had the benefit of 104 trains, half each way.

Mr. VILAS. I do not know how that may be. I have taken the facts as they are reported to us by the Postmaster-General in respect to that case, as in respect to others. If there were other trains used, the mail was carried on baggage cars or some other cars. They did not draw extra postal cars.

Mr. FAULKNER. No.

Mr. VILAS. No. I was about to add——

Mr. FAULKNER. I was going to say that there was no compensation paid them for the additional trains, from 19 to 104.

Mr. VILAS. They were paid for the weight of the mail carried.

Mr. FAULKNER. No.

Mr. VILAS. And the transportation paid by weight is an abundant rate of pay for the service. They furnished only 14 postal cars, but if they transported mails in other cars they were paid by weight.

Mr. FAULKNER. I understood this gentleman from the Department to state that they were paid for 19 trains between those two points.

Mr. WHITE. Does the Senator from West Virginia contend that any railroad company in this country ever carried a pound of mail without being paid for that pound of mail?

Mr. FAULKNER. Yes, sir; there were two instances of that kind given before the committee.

Mr. WHITE. It must be a mistake in the company's procedure.

Mr. FAULKNER. But the testimony of these Department officials was that not one dollar of compensation was paid for these trains carrying the mail in excess of the 19 trains. Now, whether that came in with the weighing of the mail on the 19 trains at the time it was weighed I do not know.

Mr. WHITE. The railroads have been paid for every pound they ever carried.

Mr. VILAS. We do not pay railroad companies according to the number of trains. We pay them according to the weight of mail they carry, and the weight of mail they carry is increased, doubtless, by the more trains they use; that is to say, there would be on a road where there is greater frequency of trains likelihood of larger business.

Mr. FAULKNER. But the point made by the officials was that this gave a greater facility for the transaction of business, and that they induced the companies to accept this mail and to put it into their baggage cars and to put a postal clerk on the baggage car for the purpose of distributing in the interests of the public, without any compensation whatever.

Mr. CHANDLER. If the Senator from Wisconsin will allow me, there ought to be no mistake about this. Does the Senator from West Virginia mean to say that the mail bags on the cars which were carried outside of the postal cars were carried for nothing by the railroad?

Mr. FAULKNER. I understood the Department officials to state distinctly that this service rendered in excess of the 19 trains was absolutely without compensation.

Mr. CHANDLER. The Senator overlooks the fact that the railroads were paid by weight of mail so much.

Mr. FAULKNER. No.

Mr. CHANDLER. The weighing being at such times as the Postmaster-General prescribed. All that these officials who were testifying before the Senator from West Virginia meant was that in addition to carrying in the postal cars the road carried in their ordinary cars. But they were paid for the weight of mail in all the cars.

Mr. FAULKNER. Of course, that mail was weighed at a certain period, once in four years, and then by an arrangement with these companies, for the purpose of facilitating the transaction of the business and the carrying of the mails, the Department induced them to carry it upon separate trains. Of course, the weight of the mail at the time it was weighed between those two cities was paid for.

Mr. CHANDLER. It included transportation on all kinds of cars.

Mr. FAULKNER. But the facilities to be given by the contract with these companies were only on 19 trains, whereas they furnished these facilities to the public to the extent of 104 trains.

Mr. VILAS. The railroad companies are generous and liberal, but they generally get a quid pro quo in some form or other. One way in which special facilities are obtained from the roads is by giving them all the mail that would go in a certain direction, for example, except in one or two instances where they have wasted money, like one in this bill now, what is called the special-facilities appropriation. Fast routes have been secured by the agreement of the Department to mass on a line of road all the mail which would naturally go that way, instead of sending it by other roads, or which could as well be sent that way as by other roads. In that way fast-mail service was secured to Kansas City, gaining a day to points in the Southwest, by arrangement with the Pennsylvania Railroad, all the compensation they got being the regular compensation, but more money because they carried more mail, and for that they were very willing to give extra facilities, although the more mail they carried the less the rate per weight.

I am only pointing out these illustrations to show by facts and figures why it is that I think there is an unnecessary expenditure for railroad mail service.

I will show it in another way in just a word. In 1887, nine years

before the present bill was reached, the estimates of the Department for inland transportation by railroad routes and the appropriation were the same—$17,000,000. Now it is $29,000,000 in the pending bill.

Mr. WHITE. How long ago?

Mr. VILAS. Nine years ago. The growth has been from $17,000,000 to $29,000,000—$12,000,000 in nine years. The growth in the mileage has been moderate. There has been in that time little or no increase in facilities. There has been a considerable increase in the mails, but nothing, in my opinion, to compare with that increase. You can see at once by some other general figures, which I can give in an instant——

Mr. ALLISON. Will I disturb the Senator if I call his attention to the fact that in the ten years there has been an increase of 50,000 miles of railroad, or nearly one-third in ten years?

Mr. VILAS. It may be that the increase has been as great as that in ten years. That would have naturally added, if it was a full third, between five and six million dollars.

Mr. WHITE. I will say to the Senator, if the Senator from Wisconsin will permit me, that the increase of mileage does not mean an increase in the mail carried, because the mileage may have been in portions of the country where the amount of mail was not so great as in the great centers.

Mr. ALLISON. That is undoubtedly true. The increase of railway mileage was in the sparsely settled regions.

Mr. WHITE. Precisely.

Mr. ALLISON. Of course, but the railroads all carry mails.

Mr. WHITE. Certainly.

Mr. ALLISON. As in the case of the Great Northern, recently completed.

Mr. WHITE. The amount is insignificant, however, as compared with the great centers.

Mr. ALLISON. Undoubtedly.

Mr. VILAS. I think there is no question about it that the cost has been extended in accordance with existing law, but what I am doing is to arraign the operation and effect of existing law, and I suggest as an evidence the fact that that law has increased the mail-service expenditure for this item from $17,000,000 to $29,000,000 in nine years. We can not but know that there has been no such increase in the service as to require such an enormous increase of expenditure in nine years, and if you add sixteen hundred thousand dollars for the railway postal cars, it makes $30,600,000. The service has grown, but it has not grown at that rate.

Now, I do not wish to take more time. I was trying simply to show by some striking illustrations of this kind that there is foundation for the belief that if we had strong hands with sufficient power applied to the subject we could work a great saving to the Government. That is my proposition.

However, I notice in this testimony one statement which I do not wish to let pass without inviting the attention of the Committee on Appropriations to it. The Second Assistant Postmaster-General testifies——

Mr. WHITE. On what page?

Mr. VILAS. On page 14 Mr. Neilson says:

> We pay for a certain class of service. When we have postal cars we pay for the postal cars in the service, and when we do not have postal cars they furnish apartments or carry closed mails in baggage cars.
>
> Senator FAULKNER. How many services have you on that route?
>
> Mr. NEILSON. We have on that route 104 services, and of those we pay for 18 only.

That may relate only to the trains between New York and Philadelphia, but if it has any relation to the old disused practice of paying for parts of cars the committee ought to see to it that the practice is discontinued, for there is no law for it, and it was cut off entirely many years ago. If there are payments being made for parts of cars, they are illegal payments.

Now, just a few words with reference to the other branch of the subject. The one which I have spoken to is the only one that the Committee on Appropriations deals with; but the Committee on Post-Offices and Post-Roads had a still larger subject to deal with. They had to deal with the other branch of the question, the consideration of what is a fair rate of taxation to impose on the beneficiaries of the postal service by way of special assessment for the benefits received. The Committee on Post-Offices and Post-Roads assert that the rate of taxation is now grossly disproportioned, and I purpose to call attention to one or two facts on that subject in this report.

The total receipts for the last year of the postal service were eighty-two and a half million dollars in round numbers. Of that, seventy-eight and a half million, or all but $4,000,000, in round numbers was from postage stamps, stamped envelopes, newspaper wrappers, etc.

Of the $79,000,000 in round numbers of stamps issued—not quite as much receipts, but generally they correspond year by year—$58,221,000 were for letter stamps, and of these forty-three and a half million dollars were from 2-cent stamps; postage-due stamps, $450,000; ordinary stamped envelopes, about $12,300,000, and postal cards, $5,300,000. Of stamps, stamped envelopes, and postage due, that is, simply letter mail, the total receipts are about $71,000,000; $71,000,000 out of $79,000,000. Postal cards make up $5,300,000 of the rest. And what does second-class matter pay? Two million eight hundred and nineteen thousand one hundred and seventy-seven dollars, about one-thirtieth of the revenues. But second-class matter imposes not less than 40 per cent, in my opinion, of the cost of the service.

The entire weight of second-class matter carried is given in the Third Assistant Postmaster-General's report at 349,000,000 pounds in round numbers. But you must go further in order to understand its share of service. It is not only that it loads down our trains, but it loads down our carriers, and it is not too much to say that it doubles the work in the post-offices, for this second-class matter has to be handled, and in every other town except the town where it is issued carriers have to distribute it in their mails. Substantially so, though there is a qualification I will not stop to enter into now.

Then of the twelve or thirteen millions for free-delivery system, of the seventeen or eighteen millions for post-office service, there is a large proportion to be charged to this class of matter in addition to its share of the $33,000,000 for railway transportation, and for the five or six million dollars for star-route transportation. It is a moderate estimate, in my judgment, that 40 per cent of the cost of the service is due to second-class matter, which pays about one-thirtieth of the receipts.

Now, what there is to be said about that is this, in a word: We are putting upon men who send letters an enormous and excessive overcharge of taxation. We are making them pay for the service vastly out of proportion to the benefits which they enjoy. Therefore the amendment which the distinguished Senator, the active and able and energetic chairman of the Post-Office Committee during the present session of Congress proposed, extends to a consideration of the greater loss to this service from the failure to properly assess its taxation, and that is laid down by the Postmaster-General in the last report as the great and overwhelming grievance of the postal service to-day. That is what the Loud bill aimed at.

Now, Mr. President, we undertook one special thing. We undertook to carry news matter cheaply. That is the theory of second-class matter. That is right. We can afford perhaps to tax the people to distribute news matter; but under the name of news matter we have become the carriers of pretty much the literary publications of the day in the form of great periodicals, in the form of republications of the literature of Europe and of this country, and in the form of the massive, terrible, and oppressive Sunday newspapers.

Mr. BUTLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. VILAS. For a question only, for I have occupied the attention of the Senate so much longer than I meant to do, I feel as though I were a trespasser.

Mr. BUTLER. The Senator having been Postmaster-General, I wanted to ask him if he could give the Senate any information as to the proportion between the second-class matter that is in the shape of reprints and books and the second-class matter that makes the big newspapers and the Sunday edition of the dailies? You complain of the immense amount of second-class matter, but if there is any information that can be obtained it is the information we need now as to the proportion of these two kinds of matter.

Mr. VILAS. I have not given attention to any figures for a good many years on the subject as to what is purely news matter and what is literature rather than news in the second-class matter. I am not able to state from any examination recently made, nor do I remember the examinations which were made at the time when I was more nearly connected with the service sufficiently to authorize me in making any affirmation on the subject. It is not difficult to ascertain. I could direct an inquiry that would ascertain it in thirty days with hardly any expense at all. Simply have the postmasters at the several post-offices where that matter comes in make examination for a certain length of time, from which you can arrive at an almost certain proportion for the service.

Mr. BUTLER. I would not have interrupted with what is not pertinent exactly to this question, but he was making a point in favor of the Loud bill, which is not under discussion.

Mr. VILAS. I must decline to discuss with the Senator from North Carolina what is foreign to the point I am now making to the Senate. I am calling attention to the fact only that this alleged abuse, whether it be abuse or not, having been submitted to the consideration of the Post-Office Committee, they thought (and I most heartily coincide with that judgment) that the investigation into the evils of the service and the reforms that are due to it should not omit that colossal error, calling it by the least offensive name, in the distribution of the taxation which maintains the service.

I wish to add that for that reason we have insisted upon a commission being created which should inquire into those evils. The commission proposed by the Committee on Appropriations is limited simply to an inquiry into the mail service. The commission is to make full inquiry into and examine the subject of mail transportation and the cost of it. It takes a page and more to state that full proposal which the Senator from New Hampshire comprised in a very few words:

That the questions concerning the correction of alleged abuses in the postal service in connection with second-class mail matter, the extension of free delivery to rural regions, the reduction of the cost of the railroad transportation of the mails, the adoption of 1-cent postage for single letters, and other like questions.

Mr. STEWART. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. STEWART. How can a committee ascertain the character of second-class matter which is loading the mails unless the postmaster will arrange to keep separate accounts as to the great dailies, the Sunday editions, and as to the books? He need only make three or four divisions. Could any committee ascertain about it unless the accounts are kept so that they can see where the abuse is?

Mr. VILAS. Of course that account must be kept, but it is the commonest thing in the world to order, for a period of thirty days, inquiries of that kind in the post-offices where you want to ascertain certain facts. I have had occasion to do it a great many times. It is one of the peculiar advantages of the proposal of the Senator from New Hampshire to have the Postmaster-General at work with the commission, so that such inquiries as can be made by a proper use of the postal service may be made without extra cost or charge. All that is easy enough to do if you use your machinery properly.

Mr. STEWART. I can give him a list of inquiries to make in half an hour which would classify it so that we could see where the trouble is.

Mr. VILAS. Undoubtedly the committee will avail themselves of the abilities of the distinguished Senator from Nevada with the greatest pleasure.

Mr. STEWART. But we want the ability of the Postmaster-General. He reports that there are abuses here in the gross and is not able to give anything but the aggregate weight of second-class matter, and gives no information. All he could tell me was the aggregate weight of the weeklies that went free in the county—the local papers. He gave me the aggregate weight, and that is the only division he had. He had no division whatever between the books and between the large papers and small ones. Then, in the report here of Mr. LOUD, without any division about it, he says all the trouble comes from a certain portion of this matter, without knowing the fact that it comes from the literature that goes through. What I complain of is that this thing does not need any investigation except to give us the fact, which can be got by bookkeeping.

Mr. VILAS. This commission, when it shall have been appointed, will see to that, I presume, and will inform the Senator from Nevada in all those particulars in respect to which his mind is now groping in darkness.

Mr. STEWART. I shall have no hope of that if the amendment of the Senator from New Hampshire prevails, and from the report I have already here before me of the gentlemen who are likely to act with him on the other side, I do not know that I should have any hope.

Mr. VILAS. I hope the Senator will not charge up too much to me in the way of time, for I feel a little guilty now. I have pointed out, sir, just the difference between these two so far as the subjects are concerned. There is a difference in the way in which the committees are appointed. It is said by the distinguished Senator from New Hampshire, somewhat caustically, that he knows what the commission will be; that it will be made up from the Committee on Appropriations if the proposal of the Committee on Appropriations is adopted.

We ought to be able to determine in a very few moments how we will make up the commission. The great difficulty is, What shall be the subjects of it? The especial advantage in my opinion of the proposal of the Committee on Post-Offices and Post-Roads is that it is comprehensive of the subjects which require examination.

Now, one other remark that I wish to make with reference to the very interesting observations so eloquently made by the Senator from Maryland [Mr. GORMAN] this evening. He inveighed against the great expenditures and increase of expenditures. Well may he do so. The burdens imposed upon the people of this country are tremendous, and I think one of the occasions of the suffering they have endured in the last three or four years has been the heavy burden charged upon them for public expenditures. But with reference to this particular subject, that should make no difference, for the Post-Office budget ought to be equivalent on each side of the ledger.

Our expenditures should be as moderate as they could be to obtain the best service, but every dollar of those expenditures should be raised out of the beneficiaries of the service by a just special assessment. In that case the general burden upon the people would be increased in no measure whatever by the figures of the Post-Office Department. However, the Senator from Maryland is quite justified, because we are paying $8,000,000 a year of deficiencies, charging it over to the general public in addition to the very heavy disproportion of special assessment imposed upon those who indulge in correspondence.

Mr. GORMAN. The Senator did not understand me to take any other position than the one he occupies?

Mr. VILAS. I am quite sure not, but I wanted simply to point out the fact that the argument which the Senator from Maryland made will be addressed with still greater force against some other bills in particulars where every dollar that is saved is a dollar relieved from the weight of taxation upon the public at large.

Mr. GORMAN. All I desired was to relieve the public generally from this tax of $8,000,000.

Mr. VILAS. In that particular case there is one stroke, of course, that ought to be laid for the benefit of the public.

Mr. President, I feel that I have already trespassed too long upon the attention of the Senate.

Mr. BUTLER. Mr. President——

Mr. ALLISON (at 10 o'clock and 15 minutes p. m.). I ask the Senator from North Carolina to yield to me for a moment.

Mr. BUTLER. I wanted to make some remarks on the pending amendment.

Mr. ALLISON. I understand. I want the Senator to yield to me for only a moment.

Mr. President, I ask unanimous consent that one hour from this time we may vote upon the pending amendment.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. I object.

Mr. WHITE. I ask if the request be made in that form that the five-minute rule be annexed to it.

Mr. ALLISON. After one hour?

Mr. WHITE. No; from this time on.

Mr. ALLISON. Then I will make another suggestion. It is that after the Senator from North Carolina shall have concluded, the five-minute rule shall apply to this amendment, and that in one hour and a half from now we shall take a vote.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. This whole controversy arises from the determination of the Committee on Appropriations to carry through this particular method of theirs of investigating this subject. It is nothing that comes from the House of Representatives. It is an invention of that committee, and it ought to go out of the bill. If the proposition made by the Senate Committee on Post-Offices and Post-Roads is not agreed to, if their recommendation is not taken, there ought not to be any agreement; and I object to any agreement in connection with this bill, and I shall continue to do so.

Mr. ALLISON. Does the Senator object to any agreement?

Mr. CHANDLER. To any agreement whatever as long as this amendment stays in the bill.

Mr. ALLISON. Do I understand the Senator from New Hampshire to desire to test the sense of the Senate whether the amendment shall go out? If so, it can be laid on the table, if that is the wish of a majority of the Senate.

Mr. CHANDLER. Of course.

Mr. ALLISON. Having made an effort to secure within a reasonable time a disposition of this amendment, when the Senate can vote it up or vote it down, or lay the whole subject on the table, if no arrangement can be made, of course I have no further suggestion to make.

Mr. BUTLER. Mr. President, we have just had an illustration of one of the greatest troubles, if not evils, which now beset the work of this Senate. The Committee on Appropriations is attempting to usurp the rights and functions of all other committees. Here is a committee, a committee specially appointed to deal with a special matter, the matter relating to the postal system of the Government; a committee which, if not selected specially with a view to their fitness, certainly has had put upon them certain specific and special duties which makes them more familiar with postal affairs than they otherwise would be. Now, this committee is entirely ignored by the autocrats of the Senate. I hope it is not offensive when I refer to the Committee on Appropriations as the autocrats of the Senate. If it is offensive, then I regret to say that it is true, as we have had it demonstrated here in the present case.

What is the Committee on Post-Offices and Post-Roads appointed for? Simply to confirm postmasters or reject them? Why have this farce of appointing a committee on this great and important Department of the Government, selecting men, and having them term after term give their special attention to postal matters, if their work and their deliberations and their recommendations are to be swept away with a pop of the finger by a committee that was not appointed to consider and recommend to

the Senate legislation on these matters? Why not abolish, then, all committees except the Committee on Appropriations? I am sure that I do not care to serve on a committee which is simply a farce.

Mr. President, the policy of the Committee on Appropriations is bringing the hour near when the Senate will not submit longer to such methods in legislation. The self-respect of every Senator here, no matter how much he may regard the members of the Committee on Appropriations for their personal character, their great learning and experience, will force him to vote to distribute the appropriation bills and these important matters of legislation to committees specially appointed to consider them. The House has already done this, and the change works admirably. Such a change in the Senate would add to the speed and thoroughness of the work of this body.

The Committee on Post-Offices and Post-Roads has been lectured this afternoon and told that it was incompetent, or at least inefficient, and that has been given as a reason why the Appropriations Committee have usurped or taken unto themselves the entire jurisdiction of this matter, without heeding the recommendation of those who have considered the matter for many days and weeks and months. We were lectured this evening, and told that we had had plenty of time and had done nothing and made no recommendations, and the inference was that the Committee on Appropriations considered us incompetent, and therefore took charge of the matter. There are two reports from the Post-Office Committee asking for action. The Committee on Appropriations charge that the majority report did not ask for action. Here is the minority report, which asks for action. It offers matters of legislation, and it offers a reform which I claim, and the claim is sustained by facts and argument in this report, will remedy the evil. I ask the Secretary to read the substitute which I submit in the minority report for the Loud bill, covering this very matter.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Amendment intended to be proposed by Mr. BUTLER to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, viz: Strike out all after the enacting clause and insert the following:

"That, it being the policy of the United States to carry the mails in the railway mail service in cars belonging to the Government and pay to the railroad companies mileage rates for hauling the same, the Postmaster-General be, and he is hereby, authorized to advertise for six months for sealed proposals to furnish to the Government first-class mail cars of the best and most substantial structure, sufficient in numbers to perform the railway mail service of the United States. At the end of such advertisement, the Postmaster-General shall open such bids and award to the lowest responsible bidder or bidders a contract for such cars, to be delivered to the Government within six months thereafter. And upon the purchase and delivery of such cars the United States mails shall be carried in said cars, and shall be hauled over the railway lines of the United States under contract with the Postmaster-General: *Provided*, That the charge therefor shall not be greater than is paid by express companies and other parties for similar service.

"SEC. 2. That every railroad contracting with the Government to haul its mail cars shall examine and approve the Government's cars as safe and in good condition, and the said company shall be required in the same contract to keep such cars in repair and treat them in all respects as the first-class cars of the said railroad companies shall be treated on its lines, and to be allowed a reasonable compensation therefor, to be fixed in the contract; and any damage which said cars, the persons connected therewith, or the mail matter contained therein may sustain shall be at the risk of the railroad company, for which the Government shall not be responsible. Neither shall the Government be liable for any damage to other cars in the train or to passengers or freight thereon by reason of any defect in the mail car of the United States in such train; and all of these conditions shall be made a part of the contract.

"SEC. 3. That it shall be the duty of the Postmaster-General to cause separate accounts to be kept in his Department which shall show the following facts: First, the comparative cost per pound of handling first-class matter, constituting what is known as letter mail, and the second-class matter; second, the difference in the weight of the ordinary week-day editions of the daily newspapers and the aggregate weight of Sunday editions of such newspapers during the ensuing fiscal year; third, the weight of books, pamphlets, and periodicals, other than newspapers, that now pass through the mails at second-class rates.

"And the Postmaster-General shall investigate and report any other matters of reform upon which legislation is needed to decrease the expenses of the Department, without in any way limiting the mail facilities which are now furnished by the Government."

Mr. BUTLER. Mr. President, there is a specific proposition for legislation, one carefully drawn, and the report sustains it with the facts, figures, and evidence sufficient, it seems to me, to convince any fair-minded and reasonable man who wants the reforms stated; and everybody here says he wants them. Why does not the Committee on Appropriations accept that or tell us where and how that proposition will not bring the reforms which they desire?

The substitute for the Lond postal bill which has just been read will stop the deficit in the Post-Office Department. It will save enough in the transportation of railway mail to not only stop the deficit and retain all the privileges of second-class matter, but also to give us 1-cent letter postage.

I, as one of the members of the Committee on Post-Offices and Post-Roads, should be glad to have the suggestions and advice of the Committee on Appropriations about whatever we offer. If the proposition of the minority is not competent to cure the evil, I certainly should be glad to have the suggestions and reasons of that committee as to why it will not. But, no; we hear nothing from them as to why those provisions will not correct the evils. They simply propose to take the whole matter from the hands of the Committee on Post-Offices and Post-Roads, create a commission of their own, and the Post-Office Committee can run around and ask them twice a week what they are doing; the Post-Office Committee must sit down and hold its hands to hear from the Appropriations Committee as to when we shall consider other matters of reform, or as to whether we shall consider them at all.

Here is a distinct proposition from the Committee on Post-Offices and Post-Roads, which provides for the Government buying the postal cars necessary for the Railway Mail Service, and then for paying the railroads mileage rates to haul these cars not more than the express companies now pay for a like service. The distinguished Senator from Wisconsin [Mr. VILAS], who has been Postmaster-General, and who is a member of the Committee on Post-Offices and Post-Roads, stated to-night in his speech that the postal cars could be bought and equipped for $1,800,000. The minority report of the committee also sets out these same facts and many others, which it seems that the Appropriations Committee is not familiar with. The bill which the Committee on Appropriations has reported, and which we are now considering, appropriates just twice that amount for the rent of those cars for one year. It seems to me that the advice of the Committee on Post-Offices and Post-Roads had better be listened to in that respect, if the interests of the Government are to be subserved, if economy is to be the watchword. If the Committee on Appropriations are to guard the Treasury, if they are to scrutinize and limit appropriations to the necessities and means of the Government, and no more, then why will they insist on appropriating just twice as much money for the rent of the cars as all the postal cars equipped for service would cost?

Mr. STEWART. In less than one year.

Mr. BUTLER. Yes; in less than one year. Those cars will last twenty years, and yet this bill appropriates exactly twice as much for rent in one year as it would cost to buy the cars and equip them, and then have them for twenty years as the property of the Government. If we are to rent these cars, then certainly we should not pay more for their use in one year than they are worth. It is absurd; it is monstrous.

This amendment provides that the Postmaster-General shall advertise for sealed proposals to furnish those cars. It provides then that the Government shall pay a fair and reasonable rate to the railroads for hauling those cars, provided it is not more than that paid by the express companies for a like service.

The Postmaster-General has the power under existing law to stop the deficit. The deficit is caused—

First. By paying the railroads more per ton for carrying the mails than is paid by anyone else for a like service. We are paying as much now per ton as we paid twenty years ago, yet during that time freight rates have been reduced 40 per cent. and passenger rates have been reduced over 18 per cent. Everything has been reduced but the price the Government pays the railroads for carrying the mails. The Postmaster-General has the power to lessen these rates under existing law, but he does not.

Second. By paying the railroads for more weight of mail than they carry. The Postmaster-General could stop this fraud under present law if he would.

Third. By paying for the rent of the postal cars each year twice as much as it would cost to buy the cars outright. The Postmaster-General can reduce this rent if he desires.

Now, the minority has offered a substitute for the Loud bill that will remedy these evils which the Postmaster-General has failed to remedy. If the Government owns its own cars, then there can be no padding of the mails during the weighing period. There will be no rent on cars to be paid. Then the substitute provides that the Government pay no more to the railroads for hauling its cars than express companies pay for a like service.

In addition, it provides for what this proposed commission, if appointed by either amendment, can not do; it provides for information which any commission would need, and which the committee to-day needs; it provides for having this second-class mail matter weighed separately; it provides for the big Sunday and holiday editions being weighed separately, and it provides for such information as would enable us or any other committee to intelligently point to the evils and to suggest the reforms necessary to cure them. That should be enacted if the other provision is not enacted.

Instead of recognizing and accepting this business proposition, the Committee on Appropriations, after reporting a bill appropriating $30,000,000 for the railroads to compensate them for hauling the cars, appropriates $3,600,000 for rent, twice what the cars are worth, and then turns and asks that they have a commission of their own to investigate this whole matter, and take it out of the hands of the Post-Office Committee. Then they lecture us because we have done nothing.

We have done something; we have done a great deal outside of the routine work of the committee. We have investigated this question of railway transportation of the mails as thoroughly as

we can with the limited information that we have been able to get from the Postmaster-General.

This is a proposition coming from the Post-Office Committee; this is a proposition which has been fully matured; it is a proposition on which the Committee on Post-Offices and Post-Roads has gathered data and information and facts to sustain it. There is also a provision that the Postmaster-General himself shall be a commission by himself, and shall report any other matters of reform which will lessen the cost to the people and not reduce the efficiency of the mail service.

Mr. President, the Committee on Appropriations has just threatened us that if we detained them much longer they would shut off discussion on this whole question, move to table the amendment, and proceed roughshod over the committee and the whole Senate. I submit that is quite a spectacle in a body like this, with each Senator representing in part a sovereign State; men holding views and opinions; men who are ready to sustain their views and opinions with facts which they have labored to obtain and dug up with much research, that a committee flooded with work, a committee which has not time to consider these matters, shall take charge of this subject which belongs to another committee, and a committee which has given more attention to it than any other committee could, and then quietly and cooly inform the Senate and all Senators on other committees that "We will shut you up and cut you off when we get ready." In fact the chairman of the Appropriations Committee was about to threaten us, I think, that he was about to make the motion to-night to table this recommendation, when he looked around and saw there was not a quorum. That is the method which is adopted in everything which is offered here which the Committee on Appropriations puts its veto upon.

Mr. President, I am supporting the report from the Committee on Post-Offices and Post-Roads because I am a member of the committee. Our committee has not been unanimous; there is a majority and minority report; but I think what would be better than a commission, as proposed by the Committee on Post-Offices and Post-Roads or as proposed by the Committee on Appropriations, would be for the Post-Office and Post-Roads Committee to be allowed to offer its own remedial legislation or give instructions to the Committee on Post-Offices and Post-Roads—and I suggest to the Committee on Appropriations to give us those instructions, if they hold the key to the Senate, and lecture us again, if they see fit, for our incompetency—to consider this matter further, investigate it, and bring in later recommendations for legislation to cover it.

I submit that if the Committees on Post-Offices and Post-Roads in the Senate and House of Representatives are not the best and the most competent men for this work, in view of the fact that they have been serving on those committees and giving their special attention to matters on this line, if they are not the persons who are most familiar with it, who can better investigate the matters that should be investigated than anyone else, then, certainly, the men on those two committees are very inferior men and will average lower than the members of any committee in the Senate or in the other House. How can you go outside and take citizens not members of this body, how can you find members of the Committee on Appropriations who are as familiar with these matters as the members of the Committee on Post-Offices and Post-Roads? The committee has proceeded along this line. If the Senate wants the committee to do something it has not done, I submit that the Senate ought to instruct by resolution or by a paragraph in an appropriation bill the two committees of the Senate and House on Post-Offices and Post-Roads to investigate this whole matter further and report to Congress at a given time.

The Committee on Appropriations proposes to investigate simply the matter of railway rates. That is an important matter and should be investigated; but even if their commission is to be appointed their commission ought to investigate further than that; they ought to investigate the question as to whether or not the Government should own its postal cars and pay the railroads mileage rates for hauling them.

The Senator from Illinois [Mr. CULLOM] this evening quoted as high authority the Second Assistant Postmaster-General. In his testimony, which I hold in my hand, he admitted that that was a separate and distinct feature for consideration, and he treated the matter of amounts paid to railroads for weights and the question of postal cars as two separate and distinct questions.

But I submit that any inquiry that that committee or commission would make would be imperfect, and would never go to the root of the trouble unless they would inquire into the matter of postal cars and report to the Senate the facts about the rent of cars of corporations and the use of cars owned by the Government. But even if their commission was to go that far, it would not cover all the matters that have been considered by the Committee on Post-Offices and Post-Roads. The whole matter covered by the majority and the minority report of the committee should be covered by any commission, if it is to be appointed.

I do not fear investigation on the question of second-class matter. I court it, and I court it whenever we can get from the Post-Office Department information that my substitute calls for, to show what part of that weight is due to the holiday and Sunday editions of some daily newspapers, and what part is due to books like Coin's Financial School and other books published in serial form, which go as second-class matter.

I submit, Mr. President, that if the proposition of the Government owning its postal cars and paying no more for hauling them than do the express companies be adopted, the proposition for 1-cent postage can be adopted without increasing the appropriations for the Post-Office Department. If it can be done, as I believe it can, then I shall be glad to see that proposition for 1-cent postage included in the investigation.

I shall be glad to see the fullest investigation of these questions. If the report of the Committee on Post-Offices and Post-Roads shall be adopted, and if the substitute which we offer to the proposition of the Appropriations Committee shall be adopted, then this whole matter will be investigated, and we can set at rest once and forever all of these statements about second-class mail matter bankrupting the Government; we can set at rest every charge which has been made to discredit the ability of the Post-Office Department to conduct the postal system in a cheap and effective manner, or to place the evil where it does not belong. Let the whole matter be uncovered, and let the Senate, with all the facts before it, then proceed to legislate.

This proposition coming from the Committee on Post-Offices and Post-Roads, then, includes 1-cent postage; it includes the question of railroad rates; it includes the proposition for the Government to investigate whether or not it is best for it to own its postal cars, as do the express companies, the breweries, the Fish Commission, and every other big enterprise. It covers that. It covers the question of second-class matter, and it covers every question which has been agitated through the press in drawing attention to the Post-Office Department and its management at the present time.

Why limit it? If it shall be limited, then let the committee which is specially charged with this subject investigate it. Let the Committees on Post-Offices and Post-Roads of the House and of the Senate do the investigating. I should prefer even that to our own report; but that is vastly preferable to what the Committee on Appropriations offer us. Certainly the proposition which is offered by this committee should be adopted, or the committee itself should investigate this matter, if any one investigates it.

I should think the Committee on Appropriations and all of its members would be glad to be relieved of this arduous work. Why is it that they attempt to draw under their capacious wing everything within the range of human inquiry and human action? Are they jealous of any rights or privileges or power that any other committee has, or do they think they can do it better than anybody else?

Mr. ALLISON. I ask the Senator from North Carolina to yield to me.

Mr. BUTLER. I yield to the Senator from Iowa.

Mr. ALLISON. Mr. President, it must be apparent to every Senator on this floor that it will be impossible to pass the appropriation bills within the short time left of the present session unless we make progress with them. I have seen enough in the course of this debate to convince me that it is the purpose of certain members of the Senate to prolong the debate upon the pending proposition.

The Committee on Appropriations, finding that no action had been taken upon the subject of railroad transportation, there being a difference in the Committee on Appropriations as to the method of dealing with this important subject, covering nearly $33,000,000, believed it was wise to make provision for a joint committee of the two Houses to make an investigation of the subject of railway transportation and its incidents, in order to have full information upon the subject by the time the next appropriation bill for the postal service should be required to be passed by Congress. Believing that the committee sought to make a provision which would secure investigation of the subject; believing, also, that it was an intricate one and requiring the aid of experts as to the true relation between the Government and these transportation companies, they made the best provision they could upon the subject at the present session of Congress.

The Committee on Appropriations, and no member of it, so far as I know, has had the slightest desire or expectation, I may say, of participating in the examination. We provided, as we thought, for an impartial examination of the subject, as to the two great political parties, the Vice-President representing one party and the Speaker of the House representing the other, so that by the natural coincidence of the situation there would be an impartial investigation; that it would be confined practically to the great question of railway transportation, without impinging in the slightest degree upon the prerogatives or the duties or the expectations of any other committee of the body.

We had no intention or purpose in any way of infringing upon the rights of the Committee on Post-Offices and Post-Roads. We had seen no reports from that committee until our suggestion of

recommendations had been completed, either as respects railway cars, railway transportation, second-class matter, 1-cent postage, or anything relating to that subject, although the Congress is about to expire. Therefore, with a motive that looked to the reduction of the expenditures of the Government, we sought to bring in here for the consideration of the Senate and for its vote and its action a method of making an impartial and thorough investigation of the subject in order that the next Congress might deal with it.

Now, I am satisfied that it is impossible for us to deal with the amendment without imperiling not only this great service as respects the appropriations for it, but also not only the pending bill but the sundry civil appropriation bill, which carries with it appropriations for all the great operations of our Government, the fortifications appropriation bill, the naval appropriation bill, the deficiency appropriation bill, and the District of Columbia appropriation bill, each and all of them for the carrying on of the affairs of our Government.

Believing that these bills are imperiled by the prolonged discussion (and I find no fault with any Senator who has participated in it, because under our rules it is the right of Senators to debate these questions as long as they desire to do so), in order to eliminate one serious question from our deliberations, I move to lay on the table the amendment of the Committee on Appropriations, which will carry the amendment with it.

Mr. WHITE. Will the Senator withhold his motion for an instant? I wish to make a suggestion. If it is possible to obtain a vote upon the pending amendment without this motion, I hope it will be done. There is a great deal of complaint, which all of us have been subjected to, regarding railroad extortion, and if the Senate can agree upon a system of examination we ought to have it, and if we can have a vote upon the amendment of the committee it seems to me it ought to be taken. If not, I agree with the Senator that he should make the motion he has indicated.

Mr. ALLISON. I have been notified over and over again that this can not be done.

Mr. STEWART. Why not ask unanimous consent?

Mr. WHITE. Why not ask unanimous consent, and if it is refused I will concede that the Senator should make his motion.

Mr. CHANDLER. If the sense of the Senate is to be taken upon this question, there should be a full attendance in the first place; secondly, there should be full debate upon the question, which has not been had. If the Senator from Iowa will make his motion in good faith, as I know he does, I certainly will ask Senators who are ready to speak to refrain from speaking.

Mr. ALLISON. I move to lay on the table the amendment of the Committee on Appropriations. That carries any amendments that may be pending to it.

The VICE-PRESIDENT. The Chair so understands. The question is on agreeing to the motion of the Senator from Iowa to lay on the table the amendment proposed by the Committee on Appropriations.

The motion was agreed to.

Mr. ALLISON. I ask now for the consideration of the next amendment which remains undisposed of.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 24, after the word "service," it is proposed to insert:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

So as to make the clause read:

For necessary and special facilities on trunk lines from New York and Washington, to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service. In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

Mr. BUTLER. I move to strike out the clause just read, from line 17, on page 8, down to line 8, on page 9, inclusive.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. ALLISON. I ask now for the consideration of the next amendment which remains undisposed of.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 24, after the word "service," it is proposed to insert:

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Mr. BUTLER. I move to strike out the clause just read, from line 17, on page 8, down to line 3, on page 9, inclusive.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. BUTLER. Mr. President, this is a subsidy, pure and simple. It should be stricken from the bill. Subsidies are bad enough when the people get some benefits in return for them, but they are utterly indefensible when they are voted as a free gift. I challenge the Committee on Appropriations or any Senator on this floor to give a single good and sufficient reason for appropriating this sum of $171,238.75. No estimate has been made or submitted for it. No head of any Department has recommended it. But on the other hand the head of the Post-Office Department has positively refused to recommend it. I have heard the Postmaster-General and the Assistant Postmasters-General often quoted here in this discussion so far. I have here some reports, and I hope those who have asked us to listen to the suggestion of the Postmaster-General and the Second Assistant Postmaster-General and all the generalettes will now pay due heed to what the Postmaster-General says about this subsidy.

Mr. CULLOM. It has been read a dozen times.

Mr. BUTLER. It has been read a dozen times and twenty times, and yet it has not converted the Senator from Illinois.

Mr. CULLOM. Yes, it has.

Mr. BUTLER. Will the Senator vote with me on my motion?

Mr. CULLOM. I always have voted in that way.

Mr. BUTLER. Good. The Senator from Illinois will vote with me on this motion, and he always voted against this subsidy. I am glad to have such valuable authority in addition to the Postmaster-General to back up my motion.

Several Senators around me say let us have a vote and we will knock out the section and carry my motion. If the chairman of the Committee on Appropriations will agree to the motion, I will not detain the Senate for another minute.

Several SENATORS. Vote!

Mr. STEWART. What is the motion?

Mr. BUTLER. I have made a motion to strike out the clause which proposes to vote a special subsidy to certain railroads in addition to the enormous price that we now pay these corporations for hauling the mails. Several Senators seem very anxious to have no discussion of this matter. I should judge that they favor the subsidy, for reasons best known to themselves, or else do not understand the facts in the case. In either event discussion is very necessary. I do not desire to detain the Senate at this late hour, but unless the committee will agree to the motion, or unless there is some indication that the Senate is ready to sustain the motion, I shall detain the Senate to put on record the reason why it should be stricken out.

Mr. FAULKNER. The committee can not agree to it.

Mr. DANIEL. It is a part of the bill as it comes from the other House.

Mr. WILSON. I want to hear from the generalettes the Senator was talking about.

Mr. GORDON. May I ask the Senator from North Carolina a question? If I understand his threat aright, it is that unless the Senate and the committee yield to his demand he will kill the bill by talking it to death.

Mr. BUTLER. I am very glad to see the Senator from Georgia. I am glad to welcome him back to the Senate. I regret that he got in just in time to misunderstand me, and to suppose that I was threatening him and the Southern Railroad.

Mr. GORDON. When the Senator says that unless the committee yields he intends to do so and so, I think I am entitled to the interpretation I put upon his remarks; and I ask him for information.

Mr. BUTLER. I will be glad to give the Senator information.

Mr. WILSON. I hope the Senator from North Carolina will proceed. He started out with a proposition to give us information about the Postmaster-General and the generalettes. Now, I want to hear from the generalettes, and I hope the Senator will proceed.

Mr. BUTLER. I am very glad to find the Senator from Washington in the humor to be informed; and it seems that there are others who need to be informed. I will proceed to give them information which will make it impossible for them to vote for this subsidy, unless it is their purpose to take this much of the people's taxes and give it to certain railroads as a gift.

This morning I spoke at some length, showing that the rates now paid the railroads for carrying the mails were unreasonably high. I showed that we are now paying as much per ton for carrying the mails as we paid twenty years ago, yet during this time freight rates have been reduced 40 per cent and passenger rates have been reduced over 18 per cent. Besides, I showed that twenty years ago we paid the railroads more for carrying the mails that anyone else then paid for a like service. The Senator from South Dakota [Mr. PETTIGREW], and others also, spoke at some length on the same line. No Senator was able to controvert a single fact

and proposition which we laid before the Senate. Besides, we showed that the Government not only pays too high a rate, but that we pay for more weight than is carried. The railroads pad the mails during the weighing season of one month, and then the Government pays on that weight for the next forty-seven months. The fraud and robbery by this method alone runs up into the millions of dollars.

In short, it has been demonstrated, proved, and not questioned by anyone that we are to-day paying an exorbitant rate, nearly twice as high as should be paid to carry the mail. We now pay about $32,000,000 to the railroads for this service. One man says it is $12,000,000 too much; another says it is $10,000,000 too much; another says it is $15,000,000 too much, but every Senator on the floor admits that it is too much.

Now, that is a fact which has been demonstrated here. Everybody admits that it is too high; that the contract price which we now pay to the railroad companies for carrying the mails is too high.

The Committee on Appropriations recognized it was too high by offering to investigate the exorbitant prices paid; the Committee on Post-Offices and Post-Roads recognized it (see majority and minority reports from the Committee on Post-Offices and Post-Roads on the Loud bill); every Senator who has spoken recognized it. Yet this morning, when I offered an amendment to this appropriation bill providing that the Postmaster-General should not pay the railroads more for carrying the mails than express companies and others pay the railroads for a like service, what did the Senate do? You voted down the amendment and gave your sanction and approval to the gigantic steal that is now going on.

Mr. President, that is not all. In addition to the heavy appropriation in this bill to pay the railroads for hauling the mails, there is another item appropriating $3,600,000 to pay the railroads for the rent of the cars in which the mail is carried. I showed this morning that that was twice as much as all the postal cars were worth. There are not more than 500 postal cars in use. These cars cost only about from $3,500 to $4,000 each. Therefore the Government could buy every one of these cars for less than $2,000,000. These cars last about twenty years, yet this bill proposes to pay $3,600,000 rent for them in one year. At this rate, in twenty years the Government would pay $72,000,000 for the use of cars that it could buy and own for less than $2,000,000. This is the most reckless and astounding business proposition that I have ever heard. Yet, this morning, when I moved to amend this item by providing that the Postmaster-General should not pay more rent than 10 per cent of the cost of the cars, what did the Senate do? It voted the amendment down. How Senators can justify their votes to their consciences and to their duty to the taxpayers is beyond my comprehension. Here we vote away millions of the people's money into the pockets of the railroads without a single reason or excuse for so doing. No Senator has dared to try to give a single reason or excuse. It is shameful, it is robbery; but this is not all.

Mr. President, the pending bill proposes that in addition to the high prices we pay for hauling mail, in addition to the high prices we pay for car rent, we shall pay a special extra subsidy over and above the high price we pay per ton for carrying the mails and the high price we pay for rent of postal cars.

Mr. GALLINGER. This is in the discretion of the Postmaster-General.

Mr. BUTLER. Is it? Now let me read you what the Postmaster-General says about that.

Mr. GALLINGER. But I read the bill.

Mr. BUTLER. But what does the Postmaster-General say about this provision?

Mr. GALLINGER. If the Senator will permit me, it is in the discretion of the Postmaster-General—

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. BUTLER. That same argument has been used here every time this subsidy has been extended. Now, what does the Postmaster-General say in his last report, for 1896? He says:

Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $196,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but—

And to this I call the attention of the Senator from New Hampshire—

as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Mr. President, there never has been a Postmaster-General, as far as I know, who has advised and recommended that subsidy. There never has been even a postmaster-generalette who has recommended or advised it. The Postmasters-General have advised against it, but their advice is never taken by Congress, and for some reason each year it made the appropriations while the Department protested, and at last the Department stopped protesting, and now the Postmaster-General simply says, "I pay it out because we recommend you not to appropriate it, and you must want me to pay it out or you would not appropriate it. Therefore I suppose I am carrying out the direction of Congress."

Mr. President, let us see what some of the Postmasters-General have said about this. I will start with Postmaster-General Wanamaker, and I could read from this back for twenty years:

In my judgment, the ordinary compensation now allowed by law should secure from railroads hearty cooperation with the Department in the establishment of such schedules as will accomplish a maximum amount of good mail service, and whenever this is done the compensation is sure to be advanced, occasioned by the natural increase in the quantity of mails transported.

The railroads associated with all large cities and trade centers of the country have an interest, independent of the compensation allowed directly by the Government, in cooperating with the Post-Office Department in its efforts to expedite the distribution of newspapers to the outlying districts early in the morning, and in the quickening of commercial mails after the close of each day's business, and it ought to be possible, within a very few years, to dispense altogether with preferential allowances for special facilities, and still be within the power of the Department to maintain and further advance the high standard that has been reached by the Railway Mail Service train schedules that now prevail.

Now, I call special attention to this closing sentence. Postmaster-General Wanamaker says:

In dwelling so fully upon the subject of allowances for special facilities, I do not wish to be understood as criticising the occasion which first led to the granting of them.

That is the Postmaster-General's report for 1890.

This is from Postmaster-General Wanamaker's report for 1891. I ask the Secretary to read the two paragraphs beginning with "No recommendation."

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and to some extent paralleling the roads which received the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started, it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowances for ordinary mail and car transportation, independent of the special service has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted, commencing with July 1, 1892, when their pay, it is estimated, will be increased still further, at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the present special-facility allowance.

Mr. BUTLER. Mr. President, the Postmaster-General not only refuses to recommend an appropriation, but he states that this special subsidy business is an annoyance and a hindrance to the Post-Office Department. He states it is unjust. He does not say that men come here and lobby Congress for the special subsidies, but he calls attention to how unjust Congress is to fix a rate and then to pick out certain lines of railroads and pay them a subsidy which is not necessary to improve the service, and which, he states, is not necessary to get the fast-mail facilities; that it is an annoyance to the Department in managing the postal system.

Mr. President, was there ever a case before, besides the special mail facilities, where Congress deliberately and persistently continued to appropriate large sums of money when the Department recommended against it? Who can give any good reason for it? Who has shown that the Department did not know what it was talking about? Who has ever answered the statements of the Postmaster-General and shown how this would help the fast-mail facilities when he says it will not, and is not needed?

Postmasters-General have said year after year that it was throwing the money away. They have repeatedly stated they had rather not have it; that it was an annoyance; that it was unfair; that it was discriminating, and that they could get all the fast-mail facilities they needed under the discretion given them by the statutory law that has been read to-day—section 4003 of the Revised Statutes.

I want to know why; what influence, what pressure, it is that puts through this subsidy year after year and no reason given for it. It does not add one hour, one minute, as the Postmaster-General states, to the mail facilities; it does not make the time quicker; it does not improve the service, and yet here we vote away this money as a free gift. I think it would be just as well to move that this money be appropriated direct to the Sound Money Club in New York. Why not do that? If we are going to throw it

away, if we are going to give it to railroad corporations that contribute large amounts of money to the gold-trust campaign fund, let us send it direct to the Sound Money Club of New York—this William street performance, this William street reform club that has been flooding this country with gold literature and monopoly literature, while it was charging the silver men with disturbing business by talking for financial reform. Yet that stuff has been going out as regularly as clockwork, and this very railroad here asking a subsidy has been cheek by jowl with this concern, with the gold trust of New York, of London, in trying to fasten the single gold standard on the country, and still here the Senate adds to their campaign fund, makes them a free gift, and enables this one line, if necessary, to give $196,000 to the sound-money campaign fund without taking a dollar out of their treasury. I think we had better just appropriate it to the Sound Money Club of New York and be done with it.

Here is the Postmaster-General's report—Postmaster-General Bissell—for the year 1894. I will read part of it:

In submitting the estimates for the fiscal years of 1893, 1894, and 1895 this office declined to include the item of "special facilities," for reasons heretofore stated.

He got tired of stating them. He has stated them here twice. This time he simply calls attention to the fact that he has already stated them. Then what does he say under it? That the Department declines to recommend the appropriation. But that very year Congress voted it without one particle of evidence, with the Post-Office Department asking the Government not to waste the money.

Now, here we have a deficit of $8,000,000. We have been talking to-day about how to make both ends meet, and yet here is where the Postmaster-General shows you are throwing away that much money. Then why do we vote it?

Mr. President, here is the Postmaster-General's report for 1895. He says:

In submitting estimates for the fiscal year 1896-94, 1895-96, this office has declined to include the item of special mail facilities for the reasons heretofore stated.

He was tired of stating them. He stopped stating them. He simply calls attention to the fact that he has stated them, and stated them, and stated them. What does he say right under it?

No estimate is submitted by this Department for the next years for those facilities.

He does not even submit an estimate, because it is unnecessary; it is a waste of money; it is an annoyance to the Department. A former Postmaster-General's report stated that if ever there was any necessity for this appropriation in the beginning, it was like having a protective tariff for infant industries; but after they were grown and able to stand on their feet, he did not think they needed what infant industries needed, and therefore he declined to recommend it.

I can understand how some Senators who live along the line of these railroads may have been made to feel by arguments presented to them by persons whom they know connected with the railroads that this would be a great accommodation to them and would help them in many ways. I can understand how they could be made to feel kindly toward the roads, helping it as a business proposition, probably. No doubt a great many Senators have voted for this without ever reading the Postmaster-General's report. No doubt their only information was what was stated to them by persons who were their friends, and who were the presidents of these roads or connected with them. A man naturally would feel kindly to a road running through his State and would be willing to help the road if he thought he could add some facilities to the people living in the State. This line runs through North Carolina. If the Postmaster-General was to say that this appropriation was necessary, or if there were data and facts offered to show it was necessary to improve the mail facilities of my State and the States below it and above it, then I should be one of the first to vote for it, if I was convinced it was necessary. But the facts are all to the contrary.

Mr. President, these railroad corporations stepped in the last campaign over the dead line that business corporations, that public corporations, should not dare to step over in a free country. These railway corporations, owning great public franchises, these railway corporations exercising great public functions that touch the welfare of every business as well as almost every individual in the country, instead of keeping themselves within the lines of their business as business corporations, performing a public service and receiving the protection of the law—what did they do? They entered the last campaign as a ward politician or heeler would enter it for his man. They have grown great and powerful, rich and fat, off of the substance of the land. Our people have felt so kindly toward the railroads, every State has felt so kindly toward them, we have been so anxious to extend them, to broaden their lines, to have them ramify every section of our country, that we have granted almost any and every thing that they have asked. We have granted them charters with unusual and startling privileges, we have voted them subsidies, bonds, help, protection, as no other corporation or individual in America has been favored. Under these highly favored conditions they have grown so powerful, so rich, that they felt that they were almost independent of the people in the last campaign. They defied the public and entered into a political campaign as a partisan enters into it for his candidate. They contributed in that campaign large sums of money that they had gathered from the people. They contributed it on the side that some in this Chamber favored and some opposed. They stepped over the line.

And now, Mr. President, I want to say that if they have made enough money that they feel they can throw it into a political campaign to shape the results, and if they are enough interested in the result of a political campaign to spend millions of money, then I submit that it is getting time for Congress and the people's representatives to deal with them on strictly business principles. I submit that the time has come to stop granting favors for the asking, to stop voting subsidies by the thousands and millions, but to deal with them as one business man deals with another.

The cry that these corporations raised in the last campaign was that they were interested in the laboring man; that if a free-coinage bill should be passed their employees would have their salaries reduced, and that they would have to dismiss a part of their employees. They pleaded eloquently through their circulars which they distributed and handed out with each man's pay. How many men here saw them? Every railway employee had his little gold circular stuck into his hand when he drew his pay, and he was told that it was to the interest of that employee and the company for him to vote against free silver. Mr. President, they hid their motives and purposes behind the laboring man.

Now, I took them at their word. I wanted to see what their record had been toward their employees, and I have here a little statement that is condensed from the report of the Interstate Commerce Commission. It contains the total number of railway employees on June 30 in each year from 1890 to 1895, inclusive. I shall ask to have the table printed in the RECORD, but I wish to call the attention of the Senate to the fact that in 1893 there were employed on the railroads of this country 873,602 men. In the year 1895 that number had been reduced to 785,034.

The total number of all railway employees on June 30 in each year, 1890 to 1895, inclusive, was—

1890	749,301	1893	873,602
1891	784,285	1894	779,606
1892	821,415	1895	785,034

What does the next table show? It shows that the railway mileage track had been increasing while they were decreasing their employees.

The next table shows the single-track mileage operated each year from 1890 to 1895. How much track did they have in 1890? One hundred and sixty-three thousand five hundred and ninety-seven miles. How much did they have in 1895? One hundred and eighty thousand six hundred and fifty-seven miles. They increased their mileage 17,160 miles, and reduced the number of their employees 88,568.

The single-track mileage operated at each corresponding period was—

1890	163,597	1893	176,461
1891	168,402	1894	178,708
1892	171,563	1895	180,657

The number of employees per 100 miles of line for these years the next table shows, ending June 30, respectively, and is stated as follows in that report. I have this table from 1890 to 1895, which I will publish in the RECORD.

The number of employees per 100 miles of line for these years, ending June 30, respectively, is officially stated to be as follows:

1890	479	1893	515
1891	486	1894	444
1892	506	1895	441

Thus it will be seen that in 1893 they had 515 men employed on every hundred miles of railroad. In 1895 they had reduced that number to 441 on each hundred miles.

Mr. PALMER. Will the Senator from North Carolina permit me to ask him a single question?

Mr. BUTLER. Certainly.

Mr. PALMER. Why did they do it?

Mr. BUTLER. They did it to increase their own profits, without any regard to the rights of their employees or the interests of the public. One thing is certain, their action illustrates one of the beauties of the gold standard. We certainly had the gold standard, and bonds were being issued constantly. They said if we had free silver they would have to reduce the number of their employees and reduce their salaries. This table shows that they reduced the number of employees and reduced their salaries, while the number of miles of railroad operated was increasing all the time. Not only that, but another table which I will soon present shows that they increased the salaries of their officers while they decreased the salaries of their employees. They did this under the gold standard; and yet they were trying to make the people believe that they would have to do that

very thing if the country adopted a free-silver law. They were trying to fool the country. The policy of the railroads under the gold standard is to do just what they are now doing, and have been doing; yet they charge that they would have to do it under free silver.

Mr. PALMER. Mr. President, may I be allowed to remark that I suppose the railroads hired all the employees they needed, and if they reduced the number it was because they could not make money enough to pay them? I suppose that was the reason.

Mr. BUTLER. Then why did they increase the salaries of their big officials, who were already getting from fifteen to twenty thousand dollars a year?

Mr. PALMER. I do not know that that is true.

Mr. BUTLER. It is true, and I will give the Senator the facts and tell him where I get them before I get through. I have them all here.

Mr. PALMER. That they did it is possible. I do not know why they did it.

Mr. BUTLER. The salaries of the men who were getting $50,000 a year had to be increased in hard times, and the wages of the men getting but $1.50 a day had to be reduced to $1.25.

Mr. PALMER. Why was that?

Mr. BUTLER. Because we have turned over a great public function, which is a monopoly, into the hands of private individuals and allowed them to run it according to their own greed, their own desires, and in the interests of their own pocket.

Mr. PALMER. That is no answer.

Mr. BUTLER. It is an answer, and one that they would like to dodge, but it is a true answer.

Mr. PALMER. I do not think so.

Mr. BUTLER. They run those great public functions for their own profit and for their own emolument, and not with regard, as they ought to do, to the public interest.

Mr. PALMER. Does not the Senator from North Carolina manage his own business in the same way?

Mr. BUTLER. If my business were one which concerned every citizen in America; if it were one that was important to life, liberty, and property, and the welfare of the nation; if my business were the operation of a great public function, its management should not be allowed to be dictated by my own greed and selfishness and self-interest.

Mr. PALMER. But would the Senator do it?

Mr. BUTLER. I expect that any poor, weak human nature that is clothed with the management of a great public function and is allowed to run it simply by the dictates of his own greed and self-interest would do the same thing.

Mr. PALMER. I expect so.

Mr. BUTLER. I expect so; but you must remember that the Bible tells us not only to avoid evil, but to avoid the appearance of evil. It is your fault and mine if we nurture and encourage and support a system which gives greed and self-interest a chance to oppress humanity, a chance to paralyze industry, a chance to build up one industry and tear down another. Are you and I doing our duty as good citizens when we allow this power to be put into the hands of men and to stay there unrestrained, which can close up every oil refinery in the country but one, and make an absolute monopoly out of the Standard Oil Company? That company would never be a monopoly without railway collusion. The responsibility for this rests upon the representatives of the people.

Mr. WILSON. I rise to a question of order. I certainly hope the distinguished Senator from North Carolina will avoid the appearance of evil by not threatening the distinguished Senator from Illinois.

Mr. PALMER. I am very much obliged to the Senator from Washington, but, inasmuch as I have not complained, I do not know why the Senator should interfere.

Mr. WILSON. Well, Mr. President, I certainly am aware that the distinguished Senator from Illinois, who has for many years protected himself, will be able now to protect himself from the very vigorous assaults of the distinguished Senator from North Carolina who seems to have taken unto himself all the business of the United States.

Mr. BUTLER. I regret that the Senator from Washington feels the neglect that he has not been given any attention in this discussion, but I must tell him that the distinguished Senator from Illinois illustrates my point and suggestion and typifies the question under discussion better than the Senator from Washington now does, or probably will be able to do when his hairs are equally as gray as those of the Senator from Illinois. Therefore I beg to submit that I may be allowed to continue for the present to address my remarks to the Senator from Illinois so long as it is his pleasure.

Mr. WILSON. I shall not further interrupt the distinguished Senator, Mr. President, but I regret he has made any reference to my gray hairs. [Laughter.]

Mr. PALMER. No; I do not think he has. I think he refers rather to the baldness of the Senator. [Laughter.]

Mr. WILSON. He ought to have done so, but he did not; he knows so much upon every question, but he is as much mistaken in regard to my gray hairs as he is upon some of the questions he is discussing. I, unfortunately, have not any gray hairs; I wish I had. I was only trying to ascertain, if I could—because I rose in the first instance and requested to hear from the Senator from North Carolina—the reasons for his motion to strike out this amendment. I do not know what the Standard Oil Company has to do with it or anything of that sort. Let us reach a vote.

Mr. PALMER. The Senator need not be eager to come to the assistance of the Senator from North Carolina. I do not think he needs, and I certainly do not need, the help of the Senator from Washington. I do not ask his assistance, and unless the Senator from North Carolina has violated some rule of order of the Senate, I insist that there is no occasion for interference.

Mr. WILSON. Mr. President, of course I accept with all due grace the lecture of the Senator from Illinois. I can make no reply to the learned Senator, but the proceeding was so dramatic and the Senator from North Carolina was so dignified, not to say threatening, that I thought possibly the Senator from Illinois might pardon, even in a youth, some slight interference in his behalf.

Mr. BUTLER. The Senator is entirely pardoned if he will simply not offend again in the days of his youth.

Mr. President, I was answering a very pertinent question propounded by the Senator from Illinois, and explaining to him why probably any man placed as the managers of great railway corporations are placed would do as they do; certainly the average man, or the majority of men, would do so; and I expect the Senator and I would do just as they do; but that would not excuse those who allowed us to do it or made it possible for us to do it.

The question is not whether we would do that, but the question is whether it is public policy for us to be allowed to do it. The question is whether or not the Government, this Senate and this Congress, should take cognizance of such conduct in men holding important franchises and managing great public functions and instruments of commerce.

The railroads entered into the last campaign, as I have stated, and did so under false pretenses. They became partisans for the single gold standard; they contributed to the campaign fund; and they not only contributed, but they tried to make their employees, whether they wanted to do so or not, vote that way—a certain kind of coercion. They abused the tremendous power that the people, in their friendly feeling toward railroads, had put in their hands, and used it to try to thwart the will of the American people on one of the most vital issues in government. I was calling attention to their conduct, and I was showing that every argument they used in the last campaign as to what those men would have to do under free silver, they had already done under the gold standard.

To proceed, these tables show an increase in mileage each year and a yearly greater number of men dismissed. More than one-tenth of the total number of men employed on the railways of the country were dismissed, while the railway mileage was increasing and the pay of the big-salaried officers was increasing. In 1895, this number of men deprived of railway employment in 1894, was only decreased by 5,426, leaving 88,568 persons, or more than one-tenth of those having work on railways in 1893, unable to return to their customary labor. Again, while from 1890 to 1893 the number employed per 100 miles of road increased from 479 to 515, it dwindled to 444 in 1894 and 441 in 1895, less than in 1890, notwithstanding the railway mileage had increased more than 17,000 miles. The notable decrease, however, is that between 1893 and 1894, when the 93,994 persons were thrown out of work, and the number of men hired per 100 miles of line diminished from 515 to 444.

The foregoing figures and those hereinafter used as the basis of calculations are taken from the report on Statistics of Railways in the Unites States for the year ending June 30, 1895, lately published by the Interstate Commerce Commission. This report gives the number of persons employed for the years above mentioned in the various branches of railway service, and the average daily rate of pay to such persons throughout the United States. In 1893 considerably increased wages were paid to different classes of these employees, and there were slight increases to some subordinate classes in 1895 over 1894, but this was offset by a number of decreases also made in that year to other than those receiving the highest grades of pay. The significant shrinkage of wages took place in 1894 along with the great reduction in number employed, above noted, and from the latest figures obtainable there does not appear to have been any material increase since in rate of pay to the great mass of railway labor or in the number of persons employed. A comparison, therefore, of the figures for 1893 and 1894 will not only show such shrinkage during a single year, but will approximately indicate the situation at a recent period as compared with that which existed in 1893.

I have here a table, which I have carefully prepared, showing

the number employed in each class and the average daily compensation in dollars for the years ending June 30, 1894 and 1893. Without taking the time of the Senate to read it, I shall insert the table in the RECORD.

The table is as follows:

Number employed in each class, and average daily compensation in dollars, for years ending June 30, 1894 and 1893.

Class.	1894.	1893.
General officers	5,257	6,610
Other officers	1,778	
General office clerks	24,779	27,584
Station agents	28,199	28,019
Other station men	71,150	75,181
Enginemen	35,466	38,781
Firemen	36,327	40,359
Conductors	24,823	27,537
Other trainmen	63,417	72,959
Machinists	29,245	30,869
Carpenters	36,328	41,878
Other shopmen	84,359	93,709
Section foremen	29,680	29,699
Other trackmen	150,711	180,154
Switchmen, flagmen, and watchmen	43,219	46,048
Telegraph operators and dispatchers	22,145	22,619
Employees—account floating equipment	7,469	6,146
All other employees and laborers	85,276	105,166
Unclassified		284
Total	779,608	873,802

I have here another table, showing the pay that these various classes received each year, which I shall also insert in my remarks.

The table is as follows:

Class.	1894.	1893.
General officers	$9.71	$7.84
Other officers	5.75	
General office clerks	2.34	2.23
Station agents	1.75	1.83
Other station men	1.63	1.65
Enginemen	3.61	3.66
Firemen	2.03	2.04
Conductors	3.04	3.08
Other trainmen	1.89	1.91
Machinists	2.21	2.33
Carpenters	2.02	2.11
Other shopmen	1.69	1.75
Section foremen	1.71	1.75
Other trackmen	1.18	1.22
Switchmen, flagmen, and watchmen	1.75	1.80
Telegraph operators and dispatchers	1.93	1.97
Employees—account floating equipment	1.97	1.96
All other employees and laborers	1.65	1.70

These tables enable us to determine from what classes men were discharged in the year ending June 30, 1894, whether the number of employees in any class was increased, what classes of employees had their wages decreased or increased during that year, and the extent of increases or reductions in force and pay in each class. It is observed that in 1893 "general officers" and "other officers" are apparently reported together, the total number being 6,610, with an average daily pay for both of $7.84, while in 1894 these two classes are reported separately. From the number given for each class of officers in 1894, and the average daily pay of each, also given, it appears that the average pay of "general officers" and "other officers" together was $8.70 per day in 1894 as compared with $7.84 in 1893, representing an average increase in officers' daily pay of 86 cents.

There is also to be noted an increase of 11 cents per day in the pay of "general office clerks," though the number in this class was reduced by 2,805. The number of station agents was slightly increased, but their pay was decreased. They reduced every class but the general officers. These are the only ones beside the general officers who were not reduced in pay. They increased their pay 11 cents, but reduced the number over 2,000. All other classes suffered a decrease, both in number and in pay in that year, except "employees—account of floating equipment," who, increasing to 7,469, obtained an advance of 1 cent per day. The increases in disbursements for "general officers" and "other officers" and "employees—account of floating equipment" amounted, on the basis of number employed and average rates of pay stated, to a total of $12,114.34 per day, or $4,421,734.10 for the year of three hundred and sixty-five days. Although "general office clerks" had their compensation raised 11 cents, the decrease in the force stated operated to diminish the total compensation by $3,539.46 per day, or $1,288,252.90 for the year.

The next table I should like to have printed shows the number of men dismissed in 1894 and to what classes they belonged. The total number dismissed is 95,922. The table will show to what class each belonged.

The men dismissed from work in 1894 came from classes as follows:

General office clerks	2,805
Stationmen (not agents)	4,031
Enginemen	3,315
Firemen	4,032
Conductors	2,714
Other trainmen	9,542
Machinists	1,624
Carpenters	5,550
Other shopmen	9,350
Section foremen	30
Other trackmen	29,443
Switchmen, flagmen, and watchmen	2,829
Telegraph operators and dispatchers	474
All other employees and laborers	20,174
Total number dismissed	95,922

The next table shows the loss to the railway's employees by being dismissed from service. There were 4,031 stationmen dismissed; the average pay of each was $1.63 a day. This made the total loss $6,578.53 a day to that class of men dismissed. I show what the salary of each of the other men in each class who were dismissed would have been. The total is over $57,000,000.

Excluding "general office clerks," who received an advance in pay, the loss per day suffered by these dismissed employees amounted, at the lower pay for 1894, to the following sums:

Stationmen (not agents), 4,031, at $1.63	$6,570.53
Enginemen, 3,315, at $3.61	11,967.15
Firemen, 4,032, at $2.03	8,184.96
Conductors, 2,714, at $3.04	8,250.56
Trainmen, 9,542, at $1.89	18,034.38
Machinists, 1,624, at $2.21	3,589.04
Carpenters, 5,550, at $2.02	11,211.00
Shopmen, 9,350, at $1.69	$15,801.50
Section foremen, 30, at $1.71	66.09
Trackmen, 29,443, at $1.18	34,742.74
Switchmen, flagmen, and watchmen, 2,829, at $1.75	4,950.75
Telegraph operators and dispatchers, 474, at $1.93	914.82
Other employees and laborers, 20,174, at $1.65	33,287.10
Loss per day	157,571.23
Loss for the year	57,513,495.30

Mr. President, just think of these men thrown out of employment and their families in want. The loss to these men thrown out of employment is $157,571.23 per day—a loss to them and their families of $57,513,495.30 a year. This done in order to increase the number of general officers and to increase the salaries of those already getting $50,000 a year. This done in order that money might be saved to contribute to the gold-bug campaign. This done to help the shylocks of two continents to win an election and get a firmer and more cruel hold upon the lifestrings of the nation. No goldite ever did anything for labor. Every goldite is for low wages and hard times.

Mr. NELSON. I raise the point of no quorum.

Several SENATORS. Oh, no.

Mr. FAULKNER. The Senator has not been recognized by the Chair. He can not make that suggestion.

Mr. NELSON. I withdraw the point.

Mr. BUTLER. I am willing to have a vote taken on this proposition as soon as I can present one more important table and comment on it briefly, but I will not agree, if I can get enough seconds, for a vote to be taken without having the yeas and nays spread on the minutes, and if the yeas and nays are called——

Mr. ALDRICH. We will give you the yeas and nays.

Mr. BUTLER. It will disclose the absence of a quorum.

Mr. ALDRICH. Oh, no.

Several SENATORS. No.

Mr. BUTLER. I am not ready for a vote. I am not through talking——

Mr. PALMER. I think the Senator from North Carolina has a right to proceed in his own way without being interrupted.

Mr. CHANDLER. I notice that the Senator from North Carolina understands his right very well. I only want to ask the Senator how much longer he desires to debate this matter, and when he will be willing to allow this precise question, not the whole bill, to be voted upon?

Mr. BUTLER. I would be tempted to debate this question for the next week if I thought I could kill all the steals in this bill in that way, or run them to the end of the session to kill it, because it is time for the Government to get down to sound and common-sense business methods and stop paying these subsidies. These subsidies should not be given to these corporations unless we want to make a free gift to the greatest champions of the gold standard, and those who have gone beyond their privilege and duties and their proper province. If we want to make gifts, I make the point that there are plenty of people who need the money. We can make gifts to those who need it.

Mr. President, I trust that the Senator from Minnesota will not insist upon raising the question of no quorum, because if a Senator wants to go to the cloakroom, I do not want him to hear me. If he has made up his mind whether he is going to vote for the subsidy or not, and does not want to hear the facts that I have taken the

trouble to get, then I do not care for him to hear what I have to say. I am doing my duty when I present these facts to the Senate. I propose to present them. The Senate will take the responsibility of saying whether the subsidy shall be voted after the facts have been presented. My responsibility ends when I present these facts and my vote is cast.

Mr. CHANDLER. Will the Senator allow me for one moment? Of course I am interested in the argument the Senator presents. I myself believe that the railway mail pay is excessive in this country. I believe we are paying the railroads more than we ought to pay them. Notwithstanding that fact, I am unwilling by my vote to deprive the South of the expedition for her mail which this amendment gives.

There may be difference of opinion as to whether this money is necessary; it may be excessive pay to the railroads; but nevertheless here is a fast-mail route from New York, through Washington, on down through the Senator's State, I do not know to exactly what point, Atlanta, some point in Florida, and to New Orleans, it may be. It certainly would be treated as a sectional vote if I were to vote to take away this fast-mail route to the South. I have uniformly voted for it whenever the question has been raised, and I should like the privilege of voting that way to-night.

Mr. BUTLER. The Senator from New Hampshire admits that we are paying an excessive price for carrying the mail; that we are paying more for the cars than we ought to pay. Then why is it not consistent and proper for him to take the position that we ought to vote against all the subsidies? Right under this provision is another for a subsidy out West and in other places. Why vote for any of the subsidies when we are already paying more than the service is worth? This subsidy does not add one particle to our mail facilities. It is not a subsidy voted to the South, or to the people along the line of the railroads; it is a clear gift in the pockets of the railroads, that is all. I do not ask it as one from the South. I represent my State in part. Whether my colleague will agree with me upon it or not, I will stand up here and give the facts and my reasons for it, and go before my constituents and get their indorsement of it. I want to say that there never has been any man here who has voted for it since the question has been mooted, when the Democratic party held its sway in the State, that he did not sooner or later have to face that question on the stump, and it was one of the most effective agencies in carrying him down. He could not give any good and sufficient reason for it. I will not call any names, but it was one of the most powerful arguments against some who were defeated who were especially prominent in support of it.

I can speak for my constituents on this subject. There are Senators here to speak for the rest of the South. I am ready to vote for it if any man can show me any reason why it is necessary to give the people of the South the mail facility that we now have. The Postmaster-General and everyone else in authority say it is not. Nobody can prove or show or ever has dared to say it was necessary.

Mr. President, I submit that if what Senators have said here to-day be true, there is not a Senator on this floor who can conscientiously, from my standpoint, vote for the subsidies in the Southwest or anywhere else. Here we are about to create a commission to try to reduce what is paid. Here is an ex-Postmaster-General himself who has told you frequently and to-day how excessive is the amount paid the railroads, and here is the proposition to add a subsidy on top of what we now pay, which is 100 per cent, almost, more than necessary.

Mr. CARTER. Will the Senator explain how the Postmaster-General is compelled to expend this money in view of this proviso, to wit:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service?

Mr. BUTLER. I will answer the Senator from Montana with the mouth of the Postmaster-General. He has protested against it time and again. Different Postmasters-General have said that these subsidies were an annoyance instead of a help to the postal service. They have asked Congress time and again not to appropriate for it, that they already had proper discretion and sufficient power to pay; and now the Postmaster-General explains why he threw away the money after he asked you not to appropriate it. I ask the Secretary to read what the Postmaster-General says.

The Secretary read as follows:

SPECIAL FACILITIES.

Congress has appropriated each year during the last twenty years a specialty fund for a fast-mail service from New England and New York to Southern States, reaching as far south as New Orleans. The total amount for the current year is $100,614.22.

There has been a difference of opinion as to the necessity for making these appropriations, but as each Congress has seen proper to follow the action of the former Congress, the Department, while not recommending the appropriation, has thought it advisable to apply the fund for the purpose indicated.

Mr. BUTLER. There is the answer. Since Congress has insisted and persisted in voting it, the Postmaster-General says he can interpret it in no other way than that they mean for him to expend it. That is what he says himself in his report. That is the last report. They have given their argument time and again, until they got tired of it, and now the Postmaster-General simply refers you to the argument.

He says he does not know what else to do when Congress insists upon voting it when it is not necessary; they must mean to give it to the road, and he gives it. There is the answer.

It is said by some who oppose the gold trust, yet who favor this subsidy, that we can not afford to fight everything. That may be true in some respects, but I submit that every man who opposes the gold standard, and who sincerely favors financial reform, if only to the extent of free silver, must, if he is honest and sincere, fight any and all the allied forces that combined and concentrated their powers for the shylocks and against the interests of the people in the last campaign. Any man who is sincerely for the free coinage of silver and puts that question and the interests of the people above his own personal interests can not afford to vote for a subsidy to railroad companies that were the most active and effective agents of the gold gamblers in the last campaign. If the railroads had not gone into politics, and coerced and intimidated not only their employees but shippers and the public generally, William J. Bryan would have been elected President by a handsome majority. Shall we vote subsidies to those who are now reducing the pay of their employees in order to raise a campaign fund to help the shylocks and monopolists defeat the will of the people again in 1900? Those who are honestly against the gold standard can not make terms with the railroads without betraying the people and the cause of financial reform. The action of these railroads in the last campaign has made it necessary for every patriot to deal with them just as we must deal with the bankers, bondholders, and the gold trust.

In this connection I will embody in my remarks a leaflet sent out by the campaign committee of the People's Party showing why the railroads are in politics:

WHY THE RAILROADS ARE IN POLITICS—THE ROTHSCHILDS WRECKING AND BUYING UP THE RAILROADS IN ORDER TO CONTROL TRANSPORTATION AS WELL AS FINANCE.

In 1893 when the Rothschild combination was raiding the Treasury for gold for their gigantic Austrian speculation, at which time it was the duty of the Administration to pay Government obligations in silver, the scope of the entire scheme was not developed. The Austrian debt was changed from $2,400,000,000 of bonds payable in silver to $2,800,000,000 of bonds payable in gold. It is asserted, and it is probably true, that more than $200,000,000 was made by that single transaction. Austria was robbed and her debt practically doubled. The United States was betrayed, its Treasury wrecked, and a panic inaugurated under the pressure of which the only law on the statute book recognizing silver as money was swept away. It is estimated that during Cleveland's Administration four thousand millions of railroad and other securities have gone to the bad and that honest investors have lost that vast sum.

This was not all of the gigantic plan in which the Administration of President Cleveland played and is still playing so conspicuous a part. Nearly all of the railroads of the country were wrecked. It is stated in the public press that that same Rothschild combination, acting through their agents, Morgan and Belmont, as they have done in the $262,000,000 bond deals during Cleveland's Administration, have absorbed all the railroad transportation east of the Mississippi River, except the Pennsylvania and the Vanderbilt lines, and that they have a longing eye for the Pennsylvania, which is in danger of following in the same path that all the other great railroads have gone. The most surprising fact in all these gigantic operations is that since Bryan's nominations at Chicago and St. Louis the absorption by purchase under judicial sale of railroads has been enormous. The Reading, costing $250,000,000, and only in debt $45,000,000, sold for the paltry sum of $30,500,000. The Northern Pacific, with between two and three hundred millions of obligations outstanding, sold at judicial sale for the small sum of $13,000,000. The entire Southern system, except the Seaboard line, has been owned by the Rothschilds for several years. The Seaboard line has now been taken in by that great syndicate within the last few days. Why is it that this vast European combination is perfecting its title to American railroads just at this time? It is well known that they own railroads to wreck them; that it is their policy after a road has been wrecked and bought for a pittance to rebond and restock it, run it for dividends until the bonds and stocks can be sold, and then rewreck it and go through the same process. The activity in wrecking railroads during the present campaign is evidence that the Rothschild combination think it probable that Bryan will be elected, in which event they could stock and bond their railroads and sell them at a vast profit. In case, however, Bryan should be defeated they have another recourse. They will cut down wages to the starvation point. Such cuts would be followed by labor strikes, which would be put down by the strong arm of the Federal Government, and thus the form of our Government would be changed.

There is no doubt that it is the cherished policy of every European monarch, as well as of the great Rothschild money combination, to consolidate the Federal Government of the United States and make it a despotism. It is hard to find a money dealer on either side of the Atlantic who will not tell you that what is wanted is a strong government to make the people behave. If Bryan is elected, hundreds of millions will be made in these railroad deals in the next few years of general prosperity. If he is defeated, wages will be reduced, dividends will be made, and the stocks and bonds will be sold all the same, and millions will flow into the coffers of the gold combination.

We ask the people to watch these grand railroad deals and see what connection they have with the raiding of the Treasury by the Cleveland-Rothschild combination, which has continued from that time until now. They will appreciate why it was that this great money combination desired to wreck railroads and depress prices; it was that they might gather in, as they have gathered in, the railroads of the country and control transportation as well as finance.

This explains the pernicious activity of the railroad corporations against Bryan and silver and for McKinley and gold. In short, the gold trust is for McKinley; every railroad in the United States is for McKinley; the banks of Europe and America are for McKinley; every monarchical government in Europe is for McKinley; the sugar trust is for McKinley; the coal trust is for McKinley; the standard oil trust is for McKinley; John Sherman is for

McKinley; Mark Hanna is for McKinley; Pierpont Morgan is for McKinley. We defy any man to show a trust or unlawful combination, manipulator of the currency, intriguer with Rothschild's combination, gold gambler, stock jobber or money changer who is not for McKinley. No man of them who is for McKinley ever did anything to advance the wages of labor or to benefit the masses. On the contrary, every goldite in the country is for low wages and hard times.

Therefore, it is not only to the interest, but the duty, of every patriotic American citizen to vote against McKinley and this infamous combination of trusts and monopolies behind him.

Mr. NELSON. Will the Senator from North Carolina allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. NELSON. What objection is there now to taking a vote upon the amendment immediately? It is now almost Sunday morning. Can we not take a vote before the Sabbath morning comes in?

Mr. BUTLER. If I thought it would have a very beneficial effect upon the Senate in the interest of economy, in the interest of not throwing away the people's tax money, in the interest of the economy that we have all talked for to-day—if I thought that it would cause Senators to be influenced more by the interests of the people than by the interests of the corporations, I should say, let us take the vote on the eve of Sunday morning.

Mr. NELSON. Let us try the experiment.

Mr. BUTLER. Mr. President, the Senator almost persuades me. I shall ask permission, since I have partially covered this matter, to put into the RECORD, at the proper place in my remarks, without detaining the Senate by reading it, some other matter which I have prepared. It is a statement pertinent to the discussion to some extent, but of course it shows, and is intended to show, the position of the railroads in the last campaign; and it calls attention to the fact that we stand to-day in a different relation as a Senate to them to what we have stood before. The time has come to deal with them as business corporations and not as a matter of sentiment and favor, especially when they go into politics, as they did in the last empaign, and champion one side of the great question dividing the country.

Mr. President, when I was interrupted a few moments ago by the Senator from Minnesota raising the question of no quorum, I was discussing the amount lost each year by those who were dismissed from employment by the reduction of employees of the railroads. I have a few more words to say about that matter.

This amount, $57,513,495.30, was in a single year taken from the earnings of subordinate railway employees, not by reductions throughout these classes, but by actual dismissal of 93,117 persons, nearly all men, on whom doubtless three times that number were dependent for support. Fifty-seven and a half million dollars suddenly taken from fully 300,000 persons at the close of the nineteenth century by dismissal from a hitherto reliable and steady employment because our wretched financial system permitted a few bankers to inaugurate the "panic," destroy business confidence, and paralyze industry! Still, whatever the cause, why was it done? Why were so many made homeless and destitute, or nearly so? Why was other labor, already suffering from contracted business because of contracted currency, made to feel the weight of this added competition for employment in other branches of industry? Why, if retrenchment was imperative, was not this fifty-seven and a half millions taken pro rata, and with reference to amount of compensation received, from all classes of employees and officers, instead of depriving nearly 100,000 men of their customary livelihood? Why during this single year was the number of general and other officers employed so greatly increased, while the number of subordinate employees was so largely decreased? Why was it that during this beginning year of the panic more "officers" were required for a so greatly diminished industrial army?

But besides the dismissals from the ranks of railway employees, there were reductions in the pay of the less than nine-tenths who were retained. How much these cuts amounted to is not indicated by merely noting the lower average daily pay stated in the table above set forth, but the aggregate is easily calculated. Mr. President, I have here another very interesting table. In this computation we only include those classes from which the dismissals above mentioned were made:

Station men (not agents)	$1,423.00
Enginemen	1,773.30
Firemen	363.27
Conductors	992.92
Trainmen	1,268.34
Machinists	3,509.40
Carpenters	3,289.52
Shopmen	5,081.54
Section foremen	1,186.40
Trackmen	6,028.44
Switchmen, flagmen, and watchmen	2,160.95
Telegraph operators and dispatchers	865.80
Other employees	4,263.80
Loss per day	32,186.60
Loss for the year	11,748,109.00

During the identical year (ending June 30, 1894) when this vast sum of nearly eleven and three-fourths millions was secured by paring down the wages of subordinate employees from 1 to 13 cents a day, the aggregate amount paid to general and other officers was, upon the average stated, increased by the sum of $3,447,998.05; that is to say, nearly one-third of the eleven and three-fourths millions taken from subordinate employees was added to the salary account of the officers. This includes the salaries paid to the additional officers employed in that year. The loss to the subordinate classes arising from dismissals and reduced wages amounted, as above shown, to $69,261,604.80. After allowing for all errors resulting from the use of average rates of pay, the compensation paid to subordinate railway employees in 1894 as compared with the fiscal year 1893 was apparently diminished fully $60,000,000.

The paternal solicitude manifested by very many managing railway officials for the welfare of the subordinate railway employee during the campaign just closed, the fears they expressed that he would not vote on the side of the "sound money" which he had been receiving in such unstinted portions, and the earnest and often successful efforts of those managers to delude the employee into believing that his prosperous lot would be changed into a condition of starvation on half pay, all become really ludicrous in the light furnished by a study of the figures above given. Not less than $60,000,000 was taken from the great mass of railway employees in a single year, and beyond question a very large proportion of this sum was again "saved" in 1895 and 1896. The men who pilot the train, who govern the train, who serve the train, who switch the train, who make the track safe for the train, who repair the train, who, in fact, operate the road and compose an army of protection and safety to hundreds of millions of passengers and billions of dollars' worth of moving property, are freely made to bear the brunt of untoward circumstances. On the other hand, those who manipulate the company's finances, who devise schemes by which this or that large shipment is secured at any sacrifice of revenue, who establish a tariff of charges only to break it, who often are able to "stand in on the ground floor" in little side schemes for money getting which operate to the detriment of the road, but to the betterment of their own pockets, raise their wages, when hard times come, out of "savings" produced by shaving down the pay of subordinates or diminishing the number of men employed.

These startling figures almost persuade one to believe in the existence of a "trust" in railway pay as there is in sugar, meat, iron, coal, oil, lumber, leather, coffins, shrouds, and practically everything we need to live with or die with.

Nearly a hundred thousand men turned from work on railways in a single year! Sixty million dollars taken from subordinate railway employees in a single year! Millions of dollars added to the salaries of railway officials in the same year! How easy it is to practice economy with other people's money! All this happened before the issues of the national campaign were framed, but the conditions were continued throughout that struggle and are with us in all essential respects to-day. What was done with that sixty millions and various other millions "saved" in recent years from operating expenses of railways must be reserved for another chapter. The purpose of the foregoing is to expose one single stupendous sham, and to point out to railway employees and the public how much of prosperity and decent maintenance have been recklessly wasted to secure as good railway balance sheets as possible under the blessed sound-money conditions that have had full sway in the United States in recent years.

Now, how can any Senator who opposes the gold standard vote to turn over the money taxed from the people to these gold-bug corporations? It is a gift. No gold Senator can do it unless he thinks it right to subsidize these corporations out of the public Treasury to enable them to contribute more next time to the gold-bug campaign.

Mr. President, I am sorry that I did not have these statistics in the last campaign. I have prepared them since. They would have answered all of the demagogy and humbuggery that the railroads used to fool their employees and to help to fool the country. In spite of their power and the money that they now wring from us in their tolls and fares and that we vote to them in subsidies, we hope to get the truth to the people before the next election, and to redeem the country in spite of them and their power thrown against the interest of humanity.

Mr. TILLMAN. Mr. President, I shall detain the Senate but a moment, but I feel constrained, as a representative of one of the Southern States, to explain why I, who am perhaps as radical a man in my views on the question of subsidies and of the rule of corporations and the influence and control they exert in legislation, which was discussed by the distinguished Senator from North Carolina, think it is absolutely just and proper that the motion to strike out should not prevail, and that the subsidy proposed should be continued in the appropriation bill.

Our mail facilities in the South are none too good. It is well known that the policy of the Government in distributing mail through the country is to reach into the remotest sections without regard to cost. You send the star routes into the backwoods if

there are but a dozen people there, although it may cost forty or fifty or a thousand times more than the revenue derived from the cancellation of stamps. Why do you do it? Because people in those remote settlements have some rights.

Now, when you consider the fact that by reason of its dense population and wealth and the amount and rapidity of travel on the trains which accommodate the traveler between the Eastern and Western sections of this country north of the Ohio and then compare it with the sparse settlements in the South and the inability of the railroads to furnish fast trains and pay expenses, you see at once the analogy between supplying the remote settlements with star routes without regard to cost and the case we are now considering. If you deny the Southern people and those cities mentioned in the amendment this fast train, you delay the mails from twelve to fourteen hours to the great injury of ten or twelve States.

Mr. BUTLER. It will bring nothing to the Southern people; every dollar of this subsidy will go into the pockets of the railroads. You say it will add to our fast-mail facilities. I deny it. Where is your testimony and your evidence? Show a particle.

Mr. TILLMAN. It is not a question of testimony or evidence. It is a question simply with the Postmaster-General. If he does not think it is right and proper, he is allowed under the statute not to spend this money. If he will not do his duty, it is not our fault.

Mr. BUTLER. How would the distinguished Senator——

Mr. DANIEL. I call the attention of the Senator from South Carolina to the fact that he is required not to spend it unless he believes in his own judgment that it is necessary.

Mr. TILLMAN. You mean to saddle the responsibility on us, because it is in an appropriation bill, and you want the Postmaster-General to say because we put it there he must spend it.

Mr. BUTLER. He has the courage to advise you not to do it, and that is as much courage as it would take to vote against a subsidy if he were a member of this body. And when he has had the courage to do that you go and vote it and tell him to spend it, and he explains in his report that he throws it away because you voted it in spite of his recommendation to the contrary.

The distinguished Senator from Wisconsin, who has been Postmaster-General, explained to-day how it was that the Postmaster-General was placed in an awkward situation in attempting to carry out the law or do his duty when he had to contend single-handed without the help of Congress against these combined monopolies who have such a hold upon our country and its interests. He explained to-day fully the difficulties he had to meet with as Postmaster-General, and it made me tremble for the Government to see a man with his firmness and courage stand up here and acknowledge and admit the difficulties that a Cabinet officer has in carrying out and doing his duty unless Congress will come to his back and prevent the railroads and combined trusts and monopolies from centering their pressure upon him.

Mr. TILLMAN. When there are so many other villainies in this bill, so many iniquities, I accept the payment for the transportation of the mails which the Senator pointed out, and I am unwilling, with all the villainies in this appropriation bill, to vote against this one for my own section of the country to give it rapid mail facilities.

Mr. BUTLER. Your argument would be, if my son steals, do not condemn him; if somebody else's son steals, then condemn him.

Mr. TILLMAN. I am tired of so much sentimentality in the South and no practicability. I think if we have got to have these iniquities we should have our share of the benefits.

Mr. BUTLER. That is a nice grab game. I have heard that before, when spoilsmen say, "What are we here for but for the spoils?" Each one grabs what he can, and let the devil take the hindmost.

Mr. TILLMAN. The South always has taken the hindmost.

Mr. BUTLER. The Senator from South Carolina will be joining the tariff barons here in a few days and saying, "Show me how I can loot the country for South Carolina. I am one of your gang."

Mr. TILLMAN. I beg your pardon, but I will join with the representatives of the tariff barons in giving this country all the tariff physic that it can be gagged and forced to take down. That is the only way to bring the people to their senses and lead them to a change in the financial policy as a means of relieving the ills we suffer.

Mr. BUTLER. Then the gentleman's argument is for us to increase these appropriations, and instead of voting $196,000, let us vote away $196,000,000, to let the country see how unworthy we are as their representatives.

Mr. TILLMAN. You will not get relief until you convince the masses of the people that there are a lot of robbers here representing the other robbers, and that they must change the personnel of this body.

Mr. BUTLER. And the Senator from South Carolina is joining in the scramble, and says, "Let me share the booty while the robbery is going on. Let me in and I will be one of the robbers to convince the people that we are all robbers."

Mr. TILLMAN. We of the South all pay our share of taxes. We send North every year one hundred and fifty or seventy-five million dollars, and most of it never comes back. Why not let us have the $171,000 for improved mail service?

Mr. BUTLER. Every one of these excessive charges that is paid for carrying the mails over the country and for rent of postal cars that the Senator speaks of is paid to Southern railroads. They get all the excessive pay we were talking about to-day; they get all the excessive pay for postal cars that we were talking about to-day. But you are not satisfied with that excessive pay. You want to put a subsidy on top of it and in addition to that.

Mr. TILLMAN. I should like to stop the whole business, but we can not do it; and I do not believe in depriving our people of this small benefit because of opposition to the policy pursued in conducting the Government.

Mr. BUTLER. Then let us vote against all subsidies. There are only a few in this bill. Let us vote against them, West as well as South, and do our duty. This is not a subsidy for the benefit of the people. It is a subsidy for the benefit of the railroad kings, for them and them alone. It should not pass. You know it is wrong.

Mr. TILLMAN. Mr. President, I shall detain the Senate but a moment, but I feel constrained, as a representative of one of the Southern States, to explain why I, who am perhaps as radical a man in my views on the question of subsidies and of the rule of corporations and the influence and control they exert in legislation, which was discussed by the distinguished Senator from North Carolina, think it is absolutely just and proper that the motion to strike out should not prevail, and that the subsidy proposed should be continued in the appropriation bill.

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Now, when you consider the fact that by reason of its dense population and wealth and the amount and rapidity of travel on the trains which accommodate the traveler between the Eastern and Western sections of this country north of the Ohio and then compare it with the sparse settlements in the South and the inability of the railroads to furnish fast trains and pay expenses, you see at once the analogy between supplying the remote settlements with star routes without regard to cost and the case we are now considering. If you deny the Southern people and those cities mentioned in the amendment this fast train, you delay the mails from twelve to fourteen hours to the great injury of ten or twelve States.

Mr. BUTLER. Deny it how, Governor? Where is your testimony and your evidence? Show a particle.

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Mr. BUTLER. Then let us vote against all subsidies. There are only a few in this bill. Let us vote against them, West as well as South, and do our duty. You know it is wrong.

Mr. ALLISON (at 12 o'clock and 15 minutes a. m., Sunday, February 28). Mr. President, I ask unanimous consent that a vote shall be now taken upon this amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from North Carolina to strike out the clause which has been read.

Mr. BUTLER. I hope we shall have a roll call.

Mr. ALLISON. The yeas and nays will be taken on the amendment.

Mr. GORMAN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. Let the amendment be read. I ask that the clause proposed to be stricken out be reread.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out after line 16, on page 8:

For necessary and special facilities on trunk lines from New York and Washington, to Atlanta and New Orleans, $171,238.75.

Mr. BATE. That is sufficient. I understand.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from North Carolina [Mr. BUTLER].

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). Under the circumstances, owing to the condition in the Senate this evening and the fact that this is not a political question, I will not regard my pair, and vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. My colleague [Mr. MITCHELL of Oregon] is paired with the Senator from Wisconsin [Mr. VILAS]. The Senator from Wisconsin and I have arranged to transfer our pairs, and I vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD], but inasmuch as he and I agree on this subject, I desire to vote. I vote "nay."

Mr. QUAY (when his name was called). I have a general pair upon all subjects with the Senator from Alabama [Mr. MORGAN]. Upon this question I do not know how he would vote, but I believe that under existing conditions he will justify me in violating the pair to vote "nay," as I do.

Mr. SEWELL (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. MITCHELL]. I do not know how he would vote on this subject if he were present. I should vote "nay."

Mr. FAULKNER (when Mr. WALTHALL'S name was called). I was requested by the Senator from Mississippi [Mr. WALTHALL] to state that he is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I have again to announce my pair with the Senator from Florida [Mr. PASCO], and to state that he is detained from the Chamber by sickness to-day. [A pause.] I am informed by his colleague [Mr. CALL] that he would vote "nay," and therefore I will vote.

Mr. CALL. I think my colleague would vote "nay," under the circumstances.

Mr. WILSON. I vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the negative). I permit my vote to stand, although the Senator with whom I am paired is absent. I understand that he would vote the same way I do if present.

Mr. McMILLAN (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Believing that he would vote as I do, I will let my vote stand.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I voted, but I do not know how he would vote if present, and I shall have to withdraw my vote. [A pause.] I am advised that the Senator with whom I am paired would vote "nay" upon this proposition, so I will allow my vote to stand.

The result was announced—yeas 8, nays 41; as follows:

YEAS—8.

Baker,	Berry,	Chilton,	Pettigrew,
Bate,	Butler,	Lodge,	Vilas.

NAYS—41.

Allen,	Cullom,	McBride,	Roach,
Allison,	Daniel,	McMillan,	Shoup,
Bacon,	Dubois,	Martin,	Squire,
Brice,	Faulkner,	Nelson,	Stewart,
Brown,	Frye,	Palmer,	Thurston,
Burrows,	Gibson,	Peffer,	Tillman,
Call,	Gordon,	Perkins,	White,
Cannon,	Gorman,	Platt,	Wilson.
Carter,	Hawley,	Pritchard,	
Chandler,	Hill,	Proctor,	
Cockrell,	Jones, Ark.	Quay,	

NOT VOTING—41.

Aldrich,	Gray,	Mills,	Teller,
Blackburn,	Hale,	Mitchell, Oreg.	Turpie,
Blanchard,	Hansbrough,	Mitchell, Wis.	Vest,
Caffery,	Harris,	Morgan,	Voorhees,
Cameron,	Hoar,	Morrill,	Walthall,
Clark,	Irby,	Murphy,	Warren.
Davis,	Jones, Nev.	Pasco,	Wetmore,
Elkins,	Kenney,	Pugh.	Wolcott.
Gallinger,	Kyle,	Sewell,	
Gear,	Lindsay,	Sherman,	
George,	Mantle,	Smith,	

So the amendment was rejected.

The VICE-PRESIDENT. The question is upon agreeing to the committee amendment. The amendment will be stated.

The SECRETARY. After the word "service," line 24, insert the words:

In the discretion of the Postmaster-General, any unexpended balance of appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

The amendment was agreed to.

Mr. VILAS. I wish to ask the Senator from Iowa in charge of the bill if the appropriation for $80,000 for the Oceanic Steamship Company is not a new appropriation of a subsidy in addition to what has heretofore been paid them?

Mr. ALLISON. It has been paid for two years.

Mr. VILAS. It is a continuation of the same payment?

Mr. ALLISON. It is a continuation of the same payment.

Mr. VILAS. In that case I will not stop to contest it now at this late hour of the night, although I would like to call attention to the fact that that company is not within the category of those entitled to the subsidy under the general act for that purpose, and having been invited by the Post-Office Department to bid it was unable to do so, having but two vessels of American registry.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move now that the Senate proceed to the consideration of the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. HILL. I hope not to-night.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

Mr. HILL. Mr. President——

Mr. ALDRICH. The motion is not debatable.

Mr. ALLISON. The Senator will allow me a moment. Is the bill before the Senate?

The VICE-PRESIDENT. The Chair has not submitted the motion for the reason that the Senator from New York addressed the Chair upon the bill.

Mr. HILL. I was about to make a suggestion that we ought not to proceed with the bill to-night.

Mr. ALLISON. I will say to the Senator from New York that it is not my purpose to finish the bill to-night. I think it is absolutely impossible to do that.

Mr. HILL. Yes; I think so myself.

Mr. ALLISON. But I should like to make progress with it, and any sharply contested matter in the bill I will allow to be passed over until to-morrow. I trust that we shall make progress with the bill to-night, and I hope there will be no objection to it.

Mr. GORDON. If the Senator from Iowa will allow me to make a suggestion, would it not be wiser for us to meet earlier in the morning, and get some sleep to-night?

Mr. ALLISON. I think it is necessary that we should make progress with the bill to-night, and I hope there will be no objection to it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The Secretary proceeded to read the bill.

Mr. VILAS. I wish to make one suggestion. Can there not be a unanimous-consent agreement that no other business shall be considered to-night except this bill?

Mr. STEWART. Oh, no. Then everybody would go away.

Mr. FAULKNER. That is a fair proposition.

Mr. JONES of Arkansas. Why not agree to that?

The VICE-PRESIDENT. Does the Senator ask to have the suggestion submitted?

Mr. VILAS. Yes. I ask unanimous consent that no other business shall be considered except the sundry civil bill at the session to-night before a recess or adjournment is taken.

The VICE-PRESIDENT. The Chair submits the request of the Senator from Wisconsin. Is there objection to the request of the Senator from Wisconsin?

Mr. BATE. I suppose nothing will be done except the reading of the bill. There will be no contest over the amendments to-night.

Mr. ALLISON. I will say to the Senate that if any Senator for any reason is compelled to be absent from his seat this evening and to-morrow, and will state that fact, I shall be willing that it may be reopened to that extent. What I desire is that we shall make progress with the bill. Certainly, I do not desire that any Senator shall be deprived of his proper right to discuss the bill.

Mr. CULLOM. Then all Senators will go away.

Mr. ALLISON. I think if Senators will trust me about this bill there will be no special harm done with it.

Mr. FRYE. That is all right.

Mr. NELSON. Mr. President, will the Senator from Iowa allow me to make a suggestion to expedite business?

Mr. ALLISON. I will.

Mr. NELSON. I suggest that the formal reading of the bill be dispensed with.

Mr. ALLISON. That is a very good suggestion, and I intended to make it myself. I ask that the formal reading of the bill may be dispensed with.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. ALLISON. I also ask that the committee amendments may be considered first.

Mr. CULLOM. That is right.

Mr. GORMAN. I understand that the request submitted by the Senator from Wisconsin has been agreed to.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Wisconsin.

Mr. QUAY. What is the request?

Mr. FRYE. That was agreed to, I understand.

Mr. QUAY. What is the request?

Mr. FRYE. That no other business shall be done to-night.

The VICE-PRESIDENT. The Chair will ask the Senator from Wisconsin.

Mr. QUAY. I thought he withdrew his request?

Mr. CULLOM and others. No, no.

Mr. VILAS. A good many Senators desired that that request should be made. I am not desirous to do anything against the wishes of those who are in charge of the bill. I thought it would facilitate action upon the bill.

Mr. QUAY. I understood that I had removed the objection of the Senator from Wisconsin to proceeding in the ordinary way. I was mistaken.

The VICE-PRESIDENT. Shall the reading of the bill be proceeded with?

Mr. FAULKNER. The request of the Senator from Wisconsin has not been submitted, or else it has been agreed to, and we want to know which.

The VICE-PRESIDENT. The Chair again submits to the Senate the request of the Senator from Wisconsin. Is there objection?

Mr. HILL. What is the request?

Mr. FAULKNER. I understand the request is that there shall be no other business than the sundry civil bill until either adjournment or recess.

The VICE-PRESIDENT. The Chair so understands. Is there objection? The Chair hears none, and it is so ordered. The reading of the bill will proceed.

The Secretary proceeded to read the bill.

Mr. ALLISON. I ask that the reading may be interrupted, in order that at this time we may settle the question of a recess. I hope that unanimous consent will be given that when we take a recess it will be until 3 o'clock in the afternoon.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Iowa that when the recess is taken to-night it be until 3 o'clock this afternoon. Is there objection?

Mr. HILL. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I insist on the regular order.

Mr. ALLISON. Then I move that when a recess be taken to-night it be until 3 o'clock this afternoon.

Mr. HILL. I raise the question of no quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Carter,	Jones, Ark.	Quay,
Allen,	Chandler,	Lodge,	Roach,
Allison,	Chilton,	McBride,	Shoup,
Bacon,	Cockrell,	McMillan,	Squire,
Baker,	Cullom,	Martin,	Stewart,
Bate,	Daniel,	Nelson,	Thurston,
Berry,	Dubois,	Palmer,	Tillman,
Brice,	Faulkner,	Peffer,	Vilas,
Brown,	Gibson,	Perkins,	White,
Burrows,	Gordon,	Pettigrew,	Wilson.
Call,	Gorman,	Platt,	
Cannon,	Hawley,	Proctor,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HILL. Mr. President, I desire to state that I have moved on several occasions for an executive session of the Senate, and my motion has been interfered with by appropriation bills. I do not wish to antagonize the appropriation bills, but I think that the Senate should have an executive session, and I think we should fix a time, so that Senators may know when it is going to be held, that they may be present. I am not asking that any particular action should be had in executive session, but that there should be an executive session to dispose of whatever executive business is before the Senate.

That is nothing but common fairness, and my request should not be refused. If the ordinary and usual request of a Senator is refused, he naturally feels as though he must antagonize those who antagonize him. I am not asking that any particular nomination shall be confirmed; I am simply asking that there shall be an executive session, and that an opportunity shall be afforded to pass upon various nominations. If some nominations are to be confirmed, the appointees will have to give their bonds, and they must have them returned before Congress adjourns, as everyone knows. I do not think we ought to do by indirection what we will not do directly.

It is for that reason that I have suggested that we ought not to go on with this bill, at least until there can be some understanding with regard to when we are going to have an executive session. Every time when an appropriation bill is reported and passed another one is put immediately in its place, and if I remain silent, I shall be cut off then by saying, "You can not have an executive session now, because we have an appropriation bill before the Senate."

Mr. ALLISON. The Senator must see that I am facilitating just what he wants by asking that this appropriation bill be now considered.

Mr. HILL. When this bill is disposed of, the Senator will ask to take another appropriation bill up immediately.

Mr. ALLISON. Very well; but these bills must be passed within a day or two, in order that they may go to the other House and become laws. The next bill which will probably be considered will be the naval appropriation bill, which will take, I hope, a very short time. Then the deficiency bill will be considered, or the fortifications bill, and probably the District of Columbia appropriation bill will be the last one considered, though it is important to consider it early, I know. Certainly, whatever is done to-night will facilitate just what the Senator from New York desires, because I must submit that these appropriation bills are more important than by any possibility prolonged executive sessions can be. I do not wish to interfere with the Senator's desires about an executive session.

Mr. HAWLEY. I will make a suggestion. The time is very precious to-night. We might have made very considerable progress with this bill even while we have been talking. There will be no difficulty about having an executive session on Monday. I do not know what good will result from talking about it now. I myself would agree to give unanimous consent for an executive session at some hour agreeable to the Senator in charge of the appropriation bill.

Mr. CHANDLER. I should like to address a suggestion to the Senator from New York. The question that ought to be settled is the question of the recess to-night. It has been suggested that the recess should be until 3 o'clock this afternoon. As the Senate knows, I have voted steadily for executive sessions, and I am willing to give notice now that two hours after we reassemble in the afternoon, say at 5 o'clock, I shall move an executive session.

Mr. HILL. I am obliged to the Senator, but I hardly think we can have it this afternoon. I do not believe we can get a sufficient number of Senators here.

Mr. CHANDLER. Then we can not do any business.

Mr. CULLOM. Say on Monday.

Mr. CHANDLER. I give notice, then, that I will make the motion within two hours after the reassembling of the Senate.

Mr. JONES of Arkansas. I should like to ask whether there is not an agreement that nothing shall be done except to proceed with the consideration of the sundry civil bill to-night?

Mr. HILL. I am not asking for an executive session; but I want to see fair play in the spirit of fairness that usually characterizes me. I do not want to be obstreperous about it. I do not want to compete with appropriation bills, and yet all the time they are put in my way.

Mr. FAULKNER. If the Senator will permit me, I will state frankly that if we could have had a full Senate this evening, there would have been a motion made to proceed to the consideration of executive business.

Mr. HILL. I do not think that the evening is the proper time. There are some gentlemen in the Senate who are rather old, and it would be a hardship on them.

Mr. FAULKNER. I do not think we can have an executive session before Monday.

Mr. HILL. Why can not there be a general understanding that on Monday at 1 o'clock we shall go into executive session? Why not have that, if you intend to give an opportunity to attend to executive business?

Mr. CHANDLER. Does the Senator ask for unanimous consent?

Mr. HILL. I suggest that we fix some time, so as not to take advantage of the absence of any Senator.

Mr. ALLISON. The difficulty is owing to the morning hour consuming the time until 1 o'clock, and if we go into executive session at 2 o'clock, that practically ends the legislative business of the day.

Senators will bear in mind that for the last week or ten days we have only been considering appropriation bills in the evenings. Business of one kind and another—I need not go into a statement of what it has been—has intervened to occupy hours and hours. I have protested against it, knowing that we would be in the situation we are to-night unless we progressed with the appropriation bills.

Here is a proposition that we shall go into executive session at an early hour on Monday, which means that the day will be gone. If the Senators will allow the appropriation bills to be placed in a position where they can be considered in the other House and dealt with there, there will be plenty of time to hold the executive session they desire, if they are disposed to go into it. I should be willing to consent to a later hour on Monday for an executive session, so that the day will not be wholly occupied with that business.

Mr. HILL. I suggest 4 o'clock.

Mr. ALLISON. Very well; I shall be willing, so far as I am concerned, to give way at 4 o'clock, although I think that is a very dangerous business.

Mr. COCKRELL. There will be no trouble about that.

Mr. ALLISON. We shall be here, and there will be an all-night session, practically, on Monday.

Mr. HILL. Then at 6 o'clock we shall take a recess anyhow. That is the difficulty about it. Why not make it 4 o'clock? One hour is just as good as another for appropriation bills if we can keep a quorum. I ask unanimous consent that on Monday at 4 o'clock the Senate go into executive session.

Mr. JONES of Arkansas. Is not that a violation of the previous unanimous consent?

Mr. CHANDLER and Mr. HILL. No.

Mr. JONES of Arkansas. We agreed to-night that we should do nothing but consider the appropriation bill, and now we are agreeing as to what shall be done on Monday. That is certainly doing something which is palpably a violation of the agreement.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New York, that at 4 o'clock on Monday the Senate go into executive session. Is there objection?

Mr. BROWN. As I understand it, we have already agreed by unanimous consent that we shall do no other business than that connected with this appropriation bill to-night. Immediately thereafter we are asked to perform one of the most important functions of the Senate, to wit, make an order absolute to go into a particular class of business on Monday, at 4 o'clock. I consider at least that is a violation of the agreement, and I object.

Mr. CHANDLER. Then I give notice that I shall move on Monday at 4 o'clock that the Senate go into executive session.

Mr. ALLISON. I now ask unanimous consent that when we take a recess it shall be until 3 o'clock this afternoon.

The VICE-PRESIDENT. Is there objection?

Mr. ALDRICH. I suggest that it is necessary in that connection probably to fix an hour at which we shall take a recess, because we may be in a position at the hour we desire to take a recess when there will be no quorum, and we shall have to adjourn, as it would require a quorum to take a recess.

Mr. COCKRELL. Oh, no; we can fix the time for the recess now.

Mr. ALDRICH. The only agreement is that when we take a recess we shall take it to a certain time. It requires a quorum to take a recess at the time.

Mr. ALLISON. Then, if there is that difficulty, I will propose to fix the hour for taking a recess at half past 2 o'clock to-night until 3 o'clock this afternoon.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. BUTLER. I object.

Several SENATORS (to Mr. ALLISON). Then make the motion.

Mr. ALLISON. I move, then, that at half past 2 o'clock we take a recess until 3 o'clock this afternoon.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Public buildings," on page 2, after line 23, to insert:

For post-office and court-house at Charleston, S. C.: For completing the approaches and grounds around the building, $12,000.

Mr. TILLMAN. I desire to offer an amendment to the amendment of the committee.

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 2, in line 26, before the word "thousand," it is proposed to strike out "twelve" and insert "fourteen;" so as to read "$14,000."

Mr. ALLISON. The estimate of the Department is that this work can be done for $12,000. I hope the Senator will not insist on his amendment.

Mr. TILLMAN. I beg the Senator's pardon. He is in error. The Supervising Architect has written a letter in which he states that $12,000 is not sufficient, and that it will be necessary to have $14,000 in order to complete the work.

Mr. QUAY. I invite the attention of the Senator from Iowa to this proposed amendment. The facts are that this amendment, which was referred to the Committee on Public Buildings and Grounds, appropriates for the post-office at Charleston. The committee addressed a communication to the Supervising Architect of the Treasury, who, after the amendment had been referred to the Committee on Appropriations inserting $12,000, advised us that it would require $14,000 to do the work. I trust the Senator from Iowa will permit the amendment to prevail.

Mr. ALLISON. On that statement, I shall not object to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 19, after the word "dollars," to insert:

And not to exceed $20,000 of this sum may, in the discretion of the Secretary of the Treasury, be used to purchase additional land for the site of said building.

So as to make the clause read:

For public building at Helena, Mont.: For continuation of building under present limit, $100,000, and not to exceed $20,000 of this sum may, in the discretion of the Secretary of the Treasury, be used to purchase additional land for the site of said building.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to insert:

For public building at Racine, Wis.: Authority is hereby given to the Secretary of the Treasury, if he shall deem it expedient in the interest of the public service to accept the bid of $9,486, now filed for the substitution of stone for brick terra cotta in the public building now in process of construction at Racine, Wis., in accordance with the amended plans for the same already prepared by the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

For public building at Topeka, Kans.: To enable the Secretary of the Treasury to purchase 50 feet front of ground, or so much thereof as may be needed, adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices, is located, not to exceed $25,000; and to enable the Secretary to enlarge the said building for the better accommodation of the post-office and other Government offices, and to supply the same with the necessary fireproof vaults, elevator, and other fixtures and appliances for the more convenient, safe, and ready dispatch of the public business, $75,000; in all, $100,000: *Provided*, That the plans, specifications, and full estimation of said building shall be previously made and approved according to law: *And provided further*, That said building, so enlarged, shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on the north.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

For post-office at Worcester, Mass.: To enable the stamp room to be transferred to what is now the money-order lobby, and a new lobby to be provided, under the direction of the Secretary of the Treasury, $3,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

Mr. BROWN. I should like to offer an amendment, if this is the proper time to do it.

Mr. ALLISON. Unanimous consent was given that the committee amendments should be first considered. I will notify the Senator at the proper time for him to offer his amendment.

Mr. BROWN. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, after line 10, to insert:

That the sum of $115,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,733 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "grounds," to strike out "and approaches;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, $250,000; of which amount the sum of $30,000 to be used for the marine hospitals and quarantine stations: *Provided*, That of the sum hereby appropriated not exceeding $10,000 may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person $6 per day.

The amendment was agreed to.

The next amendment was, under the head of "Light-houses, beacons, and fog signals," on page 11, after line 4, to insert:

New Haven Harbor Breakwater light and fog-signal station, Connecticut: For establishing a light and fog-signal station on the outer breakwater, entrance to New Haven Harbor, Connecticut, $25,000; and the total cost of establishing said light and fog-signal station, complete, under a contract which is hereby authorized therefor, shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

West Bank light and fog-signal station, New York: For establishing a light and fog-signal station on or near the west bank, New York Harbor, $30,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to insert:

Orient Point light and fog-signal, New York: For erection of a light-house with fog signal at the site of the beacon heretofore standing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, New York, $30,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 3, to insert:

Overfalls Shoal light-vessel, New Jersey: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $80,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to strike out:

Bull Bay light station, South Carolina: For the reestablishment of the station on a new site, $10,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

Reimbursement of losses of light keepers in the Sixth light-house district: For reimbursements of keepers of lights, the officers and crew of a light vessel, and the keeper of a buoy depot in the Sixth light-house district, for personal losses sustained during the cyclones of August, 1893, while on duty, $2,390.13.

The amendment was agreed to.

The next amendment was, at the top of page 13, to insert:

Light vessel and two float lights at Ballards Reef, Detroit River: For light vessel and two float lights for marking the new channel at Ballards Reef above Limekiln Crossing on the lower Detroit River, $1,500.

The amendment was agreed to.

The next amendment was, on page 15, line 1, before the word "thousand," to strike out "four hundred and fifty" and insert "five hundred," and in line 2, after the word "dollars," to insert:

Provided, That of this amount the sum of $25,000 shall be used for the establishment of gas buoys on the Great Lakes and connecting waters.

So as to make the clause read:

Expenses of buoyage: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, spindles, and day beacons, and for incidental expenses relating thereto, $500,000: *Provided*, That of this amount the sum of $25,000 shall be used for the establishment of gas buoys on the Great Lakes and connecting waters.

The amendment was agreed to.

The next amendment was, under the head of "Revenue-Cutter Service," on page 20, line 4, after the word "dollars," to insert the following proviso:

Provided, That any chief engineer of the Revenue-Cutter Service who has held the office of engineer in chief shall hereafter receive the pay and emoluments of a captain of said service, and shall be eligible for appointment to the office of captain of engineers in said service, with the pay and emoluments of such captain.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

For the purchase of ten eophones, at not exceeding $400 each, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," on page 23, line 21, to increase the appropriation for field expenses from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to insert:

For the construction of a tidal indicator in the harbor of San Francisco, Cal., $2,500.

The amendment was agreed to.

The next amendment was, on page 24, line 26, to increase the appropriation for examination of reported dangers on the Atlantic, Gulf, and Pacific coasts, and to continue the compilation of the Coast Pilot, etc., from $3,300 to $5,100.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to insert:

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the measurement of the earth, $1,500.

The amendment was agreed to.

The next amendment was, on page 26, line 20, to increase the total appropriation for field expenses of the Coast and Geodetic Survey from $15,800 to $31,600.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," on page 29, line 19, after the word "For," to strike out "two" and insert "three;" so as to read:

For three, at $2,000 each.

The amendment was agreed to.

The next amendment was, on page 30, line 21, to increase the total appropriation for pay of office force of the Coast and Geodetic Survey from $134,470 to $136,470.

The amendment was agreed to.

The next amendment was, on page 31, line 5, after the word "supplies," to strike out "for extra engraving and drawing;" so as to make the clause read:

For copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; and for photolithographing charts and printing from stone and copper, for immediate use, $15,500.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "gas," to strike out "electricity for lighting and power;" so as to make the clause read:

For stationery for the office and field parties, transportation of instruments and supplies, when not charged to party expenses, office wagon and horses, fuel, gas, telegrams, ice, and washing, $6,000.

Mr. PERKINS. I wish to ask the chairman if he will not permit those words to stand. It is simply for the use——

Mr. ALLISON. I understand the matter. It was an oversight in striking out the words. I ask that the amendment may be disagreed to.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 7, after the word "dollars," to insert:

Of which sum $3,500 may be used for necessary drawings and illustrations for publications of the National Museum.

So as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, $160,000, of which sum $3,500 may be used for necessary drawings and illustrations for publications of the National Museum.

The amendment was agreed to.

The next amendment was, on page 34, line 5, after the word "subsistence," to insert "purchase and;" and in line 14, before the word "bank," to strike out "west;" so as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees, and general incidental expenses not otherwise provided for, $55,000; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States; and of the sum hereby appropriated $5,000 shall be used for continuing the entrance into the Zoological Park from Woodley Lane, and opening driveway into Zoological Park from said entrance along the bank of Rock Creek.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the word "Station," to strike out "Custodian and fish-culturist, $900," and insert:

Superintendent, $1,500; laborer, $600; in all, $2,100.

So as to make the clause read:

Gloucester (Mass.) Station: Superintendent, $1,500; laborer, $600; in all, $2,100.

The amendment was agreed to.

The next amendment was, on page 37, line 12, before the word "laborer," to strike out "skilled;" so as to read:

Woods Holl (Mass.) Station: Superintendent, $1,500; machinist, $900; fish-culturist, $900; pilot and collector, $720; three firemen, at $600 each; one laborer, $600.

The amendment was agreed to.

The next amendment was, on page 39, line 18, after the word "dollars," to strike out "two laborers, at $540 each" and insert "laborer, $600; laborer, $540;" and in line 21, before the word "dollars," to strike out "five hundred and sixty" and insert "six hundred and twenty;" so as to make the clause read:

Baird (Cal.) and Fort Gaston (Cal.) stations: Superintendent, $1,500; foreman, $1,080; foreman, $900; laborer, $600; laborer, $540; in all, $4,620.

The amendment was agreed to.

The next amendment was, on page 39, line 23, after the word "dollars," to strike out "three laborers, at $540 each" and insert "laborer, $720; two laborers at $600 each;" and on page 40, line 2, before the word "hundred," to strike out "one" and insert "four;" so as to make the clause read:

Clackamas (Oreg.) Station: Superintendent, $1,500; laborer, $720; two laborers, at $600 each; in all, $3,420.

The amendment was agreed to.

The next amendment was, on page 42, line 19, to increase the appropriation for propagation of food fishes from $125,000 to $140,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 18, to insert;

Fish hatchery in New Hampshire: For the establishment of a fish-cultural station in the State of New Hampshire at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, including purchase of site, construction of buildings and ponds, and its equipment, $15,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 44, after line 5, to strike out:

For all other necessary expenditures, to enable the Commission to properly carry out the objects of the "Act to regulate commerce" (including expenditures for counsel), to give effect to the provisions of said act and all acts and amendments supplementary thereto, $200,000.

And insert:

For all other necessary expenditures, to enable the commission to give effect to the provisions of the "Act to regulate commerce," and all acts and amendments supplementary thereto, $200,000, of which sum not exceeding $25,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, under the same head, on page 44, line 17, before the word "thousand," to strike out "fifty" and insert "forty-one;" so as to make the clause read:

In all, $241,000.

The amendment was agreed to.

The next amendment was, on page 45, line 5, after the word "ninety-eight," to insert "including the return of said Government exhibit;" after the word "hundred," in line 6, to insert "and seventy-five;" and in line 7, after the word "dollars," to insert:

Provided, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

So as to make the clause read:

Omaha exposition: For construction of building or buildings and for Government exhibit, including each and every purpose connected therewith, at the Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, as provided by and within the limitations and restrictions of the act approved June 10, 1896, entitled "An act to authorize and encourage the holding of a Transmississippi and International Exposition at the city of Omaha, in the State of Nebraska, in the year 1898," including the return of said Government exhibit, $275,000: *Provided*, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 9, to insert:

Treasury Department: That the Secretary of the Treasury shall appoint, by transfer from a clerkship of class 1, a librarian for the Treasury Department, at a salary of $1,200 per annum; and to pay the same for the remainder of the present fiscal year the sum of $400 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and for the fiscal year 1898 the further sum of $1,200 is hereby appropriated out of any money in the Treasury not otherwise appropriated; in all, $1,600.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "freight," to strike out "including;" in the same line, after the word "freight," to insert "salaries of superintendents, counters, messengers, and watchmen;" and in line 23, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Paper and stamps: For paper for internal-revenue stamps, freight, salaries of superintendent, counters, messengers, and watchmen, $50,000.

The amendment was agreed to.

The next amendment was, on page 47, line 23, before the word "paper," to insert "distinctive;" so as to make the clause read:

Distinctive paper for United States securities: For distinctive paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $65,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution, approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898. And the Secretary of the Treasury is hereby authorized to pay to Dr. Leonhard Stejneger the sum of $900, and to F. A. Lucas the sum of $600, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries under said joint resolution, out of the appropriation therein made for such investigation.

Mr. NELSON. After the words "nine hundred," in line 17, I move to insert the word "forty," so as to read "$940;" and in line 18, after the words "six hundred," I move to insert "thirty," so as to read "$630."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, after line 17, to insert:

Publication of Supplement to Revised Statutes of the United States: To enable the Secretary of the Treasury to pay, when the work shall be completed, for preparing and editing a Supplement to the Revised Statutes of the United States for the second session of the Fifty-fourth Congress, under the act of February 27, 1893, $1,000; and hereafter the Supplement to the Revised Statutes shall only be published at the expiration of a Congress, and in one volume, and all expenses of preparing and editing the same shall not exceed $1,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 3, to insert:

Bounty on sugar: For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,085,156.66, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

Mr. ALLISON. I ask that the amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over without action, if there be no objection. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 56, after line 22, to insert:

Payment to A. T. Kimball: To pay A. T. Kimball, of Brainerd, Minn., in full for all loss and damages sustained by him to his property from a break in the Pine River Reservoir, Minnesota, one of the head waters of the Mississippi River, $2,011.13.

The amendment was agreed to.

The next amendment was, on page 58, after line 14, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, $100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, after line 18, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, $1,500.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

For additional bookcases and shelves to accommodate the increase of law books and to protect rare and valuable books and manuscripts in the Law Library of Congress, $400, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

For the necessary care and repair of the steam-heating and ventilating apparatus of the Senate, including air ducts, elevators, legislative bell service, and all machinery relating thereto in the Senate wing of the Capitol, and also the Supreme Court, and including materials and tools, under the direction of the Architect of the Capitol, $3,165.

The amendment was agreed to.

The next amendment was, on page 61, line 17, to increase the appropriation for reproducing plats of survey, under the direction of the Commissioner of the General Land Office, from $2,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

That the provision of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," under the title "Surveying the public lands," which reappropriates the sum of $125,000 for the survey of the public lands within the limits of land grants made by Congress to aid in the construction of railroads, and to be reimbursed by the railroad companies and reappropriated for continuing such surveys, shall be used in such proportion as may be necessary to pay for field examination and necessary clerical work in the office of the surveyor-general, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

For survey and appraisal of the Fort McPherson abandoned military reservation, in Nebraska, $350.

The amendment was agreed to.

The next amendment was, on page 64, after line 22, to insert:

For surveying that portion of the boundary line between Idaho and Montana beginning at the intersection of the thirty-ninth meridian, with a boundary line between the United States and the British Possessions, including the retracing of so much of the international boundary line as may be found necessary for the determination of said intersection, then following said meridian south until it reaches the summit of the Bitter Root Mountains, and for locating points on said meridian by triangulation from the Spokane base of the United States Geological Survey, and on the continuation of said boundary line along the Bitter Root Mountains between Idaho and Montana, $7,650, or so much thereof as may be necessary, to be immediately available: *Provided*, That the Secretary of the Interior shall direct that the survey shall be executed under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose, and such survey shall be executed under instructions to be issued by the Secretary of the Interior, and that in either case the survey of said line be approved and accepted upon recommendation of the Director of the Geological Survey: *Provided further*, That the Secretary of the Interior may use so much of the above appropriation as will pay for the surveying and determining of said meridian and said boundary line as herein above provided, at such rates as he, in his discretion, may fix: *Provided further*, That the plats and field notes thereof prepared shall be approved and certified to by the Director of the Geological Survey, and three copies thereof shall be returned, one for filing in the surveyor-general's office of Idaho, one in the surveyor-general's office of Montana, and the original in the General Land Office.

And such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are declared to be inoperative as respects such survey.

The amendment was agreed to.

The next amendment was, on page 68, line 9, before the word "thousand," to strike out "sixty" and insert "sixty-five;" and in the same line, after the word "dollars," to insert:

And all moneys received from the sale of topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, shall be deposited with the Treasurer of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States.

So as to make the clause read:

For engraving and printing the geological maps of the United States, $65,000; and all moneys received from the sale of topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, shall be deposited with the Treasurer of the United States to the credit of the appropriation for engraving and printing the geological maps of the United States.

The amendment was agreed to.

The next amendment was, on page 68, line 20, to increase the appropriation for gauging the streams and determining the water supply of the United States, etc., from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 69, line 1, to increase the total appropriation for the United States Geological Survey from $479,100 to $494,100.

The amendment was agreed to.

The next amendment was, on page 71, after line 14, to insert:

To construct additional accommodations at the Government Hospital for the Insane for the insane received from the National Home for Disabled Volunteer Soldiers, $75,000.

The amendment was agreed to.

The next amendment was, on page 73, line 9, after the word "purposes," to insert "including cost of transportation;" so as to make the clause read:

Reindeer for Alaska: For support of the reindeer station at Port Clarence, Alaska, and for the purchase and introduction of reindeer from Siberia for domestic purposes, including cost of transportation, $12,500.

The amendment was agreed to.

The next amendment was, on page 74, line 1, after the word "dollars," to insert "to be immediately available;" and in line 10, after the word "tailrace," to insert:

Provided, however, That the foregoing proviso and condition, and nothing therein contained, is intended to absolve the United States from making the improvements and needed repairs it is required to make, if any, under existing contracts heretofore made and entered into by the United States and the Moline Water Power Company.

So as to make the clause read:

For extraordinary repairs of the Rock Island Arsenal water power, especially necessary for securing the same against destructive accident or injury during high water and freshets in the Mississippi River, $28,150, to be immediately available: *Provided*, That before work is commenced under this appropriation the Moline Water Power Company shall secure the United States, to the satisfaction of the Secretary of War, against interference or action for damages from the city of Moline, or others, for interfering with the flow or discharge of sewage and water from the city of Moline through the old tailrace in rear of the upper or Moline dam by the construction of the proposed earth embankment in rear of said wall and in said old tailrace: *Provided, however*, That the foregoing proviso and condition, and nothing therein contained, is intended to absolve the United States from making the improvements and needed repairs it is required to make, if any, under existing contracts heretofore made and entered into by the United States and the Moline Water Power Company.

The amendment was agreed to.

The next amendment was, on page 74, after line 20, to strike out:

That the proviso in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, being chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and which proviso is in the appropriation for the Rock Island Bridge, in the following words: "*Provided further*, That the Secretary of War shall not, under the act 'to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith,' approved March 3, 1885, permit the lower section of said bridge to be occupied by any street railway without paying a reasonable rent therefor," be, and the same is hereby, amended by adding after the final words, "paying a reasonable rent therefor," the following words: "unless said company, in lieu of such rent, shall furnish and deliver at the electric motor on the draw of the bridge the necessary and proper electric power for operating the draw, to the satisfaction of the Secretary of War, so long as said company occupies or uses said bridge for railway purposes."

The amendment was agreed to.

The next amendment was, on page 79, after line 15, to insert:

Toward the expenses of unveiling the bronze statue erected to the memory of the late Samuel D. Gross on the Smithsonian grounds, $500.

The amendment was agreed to.

The next amendment was, on page 80, line 11, before the word "burner," to strike out "5-foot" and insert "6-foot;" and in line 13, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lampposts; purchase of matches, and repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, $13,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $20 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act; and said lamps shall burn every night on the average from forty-five minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 81, line 9, after the word "night," to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" and in line 12, after the word "dollars," to strike out:

Provided, That all wires shall be placed underground, and that the conduits, wires, lamp posts complete, shall be furnished by the electric-light company without expense to the United States, and that 25 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And insert:

Provided, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia for the purpose of laying electric wires, cables, or conduits therein until specifically authorized by law.

So as to make the clause read:

For lighting 32 arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks, three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $2,920: *Provided*, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia for the purpose of laying electric wires, cables, or conduits therein until specifically authorized by law.

Mr. ALLISON. I ask that the amendment on page 81, from line 7 to line 24, inclusive, be passed over.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 83, line 11, before the word "thousand," to insert "and fifty;" and in line 12, after the word "dollars," to insert "of which not less than $50,000 shall

be expended at the military post at Spokane, Wash.;" so as to make the clause read:

For the construction of buildings at, and the enlargement of such military posts as, in the judgment of the Secretary of War may be necessary, $450,000, of which not less than $50,000 shall be expended at the military post at Spokane, Wash.

The amendment was agreed to.

The next amendment was, on page 85, line 15, after the word "available," to insert: "And not more than $10,000 shall be expended for the completion of a road, beginning on the Ishawood River, at the east line of the forest reserve, adjacent to the Yellowstone Park on the east and continuing up said river as nearly as practicable across the forest reserve of the national park, south of the Yellowstone Lake, and to a junction with the present park road system;" and in line 22, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

Improvement of the Yellowstone National Park: For the repair and maintenance of existing roads and bridges and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, including not exceeding $5,000 to be immediately available; and not more than $10,000 shall be expended for the completion of a road, beginning on the Ishawood River, at the east line of the forest reserve adjacent to the Yellowstone Park on the east, and continuing up said river as nearly as practicable across the forest reserve of the national park, south of the Yellowstone Lake, and to a junction with the present park road system, $50,000.

The amendment was agreed to.

The next amendment was, on page 87, line 12, after the word "dollars," to strike out:

And the Secretary of War may lease the lands of the park at his discretion either to former owners or other persons for agricultural purposes, the proceeds to be applied by the Secretary of War, through the proper disbursing officer, to the maintenance of the park.

So as to make the clause read:

Gettysburg National Park: For continuing the work of establishing the National Park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates, marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $50,000.

The amendment was agreed to.

The next amendment was, on page 88, line 10, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

For improving Hudson River, New York: Continuing improvement, $375,000.

Mr. ALLISON. I ask that that amendment be passed over.

The PRESIDING OFFICER. The amendment will be passed over, without objection.

The next amendment of the Committee on Appropriations was, on page 88, line 17, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $300,000.

Mr. ALLISON. I ask that that may be passed over also. We have reduced the amount reported from the House.

Mr. WHITE. The request is that the amendment shall go over, I understand?

Mr. ALLISON. That it shall go over until this afternoon. I desire that the others shall be read, so that we shall not be obliged to recur to them.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 88, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 88, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Savannah, Ga.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Portland, Me.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Rockland, Me.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 89, line 10, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 13, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, $412,500.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 20, before the word "dollars," to strike out "four hundred and fifty thousand six hundred and sixty-eight" and insert "three hundred and thirty-eight thousand;" so as to make the clause read:

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, $338,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 89, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 90, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, line 4, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, line 11, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

Improving harbor at Duluth, Minn., and Superior, Wis.: For continuing improvement, $375,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 90, after line 11, to insert:

Improving harbor at Oakland, Cal.: For continuing improvement under present limit, $200,000. And the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving harbor at Oakland, Cal., is hereby amended to read as follows

"Improving harbor at Oakland, Cal.: Continuing improvement under existing project, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $666,000: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount hereby authorized to be expended."

The amendment was agreed to.

Mr. WHITE. At this point I would suggest to the chairman of the committee that I should like to insert an amendment with which the Senator from Iowa is familiar, which gives Mr. Rogers, a member of the Coast and Geodetic Survey, who was appointed upon the Santa Monica and San Pedro board, the same privileges accorded to Admiral Walker, to wit, the right to collect the amount of money, at the discretion of the Secretary of War, which he may expend for his maintenance during his service there. I believe there is no objection to the amendment, as it simply puts him upon the basis upon which we put Admiral Walker the other day by a bill which passed both Houses of Congress. It is a very small matter, and I presume there is no desire to discriminate against him.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. After line 6, page 91, it is proposed to insert:

The officer of the Coast and Geodetic Survey detailed to serve on the board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1560 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. ALLISON. I will not object to the amendment, as it is only allowing to this officer what has already been allowed to Admiral Walker; but I desire to say that it is my wish that no amendment shall be offered to the bill to-night that has not been considered by the committee. I merely give that notice now.

Mr. WHITE. I suggest that the amendment might be considered as agreed to, having been read, so that we may not have to go through with it again hereafter. I think no one will have any objection to the amendment.

Mr. ALLISON. My object is that we may be able to say to those Senators who are not present at this late hour that there has nothing been done upon the bill to-night that does not appear either in our printed amendments or in the printed bill.

Mr. WHITE. Let it be understood, then, that when this point in the bill is reached, this amendment shall be considered in its regular order, being considered as open, not to go in the bill at this time, but that it will be resuggested to the Senate when we consider the bill again.

The PRESIDING OFFICER. That will appear.

Mr. PETTIGREW. I should like to inquire of the chairman of the committee what was done with the amendment on page 54 in regard to continuing investigations in regard to Alaska seals?

The PRESIDING OFFICER. That was adopted.

Mr. PETTIGREW. I wish to have the amendment reconsidered, as I wish to move a substitute for the whole paragraph this afternoon.

The PRESIDING OFFICER. The Senator from South Dakota asks that the amendment on page 54 be reconsidered.

Mr. ALLISON. By unanimous consent that may be done.

Mr. NELSON. That does not apply after the words "ninety-eight" in line 15.

Mr. ALLISON. No; the Senator from South Dakota desires to offer a substitute for the first portion of that amendment.

Mr. NELSON. From the end of the fifth line down to the word "and," in line 15.

Mr. WHITE. From the end of line 5.

The PRESIDING OFFICER. To the words "eighteen hundred and ninety-eight," in line 15.

Mr. PETTIGREW. I do not know that I care anything about the claim that seems to have been put in here.

Mr. ALLISON. These are not claims. They are accounts allowed to these officers who went out to these islands last year.

Mr. PETTIGREW. I did not object to it if it was a claim.

The PRESIDING OFFICER. Does the Senator from South Dakota desire that the amendment be reconsidered?

Mr. PETTIGREW. Yes. From line 6 to line 15.

The PRESIDING OFFICER. If there be no objection, the amendment will be reconsidered.

Mr. PETTIGREW. And let the item be passed over until to-morrow.

The PRESIDING OFFICER. The amendment will be passed over without action.

Mr. ALLISON. It is reconsidered by unanimous consent.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 91, line 16, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Locks and dams in Allegheny River, Pennsylvania: For continuing improvement by construction of locks and dams at Herr Island, above the head of Six-Mile Island, and at Springdale, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 91, after line 16, to insert:

Improving the Great Kanawha River, West Virginia: Completing improvement, $273,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 91, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving upper Monongahela River, West Virginia: For continuing improvement by the construction of six locks and dams, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. SQUIRE. At line 7, page 9, after conference with the chairman, I wish to introduce an amendment.

Mr. ALLISON. There is an agreement that the committee amendments shall be first considered. The Senator did not hear me say a moment ago that it is my wish that no amendments shall be offered to-night that are not found in the printed bill.

Mr. SQUIRE. I might pursue the same course the Senator from California [Mr. WHITE] did, and offer the amendment for consideration hereafter.

Mr. ALLISON. I think that would confuse the action on the bill more or less. I trust the Senator will not press it now.

Mr. SQUIRE. All I want is to get it before the Senate at the proper time, and I thought I could do as the Senator from California did just now.

The PRESIDING OFFICER. The amendment was passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 91, after line 22, to insert:

Improving the Ohio River: For continuing construction of Dams Nos. 2, 3, and 4, between Davis Island Dam and Dam No. 6, $400,000; and the provision in the river and harbor appropriation act of June 3, 1896, authorizing contracts to be made for improving Ohio River by the construction of dams Nos. 2, 3, 4, and 5 is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,999,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

The amendment was agreed to.

The next amendment was, on page 92, after line 17, to insert:

Improving Kentucky River, Kentucky: For completing locks and dams Nos. 7 and 8, $300,000; and the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving Kentucky River, Kentucky, is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement in accordance with the present project for same, to be paid for as appropriatons may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein and heretofore appropriated: *Provided*, That of the amount authorized to be expended, $83,000, or so much thereof as may be necessary, may be expended in addition to the $50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

The amendment was agreed to.

The next amendment was, on page 93, line 21, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Yazoo River, Mississippi: For continuing improvement of mouth of Yazoo River and harbor of Vicksburg, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 93, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: For continuing improvement, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 94, line 2, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For continuing improvement by construction of locks Nos. 5, 6, and 7, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 94, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Falls of Ohio River at Louisville, Ky.: For continuing improvement, including Indiana Chute Falls, $300,000.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 94, line 13, after the word "dollars," to insert:

In pursuance of the provisions of "An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896: and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in the improvement of said river which was recommended or suggested to be done in

the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1893, may be done: *Provided*, That the total cost of such improvement or work shall not exceed the limit provided for in said act.

So as to make the clause read:

Improving Chicago River, Illinois: For continuing improvement from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, $113,000, in pursuance of the provisions of "An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896; and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River that all of the work in the improvement of said river which was recommended or suggested to be done in the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1893, may be done: *Provided*, That the total cost of such improvement or work shall not exceed the limit provided for in said act.

The amendment was agreed to.

The next amendment was, on page 95, line 4, before the word "dollars," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Illinois and Mississippi Canal: For continuing construction, $750,000.

The PRESIDING OFFICER. The amendment in relation to the Illinois and Mississippi Canal, which has just been stated, goes over without action.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 7, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, $300,000.

Mr. ALLISON. That amendment should also go over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 13, after the word "cents," to strike out:

And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

So as to make the clause read:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $673,333.33.

The PRESIDING OFFICER. That amendment will go over without action.

The next amendment of the Committee on Appropriations was, on page 96, line 16, after the word "dollars," to insert:

And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

So as to make the clause read:

Improving Mississippi River: For continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,583,333; and of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

Mr. ALLISON. That should be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 97, after line 9, to insert:

A sum not exceeding $15,000, or so much thereof as may be necessary, of the money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River, may be used and is hereby made available for the payment of damages for lands and tenements overflowed or injured by the construction of a reservoir and dam at Gull Lake, Minnesota.

The amendment was agreed to.

Mr. NELSON. Going back to page 96, there is an amendment there to which I desire to call the attention of the chairman of the committee. The Committee on Commerce recommended the insertion of that amendment, in the first instance, to the Committee on Appropriations. We afterwards had a meeting of the Committee on Commerce, and decided to rescind that, and asked the Committee on Appropriations to keep it out. I do not know whether that action was communicated to the Committee on Appropriations or not, but that is what the Committee on Commerce finally did.

Mr. ALLISON. It was not communicated to our committee.

Mr. NELSON. Well, I have done my duty.

Mr. ALLISON. I have requested the Chair to pass that amendment over, and it has been passed over.

Mr. NELSON. If it has been passed over, very well; I do not want to delay matters.

Mr. ALLISON. On page 97, in line 9, after the word "Nebraska," I move to insert "to be immediately available;" so as to make the appropriation for continuing improvement of the Missouri River from its mouth to Sioux City, Iowa, immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 97, after line 16, to insert:

And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates; and all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. ALLISON. That amendment should go over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 99, after line 15, to insert:

Road to national cemetery, Pensacola, Fla.: For the purpose of shelling or otherwise improving to completion the roadway from Pensacola, Fla., to the national cemetery near that city, to be expended under the direction of the Secretary of War, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 99, after line 21, to insert:

Road to national cemetery, Springfield, Mo.: For the construction and completion of an extension of Phelps boulevard, the Government road from Springfield, Mo., to the national cemetery near that city, beginning at the north end of said boulevard and extending north to East Walnut street, a distance of about 834 feet, $2,700, or so much thereof as may be necessary: *Provided*, That a right of way 25 feet in width is donated to the Government.

The amendment was agreed to.

The next amendment was, on page 101, after line 9, to insert:

For constructing an additional building for the Garfield Memorial Hospital, $35,000: *Provided*, That said hospital shall dedicate to the District of Columbia the ground for widening Florida and Grant avenues in conformity with the adopted and recorded plans of highway extensions.

The amendment was agreed to.

The next amendment was, on page 103, after line 3, to insert:

Military road, Wyoming: For the construction of a military road from Fort Washakie, Wyo., by the most practicable route near the Wind River and to the mouth of the Buffalo Fork of Snake River, near Jacksons Lake, in Uinta County, Wyo., to be expended under the direction of the War Department, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 103, after line 10, to insert:

Deep Waterways Commission: For surveys and examinations (including estimate of cost) of deep waterways and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission transmitted by the President to Congress January 18, 1897, $150,000. Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

The amendment was agreed to.

The next amendment was, on page 103, after line 22, to insert:

Improvement of Pearl Harbor: For the improvement of the entrance to Pearl Harbor, Hawaiian Islands, according to the report of Rear-Admiral J. G. Walker, submitted in Senate Executive Document No. 42, Fifty-third Congress, third session, $50,000, to be expended by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 104, after line 3, to insert:

Memorial bridge across Potomac River: To enable the Chief of Engineers of the Army to make the necessary surveys, soundings, and borings, and for securing designs and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, $2,500.

The amendment was agreed to.

The next amendment was, on page 106, after line 23, to insert:

For brick water-closet building, $1,700.

The amendment was agreed to.

The next amendment was, at the top of page 107, to insert:

For building for out-ward of hospital, $6,000.

The amendment was agreed to.

The next amendment was, on page 107, line 13, to increase the total appropriation for "National Home for Disabled Volunteer Soldiers" from $559,500 to $567,200.

The amendment was agreed to.

The next amendment was, on page 107, line 25, to increase the appropriation for "Hospital at the Northwestern Branch, Milwaukee, Wis.," from $28,500 to $30,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 4, to insert:

For alterations of old hospital building, $6,000.

The amendment was agreed to.

The next amendment was, on page 108, line 10, to increase the total appropriation for the "Northwestern Branch National

Home for Disabled Volunteer Soldiers at Milwaukee, Wis.," from $75,000 to $82,500.

The amendment was agreed to.

The next amendment was, on page 110, after line 24, to insert:

For quartermaster's building, $8,000.

The amendment was agreed to.

The next amendment was, at the top of page 111, to insert:

For one additional barrack, $22,000.

The amendment was agreed to.

The next amendment was, on page 111, after line 2, to insert:

For steam boilers, 600-horsepower, $11,500.

The amendment was agreed to.

The next amendment was, on page 111, line 10, to increase the total appropriation for the "Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans.," from $283,600 to $325,100.

The amendment was agreed to.

The next amendment was, on page 111, line 18, to increase the appropriation "for subsistence at the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal.," from $88,000 to $93,500.

The amendment was agreed to.

The next amendment was, on page 112, after line 2, to insert:

For quarters for women nurses, $3,500.

The amendment was agreed to.

The next amendment was, on page 112, line 9, to increase the total appropriation for "the Pacific Branch National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal.," from $208,000 to $217,000.

The amendment was agreed to.

The next amendment was, on page 112, line 16, to increase the appropriation "for subsistence at the Marion Branch National Home for Disabled Volunteer Soldiers at Marion, Ind.," from $90,000 to $93,300.

The amendment was agreed to.

The next amendment was, on page 113, to increase the total appropriation for the Marion Branch of the National Home for Disabled Volunteer Soldiers at Marion, Ind., from $172,500 to $175,800.

The amendment was agreed to.

The next amendment was, on page 114, line 19, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

To enable the Board of Managers of the National Home for Disabled Volunteer Soldiers to locate, establish, and construct a Branch of the National Home for Disabled Volunteer Soldiers within the limits of the town of Danville, in the county of Vermilion, State of Illinois, and for each and every purpose connected with such erection, establishment, and construction, to be immediately available, $150,000.

The amendment was agreed to.

The next amendment was, on page 114, after line 19, to insert:

For the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National Home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers, $100,000: *Provided*, That such Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said Home as over other realty held by said Board until further enactment by the Congress of the United States.

The amendment was agreed to.

The next amendment was, on page 115, line 16, before the word "thousand," to strike out "five hundred and seventy-four" and insert "six hundred and forty-three;" and in line 17, after the word "dollars," to insert:

Provided, That all amounts disbursed from the appropriation for a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

So as to make the clause read:

In all, $2,643,646: *Provided*, That all amounts disbursed from the appropriation for a Branch Home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that Branch, except such expenditures for inspections, services, and supplies as may be required by the Board of Managers to be legally made by the general treasurer, and all such supplies shall be shipped and distributed as may be directed by the Board of Managers.

The amendment was agreed to.

The next amendment was, at the top of page 116, to insert:

Soldiers' Home, District of Columbia: That hereafter, upon proper application therefor, the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the Soldiers' Home in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 117, after line 12, to insert:

For repairing vault, procuring and placing metallic shelving, file holders, etc., office of the register of wills, as per estimate of Architect of the Capitol, $2,000.

The amendment was agreed to.

The next amendment was, on page 120, after the word "for," to strike out "payment" and insert "fees;" so as to make the clause read:

For fees of United States district attorney for the District of Columbia, $23,800.

The amendment was agreed to.

The next amendment was, on page 124, line 3, after the word "site," to insert "and;" and in line 5, after the word "purposes," to insert "incident thereto;" so as to make the clause read:

To establish a site and for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans., and for other purposes incident thereto, under the act of June 10, 1896, $50,000.

For rent of United States court rooms, $90,000.

The amendment was agreed to.

The next amendment was, on page 124, line 11, after the word "New York," to strike out "and the northern district of Georgia;" so as to read:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York.

The amendment was agreed to.

The next amendment was, on page 125, after line 19, to insert:

Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," into the proper route, the feasibility and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, $150,000; and to carry out this purpose the President of the United States is authorized to appoint a commission to consist of one engineer from the Corps of Engineers of the United States Army, one engineer from the engineers of the Navy, and one engineer from civil life, said commission to have all the powers and duties conferred upon the commission provided for in said act.

The amendment was agreed to.

The next amendment was on page 126, after line 11, to insert:

International Conference of the Red Cross: For necessary expenses of delegates to represent the United States at the International Conference of the Red Cross to be held at Vienna, Austria, between the 20th and 30th days of September, 1897, $1,500, and for contribution on the part of the United States toward the expenses of said conference, $500; in all $2,000, to be expended under the direction and in the discretion of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 126, after line 21, to insert:

UNDER THE POST-OFFICE DEPARTMENT.

The Postmaster-General is hereby authorized and directed to pay to W. B. Cooley, late chief clerk of the Post-Office Department, and James R. Ash, chief of the division of correspondence therein, out of the appropriation of $40,865, made by the act approved March 3, 1891, for a new edition of the Postal Laws and regulations, the sum of $2,000, in such shares as he may deem proper, for preparing, compiling, codifying, and editing the said edition of Postal Laws and Regulations, and for making a new index thereto, the work having been done outside of office hours and at night, by direction of the Postmaster-General, and for this purpose said sum of $2,000 is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 127, after line 23, to insert:

For the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, $25,000, the same to be expended under the direction of the Joint Committee on Printing.

The amendment was agreed to.

The next amendment was, on page 128, after line 4, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 128, after line 14, to insert:

SENATE.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely: Sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,760, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 129, line 22, to increase the total appropriation for public printing and binding from $3,990,000 to $2,992,000.

The amendment was agreed to.

The next amendment was, on page 132, line 13, after the words "United States," to strike out "seven" and insert "nine;" and in line 15, after the word "court," to insert "of which sum $2,000 to be immediately available;" so as to make the clause read:

For the Supreme Court of the United States, $9,000, to be expended under the direction of that court, of which sum $2,000 to be immediately available; and the printing for that court shall be done by the printer it may employ unless it shall otherwise order.

The amendment was agreed to.

The next amendment was, on page 133, line 19, after the word "boilers," to insert "to be placed in the new boiler house;" so as to make the clause read:

For two additional boilers, to be placed in the new boiler house, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 133, after line 20, to insert:

That the Joint Committee on Printing shall cause to be prepared requisite plans for the necessary additions and improvements to the Government Printing Office which shall be fully adequate to meet all the present and future requirements of the Government.

The amendment was agreed to.

The next amendment was, on page 135, line 12, after the word "ninety-seven," to insert:

,and the time for such distribution by members of Congress reelected shall continue during their successive terms and until their right to frank documents shall end. And no copyright shall issue to any person for said compilation or any part thereof, but said compiler shall prepare a full table of contents and a complete index for such compilation, and he shall be paid therefor by the Public Printer, out of the appropriation for public printing and binding, such sum as the Joint Committee on Printing shall decide to be just and proper.

So as to make the clause read:

And provided further, That the time within which members of the Fifty-fourth Congress who are reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent, be, and same is, extended to include the term of the Fifty-fifth Congress; and that the time within which members of the Fifty-fourth Congress who are not reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent be, and is hereby, extended to the 1st day of December, 1897. That the time allowed members of the Fifty-fourth Congress to distribute public documents now to their credit, or the credit of their respective districts in the Interior or other Departments, and to present the names of libraries, public institutions, and individuals to receive such documents, be, and the same is hereby, extended to December 1, 1897, and the time for such distribution by members of Congress reelected shall continue during their successive terms and until their right to frank documents shall end, etc.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER (at 2 o'clock and 30 minutes a. m., Sunday, February 28, 1897). In accordance with its order, the Senate will now take a recess until 3 o'clock this afternoon.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 27, 1897.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF COMMERCIAL RELATIONS FOR 1895 AND 1896.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS], chairman of the Committee on Printing, moves to suspend the rules and pass the resolution which the Clerk will report.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State, 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

The report (by Mr. PERKINS) was read, as follows:

The Committee on Printing, having had under consideration House concurrent resolution No. 73, to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being a part of said Commercial Relations, recommend that the same be agreed to.

This resolution is suggested by the President in a message transmitting a letter from the Secretary of State, communicated to the House of Representatives February 26, 1897, and ordered printed.

The Public Printer estimates the cost of the work under this resolution at $6,500.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Accordingly (two-thirds voting in favor thereof), the rules were suspended and the resolution was agreed to.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. THOMAS, from the Committee on Expenditures in the Navy Department, submitted a statement of expenditures of the contingent appropriations for the Navy Department for the fiscal year ending June 30, 1896, and asked that it be printed as a House document.

Mr. DOCKERY. What expenditures are reported here?

Mr. THOMAS. The contingent expenditures of the Navy Department, the contingent miscellaneous expenditures of the Hydrographic Office, and the contingent miscellaneous expenditures of the Naval Observatory.

Mr. DOCKERY. Has it been customary to print this?

Mr. THOMAS. It is customary to print it for the benefit of the Committee on Appropriations.

The SPEAKER. Without objection, the printing as a House document will be ordered.

There was no objection.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR CANALS, ETC.

Mr. BOWERS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following: "That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within limits of any park, forest, military or Indian reservations, for tramways, canals, or reservoirs, to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, for the purposes of furnishing water for domestic, public, and other beneficial uses.

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. DOCKERY. Mr. Speaker, I ask for a second, in order to secure an explanation of the bill.

Mr. BOWERS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California [Mr. BOWERS] asks that a second be considered as ordered. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 5128) to increase the pension of Jere Smith;

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 6159) to increase the pension of Helen A. De Russy;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson; and

A bill (H. R. 6757) granting a pension to Andrew J. Molder.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 7423) granting a pension to Lydia W. Holliday;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 2689) granting a pension to Charlotte Weirer.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3237) granting a pension to Annie Fowler;

A bill (S. 583) to grant a pension to Eli D. Walker;

A bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion;

A bill (S. 3393) to increase the pension of Wesley C. Sawyer;

A bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg.;

A bill (S. 3133) granting a pension to Harriet Clarissa Mercur,

widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.;

A bill (S. 2125) granting a pension to Mrs. Frances C. De Russy; and

A bill (S. 3707) granting a pension to Catherine A. Bradley.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That during the last six days of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

Also:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the two Houses of Congress 10,000 copies of the tariff hearings of the Committee on Ways and Means during the second session of the Fifty-fourth Congress, of which 3,250 copies shall be for the use of the Senate and 6,750 copies for the use of the House.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

The SPEAKER. The gentleman from California is recognized.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Will the gentleman from California yield to me, so that I may make a motion with reference to a bill that has just come over from the Senate—in reference to the Indian appropriation bill. I simply desire to move, Mr. Speaker, that the House nonconcur in the Senate amendments to the Indian appropriation bill, and ask for a conference.

Mr. FLYNN. Mr. Speaker, pending that——

The SPEAKER. The gentleman from New York moves that the House nonconcur in the Senate amendments, and ask for a conference.

Mr. FLYNN. Pending that, Mr. Speaker, I desire to make a point of order on the bill under Rule XX:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

There is an amendment in that bill as it passed the Senate which changes the Territorial boundaries of Oklahoma and takes out 4,000 square miles of country and attaches it to the Indian Territory. I want it considered in the House if it is considered anywhere, Mr. Speaker; and I submit that point of order, if the Chair will hear me.

The SPEAKER. Certainly; the Chair will listen to the gentleman.

Mr. FLYNN. In the provisions of a bill I had the honor to have passed, the Senate amended it, and it came back here, and the Chair held under this rule that it was necessary, as it contained new matter, that it should be considered in Committee of the Whole, and it was referred to the committee; and after it came from the committee it went to the Calendar. The same provision——

Mr. RICHARDSON. It is impossible for us to hear what the gentleman is saying.

The SPEAKER. The House will be in order, and gentlemen will cease conversation.

Mr. FLYNN. Under Rule XX, where any new legislation has been added to a House bill, as has been done in this Indian appropriation bill, it is not subject to be referred to a committee of conference where new legislation that the House is entitled to consider in the Committee of the Whole has been added to it by the Senate. I made that point upon a very similar bill. I am specially interested in this bill, because of the fact that it undertakes to dismember the Territory which I have the honor to represent. Therefore, I make the point that under that rule this bill is not subject, under that point, as my attention has been called to it, to go to a committee of conference, notwithstanding the fact of the request of the Senate, and although they have appointed conferees, as previously held on the bill H. R. 3656.

The SPEAKER. On what ground does the gentleman make it a matter to be considered in Committee of the Whole?

Mr. FLYNN. Under this rule, that it contains new matter, which, if originating in the House, would make it subject to a point of order.

The SPEAKER. How would it be subject to the point of order if it originated in the House?

Mr. FLYNN. It would be new legislation on an appropriation bill.

The SPEAKER. It has not that meaning under the rule.

Mr. FLYNN. In addition to its being new legislation, there are other new appropriations in this bill.

The SPEAKER. But new legislation on an appropriation bill is not subject to the point of order that it must be considered in the Committee of the Whole. It is subject to the point of order that it can not be considered at all. But new legislation coming from the Senate is not treated in that way.

Mr. FLYNN. If the Speaker will pardon me, there are additional appropriations all through this bill, in amendments placed on it in the Senate, which are not proper on an appropriation bill.

The SPEAKER. That may be, but the gentleman made his point of order that this particular amendment should be considered in Committee of the Whole. Now, will the gentleman state upon what ground?

Mr. FLYNN. It makes new appropriations, and fixes a new court there, that would involve a charge upon the Treasury if no other; but in addition to that, there are lots of other appropriations in the bill.

The SPEAKER. Those items, if that be true, could be considered in Committee of the Whole.

Mr. FLYNN. But not this one. This one is obnoxious to the point of order. It contains a proviso for the establishment of a new court.

The SPEAKER. It simply provides that two terms of the United States court shall be held.

Mr. FLYNN. Yes, sir.

The SPEAKER. The Chair does not think that that is a matter that would go to the Committee of the Whole House.

Mr. FLYNN. Does the Chair think that a term of the United States court can be held without any charge on the Treasury?

The SPEAKER. It has already been provided for. That has been done often.

Mr. FLYNN. I beg the pardon of the Speaker, there has never been a term of the United States court held there.

The SPEAKER. The Chair does not remember ever having a case where an increase in the sittings of the United States court should go to the Committee of the Whole. If the gentleman can point out any such instance, the Chair would be glad for him to do so.

Mr. FLYNN. Then, in order to save the point, I will make it on another appropriation, made in reference to a provision for distributing the pay to the Creek Indians out of the Treasury, $300,000.

The SPEAKER. Where is that amendment?

Mr. FLYNN. It was offered last night in the Senate. I will find the RECORD directly.

Mr. SHERMAN. If the Chair will permit me, I will put my motion in another form. I will move to suspend the rules, which I believe I have a right to do, and nonconcur in the Senate amendments and ask for a conference thereon. I assume that that motion is not subject to any point of order.

The SPEAKER. The gentleman from New York, the chairman of the Committee on Indian Affairs, moves that the rules be suspended, that the Senate amendments be nonconcurred in, and that a committee of conference be asked for.

Mr. FLYNN. Mr. Speaker, I do not know how a suspension of the rules can do away with the rule which I have cited.

The SPEAKER. The suspension of the rules does away with all of them.

The question being taken on the motion of Mr. SHERMAN, the rules were suspended, the Senate amendments were nonconcurred in, and the House asked for a conference on the disagreeing votes.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR CANALS, ETC.

Mr. BOWERS. Mr. Speaker, the whole purpose of this bill is to amend the law, which now permits the use of a right of way "for tramroads, canals, reservoirs, and other purposes," by adding a provision that it may be given also "for domestic purposes."

Mr. LIVINGSTON. What is meant by "domestic purposes"?

Mr. BOWERS. Furnishing water for use for domestic purposes in houses and such uses. The existing law has been strictly construed. The bill was referred to the Interior Department, and the Secretary of the Interior and the Commissioner both suggested amendments. The bill has been amended in accordance with their recommendations and is now fully approved by the Department. The amendment is quite necessary. We may now cross public lands, but this does not give any right to cross reservations or parks or anything of that kind. It simply gives this permission for domestic purposes.

The rules were suspended and the bill was passed.

RIGHT OF WAY THROUGH FORT MORGAN RESERVATION.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk, being a bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, be, and the same is hereby, repealed.

Mr. LIVINGSTON. Where does that bill come from?

Mr. HULL. It is recommended by the War Department.

Mr. RICHARDSON. Mr. Speaker, I ask for a second.

Mr. HULL. I ask unanimous consent that a second may be considered as ordered.

Mr. Speaker, this bill has been prepared by the War Department, and it is very anxiously urged that it be passed now, so that the fortifications of Mobile Bay may be proceeded with. If gentlemen desire it, the report can be read, which gives a very full explanation of the whole situation. This railroad company has not entered upon the reservation at all or taken any steps to avail itself of the right of way, but in January of this year the Board of Fortifications located three batteries right on the line that has been granted as a right of way, and the authorities of the War Department believe that this repeal is necessary in order to prevent any trouble which might arise hereafter from the railroad company claiming the ground under the act passed by the Fiftieth Congress. This bill is recommended by the engineers of the Army and by the Secretary of War.

Mr. RICHARDSON. What committee reports the bill?

Mr. HULL. The Committee on Military Affairs.

Mr. RICHARDSON. I would be glad to hear the report read, Mr. Speaker.

Mr. HULL. Let the report be read in full.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10304) entitled "A bill to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888," being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile, and Navy Cove Harbor Railway Company, and for other purposes, having considered the same, recommend that it do pass.

[House Document No. 228, Fifty-fourth Congress, second session.]

WAR DEPARTMENT,
Washington, D. C., January 28, 1897.

SIR: I have the honor to transmit, herewith, a letter from the Chief of Engineers, United States Army, dated January 13, 1897, recommending the repeal of the act approved October 1, 1888 (H. R. 10679, Fiftieth Congress, first session), copy inclosed, granting to the Birmingham, Mobile and Navy Cove Harbor Railway Company certain rights of way through the military reservation of Fort Morgan, Ala., bearing an indorsement from the Major-General Commanding the Army, concurring in the recommendation of the Chief of Engineers.

Very respectfully,
DANIEL S. LAMONT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 13, 1897.

SIR: I have the honor to return herewith letters of Mr. J. D. McCormick, of December 12, 1896, and January 2, 1897, concerning the right of way through the Fort Morgan Military Reservation, granted by act of Congress approved October 1, 1888, to the Birmingham, Mobile and Navy Cove Harbor Railway Company.

The locality of which Mr. McCormick desires Coast Survey map is embraced in Chart No. 168 of that survey, Mobile Bay and entrances. This chart is not distributed by this Department, but it may be purchased from the United States Coast and Geodetic Survey, Washington, D. C., at 50 cents per copy.

The act of Congress mentioned (copy inclosed) grants to the Birmingham, Mobile and Navy Cove Harbor Railway Company a right of way through the Fort Morgan (Ala.) Military Reservation, on a line described in the act, with terminal facilities and the right to erect a wharf and to fill into the water along the said right of way, "and thus acquire additional space and to enjoy other riparian rights." This act does not require the approval of the Secretary of War of the rights granted, except as to the location and dimensions of the wharf and buildings thereon and such docks as he may permit to be erected along the right of way; nor does it contain any limitations as to the time of commencing or of completing work. It is provided in the act that Congress may at any time cancel the concession granted by it. So far as is known to this office, the act has not been repealed nor amended.

At the time of the consideration of this act in 1888 the probability of construction of modern works of fortification at Fort Morgan was remote. Since that time, however, extensive works of defense have been commenced and are now in progress there, and a garrison or a post guard probably will be stationed there.

In my opinion, under the conditions now existing, and likely for some time to exist, at Fort Morgan, no railroad company should be permitted to extend its road so far through the reservation. It is believed that there is ample space outside and to the eastward of the military reservation for the purposes of the railway company.

The reason for desiring to enter upon the reservation is because of the greater ease of reaching deep water with a wharf, and therefore a decrease of construction expenses. No compensation of any kind is offered to the United States for this valuable concession.

The records of this office do not show that the Birmingham, Mobile and Navy Cove Harbor Railway Company has availed itself of any of the privileges granted by the act mentioned, although a period of more than eight years has elapsed since the passage and approval of the act.

A blue print showing the Fort Morgan Reservation, the proposed location of the batteries (A, B, and C), and the right of way granted to the railway company is herewith. It will be noted that, should the road be built, access to the reservation on the bay or sheltered front will be entirely cut off excepting at the site of the present Government wharf. The difficulty of guarding the reservation and the defensive works there against trespass by an undesirable class of people will be largely increased.

I have the honor to recommend that Congress be requested to repeal the act of October 1, 1888, hereinbefore referred to, and to cancel all concessions thereby made to the Birmingham, Mobile and Navy Cove Harbor Railway Company. Should it seem desirable later to permit access to the reservation on lines under the control of the Secretary of War, such access can be granted by revocable lease, under act of Congress approved July 28, 1892 (27 Stat. L., 321), under terms which would permit at least a partial control over the operations of the lessees, and some compensation to the United States for the privilege granted. As the care of the reservation and of the defensive works when built will be in the charge of troops, it is suggested that the matter be referred to the Commanding General of the Army for his consideration.

Very respectfully, your obedient servant,
W. P. CRAIGHILL,
Brig. Gen., Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

[First indorsement.]

HEADQUARTERS OF THE ARMY, *Washington, January 21, 1897.*

Respectfully returned to the honorable the Secretary of War, concurring with the Chief of Engineers in the within recommendation.

NELSON A. MILES,
Major-General Commanding.

An act to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Birmingham, Mobile and Navy Cove Harbor Railway Company the right of way through the military reservation at Fort Morgan, Ala., for roadbed, tracks, side tracks, and terminal facilities, not exceeding 50 feet in width, along the northern high-water line of said reservation and extending from the eastern boundary of the said reservation westward along the shore to a point 100 feet east of the east side of the present Government dock, at or near which point the said company may erect a wharf, after the Secretary of War shall have approved of the location and dimensions thereof, with such sheds and buildings as can be accommodated thereon, and the said company shall also have the right to fill into the water along the right of way so granted, and thus acquire additional space and to enjoy other riparian rights: *Provided, however*, That no buildings or other incumbrances shall be erected on said right of way except upon said wharf, but the Secretary of War may give permission for the erection along said right of way of a dock or docks upon limitations to be prescribed by him: *And provided further*, That Congress may at any time cancel this concession, and the President may, when in his judgment necessity demands, destroy any structures hereby authorized.

Approved October 1, 1888 (25 Stat. L., 500).

Mr. HULL. Now, Mr. Speaker, I ask for a vote.

The rules were suspended and the bill was passed.

RIGHT OF WAY THROUGH FORT SPOKANE MILITARY RESERVATION.

Mr. HULL. Mr. Speaker, I send to the desk a Senate bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the St. Paul, Minneapolis and Manitoba Railway Company a right of way 100 feet wide, on such route as the Secretary of War may designate, through the Fort Spokane Military Reservation, in the State of Washington. If said railroad shall not be built across said reservation within three years next after the passage of this act this grant shall absolutely cease and determine.

Mr. DOCKERY. Mr. Speaker, I ask for a second, in order to have an explanation of this bill.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HULL. Mr. Speaker, the Government is now erecting a post at Spokane Falls, in the State of Washington. The Secretary of War reports that if we do not grant this right of way, under the restrictions provided in the bill it will be necessary for the Government to build a temporary road into the reservation for the purpose of carrying supplies during the construction of the post. The Secretary further reports that the road will be a permanent benefit to the post in the delivery of supplies. If gentlemen desire it, I ask that the report from the War Department, which is very short, be read. I think it will give all the information desired on this subject.

Mr. TERRY. Ought not this bill to contain the usual provision, reserving to the Government the right to cancel this concession? We have just had before us a bill to repeal one of these concessions.

Mr. HULL. This bill was prepared at the War Department; and it provides that the Secretary of War shall regulate where this road shall run.

Mr. TERRY. I think the bill ought to contain such a provision as I have indicated. The bill which we had under consideration a few moments ago illustrates the importance of a reservation of this kind.

Mr. HULL. After the report is read, if the gentleman desires to offer an amendment, I shall have no objection. I have presented the bill just as it has been sent to us by the War Department. The bill has already passed the Senate; and I suggest that at this late day of the session it would be well not to add an amendment, unless it be considered very vital. Let the report be read.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10062) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, having considered the same, recommend that the bill do pass, and attach hereto as a part of the report the letter of the Secretary of War.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 20, 1897.

SIR: I have the honor to return herewith House bill 10062, Fifty-fourth Congress, "to grant a right of way through the Fort Spokane Military Reservation," etc., which has been referred to me for information.

This Department not only has no objection to the passage of the bill, but recommends its favorable consideration. The route proposed to be designated, and which is understood to be satisfactory to the railroad company, will insure railroad facilities for the post now building at Spokane, and which would otherwise be constructed at Government expense. The route will also be more direct and convenient in other respects than now exists.

Very respectfully,

DANIEL S. LAMONT,
Secretary of War.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs, House of Representatives.

Mr. TERRY. I move to amend the bill by adding these words:

Provided, That the right to repeal, alter, or amend this act is hereby reserved.

Mr. HULL. I hardly think that amendment is in order. I yield to the gentleman from Washington [Mr. HYDE], who, I think, can satisfy the gentleman from Arkansas [Mr. TERRY] as to the propriety of this bill.

Mr. HYDE. Mr. Speaker, this reservation is a large one; and the route over which the railroad company expect to build this road will not interfere with the use and occupation of the reservation by the Government. The reservation was donated to the United States. I am familiar with it. It is located within 3 miles of the city of Spokane, where I live. The difficulty in regard to the amendment suggested by the gentleman from Arkansas is that its adoption would probably result in the failure of the bill. The bill already provides that the Secretary of War shall fix the location of the road, and that it must be built within three years. It will be an advantage to the Government to have the road built, because it will facilitate access to the reservation, there now being no railroad less than 3 miles distant from the reservation. I hope the gentleman will not press the amendment.

Mr. TERRY. Mr. Speaker, I have no idea that the adoption of this amendment by the House will defeat the passage of the bill, because bills granting concessions to companies of this kind can always get consideration at either end of this Capitol. I have no doubt that this amendment could be concurred in five minutes after the return of the bill to the Senate. I think the provision an important one to the Government. In the action we have just taken with regard to Fort Morgan, we have seen the importance of a reservation of this kind. While, looking at the matter from the present point of view, it may appear that we shall never need to cancel this concession, yet circumstances might change so as to make it very important to the Government to repeal this act. I insist upon the amendment.

Mr. CANNON. I wish to say a word to the gentleman from Arkansas [Mr. TERRY]. The Secretary of War recommends the passage of this bill. This is a new post. The site was donated to the Government by citizens of Spokane. The reservation is a large one. It seems inevitable that we should construct a small post there. Let me say to my friend that, having a fairly full knowledge of the matter, I do not think any trouble will ever result from the action proposed. In fact the tendency and necessities of the Government with regard to posts are toward the seaboard. It is inevitable—and no doubt proper enough—that we should erect a small post on this reservation. But, after all, when this small post is completed, it will probably be larger than it ever will be again.

Mr. TERRY. Does my friend from Illinois think that this amendment would endanger the enactment of the measure into a law?

Mr. CANNON. Oh, I do not know. These are the closing hours of the session, and the Senate, if it performs its functions in the passage of appropriation bills, has apparently on its hands as much as it can get through with between now and the adjournment.

Mr. TERRY. I have so much confidence in the judgment of my friend from Illinois, and he has appealed to me so strongly, that for his sake, and in view of the special circumstances stated by him, I withdraw the amendment.

The question being taken, the motion to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

SUGAR LOAF RESERVOIR SITE, COLORADO.

Mr. SHAFROTH. I move that the rules be suspended so as to pass with amendments the bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry.

The SPEAKER. The bill will be read.

Mr. LACEY. The gentleman's motion is to pass the Senate bill with amendments, and those amendments appear in the bill by interlineation.

The bill as amended was read, as follows:

Be it enacted, etc., That the public land embraced in the reservoir site known as Sugar Loaf Reservoir site, No. 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at public auction, after three days' notice by advertisement, at a price not less than $2.50 per acre, under such regulations as he may prescribe, so as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River as contemplated by the Government in reserving the reservoir sites of the arid region. But nothing herein shall prevent the purchasers or their assigns from using said water for mechanical, manufacturing, or other purpose, which does not materially lessen said contemplated increased flow: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

Mr. TERRY. Mr. Speaker, in order to have an explanation, I demand a second.

Mr. SHAFROTH. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unanimous consent is asked that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SAYERS. Mr. Speaker, I ask the gentleman to have read, in his time, the report of the Interior Department upon this subject, because I regard it as a matter of some importance that the House should act understandingly upon this question. Whoever owns the reservoir sites controls a very large acreage of the surrounding land. I believe Congress some years ago passed an act reserving these reservoir sites from entry.

Mr. SHAFROTH. I will explain that. I ask for the reading of the report in my time.

Mr. SAYERS. We do not want, in the closing hours of this Congress, to undo what Congress deliberately did several years ago.

Mr. SHAFROTH. I will explain that fully.

Mr. SAYERS. Very well.

The SPEAKER. The Clerk will read the report.

The report (by Mr. SHAFROTH) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2232) entitled "A bill to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," respectfully report:

Under and by virtue of acts of Congress, passed October 2, 1888, and August 30, 1890, various reservoir sites were reserved by the United States from entry under the public-land laws. It is difficult to find the purpose of the Government in reserving these reservoir sites, unless it was in contemplation of entering upon a system of internal improvements in constructing reservoirs for the purpose of irrigating the public arid lands. The Government has done nothing since that time toward making such improvements. It is manifestly unfair that the Government should prevent the utilization of reservoir sites, unless it intends to improve the same.

The Sugar Loaf Reservoir site is situate about 6 miles from Leadville, Colo. Over 600 acres situate in the center thereof was taken up under the land laws of the United States and patents thereto issued prior to the time it was reserved by the Government. It is not likely that the Government, under those conditions, would ever utilize this reservoir site even if it should enter upon a policy of building reservoirs.

The bill simply restores the land embraced in such site not heretofore patented to the public domain, subject to disposal according to existing law at double the ordinary Government price.

The Interior Department has approved the passage of this bill, as shown by the letter hereto annexed.

The committee therefore recommend the passage of this bill.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 12, 1896.

SIR: I have the honor to acknowledge the receipt, by reference from Department, for report in duplicate and return of papers of a letter of Hon. H. M. TELLER, inclosing copy of a bill (S. 2232) requesting the opinion of the Department whether it would be in the interest of the Government to have a reservoir constructed upon this site by private parties.

The bill is entitled "A bill to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," and provides "that the public land embraced in the reservoir site known as Sugar Loaf Reservoir site, numbered 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at the price of $2.50 per acre under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases."

The reservoir site designated covers an area of 1,914.96 acres, of which about 1,058.13 are subject to reservation, the remaining 856.83 acres having been taken up under the public-land laws.

The reservoir site was recommended for segregation by the Director of the Geological Survey October 11, 1889, and October 28, 1889. The segregation was approved by the Secretary of the Interior August 13, 1894. The land involved was, by virtue of that approval, reserved under the terms of the act of October 2, 1888 (25 Stat. L., 505-526), as amended by act of August 30, 1890 (26 Stat. L., 371-391).

The records of this office show that on October 24, 1892, an application for right of way, under sections 18 to 21, act of March 3, 1891 (26 Stat. L., 1095), for a reservoir by certain individuals was rejected, and that on October 1, 1895, another application under the same act was rejected, this office holding that sites segregated under the terms of the acts of 1888 and 1890, supra, were not subject to appropriation under the act of 1891, supra. No appeal was taken from either of these decisions.

It is apparent that the purpose of the bill is to cause the lands embraced in the Sugar Loaf Reservoir site to be appropriated for the purposes contemplated by their segregation, to wit, for irrigation, and that the bill is intended to afford relief which was denied by the action of this office in holding that these sites were not subject to appropriation and use for reservoir purposes under the act of March 3, 1891.

Since the decision above referred to was rendered, I rendered a decision on November 23, 1895, upon the application of the Blue Water Land and Irrigation Company, a copy of which is herewith transmitted, in which it was held that the act of March 3, 1891, was intended to provide the means for the utilization of those sites and that it fulfilled the purposes contemplated by their segregation.

To allow these sites to be appropriated under the act of March 3, 1891, would, in my opinion, be more in accordance with the purpose of Congress in

providing for their segregation, to wit, the construction of reservoirs for the reclamation of arid lands, but if it should be held that these lands can not be appropriated under that act I recommend the passage of the bill, for the reason that it is apparent that the Government will not undertake to construct reservoirs upon these locations, and the only manner in which they can be utilized, or the objects contemplated by their segregation accomplished, will be to allow them to pass into the hands of private parties for the purpose of constructing reservoirs thereon.

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. SHAFROTH. Mr. Speaker, this bill as it passed the Senate provided that this reservoir site should be opened to public entry for reservoir purposes at $2.50 per acre. The Committee on Public Lands of the House approved the bill in its form as it came from the Senate. Since that time it has been suggested that perhaps the reservoir site was more valuable than $2.50 per acre, and therefore that the Government should get the best price that it could, and so we have thought it best to put in an amendment, which is as follows:

The Secretary of the Treasury is hereby authorized to dispose of the same at public auction, after thirty days' notice by advertisement, at a price not less than $2.50 per acre.

And in order to be sure that this water which would be conserved in this reservoir would be of great benefit for irrigation, the following amendment was also added:

So as to secure the early building and permanent maintenance of a reservoir for the storage of water to increase the flow of the Arkansas River, as contemplated by the Government in reserving the reservoir sites of the arid region; but nothing herein shall prevent the purchasers or their assigns from using said water for mechanical, manufacturing, or other purposes which do not materially lessen said contemplated increased flow.

Now, it seems to me that this is eminently a just bill. Here is a reservoir site which can be used not only for irrigation purposes, but the water can also be used for mechanical purposes. It would be wrong for the Government to reserve this site and not permit the water to be used for mechanical purposes, when at the same time its use would benefit irrigation.

Mr. SAYERS. Will the gentleman allow me?

Mr. SHAFROTH. Certainly.

Mr. SAYERS. If the bill should become a law with the amendments that you contemplate, is there any probability of the reservoir site getting into the possession of a company which would monopolize the water?

Mr. SHAFROTH. It could not monopolize the water. Under the laws of our State no man or company has an ownership in water. He can utilize it. He can take the water and use it for mechanical purposes, but he is bound to turn it back into the stream, and those who have lands to be irrigated in the valleys below have a right to appropriate the water for that purpose, according to certain laws existing in that State.

Now I should like to yield to the chairman of the Committee on Public Lands [Mr. LACEY].

Mr. JOHNSON of California. Will the gentleman allow me to ask him a question for information?

Mr. SHAFROTH. Certainly.

Mr. JOHNSON of California. We passed a reservoir bill the other day, which has passed the Senate and gone to the President. I should like to ask the gentleman if that does not cover this case?

Mr. SHAFROTH. It does not.

Mr. LACEY. I was about to explain that very matter.

Mr. JOHNSON of California. Very well.

Mr. LACEY. Mr. Speaker, a few days ago this House passed a bill in regard to reservoir sites, opening them up under the right-of-way act of 1891. That, however, is for irrigation purposes. This particular reservoir is 140 miles from any locality where water can be used for irrigation. Consequently the site is not immediately available for that purpose. The reservoir site consists of about 1,900 acres, of which 800 acres are already occupied. The core or center of the reservoir site is now flooded, and this proposition is to enable the present occupants to enlarge their occupation, so as to take in the balance of the site, raising the height of the dam and impounding that much more water. This can not be done under the law that we passed the other day, for the reason that the water is to be used in the first instance for power purposes at the city of Leadville, while the bill which we passed the other day provides for the use of water for irrigation purposes alone. In order to protect the use of the water for irrigation purposes, the amendment suggested by the gentleman from Colorado [Mr. SHAFROTH] has been incorporated in the bill which he moves to suspend the rules and pass.

Mr. SHAFROTH. I ask for a vote, Mr. Speaker.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. HEPBURN. Is it not true that the State of Colorado and its representatives, both in this House and in the other branch, have been the most earnest propounders of this general system of irrigation; and is it not also true that these reservations have been made largely through the instrumentality of the representatives of that State?

Mr. SHAFROTH. Well, I can not say as to that. These reservoirs were set aside under an act of Congress passed in 1888.

Mr. HEPBURN. I will now ask the gentleman, then, if it is true, some reason for the change of policy. Why is it that you want to gouge out here and there for the particular advantage of private individuals?

Mr. SHAFROTH. I will state that the reason, no doubt, why the measure for the preservation of reservoir sites was deemed in the first instance a proper measure is that the reservoir sites were opened to private entry by homesteaders and preemptors. They could be located upon by any person desirous of taking up a homestead or a preemption claim, which was evidently improper. I hope the gentleman from Iowa will give me his attention. Since the land laws of the United States permitted a person to locate a homestead in a reservoir site, it was manifestly improper that that should be done; and the intention, no doubt, in the passage of the act was to make a reservoir site subject to entry only for a reservoir. Following that there was legislation permitting the occupation of reservoir sites, passed in 1891; and the Commissioner of the General Land Office held that under the law every reservoir site that had been reserved was open to public entry, but the Secretary of the Interior held otherwise. The Department requested legislation, and there was some legislation passed through this House the other day making reservoir sites open to entry for irrigation purposes only. Now, the object of this bill, and the reason why it is a special bill, is that this particular reservoir is high up in the mountains, and as the gentleman from Iowa [Mr. LACEY] has stated, this reservoir is 140 or 150 miles from any land that can be irrigated by the water from it; but the water can be used there for generating power. The power conveyed through electrical appliances will be of great advantage for use in the mines at Leadville and for the purposes of manufacturing.

Mr. BOWERS. And it does not lessen the amount of water for irrigation?

Mr. SHAFROTH. And it does not lesson the amount of water for irrigation purposes. Now it seems to me that, under these circumstances, there ought not to be any objection made.

Mr. JOHNSON of California. I would like to ask the gentleman a question. I heard the gentleman from Iowa, the chairman of the Committee on Public Lands, say that half of this land had already been taken.

Mr. SHAFROTH. Eight hundred acres was taken up before the reservoir was reserved by the Government by preemptors and homesteaders, and patents were issued to them by the United States.

Mr. JOHNSON of California. And they have built a dam?

Mr. SHAFROTH. I do not know.

Mr. JOHNSON of California. I understood the gentleman from Iowa to say that the dam was there and that the water company had taken the earth there.

Mr. LACEY. The additional share was to be used for reservoir. The dam itself is in the center now occupied.

Mr. SHAFROTH. It can not be any detriment to anybody.

Mr. JOHNSON of California. Then I understand the gentleman to say that it does not give a monopoly to the company there?

Mr. SHAFROTH. This bill opens it up to competition and to bidding at public auction; and then it fixes the minimum price for the land at $2.50 per acre. The land can not be used for any other purpose, and is not worth 10 cents an acre for agricultural uses. There can not be a monopoly, because under the laws of the State of Colorado the waters are for the people, and the county commissioners of the county where the water is used fix the price of the water.

Mr. HEPBURN. Will the gentleman permit this suggestion? Is not your purpose now to use this water for mechanical and other purposes absolutely destructive of its use for irrigation?

Mr. SHAFROTH. Oh, no.

Mr. HEPBURN. The theory of irrigation is this: You store the water there in these great reservoirs to use in time of drought or in the summer season.

Mr. SHAFROTH. Yes.

Mr. HEPBURN. Then it is taken for purposes of irrigation?

Mr. SHAFROTH. Yes.

Mr. HEPBURN. But according to your argument, you want to use that water in the winter time, so that you are absolutely preventing the storage of the water in any great quantity.

Mr. SHAFROTH. In reply to the gentleman, I wish to say this: That during the winter months there is plenty of water, and consequently they can run their machinery by the overflow water from the dam. They will need all the waters stored to run their machinery during the summer months when the lands need the water most for irrigation, and consequently both purposes are served.

Mr. HULL. May I ask the gentleman a question?

Mr. SHAFROTH. Yes, sir.

Mr. HULL. I understand that the proposition is to use simply the overflow. You do not propose to draw the water entirely out of the reservoir?

Mr. SHAFROTH. In this way we shall no doubt get a great increase in the waters that are available for irrigating purposes, but at the same time the people desire to use this water for mechanical purposes also. My colleague, Judge BELL, represents the entire irrigating district below this reservoir site, and this bill as amended is perfectly satisfactory to him, and I now yield to him.

Mr. BELL of Colorado. Mr. Speaker, this bill originally was antagonized by me because it did not provide that the water should be used in such a way as not to interfere with the contemplated increased flow of the Arkansas River during the dry season. I introduced a bill which was in conflict with this, providing that Congress should cede this reservoir to the State of Colorado, so that the State itself might improve it instead of leaving it to be done by private individuals. We sent that bill to the Secretary of the Interior and he reported upon it, saying that private individuals owned the bottom of that reservoir and had owned it before it was set apart for that purpose, and that they opposed the ceding of the reservoir to the State of Colorado or to anybody else unless the parties to whom it might be ceded would come forward and buy out the individuals that had located and patented the bottom of the reservoir before it was set aside for this purpose. The only reason why this is a special case is that private individuals now own the bottom of that reservoir. The place where the dam ought to be built is on the public domain. If the owners of the bottom owned the place to build the dam, they would be independent, but they do not own the point where the dam should be built.

They do not want this water for irrigation purposes at all. They want it for the purpose of establishing a great electric plant, and they desire to hold the water back until the time of scarcity. From the 1st of March until about the middle of July the water is overflowing in the Arkansas. Nobody needs it. What these people desire is to keep back the water until August, to store it up for the purpose of running their machinery in August and September. That is their object. They propose to turn it loose in a regular stream from the 1st of August until the last of September, a so that it will inure to the benefit of the people on the lower river.

Mr. HEPBURN. There are certain persons who hold the lower levels now, are there not?

Mr. SHAFROTH. Yes, sir.

Mr. HEPBURN. Then no one can utilize this site without overflowing those lower lands?

Mr. BELL of Colorado. No, sir.

Mr. HEPBURN. Then there is no probability of any competition in this matter, is there?

Mr. BELL of Colorado. No, sir.

Mr. HEPBURN. Then what is the use of talking about the fairness of an auction sale?

Mr. BELL of Colorado. I do not think there is anything in that.

Mr. SHAFROTH. The reason for that provision is the Senate bill provided a rate of $2.50 an acre, but various objections were made by gentlemen who thought that the land was worth a great deal more, or might be, and in order to satisfy them that provision about an auction sale was put in. I wanted the bill to go through just as the Senate passed it, but at the same time this amendment was thought wise under the circumstances, though I do not believe the land will bring more than $2.50 an acre.

Mr. BRUMM. May it not bring less?

Mr. SHAFROTH. The minimum price fixed is $2.50 an acre, while the minimum price of the public lands in that district is $1.25 an acre.

Mr. FARIS. May I ask the gentleman a question?

Mr. SHAFROTH. Yes, sir.

Mr. FARIS. You say they are desirous of storing this water for the purpose of running a great electric plant?

Mr. BELL of Colorado. Yes, sir.

Mr. FARIS. To whom do you refer by "they?"

Mr. BELL of Colorado. I refer—and it is just as well to be plain about this—to the men who own the bottom of this reservoir; and I want to state further that, if I remember aright, there are several reservoirs on the head of the Arkansas River, not one of them improved, and probably every man in this House will be dead and buried before any other reservoir than the one we are now considering will be improved. I am told it will take some $300,000 to build this dam, and those who are familiar with mining know that it is absolutely necessary, in order to mine cheaply, that you shall have one great power plant which will lease a wire to every mine in the district, so that one man, or one set of men, can supply a thousand mines with power much cheaper than each one can supply itself. But I support this bill upon only one ground. The farming lands are all in my district, on the lower part of the river, and we are in favor of getting this dam built, so that we may have the benefit of this water without any cost to ourselves. But the object of these other parties is different from ours. Their object is to use this water at the same time that we want the increased flow of the Arkansas River. When they increase the flow, we get the benefit of it.

Mr. HENRY of Indiana. How is that secured?

Mr. BELL of Colorado. The bill itself provides that this water shall not be used in any manner to interfere with the increased flow of the Arkansas River, as contemplated in the act establishing this reservation system. Let me tell the gentleman also that this land is not worth 25 cents an acre for any purpose except as a reservoir; and there are a number of others right there that anybody can take who wishes to do so.

Mr. HENRY of Indiana. Has not the gentleman already stated that the bottom of this reservoir is private property and not controlled by the Government as part of the reservation?

Mr. BELL of Colorado. Yes, sir; and the Department reported to the Committee on Public Lands that before this land should be ceded to Colorado the State should be required to buy the interest of those private individuals. But the other day I abandoned my bill looking to that end when I got through an amendment on a general bill providing that the State might take possession of any unappropriated reservoir.

Mr. HENRY of Indiana. What I want to know is this: If the bottom of that reservoir is private property, how are you going to make it public property?

Mr. BELL of Colorado. There were about 800 acres, as I remember, patented by private individuals for the purpose of storing this water before the reservation was made. When the surveyors got there, they set apart 1,900 acres, taking a great rim and a place below for a dam. When the private individuals concluded to build a dam, the proper place for a dam was found to be on Government property which has been reserved.

Mr. HENRY of Indiana. I again ask the gentleman this question: If those private individuals have the interest stated in that property, how is this bill going to make it public property?

Mr. BELL of Colorado. It does not interfere with that at all.

Mr. HENRY of Indiana. Then you propose to give these individuals the privilege of adding to their private property by buying additional land?

Mr. BELL of Colorado. Yes, sir; by buying enough additional land to make their present property available.

Mr. HENRY of Indiana. And this additional land will all be private property and under the control of these private individuals?

Mr. BELL of Colorado. Yes; but subject to the control of the State and to the provisions of this bill.

Mr. HENRY of Indiana. Subject to the laws of the State so far as they may affect the use of the land for irrigation purposes?

Mr. BELL of Colorado. Yes, sir; and subject to the conditions of this grant.

Mr. LACEY. When these parties take this additional land from the Government and make this enlargement, they do so subject to regulations to be prescribed by the Secretary of the Interior?

Mr. BELL of Colorado. Yes, sir.

Mr. LACEY. So that there is additional protection in the way of securing this land for irrigation purposes?

Mr. BELL of Colorado. Let me make a further explanation. Here is a point that some gentlemen do not seem to grasp readily, because they are not familiar probably with the conditions there. We in my district have desired this land for storing water for irrigation purposes. I have antagonized this bill until this amendment which I have framed myself was put on, because I represent the irrigation interest. I had a bill antagonizing this measure and trying to have this reservoir site set apart to the State. But I secured an amendment to this bill providing that the private owners should not interfere with our irrigation operations or with the increased flow of water which was contemplated when this land was set apart as a reservoir site.

Now, in this bill we have provided everything necessary to make this reservoir inure to the benefit of the farmer without the farmer expending any money. At present we can not use this reservoir site unless we are informed that we put up this $300,000. These men have agreed to put in the cost for the mere purpose of having this water run through their mill wheel, which will not materially lessen the flow.

Mr. HENRY of Indiana. With whom do they make that agreement?

Mr. BELL of Colorado. It is in the bill. I wrote the amendment myself which has been put on the bill; that is, they must comply with the law in building and maintaining a reservoir as contemplated by the original act reserving this ground.

Mr. BOWERS. The proposition is just this, is it not, that all the power derived shall be subservient to irrigation——

Mr. BELL of Colorado. Yes, sir.

Mr. BOWERS. That the supply of water for irrigation shall

not be lessened; that these parties may develop that power without decreasing the irrigation facilities. That is the proposition, is it not?

Mr. BELL of Colorado. It is.

Mr. SHAFROTH. This reservoir site is situated in my district. We want the water for mechanical purposes. Gentlemen in other districts want it for irrigation purposes. It can be made to serve both purposes. The bill has been reported unanimously by the Committee on Public Lands. I ask for a vote.

The question being taken, the motion of Mr. SHAFROTH to suspend the rules and pass the bill as amended was agreed to (two-thirds voting in favor thereof).

PATENTS TO CERTAIN LANDS IN FLORIDA.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules and pass, with the amendments recommended by the Committee on the Public Lands, the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The bill was read, as follows:

Be it enacted, etc., That patents shall be issued to the persons in possession and occupation of all land settled upon under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of east Florida," approved on the 4th of August, A. D. 1842, where the land has been in the occupation and possession of the person who actually settled thereon, his widow, or heirs at law or assigns, from whom a right of possession to said land under said act has been derived for the period of twenty years next preceding the approval of this act.

SEC. 2. That the right and title of all persons embraced in the first section of this act is hereby confirmed to them, their heirs and assigns, to the 160 acres embraced in the original settlement under the said act of Congress.

SEC. 3. That proof of the possession and occupation of said land for the period of twenty years, and of the fact of application for settlement under the said act of Congress, shall be held to be conclusive, as against the United States, of settlement under the said act of Congress, and of compliance with all the requirements of said act.

SEC. 4. That all persons claiming the benefit of this act shall be required to make the proof required herein within two years from the date of its approval, before the officers who are authorized to take similar proofs under the homestead laws; and the requirements of these laws, as to notice, contests, appeals, and the course of procedure, shall, wherever they are applicable, apply to all cases arising under this act.

SEC. 5. That nothing contained in this act shall be so construed as to interfere with any valid adverse right, asserted under any law of the United States, to any of the lands settled upon under the armed occupation acts.

Mr. DOCKERY. Mr. Speaker, in order that there may be some explanation of the bill, I demand a second.

Mr. SPARKMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, many years ago, while Florida was a Territory, a law was passed by Congress called the "armed occupation act," under which any individual who desired so to do could go into that Territory and settle upon any of the lands therein, and after having made certain improvements and having made proof of settlement, cultivation, and improvement for five years, could obtain a patent to the land. This act was passed for the purpose of encouraging people to go into that Territory and take armed possession of the vacant lands there, the whole southern portion of the Territory being in the possession of the Seminole Indians. A great many people availed themselves of the provisions of this act and went onto lands selected by them, mainly in the southern and middle portions of Florida, cultivated the same, made proof, and some of them obtained patents. This was anterior to the civil war. In some cases, however, the proof made was never sent to the Land Office at Washington, but during the civil war was carried about, first to one place and then to another, until finally lost or destroyed, so that it can not now be found. Hence these people have never been able to obtain patents to their lands. This bill is for the purpose of permitting them or their descendants—who I am informed are not more than one hundred in number—to make final proof again and obtain patents to the lands on which they or their predecessors have lived in good faith during all these many years.

Mr. DOCKERY. Is this bill approved by the Commissioner of the General Land Office?

Mr. SPARKMAN. Yes; and if the report were read, it would show that it also meets with the approval of the Secretary of the Interior. He recommends its passage with certain amendments, which have been adopted by the committee.

Mr. DOCKERY. And the bill is unanimously recommended by the Committee on the Public Lands?

Mr. SPARKMAN. Yes; unanimously recommended by the Committee on the Public Lands.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. SPARKMAN. There is a committee amendment.

The SPEAKER. That has been read.

Mr. SPARKMAN. Yes.

Mr. LACEY. Section 5 was added by the House committee.

The SPEAKER. That has been read.

Mr. SPARKMAN. Yes.

The SPEAKER. The question is on suspending the rules and passing the Senate bill as amended.

Accordingly (two-thirds voting in favor thereof), the rules were suspended and the bill, as read, passed.

ADDITIONAL LAND OFFICE, MONTANA.

Mr. HARTMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1743) to establish an additional land office in the State of Montana.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the State of Montana bounded and described as follows: Beginning at a point on the national boundary line where the same would be intersected by the range line between ranges 14 and 15 west of the Montana principal meridian when projected (this line being the present boundary between the Helena and Missoula land districts); thence south on said range line between ranges 14 and 15 west to the southeast corner of township 22 north, range 15 west; thence west on township line between townships 21 and 22 north to the southwest corner of township 22 north, range 23 west; thence north on range line between ranges 23 and 24 west to the sixth standard parallel north; thence west on said standard parallel to the southwest corner of township 25 north, range 26 west; thence north on range line between ranges 26 and 27 west to northeast corner of township 26 north, range 27 west; thence west on township line between townships 26 and 27 north to the northeast corner of township 26 north, range 30 west; thence north on range line between ranges 29 and 30 west to northeast corner of township 27 north, range 30 west; thence west on township line between townships 27 and 28 north to the northwest corner of township 27 north, range 31 west; thence north on range line between ranges 31 and 32 west to the seventh standard parallel north; thence west along the seventh standard parallel north to the western boundary of the State; thence north on said boundary line to the northwest corner of the State on the national boundary line on the forty-ninth parallel, north latitude; and thence east on said national boundary line to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Flathead land district of the State of Montana, and the land office for said district shall be located at the town of Kalispell.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

Mr. TERRY. For the purpose of having an explanation, I ask for a second.

Mr. HARTMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Montana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. HARTMAN. Mr. Speaker, I presume a second was demanded in order that some interrogatories might be submitted. I am ready to answer any which may be submitted, if I can.

Mr. TERRY. I want an explanation of the purpose of the bill.

Mr. HARTMAN. The bill is reported favorably by the Committee on the Public Lands. It passed the Senate on the 5th day of last March. It has the indorsement of the Secretary of the Interior and of the Commissioner of the General Land Office.

I will state to the gentleman that the bill proposes to create a new land district in the northwestern part of Montana, in which proposed district there are 5,500,000 acres of land. The way the district is now located with reference to railroad facilities, a large number of the inhabitants, probably three or four thousand, who have business to do with the land office are compelled to travel from 150 to 400 miles in order to get to Missoula, where the land office of this district is now situated.

Mr. TERRY. Then the purpose of the bill is to accommodate the people out there?

Mr. HARTMAN. It is.

Mr. TERRY. And not for the purpose of creating any new office?

Mr. HARTMAN. Not at all. It creates a new office, but that must be done in order to accommodate these people.

Mr. TERRY. Can the gentleman advise me as to how these offices will be filled? Will they be filled under the civil service?

Mr. HARTMAN. I know nothing about that and I care nothing about that, excepting that I do want the office established for the accommodation of the settlers who are establishing their new homes in that country and developing it.

Mr. TERRY. You are pretty certain that you will have nothing to say about who they shall appoint?

Mr. HARTMAN. I am pretty certain that I shall have nothing to say about who shall be appointed; and I am frank to say I do not care about who is appointed, so long as the appointees are competent and proper persons.

Mr. CANNON. How many land offices are there in the State of Montana?

Mr. HARTMAN. There are five; and there are 145,730 square miles in the State, or 92,000,000 acres of land.

Mr. CANNON. I want to say to the gentleman that, without having knowledge sufficient to antagonize this bill, in the State of Illinois, in which there is hardly 40 acres of land upon which an

honest man can not make a living for his family, and which was settled and the land entered and sold substantially before the days of railroads, as I recollect, there never were but two land offices in the State.

Mr. HEPBURN. Oh, my, yes!

Mr. CANNON. I think that is right.

Mr. HARTMAN. I am not able to dispute the statement of the gentleman; but I will say this, that in point of area the State of Illinois is very small compared to the State of Montana. I want to state to him that the State of Montana contains more acreage than all the New England States, New York, New Jersey, Delaware, and Maryland, by nearly 11,000 square miles.

Mr. CANNON. I understand that exactly; but, after all, that argument is fallacious, for the reason that the gentleman's State does not contain land, over 12 or 15 per cent of it, that under the most favorable circumstances can be used by the human animal.

Mr. HARTMAN. The gentleman is mistaken about that. But I want to say further that there is no reason why we ought not to have this additional land office. Your people were able to travel right across the prairie. We have got to travel along the water courses as they come through the mountain gorges and through the mountain canyons.

Mr. LACEY. Let me suggest to the gentleman that this new place will also be on the line of the Great Northern Railroad, and a person living upon the line of that road can not reach the present office with the convenience that he could reach Kalispell. By reason of the construction of that great road it becomes a common central point for a radius of 300 or 400 miles in diameter, and before this road was built the other locations were as near as this would have been.

Mr. HENDERSON. How far will this office be from the nearest one?

Mr. HARTMAN. It will be about 300 miles, the way they have to travel; and in many instances the present office is from 150 to 400 miles from the homes of settlers.

Mr. LOUD. Will the gentleman have read the language in which the Interior Department indorses this?

Mr. HARTMAN. Certainly.

Mr. LOUD. They have a great many ways of indorsing propositions.

Mr. HARTMAN read:

DEPARTMENT OF THE INTERIOR, *Washington, March 17, 1896.*

SIR: In compliance with your request of the 13th instant for suggestions on Senate bill 1743, to establish an additional land office in the State of Montana (at Kalispell), I inclose herewith a copy of a letter on the subject by the Commissioner of the General Land Office, in which he states that "the bill now submitted conforms to the suggestions made by this office, and there is no objection to its enactment."

I concur in the Commissioner's report.

Very respectfully, HOKE SMITH, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS, *House of Representatives.*

Mr. LOUD. What were the suggestions made by the office?

Mr. HARTMAN. If you want it, I will read what the Commissioner of the General Land Office says:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, *Washington, D. C., March 16, 1896.*

SIR: I have received, by your reference for report, a communication from Hon. J. F. LACEY, chairman House Committee on the Public Lands, dated the 13th instant, inclosing a copy of bill (S. 1743) to establish an additional land office in the State of Montana, passed by the Senate March 5, 1896, upon which any suggestions which this office may deem proper are requested by the committee.

In reply, I have the honor to state that a bill for the purpose indicated was submitted to this office on January 30, 1895, from the Senate Committee on Public Lands, but as the description of the boundaries of the proposed district was mostly on imaginary lines, this office suggested that it be amended to conform to the lines of established surveys, and that if this were done it was believed that the new district would serve a great convenience to the public, and would meet the approval of this office.

It appears that the bill now submitted conforms to the suggestions made by this office, and there is no objection to its enactment.

Very respectfully, S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. LOUD. I will suggest to the gentleman that we almost daily recommend persons to high political offices on just such recommendations—noncommittal.

Mr. HARTMAN. If the gentleman will not include me in that statement, that may be so.

Mr. HENDERSON. I regard Judge Lamoreux as one of the most conservative men we have in the public service.

Mr. LOUD. But he has not said anything.

Mr. HENDERSON. I regard that letter as being conclusive that this ought to be done.

Mr. LOUD. I would like to have that statement put with the letter for future reference.

Mr. HENDERSON. Judge Lamoreux is a man of very few words, one of the most painstaking men we have in the service, and if he saw any objection to the bill he would have pointed it out.

Mr. HARTMAN. If there be no other questions, I will ask for a vote.

The question was taken on suspending the rules and passing the bill; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill passed.

ORDER OF BUSINESS.

Mr. SHERMAN. I demand the regular order.

BOTTLING DISTILLED SPIRITS IN BOND.

The SPEAKER laid before the House the bill (H. R. 8582) to allow bottling of distilled spirits in bond.

The bill and Senate amendments were read.

Mr. EVANS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. EVANS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

MILITARY NATIONAL PARKS.

The SPEAKER laid before the House the bill (H. R. 7320) to prevent trespassing upon and provide for the protection of military national parks.

The bill and Senate amendment were read.

Mr. HULL. I move that the House nonconcur in the Senate amendment and agree to the conference requested.

The motion was agreed to.

The following conferees were appointed: Mr. HULL, Mr. CURTIS of New York, and Mr. TYLER.

JURISDICTION OF POLICE COURT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," etc., with amendments of the Senate thereto.

The bill and amendments were read; and the amendments of the Senate were concurred in.

BRIDGE ACROSS THE ST. LAWRENCE.

The SPEAKER. The Chair lays before the House the bill S. 3721, being a bill the like of which has been reported favorably by a committee of this House, which committee now directs that the bill be called up.

Mr. SHERMAN. Mr. Speaker, I ask that the bill be read.

The bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River was read.

Mr. TERRY. Mr. Speaker, I would like to ask if this bill contains the usual provision in regard to telegraph and telephone lines?

Mr. SHERMAN. It contains all the usual provisions of a bridge bill. It has been submitted to the War Department and approved by that Department, and has been favorably reported by the House committee. I have the report here, if the gentleman from Arkansas would like to hear it.

Mr. TERRY. I do not care about hearing the report. I just want to know whether the bill contains the usual provision in regard to telegraph and telephone lines.

Mr. SHERMAN. I think the bill does contain that provision.

Mr. TERRY. I did not hear it in the reading of the bill.

Mr. SHERMAN. I think it will be found in section 3.

Mr. TERRY. The gentleman has the bill there. I wish he would examine and see if it contains that provision.

Mr. SHERMAN (after examining the bill). I do not find it at this moment, though I thought I saw it in the bill when I read it before.

Mr. TERRY. If it is not there, it ought to be inserted.

Mr. SHERMAN. If it is not in the bill, I am ready to accept such an amendment, if the gentleman desires to offer it.

Mr. BENNETT. Mr. Speaker, I trust the gentleman from Arkansas will not insist on offering an amendment. This bill has passed the Senate and we have reached so late a period of the session that if it is sent back now we may not be able to have it disposed of before the adjournment. The bill as it stands has been approved by the Secretary of War and probably contains all requisite provisions.

Mr. TERRY. I am only surprised that the absence of that provision should have escaped the vigilance of the Committee on Interstate and Foreign Commerce, because such a provision is usually inserted in all these bills, and should be in this one; but I have no desire to obstruct the passage of the bill. Therefore I will not insist on the amendment, but will content myself with directing the attention of the honorable chairman of the committee to the point.

Mr. SHERMAN. I ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER directed the Clerk to call the committees.

Mr. SHERMAN (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by direction of the Interstate Commerce Committee, I call up the bill (H. R. 10367) to revise and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela.

The bill was read.

Mr. SHERMAN. I yield to the gentleman from Pennsylvania [Mr. DALZELL], who will explain the object of this bill.

Mr. DALZELL. Mr. Speaker, this is simply a bill to extend the time for the completion of this bridge. The parties who are interested in it have met with some obstacles in the way of prosecuting their work, and under the original act they would have to stop work at this time. The object of this bill is to extend the time so that they may have an opportunity to complete the bridge in accordance with the original requirements.

Mr. HEPBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce supposed that they had already made provision for bridges enough to cover the entire Monongahela River and turn it into a tunnel [laughter], but the gentleman from Pennsylvania [Mr. DALZELL] succeeded in discovering a place where another bridge might be located. This is the result of his explorations, and the report of the committee is unanimous. [Laughter.]

Mr. DALZELL. "The gentleman from Pennsylvania," knowing what the intention of the Committee on Interstate and Foreign Commerce was, has been assiduously endeavoring to help them to carry out that intention. [Laughter.]

Mr. PAYNE. I want to suggest to the gentleman from Iowa [Mr. HEPBURN] whether it would not be well to offer an amendment now providing for bridging over the whole Monongahela River? [Laughter.]

Mr. HENDERSON. Mr. Speaker, I suggest that the gentleman from New York is not discussing the "Monongahela" that he is familiar with. [Laughter.]

Mr. PAYNE. I should not presume to discuss that kind in the gentleman's presence. [Laughter.]

Mr. HOPKINS of Illinois. I do not think it will be necessary to take the course suggested by the gentleman from New York, because I do not suppose there is space enough left for another bridge. [Laughter.]

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE OVER THE ST. LOUIS RIVER.

Mr. SHERMAN. Mr. Speaker, on behalf of the same committee, I call up the bill (H. R. 10362) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge authorized to be constructed under an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," be, and the same is hereby, extended until the 1st day of August, A. D. 1897.

Mr. SHERMAN. Mr. Speaker, this is merely an extension of time for this construction from the 24th day of April in this year until the 1st day of August. The bridge is nearly completed now. This bill does not in any way change existing law, and the original act contains all the usual safeguards.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANTITICKET SCALPING BILL.

Mr. SHERMAN. I now call up House bill No. 10090, to amend the act entitled "An act to regulate commerce."

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of every common carrier subject to the provisions of said act to regulate commerce to provide each agent who may be authorized to sell tickets or other evidences of transportation, subject to said act, of the holder's right to travel on the line of such carrier, or on any line of which such carrier's line shall form a part, with a certificate setting forth the authority of such agent to make such sales; which certificate shall be attested by the signature of said common carrier, or, whenever such common carrier is a corporation, by the signature of one of its principal officers and by its corporate seal, and shall be posted in a conspicuous place in the office or place of business of such agent in such manner as to be in full view of the purchasers of tickets.

SEC. 2. That it shall be unlawful for any person not possessed of such authority, so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part of any ticket, pass, or other evidence of transportation, subject to said act to regulate commerce, of the holder's right to travel on any line of any common carrier subject to the provisions of said act: *Provided*, That the provisions of this act shall not apply to a purchaser of a ticket in good faith for personal use in the prosecution of a journey.

SEC. 3. That any person or persons violating any of the provisions of, or neglecting to comply with any of the requirements of, the preceding sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which the offense was committed, be subject for each offense to a fine not exceeding $1,000, or imprisonment for a term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 4. That every common carrier subject to the provisions of said act to regulate commerce that shall have sold any ticket or other evidence of transportation, subject to said act, of the holder's right to travel on its line, or on any line of which it forms a part, shall, if any part of such ticket be unused by the purchaser thereof, redeem the same upon presentation thereof by the purchaser at the general office of such carrier, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket of the same class between the points for which said ticket was actually used. If the point at which the purchaser of said ticket shall have terminated his journey be not the place where the general offices of the carrier selling said ticket are located, and the agent at such point, either of the carrier selling the same or of any carrier over whose line said ticket reads, shall, upon the surrender of the unused portion of said ticket within thirty days after the purchaser of said ticket terminates his journey, give to such purchaser a receipt therefor, describing said ticket and stating the point or place where the journey terminated, and said carrier selling such ticket shall, upon presentation of said receipt, pay over to said passenger, or upon his order, the amount thereupon found due.

SEC. 5. That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or transportation in imitation of, or purporting to be in imitation of such transportation issued by a common carrier or common carriers, subject to said act, for travel over its line, or over any line of which its line shall form a part, or who shall knowingly alter any genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or issue, publish, or sell, or attempt to issue, publish, or sell any such altered genuine ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, or any such falsely made or counterfeited passage ticket, pass, or other evidence of transportation, subject to the act to regulate commerce, as aforesaid, shall be deemed guilty of a felony, and shall, upon conviction, be fined not more than $3,000 for each offense, and shall be imprisoned, in the discretion of the court, for a term not exceeding two years.

Mr. NORTHWAY. I raise the question of consideration against this bill.

Mr. TERRY. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. TERRY. Is this question to be submitted without debate?

The SPEAKER. Without debate.

Mr. TERRY. I ask this further parliamentary inquiry: Whether it would be in order to antagonize the consideration of this bill——

The SPEAKER. It would not be.

Mr. TERRY. By a proposition to consider another bill on the same Calendar?

The SPEAKER. It would not be. The question is, Will the House consider this bill?

The question having been put,

The SPEAKER. The ayes seem to have it.

Mr. NORTHWAY and others called for a division.

The question being again taken, there were—ayes 73, noes 50.

Mr. TERRY. Let us have tellers.

Mr. NORTHWAY. I call for the yeas and nays.

The yeas and nays were ordered, 34 voting in favor thereof, more than one-fifth of the last vote.

The question was taken; and there were—yeas 153, nays 70, not voting 132; as follows:

YEAS—153.

Acheson,	Denny,	Kleberg,	Rinaker,
Aldrich, T. H.	Dolliver,	Kyle,	Robertson, La.
Aldrich, W. F.	Doolittle,	Lacey,	Royse,
Aldrich, Ill.	Draper,	Lawson,	Russell, Conn.
Andrews,	Eddy,	Layton,	Scranton,
Arnold, Pa.	Ellis,	Lefever,	Shannon,
Avery,	Erdman,	Leisenring,	Sherman,
Babcock,	Evans,	Leonard,	Simpkins,
Bailey,	Fairchild,	Lewis,	Smith, Mich.
Barham,	Fischer,	Livingston,	Snover,
Barney,	Fletcher,	Long,	Southwick,
Bennett,	Foote,	Loud,	Sparkman,
Bingham,	Fox,	Loudenslager,	Sperry,
Bishop,	Gamble,	Low,	Steele,
Black,	Gardner,	Maddox,	Stephenson,
Blue,	Griffin,	Mahon,	Stone, C. W.
Boatner,	Grosvenor,	McCall, Tenn.	Stone, W. A.
Boutelle,	Hall,	McCleary, Minn.	Strode, Nebr.
Broderick,	Hardy,	McCreary, Ky.	Tawney,
Brosius,	Harrison,	McLachlan,	Tayler,
Buck,	Heatwole,	Meiklejohn,	Thomas,
Calderhead,	Hemenway,	Meyer,	Tracey,
Cannon,	Henderson,	Miller, Kans.	Turner, Ga.
Catchings,	Henry, Conn.	Milliken,	Turner, Va.
Chickering,	Hepburn,	Minor, Wis.	Van Horn,
Clardy,	Hermann,	Mitchell,	Walker, Va.
Clark, Iowa	Hitt,	Mondell,	Wanger,
Clark, Mo.	Hooker,	Money,	Warner,
Clarke, Ala.	Hopkins, Ill.	Moses,	Watson, Ind.
Codding,	Howe,	Mozley,	Wheeler,
Cook, Wis.	Howell,	Murphy,	Willis,
Cousins,	Hubbard,	Payne,	Wilson, Idaho
Crisp,	Hull,	Pendleton,	Wilson, N. Y.
Crowley,	Hurley,	Perkins,	Wood,
Crowther,	Hyde,	Pitney,	Woomer,
Curtis, Iowa	Jenkins,	Raney,	Wright.
Curtis, Kans.	Johnson, Cal.	Ray,	
Dalzell,	Joy,	Reeves,	
Daniels,	Kirkpatrick,	Richardson,	

NAYS—70.

Abbott,	De Witt,	Leighty,	Stallings,
Anderson,	Dockery,	Linney,	Strowd, N. C.
Arnold, R. I.	Dovener,	Little,	Sulloway,
Baker, Md.	Ellett,	Maguire,	Taft,
Baker, N. H.	Faris,	Mahany,	Talbert,
Bartlett, Ga.	Gibson,	McCall, Mass.	Tate,
Bell, Colo.	Gillet, N. Y.	McCulloch,	Terry,
Bell, Tex.	Gillett, Mass.	McMillin,	Towne,
Bowers,	Grout,	McRae,	Tracewell,
Burton, Ohio	Hager,	Milnes,	Updegraff,
Connolly,	Hendrick,	Moody,	Van Voorhis,
Cooke, Ill.	Henry, Ind.	Morse,	Walker, Mass.
Cooper, Tex.	Hilborn,	Neill,	Watson, Ohio
Corliss,	Howard,	Ogden,	White,
Cox,	Jones,	Overstreet,	Williams,
Culberson,	Kerr,	Patterson,	Woodard.
Danford,	Kiefer,	Shuford,	
De Armond,	Knox,	Southard,	

NOT VOTING—132.

Adams,	Dinsmore,	Lorimer,	Robinson, Pa.
Aitken,	Fenton,	Marsh,	Rusk,
Allen, Miss.	Fitzgerald,	Martin,	Russell, Ga.
Allen, Utah	Fowler,	McClellan,	Sauerbering,
Apsley,	Goodwyn,	McClure,	Sayers,
Atwood,	Graff,	McCormick,	Settle,
Baker, Kans.	Griswold,	McDearmon,	Shafroth,
Bankhead,	Grow,	McEwan,	Shaw,
Barrett,	Hadley,	McLaurin,	Skinner,
Bartholdt,	Hainer, Nebr.	Mercer,	Smith, Ill.
Bartlett, N. Y.	Halterman,	Meredith,	Sorg,
Beach,	Hanly,	Miles,	Spalding,
Belknap,	Harmer,	Miller, W. Va.	Spencer,
Berry,	Harris,	Miner, N. Y.	Stahle,
Brewster,	Hart,	Murray,	Stewart, N. J.
Bromwell,	Hartman,	Newlands,	Stewart, Wis.
Brown,	Hatch,	Noonan,	Stokes,
Brumm,	Heiner, Pa.	Northway,	Strait,
Bull,	Hicks,	Odell,	Strong,
Burrell,	Hill,	Otey,	Sulzer,
Burton, Mo.	Hopkins, Ky.	Otjen,	Swanson,
Cobb,	Huff,	Owens,	Thorp,
Cockrell,	Hulick,	Parker,	Treloar,
Coffin,	Huling,	Pearson,	Tucker,
Colson,	Hunter,	Phillips,	Tyler,
Cooper, Fla.	Hutcheson,	Pickler,	Wadsworth,
Cooper, Wis.	Johnson, Ind.	Poole,	Washington,
Cowen,	Johnson, N. D.	Powers,	Wellington,
Crump,	Kem,	Price,	Wilber,
Cummings,	Kulp,	Prince,	Wilson, Ohio
Curtis, N. Y.	Latimer,	Pugh,	Wilson, S. C.
Dayton,	Lester,	Quigg,	Woodman,
Dingley,	Linton,	Reyburn,	Yoakum.

So the House decided to consider the bill.

The following pairs were announced:

Until further notice:

Mr. HARMER with Mr. HUTCHESON.

Mr. BROMWELL with Mr. STRAIT.

Mr. PICKLER with Mr. MINER of New York.

Mr. KULP with Mr. SHAW.

Mr. MAHON with Mr. OTEY.

Mr. BARRETT with Mr. CATCHINGS.

For this day:

Mr. HUFF with Mr. RUSSELL of Georgia.

Mr. HULICK with Mr. SWANSON.

Mr. MCCLURE with Mr. MCLAURIN.

Mr. WILBER with Mr. MILES.

Mr. BARTHOLDT with Mr. LESTER.

Mr. OTJEN with Mr. BERRY.

Mr. HAINER of Nebraska with Mr. DENNY.

Mr. ARNOLD of Pennsylvania with Mr. HART.

Mr. HICKS with Mr. WASHINGTON.

Mr. HUNTER with Mr. YOAKUM.

Mr. LINTON with Mr. ALLEN of Mississippi.

Mr. DINGLEY with Mr. BANKHEAD.

Mr. BELKNAP with Mr. RUSK.

Mr. STEWART of New Jersey with Mr. OWENS.

Mr. REYBURN with Mr. DINSMORE.

Mr. SETTLE with Mr. MILES.

Mr. SMITH of Illinois with Mr. LATIMER.

Mr. WADSWORTH with Mr. TUCKER.

Mr. WELLINGTON with Mr. SULZER.

Mr. TRELOAR with Mr. SORG.

Mr. MCCORMICK with Mr. COCKRELL.

Mr. MERCER with Mr. MCCLELLAN.

On this question:

Mr. QUIGG with Mr. NORTHWAY.

Mr. POOLE with Mr. PUGH.

Mr. COLSON with Mr. SAYERS.

The result of the vote was announced as above recorded.

Mr. SHERMAN. Mr. Speaker, I offer the following amendments as committee amendments to the bill.

Mr. BOWERS. Mr. Speaker, I desire the report read before any amendment is read.

The SPEAKER pro tempore (Mr. HEPBURN). The report can be read in the gentleman's time when he is recognized. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend section 2 as follows:

"Strike out all after the word 'provided' and insert:

"'That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell same to a person who will, in good faith, personally use it in the prosecution of a journey.'

"And add thereto the following:

"'*And provided further*, That nothing in this act shall prevent the properly authorized agent of any transportation company from purchasing from the properly authorized agent of any other transportation company a ticket for a passenger to whom he may sell a ticket to travel over any part of the line for which he is the properly authorized agent, so as to enable such passenger to travel to the place or junction from which his ticket shall read.'"

Mr. BOWERS. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOWERS. I want to know if it is in order to present amendments after a request has been made for the reading of the report and before the matter is properly before the House? I have asked that the report of the committee be read, and now the gentleman is offering amendments before that is done.

The SPEAKER pro tempore. The gentleman has no right to have this report read, except in his own time, and the Chair announced to him that in his own time, when he was recognized, he could have the report read.

Mr. BOWERS. Well, I may never be recognized, and I supposed it was the right of the House to have the report read.

The SPEAKER pro tempore. The report is printed.

Mr. BOWERS. I make the point of order that amendments are not in order at this time.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. CROWTHER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CROWTHER. At what period in the discussion of this measure will amendments be in order?

The SPEAKER pro tempore. They are in order whenever a gentleman is recognized and has the floor. There are amendments pending, however. The Clerk will continue the reading of the amendments proposed by the committee.

Mr. MOODY. I ask unanimous consent that the amendments be read from the beginning.

Mr. SPALDING. We failed to hear them.

The SPEAKER pro tempore. In the absence of objection, the Clerk will report the first amendment proposed by the committee.

The amendments already read were again read.

The SPEAKER pro tempore. The question is upon the adoption of the first amendment.

Mr. NORTHWAY. Is it proper to offer an amendment to a section before the section has been read? We have not had any debate upon the bill yet.

Mr. SHERMAN. I do not desire a vote upon the amendments now. I offer the amendments now and ask that they be read. When the reading is finished, I shall move the previous question, and then see if we can not obtain some arrangement for a discussion of the bill.

The SPEAKER pro tempore. The Chair was too hasty. These amendments are now offered for information, after which the bill will be read.

The Clerk read as follows:

Insert in section 4, in line 5, page 2, after the word "shall," the following: "If the whole of such ticket be unused, redeem the same, paying therefor the actual amount at which said ticket was sold, or."

Insert in section 4, in line 23, page 3, after the word "due," the following: "*Provided*, That all of the common carriers subject to the provisions of this act shall, if presented within thirty days after this act takes effect, redeem all valid unused tickets of their issue then lawfully in the possession of any person."

Mr. SHERMAN. I move the previous question on the bill and the amendments to its passage.

Mr. BOWERS (speaking at the same time). I move that the House do now adjourn.

Mr. SHERMAN. I assume that the gentleman can not take me off the floor.

The SPEAKER pro tempore. The gentleman from New York [Mr. SHERMAN] moves the previous question on the bill and amendments to its passage.

Mr. BAILEY. I hope the gentleman from New York is not going to try to pass a bill of this importance in this way.

Mr. SHERMAN. I stated a moment ago that after making this motion I should attempt to get some arrangement entered into by unanimous consent to give more time for discussion than is allowed under the previous question. It can only be done by unanimous consent.

Mr. NORTHWAY. But I submit, Mr. Speaker——

Mr. TERRY. What time is the gentleman willing to concede for the discussion?

Mr. SHERMAN. What time does the gentleman want?

Mr. TERRY. I think we ought to have about four hours.

Mr. SHERMAN. Would not the gentleman like four days? We have lots of time, within a few days of the close of the session.

Mr. TERRY. I am making a modest request. My friend suggests four days. This is a very important measure. It changes

the entire purpose of the interstate-commerce act. It is a bill to strengthen the hands of the railroads.

Mr. SHERMAN. I can not yield to the gentleman further. I desire to consent to anything that is in reason, but when four hours are asked for, we can not do it.

Mr. NORTHWAY. Mr. Speaker, this is the first time during this Congress that we have seen the gentleman in charge of a measure move the previous question and then say after we carry it we will agree upon a time, when he knows a single objection would prevent any agreement being carried out.

Mr. SHERMAN. The gentleman has not asked that thing. The gentleman is moving the previous question. The simple proposition is that we are now trying to agree upon some time.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX. If the matter in regard to time is agreed about, and the previous question is ordered, is the bill then open to amendment?

The SPEAKER pro tempore. It is not.

Mr. COX. Then the whole object is to cut off amendments to the bill.

Mr. SHERMAN. Mr. Speaker, I now ask unanimous consent that general debate be closed in an hour and a half, one half of the time to be controlled by the gentleman from Virginia [Mr. ELLETT], and one half by myself; and that at the end of that time the previous question be considered as ordered on the bill and amendments offered by the committee.

Mr. COX. And no other amendments to be allowed?

Mr. SHERMAN. No, sir.

Mr. BOWERS and Mr. MAHANY. I object.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that general debate be closed in one hour and a half, one half of the time to be controlled by the gentleman from Virginia and the other half to be controlled by the gentleman from New York. Is there objection?

Mr. POWERS and Mr. MAHANY. I object.

The SPEAKER pro tempore. Objection is made.

Mr. TERRY. Let me suggest to the gentleman in charge of the bill that he ought to give at least three hours. This is a very important matter, and if the bill is right it surely should stand the light of discussion.

Mr. SHERMAN. I will make one more request in reference to this discussion. I see the gentleman from Missouri desires to make an inquiry.

Mr. DOCKERY. I desire to know whether I understand the gentleman in charge of this bill correctly. Do I understand that his proposition is to debate this bill for a time that may be agreed upon, and also that he proposes that there shall be no opportunity to amend the bill?

Mr. SHERMAN. That was the proposition. The gentleman correctly understands it.

Mr. COX. That is what he meant?

Mr. DOCKERY. I think it is not particularly fair to refuse the right to offer amendments except to the committee, and those amendments have now been read.

Mr. BLUE. The gentleman from New York——

Mr. SHERMAN. I modify my request by making it two hours, but otherwise that the request be as it was originally stated.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the debate be limited to two hours——

Mr. ELLETT. Mr. Speaker, it is an extremely undesirable thing to cut off all possibility of amendment after a thorough discussion of the subject-matter of this bill. What is the use of discussion if there can not be opportunity for amendment?

Mr. CANNON. Regular order!

Mr. NORTHWAY. I understood that the amendments were only read——

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BAILEY. I will object unless——

Mr. COX. I object.

The SPEAKER pro tempore. Objection is made.

Mr. BAILEY. I did not make objection.

Mr. SHERMAN. I ask that the previous question be ordered.

The SPEAKER. The gentleman from New York moves the previous question upon the bill and amendments.

Mr. MILNES. Pending that motion, I desire to move that this bill be recommitted with instructions to strike out——

The SPEAKER. The bill has not reached the point when that motion will be in order. The Chair will recognize the gentleman when that point is reached.

Mr. MILNES. A parliamentary inquiry. Is not a motion to commit in order pending a motion for the previous question?

The SPEAKER. A motion to commit will be entertained when the bill has been ordered to be engrossed. Then the Chair will submit that motion.

Mr. NORTHWAY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. NORTHWAY. Do I understand that the Chair is putting the motion on the amendments? I understand that there are no amendments pending.

The SPEAKER. The Chair understood that there were amendments pending.

Mr. NORTHWAY. They were read for information.

The SPEAKER. The committee amendments are offered with the bill, and have been read to the House already.

Mr. NORTHWAY. Is that in order before we read the sections to which they apply?

The SPEAKER. The bill was all read, the Chair understands.

Mr. NORTHWAY. Oh, no; we have not read the sections.

The SPEAKER. No; because that is done in Committee of the Whole. The bill is not read by sections in the House.

Mr. MILNES. A parliamentary inquiry. Would it be in order to move that we go into Committee of the Whole for the consideration of this bill?

The SPEAKER. It would not.

Mr. TERRY. I appeal to the gentleman to give at least three hours for debate.

The SPEAKER. The question is on the motion for the previous question.

Mr. JOHNSON of California. Mr. Speaker, before we pass that point, I ask by unanimous consent that there be three hours for the consideration of this bill, an hour and a half on a side. It is an important bill, and while I am for the bill myself, I do not like it to be passed without the gentlemen opposed to it having an opportunity to be heard.

The SPEAKER. Unless the gentleman withdraws the motion for the previous question the Chair will have to put it.

Mr. SHERMAN. "The gentleman" can not withdraw it except on a proposition for two hours' discussion.

Mr. TERRY. I appeal to the House in the interest of fair play——

The SPEAKER. The question is on the demand for the previous question.

Mr. MAGUIRE. Mr. Speaker, a motion to adjourn was made by the gentleman from California [Mr. BOWERS], which I understand is in order.

The SPEAKER. At what time?

Mr. MAGUIRE. Immediately after the motion made by the gentleman from New York [Mr. SHERMAN] for the previous question.

The SPEAKER. The gentleman from California moves——

Mr. SHERMAN. Mr. Speaker, I had the floor at the time, and I did not yield to the gentleman from California to make any motion. No such motion was made by any gentleman properly on the floor.

The SPEAKER. The gentleman would have the right to make the motion after the gentleman from New York [Mr. SHERMAN] had submitted his motion for the previous question.

Mr. SHERMAN. But he did not do it at that time. If my memory serves me correctly, he attempted to make the motion while I occupied the floor, and while we were attempting to make some arrangements about the time for discussion.

Mr. BOWERS. I make the motion to adjourn now, Mr. Speaker.

The SPEAKER. The gentleman has a right to make that motion.

Mr. MILNES. Mr. Speaker, on that motion I ask for the yeas and nays.

Mr. BOWERS. I ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. SHERMAN and Mr. MILNES.

Mr. CANNON. A parliamentary inquiry, Mr. Speaker. Does not the demand for the yeas and nays supersede the demand for tellers?

The SPEAKER. It does.

Mr. CANNON. Well, that demand was made by the gentleman from Michigan.

The SPEAKER. The Chair did not hear the gentleman.

Mr. SHERMAN. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 56, nays 175, not voting 124; as follows:

YEAS—56.

Abbott,	Dockery,	Little,	Stokes,
Bailey,	Ellett,	Maguire,	Strowd, N. C.
Baker, Kans.	Faris,	Mahany,	Sulloway,
Baker, N. H.	Fenton,	McCulloch,	Talbert,
Barney,	Fitzgerald,	McRae,	Tate,
Bartlett, Ga.	Grout,	Milnes,	Terry,
Bell, Colo.	Hager,	Moody,	Tracewell,
Bell, Tex.	Henry, Ind.	Moses,	Tyler,
Bowers,	Johnson, N. Dak.	Ogden,	Updegraff,
Cooper, Tex.	Jones,	Overstreet,	Watson, Ind.
Cox,	Kerr,	Pendleton,	White,
Dayton,	Latimer,	Richardson,	Williams,
De Armond,	Leighty,	Shuford,	Wilson, S. C.
De Witt,	Linney,	Stallings,	Woodard.

NAYS—175.

Acheson,	Curtis, Iowa	Johnson, Cal.	Raney,
Aldrich, T. H.	Curtis, Kans.	Johnson, Ind.	Ray,
Adrich, W. F.	Dalzell,	Joy,	Reeves,
Aldrich, Ill.	Danford,	Kiefer,	Royse,
Anderson,	Daniels,	Kleberg,	Russell, Conn.
Andrews,	Denny,	Knox,	Sauerhering,
Arnold, Pa.	Doolittle,	Kyle,	Scranton,
Arnold, R. I.	Draper,	Lacey,	Shafroth,
Atwood,	Ellis,	Lawson,	Shannon,
Avery,	Erdman,	Layton,	Sherman,
Babcock,	Evans,	Lefever,	Simpkins,
Barham,	Fairchild,	Leisenring,	Smith, Ill.
Beach,	Fischer,	Leonard,	Snover,
Bennett,	Fletcher,	Lewis,	Sorg,
Bingham,	Foote,	Livingston,	Southard,
Bishop,	Foss,	Long,	Southwick,
Black,	Gamble,	Loud,	Spalding,
Blue,	Gardner,	Loudenslager,	Spencer,
Boatner,	Gibson,	Low,	Sperry,
Boutelle,	Gillet, N. Y.	Maddox,	Steele,
Broderick,	Goodwyn,	Mahon,	Stephenson,
Brosius,	Graff,	McCall, Mass.	Stone, W. A.
Brumm,	Griffin,	McCall, Tenn.	Strode, Nebr.
Buck,	Griswold,	McCleary, Minn.	Strong,
Bull,	Grosvenor,	McCreary, Ky.	Tawney,
Burton, Mo.	Hall,	McDearmon,	Tayler,
Calderhead,	Hardy,	McLachlan,	Thomas,
Cannon,	Harrison,	McMillin,	Thorp,
Catchings,	Hartman,	Meiklejohn,	Tracey,
Chickering,	Heatwole,	Meyer,	Turner, Ga.
Clardy,	Henderson,	Miller, Kans.	Van Horn,
Clark, Iowa	Hepburn,	Miller, W. Va.	Van Voorhis,
Clark, Mo.	Hermann,	Milliken,	Walker, Mass.
Clarke, Ala.	Hill,	Mitchell,	Walker, Va.
Cockrell,	Hooker,	Mondell,	Wanger,
Codding,	Hopkins, Ill.	Money,	Warner,
Coffin,	Hopkins, Ky.	Morse,	Washington,
Cook, Wis.	Howe,	Mozley,	Wheeler,
Cooke, Ill.	Howell,	Murray,	Willis,
Cooper, Wis.	Hubbard,	Patterson,	Wilson, Idaho
Corliss,	Hull,	Payne,	Wood,
Crisp,	Hurley,	Perkins,	Woomer,
Crowley,	Hyde,	Pitney,	Wright.
Crowther,	Jenkins,	Powers,	

NOT VOTING—124.

Adams,	Eddy,	Marsh,	Rinaker,
Aitken,	Fowler,	Martin,	Robertson, La.
Allen, Miss.	Gillett, Mass.	McClellan	Robinson, Pa.
Allen, Utah	Grow,	McClure,	Rusk,
Apsley,	Hadley,	McCormick,	Russell, Ga.
Baker, Md.	Hainer, Nebr.	McEwan,	Sayers,
Bankhead,	Halterman,	McLaurin,	Settle,
Barrett,	Hanly,	Mercer,	Shaw,
Bartholdt,	Harmer,	Meredith,	Skinner,
Bartlett, N. Y.	Harris,	Miles,	Smith, Mich.
Belknap,	Hart,	Miner, N. Y.	Sparkman,
Berry,	Hatch,	Minor, Wis.	Stahle,
Brewster,	Heiner, Pa.	Murphy,	Stewart, N. J.
Bromwell,	Hemenway,	Neill,	Stewart, Wis.
Brown,	Hendrick,	Newlands,	Stone, C. W.
Burrell,	Henry, Conn.	Noonan,	Strait,
Burton, Ohio	Hicks,	Northway,	Sulzer,
Cobb,	Hilborn,	Odell,	Swanson,
Colson,	Hitt,	Otey,	Taft,
Connolly,	Howard,	Otjen,	Towne,
Cooper, Fla.	Huff,	Owens,	Treloar,
Cousins,	Hulick,	Parker,	Tucker,
Cowen,	Huling,	Pearson,	Turner, Va.
Crump,	Hunter,	Phillips,	Wadsworth,
Culberson,	Hutcheson,	Pickler,	Watson, Ohio
Cummings,	Kem,	Poole,	Wellington,
Curtis, N. Y.	Kirkpatrick,	Price,	Wilber,
Dingley,	Kulp,	Prince,	Wilson, N. Y.
Dinsmore,	Lester,	Pugh,	Wilson, Ohio
Dolliver,	Linton,	Quigg,	Woodman,
Dovener,	Lorimer,	Reyburn,	Yoakum.

The following additional pair was announced:

Mr. AITKEN with Mr. CULBERSON, for this day.

The result of the vote was then announced as above recorded.

Mr. MAGUIRE. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. SHERMAN] in charge of the bill; or, rather, the demand for the previous question having been made, the question is on ordering the previous question.

Mr. MAGUIRE. I rise to a privileged motion, Mr. Speaker. I move to lay the whole matter on the table.

Mr. HOPKINS of Illinois. I make the point, Mr. Speaker, that that motion is dilatory.

Mr. MAGUIRE. I make the motion under subdivision 4 of Rule XVI.

Mr. HOPKINS of Illinois. The gentleman's motion is dilatory, and I make that point against it.

The SPEAKER. The gentleman from Illinois makes the point that the motion of the gentleman from California is dilatory. The Chair sustains the point of order, and the question is on ordering the previous question.

Mr. NORTHWAY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 80, not voting 144; as follows:

YEAS—131.

Acheson,	Aldrich, Ill.	Atwood,	Bennett,
Aldrich, T. H.	Andrews,	Avery,	Berry,
Aldrich, W. F.	Arnold, Pa.	Babcock,	Bingham,
Bishop,	Foss,	Kleberg,	Royse,
Blue,	Gamble,	Kyle,	Russell, Conn.
Brewster,	Gardner,	Lacey,	Scranton,
Broderick,	Gillet, N. Y.	Lefever,	Shannon,
Brosius,	Goodwyn,	Leisenring,	Sherman,
Brumm,	Graff,	Leonard,	Simpkins,
Bull,	Griffin,	Lewis,	Smith, Ill.
Burton, Mo.	Griswold,	Livingston,	Snover,
Cannon,	Hall,	Long,	Southwick,
Catchings,	Hardy,	Low,	Spencer,
Chickering,	Harrison,	Mahon,	Steele,
Clark, Iowa	Heiner, Pa.	McCall, Tenn.	Stephenson,
Clark, Mo.	Henderson,	McCreary, Ky.	Stone, C. W.
Clarke, Ala.	Henry, Conn.	Meiklejohn,	Stone, W. A.
Codding,	Hepburn,	Mercer,	Strode, Nebr.
Connolly,	Hicks,	Miller, Kans.	Tawney,
Cook, Wis.	Hill,	Mitchell,	Thorp,
Cousins,	Hooker,	Money,	Tracey,
Crowley,	Hopkins, Ill.	Morse,	Turner, Ga.
Curtis, Iowa	Howe,	Mozley,	Van Horn,
Dalzell,	Howell,	Payne,	Wadsworth,
Daniels,	Hubbard,	Perkins,	Walker, Va.
Denny,	Hull,	Pitney,	Wanger,
Doolittle,	Hyde,	Powers,	Warner,
Draper,	Jenkins,	Price,	Washington,
Ellis,	Johnson, Cal.	Prince,	Willis,
Evans,	Johnson, Ind.	Raney,	Wood,
Fairchild,	Joy,	Reeves,	Woomer,
Fischer,	Kiefer,	Reyburn,	Wright.
Foote,	Kirkpatrick,	Rinaker,	

NAYS—80.

Abbott,	Danford,	Mahany,	Sorg,
Anderson,	De Armond,	McCall, Mass.	Spalding,
Arnold, R. I.	Dockery,	McCleary, Minn.	Sparkman,
Baker, Kans.	Ellett,	McCulloch,	Stallings,
Baker, N. H.	Faris,	McDearmon,	Stokes,
Barney,	Fitzgerald,	McMillin,	Strowd, N. C.
Bartlett, Ga.	Gibson,	McRae,	Sulloway,
Bell, Colo.	Grout,	Milnes,	Talbert,
Black,	Hager,	Minor, Wis.	Tate,
Bowers,	Hendrick,	Moody,	Terry,
Buck,	Henry, Ind.	Moses,	Towne,
Burton, Ohio	Johnson, N. Dak.	Ogden,	Tracewell,
Clardy,	Kerr,	Overstreet,	Turner, Va.
Colson,	Knox,	Patterson,	Tyler,
Cooke, Ill.	Layton,	Pendleton,	Updegraff,
Cooper, Tex.	Leighty,	Richardson,	Watson, Ind.
Cooper, Wis.	Linney,	Sauerhering,	White,
Cox,	Little,	Sayers,	Williams,
Crisp,	Maddox,	Shafroth,	Wilson, S. C.
Crowther,	Maguire,	Shuford,	Woodard.

NOT VOTING—144.

Adams,	Dolliver,	Lawson,	Pugh,
Aitken,	Dovener,	Lester,	Quigg,
Allen, Miss.	Eddy,	Linton,	Ray,
Allen, Utah	Erdman,	Lorimer,	Robertson, La.
Apsley,	Fenton,	Loud,	Robinson, Pa.
Bailey,	Fletcher,	Loudenslager,	Rusk,
Baker, Md.	Fowler,	Marsh,	Russell, Ga.
Bankhead,	Gillett, Mass.	Martin,	Settle,
Barham,	Grosvenor,	McClellan,	Shaw,
Barrett,	Grow,	McClure,	Skinner,
Bartholdt,	Hadley,	McCormick,	Smith, Mich.
Bartlett, N. Y.	Hainer, Nebr.	McEwan,	Southard,
Beach,	Halterman,	McLachlan,	Sperry,
Belknap,	Hanly,	McLaurin,	Stahle,
Bell, Tex.	Harmer,	Meredith,	Stewart, N. J.
Boatner,	Harris,	Meyer,	Stewart, Wis.
Boutelle,	Hart,	Miles,	Strait,
Bromwell,	Hartman,	Miller, W. Va.	Strong,
Brown,	Hatch,	Milliken,	Sulzer,
Burrell,	Heatwole,	Miner, N. Y.	Swanson,
Calderhead,	Hemenway,	Mondell,	Taft,
Cobb,	Hermann,	Murphy,	Tayler,
Cockrell,	Hilborn,	Murray,	Thomas,
Coffin,	Hitt,	Neill,	Treloar,
Cooper, Fla.	Hopkins, Ky.	Newlands,	Tucker,
Corliss,	Howard,	Noonan,	Van Voorhis,
Cowen,	Huff,	Northway,	Walker, Mass.
Crump,	Hulick,	Odell,	Watson, Ohio
Culberson,	Huling,	Otey,	Wellington,
Cummings,	Hunter,	Otjen,	Wheeler,
Curtis, Kans.	Hurley,	Owens,	Wilber,
Curtis, N. Y.	Hutcheson,	Parker,	Wilson, Idaho
Dayton,	Jones,	Pearson,	Wilson, N. Y.
De Witt,	Kem,	Phillips,	Wilson, Ohio
Dingley,	Kulp,	Pickler,	Woodman,
Dinsmore,	Latimer,	Poole,	Yoakum.

So the previous question was ordered.

The following additional pairs were announced:

On this vote:

Mr. THOMAS with Mr. WHEELER.

For the rest of the day:

Mr. CORLISS with Mr. MCCLELLAN.

Mr. SMITH of Michigan with Mr. JONES.

The result of the vote was announced as above stated.

The SPEAKER. The question is first on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the bill.

The question having been put,

The SPEAKER. The ayes seem to have it.

Mr. MAHANY. I call for a division.

Mr. NORTHWAY. I rise to a question of privilege. There

has been no debate on this bill in any form. The previous question having been ordered, we are entitled, as I understand, to a certain length of time for debate.

The SPEAKER. The Chair understood that there had been debate.

Mr. NORTHWAY. There has been no debate whatever, as I understand.

The SPEAKER. If that is the case, and the right of debate is claimed, there must be twenty minutes' debate on each side.

Mr. NORTHWAY. I think we are entitled to that.

The SPEAKER. Certainly. The Chair supposed that there had been debate while he was absent. The gentleman from New York [Mr. SHERMAN] is recognized.

[Mr. SHERMAN addressed the House. See Appendix.]

[Mr. WHEELER addressed the House. See Appendix.]

Mr. SHERMAN. I reserve the balance of my time, and ask that the opponents of the measure shall occupy their time; and then I will yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN] to close the debate.

Mr. ELLETT. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, since I have been in Congress I have had the honor to serve on the Committee on Interstate and Foreign Commerce. In the Fifty-third Congress there were two propositions pending before that committee. One was to amend the interstate-commerce law in various respects, and particularly to enable the railroads at competitive points to enter into pooling arrangements. The other was substantially the bill that is now pending before the House. I supported the pooling measure, for the reason that in my judgment it would give stability to rates at the competitive points and would have the effect of reducing rates at noncompetitive points. I therefore supported the pooling measure; and I opposed what was known as the "anti-scalping" bill. Now, so far as the fourth section of this bill is concerned, which provides for the punishment of anyone who forges a pass or a railroad ticket, no member would go further in voting for a measure such as that than I would. But this bill, in its main features, Mr. Speaker, has but one object, and the House may as as well understand it now. It is simply to protect the railroads in discriminating against noncompetitive points. The railroads themselves have created the conditions out of which the scalper makes his money. If the railroads did not discriminate against noncompetitive points, the business of the scalper would go. He could not exist an hour if the railroads ceased to discriminate against localities that are not competitive points.

Now, Mr. Speaker, there is one further objection that I have to this bill, and that is in respect to the penalties imposed. The third section of the bill provides that a person or persons violating the preceding section shall be subject to punishment. That does not include the railroad corporation itself. The duty imposed upon the railroads is embodied in the fourth section of the bill, which is not covered by the penal section. I wish to impress upon the House just for a moment the effect of this bill. Let me make a single illustration. If you were at Chicago to-day and wanted to buy a ticket from Chicago to New York by way of Washington, you would be charged $18 for the ticket. If you wanted to buy a ticket from Chicago to Washington only, you would be charged $17.50. Now, under existing conditions when the traveler gets to Washington, on his way to New York, he stops over here, the balance of his ticket gets into the hands of a ticket broker, and it is sold to some one wanting to travel from Washington to New York, the fare from Washington to New York being, I believe, $6.50.

The SPEAKER. The time of the gentleman has expired.

Mr. ELLETT. I give the gentleman time to cover that point.

Mr. PATTERSON. Now, should the traveler, paying $18 for a ticket from Chicago to New York, come to Washington, and there stop his journey, there would only be due him under this bill the sum of 50 cents. The agent here would give his receipt for the ticket, and at some time in the future the railroad company's main office would refund 50 cents. That is the meaning of this bill. In my judgment, this bill has but one effect, and that is simply to permit the railroads to discriminate against noncompetitive points, and to protect them in so doing. [Loud applause.]

Mr. ELLETT. I yield five minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Speaker, the gentleman from New York [Mr. SHERMAN] refers to the fact that many petitions have been received in favor of this bill; and no doubt many well-meaning people have been deceived, but he must recollect that the real nature and purpose of this bill have been carefully disguised. These petitions were formulated and circulated by the railroads. The petitions coming from my district refer to it as a bill for the "protection of the public, and to prevent counterfeiting railroad tickets." Nearly all of them sent to me were printed on the same kind of paper and on the same typewriter, and mailed in a railroad envelope. The real title of the bill, Mr. Speaker, correctly stated would be, "A bill to strengthen the hands of the railroad pools and force all railroad companies to stand up to the pool against the people." Any man who will carefully read the bill with a discernment and understanding that can read "between the lines," will see that it means nothing else, and that such is its real object. "Protection of the public," indeed! Whoever heard of the railroads going to all the trouble they have in this matter to put through any legislation for the protection of the public?

In order to perceive more clearly the ulterior effect and purpose of this measure, it is necessary to consider the conditions that have given rise to the business of ticket brokerage. Years ago, when there were fewer railroads, whenever there was a proposition to regulate their freight or passenger rates by law, or a railway commission, the favorite and stock-in-trade argument against it was that it would "discourage railroad building," and that if you would let them alone, we would "get more roads," and the "natural law of competition would reduce rates," just as it is now argued that by protective tariffs you encourage the building of more factories, and thereby bring down the price of manufactured goods; but as in the case of manufacturers, trusts and combinations were made to hold up prices, so in the case of railways, pools and combinations were entered into to nullify as far as possible the natural law of competition.

If the weaker lines, in order to obtain as much local business as possible, attempted to stand out against the great trunk lines or stronger roads, a rate war would be inaugurated against them, and sooner or later they would be driven to the wall and forced to go into the pool and surrender all independent action of their own. Here, for instance, are two lines from Chicago to Kansas City; one is 525 miles in length, the other only 458. The shorter line, having the advantage of quicker transit, is, naturally, the stronger. It can leave Chicago at 6 o'clock in the evening and reach Kansas City at 8.30 in the morning. A train on the long line, leaving Chicago at the same time, does not reach Kansas City until 4.30 in the evening. The quicker transit line sells a ticket to Kansas City for $12.50. The longer line, in order to obtain business, is willing to sell a cheaper ticket, and get a cheaper class of business, from a class of people who have "more time than money." God knows, Mr. Speaker, there are plenty of that class in this country now, but the pool compels the long line to charge $12.50, just the same as the short line.

Now, while the rate war is going on, to force the weak line into the pool, tickets from Chicago to Kansas City can be bought for $3, and by ticket brokers the same as anyone else. The war rate is $3. The regular rate from Chicago to Kansas City is $12.50. The regular rate from New York to Chicago is $20, and from New York to Kansas City by way of Chicago is $31.50. A party goes to the New York railroad office and finds the price of a ticket to Kansas City is $31.50. He goes to the ticket broker, who says: "I will get you to Kansas City for $25." How does he do this? Does he have to forge or counterfeit a ticket or perpetrate a fraud? He simply goes to the railroad office and buys a ticket from New York to Chicago for $20, hands that to his customer, and gives him a prepaid order on his broker in Chicago for a ticket from there to Kansas City, for which the Chicago broker charges the New York broker $4, or $1 more than the $3 it cost him. Each broker makes $1 and their customer saves $6.50. And yet we are told that a bill to destroy ticket brokers is a bill to "protect the traveling public!"

In the case just given the broker has taken advantage of a rate war, where stronger lines are engaged in driving weaker ones into a pool to force up rates against the traveling public. Naturally the strong lines are indignant that the ticket brokers should be hanging on their flanks on such occasions. It makes the process of forming pools a little more costly. Again, when the weak line has been driven into the pool and forced to charge $12.50 for a ticket from Chicago to Kansas City, just the same as the quicker transit line, it soon finds its passenger business falling off, but it dares not sell at its railroad office a ticket for less than the rate fixed by the pool. But it naturally seeks to evade its tyranny and does so through the medium of the ticket broker, who gets it custom by disposing of its tickets at lower rates.

The stronger line, through the natural promptings of greed, resorts to similar tactics, and so the front door of the ticket broker's office becomes the back door of the railway offices, through which a number of them are sneaking out to evade the requirements of the pool. Destroy the ticket broker, and you strengthen the hands of the pool and defeat the very purpose for which the Interstate Commission was organized. And yet we are gravely told that "the Interstate Commission has recommended the passage of this bill!"

Now, let us take another case, where the railroads are engaged in discriminating in favor of a large city against a smaller one. The regular rate for a ticket from Chicago to New York by way of Washington is $18, and the regular rate from Chicago to

Washington is $17.50, or only 50 cents less from Chicago to Washington than from Chicago to New York by way of Washington. And yet if you buy a ticket from Washington to New York you will have to pay $6.50 for it. A traveler wants to come to Washington, and goes to the railroad office and finds the ticket will cost him $17.50, or nearly as much as a ticket to New York, which is only $18. He goes to a ticket broker, who says: "I will get you to Washington for $14." Does the broker forge or counterfeit a railroad ticket? He simply goes to the railroad office and buys a ticket to New York by way of Washington, sells that to the traveler for $19, and says, "Here is an order on my broker in Washington to pay you a rebate of $5 on presentation to him of the Washington to New York part of this ticket." The Washington broker afterwards sells that ticket for about $5.75 to some traveler going to New York, and makes for himself about 75 cents by the operation and saves the traveler about the same amount.

In this case the ticket broker has taken advantage of the fact that the railroads are discriminating against Washington, and to the extent above stated he has modified that discrimination, which the Interstate Commission, with all its power and expense to the Government, has never been able to do. And yet we are gravely told that the Interstate Commission, organized to prevent discriminations, has recommended the passage of this bill, and that "good people and church people, all over this land, have petitioned us to pass it!"

It is perfectly evident, Mr. Speaker, that the wrongful acts of the railways themselves have furnished business for the brokers. The scalper's business is simply the outgrowth of the railway discriminations and railway pools, and yet the proposition of this measure is to lop off the outgrowth and leave the railways undisturbed to continue in their wrongful acts. The pretense that the scalper promotes unjust discrimination by enabling people to purchase tickets at less than lawful rates is perfectly absurd. The Interstate Commission has established no legal rates, and the so-called "published rates" are simply those established by the unlawful pools themselves; so that the real substance of this complaint is that the broker is the medium by which the pool rates may be evaded; and that is the precise reason why the railways are seeking to have his business outlawed. Equally absurd is the talk about "preventing counterfeiting." There is already abundant law to punish that, and if the ticket brokers have been guilty of that offense, why is it that none of them have ever been convicted? Are the railroads too poor to employ detectives to catch and able counsel to convict them? Do they need an act of Congress and the help of the Federal Treasury to punish counterfeiters?

Coming now to another feature of this most remarkable measure, we find that it proposes to prohibit absolutely any ticket broker from engaging in his usual calling and occupation, and to punish him by a fine of as much as $1,000, and by imprisonment as much as one year, if he does so engage. Mind you, it not only proposes to visit this punishment upon those who have been guilty of selling false, forged, or counterfeited tickets or some other act of fraud or dishonesty, but also upon each and every ticket broker who dares to carry on his usual business, even in the manner I have before stated. Is it right or is it constitutional to so punish an American citizen? Upon this point I only deem it necessary to quote from an eminent law writer who is recognized as an authority upon such matters. He says:

> It is not contended that the business of ticket brokerage is in itself of a fraudulent character. The business can be honestly conducted by honest men. It is only claimed that in its prosecution the business presents manifold opportunities for the commission of fraud. As has already been stated, the police regulation of an employment may extend to any length that may be necessary for the prevention and suppression of fraud in its pursuit; but an honest man can not be denied the privilege of conducting the business in an honest and lawful manner because dishonest men are in the habit of practicing gross and successful frauds upon those with whom they have dealings. If that were a justifiable ground for abolishing any business, many important, perhaps some of the most beneficial, employments and professions could be properly prohibited. There is no profession or employment that furnishes more abundant opportunities for the practice of frauds upon defenseless victims than does the profession of the law, and that profession has its ample proportion of knaves among its votaries, although the proportion is very much smaller than is popularly supposed. But it would be idle to assert that, because of the frequency of fraudulent practices among lawyers, the State could abolish the profession and forbid the practice of the law. There is no difference in principle between the two cases. The business of ticket brokerage does afford many opportunities for fraud and deceit, and it may on that account be placed under strict police surveillance. But the business serves a useful end, when honestly conducted, and the constitutional liberty of the ticket broker is violated when he is prohibited altogether from carrying on his business. (Tiedeman's Limitations of Police Power, page 203.)

Now, Mr. Speaker, with whom did this proposed legislation originate? It originated with the powerful railroad corporations of this country. When was it ever known that they came to Congress asking for any legislation that was in the interest of the public? Can any man name a single measure that those railroad companies have ever asked for that was in the interest of the public? Whenever they ask for legislation in the interest of the public, the leopard will change his spots and the Ethiopian the color of his skin. It is an old maxim, "Beware of the Greeks when they come as messengers bearing gifts!" And when the railroad companies come here and ask for legislation professedly in the interest of the people, let the representatives of the people beware of the Trojan horse!

I tell you, sir, that the effect of this legislation will be to strengthen the hands of the railway pools and to weaken every power that now resists them. This measure may become a law, Mr. Speaker; I recognize the strength of the influences and forces that have been mustered to its support.

I make no quarrel with nor challenge the motives of anyone who may differ from me on this or any other subject; but, entertaining the views and opinions that I do, I would be recreant to my sense of duty if I did not oppose it, and I would resign my seat in Congress before I would vote for the passage of such a bill as this.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all gentlemen who speak upon the bill be permitted to extend their remarks in the RECORD.

Mr. MAGUIRE. Mr. Speaker, in view of the fact that debate has been cut off, I ask that all members have leave to print on this question.

Mr. PERKINS. Mr. Speaker, I suggest that the same restriction be put upon this proposed leave that was made in a similar motion the other day, limiting the time to five days and confining the leave to print strictly to this question.

Mr. HEPBURN. Mr. Speaker, I interpose an objection to the last request, not to that of my colleague on the committee.

The SPEAKER. Objection is made to the request of the gentleman from California, and the Chair will put the request of the gentleman from New York, that members who have spoken upon this question have leave to extend their remarks in the RECORD during the next five days. Is there objection?

Mr. MAGUIRE. I object.

The SPEAKER. Objection is made by the gentleman from California.

Mr. ELLETT. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. NORTHWAY].

Mr. NORTHWAY. Mr. Speaker, I shall not have time to discuss the various phases of this bill within the limit of five minutes, but I desire to call attention to one or two points. The bill as it stands provides for pains and penalties to be inflicted on innocent passengers, but nowhere in the bill is there any provision for any pain, fine, or anything else in the nature of a penalty upon anyone connected with the railroad company, for refusing to do anything that he is called upon to do under the bill. If the ticket agent refuses to give you your receipt, there is no penalty, no fine, but the poor passenger can be sent to the penitentiary for a year, or assessed in damages for $1,000, for a single violation of this proposed law.

Let me call attention to the fact that this bill is the result of an organization on the part of the railroad companies to engage in pooling in the selling of tickets. It is said that a railway company has the right to write "nontransferable" on your ticket and that then you have no right to sell it. Why do they not undertake to do it? I will tell you. It is for two reasons. First, they are afraid that the law would not back them up in it, and second, they know that the people would not submit to it unless there was a law compelling them to do so. And here, in an amendment which has been put in to-day—not printed so that we can read it—is the very language which will ruin every passenger who desires to sell a ticket. The amendment reads:

> Strike out all after the word "*Provided*," in the second section, and insert "That the purchaser of a transferable ticket in good faith for personal use in the prosecution of a journey shall have the right to resell the same to a person who will in good faith personally use it in the prosecution of the journey."

Pass this bill with that provision, and then two strong railroad lines competing between two points will write upon their tickets "not transferable;" and then, the railroad companies having Congress to back them up by the forms of law, the passengar dare not sell his ticket to anybody, not even to his own wife or child, to make a return journey. You may pass such a law—you will put it through, in all human probability—but I warn you that you will hear from it inside of a year. [Applause.]

There is another thing to which I wish to call attention. The amendment which I have just read provides that if the ticket is transferable the holder of the ticket may have the right to resell it to a person who will in good faith personally use it. Suppose I purchase a ticket and can not complete my journey; suppose I sell it in good faith to the gentleman from Illinois [Mr. HOPKINS] or any other gentleman. Suppose that the person to whom I sell the ticket does not use it himself, but sells it to somebody else. What happens under this amendment? I am liable to be sent to the penitentiary for a year and fined to the amount of $1,000, because in the contemplation of this amendment I have violated the law, for, though I am allowed to sell the ticket, I must sell it to a person who will in good faith personally use it. I am obliged,

therefore, to see that the man to whom I sell the ticket does use it in good faith. The effect of this bill, then, is simply to stop the reselling of tickets in any form—to give a railroad company the benefit of all the unused portion of a ticket, or to compel you to sell that unused portion to the company.

The gentleman from New York [Mr. SHERMAN], in defending the fourth section of this bill, states that you may return your ticket to an agent of the railroad company, and may take his receipt, and that he will then forward the ticket to the main office of the company, get the money for it, and give it to you. Sir, that is not in the bill. The provision is that the agent will give you a receipt, which will be redeemed when presented at the home office. The burden is thrown upon all passengers of taking the chance of losing these certificates. Some of these unused portions of tickets may be worth only 20, 30, 40, or 50 cents; and the holder of them must take the chance of sending them a thousand miles, and of losing them in the mails.

All these burdens are heaped upon passengers; and they are all for the benefit of the railroad companies. You may pass this bill if you wish to do so. You have the full power to pass it. But I urge you to think the matter over after you have passed the bill, and see whether you have acted in the interest of the public. We are here to act for the patient, nameless millions—not for corporations. The corporations have no difficulty in getting a hearing. I doubt whether in my own county there is an employee of a railroad company who has not joined in petitioning for the passage of this bill; and three or four preachers who have been threatened that their tickets may be taken from them if this thing is persisted in have also sent in their petitions.

Think of it! In my own village a petition was gotten up, signed by all the railroad employees there, while the entire public having no connection with railroad corporations thundered against the measure and were indignant and outraged at the means by which it was worked up. Railroad men! You have 100,000, you can probably have a million, people signing these petitions—members of the Brotherhood of Locomotive Engineers, railway trainmen, station agents, etc.; they are all signers of these petitions, of course. The supporters of this bill kindly inform us that this is a measure in the interest of the people. Sir, there was never an assault made by moneyed powers upon the rights of the millions that was not accompanied by the sweet assurance that it was for the benefit of the dear people. Injustice always comes clothed in the garb of justice, that it may more surely stab to the death that in whose name it fraudulently appeals.

Do you think that this mighty lobby (the most powerful I have ever seen about the Capitol) is here in the name of the people? Do you think the railroad companies who are urging clergymen, many of whom are carrying in their pockets tickets purchased largely below ordinary rates, to sign printed petitions furnished for the purpose by such companies, asking members of Congress to support this pending measure, are doing so for the benefit of the traveling public? But we are told that this measure will, if enacted into law, work no hardship, because it provides that the company selling a ticket shall redeem any unused portion of such ticket. Do you not know that such a provision is but a snare?

How is it proposed to redeem the unused portion of a ticket? Mark the exceeding liberality of the measure. The passenger who desires to have redeemed the unused portion of a ticket must step into the office of the company where he breaks his journey, surrender his ticket, and receive (mark how kindly considerate the company is) a receipt from the company's agent which, when presented to the home office of the company, will entitle him to receive in return for such unused ticket a sum of money which equals the difference between the amount paid for such ticket and the fare one way between the starting point and the station where such receipt is issued. The home office may be a thousand miles away, but the passenger must take the chances of having his receipt lost or stolen and also of the refusal of the company to redeem such receipt. The amount may be small and the trouble great, but no matter, for we are told that the public may be ——.

Why should not such agent, instead of giving a receipt, pass out the small amount of change needed to redeem such ticket and so save the passenger from further trouble?

Why, of course it is easy to understand why, because many of such receipts being for small sums will never be presented for redemption, and so the company will save all such amounts.

Let me state a case to show how this bill, if enacted, will operate against the passenger.

The price of a round-trip ticket between this city and New York is $10, while the price of a ticket from this city to New York is $6.50. Suppose a passenger who holds a round-trip ticket when he reaches New York desires to go to some other part of the country and so will not need the return portion of his ticket.

Now, he can sell such unused portion to a broker or some other person for probably $5, for anyone who buys it will save on his fare from New York to Washington $1.50.

But let this bill but become law and such passenger can not sell his ticket to a broker without becoming liable to a penalty of not to exceed $1,000, and an added penalty, if the court sees fit, of imprisonment in the penitentiary for one year.

Under this enactment such passenger can dispose of his unused ticket to the company selling it for just $3.50 only, for that is the difference between the price paid for the ticket, $10, and the price of a fare one way, $6.50.

So this law will cheat, that is the proper word, the passenger out of $1.50 worth of property which he has honestly bought and paid for, and which he should have the undoubted right to sell as he sees fit just as much as he should have the right to sell his horse or cow, but in the selling of which to a broker, under this law, he lays himself liable to be treated as a felon and confined in the penitentiary for one year, and his family robbed of a thousand dollars to pay his fine. In the name of justice, is there no limit to this outrage?

Do you suppose the people will tamely submit to such unwarrantable interference with the right of contract and with the right to honestly buy and as honestly sell property?

They may be long-suffering, but the time comes when, in the wild rush of passion and prejudice, they will strike back such blows of retaliation, unjust it may be, as will injure these great corporations and so indirectly injure the public. But these companies must remember then that they were the aggressors, and that the people will not tamely submit to being branded as felons and incarcerated in felons' cells for honestly disposing, as they may see fit, of that which they have bought of the companies who seek to brand them as felons or incarcerate them in a felon's cell.

I will join in any just measure which will punish all persons for frauds practiced upon these companies, and for every improper or unlawful use of a ticket, but I will ever protest, while I represent the intelligent constituency I do, against any and all infringements upon the people's rights. [Applause.]

[Here the hammer fell.]

Mr. ELLETT. I yield two minutes to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Mr. Speaker, I have known hours and sessions and days and weeks of this Congress to be frittered away upon trivial and unimportant questions; yet I see members of the Republican party, fresh from the triumph of a national election, "railroading" through this bill which concerns the rights and interests of the whole traveling public, and in a special manner the great business communities, in so far as it affects the convenience of commercial travelers—we behold, I say, the majority of this House rushing this bill through under a gag law which prevents anything like an adequate discussion of the merits or demerits of the measure. It almost seems as if what our opponents charged against us in the last campaign is about to be verified by our official conduct here, that the saturnalia of corporate greed, under the direction of the Republican party, is to take possession of the Republic. [Loud applause.]

I have no time in the two minutes allotted me to do more than adduce one argument against the adoption of this bill; and that is an argument to the force of which the history of my own State bears record. The people always keep their obligations to the railroads; the railroads, if they can avoid it, very seldom honor their obligations to the people. [Applause.] In making that statement I hope I am too intelligent to be animated by any unworthy prejudice against these great agents of civilization, which bind together the cities, States, and sections of our country in the fellowship of progress.

But facts are facts. The railroad magnate came to the constitutional convention of New York, and said: "If you abolish the free-pass system now in vogue, we will reduce the passenger fares at once and the public will appreciate the boon." Thereupon the people of the State of New York, through their constitutional representatives, enacted a law forbidding officers or employees of the State to ride upon free passes. That law has been in operation for three years or more, but up to date there has not been the slightest indication on the part of these railroads that they would fulfill their part of the agreement and reduce passenger rates for the benefit of the people.

Mr. Speaker, there is no opportunity to discuss the spurious petitions adduced in favor of this iniquitous measure, but, as a more than sufficient offset, I submit a list of twenty-six representative American journals which have denounced the bill now before us. They are as follows: New York Times, Syracuse News, Denver Republican, New York Evening News, Omaha World-Herald, Chicago Journal, Toledo Commercial, Staunton (Va.) Argus, Kansas City Star, Arkansas Gazette, Charleston Post, Detroit News, Dallas Herald-Times, Memphis Commercial-Appeal, Louisville Courier-Journal, Chattanooga Times, Duluth Evening Herald, Cleveland Plain Dealer, Wheeling Register, Sioux City Journal, Richmond State, Cleveland Leader, Roanoke Times, Baltimore Herald, New York World, St. Louis Star. These are by no means all. Throughout the land, wherever the people have been able to make their wishes heard, there is an ever-increasing chorus of protest against the passage of this legislation.

[Here the hammer fell.]

Mr. ELLETT. I yield two minutes to the gentleman from California [Mr. MAGUIRE].

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. ELLETT. I yield one minute to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. It is not right, Mr. Speaker, to pass a bill of this importance without the privilege of debate and the opportunity to offer amendments. This practice in recent years has become so familiar to this body that it seems no longer to occasion comment or criticism. From the extreme of unlimited debate the parliamentary pendulum has swung to the other equally reprehensible extreme of practically no debate at all upon great questions. The rule of this body is the arbitrary will of a majority buttressed upon the expression of committees only. The House has substantially relinquished its functions as a deliberative body. Committees rule here ofttimes by the wanton application of the previous question. The individual Representative is minimized. The House of Representatives itself no longer attracts the attention of the country as in other days. The scepter has indeed departed from Judah. When issues affecting the Republic are considered, the body at the other end of the Capitol, in the main, challenges the attention of the country.

How often have we witnessed the passage of bills carrying enormous liabilities—in one instance of more than seventy-five millions, in another exceeding fifty millions—at railroad speed. Over and over again the passage of measures affecting all the people is accelerated with parliamentary whip and spur.

This bill, Mr. Speaker, is of vital moment to the traveling public. It also affects the vast railway system of the United States, and yet it is to be rushed to a vote without offering an opportunity to perfect it by amendment and with the limitation upon debate of twenty minutes all told.

I would not, sir, knowingly do injustice to any railroad. I would deal with them as I would deal with the people. Both are alike entitled to equal and exact justice from Congress. Neither should ask or receive an unfair advantage.

The railroads should have an equality of opportunity in so far as legislation can properly promote such a policy. The people demand and must be accorded a like privilege.

Along the lines of legislative action which are in harmony with this fundamental doctrine of the Republic I desire to move. I will go no further to promote the interests of any class of our people, it matters not how worthy they may be. In the brief moment so kindly yielded by the gentleman from Virginia [Mr. ELLETT] I only desire to add a single word.

An appeal comes from one of my warmest friends urging me to support this bill; but, sir, as I understand its provisions, it seems that I should surrender my commission as the Representative of the splendid Third Missouri district rather than support the vicious principle involved in this measure. [Applause.] In my judgment its effect will be to stifle competition and legalize railroad pooling as to passenger rates. I shall oppose the bill, and I hope the House will vote it down. [Applause.]

Mr. ELLETT. Mr. Speaker, it is with great reluctance that I presume to differ with the Interstate Commerce Commission and my colleagues of the Committee on Interstate and Foreign Commerce. I have always made it a rule to concur with the majority of the committee when I differed with it in minor details or nonessentials, but when I differ on what I consider to be some essential principle of equity or justice, it is my duty as a Representative to do all in my power to sustain what I deem the right and vigorously oppose the wrong. Hence the minority views set forth by myself in opposition to House bill No. 10090.

The reasons why I do not think this bill should become a law are as follows, viz:

First. It is highly improper to rush so important a measure as this through the House with virtually no debate thereon.

Second. The committee has had no information upon the subject except that which comes from the published reports of the Interstate Commerce Commission, which show that they are based on reports received from railroad officials who are interested parties. The representatives of ticket brokerage, which this bill proposes to destroy, have been given no opportunity of a hearing either before the Interstate Commerce Commission in reply or before the Committee on Interstate and Foreign Commerce.

Third. The bill would destroy a business of thirty years' standing, which is in the interest of the public in that it promotes healthy competition in passenger traffic and prevents the carrying out of illegal compacts.

Fourth. By the destruction of the business named the public would be compelled to pay higher rates for passenger fares without receiving a benefit in return for this deprivation.

But first let us consider the legal objections to this bill and then we will take up other reasons why it should not become a law.

First legal objection.—The restraints and prohibitions which this act seeks to impose upon the right of a holder of a railroad ticket to sell or transfer it for a consideration are not valid.

An ordinary railroad ticket purports upon its face to be good in the hands of the holder. The original purchaser may never use it, but one of the essential qualities of the ticket which he has bought is its transferability. This quality is part of the consideration of his purchase. Hence the recognized legal right of the purchaser who has paid value for the ticket which he holds to sell it for value. It may be bought and sold as freely as any other chattel or evidence of right which passes by delivery. Owing to a variety of causes, a lawful traffic has sprung up in this article of recognized and known value—and in all large cities—where the buyer and seller call in the aid of the broker, in dealing in almost every article of traffic, the holder will always find a market for his unused ticket at the office of the ticket broker. The farmer who sells his grain upon the market, the corporation that issues its stock, and the railroad company who sells its ticket entitling the holder to a passage, each transfers to the purchaser a species of property, with the right impressed upon it to dispose of it to anyone for whatever he pleases.

The third absolute right of every Englishman—

Says Blackstone—

is that of property, which consists in the free enjoyment and disposal of all his acquirements without control or diminution save by the laws of the land.

And Chancellor Kent says:

The exclusive right of using and transferring property follows as a natural consequence from the perception and admission of the right itself. * * * The power of alienation of property is a necessary incident to the right.

Transferability and value can not, therefore, be taken from the owner of a ticket by an act of Congress unless the expressions "the law of the land" and "due process of law" mean, among other things, an act of Congress.

Judge Comstock says in Wynehamer *vs.* The People (13 N. Y., 392):

To say, as has been suggested, that "the law of the land" or "due process of law" may mean every act of the legislature which deprives the citizen of his rights, privileges, and property leads to a simple absurdity. The Constitution would then mean that no person shall be deprived of his property or rights unless the legislature shall pass a law to effectuate the wrong, and this would be throwing the restraint entirely away.

And Chancellor Kent says (2 Com., 13):

The better and larger definition of "due process of law" is that it means law in its regular course of administration through courts of justice.

Suppose the farmer procures the passage of a law that all products of the farm sold and not eaten by the purchaser shall be returned to him for redemption at cost price, a parallel absurdity would be presented. Are the restraints and prohibitions which this act seeks to impose upon the right of the holder of a railroad ticket to sell or transfer it for a consideration valid? One of the fundamental limitations upon the power of Congress is that which provides that the citizen "shall not be deprived of his property without due process of law." It is well settled that an act of Congress is not "due process of law." (See Amendments Constitution, Article V.)

"Property," within the meaning of this provision, is "everything which has an exchangeable value." (Swayne, J., 16 Wall., 127.) The right of property has been defined as "the exclusive right of using and disposing of a thing as one's own." (Bouvier's L. Dict., volume 2, 346.) Its "free use, enjoyment, and disposal." (Blackstone's Com., volume 1, 138.)

"The power of alienation," says Chancellor Kent (Kent's Com., volume 2, 310), "is a necessary incident to the right." An examination of the provisions of this act will show that in a majority of cases it is substantially destructive of this "right of alienation." The right of property must embrace not only the thing itself, but its ordinary and essential characteristics, of which the power of sale is one. The protection of property must necessarily extend to that essential and valuable right, and every law which makes it criminal for him to exercise that right deprives him of his property "without due process of law."

It is difficult to distinguish such a law from a law which would prohibit the buyer of a barrel of flour from selling it to anyone but the manufacturer, and everyone from selling it but the manufacturer's agent. If it is in the power of Congress to retain for the railroad company by penal statute the control of and exclusive right to repurchase the transferable ticket which it has issued, it would seem to be in its power to extend the same protection to each peculiar interest, and thus bind the hands of the citizen in the interest of every monopoly.

Second legal objection.—This act confiscates the property of the citizen without just compensation.

"Congress in exercising supreme control over the regulation of commerce can take private property only on payment of just compensation." (Monongahela Navigation Co. *vs.* U. S., 148 U. S., 312.)

Any law which prohibits the citizen from engaging in a lawful occupation is invalid.

Third legal objection.—This act does prohibit anyone from engaging in an occupation which, in my judgment, is a lawful one. It not only prohibits citizens from engaging in that occupation in the future, but deprives those who have already engaged in it of

their chosen means of livelihood. Because these tickets are transferable and the proper subjects of purchase and sale, and owing to the differences in rates which railroads have established at different points, charging at one point one price and at another another price for traveling the same distance, a regular traffic in them has grown up.

In all our large cities there are firms engaged in buying and selling railroad tickets as a regular occupation. They have offices and have invested their means in a stock in trade. They have acquired whatever special knowledge is necessary for its successful prosecution. Their business is open and their places of business are known to the traveling public. For years past the business has been as much the chosen occupation of a class of citizens as the business of buying and selling grain or any other merchantable commodity. There has been nothing hitherto in the nature of the business which has made it contrary to law. Those engaged in it buy and sell an article which is in its nature a lawful subject of purchase and sale. Their business is a lawful one. The effect of this law is to prohibit it. All citizens are forbidden by law from engaging in it, and those who have chosen it as an occupation, if they obey this law, will be compelled to abandon it.

The right to pursue a lawful occupation is a fundamental right of the citizen. If a constitutional guaranty were needed for its protection, it is found in that provision of the bill of rights which guarantees to him "life, liberty, and the pursuit of happiness."

The theory upon which political institutions rest is that all men have certain inalienable rights; that among these are life, liberty, and the pursuit of happiness, and that in the pursuit of happiness all advocations, all honors, all positions, are alike open to everyone. (Cummings *vs.* State, 4 Wall., 321.)

There is no more sacred right of citizenship—

Says Justice Bradley—

than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor. (Live Stock Assen. *vs.* Crescent City, 1 Abb. U. S. R., 398.)

And in the famous Slaughterhouse Cases (16 Wall., 122) it is decided that—

A law which prohibits a large class of citizens from adopting a lawful employment or from following a lawful employment previously adopted does deprive them of liberty as well as property without due process of law. Their right of choice is a portion of their liberty; their occupation is their property.

In Arrowsmith *vs.* Burlington (4 McLean, 497), the court says, "A freeman may buy and sell at his pleasure. This right is not of society, but from nature. He never gave it up."

The right of every citizen to pursue a lawful occupation is guaranteed to him by the fundamental law.

There is no right so essential to his happiness, or so intimately connected with the enjoyment of the property which he may acquire. If Congress can constitutionally prohibit him from carrying on the business of buying and selling railroad tickets, it can prohibit him from buying and selling grain, stocks, provisions, or any other article of trade. So long as he carries on his business by honest and fair means, it is as much entitled to the protection of the law as any other lawful occupation.

There is undoubtedly vested in the legislatures of the States an undefined power known as the police power, which extends to all regulations affecting the health, good order, or morals of society.

It is, however, well settled that the legislative power can not give to an act the character of a police regulation by calling it such. The law must relate to a subject which is the proper subject of police regulation. The legislative branch of the Government can not, under pretense of police regulations, encroach on the rights of the citizen.

It has been claimed by the promoters of this bill that it was designed to prevent fraud upon travelers by persons falsely representing themselves as the agents of railroads. But such is not the design or scope of the act. If it prohibited such false representations and provided for their punishment, it would be a legislative exercise of police power. Instead, however, of providing for the punishment of those who make use of fraudulent methods of carrying on the business, it prohibits the business itself.

The fact that misrepresentation can be made use of in buying and selling an article is no justification for a law which prohibits its purchase and sale altogether.

But enough as to the law. Now let us look to the facts relating to this proposed bill.

The facts clearly establish that a large majority of the people are benefited by and therefore favor the ticket brokerage business, as the people secure cheaper tickets through the people's agents—the ticket brokers. The only interests benefited are the amalgamated railroad systems, who desire to monopolize the entire railroad business of the country; therefore, it is a case of the people versus these strong lines.

Not all railroads favor this bill. Weaker and independent lines know that ticket brokerage alone saves them from the three powerful passenger associations or trusts, and the bankruptcy and final absorption which would follow if they were absolutely under the dictation of these associations. This check upon the concentration of all the railroads of the country in a few hands is one of the greatest benefits derived by the people through ticket brokerage. A striking illustration of this is when weaker lines are boycotted by order of the associations. But for ticket brokerage the weaker lines would get no through passengers and would consequently have to stop their trains. In all such cases the interests of the broker and the people carry them to the support of the boycotted line and enable it to successfully resist the boycott.

Another valuable consideration to the public is the unsurpassed convenience and generality of information the many brokers' offices throughout the country afford the traveling public. I knew a business man to be in New York with a return Baltimore and Ohio coupon to Washington. He suddenly had a call farther South, and learning that the Baltimore and Ohio train would not make connection with the Atlantic Coast Line, he went to a broker, paid him 50 cents, and procured a ticket over the Pennsylvania road, made direct connection, saved six hours and thirty-five minutes in reaching his destination, besides considerable living expense had he been forced to wait in New York City. Did the Baltimore and Ohio lose anything? Did the Pennsylvania lose anything? No. The broker made 50 cents out of the passenger, and the passenger saved many times this in expense and six hours and thirty-five minutes, and boasted of the convenience and profit the broker had been to him. How many just such cases do you suppose occur daily in the great city of New York alone? It would be unreasonable to doubt that the other great cities of the country would daily run such examples up into the thousands, saving to business men many valuable hours besides money.

One of the greatest benefits to the traveling public is the quickness and ease with which the information is acquired from brokers respecting the various routes through any section of the country. The information obtained from the broker of the advantages and disadvantages of the various routes could not be had except by personal solicitation at the local office of each company. And even in this case the passenger talks with a decidedly interested party, and is not liable to be as fairly, frankly, and fully advised as he would be by a broker.

When a passenger buys a ticket what does he buy? Surely not the paper or pasteboard. He receives nothing for his money until he has been given the service by the company which the ticket promises. To prohibit the transfer of this service when it is ascertained by the purchaser that he can not personally use it is as unjust as to decree that a man shall not sell a coat that does not fit him simply because he designed to wear it when he ordered it. How is it unfair, unjust, or unprofitable to the railroad company? They have received all they asked to perform the service—every dollar. Does it cost them any more to haul one man than another? If they were in any way required to receive less than they offered to perform the service for, then their complaint would at least be clothed in reason and deserve some consideration. But they come confessing, by the possession of the tickets by the public, the receipt of their own fixed consideration, and ask legislation to impose hardship or loss upon the purchaser, that their revenues may be enlarged by not rendering to some one the service for which they have been paid. Well they know that in commercial America, where the telegraph so readily advises business men of the necessities of trade, that some great portion of the commercial army is hourly directed to change its line of march, and if they can by these changes secure what the business world now saves to itself through the brokers, their coffers would swell immensely.

It would not be attempted but that they know the business of the country must be prosecuted even if at increased cost. One would suppose that, owing to the increased freight traffic resulting from the labors of the traveling man, the railroads would be disposed to decrease his personal expenses. But such is not so. They are endeavoring to increase the expense rather than diminish it, by depriving him of the privileges he now enjoys through the ticket broker.

The chief plea of those advocating this measure is the counterfeiting and forging of tickets, and the dishonesty of some brokers. As to the first, everyone desires that the crime of counterfeiting and forging shall be suppressed. For myself, I would prefer to leave it to the States to punish such crimes within their borders; but if their laws are not sufficiently clear and comprehensive, I would gladly welcome a law of Congress punishing the counterfeiting and forging of interstate tickets. The chairman of the executive committee of the Ticket Brokers' Association stated in a hearing upon this bill before the Senate committee a few days since that the brokers would rejoice in the passage of such a law. As to the dishonesty of the brokers, every investigation has shown and will show that they are as honest as any other class of American citizens. And the absurdity of proposing to prohibit any pursuit because some who follow it are dishonest can not be more strikingly illustrated than by the railroad business itself.

Gentlemen on the other side admit that some railroad officials

are dishonest. Would they remedy this by abolishing the railroad business? Or will the abolition of ticket brokerage make all railroad officials honest? On the contrary, it would be impossible to devise a system that would furnish greater facilities for fraud than this bill places at the disposal of the authorized ticket agent. To illustrate: The rate from Chicago to New York, via Washington, is $18; the rate from Chicago to Washington is $17.50, and from Washington to New York is $6.50. If you deprive the people of the ticket broker, to whom they can always readily dispose of the unused portion of tickets, you force them to sell these unused tickets at less than value to the so-called "authorized agent." Now, what is to prevent this "authorized agent" from paying the 50 cents for the redemption of the ticket on his own account and selling it at what he pleases and putting the amount into his pocket? It is evident that the object of the bill is to secure to the great railroad systems the sums the traveling public now save through the broker; but as for correcting fraud, I have shown that it tends to increase it by offering additional temptation.

In justice to the brokers it should be stated that their association protects the innocent and unwary traveler for whom the railroads and Interstate Commerce Commission seem to have such great solicitude, by paying the traveler for all illegal tickets sold him by one of its members, and expelling the offending member.

No one is more in sympathy with the purposes of the interstate-commerce law than myself. Its primary object was to prevent discrimination in freight and passenger rates, and, as understood, the Interstate Commerce Commission was created to enforce this as far as it laid in the power of Congress to do so.

I do not wish or intend to reflect on the honest purpose of the Commission, but in so far as the ticket broker is concerned they seemed to have lost sight of the purpose of the law and the object of their creation, for everyone knows that if the railroads would stop discrimination the ticket brokers' business would be at an end. No statute is necessary, but the simple cooperation of the railroads in the original purposes of the Interstate Commission law. But the Interstate Commerce Commission seem to have overlooked this fact, and it is but natural that they should have done so, as they have, from their own reports, clearly been guilty of the unjust and un-American course of securing all of their information from the railroad associations and of having failed to accord a hearing to the representatives of the Ticket Brokers' Association, though they have severely criticised and stigmatized them as criminals, annually, in each of their reports, since 1890. And this, though the brokers have frequently requested to be heard.

The duties of the Interstate Commerce Commission are quasi judicial; and what greater outrage to the American sentiment of fair play and the fundamental principle of constitutional liberty could be pictured than for an American court to pass criminal sentence upon a citizen without informing him of the nature of the charge against him; without confronting him with his accusers and the witnesses against him, and without giving him an opportunity to be heard in his own behalf?

In conclusion, I submit to this House that had the Interstate Commerce Commission made an investigation of this matter they would never have stated that there was a popular demand for the enactment of this law. But they would have known the following facts: That twenty-four State legislatures and three successive Congresses have dropped this identical bill into the waste basket; that a hundred thousand traveling salesmen, who are the most expert and experienced travelers in America, and who should know what is to their interest, are knocking at the doors of Congress, through their associations, requesting that this bill be defeated; that manufacturers and merchants all over the land, who know their business interests, have united in this request. And they would have concluded that the people, and especially the medium rich and the poor, who constitute the large majority, are opposed to and not in favor of this bill. And they would have recognized the most important fact of all, that the ticket broker was a public benefactor rather than a public nuisance, and the sole parties to be benefited by such a law were those powerful railway systems of the country who expect by such legislation so much the sooner to absorb all the systems of the land practically into one grand monopoly.

The Republicans on this floor have a large majority, and, having virtually made this a party measure by applying the party whip all along the line, it does appear, as has been so well said by the gentleman from New York [Mr. MAHANY], a Republican himself, that the Republican party is making good our charge against it. The gentleman from New York said:

> It almost seems as if what our opponents charged against us in the last campaign is about to be verified by our official conduct here, that the saturnalia of corporate greed, under the direction of the Republican party, is to take possession of the Republic. [Loud applause.]

And I again indorse the gentleman from New York when he disavows prejudice against railroads in the following words:

> In making that statement, I hope I am too intelligent to be animated by any unworthy prejudice against these great agents of civilization, which bind together the cities, States, and sections of our country in the fellowship of progress.

No, Mr. Speaker; I am not prejudiced against railroads, but in the interest of the people, in the interest of the traveling public, and in the interest of the weaker lines, I oppose this vicious legislation, which can only benefit completed and strong systems by enabling them to first bind the weaker hand and foot and ultimately to absorb them, greatly to the injury of the public and the country.

Mr. SHERMAN. I yield the balance of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to remind gentlemen who have made such dolorous complaints about the majority railroading this bill through that the majority ordering the previous question has been two to one, and I want to remind them further that a proposition was made for debate that there should be an hour on a side. Instead of accepting that——

Mr. ELLETT. We asked two hours.

Mr. HEPBURN. Instead of accepting that, you wasted the time by filbustering processes.

Mr. MAHANY. It was not enough.

Mr. TERRY. You refused us three hours.

Mr. HEPBURN. I want to remind the gentleman from Ohio [Mr. NORTHWAY] that his solicitude about those who will be affected by the amendments of the committee is a little misplaced. He sympathizes with the man who has made a contract not transferable, who, in violation of his contract, proposes to transfer it. He is very solicitous that the man who is attempting to commit a fraud shall not, in addition to that, commit a crime.

This bill interferes with no contract that is made. It gives to every man all the rights that he has under the contract that he has made. These gentlemen seem to think that in some way or other he should have a guardian to invest him with rights that he himself does not care to secure.

Certain gentlemen tell us that they are opposed to this bill because it is going to make preferences and discriminations possible. Not so. It is to prevent a widespread system of preferences and discriminations. Gentlemen say that it is right and proper for the weaker railroads to sell in quantities their tickets to the scalper, and for him to disseminate them. Is not that discrimination? Not only a discrimination against localities, but it is an attempt to take advantage of those of the locality he is apparently dealing in good faith with. But let me remind gentlemen that this bill does not necessarily prevent that kind of traffic. It simply requires that when men engage in it they shall confess the fact. That is all. Every ticket that can be bought now from a railroad company by a scalper can be bought under the provisions of this law.

The only change required is that if a railway company proposes to make that scalper its agent for the sale of tickets it shall give him a certificate of that fact, and that the scalper shall expose the certificate in his place of business. Further it makes no limitation upon him in that direction of any kind. Every right that he has now in dealing with a railway company—"the weaker roads"—every kind of traffic that he can engage in now, he can engage in under the provisions of this law, provided there is proper publicity given to the transaction and that the company selling him the ticket shall constitute him its agent. Why should not that be so? What possible objection is there to that? None in fair dealing and in honesty. The pretense of my friends on that side of the House that they are laboring now in the interest of the "dear people" is a delusion, a misstatement, a fraud.

There is nothing in it. The bill protects the people. It is in the interest of the people. It works no hardship of any character upon the people. It is in their interest in another direction. The Interstate Commerce Commission, after investigating the matter, found that this illegitimate business, the business of these self-constituted middlemen—middlemen whom that side of the House are always railing against in platforms and in political speeches—costs more than a million dollars. Who pays that? The people whom our friends are so much interested in, who get the difference in the unused ticket that they are compelled or fancy they are compelled to sell—the difference between the price the scalpers give and the price the company must pay the holder under the provisions of this bill.

After this bill becomes law there is no such compulsion upon the holder of an unused ticket. He is not remanded to the ticket broker, but under the provision of this bill the railroad company must pay. Now, they do not get from the ticket scalper as large a sum as they will get, under the provisions of this bill, from the railroads. The scalper's ticket is sold all over the United States. The ticket scalper is in all large cities, and the people whom these gentlemen are so solicitous about support him. He becomes, by reason of this bill, if he is not now, a superfluous and unnecessary middleman. Now he gives a pittance for the unused ticket. Under the bill the railroad company must pay full value. The Interstate Commerce Commission, year after year, after giving a careful attention to this subject, have asked the passage of this law; repeatedly, over and over again, they have made their requests, backed by cogent arguments. I think the House ought

now to listen to them. I think that all they have said is shown to have the merit of argument, the logic of common sense and of justice to the people behind it.

Mr. ELLETT. Mr. Speaker, I understand that the gentleman who objected has withdrawn his objection, and I make the request that all gentlemen who have spoken upon this question may have permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all gentlemen who have spoken upon this subject may have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

Mr. ELLETT. I demand the reading of the engrossed bill.

The SPEAKER. It has not yet been ordered to be engrossed. It is after it has passed to that stage that the reading of the engrossed bill can be demanded.

Mr. BAILEY. I think the rule provides that it can be done at either time. I think the rule has been construed that it can be done before or after, and therefore I did not in the beginning raise the point that could be made here. That is the only reason why I will not make a motion to recommit at this time.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the bill was ordered to be engrossed for a third reading.

Mr. ELLETT. I now demand the reading of the engrossed bill.

The SPEAKER. The gentleman from Virginia demands the reading of the engrossed bill. That not being present, the matter will lie over until the engrossed bill is produced.

Mr. BAILEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. Preceding the engrossment of the bill, would it be in order to move to recommit the bill?

The SPEAKER. The Chair thinks not. The Chair thinks that should come after the third reading.

Mr. BAILEY. That is my own opinion; and that is the reason I desired to make the motion a moment ago.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, *February 26, 1897.*

Be it resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes under the auspices of the National Society of the Daughters of the American Revolution.

PREVENTION OF CONTAGIOUS DISEASES.

Mr. BENNETT. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I ask for the consideration of the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

The resolution was read, as follows:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved by the Senate and House of Representatives, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. DOCKERY. Mr. Speaker, I think we ought to have some explanation of this.

Mr. McMILLIN. Mr. Speaker, I would inquire whether this comes up on a motion to suspend the rules or on a request for unanimous consent? How did it get before the House?

Mr. BENNETT. I have presented it under the call of the committee. Mr. Speaker, I ask that the report be read as a part of my remarks.

The report (by Mr. BENNETT) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, submit the following report:

In view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States, this legislation is deemed necessary.

Section 3 of the quarantine act of February 15, 1893, provides that—

"Where the State or municipal health authorities fail or refuse to enforce the quarantine rules and regulations of the Treasury Department, the President shall execute and enforce the same, and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose."

Before the President can be called upon to adopt the measures enacted above, evidence must be furnished him that the quarantine authorities are not enforcing the regulations; opportunity must be given the quarantine officers to refute the charges, and while the matter is being discussed disease is liable to be admitted.

The proposed law would give the Secretary of the Treasury the right to appoint immediately, when he considered it necessary, an inspecting officer, attached to the national quarantine service, and the proposed law would give greater force to the position of such officer, and in fact to the officers at all the quarantine stations.

This joint resolution has received the approval of the Treasury Department in a letter of date of February 12, 1897, in which the Secretary states that this measure is rendered necessary in view of the alarming reports from India and Europe concerning the spread of the bubonic plague.

Your committee has given this matter their attention and consider the subject so important as to call for general legislation, and hence recommend the passage of the joint resolution.

Mr. BENNETT. Mr. Speaker, I move the adoption of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MILNES. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. MILNES, the Speaker declared that the noes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 72, noes 90.

So the motion was rejected.

DEEP WATERWAYS BETWEEN THE LAKES AND ATLANTIC OCEAN.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the commissioners.

The report of the Committee on Printing was read, as follows:

The Committee on Printing having had under consideration Senate concurrent resolution No. 59, for the printing of 5,000 additional copies of the message of the President of January 18, 1897, and the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, recommend that the same be agreed to.

The Public Printer estimates the cost of the work provided for under this resolution at $4,000.

The rules were suspended and the concurrent resolution was adopted.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). Mr. Speaker, I desire to call up the bill (S. 1811) to extend the uses of the mail service.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable, suspend its operation altogether.

SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

SEC. 3. That all cards and envelopes furnished by the United States Economic Postage Association shall conform in size to the requirements of the Post-Office Department; shall be used only for return messages; shall have printed thereon, and upon the coupon attached thereto, the address of the individual, firm, company, or corporation to whom such cards and envelopes are to be returned; and may also have printed upon the address side the penalty prescribed for any violation of this act, and upon each coupon such words as will indicate that the postage will be paid when the card or envelope is delivered to the addressee.

SEC. 4. That it shall be unlawful to mail, and postmasters and other postal officials shall refuse to send or carry in the mails, any envelopes or cards of the said association on which the name of the individual, firm, company, or corporation imprinted thereon has been erased; and any person convicted of the violation of this statute shall be fined not exceeding $100, or imprisoned not more than thirty days on failure or refusal to pay the fine.

SEC. 5. That said association shall pay postage upon each and every piece of matter passing through the mails, which shall be patented or now or hereafter owned by said association or its successors.

SEC. 6. That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily or weekly, or monthly.

SEC. 7. That in every case where an envelope of the said association when mailed carries more than a single-rate message, the postmaster shall place upon the coupon attached to said envelope and cancel as many postage-due stamps as may be required by existing law, in the same manner as is now done with all other similar mail matter; and the said association shall redeem

and pay for the stamps so added to the coupons at the same time that the coupon is redeemed and paid for.

SEC. 8. That postmasters shall cancel all coupons attached to the cards and envelopes of said association in the same manner that stamps are now canceled, and shall be entitled to the same compensation for canceling said coupons as is allowed for the cancellation or sale of stamps.

SEC. 9. That nothing shall be paid by the United States Government for or on account of any patent owned by the United States Economic Postage Association, and no claim for damages shall be made or exist against the United States for or on account of the alteration, amendment, or repeal of this act.

Mr. HOPKINS of Illinois. Mr. Speaker, does this come up under the call of committees, or on a motion to suspend the rules?

The SPEAKER. On the call of the committees.

Mr. CANNON. Mr. Speaker, this is a Senate bill, I understand?

The SPEAKER. It is a Senate bill.

Mr. CANNON. Well, I make the point of order that it is a bill which should receive its first consideration in Committee of the Whole. I listened to the reading as best I could, and it seems to me that the bill clearly affects the revenues of the Government and makes a charge upon the Treasury.

The SPEAKER. The Chair was not listening to the reading, and he will be glad if the gentleman from Illinois will kindly point out the features of the bill which he thinks make it subject to the point of order. The Chair, following out the wishes of the House, desires that there shall be no matter introduced under the call of committees which involves expenditure on the part of the Government, or appropriation, or revenue. He has intended to carefully exclude all matters of that kind.

Mr. HOPKINS of Illinois. Mr. Speaker, if the point made by my colleague from Illinois [Mr. CANNON] is not well taken, I desire to raise the question of consideration on the bill.

The SPEAKER. That will be decided after the point of order is disposed of.

Mr. CANNON. Mr. Speaker, it seems to me from a very hasty glance at this bill that it is subject to the point of order. I am not so familiar with it as the gentleman from Pennsylvania [Mr. BINGHAM], but it seems to require an account to be kept by every postmaster in the country, involving, necessarily, an increase of force, and it requires additional work to be done by accounting officers——

Mr. LOUD. Mr. Speaker, we can not hear what the gentleman is saying.

The SPEAKER. The House will please be in order.

Mr. MAHANY. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. MAHANY, the Speaker declared that the ayes seemed to have it.

Mr. HENDERSON. I ask for a division.

The House divided; and there were—ayes 81, noes 107.

So the House refused to adjourn.

Mr. HENDERSON. Mr. Speaker, I would like to say a word on the point of order. It seems to me that the point made by the gentleman from Illinois is not well taken. He assumes, because there is certain work to be done if this bill becomes a law, that that will entail a burden upon the Government. I do not think that brings the bill within the rule. The gentleman merely makes an assumption. There is no new arm of the Government provided for in the bill; there is no new force provided for; there is no appropriation in the bill. It simply proposes to carry out a certain work for which the Government is now thoroughly equipped, and non constat but the amount of work will be less, as I believe it will be under the provisions of this bill if it becomes a law. The ground of the gentleman's point of order is purely speculative. There is no direct charge upon the Treasury in the bill, no appropriation, nothing that brings it within the rule, and I believe it is properly upon the House Calendar and not subject to the point of order.

Mr. BINGHAM. Mr. Speaker, the proposition is made in this bill, for the first time in the history of the Government, to give out to a private corporation the printing of what may be called the securities of the Government. Our postage stamps, which are now printed in the Bureau of Engraving and Printing, have been declared by Congress to be securities of the Government. Now, this bill proposes to allow a private concern to attach to postal cards and to the envelopes now printed by the Government as a part of its securities these coupons, sold by this company to any persons who may wish to use them in the mails in connection with postal cards or envelopes. Now, in every post-office of the country where these coupons may arrive, they must be set aside and an account kept so that this company may come in and redeem them. This of necessity will require the employment of additional force by the Government. It can not be otherwise. The stamps that now carry letters are canceled by the clerical force of the postal system. Not so with these coupons. A settlement must be made at the office of final delivery; and, as I have said, the keeping of the accounts for the purpose of making this settlement with this company will require additional clerical force.

The SPEAKER. The Chair thinks that the point made by the gentleman from Pennsylvania is a mere matter of argument.

Mr. BINGHAM. It may be a matter of argument, but it is also clearly a matter of fact.

The SPEAKER. To sustain this point of order, in the opinion of the Chair, something further is required than has thus far been presented. Unless some other argument be submitted, the Chair will have to overrule the point of order.

Mr. HOPKINS of Illinois. I now raise the question of consideration. This is a bill which ought not to pass this House at this time.

Mr. LOUD. I suggest that the gentleman is debating the proposition.

The SPEAKER. The question of consideration is raised by the gentleman from Illinois [Mr. HOPKINS]. The question is, Will the House consider the bill?

The question being taken, there were on a division (called for by Mr. LOUD)—ayes 54, noes 84.

Mr. MAHANY. No quorum, Mr. Speaker.

The SPEAKER. The Chair thinks there is a quorum present. [After counting the House.] There are 187 members present—a quorum. The noes have it, and the House refuses to consider the bill.

Mr. LOUD. Mr. Speaker, I think we are in bad temper, and therefore I move that the House adjourn.

The question having been put,

The SPEAKER. The noes have it.

Mr. MAHANY. I call for a division.

The question being taken, there were—ayes 83, noes 110.

Mr. MAGUIRE. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion to adjourn was rejected.

BRIDGE ACROSS THE YAZOO RIVER AT GREENWOOD, MISS.

Mr. LACEY. I call for the regular order.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] informs the Chair that by mistake the Committee on Interstate and Foreign Commerce was passed over before he had opportunity to address the Chair. The gentleman wishes, as the Chair understands, to call up a bridge bill. In the opinion of the Chair, it is fair that the bill should be reported.

The bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi, was read.

Mr. PATTERSON. I will merely state to the House that this bill is in the usual form and has been approved by the War Department.

The SPEAKER. Is there objection to the consideration of the bill under the rule?

Mr. HARDY. Is this a proposition to build a bridge over the Yazoo River near Yazoo City, Miss.?

Mr. CATCHINGS. No, sir; this proposed bridge is to be near Greenwood, very far north of Yazoo City. The people of the county interested desire to build this bridge at their own expense.

Mr. HARDY. I have made the inquiry because I think they ought to have had a bridge at Yazoo City many years ago, when certain gentlemen down there put my old friend Colonel Morgan (now dead and gone) upon a plank and sent him adrift in the Yazoo River because he was a Republican in the South.

Mr. WILLIAMS. I have the pleasure of stating to the gentleman that if Colonel Morgan were there now, we could set him adrift upon a first-class steel bridge with a draw in it. [Laughter.]

Mr. HARDY. I wish you had had it before.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

DESERT LANDS.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder.

The bill was read, as follows:

Be it enacted, etc., That in all cases of existing desert-land entries where yearly proof for any year or years of final proof has not been made the time for making all such yearly proof or proofs and final proof is hereby extended for one year from the date of the passage of this act; and in such cases when the annual expenditure of $1 per acre has not been made for any year or years the failure to make such expenditure shall not work a forfeiture, but the time within which all such expenditures may be made is hereby extended for one year from the date of the passage of this act; and in such cases the time for making final proof and payment is hereby extended for one year from the date same would otherwise have become due: *Provided*, That the provisions of this act shall not extend to any entry where final proof and payment have been due for one year or more prior to the passage of this act: *And provided further*, That nothing in this act shall be so construed as to deprive any party of any right now existing under the regulations governing contests in land cases.

Mr. LACEY. If I can have the attention of the House for just a minute, I think I can make this bill perfectly plain. It was drafted by the Commissioner of the General Land Office and

introduced at his request. It is to give one year's additional time to desert-land entries.

The necessity for this grows out of the exceedingly hard times of the last year. In several instances this extension has been granted as to some reservations. There is a large quantity of land that has been taken under the desert-land law, and the persons taking the land are required to expend $1 an acre upon it each year. This extends the time one year in which to make a final proof of the expenditure of this money in ditching and the other requirements of the desert-land law. It is a departmental bill, and is pressing. It must be passed now if at all. It involves no expense to the Government.

I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3722) granting a pension to Mrs. Hannah Letcher Stevenson, widow of the late Brig. Gen. John D. Stevenson—to the Committee on Invalid Pensions.

A bill (S. 3237) granting a pension to Annie Fowler—to the Committee on Invalid Pensions.

A bill (S. 588) to grant a pension to Eli D. Walker—to the Committee on Invalid Pensions.

A bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion—to the Committee on Invalid Pensions.

A bill (S. 3393) to increase the pension of Wesley C. Sawyer—to the Committee on Invalid Pensions.

A bill (S. 3343) granting a pension to Mrs. Arethusa Wright, of Sheridan, Oreg.—to the Committee on Invalid Pensions.

A bill (S. 3188) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.—to the Committee on Pensions.

A bill (S. 2125) granting a pension to Mrs. Frances C. De Russy—to the Committee on Invalid Pensions.

A bill (S. 3707) granting a pension to Catherine A. Bradley—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6038) to increase the pension of Joseph M. Donohue;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer;

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

A bill (H. R. 5128) to increase the pension of Jere Smith;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France;

A bill (S. 3340) authorizing Herbert H. D. Peirce to accept a medal from the Russian Government;

A bill (S. 3725) to prevent the importation of impure and unwholesome tea;

A bill (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain;

A bill (H. R. 4076) for the relief of Abner Abercrombie; and

A bill (H. R. 3605) granting a pension to Grotius N. Udell.

ANTITICKET SCALPING BILL.

The SPEAKER laid before the House the engrossed copy of the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce."

Mr. NORTHWAY. I rise to a point of order. The Committee on Interstate and Foreign Commerce having been passed, and other committees having been called, how do we get back to that committee?

The SPEAKER. Under the order of the House for the previous question to the passage, which makes it a question of the highest privilege. The Clerk will read the engrossed bill.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BAILEY. I desire to make a motion to recommit with instructions. I move to strike out, in line 7 of section 4, the words "the general," and in lieu thereof insert the word "any;" and beginning with the word "if," in line 11 of section 4, strike out the remainder of the section. Also, strike out the whole of section 5 and transpose section 3 so that it shall become section 4; and "section 4" shall be amended to read "section 3."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas [Mr. BAILEY].

The question was taken; and on a division (demanded by Mr. MAHANY) there were—ayes 46, noes 120.

Mr. MAHANY. No quorum.

The SPEAKER. The Chair thinks there is plainly a quorum present.

Mr. ELLETT. I demand the yeas and nays.

Mr. SHERMAN. I make the point that that is dilatory.

The SPEAKER. A demand for the yeas and nays can not be regarded as dilatory.

The question being taken on ordering the yeas and nays, they were refused, 26 members (not one-fifth of the last vote) supporting the demand.

Accordingly, the motion of Mr. BAILEY was rejected.

The question being taken on the passage of the bill, on a division (demanded by Mr. NORTHWAY and Mr. MAHANY), there were—ayes 142, noes 51.

Mr. ELLETT and Mr. MAHANY demanded the yeas and nays.

The question was taken on ordering the yeas and nays, and the Speaker announced 36 members in support thereof—not one-fifth of the last vote.

Mr. ELLETT and Mr. MAHANY demanded the other side.

The question being taken, there were 148 in the negative.

Accordingly (not one-fifth supporting the demand therefor), the yeas and nays were refused.

Mr. TERRY. I ask for tellers.

Tellers were refused, 24 members, not a sufficient number, supporting the demand therefor.

Accordingly, the bill was passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEISENRING, for Monday and Tuesday, on account of important business.

To Mr. WANGER, for one day, on account of important business.

To Mr. BOATNER, for the remainder of this session, on account of important business.

To Mr. CUMMINGS, on account of death in his family.

And then, on motion of Mr. HENDERSON (at 5 o'clock and 43 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Washington, Mount Vernon and Alexandria Railroad Company, transmitting the annual report of said company, together with a list of the stockholders of

the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report of survey of Elizabeth River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROSIUS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 875) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, reported the same with amendment, accompanied by a report (No. 3054); which said bill and report were referred to the House Calendar.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9729) to provide for the purchase of a site and the erection of a public building thereon at Carlinville, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 3055); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. ANDREWS, from the Committee on Invalid Pensions, reported (Report No. 3056) the bill (H. R. 5884) granting a pension to Sarah E. Ingham, late an army nurse; which said bill and report were referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petitions; which were referred as follows:

Petition of citizens of Port Perry, Pa., in favor of the passage of the McMillan-Linton bill relating to beneficiary societies—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

Petition of the Royal Society of Good Fellows, in favor of the passage of the McMillan-Linton bill—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

Petition from the Madison Street Methodist Episcopal Church, of Chester, Pa., for the passage of a bill to raise the age of protection of girls—Committee on the Judiciary discharged, and referred to the Committee on the District of Columbia.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 10872) providing for the enrollment of the Mississippi Choctaws, and for other purposes—to the Committee on Indian Affairs.

By Mr. WALKER of Massachusetts: A concurrent resolution (House Con. Res. No. 74) to print 10,000 copies of the report of hearings before the Committee on Banking and Currency, Fifty-fourth Congress—to the Committee on Printing.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging the passage of the House bill for the classification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 10873) granting a pension to Anna J. Turner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Youghiogheny Lodge, No. 302, Brotherhood of Locomotive Firemen, of Connellsville, Pa., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

Also, resolutions of Colonel W. S. Black Post, No. 59, Grand Army of the Republic, of McKeesport, Pa., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Burgettstown, Pa., for the passage of bills for the further prevention of cruelty to animals; raising the age of protection to 18 for girls in the District of Columbia; for the District Sabbath law; for a law against interstate gambling by telegraph, and for the prohibition of liquor selling in the Capitol building—to the Committee on the District of Columbia.

By Mr. BAKER of Maryland: Petition of the Hopewell Methodist Episcopal Church and the Epworth League of Woodlawn, Cecil County, Md., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on the Judiciary.

By Mr. BAKER of New Hampshire: Protest of F. J. Perry and 26 other citizens of Washington, D. C., against the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of W. A. Leonard, of Angleton, Tex., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. W. Carlton and other citizens of Temple, Tex., in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Resolution of the Veterinary Medical Association of Iowa, protesting against the passage of Senate bill No. 1552, restricting vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Veterinary Medical Association of Iowa, asking for the passage of the bill giving army veterinary surgeons the rank of commissioned officers—to the Committee on Military Affairs.

By Mr. DALZELL: Resolution of the Nebraska Beet Sugar Association with respect to tariff duties—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolutions of the St. Paul Chamber of Commerce, in favor of extending the civil service so as to include the consular system—to the Committee on Foreign Affairs.

Also, protest of F. M. Hutchinson and 32 other citizens of Minnesota, against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petition of George Miller and other citizens; also of S. Y. Pitts and others, of Chillicothe, Mo., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of F. H. Paul and 24 other citizens of Manchester, Iowa, urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HULL: Petition of Charles Howrey and 41 other citizens of the State of Missouri, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KERR: Petition of George W. Warner and other citizens of Norwalk, Ohio; also of N. H. Loose of Shelby, Ohio, also of R. L. Mayer, in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Petition of the St. Paul (Minn.) Chamber of Commerce, in favor of extending the civil service so as to include consulships—to the Committee on Foreign Affairs.

By Mr. KIRKPATRICK: Petition of the Young Men's Christian Association and others, of Parsons, Kans., favoring the passage of the Cullom and Sherman bills to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolution of the Ohio State board of health praying for the passage of the bill providing for a permanent census service—to the Committee on Appropriations.

Also, resolutions of the Ohio State Labor Assembly, praying for such legislation as will contribute to the immediate recognition and relief of the Cuban patriots—to the Committe on Foreign Affairs.

By Mr. McCLEARY of Minnesota: Petition of President Edward Searing and Prof. Charles F. Koehler, of the State Normal School at Mankato, Minn., praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of James S. Barkman, secretary of Little Rock Division, No. 131, Order of Railway Conductors, asking for the passage of the Erdman arbitration bill, the Hill contempt bill, and the Phillips commission bill—to the Committee on Labor.

By Mr. MERCER: Petition of George Chaplin and other citizens of Omaha, Nebr., in favor of the passage of Senate bill No. 3545 and House bill No. 10090, known as the antiticket scalping bills—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Congregational, Baptist, and Methodist Episcopal churches, the Woman's Christian Temperance Union, and Lodge No. 250, Independent Order of Good Templars,

of Winchester, Mass., for the suppression of the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PICKLER: Sundry petitions and resolutions urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. SORG: Petition of the Ohio State board of health, Columbus, Ohio, for a permanent census service—to the Committee on Appropriations.

By Mr. SOUTHARD: Petition of S. H. Rodebaugh and 2 other citizens of Lindsey, Ohio, in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Ohio State Medical Society, in favor of House bill No. 8777, to provide for the examination of immigrants at ports of debarkation—to the Committee on Immigration and Naturalization.

By Mr. TRUMAN H. ALDRICH: Petition of colored citizens of beat 12, Hale County, Ala., for relief from military duty—to the Committee on the Judiciary.

By Mr. WHEELER: Sundry petitions of Robert Andrews and 66 other citizens, I. James and 18 others, P. Brown and 22 others, H. A. Skeggs and 19 others, J. E. Brown and 21 others, W. R. Rutland and 10 others, C. C. Ledbetter and 21 others, R. C. Gunter and 24 others, I. G. Grayson and 21 others, and L. W. Houston and many other citizens, in the State of Alabama, favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

[*Continuation of proceedings, legislative day, Saturday, February 27, 1897.*]

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, February 28, 1897.

EXTENSION OF FOREST RESERVATIONS.

Mr. ALLEN presented a telegram, in the nature of a memorial, remonstrating against carrying into execution the recent Executive order for the extension of the forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 26, 1897.*

Senator W. V. ALLEN, *Washington, D. C.:*

"Whereas by an Executive order issued February 22, 1897, by Grover Cleveland, President of the United States, 21,000,000 acres of public lands in the States of the Northwest have been reserved from occupation and settlement, of which 3,000,000 acres are in the State of Wyoming and the Black Hills of South Dakota, making with lands heretofore reserved 40,000,000 acres in area of the public domain closed to development; and

"Whereas such order has as its result the destruction or abandonment of many important industries now in prosperous existence in said territory, being agriculture, manufacturing, and mining; and

"Whereas the growth of said country in material wealth and population is of the greatest importance to the agricultural States of the Missouri and Mississippi valleys, and particularly to the State of Nebraska: Therefore,

"*Be it resolved by the senate of the State of Nebraska*, That we do not believe that the forests upon the public lands can be preserved by making such large sections of the country an uninhabited waste, but such abandonment would greatly increase the destruction by fire and from lawlessness.

"*Resolved*, That the existing laws punishing the cutting or waste of timber upon public lands are ample for forest preservation if enforced by the courts.

"*Resolved*, That we urge upon the Congress of the United States immediate legislation annulling said Executive order and taking the needed action that the important industries already established may continue and receive the fostering care of the law instead of being destroyed by it.

"*Resolved*, That the secretary of state be requested to transmit these resolutions by telegraph to our Senators and Representatives in Congress."

Dear Senator, will you kindly see that all Nebraska members of Congress are furnished a copy of this resolution.

W. F. PORTER, *Secretary of State.*

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The amendment on page 54 which was passed over will be stated.

The SECRETARY. On page 54, after line 5, the Committee on Appropriations report to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898. And the Secretary of the Treasury is hereby authorized to pay to Dr. Leonhard Stejneger the sum of $900, and to F. A. Lucas the sum of $600, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries under said joint resolution, out of the appropriation therein made for such investigation.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations which has just been read.

Mr. PETTIGREW. I should like to have the amendment passed over for a few moments, and take up some of the other amendments.

The VICE-PRESIDENT. The amendment will be passed over for the present. The next amendment of the committee which was passed over will be stated.

The next amendment was, on page 56, after line 3, to insert:

Bounty on sugar: For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,085,156.66, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. VEST. I am compelled to ask for the yeas and nays upon the amendment. I do not care about discussing it, but I want to have the question taken by yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], and my colleague [Mr. MITCHELL of Oregon] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. We have arranged to transfer our pairs so that the Senator from Wisconsin and I may vote. I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLANCHARD (after having voted in the affirmative). I desire to transfer the pair I have with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, the senior Senator from Louisiana [Mr. CAFFERY]. I have already voted.

Mr. PALMER (after having voted in the negative). I did not observe whether the Senator from North Dakota [Mr. HANSBROUGH] voted or not.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PALMER. I withdraw my vote.

Mr. BURROWS (after having voted in the negative). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

Mr. BLANCHARD. I will state to the Senator from Michigan that I transferred the pair which I had with the Senator from North Carolina [Mr. PRITCHARD] to my colleague [Mr. CAFFERY], who is absent, so that the Senator from Michigan is at liberty to vote.

Mr. BURROWS. Then my vote will stand.

Mr. HOAR (after having voted in the affirmative). Has the Senator from Alabama [Mr. PUGH] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. HOAR. I withdraw my vote. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. ROACH]. I am informed that if present he would vote "yea." I will therefore permit my vote to stand.

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Allen,	Cockrell,	Hawley,	Shoup,
Allison,	Cullom,	Jones, Ark.	Squire,
Blanchard,	Daniel,	McBride,	Stewart,
Brice,	Elkins,	McMillan,	Teller,
Brown,	Faulkner,	Mantle,	Vilas,
Call,	Frye,	Martin,	Warren,
Cannon,	Gallinger,	Murphy,	White.
Carter,	Gibson,	Nelson,	
Chandler,	Gray,	Perkins,	
Clark,	Hale,	Quay,	

NAYS—12.

Baker,	Burrows,	Hill,	Pettigrew,
Bate,	Chilton,	Mills,	Sherman,
Berry,	Gorman,	Peffer,	Vest.

NOT VOTING—41.

Aldrich,	Butler,	Davis,	George,
Bacon,	Caffery,	Dubois,	Gordon,
Blackburn,	Cameron,	Gear,	Hansbrough,

Harris,	Mitchell, Oreg.	Proctor,	Voorhees,
Hoar,	Mitchell, Wis.	Pugh,	Walthall,
Irby,	Morgan,	Roach,	Wetmore,
Jones, Nev.	Morrill,	Sewell,	Wilson,
Kenney,	Palmer,	Smith,	Wolcott.
Kyle,	Pasco,	Thurston,	
Lindsay,	Platt,	Tillman,	
Lodge,	Pritchard,	Turpie,	

So the amendment was agreed to.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 81, line 9, after the word "night," to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" so as to read:

For lighting 33 arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks, three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $3,920.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 81, line 12, after the word "dollars," to insert the following proviso:

Provided, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. McMILLAN. I desire to ask the Senator from Iowa if he intends to press this amendment now on the bill? The same amendment is on the District of Columbia appropriation bill, and it does not seem to have any place here.

Mr. ALLISON. I will ask the Senate for the present to pass over this amendment, it having been read, and to take up the amendments on page 88, relating to rivers and harbors.

The VICE-PRESIDENT. The amendment will be passed over. The Secretary will read the first amendment, at the point indicated.

The next amendment was, on page 88, line 10, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

For improving Hudson River, New York: Continuing improvement, $375,000.

The amendment was agreed to.

Mr. VEST. I should like to make an inquiry of the chairman of the committee. I should like to ask him what was done with the amendment on page 7 in regard to purchasing the Corcoran Art Gallery building?

Mr. ALLISON. That was agreed to last evening.

Mr. VEST. I ask for a reconsideration of the vote by which the amendment was agreed to. I was compelled to go home before the Senate adjourned.

Mr. ALLISON. That is all right. The vote may be reconsidered by unanimous consent.

The VICE-PRESIDENT. In the absence of objection, the vote is reconsidered.

Mr. ALLISON. I hope that we will now go on with these amendments.

Mr. VEST. Of course I do not want to disarrange the order.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 88, line 17, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $200,000.

Mr. WHITE. There are several amendments of a nature precisely like the pending amendment, showing that the committee has reduced the appropriations made by the House. I would inquire of the committee why that reduction was made. The amount placed in the bill by the House, I understand, was the amount estimated by the Department. I inquire of the chairman of the committee what is the fact with reference to that matter. If the Senator from Iowa was not listening, I will repeat. The item under consideration is the Humboldt improvement. I notice that there are several of that type. Of course, we wish to be treated simply as others are being treated, but I should like to know why the amount was reduced and whether the House amount was not the sum estimated by the Department.

Mr. ALLISON. In response to the inquiry of the Senator from California, I will be glad to make a few observations respecting all these items that were reserved last night, because they all stand practically upon the same basis.

It may be truthfully said that the Department has made no estimate as respects any of the improvements that are in this bill and reserved where we have reduced 25 per cent the appropriation proposed by the House. There is a statement in the Book of Estimates, in the latter part of that book, from the Chief of Engineers, saying that he can usefully expend during the next fiscal year the several amounts appended to each item of these public works, but there is no departmental estimate. These works are not included in the total of the estimates of appropriation; they are not counted as estimates in the Book of Estimates; but they were authorized, I will say to the Senator from California, in the river and harbor act of last year.

Mr. WHITE. The Senator is mistaken as to the Humboldt item, which was earlier, the work has been in progress under an old contract.

Mr. ALLISON. I was about to state that these items were included in the river and harbor act of last year, with the exception of perhaps three or four, of which the Humboldt appropriation is one. In the testimony taken by the House Committee on Appropriations the engineer officers who were examined by that committee stated that as an engineering question they could expend usefully and properly the amounts estimated; but I called the attention of the Senator from California and other Senators to the peculiarity of these reserved amendments. In nearly every case the estimate is exactly $400,000. The improvement at Humboldt, and I think nine-tenths of those items that were reserved last night, are appropriations of $400,000. Therefore it rests in the discretion of Congress to say whether we will appropriate this year $350,000, $375,000, or $300,000, or three-quarters of the amount that was estimated for by the engineers.

Most of these items are mentioned in the river and harbor act as improvements that are to be let by contract, and the whole contract can be made for the completion of the improvement, so that if a contractor bids he bids for the whole improvement or a part of it, as the case may be, and he is paid on his contract as appropriations from time to time are made by Congress.

It was the judgment of the Committee on Appropriations, after going over all these items carefully, that it was the part of wisdom under all the circumstances of the appropriations at this session that these public improvements could go on usefully and properly with the appropriations that we have proposed to make. Many of them are not yet under contract, which is not the case with Humboldt. Some of them have just been contracted for. In other cases there are advertisements now out for bids. So, in the nature of things, these improvements do not stand in the same category with those improvements that are about to be completed.

Now, that is not all there is of it. I will say that the committee afterwards, in reviewing their work, did believe that an exception could fairly be made as respects the harbor of Boston, that being an improvement imperatively necessary in order to carry on the commerce of that great city, by deepening the channel so that vessels drawing 23 or 25 feet of water can enter the harbor. With that exception the committee think that these are wise and proper reductions. But that is a question for every Senator as much as it is a question for the committee. If Senators believe that we have the ability and that it is the part of wisdom to appropriate as the House has appropriated, of course it is a matter of no special importance to the committee more than to any other Senator on this floor.

I have the Senator from Delaware [Mr. GRAY] in my eye. As respects the great improvement of the Delaware River, which was in the river and harbor bill, at a maximum cost of $4,000,000, that whole work, I am told, has been contracted for recently for $1,660,000, or about that sum. So the work is to be begun, and is to cost less than one-half of the cost estimated two years ago.

Mr. President, I do not wish to debate this question, but I submit it to the Senate without further observations.

Mr. FRYE. But these improvements should all be treated alike.

Mr. ALLISON. So I agree.

Mr. FRYE. Take, for instance, Portland, Me., and Rockland, Me. In each case the committee has cut down the House appropriation $100,000. My colleague was a member of the committee having this bill in charge. He undoubtedly consented to that cut down of $100,000 on the ground that the Treasury is not in a condition to be over and above liberal just now, and his constituents and mine would sustain him in doing that. But they would not sustain him or me unless all of these appropriations bore the same cut of $100,000.

There is another point, I will state, that the Senator did not seem to touch upon. I judge from the appropriations made here that instead of these being estimates of what ought to be done or what can be done, or what might profitably be done, they are simply following the law of Congress which provided that in certain cases not more than 25 per cent should be appropriated in any one year and in other cases not more than 50 per cent, and they have simply placed in here as an estimate 25 per cent in some cases and 50 per cent in another. It is not the usual estimate. The usual estimate is a careful survey of the work to see what ought to be done and what can be done profitably. That has not been done in these cases. They have taken the law as Congress passed it and then put down the amount which is the maximum amount we in the law allowed should be estimated for.

Mr. ALLISON. That is partially true, and yet the House did

not follow that rule. Take an improvement, and a very important one, in which the Western States are deeply interested. The Senator from Illinois who sits near me and the one more distant from me are deeply interested in the construction of the Hennepin Canal. We provided in the river and harbor act last year that one-quarter of the money should be appropriated annually, or not to exceed that amount, if you please, for the Hennepin Canal, which, if it had been appropriated, would have been an appropriation of $1,300,000, whereas the House of Representatives, in the exercise of their judgment and discretion, reduced the appropriation to $1,000,000. To show that we have at least endeavored to be impartial, I have consented as a member of the committee that this appropriation should be reduced one-quarter with the others; that is, to $750,000.

Mr. CULLOM. And I agreed to the arrangement because it seemed to be necessary in the interest of the Treasury, and because I supposed it would be fair to all concerned.

Mr. ALLISON. As respects special appropriations, the Senator from Maine speaks of Rockland, Me., as one of the items, I suppose, where 50 per cent was to be appropriated.

Mr. FRYE. Yes.

Mr. ALLISON. I have here the statement of the engineer before the committee of the House of Representatives, in which he states that—

> The contract at Rockland, Me., has not been made, but the making of the contract has been authorized. Bids have not yet been called for, but will be called for in the near future. These bids involve an expenditure of $227,000—

In other words, that is all that has been advertised for at Rockland, Me.—

> not the entire work provided for—it being the idea that $227,000 is for the protection of the breakwater. We think we can also get figures for dredging inside by letting this contract.
>
> The CHAIRMAN. The contract requires an appropriation of $227,000 for this year?
>
> Colonel MACKENZIE. Yes; we have on hand $25,500, which will be required for superintendence; $227,000 is the amount to be paid to the contractor.
>
> The CHAIRMAN. That is all you will need for the next fiscal year at Rockland?
>
> Colonel MACKENZIE. Yes, sir.

And so on. There is the statement before the House committee that $227,000 is all that is needed, and we have in this bill, as we cut it down, provided for $300,000. So I submit to the Senator from Maine that with this testimony before the Committee on Appropriations it was not a difficult thing for us to convince his colleague that $300,000 would be ample provision there.

Now, I will take the case of Portland, Me., which we know is an important city in our country, and has an important improvement, and is, I believe, one of the 50 per cent class. I am not sure about it.

Mr. WHITE. May I interrupt the Senator to ask him from what document he is reading?

Mr. ALLISON. I am reading from the hearings before the subcommittee of the House Committee on Appropriations, wherein the engineer officer of the Army having charge of this work was examined as respects each of these items of appropriation.

Mr. VEST. I should like to ask the chairman a question.

Mr. ALLISON. Certainly.

Mr. VEST. How many of the continuing contracts in the river and harbor act are not provided for by the sundry civil bill now before us?

Mr. ALLISON. Including our amendments, they are all provided for, with, I think, one or two exceptions, and in those cases there is some question as to the limit of cost, etc. I have an amendment somewhere upon my desk which I shall be glad to propose, covering one of those items.

Mr. VEST. I want the Senator to know, because every Senator is necessarily better acquainted with matters concerning his own State, that we have a continuing contract for the Missouri River and there is nothing in the bill for it. I think I can name several others.

Mr. ALLISON. For the Missouri River?

Mr. VEST. Yes; we have a continuing contract, and my constituents are writing and telegraphing me to know why it is that appropriations are made in the sundry civil bill for the other continuing contracts, but not for the Missouri River.

Mr. ALLISON. That is an oversight if it is not here. What does this item mean? I call the attention of the Senator to pages 96 and 97:

> Improving Missouri River from mouth to Sioux City, Iowa—
>
> The Missouri empties into the Mississippi, and under the Missouri River Commission it extends to Sioux City.
>
> For continuing improvement of Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission—

Mr. VEST. That is a part of the river, it is true.

Mr. ALLISON—

> surveys, permanent bench marks, and gauges, $309,000.

If we have not made sufficient provision under all the details of the river and harbor bills, it is because these amendments are put every other year—every year practically—upon the sundry civil bill, under continuing contracts, which oblige us to examine in detail and anew and freshly every item of the river and harbor appropriations, so that when we make suggestions of amendment to the Senate we may know that the amendments we propose are reasonable and proper so far as our recommendations to the Senate are concerned.

So, Mr. President, we have dealt with this matter in the brief time allotted to us as well as we could deal with it. If we lack information, it is because we have not had the extended inquiry from year to year or once in two years that the Committee on Commerce have been able to give to these great works of public improvement. We have endeavored to deal as wisely and well as we could with all these great works of public improvement, trying if possible to reduce somewhat the total aggregate for them during the coming fiscal year until we can have at least a probability that our income and our expenditure will more nearly equal each other.

Mr. BLANCHARD. I desire to state to the Senator from Iowa, the chairman of the Committee on Appropriations, that the amount he has just read relating to the Missouri River item in the bill is exactly the amount which was authorized to be appropriated for that river by the river and harbor act of June 30, 1896. Here it is before me; it says:

> *Provided*, That on and after the passage of this act additional contracts—
>
> For the Missouri River—
>
> may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000 per annum for three years, commencing July 1, 1897.

That is the amount which you left in the bill for the Missouri River, and it is in full compliance with the law upon that subject.

Mr. ALLISON. I endeavored to say so a moment ago.

Mr. FRYE. I hope the Senator from Iowa did not understand me as complaining that there was a cut down in Maine. I do not complain that there was a cut down. I was simply saying that the items must stand or fall, all of them together; that there are no exceptional cases. There were none of the usual estimates, and therefore there are no exceptional cases; and if the trial is to be made upon one, the result of that trial should determine the whole.

Mr. WHITE. Mr. President, I directed attention to the item regarding Humboldt Harbor for the purpose of getting an explanation in reference to the entire matter. I appreciate the labors of the Committee on Appropriations, and it is a source of wonder to me that the gentlemen composing that committee are able to discharge their duties so effectively. I merely desire that the rule applicable to other places shall be applied to my own State. I wish no discrimination in favor of my State, I only wish that she shall be treated as other States have been treated, and from the statement made here I have no doubt that is the case.

I have no detailed information as to the exact sum of money necessary for Humboldt. I know that the work has been progressing some time and very successfully, and that it is being completed for a far less sum of money than that originally estimated. I hope this amount will not be found too small to enable the improvement to go on. But I will interpose no objection and will ask for no vote upon the proposition to which I have already alluded.

Mr. CHILTON. Mr. President, I wish to state that one item in the bill which is cut down will be found on page 89.

> Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $400,000.

That appropriation of $400,000 in the bill as passed by the House has been reduced to $300,000. It seems to me that the reduction ought not to have been made. That is a very important work. Two rivers enter Sabine Lake, and a very considerable commerce is being rapidly built up in the neighborhood of the pass.

I am aware that to make a fight on an item for one single harbor, in the face of the acquiescence of other Senators similarly situated, will be unavailing, but I do think it was a mistaken policy on the part of the Appropriations Committee to cut down the appropriation for the improvement of this particular harbor.

In this connection, I may say that I would probably derive more consolation from the state of the case if the committee had treated Texas as they seem to have treated California, by cutting down at one place and putting in a new appropriation for another. I see that while they have cut down the Humboldt item——

Mr. WHITE. If the Senator from Texas will permit me, it is no new appropriation whatever. There is not a cent appropriated by the bill outside of the amount reduced from the House estimates. The Oakland item is no increase at all, but simply the rectification of an error.

Mr. CHILTON. It is here in italics. I notice that it is put in as an amendment to the bill as it came from the House.

Mr. WHITE. If the Senator will allow me——

Mr. CHILTON. I am not complaining of the change made in

regard to California. That is not the point that I am driving at; but I am merely pointing out that in the case of California improvements there seems to have been an amendment which makes up at Oakland what apparently is cut off at Humboldt.

As I stated, I think the appropriation for the Sabine Pass improvement ought not to have been reduced, but it seems to be treated as other items of like character, and while I think it ought to have been made an exception, yet at this hour and under all the circumstances I do not feel warranted in undertaking to change the action of the Committee on Appropriations.

Mr. WHITE. That there may be no misapprehension in relation to this Oakland item, I will state to the Senator from Texas that when the river and harbor bill was made up, the exact sum referred to in the amendment was incorporated in it for the improvement of Oakland Harbor. The Department ascertained from subsequent estimates that the limit should have been higher, but instead of seeking to make the limit higher we merely made it mandatory on the Department to go on under the present estimate, believing as we do that the work can be carried on for it. We are simply getting the money which we would be entitled to anyway under the law, as we consider it. We are interpolating the view of Congress, views of the statute, rather than that taken by the Department, and we have ignored the departmental estimate requiring the expenditure of more money.

Mr. BLANCHARD. Mr. President, I have a like interest with the Senator from Texas who has just now addressed the Senate in the appropriation made by this bill for the improvement at Sabine Pass. Sabine River forms the boundary between the States of Texas and Louisiana. Like the Senator from Texas, I regret the necessity which impelled the committee to reduce this appropriation from $400,000, as fixed by the House, to $300,000. But since this seems to be a general policy in respect to these appropriations, adopted by the Committee on Appropriations, and as no invidious discrimination is made against Sabine Pass, I am not disposed to contest the committee amendment.

I will, however, Mr. President, take this occasion to say that no more important harbor work is going on in the United States at this time than that at Sabine Pass. No work so far done by the Government in the way of harbor improvement has been productive of better results than that at Sabine Pass.

A few days ago I had occasion to inquire of the War Department relative to the depth of water over that bar, and was informed by the Chief of Engineers that they now have 24 feet where formerly they had only from 10 to 12 feet. It is a work which promises to meet the fullest expectations of the engineers of the Government at the time they recommended the project to Congress, and the results already obtained fully justify the large appropriations made by Congress for the improvement of that harbor.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendments passed over will be stated.

The next amendment was, on page 88, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 88, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Savannah, Ga.: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, $90,000.

The amendment was agreed to.

The next amendment was, on page 89, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Portland, Me.: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Rockland, Me.: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 10, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For continuing improvement, $900,000.

Mr. ALLISON. On this item the Committee on Appropriations reconsidered their judgment and recommend that the amendment be disagreed to.

Mr. CULLOM. That was reconsidered.

Mr. HOAR. It is to be disagreed to.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment was, on page 89, line 13, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, $412,500.

The amendment was agreed to.

The next amendment was, on page 89, line 20, before the word "dollars," to strike out "four hundred and fifty thousand six hundred and sixty-eight" and insert "three hundred and thirty-eight thousand;" so as to make the clause read:

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, $338,000.

The amendment was agreed to.

The next amendment was, on page 89, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, $300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 4, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement, $900,000.

The amendment was agreed to.

The next amendment was, on page 90, line 11, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

Improving harbor at Duluth, Minn., and Superior, Wis.: For continuing improvement, $375,000.

Mr. VILAS. I should like to ask the chairman of the committee if there is any danger that the Engineering Department could not let the contract if the amount appropriated during the ensuing year should be less than the amount that would be necessary for the contract to be let at? Colonel Mackenzie states that, if they get their lowest expected bid on this contract (and the bid was to be opened in February, I believe), it would require $500,000. I do not wish to interpose an objection to any reduction of expense or to any reduction of the appropriations nor to make any complaint when all are treated alike. But it would be a misfortune if this appropriation were made so small as to deny the making of the contract.

Mr. ALLISON. I do not think there is the slightest difficulty in that regard. The contracts will, of course, be made for the whole improvement in these cases, and I understand that will be the case here.

Mr. FRYE. The contractor agrees to receive his pay as appropriations may be made from time to time by Congress.

Mr. ALLISON. I do not think there is the slightest difficulty about that. Indeed, I had a consultation with the engineer about the reductions proposed by the Senate committee, and I do not think there will be any great interference to any of these works on account of the reductions.

Mr. VILAS. Colonel Mackenzie states that—

The contract requires the contractor to dredge not less than 5,000,000 yards a calendar year. The estimates for that dredging were 15 cents, and Major Sears hopes to receive a bid as low as 10 cents.

Mr. NELSON. I can give some light upon that subject, as I have just seen the bids. One of the bidders was here the other day; and while the estimate was for 15 cents a yard, he says the bids of three bidders were identically the same for three classes of work, namely, at 7½, 8, and 10 cents a yard, which is lower than any bids heretofore made.

Mr. BLANCHARD. On the question just raised by the Senator from Wisconsin [Mr. VILAS], I wish to say I hold in my hand the river and harbor appropriation act of 1896, and find the language in regard to this project to be this:

And contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto.

This relates to the harbors of Duluth and Superior City; and under that authorization the Secretary of War can make, and will make, if he has not already done so, contracts to complete the project.

When these contracts are entered into, payments under them can only be made as the money is appropriated by law. In other words, under the contracts made pursuant to this authorization of law, instead of the contractor receiving $500,000, as was provided for in the House bill, he will only be paid $375,000 in the next fiscal year if the amendment recommended by the Senate committee to the House bill is adopted. But the amendment does not interfere in any way with the making of contracts for the completion of the project, leaving to future Congresses to provide the funds to meet in full the contract obligations of the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, $300,000.

The amendment was agreed to.

Mr. SQUIRE. I have an amendment to offer at that point.

Mr. FAULKNER. Unless the Senator's amendment is an amendment to an amendment of the committee I hope he will reserve it until the committee amendments are disposed of, according to the unanimous-consent agreement.

Mr. SQUIRE. Very well.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 16, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Locks and dams in Allegheny River, Pennsylvania: For continuing improvement by construction of locks and dams at Herr Island, above the head of Six-Mile Island, and at Springdale, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 22, before the word "hundred," to strike out "three" and insert "four;" so as to read:

Improving upper Monongahela River, West Virginia: For continuing improvement by the construction of six locks and dams, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 21, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Yazoo River, Mississippi: For continuing improvement of mouth of Yazoo River and harbor of Vicksburg, $300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: For continuing improvement, $300,000.

Mr. CAFFERY. I was not here when the reasons were given by the chairman of the committee in charge of the bill for the reductions in appropriations which the committee have reported. I ask the Senator from Iowa, in a few words, to explain to me the reason for this 25 per cent reduction.

Mr. ALLISON. The same reason applies to this improvement that is applied to all the other improvements. It is left to the discretion of Congress to make such appropriation as it sees fit to make under existing conditions. There has been no estimate for any of these improvements in the regular estimates of the Department. They are made simply upon the statements of the engineers that certain amounts of money may be usefully and properly expended on these works.

Mr. CAFFERY. I do not know how it may be as to others, but this improvement is the most important and necessary in my State, excepting only the improvement of the jetties at the mouth of the Mississippi River. This improvement is different from most improvements. In the portion of the State where I live about 50 per cent of the freight charges that are now imposed upon the people living there are, by reason of the monopoly of traffic, in the hands of the railroads; and if any exceptions are to be made to the rule adopted by the committee, this is one that ought to be included in the exception.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 94, line 2, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For continuing improvement by construction of locks Nos. 5, 6, and 7, $300,000.

Mr. BATE. Mr. President, I feel that I am compelled, in the name of my constituents, to object to the adoption of that amendment, and because I believe it right that I should do so. I know, however, that those I in part represent are not a very selfish, but a generous people, and they are not disposed to ask anything that others similarly situated do not get, but I think this work on the Cumberland River above Nashville is a little differently situated and surrounded by different conditions from most, if not all, of the others in the bill. I do not understand from the statement made by the chairman of the Committee on Appropriations that all of these river and harbor appropriations were raiseed 25 per cent of the amounts appropriated by the House, but that those of them which will complete the work are permitted to remain as the House fixed them, and all of those that are known as continuing contracts are cut 25 per cent.

The situation, however, in relation to the improvement of the Cumberland River above Nashville is a little peculiar. The appropriation by the House for this work was $400,000, for continuing this work and as part payment of it. This amount can be profitably used as indicated.

Locks Nos. 1, 2, 3, and 4 on Cumberland River have been constructed. The river and harbor bill of last session contained authority for the construction by contract of Locks 5, 6, and 7 (Lock 5 had already been commenced). The amount appropriated was $600,000. The advertisement for bids for completing Lock 5 and for construction of Locks 6 and 7 have been made or are now ready to be made. The House bill contained $400,000 as part payment for this work. Importance attaches to keeping this $400,000 in the bill, for the reason that the Department holds that it is inexpedient to put the dams in the locks until the entire number, including Lock 7, is completed. Therefore, none of the locks already built can be utilized until the work on Locks 5, 6, and 7 is done. When these are completed, it will bring the work to the point where the railroad from the coal fields strikes Cumberland River, at or near Carthage, Tenn. The work is therefore important as opening a new and great coal region to the Cumberland, Ohio, and Mississippi valleys.

The Secretary of War, on being advised of the condition some few weeks since, and that damage was likely to occur at a point where the work has already been completed for the want of some other work, recommended that these other contracts should be entered into and that the other work be consummated. There were substantial reasons for this. One was that the seventh lock, as I have said, strikes a point where the finest coal in that region of country is transferred by rail to the Cumberland River, and thence finds its way out to the great valleys of the South and West. This is an inducement for the early completion of this work. The work already done is utterly useless, and will be until Locks 5, 6, and 7 are completed. In consideration of these facts, the money having been appropriated, the Secretary ordered the work to proceed. Lock 5 is now under contract—at least the advertisement has been made for bids to do the work upon it, and bids have doubtless been filed for the work. These facts should take this improvement out of the line and out of the rut in which the committee seems to be running, and let it be regarded, as I think it is, an exception to their rule in regard to these appropriations, and I appeal to the Senator who, as chairman, has charge of this bill that it be made an exception to the extent I ask.

The Secretary of War has said that $400,000 would be necessary for that work, which is under advertisement, and yet the committee reports to cut down the amount to $300,000, when it will take $400,000 to complete it. I think the appropriation should be permitted to stand as it came to us in the bill from the House of Representatives.

I do not want anything that is wrong. I heard what the Senator from Iowa, the chairman of the committee, said in regard to these reductions, and I am willing to stand with others and suffer as they do; but if there is to be an exception made, this is a case in which it should be done. Hence I ask the chairman of the committee to allow us to have the $400,000 appropriated by the House, instead of the $300,000 proposed by his committee. That is all I wish. I do not desire to make any fuss about it, but I felt it my duty to state these facts. This improvement is out of the ordinary channel, and, as I have said, I think, therefore, it ought to be made an exception, and the amendment of the committee be disagreed to.

Mr. ALLISON. Only a word. The contract has not yet been let for this work and no one knows exactly what it will cost. There are a number of locks and dams to be built. Of course if we appropriate $300,000 it will not go so far as $400,000. This Lock No. 5 is already in the course of construction, is it not?

Mr. BATE. I do not know; I can not say about that, but it has certainly been advertised, and some of the bids are in.

Mr. ALLISON. My information is that it has not yet been advertised, but I may be mistaken about that.

Mr. BATE. Lock 5, to be completed, was advertised some weeks ago. I can not say they are at work on the lock, however.

Mr. ALLISON. Of course that is immaterial.

Mr. BATE. Certainly.

Mr. ALLISON. Lock No. 5 is under construction and will probably be finished during the coming summer. Then there are

several other locks to be built. Each one of those locks and dams costs about $250,000. I think it may be safely said that the appropriation for which we provide here will complete the lock already under construction and go far toward the work upon two others. It will be very easy to make a contract for one or two or three or four of those locks. So I do not think the Senator from Tennessee makes out a case for an exception.

Mr. BATE. I regret that exceedingly; but I do not wish the Senator to understand me as saying that the work is now being performed, but I do say that advertisements have been made for Lock No. 5. As to the others, I do not know. The Secretary of War recognized the necessity, as I have stated, for the work; he has advertised for bids; specifications have been made and submitted to the Department, and under them the advertisements have been made. It does seem to me, therefore, that that takes this out of the ordinary situation, and that it should be made an exception, as I have appealed to the Senator to do.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been reserved was, in line 6, on page 94, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Falls of Ohio River at Louisville, Ky.: For continuing improvement, including Indiana Chute Falls, $300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 4, before the word "dollars," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Illinois and Mississippi Canal: For continuing construction, $750,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 7, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, $300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 13, after the word "cents," to strike out:

And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

So as to make the clause read:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $673,333.33.

Mr. BERRY. Mr. President, this amendment is connected with another amendment following on page 96. The provision in the bill as it came from the House was that $100,000 should be taken from the Upper Mississippi River—that is, between Cairo and St. Louis—and applied to the river 8 miles above Cairo, where a break has taken place near Cache River. The committee have stricken out that provision, which provides that it shall be taken from the upper river and provided in the bill that it shall be taken from the appropriations for the river from Cairo down to the Passes at the mouth of the river.

In regard to the amendment striking out the provision that the money shall be taken from the upper river, if the committee see proper to strike that part of the bill out I have no objection, and leave it to be paid out of the general fund in the Treasury. But I do object to taking money from the lower river and using it for an improvement for the upper river. Different appropriations are made, one for the upper river from Cairo to St. Louis, or the mouth of the Missouri River, and the other from Cairo to the mouth of the Mississippi. This proposition is for an improvement in the upper river 8 miles above Cairo. The other House said the money should be taken from the appropriations above Cairo. The Senate committee have stricken out that it shall be taken from the upper river, and that the $100,000 shall be taken from the lower river.

When this proposition came before the Senate Committee on Commerce, it was referred to a subcommittee of three. That committee first agreed to report in favor of the proposed amendment, and so reported to the Senate. Afterwards action was had on the subject in the Commerce Committee, and they reversed the action by which it was provided that the money should be taken from the lower river, and recommended that $100,000 be appropriated for that purpose, without taking it from the appropriations either above or below, the same as has been done in regard to Pass a Loutre, near the mouth of the Mississippi River. I do not think that it is fair that this money for the improvement in the upper river should be taken from the appropriation for the lower river.

In regard to striking out the provision that the money shall be taken from the appropriation for the upper river, to that I do not object; but I do object to the amendment which takes it from the lower river, because that is not fair. It is a different appropriation, different in the river and harbor act, and has always been so considered; and it is under the control of the Mississippi River Commission.

It is true that Colonel Mackenzie, of the War Department, has made a recommendation of that kind; but I want to say to the Senator from Iowa that this river is not under the control of Colonel Mackenzie. It is, as I have stated, under the control of the Mississippi River Commission, and Colonel Mackenzie can not make estimates with regard to it; he can not know whether the appropriations can be taken from that work without injury to the lower river.

I repeat, that I have no objection to striking out the provision taking it from the upper river, but I do insist, if that is done, that it shall be made an appropriation directly from the Treasury, the same as was done by the bill for the passes at Pass a Loutre. I do object to it being taken from the appropriation which belongs to the river below.

Mr. FRYE. As the Senator from Arkansas says, we have investigated this in the Committee on Commerce, and I wish to say that I am satisfied that it is not necessary now to take the appropriation from either river, and that this amendment which the committee has inserted may just as well be disagreed to. The engineer officers who were before us told us that they did not think there was any immediate necessity. In my judgment, this amendment can wait for the next river and harbor bill just as well as to have this very intense quarrel which will be aroused over taking it from either the lower river or the upper river.

Mr. CULLOM. Mr. President, the Senator from Maine seems to be very certain about the condition at the south end of my State, a great deal more so than I am. The truth about it is that whatever the engineers say in regard to the matter, there is imminent danger of great disaster to that locality, including the Government property; and while I am not so strenuous as to insist upon it, if it is bitterly opposed by either the north or the south end that it shall come out of either appropriation, I do insist that the emergency existing there now demands an immediate appropriation.

I am sorry to say I have not with me here now hundreds of dispatches from persons living in the neighborhood, showing the condition of things there at this moment or within the last few days, insisting that an appropriation should be made, because there is imminent danger of great destruction of property, and most likely the destruction of the city itself.

Mr. CAFFERY. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. CAFFERY. Has not the engineer in charge reported that there is no immediate danger?

Mr. CULLOM. I have heard it stated that he did not think there was any such danger, and I understand that Major Handbury, who is not upon the ground, says he did not think there is any immediate danger. There is no evidence here that he has been there in a month, and within twenty-four hours the earth has caved in there and gone into the river for a space of almost 50 yards in width. The shore is caving in.

A disaster may possibly not occur, but there is imminent danger of the earth continuing to cave in, which, it seems to me, makes an emergency that an appropriation should be made, so that the Government can protect the property not only of the people of the city, but the national cemetery there, which is very near Cache River.

I shall have a map here in a moment showing exactly the situation. The statement is that the Mississippi River, which makes a short bend there, is going across into what is called Cache River, 6 or 7 miles above Cairo, and not very far from the national cemetery. The moment that water gets into Cache River the result will be that the cemetery will be washed away and property in the city of Cairo will be endangered.

It seems to me that wherever this appropriation may come from, we can not afford to sit here and hear the appeals of the people from that locality coming to us that there is imminent danger, and refuse to do what they are asking.

If this money is not necessary to be spent, we do not wish to spend it, but we do want an appropriation made which will enable the Government to prevent that danger in case it becomes more and more imminent.

I have now the map and can show to the Senate from it exactly how the situation is. Here is Cairo down here [indicating], here comes the Mississippi River down here and going up this way [indicating], the red lines indicating the rapid progress that is being made there in the cutting in, near Beach Ridge, as it is called, and only a little distance from where the water will have to go before it will reach Cache River. Should it do so, the result will be that it will tear up two or three or four railroads, change the whole current of the river there, and work great disaster to those people and to the Government property itself.

So far as I am concerned, if the Senate prefer that an appropriation of $100,000 be made outright, subject to be used by the Secretary of War when the danger is imminent, I am perfectly content to leave the appropriation for the north and south river as well; but it occurs to me that after all that has been done, and that is being done for the Lower Mississippi River—millions and millions of dollars of appropriations being made almost every year to protect that river—nobody knows what has been done. So far as I am concerned, I do not know; and I have never supposed anybody did——

Mr. BERRY. Will the Senator permit me to say one word?

Mr. CULLOM. Yes.

Mr. BERRY. When the Senator gets into the question of what has been done for this locality or that locality, I think we can show that a great deal of money has been appropriated for divers and various projects, including the Upper Mississippi River and the Hennepin Canal. But I do not care to go into that, because any Senator upon this floor can make a showing that in the expenditure of money his State has not had an even divide.

The chairman of the committee thinks this appropriation is not at all necessary. I do not say that. If it is believed to be necessary, if there is danger of destruction to Cairo, I would not object to $100,000 being appropriated for it either from the upper river or from the Treasury generally, but I do object that it is unfair to take it from the lower river, which is a separate and distinct appropriation from that of the upper river. I am not fighting the Senator's appropriation.

Mr. CULLOM. I understand.

Mr. BERRY. And, therefore, I think, while a great deal has been done for the Lower Mississippi, there has been a great deal done for other waters throughout all the States of this Union; and I do not think comparisons can be made which will show that we have had advantages over others.

Mr. CULLOM. I want to say that I voted with great pleasure for those appropriations. I believe in the improvement of rivers and harbors. They are regulators and cheapeners of the commerce of this country. I propose to vote for their improvement, but I really think that while such rivers as the Lower Mississippi have had two and a half million dollars, and a little more in the bill now—I have forgotten how much it got last year, but probably about the same amount or more——

Mr. BLANCHARD. I will state to the Senator it was $625,000.

Mr. CULLOM. I had forgotten what it was; but under the circumstances it seems to me, and it seemed to the Committee on Appropriations, that the little sum of $100,000 to protect the river there and put and keep it in its channel was not a bad thing to do, and that it could be spared from the appropriation for this year. We shall make a river and harbor bill next year, and we supposed it was not unfair to take the money from the lower river. That is all I meant to say. I am a friend to the Mississippi River, whether it be at the north or the south end, and I expect to continue to be.

Mr. BERRY. So am I.

Mr. CULLOM. The Senator from Arkansas knows, because he has corresponded with gentlemen who have an interest in that region, that there is very much alarm there for fear they are going to be washed away.

Mr. BERRY. That is all true.

Mr. CULLOM. What I contend is that when that sort of an emergency exists there, it calls upon Congress to make an appropriation in some way, either taking it from the Mississippi River appropriation which we are making here, or making a new appropriation, so that the emergency, if it shall arise, may be met, and so that the people there may be protected as well as the Government property.

Mr. PALMER. Mr. President, it is a matter of profound interest to the people of that particular locality that the Mississippi River shall be prevented from encroaching in the direction of the valley of the Cache.

I think there is an eminent propriety in taking this appropriation from the lower river, because, if the Mississippi River should find its channel north of Cairo, it would disturb not only that particular locality, but it would greatly affect the condition of the river below Cairo.

I had a conversation with some gentlemen of very great experience, river men, who have known the Cache River almost ever since it was a river, and they tell me that there is imminent danger—from the peculiar materials of which Cairo Point is composed, and from the known fact that Cache River was once the channel of the Mississippi River—that the river will force its way into the Ohio above Cairo, and that if that should happen it would have the most serious consequence to the lower river, and would disturb, alter—indeed, affect—its navigability. Nobody can tell what the consequences would be.

Mr. CAFFERY. Will the Senator from Illinois allow me?

Mr. PALMER. With pleasure.

Mr. CAFFERY. I desire to ask the Senator whether the condition of the land where this crevasse is imminent, where the water is liable to break over into Cache River, is about the same that it has been for some time heretofore.

Mr. CULLOM. If my colleague will permit me to answer, I will say that within a week it has caved in quite a distance.

Mr. CAFFERY. Then the danger of that break is no sudden thing.

Mr. CULLOM. It has become more imminent. If my colleague and the Senator from Louisiana will allow me——

Mr. CAFFERY. I desire to ask one other question.

Mr. FRYE. This can be settled in two minutes on this suggestion.

Mr. CULLOM. I have no desire to discuss the matter or to protract the debate, or to interfere with the interest of other localities, if we can get along without it, and I propose this, if it can be accepted without further debate, to come in in place of what is in the bill:

For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo, would be in imminent danger of destruction, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BLANCHARD. Will the Senator from Illinois permit me to ask him whether, if that is to be adopted, this amendment which we are now considering would be adopted——

Mr. CULLOM. That will go out.

Mr. BLANCHARD. And the next one following would be disagreed to?

Mr. CULLOM. No; we would disagree to both of these in the bill.

Mr. BLANCHARD. Disagree to both?

Mr. CULLOM. This will take the place of the one in the bill and the one stricken out.

Mr. BLANCHARD. I will ask the Senator, then, if he proposes that as a substitute for the lines stricken out here?

Mr. CULLOM. Yes; and the other lines which are in, whichever the Senate prefers.

Mr. BLANCHARD. In other words, that would be a new proposition to be incorporated in the bill at this point.

Mr. CULLOM. It is immaterial to me at what point it is put in, so that it is put in the bill.

Mr. GORMAN. Mr. President——

Mr. BLANCHARD. The Senator from Maryland will pardon me for one moment. It is a substitute, if the Senator will allow me, for the lines stricken out on page 95——

Mr. CULLOM. Certainly.

Mr. BLANCHARD. And for the lines retained, beginning in line 16, on page 96, down to the word "Cairo," in line 24.

Mr. CULLOM. Certainly. It is a substitute for what is stricken out, and also for what it is proposed to put in.

Mr. BLANCHARD. That would leave it in this shape, that $100,000 would not be taken from the appropriation for the Mississippi River above the Ohio nor from the appropriation for the Mississippi River below the Ohio. That would settle the controversy.

Mr. CULLOM. It would be in another place, and it is suggested in order to get along with this bill, and to secure an appropriation that can be used in case it shall be necessary, in the judgment of the Secretary of War.

Mr. BLANCHARD. I will state that if this amendment be adopted it will obviate all controversy.

Mr. PALMER. I must assert my rights. I am entitled to the floor.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois [Mr. PALMER] has been recognized and is entitled to the floor.

Mr. CULLOM. I interrupted my colleague because I wanted to call his attention to the amendment I proposed more than for any other purpose; and I beg his pardon.

Mr. PALMER. The original clause in the bill as it came from the House would be entirely sufficient to accomplish the object that I have in view:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $673,333.33; and of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

Now, I have no particular preference as to what sum it shall be taken from, but the necessity for it is perfectly apparent.

Mr. CULLOM. I will offer the amendment to take the place of the amendment that was stricken out, as well as of the one put in, which is upon the next page.

I will state that the amendment stricken out by the committee was concurred in last night, I think, so that I will offer this as a substitute for the provision on page 96, beginning after the word "dollars" in line 10 and continuing down to line 24 on that page.

The VICE-PRESIDENT. The Chair will state to the Senator

from Illinois that the amendment referred to was passed over, and not concurred in, as the Senator seems to suppose.

Mr. CULLOM. My recollection was that the amendment to strike out was agreed to.

Mr. BLANCHARD. Will the Senator from Illinois permit me for a moment? If he will offer his substitute for the lines on page 93, to which he has just now referred, and have it adopted in lieu of that——

Mr. CULLOM. Certainly; and the other can be stricken out.

Mr. BLANCHARD. And then adopt the committee's amendment on page 93, it would cover the whole transaction.

Mr. CULLOM. It is very simple.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo would be in imminent danger of destruction, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BERRY. That is in lieu of the amendment?

Mr. CULLOM. It is in lieu of the amendment in the bill?

Mr. GORMAN. Mr. President, I dislike very much to interfere with the distinguished Senator from Illinois. I believe it is possible that this is a case of emergency.

Mr. CULLOM. I have no doubt of it.

Mr. GORMAN. I say that from the statements made by the distinguished Senator from Illinois [Mr. CULLOM] on the floor and in the committee. But I wish to call attention to the fact that the appropriations contained in the pending bill, so far as I know and believe, are only those made in conformity with the law already existing, and that in no case have we attempted to make of this great appropriation bill a river and harbor bill.

Now, this amendment which is offered, appropriating the small sum of $100,000, makes the pending bill practically a river and harbor bill.

Mr. BERRY. Will the Senator permit me to say one word there?

Mr. GORMAN. Certainly.

Mr. BERRY. If this were an original amendment proposed by the committee, the Senator from Maryland would be right, but it is in lieu of a provision in the bill as it came from the House of Representatives, providing that this work should be done, the appropriation to be taken from the appropriation already made for the upper river.

Now, it occurs to me that if the money can not be spared from the appropriation for the upper river, and that part of the amendment is stricken out, and we make an appropriation for the work, it is not a river and harbor bill, and is an exception to the rule which the Senator has laid down.

Mr. GORMAN. The Senator from Arkansas argues the case like the intelligent lawyer that he is, but, after all, the bottom fact is that this is a new provision which has never been considered by either House of Congress, and is precisely on a footing with every provision of a river and harbor bill making an appropriation for a new work.

As the provision came from the other House, it was to divert and to apply $100,000 from the amount already appropriated for the improvement of this river. It provided for taking it from the river above the mouth, not increasing the appropriation, not increasing the project on hand, but simply directing that it should be applied to a particular locality.

Mr. President, it seems to me that our friends on the Mississippi River, both above and below, ought to recognize the fact that we have kept in the bill the entire appropriation for that river as it came from the House, one-fifth of all the amount required by the law for the improvement of that river. We have made an exception of that great body of water. We have stricken down one-fourth of all the appropriations made for all rivers and harbors except this one. In this case we have made an exception for the Mississippi River, both above and below its mouth.

Mr. BLANCHARD. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. BLANCHARD. I desire to call the attention of the Senator to the law under which the appropriation is made for the Lower Mississippi River, and that law shows that the statement of the Senator is erroneous. The law requires the $2,583,000 to be appropriated. It is the law of June 3, 1896.

Mr. GORMAN. Will the Senator read the provision?

Mr. BLANCHARD. I will:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $925,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and repairing of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, such improvement, surveys, building and repairs of levees to be made and carried on in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $2,375,000, exclusive of the amount herein appropriated—

Mr. GORMAN. That is all that applies to this appropriation.

Mr. BLANCHARD. One minute. I have not completed my statement.

Mr. GORMAN. I gave way to the Senator for a question, or for a suggestion in regard to the law, but I prefer to go on now and he can take the floor afterwards.

Mr. BLANCHARD. Very well.

Mr. GORMAN. The provision which the Senator from Louisiana has read this moment was that not more than $5,000,000——

Mr. BLANCHARD. Eight million three hundred and seventy-five thousand dollars.

Mr. GORMAN. As appropriations from time to time may be made by law, not exceeding in the aggregate $5,025,000, exclusive of the amount therein appropriated. That provision was that it should not exceed that amount in one year; so there was a provision in the law that in making continuous contracts for all the great harbors of the country, but 25 per cent of the limit should be appropriated. It was not to exceed that. As it came from the House of Representatives, the bill provided for the full appropriation of 25 per cent on all the harbors, and gave one-fifth, as required by the act, to the Mississippi River.

Now the Senate committee and the Senate by its action to-day have reduced every other appropriation, leaving to the Mississippi River, both above and below, the full amount estimated by the Department; and hence I say the committee of the Senate has treated the Mississippi River as it ought to be treated, in my judgment, as an exceptional case.

The friends of the Mississippi River, both above and below, now come to the Senate and ask them to make an entire new provision, one that was never considered in the river and harbor bill, and to put it on the pending bill which is intended and which must be kept simply as a bill carrying the appropriations required by law to be made, and is not a river and harbor bill.

Mr. BLANCHARD. I ask the Senator from Maryland to yield to me that I may complete the statement which I began and which he prevented me from concluding.

Mr. GORMAN. Very well.

Mr. BLANCHARD. If the Senator had allowed me to read on a little further he would have seen that the Appropriations Committee of the House placed in the bill for the Lower Mississippi River exactly the amount which the law says must be placed in the act annually. I read further:

Provided further, That for the fiscal year ending June 30, 1897, said contracts, and materials purchased, and work done otherwise than by contract shall not exceed the sum of $625,000—

That was for the first year—

and thereafter shall not exceed the sum of $2,583,333 annually for the three years beginning July 1, 1897.

The appropriation of $2,583,333, which Senators find in the bill, is exactly the amount which the law states must be placed in there annually for the three years beginning July 1, 1897.

Mr. GORMAN. The Senator from Louisiana will scarcely make that argument. The law provides that not exceeding that amount shall be appropriated. It is the maximum that is provided for by the law and not the minimum, and so with the limit for all the harbors in the country. The appropriations for the contracts shall not be made to cover more than one-fourth of the amount.

Now, on account of the condition of the Treasury, the Committee on Appropriations have reduced all the other appropriations for harbors and rivers in the United States one-fourth. They have taken 25 per cent off of it, and we have made an exception in the case of the Mississippi River, giving it the full benefit of the maximum provided for in the act which the Senator has just read; and here comes a proposition, the only one on this bill, as offered now by the distinguished Senator from Illinois [Mr. CULLOM], that we will make a special provision, a new law, provide for entering into a new contract, and authorize the expenditure of $100,000, which is not provided for by law, making this a river and harbor bill.

Mr. President, I appeal to Senators on this floor who are in favor of river and harbor improvements, as I am, to the Senators on the Mississippi River, who have been dealt with liberally and who ought to be dealt with liberally, who have been made special favorites by the committee and by the Senate in considering this bill, not to put in generally these appropriations which mean so much for commerce and the prosperity of our country. This bill as it stands to-day is the most extravagant that has ever been considered by either House of Congress. It contains as amended appropriations of over $51,000,000, $17,000,000 of which, as the bill came here, was for river and harbor improvements. More money

is carried by this bill than the condition of the Treasury will warrant, and I submit that, in view of the history and action of those who are to cooperate with us in making these laws, we ought to be careful and not to overstep the bounds of proper legislation.

This provision has no place here. In the Committee on Appropriations—I think I have a perfect right to speak of it—in the anxiety of members of this body to make provisions for improvements, $4,000,000 was attempted to be placed upon the bill for new enterprises. There are Senators on this floor, and I am one of them, who would feel that we were bound to look after the interests of our sections of the country, and to ask that new items should be placed upon the bill if it is to be opened and to be made a river and harbor bill.

In this particular matter, there is some question as to the propriety of it, made by the engineer. I know nothing of it personally. I have been prepared to take the statement of the distinguished Senator from Illinois as to the necessity of it, although the engineer in his letter states that there is none whatever, provided you take it from that great appropriation made for the Mississippi River. What is $100,000 out of two million and odd hundred thousand for the Lower Mississippi River, or the $600,000 for the upper river? It does seem to me that our friends who are anxious for the improvements ought to agree that one-half of it shall be taken from the appropriations for the Mississippi River above and one-half from the appropriations for the river below, and not violate the law, not make a precedent which will break us down, if not in this bill, I fear in the bills to come, which will make appropriations hereafter on this bill so great that the bills can never become laws.

Now, I do not desire to impede the progress of the bill or to prevent the improvement, and the amount is so small that I would not have consumed so much of the time of the Senate but for the fact that my friend the Senator from Illinois [M. CULLOM], who I know is anxious in regard to this matter, and who happens to be a member of the Committee on Appropriations, as I am, has had to stand and say to other Senators "It is impossible for us under the law and with any proper conception of our duty in the Appropriations Committee to open this bill for new enterprises." I trust he will modify the amendment which proposes to strike out the provision as it came from the other House, and let the $100,000 to be taken one half from the appropriations for the river above and one half from those for the river below. That, it seems to me, is a fair compromise. It is a mere bagatelle, so far as these improvements are concerned. It saves a world of trouble, and it will probably save the appropriations that ought to be made in the future.

Mr. CULLOM. I am greatly embarrassed to have to continue this discussion for another moment, because I have been very anxious to get along with the bill, and I made the suggestion and offered the amendment on the supposition that there would be no opposition to that mode of disposing of the question.

Mr. President, if it were an ordinary appropriation for an improvement, I would be the last man, I think, who would insist upon a dollar where it is not estimated or recommended by the department having it in charge, but here is a condition that confronts those people and the Government in such a way that I would be recreant to my duty if I did not insist that an appropriation from some source should be made to protect the river. It is not an ordinary appropriation, and it is not outside of the bill, as I think, either. It is the regular improvement of the Mississippi River. It is true, as the Senator from Maryland says, that it becomes to an extent a river and harbor measure. But this is an emergency which makes it my duty to insist upon it, because I know exactly what the condition of affairs there is.

I want to make one suggestion to show that the emergency is liable to become so imminent that in any twenty-four hours the water will break through from this point on the Mississippi River into the Cache River. There is a little point called Beach Ridge, into which the water has been cutting and cutting for some time, until the point is nearly taken away. When that point shall be taken away, there will be nothing but marsh almost on the other side next to the Cache River, and it will go through without any sort of obstruction; there will be no such thing as stopping it. The amendment should be adopted as I have proposed it, unless it can be arranged to take the money from the appropriations for both ends of the river. I will be perfectly contented if Senators will agree to that, and I wish they would, because it is an embarrassment to me to insist upon it outside of that clause. It is a little irregular, but here is an emergency which, it seems to me, requires the Government to do something, whether it is regular or irregular, in the particular form which the amendment may be placed.

I wish to say that if the Senators especially representing the north end of the river and the south end of the river will agree that the amount shall be divided equally, I shall be entirely content. I shall be very glad if they will do so, and I shall have the amendment prepared so as to fit that condition. I pause for a moment to see whether that can not be done.

Mr. VEST. I could not agree to take this appropriation from the appropriations for the upper and the lower river, or to take any part of it from the appropriation for the upper river. Here is a letter which I have received from the Chief of Engineers, giving information from the engineer in charge of the river. I will ask that it may be read. When I first noticed this provision in the public press, I addressed a communication to the Corps of Engineers asking what were the facts in regard to it, whether that amount of money, $100,000, could be taken from the upper river, and here is the reply.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 17, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of February 16, 1897, relating to the diversion of $100,000 from the appropriation for improving the Mississippi River between the Ohio and Missouri rivers to the protection of the bank of the Mississippi River above Cairo, Ill.

Maj. Thomas H. Handbury, Corps of Engineers, the officer in local charge of this section of the Mississippi River, is of the opinion that there is no immediate danger of the river cutting through into the Cache River and thence into the Ohio, and he does not consider the proposed work at the present time so great a necessity as to justify the diversion of funds from other work more important to the interests of navigation. He is also of the opinion that this bank protection, if undertaken, will cost far more than $100,000.

In my opinion the proposed diversion of $100,000 from the appropriation for improvement of the Mississippi River between the mouths of the Ohio and Missouri will materially affect the interests of that important work.

If it be the will of Congress that the bank above Cairo be immediately protected, it is respectfully suggested that the work be otherwise provided for than by diverting money from the improvement of the Mississippi between the Ohio and Missouri. The caving bank in question is a few miles above Cairo, but the effect of a cut-off would be felt below the mouth of the Ohio, and it is a question whether any work looking to the prevention of such cut-off is not a more proper charge against the item of $2,583,333 in the sundry civil bill for continuing improvement of the Mississippi River from Head of the Passes to the mouth of the Ohio River.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brigadier General, Chief of Engineers, United States Army.

Hon. G. G. VEST,
United States Senate.

Mr. BLANCHARD. Mr. President, the Senator from Maryland has attempted to make it appear that there is no difference between contracts made for the improvement of harbors and those authorized for improvements on the Mississippi and Missouri rivers. In point of fact, there is a great difference between them, one that has always been recognized by the River and Harbor Committee of the House and by the Commerce Committee of the Senate.

By way of illustration, take any one of the harbors of the United States that is now being improved under the continuous work, or contract, system. For instance, the harbor of Galveston. There we knew exactly how much money it would take to improve the harbor to the depth of water which the project called for. The commission of engineers appointed to consider this harbor and submit a project for its improvement stated in their report that the work completed would cost $7,000,000. Congress thereupon, a few years ago, authorized the Secretary of War to make a contract for the completion of the project of improvement recommended for Galveston Harbor, not to exceed in the aggregate $7,000,000. The river and harbor act which embodied this authorization appropriated the first installment to meet the early payments under the contract to be made for this work, and the remaining payments were to be made as Congress should from time to time make appropriations therefor, which appropriations, it was contemplated, should be made on that one of the general appropriation bills known as the sundry civil appropriation bill.

Under the authorization for the making of the Galveston contract, a contract was let to certain bidders. They took it at a sum within the aggregate amount fixed by Congress. The first payments under that contract were made out of the first installment which the river and harbor act that authorized the coutract appropriated. Then subsequent payments were made from time to time as the money was appropriated by law, in the sundry civil appropriation acts.

But when it came to the Mississippi River and the Missouri River it was impossible for the engineers to state how much money was required to complete the rectification and the improvement of those rivers. They could not submit a project and estimates for the completion of the works of improvement of those rivers. Therefore it became necessary to state some amount of money to the extent of which contracts on those rivers should be authorized, and a limit of time in which the money was to be expended. No contract to complete the improvement of the Mississippi River could be authorized, because no one could tell, as could be done at Galveston Harbor, how much it would take to improve the river. But Congress thought continuous work on the river should be authorized, and the contract system should be applied. So, not being able to state how much money would be needed to complete the works on the Mississippi River, and thus not deeming it advisable to authorize contracts to complete, the river and harbor act of 1892 authorized the sum of $10,000,000, and the river and harbor act of 1896 authorized $9,000,000, which money was to be expended within four years. All the $10,000,000 authorized by the first-named act was appropriated and expended in the four

years following, and we are now on the $9,000,000 authorization of the second-named act. If this money is not appropriated in the four years named in the act, the appropriation lapses and the money is lost to the river. Not so with the harbors, like at Galveston, or Yaquina Bay, or Humboldt Bay, and others, for if Congress fails to appropriate in the sundry civil act of this year for those harbors, the money is not lost to them. There is no limit of time as to the completion of those harbor works. If the money as to them be not appropriated one year, it may be the next.

But as regards the Mississippi and Missouri rivers, the law requires the money to be appropriated within four years, and if not appropriated in that time it is lost to the rivers. As to the Mississippi River, the law says explicitly that not exceeding $2,583,333 per annum shall be appropriated. Now, it is clear that if this sum is not appropriated in this bill the deficit can not be made up to the river in the next bill, for not exceeding $2,583,333 can be appropriated by the terms of the law in any one of the fiscal years named in the act of Congress.

Therefore it is necessary for Congress, under the law authorizing the expenditure of the $9,000,000 on the Mississippi River in the four years, to appropriate the maximum sum named in the act to be appropriated each year.

The Senator from Maryland must see that if that amount of money is not appropriated in this bill it is lost to the Mississippi River, and surely he does not desire that.

Mr. CAFFERY. Mr. President——

Mr. BLANCHARD. I yield to my colleague.

Mr. CAFFERY. Do I understand my colleague to say that if a less sum than the maximum is appropriated in any one year the sum total is to be diminished by that amount? In other words, would the improvement lose the $9,000,000 in the annual aggregate of improvements if one annual appropriation was less than one-fourth of it?

Mr. BLANCHARD. I will answer my colleague by stating that the river and harbor act of 1896, which authorizes the expenditure of the $9,000,000 upon the Lower Mississippi in four years, distinctly states that for the first year $625,000 shall be appropriated and expended, and for the next three years not exceeding $2,583,333 is to be appropriated. In this way the $9,000,000 is to be appropriated in the four fiscal years.

Mr. CAFFERY. And must not be less?

Mr. BLANCHARD. The $9,000,000 is to be appropriated and expended in four years, the first year six hundred and odd thousand dollars and the next three years two million five hundred and eighty-odd thousand dollars. I will say to my colleague that the first installment of $625,000 was appropriated by the appropriation act which made this authorization. We are now proceeding to appropriate for the second installment, and should it be less than $2,583,333 the deficit can not be made up without a new act of Congress. In other words, under existing law the deficit is absolutely lost to the river. This construction was placed upon the law by the River and Harbor Committee of the House when the act authorizing the expenditure was passed. I repeat, this money must be appropriated in the four fiscal years named in the act authorizing the expenditure, and it can not be appropriated thereafter except by a new direction of Congress.

Mr. BERRY. If any of it is diverted, it is gone.

Mr. BLANCHARD. And if any of it is diverted, it is gone.

Mr. GORMAN. Will the Senator permit me, for I think he has unintentionally rather misstated my position in this matter?

Mr. BLANCHARD. I should certainly desire to be corrected by the Senator if I have done so.

Mr. GORMAN. What I contended about the appropriation is that under the river and harbor act Congress can, in its discretion, appropriate whatever amount it sees proper, and that we are not bound under that law or under the contract to appropriate the whole amount this year. I agree that the aggregate amount to be expended is fixed by law and will not be changed. I stated that I did not antagonize, either in committee or on the floor, nor do I now, the making of the full appropriation for the Mississippi River, both above and below. I am heartily in favor of it. All I have asked is that the friends of that great improvement will not compel us in this case to make an entirely new appropriation that is not provided for by law; in other words, to save us from making a river and harbor appropriation on the sundry civil bill. That is all I have asked.

Mr. BLANCHARD. The Senator from Maryland does not now, as I understand him, controvert that there is a very decided difference between the contracts authorized by law for the improvement of the harbors of the United States and those for the improvement of the two great rivers named. He does not controvert, as I understand his position, that if the $9,000,000 is not appropriated in the four fiscal years that that portion which is not so appropriated is absolutely lost to the river.

Mr. GORMAN. That is true.

Mr. BLANCHARD. The Senator says that is true. Then, if that be true, Congress in the present sundry civil bill should appropriate, as the committee have authorized to be done, the full amount of the two million five hundred and eighty-odd thousand dollars which the law mentions as the maximum sum to be appropriated for the Lower Mississippi River for each of the three fiscal years beginning with July 1, 1897.

The Senator says that they treated the Mississippi River with greater consideration than the harbors because they did not reduce the appropriation. If they had reduced it, the amount of the reduction would be lost, and that is why it was not reduced.

The Senator from Illinois is exceedingly anxious that $100,000 shall be expended for the purpose of preventing what is supposed to be the danger of a crevasse from the Mississippi River into the Ohio River 8 miles above the mouth of the Ohio River. That matter, it seems, was presented to the House Committee on Rivers and Harbors, and, believing that it was a good case, they authorized the expenditure of $100,000 to prevent the crevasse, and very properly directed it to be taken from the appropriation for the Mississippi River between the mouth of the Ohio and the mouth of the Missouri River. This threatened cut-off is along that reach of the river.

While it is true that the Mississippi River is one great national highway, beginning, so far as its navigation is concerned, at St. Paul and extending to the Gulf of Mexico, nevertheless Congress has not treated the river as a whole as regards its improvement. It has subdivided it into sections for the purpose of its rectification and improvement. It is now, and has been for years, divided into three sections—from St. Paul to the mouth of the Missouri River, from the mouth of the Missouri River to the mouth of the Ohio, and from the mouth of the Ohio to the Gulf of Mexico. For these three stretches of the river distinct appropriations have from time to time been made by Congressional action. So it is in the last river and harbor act. The river is divided into these three sections, and a certain amount of money is authorized to be appropriated annually for each of the three sections. Between the mouth of the Missouri and the mouth of the Ohio a large sum of money is directed to be expended annually for four years, and the present sundry civil bill carries the second installment of that authorization. Now, the Senator from Illinois, a member of the Committee on Appropriations of the Senate, changed the proposition as it was recommended by the House Committee on Rivers and Harbors and adopted by the House.

Mr. CULLOM. Will the Senator allow me to interrupt him? It was not my action that suggested the change at all. I submitted to the judgment of the committee that it was better to take it from the lower river than from the upper. It was entirely a matter of judgment on the part of the committee that that change was made, but I did not suggest it as a matter of fact; I acquiesced in what seemed to be the judgment of the Committee on Appropriations.

Mr. BLANCHARD. The proposition, then, was changed by the Committee on Appropriations from the way it was adopted in the House. This threatened crevasse, I will call to the attention of Senators, is not along that reach of the river from the mouth of the Ohio to the Gulf, but is along that reach of the river from the mouth of the Ohio northward to the mouth of the Missouri River. What right have those gentlemen in the State of Illinois, at whose instance this appropriation of $100,000 is proposed to be made, to ask that it be taken from the appropriation for that portion of the Mississippi River below the mouth of the Ohio? I will say to the Senators from Illinois that we have as much to attend to in the way of crevasses and river improvements and prevention of floods in the Lower Mississippi River as we can possibly attend to. That is a vastly important reach of the Mississippi River.

Mr. PALMER. Will the Senator allow me to make one remark to him?

Mr. BLANCHARD. Certainly.

Mr. PALMER. If the Mississippi River shall break into the valley of the Cache, the mouth of the Ohio would be above on the Mississippi, and not below Cairo, as it is now?

Mr. BLANCHARD. Mr. President, you observe from the map which the Senator from Illinois who sits on the other side of the aisle [Mr. CULLOM] exhibited to the Senate that this threatened crevasse is on the Illinois side of the Mississippi River, at a point 8 miles above Cairo, and, if the crevasse occurs, the water of the Mississippi River, or a portion of the water of the Mississippi River, would be diverted into the Cache River, which runs southeasterly a short distance and then empties into the Ohio River. Now, the water which escapes through this crevasse from the Mississippi River above the mouth of the Ohio River would flow into the Ohio River a few miles above the city of Cairo, and, not being able to run upstream, there would be no place for it to go except down the Ohio River and back into the Mississippi River. In other words, that crevasse, about which these gentlemen are concerned, would not affect the Lower Mississippi River at all. Every drop of water that escaped through the crevasse would find its way into the Ohio River and then back into the Mississippi River, and thus on to the Gulf. There would be no depletion of the quantity

of water in the channel of the lower river by this crevasse. It is no concern, Mr. President, of that lower stretch of the river whether this crevasse occurs or not, because the navigable channel of the lower river would not be affected. There would not be less water in that channel on account of the crevasse.

So it is a palpable injustice to the Lower Mississippi River to take from its appropriation $100,000 to prevent a threatened crevasse on the Illinois side of the Mississippi River above the mouth of the Ohio. You might as well take $100,000 from the Army appropriation bill. If this diversion of money is to be made at all, it should be made from that stretch of the river between the mouth of the Ohio and the mouth of the Missouri.

"But," says the Chief of Engineers, "the amount of money available for the river between the mouth of the Ohio and the mouth of the Missouri should not be diminished by taking from it this $100,000;" and then he goes on to state in his letter that if this diversion is to be taken from any of the appropriations authorized by law for the Mississippi River it can better be spared from the appropriation for the Lower Mississippi River.

Mr. President, the Chief of Engineers is not authorized by law to speak for the appropriations, either as to their amount or their expenditure, which Congress makes for the Lower Mississippi River. He is authorized to speak for the appropriations which Congress makes for the Mississippi River above the mouth of the Ohio, because above the mouth of the Ohio the improvement of the Mississippi River is directly under the Engineer Corps, of which the Chief of Engineers is the head, but below the mouth of the Ohio River the improvement of the Mississippi River is by law under the direction of the Mississippi River Commission, and the Secretary of War and the Chief of Engineers have nothing whatever to do with it, except to approve the recommendations of the Commission.

General Wilson, the Chief of Engineers, is not the official designated by law to state what amount of money is needed for the improvement of the Lower Mississippi River, nor is he the official designated by law to say that this hundred thousand dollars can be better spared from the Lower Mississippi River than it can from the upper reaches of the river. The Mississippi River Commission, who have charge of the Lower Mississippi River, have not been consulted in this matter. It is upon their recommendations and their estimates that the lower river is appropriated for, and the $9,000,000, about which I have been speaking, that was placed in the last river and harbor act was so placed there upon the estimates made not by the Chief of Engineers or the Secretary of War, but upon estimates submitted under the law by the Mississippi River Commission. We have nothing from the Mississippi River Commission stating that this hundred thousand dollars can be spared from the lower river. All that there is to base this proposed diversion of a hundred thousand dollars on is this letter of the Chief of Engineers, who has nothing to do with either the estimates for the lower river or their expenditure beyond the approval of the projects of the river commission.

I am not here for the purpose of fighting an appropriation of $100,000 to prevent this threatened cut-off, but I am here to object to its being taken from moneys justly belonging to the lower river.

Mr. CULLOM. Will not the Senator consent to a division of the amount, and let one-half of the money come from the Lower Mississippi and the other half from the Upper Mississippi?

Mr. BLANCHARD. The Senator asked that question a little while ago of the Senator from Missouri, and the Senator from Missouri declined. The Senator from Illinois has now pending an amendment making a separate, independent appropriation of $100,000 for this work, which would prevent it being diverted from either the upper river or the lower river. That proposition, I think, ought to be adopted, and I believe the Senate will adopt it.

Mr. BERRY. Let us have a vote on the Senator's proposition.

Mr. CULLOM. Allow a vote on that and have it settled, so far as the question of the original appropriation is concerned.

Mr. BLANCHARD. All I am concerned about is to prevent an injustice from being done to the lower river. If this crevasse was along any part of the Mississippi River below the mouth of the Ohio River, the money to stop it would very properly come out of the appropriation for the lower river to prevent it; but it is above the mouth of the Ohio River. I trust the Senate will adopt the substitute proposition of the Senator from Illinois.

Mr. CULLOM. I should like to modify the proposition by adding at the end of the amendment the words "to be immediately available."

The VICE-PRESIDENT. The amendment will be so modified.

Mr. VEST. That is right. I hope that that proposition will be adopted. Make the appropriation of $100,000, and not take it from either end of the river.

Mr. BERRY. That is right.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Illinois as modified.

The amendment as modified was agreed to.

Mr. CULLOM. The amendment on page 95 will be considered as stricken out of the bill and this amendment agreed to. The other goes out of the bill because this amendment is a substitute for it.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. BERRY. It goes out under this agreement, I will state.

The VICE-PRESIDENT. The Chair so understands.

The next amendment which had been reserved by the Committee on Appropriations was, after line 16, page 97, to insert:

And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates; and all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. VEST. Mr. President, I want to enter my opposition to that amendment. I should like to hear from the chairman of the Committee on Appropriations why he is disposed to force us to make up a river and harbor bill every year. It is bad enough to make one every two years, and it is proposed by this amendment to make a river and harbor bill every twelve months.

Mr. ALLISON. The amendment explains itself. The idea of the amendment is that we shall eliminate from the sundry civil bill hereafter the river and harbor element.

Mr. VEST. I have no objection to that.

Mr. ALLISON. And have it dealt with by some other committee of this body, possibly the Committee on Commerce. The Committee on Appropriations is not anxious to have its jurisdiction enlarged, and in order to show that at least in one instance we wanted to minimize the extraordinary powers of the Committee on Appropriations, we thought we would recommend this amendment.

Mr. CAFFERY. Mr. President, it occurs to me that the criticism made by the Senator from Missouri is correct, it being the language that an annual estimate shall be made of these different sums to be appropriated. Now, in a continuous contract, where a sum of money is awarded to a contractor under such a contract, how can an annual estimate be made when a contract is taken in a lump sum? I would ask the Senator from Iowa how that would work? This amendment provides for an annual estimate by the Chief of Engineers. In the case of continuous contracts providing for a lump sum, the work to be done in three or four years, how does the annual estimate come in? What is the purpose of requiring it?

Mr. ALLISON. What does the Senator regard as the value of the statements made by the Chief of Engineers as to the appropriations which are now in this bill? They are not annual estimates. Why should not we have, I will ask the Senator, the responsible indorsement, first, of the Secretary of War and, secondly, of the Secretary of the Treasury as to these expenditures and appropriations, as much as we should their estimates and indorsements of other appropriations they have asked us to make under the law?

Mr. CAFFERY. The annual estimates of expenditures is a very good thing in its place. The continuous-contract system has been recently adopted; it is not of very ancient date. When a continuous contract is made, and a lump sum is appropriated for such work, of course you can divide the number of years which that work will take, and get an annual estimate. That is a mere mathematical calculation.

Mr. ALLISON. It may be, and it may not be.

Mr. CAFFERY. What I wanted to know was whether, if this annual estimate for separate works was insisted upon as an independent estimate, it would conflict with the continuous-improvement plan?

Mr. ALLISON. I think not. So far from it, it would only promote that plan, requiring the Secretary of War to give us the information which would require the necessary appropriations to be made under these continuous contracts.

Mr. CAFFERY. If we have those estimates already, what is the particular use of requiring specially an estimate to be made hereafter?

Mr. ALLISON. We do not have those annual estimates. We have no estimates this year from the responsible head of the Department, the Secretary of War; nor have we any estimates incorporated in the Book of Estimates, and carried into the sum total of the estimates of expenditure of the Government. Now, why should we exempt these appropriations from that general routine, if it be routine or if it be of value to Congress in making appropriations? Why not have it apply to rivers and harbors as well as to other public improvements?

Mr. FRYE. Mr. President, I do not think the Senator exactly understands the estimates. This bill is exceptional. Nearly all of the items are for contracts which either have not yet been entered into, or where proposals have been made, or where they intend to make a contract authorized by law one year ago. The only way to make an estimate on a new contract is the way pursued in this case in nearly every item, by simply limiting the

amount, as the law limits it, to 25 per cent in some cases and 50 per cent in others; but that is not the way they will estimate hereafter. After the contract is made, then the way they estimate is to take a return from the contractor for the amount of work which he has done and the pay to which he is entitled, and that is sent to the Committee on Appropriations for the full amount. That is an estimate exact; it can not be questioned; and there is nothing for the Committee on Appropriations to do except to make the appropriation. That is all there is to it.

Mr. ALLISON. That has not been done.

Mr. FRYE. In this case.

Mr. ALLISON. This year that has not been done.

Mr. FRYE. But it will be done next year.

Mr. ALLISON. That may be. We simply provide that it shall be done. It has not been done this year, and therefore the Committee on Appropriations have had no guide except such information as they could gather. They have not even this year adopted the suggestion the Senator from Maine makes; they have not estimated or provided in the appropriation, as the bill came to us, for one-fourth, one-third, or 50 per cent of those contracts.

Mr. FRYE. I object, Mr. President, to this amendment very seriously. These items appear here upon the sundry civil bill now, simply because, as a rule, they are debts against the United States under contracts, and therefore the proper place for them is on the sundry civil bill.

Mr. ALLISON. Let me ask the Senator if they are debts of the Government under contract, why are they not estimated for? We estimate for the pages, the clerks, the stenographers, and all our employees here detailed, and those estimates are found in the Book of Estimates. Why? Because they are necessary expenditures to be made, and appropriated for in order that they may be made.

All we desire is the information that the heads of Departments ought to give us as to the amount of money that should be appropriated for this or that particular work.

Mr. FRYE. Does the Secretary of War send in an estimate?

Mr. ALLISON. The Book of Estimates, under the law, is required to be made up by the Secretary of the Treasury and sent here as estimates of appropriations; and, under our rules, when these estimates are found in the Book of Estimates amendments in accordance with these estimates are in order under our rules and may be offered here; but we have no such estimates in the Book of Estimates as to any one of these contracts.

Mr. FRYE. But the Committee on Commerce never has any estimates from the Treasury Department. All the estimates that come to the Committee on Commerce on which the river and harbor bills are made up are simply estimates of the Secretary of War.

Mr. ALLISON. They are estimates; that is, they are statements which come from the Engineer Bureau, first, as to the propriety of these public works, and, secondly, as to the amount of money necessary to carry on or complete them. Therefore, of course, the Committee on Commerce has no estimates in the sense of the provision of law requiring estimates; but when a work is authorized, and when an amount of money is required to be expended, in every case the amount ought to be incorporated in the Book of Estimates, so we may know at the beginning of a Congress how much the Secretary of the Treasury and the different heads of Departments think ought to be appropriated to carry on the great business of this Government; and they ought to send us their views as to the necessary amount of money that should be expended for rivers and harbors, as well as for everything else in our Government.

Mr. FRYE. Mr. President, I simply want to say a very few words. My principal objection to this amendment is that it will provide for a river and harbor bill every year hereafter. You send those estimates from the Secretary of the Treasury or the Secretary of War to the Committee on Commerce, and every appropriation for any river and harbor in the United States is entirely germane and relevant, and you could not succeed in keeping back the enormous pressure which there is upon the Committee on Commerce for river and harbor improvements. That pressure is entirely legitimate, and it comes from this, that while ten or fifteen years ago 10 or 12 feet of water would float nine-tenths of the freight vessels of the United States, to-day it takes from 25 to 30 feet to float the same freighting vessels. Then you could carry freight on a vessel of two or three hundred tons; to-day, with any profit, you must have a vessel which will carry from three to six thousand tons; and they are building them on the Lakes to-day of 6,000 tons. Those vessels must have harbors to go into, and those harbors must have water from 25 to 30 feet; and the pressure, which I say is entirely legitimate, is coming from all over this country for increased appropriations for rivers and harbors. We have done everything we possibly could to hold on to this matter. We have provided, in the first place, by a law, that in every case there shall be a preliminary examination, and that that preliminary examination shall simply be an opinion on the part of an engineer as to whether or not any improvements at all should ever be made and whether or not commerce requires it. That takes two years. Under our present arrangement, then, if the report be in favor of an improvement, we provide in a river and harbor bill for a survey. That takes two years longer, and thus we have deferred that application for four years.

Now, the moment you undertake to send to the Committee on Commerce this jurisdiction which you provide for in the amendment, you have opened up a river and harbor bill every year; and every other year, if these appropriations come in—for the regular river and harbor bill comes in every other year—there will be a river and harbor bill so enormous, taking in all the regular appropriations we must make, that it will be top-heavy and drop over of itself. I think it would be a very great misfortune to have this amendment adopted.

Mr. HOAR. I move to strike out the part of the amendment following the word "estimates," in the twenty-first line. I think it is liable to the clear point of order of being a change of the rules of the Senate, which can only be made in the way prescribed in those rules, and it seems to me that while it may not be of great importance in itself, yet it is a very objectionable thing to tie up this body by a statute in regard to the action of the several committees of the Senate. It never has been heard of in our legislation except in the case of certain public expenditures.

Mr. ALLISON. Does the Senator make a point of order on the last part of the amendment?

Mr. HOAR. Yes. In regard to the matter of public printing, which is a mode of expending money placed in the power of the Senate without requiring a joint resolution to be approved by the President, we have certain statutes, and there is a certain statute in existence now in regard to spending money for surveys, I believe, in regard to river and harbor matters, but here is a proposition providing by statute, which is irrepealable except by another statute, that certain committees of the Senate shall exercise certain functions and make certain reports every year. I do not believe it is consistent with the Constitution, which gives each body the power to make rules and regulations for its own government and to appoint its own committees. Even if it were in accordance with the Constitution, I think it might put into the mind of the other House an idea which they may act upon in a way which will plague us very much hereafter, if we pass it. So that, as a matter of expediency, I think this ought not to be done, and I make the point of order on so much of the paragraph—but I suppose it applies to the whole paragraph, unless the latter part is stricken out by the committee—I make the point of order that it is a change of rules, which can no more be done by a statute than can a rule be changed except in the manner provided for.

The VICE-PRESIDENT. The Senator from Massachusetts makes the point of order against the amendment.

Mr. HOAR. Let the last four lines of the proposed amendment be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> And all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. HOAR. That matter is provided for by our rules now, and always has been, and always must be until we change the rules.

Mr. BLANCHARD. Mr. President, I desire to state that I think the point of order made by the Senator from Massachusetts is certainly good, and further to state that the friends of the river and harbor improvements in the Senate can not afford to adopt any such amendment as that proposed by the Committee on Appropriations, even if the point of order be not good.

I wish to state here that if that amendment were adopted and a separate bill, another annual appropriation bill, made necessary to carry these appropriations for money to meet payments under existing river and harbor contracts and those of the future, it would endanger the success of river and harbor improvement in this country.

I think the point of order is well taken, and, if it be not, the amendment should be voted down by the Senate.

The VICE-PRESIDENT. The Chair has no hesitation in sustaining the point of order made by the Senator from Massachusetts.

Mr. FRYE. To the first five or six lines of the amendment nobody objects.

Mr. ALLISON. We bow to the decision of the Chair on the point of order that the last four lines of the amendment shall go out. I understand that there is no objection to the first part of the amendment.

Mr. FRYE. The first part is all right.

The VICE-PRESIDENT. The question is on agreeing to the remaining part of the amendment, which will be stated.

The SECRETARY. On page 97, after line 16, it is proposed to insert:

> And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates.

The VICE-PRESIDENT. Without objection, that portion of the amendment which has just been read will be agreed to.

Mr. ALLISON. There is an amendment on page 81, line 7, which I ask to have now considered.

The VICE-PRESIDENT. The amendment indicated by the Senator from Iowa, which was heretofore passed over, will be stated.

The SECRETARY. On page 81, after the word "night," at the end of line 9, the Committee on Appropriations reported to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" so as to read:

For lighting thirty-two arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, $2,920.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which was passed over was, on page 81, line 12, after the word "dollars" to strike out:

Provided, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric-light company without expense to the United States, and that 25 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And insert:

Provided, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. MCMILLAN. I offer the amendment which I send to the desk in lieu of the amendment of the committee which has just been stated.

The VICE-PRESIDENT. The amendment of the Senator from Michigan to the amendment will be stated.

The SECRETARY. It is proposed to substitute for the amendment of the Committee on Appropriations the following:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits for electric lighting purposes in any road, street, avenue, park, or reservation except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public lighting connections with conduits already in the portion of the street proposed to be lighted. And nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, or as validating any such conduits.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan to the amendment of the committee.

Mr. MCMILLAN. I understand my amendment to the amendment is accepted by the committee.

Mr. ALLISON. The effect of the amendment of the Senator, as I understand it, is to strike out all after the word "dollars," in line 12, on page 81, including the proviso the committee recommended should be stricken out, and also the proviso it reported to insert.

Mr. MCMILLAN. Yes.

Mr. HILL. Will the Secretary read the last two lines of the amendment offered by the Senator from Michigan?

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

And nothing herein contained shall be construed to effect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, as validating any such conduits.

Mr. HILL. Mr. President, I have heretofore opposed certain portions of this amendment. I am somewhat reluctant on this day to engage in any extensive debate upon the propriety of this amendment as a whole, and my reluctance is based upon several reasons. In the first place, I was one of those who doubted the propriety of our meeting to-day for the purpose of enacting legislation for the people of the United States. My attention had been called to various petitions presented to the Senate by honorable Senators asking for the enactment of a rest day for the District of Columbia, and I was disposed to acquiesce in the sentiment expressed in those petitions, one of which I shall now read:

To the honorable the Senate of the United States, in Congress assembled:

We, the Woman's Christian Temperance Union of Westchester, Chester County, Pa., respectfully petition your honorable body to enact a law for Sabbath observance in the District of Columbia equal to the best of the similar laws of individual States.

ALICE LEWIS, *President.*
LOUISA E. CALDWELL, *Secretary.*
L. M. COBB, *Treasurer.*
Representing 69 members.

I had previously presented other petitions from the Woman's Christian Temperance Union upon the same subject and other subjects.

In connection therewith the distinguished Senator from Michigan [Mr. MCMILLAN] who offers this amendment on this day to enact legislation introduced a bill, which I will have the honor of reading.

A bill to protect the first day of the week, commonly called Sunday, as a day of rest and worship in the District of Columbia.

Be it enacted, etc., That on the first day of the week, known as the Lord's Day, set apart by general consent in accordance with divine appointment as a day of rest and worship, it shall be unlawful to perform any labor, except works of necessity and mercy and work by those who religiously observe Saturday, if performed in such a way as not to involve or disturb others; also to open places of business or traffic, except in the case of drug stores for the dispensing of medicines; also to make contracts or transact other commercial business; also to engage in noisy amusements—

Whatever that may mean—

* * * also to perform any court service, except in connection with arrests of criminals and service of process to prevent fraud.

Then the bill provides very severe penalties for violations of its provisions. But, before speaking on the amendment, I desire to ask the distinguished Senator from Michigan whether that bill was enacted into law? Hearing no response, I assume that the bill was not enacted into a law, although by its terms it was broad enough to prevent the enactment of any law by the Congress of the United States on this day. For these reasons, Mr. President, I hesitate to engage in a general debate in the face of this petition of 69 honored members of the Christian Temperance Union, and in the light of the bill presented by my distinguished friend from Michigan, I hesitate to oppose his amendment on this day. I understand a similar amendment substantially is to be proposed to the District of Columbia appropriation bill, and perhaps that may be taken up to-morrow, when possibly I may engage in some debate upon this general question.

Mr. President, seriously in regard to this amendment—my friend the Senator from Kentucky [Mr. LINDSAY] asks me if I have not been serious all the while. That is a reflection upon the remarks I have already made.

I do not think this is a wise amendment. If it were earlier in the session, I should be disposed to oppose it seriously, but because of the present state of the business and for other reasons, I do not see fit at this time to offer opposition to it. It makes one provision in regard to the prevention of the erection of overhead wires which I do not think will meet with public approval. It prevents the erection of overhead wires outside of the city of Washington and in the country portions of the District of Columbia. I am assured that it is likely that some legislation may follow in the near future, possibly at the extra session, whereby the people living in the country districts, who are not supplied with gas, may be enabled to be supplied with electric light in some form or other.

My next criticism of the amendment is that it allows house connections with conduits adjacent to the premises with which such connection is to be made. The inquiry I desire to make of the distinguished Senator from Michigan is, whether it is understood by himself and the committee that this would permit house connections where the conduit is on the opposite side of the street from the house?

Mr. MCMILLAN. I will state in reply to the Senator from New York that it certainly means to enable the people living on both sides of the street to make such connection. That is all it does.

Mr. HILL. Although the conduit is upon only one side?

Mr. MCMILLAN. Yes, sir; that is always done.

Mr. HILL. I accept that as a proper interpretation of the amendment, and acquiesce in it.

My other suggestion is simply this: There is litigation now pending, involving the question of the validity of the construction of certain conduits since June 18, 1896, and the object of the amendment, very properly, is to prevent this act from affecting it in any way. It would simply have been necessary to say that "nothing herein contained shall be construed to affect in any way the pending litigation." But there is added "or validating any such conduits." I think that is the last wording. I suggest simply an amendment to insert "or invalidating." That should be added, and I ask the Senator from Michigan to accept the amendment.

Mr. MCMILLAN. I have no objection to that amendment if the Senator from Iowa will agree to it.

Mr. HILL. With these suggestions, I have no opposition to offer at this time.

The VICE-PRESIDENT. Does the Senator from Michigan accept the amendment?

Mr. MCMILLAN. I do.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. ALLISON. I understand this phraseology was very carefully prepared. I do not know that the suggestion of the Senator from New York materially changes the amendment, but I understood the amendment was satisfactory to the Senator from New York. Will the Senator repeat his amendment?

Mr. HILL. It is to add, after "validating," the words "or invalidating." That is, that this provision shall neither validate nor invalidate it. I regard the last expression as unnecessary.

When you say that nothing herein shall affect the litigation, it is going far enough.

Mr. ALLISON. Let me suggest that we modify the amendment so that it shall read that "nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits."

Mr. FAULKNER. The word "legality" is already in. The Senator's amendment does not propose to strike that out.

Mr. HILL. It is not necessary to insert it in that place.

Mr. ALLISON. Let us say "validating or invalidating."

Mr. HILL. After the last word "validating" I wish to insert the words "or invalidating."

Mr. ALLISON. Every one would understand the phrase "pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896."

Mr. FAULKNER. That strikes out the latter part of the amendment.

Mr. HILL. It strikes out the latter part?

Mr. FAULKNER. Yes.

Mr. ALLISON. It strikes out all after the words "eighteen hundred and ninety-six."

Mr. HILL. All right.

Mr. FAULKNER. I think the Senator will find that is a better method of expression.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. GORMAN and Mr. VEST. Let it be stated.

The SECRETARY. After the word "dollars," in line 12, page 81, it is proposed to insert:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits or erect overhead wires for electric-lighting purposes in any road, street, avenue, highway, park, or reservation, except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public-lighting connections with conduits already in the portion of the street proposed to be lighted; and nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896.

Mr. GALLINGER. Mr. President, I feel, as the Senator from New York expressed himself, indisposed to discuss a question of this kind on this day, and yet I can not let the matter pass without making a few observations regarding it.

This is establishing two electric-light companies in the city of Washington. If that is to be the policy of the Congress, I do not know that I have any right to find fault, but I want to call attention to a remarkable fact, and that is the change of front on the part of the Commissioners of the District of Columbia in reference to the matter of competing electric-light companies in this great city.

On the 8th day of February, 1896, when a bill was under consideration by the Committee on the District of Columbia for the purpose of chartering a new gas company, the Commissioners of the District, the same gentlemen who are now in that high office, addressed a communication to the committee, a portion of which I desire to read. They protested against the incorporation of a second gaslight company in the District, and they gave their reasons for it as follows:

The Commissioners, however, in reporting upon all similar bills proposing to grant the privilege of tearing up the streets for the purpose of laying gas pipes or conduits therein, whether for the use of a telephone company or an electric-light company, have taken the ground that it was against the public interest to grant privileges of this kind to new companies; that the business carried on by such companies was under such conditions as to make a monopoly desirable, if not necessary. That, aside from the great damage to the pavements and the inconvenience to the public occasioned by digging up miles of public streets, it is not necessary or wise to duplicate any gas pipes or conduits in the public streets, for Congress has full power to regulate the rates to be charged by such companies, as well as to correct any other evils. The same majority in Congress which determines that a new telephone company, a new gas company, or a new electric-light company must be chartered to give the public its rights, can bring about the same result by controlling existing companies and with much less inconvenience to the public. Indeed, whether a new company be chartered or not, the public must be permanently protected, if at all, through the limitations provided by Congress, rather than by competition, except under conditions hereinafter mentioned.

That was the opinion of the District Commissioners, the same gentlemen who occupy those positions to-day, on February 8, 1896, a little over one year ago. Acting upon their advice, the District Committee reported against chartering a new gas company, and the Senate ratified their decision in that regard. It seems to me very remarkable that in so short a period of time these honorable gentlemen should have so completely changed front and that they should now be using their great powers as Commissioners of the District to install in the city of Washington a competing electric-light company.

On a former occasion I ventured to suggest in very plain language some of the reasons why I believed that this thing was done. I do not propose to-day to repeat them. Perhaps at some other time, when the Senator from New York discusses this question further, I may have occasion to go into it a little more at length.

A few months ago, however, I will suggest, indeed not many weeks ago, when the Senator from New York was filibustering here against the passage of the joint resolution that was proposed for the purpose of calling a halt to this invasion of the streets by this company, a somewhat similar matter was before the District Commissioners, and I want to read what the District Commissioners said about it. That related to the market company in this District, and they were interviewed concerning an order that they had issued or were about to issue, and they were asked:

But you have issued an order to remove them, have you not?—

That was the farmers and truckmen and truckwomen who are about the market—

We have.
Has it been revoked?
It has not.
Do you propose to revoke it?
There is no necessity for revoking it. We do not intend to disturb them, because it seems to be the intention of the two District committees to legislate upon the subject.

When Mr. Commissioner Truesdell made that answer to a query that was propounded to him concerning matters relating to the market company we had before Congress a resolution on this very subject, and yet, while they held up the order concerning the market company, they hastened to give permits to the new electric-light company to invade our streets and to carry their conduits for miles before they came to a lamp-post which they were going to furnish with light. It is a very extraordinary condition of things.

I want to say here now that the president of the Potomac Electric Light Company last year, when he was seeking legislation of Congress, came to me personally, and time after time said to me that he had no desire to put his conduits east of Rock Creek; that he simply desired to have them in the territory west of Rock Creek. I venture to say that the Committee on Appropriations understood him to make the same statement, and that the legislation of the last Congress looked to permitting that company simply to put their conduits on the other side of Rock Creek, and not to invade this territory.

And yet after that legislation was enacted the Commissioners of the District of Columbia, in my judgment without authority—and I challenge any authority they may think they possess on the subject—hastened to permit this company to tear up our streets, and to carry their conduits 8 or 9 miles over the streets of this city, and even last night, in the darkness, a further conduit was laid in a certain street in the city of Washington.

Mr. VEST. Will the Senator from New Hampshire be kind enough to state whether that question was not passed upon by the courts here, both by Mr. Justice Cole and then by the appellate court?

Mr. GALLINGER. I think the question is pending before the court at the present time.

Mr. VEST. I will ask the Senator if the decisions have not been published, and have not become a part of the judicial history of the country?

Mr. GALLINGER. I think Mr. Justice Cole did deny the application for an injunction.

Mr. VEST. Was that not afterwards affirmed by the court of appeals?

Mr. CHANDLER. No.

Mr. GALLINGER. I do not so understand it.

Mr. CHANDLER. By no means.

Mr. GALLINGER. By no means.

Mr. CHANDLER. The case has not yet been heard before the court of appeals.

Mr. VEST. The decision has been made, as I understand it, and I think I can produce the record.

Mr. CHANDLER. The Senator is wrong.

Mr. GALLINGER. The decision was upon an interlocutory question, and the main question is now before the courts.

Mr. CHANDLER. My colleague will allow me to say that the application was for an injunction pendente lite, which was refused.

Mr. GALLINGER. Precisely.

Mr. CHANDLER. Now the litigation goes on.

Mr. GALLINGER. I feel a hesitancy about going into this question at length, and I shall not do so. What I shall say, I say in the utmost kindness; but it is a remarkable circumstance that certain things have taken place in the District on the question of electric lighting that are matters of history and record. I venture to say that there has been discrimination practiced during the last six months, or thereabouts, as between these two electric-light companies, that will not bear very close investigation.

By the act of June 11, 1896, making appropriations for the District of Columbia, the Potomac Company was authorized to lay conduits west of Rock Creek, and there is a provision in that same law giving the right to the United States Electric Light Company to build conduits to Washington Heights and Columbia

Heights and Mount Pleasant. Let us see how these two companies have been treated. Permits were issued by the Commissioners to the Potomac Company immediately after the date of the act for the building of the conduits in the territory west of Georgetown, and notwithstanding an application had been before the Commissioners for the extension of the conduits of the United States Electric Lighting Company to Washington Heights and Columbia Heights since November, 1895; notwithstanding that an application was made under the act of June 11, 1896, within a week following that act, that permits to build to Columbia Heights should be issued, no answer was made to that application until the 2d day of December, 1896, or, in other words, a few days before the assembling of Congress.

I want to make another statement. The Commissioners made inquiry of the United States Electric Company in July last if they would furnish twenty-four lights on H street, along which conduits were built. The company immediately replied that they could, naming a price. Nothing further was heard of the matter until about one month ago. It took the Commissioners five months to determine whether or not the proposition that they themselves had made to the electric-light company should be carried out, when the company responded that they were ready to furnish those lights; but it took them only one night to determine that permits should be issued to this new company, which was in territory on this side of Rock Creek, in my judgment, if not in violation of the law, at least in violation of the solemn statement that their officers made to Congress and to individual members of Congress, and they have been permitted to ride roughshod over Congress and over the act passed last year and over the judgment of the men who acted upon this proposition when it was before the Congress of the United States.

Mr. President, that is all I care to say to-day. I know it is foreordained that the amendment offered by the distinguished chairman of the Committee on the District of Columbia is to go into the bill. I understand substantially an agreement has been reached in that direction, and for that reason it would be futile for me to undertake to oppose it if I felt disposed to discuss the question at greater length. I shall content myself so far as the present is concerned in voting against the amendment the Senator from Michigan has offered to the bill at the present time, and as I before said, when this matter comes up in the future, as I presume it will, and when we shall have an opportunity on some other day than the seventh day of the week to discuss this entire question, I shall be pleased to join issue with my distinguished friend the Senator from New York, and I shall undertake to make it appear to the satisfaction of the Senate that this company which is now to receive from the Congress of the United States in the pending bill, if the amendment is adopted, the same rights and privileges that are accorded to the United States Electric Company, does not deserve the confidence of, or a single dollar of appropriation from, the Congress of the United States.

Mr. HILL. I regret that my distinguished friend the Senator from New Hampshire should attempt to filibuster against the adoption of the amendment.

Mr. GALLINGER. I am not filibustering, and the Senator knows it.

Mr. HILL. Mr. President, he protests too much. He already announces that it is foreordained. That is good Presbyterian doctrine, I suppose.

Mr. GALLINGER. Yes.

Mr. HILL. It is foreordained that it is to be adopted. Now, it never had been foreordained that the joint resolution offered by the District of Columbia Committee was to be passed when it was introduced, and it was because I had some doubt about its propriety as well as on the question whether it ever would be adopted that I indulged in a few observations, as my friend the Senator from Florida [Mr. CALL] always says, in opposition to the amendment.

Mr. GALLINGER. Will the Senator form New York permit me.

Mr. HILL. Yes.

Mr. GALLINGER. The Senator from New York knows very well that the joint resolution would have been adopted by a four-fifths vote of the Senate had he not filibustered against it day after day and talked it to death. The Senator knows that.

Mr. HILL. There were three days of debate on the joint resolution.

Mr. GALLINGER. The Senator occupied all that time.

Mr. HILL. I opened the debate on the first day, and I was replied to by the distinguished Senator from West Virginia [Mr. FAULKNER] on the next day, and the very next day I tried to get my friend the Senator from New Hampshire into the debate, but he now says that he was secure of having four-fifths of the Senate in his pocket ready to deliver them in favor of that bill without any argument.

Mr. GALLINGER. Oh, no.

Mr. HILL. Now, I rather doubt that statement.

Mr. GALLINGER. If the Senator will not——

Mr. HILL. Wait a moment.

Mr. GALLINGER. With the Senator's permission——

Mr. HILL. The Senator should ask my permission before he proceeds.

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. GALLINGER. I have no intention of disturbing the Senator from New York except through his courtesy.

Mr. HILL. It is no disturbance whatever. We are prohibited by the McMillan bill from having any disturbance on this day.

Mr. GALLINGER. The Senator could not get up a disturbance with me if he tried.

Mr. HILL. I shall not try.

Mr. GALLINGER. The Senator knows that he will not deceive the Senate——

Mr. HILL. I am not trying to.

Mr. GALLINGER. Cunning as he is and adroit as he is as a lawyer and debater, the Senator will not deceive the Senate into the notion that he had not so announced his purpose, and that it was not his purpose to talk the joint resolution to death. He had the ability to do it. There was time enough, and he could occupy all the time, and he did occupy all the time, until the friends of the resolution saw it was hopeless to press it any further.

Mr. HILL. The joint resolution did not need much investigation; it did not need much talk. It was so thin, so transparent, so shadowy, that it simply required an inspection of it to see that it ought not to pass. There never was a time in the Senate when it could have received even a majority, much less four-fifths of the Senate. If the Senator thought it could pass, why was it not continued in discussion instead of attempting to put it on an appropriation bill?

Mr. GALLINGER. I have not attempted to put it on an appropriation bill.

Mr. HILL. Having been charged with the heinous crime of filibustering, of which, of course, in the Senate I would never be guilty, I simply rose for the purpose of repelling the suggestion, and to say that instead of feeling bad over the adoption of the amendment, the Senator from New Hampshire, in behalf of the people of the District of Columbia, ought to rise here and congratulate them that at last they are to be relieved from the odious monopoly that has existed for so many years, and that we are from this time forward, as he says, for which he seems to have great regret, to have honest, fair, and just competition.

Now, it is not for me to defend the action of the Commissioners of the District of Columbia. I am familiar with some of their actions. The Commissioners have to adapt themselves to the legislation of Congress so far as they can, and when the sentiment of Congress seemed to be in favor of an opposition gas company they were rather inclined to favor it. When it changed, they went the other way. I could, if I were not reluctant to enter into a debate on this day, take up the record and show that my friend the Senator from New Hampshire changed his opinion upon this question of a competitive light company, and his conversion was quicker than that of Saul of Tarsus. Will the Senator deny that he was at one time the champion of a new and additional company in this city?

Mr. GALLINGER. Does the Senator desire an answer?

Mr. HILL. On some other day, not to-day.

Mr. GALLINGER. Very well.

Mr. HILL. Some other day when we take up this discussion, and when my friend recovers from his disappointment, we will discuss it.

Mr. GALLINGER. I am not disappointed. I am afraid the Senator will not be here at that other day.

Mr. HILL. I will be here for three or four days, and I hope my friend will not put off the reply to me until, by reason of circumstances beyond my control, I shall not be here. I have no doubt my friend is very glad to be relieved of my presence after the 4th day of March.

Mr. GALLINGER. Oh, no; we all enjoy the Senator from New York. He is amusing.

Mr. HILL. The Senator does not act as though he enjoyed my presence.

Mr. GALLINGER. He is amusing.

Mr. HILL. In fact, he seems to be disturbed about it.

Mr. President, I rose not to debate the question, but to say that I am sorry my friend sees fit, almost solitary and alone, to oppose the amendment. I do not like some of its terms. It is not the terms that enlarge competition in the District of Columbia that I do not like. It is the terms that restrict competition, the terms that will prevent what I think the people of the District of Columbia have long wanted; and I congratulate them, and I congratulate the Senate, that from this time forward we are to have what he says—two electric-light companies competent to do business in

any part of the District of Columbia; and, instead of being a calamity and a misfortune, it will prove to be a benefit to the people of the District.

Mr. GALLINGER. A single word, and I will be ready for a vote. The condolences of the Senator from New York are accepted and appreciated. I regret personally that the Senator from New York, because of circumstances beyond his control, will not be here after the 4th day of March to discuss this question when we can debate it at length. I simply desire to add a word in answer to the felicitations of the Senator from New York to the people of the District that at length they are to have competition in the matter of electric lighting. It is a matter of a great deal of doubt in my mind whether that competition will last very long, inasmuch as this new electric-light company, which, in my judgment, is given privileges that it ought not to be given by Congress, has already made a proposition or propositions to dispose of its rights and its property to the United States Electric Light Company, which, beyond doubt, in the near future will be an accomplished fact. The efforts of the Senator from New York will simply have resulted in putting a little more money into the pockets of some gentlemen who have come here and by a great deal of cunning and artfulness have found a lodgment in the District under the name and title of the Potomac Electric Light Company.

Mr. HILL. The people are to be congratulated that it will take less money out of the pockets of the taxpayers of the city for electric-light service than heretofore.

Mr. HAWLEY. Mr. President, I can not forbear to express my great astonishment that a gentleman of so much experience in legislation and in the general business matters of the world should tell us that two electric-light companies will continue in competition, digging up the streets. It never was known and it never will be. It is perfectly well understood, an irrevocable economic law, that wherever combination is possible, competition is impossible. That was discovered long years ago in the building of railroads. These companies will not be organized one fortnight without a distinct understanding, if not a consolidation. Every experienced man, I appeal to the world, knows that to be true. What utter nonsense to suppose that our streets will be terraced and dug and trenched here continually in a race between two electric companies. It would be supreme folly on their part, a folly not surpassed except by our folly in permitting it.

Mr. HILL. That argument has been used time and time again to justify every monopoly that has been created. Since this new company has started there has been a material reduction not only in the price charged to the city but in the price that will be charged for services to citizens. It is evident now, from the very reductions contained in the pending bill, that there is to be a material reduction in price. My friend says that possibly the companies may combine. There is no way to prevent that. The natural effect of giving two companies equal privileges in a district is to reduce the price. They may combine hereafter. They may circumvent the people. It may be imagined that they will do lots of things in the future, but the general effect of having two companies having no interest with each other is to compete for service. These companies can do it, and I trust they will do it and continue to do it for the benefit of the people of the District.

Mr. HAWLEY. Just a word, Mr. President, and I will not detain the Senate further. For an illustrious example of what I was saying, I point the Senator to the West Shore Railroad in New York in competition with the great New York Central. The West Shore went into the world with high promises and with defiances, expecting to do a rival business. In a very short time it was absorbed by the New York Central; and that is the general rule. The Erie Railroad and the Central can compete with the great Pennsylvania Railroad without any danger of a consolidation because of the very different circumstances, the wide distance apart, but put them in the same county, or within 10 miles of each other, and they would not be apart a week.

Mr. HILL. The circumstance to which the Senator alludes is a fatal one to his argument. Before the consolidation rates were reduced; even after the virtual consolidation rates were reduced; they never were less than they are to-day. The general effect of competing lines is reduced rates. There may be afterwards a combination or an understanding between them.

Mr. President, it will not do to say that there must be but one railroad company through a State. It will not do to say that there must be but one electric-light company in a city, but one gas company in a city, or any other corporation that has a monopoly. I know it can be said that Congress can fix the price, but how reluctant Congress is to fix the price in case there is but one company. The price will never be any larger in the District of Columbia than it is to-day. It has been steadily reduced during the last few years. I have the record and papers here that will show it. It never undoubtedly will be raised higher than it is to-day, and I believe that the price will steadily go down.

Mr. HAWLEY. The Consolidated Railroad, a very considerable corporation in New England, without any solicitation or legislation, reduced its passenger rates to 2 cents a mile. It has no competition. Competition is practically impossible on that road. The law of progress leads to reduction.

Mr. HILL. The New York Central Railroad has competition with two other railroads that run from New York to Buffalo and from there to the West. There is competition with this railroad. Competition is desirable. The same argument the Senator makes would vindicate and defend every trust made in the land against which we have protested in party platforms and against which we have protested in petitions and in speeches here in this Congress.

Mr. President, competition is desirable. There may not always be competition, or honest competition. Corporations may combine; that is all true; that is unavoidable in a free country like this; but after all it is for the benefit of the people that equal privileges should be afforded to corporations having facilities to transact the business of this country, such as electric lighting, gas companies, and so on. I trust the time will come when the people of the District of Columbia will realize the full benefit which they ought to realize and which I believe they will realize from the very step appropriately this day taken.

Mr. GALLINGER. A single word further, Mr. President, and I have done. It is a matter of history that the United States Electric Light Company seven different times made voluntary reductions in price, and it is a matter of history that there is not on record one single petition or alleged grievance against that company by any citizen of this great District.

Mr. HOAR. Are not their rates controlled by statute?

Mr. GALLINGER. Certainly. But as against the gas company there were protests; there was a loud clamor. The Senator from New York can not find on record a single complaint that was ever lodged against the United States Electric Light Company either as regards its service or the price that was charged for the product.

Mr. HILL. Does the Senator forget that I, a short time ago, presented a petition of a thousand citizens of this District?

Mr. GALLINGER. Yes; in favor of the Potomac Electric Light Company.

Mr. HILL. In favor of the Potomac Company, which desired a contract. Here are 82,000 people on the other side of this Capitol who are substantially without electric lights. I had a conversation with the owner of a block right within a stone's throw of the Capitol, while this question was pending, asking that we would permit this company to place conduits so that they could be supplied. There was a demand by the people of the District of Columbia to have it, and I trust they will get it under the provision.

Mr. GALLINGER. I trust the Senator will get permission before he makes a speech at my cost.

Mr. HILL. I trust I am not costing the Senator anything.

Mr. GALLINGER. That may be true. Yet it is a fact that conduits have been permitted to be laid by this new company within a few weeks for more than a mile, for more than 2 miles, from the city of Washington, and reached a point that the old company could have reached by extending its conduits 20 rods. Yet the Commissioners gave a permit to this new company as against the old company, and streets have been torn up in that way. We are situated a little differently here from some other localities in the country. Congress has absolute power to regulate the price that shall be paid for electric lights and for gas and for every other service that is rendered to the people of this District. When the Senator from New York says that this company has reduced the price of electric lights, I want to call the attention of the Senator to the fact that, while this company has made a proposition to furnish lights cheaper than the old company did, the District Commissioners have permitted this company to put in their lamp-posts so near together that it costs more to the city to light a street by the new company than by the old company.

Mr. VEST. I will ask another question, if the Senator will permit me.

Mr. GALLINGER. With pleasure.

Mr. VEST. I am as anxious to get a vote as anybody, but since the matter has been gone into I should like to ask a question. It has been asserted here by the Senator from Connecticut [Mr. HAWLEY] and the Senator from New Hampshire [Mr. GALLINGER] that there will be no reduction of the cost of electric lighting in this city, and it is not proposed to reduce it.

Mr. GALLINGER. I never asserted that.

Mr. VEST. At any rate, the tendency of the argument is that there will be no reduction.

Mr. GALLINGER. No; the tendency of it is that there will be a reduction, because Congress can absolutely control it.

Mr. VEST. Very good. Now here is a provision submitted by this Potomac Company to insert in the District appropriation bill as section 3 that hereafter no electric-light company in this city shall charge more than 75 per cent of the price now charged for electric light. Now, we are bound to assume that this company, if it comes with such a proposition to Congress, will be

bound by it in the future. There is a reduction of 25 per cent at once.

Mr. GALLINGER. Which Congress could have brought about if they had prohibited the tearing up of our streets for 9 or 10 miles and put just that provision in the appropriation bill controlling the old company.

Mr. VEST. The streets are in the same condition they were; and here is a proposition submitted by the House of Representatives which must be passed on by the Senate. I am curious to know why we do not incorporate in the present amendment the third section of the House bill. My friend from West Virginia [Mr. FAULKNER] says it comes in the District bill. If it does, I hope the Senate will prove that it wants to reduce the price of these electric lights by accepting that third section, which would bring down the price to the people of the District who are consumers 25 per cent.

Mr. FAULKNER. Will the Senator permit me to say a word?

Mr. GALLINGER. With pleasure. I am always glad to hear the Senator.

Mr. FAULKNER. I have listened to this controversy for some time. I am one of those men who, when I am in a fight, am ready to fight when there is anything to fight about; but there has been a sort of understanding here that this amendment would be agreed to, therefore there is no contest over it; and there being no contest, I do not want to fight when there is nothing to fight about. I do hope we may be allowed to come to a vote.

Mr. GALLINGER. The Senator from West Virginia is speaking in my right, and hence I feel at liberty to ask him who made this agreement?

Mr. FAULKNER. I was asked to look upon, to examine it; I said I would make no objection; and half a dozen other gentlemen said they were satisfied with it and thought it had better be made; and as that seemed to be a general understanding, there is no use to take up the time of the Senate on this question, but let us come to a vote and discuss this whole question on the District bill upon a secular day, as the Senator from New York says.

Mr. MCMILLAN. Mr. President, I should like to say a word. This amendment was offered by me, and I have tried to harmonize all the different interests here. The Senator from New Hampshire was not consulted, but I did not suppose he would object to it. Conduits of two companies are now laid in the streets. They are there, and the amendment simply recognizes the fact that they are there and allows connections to be made with them. No extensions are allowed until Congress shall take action. This amendment was offered on my own responsibility. It has not the sanction of the District Committee as a committee. There is now no authority lodged with the Commissioners to allow house connections with the overhead or underground wires of the United States Electric Lighting Company, or with the conduits of the Potomac Electric Power Company. Such authority is proposed in the interests of the people of the District. If the conduits of the Potomac Company shall be declared illegal by the courts, this proposed legislation will have no effect on the legal status of the question. I would say also that the amendment just offered has been prepared without consultation with anyone aside from members of the Senate. Representatives of neither of the electric-light companies have seen the amendment.

Mr. GALLINGER. I will say for myself that I did not expect to be consulted, and I do not care whether I was consulted or not. My impression is that one of these electric-light companies was consulted and the other was not. That is my impression. But however that may be, I do not assent to the proposition that when Congress has absolute power over every corporation in this District, when Congress is legislating for this great city, we ought to permit rival companies to come in here and tear up our streets on the ground of economy, or on the ground of furnishing any product cheaper than one company would furnish it. If the argument is worth anything in favor of the Potomac Electric-Light Company, it would be equally as potent if another company came in, or another, or another; if ten more should come in, the same argument could be used. If a third company should come here and say we will furnish light a little cheaper than the Potomac Light Company, perhaps then the Commissioners of the District would rush to the rescue of that company as they did to the rescue of the Potomac Electric Light Company, and let them go to work and tear up the streets to install another electric-light company in the District of Columbia. I do not assent to that argument. Congress has absolute control over every corporation chartered by Congress, and Congress can determine absolutely and irrevocably the price that will be paid for electric lights or gas lights or any other service that any corporation supplies to the people of this District under the charter rights that they receive from Congress.

Now, Mr. President, this is all I care to say. I presume I stand substantially alone on this proposition, but there will be the same comfort to me in voting against this amendment that there will be for the distinguished Senator from Michigan and the Senator from New York and the Senator from West Virginia in voting for it. They were consulted; I was not. I did not expect to be consulted, but I simply wanted to enter my protest against this kind of legislation that gives to a company that came in here under the circumstances that this company did, and that has left our streets in the condition they are to-day, the same rights that the company has that has been doing service to these people for a great many years, the stock of which is held by the plain people of this District, and whose rights ought to be protected by the Congress of the United States.

The VICE-PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from Michigan [Mr. MCMILLAN].

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment of the Committee on Appropriations was, on page 7, after line 10, to insert:

That the sum of $325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,733 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

Mr. VEST. Mr. President, I shall make no apology for calling the attention of the Senate to this appropriation. I understand that it came from the Committee on Public Buildings and Grounds, of which I am a member; but it never was adopted in any meeting of that committee, and if assented to by a majority of the committee it was under the reprehensible practice of polling members upon the floor, a practice which ought to cease, in my opinion, at once.

Now, it is proposed here to take $325,000 out of the public Treasury to buy the old Corcoran Art Gallery building. I hope it is hardly necessary for me to say that I am in entire sympathy with the objects of that institution, and that no man reveres more the memory of Mr. Corcoran than myself; but it is a very distinct proposition as to the nature of the building and the appropriation of this large amount of money in the present condition of the Treasury.

It is stated in the amendment that this money is to be appropriated to the purchase of this building, in order to erect upon it a building for the Court of Claims. The United States to-day owns the most beautiful lot in this city, unoccupied, upon one end of which is the Attorney-General's Office, next to the new opera house, in front of Lafayette Park. We purchased that property some years ago from the Freedman's Bank for $250,000. It is immediately contiguous to the Treasury Department, to the Attorney-General's Office, and the State, War, and Navy Departments. Why should we take $325,000 and buy another lot upon the same street when we have this unoccupied ground, far superior in every regard to the site of the present or the old Corcoran Art Gallery?

Have Senators examined into this question? Do they know that it is proposed to sell us this ground for about $21 a foot? The old building that is there to-day is absolutely unfit for a court edifice. It has a mansard roof—an old fire trap that must be got rid of at once. The whole building must be remodeled. It was built specifically for an art gallery. There is not a room in it that can be adapted to the purposes of the transaction of the business of a court. Twenty-one dollars a foot for that property! I undertake to say that we can buy property in the vicinity of the new Corcoran art building for $1.50 a foot, certainly for $1.75, for it has been offered to the Government at that, and it will be just as good a site either for a hall of records or the Court of Claims as the site of the old Corcoran Art Gallery. I repeat, why should we purchase it, when we have this splendid lot more contiguous to the Departments and to the center of business in the city, the finest lot now that belongs to the Government, and peculiarly adapted for a building to be occupied by the Court of Claims?

I have looked into the records of the Committee on Public Buildings and Grounds and amongst my own papers to see if I could not produce to the Senate the written or printed proof that this building was offered to the Government for $275,000 within less than a year. I quote from my memory, as a member of the Committee on Public Buildings and Grounds, when we heard the trustees of this institution, gentlemen of eminent character, for whom I have great respect and who are my personal friends. It is my recollection that they asked us $275,000; I am certain it was not exceeding $300,000; and now it is proposed to unload that ground, which is no longer needed by this splendid institution, the Corcoran Art Gallery, upon the Government of the United States. If we are to practice any sort of economy, most unquestionably here is an opportunity to do it. It is too much the fashion in this District, whenever a piece of property can not be turned over to anybody else, to put it upon the people of the United States and upon their Treasury.

We have to-day hundreds and thousands of feet of unoccupied ground. I have advocated for the last eighteen years, since I have been a member of the Senate, the purchase of eligible sites for public buildings before the property largely advanced in value. I am glad to say that in one or two instances I have succeeded, and in none more conspicuously than in having an humble part in purchasing from the Freedman's Bureau the piece of property upon which the Attorney-General's Office is now located.

We have been lectured somewhat to-day in regard to the jurisdiction of the committees of this body. The question has lately been before us in regard to the sphere of action of the Committee on Commerce and that upon Appropriations. This very proposition has been pending before the Committee on Public Buildings and Grounds for two years and a half. We are now examining into it, and have been looking at eligible sites, particularly for a hall of records and the Court of Claims. Why is it now taken away from our committee and put in this appropriation bill by a committee that certainly could not have examined into all the details? We have had hearings from these trustees. I have gone in person and looked at different pieces of ground that were offered to us for a hall of records and the Court of Claims; and all at once I am confronted, without notice, with this appropriation, which forestalls any action that could be taken by the Committee on Public Buildings and Grounds, and is to take out of the Treasury $325,000.

Mr. President, even upon the Sabbath day I make no apology for bringing these facts to the attention of the Senate. I sympathize somewhat with the lacerated conscience and the tender, religious sensibilities of the Senator from New York and the Senator from New Hampshire; but I console myself that I am not responsible, if it be a desecration, for the business in which we are now engaged. If I had consumed the time of the Senate upon secular days with long orations upon impertinent issues that were not before the Senate, I should feel that I had been false to my Presbyterian education; but as I have not been, I take it for granted that what we are doing now is covered by those words of the Holy Text, that works of necessity are justified, even upon the holy Sabbath. And more than that, I happen to have seen in this bill, on page 126, a religious appropriation. The Senator from New York overlooked it. We appropriate in the bill $2,000 for the Red Cross Society, which is soon to meet in international conference at Vienna, in Austria. If this bill should fail, that appropriation for a work of holy charity would be defeated. More than that, I am informed by the Senator from Pennsylvania [Mr. QUAY], and it may be a matter of consolation to the Senator from New York, that he proposes to signalize this day by calling upon the Senate to pass the Little bill, which prohibits the use—not the sale, but the use and the giving away—of intoxicating liquors within the Capitol or upon the public grounds. If we can pass that measure, I hope that it will heal any religious wounds that are inflicted by the work in which we are now engaged.

Mr. GEAR. Mr. President, the Senator from Missouri remarked something about the report of the Committee on Public Buildings and Grounds. I had the honor of being a member of that committee, and was a member of the subcommittee in connection with the Senator from Montana [Mr. MANTLE]. We reported the bill to the Committee on Public Buildings and Grounds. They in turn adopted the report we made and recommended the purchase of this ground. In compliance with the request of the chairman of that committee, I polled the Committee on Public Buildings and Grounds in the absence of the Senator from Missouri. The Senator at the time was in the West.

A word as regards the value of this property. I made some investigation as to its value and also as to the kind of property. I think the Senator from Montana and myself went through the building from top to bottom. It is one of the best constructed buildings in the city of Washington. It is perfectly fireproof, with the exception of the roof. I admit what the Senator from Missouri says, that it needs a new roof or some addition certainly to make it more fireproof, but when it is perfected and completed, which can be done with a small amount of money, the building will be as well adapted for the purposes proposed as any building in the city. I hope the amendment will be adopted.

In reply to the statement of the Senator from Missouri, that he thought this building had been offered to the Committee on Public Buildings and Grounds for a less sum, I will state that I have been on that committee for a number of years, and the property has never been offered to the committee for less than $350,000, not $275,000.

Mr. ALLISON. There were two things which pressed themselves upon the Committee on Appropriations as to this purchase. The first was that the Attorney-General came to us, not once, but more than once, insisting that we must immediately provide somewhere for a building for the Court of Claims; that the situation of the business in the office of the Attorney-General was such as to require the rooms now occupied by the Court of Claims, and he expressed himself as absolutely impartial in respect to this recommendation because he soon expected to retire from office. We inquired of him what amount should be appropriated for the rental of a suitable building, and he said, after he had made considerable inquiry upon the subject, that a suitable building could not be rented for less than $10,000 per annum.

Then there came from the Committee on Public Buildings and Grounds this amendment proposing $350,000 for the purchase of a building from the trustees and guardians of the Corcoran Art Gallery, which is the result of the beneficence of the late Mr. Corcoran, of this city, who had given a very large sum of money for its maintenance and support, in addition to giving to it the building and grounds which we are about to purchase.

The Corcoran Art Gallery is as much dedicated and devoted to the educational interests of the people of the United States as is the Congressional Library, upon which we have expended $6,000,000; it is more open to the public, and has been all the time. Three days in the week the people who come here can get into that gallery free, and at other times at a very small expense. The trustees of that institution have erected a new structure which has cost over $700,000, without including the cost of the ground upon which it is erected. In that building is a large space for those who wish to engage in the study of art, and it is all free to them.

Now, I submit that, although the Committee on Appropriations reduced the purchase price of this building to $325,000, it is hardly worth while for us to say that we are paying $5,000 or $10,000 too much, even if we are. This building is adapted to the use of the Court of Claims, and it may be used by some other bureaus or offices of this Government. It is located on a valuable piece of land, well situated, in close proximity to three or four of the great Departments of this Government. It is land that we must have and will have in the near future.

The illustration made by the Senator from Missouri as to the part he took in the purchase of the old Freedman's Bank building is an illustration of what I say. I was a member of the Senate when we had a very similar debate as to the purchase of that building, when the arguments of the Senator from Missouri were wholly upon the other side. That building belonged to the creditors of the Freedman's Bureau, to the people who had deposited their small savings in the Freedman's Bank. It was said on this floor over and over again that the $250,000 we paid for that building was an extravagant price and far beyond its value, and yet property in that vicinity has so appreciated that the Government could realize from it, if it would sell it, more than twice the sum paid.

I argued here five years ago for the purchase of a piece of property adjacent to the building now occupied by the Attorney-General's Office, when it could have been bought for $90,000, and I was met with the same argument that is now made by the Senator from Missouri, that that was an exorbitant price; that it was favoritism to some people who lived in this District, who were obliged to sell it. That property, within six months of the time of that argument here for its purchase, was sold to a private person for $125,000, who is receiving now an annual rental from the building of $6,000, and yet it was an essential part of the public property we own on the corner of Pennsylvania avenue and Lafayette square.

So, Mr. President, the Committee on Appropriations, believing that it was a wise thing at this time for us to acquire this property—not only for the benefit of the Government, but as in some way relieving a great institution of art in our city from the embarrassments under which it labors, because of the enormous expenditure it has recently made in the construction of a new building—favored this amendment. That is all there is about it.

Mr. VEST. Mr. President, the Senator from Iowa, of course, did not mean to suppress the fact that the principal objection to the purchase of the ground upon which the Lafayette Opera House is now located, immediately contiguous to the Attorney-General's Office, was a defect in the title. That was the argument made, and no lawyer in this Senate was able to answer it. It might have been that there was not a great deal in that defect, but it existed, and it was not thought by a large portion of us, as trustees for the Government, that we ought to put the money of the people of the United States in any title that had any defect at all.

But I will state to the Senator that I myself introduced in the Senate years before that a bill to purchase that same property when it was offered to us at $65,000, and before Mr. Blaine purchased it, but I could not get the Senate to pass that bill. It has been sold since for $100,000, and the defect in the title still remains, but is considered of very little importance by the present owners.

My friend from Iowa attempts to draw an analogy between this case and the purchase from the Freedman's Bank of the property upon which the Attorney-General's Office is located. The cases are entirely different. In the first place, there is no such property in the city of Washington, at least upon that street, in point of beauty, in point of location, in point of contiguity to the center of

business of the town and the large Departments as the lot upon which is located the Attorney-General's Office. It is infinitely superior to the lot upon which the Corcoran Art Gallery building is located.

When the Senator speaks of the object of the Corcoran Art Gallery, he can not say anything in that behalf that I would consider exaggerated. As I said in the beginning of my few remarks, nobody can possibly have a greater regard for the memory of Mr. Corcoran and for the munificence and bounty which he exhibited in that and other acts of his life than I have. I was his personal friend; I loved him; and there was no more sincere mourner at his tomb than myself.

But, Mr. President, the Corcoran Art Gallery is one of the most munificently endowed institutions in the United States. Mr. Corcoran was not only a man of large heart and brain, but of large means, and every institution that he endowed was munificently endowed against the possibility, almost, of pecuniary liability or disaster in the future. No appeal can be made to the Senate to buy that property because the Corcoran Art Gallery is indigent. They have just put up for seven or eight hundred thousand dollars a beautiful edifice, and did it with money that has accumulated from year to year in their hands upon the amount which Mr. Corcoran originally gave for that purpose.

How was it in regard to the Freedman's Bank Building? Mr. Bruce was then a Senator from Mississippi, a colored man, and the only one in the Senate—a gentleman, an honor to his race, a man who I am proud to call my friend. I was associated with him, our committee rooms were contiguous, and I know him well. He appealed to me and to other Southern Senators to take the assets of the old Freedman's Bank, all that were left to that poor, oppressed colored race, whom I know as well as any man living, and pay them $250,000, all that the poor, ignorant depositors would ever get. Why, Mr. President, who could have resisted that appeal. I would have paid, I confess, more than the property was worth under the circumstances that surrounded that case, but it was the best purchase that this Government ever made.

I do not claim credit for myself, because I followed the venerable Senator from Vermont [Mr. MORRILL], and my conduct in the matter—for I was then comparatively a young Senator—was simply as his adjutant-general, proud to fight under such a leader in such a cause.

I would not say one word in this Senate against this proposed appropriation if it could be tortured into opposition to the object of Mr. Corcoran's bounty or into a reflection upon his memory; but we are here confronted with the proposition to pay $21 a foot for that property when it is not worth it.

Mr. ALLISON. Eighteen dollars a foot.

Mr. VEST. I have talked to real estate dealers and owners of property in the vicinity, and they estimate it at about $21. The improvements I count for nothing.

Only the Senator says that that building can be made into a court building. I beg, with great respect, to differ from him. It never was intended for a court building. The upper portion of it is an old fire trap with a mansard roof, condemned in architecture and condemned by the insurance companies. Take the roof off, and then you have got the walls, and even if they were thick enough, you would have to remodel the whole of the interior. Who that has had any experience in building does not know that the expense of pulling down an old structure like that and remodeling it is the worst sort of economy. And if we are to put up a building for the Court of Claims, it should be worthy of the Court of Claims and worthy of the Government of the United States. That house will never do for any such purpose.

But I appeal to the Senate not to make this appropriation, because I state, as a member of the Committee on Public Buildings and Grounds, that we are in anxious consideration and consultation upon this very question. We are to provide sites immediately for two buildings. We have passed four times in the Senate a bill to purchase a site for a hall of records, absolutely needed by every Department of the Government, and it is criminal negligence to put it off any longer. Every head of Department has reported that there must be such a hall. In the Quartermaster-General's Department there has been a fire twice, imperiling the records of this Government, which are invaluable; yet we have been unable, for some reason or other, in fifteen years to meet this exigent demand from the heads of the great Departments of the Government. I have reported that bill four times from the Committee on Public Buildings and Grounds unanimously, and it has unanimously passed the Senate four times, and yet we have not been able—it is not our fault, but the fault of the coordinate branch of Congress—to agree upon a site. We must have a site for a hall of records. That is a pressing demand upon us. The Court of Claims can wait a little while, but I grant that there should be a proper edifice for that court.

This property is too high. I have been told by property owners in the vicinity, who would certainly be interested in the Government making the purchase, that they were willing to sell their property, just as good, for a great deal less—I am afraid now to name the amount, because I might do injustice, but my impression is for $16 or $17 a foot.

I ask the Senate to let our committee dispose of this matter. We have not been derelict in our duty. We have endeavored, under all sorts of obstacles, to meet this demand for great public buildings in Washington, and it is not our fault if our bills have not been passed.

I will tell the Senator from Iowa—and I think he will recognize the truth of it—that the trouble with obtaining room for the Government of the United States in these Departments lies in the administration of the Departments. As soon as we put up a building, every head of a bureau wants eight or ten rooms for his bureau and two or three for himself. They are not satisfied to put four or five clerks, as should be the case, in a single room, and they never are put there until by the increase of business the space becomes so contracted that they are obliged to do it. If you put up any building, like the new post-office building, then every head of a bureau wants to take a floor; the head of the Department accedes to it; and you will find in that building, when it is finished, one man occupying a room, and, at the most, two men. The result is that we are constantly in need of room; and, if we were to continue to buy almost ad infinitum under the different administrations of the Departments, you would find the same trouble.

All I ask is that you give our committee time to consider this matter, and for one, as a member of that committee, I pledge to the Senate my word that we shall dispose of the subject at the earliest day possible in consonance with the best interests of the country.

Mr. TELLER. I should like to ask the Senator from Missouri if he will designate any building which is occupied by Government officials which has not more than one man in a room?

Mr. VEST. I do not know that I can, because they are all old buildings, except the new post-office, and now they are clamoring to put different bureaus of the Government into that building; and it has been suggested lately that the General Post-Office Department be moved into it.

I had something to do with the purchase of the ground on which the new post-office building stands and with the drafting of that bill. It never was contemplated to put the General Post-Office there. Our idea was to put the city post-office there, and possibly the Court of Claims or some bureaus of the Government, if there turned out to be sufficient room. But now the city post-office is demanding one-third more room than was contemplated at the time we commenced the construction of the building.

What I said in regard to the officers of the Departments is simply that when we erect a new building the rooms are not so distributed with reference to the business of the Department as they should be, and the result is that there is constantly a clamor for more room.

Mr. TELLER. It is notorious that the Post-Office Department has been for many years very badly housed and very badly crowded. It has been obliged to hire buildings outside at a great deal of expense. It is an equally notorious fact that the Interior Department for the last twenty years has been overcrowded, crowded to a shameful degree; crowded so that it is unhealthy for the occupants, there being in many of the rooms twice as many people as there ought to be; and the records have been removed from the rooms, where they properly belong, and placed in cases in the corridors. In every way those Departments have been crowded, and they are clamoring for more room. Both the Interior Department and the Post-Office Department are occupying rooms outside of the Department buildings, when they ought all to be housed under one roof.

I do not know but that there may be somewhere some official building of the United States that is not so crowded, but, so far as my observation goes, every building is as full as it ought to be, and some contain twice as many people as they ought to contain.

Mr. VEST. I do not think the State, War, and Navy Departments are crowded.

Mr. TELLER. I would not state so certainly of those, but I have never myself seen any large room occupied by one clerk, although such a thing may exist in those buildings; but I do know that both the Interior and the Post-Office Departments have been very badly crowded for the last twenty years.

Mr. VEST. That is true.

Mr. TELLER. And I know also that the Interior Department, if allowed to occupy both the Post-Office Department building and the building the Interior Department now occupies, except the outside rooms, which are rented—if those two buildings were turned over to the Interior Department, which is situated on F street, the Post-Office and the Interior Department building, the Interior Department would occupy every room in both and not have any waste rooms.

If the Government does not want to use the old Corcoran Art

Gallery for the purposes of the Court of Claims, there are a number of commissions and other Government bureaus which occupy rented buildings, which the Government could put in that building.

I myself would like to see the Government erect a good court building for all the courts, but there will be plenty of time for that after we buy this property.

Mr. MANTLE. I desire simply to say, Mr. President, that I was one of the subcommittee, acting with the junior Senator from Iowa [Mr. GEAR], who were appointed by the Committee on Public Buildings and Grounds to examine the building in question and make report to that committee. In company with the Senator from Iowa, I visited the building. We inspected it very thoroughly, going all over it, and after making numerous inquiries relative to the value of that property and of adjacent property, and after hearing the statements of people engaged in the real estate business in the city, we arrived at the conclusion that the price named in the amendment would be a very reasonable price for the property. It was our opinion, after such investigation as we were able to make—I am speaking as a layman of course—that suitable changes could be made without any great outlay of money, and that the building could be made suitable for a hall of records. So, Mr. President, we reported to the Committee on Public Buildings and Grounds in favor of the purchase of the old Corcoran Art Gallery at the price stipulated, to wit, $325,000.

I have nothing to add to that except to say that, in my judgment, after this investigation, it is a desirable piece of property for the Government to own at that price. It is located in a splendid quarter, adjacent to other Government buildings, and, from the very fact of its location, it must increase in value as the years go by.

Mr. VEST. Do I understand the Senator to say that the subcommittee reported to the Committee on Public Buildings and Grounds?

Mr. MANTLE. My impression is that we made up a report, but I do not think there has been a meeting of the Committee on Public Buildings and Grounds this winter. There have been one or two abortive attempts to secure a meeting.

Mr. VEST. We have had meetings, but this question was not reported to our committee, and there never was any consultation about it; but, as the Senator from Iowa [Mr. GEAR] stated, he polled the committee on the floor of the Senate.

Mr. MANTLE. I think that is true; but the report was made by the subcommittee, and the poll of members on the floor was based upon it.

Mr. VEST. But that report was never considered by the Committee on Public Buildings and Grounds.

Mr. MANTLE subsequently said: I want to recur for one moment to the subject of the Corcoran Art Gallery. I knew that a report had been made, but I could not lay my hand upon it at the time I discussed the matter, and I should like very much to have three or four letters from competent real estate dealers in the city, which were used at that time, incorporated in the RECORD with my remarks, so that they may be read. They bear directly upon the question of the value of the ground immediately surrounding the site in question.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WASHINGTON, D. C., *March 6, 1896.*

DEAR SIR: Answering your inquiry, we would say that in our opinion lots 5, 6, 7, and 8, square 167, belonging to the Corcoran Gallery of Art, containing 17,733 square feet of land, and situated on the northeast corner of Pennsylvania avenue and Seventeenth street, are fully worth $20 per square foot, or $354,660, exclusive of the improvements.

The buildings upon these lots are substantial, and even at this day handsome ones, which we understand cost upward of $200,000 to originally erect. Their value to a prospective purchaser would, however, depend entirely upon whether they could be advantageously used, and could therefore not be estimated by us.

In connection with our valuation of this property it may be of interest for you to know that we are holding for sale the corner of Pennsylvania avenue and Jackson place—same square—at about $27 per square foot.

Very truly, yours,

THOS. J. FISHER & CO.

S. H. KAUFFMANN, Esq.,
President Corcoran Gallery of Art, Washington, D. C.

—

MARCH 6, 1896.

DEAR SIR: In reply to your inquiry in relation to the value of the land upon which the Corcoran Art Gallery is built, I will say that it is on lots 5, 6, 7, and 8, square 167, in this city, and I consider $360,000 a fair price for it, independent of the building.

Very truly, yours,

R. O. HOLTZMAN.

Mr. S. H. KAUFFMANN, *Washington, D. C.*

—

WASHINGTON, D. C., *March 20, 1896.*

DEAR SIR: In answer to the question what, in my opinion, would be a fair price for the Government to pay for the present Corcoran Gallery property, to be used for public purposes, I beg to say that I would regard $375,000 as a conservative valuation.

Very truly, yours,

MYRON M. PARKER.

S. H. KAUFFMANN, Esq., *City.*

WASHINGTON, D. C., *March 17, 1896.*

MY DEAR SIR: In reply to your inquiry of this date, as to the value of the Corcoran Art Gallery property, corner of Seventeenth street and Pennsylvania avenue, I have to say that I regard the property as worth for public purposes anywhere between $400,000 and $500,000. It is, as is well known, a building of special character and adapted only for the purposes for which it is now used or for the use of the Government. I understand you contemplate the sale of the property to the United States, and certainly there would be very little hesitation in the minds of any Senator or Representative in voting for the purchase of this property, the proceeds of same to be used for the benefit of the public, not for the people of Washington, but more largely for visitors from all parts of the Union.

I will be glad to furnish any further information you may desire.

Sincerely, yours,

B. H. WARNER.

S. H. KAUFFMANN, Esq.

Mr. CALL. I wish to make one remark only. If it was a wise and proper consideration, as stated by the Senator from Missouri [Mr. VEST], to buy the building belonging to the Freedman's Bureau and give an increased price for it, it is equally wise to purchase the Corcoran Art Gallery and give an increased price for that. If it is a public consideration to benefit the depositors in the Freedman's Bank, it is equally a public consideration to appropriate this money, which will be applied to the education of the American people in perpetuity in the higher branches of art, furnishing them employment and the means of earning a comfortable living and contributing to the advancement of human learning.

For that reason, and because this money will be a perpetual benefit to the advancement of mankind in learning, I shall vote for the amendment.

Mr. VEST. I distinctly stated, if the Senator will permit me, that the Freedman's Bank property was exceedingly cheap and the best purchase that this Government ever made; and I stated that this property is exceedingly dear.

Mr. CALL. Mr. President, cheapness does not contribute much in the question when it is a question of the advancement of mankind in progress and learning.

Mr. VEST. When I am engaged in that business, I think I will be as liberal as the Senator from Florida, but I am now engaged in the consideration of the expenditure of money for real estate by the United States Government.

I raise the point of order on the amendment that it is general legislation.

Mr. BACON. Before the point of order is submitted to the Senate or ruled upon by the Chair, I should like to ask the Senator from Missouri, as he said he had been consulting with real estate agents in regard to this matter, what, according to his best information, is the proper value of this property?

Mr. VEST. I think in the present state of the market, which is as low as it possibly can be in this city and elsewhere, fifteen or sixteen dollars a foot would be a liberal price for this property.

Mr. BACON. What would the total amount to at that price per foot?

Mr. VEST. I can not state exactly. I do not recollect the exact number of feet, but I think it would amount to in the neighborhood of $280,000. That would be an exceedingly liberal price for it. I do not want to do anybody injustice, but my recollection is that a gentleman proposed to sell us the property, I am pretty certain, for a sum not exceeding $300,000, but the market has gone down since. I have been told by gentlemen who own property in the vicinity, with whom I have talked about this matter, and whose names I could give to any committee, that they would be very glad to get $17 a foot for property that is just as eligibly situated and right in the immediate vicinity of the Corcoran Art Gallery.

Mr. MANTLE. May I ask the Senator from Missouri if in computing the price of the ground he makes any account for the building at all?

Mr. VEST. Very little, to be frank, because I have endeavored to state to the Senate that I thought all that could be used of the present building would possibly be the outer walls, if they were in a condition in which they could be used, which I doubt very much. The whole building must be remodeled. It is utterly unfit for the purposes of a court of justice; it was built for a specific purpose, for an art gallery.

I have had some little experience—not a great deal—in regard to old buildings. If I wanted to build on a lot containing an old building, I would tear down the old one and not even use the materials contained in it in the new one. When you come to remodeling an old building, it is just like an old wagon that has got to be repaired—you had better give it away and buy a new one.

Mr. ALLISON. As I understand the Senator from Missouri has made the point of order on the amendment, I desire to state the exact condition of the amendment. It is an amendment to provide the Court of Claims with a place for its sittings, and therefore it is a public purpose.

Therefore it is a public service. It is in lieu of the estimate which provides for the rent of a building for the Court of Claims. It is the judgment of the committee as respects that subject,

It is a public purpose in view of the statement made by the Senator himself, who says that the subject has been before the committee for more than a year.

Mr. HOAR. Will the Senator allow me? It seems that if anything could be an appropriation to carry into effect existing law it is an appropriation for a court.

Mr. ALLISON. Yes. I thank the Senator for stating more tersely than I did the exact purpose of the amendment. So that, so far from its being out of order, it is absolutely in order, as much as it is in order to provide money for the rent of any of the great public departments of this Government, which we do every year to the extent of $130,000 or $140,000.

The PRESIDING OFFICER (Mr. CHILTON in the chair). In view of the construction which has prevailed here, the Chair overrules the point of order.

Mr. MILLS and Mr. ALDRICH. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. I believe that concludes all the amendments of the committee.

The PRESIDING OFFICER. There is a committee amendment on page 91.

Mr. ALLISON. There are one or two other reserved amendments, and I desire to offer one or two amendments from the committee.

The PRESIDING OFFICER. The Chair is informed there is an amendment on page 91, which will be stated.

The SECRETARY. After line 6 on page 91 it is proposed to insert:

The officer of the Coast and Geodetic Survey detailed to serve on the board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. FRYE. That is all right.

The amendment was agreed to.

Mr. ALLISON. I ask the Secretary now to state the next reserved amendment.

The SECRETARY. On page 54, after line 5, it is proposed to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, $5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898.

Mr. MILLS. Will not the Senator from Iowa allow me to have my amendment adopted now? He has no objection to it, and there may be objection to others, which will lead to debate, or something of that sort.

Mr. ALLISON. I should be glad to serve the convenience of the Senator, but I think nearly every Senator about me has an amendment, and I should prefer, if it is agreeable to the Senator, to consider the committee amendments first and get them out of the way.

Mr. MILLS. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. PETTIGREW. Mr. President, I do not believe we ought to continue this commission and again send a party of scientific men to Alaska for the purpose of viewing the destruction of our property by the Canadian seal poachers. It seems to me that has gone on long enough, and that unless we propose to deal summarily with the matter we had better abandon it altogether.

The fact is that in 1893 we submitted to arbitration the questions involved in a dispute with Great Britain in regard to protecting the seal fisheries in Bering Sea. The tribunal met at Paris, and after considerable discussion we were defeated on every proposition which was presented, and the tribunal finally formulated a series of provisions for the protection of seal life. Those provisions have entirely and utterly failed to accomplish their purpose. It was provided that no seals should be killed in the open waters of Bering Sea nearer than 60 miles to the islands, and it is well known that the seal herd visit the islands every season for the purpose of rearing their young, and that while the young are upon the rookeries their mothers fish in the surrounding waters. It is now shown that the fishing banks are more than 60 miles from the islands, and therefore the provisions of the Paris Tribunal afford no protection whatever.

The consequence is that sealing vessels, ships fitted out for the purpose, capture these animals in the water. The ships visit the waters every summer and kill the mother seals. The result is that we are spending large sums of money in sending men to watch the destruction of this property, and we receive no revenue whatever from the islands—no revenue whatever from the lease of these islands. We are expending about $400,000 a year to patrol the waters of Bering Sea and to send commissions there to look on while this work of butchery is performed.

The House of Representatives at the last session of Congress passed a law which provided first that an agreement should be secured, if possible, with Great Britain for the purpose of formulating regulations to protect these animals. The bill has been reported to the Senate from the Committee on Foreign Relations, and it is upon the Calendar. It provides that if Great Britain will not enter into such an arrangement before the next sealing season commences, the Secretary of the Treasury shall proceed to kill every seal as fast as it lands upon the islands and end this controversy. It seems to me that is what we ought to do. Instead of sending another commission to witness our own humiliation, we ought to destroy every seal as fast as it lands upon the islands, in the interest of humanity.

Mr. President, two years ago the reports of the Treasury agents showed that 20,000 young seals starved to death because their mothers were butchered at sea, and last year 27,000 starved to death. It is well known that these young seals will live for about six weeks before death comes to relieve them, and that they travel up and down these rookeries in great distress, searching for their mothers, and finally die. Are we to continue this condition of affairs?

Mr. GALLINGER. How many died last year?

Mr. PETTIGREW. Twenty-seven thousand. These young seals died upon the islands because their mothers were killed at sea. It seems to me that we ought to stop it in the interest of humanity. It seems to me cruel to continue this performance. It seems to me we ought, in the interest of humanity, to enact some law to destroy these animals and thus stop this disgraceful transaction.

Mr. President, because of this fact the company which has leased the islands and agreed to pay into the Treasury a certain sum of money for each seal that is taken, has refused to make payments, and we have not received a dollar of revenue since 1892—not one penny last year, not one penny any year since 1892. But what is the fact in regard to the expense of carrying on this transaction? We have paid out since 1890, $2,000,000 for the expense of a fleet and for men to patrol that field and watch the Canadian poachers take our property.

We have been regaled with arbitration treaties. We have implored the British Government to settle this question, to do away with this barbarous, inhuman performance in the Bering Sea, and yet they turn a deaf ear, refusing to do anything. Still they send one arbitration treaty after another. The last treaty which we received is one to arbitrate, as I understand, the one hundred and forty-first meridian of longitude. You might as well arbitrate the multiplication table. If this Adminstration remained long enough, if it did not find anything else to arbitrate, it would send here, I suspect, a treaty to determine whether Great Britain and the United States could agree upon the multiplication table. The one hundred and forty-first meridian of longitude can be determined by any engineer. It is well known that engineers have already determined its location within 400 feet of Central City, on the Yukon River, at the present time.

But, Mr. President, the British Government refuses to do one thing for the protection of seal life. I do not intend to enter into any discussion of the question at this late hour, but I wish to put before the people the record of this proceeding for the last few years.

The cost of patrolling the waters of the North Pacific and the Bering Sea since 1891 to date has been about $1,696,000. When we add other expenses it swells the total amount to more than $2,000,000, while the total revenue derived since 1891 is but $288,000, and not a cent of revenue has been received since 1892. In the meantime we have lost into the hands of the Canadians the enormous number of more than 2,000,000 fur seals, valued at least at $10,000,000, and from certain rulings of the Treasury Department since 1893 we have lost—at least we have not received the rightful revenue to us due from the company which rents the islands—$1,188,000. I have a table showing the revenue and the expenses since 1890 in connection with this matter.

SEAL ISLANDS OF ALASKA.

[Figures taken from Secretary of the Treasury.]

Cost to public Treasury since 1890.

As to the cost of policing Bering Sea and the North Pacific each year since 1890, I have to state that the honorable the Secretary of the Navy, upon request, has informed this Department that the cost of maintaining vessels of the United States Navy in these waters since 1890, including pay and rations of officers and crews and repairs to the vessels during and immediately following the performance of said patrol duty, was as follows:

1890	No patrol by Navy.
1891	$135,281.64
1892	233,901.31
1893	163,067.74
1894	452,768.13
1895	No patrol by Navy.

The expense incurred by revenue cutters in patrolling Bering Sea from 1890 to 1896, inclusive, including pay and rations of officers and men, is as follows:

1890	$35,848.63
1891	51,650.79
1892	66,672.57
1893	47,385.79
1894	56,432.63
1895	148,677.74
1896	150,000.00

The amounts which have been expended by the Government for the support of the native inhabitants of the seal islands of Alaska follow:

1869	$11,337.32
1894	18,319.44
1895	35,563.21
1896	25,000.00

While not requested by the resolution, I append a statement of the amounts expended for salaries and traveling expenses of agents to the seal fisheries of Alaska:

1890	$10,747.71
1891	15,396.83
1892	16,071.33
1893	11,168.27
1894	10,953.09
1895	10,308.38
1896	10,000.00
Cost of Paris tribunal (1893)	250,000.00
Total cost to public Treasury	1,975,587.54

Revenue derived since 1890.

Year.	Seals taken.	Amounts paid.	Amounts due and unpaid.
1890	20,995	$269,673.86	$47,403.00
1891	18,482	46,749.23	133,628.64
1892	7,549	23,972.60	108,686.52
1893	7,500	----------	132,187.50
1894	10,031	----------	214,296.37
1895	15,000	----------	304,375.00
1896	30,000	----------	a 343,750.00

a Due April 1, 1897.

Paid by lessees	$340,395.71
Due and unpaid	1,189,129.03

RECAPITULATION—LOSS TO PUBLIC TREASURY SINCE 1890.

Cost of protection	$1,975,587.54
Revenue refused by lessees	1,189,129.03
2,000,000 fur seals destroyed by Canadians	10,000,000.00
Total loss from 1890 to date	13,164,716.57

In order that the Senate may clearly understand the complete failure of every attempt made by this Administration to secure the least betterment of the shameful order of affairs on the seal islands of Alaska, the following concise epitome of the successive advances of Mr. Gresham and Mr. Olney, together with the rebuffs, is given.

First, Mr. Gresham leads off:

MR. GRESHAM TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, *Washington, January 23, 1895.*

EXCELLENCY: I have the honor to inform you, for communication to your Government, of the deep feeling of solicitude on the part of the President of the United States with regard to the future of the Alaskan seal herd as disclosed by the official returns of seals killed at sea during the present season in the North Pacific Ocean, filed in the respective custom-houses of the United States and British Columbia, and by reliable estimates of skins shipped to London from the Asiatic coast by way of the Suez Canal.

It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transshipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals, not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season.

This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent, and that, unless a speedy change in the regulations be brought about, extermination of the herd must follow. Such a deplorable result should if possible be averted.

The experience of the past year under the regulations has demonstrated that not alone are the United States and Great Britain deeply interested in the preservation of the seal herd; Russia and Japan have interests commercially almost as important. Any new system of regulations of necessity should embrace the whole North Pacific Ocean from the Asiatic side to the American side, and should be binding upon the citizens and subjects alike of all these countries.

In order to add to our scientific knowledge upon this question as to the habits of the seal, its feeding grounds, and the effect of pelagic sealing upon the herd, and other similar questions, the President deems it advisable to suggest to Her Majesty's Government, and to the Governments of Russia and Japan, that a commission be appointed, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effects of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

[Senate Ex. Doc. No. 67, Fifty-third Congress, third session, pages 160-161.]

I am directed by the President to propose for the consideration of your Government, and the Governments of Russia and Japan, the appointment of such a commission, and I am further directed to suggest that during its deliberations the respective Governments agree upon a modus vivendi, as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Inasmuch as the sealing season will shortly commence, and the fleet will leave the western coast for the sealing grounds, I beg to suggest the necessity of speedy action in regard to this proposition.

I have, etc.,

W. Q. GRESHAM.

To this urgent letter, accompanied by detailed statements of proof of the utter failure of the Paris regulations, asking for a prompt reply before the sealing season should open for 1895 and the vessels get beyond recall, the British Government (influenced by Canadian interests) made the following tardy and abrupt reply, denying everything that the United States Government complained of:

[Handed to Mr. Uhl by Sir Julian Pauncefote, May 27, 1895.]

INSTRUCTIONS TO SIR JULIAN PAUNCEFOTE.

No. 93.] FOREIGN OFFICE, *May 17, 1895.*

SIR: I have received your excellency's dispatch, No. 29, of the 24th January, inclosing a note from Mr. Gresham, of the 23d January, relative to the operation of the regulations laid down by the Paris Tribunal of Arbitration for the fur-seal fishery, and the view entertained by the President of the United States that, the regulations having failed in their object, further provisions are required to preserve the herd from extermination.

In order to avert this result Mr. Gresham had been directed to propose:

That a commission should be appointed by the Governments of Great Britain, the United States, Russia, and Japan, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effect of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

That during the deliberations of this commission the respective Governments should agree upon a modus vivendi as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude, from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Her Majesty's Government have given the facts set forth by Mr. Gresham in support of these proposals their most serious consideration, but after examining attentively the figures and information at their disposal they have come to the conclusion that the condition of affairs is not of so urgent a character as the President has been led to believe.

In the second paragraph of his note Mr. Gresham states:

"It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transshipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals—not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season."

He goes on to say—

"This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and, it is respectfully submitted, can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent, and that unless a speedy change in the regulations be brought about, extermination of the herd must follow. Such a deplorable result should, if possible, be averted."

I must, in the first place, observe that arguments based on figures which include the pelagic catch on the Asiatic or western side of the Pacific are calculated to lead to erroneous conclusions as to the working of the regulations, and as to their effect on the seals frequenting the Pribilof Islands.

There can be no doubt that there has been a large increase in the number of seals taken off the Japanese coast last year in comparison to any previous year. The total number taken there in 1893 was only a little over 29,000, while last year it appears from the returns to have been not less than 51,000.

But no point has been more constantly insisted upon by those who have examined and argued the question on behalf of the United States than that the seals frequenting the eastern and western sides of the Pacific form two absolutely distinct bodies or "herds" and do not intermingle. In the opinion of the experts and counsel employed on behalf of Great Britain this doctrine was pushed too far. They held that a certain amount of intermingling might and indeed did take place in Bering Sea. But though our knowledge of seal life is still far from complete, it may certainly be held as tolerably established that the two main bodies of seals are distinct, and that increased pelagic catch on the Japanese coast does not constitute a serious menace to the seals frequenting the Pribilof Islands.

Whether that increased catch can be continued without serious diminution of seal life on the Asiatic side is a question which has still to be tested by experience.

For the present the regulations apply to the eastern side only, and their success or failure must be judged solely by their effect on the herd which they were intended to protect. I proceed, therefore, to examine that effect as shown by the figures in the possession of Her Majesty's Government.

From the table printed at page 307 of the report of the British commissioners it appears that in the years 1889, 1890, and 1891 the pelagic catch on the eastern side was as follows:

1889	42,870
1890	51,560
1891	48,000

These figures include the catch of both British and American vessels.

The figures of the American catch for later years are not available, but

the Canadian catch on the eastern side in 1891, 1892, 1893, and 1894 are given in the official report as follows:

1891	52,995	1893	28,613
1892	39,107	1894	38,044

The American catch for 1894 on the eastern side is given in the table inclosed in Mr. Gresham's other note, forwarded in your excellency's dispatch No. 29, as 17,558, so that the total catch on that side last year was 55,602. This, as contrasted with the catch of 1891, shows a diminution of about 12,500.

In that year, though the modus vivendi was partly in force, the Canadian catch in Bering Sea was 29,146, whereas in 1894 it was only 26,425. This shows a diminution of about 10 per cent in the catch.

Her Majesty's Government have no returns of the American pelagic catch in Bering Sea in the season of 1891, and are therefore unable to make a comparison between the total catch there in that year and in 1894. They are unable to understand on what grounds Mr. Gresham has stated the total in 1891 to have been less than 23,585, when, according to their information, the Canadian catch alone was 29,146.

Turning now to the number of vessels employed in the fishery, these do not appear to have increased, but, on the contrary, to have decreased.

There are no trustworthy figures available as to the United States sealing vessels previous to those now furnished for 1894 by Mr. Gresham, but there are full official returns with regard to the Canadian sealing fleet, and the following table, showing the numbers and operations of the fleet during the last four years, is interesting in this connection:

Year.	Number.	Tonnage.	Number of hunters.		Total catch on both sides of the Pacific.
			White.	Indian.	
1891	51	3,378	710	296	50,495
1892	66	4,456	961	511	46,382
1893	55	3,743	847	422	68,231
1894	59	3,866	888	518	90,485

It will be seen from these figures that the number of Canadian vessels and the number of hunters employed on them last season is below that of 1892, the great falling off in 1893 being due to wrecks and seizure of vessels in the previous year.

As regards the total number of vessels, both British and American, employed in the fishery, these are given at page 185 of the United States case before the Tribunal of Arbitration as 115 in 1891 and 123 in 1892, while in 1894 they were only 93—a most material decrease.

The number of vessels and of men employed on them having thus decreased, while the total catch on both sides of the Pacific has undoubtedly increased, it is clear that there has been a general increase in the average catch per man and per vessel. This is no doubt due in considerable degree to increased efficiency, to the fact that under the regulations the use of the spear has largely replaced that of firearms, and that consequently fewer of the seals shot or speared were lost. Much is probably the result of those accidental circumstances of weather and climate which go to make a good fishing season. But the fact tends also to show that more seals were met with than before, and from this point of view the increased catch does not point to any imminent danger of extinction of the species.

As regards the effect of the regulations on the number of seals frequenting the Pribilof Islands, it seems premature to attempt to form an opinion.

Her Majesty's Government have noted the fact, which is not quoted by Mr. Gresham, but has been stated on authority, that only 16,000 seals were allowed by the United States Treasury agent to be killed on the Pribilof Islands during the last season. It is a feature of the question which deserves attention, but in the absence of information as to the standard weight of skins and other conditions fixed by that officer, it is not possible to estimate the significance of this restriction. It does not, however, necessarily point to any grounds of immediate apprehension, as only 20,000 seals could be taken in 1890, though the standard in that year was undoubtedly low.

In any case, as the number of seals taken outside Bering Sea on the American side was, owing to the regulations, much less than usual, and pelagic sealing does not begin in that sea till the 1st of August, by which time killing on the islands is over, it is evident that the small take on the islands was not due to the results of the pelagic catch of last year.

Taking all these circumstances into consideration, Her Majesty's Government can not agree that any sufficient evidence as yet exists to show that the regulations have failed in their effect or that there is such urgent danger of total extinction of the seals as to call for a departure from the arbitral award by which the two nations have solemnly bound themselves to abide.

The arbitrators had before them all the information both as to the condition of the herd and the results of pelagic sealing which the resources of both nations could supply, and after exhaustive consideration they, in the judicial exercise of their discretion, fixed five years as the period after which the regulations might be revised. Only one year has elapsed, and beyond the fact that though the sealers have scrupulously adhered to the regulations, they have had a successful season, there is no substantial ground to support the contention that the period for revision of the regulations fixed by the arbitrators ought to be so materially curtailed.

To set aside their authority upon so slight a ground would, in the opinion of Her Majesty's Government, be a most serious blow to the authority of arbitral decisions, and to the general principle of arbitration which both Governments have at heart to promote.

Her Majesty's Government are, however, anxious to do all in their power to contribute to a fair and thorough examination of the facts connected with the seal fishery, and to the adoption in useful time of any measures which may be necessary for the preservation of the species. They have examined carefully the specific proposals contained in Mr. Gresham's note, in order to see how far any portion of them could be accepted with this view, having due regard to the important British interests involved.

As regards the proposed modus vivendi for this season, Her Majesty's Government regret that they find themselves unable to accept this proposal.

Even if some adequate grounds had been furnished for its adoption in the interest of the fishery, it is to be remembered that the sealers have already almost all started and are now scattered over the whole breadth of the North Pacific, where it is impossible to warn them.

They have made their preparations on the assumption that the interference and interruption to which their industry has been subject more or less for the last ten years had at length come to an end, and that the conditions under which it might be prosecuted had at last acquired some permanence and stability. To spring upon them again in the midst of their operations so stringent a proposal as that of the United States would be an act of great injustice, and would involve Her Majesty's Government in the payment of heavy compensation.

The measure suggested would in fact put an end to pelagic sealing, as it would have only the first four months of the year, when from various causes comparatively few seals are caught, while the sealers would have to lay their vessels up during the remaining two-thirds of the year. The adoption of such a restriction under present circumstances, and upon the only grounds which can be adduced to justify it, would be almost tantamount to an announcement that whenever there has been a successful pelagic fishing, steps will at once be taken to prevent the recurrence of such an event.

Nor can Her Majesty's Government believe that the appointment at present of an international commission, such as is suggested by Mr. Gresham would lead to any useful result.

It will be remembered that the commissioners appointed by the United States and Great Britain who visited the islands in 1891 to examine this same question found themselves unable to agree, except as to a few vague general statements, and presented reports in which they differed widely, not only as to the remedial measures necessary, but even as to many of the most important facts in seal life, and only the same result can be expected from a second more numerous commission.

Such commissioners, it must be borne in mind, can only be on the islands for a few weeks at most, while the period during which the seals frequent the islands extends from May to October or November, and the phases of seal life exhibited are constantly changing.

The question to be dealt with is the progress and the growth or decrease of the herd, and the information required to enable it to be effectively grappled with can only be gathered by continuous observations carried on constantly during the greater part of the period that the islands are resorted to by the seals, and extending over a series of years. The new commission might, no doubt, be able to gather some new facts as to seal life, but nothing but continuous and comparative study could qualify it to form a judgment as to the effects which the pursuit of the seals at sea and the slaughter on land are producing on the herd, and to suggest any remedial measures with confidence and authority.

Instead of appointing such a commission, though possibly as a preparatory step to its appointment, Her Majesty's Government would propose the appointment of agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

If such agents appointed by the United States and Great Britain were to conduct investigations jointly during the next four years, both Governments would by that time have, with the particulars derived from the sealers' logs and other sources, a body of information which would enable the two nations to approach the question of revising the regulations in a thoroughly scientific manner, and to protect, as far as possible, the numerous and varied interests involved in the seal fishery.

Her Majesty's Government do not wish, however, to be understood as desiring to postpone all discussion until that date. The agents would naturally make their reports at regular and not too distant intervals, and if the facts disclosed in these reports, or information obtained from other sources, should at any time show a state of things urgently calling for remedial measures, Her Majesty's Government would be willing at once to examine with the Government of the United States the method in which such measures could best be applied. Similarly they will be ready to do what is in their power to obtain early returns of the results of the fishery during the present year, in order that they may be examined by the two Governments at the first practicable moment.

If these proposals recommend themselves to the Government of the United States, it might be desirable also to approach the Russian Government with a view to the appointment of similar agents on the Commander Islands. There is little independent information available in regard to the conditions of seal life on these islands, and as the Russian Government desire that the regulations made by the arbitrators for the western side of the Pacific should be extended to the eastern side, it seems reasonable that there should be inquiry how far such extension is necessary and applicable.

Your excellency is authorized to read this dispatch to Mr. Gresham, and if he should so desire, to hand him a copy of it.

This distinct and abrupt refusal of the British Government was shadowed by a cable outline of its negation on the 9th of May that stirred Mr. Uhl, then Acting Secretary of State, so badly that he at once prepared and sent the following:

MR. UHL TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, *Washington, May 10, 1895.*

EXCELLENCY: On the 23d of January last the Secretary of State had the honor to address you an important communication respecting the President's deep solicitude with regard to the future of the Alaskan seal herd and suggesting to Her Majesty's Government that a commission be appointed on behalf of Great Britain, Russia, Japan, and the United States to investigate and report touching the effects of pelagic sealing and the proper measures needful to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins; and, furthermore, proposing that during the deliberations of such a commission a modus vivendi be agreed upon extending the area embraced in the regulations of the Paris Tribunal along the line of the thirty-fifth degree of north latitude to the Asiatic shore, and absolutely prohibiting sealing in Bering Sea pending the report of such commission.

At the date of that proposition but little time remained available for reaching an agreement between the two Governments, parties to the Paris award, which could be made effectual during the present sealing season, and for obtaining the concurrence of the other Governments interested, Russia and Japan; and early action upon the subject was naturally expected. This Department is, however, yet without information as to whether Her Majesty's Government is prepared to take effective steps as suggested to check the appalling diminution of the Alaskan seal herd within the area of the award and avert the imminent destruction of the important industries to which the seal fisheries give rise.

At this late day the proposition for a quadruple investigation and report can scarcely be executed during the present year, and while it remains a matter for urgent consideration in provision of next year's needs, the delay brings into more immediate and urgent prominence the second branch of the proposal, and especially the imperative need of agreeing upon the absolute closure of Bering Sea to pelagic sealing until the four Governments may reach a convenient accord on the general features of the problem.

Extended consideration of the subject, since Mr. Gresham's note of January 23 was written has not only confirmed the grave apprehensions then expressed, but has forced upon this Government the conviction that further suggestions designed to expand by mutual agreement the scope of the Paris award, in order to make it more effective for the purpose of preserving the fur-seal herd, are warranted by the information now in possession of this Government.

The sealing season of 1894 was the first during which the provisions of the Paris award were applicable, and the pelagic catch of seals, both without and within the area defined in the award, proved to have been the largest ever known.

The statistics of the seal catch, as estimated in another note addressed to

you by the Secretary of State on the same day, January 23, are confirmed by later knowledge. Reliable information discloses that 138,329 skins taken by pelagic sealers in the North Pacific and in Bering Sea from the American, Russian, and Japanese herds during the season of 1894 were sold in London. Careful estimates show that about 3,000 were retained in the United States for dressing and dyeing, making a total of 141,329. To this should be added about 800 which were known to have been on a vessel believed to have been lost, making the total catch about 142,000, of which 56,686 were taken within the area covered by the Paris award.

The following table gives the number of skins taken by pelagic sealers within said area during the years 1890–1894, inclusive:

1890	40,809	1893	23,613
1891	45,941	1894	55,686
1892	40,642		

It may be estimated within moderate bounds that these figures represent only about one-third of all the seals killed, the bodies of the greater part not being recovered.

An examination of these figures must satisfy the most skeptical mind that the fur-seal herd will be speedily exterminated unless the scope and the details of the award shall be supplemented by enlarged regulation.

So far as the articles of the award relating to the North Pacific Ocean, exclusive of Bering Sea, are concerned, whereby all seal fishing from May to August is forbidden, much good has been accomplished, and favorable results were apparent on the breeding islands early in the season. The fatal defect in the scope of the award, however, was in opening Bering Sea during August and September to pelagic sealing and prohibiting only the use of firearms. It has been claimed—and there is evidence in support of the claim—that the spear is as destructive in Bering Sea as the shotgun, and some experts believe that even greater destruction is accomplished by the use of the spear than by guns, for the reason that the noise of the latter frightens away many seals which may be easily killed while sleeping on the water by spearmen. While the herd is traveling in the North Pacific Ocean, away from the islands, it is very difficult to kill seals with spears, as they are constantly swimming and rarely found asleep on the surface. In Bering Sea, however, the females leave their pups on the islands and go out for a distance of 100 or 200 miles, far beyond the inhibited 60-mile zone, to feed. They are there found in large numbers asleep on the water and can easily be killed by the silent and skillful spearsman. The large number of pups found dead from starvation on the islands during the latter part of September and October, 1894 (12,000 by actual count on the accessible parts of the rookeries and 20,000 in all by careful estimates), shows the destructive effect of permitting any pelagic sealing whatever in Bering Sea.

With the closure of that sea to pelagic sealing, and with the enforcement of the closed season in the North Pacific Ocean as established by the award, it is believed that the seals would receive no more than a fair degree of protection, whereby seal fishing might continue to be profitable both on land and sea for a long time to come. Unless such a restriction in the scope of the award be made, the fur seals will be exterminated for all commercial purposes within a very few years at the most, and the dependent industries be destroyed. These considerations, joined to the official figures of last season's catch, which are now definitely known, fully bear out the wisdom and necessity of the proposals made in Mr. Gresham's note of January 23, making it more than ever the President's imperative duty to recall to the attention of Her Majesty's Government the defects in the form and scope of the Paris award, and in the legislation thereunder for carrying out its provisions, especially that enacted by the British Government; and I am directed by the President to earnestly renew, through you, the endeavors already set on foot to secure by mutual arrangement appropriate legislation on both sides, in order that the object of the award—to wit, the preservation of the fur-seal fisheries for the mutual and lasting benefit of the citizens and subjects of the two countries—may be effectually accomplished.

The contention of Her Majesty's Government that regulations framed for the purpose of carrying out the award should be coextensive with and limited by the terms of the award would seem to be sound, but this circumstance makes it the more incumbent upon the two parties to consider certain aspects in which the award fails to provide for contingencies which one brief year's experience has shown should be promptly met. No adequate remedy seems effective except through concurrent action, for Her Majesty's Government, by insisting on following the strict terms of the award, only emphasizes the glaring defects therein and demonstrates the need of an agreement to cure them. One of the most radical infirmities of this character, so conspicuous as to amount to a miscarriage of the undoubted purpose of the award itself, is found in Article VI, which prohibits the use of firearms and explosives in fur-seal fishing, the only exception being shotguns when used outside of Bering Sea. This prohibition is directed simply against the use of these weapons for one particular purpose—that of killing fur seal—leaving the possession and use lawful for all other purposes, such as killing whales, walrus, sea otter, hair seal, and other animals found within Bering Sea.

Experience has shown it to be almost a practical impossibility to detect a sealing vessel in the act of using firearms for this one prohibited purpose. Although the searching officer may be morally certain that firearms have been used, and may properly consider the mere presence of firearms on the vessel, if accompanied with bodies of seals, seal skins, or other suspicious evidence, sufficient justification (even apart from the provisions of section 10 of the act of Congress of April 6, 1894, which is applicable only to American vessels) for the seizure of such a vessel, it must be apparent that in proceedings for condemnation brought in a court thousands of miles away from the place of seizure it will be almost impossible to secure conviction and forfeiture on the ground of illegal use of weapons. Furthermore, under the procedure necessarily following the seizure of a British vessel, the United States officer delivers the vessel, with such witnesses and proof as he can procure, to the senior British naval officer at Unalaska. At the trial no representative of our Government is present, and the British Government must conduct the prosecution and must trust to such proofs and witnesses as the American officer could collect and furnish at the time. Under such circumstances forfeiture of the vessel could not be secured except in the clearest cases of guilt.

The prohibition of the use of firearms in seal fishing in Bering Sea can be effectually accomplished only by prohibiting the possession of firearms in that sea adapted to the killing of seals.

The provision of section 10 of the act of Congress of April 6, 1894, by which a presumption of a legal use from the possession of implements forbidden then and there to be used is raised, aids materially the enforcement of the award in the case of American vessels, to which, as I have said, our act alone applies. It is greatly to be regretted that no equivalent provision is found in the British act of Parliament enacted April 18, 1894, for carrying out said award; and in this connection it is significant that in the prior act carrying out the modus vivendi of June 15, 1891, for the prohibition of all sealing in Bering Sea (54 and 55 Victoria, chapter 19), a provision similar to that in the act of Congress above cited was inserted, as follows:

"If a British ship is found within Bering Sea having on board thereof fishing or shooting implements or seal skins, or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act."

The principle thus enunciated is so evidently just and necessary that it is not easy to understand why the latter British act, legislating upon the same subject, should have contained no similar provision in terms conforming to the intendment of the award. The Secretary of the Treasury is of the opinion that although an amendment bringing the present British act into harmony with the prior act and with the American statute in this regard would render the task of enforcing the award much easier, and give more effectual results, the most satisfactory amendment would consist in common legislation rendering a vessel a subject to forfeiture if found in Bering Sea with firearms on board adapted to the killing of seal.

It should further be provided by concurrent legislation that sealing vessels having implements or seal skins on board desiring to traverse the area covered by the award during the closed season if licensed, and during any season if unlicensed, should have such implements duly sealed and their catch noted on the log book (a privilege now accorded at the option of the master under the regulations of 1895, Article IV), under the penalty of forfeiture for violation of this privilege.

This privilege, however, as above stated, should not be accorded to vessels having firearms in Bering Sea.

It is further to be noted that under the British act of Parliament the provisions of the merchant shipping act (1854) with respect to official logs (including the penal provisions) are made applicable to sealing vessels. Said penal provisions, however, do not appear in the schedule attached to the copy of the act in the possession of the Department.

I have therefore to request that you will ascertain and inform me whether such penalties include the forfeiture of the vessel and cargo. Section 8 of the act of Congress expressly provides that any violation of the award or regulations will render the vessel and cargo liable to forfeiture. It is feared that because of the specific reference in the British act to the penal provisions of the merchant shipping act of 1854 as to official logs the failure of a vessel to keep log entries might not bring her within the general liability to forfeiture contained in the British act unless said merchant shipping act, now made a part thereof, contains similar provisions. During the past season log-book entries were duly made by United States sealing vessels in Bering Sea and were transmitted to Congress.

The Department is also informed that similar entries were made by British vessels in Bering Sea, which entries have been duly transmitted by the British Government. Many vessels, however, had cleared for the coasts of Japan and Russia as early as January, long before the passage of either the act of Congress of April 6, 1894, or the act of Parliament of April 18, 1894. Inasmuch as the award was not self-operative and contained no penalties for its violation, the Treasury Department considered that the penalties provided in the subsequent legislation were not retroactive, and could not properly be applied to the failure to make the log entries required by the award before the passage of such legislation. Entry was, therefore, permitted for the catch of seals on receipt of the master's oath that he cleared in ignorance of the provisions as to log-book entries. During the coming season collectors have been instructed rigidly to enforce the law as to log-book entries; and the exact status of the British law, therefore, becomes of great importance, so that an early answer to the present inquiry is very desirable.

While upon this subject of so amending the concurrent legislation of the two countries as to secure uniformity, I may invite attention to the fact that under the British act it is nowhere made the duty of the British naval officers to seize ships when found in violation of the law. Section 11 of the United States act imposes that duty on United States officers duly designated by the President. You will recall that Mr. Gresham adverted to this point in his note to you of April 10, 1894; and in your reply of April 11 you observed that, in your opinion, the word "may" would be construed as imperative, and that, in any case, the instructions to the naval officers would probably remove all doubt on the point. It is now submitted, however, that this detail is too important to be left to mere administrative interpretation of a statute which in terms omits to prescribe this most essential duty; and in the judgment of the President this discrepancy in the concurrent legislation of the two countries should no longer continue.

Besides advancing these considerations in regard to the concurrent legislation for regulating sealing in the North Pacific and Bering Sea, the Secretary of the Treasury has asked me to ascertain, through you, whether during the past season the British Government has employed inspectors to verify the log-book entries of British vessels as to the number and sex of seal skins landed, in like manner as provided by the legislation of this country. All skins entered during the past season at United States ports, except Port Townsend, were duly examined by expert inspectors as to number and sex. By an error, however, the skins entered at Port Townsend, although duly examined and counted, were not classified as to sex.

The Secretary of the Treasury further suggests that the British Government be requested to consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying said log entries of British vessels and examining the skins as to sex, reciprocally according the British Government a like privilege in United States ports. I have therefore the honor to make such a request, and to invite as early a response thereto as may be practicable.

In thus communicating to you, by direction of the President, the proposals and suggestions of this Government, I desire, by way of recapitulation, to lay especial stress upon (1) the necessity of immediate agreement to close Bering Sea absolutely to pelagic sealers pending consideration of the proposition for extending the protective area of the North Pacific Ocean along the thirty-fifth parallel to the Asiatic coast, with the concurrence of Russia and Japan; (2) the proposal for a modus vivendi whereby the effective concurrence of Great Britain, Russia, Japan, and the United States shall be lent to the protection of the fur-seal herds; (3) the appointment of a joint commission, as suggested in Mr. Gresham's note of January 23, 1895, and (4) the advisability, if not the proven necessity, for amending the concurrent legislation of the two countries for the expansion and more precise definition of the scope of the Paris award, and the duty of the two Governments thereunder.

I have, etc.,

EDWIN F. UHL, *Acting Secretary.*

No answer was ever received to that letter, and a few days ago I submitted a resolution in the Senate, which was adopted, calling for a copy of the letter and the reply. The Secretary of State informed the Senate that no reply had ever been received.

No answer being received, then Mr. Olney becomes restive; a shadow of the failure to get anything he ought to get fell upon him, and he follows Mr. Uhl's letter, above cited, with a long reiteration of the same, as follows:

MR. OLNEY TO LORD GOUGH.

No. 130.] DEPARTMENT OF STATE, *Washington, June 24, 1895.*

MY LORD: On the 27th ultimo Her Majesty's ambassador handed to Mr. Uhl a printed copy of an instruction from the foreign office, No. 93, dated May 17, 1895, in answer to Mr. Gresham's proposals of the 23d of January last,

touching the necessity of further provisions to preserve the fur-seal herd of the northern Pacific and Bering Sea from extermination in view of the inadequacy of the regulations laid down by the Paris Tribunal of Arbitration, and specifically replying to the proposal of this Government for the appointment of an international commission by the Governments of the United States, Great Britain, Russia, and Japan, respectively, to investigate the fur-seal fisheries of those waters, and, pending a report by said commission, for a modus vivendi prohibiting sealing in Bering Sea and extending the regulations of the Paris award along the thirty-fifth degree of north latitude to the shores of Asia.

With regard to Mr. Gresham's statements concerning the startling increase in the pelagic slaughter of both the American and Asiatic herds, I note that the reply of the foreign office takes the position that this Government, because of its contention before the Paris Tribunal that the Asiatic and American fur-seal herds are distinct and do not commingle, can not now with propriety draw any inference as to the effect of pelagic sealing on the American fur-seal herd from figures indicating increased catches over previous seasons in the total of seals killed on the Asiatic and American sides of the North Pacific Ocean.

The claim is further advanced that, although the catch of fur seals during last season on the Asiatic side was greater than in any previous year, yet the catch taken from the American herd (that is, within the Paris award area), while admittedly larger than in most previous seasons, was, in fact, not as large as that of the season of 1891. And in this connection this Government is further reminded that the success or failure of the regulations established by the Paris Tribunal must be judged solely by their effect on the herd which they were "intended to protect."

I have the honor to reply that during the hearings before the Tribunal of Arbitration at Paris it was earnestly contended by counsel representing Great Britain that the Asiatic and American herds did commingle. That fact was disputed by the American counsel in the light of the evidence before them. The tribunal, however, was not called upon to make any definite finding upon this important question. While I do not wish to be understood as expressing any opinion upon the subject, yet, in view of the admission contained in the note of your Government, in which I cordially join, that "our knowledge of seal life is still far from complete," I feel that this disputed question as to whether said herds commingle still requires most careful consideration and study. It has been suggested that the American seal herd, even if not naturally commingling with the Asiatic herd, may have been driven over to Asiatic shores by incessant slaughter during the past seasons. If such were found to be the fact on careful investigation—which investigation is unfortunately refused by Her Majesty's Government—it might appear that the total slaughter of fur seals on both sides of the North Pacific Ocean has a more intimate connection with the present condition of the American fur-seal herd than is now admitted.

However this may be, the foreign office seems to have fallen into the serious error of assuming that the proposition of the United States Government contained in Mr. Gresham's note of January 23 last was selfish in its character, having application only to the material interests of the United States Government in the American, as distinguished from the Asiatic, fur-seal herd. Nothing could be further from the truth. The President acted in the desire to protect the fur-seal fisheries on both sides of the North Pacific Ocean, Asiatic as well as American, for the benefit of mankind. Incidentally, it is conceded, this might have resulted in benefit to the interests of the United States, but the proposition was based on broad humanitarian principles, no peculiar benefit or gain being sought save what would have occurred to all mankind from the proper regulation of these valuable fisheries. It will be recalled that a proposition of similar nature, limited to Bering Sea, was made by my predecessor, Mr. Bayard, through the United States ministers in England, Japan, Russia, and Sweden and Norway to those respective Governments in 1887, and that subsequently, at the request of Lord Salisbury, then Her Majesty's secretary for foreign affairs, its scope was broadened so as to embrace the whole northern Pacific Ocean, including Bering Sea, from the Asiatic to the American shores north of the forth-seventh degree of north latitude. Unfortunately, and apparently at the dilatory instance of the Canadian Government, this proposal was indefinitely postponed by Her Majesty's Government in June, 1888.

The development of valuable fur-seal fisheries off the coasts of Japan and Russia, followed by the closed season established by the Paris award, has induced many sealing vessels to frequent those waters, thus causing a notable increase in the pelagic slaughter off the Asiatic shores. The figures given by the foreign office included only the slaughter in Japanese waters. Adding the seals killed in Russian waters, we have a total of over 73,000 in 1893 and over 79,000 in 1894. It was to regulate the killing in those waters, as well as within the Paris award area, that Mr. Gresham's proposition of January 23 was made.

But even if it be assumed that the American and Asiatic herds are distinct and have never commingled, the fact still remains that the slaughter of the so-called "American" or "Alaskan" herd during the past season has been greater than in any season in the history of pelagic sealing. The foreign office's instruction states that about 12,500 fewer seals were killed from this herd in the award area in 1894 than in 1891. There is good ground, however, to conjecture that the British computation of seals killed in Bering Sea in 1891, namely, 29,146, swelling their total computation to 63,000, comprised a number of seals taken on the western side of that sea in the vicinity of the Russian islands. The figures for the catch in the same sea in 1894 (31,585), it should be remembered, are limited to seals killed on the eastern side within the area of the Paris award.

It was a matter of evidence before the Paris Tribunal that after the promulgation of the modus vivendi of June 15, 1891, 41 British vessels were warned out of the American side of Bering Sea by American cruisers between the dates of June 20 and August 15 of that year. It is believed that many of the vessels so warned went over to the Russian side of Bering Sea and made catches there. From statistics in the possession of this Government it would appear that some 8,432 seals were so taken—6,616 by British vessels and 1,816 by American vessels. There should be deducted, therefore, from the British figures 6,616, leaving about 23,000 as the catch of British vessels in the award area in Bering Sea during the season of 1891. A closely similar result is reached by careful examination of all the reported catches of 1891, and of the affidavits scattered through the cases and counter cases of the United States and Great Britain, whereby, deducting from the catch stated in the United States counter case, 28,605, the number of seals estimatad to have been killed off the Russian coasts, 5,847, a result of 23,041 is reached. Adding to this computed British catch in Bering Sea during 1891 the number of seals computed as killed in Bering Sea by American vessels in that year, 4,930, the total number of seals killed and recovered within the award area in Bering Sea for the season of 1891 falls below 28,000.

The communication of the foreign office states the total catch of the American and British vessels within the award area, comprising the North Pacific, in addition to Bering Sea, in 1891, as 68,000. A careful computation made by the Treasury Department of the total catch for 1891, based on an elaborate calculation of all the evidence disclosed in the case and counter case of each Government, estimates the number of seals known to have been killed within the award area at 45,000, leaving about 18,000 undetermined as to the locality of the slaughter. Taking, however, the figures as given by the foreign office, 68,000, and subtracting the number estimated by other computations by the Treasury Department to have been killed in Russian waters, 8,432, we have left 59,568 as the maximum catch within the award area for 1891.

The official statement of the catch for 1892 contained in the report of the Canadian department of marine and fisheries credits 14,905 out of a total of 53,912 to the Asiatic shores; the report for 1891 gives only a total of 52,996, none being credited to Russian waters; neither does the report of the British commissioners of the catch of 1891 give any number as killed in said waters. While admittedly these Russian catches were relatively small in this year, and hence may by inadvertence have escaped the attention of the Canadian authorities, yet it is clear that the British computations of 1891 and 1892 are reached by different methods, omission, if not error, to the extent stated above being distinctly imputable to the figures of 1891.

In computing the catch of 1894, the instruction of the foreign office states that 55,602 seals were killed within the award area, incinding 17,558 as the catch of American vessels. It should be remembered, however, that in the Treasury Department tables, from which the details mentioned in Mr. Gresham's note of January 23 were taken, 6,836 skins taken by American vessels were stated as undetermined as to location. Assuming that these unlocated catches were divided between the American and Asiatic herds in the same proportion as the other skins landed during the season of 1894 at American ports by United States vessels, we should have for the total catch within the award area 55,086, plus 6,152, or 61,838 in all, representing the bodies actually recovered, disregarding those killed but not recovered, from two to five times as many, according to the evidence before the Tribunal at Paris.

This total of seals killed and recovered justifies the repetition of the statement previously made that the pelagic catch within the award area during the last year's season was the largest in the history of pelagic sealing, the nearest approximation being the season of 1891, in which, even on the theory of the British figures, not more than 59,568 seals were killed and secured. The significance of this catch of 1894 will be better appreciated when it is considered that only 95 vessels were employed as against 115 in 1891.

It is further contended in the foreign office note that the increased catch, with proportionately fewer vessels, indicates an increased number of seals in 1894 as compared with 1891, and consequently a better condition of the fur-seal herd. When, however, the startling decrease of seals on the Pribilof Islands, pronounced by experts to be at least one-half since 1890, taken in connection with the great destruction of pups from starvation on the islands last season, caused by the slaughter of their mothers at sea, is considered, it will appear, it is respectfully suggested, conclusively demonstrated that the increased catch is but a measure of the increased efficiency of the crews employed as hunters on the sealing vessels; that the seal herd is rapidly diminishing in numbers and that it is in danger of speedy extermination unless changes are made in the regulations established by the Paris award as proposed by this Government.

It is correctly stated by the foreign office note that the catch in the award area of last season outside of Bering Sea was less than during the season of 1893. It should be remembered, however, that it falls only a little short of the catch of 1893, and that it was taken during four months, January to April, while the catch of 1893 was taken during seven months, January to July. The prohibition in the award regulations of pelagic sealing during the months of May, June, and July, however, was calculated undoubtedly to do much good to the herd, and some favorable results might naturally have been expected early in the season on the islands. Nevertheless, after the sealing fleet had finished its work in Bering Sea, the alarming increase in the number of dead pups found on the islands (amounting by accurate estimate to about 20,000), revealed unmistakably the fatal error of the award regulations in opening said sea to pelagic sealing.

The marvelously increased efficiency of the pelagic seal hunters in the use of the shotgun and spear, as shown by the enormous catches of late years, and especially of the last season under the award regulations, can not fail, it is again submitted, to speedily deplete the fur-seal herd. This depletion has already necessitated a reduction of the land catches on the Pribilof Islands of 65 per cent since 1890, and the pelagic catches must soon decrease in like degree on peril of complete extermination. Reports of the coast catch of the present season of 1895 would seem to indicate that this decrease is already observable. It is to be presumed, however, that for some few years the pelagic slaughter in Bering Sea, the great nursery of the fur-seal herd, can be maintained at figures approximating to or possibly exceeding those of last year. But the end can not be far off. It is respectfully submitted that such slaughter as has taken place within the last year—largely of nursing females—affords conclusive evidence that the regulations as established by the Paris award are not giving that measure of protection that the arbitrators intended. Commercial extermination of the fur-seal herd—Asiatic as well as American—is imminent. It is to be deeply regretted, therefore, that Her Majesty's Government has declined our propositions for the appointment of an international commission, and for an efficient modus vivendi pending a more comprehensive agreement in which all the parties in interest may justly share.

While thus rejecting the suggested international commission and modus vivendi, the foreign office instruction suggests that resident agents be appointed by the United States and Great Britain to be stationed on the Pribilof and Commander islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries.

Although this Government firmly believes that this suggestion of Her Majesty's Government is inadequate and can not satisfactorily take the place of an international commission of scientists, nor supply the need of all asked for in said modus, it is unwilling to block the way to a better approximate understanding of the important conditions of seal life.

It is thought, however, that the British suggestion may be advantageously modified in the interest of all concerned, and I am directed by the President to make a new proposition to Her Majesty's Government, based largely upon that now submitted by the foreign office, to wit: That three agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribilof islands, respectively; that these agents be instructed to examine carefully into the fur seal fishery and to recommend from time to time needful changes in the regulations of the Paris award and desirable limitations of the land catches of each of the said islands; that within four years they shall present a final report to their respective Governments, and that, pending such report, a modus viveudi be entered into extending the award regulations along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shores.

The importance of the subject, of which the Governments interested must by this time be abundantly convinced, leads me to hope for the early and favorable attention of Her Majesty's Government to this amended proposal.

I have, etc.,

RICHARD OLNEY.

It will be noted in this letter of Mr. Olney that he fairly begs that, even if the British Government will not listen to a cessation

of the sea butchery, it agree to join with our Government in sending up a joint commission for the purpose of seeing the wretched truth which the Canadians deny.

Mr. Olney simply wasted his time. The following reply of the British ministry scornfully refuses to grant even this small boon, but is willing to let a Canadian agent or two go up informally to live on the islands and watch things. Then the British ambassador fairly rubs it in. He informs Mr. Olney that the United States State Department is utterly mistaken in its charge of injury to our fur-seal herd; that Mr. Olney does not know as much as he might have known had he been able to digest the data assembled. Let the reply to Mr. Olney speak for itself. Here it is:

LORD GOUGH TO MR. OLNEY.

BRITISH EMBASSY, *Newport, R. I., August 19, 1895.*

SIR: Her Majesty's Government have had under consideration your note No. 133, of the 24th of June last, containing a new proposal from your Government for the appointment of three agents by Great Britain, Russia, Japan, and the United States, respectively, to be stationed on the Kurile, Commander, and Pribilof Islands.

In your above-mentioned note a lengthy criticism is made of the figures relating to the catch of seals in successive years which were given in the Earl of Kimberley's dispatch No. 93, of May 17 last, to Sir Julian Pauncefote. A copy of this dispatch was left with Mr. Uhl on May 27 by his excellency. Those figures were taken from the Canadian official returns, the estimate of the total catch of 1891 (British and American) being that of the British Bering Sea commissioners. The statement that a small part of the catch of 1891 was actually made on the Asiatic side of Bering Sea has been noted, and steps are being taken to investigate this particular point.

I have the honor to state, however, at the same time, that in any case the criticisms of the United States Government do not appear to invalidate the contention of Her Majesty's Government that there has been no such alarming increase in the pelagic catch of seals on the American side as to justify any extension of the regulations solemnly laid down by an international board of arbitration for a fixed period of five years, after an elaborate examination and an exhaustive discussion of the voluminous evidence presented on both sides. Nothing but the absolute concurrence of the two Governments in the necessity of a change, based on new and undisputed facts, could, in the views of Her Majesty's Government, justify any departure from the regulations prescribed by that tribunal before the time appointed under the award for their revision, should such revision then be called for.

I have further the honor to point out that even on the figures given by the United States Government the catch of 1891 on the American side was practically the same as that of 1894, and that the greatly increased dexterity with which the sealers are credited, and especially the fact that the bulk of the catch was made with spears instead of firearms, justifies the conclusion that the catch of 1894 was secured at less cost to the herd than that of 1891.

I am authorized further to state, in reply to your above-mentioned note, that Her Majesty's Government can not recognize that Russia and Japan have any interest in the seal fishery on the American side of the North Pacific, and that they can not, therefore, take part in any inquiry on the Pribilof Islands in which those powers are associated, but Her Majesty's Government is ready to appoint at once an agent to inquire, conjointly with an agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two powers concerned to join in an inquiry on similar terms with Russia and Japan, respectively, in the Commander and Kurile islands.

I have, etc.,

GOUGH.

In answer to the resolution which I introduced in the Senate calling for information upon this subject the reply which I have presented was not mentioned. No wonder Mr. Olney does not refer to this humiliating answer to his letter or to his own letter of the 24th of June, which brought it to him; yet he was explicitly asked for this correspondence by the Senate on the 17th ultimo. Mr. Olney, in complying with the request of the Senate, omits any reference to this abortive correspondence on his part, which is cited above. In order that the record shall be clear, the following copy of his reply to the Senate resolution is given:

54TH CONGRESS, 2d Session.	SENATE.	DOCUMENT No. 142.

FEBRUARY 20, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris Tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

The PRESIDENT:

The Secretary of State, to whom was addressed a resolution adopted in the Senate of the United States on the 17th instant, requesting him—

"To furnish for the information of the Senate a copy of the reply, if any has been made, to the letter addressed by Mr. Gresham to Sir Julian Pauncefote, dated 'Department of State, January 23, 1895' (it appears as No. 128, Senate Executive Document No. 67, Fifty-third Congress, third session, pages 160-161), calling the attention of the British Government to the utter failure of the regulations of the Paris Tribunal to protect the fur-seal herd of Alaska, and requesting a revision of the same"—

has the honor to lay before the President, with a view to its communication to the Senate in response to the resolution, a copy of the printed volume entitled "Papers relating to the foreign relations of the United States, with the Annual Message of the President transmitted to Congress December 2, 1895, Part I," wherein the paper so requested is found on pages 618-623. It is in the form of instructions addressed to the British ambassador in Washington, under date of May 17, 1895, of which a copy was handed to Mr. Acting Secretary Uhl by Sir Julian Pauncefote on May 27, 1895.

The same volume also contains a response in part to the described note of Mr. Secretary Gresham of January 23, 1895, being a note from Sir Julian Pauncefote to Mr. Gresham, transmitting copies of a report from the Canadian minister of marine and fisheries respecting the catch of the Canadian sealing fleet in the North Pacific during the season of 1894 (pages 593-608).

Reference may also be appropriately made to Mr. Acting Secretary Uhl's note to Sir Julian Pauncefote, No. 99, of May 10, 1895, reciting and supplementing the considerations advanced in Mr. Gresham's aforesaid note of January 23, 1895, to which at that time no answer had yet been made. (Ibid., pages 610-615.)

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,
Washington, February 19, 1897.

Accompaniment: Volume of Foreign Relations of the United States for 1895, Part I.

In the full understanding of this complete and humiliating failure of the State Department to secure any betterment of these idle, costly, and cruel Paris regulations, Mr. Hamlin, representing the Treasury Department and speaking for the State Department, appeared before the Ways and Means Committee, and, in answer to a question by the chairman, February 18, 1896, he made the following remarkable statement:

The CHAIRMAN. Have you anything further, Mr. Secretary?

Mr. HAMLIN. I wish simply to add that I am informed that negotiations are now pending in the State Department with regard to the appointment of a commission similar to that provided in this bill. I have, of course, no official knowledge on this point. It is purely a State Department matter. I do not know what the present status is. I merely desire to call to the attention of the committee the fact that the matter is now in the course of negotiation between Great Britain and the United States.

The CHAIRMAN. The President says in his last annual message that on the 25th of January, 1895, the subject was presented to the British Government and a request was made to unite with this Government in formulating additional regulations for the preservation of seal life, and the President states in his message that up to the time he sent his message in, no response had been received from the British Government. Do you understand there has been a response received since?

Mr. HAMLIN. Yes, sir; I understand there has been a response to that.

The CHAIRMAN. If that is the case, we ought to know what the situation is. Have you anything further to suggest?

Now, why did Mr. Hamlin give the idea to that committee that he did not know that Great Britain had flatly refused to agree to any betterment of these shameful regulations of the Paris Tribunal? What was his object in holding out to that committee the idea that something of sense and decency was going to be done? Why did he not inform the committee that Mr. Gresham's request for a joint commission and a revision of those worthless regulations had been flatly refused? Mr. Hamlin certainly knew all about it, for he was in constant communication with the State Department, and was the authority for all the figures used in the Gresham, Uhl, and Olney letters which are cited above.

Mr. Hamlin was examined at length before this committee, and was followed by Professor Elliott, who evidently did not take much stock in the success of these negotiations. Although he could not have known anything about these State Department letters at the time, he made the following prophetic answer to Mr. DINGLEY:

Mr. Chairman, I desire, after having listened to Mr. Secretary Hamlin, to say very little upon those points upon which he has touched. He is generally wholly right in saying that the articles of the Paris Tribunal failed to serve the purpose for which they were created. Last year and in 1894 we had the most conclusive evidence of that failure, and that evidence was submitted to Great Britain January 23, 1895, by Secretary of State Gresham, and she was invited to join with us in a joint commission for the purpose of amending and changing those regulations. Up to this hour she has paid no attention to the request. It is perfectly natural that she will not until the last seal is gone. Canada holds this thing in her keeping; she is the one who beat us at Paris. She is too powerful at the British Court, and she will never let this thing go.

We can write these buttered letters, and I suppose they are passing now between the State Department and Lord Salisbury. They will not result in anything worthy of credit at all until we stop and finally untie our hands, and say to these Canadian butchers, "If you do not listen to decency, we will take this life from you, and take it before you can get it." That is the only argument to use. It is a waste of time to be polite and courteous like Mr. Hamlin. He is courteous, but if he had stood during the last eight years as I have and watched this brutal pelagic destruction he would not think as he does. We never have and we never can do anything by decent argument with these Canadian butchers, and the only way to do is to untie our hands by passing this Dingley bill; then we serve notice on them that their game is up. They know that our hands are tied by the law of 1868 and they are taking these seals to-day; therefore, until we step forward and release ourselves from this position those buttered letters will pass between the State Department and Lord Salisbury until the last seal is gone.

Now, one word about this question of the treaty. Our sole object in making the Paris award was to preserve that herd from slaughter on the high seas. Great Britain agreed with us that it should be saved on the high seas. She entered into this joint agreement with us with the implied faith on her part to us that it would save the herd, and we joined with her, and have faithfully executed the articles of this agreement. They have resulted in accomplishing exactly what they were created not to do. We asked Great Britain, in the light of that treaty faith, to help us to save this life by changing these rules. She refuses. Now, do we violate any portion of that treaty when we go where we have perfect right to take that life, knowing that it is, all of it, now going into the hands of these butchers? I do not understand how any man can hesitate for a moment in saying that we should not allow this disgraceful and indecent exhibition of pelagic seal butchery to continue; for I can not conceive of any reputable man who could get up and ask for it. No Englishman could get up and ask for it, and nobody will but a Canadian butcher. I think this bill should be passed as quickly as it can; it is the only thing to be done to save these seals.

Mr. Elliott very clearly did not know what the exact tenor of those letters to which I have referred was, which he rightly supposed were passing between Washington and London, or had passed; and he is now proven to have been entirely right in his

emphatic reaffirmation at a later point in this examination, where he used the following words:

Professor ELLIOTT. Now, the idea of our standing here and paying annually half a million dollars to patrol the waters of the North Pacific and Bering Sea to facilitate the destruction of our own herd to-day in this indecent manner! This bill of Mr. DINGLEY is an act of mercy; it prevents this hideous torture of starving these young seals to death. It is an act of mercy and an act of decency, and, gentlemen, it ought to be passed to-day; and I think it would meet with acclamation all over the world. Talk about diplomacy and buttered letters! They will not amount to anything; this is a thing that ought to be done at once.

The CHAIRMAN. What is your judgment of the probability under the first section of this act of securing, without the pressure of the last section, from Great Britain, through a commission, some additional regulations that will really protect and save this herd?

Professor ELLIOTT. Nothing as long as such polite, decent arguments like Mr. Hamlin's prevail, but if we pass this bill——

Mr. STEELE. And become indecent?

Professor ELLIOTT. Not at all. We prevent the slow death and painful torture of these tens of thousands of motherless young by starvation on the islands. It is an act of mercy and decency.

Mr. STEELE. That is an act of decency.

Professor ELLIOTT. That is the best part of it. If the Canadians understand that we are going to take these seals—as soon as they find that out they will drop the subject, because it will not pay to go up there next summer. Then and only then they will listen to fair argument. If they find that we can do what we intend to do they will drop this thing at once; but, sir, as long as they know we stand here with our hands tied under the statutes of 1868, which this bill repeals, these sea wolves will stick on to that fur-seal hunt until the last seal is taken.

The emphatic and unanswerable address of Mr. Elliott before this committee February 18, 1896, in favor of the immediate action by Congress in passing the pending bill, so impressed that body that it unanimously agreed to the terms, and this bill was unanimously passed by the House on the 25th of February following; it came over to the Senate and, after full deliberation, the Senate Foreign Relations Committee reported it on March 4 without amendment, and it was made a special order for March 16, 1896.

Why was this bill not taken up? Solely because the State Department had given to certain Senators the idea that it was successfully "negotiating" with Great Britain, and, that being the case, the passage of this bill would "embarrass" the negotiations and probably defeat them.

Mr. Olney had been defeated "horse, foot, and dragoons" August 19, 1895, or six long months before this Dingley bill came into the Senate. He did not inform the Senate of that fact; and until these letters that prove it were published, a few weeks ago, it was impossible to show the utter failure of his efforts to better the shameful order of affairs on the seal islands of Alaska.

Nothing has been done last year; nothing but the useless and idle visit of several naturalists, who have been thrashing over the old seal straw that had been beaten out years ago. The American naturalists say that the present order of affairs is disgraceful and ruinous. The British naturalists deny it.

When the Canadians have taken the last of our seal herd under the existing regulations, they will then talk of revised regulations; and then, even then, they will agree to nothing that does not enrich them at our expense. They can do so if we sit down here and refuse to untie our own hands; they will do so just so long as we permit them.

I contend that if the existing condition of affairs is continued, the Treasury of the United States will not receive a dollar, not even the cost of watching the loss of this property during the next three years, and that at the end of that time there will be no seals left. The existing order of things will continue unless we pass some measure, emphatic in its terms, to dispose of this question. I insist that it is our duty to pass a bill providing for the killing of every seal on the islands unless the British Government will enter into some arrangement for the thorough protection of seal life. It is in the interest of humanity, it is in the interest of national honor to do so, and it is our duty to act at once.

If we send the commission to Alaska again this year it will be more than useless. The sending of a commission to these waters is simply used as a mask to shield the work of the destruction of this property by the Canadian fishermen. We do not prevent the destruction of our property. It is a useless expenditure of money. I think that the continuation of an effort to treat with the British Government longer upon these lines is a national disgrace. I present a table showing the number of seals now upon these islands.

Mr. GALLINGER. Can the Senator state the number in the aggregrate without any trouble?

Mr. PETTIGREW. About 400,000. From the best information I can obtain there are about 400,000 seals. The number last year was decreased about 87,000, 27,000 of which were the young pup seals which starved to death upon the rookeries.

Mr. GALLINGER. How much revenue would that yield to the Government?

Mr. PETTIGREW. If they were destroyed at once, it would yield a revenue of over $4,000,000. The table which I present shows all these facts and figures.

The result of a careful survey of the number of seals left on the Pribilof Islands last summer by the agents of the Treasury Department, headed by Dr. D. S. Jordan, is 450,000 seals of all ages, from newly born to aged adults. Elliott left 1,000,000 there in 1890, and 4,500,000 in 1874.

An expert analysis of the value of the residuum of the fur-seal herd, as it is left on the seal islands (Pribilof group), season of 1897-98.

NUMBER OF SEALS.

Class A—Male fur seals, 2 years old and upward	20,000
Class B—Male fur seals, 1 year old	50,000
Class C—Female fur seals, 2 years old and upward	180,000
Class D—Female fur seals, 1 year old	50,000
Total	300,000

VALUE.

(Markets of London, 1897-98, very much depressed, and quotations below are lower than normal.)

Class A—Average for single skins if killed on islands	$20.00
Class B—Average for single skins if killed on islands	10.00
Class C—Average for single skins if killed on islands	15.50
Class D—Average for single skins if killed on islands	10.00

PELAGIC VALUES.

Class A—Average for single skins, shot or speared	$10.00
Class B—Average for single skins, shot or speared	4.50
Class C—Average for single skins, shot or speared	10.00
Class D—Average for single skins, shot or speared	4.50

RECAPITULATION.

Value of fur-seal residuum if the herd is killed on land, season of 1898, to the public Treasury.

20,000 seals, class A	$400,000
50,000 seals, class B	500,000
180,000 seals, class C	2,790,000
50,000 seals, class D	500,000
Total value of residuum of Pribilof herd	4,190,000

Value of this residuum to the pelagic hunters.

If only class A seals are killed on land, as has been the rule up to date, then the female and yearling male residuum will be worth to pelagic hunters about as follows (market price remaining low as at present):

Catch of 1898—35,000 to 40,000 seals (chiefly class C)	$300,000
Catch of 1899—30,000 to 35,000 seals (chiefly class C)	250,000
Catch of 1900—20,000 to 25,000 seals (chiefly class C)	180,000
Catch of 1901—will be a failure to secure 5,000 seals.	

If the existing order of affairs is continued, the Treasury of the United States will not receive a dollar beyond the cost of watching the loss of this property during the next three seasons.

The existing order of affairs will continue unless the Dingley bill is passed at once by the Senate.

Commissions like the one which the pending bill continues are worse than useless. They are shams, and only serve to mask the shame and misery and robbery of the Canadian work. They do not check it in the least, and only provoke the derision of the pelagic hunters.

The whole business as it is now conducted is a reproach to our Government and an imposition upon the Treasury.

PELAGIC, 1896.

Seal skins sold for an average of £1 10s. 4d., or $7.58 apiece.

They cost the captors $1 to $2 apiece, according to size.

They cost for transportation, vessel charges, etc., to London and sale, $1.50 to $2 apiece.

A total average cost of $4 to $4.50 apiece leaves a profit of $3 per skin.

Mr. PERKINS. Mr. President, I hope the amendment proposed by the committee will be adopted. If the proposition to kill off the seals is intended as a bluff, if I may be permitted to use a Western slang term, it is unbecoming a great nation, and it would subject us to ridicule which we would properly merit. If it is proposed, as a line of action whereby we intend to be governed, to kill the seals because we can not take them and put the value of their product into our own coffers, then I say it is a confession on our part that as a Government we are incompetent to deal with a great question of this magnitude. It is unbecoming in us as a civilized nation. The reason why I favor the adoption of the amendment proposed by the committee, which authorizes the Secretary of the Treasury to continue in service a scientific commission to investigate this question, is because the commission appointed one year go under the act similar to this amendment has been productive of the greatest benefit to us. Under that law, which was passed by Congress one year ago, it was provided that the Secretary of the Treasury should provide for the employment of persons "to conduct a scientific investigation during the fiscal years 1896 and 1897 of the present condition of the fur-seal herds on the Pribilof, Commander, and Kurile islands in the North Pacific Ocean and Bering Sea." It then went on further to define their duties.

Under that resolution the Secretary of the Treasury appointed Dr. David Starr Jordan, president of the Leland Stanford Junior University, of Palo Alto, in California, one of the most distinguished scholars of the day, a scientist equal to the brightest in this or any other nation. He took as his assistants upon that commission, who were detailed for that purpose, two distinguished scientists connected with the United States National Museum, Leonhard Stejneger and Frederic A. Lucas. They went on board

the United States Fish Commission vessel *Albatross*. The Canadian Government and the British Government accepted the invitation proposed by our Government.

They placed at our disposal the results obtained by their commissioners, as did the Canadian Government, although the investigations carried on by the commissions appointed by those two Governments were entirely independent from those of our commission. Their commissioners were men of national and international reputation as scientists. D'Arcy W. Thompson, of the University of Dundee, and Mr. Gerald E. H. Barrett-Hamilton, of Dublin, were commissioners for Great Britain, and Mr. James M. Macoun and Mr. Andrew Halkett, of Ottawa, were commissioners for Canada.

They were absent some two months upon this commission, and in this preliminary report made by Dr. Jordan, which I hold in my hand, there is a detailed account of their work. It has been productive, I say, of more good than any scientific expedition ever sent out by any Government that did not cost more money than this one cost our Government. Their instructions were fully and in detail given by the Secretary of the Treasury. I will read only one clause, as I do not wish to weary the Senate. It says:

> The principal object of this investigation is to determine by precise and detailed observations, first, the present condition of the American fur-seal herd; second, the nature and imminence of the causes, if any, which appear to threaten its extermination; third, what, if any, benefits have been secured to the herd through the operation of the act of Congress and act of Parliament based upon the award by the Paris Tribunal of Arbitration; fourth, what, if any, additional protective measures on land or at sea, or changes in the present system of regulations as to the closed season, prohibited zone, prohibition of firearms, etc., are required to insure the preservation of the fur-seal herd.

This report goes on in detail to recite and give a daily journal of their observations. They have collated and presented to the country the habits of the seals and the conditions on the islands where the seals migrate during the summer months, how they return, and how the poachers have made prey upon them. The result is summed up here in a few words by Dr. Jordan. He says:

> That the way is open to a permanent, honorable, and amicable adjustment the present writer does not doubt. The facts in the case no longer admit of cavil. The high character and unquestioned ability of the commission of investigation appointed by Her Majesty's foreign office in 1896 afford a guarantee of judicial fairness in any future action of the British Government.

I am informed by private sources that the commissioners are in full accord with Dr. Jordan's views upon this great and important question not only affecting the interest of our country, but the commerce of the world, for every seal skin that is taken and sent to the market produces that much more of value and benefit in the great commercial markets of the world, as well as the useful employment afforded to the persons who take it and cure it. Dr. Jordan sums up his criticism as follows:

> I may here express my feeling that the monstrous proposition to destroy the seal herd because it has been injured by pelagic sealing ought not to be considered for a moment. It would be a confession of impotence unworthy of a great and civilized nation. Its result would be to transfer to ourselves any odium which has deservedly fallen upon those who would recklessly destroy a most useful and a most interesting race of animals.

There is the testimony of one of the leading scientists of the day. Mr. President, it should weigh in the scale of our calm and deliberate judgment against the theoretical proposition of some one who has imagined that we are suffering our honor to be tainted because some British vessels have on the high seas taken herds of seal that belong, we claim, to us. But if all our efforts fail, if we can not come to an amicable arrangement with Great Britain and Canada and Russia in reference to the zone where the fur seals inhabit and where they migrate to and from, and can not arrange with those countries so as to protect the seal, we have a plan whereby we can preserve them ourselves.

It is like the old Spanish Don who has his great cattle ranch. He brands his cattle and they go off into other places, and if they are taken by others the skin belongs to him and they are accused justly and convicted of felony. But imitating that, we can do what is more practical. The seal feed upon the water and after gorging themselves with fishes and animalculæ they sleep and float upon the waters. In that condition the poacher approaches them and with spear or gun he takes them. He does it because he wants the fur skin, which is valuable, and in doing that, as the Senator from South Dakota [Mr. PETTIGREW] says, he has destroyed perhaps the females which are on the islands considered sacred and are never permitted to be taken by our Government agents who are there to protect the interests of the Government in the seals.

It has been proposed by practical men who understand the fur seals, their habits, ways, and customs, that by branding the female seals the fur skin becomes worthless. It does not injure the animal. The result is that the incentive which is given to the poacher to go clandestinely and take the seals upon the high sea no longer exists, for there is no profit in the enterprise to him. Then by herding the male seals upon the islands for a few months or weeks we have nothing to fear from the poachers, for it can no longer become to them a profitable venture or enterprise.

So far as it has cost our Government for patrolling the seas we have our revenue cutters. The responsibility of caring for our crews and their equipment is just the same whether anchored in the placid waters of Puget Sound or San Francisco Bay or sailing upon the ocean. The only difference is in the fuel they consume. They should go to sea. They should patrol those seas, not only to prevent poachers from taking the fur seal, but for the purpose of preventing smuggling into the States of our country and the Territory of Alaska.

The fur seals of Alaska have been a profitable venture to the Government. From 1870 to 1890 the Government received in royalty for seal furs over $6,000,000, and to-day our contract with those who are leasing the islands is $60,000 per annum and $9 for every fur seal taken. If they have not paid, as the Senator from South Dakota charges they have not, surely they are indebted to our Government and the officers of the law have not enforced it.

Mr. PEFFER. How many seals are there now?

Mr. PERKINS. Dr. Jordan estimates that there are from 350,000 to 400,000 seals that they have already counted there. I have not been through the report in detail, but it is very, very interesting.

With this light before us, Mr. President, I say it would be unwise and impolitic for this Government to discontinue this paltry appropriation of $5,000 and not adopt the amendment offered by the Senator from South Dakota. We should be animated by higher motives than the little boy who said that if he could not have the candy himself he would spoil it, so that no one else could eat it. This is a great enterprise, and I should blush with shame for my country's honor if we should publish here that because you have been taking seals that we think belong to us, or that the result of the arbitration commission with England was not what we hoped or expected it would be, then we will kill off the seals, and nobody shall have the benefit of them.

Mr. GALLINGER. Is Professor Jordan's report a public document?

Mr. PERKINS. It is. It is entitled Observations on the Fur Seals of the Pribilof Islands; Preliminary Report. I succeeded in receiving an advance copy only yesterday.

Mr. GALLINGER. It is published by the Government?

Mr. PERKINS. It is published by the Government. I want to repeat, that he as authority is second to none in this country, and he is recognized as the peer of the scientists of other countries.

I do not wish to weary the Senate; but I am somewhat familiar by my long personal observation with the habits of the seals. I have been in the Bering Sea time and time again. I am familiar with our great possessions in Alaska, and therefore I can not refrain from replying to my friend from South Dakota, who, I think, has never been to any of those islands, and who, as I know, is animated, as he says, by philanthropic purposes that the poor young seal pups may not perish. I think we can find philanthropic work to engage our attention at home, caring for the poor dumb beasts here, and let the seals go for one year more. I hope the committee amendment will be adopted. I have before me a letter, received a few days since, from Dr. Jordan, in which he says:

> England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission, which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy as well as on all matters of fact, so far as was developed by our conversations during the expedition.

Mr. PETTIGREW. Mr. President, let us see what the situation is that we have to contend with. In 1893 we made an agreement, or, rather, we had a tribunal meet at Paris, and they made certain regulations or formulated certain provisions by which it was proposed to protect the seal life in those waters, and it was made unlawful to kill any seals within a circle of 60 miles about the island. We supposed that that would protect the animals; that the limit of 60 miles would give them a sufficient area in which to fish and feed their young. After those arrangements were made we found that the fish were not within the 60-mile circle. We found that one of these animals can swim 20 miles an hour at sea. We found that they go 200 miles from the island for fish, and they leave their pups upon the island. Each year since 1893 not less than 20,000 of the pups have starved to death because their mothers were killed at sea.

Now, the proposition is made to continue this condition until they all disappear. The proposition is made that the seals shall be killed one year after another, while their children starve to death, and thus serve the purposes of humanity. The simple proposition is, that we shall provide that if the British Government will enter into an agreement to protect this seal life they shall be protected, but if they will not we will destroy the entire life at once, and prevent this disgraceful scene of starvation; that is all. It seems to me it far more accords with the sentiment of philanthropy that this should be done than that the spectacle should be

exhibited to the world of the starvation of the pup seals each season. Let us see what Mr. Jordan says about this matter:

SEALS KNOWN TO HAVE DIED ABOUT THE ISLANDS OF ST. PAUL AND ST. GEORGE FROM VARIOUS CAUSES, SEASON OF 1896.

Cows found dead on rookeries	131
Bulls	26
Bachelors	3
Pups, from trampling, drowning, straying, etc	11,045
Pups, from starvation	16,019
Bachelors (quota)	30,000
Pelagic catch	29,396
Total	86,624

The same thing will go on during the coming season, and what is Mr. Jordan's remedy? It is that we shall brand the female seals, so that the poachers will not capture them, because then, I suppose, the seal skins will be worthless. In the first place, perhaps it would be well to describe how the seals are killed. They employ Indians and white men who are expert spearsmen. Only a few days ago a large number of the most expert spearsmen in the world, who had been engaged in spearing porpoises in the Northern Atlantic, were taken across the continent to join the sealing fleet this year and engage in the business of the Canadian poachers. They go out in small boats and spear the seals. I suppose that Professor Jordan would have the seals come up to the boat and be looked over to see whether they were branded before the spearing operation was performed. The proposition is simply ridiculous.

Mr. President, this is our property, and if we have not courage enough as a people to protect it, if we have so much time to make arbitration treaties with Great Britain while this property is being destroyed and our fleet gather around the island and officially look on and see it done, it seems to me we had better remove the cause of irritation and take the property ourselves.

Mr. MORGAN. Mr. President, having been one of the board of arbitrators that settled, or supposed they had settled, this seal question, I have always had a delicacy in discussing it in the Senate, because it is the judgment of that board that seems to have led to the difficulty.

The board of arbitrators, in fixing the boundary within which seals should not be captured around the Pribilof Islands, adopted a 60-mile limit. Mr. Blaine, while Secretary of State, before the board met, had offered to the British Government to settle all of the controversy in regard to fur-seal fishing if they would agree to a 30-mile limit around those islands. As a matter of course, the arbitration was a little embarrassed by that offer of the American Government. It did not then appear, nor do I believe it appears now, that the female or mother seals, after their young had been born on this group of islands, would go 60 miles outside of the limit of those islands for the purpose of feeding. It is very true that by the evidence, which at the time we were investigating this subject was very meager, although there were 1,100 witnesses examined, it did not appear that the fish upon which these seals fed changed their feeding ground. The fish assemble in Bering Sea in very large quantities. Enormous masses of fish assemble there, and the seals of course follow them up and feed upon them. The fish change their feeding grounds, it now appears, sometimes as much as 150 miles away from the island, but before the commission met it was generally believed, and it was so testified by a great many witnesses, that the feeding of the seals was done somewhere within 30 or 40 miles of the island.

It may be that the trouble we have reached in this case has been due entirely to the migratory habits of the schools of fish; that they changed their feeding grounds and have therefore gone outside of the 60-mile limit, and the seals have followed them outside of the 60-mile limit, and there they have fallen within the reach of the spears and guns, or spears now, of the pelagic hunters. If that is true, it is something that can not be provided for in any other way than in the method Russia provided when she had possession of the Bering Sea.

I feel that the Government of the United States occupies an awkward predicament about this business, and I think that the attitude that we now hold toward it is one that has resulted from the mistake of the State Department and of the Treasury Department in insisting that the Government of Great Britain would join with them in regulations which were calculated to execute the decree or the award of that arbitration. That is where I believe the trouble is now and has been all the time since the award was delivered.

To run over the facts about this matter very briefly, Russia, for one hundred years before we got the ownership of those islands from her, had policed Bering Sea, which is almost an inclosed sea, and had kept out of it all intruders who might be there for the purpose of capturing the sea otter or the fur seal. No government in the world objected to it, and Russia exercised a free hand in the protection of the interests of her people and her Government in the Bering Sea waters.

That was the condition of this question at the time we acquired the ownership of those islands. It was something like twenty or twenty-five years later than the treaty of 1824 between Great Britain and Russia in regard to the right of fishing in the Bering Sea. That right at the time was directed to and was really confined to the whale fishing, and not to the fur-seal fishery, for the fur-seal hunting at that time was not designated as a fishery and never was so designated until by some unfortunate use of language that phrase was put into the treaty of arbitration.

Now, there was Russia occupying Bering Sea with her power of policing those seas for the purpose of protecting that great industry on the islands, which is of such a peculiar nature that it can not be protected in any other way than by exercising over Bering Sea a police jurisdiction, and you have got to take in the whole of that sea in order to make the policing effectual.

Russia gained in this way a prescriptive right by the common consent of the nations of the world thus to regulate and thus to protect that very important industry upon those islands, and she, following that prescriptive right, excluded all nations from that privilege, and nobody objected. The United States, however, became the purchaser of Alaska and of the Pribilof group of islands, the Aleutian Peninsula, and all that vast and very valuable body of land lying on the northwest of the Canadian Dominion. There is no doubt that in this acquisition the Government of the United States very greatly excited the jealousy and the anger of the British Government. The moment we took possession of the islands, and before we had even an opportunity to pass a law for their protection, the Canadian pelagic sealers went in there and commenced raiding the seal herds not merely upon the sea, but also upon the land, and in the first year of their raiding they destroyed 300,000 seals of that herd.

Thereupon Congress waked up and commenced providing very stringent legislation, applicable not to our people alone, but to all people, forbidding pelagic hunting anywhere in Bering Sea and within our limits, and our limits run on a line of longitude far to the west of the Pribilof Islands. In the exercise of the duty devolved upon the Executive by that act of Congress, some twenty-four or twenty-five ships which were out there violating that statute were seized—the first ship seized being an American ship owned in San Francisco; and so he followed on afterwards until we had seized and confiscated several of our own ships. But some twenty-two ships of Great Britain were seized and held subject to confiscation, and some of them were confiscated for violating those statutes of the United States.

Thereupon arose a controversy between Great Britain and the United States as to the international, or the oceanic rights, I will call it, of pelagic fishing, as they term it. They claimed that all of the open waters of the world were open to their fishing, that they could go anywhere they pleased to catch fish in any part of the sea the world round, and it was their privilege secured to them under the laws of nations. We denied it. We put our denial upon the ground, first, that we had a property in the seals themselves growing out of the peculiar habits of those animals which amounted to domestication, that in consequence of their natural habits they were really domestic animals and belonged to the Government of the United States, and in that ownership our Government excluded not merely the citizens of other nations from destroying these animals or capturing them, but prevented our own people from capturing them. The laws enacted were in the nature of game laws, and they applied to all the people in the world, our own included.

The controversy got to be a very sharp one. Vessel after vessel was captured and carried into our ports for confiscation. Thereupon the two Governments, finding themselves unable to settle the controversy, resorted to the favorite and famous project of arbitration.

At that time there was a strong party in the United States who demanded that the Government should plant itself squarely upon the same rights that we had acquired from Russia and vindicate them by the strong arm of power, if it was necessary to be done. There was another party in this country that you might call the business interests party, or the peace party, who contended that that great subject should be submitted to arbitration.

Thereupon the two Governments agreed to a treaty of arbitration, accompanied with a modus vivendi, which lasted, first, until they could make the treaty, and then lasted afterwards until the treaty could be executed by getting the award from the tribunal. They formulated a submission. They compelled the Tribunal of Arbitration, instead of insisting upon the rights of America that were peculiar to her, to plant themselves upon the international law, and when we came to look through the international law, which was the guide of our action, we found no precedent, and in the international law, if you find no precedent, you find no law, for the international law is nothing more nor less than an aggregation of precedents growing out of the practice of nations. There was the commission then chained down to the international law without a precedent, Great Britain claiming the universal right of fishing and we denying it upon the basis that the property was of such a peculiar character that the fishing laws did not apply to it. Well, as is usual in such cases, where the arbitration is made up of European arbitrators, the decision was against us, and it

will be so every time. This is the "advance agent of prosperity" on the subject of arbitration.

We find ourselves here to-night discussing the question whether we shall destroy these seals in order to get rid of that question, on the one hand, or whether we shall brand the female seals in such a way that the pelts, when taken, will be of no value, and therefore the industry will cease. Has all this resulted merely from that decision? It has not, because that commission, in forming rules and regulations for the government of pelagic hunting, went outside of international law and established such regulations as they believed, upon the evidence of 1,100 witnesses at the time, would be effectual to prevent any hunting of any important character, at least in Bering Sea; they forbade the use of firearms in Bering Sea in the destruction of seal life. They also limited, as I have said, a territory there of 60 miles, reaching out into the ocean in every direction from these islands, within which nobody, not an American citizen or anybody else, could be permitted to kill a seal under any circumstances, and that was supposed at the time to be an ample protection.

Was it? It was, if the Government of Great Britain had exercised common honesty in the execution of the award. She turned the Canadians loose upon our property there and from the moment we acquired possession, and when our statute was passed to protect that property against our people and her people, she denied their authenticity under the law of nations. We had a controversy about it; we had arbitration; we got the award; we got the regulations pledging each Government to enact statutes and to make subordinate regulations for the purpose of executing this general decree; and now what is the result? Here we are lamenting that the award was made, and trying to find some way of escaping from it. We first tolerated this state of facts, that while we were keeping eight or ten—as many as ten ships in that country—policing those seas, Great Britain has never furnished but one, and that ship stayed in the harbor at one of those Alaskan ports for more than two-thirds of the fishing season that she was sent out to protect.

Here is a Government now professing an earnest desire to protect these fur seals, uniting with us in an award. The award is rendered, requiring her to join with us in regulations for the purpose of protecting the seals; but when we come to the test Great Britain declines to do it. She made regulations during one season, and then declared that she would make no more; that she would not go any further in the direction of trying to protect those fur seals in the execution of that award; and here we find that the first difficulty that arises really between the United States and Great Britain, requiring action on our part, is a difficulty arising out of the nonexecution of an award. It is my deliberate judgment that if we get a general arbitration covenant with Great Britain, or with any other power, agreeing in advance to arbitrate all questions, the result will be just what is shown on this floor to-night—that we shall have more trouble in executing the award than we had in getting it, a great deal more.

There is to-day more danger of disturbance of friendly relations between the United States and Great Britain for her failure to execute that award than there ever was in the seal question when it first originated. If the Government of the United States had planted itself where it took ground in the beginning of Mr. Cleveland's Administration, upon the declaration then made of its right to seize and hold and confiscate the pelagic sealers there, and had maintained it, there would have been no fur-seal question disturbing us to-night, and we should have millions of fur seals instead of hundreds or thousands—a very valuable industry, one that ought not to be allowed to perish for the sake of civilization, for the sake of taste, and, above all, for the sake of a class of animals who have a peculiar domesticity imposed upon them by nature, which leads them to shelter upon those islands during the summer months, and makes them more dependent upon the protection of man than the cattle which range across the prairies of this country.

Well, here we are. I do not think that either of the expedients which have been offered here to-night are at all valuable. The destruction of the seals, however, in order to escape from the difficulty, strikes my mind with abhorrence. I can not realize the thought at all that it is proper in the United States Government to go and destroy the seals absolutely, and forever destroy that species of animal.

Mr. CARTER. On that point I should like to ask the Senator, who has given much thought to this matter, if the destruction of seal life would not at the same time destroy the only means of livelihood possessed by the Indians on the Aleutian Islands, and thus render them solely dependent on the charity of the Government?

Mr. MORGAN. They are dependent now on the charity of the Government. We have taken the subject out of their hands, and, if I may so say, consecrated by law this entire seal family or seal species as a resource of the Treasury. There is no citizen in the United States, not even those people who live in the Aleutian Islands, or any other person, who has a right to kill a seal. That is done entirely under the authority of the law and by the agents of the United States, and, if it is not done in that way, it is done unlawfully.

Mr. CARTER. But if the Senator will permit me, is it not true that the Alaskan Fur Seal Company have a contract with the Government, whereby they are permitted to kill a certain number of seals annually; and do not they employ the inhabitants of those islands almost exclusively in the work to be performed, and allow them of the seals killed certain portions for sustenance?

Mr. MORGAN. That is very true, and an important part of their support is the flesh of a certain class of seals that they eat during the killing season. We, by taking possession of those seals and declaring Government ownership over them, have come under an obligation to which we have always been faithful, of supporting those people; and it has cost a good deal of money to support those Aleuts up there, who have been engaged in seal hunting heretofore, and have lived largely on the products of their fisheries and hunting.

Mr. President, to return to the point I was making, one proposition offered is to destroy the seals absolutely. That looks like cutting off your nose to spite your face; it looks as if it were a timid way of treating a question of this kind, unbecoming to the United States; and it is cruel, if cruelty to animals enters into the consideration at all, because it destroys a very useful, a very innocent, and a very attractive species of animal. I do not know that I would vote for a law which would destroy any class of animals capable of contributing to the comforts and elegancies of life, and to the sustentation, incidentally, of the people who depend upon this thing for their livelihood. I do not think that I could vote for such a bill as that.

Then the idea of branding them and sending the females out is only to deter the pelagic hunters from killing the seals, because if killed, the pelt would be of no value. I think that would be a very difficult thing to do, and would lead to great complications and great troubles.

The thing to do is this: Let the Government of the United States require of Great Britain to carry this contract out in good faith. Why are we dodging and shying around the question all the time, when we know it is her fault, her deliberate fault, in refusing to execute the award according to its terms and its spirit also that this trouble has arisen. Great Britain, if she is in earnest about this, and honest or sincere about it, will come forward and join with us in good faith in executing this award. She does not do it. She sits by there and encourages this traffic, encourages it in every way. When we have seized vessels and confiscated them, Great Britain, in order to prevent her subjects in Canada from losing anything and from being discovered in pelagic hunting, actually voted the money and paid the cost. Those vessel owners now demand of us an arbitration. While we had them under condemnation, the Dominion Government voted the money and paid those people for those raids upon us; and it is now demanding the money back, and I suppose under existing circumstance will get it.

What are we to think of the attitude of the Government of the United States seizing over twenty-two British ships and carrying them into port for confiscation; and then they got us at last, when the pressure got to be pretty heavy and the resistance was somewhat strong on the part of Great Britain, where we would seize a vessel and put it again in the possession of its own captain and tell him to go back to one of his own ports and report there to the British authorities?

We would seize him and then abandon him. Here is where our spirit failed, and there is where the blunder was committed. We ought then, in the beginning of this controversy, to have stood by our statute, which is yet unrepealed on the statute books, and we should have declared that it was the duty of this Government, which involved its honor, to see its laws executed in that Bering Sea.

Now mark, if you please, the march of conviction on this subject of prescription rights. When I was in the Bering Sea Tribunal, and his honor Judge Harlan was there, I made the point that we were protected by prescription in our rights, and that it was a good doctrine of international law. Well, when we came to look through the international law, we could not find a precedent. We could find the principle everywhere in the municipal laws of all countries, in the common law of England—which is common to Great Britain and the United States—we could find the principle there, but we could not find any decision under international law sustaining the doctrine of prescription. When, however, we got to dealing with Venezuela, our Government insisted that the doctrine of prescription should come in, and Great Britain consented to it, making the prescription fifty years instead of sixty-five, you observe, so that the line that had been run by Schomburgk, and upon which Great Britain also planted herself, should necessarily become the line of division between Venezuela and Great Britain.

So the doctrine of prescription has come into being, and will determine that question in Venezuela; but it could not be tolerated

that it should have any effect upon American rights in Bering Sea when we succeeded by purchase to the rights of Russia, although Russia had exercised this power without denial for a century before we got in there.

That is the picture; that is the situation. I think, Mr. President, that in continuation of the examination which has been heretofore made, which seems to have been very successful in ascertaining the actual situation in the island, the amount of seal life there is there and the losses that are being sustained—21,000 pups perishing there on the shore in a season—I think we had better continue this commission for the purpose not only of informing ourselves, but of informing Russia and France, who are interested in this question, and the whole civilized world as to the conduct of this peace-loving, arbitration-seeking Government of Great Britain. We had better continue it and get some more information. It invoives only an expenditure of six or eight thousand dollars, I believe, and the labors bestowed there seem not to have been entirely completed.

I think the true policy for us now to observe is to continue that investigation, and then I do hope that the incoming Administration will have the fortitude—if I may use that expression in connection with such a subject—to insist that Great Britain shall comply with that award, and shall assist faithfully in its execution. If that is done, in my opinion we shall have no more trouble about the fur seal. By the time Great Britain is compelled to go to the expense of keeping a fleet there—such a one as we keep there—to protect the fur seals against the raids of her own people, then, perhaps, Great Britain will change her policy on that subject and conclude at last that it is best to let us alone. But we are peace seekers, or we have got to be since the beginning of the last Administration, when we shrank from a duty that we entered upon so boldly. We have got to be a nation of people who are all the time seeking shelter and cover. In other words, we are taking that attitude which was taken by an unfortunate class of American people in the time of the Revolutionary war, who sought British protection. I do not want any British protection; I want American protection. I want the rights of these people as they are guaranteed to us by the laws of nations and also by the award of that tribunal faithfully executed. I am in search of information now, in order to plant our feet upon firm ground, so that this incoming Administration may be able to demand of Great Britain that she shall perform her duty. Therefore, I am in favor of the Senate amendment.

The PRESIDING OFFICER. The question is on the amendment which has been read.

The amendment was agreed to.

Mr. ALLISON. I believe the amendments which were passed over have now been acted upon.

The PRESIDING OFFICER. The Chair so understands.

Mr. ALLISON. On page 5, line 12, after the word "expedient," I move to insert the word "and;" so as to read, "shall deem it expedient and in the interest of the public service."

The amendment was agreed to.

Mr. ALLISON. I move, in line 14, of the same clause, to insert the word "and" after the word "brick;" so as to read: "the substitution of stone for brick and terra cotta in the public building now in process of construction at Racine, Wis."

The amendment was agreed to.

Mr. ALLISON. On page 63, line 21, I move to strike out the word "reappropriates" and insert the word "appropriates;" and in line 22 to strike out the words "and twenty-five;" so as to read: "which appropriates the sum of $100,000 for the survey of public lands within the limits of land grants made by Congress to aid in the construction of railroads," etc.

The amendment was agreed to.

Mr. ALLISON. On page 68, line 4, after the words "United States," I move to insert "including the collection of statistics of gold and silver;" and in the same line to strike out "twenty" and insert "forty-five;" so as to read:

For the preparation of the report of the mineral resources of the United States, including the collection of statistics of gold and silver, $45,000.

The amendment was agreed to.

Mr. ALLISON. On page 88, line 13, after the word "Buffalo," I move to insert the words "including necessary observations and investigations in connection with the preservation of such channel depth."

The amendment was agreed to.

Mr. ALLISON. On page 94 I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 94, in line 6, after the word "dollars," it is proposed to insert:

Provided, That the Secretary of War may carry to completion the present project of improving the falls of the Ohio River and Indiana Chute Falls, Ohio River, by contract, as provided in the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896; or the necessary materials may be purchased, and the work done otherwise than by contract, in his discretion, if more economical and advantageous to the United States.

Mr. ALLISON. This is an amendment which was proposed by the Senator from Missouri [Mr. VEST] as a proviso to this appropriation, which has been reported from the Committee on Commerce, and it is the wish of the Engineer Department that it shall be inserted in the bill, in order that they may carry on this work otherwise than by contract, if they shall desire to do so.

Mr. LINDSAY. I ask the Senator from Iowa whether that would still leave the limit at $300,000?

Mr. ALLISON. The amendment does not change the amount appropriated.

The amendment was agreed to.

Mr. ALLISON. On page 97, after line 9, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, after line 9, it is proposed to insert:

The unexpended balance of the appropriation for the improvement of the Suwanee River, in Florida, may, in the discretion of the Secretary of War, be expended for deepening the west pass of the Suwanee River at its mouth.

The amendment was agreed to.

Mr. ALLISON. On page 73, line 10, after the word "transportation," in the clause making appropriations for reindeer in Alaska, I move to insert "whether by a vessel of the United States or otherwise."

The amendment was agreed to.

Mr. ALLISON. On page 86, after line 10, I move to insert as a separate paragraph what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 10, on page 86, it is proposed to insert:

To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the Lafayette or State road in Georgia from Lee & Gordon's mill, in that State, to the town of Lafayette, $26,000.

The amendment was agreed to.

Mr. ALLISON. On page 90, after line 4, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 4, on page 90, it is proposed to insert:

The Secretary of War is hereby directed to cause to be made a survey and estimate of cost of deepening and widening the straight channel in Maumee River and Bay, with a view to obtaining and permanently securing a channel of a uniform width of 400 feet and 20 feet deep at low water, the cost of said survey to be paid out of money already appropriated for the improvement of said channel.

The amendment was agreed to.

Mr. HOAR. I move to insert after line 3, on page 56, what I send to the desk, which will be agreed to without any objection, I am sure.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 3, on page 56, it is proposed to insert:

To enable the attorney to send copies of all acts of Congress to all judges of United States courts and the Territories, $100.

The amendment was agreed to.

Mr. HOAR. On page 125, line 2, after the word "dollars," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, line 2, after the word "dollars," it is proposed to insert:

That the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States. That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion. That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change. That each of said commissioners shall receive a salary of $5,000 a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. MILLS. I offer an amendment to come in after line 22, on page 103.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 22, on page 103, it is proposed to insert:

That for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President from the Engineer Corps of the Army; and such board shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near said Pass of Aransas. It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination; the character of the work done and the cost of same: the character and cost of any unfinished work contracted to be done by said company; the probable result upon the deepening of the channel across the bar of any work contracted for or contemplated by said company, but not then finished; the value to the Government of all work done or contracted to be done by said company for the purpose of deepening said channel or removing said bar, and such other information as they may deem essential to be known to Congress in making future provision for the purchase of said works by the United States Government. Said board shall

report the result of their investigation to the Secretary of War on or before the first Monday in December, 1897, and the Secretary shall immediately transmit the report to Congress; and $5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineers, the amount of such compensation for said services to be fixed by the Secretary of War.

The amendment was agreed to.

Mr. FRYE. As chairman of the Committee on Commerce, I desire to offer three or four amendments for absent Senators. The Senator from Florida [Mr. PASCO] is detained from the Chamber by ill health, and on page 89, after the word "dollars" in line 2, in the appropriation for improving Cumberland Sound, Georgia and Florida, I move to add the words "be immediately available."

The amendment was agreed to.

Mr. FRYE. On page 97, after line 16, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized to investigate the extent of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and to perform such experimental work as he shall deem necessary to determine some suitable and feasible plan or method of checking and removing such obstacle, so far as it is a hindrance to interstate or foreign commerce, and to report the results of such investigation and experimental work; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the cost thereof.

Mr. FRYE. After the amendment just adopted, I move to insert what I send to the desk.

The SECRETARY. After the amendment just adopted, on page 97, it is proposed to insert:

That the Secretary of War be, and he hereby is, directed to cause a survey to be made to examine into the feasibility and advisability of the improvement of the waterway beginning at a point at or near the site selected for Lock No. 13, on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream, to Bessemer, Ala.; thence up the valley to Birmingham, and beyond, to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said route between Five Mile Creek and Bessemer, Ala., so as to secure a channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line, and to ascertain the cost of such improvement; and the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

Mr. HALE. Let me ask my colleague whether that is a case of a continuing contract?

Mr. FRYE. No. It provides for a survey. It is practically nothing but a survey.

Mr. HALE. For an entirely new work?

Mr. FRYE. No; it has been surveyed before, but this is connecting with the Tombigbee River the river which runs from Birmingham down.

Mr. HALE. It is a provision for such a survey as is ordinarily put on the river and harbor bill.

Mr. FRYE. Such surveys as are ordinarily put on the river and harbor bill.

Mr. HALE. This will be a pretty good river and harbor bill.

Mr. FRYE. I am inclined to think it will be.

Mr. HALE. I think so.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. FRYE. I am instructed to offer the amendment which I send to the desk.

The SECRETARY. Following the amendment which has just been adopted, it is proposed to insert:

For the purchase of a dredge boat for use in the harbor improvement at Sabine, Tex., $100,000, and for the expense of operating the same during the fiscal year ending June 30, 1898, $30,000; in all, $130,000.

Mr. ALLISON. I understood that was to be a proviso to the appropriation for Sabine Pass.

Mr. FRYE. That it should be paid out of the main appropriation?

Mr. ALLISON. Yes.

Mr. FRYE. No; the committee cut that down $100,000. I did not intend to offer it in that way. The Senator misunderstood me, if he thought I did.

Mr. ALLISON. This is a separate and independent appropriation?

Mr. FRYE. It is a separate and independent appropriation. They could not afford to drop out $130,000 more.

Mr. HALE. What is to be done with the dredge?

Mr. FRYE. It is to operate between the jetties and keep it clear. It is very strongly recommended by the War Department.

Mr. HALE. The funds for this harbor are all included in the other appropriation, and they are under contract.

Mr. FRYE. They are all under contract.

Mr. HALE. What fund would the Secretary have with which to keep this boat employed?

Mr. FRYE. Only the appropriation which is made in the amendment. There is an appropriation of $30,000 in the amendment which I have offered.

Mr. HALE. It is an additional appropriation?

Mr. FRYE. It is.

Mr. HALE. It does not go with the continuing contract?

Mr. FRYE. It does not.

Mr. HALE. It is new matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. BROWN. I offer an amendment as to the public building at Salt Lake City, to come in after line 2, on page 7.

The Secretary of the Treasury is hereby authorized and directed to expend the $75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building for court-house and post-office at Salt Lake City, the entire cost of site and building not to exceed $500,000.

This sum was voted in the last appropriation bill, but it has not been used by the Secretary of the Treasury, and I simply ask that he may be directed to proceed or it may be reserved as an appropriation.

Mr. ALLISON. I ask the Senator from Utah whether the limit of cost of the ground and building was placed at $500,000 in the last act?

Mr. BROWN. Not in the last amendment, but in the bill that passed the Senate, yes; and there is an estimate by the Supervising Architect and by the Committee on Public Buildings and Grounds.

Mr. ALLISON. I hope the Senator will consent to strike out that portion of the amendment.

Mr. BROWN. Certainly, if the Senator asks it.

Mr. ALLISON. I do not think we ought to do that in this bill, whatever else we do.

Mr. BROWN. I am willing that it shall be stricken out.

Mr. GORMAN. Let the amendment be read.

Mr. BROWN. I wish to say before it is read, as an excuse in regard to it, that the Secretary gives as a reason why he does not expend the $75,000 in purchasing a site that he does not know the limit of the cost of the building.

Mr. ALLISON. I understand the Senator's amendment is to authorize and direct him to purchase a site, and I take it that is as far as the Senator wants to go this year.

Mr. BROWN. The Senator is right. That is as far as I care to go this year, but at the same time the objection would be overcome by suggesting the limit of cost. That is the reason.

The VICE-PRESIDENT. The amendment as modified will be stated.

The Secretary read as follows:

The Secretary of the Treasury is hereby authorized and directed to expend the $75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building, court-house, and post-office at Salt Lake City, Utah.

The amendment as modified was agreed to.

Mr. GEAR. I offer an amendment to be inserted after line 7, on page 96.

The amendment was read and agreed to, as follows:

Provided further, That the sum of $50,000 of said sum shall be expended for continuing the work of constructing artificial banks between the mouth of Flint River and running along the west bank of the Mississippi River to the month of the Iowa River.

Mr. GORMAN. I ask that the committee amendment on page 135, beginning in line 12, may be reconsidered, so that I may offer a substitute for a part of it from the committee.

The VICE-PRESIDENT. In the absence of objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. GORMAN. I offer a substitute for that part of the amendment beginning with the "And" in line 15.

The SECRETARY. It is proposed to strike out all after the word "And," in line 15, page 135, down to and including the word "proper," in line 21, and insert:

And the Public Printer will bind and deliver to the compiler of Messages and Papers of the Presidents 500 copies of said compilation bound in the same style of the personal copies of Senators, Members, and Delegates. The compiler shall prepare a full table of contents and a complete index for such compilation, and he shall be paid therefor by the Public Printer out of the appropriation for public printing and binding such sum as the Joint Committee on Printing shall decide to be just and proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. Also from the committee, I offer another amendment.

The SECRETARY. On page 20, after line 16, it is proposed to insert:

For constructing and equipping a steam revenue cutter for service on the Atlantic coast of the United States, with headquarters at the port of New York, the sum of $175,000.

The amendment was agreed to.

Mr. GORMAN. On page 55, after the word "dollars," in line 12, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

All immigrants upon their arrival in the United States shall be brought for proper examination to the place or places designated for that purpose.

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to move the amendment I send to the desk.

The SECRETARY. On page 7, after line 23, it is proposed to insert:

The Superintendent of Public Buildings and Grounds and the Supervising Architect of the Treasury and the Architect of the Capitol are hereby constituted and appointed a committee to examine sites and consider the prices of lots suitable for the memorial building proposed to be built by the National Society of the Daughters of the American Revolution, to commemorate the services of the heroes of the Revolutionary war; and said committee shall make a report to Congress as early as possible.

The amendment was agreed to.

Mr. DANIEL. I beg leave to offer an amendment.

The SECRETARY. On page 4, after the word "dollars," in line 24, it is proposed to insert:

For public building at Norfolk, Va.: For extension of limit of cost of site and building from $150,000 to $270,000, $100,000.

Mr. ALLISON. I reserve the point of order upon the amendment.

Mr. DANIEL. I will state that the public building at Norfolk, Va., was provided for by a bill passed in 1891; the site therefor was purchased and the building begun. But the Department recommended, the suggestion coming from them and not being inspired in Congress or elsewhere, that such a building as was needed at Norfolk would require more money. A bill to provide for such a building, fireproof and suitable to accommodate the various establishments at Norfolk, accordingly passed the Senate at its last session, and still lies unpassed in the House.

This building is estimated for by the Department, and the amendment is recommended by the Committee on Public Buildings and Grounds. It is an amendment in due course of business and is called for by the necessities of the occasion.

Mr. ALLISON. I have no doubt that everything the Senator from Virginia has stated is true. Yet the amendment proposes a change of existing law. If we should begin to enlarge the limits of cost of public buildings already in course of construction or where sites have been purchased, it would be impossible for us to have any end to this bill.

Mr. DANIEL. That is done in the pending bill.

Mr. ALLISON. I just asked the Senator from Utah [Mr. BROWN] to strike out a provision of that sort in an amendment he offered. I make the point of order that the amendment proposed changes existing law, and therefore can not go on the bill.

Mr. DANIEL. I beg leave to call attention, if I may be permitted to do so, to an item in this bill, just preceding the amendment which I have offered:

For extension of limit of cost of site and building from $1,300,000 to $1,400,000, $100,000.

The amendment is exactly in accord with the construction of the bill which we have before us.

Mr. ALLISON. What page did the Senator read from?

Mr. DANIEL. Page 4.

The VICE-PRESIDENT. The Chair will inquire of the Senator from Virginia whether the amendment has been reported from a committee?

Mr. DANIEL. Yes, sir; it has been reported by the Committee on Public Buildings and Grounds, of which I have the evidence before me.

The VICE-PRESIDENT. The Senator's statement is all that is necessary. The Chair did not hear the Senator.

Mr. DANIEL. It has been reported from the Committee on Public Buildings and Grounds, and it is estimated for by the Department.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. Does the Chair decide that the amendment is in order?

The VICE-PRESIDENT. The Chair rules that the amendment is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SEWELL. I call the attention of the chairman of the committee to page 113, after line 6, where I move to insert:

For new barn, $3,500; for electric-light plant, $10,000.

The amendment was agreed to.

Mr. ALLISON. The total must be changed.

Mr. SEWELL. The total should be changed to correspond with the increase.

Mr. ALLISON. The clerks will be authorized to make the change.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CLARK. I beg leave to offer an amendment.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States the same as if said Executive orders and proclamations had not been made.

Mr. ALLISON. I reserve the point of order on the amendment that it is new legislation, entirely independent of any appropriation in the bill. However, I will waive the point for the moment, until the Senator from Wyoming can be heard.

Mr. CLARK. Mr. President, I have no desire to be heard on the amendment, except to present a few facts to the Senate in regard to the reservation that was made by the order of the President on February 22, which, to give it the most charitable interpretation that can be applied to it, was made, in my opinion, without full and proper information, and I ask the attention of the Senate to the amendment.

The amendment provides for restoring 21,000,000 acres of land to the public domain—21,000,000 acres of land that has been taken from the public lands of the United States, from the settlers, from the farmers, from the prospectors of the Rocky Mountain and coast region—on the recommendation of a committee appointed by the American Scientific Association. The ostensible object of the reservation is the preservation of the forests upon the 21,000,000 acres of land.

I wish to state to the Senate, that it may understand the situation, and I do it in no spirit of harsh criticism of the Executive, that on the 21,000,000 acres of land segregated from the public domain enterprise was stopped at the borders; the exploiting of mines was absolutely and entirely stopped; town sites were embraced. In these reservations are thousands of men to-day, with their farms upon the reservations, and all this was done without consultation, so far as I have been able to inform myself, with any Senator or any Representative in Congress from any of the States affected by the order.

That this reservation works and will work hardship, none can question. In my own State I can speak of my personal knowledge, and of other States I can speak from what the Senators and Representatives from those States have told me. In one reservation in my State, known as the Big Horn Reservation, something over a million acres of land have been taken from the public domain. That is at the summit of the Big Horn Mountains, in the northern part of the State, next to the Montana line. When we protest against this reservation, we are met by the statement that there are very few settlers there, as shown by the plats of the General Land Office, and yet that entire country is now, this day, full of men opening up a new mineral region, which we hope will pour immense quantities of wealth into the coffers of the country. They are compelled to pause with pick in the air because this reservation, withdrawing the lands, takes them away from the exploiting and the prospecting and the exploration of the mines.

If it had been desired to preserve the forests, the Big Horn forest reservation would have been dropped 100 miles to the south, because 100 miles, certainly 50 miles, to the south of that reservation is the very place where the forest needs preservation, if anywhere, because there are found forests that protect the head waters of the Big Horn and the other streams which carry the waters of that country, and which should be preserved.

I can not think that if true information had been given to the Executive this order would have been made. I do not question his authority to make the reservation of 21,000,000 acres of land in my own and adjoining States, under the strict letter of the law. I do, however, question his right to make it under the spirit of the law. The Congress of the United States in 1891, in the expiring moments of the Congress, passed a law that was not duly guarded in its terms. I can not believe that the Senate and the House of Representatives ever expected that it would be executed in the way it has been executed. That law provided that the President of the United States, when in his judgment it should be necessary for the preservation of the forests of the United States, should set apart as forest reserves such portions of the public domain as in his judgment might be necessary.

At the former session of the present Congress a law was passed appropriating $25,000, to be expended under the direction of the National Academy of Sciences, for the purpose of exploring our whole country, finding out the condition of our forests, and reporting and suggesting such legislation as was thought by them to be necessary and desirable. These gentlemen—and I was talking with one of them immediately after the order was issued; whether or not they used the appropriation I am not informed—five scientific gentlemen from the East, went to the Western States. They gleaned from some sources, from somewhere, what they considered to be information in regard to our forests, and they started in their work in July. Early in the fall they returned, and I assume that the President, acting upon their recommendation, has made the order withdrawing these 21,000,000 acres of land from settlement. I wish to state here that at least in one case, the only one as to which I inquired directly—the Big Horn Reservation of which I have spoken—an eminent scientist and a member of that commission acknowledged to me under the press of interrogatories

that not a member of the commission had ever been upon this reservation or within miles and miles of it.

Now, I wish the Senate to understand the condition of affairs; that these reservations have been made without due consideration, without personal knowledge on the part of the commission as to whether or not any timber is upon the reservations, without any knowledge as to whether or not the water supply will be guarded; but arbitrarily, with the stroke of a pen, without consultation with any of the people of the States most interested, the order is made, and we ask the Senate, by legislation, to annul that order. It still leaves the President free under the law of 1891, if he makes the proper investigation, to segregate such parts of the public domain as will serve the purpose which the law contemplates. The adoption of this amendment means that the picks will again begin to strike in all these reservations, and that a man who has a home in these reservations can again go out and get his firewood from the timber on the public domain.

The effect of these reservations is that while care is taken in the proclamation to say that the settler who is there with a bona fide title shall not have his title challenged, yet in effect it provides that he shall not burn a stick of timber in all that land to light his hearth. All the reservations are made at the behest of these scientific gentlemen. I honor them for their knowledge; they are an ornament to the country; I read their reports with admiration; but they belong to that class of scientific gentlemen who think more of the forest tree than they do of the roof tree, and we have a whole lot of people in the West who think as much of their roof tree as the people of any other part of this nation.

We believe it is an injustice to us. We believe that instead of the development of our country being retarded, it should be advanced. We believe that the life of the man is worth more than the life of the tree. We have timber that can be used there for commercial purposes, and these scientific gentlemen ought to know it.

In some of the reservations, if this amendment be not adopted, or one like it, it means the absolute confiscation of hundreds of thousands of dollars of actual, tangible property, and I am not stating the fact too strongly. In a reservation that is made in the State represented by the Senator from South Dakota [Mr. PETTIGREW] there is a reservation that takes within its borders some of the greatest paying gold mines on the continent of America. Those mines absolutely can not be worked; they absolutely can not raise their product from the ground unless they have the benefit of the timber growing upon the public domain. Hundreds of thousands of dollars have been invested there, and hundreds of thousands of dollars have been virtually confiscated by this order which, in my judgment, was so hastily made on the anniversary of the birth of Washington.

Mr. President, I have felt a good deal of hesitation in offering this amendment. I am conscious of what it means. It means the annulling of a deliberate order of the Executive of this nation, and were I not impressed with the absolute necessity of this action, and the immediate necessity of present action, I would not have thought of offering the amendment. I respect the office of the Executive of this nation; there is no higher one on the face of the earth; but if, in order to protect the people of my own State or of an adjoining State, I am compelled to offer an amendment of this kind, it shall be offered. I hesitated in offering it, because I was told by members of the Senate that the adoption of the amendment would mean the veto or the failure of the sundry civil appropriation bill. I can not believe that that is possible. I can not believe that the President of this great Republic, if he has, as he must have, the good of his people at heart, would be so piqued because Congress, in its wisdom and after due deliberation, has seen fit to restore the homes of the people, that he would veto a great appropriation bill. But no matter if that should be the temper in which we meet the Executive, I for one am ready to meet the question on that ground, and I say here and now that neither on this bill nor any other will I sacrifice what I consider to be the well-being of the people of my State to satisfy the pique of any branch of this Government.

But it is urged that the amendment should be modified; that it should be made more moderate in its tone; that it should be put in a little different shape; that we should suggest that some exception should be made to the general order. In my judgment, it is either this or nothing. In my judgment, unless the whole order be revoked, the time will never come when these reservations will again be thrown open to the public domain. The lonely settler within the heart of the Big Horn or Jacksons Hole Reservation may remain lonely all his life because the President of the United States has placed a bar about him hundreds of miles perhaps, dozens of miles anyway, and at the edge of that has said to all the people of the United States besides, "You shall not go in and be a neighbor of this citizen, who has settled in good faith upon land which we want for a forest reservation."

Mr. President, there is no demand for these reservations, as such reservations have been made by the people of the States in which they lie. A gentleman had the assurance to tell me the other day, "It is needful that we should protect the frontier settlers." That, perhaps, is true. It is possibly true that the men who have prospected and exploited and lived under the hardships and toils of frontier life need some protection for themselves. But we have the experience of other parts of the country to caution us. We have the experience of the swamp-land act; we have the experience of a dozen other matters connected with the public-land surveys, and, in the light of that experience, we believe we know what is best for us.

No people on the face of the American continent are so anxious for the proper preservation of the forests and the water supplies of the West as the people of the public-land States. It means everything to us that they shall be properly preserved. But, on the other hand, it seems to us that the reservations should be made only when necessary; that they should be made only after an actual observation upon the ground. It appears to me impossible for four or five gentlemen, even though they stand at the head of the science of forestry in this country, to sit down at the Sheridan Inn, or elsewhere, 50, 60, 100, or 200 miles from a reservation and draw upon a map with any degree of intelligence the proper boundaries of a forest reserve.

Mr. President, I hope that the point of order reserved will not be insisted upon. This is the most vital question that has touched the people of the West during the present session of Congress. Gentlemen in the East can not appreciate it. You do not know how our people feel about it. You do not know what it means to us. It means the arrest of development in large parts of the West. It means the arrest of mining enterprises in large parts of the West. Some of these reservations are along railroads and town sites. It means that no man can warm his cold family with a stick of public timber, even though they be perishing, under the penalty mentioned in the law and the proclamation. We would not have complained of it had it been done with due deliberation. We do believe that it ought never to have been done except upon the best information obtainable, and I am satisfied that such has not been had.

I have spoken more especially with reference to my own State. I believe that other States are affected as badly or worse. I sincerely hope that the amendment may be adopted. It means more to us than the chairman of the Committee on Appropriations can conceive. It involves substantially the development of that whole Western country.

Mr. STEWART. I should like to have the amendment read.

The VICE-PRESIDENT. The amendment of the Senator from Wyoming will be again read.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States, the same as if said Executive orders and proclamations had not been made.

Mr. STEWART. I should like to inquire of the Senator from Wyoming if those are all the States to which the order applies? Are there any other States?

Mr. CLARK. My impression is that the amendment covers all the reservations in the order referred to, and the only order of which complaint is made.

Mr. STEWART. Mr. President, I hope the amendment will be adopted. It is hard to realize what injury must necessarily come from such an order. We had a long and heated controversy here, which took several sessions of Congress before we could straighten it out, on account of the selections that were made for reservoir sites. A law was passed authorizing reservoir sites to be selected and set apart. That was all very well. They were to be surveyed and set up, but the language of the law was so construed by the Department that vast regions were first reserved, and then they got an Executive order that withdrew all the public lands from entry, closed every land office, and it took us a long time before we could get back by legislation to a point where the people could use the public lands in that part of the country.

Mr. CLARK. If the Senator will allow me a moment, I desire to state that this amendment has been favorably reported by the Committee on Public Lands. I neglected to state that fact.

Mr. STEWART. The selections were made, not from an examination of the reservations, not on the ground, but it was done here, taking the townships that were laid out even before they were surveyed, extending and marking them on the plats in the Department, they not knowing anything about what they were doing, and great hardship resulted from that proceeding.

I understand that the recent order includes about 23,000,000 acres. Am I correct?

Mr. CLARK. Twenty-one million acres.

Mr. STEWART. Twenty-one million acres are enough to make a large State. It excludes it from exploration and development, and will retard mining and the use of the lands for all time unless

the restriction shall be removed. It is true that those who inhabit the country must necessarily use the timber. That is one of the necessary incidents of habitation. But in the mountain region, as a rule, there are vast areas of mountain land where timber grows on land which is not used for occupation. The timber can grow there, and it is very well to protect it; but to make a sweeping order without surveys, without knowing the limits, and to include the mineral and everything else, and stop the progress of the country it seems to me is very unwise.

If there had been surveys setting apart particular localities where there was no mineral, where people were not occupying the land, selecting localities in limited quantities, to preserve the timber at the heads of the streams, that would be all very well, if nothing more than that was contemplated. Now, instead of following that plan and surveying the land and knowing what was being done, so as to make a reasonable selection, here is a sweeping order covering 21,000,000 acres of land. It ought not to be set apart in this way. I think the President has been misled by enthusiasts who want to protect all the forests there are in the United States, and not have them used at all. They are generally persons who have been educated in countries where forests were preserved and cultivated, but that is a very different thing.

Mr. TELLER. Valuable trees.

Mr. STEWART. Valuable trees, etc. In other communities they had seen that done, and they undertake to apply it to a mountain region, where it is necessary that it should be open to exploration and development, if you are going to mine it at all. If silver mining has become so disreputable and wicked that it ought not to be prosecuted, let me say that those regions contain gold mines, and lead mines, and copper mines, coal mines, probably, and various other mines that are so essential, and it is necessary to prospect them and develop them if that country is going to grow. I think this is a very unwise way of proceeding. If it had come here with the maps and charts, so that we could see what they were reserving, and with a report as to the character of the lands, it would be all very well; but here 21,000,000 acres of land, which would cover an ordinary State, are included in an order without any investigation.

Mr. DUBOIS. And without consulting a single representative of the States in which the reservations are made.

Mr. STEWART. And it is done without consulting a single representative from that region. It seems to me it ought not to have been done. I think there is no danger at all that the President would veto a bill of that kind. I think if his attention had been called to it by some one in whom he had confidence (if he has confidence in anyone), if his attention had been called to this mode of excluding settlement and excluding prospecting and excluding explorations in that country—and those pursuits are the life of it; it can not prosper at all without them—he would not have made this sweeping order. He can not be so wedded to the order made (inasmuch as an order of that kind must have been made without reports and maps, and it was done without any consultation with the representatives) that he could take any offense if Congress should see fit to reopen those lands to the use of the people. If the commission of forestry will make the selections and make a report in reason, so that we can see where the reservations are and that the selections do not interfere with the community, and see that they do not contain mines that people are working and intending to work, and do not cut off the resources of the country, as we are all in favor of reserving the forests we will cooperate with them, but we do not propose to cooperate in this way, which is so destructive. I hope the amendment will be adopted.

Mr. CARTER. Mr. President, in the closing hours of the Fifty-first Congress an act was under consideration, entitled "An act to repeal the timber-culture laws, and for other purpose," which, while originally introduced for one special purpose, developed into a general revision of the public-land laws. Without previous consideration by any committee of Congress, as I am informed upon the floor of the Senate during the debate, section 24 was proposed as an amendment, and it is under and by virtue of authority contained in that section 24 that the President recently issued the proclamation complained of.

It is customary in all the Departments, I presume, certainly in the Department of the Interior, in dealing with public-land matters, immediately on the passage of a law by Congress, for the Department to promulgate rules and regulations for its proper and intelligent administration. Such was the course pursued specially with reference to section 24 of that act, and the mischief, if mischief exists in the cases brought now to the attention of the Senate, originated in the failure to comply with the rules and regulations promulgated at the time. No attempt was made to give notice to the citizens of the State in which the reservation contemplated was located; no attempt was made to consult the State officers or interested parties relative to the public welfare in the vicinity of the proposed reservation.

The rules and regulations promulgated in 1891 directed the special agents of the General Land Office in attempting to administer section 24 of the law to personally investigate upon the ground the condition of the country proposed to be included in a forest reservation. After ascertaining by such investigation of the physical character that the land could be properly included in a reservation, they were further directed to consult the State officers, the citizens residing in the vicinity, and further still to publish in the local paper printed nearest the proposed selection, likewise in a paper of general circulation in the State, a description of the land proposed to be embraced within the limits of the reservation, the notice to incorporate a clause inviting all persons liable to be injuriously affected to make known the basis of their opposition to the proposed action. Without attempting to explain those instructions, I will ask that they be read from the desk, as probably the reading will convey the information more rapidly than I could describe it.

Mr. FAULKNER. Will the Senator state whether those regulations by the Department were complied with?

Mr. CARTER. None of the conditions were complied with so far as I am informed, and I have made very diligent inquiry into the matter.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

[Circular of instructions relating to timber reservations.]

P.] DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1891.

TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE.

GENTLEMEN: Your attention is hereby called to section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

To carry into effect said provisions it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residents of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in the immediate vicinity of the particular lands in question.

In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the headwaters of rivers and along the banks of streams, creeks, and ravines, where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snows and the resultant inundation of the valleys below, which destroy the agricultural and pasturage interests of communities and settlements in the lower portions of the country.

For the purpose of securing the necessary data upon which to base recommendations for such forest reservations, the following instructions are issued:

Special agents, upon being detailed to secure the data in question, will proceed, without undue delay, to make in the districts assigned to them a thorough and careful personal examination of the public lands bearing forests or covered with timber or undergrowth, and ascertain by personal observation and by interviews with Government and State officials in the vicinity of such lands, and with citizens who have an interest in the public welfare, all facts pertaining to the value of said forests or timber lands for all uses, purposes, and requirements. The result of such investigations should be duly made the subject of report to this office.

In submitting such reports a recommendation should be made in each case as to whether the lands described should be set apart as a public reservation, setting forth in full the reasons for arriving at the conclusions stated. The agent should also in every instance, so far as practicable, procure and submit with his report the expression of opinion in writing of the officials and citizens interviewed by him relative to the special value of each tract or area of land reported upon.

In recommending reservations of timber lands, special agents should describe such lands by natural drainage basins; and whenever it is in the interests of the industries carried on in the district to except any lands within said basins from reservation by permitting the timber to be cut to meet the wants of the people, such excepted tracts should be described in Land Office terms, as sections, townships, ranges, etc.; but when surveys have not been extended over the lands thus excepted, the lands should be described by natural boundaries in such a manner that they may be readily distinguished from other lands, and that proper provision for their survey by Land Office methods may be made.

After making an examination of the timber lands of any drainage basin and having decided to recommend the same for reservation under the provisions of this circular, before submitting report in the matter a notice should be prepared by the agent stating that such recommendation will be made to the General Land Office, and setting forth a description of the basin, together with a description of any public lands embraced therein which it may be proposed to have excepted therefrom. It should also be stated therein that the object of such publication is to give timely notice of the proposed reservation in order that all parties interested, who either favor or oppose its establishment, may be afforded due opportunity to submit their views to this office, by petition or otherwise, for the purpose of having the same considered prior to the final establishment of such reservation.

This notice should be posted in the land office or offices of the district wherein such lands are situated, and a copy of the same should be published at least once a week for three successive weeks in some newspaper published in the county, or each of the other counties, wherein such lands are situated, and also in at least one other newspaper of general circulation in the State or Territory. If no newspaper be published in the county or counties in which the lands are situated, then the publication should be made in a newspaper published in the county nearest to such lands.

A printed copy of the notice of publication should be submitted with the agent's report, together with the affidavit of the publisher or foreman of each newspaper attached thereto, showing that the same was successively inserted the requisite number of times, and the dates thereof.

Should knowledge be acquired by the agent that any particular tract or

tracts of public timber land are being, or are likely at an early day to be, despoiled of the timber which should be preserved for climatic, economic, or other public reasons, and that the early reservation thereof is necessary, the agent should report the matter at once to this office, describing in general the location of said lands, and stating reasons for believing that necessity exists for early action. Should the services of a surveyor be required to locate and define by proper exterior bounds and lines any tract or tracts therein which should be excepted from reservation, he should submit an estimate as to the total cost of such survey and the time required to complete same. Upon receipt of such report proper measures will be promptly taken by this office in the premises.

Very respectfully,

T. H. CARTER,
Commissioner.

Approved.

GEO. CHANDLER,
Acting Secretary.

Mr. CARTER. It so happened in the course of events that I was connected with the land service at the time these regulations were promulgated, and assisted in the administration of the law for some time in conformity with these rules and regulations. Notwithstanding the precautions taken, giving timely public notice, we found that mistakes were made which injuriously affected citizens and important interests as well.

The complaint made against the mode of procedure in the case before the Senate for consideration rests upon the total failure to give any notice to any party in interest of the proposed reservation of these enormous bodies of land in the respective States. The serious consequences destined to follow this hasty and inadvertent action are most amply and fully illustrated. For instance, on the northern boundary of Montana a very large reservation has been described and proclaimed by proclamation. Upon the easterly boundary of that reservation there exists a mineral region said to contain deposits of copper in combination with gold and silver of fabulous richness. This fact became so apparent that at the last session of Congress the Government purchased about 900,000 acres of that land from the Blackfeet Indians at the price of $10 per acre or thereabouts, and provided that the land should be sold only to mineral claimants at $10 per acre. Before the land is actually surveyed or a dollar received by the Government to recoup it for that investment this proclamation is issued withdrawing the land from mineral entry, thus absolutely destroying the investment made by the Government for the purpose of encouraging the development of the mineral resources of the country.

Again, located near the city of Butte, in the State of Montana, there is one of the most remarkable deposits of copper yet discovered on the earth or within its crust, known as the Anaconda mine. It is a very large vein of ore. It requires an immense amount of timber each day to keep the walls and stopes from falling in and destroying the lives of men and closing up operations. Well-nigh a train load of timber is drawn daily to the Anaconda mine for the purpose of propping the stopes and levels and drifts. The pay roll of the company amounts to about $10,000,000 per year for disbursement in that country. The timber is procured for the purpose indicated in the upper portion of the Bitter Root Valley. The company has built upon the Bitter Root River a sawmill plant, at an expense of about $300,000, for the purpose of preparing the timber for the mines. The only readily available source of timber supply is at that point. Preparations were made to secure the timber there. A permit had been granted by the Department of the Interior to cut the timber. Yet upon investigation it is ascertained that the source of timber supply of the mine is incorporated in a timber reservation by a proclamation of which no human being in or out of Montana had notice until it emanated from the Executive hand, save, perhaps, those who recommended the action.

Mr. TELLER. No one in Montana had any knowledge of it?

Mr. CARTER. No one in Montana, no one in Idaho, no person connected with the representation of the State here, no State officer, no member of the company nor person connected with it, had any knowledge or notice whatever of the proclamation. What will be the result? It must be borne in mind that under existing law, for the purpose of protecting forests from spoliation, we are prevented from removing timber across State lines which happens to be cut on the public domain. Hence this company can not well go without the limits of the State to secure the supply needed, and, if it were driven to that necessity, the excessive cost of transportation in that part of the country would really jeopardize the mining operation; and the sawmill would be an absolute loss to the company.

I use this only for the purposes of illustration. There are other enterprises and other mines in that State which will be affected just as the Anaconda mine. Let me state here that the mineral output of that country, dependent for its continuation upon an untrammeled supply of timber to prop up the mines, amounts to over $50,000,000 per annum. I am asked by a Senator near me if a miner can cook his breakfast with wood taken from one of these reservations. Of course not, without incurring the pains and penalties prescribed in the proclamation.

Mr. LINDSAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. CARTER. Most assuredly.

Mr. LINDSAY. I ask the Senator if the amendment were so modified as to exclude from the operation of the President's proclamation timber necessary for mining and domestic purposes, whether it would not answer all the immediate necessities of the case, leaving the other portion to be investigated when the Senate has time to look into it?

Mr. CARTER. That would obviate some of the difficulty, but not all of the difficulty. The entire region over which these forest reservations extend is a mineral country. By the terms of the proclamation persons are prohibited from entering within the limits of the reservation to prosecute their regular occupation in seeking treasure. This constitutes an important industry in that country. Its pursuit involves the progress of its civilization; its success involves the wealth of the nation in that part of the country; and it contributes largely to the energies of the country at large.

In the State of South Dakota there exists a mine known as the Homestead, a mine that has been sending forth a steady stream of gold to the mints of the United States for well-nigh a quarter of a century. The entire hill is now held up by timber cut and put in there to prop up the points where the ore is extracted. Continuous timber supply is an absolute prerequisite to the continuance of the mining operations. I believe 160 stamps are dropping there to-night, crushing the ore, taking from the store of no human being, injuring no one, but adding to the wealth of all and giving employment in that part of the country, I am told, to several thousand men, whose families are located there and who are dependent upon the continuance of this mining operation for a livelihood. Towns, villages, farms, mines, mills, all the operations of the people of that region, have been indiscriminately included in a reserve, without any provision for the appointment of an agent for the people or to furnish them protection.

Mr. President, there can be no reflection upon the Executive in attempting through the legislative department of the Government to secure the uninterrupted development of the country. It can not be that pride of opinion will prevent the correction of a mistake when it is called to the attention of any officer of this Government. The difficulty in this matter arose not through any mistake of the President. The manner in which these matters are attended to in the executive office of the President we all understand. I have prepared a great many of such proclamations which were signed by the President in a pro forma manner. He did not undertake in any instance to inquire of me bounds or subdivisions, but accepted what came from the Department of the Interior as being the result of due deliberation and proper investigation.

Mr. GRAY. Will the Senator from Montana allow me to ask him a question for information?

Mr. CARTER. Certainly.

Mr. GRAY. Was there not a year or two years ago constituted by act of Congress a forestry commission, who were required to consider this whole matter and report recommendations to the President in regard to forest reservations?

Mr. CARTER. I understand that they were to report to Congress upon certain matters.

Mr. GRAY. I am inclined to sympathize with what the Senator is stating.

Mr. TELLER. I will read from the last sundry civil appropriation act what the Senator undoubtedly refers to. It was passed in the last Congress:

> Forested lands of the United States: To enable the Secretary of the Interior to meet the expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forestry policy for the forested lands of the United States, $25,000.

Mr. GRAY. Is that the whole of it?

Mr. TELLER. That is all of it; and I understand that is the commission which recommended the setting apart of these reservations.

Mr. FRYE. Did they recommend it to the President?

Mr. TELLER. They recommended it to the Secretary of the Interior, or to the President.

Mr. CULLOM. The President has the power to issue such a proclamation without a recommendation.

Mr. CLARK. The President has the power without any recommendation, under the law.

Mr. CARTER. Mr. President, the fate of the pending sundry civil bill can not hang upon the determination of the Senate in reference to this matter. Upon being advised that the plain regulations promulgated by the Department itself for the government of the Executive, for his guidance and information, have not been complied with, when it is made apparent that the people understood from those rules and regulations that timely notice would be given, and that in consequence they had no reason to apprehend what appears to be in this case an inadvertent and untimely action, the Executive will concur in the action of Congress, and most cheerfully concur, I have not the slightest doubt.

Mr. CANNON. I think, Mr. President, that if Senators will

take this case home to themselves, there can be no question of the vote if the matter shall be allowed to go to a vote. There was withdrawn by the recent Executive order from the public domain an area of land larger than the entire land and water area of the State of Maine, four times as much as the entire land and water area of the State of Massachusetts, nearly two-thirds as much as the entire area of the State of Iowa. There are sitting in this body fourteen Senators from the States in which the reservations are located, and not one of the fourteen Senators was consulted with regard to the matter or knew anything concerning it until the publication of the order appeared in the newspapers.

It appears to me that if Senators will consider what their own feelings would have been to have had so large a portion of public domain in their States withdrawn from the use of the people, they will cordially support the amendment in its present form. I take the liberty of saying, without any concert of action with other Senators representing States similarly affected, that if the entire order can not be rescinded I would very much prefer to have it remain in its present form. In other words, rather than have any attempt to amend the proposition of the Senator from Wyoming, so as to provide a partial remedy for the wrong inflicted, I would prefer that we should submit for the time being to the entire wrong.

No two of these reservations are similarly situated. Eight hundred and seventy-five thousand acres of public land in the State of Utah were withdrawn from entry. That tract adjoins nearly 6,000 square miles set apart as Indian reservations. It includes the homes of settlers; it includes mines; it includes the timber which the people cut for their firewood, and some small forests, very small indeed, in which are located sawmills. The line comes down to within 2 or 3 miles of several towns. The perpetuation of the order for any considerable time must work a very grievous hardship upon all the people of that locality. It withdraws all the land of many valleys from the use of the flock masters. Men who have herds of cattle and flocks of sheep will not be permitted under the law and under the proclamation to graze them upon any portion of those lands. No one will be allowed except in danger of the penalty of the law to cut a stick of timber as large as your finger from a portion of that forest reservation.

It appears to me, Mr. President, that bearing in mind that all of the people of the West have been desirous of having reservations made which should protect the sources of their water supply, the disposition on the part of Representatives and Senators and the State officials to cooperate with the national Executive at any time at his behest in the selection of such lands for reservations as would protect the water supply, the least which the Senate and Congress can now do is at this first opportunity highly to resent an order the great effect of which must be a serious hardship upon the people of the West.

Mr. ALLISON. I withdraw my suggestion as to a point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. CLARK].

Mr. PETTIGREW. Mr. President, I wish to say a few words in this connection. This Executive order withdraws from settlement and occupation about 1,000,000 acres of the mining district known as the Black Hills in South Dakota. That region is occupied by 10,000 people engaged in farming, stock raising, and mining. It is but sparsely timbered, and certainly no one who had examined it would have thought of making a forest reservation of it.

Without consulting any representative of the State of South Dakota, without consulting any of the people of South Dakota, the Executive has chosen to set that region apart as a forest reservation and withdraw it from settlement and occupation. Through the center of that tract of a million acres of land there is a railroad 50 miles in length, having stations every 6 to 10 miles, where people are engaged in all the productive industries that go with a farming, a stock-raising, and a mining country. There are several mines and mills, and hundreds of men are employed in the mines producing the precious metals. There is there a county seat, and in fact nearly the entire population of the county is embraced within the reservation. The county seat, Custer City, has a population of 1,200 people, and yet they are embraced within a forest reservation. The town of Keystone, where there are several large mines and mills, had a voting population last fall of 400. The only possible remedy that can relieve those people is the setting aside of this order absolutely. They can take no compromise whatever. The condition that they can cut timber from the public domain and carry on their mining operations would be but a slight relief.

I have a telegram, Mr. President, which I will read:

LEAD, S. DAK., *February 25, 1897.*

Senator R. F. PETTIGREW, *Washington, D. C.:*.

President Cleveland's Executive orders, issued Monday, reserving nearly a million acres of land in the Black Hills of South Dakota for a forestry reservation, will ruin every industry here. Do all possible to have the order suspended. If you can, get it revoked until the people here can be heard. Please send me a copy of the order describing the location of the lands reserved. T. J. GRIER.

The legislature of South Dakota has acted upon this matter, and sent me the following resolution:

A joint resolution memorializing the members of Congress of the United States from South Dakota, requesting the President to modify a certain proclamation respecting lands in the Black Hills in South Dakota.

Whereas the President of the United States, on the 22d day of February, 1897, issued his proclamation withdrawing from settlement certain unsurveyed mineral lands in the Black Hills within the boundaries of the State of South Dakota; and

Whereas the withdrawal of such lands from settlement, location, and appropriation will retard the growth and prosperity of this State, and the development of its mineral resources: Therefore

Be it resolved by the senate of South Dakota (the house of representatives concurring), That our Senators in Congress be instructed and the Representatives of this State in Congress be requested to do all in their power to obtain from the President such a modification of said proclamation as will leave open for location and appropriation the mineral lands of the Black Hills of South Dakota.

ANDREW E. LEE, *Governor.*

Mr. President, it seems to me that we can do nothing less than vacate this Executive order by the amendment, if we desire to do justice to the people whom we have encouraged to occupy that country.

Mr. WILSON. Mr. President, the lateness of the hour and the urgent desire to promptly pass the pending bill admonish me to say only a few words.

The State that I have the honor in part to represent was attached to the State of Montana in the withdrawal by Executive order in the Olympic range of, I believe, a little over 2,000,000 acres of land. I seriously doubt, Mr. President, whether any examination has ever been made by anybody of that reservation. As far as we who live in that State know, only three people have entered the Olympic range. It was, until within the last three years, a terra incognita, and had been but little prospected; but over on the other side, in the Cascade Mountains, under a previous Administration, there was a withdrawal for forestry reservation known as the Pacific Reserve. This included a large body of lands, and quite a hardship was imposed by making this withdrawal, for the reason that a large number of prospectors had located mineral claims in the Cascade Mountains. They sent a protest to Congress seeking advice and information. A bill was passed by the House of Representatives some time during the last session, was reported favorably by the Committee on Forest Reservations of the Senate, and is now pending.

If we should withdraw all the lands, as provided for in that bill, we would do about the proper and apposite thing. That would give an opportunity to preserve the timber. It would also give an opportunity for mineral locations, and the opportunity to develop the mineral industry of the Cascade Mountains. I think that bill ought to pass, or some amendment should be adopted to the pending bill which would give the locators in the mountains on the mineral lands an opportunity to develop them.

Mr. DUBOIS. I shall not detain the Senate, but I simply desire to have printed in the RECORD the statement which I hold in my hand, which shows the lands which have been reserved in the various States—amounting in all to 21,379,840 acres—in the last Executive order. I do this simply to make it a part of the record in order that the committee may use it in conference.

The VICE-PRESIDENT. The paper referred to by the Senator from Idaho will be printed in the RECORD, in the absence of objection.

The paper referred to is as follows:

FOREST RESERVATIONS.

[Proposed by the forestry commission of the National Academy of Sciences.]

			Area.*
Flathead, Mont			1,382,400
Lewis and Clarke, Mont			2,903,080
Bitter Root	Montana	691,200	
	Idaho	3,456,000	
			4,147,200
Priest River	Washington	92,160	
	Idaho	552,960	
			645,120
Washington, Wash			3,504,240
Olympic, Wash			2,188,800
Mount Rainier, Wash		2,234,880	
Excluding the Pacific Forest Reserve		967,680	
			1,267,200
Stanislaus, Cal			691,200
San Jacinto, Cal			737,280
Uintah, Utah			875,520
Teton, Wyo			829,440
Big Horn, Wyo			1,127,680
Black Hills, S. Dak			967,680
			21,379,840

NOTE.—The Pacific Forest Reserve area is not included in the grand total, for the reason that it is already reserved.

Mr. MANTLE. Mr. President, the objections to this Executive order have been so well stated that it is unnecessary for me to reiterate them. I rise simply to tender my thanks on behalf of the people of my State to the chairman of the Committee on Appropriations [Mr. ALLISON] for having withdrawn the point of order against the pending amendment.

* Estimated in acres.

I am inclined to think that Senators do not apprehend the enormous mischief to be worked to the people of those States if this order should be permitted to remain in force. In the State of Montana there are over 5,000,000 acres of land set apart in this Executive order. A great deal of that land, thousands and thousands of acres of it, have not a stick of standing timber upon it, most of it having already been cut.

I come from a community in my State, Mr. President, which would be peculiarly affected by this order. It is a mining community, embracing about 50,000 people. If this order were to go into effect, I have no hesitation in saying that within two months 10,000 men would be thrown out of employment because of the inability of those mining companies to secure the timber with which to carry on their mining operations.

I think I might safely say that if this order is to stand and remain the law of the land it ought to be accompanied with a provision for enlarging the penitentiaries and the jails of that country, for two things are apparent, that either the industries and the activities of that section of country must cease or else the terms of this order must be violated every hour and every day. I do not want to see the people of the State of Montana reduced to this extremity or put in a position where, in order to exist, they will be compelled to violate the law of the country; and I appeal to Senators here to step in at this juncture and exercise a little of that generous sympathy, which we have been so willing and so ready to extend to others outside of the domain of the United States, to our own citizens, who are to be put into such a pitiable plight by the provisions of this order, if it is to remain in full force and effect.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wyoming [Mr. CLARK].

The amendment was agreed to.

Mr. THURSTON. I move to amend the bill by inserting after line 11, on page 73, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 11, on page 73, it is proposed to insert:

Domestic sugar production: To enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available land adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, for cost of labor, traveling, and other purposes, $5,000.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in after line 16, on page 97, which has been reported favorably by the Committee on Naval Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, following the amendments already adopted after line 16, it is proposed to insert:

That the Secretary of War be, and he hereby is, authorized and directed to submit estimates of the cost of removing the ledge at Pulling Point, in Portsmouth Harbor, New Hampshire, so far as the same is an obstruction to navigation of large vessels going to the navy-yard.

The amendment was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, at the end of line 11, it is proposed to insert:

That the Secretary of the Navy is hereby authorized and required to establish branch hydrographic offices at Duluth, in the State of Minnesota, Sault Ste. Marie, in the State of Michigan, and Buffalo, in the State of New York, the same to be conducted under the provisions of an act entitled "An act to establish a Hydrographic Office in the Navy Department," approved June 21, 1866; and the Secretary of the Navy is hereby authorized and directed to secure sufficient accommodations in the said cities of Duluth, Sault Ste. Marie, and Buffalo for said hydrographic offices, and to provide the same with the necessary furniture, apparatus, and supplies, and service allowed existing branch hydrographic offices, at a cost not exceeding $15,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. ALLISON. I hope that will be amended by saying "for this purpose" instead of "to carry out the provisions of this act."

The SECRETARY. It is proposed to strike out the words "provisions of this act," at the end of the amendment, and insert "for this purpose."

Mr. PETTIGREW. I accept that modification.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. GORMAN. I suggest to the Senator from Iowa that the amendment ought to be amended by striking out the words "and required." It is sufficient simply to authorize the Secretary of the Navy to make this investigation. The words "and required" occur twice, I think, in the amendment.

Mr. ALLISON. I think the Senator's suggestion would improve the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed, in line 1, after the word "authorized," to strike out "and required;" and in line 10, after the word "authorized," to strike out "and directed."

Mr. PETTIGREW. I accept the modification of the amendment.

The VICE-PRESIDENT. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. PETTIGREW. I wish to submit some papers in connection with the amendment just agreed to, and have them printed in the RECORD.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The papers referred to are as follows:

WASHINGTON, D. C., *February 23, 1897.*

CHAIRMAN COMMITTEE NAVAL AFFAIRS,
United States Senate, City:

The Navy Department approves the amendment, intended to be introduced to the naval appropriation bill by Mr. PETTIGREW, for the establishment of branch hydrographic offices at Duluth, Minn., Sault Ste. Marie, Mich., and Buffalo, N. Y., but provisions should be made therein that the appropriation may also be expended for furniture, supplies, and services as now pertaining to existing branch hydrographic offices.

HERBERT.

STATEMENT IN FAVOR OF ESTABLISHING BRANCH HYDROGRAPHIC OFFICES.

The aim of these amendments is to establish on the Great Lakes, under the Hydrographic Office of the Navy Department, a set of branch hydrographic offices, such as now exist on the Atlantic and Pacific coasts. The great feature of branch offices consists of personal visits to ships and to nautical and shipping men, for the purpose of gathering new information of benefit to commerce, which information is sent to the main Hydrographic Office, where it is edited and published for the benefit of commerce generally. The branch offices also correct barometers, thermometers, chronometers, and charts for ships, and point out the latest charts; and each branch office contains on its shelves a complete set of the charts of the world, including sailing directions, pilot directions, etc. Each branch office also answers inquiries relative to nautical matters, such as the best route to pursue, existence of wrecks, port regulations, etc.

The library of charts in each branch office may be consulted by the public freely. Since charts must be corrected almost daily for the reception of new information, it is rarely attempted by any public library, other than branch hydrograpic offices, to keep a set of nautical charts. The main hydrographic office and the branch offices therefore provide the only complete libraries of nautical charts in the United States. On the Great Lakes it is now admitted by the best shipmasters that instrumental navigation, such as is used to safeguard the ships upon the oceans, should be extended to the lake region. It is the further object of the branch offices to encourage and facilitate advancement in the knowledge of navigation. Through the instrumentality of the Hydrographic Office two schools of navigation under private direction are already in successful operation on the Great Lakes, where there are under instruction a large number of officers of the Naval Reserve, owners of yachts, and captains and officers of merchant vessels.

The appreciation shown by the public, and by navigators, of the branch hydrographic offices on the Atlantic and Pacific coasts is the best reason that could be urged for the establishment of a set of branch offices on the Great Lakes. Through the instrumentality of the branch offices, the Hydrographic Office has secured a corps of voluntary observers of the mariners of all nations, the membership of which numbers from 1,500 to 2,000. The totals in the appended table show the immense amount of work done by these offices during the fiscal year 1896 for the benefit of commerce. It is shown that personal visits were made to 9,702 ships and that 13,549 visits were received; 11,544 barometers were corrected, 2,867 chronometers compared, 8,810 charts corrected for navigators, and 1,407,228 notices to mariners distributed.

It is remarkable that, notwithstanding the immense and rapidly growing commerce of the Great Lakes, the Government has done but little to help it, whereas a great deal of money has been spent from year to year to benefit commerce on the ocean. Nearly all of the maritime associations on the Great Lakes have passed resolutions favoring the establishment of branch hydrographic offices on the Great Lakes and highly approving the extension of the work of the Hydrographic Office in that region, where about 95 per cent of the commerce belongs to the United States.

Another feature of the branch offices is the display of a time ball, connected electrically each day directly with the Naval Observatory at Washington, whereby the correct time is given to mariners and the public generally. The immense store of data relating to marine meteorology now in the possession of the Hydrographic Office, which in amount exceeds that in possession of any other government, has been collected mainly through the instrumentality of the branch offices.

C. D. SIGSBEE,
Commander U. S. N., Hydrographer.

Mr. LINDSAY. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 93, in line 13, after the word "otherwise," it is proposed to insert "and said $83,000 shall be immediately available;" so as to read:

Provided, That of the amount authorized to be expended, $83,000, or so much thereof as may be necessary, may be expended in addition to the $50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise, and said $83,000 shall be immediately available.

The amendment was agreed to.

Mr. CHANDLER. Mr. President, the Senate Committee on the Census and the House Committee on Appropriations have agreed upon the preliminary organization of the Census Office for the purpose of taking the next census. It is the expectation that the volumes comprising the next census, instead of being twenty-five, as in the census of 1880, will not exceed five or six. The scope of the next census is to be defined by Congress at its next session; but it is very desirable that the preliminary organization shall be made immediately. I therefore, by direction of the Committee on the Census, ask that the provisions of the bill now upon the

Calendar of the Senate, which has been reported from the Committee on the Census and has been approved by the House Committee on Appropriations, may be added to this bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 70, after line 6, it is proposed to insert:

That there shall be at the seat of government a census office, the duties of which shall be the taking of the Twelfth and succeeding censuses and the collection of other information, as hereinafter provided.

That the census office shall be under the charge of a director of the census, who shall be appointed, as soon as practicable after the passage of this act, by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall be also an assistant director of the census, to be appointed in like manner, who shall be an experienced statistician and shall receive an annual salary of $4,000; and there shall also be in the census office, to be appointed by the director thereof, a chief clerk, at an annual salary of $2,500; five chief statisticians, at an annual salary of $3,000 each; one stenographer, at an annual salary of $2,000, and as a temporary office force, until the force of the census office shall be classified and provided for through regular appropriations, such number of employees, not to exceed 32 in all, as the director of the census may find necessary for the purpose of carrying out the provisions of this act, such employees to consist of clerks of classes 4, 3, 2, and 1, and at $1,000 per annum, watchmen, assistant watchmen, messengers, assistant messengers, laborers, skilled laborers, and charwomen. The chief statisticians herein provided for shall be persons of known and tried experience in statistical work. One of the clerks of class 4 shall be designated as disbursing clerk, and shall, before entering upon his duties, give bond to the proper accounting officers of the United States in the sum of $10,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the United States quarter-yearly or oftener, as may be found necessary, of all moneys and property which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

That the chief clerk, disbursing clerk, and the chief statisticians provided for in the preceding section may, in the discretion of the director of the census, and all other census employees authorized by this act below the assistant director of the census, shall be appointed in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the Government," approved January 16, 1883, and the amendments thereto and the rules established thereunder; but when requisitions are made upon the Civil Service Commission for certifications for the appointment of clerks in any of the grades herein provided for the said Commission shall, if the director of the census so indicates, give preference in certification from the eligible lists to persons who have served in the clerical force of the Eleventh Census.

That it shall be the duty of the director of the census to submit to the Secretary of the Treasury, on or before October 1, 1897, estimates for such classified force as he may deem necessary to carry out the provisions of this act relative to the census.

That during the necessary absence of the director of the census, or when the office of the director shall become vacant, the assistant director shall perform the duties of the director.

That the Twelfth Census shall be restricted to such specific topics and features as may be authorized by Congress, and to this end the director of the census shall proceed at once to make all necessary preparations for the next decennial enumeration, and shall submit to the Congress in December, 1897, a report, with recommendations, relating to such topics or features as he may deem adequate for the purpose intended by this act; and in his report he shall make such further suggestions and recommendations relating to the details necessary for taking the Twelfth and subsequent censuses and for the continuous work of a permanent census office as he may deem proper.

That the director of the census is hereby authorized to print and bind in the census office such blanks, circulars, bulletins, and other small matters as may be necessary and advisable for the proper conduct of the census office.

That such records, books, and files as relate to preceding censuses as may be necessary in conducting the work of the census office, and the printing-office outfit used in the Eleventh Census, or so much thereof as may be necessary, and such furniture and property of whatever nature used at the Eleventh Census as can be spared by the Secretary of the Interior, shall be transferred to the custody and control of the census office created by this act; and all such property, furniture, and records shall be inventoried by the proper officers of the Department of the Interior when such transfer is made to the director of the census, and a copy of the inventory shall be filed and preserved in the office of the Secretary of the Interior and in the office of the director of the census.

That the Director of the Census may authorize the expenditure of necessary sums for the traveling expenses of the officers and employees of the Census Office, stationery, and the necessary expenses incidental to the carrying out of this act, the furnishing of offices and the rent thereof, not to exceed a rental of $5,000 per annum, and the conduct and maintenance of the printing office herein authorized, and shall annually make a detailed report to Congress of such expenditures. And for the purpose of carrying out the provisions of this act relative to the census the sum of $75,000, to be available on the passage of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall continue available until exhausted; but nothing contained in this act shall be construed as changing existing law so far as it relates to the completion and the distribution of the results of the Eleventh Census.

Mr. GORMAN. I think that amendment is subject to the point of order that it is new legislation.

Mr. CHANDLER. I hope the Senator will not make the point of order. The amendment contains the appropriation for starting the next census. It is reported by the Committee on the Census, and this simply makes the necessary provision for organizing the census force by means of this appropriation. I would ask the Senator from Maryland [Mr. GORMAN] in all good faith why it is not in order?

Mr. GORMAN. This matter may have been considered by the Committee on Census, but it has not been referred to the Committee on Appropriations. It is certainly new legislation.

Mr. CHANDLER. Does the Senator make the technical point that it has not been referred to the Committee on Appropriations?

Mr. ALLISON. It has been.

Mr. GORMAN. It has been?

Mr. CHANDLER. Yes. It makes an appropriation for starting the next census, and I would like the Senator in all good faith to tell me why it is not in order—appropriating $75,000, and having been referred to his committee—to begin the organization of the next census.

Mr. GORMAN. I think it is general legislation.

Mr. CHANDLER. No; it is special legislation in connection with that subject.

Mr. GORMAN. There is no necessity whatever for loading this bill down. I have no doubt the general scheme of having a permanent census is a great one, but I think we had better let something go over until after the 4th of March. I can not withdraw the point of order.

Mr. CHANDLER. I do not wish to put any strain on the Chair to decide whether this is or is not in order, and I will take the decision of the Senator from Maryland and put the responsibility on him of objecting to the adoption of this amendment. But it is just as much in order and ten times as necessary as a great many amendments that have been put on this bill while the Senator from Maryland has sat in his chair and has not objected.

Mr. GORMAN. I should be glad if I could withdraw my objection to the amendment. But the temper shown in this body this afternoon indicated that anything on the face of the earth might be put on the pending bill. It has run up now, I think, to about fifty-four or fifty-five million dollars. We have made a river and harbor measure of this bill; we have made a public-buildings appropriation measure of this bill.

Mr. CHANDLER. All by the committee of which the Senator is a member.

Mr. GORMAN. No, but by the Senate.

Mr. CHANDLER. No; by the committee.

Mr. GORMAN. Here we stand to-night at nearly 11 o'clock with the largest appropriation bill that has ever passed Congress, one that carries more money than the condition of the Treasury will warrant, when every Senator is aware of the fact that from July last until to-day we have a deficiency of $48,000,000 in the Treasury—that is, the expenditures have been that much greater than the receipts; when every Senator is aware of the fact that if we continue to add amendments to this bill, and make provision for necessary and unnecessary objects, the probability is that we shall have to deal with this question again.

I do not hesitate to say that the Congress of the United States will be properly subjected to the charge of extravagance, to the charge of useless expenditures, to the charge of creating useless offices, offices piled up here at this session of Congress, when there can be no earthly necessity for it. There is no earthly necessity for it. We shall have time hereafter to consider whether we shall increase appropriations already amounting to $500,000,000 a year, when we are confronted, as we shall be within twenty-five days, with the question of increasing taxation. We ought not at this time, when a new Administration is about to take charge of the Government, to lay foundation for the charge that by prior extravagance we have compelled them to increase taxation. For one, I object to it. The Senator from Virginia [Mr. DANIEL] asks me how much the bill carries. I would say fifty millions as it came from the House of Representatives, and, with the additions made to it by the Senate, I have no doubt it will exceed $54,000,000.

Mr. ALLISON. Not quite so much.

Mr. GORMAN. Not quite so much, the Senator says. Well, $51,000,000, as reported by the Committee on Appropriations, and, in addition, whatever has been put on the bill by this body. But here is a proposition to make a new department of the Government. If it is wise, I have no doubt——

Mr. CHANDLER. This does not create a permanent Census Bureau.

Mr. GORMAN. Practically that is what it does.

Mr. CHANDLER. It begins the work of the next census this year; and it will save money to the Government to begin it this year.

Mr. GORMAN. That may be, Mr. President; but let it wait until after the 15th day of March, when we can consider it. I have no doubt that the committee which considered it have given it proper consideration, but I think it ought to come as an independent proposition when we can look into its details and can give time to its consideration, and not put it on an appropriation bill.

Mr. CULLOM. Mr. President, I wish to say just one word. I have believed for a good while that the manner in which we went to work to take the census was a very expensive one, and that there ought to be some change in the law, as to the time in which the work should begin. I do not suppose that it is necessary for me to say, because every Senator knows, that the taking of the census has been a most expensive affair, especially the last two censuses, as to which I myself have had some knowledge. This large expense has resulted for the greater part from the delay by the Government in making preparation for it.

We have allowed legislation to be neglected until we reached the very point of time when the work should begin. The consequence has been that from want of knowledge the results of part

of the work done had to be discarded, and the whole thing resulted in a comparatively poor census and an exceedingly expensive one. Hence the Committee on Census this year concluded that we ought to report a bill at this session providing for the creation or the appointment of a census officer with some power to proceed and get ready for the work.

While this preliminary preparation may cost forty or fifty or sixty thousand dollars, I have no doubt that its expenditure would result in a saving to the Government of half a million dollars or more, whereas if we let it run along again until we reach the point of time at which we shall be forced into the performance of that duty, we shall again have an expensive census, and a census not so well taken as it might be if we should adopt this amendment or something like it, and thus prepare for the work, so that the Government might go at it in the right way.

I appreciate the remarks of the Senator from Maryland [Mr. GORMAN] with reference to the large amount carried by this bill, but the addition of the little sum proposed in the pending amendment will be but slight. I would not insist upon it if I did not believe that it would result in saving hundreds of thousands of dollars if passed at the present session. By the amendment some man would be appointed to take charge of this work and organize it, and lay the foundation for the taking of the census in the right way before the time comes for the actual doing of the work itself. I will go with the Senator from Maryland in trying to save money and avoid all unnecessary expenditure, but I think this is one of the things we ought not to hesitate about. If there is any way to save money in the performance of public duty, it is in preparation of the kind contemplated by this amendment. I therefore hope the Senator from Maryland will withdraw the point of order.

Mr. GORMAN. I can not do it, Mr. President.

Mr. CHANDLER. I wish to make a last appeal to the Senator from Maryland. The cost of the last census was over $11,000,000. This is an appropriation of $75,000 to start the organization of a census office, and surely the money will be saved to the Government by beginning now. I really hope the Senator from Maryland will withdraw his point of order. There are members of his own committee who think this thing ought to be started, and I do not like to have him try his annual economic fit upon me.

Mr. GORMAN. I am very glad always to oblige the Senator from New Hampshire. I think that annually he makes this same appeal to me to withdraw objection to appropriations of money.

Mr. CHANDLER. No, Mr. President, never before. This is the first time in ten years.

Mr. GORMAN. I must decline; Mr. President, to accommodate my friend on this occasion. He will have ample opportunity, and I want him and his friends to take the full credit after the 4th of March, to ring in the proposition that we ought to have established these offices. I do not want to deprive them of the opportunity, and I therefore insist upon the point of order.

The VICE-PRESIDENT. The point of order is made by the Senator from Maryland that the amendment is general legislation. The Chair is compelled to sustain the point of order.

Mr. CHANDLER. I am not at all disappointed in the Chair, but very much disappointed in the Senator from Maryland. [Laughter.]

Mr. CARTER. I offer an amendment, to come in on page 83, at the end of line 14.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 83, after line 14, it is proposed to insert:

And the Secretary of War may in his discretion use not to exceed $20,000 of said sum to purchase the former post traders' building at Fort Assiniboine, in Montana.

The amendment was agreed to.

Mr. SQUIRE. On page 91, after line 9, I move to insert the amendment which I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized and directed to expend from the appropriation of $25,000 "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith," made by the "Act making appropriations for the construction, repair, and preservation of certain public works of rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of $10,000 for making a definite survey and location of the improvement of the said waterway from the head of Salmon Bay to termination on Smiths Cove, and connect with former survey from Lake Washington to head of Salmon Bay, and for preparing a cadastral map showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

Mr. SQUIRE. In connection with the amendment just adopted I submit certain papers, which I ask to have printed in the RECORD.

The papers are as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 24, 1896.

SIR: I have the honor to return herewith a letter, dated the 21st instant from the Senate Committee on Commerce, inclosing for the views of the War Department thereon S. 3300, Fifty-fourth Congress, second session, "A bill authorizing the Secretary of War to expend a portion of an existing appropriation for making a survey and location of the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, and preparing a cadastral map."

The river and harbor act of August 17, 1894, in making an appropriation of $25,000 for dredging Salmon Bay, and the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, provides that no part of said amount shall be expended on the improvement until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States free of cost and to the satisfaction of the Secretary of War. By the sundry civil act of March 2, 1895, the authority of Congress was given for the expenditure of $5,000 from the appropriation of August 17, 1894, in making a definite survey and location and in preparing the papers necessary to secure the right of way to the United States. The report giving the results of this survey is printed in the annual report of the Chief of Engineers for 1896, page 3356 et seq.

This survey, however, only included the route from Lakes Union and Washington to the foot of Salmon Bay. Since that time the Secretary of War has, in accordance with authority granted by law, selected the "Smiths Cove route," which necessitates the condemnation of right of way from Salmon Bay to Smiths Cove, over which portion of the route no survey has yet been made and for which survey no portion of the existing appropriation for the improvement of this waterway can be used without the special legislation herein proposed. The cost of such survey can not now be definitely determined, but it is not thought it will be $10,000. It is, therefore, suggested that after the word "dollars," in line 14 of the accompanying bill, there be added the words, "or as much thereof as may be necessary."

A copy of the bill as thus amended is herewith.

Very respectfully, your obedient servant,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

—

SEATTLE, WASH., *February 25, 1897.*

Hon. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of to-day, I have to say: The action of the Honorable Secretary of War, changing the route of Lake Washington Government Canal, pursuant to act of Congress, so as to debouch into Smiths Cove instead of Shilshole Bay renders necessary an additional survey to cover and connect that part of the canal running from head of Salmon Bay to Smiths Cove with the previous survey. The very same reasons exist for this as for the previous survey. Without it, the condition imposed in the appropriation for construction can not be met, for it is impossible for us to convey to Government a right of way or a release from damages that is unsurveyed and therefore undefined.

Our citizens are endeavoring with utmost good faith and diligence to meet the condition. They have procured an act of our legislature for condemnation of the right of way and all items of damages in order that the right of way and damages may be condemned and paid for and the right of way and release from damages be turned over to the United States. A suit is now pending under that act and in process of trial for such condemnation as far as the right of way and damages have been defined by survey. Our citizens are exceedingly urgent that the right of way and release be tendered to the Government as speedily as possible, and are only prevented from proceeding to condemn and tender the remainder of the right of way and items of damages by the failure of the Government to define by survey what it is exactly that the Government wants. Our city and country are practically a unit on this matter. It will be very strange if the Government refuses to define a condition which it requires to be met. We hope to hear within a few days that the amendment to the sundry civil bill will carry the item of $10,000 for this necessary and reasonable survey.

ROGER S. GREENE,
Chairman Lake Washington Government Canal Committee.

—

SEATTLE, WASH., *February 26, 1897.*

Hon. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of yesterday, I beg to say our citizens are amazed at hesitation to appropriate $10,000 for survey of that portion of route for Lake Washington Government Canal recently changed by the honorable Secretary of War. Two previous appropriations await securing of right of way by us, which can not be completed until Government defines the ground of this new portion. Condemnation proceedings against 800 defendants are now on trial and well toward completion for securing right of way so far as defined by Government. All previous steps of the United States, of State legislature, and of our city and county will be placed in suspense and be discredited if provision is not made now for defining on the ground the recent change specified by Secretary of War. With full knowledge of facts, there can be no ground for withholding the amount needed to complete this survey.

W. D. WOOD, *Mayor of Seattle.*

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to offer the amendment which I send to the desk.

The SECRETARY. On page 2, after line 5, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the United States custom-house and post-office building at Bridgeport, Conn., for the use and accommodation of the Government office in said city, upon plans and specifications to be prepared by the Supervising Architect of the Treasury Department, the cost of said additional land and extension or addition not to exceed $100,000.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, to be inserted on page 55, after line 17. This amendment, I will say to the Senate, is in the nature of legislation, but is very much desired by the senior Senator from Vermont [Mr. MORRILL], who is unable to be present during these night sessions, and I will ask unanimous consent that it may be inserted in the bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 17, on page 55, it is proposed to insert:

Sections 2525 and 2526 of the Revised Statutes are hereby amended to read as follows:

"SEC. 2525. On and after October 1, 1897, there shall be in the State of Vermont two collection districts, as follows:

"First. The district of Vermont to comprise the counties now constituting the First Congressional district of Vermont, in which district Burlington shall be the port of entry, and St. Albans, Alburg, East Alburg, Swanton, Highgate, Franklin, West Berkshire, Windmill Point, and Richford, subports of entry.

"Second. The district of Memphremagog to comprise the counties now constituting the Second Congressional district of Vermont, in which district Newport shall be the port of entry, and North Troy, Derbyline, Island Pond, Canaan, and Beecher Falls subports of entry.

"SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and whose salary shall be $2,000 per annum; and in the district of Memphremagog a collector, who shall reside at Newport, and whose salary shall be $2,000 per annum: *And provided further*, That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise, without appraisement, are hereby extended to each of the several ports in the two districts provided for herein, and to the subports of St. Albans, Richford, Island Pond, and Beecher Falls."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. I ask unanimous consent that the amendment may be agreed to. I will say that it has been referred to the Committee on Commerce, and has been reported favorably by that committee and referred to the Committee on Appropriations.

Mr. CHANDLER. In whose behalf did I understand the Senator from Iowa to say he offered the amendment? Did he say it was offered in behalf of the senior Senator from Vermont?

Mr. ALLISON. And the junior Senator, who sits by my side, I may also say.

Mr. CHANDLER. Although the senior Senator be absent, I feel that an amendment of this importance should not be adopted in his absence, unless vouched for by the junior Senator, who is present.

Mr. PROCTOR. I will say with reference to this matter that there are 35 collection districts in New England. I take these figures from the last report of the supervising special agent of the Treasury. Of those 35, there are 14 in Maine, 10 in Massachusetts, 5 in Connecticut, 3 in Rhode Island, 1 in Vermont, and 1 in New Hampshire.

Of course, Boston is the largest district. Senators will understand that the labor of a district depends more upon the number of entries that are made than upon the amount of the duties collected. The entries made in Vermont are three-fourths as many as the entire entries in the ports of Boston and Charlestown, and they are more than four times as many as the entire entries in the other thirty-three districts of New England. If the district is divided, as proposed, each district will be larger than any other district in New England, except the port of Boston and Charlestown.

Now, a word about the situation. The northern border of Vermont is a very wide one, and there are six or seven railroads coming in, some of them at the extreme northwestern corner and the others at the northeastern corner. The collector is located in the northwest. He is well located for about one-half of the business of the district, and very badly located for the other half, being separated from it by a mountain range. He can more easily get to Boston or New York, 300 or 400 miles away, than to the other end of his district. This measure is in the interest of economy, and provides for two collectors, each one in the center of his district.

Mr. GORMAN. Let me ask the Senator from Vermont when this provision is to go into effect?

Mr. PROCTOR. On the 1st of October. The term of the present collector will expire either in August or on the 1st of September. It gives him, of course, another month or two's lease of official life, but it goes into operation at the beginning of a quarter, which is important, and it is quite important that it should be determined on early, so that provision may be made for it. I have consulted fully with the present collector, who is a most able and excellent gentleman. The measure was framed, I may say, substantially in the Treasury Department, with the exception of a few details, and was submitted to the present collector.

Mr. GORMAN. I am, of course, in great sympathy with the Senators from Vermont in their desire to increase the number of public offices, and to get their fair share in Vermont of the number of collectorships. It is true that they have been discriminated against—Connecticut, Massachusetts, and Maine having had more than their full share. I had hoped, however, that this increase of offices, which must come, would be at least delayed until the party of which the distinguished Senator, as we understand on this side of the Chamber, is one of the prime ministers, should come into power in all branches of the Government.

I had hoped, after the many declarations which have been made by our friends on the other side in favor of civil-service reform, a reform which they have so much at heart, the core of which I understand to be that good men should be retained in office, that Mr. Bradley B. Smalley, who is one of the model collectors of the United States, would possibly be retained because of his great efficiency; and I am sorry to know that we are now to sacrifice him, and that he is to be the first victim, by legislation. I really think the Senator ought to spare us on this side of the Chamber the painful necessity of speaking to such an amendment at this time.

The result of the November election has brought to the country a new Administration, and our friends on the other side will shortly come into full possession of the offices, and not only of the present offices, but of an increased number. Vermont, however, has but one collector, and as this amendment does not, as they say, and as I understand, largely increase the expenses of the Government, and as it gives opportunity to two patriotic men to protect the flag and uphold the honor of the Government, I shall not make the point of order on it.

Mr. CHANDLER. I wish to say a few words in reference to the economy——

Mr. HALE. If the debate is to be continued, I raise the point of order.

The VICE-PRESIDENT. The point of order is made. The Chair recognizes the Senator from New Hampshire [Mr. CHANDLER] on the point of order.

Mr. HALE. If the matter is to be discussed further, I make the point of order.

Mr. CHANDLER. If the Senator will withdraw his point of order, I will not debate the question. Does the Senator accept the offer?

Mr. HALE. Yes.

The VICE-PRESIDENT. Is the point of order withdrawn?

Mr. HALE. It is withdrawn.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. In behalf of my colleague, I offer the amendment which I send to the desk.

The SECRETARY. On page 57, after line 4, it is proposed to insert:

For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, $15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of $5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. HILL. I understand the Senator from Rhode Island to be imitating the tactics of the other Senator who offered an amendment. The Senator from Rhode Island offers the amendment on behalf of his colleague.

Mr. ALDRICH. My colleague has been detained, and I promised him before he went away that I would offer the amendment for him.

Mr. HILL. The other amendment was offered on behalf of an absent Senator. Still, from the names mentioned in the amendment, it looks a little Democratic, and I will not offer objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SQUIRE. I offer the amendment which I send to the desk, to come in on page 119, after line 14.

The SECRETARY. After line 14, on page 119, it is proposed to insert:

That the Secretary of the Interior be, and is hereby, authorized to apply the sum of $25,446.93, being balance remaining unexpended of the appropriation made by the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes," approved March 3, 1893, for the purchase of a site in the State of Washington, and for the erection of a penitentiary thereon, to the construction of a wing to the penitentiary building at Walla Walla, in the State of Washington.

That the Secretary of the Interior be, and is hereby, authorized to convey the land already purchased under the said act to the State of Washington and to transfer to the said State of Washington the penitentiary building when completed.

Mr. SQUIRE. Mr. President, I wish to say only one word. I am not going to discuss the amendment. I will simply refer to the fact that an appropriation of $30,000 was made for the penitentiary at Walla Walla in 1893. About $5,000, or a little more, of that money has been already expended under the direction of the Secretary of the Interior. The Secretary of the Interior, in his annual report submitted to Congress in December last, gives the reasons why this sum should be reappropriated. It has been already reappropriated, but on account of technical difficulties, which came as between the Department of the Interior and the Department of Justice, the Secretary of the Interior recommends that this appropriation be made; and the amendment has been drawn in consequence of a consultation by myself with the head of the Interior Department. I venture to ask that that portion of

the report of the Secretary of the Interior in relation to this subject be incorporated in my remarks.

PENITENTIARY BUILDING, STATE OF WASHINGTON.

In the deficiency appropriation act approved March 3, 1893 (27 Stat. L., 661), an appropriation for the purchase of a site in the State of Washington and for the erection of a penitentiary thereon was made in the following terms:

"Penitentiary building, Washington: To carry into effect section 15 of an act entitled 'An act to provide for the division of Dakota into two States and to enable the people of North Dakota and South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union and on an equal footing with the original States, and to make donations of public lands to such States:' For the purchase of grounds and the erection thereon of a penitentiary in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, $30,000: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Walla Walla, Wallawalla County, in said State."

Shortly after the passage of said act the governor of the State of Washington and the secretary of the board of directors of the Washington State Penitentiary called attention to the appropriation by Congress for the purposes above mentioned and claimed that it had been appropriated for the purpose of erecting a wing to the State penitentiary at Walla Walla, in which conclusion, however, the Department did not concur, inasmuch as the act in question did not in terms so provide or grant to the State of Washington the lands to be purchased or the penitentiary building to be constructed thereon, nor authorize the transfer of the same to the State by the Secretary of the Interior when completed.

Subsequently, in September, 1893, in response to an inquiry, the United States Senator from Washington (Hon. WATSON C. SQUIRE) was advised as to the view of the case aforesaid, and it was suggested, as the appropriation for the penitentiary was small, it might be advisable, in the interest of economy, to construct the same as a wing to the existing State penitentiary building, provided the United States could purchase the necessary ground and have the use in the construction, if required (without cost to the Government), of a part of said penitentiary wall, the absolute control, however, of the new wing to remain, upon completion, in the United States.

No response having been made to such proposition, in June, 1894, the Department, as a preliminary to the commencement of the work contemplated in the act, appointed a commission for the purpose of examining and recommending a suitable site near Walla Walla, Wash., on which to construct the penitentiary building. The tract selected by this board, consisting of 40 acres of land near the city of Walla Walla, was accepted by the Department, the title of the vendor thereof was approved by the Attorney-General, and thereafter, upon the conveyance of the land to the United States, the consideration named in the deed therefor, to wit, $4,000, was paid.

Thereafter plans and specifications for the penitentiary to be constructed near Walla Walla were prepared, but no contract for the work was let nor has any building been constructed, for the reason that the Attorney-General, who had been requested to direct an officer under his supervision in Washington to designate on the site purchased a suitable location for the building, declined to do so, holding in effect that it was evidently not the intention of Congress to provide, in the act of March 3, 1893, for the construction of a Federal penitentiary at Walla Walla, but merely one for the State of Washington. Subsequently that officer was requested to advise the Department whether the land purchased in the name of the United States as a site for such penitentiary building, and the building to be constructed thereon after its completion, could be transferred to the State of Washington without further legislation, to which the following reply was made:

"I have the honor to acknowledge your letter of the 9th instant, and to say in reply that I think further legislation is required in the matter of the penitentiary at Walla Walla, Wash. For the reasons stated in my letter of the 9th instant, I think the situation is anomalous. The appropriation (27 Stats., 661) under which you purchased grounds and propose to erect a penitentiary in the State of Washington is in terms made "to carry into effect section 15" of the enabling act under which the two Dakotas, Montana, and Washington were admitted into the Union. The act of March 2, 1881 (21 Stats., 378) had appropriated $30,000 for the erection of a penitentiary in the Territory of Dakota. Section 15 of the enabling act expressly granted to the State of South Dakota the lands acquired under the act of 1881 and any unexpended balances of the moneys thereby appropriated; and, having also transferred to Montana the penitentiary and all lands connected therewith at Deer Lodge City, provided:

"'And the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota.'

"This was merely a promise to make the four States equal by providing North Dakota and Washington with penitentiaries, as had been done with South Dakota and Montana. The act of 1893 (27 Stats., 661) was merely in the line of performing that promise. But, as I am advised that Washington already has a penitentiary, it seems to me the attention of Congress should be called to the matter before any further expenditure of money is made. Certainly there is no authority at present for the transfer of the land you have already bought with the money appropriated by the last-named act."

The attention of Congress should be directed to this matter to the end that if such was its intention originally, the act should be so amended as to authorize the construction of the penitentiary building provided for in the act of 1893 as a wing to the penitentiary building of the State of Washington at Walla Walla; furthermore, that authority be conferred upon the Secretary of the Interior to convey the land already purchased under said act to that State and to transfer to the latter the penitentiary wing when completed.

Of the appropriation of $30,000 for the purpose stated in the act of March 3, 1893, there has been expended for expenses of commission to select site for building, preparation of plans and specifications, and purchase of 40 acres of land, the sum of $4,553.07, leaving an available balance at this time of $25,446.93.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment.

The SECRETARY. On page 130, at the end of line 22, it is proposed to insert:

Provided, That hereafter the clerks of the several United States circuit and district courts in South Dakota, Montana, and Washington shall be entitled to charge and receive the same fees and compensation allowed by law to similar officers performing similar services in the States of North Dakota, Oregon, and Idaho.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment that has been favorably reported by the Committee on Fisheries, and is recommended by the United States Commissioner of Fish and Fisheries.

The SECRETARY. On page 43, after line 25, it is proposed to insert:

For the purchase of the fish hatchery belonging to the State of California, located at Battle Creek, in said State, now operated by the United States Commission of Fish and Fisheries, together with water rights and privileges appertaining thereto, and 10 acres more or less of land adjoining said hatchery, $4,500.

The amendment was agreed to.

Mr. CHANDLER. In behalf of the chairman of the Committee on Immigration [Mr. LODGE], and in behalf of the committee, I offer an amendment.

The SECRETARY. It is proposed to insert at the end of the bill:

That the Secretary of the Treasury, for the purpose of carrying out the recommendations made in the report of the Immigration Investigating Committee, dated October 7, 1895, may make leases and renewals thereof, for a term not exceeding ten years, of certain lands on Ellis Island, New York Harbor, not exceeding 37,500 square feet, adjacent to and connected by bridge way with the main building, for the erection of a building to be used as a land and labor bureau.

Mr. GRAY. I should like to hear something about the amendment before it is voted on.

Mr. CHANDLER. I have some papers in my hand that show the project, but I will say that it is deemed by the immigration authorities advisable to have a large building erected there by private parties to aid in distributing immigrants around over the country.

Mr. GRAY. That matter has been brought up, it appears to me, before; it has been broached in the Senate, and it evoked some criticism and some opposition that the Government should be in partnership with private parties in this matter of regulating immigration into this country. It may be unobjectionable, but it does not seem so to me.

Mr. CHANDLER. I will say that the Senator is mistaken. The Government is not to be in partnership with any private parties. This simply authorized the lease of some ground.

Mr. GRAY. I understand, and if I am wrong the Senator will correct me, that the project is to lease Government land to private parties and erect buildings for the reception of immigrants who are now under the control of the Government immigrant inspectors, in order to distribute them throughout the country by the transportation agents who will have access to that building. I think that is almost too much of a project to incorporate at this late hour on Sunday night in an appropriation bill.

Mr. CHANDLER. I see no objection to it myself.

Mr. GRAY. I have given some thought to it. There is some objection to it.

Mr. ALLISON arose.

Mr. GRAY. I make the point of order on the amendment.

Mr. ALLISON. I arose to make the point of order on it.

Mr. CHANDLER. I suppose the point of order is no stronger, being made by two Senators, is it, Mr. President?

Mr. ALLISON. I think it is.

The VICE-PRESIDENT. The point of order is sustained.

Mr. FAULKNER. I feel some delicacy about asking recognition, but if there is no one else to offer an amendment, I rise to submit one.

On page 51, I move to have stricken from the bill the matter commencing with line 6 and to line 23, inclusive, which is the provision of the bill as it comes from the House, in reference to the transfer of the General Post-Office Department and certain bureaus under it to the city post-office building. Of course it is recognized that this was not intended originally for this purpose, but the object of my amendment is not to interfere, provided it is proper to make the transfer. Upon examination of the hearings before the committee of the House and other information which I have obtained, it is clear that there is at least 10,000 square feet of space less assigned to the General Post-Office in the city post-office building than they are now occupying in the offices in which they are at present located. They are to-day overcrowded, and can not properly work or perform their duties in their present location.

If this be a correct statement of the facts, shown in the hearings on pages 241 and 242, which was called to the attention of the committee before the bill was reported, I think it is proper that this matter should go into conference: and if, as I understand, there is a difference of at least nine or ten thousand square feet in favor of the present location, it may be remedied, if the committee think proper to make the transfer, by not including all the bureaus suggested in this amendment, but leaving some of them where they are located until further arrangements can be made. I want to put the matter in conference, so that it may be examined by the conferees.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 5, on page 51, it is proposed to

strike out all of the bill down to and including line 23 on the same page, as follows:

The Secretary of the Treasury shall notify the Postmaster-General as soon as the post-office building in the city of Washington is completed and ready for occupancy, and thereupon the Post-Office Department, including the Money-Order Office and the office of the Auditor for the Post-Office Department, including the records of said office now in the Union Building, and the office of the Topographer, shall be removed to said post-office building, and shall occupy therein, together with the city post-office, such rooms and other space as shall be assigned by the Postmaster-General, and thereafter said building shall be under the control of the Post-Office Department.

As soon as the present Post-Office Department building is vacated as herein provided the same shall be turned over to and thereafter be under the control of the Interior Department, to be occupied by the Indian Office, General Land Office, and such other offices or parts of offices or bureaus of the Department as the Secretary of the Interior shall direct.

Mr. NELSON. I make the point of order against the amendment. It is plainly the object to get the amendment into conference, and I do not want it to get into conference. I do not want it to get into a position where it can possibly be in conference. If it is further insisted on, I shall call for a yea-and-nay vote upon it.

Mr. FAULKNER. It is a House provision, and no point of order can be made on my motion. It is made in absolute good faith to enable the conferees to ascertain whether this can be done, and if not fully, in justice to the public service, that they can take from it one or two of the small bureaus and leave them where they now are.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from West Virginia. [Putting the question.] The noes appear to have it.

Mr. FAULKNER. I call for the yeas and nays.

Several SENATORS. Oh, no.

Mr. FAULKNER. I withdraw the call.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MANTLE. I desire to offer an amendment to come in on page 8, after line 10.

The amendment was read and agreed to, as follows:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $50,000. Said site shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site.

Mr. GALLINGER. I submit an amendment which in another shape has passed the other House of Congress, has been reported favorably by a committee of the Senate, and which does not carry a dollar of appropriation.

The SECRETARY. It is proposed to add at the end of the bill the following:

That hereafter it shall be unlawful for any person or persons to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building in the District of Columbia, or upon any part of the public grounds upon which said building is situate. That any violation of this act shall be deemed a misdemeanor, and upon conviction shall, for each separate offense, be punished by a fine not exceeding $500. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act.

Mr. HILL. In the interest of temperance, I am compelled to object to this prohibition amendment.

Mr. GALLINGER. I am very sorry, considering the day and the occasion, that the Senator objects, but I presume the amendment is subject to a point of order. Does the Senator make the point of order?

Mr. HILL. I was one of those who protested against the session to-day, and I knew that a great deal of wrong was likely to be done.

Mr. GALLINGER. Does the Senator make the point of order?

Mr. HILL. If we are to have a session on Sunday and other days, we must have the usual appliances, such as a well-regulated restaurant. While I do not object to applying prohibition to New Hampshire, I do object to applying it to the District of Columbia.

Mr. GALLINGER. We will vote on the amendment if the Senator simply objects.

Mr. HILL. I object, and make the point of order that it is unconstitutional and out of order.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw the amendment?

Mr. GALLINGER. It had better be ruled upon.

Mr. HALE. Let the amendment be read.

Mr. GALLINGER. I will withdraw it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. VEST presented a memorial of 150 business men of St. Louis, Mo., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Bates City, Columbia, Liberty, and Mayview, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BIRDS AND ANIMALS IN YELLOWSTONE NATIONAL PARK.

Mr. HOAR. I desire to ask that the bill (S. 1654) to amend an act entitled "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," be recommitted to the Committee on the Judiciary. That is agreed to by the Senator who reported it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BRICE. The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States passed the Senate a day or so ago, and a motion was made to reconsider the vote by which it was passed. I move to lay that motion on the table.

Mr. NELSON. I object. The Senator from North Carolina [Mr. BUTLER] is not in his seat, and he asked me to object in case the matter was brought up.

Mr. TELLER. Mr. President——

Mr. BRICE. I move to lay on the table the motion to reconsider, which I understand is not a debatable question.

Mr. NELSON. I move that the Senate adjourn.

Mr. TELLER (to Mr. NELSON). Do not do that.

Mr. BRICE. I ask unanimous consent to make a statement. I said to the Senator from North Carolina early in the evening that at this time in the evening I should make the motion. I understand he would have withdrawn the motion, but he did not care to withdraw the opposition to the bill, and I therefore said to him that this motion would be made at this time. It is late in the session. The motion is not debatable, and I ask for a vote on it.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Ohio.

Mr. NELSON. Is the motion debatable?

Several SENATORS. No.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. NELSON. I shall call for a quorum if the motion is insisted upon.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the motion to reconsider.

Mr. PETTIGREW and Mr. NELSON called for a division.

Mr. TELLER. That will destroy the session for to-night. We might as well have the yeas and nays.

Mr. NELSON. I do not want this bill to go through, and I insist that it shall not go through to-night. I call for a division on the question.

The VICE-PRESIDENT. A division is called for.

Mr. CHANDLER. I suggest to the Senator from Ohio that he withdraw his motion and renew it at some other time.

Mr. STEWART. When there is a quorum present.

Mr. HALE. Evidently we can not get through with this to-night. There is no quorum present.

Mr. CHANDLER. And we can go on with other business.

Mr. FAULKNER. We might as well stop anyhow.

The VICE-PRESIDENT. Senators in favor of the motion will rise and stand until they are counted. The Chair has no discretion in the matter, a division being demanded.

Mr. FAULKNER. I ask for the yeas and nays.

Mr. CULLOM. I ask the Senator from West Virginia to withdraw the call for the yeas and nays, so that the Senator from Colorado can call up the District of Columbia appropriation bill, which ought to be read to-night.

Mr. NELSON. I can not withdraw the demand for a division, and I will explain why. There is one paragraph in the bill which Senators, if they knew of it, would never approve.

Mr. CULLOM. Then I hope the Senator from Ohio will not press his motion to-night.

Mr. ALDRICH. It is very evident there is not a quorum here, and this motion can not be disposed of to-night. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Monday, March 1, 1897, at 11 o'clock a. m.

SENATE.

MONDAY, *March 1, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. TELLER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

LIST OF CLAIMS ALLOWED.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th ultimo, a list of additional judgments rendered by the Court of Claims, amounting to $541,865.95; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LEGATION BUILDINGS ABROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in connection with his letter of the 15th instant in regard to official residences for United States ambassadors and ministers, a dispatch from Mr. Wayne MacVeagh, United States ambassador at Rome, upon the subject; which was referred to the Committee on Appropriations, and ordered to be printed.

EDWARD BAXTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional settlement by the accounting officers of the Treasury in favor of Edward Baxter, special assistant United States attorney for the middle district of Tennessee, amounting to $6,500; which was referred to the Committee on Appropriations, and ordered to be printed.

WHARF AT WAKEFIELD, VA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for Government wharf at Wakefield, Va., $987; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

Mr. SQUIRE presented the credentials of George Turner, chosen by the legislature of Washington a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. SHOUP presented the credentials of Henry Heitfeld, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

REPRINT OF SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the Public Printer may be ordered to print the sundry civil appropriation bill with the Senate amendments numbered.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Rev. Dr. J. G. Butler, pastor of the Lutheran Memorial Church; of Rev. Howard Wilbur Ennis, of the Brotherhood of Andrew and Philip; of W. H. Pennell, chairman of the Christian citizenship committee of the District of Columbia Endeavor Union; of W. S. Dewhurst, president of the District of Columbia Epworth League; of Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; of Wilbur F. Crafts, superintendent of the Reform Bureau, and of Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens, all in the city of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Rev. S. B. Ervin and sundry other citizens of Castine, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Rev. W. H. Hormel and sundry other citizens of Canton, Mo., and the petition of Rev. Z. M. Williams and sundry other citizens of Gallatin, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Foristell, Mo., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial, nonpartisan industrial commission, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. BRICE presented a petition of the State board of health of Ohio, praying for the enactment of legislation providing for a permanent census service; which was ordered to lie on the table.

He also presented a petition of Samuel Arch & Co., of Cincinnati, Ohio, and a petition of Osborn, Hutchins & Hunt, of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of H. M. Parker, of Elyria, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented petitions of the E. W. Vanduzen Company, of Cincinnati; of H. Belmer, vice-president of the Cincinnati Barbed Wire Fence Company, of Cincinnati; of R. L. Ireland, assistant secretary of the Globe Iron Works Company, of Cleveland; of Stephens & Widlar, of Cleveland; of the Canfield Oil Company, of Cleveland, and of the Salem Wire Nail Company, of Findlay, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of Girard; of Mabel F. Hall, corresponding secretary of the Pleasant Ridge Young People's Society of Christian Endeavor, of Cincinnati, and of 44 citizens, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry citizens of North Adams, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Richard A. Ford, president of the District of Columbia Baptist Young People's Union, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. J. G. Butler, D. D., in behalf of a mass meeting of citizens of Washington, D. C.; of Rev. Howard Wilbur Ennis, of the Brotherhood of Andrew and Philip; of W. H. Pennell, chairman of the Christian citizenship committee of the District of Columbia Endeavor Union; of W. S. Dewhurst, president of the District of Columbia Epworth League; of Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and of Rev. L. B. Wilson, presiding elder, in behalf of a union meeting held in Washington February 28, 1897, praying for the passage of the so-called Aldrich antiprize fight bill, to prohibit the transmission of pictures and descriptions of prize fights through the mails; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Woman's Club of Springfield, Mass., and a petition of members of the First Congregational Church of Amherst, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Brockton, Mass., remonstrating against the adoption of certain proposed amendments to the so-called seaman's bill; which was ordered to lie on the table.

Mr. ALDRICH presented the petition of John Worthington, editor of the Herald, of Newport, R. I., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was ordered to lie on the table.

He also presented sundry petitions of churches and societies of Rhode Island, and the petition of Rev. John Evans and sundry other citizens of Westerly, R. I., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented sundry petitions of various churches and societies of Rhode Island, praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of Anthony, R. I.; of sundry churches and

societies of Rhode Island; of members of the Congregational church of Kingston, R. I., and of Rev. John Evans and sundry other citizens of Westerly, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Young People's Societies of Christian Endeavor of the Globe Congregational, the Baptist, and the Methodist Episcopal churches of Woonsocket; of members of the Congregational Church and Christian Endeavor Society of Kingston; of sundry churches and societies, all in the State of Rhode Island, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. TURPIE presented sundry petitions of citizens of Royal Center, Atlanta, and Indianapolis, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented sundry petitions of citizens of Brunswick, North Platte, Dawson, and Dewitt, all in the State of Nebraska, praying for the enactment of legislation regulating beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Bond County, Ill., praying for the enactment of a Sunday-rest law in the District of Columbia; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Staunton and Rockbridge, in the State of Illinois, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of J. A. Crosby, of Aurora, Ill., and a petition of the Young People's Society of Christian Endeavor and of the Court Street Methodist Episcopal Church, of Rockford, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Chicago and Peoria, Ill., and a petition of sundry citizens of New York, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Dekalb, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Peoria, Chicago, and Monmouth, all in the State of Illinois, praying for the passage of the so called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

He also presented a memorial of District Assembly No. 9, Knights of Labor, of Chicago, Ill., and a memorial of the Amalgamated Workingmen's Association of Chicago, Ill., remonstrating against the passage of House bill No. 9647, to authorize the extension of the lines of the Metropolitan Railroad Company, in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BERRY presented a petition of sundry citizens of Nettleton, Ark., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, with amendments, and submit a report thereon. I shall call up the bill as soon as possible.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1185) granting a pension to Rachel Patton, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1166) for the relief of Dorence Atwater, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ALLEN on the 11th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred with the accompanying report to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893, reported it without amendment.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion First Ohio Sharpshooters, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3733) granting a pension to Elizabeth Pittman, reported it without amendment and submitted a report thereon.

Mr. GALLINGER. From the same committee, I report favorably two vetoed pension bills—the bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat, and the bill (H. R. 1139) granting a pension to Caroline D. Mowatt—with the recommendation that they be passed, the objections of the President of the United States to the contrary notwithstanding.

The VICE-PRESIDENT. The bills will be placed on the Calendar.

HENRY A. DU PONT.

Mr. HOAR. I rise to submit a privileged report. It is the report of the Committee on Privileges and Elections in the case of Henry A. Du Pont, claiming a seat in this body from the State of Delaware. The report is signed by all the members of the Committee on Privileges and Elections, and is very brief. I ask that it may be printed in the RECORD without reading it, and that it also be printed as a document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The report is as follows:

The Committee on Privileges and Elections, to whom was referred the petition of Henry A. Du Pont, of the State of Delaware, claiming a seat in the Senate from that State in virtue of an election by the legislature thereof on May 9, 1895, have considered the same, and report:

Mr. Du Pont presented to the Senate December 4, 1895, a petition for admission as Senator from the State of Delaware for what then remained unexpired of the term beginning March 4, 1895.

It appeared that at a joint convention of the two houses of the legislature of the State of Delaware, duly held on the 9th day of May, 1895, 15 votes were cast for Mr. Du Pont and 15 votes for other candidates. One of the votes cast for other candidates was the vote of the acting governor of the State of Delaware, who had succeeded to the executive chair on the death of the governor. He was a senator and the speaker of the Delaware senate at the time of the alleged election, the term of office for which he had been elected for senator and speaker having not expired. If he were entitled to vote, Mr. Du Pont was not lawfully elected. If he were not so entitled, Mr. Du Pont had a majority of 1 vote. The question of his right to vote depended upon the question whether his accession to the executive chair by virtue of the constitution of the State should deprive him of his title to vote as a senator.

That question was the only one raised in the discussion of Mr. Du Pont's title to a seat in the Senate. The Committee on Privileges and Elections reported in his favor and there was a full discussion of the question.

On the 15th day of May, 1896, the Senate passed the following resolution by a majority of one vote:

"*Resolved*, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895."

Mr. Du Pont now prays to have this question reopened. The grounds of his application, as stated in his petition and by his eminent counsel in an argument addressed to the committee, are:

First. That there was a mistake in the pairs as announced when the vote on this resolution was taken, so that a Senator who was in favor of Mr. Du Pont was paired against him. On investigation we find that no such mistake occurred, and that every Senator who desired to vote, who was in favor of Mr. Du Pont, either voted for him or was paired in his favor.

Second. That the petitioner expects to satisfy the Senate that it was wrong in its construction of the constitution of Delaware when it held that the vote of the acting governor for another candidate than Mr. Du Pont was lawful.

New Senators have entered the Chamber since the resolution just cited was adopted. Nothing else has changed. The case then stated and acted upon is the case now stated. The simple question is whether the Senate, notwithstanding its decision of May 15, 1896, will now admit Mr. Du Pont to a seat.

The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong. But the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its members, and its judgment is just as binding in law in all constitutional vigor and potency when it is rendered by one majority as when it is unanimous.

It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases, and which the experience of mankind has found safe and salutary.

We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered or where, by reason of fraud or accident, it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has

changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

It seems to us very important to the preservation of Constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country that we should abide by this principle. There are few greater temptations which affect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted, it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

GEO. F. HOAR.
WM. E. CHANDLER.
J. C. PRITCHARD.
J. C. BURROWS.
GEO. GRAY.
DAVID TURPIE.
JAMES L. PUGH.
JOHN M. PALMER.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. VILAS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce.

Mr. FRYE subsequently, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. VILAS this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations; which was agreed to.

AMENDMENT OF THE POSTAL LAWS.

Mr. CHANDLER submitted the following order; which was referred to the Committee on Printing:

Ordered, That Senate Report No. 1517, Fifty-fourth Congress, second session, be reprinted, with the minority report, for the use of the Senate.

On motion of Mr. CHANDLER, it was

Ordered, That 500 copies of Senate Report No. 1517, Fifty-fourth Congress, second session, be printed, with the minority report, for the use of the Committee on Post-Offices and Post-Roads.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 205) granting a pension to Mary O. H. Stoneman;

An act (S. 2729) granting a pension to Emma Weir Casey;

An act (S. 2877) granting a pension to Hiram Santas;

An act (S. 3623) granting a pension to Mrs. Mary Gonld Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; and

An act (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. LODGE. I desire to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The motion will be entered.

Mr. LODGE subsequently said: A few minutes ago I entered a motion to reconsider the vote by which the sundry civil bill was passed, because in my absence last night, and in the absence of other members of the Committee on Immigration, an amendment was made to that bill, relating to the subject of immigration, changing the existing law very vitally, without any notice whatever to my committee or without any knowledge on our part that such an amendment was contemplated. I entered a motion to reconsider in order that I might, if possible, get the bill back here and have the amendment stricken out. I have received, however, assurances that the amendment will be abandoned in conference, and on that understanding I desire to withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn.

HARRIET M. KNOWLTON—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith without approval Senate bill No. 719, entitled "An act to restore a pension to Harriet M. Knowlton."

Maj. William Knowlton, a most worthy volunteer soldier, died of wounds received in battle on the 20th day of September, 1864.

In 1865 his widow, the beneficiary named in this bill, was pensioned at the rate of $25 a month, commencing on the day of her husband's death, with an additional allowance for four minor children, dating from July, 1866.

She continued to receive this pension and allowance until November, 1867, when she married Albin P. Stinchfield.

Thereupon her name was dropped from the pension roll, she having by her remarriage lost her pensionable condition, and her children were pensioned at a small monthly rate from the date of their mother's remarriage until June 1, 1880, when the youngest became 16 years of age.

The beneficiary, after living with her second husband about twenty-two years, secured a divorce from him in the year 1889, and it is now proposed to pension the divorced wife as the widow of her deceased soldier husband at the rate she received while she was actually his widow thirty years ago.

Her pensionable relation to the Government terminated with her marriage, and her divorce from her second husband could not upon any ground of principle restore it. A departure from this rule, even in aid of cases of hardship, can not fail to establish precedents inviting the abandonment of reasonable and justifiable pension theories.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

Mr. GALLINGER. Mr. President, this is another case such as the President has been in the habit of vetoing during the last few weeks. I move that the bill and accompanying message be referred to the Committee on Pensions for further investigation.

The motion was agreed to.

WORLD'S COLUMBIAN COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Congress:

I transmit herewith the report of the Board of Lady Managers of the World's Columbian Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

NOTE.—The report and accompanying documents have been sent to the House of Representatives with a similar message.

Mr. SEWELL. I ask that the report may be referred to the Committee on Printing.

Mr. GORMAN. Let it be referred without printing.

The VICE-PRESIDENT. In the absence of objection, the report will be referred to the Committee on Printing, without printing.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. TELLER. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as they are reached.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

THOMAS W. SCOTT.

Mr. MARTIN. I ask the Senator from Colorado to yield to me, that I may request the present consideration of the bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

Mr. TELLER. I will yield, but I wish Senators would let us go on with the appropriation bill. Such matters can be called up afterwards. I yield to the Senator from Virginia, however.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Thomas W. Scott, late United States marshal, eastern district of Virginia, $350, due him by reason of the custody of G. M. Bain, jr., of Norfolk, Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY A. PLETCHER.

Mr. TURPIE. I ask the courtesy of the honorable Senator from Colorado to permit me to call up a private pension bill.

Mr. TELLER. Is it a House pension bill?

Mr. TURPIE. Yes, sir; it is a House bill.

Mr. TELLER. I will have to yield for a House pension bill, I suppose, but I do not want to yield for anything else. I will yield in this one case.

Mr. TURPIE. I ask the Senate to proceed to the consideration of the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Wesley A. Pletcher, late of Company K, One hundred and sixty-first Regiment of Ohio Volunteers, a pension of $30 per month, in lieu of the pension now drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITED DOMESTIC SMOKING OPIUM.

Mr. MORRILL. I ask the Senator from Colorado to allow me to call up a bill which has to go to the other House on account of

a slight amendment, and it is rather important that it should be passed at the present time.

Mr. TELLER. If the bill will not bring on any discussion, I will let the Senator from Vermont call it up.

Mr. MORRILL. If it does, I will withdraw it at once.

Mr. TELLER. I hope, however, that Senators will not appeal to me any more.

Mr. MORRILL. I ask the Senate to proceed to the consideration of the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

I will state that the Committee on Finance were unanimously of the opinion that instead of going into the business ourselves while we are trying to suppress it we should, instead of authorizing its sale at auction, authorize its destruction.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, in line 6, after the word "words," to strike out "may be sold to the highest bidder, pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500; but if valued at more than $500 the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture," and insert "shall be destroyed;" so as to make the bill read:

Be it enacted, etc., That section 40 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, be amended by adding at the end of said section the words "and shall be destroyed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORRILL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MORRILL, Mr. WHITE, and Mr. PLATT were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 8, after line 4, to insert:

Free public library: For librarian, $1,600; first assistant librarian, $900; second assistant librarian, $720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, $3,500: in all, $6,720.

The amendment was agreed to.

The next amendment was, under the head of "Contingent and miscellaneous expenses," on page 10, line 13, after the word "advertised," to insert the following proviso:

Provided, That all penalties on taxes due and payable on or before the 1st day of July, 1896, be, and the same are hereby, remitted, provided that the taxes due and payable on or prior to said date are paid with 6 per cent interest on or before the 1st day of January, 1898.

The amendment was agreed to.

The next amendment was, on page 10, after line 25, to insert:

To enable the register of wills to compare, correct, and reproduce certain records, or will books, including clerical service and purchase of books, $2,000.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "paid," to insert "unless Congress shall hereafter specifically direct payment thereof;" so as to make the clause read:

For special repairs to market houses, $1,500. That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed, and all proceedings pending shall be vacated; and no judgment heretofore rendered in pursuance of said act shall be paid unless Congress shall hereafter specifically direct payment thereof.

The amendment was agreed to.

The next amendment was, under the head of "Permanent system of highways," on page 12, after line 14, to insert:

For payment of judgments for the land condemned for the extension of Sixteenth street by the supreme court of the District of Columbia in case No. 419, District court, $210,000, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

To pay for lands to be condemned under the highway act approved March 3, 1893, for the extension of Rhode Island avenue from Le Droit avenue to Harewood avenue northwest, namely, for lands between Le Droit avenue and Harewood avenue, not exceeding $35,000, and for lands between Harewood avenue and Florida avenue, not exceeding $30,000, in all, $65,000, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 13, line 6, to increase the appropriation for assessment and permit work from $125,000 to $175,000.

The amendment was agreed to.

The next amendment was, in line 10, page 13, under the head of "Improvements and repairs," to increase the appropriation for work on streets and avenues named in Appendix Bb, Book of Estimates, 1898, from $100,000 to $200,000, namely:

Georgetown schedule, from $9,166 to $18,332.
Northwest section schedule, from $29,583 to $59,166.
Southwest section schedule, from $13,666 to $27,332.
Southeast section schedule, from $21,684 to $43,368.
Northeast section schedule, from $25,900 to $51,800.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to insert:

For paving with asphalt East Capitol street, between Eleventh and Thirteenth streets southeast, $7,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

For paving H street, between Twenty-second and Twenty-third streets northwest, $4,500.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 15, line 14, to increase the appropriation for suburban sewers from $36,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 15, line 19, to increase the appropriation for completion of the upper portion of the Rock Creek and B street intercepting sewer from $90,000 to $130,000.

The amendment was agreed to.

The next amendment was, on page 15, line 25, to increase the appropriation for constructing, in part, the Tiber Creek and New Jersey avenue high-level intercepting sewer from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Construction of county roads," on page 17, line 9, after the word "dollars," to strike out:

Provided, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions.

And insert:

Provided, That if any surplus remains of the sum hereby appropriated, the same shall be expended for paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided, however*, That the portions of Baltimore street and Twentieth street so paved are, or shall be, dedicated by the owners for conformity with the plans for highway extension.

So as to make the clause read:

For paving Connecticut avenue and Columbia road, between Florida avenue and Eighteenth street extended, $36,000: *Provided*, That if any surplus remains of the sum hereby appropriated, etc.

Mr. TELLER. I desire, by direction of the committee, to amend the proposed amendment by striking out, after the word "extension," in line 12, the words "*Provided*, That if any surplus remains of the sum hereby appropriated, the same shall be expended," and inserting after the word "for," in line 14, the words "regulating and;" so as to read "regulating and paving Baltimore street;" and in line 16, after the word "Park," to insert "$4,000." The clause would then read:

For regulating and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park, $4,000: *Provided, however*, That the portions of Baltimore street and Twentieth street so paved are, or shall be, dedicated by the owners, for conformity with the plans for highway extension.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, after line 19, to insert:

For grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets, from Seventh to Fourteenth streets, completing improvements, $8,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to insert:

For grading and regulating Sherman avenue, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For grading and regulating Kenesaw avenue and Park road, $10,000: *Provided*, That Park road, or Park highway, between Kenesaw avenue and Klingle road, be dedicated to the District of Columbia, for conformity with recorded plans of highway extensions.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert:

For paving Spruce street, Le Droit Park, from Larch street to Harewood avenue, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 7, to insert:

For grading and graveling Albermarle street and opening same to Grant road, continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

For grading and graveling Twenty-second and Twenty-fourth streets, Langdon, $4,000 dollars.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to insert:

For grading and regulating Twelfth street extended, from Florida avenue to Mount Olivet road, $10,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 15, to insert:

For paving Massachusetts avenue extended, from Twenty-second street to Sheridan Circle, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

For grading Pennsylvania avenue extended, southeast, $5,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert:

For grading and regulating Emporia street, from Twelfth street to Brentwood road, $5,000: *Provided*, That the owners thereof shall dedicate the spaces for widening and extending said street within the limits named for conformity with the plans of highways extensions.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

For continuing the improvement of the road extending from Broad Branch road to Chevy Chase Circle, $5,000: *Provided*, That as to the part of said road dedicated as a public highway in 1896, the owners of adjoining property shall dedicate the spaces for widening said part for conformity with the plans of highway extensions.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to insert:

For improving Thirty-seventh street between Back street and Tennallytown road at or near Schneider lane, $374.48 (the same being unexpended balance of appropriation of June 11, 1890, for paying court expenses and fees of commissioners, and paying for ground taken, and damages to property to open and extend said street), together with $500 additional for the same purpose.

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

For paving Spruce and Bohrer streets, from Larch street to Florida avenue, $7,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

For improving and protecting Connecticut avenue extended beyond Rock Creek, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "paving," to insert "Princeton street and;" in line 22, before the word "dollars," to strike out "four thousand five hundred" and insert "nine thousand;" and in line 23, before the word "five," to strike out "forty thousand" and insert "one hundred and thirty-four thousand;" so as to make the clause read:

For grading, regulating, and paving Princeton street and Roanoke street from Thirteenth street to Fourteenth street, $9,000; in all, $134,500.

Mr. TELLER. That must be amended so as to correct the total. It should read "$138,000" in lieu of "$134,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 20, line 19, before the word "thousand," to strike out "thirty-five" and insert "eighty-five;" and in line 20, before the word "dollars," to strike out "sixteen" and insert "twenty;" so as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for storage and cartage of material, $185,000: *Provided*, That no more than $20 per annum for each street lamp shall be paid for gas or oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this act: *Provided*, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise: *Provided further*, That before any expenditures are made from the appropriations herein provided for, the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 5 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 21, line 8, before the word "lighted," to strike out "now;" in line 9, after the word "Washington," to insert "on the 1st day of January, 1897;" in line 11, before the word "thousand," to strike out "and for necessary extension of such service, fifty-five" and insert "forty;" and in line 19, after the word "Washington," to insert:

Provided further, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations, in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

So as to make the clause read:

For electric arc lighting, including necessary inspection, in those streets lighted with electric arc lights in the city of Washington on the 1st day of January, 1897, $40,000: *Provided*, That not more than 25 cents per night shall be paid for any electric arc light burning from forty-five minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less than 1,000 actual candle-power, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided further*, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations, in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. FAULKNER. I ask the Senator in charge of the bill to pass over this amendment.

Mr. TELLER. From the seventh line down to line 25?

Mr. FAULKNER. Yes; the whole paragraph relating to electric arc lighting.

Mr. TELLER. Let it be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, under the head of "Bridges," on page 23, after line 9, to insert:

That the Chief of Engineers of the Army shall report to Congress at its next regular session plans for and the cost of erecting a stone arch bridge, and also a steel bridge with stone foundations, over Rock Creek on the line of Massachusetts avenue extended, the full width of said avenue, and for this purpose the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 23, line 19, to increase the appropriation for engineering, maintenance, and general repairs from $20,000 to $21,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

Washington Aqueduct tunnel: The Secretary of War is hereby authorized and directed to resume work on the Washington Aqueduct tunnel and its accessories and the Howard University reservoir, authorized by section 2 of the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and to prosecute and complete the same; the work on the said tunnel and accessories to be carried on in accordance with the plans of the board of experts as set forth in its report dated January 17, 1896, House Document No. 163, Fifty-fourth Congress, first session, which plans have been approved by the Chief of Engineers and the Secretary of War. And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $360,746.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882, and the sum of $360,746.38 is also hereby appropriated, out of the surplus general revenues of the District of Columbia, to be applied to such parts of the work and in such order as to time as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sum herein set apart and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers; and the work shall be carried on by contract or otherwise as the Secretary of War may deem best for the public interests.

The amendment was agreed to.

The next amendment was, under the subhead "For janitors, and care of buildings and grounds," on page 28, after line 7, to insert:

Of the Wallach building, $1,000.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the name "Sumner," to strike out "Wallach;" so as to make the clause read:

Of the Curtis, Dennison, Force, Gales, Garnet, Grant, Henry, Peabody, Seaton, Sumner, and Webster buildings, at $900 each.

The amendment was agreed to.

The next amendment was, on page 29, line 13, to increase the total appropriation for public schools from $58,996 to $59,996.

The amendment was agreed to.

The next amendment was, on page 29, line 18, to increase the appropriation for repairs and improvements to school buildings and grounds from $32,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 29, line 21, to increase the appropriation for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the appropriation for contingent expenses, including furniture, books, stationery, etc., from $28,500 to $29,500.

The amendment was agreed to.

The next amendment was, on page 30, line 19, to increase the appropriation for text-books and school supplies for use of pupils of the first eight grades, etc, from $38,000 to $42,000.

The reading of the bill was continued; and line 21, on page 30, was read as follows:

For purchase of water filters, $2,000.

Mr. GALLINGER. The Senator in charge of the bill, I understand, is not averse to amending that item so as to make the appropriation immediately available. The money is needed more now, owing to the condition of the water of the Potomac in the spring season, than it will be needed after July 1. In line 21 I move to insert the words "to be immediately available."

Mr. GORMAN. The amendment is all right.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Buildings and grounds," at the top of page 31, to insert:

For one eight-room building and site, seventh division, county, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

For one eight-room building and site, northeast, sixth division, $40,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 4, to insert:

For four-room addition to Birney School, eighth division, $8,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

For lot adjoining Curtis School building, to be acquired by purchase or condemnation, $5,000.

The amendment was agreed to.

The next amendment was, under the head "For Metropolitan police," on page 32, line 19, before the word "privates," to strike out "two hundred and eighty-six" and insert "three hundred and eighteen;" in line 21, before the word "privates," to strike out "one hundred and ninety-four" and insert "two hundred and twenty-six;" and on page 33, line 9, before the word "dollars," to strike out "five hundred and seventy-six thousand nine hundred and forty" and insert "six hundred and forty thousand three hundred;" so as to make the clause read:

For major and superintendent, $3,300; captain, $1,800; 3 lieutenants, inspectors, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; 4 surgeons of the police and fire departments, at $540 each; additional compensation for 12 privates detailed for special service in the detection and prevention of crime, $2,880, or so much thereof as may be necessary; 9 lieutenants, at $1,320 each; 31 sergeants, at $1,140 each; 318 privates, class 1, at $900 each; 226 privates, class 2, at $1,080 each; 20 station keepers, at $720 each; 8 laborers, at $480 each; laborer in charge of the morgue, $360; messenger, $700; messenger, $500; major and superintendent, mounted, $240; captain, mounted, $240; 48 lieutenants, sergeants, and privates, mounted, at $240 each; 26 drivers, at $450 each; and 3 police matrons, at $600 each; in all, $640,800.

The Secretary read to line 13, on page 33, the last clause read being as follows:

Hereafter each of the members of the Metropolitan police shall be entitled to leave of absence each year with pay for such time, not exceeding twenty days, as the Commissioners shall determine.

Mr. GALLINGER. I do not propose to offer an amendment to the paragraph just read, unless the Senator in charge of the bill agrees to it, but I should like to ask the Senator from Colorado why the police officers, who are exposed to great danger, and who are very hard worked men, should not have the usual leave of thirty days with other employees of the Government? Would it not be simple justice?

Mr. TELLER. I know of no reason why they should not, except that the House did not give it to them in this bill.

Mr. GALLINGER. Will not the Senator allow the amendment to be received and let it go into conference?

Mr. TELLER. I will, and I will not object if the Senator moves to strike out the words "as the Commissioners shall determine." I do not think they should determine the duration of the leave of absence.

Mr. GALLINGER. In line 12 I move to strike out the word "twenty" and insert "thirty" before the word "days," and in the same line I move to strike out the words "as the Commissioners shall determine."

Mr. GORMAN. I wish to understand that.

Mr. GALLINGER. Does the Senator from Maryland desire a statement concerning it?

Mr. TELLER. I will state that if the clause was intended, as I think it was, that the Commissioners should determine when the members of the police force should take their leave it is all right, but as it stands it leaves the Commissioners with power to determine how many days of leave they shall have. That is wrong.

Mr. GORMAN. So that would be wrong, but the Commissioners must have power to determine when the leave shall be granted.

Mr. TELLER. That is what they should have, but not power to determine the number of days of leave.

Mr. GALLINGER. I suggest to the Senator from Maryland that this will simply put the matter into conference, and then it can be properly framed so as to give them thirty days in lieu of twenty days.

Mr. TELLER. I suggest to the Senator to amend by inserting "thirty" before "days," and then making it read "at such times as the Commissioners shall determine."

Mr. GALLINGER. I think that would be better. I will modify my amendment accordingly by moving to strike out "twenty" and inserting "thirty" before "days," and after "days" inserting "at such times."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "For the fire department," on page 34, line 11, before the word "foremen," to strike out "seventeen" and insert "eighteen;" in line 16, before the word "privates," to strike out "thirteen" and insert "twenty;" and in line 18, before the word "and," to strike out "fifty-nine thousand" and insert "sixty-five thousand six hundred;" so as to make the clause read:

For chief engineer, $2,000; fire marshal, $1,000; clerk, $900; 2 assistant chief engineers, at $1,200 each; 18 foremen, at $1,000 each; 12 engineers, at $1,000 each; 13 firemen, at $840 each; 4 tillermen, at $840 each; 18 hostlers, at $840 each; 120 privates, at $800 each; 8 watchmen, at $600 each; in all, $165,660.

The amendment was agreed to.

Mr. ROACH. At the end of line 19, I move to insert:

Hereafter each of the members of the fire department shall be entitled to leave of absence each year, with pay, for such time not exceeding thirty days, at such times as the Commissioners shall determine.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 34, line 21, to increase the appropriation for repairs to engine houses from $3,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 34, line 23, to increase the appropriation for repairs to apparatus and new appliances from $3,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 35, line 1, to increase the appropriation for the purchase of horses from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 35, line 6, to increase the appropriation for contingent expenses—horseshoeing, furniture, fixtures, etc.—from $9,000 to $10,500.

The amendment was agreed to.

The next amendment was, on page 35, line 7, to increase the total appropriation for miscellaneous expenses for the fire department from $39,000 to $44,500.

The amendment was agreed to.

The next amendment was, under the subhead "Increase fire department," on page 35, after line 9, to insert:

For exchange of old-style truck for aerial turntable truck, $3,500.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to insert:

For house, lot, and furniture for one engine company, to be located in the section bounded by Seventh and Twelfth streets and C and F streets northwest, $35,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the word "dollars," to insert "to be immediately available;" and in line 21, before the word "hundred," to strike out "twenty-one thousand three" and insert "fifty-nine thousand eight;" so as to make the clause read:

For house, lot, and furniture for one engine company, to be located in Anacostia, $16,200, to be immediately available; in all, $39,800.

The next amendment was, under the head of "Telegraph and telephone service," on page 36, line 13, to increase the appropriation "for general supplies, repairs, new batteries, and battery supplies," etc., from $11,000 to $11,500.

The amendment was agreed to.

The next amendment was, on page 36, after line 13, to insert:

Extension of fire-alarm telegraph: For extension of fire-alarm telegraph, including new boxes, purchase and erection of the necessary poles with cross arms, insulators, pins, and braces, wire for extension of lines, and extra labor for stringing the wire, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 37, line 9, after the word "dollars," to insert "two inspectors of garbage, at $1,200 each;" and in line 19, before the word "hundred," to strike out "thirty thousand nine" and insert "thirty-three thousand three;" so as to make the clause read:

For health officer, $3,000; nine sanitary and food inspectors, who shall also be charged with enforcement of garbage regulations, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, $1,500; sanitary and food inspector, who shall be a veterinary surgeon for all departments of the District government and act as inspector of live stock and dairy farms, $1,200; inspector of marine products, $1,200; two inspectors of garbage, $1,200 each; chief clerk and deputy health officer, $1,800; clerk, $1,400; four clerks, at $1,200 each, two of whom shall act as sanitary and food inspectors; clerk, $1,000; messenger and janitor, $900; pound master, $1,200; laborers, at not exceeding $40 per month, $1,920; ambulance driver, $480; in all, $33,300.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, $15,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 8, to strike out:

For the purchase of a site for a contagious-diseases hospital, $110,000, or so much thereof as may be necessary.

And insert:

For two isolating buildings, to be constructed, in the discretion of the Commissioners of the District of Columbia, on the grounds of two hospitals and to be operated as a part of such hospitals, $30,000.

Mr. GALLINGER. Mr. President, in connection with this matter, I want to express my gratification that the Committee on Appropriations has reported this provision for two buildings in connection with the established hospitals of the city for the purpose, I take it, of treating contagious-disease patients. That is a matter of very great importance to the people of this District, and I want simply to make an allusion to the provision for a commission to investigate as to a suitable site for a hospital for contagious diseases. My conviction is that if these two isolated buildings are constructed they will practically answer all the requirements of the District so far as the treatment of contagious-disease patients is concerned.

There has been a great hue and cry in this District against establishing a contagious-disease hospital in the immediate vicinity of residences. In all the other cities of the country, so far as I know, hospitals for contagious diseases are in the heart of the city. It is so in Boston; it is so in New York; it is so in Detroit, and, I think, in every other city of the country. It is a well-established fact that there is no danger from contagious diseases if the buildings are properly constructed and the supervision is all in the direction of modern appliances.

I feel very confident, if these two buildings are constructed as provided for in the amendment reported by the committee on the grounds of established hospitals in the city, that they will answer all the requirements for many years to come. There are very few cases of contagious diseases that are not taken care of in the homes of the citizens; but now and then a case occurs where such patients are refused admission to the established hospitals, and, of course, the newspapers call attention to it and the people become alarmed.

I have no objection to this commission, but I am very fully persuaded, if the provision in lines 12 to 15, inclusive, for these two buildings is carried out, it will be found that we have adequately provided for all the necessities of this very importan case.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 38, after line 15, to insert:

That the Secretary of the Interior, the Surgeon-General of the Army, and the Supervising Surgeon-General of the Marine-Hospital Service are hereby constituted a commission to examine suitable sites for a contagious diseases hospital in the District of Columbia, and the lowest prices at which the same can be obtained, and the probable cost of suitable buildings, and to report the result to Congress at the beginning of the next regular session.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to insert:

Jail grounds, District of Columbia: For the erection, under the direction of the Attorney-General, of a brick or stone wall to inclose the grounds upon which the jail in the District of Columbia now stands, including the purchase of material and the employment of such skilled and other labor as may be necessary for the purpose, $20,000.

The amendment was agreed to.

The next amendment was under the head of "For charities," on page 45, after line 5, to strike out:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1898, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large of the United States.

And insert:

For relief of the poor, $13,000.
For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.
For the Women's Christian Association, maintenance, $4,000.
For Central Dispensary and Emergency Hospital, maintenance, $15,000.
For the Children's Hospital, maintenance, $10,000.
For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $8,500.
For the Washington Hospital for Foundlings, maintenance, $6,000.
For the Church Orphanage Association of St. John's Parish, maintenance, $1,800.
For the German Orphan Asylum, maintenance, $1,800.
For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.
For St. Ann's Infant Asylum, maintenance, $5,400.
For Association for Works of Mercy, maintenance, $1,800.
For House of the Good Shepherd, maintenance, $2,700.
For the St. Rose Industrial School, maintenance, $4,500.
For St. Joseph's Asylum, maintenance, $1,800.
For Young Women's Christian Home, $1,000.
For Hope and Help Mission, maintenance, $1,000.
For Newsboys' and Children's Aid Society, maintenance, $1,000.
For Eastern Dispensary, maintenance, $1,000.
For Washington Home for Incurables, maintenance, $2,000.
For municipal lodging house and wood and stone yard, including rent, $4,000.

Mr. GALLINGER. Before this matter of the charities is passed, I desire to make a single observation. It will be remembered that when some former bills were under consideration, I took exception to the appropriations for certain institutions that are named in this bill. They are always left out by the House, and they are always inserted by the Senate.

Mr. President, it is very late in the session, and I fully appreciate the value of every moment of time, and I am not going to discuss this matter at present; but I am going to say that I feel somewhat differently about the matter this year, for the reason that there is a joint committee of the two Houses of Congress, of which I think the distinguished Senator from Michigan [Mr. McMILLAN] who is the chairman of the Committee on the District of Columbia, is chairman, engaged at the present time in making an investigation of the subject of charities in the District of Columbia. I have no doubt as to the thoroughness and completeness with which the committee will do this work; and, pending their investigation, I should not feel that it was either my privilege or my duty to discuss at length or to take any special exception to the provisions which the Committee on Appropriations of the Senate have thought it wise to put in this bill this year. I will content myself with expressing the hope that the special committee to which I have referred will speedily perfect its labors, and that by the time we have another appropriation bill of this kind before us, we may have from that committee a report which will give us complete and authentic information concerning this vexed question.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 4, in the appropriations for Columbia Hospital, to insert:

For repairs and furniture, $5,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 8, in the appropriations for the Freedmen's Hospital and Asylum, to strike out:

For salaries and compensation of superintendent, who shall reside at the hospital, not to exceed $3,000; assistant superintendent, $900 (this position to be filled by a nonmedical graduate or student); five internes, at $120 each; superintendent of nurses, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000.

And insert:

For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000.

The amendment was agreed to.

The next amendment was, on page 49, line 10, after the word "dollars," to insert "cook, $240;" and in line 12, before the word "dollars," to strike out "seven hundred and twenty-five" and insert "nine hundred and sixty-five;" so as to make the clause read:

Reform School for Girls: Superintendent, $1,000; treasurer, $300; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; cook, $240; in all, $4,965.

The amendment was agreed to.

The next amendment was, on page 49, line 22, to increase the appropriation "for maintenance of the Industrial Home School, including repairs," from $9,900 to $12,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 14, to insert:

And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1898, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

The amendment was agreed to.

The reading of the bill was continued to the end of the following clause:

That the joint select committee authorized by the act making appropriations for the expenses of the government of the District of Columbia for

the fiscal year ending June 30, 1897, to make inquiry and report concerning the charities and reformatory institutions of the District of Columbia, are hereby continued during the Fifty-fifth Congress, with all the powers and duties imposed upon them by said act. And any vacancies which may occur in the membership of said committee by expiration of service or otherwise of any Senator shall be filled by appointment by the presiding officer of the Senate, and any vacancies which may occur by reason of the expiration of service of any House members of said committee shall be filled by appointment to be made by the Speaker of the present House of Representatives from members-elect to the House of Representatives of the Fifty-fifth Congress; and any vacancies which may occur by reason of death or resignation of any House member shall be filled by appointment to be made by the Speaker of the House of Representatives for the time being; and said committee shall have authority to sit during the recess, and shall make report as soon as practicable after the beginning of the first session of the Fifty-fifth Congress.

Mr. CALL. Mr. President, I simply wish to enter my protest against the enactment of statutes regulating the appointment of members of committees of the two Houses of Congress. There is certainly no power in any statute to be approved by the President of the United States authorizing any body, not even the House of Representatives, to regulate the appointment of committees for the Senate, because the Constitution itself authorizes each House to regulate its own mode of procedure.

The habit we have gotten into of late of providing, in statutes to be approved by the President of the United States, for the exercise of power conferred upon each House of Congress, and upon it alone, to appoint its committees and regulate its mode of procedure, I think ought to be reproved and ought to cease.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Militia of the District of Columbia," on page 52, line 20, to increase the appropriation "for expenses of rifle practice and matches" from $3,000 to $3,600.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. TELLER. On page 3, after the word "collector," in line 18, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "collector," in line 18, on page 3, it is proposed to insert "who shall, in the absence of inability from any cause of the collector, perform the duties without additional compensation."

The amendment was agreed to.

Mr. TELLER. On page 10, line 15, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 15, on page 10, before the word "be," it is proposed to strike out "ninety-six" and insert "ninety-five;" and in line 18, after the words "day of," to strike out "January" and insert "July;" and at the end of the same line to strike out "ninety-eight" and insert "ninety-seven;" so as to make the proviso read:

Provided, That all penalties on taxes due and payable on or before the 1st day of July, 1895, be, and the same are hereby, remitted, provided that the taxes due and payable on or prior to said date are paid with 6 per cent interest on or before the 1st day of January, 1897.

The amendment was agreed to.

Mr. TELLER. On page 12, in line 22, there is an error, to correct which I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, in line 22, after the word "March," it is proposed to strike out "third" and insert "second;" so as to read:

To pay for lands to be condemned under the highway act approved March 2, 1893, for the extension of Rhode Island avenue from Le Droit avenue to Harewood avenue NE., etc.

The amendment was agreed to.

Mr. TELLER. On page 14, after line 10, I move an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 10, it is proposed to insert:

For paving Morris street, between Sixth and Seventh streets NE., $4,000.

The amendment was agreed to.

Mr. TELLER. After the amendment just adopted, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

Removing cobblestones and repairing with asphalt blocks D street between Sixth and Seventh streets SE., $4,000.

The amendment was agreed to.

Mr. TELLER. I also propose an amendment to come in after the amendment just adopted, which I ask may be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For paving of North Capitol street between O and R streets, $9,000.

The amendment was agreed to.

Mr. TELLER. On page 17, line 22, after the word "streets," I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, in line 22, after the word "streets" where it occurs the second time, it is proposed to insert "and Roanoke and Princeton streets from Seventh to Thirteenth streets;" so as to make the clause read:

For grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets from Seventh to Fourteenth streets, and Roanoke and Princeton streets from Seventh to Thirteenth streets, completing improvement, $3,000.

The amendment was agreed to.

Mr. TELLER. On page 19, after line 19, I move to insert:

For grading and regulating Providence, Lansing, Hartford, and Tenth streets, Brookland, $2,000.

For the purchase of land belonging to the Catholic University and lying between the west line of Eighth street east extended, according to the highway extension plan, the Metropolitan Branch of the Baltimore and Ohio Railroad Company, Bunker Hill road, and the north line of said university grounds, containing about 2 acres, $5,000, or so much thereof as may be necessary, to be paid wholly from the revenues of the District of Columbia.

For grading and graveling Joliet street from Connecticut avenue extended to Zoological Park, and acquiring same by purchase or condemnation, $5,000.

For grading and regulating Lowell street from Seventeenth street to Klingle Ford road, $10,000.

The amendment was agreed to.

Mr. TELLER. On page 20, line 2, in the appropriation for sweeping streets, I move to strike out "thirty" and insert "fifty;" so as to read "$150,500."

The amendment was agreed to.

Mr. TELLER. On page 29, after line 16, I move to insert:

For rent and care of Miner School buildings on Seventeenth street, $3,050

The amendment was agreed to.

Mr. TELLER. On page 31, after line 4, I move to insert:

For eight-room building and site in the vicinity of North Capitol and R streets, $40,000.

The amendment was agreed to.

Mr. TELLER. On the same page, in line 17, I move to strike out "fifty" and insert "eighty-three;" so as to read:

For completing Western High School, to be immediately available, $33,000.

The amendment was agreed to.

Mr. TELLER. On page 38, after the word "dollars," in line 3, I move to insert:

Provided, That said Commissioners may on and after the passage of this act enter into contracts, after due advertisement as required by law, under such regulations and specifications as they may establish, for incinerating such combustible waste for a period not exceeding three years, to terminate June 30, 1900: *Provided, further*, That said Commissioners are hereby authorized to make necessary regulations for the collection, transportation, and delivery of such refuse in the District of Columbia, and to annex to said regulations such penalties as will enable them to secure the enforcement thereof.

The amendment was agreed to.

Mr. FRYE. I should like to offer an amendment on this page. On page 19, after the word "dollars" in line 19, I move to insert:

For grading and regulating Michigan avenue, $10,000.

The Senator himself knows the importance of it, and there is no need of discussing it, in my judgment.

The amendment was agreed to.

Mr. TELLER. Now I ask the Senator to return to page 21.

Mr. FAULKNER. We had better disagree to the committee amendment there.

Mr. TELLER. Let the Senate disagree to the proposed amendment of the committee in line 9.

The SECRETARY. In line 9, page 21, the Committee on Appropriations report an amendment to insert "on the 1st day of January, 1897;" so as to read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington on the 1st day of January, 1897.

The amendment was rejected.

Mr. TELLER. Now, let the Senate agree to the amendment of the committee to strike out, in line 10, "and for necessary extensions of such service, fifty-five" and insert "forty."

The SECRETARY. The Committee on Appropriations report an amendment, in line 10, to strike out "and for necessary extensions of such service, fifty-five" and insert in lieu thereof the word "forty;" so as to read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, $40,000.

The amendment was agreed to.

Mr. TELLER. Let the next committee amendment be stated.

The SECRETARY. In line 8, page 21, it is proposed to strike out "now;" so as to read:

For electric arc lighting, including necessary inspection, in those streets lighted with electric arc lights in the city of Washington, etc..

Mr. HILL. That word should be reinserted.

Mr. TELLER. It should remain in.

The amendment was rejected.

Mr. TELLER. Now we are ready for the amendments of the Senator from Michigan.

Mr. McMILLAN. I offer the amendment which I send to the desk.

Mr. TELLER. This is in lieu of the committee amendment.

The SECRETARY. On page 21, after the word "Washington," in lieu of the committee amendment it is proposed to insert:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits or erect overhead wires for electric-lighting purposes in any road, street, avenue, highway, park, or reservation, except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public-lighting connections with conduits already in the portion of the street proposed to be lighted; and nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896, nor to prevent the United States Electric Lighting Company from extending conduits into Columbia Heights, Washington Heights, and Mount Pleasant, and within the fire limits, as specifically provided in the act of June 11, 1896, making appropriations for the expenses of the government of the District of Columbia; and the existing overhead wires of the Potomac Electric Power Company west of Rock Creek and outside of the fire limits are hereby authorized to be maintained for a period of one year from the passage of this act and no longer.

Mr. GORMAN. I should like to ask the Senator from Michigan to explain the latter clause, wherein specific privileges are granted for certain extensions.

Mr. McMILLAN. I will state that the latter clause referred to here simply enables the existing law to be carried out so far as the United States Company is concerned. In the latest District appropriation act it is provided that the United States Electric Lighting Company may extend its underground conduits and wires east of Rock Creek and within the fire limits to Mount Pleasant and Washington and Columbia Heights, under such regulations as the Commissioners may prescribe. Also, the same act limits to eight months the life of overhead wires west of Rock Creek and outside the fire limits. The added clauses simply preserve the rights of the United States Company on the one hand, and on the other authorize the continuance of the Potomac Company's wires west of Rock Creek, out in the suburbs, for one year. That is all.

Mr. GALLINGER. The overhead wires?

Mr. McMILLAN. The overhead wires.

Mr. GORMAN. I understand the provision will be for only one year.

Mr. McMILLAN. Yes; for one year. That will give time for legislation on the subject.

Mr. FAULKNER. I will explain that. The extension for one year is only as to the overhead wires of the Potomac Company outside of the fire limits, west of Rock Creek. They were limited in the appropriation act to eight months. Under the terms of the law they would really be required to take those wires down which are outside of the fire limits west of Rock Creek. The amendment extends that overhead system a year longer.

Mr. McMILLAN. These overhead wires are to furnish suburban houses with light. They are to furnish with light Tennallytown and suburban houses like those of Mr. Gardiner Hubbard and Mr. Waggaman, and others; and unless this amendment is adopted the company can not furnish such lights after the eight months' period expires, which will be very soon. This extends the time.

Mr. GORMAN. What provision is proposed to be made to continue it? I do not see any, unless the Senator contemplates further legislation.

Mr. McMILLAN. I think we will have to have further legislation next year. We can not do anything more this year.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Michigan.

The amendment was agreed to.

Mr. TELLER. I ask unanimous consent that the clerks may correct the totals to correspond with the amendments.

The VICE-PRESIDENT. It will be so ordered.

Mr. McMILLAN. I offer an amendment. On page 19, after line 24, and after the amendment just adopted, I move to insert:

For the grading and improvement of G street from First street east to Fourth street northeast, $14,000.

Mr. TELLER. I should like to ask the Senator from Michigan if the amendment comes from the District of Columbia Committee?

Mr. McMILLAN. It does; and I would like to have a letter from the District of Columbia Commissioners, in approval of the amendment, printed in the RECORD. It shows the necessity for it.

The letter is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 23, 1897.

SENATOR: Relative to your favor of the 22d instant requesting an early report on the amendment to the District bill for grading and improving G street from First street to Fourth street east, the Commissioners have the honor to say that in their judgment it would be of advantage to the northeast section to have the street paved. It is of easier grade than H street, and if paved throughout would relieve to a large extent the heavy travel on H street, which is also occupied by a rapid-transit street railway. The paving now proposed would be so much toward the paving of the street throughout; the street is already paved west of First street. H street crosses two sets of the Baltimore and Ohio railroad tracks, whereas G street only crosses one set. H street was graded and graveled several years ago, but on account of the inadequacy of appropriations for repairs to unpaved streets the roadway has not been kept in good repair and is now in poor condition. Five thousand dollars is not, however, a sufficient sum to pay for paving the street; $14,000 is a conservative estimate. Within the past few months permits for nine buildings on this part of G street have been taken out.

Very respectfully,

GEO. TRUESDELL,
Acting President Board of Commissioners, District of Columbia.

Hon. JAMES McMILLAN,
Chairman Committee on the District of Columbia, Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment.

The SECRETARY. On page 19, after line 24, and after the amendment already adopted, it is proposed to insert:

For the straight extension of Connecticut avenue: The Commissioners of the District of Columbia are authorized and directed to extend and open Connecticut avenue, on the straight extension of the line thereof as now established in the city of Washington, from Connecticut avenue extended, as now laid out and opened on the west side of Rock Creek, to Kalorama avenue on the east side of Rock Creek, thence by a curved line or offset to join with the present adopted and recorded location of Connecticut avenue, south of Kalorama avenue, and to include in Connecticut avenue a circular reservation at or near Kalorama avenue in line with the straight extension of Connecticut avenue, with suitable passageway around such circle; and also to include in such avenue such portions of the corners of squares at the intersection of Connecticut avenue with Kalorama avenue as the Commissioners may find necessary for ample and convenient connections of streets; and they are authorized and directed to abandon the deflected line for Connecticut avenue heretofore adopted, north of Kalorama avenue, and to conform the plan of highway extension to the extension of Connecticut avenue as aforesaid.

That, conditioned upon the dedication by the owners of the property lying within the lines of said proposed extension between the water-side drive on the east side of Rock Creek and the present extension of Connecticut avenue on the west side of Rock Creek, the sum of $200,000 is hereby appropriated, wholly from the revenues of the District of Columbia, to be immediately available, for the purchase or condemnation by the Commissioners of the District of Columbia of the property lying within the extension of Connecticut avenue and extending from said water-side drive southerly to Florida avenue.

As to all lots or parts of lots and improvements not purchased or contracted to be purchased within thirty days from the passage of this act, the Commissioners of the District of Columbia are instructed to commence suit for condemnation.

The Commissioners of the District of Columbia are hereby authorized to secure designs, by competition, for a bridge or viaduct across Rock Creek on the line of the extension of Connecticut avenue, and the sum of $2,000 is appropriated therefor.

Fifty thousand dollars is hereby appropriated for the immediate commencement of such bridge or viaduct after such designs shall have been secured.

Mr. GORMAN. I wish to make an inquiry of the Senator from Michigan, the chairman of the committee. I understand this provision makes an entirely new line, or practically a new line, for the extension of Connecticut avenue. It is practically a straight line which is proposed.

Mr. McMILLAN. It provides for the deflected line up to Kalorama avenue; that is, beyond the houses that would be destroyed by the straight extension. Then the avenue turns into a circle to be located on Kalorama avenue, and from the circle extends in a straight line across Rock Creek to join the existing extension of Connecticut avenue. It is practically the deflected line, so far as the additional expense is concerned.

Mr. GORMAN. I am not antagonizing that general proposition, but what I wish to learn from the Senator is this: Two lines are laid down for the extension of this avenue, one a straight line, which practically conforms to the proposition now offered by the Senator, as I understand.

Mr. McMILLAN. Yes; practically.

Mr. GORMAN. With slight variations. The greater portion of it, the lower part, is on the straight line. But that is not the point I am after. I am ready to take the judgment of the Senator and his committee, but we provided in the statute two years ago that there should be no permits for buildings on either one of the lines, the straight line or the deflected line, and it is a very great hardship on everybody who owns property on both streets. If we are to settle it, ought we not to remove that embargo and allow the parties on the line laid down by the Commissioners to have permits? Has the Senator provided for that?

Mr. McMILLAN. I understand that if the amendment is passed it will settle the whole question.

Mr. GORMAN. I ask the Senator whether it would not require a specific provision?

Mr. McMILLAN. No, I think not. Until this is done, of course, they can not get permits, but when it is done permits will be granted.

Mr. GORMAN. The Senator is aware that in one or two of these cases, on Sixteenth street, great hardship resulted. All I desire is that when the line is adopted the property owners on the street shall have permits.

Mr. McMILLAN. This will relieve the situation.

Mr. TELLER. I do not know but that there should be some action to enable these people to have permits.

Mr. McMILLAN. I suggest to the Senator in charge of the bill that, if it should be found necessary, such an amendment can be inserted in conference. I am very sure, however, that it is not necessary.

Mr. TELLER. We can put it in in conference if it is necessary.

Mr. McMILLAN. It ought to be done, of course.

Mr. TELLER. It ought to be done here or in conference, but I do not know, without an opportunity to examine it, whether the amendment covers it or not.

Mr. GORMAN. Will the Senator read the law?

Mr. TELLER. This is the provision:

That the Commissioners of the District of Columbia be, and they are hereby, required to examine into the proposed extension of Connecticut avenue from Florida avenue to the District line, and report to Congress, on or before the first Monday of December next, the comparative advantages and disadvantages and comparative cost of opening said Connecticut avenue on a straight extension of the line thereof as now established in the city of Washington, instead of opening the same on the deflected line heretofore adopted and now on file—

Here is the point—

and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue until otherwise provided by law.

Mr. FAULKNER. I wish to call the attention of the Senator to the amendment, which I think clearly settles the question.

Mr. GORMAN. Let us hear it.

Mr. FAULKNER. After describing the street as selected as a permanent line, a definite line, the amendment says:

And they are authorized and directed to abandon the deflected line for Connecticut avenue heretofore adopted, north of Kalorama avenue, and to conform the plan of highway extension to the extension of Connecticut avenue as aforesaid.

Mr. TELLER. I think that covers it.

Mr. FAULKNER. It covers it completely.

Mr. GORMAN. We had better make it specific. I suggest to the Senator to lay this matter aside for a second.

Mr. TELLER. The Senator from Michigan has another amendment, and while the Senator from Maryland is looking the point up we may proceed with his amendment.

Mr. GORMAN. I suggest that we say that the restriction which has heretofore been provided is hereby repealed.

Mr. McMILLAN. I move an amendment to my amendment which I think will cover the point.

The SECRETARY. It is proposed to amend the amendment by inserting at the end thereof:

That the statute incorporated in the act of Congress approved June 11, 1896, making appropriation for the District of Columbia, reading as follows: "and that from and after the passage of this act no building permits shall be granted upon ground which would be covered by either extension of said Connecticut avenue until otherwise provided by law," is hereby repealed.

Mr. GORMAN. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk.

The SECRETARY. On page 36, after line 18, it is proposed to insert:

Provided, That whenever there are telegraph or telephone poles or telephone conduits available for the use of said fire-alarm telegraph, the Commissioners of the District of Columbia are hereby authorized to make arrangement for the use of such poles or conduits without expense to the said District; and the authority granted to said Commissioners in the District of Columbia appropriation act approved August 7, 1894, to authorize the erection and use of telephone poles in the alleys of the city of Washington, shall be limited as follows: Hereafter no wires shall be strung on any pole or poles at a height of less than 50 feet from the ground at the point of attachment to said pole. Temporary permits may be granted by said Commissioners to string wires from cable poles or from existing overhead trunk lines to poles in or to be erected in alleys and from alley poles in one square to alley poles or house-top fixtures in another square, for the purpose of making necessary house connections from all cable poles and existing overhead trunk lines within the District of Columbia, such house connections to be made from the cable pole or overhead trunk line nearest the subscriber. Nothing herein contained shall be deemed to authorize the erection of any additional pole or poles upon any street, avenue, or public reservation within the said city, and such privileges as may be granted hereunder to be revocable at the will of Congress without compensation.

Mr. TELLER. I should like to inquire if this amendment comes from the Committee on the District of Columbia?

Mr. McMILLAN. It does.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McMILLAN. I desire to offer another amendment.

The SECRETARY. On page 52, after line 2, it is proposed to insert:

Provided, That the clerk designated by the committee may be paid for clerical services such compensation as may be fixed by the committee in addition to any salary he may be receiving.

The amendment was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add at the end of section 2:

Provided, That so much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment which has been favorably reported from the District of Columbia Committee and is recommended by the Medical Association of the District of Columbia. I think there will be no objection to it.

The SECRETARY. On page 49, after line 2, it is proposed to insert:

Provided, That any legally licensed physician may attend private patients when they occupy pay rooms, in any of the public hospitals in the District of Columbia.

The amendment was agreed to.

Mr. GALLINGER. I offer another amendment, which has been reported favorably from the Committee on the District of Columbia and was referred to the Committee on Appropriations.

The SECRETARY. On page 43, after line 11, it is proposed to insert:

For the construction of a crematorium, which shall contain two alternating furnaces, a chapel, columbarium, and morgue for the reception, cremation, or keeping of bodies, to be erected on a site to be selected in the present cemetery for the burial of the indigent dead of the District of Columbia, and in accordance with plans and specifications to be approved by the Commissioners of the District of Columbia, $20,000, or so much thereof as may be necessary.

Mr. GALLINGER. The Senator in charge of the bill has appealed to me not to insist upon this amendment, but I do want to insist upon it, and in a very few words I will give my reasons for it. I trust it may go into conference and there have careful consideration.

A few months ago, I think it was in October last, in the Washington Star, a newspaper that is always very earnest and careful in looking after the interests of this great District, I found the following editorial:

The District Commissioners will have to ask many things of the next session of Congress. One of the institutions that ought to materialize very soon is the combined crematory and morgue, in behalf of which so much can be said. Mr. Stoutenburgh reports that the potter's field is overcrowded; that superficial burial is now the rule because the numerous bodies already interred render deep burial impracticable without disturbing the older remains. Every intelligent person must understand the unhealthfulness of such a condition as now prevails. Cremation is the most sensible of all methods of corpse disposition. We have as yet no public crematory, nor do we have a morgue worthy of the name. A comparatively small sum of money will provide us with those necessaries.

I hold in my hand a communication from Mr. Stoutenburgh, the superintendent of the Washington Asylum, which gives some statistics as to the matter of burial in the potter's field; and I want to say to the Senate that if I should state the actual condition of things that prevail right here almost under the shadow of this Capitol, it, I think, would not require any further argument on my part to persuade the Senate that something ought to be done, and done immediately, either that a crematorium be established or that an additional burying place be immediately purchased for this institution.

It is a fact that to-day in the Potter's field, as I have before said, almost under the shadow of this Capitol, they are burying five persons in one grave, one over the other. It is a condition so unsanitary that it ought to receive the condemnation of Congress without one moment's hesitation. I could relate instances that would horrify the Senate, if I should mention them, that have occurred recently in this Potter's field. I could relate an instance where a public servant died, a former clerk, I think then out of employment, and was buried there under conditions which his friends found, when they came there to claim his remains, that would hardly bear repetition in the Senate of the United States.

Mr. Stoutenburgh recommends that this crematorium shall be established. It is not proposed to incinerate the remains of all the pauper dead who are buried there. Those who have friends who request or who themselves have requested that they shall be buried in the ordinary way will have their wishes carried out. The Committee on the District of Columbia listened to this matter very attentively and gave it careful consideration, and came to the conclusion that it was something that demanded immediate attention and consideration.

I have here the specifications of the proposed crematorium, which I desire to have put in the RECORD as a part of my remarks.

[Specifications of a proposed crematorium, to be erected on a site located at the almshouse, Washington, D. C.]

The plans as here presented are those of Samuel H. Brown, of Boston, Mass., and while they may seem at first quite too elaborate, it is thought that after a careful examination of the details of the specifications and plans that all persons interested in the proposed crematorium will be pleased with the character of the plans as shown in the accompanying drawings.

The plans look to the erection of two furnaces of that double alternating type built by the Brown Company, one of which is in successful operation at J. William Lee's undertaking establishment, Pennsylvania avenue, this city.

It is proposed to build these furnaces, one on each side of an ornamental brick stack, 90 feet in height. Surrounding this stack and furnaces it is proposed to build a substantial structure, the architecture of which it is designed to have of a character which will at once impress all with its appropriate structural beauty. The plans presented show a structure modern in form 56 by 67 feet, divided in the floor plan into the various halls and rooms required in the proper construction and the perfect operation of a crematorium. The first of these rooms is the chapel, 16 feet by 27 feet 10 inches; then the columbarium or vault room for the storage of the ashes of the dead, 16 feet by 16 feet 10 inches. These two rooms are at each side of the main entrance hall, this hall, 10 feet wide and 16 feet long, leading from the vestibule at the main entrance to the grand hall, in which are located the stack and two furnaces composing the crematorium. The grand hall itself is 56 feet long by 18 feet 4 inches at its extreme width, with a general width of 10 feet. There is an independent entrance or door at each end of the hall. Leading from the left-hand entrance is a door, which is the entrance to the morgue—a room 16 feet by 13 feet. Leading from the right-hand entrance of the hall is a door which opens into the so-called cooling room. The morgue, as required, is comparatively small. It is not designed as the city morgue for all dead, but is designed as a temporary repository for the dead to be cremated, while subject to removal by their friends for earth burial. It is proposed that all cremations shall be publicly advertised in the columns of the daily press for at least twenty-four hours before cremation takes place, except in cases of contagious diseases.

The cooling room above referred to is used for the storing of the funeral car and the cooling of the remains (which are in the form of ashes), and it is proposed to remove from the furnaces the ashes immediately after the cremation is completed. This is done by the removal of the interchangeable soapstone bed plate on which the cremation takes place. Leading from the cooling room is a door entering the fire room, which is 33 feet 6 inches by 18 feet 6 inches. The fire room is necessarily large, in order that fuel may be stored there, and that both furnaces, although some distance apart, may be operated at the same time by one fireman. The capacity of each furnace is so designed that it will cremate one subject every hour. It would seem perhaps that there would be only one furnace required, but it must be remembered that if cremation should be adopted, and the potter's field abandoned, that it would be absolutely necessary for safety that there should always be one furnace in reserve, thus enabling one to make repairs at any time without seriously obstructing the disposal by cremation of the dead.

THE COST OF CREMATION AS COMPARED WITH EARTH BURIAL.

In the ordinary cremation of two or three bodies a day the cost would not exceed $2 each. In case of an epidemic the cremation of 30 or 40 bodies every twelve hours might be accomplished at a cost not to exceed $1 each. It is estimated at present that for the next five years the burials at the potter's field will equal 1,000 each year. Based on this estimate the maintenance of a crematorium would not exceed annually over $2,000. The cost of burial is at present equal to this amount. If the District should adopt a crematorium, as here designed, it would solve the problem of a potter's field for at least twenty-five years to come, for the reason that the columbarium is designed sufficiently large to store in its vaults 25,000 or more cinerariums. The plan of cremation, as all know who are at all familiar with the subject, is the only sanitary way for the final disposal of the dead. The amount of appropriation required is no more than would probably be demanded for an available potter's field that would last the city only five years. The amount required to build a crematorium, as designed by these plans, is $25,000. This would include its maintenance for one year. A plan much cheaper in general construction might be presented; but inasmuch as this is the capital city of the nation, it is proposed to build this crematorium as a model for other cities to copy from. It is considered educational by the promoters, and the founding of such a public institution here will help to successfully solve a problem to which many of the largest cities in the country are now giving their careful attention.

It is hoped that the honorable Commissioners of the District of Columbia, their health officer, and the superintendent of the almshouse will each give their unqualified indorsement to the accompanying plans and the cause, and that Congress may look favorably on a proposition to immediately appropriate money for this purpose.

[Copy of letter of superintendent of Washington Asylum and potter's field.]

WASHINGTON ASYLUM,
Washington, D. C., October 23, 1896.

GENTLEMEN: I desire to call your attention to the rapidly increasing number of burials in potter's field cemetery:

For the year ending June 30—	Interments.
1890	558
1891	627
1892	655
1893	702
1894	785
1895	606
1896	785
Making a total of	4,778

The available ground suitable for this purpose is being rapidly exhausted and is valuable to the District for other purposes. But a short time will elapse before the District will be compelled to procure ground for this purpose at great expense. In view of these facts, I recommend that a crematorium be erected in connection with and on a site to be selected in the present cemetery, to be used in all cases where there is no objection made on part of relatives, or previously expressed wish made for ground burial by the deceased.

The ground as now available will last for a few years for the interment of all who might express a wish for ground burial, thus taking away any objection on the part of relatives of the deceased.

The proposed crematorium would have a chapel connected, where services would be held when desired, a receiving room with regulation low temperature, for the reception and keeping of bodies; a cooling room for the carriage, and a storage room for the final remains, such room to be fitted with porcelain or terra-cotta boxes or jars, numbered and labeled in such a manner that a correct record can be kept for identification, should the friends desire at a future time to reclaim the remains.

I estimate the cost of construction and operation for one year of such a plant at $25,000, and for the operation for each succeeding year at $1,500 per annum.

Very respectfully,

(Signed.) W. H. STOUTENBURGH,
Intendant Washington Asylum.

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

In view of the pressing need, I urgently request that an appropriation be asked for the construction and operation of the same to be placed in the estimates being made for appropriations by Congress.

Mr. GALLINGER. I also ask unanimous consent to insert the first ten pages of the publication which I hold in my hand. It is only about six pages of print, and will not occupy much space. It discusses the question of burial or cremation. It is an intensely interesting discussion of the question that I think ought to be brought to the attention of Congress; and then I will ask that the entire publication be sent to the committee of conference, if the amendment goes into the bill, so that the conferees may have an opportunity to inquire into and to some extent investigate this very important subject.

The matter referred to is as follows:

BURIAL OR CREMATION?

When death this tenement of flesh shall claim,
Entomb it not in darkness to decay;
But, purged of earth, on rushing wings of flame,
Let it mount upward into endless day!

America at the close of the century differs widely from America at the century's beginning. It was then an agricultural country, its population was widely scattered, and there were few cities of any considerable size. But a great change has been brought about during the past hundred years. We are now, to a large extent, a manufacturing and commercial people. We have many large and crowded centers of population; our cities have taken their place among the great cities of the world; and it is only a matter of a few years when we shall have in this country the greatest centers of population on the earth. It is evident, therefore, that the sanitary conditions which answered well enough a hundred years ago must now all be changed. So rapid has been our transformation from a rural to an urban nation that science has hardly kept pace with the needed reforms in sanitation.

There is one reform that has been too long delayed, but which, during the last decade, has been receiving wide attention from the best informed and most advanced people of the country; and that is a reform in our present method of disposing of our dead. The system of burial in the earth, which has obtained for so many centuries, and which would be tolerable in a thinly populated community, is not only most detrimental to a crowded community, but is absolutely incompatible with a proper regard for health and life. This subject has received much attention in the crowded communities of Europe, and it is now receiving more and more attention from thoughtful people in this country. When population was scattered, the country churchyard, remote from dwellings, and visited but infrequently, could do but little harm. But the crowded cemeteries near our large cities are to-day, in the common opinion of physicians, chemists, and other scientists, a great and constantly increasing source of danger to the living.

The popular supposition that the burial of a body several feet beneath the surface of the ground robs it, during its course of decomposition, of the power of contaminating the air above is a palpable mistake. The gases emitted by the putrefying body are exhaled through the ground, even when it is buried 10 feet beneath the surface. These gases are most noxious. In many cases where graves have been reopened, their effect upon those inhaling them, even though for a moment, has been fatal. In addition to these pestilential exhalations, the decomposed matter which mixes with the soil and is washed by the rain through the ground contaminates the water supply within an extended area. It is a well-known fact, proved over and over again, that the vicinity of a graveyard is most unhealthful; that diphtheria, typhoid fever, and kindred maladies of a fatal nature rage much more violently in such a neighborhood than elsewhere. This fact has been recognized to such an extent in Europe that enactments have been passed in various countries prohibiting human habitation within a certain radius of a graveyard. In Pomerania, after the raging of a terrible epidemic, this limit was placed at as large a figure as 5,000 feet.

There are other agencies working in a cemetery besides those of simple decomposition that are most disastrous to the health of surrounding residents. The researches of Dr. Pasteur, and of other almost equally renowned scientists, have disclosed the fact that earthworms, burrowing among the dead, bring to the surface the living germs of disease. These germs live for many years, and may be inhaled in the air. A commission of physicians from this country visited some years ago a yellow-fever district in Central America; and, in a graveyard where the victims of a scourge of yellow fever that had occurred eighty years before were buried, the living germs of the disease were still found in vast numbers on the surface of the ground. The digging up of a cemetery in South America, in which the victims of yellow fever had been buried three hundred years before, revived the pestilence, and it again raged in all its fury. It is the opinion of medical experts who have studied this question that one-third of the deaths occurring in the cities of this country arise from the inhalation of poisonous matter in the atmosphere; and of all sources of atmospheric pollution the cemetery is by far the worst.

It is not to be wondered at, therefore, that men who have at heart the interests of mankind should have given much thought to the subject of changing our present method of disposing of the dead. The other method which naturally suggests itself, in place of burial, is burning. Cremation is a practice that comes to us from the most ancient times. It was practiced by the Greeks, by the Romans, and by all the Indo-European tribes. All who have read Virgil's master poem will recall the beautiful but pathetic recital of the cremation of the devoted Dido. Remus, the founder of Rome, was also cremated, if we can believe the ancient records; and Julius Cæsar was burned upon a funeral pyre of the greatest magnificence. It is not, however, the desire of the modern advocates of cremation to follow in the footsteps of the ancients; for with them cremation took place in the open air, and in this way the poisonous gases, liberated by combustion, were permitted to escape, contaminating the surrounding atmosphere. In modern cremation not a particle of matter escapes until it has been absolutely decomposed into its constituent elements, and rendered as pure as sunlight itself.

Europe, being more crowded, was naturally the first to give thought to this matter; and some fifteen years ago crematories were erected in several

Italian towns; and later in other continental cities. Five years ago two crematories were built in Paris; and, within a few months, the French war department has made preparations for supplying the army with ambulatory crematories for disposing of the dead in battle.

The idea was first taken up in this country about twelve years ago. A cremation society was formed in New York, and later societies advocating this practice were organized in various cities of the country. In Boston there are two cremation societies, which number in their membership some of the most influential people in that vicinity, among them being such men as President Eliot and Prof. Francis J. Child, of Harvard College; Francis Parkman, the historian; Miss Alice Longfellow, the daughter of the poet; and many physicians of national reputation. The belief in cremation is spreading among all classes of thinking people, who plainly perceive that the continued well-being of humanity imperatively demands a change from the present custom of earth burial.

Objections are sometimes brought against this practice by certain people on what they very falsely allege to be religious grounds. They contend that cremation is of heathen origin. But as far as that argument goes, a very large number of the most useful arts and the most necessary customs of modern society have come down to us from the Greeks and Romans, who, if they are to be termed heathen, were certainly heathen of a high stage of intellectual development. If we should refuse to do whatever the pre-Christian nations did, we should return immediately to a barbarism worse than that of the dark ages. In reality, cremation is distinctly in keeping with the spirit of Christianity; for if Christianity inculcates anything, it inculcates that system of action that shall conduce most to the true welfare of man. And certainly Christianity can not be adduced by any devout and intelligent disciple of that belief as an opposing force against a great reform which will tend to sweep away much of the sickness and premature death which now do so much to rob life of its beauty, its happiness, and its value. Nowhere does the Bible forbid cremation; but everywhere it teaches that the essential part of man is the soul, that the body is only a temple for its indwelling, and that it is of worth only when the soul is within it. The most extraordinary argument advanced by some unthinking people, that cremation would make resurrection impossible shows a singularly crude and unchristian belief in the limitations of the Almighty. It is no more miraculous to raise the dead when all that remains is a handful of ashes, than it is to raise the body that has passed through the slow decay of years, and moldered into dust.

The chief objection against which advocates of cremation have to contend is sentiment, springing solely from custom. Men are accustomed to the thought of burying the dead beneath the ground, and consequently this seems less repugnant to them than the reduction of the body to ashes by fire.

But when one relegates the question of custom to the background and simply thinks of the two methods by themselves, comparing the one with the other, surely that of burial is inexpressibly more revolting. The two methods, of course, accomplish ultimately the same end—the resolution of the body into its chemical elements. In burial, however, the process is slow, requiring many years; and its method is most offensive and most injurious to all animal life in its vicinity, while in cremation it is quick, clean, and complete, and positively without any injury to the living. The only reason that burial seems to many people less repellent is because they refuse to think of the experience that awaits the body after it is consigned to the grave. They try to imagine the departed as keeping always the same form and condition as when laid at rest in the tomb. But this very refusal to accept the actual facts shows how revolting these facts are. The mind can not tolerate the true picture of the grave during the months and years that follow burial, when all that was once so beautiful has become hideous putrefaction, unspeakable in its corruption, polluting earth and air. The thought of it is overpoweringly abhorrent.

But, on the other hand, one may follow the process of cremation with neither loathing nor abhorrence. What more beautiful end of the body could there be than that, chastened and purified by fire, it should itself put on spirituality, and follow the spirit up into the great open vault of heaven! The gross and the corruptible, changed in a brief hour back into its elemental units, soars up into the sunshine, pure and free, and indestructible, until that day when the earth itself shall be destroyed. Which form of dissolution is the less revolting to an intelligent sentiment—the putrefaction of the tomb, or the purification of the flame?

In cremation, when the dead form has been reduced to its handful of ashes, these ashes can be deposited in an urn and placed in a proper repository—in the crematory itself, in the church, or in the home; or they may be buried beneath the sod and a monument erected, or, as was recently done by request, they may be buried beneath a rosebush, to bloom again into life in the beautiful flowers.

Mr. GALLINGER. I trust the amendment may be adopted.

The amendment was agreed to.

Mr. GALLINGER. I have only one further amendment. It is to come in after line 23, page 38, and I will say, inasmuch as this matter was very thoroughly discussed one year ago, and a similar amendment inserted in the bill, I do not care to discuss it, but will simply submit it with the hope expressed that it may go into conference with this bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 38, after line 23, it is proposed to insert:

For the purchase of Analostan Island, in the District of Columbia, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States, the said sum to be immediately available; and the Secretary of the Treasury is authorized and directed to acquire said property by purchase from the owners at and for a sum not exceeding $112,500, or, if the same can not be so acquired, then by condemnation proceedings in accordance with the terms of an act of Congress approved June 25, 1890, to provide for an eligible site for a city post-office in the city of Washington, D. C., with amendments thereto, approved August 30, 1890.

Mr. TELLER. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FAULKNER. I send to the desk an offered amendment which has been passed by the Committee on the District of Columbia, and it is very essential in reference to the sanitary condition of the street adjoining Center Market.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 10, it is proposed to insert:

For paving the north half of B street, between Ninth and Tenth streets NW., $8,000.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in at the end of the bill. It is offered by direction of the Committee on the District of Columbia.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill:

For paying the engineering and legal expenses necessary in acquiring hereunder all the water rights not now owned by the United States at the Great Falls on the Potomac River, together with such lands at the Great Falls as are necessary to vest the title to the water rights in the United States, and to enable the United States to use the water for all purposes, the sum of $5,000: *Provided*, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this provision; and the Secretary of War shall, within three months after the approval of this act, cause a survey to be made of such lands as he, with the advice of the Attorney-General, shall deem necessary to be taken hereunder; and he shall, within said time, file a written statement, in triplicate, specifying by metes and bounds the lands, and by proper designation the water rights, taken hereunder, in the office of the recorder of deeds, in the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., which filing shall be a taking by the United States of the lands and water rights described and designated in said statement. Upon filing said statement and within thirty days thereafter, the Attorney-General shall cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making the known owners of the land and water rights taken parties defendant, and all persons interested therein but not known to the Attorney-General may be made parties defendant under the title "unknown owners;" and notice to the known owners shall be by personal service of a copy of the petition by any United States marshal in any judicial district where such owner or owners reside, and to the "unknown owners" by publication of a notice in a newspaper published in said District of Columbia and in said counties, specifying the nature of the proceeding and the time at or after which the matter will be heard, such notice to be published for thirty consecutive days in the District of Columbia, and once a week for four consecutive weeks in said counties; and said court may prescribe rules of procedure, conformable to the practice in like cases, to give the owners a fair hearing and secure speedy determination of the rights of the parties; and said court shall forthwith, after service and expiration of said notice, summon a jury to hear and determine, under its instructions, the compensation and damage, if any, to be paid to the owners for the said land and water rights. The Attorney-General may appoint special counsel for the United States familiar with the laws relating to riparian rights and hydraulics. Said jury shall consider only the present values of the land and water rights and not their values to the city of Washington for the special uses for which they are taken or to which they may be applied under the provisions of this act. Said court shall enter judgment against the United States for the amount or amounts ascertained as aforesaid; but, as said lands and water rights are taken for the use of the District of Columbia, said judgments shall be paid as judgments against the District of Columbia, 50 per cent thereof by the United States and 50 per cent by said District; and appeals may be taken from said judgments as in other cases. Where claims are now pending against the United States for compensation or damages for taking water, and the damaging of property by reason of such taking, at the Great Falls, such claims may be heard and determined in the proceeding hereunder.

Mr. TELLER. I make the point of order on the amendment that it is general legislation and of a most extensive character.

Mr. CHANDLER. The point of order is entirely clear against the Senator from Colorado. This is an appropriation, and the method of extending it is provided. Moreover, it is to carry out the provisions of a law passed at the present session of the Senate.

Mr. TELLER. It must be rather a defective law if it has to be enlarged in this way to carry it out.

Mr. CHANDLER. Only a few days ago a bill passed the Senate providing for condemning all the water rights at the Great Falls of the Potomac except those of the Chesapeake and Ohio Canal Company. This is the exact condensed substance of that bill.

Mr. ALLISON. Has that bill been signed by the President?

Mr. CHANDLER. The bill has passed the Senate, and the Senator knows very well there is a rule which allows amendments to be put on appropriation bills to carry out a decision or order of the Senate made at the same session.

Mr. ALLISON. Then all bills which have been passed by the Senate at the present session can be put on appropriation bills.

Mr. CHANDLER. All bills of this character, as the Senator knows very well; and he knows that this provision of law is as important as many provisions which have been admitted upon the bill. The chairman of the committee or the Senators in charge of appropriation bills sit here and see amendment after amendment made to these appropriation bills, and they admit them upon the bills because they believe the public interest requires legislation in this form. I admit that there is too much legislation upon appropriation bills, but that is no reason why there should be the discriminations made that I conceive are made here by Senators from the Committee on Appropriations in this bill in regard to amendments they object to and ought not to object to.

It is important that there should be no further delay in acquiring these water rights, just as it was important that there should be no delay in starting the census office. This amendment was reported by the Committee on the District of Columbia. The chairman of that committee believes it ought to be adopted at the present time, and every member of the committee, I think, believes so. I certainly hope the point of order will not be made, but that the Senators in charge of the bill will allow the amendment to be adopted.

Mr. TELLER. I must insist on the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GIBSON. On page 18, line 9, after the word "improvement," I move to amend by inserting "nine" before "thousand," instead of "five;" so as to read:

For grading and graveling Albemarle street and opening same to Grant road, continuing improvement, $9,000.

I will take occasion to say to the Senator in charge of the bill what perhaps he is not aware of as to the purpose of the amendment, that the money heretofore appropriated has been expended by the District Commissioners in contemplation——

Mr. TELLER. All right; let it go.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10208) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. EVANS, and Mr. MCMILLIN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1743) to establish an additional land office in the State of Montana;

A bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the lands contained in the same to entry;

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

A bill (H. R. 3731) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (H. R. 5183) granting a pension to Wesley A. Fletcher;

A bill (H. R. 5597) for the relief of Charles Deal;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal; and

A bill (H. R. 10290) for the relief of Joseph P. Patton.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CHANDLER. If I can have the attention of Senators, I will state that I gave notice I would move at this hour to take up the international monetary conference bill and move to concur in the House amendments. There are two or three Senators who desire to speak on that motion. Very little time is likely to be occupied in its consideration, and I am very desirous to proceed at this time. But the Senator from Maine has persuaded me not to insist upon the consideration of the international conference bill until after the naval appropriation bill has been disposed of.

I therefore ask the unanimous consent of the Senate at this time that the international conference bill may be taken up for consideration immediately after the naval appropriation bill is disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. GRAY. Will not the Senator in making his request for unanimous consent put a time limit upon the debate?

Mr. CHANDLER. I should be glad to do so if I thought there was a disposition to debate it at too great length. I do not think there is.

Mr. GRAY. I suggest half an hour.

Mr. CHANDLER. I will ask that half an hour may be allowed for the consideration of the bill, and that then the vote shall be taken.

Mr. ALDRICH. I do not think there is any occasion to make an arrangement of that kind. I do not think the discussion of it will be prolonged. I think we had better——

Mr. ALLISON. I suggest that one hour be allowed for discussion.

Mr. CHANDLER. I will say not exceeding one hour.

Mr. ALDRICH. I do not think there is any necessity to fix a time.

Mr. CULLOM. I think the time ought to be fixed; otherwise nothing else will be done. I hope the time will not be extended beyond an hour. There are many other measures to be considered at the present session.

Mr. GORMAN. I object to the request of the Senator from New Hampshire at this time. We can fix a time when we reach that point.

Mr. CHANDLER. The Senator objects to any understanding, then, in regard to the bill?

Mr. GORMAN. I do not object that it shall come up at all.

Mr. CHANDLER. It is to be taken up, then, immediately after the naval appropriation bill is disposed of.

Mr. ALLISON. I must object to unanimous consent to take up any bill hereafter unless there is a term fixed for its consideration. Otherwise we may occupy more time than it is possible to have occupied without cutting out reports of conference committees, and so on.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. CHANDLER. Now I renew my request. I did not understand that anyone objected to taking up the international monetary conference bill immediately after the naval appropriation bill is disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. ALLISON. I must add to the request that the debate upon the amendments proposed by the House shall not exceed one hour.

The VICE-PRESIDENT. Is there objection?

Mr. GORMAN. There is.

Mr. ALDRICH. I object to any arrangement now. We can not tell how much discussion the bill will require. I suggest to the Senator from New Hampshire to couple with his request a condition that its consideration shall not interfere with conference reports on appropriation bills.

Mr. CULLOM. There are other bills that are to be considered by the Senate at the present session, and I shall object unless the time shall be limited.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

Mr. HOAR. I desire to give notice that after the appropriation bills are disposed of, if there be any time, I shall press the bankruptcy bill, which has the right of way and is now the unfinished business, for which 500,000 poor men are waiting. I shall not interfere with the brief time required by the Senator from New Hampshire.

Mr. CHANDLER. It seems to me that unless I can have an understanding that the international monetary conference bill may be taken up I ought to move to take it up now, because I gave notice that I should do so at this time. I know it is a bill that can be briefly disposed of. I do not see why any Senator should object to its being taken up after the naval appropriation bill is disposed of.

The VICE-PRESIDENT. Does the Senator from New Hampshire submit a motion?

Mr. CHANDLER. I move to proceed to the consideration of the international monetary conference bill.

Mr. HALE. I hope that will not be done. That would displace the naval appropriation bill, which has just been taken up.

Mr. CALL. I ask consent at this time to place before the Senate a House bill, without disturbing the regular order. It will require only five minutes. It is a short bill of five lines. I hope the Senator from Maine will permit it to be considered.

The VICE-PRESIDENT. If the Chair can have the attention of Senators, the Chair will submit the request of the Senator from Florida for unanimous consent for the consideration of a bill.

Mr. HALE. I can not consent to anything being interposed.

Mr. CALL. If the Senator will allow me, it is a bill of only five lines, and immediate action is very important.

Mr. HALE. There are twenty Senators in the same situation; and the Senator from Illinois has notified me that if I shall give way to anything whatever he will move to take up the antiscalping bill.

Mr. CALL. I will withdraw the request.

The VICE-PRESIDENT. The Senator from New Hampshire moves to proceed to the consideration of the international monetary conference bill.

Mr. HALE. I hope the Senator from New Hampshire will not do that.

Mr. CHANDLER. No; I think it is better for me to withdraw the motion. I do not see why the Senator from Rhode Island should have objected when no one else did.

Mr. ALDRICH. I did not object at all to the consideration of the bill. I objected to fixing at present a time for debate upon it.

Mr. CHANDLER. The Senator from Rhode Island objected unless there was a limitation, and the Senator from Maryland objected to a limitation, and the thing is gone. I give notice that at the earliest possible moment I shall move to take up that bill.

Mr. HILL. I simply rise for the purpose of giving notice that about 3 o'clock I shall move that the Senate proceed to the consideration of executive business.

NATIONAL MILITARY PARKS.

Mr. HAWLEY. I rise to present a privileged report.

Mr. HALE. A conference report?

Mr. HAWLEY. A conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree thereto with an amendment, as follows: In lieu of the matter stricken out insert the following:

"SEC. 4. That any person to whom land lying within any national parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States according to the statutes or code of practice of the State in which the park may be situated.

"SEC. 5. This act shall apply only to the military parks of the United States."

JOSEPH R. HAWLEY,
GEORGE L. SHOUP,
E. C. WALTHALL,
Conferees on the part of the Senate.

J. A. T. HULL,
D. G. TYLER,
Conferees on the part of the House.

Mr. HAWLEY. I ask that the report be adopted.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask the Presiding Officer to lay before the Senate the action of the House of Representatives on the Post-Office appropriation bill.

The PRESIDING OFFICER (Mr. BACON in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I also ask the Chair to lay before the Senate the action of the House of Representatives on the sundry civil appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be acted upon as they are reached.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 6, after the word "fifty," to strike out "apprentices" and insert "boys;" so as to make the clause read:

For the pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers; receiving ships and other vessels; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of 11,000 petty officers, seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey Service and Fish Commission, and of 750 boys under training at training stations and on board training ships, at the pay prescribed by law, $8,235,385.

The next amendment was, under the head of "Bureau of Ordnance," on page 6, after line 12, to insert:

The Secretary of the Navy is hereby authorized and required to pay to the patentee the $25,000 appropriated in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, said act providing "for the exclusive rights to and for ordnance appliances now in use on naval vessels and protected and covered by patent No. 533171, said patent being embraced in a contract dated January 28, 1893, and signed by the Secretary of the Navy and the patentee."

The amendment was agreed to.

The next amendment was, on page 12, line 14, to increase the appropriation "for contingent expenses, Bureau of Equipment," from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Flags of maritime nations: The Secretary of the Navy is authorized to contract at once with a lithographic or color printing establishment having ample facilities for the suitable and satisfactory execution thereof for the printing of a new edition, to consist of 5,000 copies, of the book of "Flags of Maritime Nations," of which number 1,000 copies shall be for use of the Navy Department and 300 copies for use of the Revenue-Cutter Service; and the remaining copies shall be delivered to the Superintendent of Public Documents for distribution to the Senate and House of Representatives, 1,200 copies to the Senate and 2,500 copies to the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 20, line 23, after the word "cents," to insert "machinery to be placed in machine shop just completed, $50,000;" and on page 21, line 1, before the word "thousand," to strike out "eleven" and insert "sixty-one;" so as to make the clause read:

Naval station, Port Royal, S. C.: For grading and drainage, $7,579.25; railway track scales, $500; storage cistern, $3,757.88; machinery to be placed in machine shop just completed, $50,000; in all, $61,837.13.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the word "dollars," to insert "dredging a channel in Mare Island Strait to enable all classes of naval vessels to reach the navy-yard, $250,000;" and in line 17, before the word "thousand," to strike out "sixty-six," and insert "three hundred and sixteen;" so as to make the clause read:

Navy-yard, Mare Island, California: For extension of quay wall, $30,000; grading and paving about the stone dry dock, $10,000; dredging, $20,000; dredging a channel in Mare Island Strait to enable all classes of naval vessels to reach the navy-yard, $250,000; completing coppersmith's shop, steam engineering, $3,000; storage shed north of building No. 55, $3,785; in all, $316,785.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to insert:

Naval hospital, Chelsea, Mass.: To enable the Secretary of the Navy to cause the removal of the brick wall in front of the United States naval hospital, on Broadway, in the city of Chelsea, Mass., and to substitute in place

thereof an iron fence, $9,000, and $1,000 of this amount, or so much thereof as may be necessary, shall be used to repair the sea wall on the water front of said naval hospital.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert:

Naval hospital, naval station, Port Royal, S. C.: For hospital at the naval station at Port Royal, S. C., $4,000.

The amendment was agreed to.

The next amendment was, on page 29, line 15, after the word "use," to strike out:

Provided further, That the Secretary of the Treasury is hereby authorized and directed to cause the naval supply fund to be hereafter credited with the net proceeds from sales of condemned naval supplies and materials other than condemned ordnance material, clothing, and small stores.

The amendment was agreed to.

Mr. ALLISON. For the convenience of Senators at this hour, I ask unanimous consent that the Senate, at 6 o'clock this evening, take a recess until 8 o'clock.

Mr. ALDRICH. I ask the Senator from Iowa to postpone that request until we ascertain what progress has been made upon the pending bill. That request may undoubtedly just as well be made two or three hours from this time as now.

Mr. ALLISON. Undoubtedly, and if it is the desire of the Senator that I shall postpone the request until that time, I shall do so; but it seems to me it is better to have the question settled now.

Mr. ALDRICH. In two or three hours from now we shall know what progress has been made with the pending appropriation bill.

Mr. ALLISON. But we know now that we shall be obliged either to sit continuously until a late hour to-night or take a recess.

Mr. ALDRICH. If the pending bill passes, I see no reason why the Senate should be kept here continuously, as we have been kept for the last three or four days.

Mr. HALE. We have two other appropriation bills to pass after the one now pending shall have been passed.

Mr. ALDRICH. True, we have two other appropriation bills to pass, but we have two days in which to pass them, and we have just passed one in an hour and a half.

Mr. HALE. But it is necessary that we shall have conferences with the House of Representatives on the amendments.

Mr. ALDRICH. The Senators on the conference committees will have time for the conferences. They certainly can not be in charge of bills in the Senate Chamber and attending conference committees at the same time.

Mr. HALE. No; but the reason we are anxious to pass the remaining appropriation bills at the earliest moment is in order that we may be enabled to go into conference.

Mr. ALDRICH. The Senate can pass the appropriation bills with great rapidity, I should say, from what we have witnessed.

Mr. ALLISON. It is true that the bills are read with reasonable rapidity, but we never know how much debate may arise on a bill before it is concluded.

Mr. ALDRICH. I suggest to the Senator that he postpone his request for a recess for two hours.

Mr. GORMAN. I suggest that if we make the arrangement for a recess now, we can adjourn later on if we find that we can properly do so.

Mr. ALLISON. Certainly.

Mr. ALDRICH. I have no objection, if it is understood that agreeing to take a recess now will not preclude the Senate from adjourning at any time.

Mr. GORMAN. Certainly not. It is in the power of the Senate to adjourn at any time it wishes.

Mr. ALLISON. I understand that the Senator from Rhode Island [Mr. ALDRICH] waives his objection, and I ask unanimous consent that the request I have made be granted.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Iowa ask that unanimous consent be given that the Senate at 6 o'clock will take a recess until 8 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Regular order, Mr. President.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the naval appropriation bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the Naval Academy, on page 36, line 22, after the word "English," to strike out "(after thirty years' service);" so as to read:

For 1 professor of mathematics, 1 of chemistry, 1 of physics, and 1 of English, at $2,500, etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 38, in line 7, after the word "dollars," to strike out:

Provided, That the proper pay officer of the Navy be, and is hereby, authorized to pay the professors at the Naval Academy, whose compensation was affected by the act making appropriations for the naval service for the fiscal year ending June 30, 1896, approved March 2, 1895, at the rate of compensation fixed by that act from July 1, 1896.

The next amendment was, on page 40, line 16, after the word "Academy" to insert "to be expended in his discretion;" so as to read:

For contingencies for the Superintendent of the Academy, to be expended in his discretion, $1,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 13, to insert:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract not more than three torpedo boats, to have a speed of not less than 30 knots, to cost in all not exceeding $300,000. And not more than two of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder. And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture.

The amendment was agreed to.

The next amendment was, on page 49, line 11, after the word "authorized," to insert "and authorized under this act;" and in line 12, before the word "hundred," to strike out "five million nine" and insert "six million four;" so as to read:

Construction and machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, and authorized under this act, $6,425,359.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the word "dollars," to strike out:

Provided, That section 2 of the act entitled "An act to increase the naval establishment," approved August 3, 1886, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That in the construction of all naval vessels the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy."

Mr. HAWLEY. I wish some one would tell us why the committee reports to strike out section 2 of the act of 1886. It seems to me a very sensible provision. I am told, however, that even if it be stricken out it will still be required under other permanent laws that all the steel shall be of domestic manufacture. I can not see why these lines should have the black lines drawn through them.

Mr. HALE. The question of domestic manufacture does not come up by the striking out of section 2, because that is a law at present, whether or not this be stricken out.

This provision as to section 2 was put in by the House, and it takes the place of the old provision which required that vessels should be constructed of steel of domestic manufacture having a tensile strength of not less than 60,000 pounds per square inch and an elongation in 8 inches of not less than 25 per cent. That is an ironclad provision, fixing certain limits of tensile strength and elongation.

The work that has been done in the Navy since this law was passed has convinced the head of the Department that the provision should be stricken out limiting it to 60,000 pounds per square inch and an elongation in 8 inches of 25 per cent. He has put in the words "and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy." So the object sought to be gained by amending section 2 is to leave the strength and elongation to the Secretary under his own tests and not limit him to a 25 per cent elongation in 8 inches and to 60,000 pounds tensile strength per square inch.

The Committee on Appropriations, or a majority of the committee, thought it was better not to interfere with that, and to strike out this, which leaves the old law. But it leaves the provision for domestic manufacture just the same as it is and always has been. That portion of it is not involved.

Mr. HAWLEY. Do I understand, then, that the Secretary prefers—I do not know whether or not the Navy Department asks for this—not to be limited to the tensile strength spoken of in the law?

Mr. HALE. The Secretary has written a letter to that effect.

Mr. HAWLEY. He would rather go below it?

Mr. HALE. Yes; in some cases below and in some above it.

Mr. HAWLEY. I have no objection to leaving it to the discretion of the Department, because they have had so much experience that they ought to know precisely what they want by this time. We could hardly suppose that the Secretary of the Navy would build an inferior ship. I see no objection to the House provision.

Mr. HALE. In the debate in the House it was stated that the

Secretary of the Navy, in a letter which I hardly think it necessary for me to read, has recommended that in order to avoid those difficulties that section should be amended in this form:

That in the construction of all naval vessels the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

Mr. HAWLEY. If the Secretary of the Navy wants it to stand as the House put it, I will vote against the amendment.

Mr. GORMAN. Has the Senator from Maine—I have not—seen any letter from the Secretary of the Navy requesting this, or is there only a statement made in the coordinate branch by the member in charge of the bill that such a letter is in existence? It has not come to my knowledge at all events, and I ask the Senator from Maine whether he has read such a letter?

Mr. HALE. No; I only read what was said by the chairman of the committee in the House. Of course, I can send for the letter, if it is desired. I have not myself seen the letter. I have no doubt that the Secretary stated in the letter just exactly what is given here.

Mr. GORMAN. That is very probable, but it is so radically changed, and it leaves such discretion with the officers of the Department, that it seems to me on first sight, and to some who are very much interested in this matter, that possibly there might grow up all sorts of conditions; that contracts would be changed after they were made.

I do not know whether or not there is anything in this suggestion. I do know, however, that in 1886 the Department itself, as well as the manufacturers of steel for the vessels, wanted to fix the minimum, not the maximum. It has been changed very radically from 1886 until now.

Mr. HALE. That is the reason which actuated the Senate committee, and I do not think any harm will come if the provision is stricken out and the law is left as it stands now.

Mr. GORMAN. That is what I desire to say to the Senator from Connecticut [Mr. HAWLEY], that it ought to be stricken out here at all events, so that the matter may go into conference; and if the gentlemen at the other end of the Capitol have information which has not been given officially to the Senate, it can be produced and considered. No such recommendation is contained in the report of the Navy Department, or that of the Chief of Ordnance. It is an entirely new provision, and it repeals a wholesome provision that was inserted in the law of 1886 so as to prevent any very great favoritism, if such was ever attempted.

Mr. HALE. It has been observed ever since.

Mr. GORMAN. It was a precaution, and, so far as I know, it has operated well. The only complaint stated is the one which the Senator from Maine read, although I could not hear all he read, that some plate were delivered at the Norfolk yard, or at the Newport News yard, which exceeded this strength, and when they came to bend them they were a little too brittle. That was the fault of the manufacturers, and very little of that has occurred.

Now, I think it is unwise that we should make any very radical change in the conditions under which the new Navy has been constructed since 1884. They have operated well. There is no complaint, so far as I know, and with full power already granted to the Secretary of the Navy we have built some magnificent ships, and the manufacturers say the conditions which are imposed upon them in the manufacture of armor plate to-day are very much greater than they were in 1886, when that law was passed. That only fixed the minimum. So I think it is unwise, in view of what is coming on, when we are to have a new Administration, that there should be any radical changes whatever in the conditions as we have applied them, and which have operated so well to build up the Navy. Let the new Secretary, as he comes in, have the same power that his predecessors have had, who have made such great reputations. Let him have the same power except as to the matter of the cost of armor, which is one that the Committee on Naval Affairs have been looking into. I trust for one that we shall not make these changes, particularly in the absence of a specific recommendation of the Department and a hearing upon the subject. It is too important.

Mr. HALE. I only wish to interrupt the Senator from Maryland to say that there is great force in what he has said, and I think the wisest thing is to strike it out until we get further information.

Mr. GORMAN. I trust it will be done.

Mr. HAWLEY. I would rather myself have an unnecessarily high test of tensile strength than to run the risk of getting inferior steel; but I do not make any further objection.

Mr. CHANDLER. I understand, then, that the result of the debate which has taken place is that the amendment proposed by the committee to strike out the proviso beginning in line 13, on page 49, is to be agreed to.

If that is done, the result will be that when the bill goes into conference, if the House committee have any reasons for modifying the characteristics which the steel must have, they can present those reasons to the committee of conference.

Mr. HALE. It is all left open.

Mr. CHANDLER. I certainly should be unwilling to have the provision that the steel shall be of domestic manufacture changed, and it will require very strong evidence to convince me (I agree with the Senator from Maryland) that we ought to reduce the qualities of the steel to be used. Does the Senator from Maine know whether it is proposed to allow a worse steel than that which is now used, or to insist upon a better steel?

Mr. HALE. No; I do not think that is the purpose of the Secretary. I think the object is to get a more adaptable steel in the form of structures that are now used. I have no doubt that the object is a good one. But the old law has worked well; great ships have been constructed under it, and, as the Senator from Maryland says, great reputations have been made under it, and I think we had better proceed slowly. Therefore, I think it is better that we should strike out the clause and leave the law as it is.

Mr. CHANDLER. There may be reasons why the characteristics strictly described in the existing law should be changed. If so, the House committee will be able to satisfy the Senate committee on that point.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 5, after the word "ninety-four," to insert "and the torpedo boats authorized under this act;" and in line 10, after the word "dollars," to insert "to be immediately available;" so as to read:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of those authorized by the act of July 19, 1892; of the vessels authorized by the act of March 3, 1893; of the three torpedo boats, act of July 26, 1894, and the torpedo boats authorized under this act; of the vessels authorized under the act of March 2, 1895; of the vessels authorized by the act of June 10, 1896, $7,230,705, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 50, line 16, after the word "tests," to insert "and no contract for armor plate shall be made at a rate to exceed $400 per ton;" so as to read:

Provided, That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,210,000, exclusive of the cost of transportation, ballistic test plates, and tests, and no contract for armor plate shall be made at a rate to exceed $400 per ton.

Mr. CHANDLER. I suggest to the Senator from Maine to allow this amendment to be passed over until the whole clause with reference to the increase in the Navy is disposed of.

Mr. HALE. I have no objection to that course. The amendment can be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 20, before the word "That," to strike out "*And provided further*, That no portion of this armor shall be purchased until it has all been contracted for."

Mr. CHANDLER. I ask that this amendment may be passed over also.

The PRESIDING OFFICER. It will be passed over.

The reading of the bill was resumed, as follows:

And provided further, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. GORMAN. I will move to strike out what has just been read, but I understand the Senator from Maine wants to proceed with his other amendments, and I merely give the notice now.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 51, to insert:

In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory of sufficient capacity to make such armor and to proceed to manufacture the armor necessary for said three battle ships. In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory; and shall advertise for proposals to furnish such land, buildings, and machinery as a whole plant, or separately, for the land or buildings or the whole or any part of said machinery; and he shall make a contract or contracts for such land, buildings and machinery with the lowest and best responsible bidders. The Secretary shall also appoint an armor factory board, to consist of competent naval officers of suitable rank, to advise and assist him in executing the authority hereby conferred. For the establishment of said armor factory the sum of $1,500,000, or so much thereof as may be necessary, is hereby appropriated, and in addition the sum of $1,000,000 is appropriated, to be used in making the armor of said three battle ships at said factory.

Mr. GORMAN. Let this amendment be passed over also.

Mr. HALE. Let it go over.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 52, line 1, after the word "dollars," to insert "of which sum $30,000 to be immediately available;" so as to make the clause read:

Equipment: Toward the completion of the equipment outfit of the new vessels heretofore authorized by Congress, $162,623, of which sum $30,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

Training vessel for Naval Academy: For one composite vessel, propelled by steam and sail, to be used for the training of cadets at the Naval Academy, including outfit, $250,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to strike out:

Total increase of the Navy, $13,308,783.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to strike out:

Total for naval establishment, $22,165,294.19.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Now, we will go back, if the Senate please, to the controverted points, which are on page 50, and are found in the proviso beginning in line 11. If the Secretary will read that clause, it will bring before the Senate exactly what is the subject of controversy.

Mr. CHANDLER. Before that is done, I wish to ask the Senator whether the amendment on page 48 for three torpedo boats has been adopted.

Mr. HALE. It has been agreed to.

Mr. CHANDLER. I desire now or later to move either to diminish the number or to increase the cost of those boats. I do not think that three boats such as we want to build can be built for $800,000.

Mr. HALE. Perhaps the Senator has not noticed the language there, which meets his idea exactly, for it says not more than three torpedo boats, so that the Department, if it chooses, can build two of the larger and swifter kind.

Mr. CHANDLER. I will examine it, and if I desire to move an amendment I will do so in the Senate.

Mr. HALE. That can be done. Let the Secretary state the amendment on page 50, line 16.

The SECRETARY. The Committee on Appropriations reports an amendment, after the word "tests," in line 16, page 50, to insert:

And no contract for armor plate shall be made at a rate to exceed $400 per ton.

Mr. HALE. The action of the House is the result of a very thorough investigation into the whole subject of the purchase and price of armor plate for naval ships that was made by the Senate Committee on Naval Affairs. Without going into the details of that investigation, I may say that the general results were that the prices paid for armor were much too great; that the cost and the condition of the establishments producing the armor were so established that it was believed $400 was an ample price for armor to be purchased in the future, and so the Committee on Naval Affairs reported, after a thorough investigation by the committee and by the Secretary of the Navy. The researches and investigation made by the Secretary of the Navy were most complete and furnish as good a piece of work as any departmental officer has done in years, in my judgment.

The House committee and the House itself sanctioned this investigation and its results by figuring up how much armor plate would be wanted for the three vessels already authorized and fixing an aggregate amount at the rate of $400 per ton, but not in terms declaring that that should be the limit. The Senate committee voted to add the additional words, "and no contract for armor plate shall be made at a rate to exceed $400 per ton," so that the text of the bill when it becomes a law will carry with itself the limitation. I do not suppose that was actually needed as a guide to any Secretary who may administer the Department in the years to come, and who will make the contracts and buy armor, but it was thought better to put it in in terms. That is the reason, in short, why the proviso and the amendment to it are found in the bill. This is all I wish to say at present on the subject.

Mr. CHANDLER. I move to strike out the words "two hundred and ten thousand dollars" in line 15; to strike out the word "a" before the word "rate," in line 17, and insert "an average," and to strike out the word "four" before "hundred," at the end of line 17, and insert "three;" so that the general provision will be that the cost of armor plate for the three battle ships shall not exceed $3,000,000, and the provision reported by the Senate committee shall read "and no contract for armor plate shall be made at an average rate to exceed $300 per ton."

The Senator from Maine has briefly alluded to the investigations upon this subject. The Committee on Naval Affairs began its investigation under a resolution agreed to December 31, 1895. The course pursued by the Senate committee is stated in the report of that committee at the present session (Report No. 1453), and first recounts what the committee had done up to the passage of the appropriation act of June 10, 1896.

Mr. JONES of Arkansas. Will the Senator, before he begins his argument, allow me to interrupt him a moment, that I may ask him a question for information? I could not understand distinctly the amendment proposed by the Senator, but I thought he proposed to limit the cost of armor plate to $300 a ton.

Mr. CHANDLER. The Senator was correct.

Mr. JONES of Arkansas. The committee proposes, I believe, $400 a ton. Is that correct?

Mr. CHANDLER. The Senator is right.

Mr. JONES of Arkansas. I have not been able to examine this question as I should like to do, and I would be glad to have information upon one or two points. There has been a newspaper statement, if I read it correctly, to the effect that the Secretary of the Navy in his examination of the cost of armor plate placed it at $160 or $170 a ton, and that it had been furnished to some foreign government by the parties who have been supplying the Government of the United States at a rate of $250 a ton, or in that neighborhood, and also, that there is some proposition from an Illinois company to supply the Government with what armor plate it needs now at $250 a ton. I should be glad to have the Senator state to the Senate what the facts are. I am not familiar with them.

Mr. CHANDLER. I will not reply in one sentence to all the inquiries made by the Senator from Arkansas, but will state that the conclusion of the Secretary of the Navy as to the question of armor was that $400 per ton would be a fair price. The House committee and the Senate committee have adopted $400 as the price. The Senate committee have merely made the limitation as to price more specific than it was made by the gross amount of the cost of the armor of the three ships as fixed by the House committee.

I said that the report to which I alluded, submitted February 11, 1897, by the Committee on Naval Affairs, stated the course of the investigation made by the Senate Committee on Naval Affairs prior to the passage of the act of June 10, 1896. It will be remembered by Senators that the result of the debate a year ago was that no authority was given to the Secretary of the Navy to make the contract for armor for the three battle ships in that bill, but he was directed to make a further investigation and report to this session of Congress what would be a fair price for armor. The Secretary's report has been submitted to Congress, in which he reaches the conclusion that $400 a ton would be a fair price for armor. That report was sent in on the 5th day of January, 1897. It is House Document No. 151, Fifty-fourth Congress, second session; part 2 of the same document, January 25, 1897.

Mr. GORMAN. Will not the Senator oblige us by coming a little nearer to the center of the aisle, so that he may be heard on this side?

The PRESIDING OFFICER. Conversation will be suspended in the Chamber.

Mr. CHANDLER. I should be glad to talk in the center of the aisle if this question only interested the Senator from Maryland and the few Senators in the Chamber who are giving attention to the subject, but I think it ought to engage the attention of all the Senators who remain in the Chamber.

Mr. GORMAN. I think so myself.

Mr. CHANDLER. Those Senators, at least, who understand the amendment which I am proposing should certainly listen to the arguments of the Senators who will oppose that amendment.

This report of Secretary Herbert is a very able document. The Secretary not only made inquiry here, but he made inquiry abroad; and I gladly join in the commendation of the zeal and diligence and ability and courage of the Secretary of the Navy which found embodiment in his report where he says that $400 will be a fair price for the contract for the armor for the three battle ships, which is a reduction of about $180 per ton below the price paid by the Secretary within a year for the armor for the *Kentucky* and the *Kearsarge*.

The whole case is before Senators in the report of the Committee on Naval Affairs and the report of Secretary Herbert. The committee simply say that a fair price for armor will be between $300 and $400 per ton, and they submit to the Senate and to the House of Representatives the responsibility of determining what price shall be paid. I will read the conclusion of the committee:

The committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

On page 19 of the report of the committee to which I am alluding is stated the Secretary's method of arriving at the sum of $400, and I will read:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors	20.00
Making	395.00
Or in round numbers	400.00

Upon page 20 of the report is an estimate making the price of armor $300, and that price was reached in a table which was prepared by me and for which I am alone responsible, except that the committee state that it was under discussion in the committee room while the report was being prepared. That statement was made up by considering the points stated in the report, which I will now read, beginning at the bottom of page 19:

Certainly an allowance of $150,000 per year for maintaining an armor-making plant seems excessive; and in addition to the total cost of manufacture, which includes the materials in the ingot, the materials consumed in manufacture, the labor, the keeping of the plant ready for use, the shop expenses, the office expenses and contingencies, and the expenses of administration, superintendence, and engineering (see Secretary Herbert's report, page 25), to give an allowance of 50 per cent profit is too liberal.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Here is the table prepared by me, of which I have spoken, and which is printed in the report:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

Now, Mr. President, intending not to delay the Senate long in the discussion of this question, I declare my belief that the sum of $300 per ton is nearer a fair price—a just price as between the contractors and the Government for making armor—than $400 would be, assuming that the Government is prepared to contract for a sufficient number of tons of armor to make it an object for the contractors to keep their works in motion.

Mr. FRYE. The Committee on Appropriations fixes the price at $400?

Mr. CHANDLER. The Appropriations Committee, in the bill as they report it, take the Secretary's sum of $400. The Naval Committee, in its report, said a fair price would be somewhere between $300 and $400, leaving it to the Senate and the House to determine whether a limitation should be fixed by legislation.

Mr. GORMAN. But—I will ask the Senator for information—is it not a fact that the Naval Committee, as well as the Secretary, recommended $400 as the limit? It was my understanding that the Naval Committee, after final action, agreed to $400 a ton.

Mr. JONES of Arkansas. Mr. President, I rise to a question of order. I think there should be quiet in the Senate so that Senators may know what is going on.

The PRESIDING OFFICER. Senators will refrain from conversation in the Chamber.

Mr. QUAY. If the Senator from New Hampshire will permit me, in reply to the inquiry of the Senator from Maine [Mr. FRYE] as to what the Committee on Appropriations fixed as the price of armor, the facts attending the appropriation are that the Naval Committee having recommended or suggested $400 as a proper price for armor, the Naval Committee of the House, without inserting any provision fixing the price of armor in the bill, based the gross appropriation upon that valuation, and the bill was sent here in that shape. The Committee on Naval Affairs sent to the Committee on Appropriations an amendment which substantially provides that $400 shall be the limit of the price of armor.

Mr. FRYE. If the Senator will allow me, either Senator, I was not in when the pending bill was read, and I wish to inquire whether there is any provision, in case a limit is fixed, by which the armor can be procured, providing contracts can not be made?

Mr. CHANDLER. On page 51 there is an amendment authorizing the establishment of a Government armor factory in case the Secretary of the Navy shall find it impossible to make contracts.

The Senator from Maryland [Mr. GORMAN] and the Senator from Pennsylvania [Mr. QUAY] are mistaken, or I am mistaken, as to the action of the Naval Committee. The Naval Committee made its report, in which they said that a fair price would be between three and four hundred dollars. There it is, written in the report. The Naval Committee did not send to the Committee on Appropriations, to my knowledge, the provision that a contract might be made for armor at not exceeding $400 a ton.

Mr. QUAY. My understanding was that it was recommended by the Senator from New Hampshire from the Committee on Naval Affairs, and referred to the Committee on Appropriations.

Mr. CHANDLER. I do a great many things without knowing it, and I am not making any issue with the Senator from Pennsylvania as to the proposition which he and the Senator from Maryland have made that the Naval Committee sent this four-hundred-dollar amendment to the Committee on Appropriations. I will only ask him to produce evidence of that.

Mr. QUAY. That was my understanding.

Mr. CHANDLER. I think the Senator is mistaken, but I am cautious about matters as to which one's memory can not be certain. I do not have any recollection of any agreement of $400. I am quite certain that the Senator from Georgia [Mr. BACON] now in the chair, a member of the committee, who has given this subject close attention, never has agreed absolutely to the sum of $400, but did agree to the conclusion that a fair price would be between three and four hundred dollars, and that the question of price should be determined by the Senate and the House of Representatives during the passage of the naval bill. So I understand that the $400 proposition is before the Senate solely as the conclusion of the Appropriations Committee, of which the Senator from Maryland and the Senator from Pennsylvania are distinguished and active members.

Mr. QUAY. It seems to me, unless I am in error, that this amendment was drafted by the Senator from New Hampshire.

Mr. CHANDLER. The Senator is getting confused.

Mr. QUAY. Well, I may be.

Mr. CHANDLER. The Senator from New Hampshire was requested to draw the provision upon page 51 for an armor-plate factory to be established by the Government in case the sum fixed as the maximum price of armor should not be accepted by the armor contractors; but the Senator from New Hampshire—and here he is upon positive grounds—did not draft the provision of this contract which reads:

And no contract for armor plate shall be made at a rate to exceed $400 per ton.

If he had drafted an amendment of that kind, he certainly would have inserted $300 per ton if the amendment had been drawn to meet his own views.

Mr. President, the sum and substance of this whole business is that, in my judgment, if you will give a contract large enough to these armor manufacturers, $300 a ton is enough. About that question the whole controversy, as it seems, should go forward. I admit that $300 a ton would be a small price, although a fair price, for the armor of these three ships. The sum of $400 per ton might be a fair price if a much less quantity of armor than that required for the three battle ships were to be contracted for.

The question of how much armor the Government will want during the next half dozen years is entirely for the determination of Congress, and not at all for the determination of the contractors. I think that those contractors could make a fair and reasonable profit on the armor for those three ships at $300 a ton. The reasons for it are stated in this estimate. The Secretary took the cost of labor and material as $196. That was the average of a half dozen estimates. I put the cost of labor and material at $168, that being the sum fixed by the Secretary's experts, three naval officers, capable, intelligent, upright men, who inquired into every fact necessary to enable them to make a reasonable estimate, and came to the conclusion that $168 was a fair price. So I take that, and I add for reforging what they say will be a fair price, $12, and make the sum of $180. The Secretary adds for the cost of labor and material $50 a ton, which, if there were 3,000 tons a year made at either of the works, would make $150,000 for the maintenance of a plant, which the Secretary has demonstrated in his report has already been paid for by the profits which have been given to those contractors for existing contracts up to this date. I came to the conclusion that $90,000 would be a large annual sum to give to these contractors for the maintenance of a plant which had already been paid for by the United States, and especially when in the estimate made for cost of labor and material there is included the cost of keeping the plant ready for use. The Secretary's experts included that in the sum of $168.

Mr. President, there is only one other difference between myself and the Secretary of the Navy in making this estimate. The Secretary, after he has ascertained the cost of labor and material

at $196 a ton, has added $50 a ton for the maintenance of the plant already paid for by the United States by the profits paid to the contractors, thus getting $246, which he calls, in round numbers, $250, and adds 50 per cent profit to that amount. I submit to the Senate that under those conditions 33⅓ per cent profit is sufficient.

It will be noticed that the cost of production, to which the Secretary of the Navy proceeds to add 50 per cent profit, is about the sum—$10 more, in fact—for which the Bethlehem Company made a contract to furnish armor to the Russian Government, and I call the attention of the Senator from Arkansas, who asked me this question, to this fact. Secretary Herbert takes $250 as the cost of the production of armor, including maintenance of plant, and allows 50 per cent profit at $250 per ton, or $10 more than the Bethlehem Company's contract with the Russian Government. The Bethlehem Company furnished about $600,000 worth of armor to the Russian Government at about $240 per ton. To be sure, they contend, and I think correctly, that they made no profit on that contract with the Russian Government. It is not likely, however, that they made a loss upon that contract. And here we have the conclusion reached by the Secretary that the cost of producing this armor is $250 a ton, a little more than the amount of the contract made by the Bethlehem Company with the Russian Government.

Mr. President, I submit, in all fairness, that 33⅓ per cent, to be added to this price of $250 per ton, is a more reasonable and just addition for profit than that which the Secretary of the Navy has adopted in his very liberal estimate of $400 a ton.

Mr. JONES of Arkansas. I have sent for the report of the Secretary of the Navy since asking a question of the Senator, and was just looking it over at the time he was speaking. On page 39 of the report I find this statement by the Secretary of the Navy:

> It has been determined that the cost of the labor and material in a ton of double-forged nickel-steel harveyed armor, including allowances for losses in manufacture, is $197.75. This comprises every element of cost in its manufacture save and except only the maintenance of plant.

Did I understand the Senator to say that the Secretary of the Navy found that $250 was the cost?

Mr. CHANDLER. Two hundred and fifty dollars was the cost. The Secretary of the Navy makes $196 the cost of labor and material, including the keeping of the plant in order; then he adds $50 a ton for the maintenance of the plant, making $246; which he increases, to make round numbers, to $250, then adds 50 per cent more for profit to that, making $375; and then he adds $20 for nickel, making $395, and he again increases this amount, to get round numbers, to $400.

Mr. JONES of Arkansas. But the Secretary states, as I see on page 42 of his report, that $400 a ton would allow a profit of 50 per cent.

Mr. CHANDLER. That is what he is estimating, as the Senator will see by the table submitted by the Secretary of the Navy toward the close of the report and which is embodied in the report of the Senate committee.

Mr. President, this is the evidence up to the time of the offer of the Illinois Steel Company. I am not familiar with that offer. I do not know what are the terms of that offer, or whether or not it has been submitted to the Senate. When the Senator from Maine [Mr. HALE], who is momentarily absent from the Chamber, comes in I shall ask him what he knows about the proposition from the Illinois Steel Company. It is my impression, however, that they have written to the Secretary of the Navy that if a sufficiently large contract can be given to them they will undertake to make this armor for $200 a ton. What they would consider a sufficiently large contract I do not know, and whether, if their offer were accepted, they would not find the difficulties in the way of the cost of establishing the plant and the perplexities and obstructions in the way of making armor coming up to the requirements of the Government so great that they would retreat from their offer, I can not say.

But, Mr. President, I do know this, that the expense of manufacturing iron and steel products in the United States is less at this moment than it has ever been in any past time. Now that competition has arisen between the great iron and steel producers of the country, the price of steel rails has gone down to seventeen or eighteen dollars a ton; and the Illinois Steel Company, which is making steel rails at a presumed profit at that rate, comes forward and says to the Secretary of the Navy that it is willing to make a large quantity of armor for the United States at the sum of about $200 a ton.

Mr. QUAY. Mr. President——

Mr. JONES of Arkansas. Will the Senator from New Hampshire allow me a moment?

Mr. CHANDLER. I will yield to the Senator.

Mr. JONES of Arkansas. This report of Secretary Herbert has been very highly spoken of by the Senator in charge of this bill, as well as by the Senator from New Hampshire, and there are some very striking things in it, which I notice going along; for instance, on page 34 of the report, I see this statement, which I shall read and ask the Senator if he concurs in the suggestion which the Secretary makes. He says:

> These two calculations both show net results. Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, whatever may have been the interest on working capital, all those and other charges were paid from the gross earnings of the company; only net earnings have been considered, and the results show that the company's investments in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

I should like to ask the Senator from New Hampshire if he regards that as a reasonable estimate, that the enormous plant which has been erected by these two companies has been absolutely all paid for, and 22 per cent in addition, on the Government contracts which they have already had?

Mr. CHANDLER. That is the carefully prepared estimate of Secretary Herbert, which I am glad to see the Senator is studying. That report has been before the Naval Committee of the Senate and the Naval Committee of the House of Representatives and it has been before the country since the 5th day of January, and there has been no serious impairment of that report made by the representatives of these two companies; but, on the other hand, we have the offer of the Illinois Steel Company to furnish armor in large quantities to the United States at between $200 and $250 a ton.

The Senator from Pennsylvania [Mr. QUAY] desired to interrupt me. I yield to him with pleasure, and will ask him if he knows what is the offer of the Illinois Steel Company?

Mr. QUAY. I was about to say, Mr. President, in response to the Senator from New Hampshire, that I think there is no real offer from the Illinois Steel Company to deliver armor at any price at any time. There has been talk of it, and there have been some suggestions in relation to a competing bid by an officer of the Illinois Steel Company who has been haunting the Capitol, but there is nothing substantial in it nor behind it. The Illinois Steel Company are not equipped to manufacture armor, and they can not produce steel rails at $17 a ton and make a profit.

The fact is that there has been a pool in existence for some time between the manufacturers of steel rails, but it has very recently been dissolved, and the price of rails knocked down to a very low figure, so low that I think all the steel-rail companies of the country now contracting to deliver steel are contracting to do it at a loss. The offer of the Illinois Steel Company is simply an attempt by that corporation to annoy another concern engaged in the steel-rail business which is also making armor, and which antagonized the Illinois Company in the dissolution of the steel-rail pool. That is all there is of it. There is nothing serious in the proposition.

Mr. CHANDLER. Then I understand the Senator from Pennsylvania to conclude that the Illinois Steel Company's offer is not made bona fide, but with the object of annoying or embarrassing the Carnegie Company and the Bethlehem Company in their armor contracts.

Mr. QUAY. That is an exact description of their proposition, so far as it is a proposition.

Mr. CHANDLER. I do not know but what that is so; I do not know that it is so; but I do know that the Illinois Steel Company have written the Secretary of the Navy, stating that they desire to bid for the armor for these three battle ships, and they will undoubtedly bid for that armor, provided there is sufficient time to be given by the Department to enable them to establish a plant.

This idea, Mr. President, brings me to the last suggestion I wish to make to the Senate, after having stated my belief that $300 a ton is a fair price to pay for the armor for these three battle ships.

The question as to whether there shall be any competition, when the contracts for the armor for these three ships are awarded, outside of the Bethlehem and the Carnegie companies, which are in combination, and will not be in competition, depends upon the time that will be given for the furnishing of the armor.

I am informed as to the time which would be required for the establishment of a new armor plant, that nine months would be amply sufficient to prepare in connection with any existing steel works the hydraulic press and the machinery necessary for the fabrication of armor. The press would have to be brought from abroad, possibly some portions of the machinery, but the report of Secretary Herbert shows that between five hundred thousand and seven hundred thousand dollars will be the cost of an armor-producing plant. The Secretary adds to the cost of the press and the machinery the cost of building, of the harveyizing furnaces, and various other items, as the result of which addition he reaches the conclusion that $1,500,000 will be the cost of a new armor plant.

I am not informed how much time can be given to new bidders for this armor. I am satisfied that $1,500,000—less than $1,500,000; that $1,000,000 will enable the Illinois Steel Company or the Cambria Steel Works or any one of three or four other large manufacturers of iron and steel in this country to prepare for making armor, and if time enough can be given there will be competition before the Secretary of the Navy for the privilege of furnishing this armor, and that competition, I am entirely certain, will result

in an offer, if there is sufficient time to furnish the 8,000 tons of armor which are needed, to make the armor at for not exceeding $300 a ton. Therefore I think the Senate will be justified in adopting the amendment which I propose.

Mr. QUAY. I ask the Senator in charge of the bill to yield to me to enable me to secure the passage of a bill upon the Calendar at the present time for the construction of a bridge over the Monongahela River. It will not occupy more than five minutes.

Mr. HALE. I can not yield to the Senator from Pennsylvania, while I should be very glad to do so, because I have at least a dozen such requests. If we will continue the consideration of the pending bill, we will very soon be through with it, and there will be opportunity after the passage of the appropriation bills for all these bridge bills and others of that kind. But under the circumstances, I am constrained to decline.

Mr. QUAY. It is useless to suppose, then, that the Senator from Maine would permit me to call up the labor-commission bill at this stage of the proceedings.

Mr. HALE. Considering that that measure would occupy the rest of the time of the session, it would be useless.

Mr. GORMAN. Mr. President, I dislike very much to take up a single moment of the time of the Senate in the discussion of any matter at this late hour in the session, almost at its close, but I feel that the propositions pending in this bill are so radical, are so far-reaching in their effect, that the Senate of the United States ought not to make the changes proposed, either in the bill as it came from the other House or by accepting some of the amendments proposed by the Senate Committee on Appropriations in regard to the increase of the Navy.

After the warm discussions, involving politics as they did, in regard to the Navy prior to 1884, we entered in that year upon the system for the construction of a new navy that has met with the approval of the American people. It was simply that the designs of the ships should be made by the Navy Department; that the material from the keel to the gun should be manufactured by private parties in this country; that the Government of the United States should not attempt the almost impossible task for it of delving in the mines and bringing out ore and fashioning it into the great blocks of steel that are necessary in the construction of these ships; that if we did there would not only be failure, but the cost in all probability would be five times as great as that which we have paid private enterprises for the same work; that in the construction of the ship itself we should have competition between the navy-yards and private builders; that not only in the interest of the Navy, but in the interest of commerce, for the purpose of creating a great marine fleet to be engaged in commercial affairs, we should have a number of shipyards capable of putting on the ocean vessels equal to any constructed on the Clyde.

From 1884 up to this hour the system has worked in perfect harmony and with the greatest success the world has ever seen. As to the cost, no man until within the past two years has questioned that it was as economical as good administration could make it. It was greater per ship or per ton than the English and the French and the German Governments were paying for the construction of their vessels, but the conditions in this country were such that that was absolutely necessary. The cost of our labor was greater and our skill was not equal to that of the other nations which I have mentioned. But we have reached a point now, because of this encouragement, where we have been able not only to construct our own vessels, as the Secretary of the Navy now admits, practically within the cost of English ships of the same class, but we have been able to put upon the ocean vessels which compare with any that float.

Mr. President, to disturb unnecessarily a plan of action which has produced results as great as those I have named is a serious matter for Congress. I agree that it is the duty of Congress and the Secretary of the Navy to seek to obtain the material which enters into the construction of vessels at the lowest possible cost, and, while I give the Secretary of the Navy great credit for all he has said and done and for his thorough investigation into the question, the results of which are contained in the report now before the Senate, it is at the same time due to the Senate to say that that executive officer, nor none under him, suggested this procedure. It originated with the Committee on Naval Affairs of this body, so far as I know, and it was their inquiry that compelled the Department to make this investigation and to report the result. That Secretary, in my judgment, has wisely suggested that, if a limitation is to be applied by Congress to the cost of armor, it ought not to be a greater reduction than a limitation to $400 for a ton of 2,240 pounds, and I call the attention of the Senator in charge of the bill to the fact that we have failed in the amendment to insert a provision for a ton of 2,240 pounds.

But, Mr. President, coupled with this recommendation is another, as to which I can never agree with the Secretary of the Navy. It is said that if we make this reduction we ought to repeal the provision of law which requires the material to be of American manufacture. To that suggestion I never can give my consent. It is true he believes it would result in economy in the purchase of this material, notwithstanding the fact that we pay but little more for our armor than is paid by the governments of Europe. It has been said that all the manufacturers in the world of this class of material are in combine. It may be, although I do not know that that is the fact; but I do know that there has been but slight reduction in the cost to the English and French and German Governments for this class of armor, and our officers go so far as to say that there is no such armor made for any other government on the face of the earth; that ours is more expensive, not only in the material which is used in making it, but in the shapes of the pieces required in the construction of our ships.

Mr. JONES of Arkansas. Will the Senator from Maryland allow me to interrupt him?

Mr. GORMAN. Certainly.

Mr. JONES of Arkansas. Was not the armor which was furnished to the Russian Government identical with the armor furnished to this Government, and was not that furnished at less than $250 a ton, when this Government was paying $563 for the same kind of armor?

Mr. GORMAN. As I understand it, the Russian Government gave a contract to the Bethlehem Company for armor at $250 a ton, but it was not the same armor. It would not have stood the test. It was not the armor that our Navy requires for our vessels.

Mr. CHANDLER. I should like to ask the Senator from Maryland where he finds that fact recorded anywhere—that the armor furnished to the Russian Government for $240 a ton was in any manner inferior to the armor furnished to the United States?

Mr. GORMAN. I do not find it recorded in any of these reports that are before me, but that, as I recall it, was the statement of the manufacturers of the armor plate at the time, a year or two ago.

Mr. CHANDLER. If the Senator will permit me, I will say that the reason the manufacturers gave for going abroad was that they desired to demonstrate the superiority of American armor to foreign armor.

Mr. GORMAN. That is true.

Mr. CHANDLER. Then did they send inferior armor over there?

Mr. GORMAN. No, sir; they did not, as I understand, send inferior armor to that being used on the other side. It was armor superior to that which had theretofore been furnished to the Russian Government by the English manufacturers, and it met the highest tests of the Russian Government, and yet it was not equal to the armor placed on our vessels. The nickel was not in it. The process by which we have hardened armor, which has amazed the world, was not employed in the manufacture of the armor sent abroad. But the manufacturers had another object in view, I understand, and I will be perfectly frank about it. In order to keep their hands employed they wished to send out of this country that armor which constituted a surplus above that required by the Government of the United States. Then it has been said, and I have no doubt it is true, that it was sent abroad, in addition to that, to show the manufacturers on the other side of the water that we could compete with them, and it probably forced a combine of the armor manufacturers of the world. Now, I have no doubt that as a business matter this entered into it, although I have no positive proof of it; but the result of fixing the price in all nations would seem to warrant that conclusion.

Mr. President, coming to the proposition before us, I am heartily in favor of reducing the cost of these vessels just so far as we can do it without interfering with their fair construction; but I am not prepared to take a step here which will commit the Government to entering into the scheme of buying a great factory, or one or more factories, for the purpose of manufacturing armor. I am not prepared to commit this Government to the plan of going into the mines, or going into the regions where iron ore is located and buying the iron ore, or to going into combination with railroads for its transportation, and to the assembling of the material that is necessary to create steel.

The Secretary of the Navy says that to get this complete we must do one of two things—to do that un-American thing of buying our armor abroad, and not only armor, but all the material that enters into the ships, to go outside of the United States and get foreign workmen to create for us that which we have created because we have spent millions of dollars liberally, or else enter into the scheme of buying a factory.

Mr. ELKINS. Will the Senator allow me to interrupt him for a question?

Mr. GORMAN. With pleasure.

Mr. ELKINS. Do I understand the Senator from Maryland to oppose the next amendment, providing for the purchase of an armor-plate factory by the Government?

Mr. GORMAN. Of course I oppose the proposition that the Government shall enter into these great schemes to enlarge its scope.

Mr. JONES of Arkansas. Will the Senator allow me to ask him a question?

Mr. GORMAN. With pleasure.

Mr. JONES of Arkansas. Does the Senator think the statement made by the Secretary of the Navy, which has been so highly commended on this floor, is correct when he says:

> Only net earnings have been considered, and the results show that the company's investments—

Speaking of the Bethlehem Company, I believe—

> in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

It has been only a few years since this enterprise began. Yet the plant has been built, and from the few contracts which the company have had with the Government this statement is that they have absolutely been paid back the whole of the millions of dollars which were paid for the plant and have 22 per cent profit besides. That has been the result of one or two contracts with the Government. Does the Senator believe that statement is true, and if so, does not the Senator believe that the prices paid are entirely too high, and that there ought to be a reduction in the price of armor or that some other change should be made?

Mr. GORMAN. The Senator from Arkansas is mixing up quite a number of questions in one. I have no doubt that profit, and great profit, has been made by the Bethlehem Company, who have manufactured the armor. Whether the Secretary of the Navy has had sufficient data to enable him to come to a conclusion fairly, I do not know. The manufacturers deny his statement, and insist that it is incorrect. I do believe that the manufacturers can reduce the price, and properly reduce the prices, and that we ought to reduce the price for the armor; but I say to the Senator from Arkansas that if he and the Senate desire to enter upon a scheme of creating and owning for ourselves, to be run by naval officers of this Government, a great plant to manufacture the armor, it will cost us four times as much as we have paid the Bethlehem people.

Mr. JONES of Arkansas. Will the Senator from Maryland permit me?

Mr. GORMAN. Certainly.

Mr. JONES of Arkansas. I am in no sense in favor of that sort of a scheme so far as I understand it, but it does seem to me that the statement made here by the Secretary of the Navy, which has been highly commended by Senators upon the floor, shows that the Government has been paying a monstrous price for the armor, and that it ought to be stopped. In reply to the statement made by the Senator just now, let me call his attention to the language of the Secretary. He says:

> If in any respect I have been misled by these figures, the error into which I may have fallen could have been prevented by the Bethlehem Company. It was informed that I was considering them, and when asked for certain additional figures it furnished them, but in response to my invitation to make further explanations it declined. It preferred to stand upon the inferences naturally to be drawn from these figures rather than to make further disclosures.

When the Secretary was making this investigation and was trying to get the company to explain if these deductions of his were not correct, they shut up like a clam and had nothing to say.

Mr. GORMAN. I have never had much faith in deathbed repentances. For four years has this distinguished officer—and I do not desire to say an unkind word of him—been in control of the Department, with a corps of efficient men around him who were educated by the Government, who are trained to look into all the details of the cost of material and to make plans for fashioning it into vessels, and until the Senate of the United States called the attention of the Department to the cost of this work, no suggestion of a reduction was ever made. No Secretary, from Mr. Whitney down to the day of this investigation, begun through the efforts of the Senator from New Hampshire [Mr. CHANDLER], ever suggested that it was an excessive price which we have paid.

On the contrary, Mr. Whitney and Mr. Tracy, and Mr. Herbert himself have all held that when the Bethlehem people were induced to put three or four million dollars into an enterprise as to which no man could tell whether it would be a success or a failure, they undertook for this Government, at a time when we could not do it ourselves, a risk which entitled them to a fair compensation. When they entered into that contract, it was with the understanding, so far as it could be made—and this is within my knowledge, coming to me as a member of the Committee on Appropriations from the then Secretary of the Navy, Mr. Whitney—that the contract to that one company for their risk should be at prices which would exceed the amount then appropriated by law. Afterwards, during Mr. Tracy's administration, when they failed to furnish the armor as rapidly as the Government required it, another contract was made with Mr. Carnegie. After the process had become perfect, after the skill had been acquired for manufacturing, then they came in at the same price at which the Bethlehem Company undertook this great risk in 1886.

Mr. JONES of Arkansas. Will the Senator excuse me for one more interruption? I do not like to interfere with him, but I am very much interested in this matter. After the Government of the United States has made a contract with the Bethlehem Company by which they have built a steel plant costing, as they say, more than $4,000,000 (which can be built, according to the estimates of foreign governments, for a million and a half dollars now), and after the whole $4,000,000 has been paid back to them, and 22 per cent in addition has been paid to them, I ask the Senator if, in his opinion, it is fair that we shall make other contracts with that company by which, according to the Secretary's estimate, we will pay more than 50 per cent profit on what they are to do, and by reasonable deduction from what he states in this report we will pay more than 100 per cent? I ask him if, after we have paid them for the plant, and have paid them for all the risk, and have paid them 22 per cent on the investment, there is any justification now to pay 50 per cent or 100 per cent on the work they are to do for the Government?

Mr. GORMAN. The Senator from Arkansas and I do not understand each other evidently. I am in favor of fixing a fair price for armor, and I am in favor of a reduction; but I am unalterably opposed, while we attempt such reforms and such economies, that, under the guise of saving money to the Government, the country and I shall be committed to a scheme that will cost the Government not only 22 per cent, but 200 per cent more before we get through with it. It is the habit of reformers to bring forth a striking proposition, and under that cover to inject a scheme which is monstrous in itself.

Mr. CHANDLER. May I ask the Senator, then, what he would do if, after a fair price was fixed for the armor, these two combined manufacturers refused to make the armor for that price?

Mr. GORMAN. I would do precisely what I tried to get the Senate to do one year ago and two years ago. I said then that I thought it was wise, in view of all interests, to limit the number of ships that we were to build, and to hold the Secretary of the Navy responsible for securing armor and ships at a fair cost; and if he failed to get it, that he should report the facts to Congress and show that there was a combination in the land strong enough to defy the Government. I would suspend the building of the Navy rather than to have such extortions practiced.

Mr. CHANDLER. Then I understand the Senator to say that if the Secretary could not get the armor for battle ships at a reasonable price, he would stop the building of the Navy rather than establish a Government plant?

Mr. GORMAN. I do. It would not last one year if we dealt with those people fairly. We had the question presented at the last session of Congress from another Department of the Government—the War Department, where we are about to enter upon the expenditure of $100,000,000 for fortifications. They came, as the Navy Department had been coming, and said, "Do not place any limitation whatever upon the cost of the great tubes for the 8, 10, and 12 inch guns," for which they were paying 27½ cents a pound. The Committee on Appropriations not being able to get any data from the War Department, as they have never been able until this recent report from the Navy Department, said, "That is too great a price; we will limit it to a more reasonable price;" and we made it, I think, 24 cents a pound—saving eighty or ninety dollars a ton. There was not a manufacturer in the United States who manufactured that class of material who did not agree that it was a fair price, and every contract was taken, notwithstanding the Ordnance Bureau and the War Department from its head down said that we were destroying that great work.

So I would do in this case. I would limit the price within a reasonable figure—to $400 a ton of 2,240 pounds. That is a great reduction; but I do not want to couple with it a scheme which will compel us later on to enter into the establishment of a great work for the manufacture of armor.

If my friend from Arkansas had had as much experience as I have had with navy and army officers, he would know that there is an immense amount of human nature in these gentlemen. They have struggled for the last fifteen years to control every branch of this industry. They have insisted from the beginning that private enterprise and private skill, the skill of the American workmen and the capital of the men who have invested their millions in this manufactory, shall be eliminated and that the Treasury of the United States shall be used to build up not only this class of factories, but all that are required for fashioning the material.

Mr. BACON. I was called from the Chamber momentarily, and I am not sure that I understand the Senator's position. Do I understand the Senator to object to the limitation that is expressed in the pending bill as to the price, or simply to the further provision which looks to the establishment of a plant if that price can not be secured? To which does he object; or is it to both?

Mr. GORMAN. I am not antagonizing the proposition to limit the cost to $400 for a ton of 2,240 pounds, as recommended, and I

believe the Committee on Naval Affairs, of which the Senator is a member, recommended that that particular provision should be made; at least we so understood it in the Committee on Appropriations.

Mr. GRAY. I should like to ask the Senator from Maryland in regard to what was said in answer to the Senator from New Hampshire just now, as to what the Government should do if this firm or these two firms should be defiant and unreasonable and refuse to enter into any contract with the Government at all at the price fixed. I should like to ask why it would not be an occasion to the United States to take off the prohibition that now prevents competition from being thrown open to the world, and why should we not be able in that way to control an unreasonable home production by home combination?

Mr. CHANDLER. Let me say to the Senator from Delaware that the Secretary reports that, in his belief, the foreign armor manufacturers and the American manufacturers are all in the combination, and therefore we can not possibly have competition. Now, I ask the Senator from Delaware what would he do in that case?

Mr. GRAY. That would break the combination pretty soon.

Mr. CHANDLER. What would you do in the meantime? Would you go without battle ships?

Mr. GRAY. It is an impossible case that the Senator is speaking of.

Mr. CHANDLER. Before the Senator from Maryland goes on, I think one point ought to be stated, if the Senator from Maine [Mr. HALE] will give me his attention. While he was absent from the Senate Chamber, it was stated by two Senators that they understood this proposition as to $400 a ton now upon the bill to have been moved and proposed by the Senate Committee on Naval Affairs. I ask the Senator to state how that is.

Mr. HALE. The House fixed the limit of the money upon a four-hundred-dollar basis. The direct statement, in terms, of a four-hundred-dollar limit was moved in the Committee on Appropriations; not by the Naval Committee. Although the conclusion of a majority of the Naval Committee reached that result, the amendment was put on in the Committee on Appropriations. The amendment in terms as to $400 a ton was not by the Naval Committee, but by the Committee on Appropriations.

Mr. GORMAN. I am glad to have the statement of the Senator from Maine. I supposed that the Naval Committee had agreed that $400 a ton of 2,240 pounds, having been recommended by the Secretary of the Navy, was the amount that ought to be inserted in the bill.

Mr. BACON. No.

Mr. GORMAN. But the Senator from Georgia says no.

Mr. BACON. Perhaps I misunderstood the Senator from Maryland. In the confusion it is possible I did not hear him distinctly and correctly when I said no. I understood the Senator to speak of the amount of $400 a ton as having been agreed upon by the Senate Committee on Naval Affairs as a proper amount. Was I correct?

Mr. GORMAN. Yes; that is the statement I made.

Mr. BACON. The negative which I interposed was simply to that statement. The report of the Senate committee was that it ought to be between $300 and $400; in other words, $300 was the minimum and $400 was the maximum. Four hundred dollars a ton was never presented by the Senate committee to the Senate as the proper figure. The Senator from New Hampshire earnestly contended for $300. There were other members of the committee who thought it should be higher. The report of the Secretary of the Navy was about $400; and therefore, in order that the Appropriations Committee might have the full benefit of all the information we had, we gave them that as the latitude.

Mr. GORMAN. The bill as it came from the House attempted to make provision for the purchase of armor, fixing the total amount. Of course the number of tons that were authorized to be purchased would simply make it $400 a ton. The Secretary of the Navy recommended $400 a ton. As I now understand it, the Committee on Naval Affairs of the Senate have fixed it between $300 and $400 a ton, not coming to any definite conclusion as to what the exact amount should be. That is, I understand now, the attitude of the committee.

Mr. BACON. The exact situation of the committee was simply this, that rather than make a divided report, there being a difference of opinion among the members of the Senate committee, there was a general report made, fixing the two limits, rather than have each particular figure, representing the opinion of each of the different members, presented separately to the Senate.

Mr. GORMAN. The Committee on Naval Affairs, however, did agree with the Secretary of the Navy that to make effective this reduction in the price of armor, whether it be to $300 a ton, or $400 a ton, as recommended by the Secretary of the Navy, we must make provision to construct a great foundry for the purpose of taking the raw material as it comes from the mine and fashioning it into these plates.

I submit to the Senators who have so reported and who advocate that proposition that no government on the face of the earth has ever undertaken any such enterprise. The English Government has a splendid system of managing business affairs, and yet with its immense navy it has never entertained the idea of doing that. Take the Czar of Russia, or the Emperor of Germany, or the President of the French Republic, not one of those great magnates has ever thought it was wise for his Government to enter upon such an enterprise. There is not a scheme carried on by the Government of the United States in the manufacture of anything that does not cost twice as much as it would have cost if the manufacture were in the hands of private parties.

Mr. ELKINS. I wish to ask the Senator a question, if he will allow me.

Mr. GORMAN. Certainly.

Mr. ELKINS. I can not hear him very well.

Mr. GORMAN. I am very sorry. I am talking as loud as I can.

Mr. ELKINS. I want to know if the Senator favors $400 or whether he favors less or more?

Mr. GORMAN. I favor $400 a ton.

Mr. ELKINS. That is agreeing with the committee, as I understand?

Mr. GORMAN. I do, as a maximum, as a matter of course.

Mr. ELKINS. The Senator favors what is in the bill?

Mr. GORMAN. I do, so far as the price per ton of 2,240 pounds is concerned.

Mr. BACON. If I do not interrupt the Senator, I would be glad to ask him a question. I understand the Senator favors that possibly after having looked into it and after having come to the conclusion that that is a proper maximum limit.

Mr. GORMAN. No, I can not say that.

Mr. BACON. What does the Senator think is the proper limit?

Mr. GORMAN. No one Senator and no one committee can look into everything here, and I am content under the conditions of the report, taken in connection with the report of the Committee on Naval Affairs, who have examined it thoroughly or very largely, and the report of the Secretary of the Navy, to accept their conclusions and to fix $400 per ton as the maximum.

Mr. BACON. The question I wish to ask the Senator succeeding that is whether he apprehends that these two companies will refuse to make the armor at that figure? I will state the pertinency of my question. If there is no probability that they will refuse a contract at that figure, then this provision in the bill will never go into effect, because if they make it at that figure there will be no effort on the part of the Government to build a plant. It is only intended as a safeguard. We say this is the maximum; the Senator from Maryland is prepared to accept it as a maximum. Now, if in the face of the fact that Congress fixes that as a maximum and the two armor plants refuse to go on with the contract, I should like to know, from the very superior experience of the Senator from Maryland to that of mine, what would be the proper course for the Government to pursue in such a contingency?

Mr. GORMAN. I would do precisely as we have done in the past. I would wait until Congress could take up the question and act upon it. One year ago I stood in the Senate here begging the Senate, in the interest of the Treasury, not to make enormous appropriations for the Navy; not to order four battle ships, as the provision came from the House, but to cut it down to two, and, indeed, I should like to have had it one. But the Congress of the United States saw proper to order four great battle ships, with no armor for them, with no provisions for them, and you have them now on the stocks. I predicted that result would come. Three of those great battle ships, with the hull and keel ready and all the work completed that can be done except the armor, and there is no armor to be put on them because a provision was placed in the bill, at the suggestion of the Committee on Naval Affairs, that no contract should be made beyond a certain amount, and no contract was made. So you have three ships prepared almost for their armor, waiting for it. I should fix this amount and then wait, and if this combine is strong enough to defy the Government and not give it armor at a proper figure, and will not come to Congress and show the proper amount to be paid, we can afford to wait. There is no urgent necessity for it. You have enough ships now on the ocean to meet all present emergencies. But, Mr. President, there will be no waiting.

What I object to is the balance of the scheme, by which you commit yourself to it now by an appropriation and put it in the hands of the Department to establish this plant. The scheme will grow and it will come. I know after the Senator from Georgia has come in contact with these Departments long enough he will believe as I do.

Mr. BACON. I desire to state to the Senator from Maryland that the particular part of the bill which he is now antagonizing does not come from the Committee on Naval Affairs.

Mr. GORMAN. I understood the Senator from New Hampshire to say that it did.

Mr. BACON. No, sir, it does not, as I understand it. It is true it was drawn by the Senator from New Hampshire, but it was drawn at the request of the Appropriations Committee or some member of it, and it is a recommendation of the Appropriations Committee, and not a recommendation of the Naval Committee.

Mr. CHANDLER. The Senator from Georgia is mistaken partly. The Committee on Naval Affairs came to the conclusion stated in their report, that if the contracts for armor could not be made within such limit as should be fixed by Congress, there should be a Government armor-plate factory.

Mr. BACON. That is true; but that is not a part of the report of the committee submitting that particular amendment.

Mr. CHANDLER. The amendment in that form is not, but it was drawn by me at the request of the Senator from Maine [Mr. HALE], as embodying, as well as could be done, the idea of the Committee on Naval Affairs in case these two concerns should refuse to make the contract. I think if the Senator from Maryland, who seems to understand this subject so well and to think that there is no danger that these concerns will not furnish the armor for these three battle ships, would assure us that he knows they will furnish it for $400, we might get along without this proposition that excites his anger so much.

Mr. GORMAN. I do not know what the Senator from New Hampshire means by his last remark about my anger.

Mr. CHANDLER. I am very prompt to withdraw the word. I meant the Senator's intense opposition to a Government armor-plate factory, which is only proposed as an alternative in case these two companies will not make armor for $400 a ton. Now, the committee say that authority ought to be put in the act to go on and make the armor, because, as we know that the armor makers abroad and the armor makers at home are in a combination, then our three ships, the hulls of which are contracted for, must stand till the end of time without being completed unless the Government establishes a plant of its own, and nothing is further from the wish of the Committee on Naval Affairs or the Committee on Appropriations than to have a Government armor-plate factory. But I ask the Senator in all sincerity and with perfect respect, What in the world are we to do if these combined manufacturers will not take the fair price that we fix?

Mr. JONES of Arkansas. With the permission of the Senator from Maryland, I should like to ask the Senator from New Hampshire a question. Does the Senator from New Hampshire believe that the armor manufactured by the Bethlehem Company for the Russian Government at $240 a ton was manufactured at a profit?

Mr. CHANDLER. I do not think it was manufactured at a profit. I do think that they got their money back.

Mr. JONES of Arkansas. That they lost no money?

Mr. CHANDLER. I think they lost no money.

Mr. JONES of Arkansas. Then it would seem that if the Government of the United States would persistently refuse to pay anything more than a fair price, the companies will manufacture rather than allow their plants stand idle and rust, and I see no necessity for resorting to this method of having a Government plant to compel them to proceed with what would be a profitable business to them.

Mr. GORMAN. Now, Mr. President——

Mr. CHANDLER. I do not want to interrupt the Senator from Maryland, but the difficulty is, the Senator from Arkansas will see, that we have already authorized three great battle ships. The contracts were made six months ago for the hulls of the *Wisconsin*, the *Alabama*, and the *Illinois*. Now, we must get that armor in some way, and if we can not get it from these manufacturers at a fair price, we must establish our own armor-plate factory. The Senator from Maryland will excuse me.

Mr. GORMAN. It is all right. I am very glad we have reached a point where nobody will father this amendment. As a member of the Committee on Appropriations, I repudiate the idea that it ever originated with the Committee on Appropriations.

Mr. HALE. The Senator will remember that it was inserted by a vote of the Committee on Appropriations. There is no doubt about that.

Mr. GORMAN. Yes; but I ask the Senator if the understanding was not that this provision for an armor factory came to the committee after consideration by the Committee on Naval Affairs?

Mr. HALE. Undoubtedly.

Mr. GORMAN. Undoubtedly it did.

Mr. HALE. The report was read, or portions of it, in which, as has been stated by the Senator from New Hampshire, the conclusion of the committee was that the only way to prevent these companies from combining and refusing to furnish armor at a reasonable price was to authorize the construction of a Government plant; not that anybody expected it would be done, but if it was not done we would be at the mercy of these contractors; and on that statement, and on extracts of the report being read, the Appropriations Committee voted in this amendment for the purpose of enforcing the limitation.

Mr. GORMAN. But I ask the Senator from Maine whether he, as a member of the committee, would have entertained that proposition if it had not been understood that it had been considered by another committee and came to us after investigation?

Mr. HALE. Has anybody denied that?

Mr. GORMAN. I understand the Senator from Georgia denies it.

Mr. BACON. No; the Senator from Maryland misunderstands me, Mr. President.

Mr. GORMAN. I did not intend to misrepresent the Senator, of course.

Mr. BACON. I was not sufficiently explicit in my first statement. The Senator from New Hampshire corrected me, and I assented to the correctness of it as stated by him. While the committee had given its general assent to the proposition, this particular amendment had not been framed in the Committee on Naval Affairs, but was framed by a member of the committee subsequently thereto, at the request of a member of the Committee on Appropriations.

Mr. HALE. Undoubtedly, to carry out the idea; but that did not involve the principle in the least. It was the principle on the Committee on Naval Affairs.

Mr. GORMAN. That is all I have contended for. The Appropriations Committee have been charged with enough sins without the charge of originating this provision.

Mr. HALE. It was voted in by the Appropriations Committee.

Mr. GORMAN. As a matter of course, having emanated from another honorable committee of this body who had investigated the question. But Senators say it can go in this bill and will do no harm. I appeal to all Senators in this body who have had experience here and have watched the course of events, to know whether there is a single case where you have provided for the expenditure of a large amount of money that would increase the power of one of the Departments that it has not been availed of and the increase made. I appeal to every Senator who has been upon the Committees on Naval Affairs and Appropriations whether there has not been a constant struggle both by the Army and the Navy, by the Ordnance Bureaus of both of those Departments, to keep within themselves and to the exclusion of all private enterprises all the work in the making of the armament for this country, both that afloat and that on land.

But, Mr. President, more than that, I object to the whole scheme as it comes here from the House of Representatives, and as amended, except as to the limitation of the amount to be paid for this work. We have, as I said in the beginning, fixed a rule which has worked well. No fraud has been charged to amount to anything. The results have been almost perfection. That rule was to bring private enterprise and the Government officers into competition, to divide the work, to contract specifically with the men who furnish the material for the ships and the men who construct the ships. But what is the case in this bill? I ask Senators to look at it. I call the attention of my friend from Georgia to page 50 of the bill, the last proviso on that page, beginning after line 20:

> That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

There is a provision which has crept into the bill, where a limitation is sought to be made, which would give greater discretion than Congress ever contemplated giving before in permitting a contract to be made for the whole work, for the armor as well as for the construction of machinery, and without limitation as to cost.

So it seems to me the wise thing in the expiring hours of Congress to do is to adhere to the system which we inaugurated, as I said, in 1884 or 1885, for which I want to give to the Senator from New Hampshire—who has been very much abused by my political associates for his work in the Navy Department—great credit for aiding at that time in putting the Navy Department in such a position as that we could support it on both sides of the Chamber, and from which such grand results have come to the country.

I beg the Senate, now that the control of the Government is about passing from one political party to another, not to change the conditions; not to open a door for abuses; not to open a door which will give greater power to officers who may favor this or that contractor. Let us keep it, so far as the law can keep it, precisely as we have had it under three different administrations against whom no charge of corruption or great mismanagement has been made.

We have had wonderful efficiency in the management of that Department nearly all the time, and I am sorry that in the closing hours of the administration of Mr. Herbert he should have permitted himself to go beyond the one recommendation of limiting the cost of the material for armor. I regret that he has encouraged and made it possible for others who have different views and possibly different motives to open the door and bring the Navy Department back to where it was prior to 1886.

Mr. HALE. Does the Senator regret that Secretary Herbert has made an investigation which shows that the Government can get this armor plate, the very best of it, for nearly $200 a ton less than has been paid for it heretofore? Is that a subject of regret to the Senator?

Mr. GORMAN. The Senator certainly has not been listening to me, if he makes that statement.

Mr. HALE. What is it the Senator regrets? That is the sum and substance of the investigation made by the Secretary and in the report of the Naval Committee and the result of the bill in the House and in the Committee on Appropriations here. The outcome of it all is that the Government is going to get this armor for nearly $200 a ton cheaper than ever before. Is that a thing to be regretted? It is undoubtedly a change——

Mr. GORMAN. Mr. President, I know the Senator has charge of many matters, and possibly he has been out of the Chamber a part of the time I have been speaking, or else I have not made myself understood.

Mr. HALE. I have listened to the Senator very attentively.

Mr. GORMAN. I have not regretted that the Secretary has made the recommendation for a decreased cost of armor. I only regret that, with his experience as the head of the Navy Department, he did not inaugurate a movement of that sort long ago, which probably he would have done had his attention been called to it. If he had done so without waiting until the suggestion was made by the Committee on Naval Affairs, the Government would have been very much better off; but when the Secretary goes further than that and makes a recommendation which opens the door to the establishment of a great Government factory for the purpose of manufacturing materials, I think he has gone beyond the limit. I think, at all events, this was unwise, and that Congress ought to antagonize that proposition.

Mr. HALE. That is a question for Congress to decide.

Mr. GORMAN. Very good. That is what we are trying to do.

Mr. HALE. That was one of the processes. The Secretary, having been dealing with these companies and being at their mercy, having no competition, there being a complete combination of the two companies, who could dictate prices, the Secretary, in his final conclusion, arrived at the result that the only way to enforce this reduction and compel these companies to make a reasonable contract at reduced rates was, if they said, "No; we will do nothing," to authorize him to establish a plant. I do not conceive in the realm of conjecture or proper calculation anything else that could be held over these companies which would compel them to a fair price. I do not expect it will be done. I have no doubt they will bow to the decision of Congress, but they will bow a hundred times more willingly and more immediately if the Secretary of the Navy is enabled to say to them, "Gentlemen, if you do not offer the armor for a fair price, Congress has put in my hands the power to establish a Government armor-plate factory, and rather than submit to your exactions the Government will establish an armor-plate factory." I can conceive of nothing else which will compel a fair price and a reasonable rate for armor.

Mr. GORMAN. I differ so widely with the distinguished Senator from Maine that he and I can not argue that question. I do not believe that it is necessary for this great Government of the United States to go with a club in its hand to these manufacturers and say, "If you do not do so and so, we will destroy you." The Congress of the United States ought, as a matter of fairness and justice, to fix the limit to which it will go; and if there is not enough business capacity or patriotism amongst all the manufacturers of the United States to furnish this armor at that fair price, then let the Government use its power and deal with the matter. I, in my personal transactions, would not go to an individual and deal with him in the way proposed here if I had the power to do so, and I would not have my Government do it.

There is no necessity, Mr. President, for such an extraordinary method. We have, as I stated a moment ago, as to another Department of the Government, the War Department, taken the same position. When every officer of that Department said to his chief, and said to us, "You can not reduce the price on the tubes for guns for our fortifications from $100 to $80 a ton," the Committee on Appropriations said, "That is a fair reduction;" and we made it. The result was that every pound of steel authorized to be made at the reduced price was made, because it was a fair reduction, and we propose at this session to make a still greater reduction, but there is no threat accompanying it.

Mr. HALE. I agree in many respects with the Senator, and I know I am not interrupting him. The Senator and I have had a great many experiences of this colloquial debate, and neither declines to yield to the other.

Mr. GORMAN. Certainly not.

Mr. HALE. It is the best kind of debate.

Mr. GORMAN. It is always for information, so far as I am concerned, and I always yield to the Senator with great pleasure.

Mr. HALE. I am aware of that.

I agree with the Senator in what is his fundamental view, that all of this work can be better supplied by contractors than it can be done by the Government. It can be done cheaper; it can be done more expeditiously; it can be done better. While that is true, human nature is always human nature, and human greed is always human greed; and if you get contractors who can do this work better than the Government establishments, more cheaply and more expeditiously, and who have a monopoly and fix their own prices, they will take advantage of the Government, and will prey upon it. The only way to keep them in limitations is to give the Department the authority, if needs be, to make its own product.

In naval ships, which are much better built in private yards, which are better ships and sooner launched, there never has been a statute authorizing the Secretary of the Navy to make private contracts for the building of battle ships that has not always had put into it a provision that if reasonable contracts could not be made by the Secretary with private parties he should build those ships in Government yards. That has always stood in terrorem, if I may use the phrase, over the contractors, and if two or three of them combined and said to the Secretary of the Navy, "We will not build this battle ship for $3,000,000, but will demand $5,000,000," the Secretary would say at once, "We will build it in a navy-yard," and that has always kept any combination from being effected on the building of battle ships.

Mr. JONES of Arkansas. Will the Senator allow me to ask him a question?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. Assuming that the Senator's conjectures are true—of course they are based on the hypothesis that these people have a combination, and that they are so utterly heartless as to want to make all the money they can out of the Government—let me ask if there would not be this danger in taking the course suggested by the committee? In running over the Secretary's report it seems to me that both of these companies would be willing to dispose of their plants to the Government at cost if they could find the opportunity to do so. The report shows that they have been paid in full for the whole cost of the plant and 22 per cent more. If, by combination, they should refuse the Government contracts, and could thus unload this plant on the Government at an enlarged cost, would not that be the shortest way for the absolute robbery of the Government that could present itself?

Mr. HALE. Oh, no.

Mr. JONES of Arkansas. Would we not open the way for them to do so by doing that very thing?

Mr. HALE. No; because a Secretary can establish a thoroughly completed and well-equipped plant for the making of armor to-day for one-half of what it cost these companies, and which we have paid them for, and therefore no Secretary—we may give him the authority if we choose—unless they offer these plants at what a new one would now cost, no Secretary would take them. I do not expect that it will ever come about that we shall build a plant. I do not want it. I do not believe in Government work; it is, as I have said, more costly; but you may be put into a position where you may have to invoke this protection for the Government in order to hold contractors to liberal terms, just as we have done with regard to the construction of ships.

Mr. ELKINS. Then you are giving these two armor-plate factories to understand that this does not mean anything?

Mr. HALE. I do not say that.

Mr. ELKINS. That is simply a threat.

Mr. HALE. We are giving them notice, and that means a great deal. It means that unless they make a fair contract the Secretary is given power to take it away from them. That is just what it means.

Mr. ELKINS. Let me ask the Senator this question: Suppose one of these factories wants to unload its plant on the Government, are we not so legislating as to give the individuals or corporations running them an opportunity of unloading their plants on the Government at $1,500,000, and making it obligatory upon the Secretary of the Navy to buy those plants?

Mr. HALE. Not by any means.

Mr. ELKINS. If all the companies engaged in the manufacture of this armor stick together, then, as I understand it, the Secretary of the Navy is obliged to buy the plants.

Mr. HALE. Not by any means. It is placed in the discretion of the Secretary, and if he can get one of these complete plants by buying it, he may do so; but I may say that on the modern basis we can build to-day a good plant for 50 per cent of what these plants cost these companies.

Mr. ELKINS. Let me ask the Senator a question?

Mr. GORMAN. I thought I had the floor and yielded to the Senator from Maine to ask me a question.

Mr. HALE. The Senator has been very good-natured, I am sure.

Mr. ELKINS. I submit that the Senator from Maryland ought to farm out the floor for a little time to somebody who is not a member of the Committee on Appropriations. The members of that committee get up and consume all of the time of the Senate

in apparently fighting each other, and yet at the same time it is all understood between them. One gets the floor, and then another takes it and yields it back, but nobody else who wants to say a word is given an opportunity if he is not in the charmed circle. [Laughter.] Now, I want to submit a few remarks on the business features of this proposition, but if this thing goes on I do not know how long I shall have to wait. I have waited for two hours now.

Mr. HALE. The Committee on Appropriations is large enough to differ.

Mr. ELKINS. But I have waited two hours while the floor has been occupied by Senators on that committee.

Mr. GORMAN. I believe I am entitled to the floor.

Mr. HILL. As the Senator is so good natured in yielding the floor to other Senators, I will make an appeal to him to allow me to submit a motion.

Mr. VEST. If the Senator from New York is going to make a motion, I ask to submit a conference report.

Mr. HILL. I yield for that purpose.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same; and the Senate agree to the same.

G. G. VEST,
S. B. ELKINS,
JOHN P. JONES,
Managers on the part of the Senate.
E. J. MURPHY,
JOSIAH PATTERSON,
Managers on the part of the House.

Mr. CULLOM. Do I understand that the report retains the three-quarters of a mile limit?

Mr. VEST. Yes; it is just as the bill was passed by the Senate.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The question is on concurring in the report of the conference committee.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake; and

A bill (H. R. 7422) granting a pension to Lydia W. Holliday.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks.

The message also announced that the House had passed the joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

The message further announced that the House had passed the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 10,000 copies of the Report of the Director of the Mint for 1896, and also to print 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1895; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4310) for the relief of Mathias Pedersen;

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

EXECUTIVE SESSION.

Mr. HILL. Mr. President, in pursuance with previous notice, I move that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. I do not see that Senator in his seat, and for the present I shall withhold my vote.

Mr. HILL. I will state to the Senator from Louisiana that the Senator from North Carolina is expected back soon, and he told me to have him paired in favor of an executive session. So the Senator is at liberty to vote.

Mr. BLANCHARD. On that statement I will vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised that we are agreed on the present proposition, and I therefore vote. I vote "nay."

Mr. VILAS (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. MITCHELL], but with the consent of his colleague [Mr. MCBRIDE], we have transferred that pair to the Senator from Mississippi [Mr. GEORGE]; so that the junior Senator from Oregon and I can vote. I vote "yea."

Mr. MCBRIDE. Under that arrangement, I am at liberty to vote, and vote "nay."

The roll call was concluded.

Mr. GIBSON (after having voted in the affirmative). I have a general pair with the Senator from Montana [Mr. CARTER], but in his absence I voted inadvertently. I am advised that he would vote "nay" if present; and I therefore withdraw my vote.

Mr. MCMILLAN (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. BLACKBURN], and as he is not present, I withdraw my vote.

The result was announced—yeas 36, nays 26; as follows:

YEAS—36.

Bate,	Cockrell,	Jones, Nev.	Pugh,
Berry,	Daniel,	Lindsay,	Stewart,
Blanchard,	Davis,	Mantle,	Teller,
Butler,	Dubois,	Martin,	Turpie,
Caffery,	Faulkner,	Mills,	Vest,
Cannon,	Gallinger,	Murphy,	Vilas,
Chandler,	Gray,	Nelson,	Voorhees,
Chilton,	Hill,	Palmer,	Walthall,
Clark,	Jones, Ark.	Proctor,	White.

NAYS—26.

Aldrich,	Elkins,	Lodge,	Sewell,
Allen,	Frye,	McBride,	Sherman,
Allison,	Gorman,	Mitchell, Wis.	Shoup,
Baker,	Hale,	Morgan,	Thurston,
Brown,	Hansbrough,	Peffer,	Warren.
Burrows,	Hawley,	Platt,	
Cullom,	Hoar,	Quay,	

NOT VOTING—28.

Bacon,	George,	Mitchell, Oreg.	Roach,
Blackburn,	Gibson,	McMillan,	Smith,
Brice,	Gordon,	Morrill,	Squire,
Call,	Harris,	Pasco,	Tillman,
Cameron,	Irby,	Perkins,	Wetmore,
Carter,	Kenney,	Pettigrew,	Wilson,
Gear,	Kyle,	Pritchard,	Wolcott.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed

the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 4550) granting an increase of pension to John X. Griffith; and

A bill (H. R. 4979) to amend sections 141 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; to which the signature of the Vice-President was subsequently announced:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 4903) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River," approved March 1, 1893; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

ORDER OF BUSINESS.

Mr. HALE. I call for the regular order.

Mr. CHANDLER. I ask unanimous consent to call up the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent. It is a bill the passage of which was recommended by the Senate Committee on Naval Affairs.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Pending the request, the Chair lays before the Senate a message from the President of the United States.

Mr. CHANDLER. Certainly.

IMPRISONMENT OF AMERICAN CITIZENS IN CUBA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolution of the Senate of the 24th ultimo, I transmit herewith a report from the Secretary of State covering copies of the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba not previously reported on.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 1, 1897.

Mr. HALE. Let the message and accompanying papers be referred to the Committee on Foreign Relations.

Mr. MORGAN. There is one paper accompanying the message that I desire to have read.

Mr. FRYE. Does the Senator feel certain that it ought not to be in confidence?

Mr. HALE. If there is any question about it——

Mr. CHANDLER. It is not sent in in confidence, I will say to the Senator.

Mr. TELLER. It is sent here as a public document.

Mr. CHANDLER. It is sent openly and publicly.

Mr. MORGAN. There is no secrecy about it.

The PRESIDING OFFICER. The Senator from Alabama requests that an accompanying document be read. The Secretary will read as requested.

The Secretary read as follows:

Mr. Lee to Mr. Rockhill.

[Telegram.]

HABANA, *February 9, 1897.*

Charles Scott, American citizen, arrested Regla this morning; charges not yet known.

—

Mr. Lee to Mr. Rockhill.

[Telegram.]

HABANA, *February 20, 1897.*

Charles Scott, a citizen of the United States, arrested Regla; no charge given. Been without communication jail Habana two hundred and sixty-four hours. Can not stand another Ruiz murder and have demanded his release. How many war vessels Key West or within reach, and will they be ordered here at once if necessary to sustain demand? LEE.

—

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Situation simple. Experience at Guanabacoa made it my duty to demand, before too late, that another American who had been incomunicado two hundred and sixty-four hours be released from said incomunicado, and did so in courteous terms. If you support it, and Scott is so released, the trouble will terminate. If you do not, I must depart. All others arrested with Scott have been put in communication. Why should only American in lot not be? He has been incomunicado now three hundred and thirty-eight hours.

LEE.

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Demand complied with. Scott is released from incomunicado.

LEE.

—

Mr. Lee to Mr. Olney.

[Telegram.]

HABANA, *February 23, 1897.*

Scott released from incomunicado to-day on demand after fourteen days' solitary confinement in cell 5 feet by 11; damp; water on bottom cell. Not allowed anything sleep on or chair; discharges of the body removed once five days. Was charged with having Cuban postage stamps in the house. Scott says went always twelve hours without water; once two days; he was employee American Gas Company.

LEE.

Mr. HALE. Now, Mr. President, I call for the regular order.

Mr. FRYE. Let the message and accompanying papers be printed and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

REPORT OF DIRECTOR OF MINT, ETC.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound in cloth 10,000 copies of the Report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint, 3,000 for the use of the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1896, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

Mr. HALE. I ask the Senate to concur in the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

FOREST RESERVATIONS.

Mr. CARTER. I present a resolution of the legislature of the State of Montana, relative to the recently created timber reservations in that State. I ask that it be read for the information of the Senate, and referred to the conference committee having the sundry civil appropriation bill in charge.

The resolution was read and referred, as follows:

[TELEGRAM.]

HELENA, MONT., *March 1, 1897.*

We, the legislative assembly of the State of Montana, do earnestly protest against the recent order of the President setting aside large timber reservations in this State, knowing that its enforcement would seriously cripple and retard its development. For these and other reasons, we respectfully request that this order be at once revoked.

A. E. SPRIGGS,
President of the Senate.
ALBERT I. LOEB,
Speaker pro tempore of the House.
ROBERT B. SMITH,
Governor.
By T. S. HOGAN,
Secretary of State.

Hon. THOS. H. CARTER or Hon. LEE MANTLE,
United States Senate, Washington, D. C.

NAVAL APPROPRIATION BILL.

Mr. HALE. I can not consent to yield to a request for the passage of bills, and I ask for the consideration of the naval appropriation bill.

The PRESIDING OFFICER. The Senator from Maine calls for the regular order, which is the naval appropriation bill.

Mr. CHANDLER. Do I understand that the Senator from Maine declines to yield to let me have this little bill passed which has been recommended by the Committee on Naval Affairs?

Mr. HALE. I have called for the regular order, which unfortunately excludes the Senator from New Hampshire.

Mr. CHANDLER. It is a bill reported from the Senator's own committee, and a bill to which he gave his own consent.

Mr. HALE. At the proper time I will give my consent to its passage.

Mr. CHANDLER. And it is recommended by the very report on which we are now acting.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

Mr. HAWLEY. Have all the committee amendments been acted upon?

The PRESIDING OFFICER. All the amendments of the committee have been acted on except those relating to armor, the Chair is informed.

The pending question is an amendment proposed by the Senator from New Hampshire [Mr. CHANDLER], which will be stated.

The SECRETARY. On page 50, line 15, after the word "million," it is proposed to strike out the words "two hundred and ten

thousand;" in line 17 to amend the committee amendment by striking out the word "a" before "rate" and inserting the words "an average;" and in the same line to strike out the word "four" and insert the word "three;" so as to read "$300 per ton."

Mr. HAWLEY. Those amendments ought to be reserved for a fuller Senate.

Mr. HALE. We had better let the debate go on.

Mr. HAWLEY. Yes, if anyone wishes to debate. I have nothing to say, but they ought to be voted on when there are more here.

Mr. HALE. There will not be a vote until there is a quorum, of course.

The PRESIDING OFFICER (Mr. HILL in the chair). Shall the amendments be reserved?

Mr. HALE. They have been reserved to let the discussion go on.

The PRESIDING OFFICER. The Senator from Maryland, the Chair understands, is entitled to the floor.

Mr. GORMAN. I had the floor when the Senate postponed the consideration of the bill, but I had about concluded all I desired to say in a general way upon the amendment. I will reserve whatever else I have to say for an amendment that I shall offer later on. I do not care to discuss the general subject further at present.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. HALE. What is the particular amendment now pending?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 50, after the word "million," in line 15, it is proposed to strike out the words "two hundred and ten thousand;" and, in line 17, to amend the committee amendment by striking out the word "a," before "rate," and inserting "an average," and striking out the last word, "four," and inserting "three;" so as to read:

That the total cost of the armor, according to the plans and specifications already prepared, for the three battle ships authorized by the act of June 10, 1896, shall not exceed $3,000,000, exclusive of the cost of transportation, ballistic-test plates, and tests, and no contract for armor plate shall be made at an average rate to exceed $300 per ton.

Mr. CHANDLER. I will add to the amendment "of 2,240 pounds," so as to read "$300 per ton of 2,240 pounds."

Mr. QUAY. There is no objection to the latter amendment.

Mr. FRYE. Is that a committee amendment or the amendment of the Senator from New Hampshire?

Mr. PLATT. Do I understand that the words "two hundred and ten thousand," in line 15, are to be stricken out as a part of this same amendment? I should suppose that the question would be first on amending the committee's amendment.

Mr. CHANDLER. The Senator from Connecticut is right about that. So I will reserve the first amendment, which is intended to reduce the gross amount to be paid to correspond with the reduction of price per ton. I will withdraw that and let the question be on adding the words "an average" and substituting "$300 per ton" for "$400 per ton," and adding after "ton" the words "of twenty-two hundred and forty pounds."

Mr. HALE. I suppose the salient point of the Senator's amendment is the reduction from $400 to $300, and that the reductions in amount are computations which follow from that, so that the test question will be on the reduction of the amount of $400 reported in the bill by the committee to $300, as moved by the Senator from New Hampshire.

Mr. FRYE. Those are, I understand, maximum amounts—$400 and $300?

Mr. HALE. Yes; they are the maximum amounts.

Mr. PLATT. I should like to know exactly what the Senator from New Hampshire intends by inserting the word "average" in the clause "and no contract for armor plate shall be made at an average rate to exceed $300 per ton."

Mr. CHANDLER. That is very simple. All the armor plates are special plates. Every single plate in a ship is of a special shape. Nearly all are different from all others. There are some duplicates. Of course, being of different sizes and different weights and different shapes, one kind of plate costs more than another kind of plate. The turret plate costs more than the side armor of a ship. The calculations that have always been made as to cost of armor have been the average price per ton for all the armor of the ship. The intention is that in this case the average cost of the armor for the whole ship shall not exceed, if my amendment prevails, $300 a ton; and if the committee's amendment prevails, $400 a ton. The average cost of the armor for the *Kearsarge* and *Kentucky*, the pending contracts, is $553, I think. I will give the exact figures:

Under contracts made by Secretary Herbert for the armor for the *Kearsarge* and the *Kentucky* the Bethlehem Company is to supply 2,631 tons at a gross cost of $1,462,191.80, the prices varying from $515.40 up to $628.40 a ton, the average being about $551.15.

Carnegie & Co. are to furnish 3,007 tons at a total cost of $1,660,518.20, the prices varying from $515.40 to $575.80 a ton, the average being about $552.22.

So the committee's amendment, which accepts the price of armor recommended by Secretary Herbert—$400—saves $150 nominally on a ton. In fact it saves more, because the Secretary recommends that the contractors hereafter shall furnish the nickel, which would be about $30 a ton. So the committee's amendment saves about $180 a ton. My amendment would save about $280 a ton over the contracts for the *Kentucky* and the *Kearsarge*. The total saving on the Secretary's figures will be over $500,000 on each battle ship. If the Bethlehem Company got their money back when they made a contract with Russia at $240 a ton, at $300 a ton, the figures proposed by me, they would make a profit of $60 a ton.

Mr. PLATT. The *Kearsarge* was the last battle ship constructed?

Mr. CHANDLER. The *Kearsarge* and *Kentucky* are now under construction. The three new battle ships for which we are to provide the armor are the *Wisconsin*, the *Illinois*, and the *Alabama*.

The PRESIDING OFFICER. Three or four different amendments are pending. Which will the Senate have put first?

Mr. HALE. I suppose technically what is the significant amendment is the proposed reduction from $400 to $300 per ton.

Mr. QUAY. I suggest to the Senator from New Hampshire that a part of the amendment, to wit, that which fixes the weight per ton at 2,240 pounds, may go in by unanimous consent.

Mr. HALE. That has been adopted already, I understand.

Mr. QUAY. I think not.

Mr. HALE. I understood that it had been agreed to.

Mr. CHANDLER. I understand there is no objection to having the word "a" stricken out and the words "an average" put in; so as to read "at an average rate of," and adding after "ton" the words "of twenty-two hundred and forty pounds."

The PRESIDING OFFICER. Is there objection to the amendment of the committee? The Chair hears none, and it will be regarded as adopted.

Mr. HAWLEY. Upon that point I want to know if that is the usual basis?

Mr. HALE. All the computations have been made on that basis.

Mr. HAWLEY. The previous contracts were at that rate?

Mr. HALE. All the computations are based on it.

Mr. HAWLEY. The previous contracts were made at 2,240 pounds to the ton?

Mr. CHANDLER. They have been. That is no change. If those amendments to the amendment can be adopted, then the only question will be whether $300 a ton shall be substituted for $400 a ton.

The PRESIDING OFFICER. Without objection, those amendments will be made. Now, the question is whether "$300" shall be substituted for "$400" as the price per ton of 2,240 pounds.

Mr. FRYE. I should like to know what the Senator proposes in the event that they will not furnish the armor at $300 per ton?

Mr. CHANDLER. Was not the Senator present this afternoon during the discussion?

Mr. FRYE. I was not present when the Senator from New Hampshire discussed the question.

Mr. CHANDLER. If the Senator will kindly look at the bill, on page 51——

Mr. FRYE. A Government plant?

Mr. CHANDLER. He will see there a provision that—

In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory.

Mr. FRYE. Would the Senator vote for that?

Mr. CHANDLER. Unquestionably. The Senator from Maine will bear in mind that we have the hulls of the three ships contracted for. We must have this armor. We must have it in this country. Suppose, at the price we fix, the two companies that are in combination—the only two companies that have a plant to make the armor—refuse to accept the price, what should we do if we do not establish a Government armor plant?

Mr. FRYE. I do not think I would vote for a Government plant under any circumstances.

Mr. HAWLEY. Nor I.

Mr. CHANDLER. I ask the Senator what he would do to get armor for those three ships? Would he let these people take the Government by the throat and either say, "You shall not have armor or you shall pay our price for it"?

Mr. FRYE. I would allow the Secretary of the Navy to make a contract at a reasonable price, and I would be sure when I named the price that it was entirely reasonable under all the circumstances.

Mr. CHANDLER. That is a sensible answer, if the Senator will allow me to say it. The sum of $400 the Secretary thinks is reasonable; the sum of $400 the Committee on Appropriations think is reasonable; and the sum of $300 several members of the Committee on Naval Affairs, possibly a majority of the Committee on Naval Affairs, think is reasonable; and we have before us the Carnegie contract with the Russian Government for similar armor at $240 a ton.

Mr. FRYE. I do not think that is any guide at all.

Mr. HAWLEY. Not the slightest.

Mr. FRYE. There are a great many reasons for making a contract with Russia which would not apply at all when making a contract in the United States. I can understand very well why they might be willing to sell to Russia for a great deal less than cost, with no profit at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. HAWLEY. I do not think any question should be put to the Senate at present.

The PRESIDING OFFICER. What suggestion does the Senator from Connecticut make?

Mr. HAWLEY. If anyone wishes to make a speech, I will interpose no objection.

The PRESIDING OFFICER. A speech from anyone is now in order.

Mr. GALLINGER. Mr. President, I have a bill on my desk, and I judge that forty different Senators have to-day received telegrams concerning it. It concerns about 2,000,000 men, members of fraternal beneficiary societies in this country. It has passed the House and has been reported by the Committee on the District of Columbia favorably. I appeal to the Senator from Maine, while we are waiting for Senators to come in, to permit me to call up the bill and have it passed.

Mr. HAWLEY. What is the bill?

Mr. GALLINGER. It is a bill regulating beneficiary fraternal associations in the District of Columbia. It has passed the House, and has been favorably reported by the Committee on the District of Columbia.

Mr. HAWLEY. I never heard of it before.

Mr. GALLINGER. Two million men are interested in it and urge its passage.

Mr. HAWLEY. How about the other 68,000,000?

Mr. HALE. I do not think enough Senators are present to pass bills, and I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. GALLINGER. Then I raise the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll to ascertain the presence of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Clark,	Jones, Ark.	Platt,
Allison,	Cullom,	Kenney,	Quay,
Baker,	Daniel,	Lindsay,	Roach,
Bate,	Davis,	Mills,	Sewell,
Berry,	Dubois,	Mitchell, Wis.	Squire,
Brown,	Faulkner,	Morgan,	Stewart,
Burrows,	Frye,	Murphy,	Teller,
Butler,	Gallinger,	Nelson,	Thurston,
Cannon,	Gorman,	Palmer,	Tillman.
Carter,	Hale,	Peffer,	Vest.
Chandler,	Hawley,	Perkins,	
Chilton,	Hill,	Pettigrew,	

The PRESIDING OFFICER. Forty-six Senators are present. A quorum is present. The question arises upon the motion of the Senator from New Hampshire to strike out "$400" and insert "$300" in the amendment of the committee.

Mr. HAWLEY. Mr. President, this is not a new matter by any means. The matter of making armor and building steel ships, building guns, the proper division of that labor between private persons and the Government, was a subject of discussion some fifteen years ago, when the country seemed about to start upon a process of regeneration as to ships, guns, and armor. A policy was agreed upon then which has been pursued almost absolutely ever since that time. It is now proposed to reverse it; to change it very materially. It is proposed to fix a price for armor at which I venture no firm in the world will agree to make it.

If it is the intention of the gentleman who proposes it to compel the construction of a Government establishment, a great manufacturing plant to be kicked about by outrageous fortune and give rise to great scandals, then he is right in insisting upon fixing the price at $300 per ton. Governments generally abandoned that idea long ago. Great Britain made her experiments. At one time she made a partnership with a great concern for building ships and armor, etc. After a time she was so weary of it that she gave $320,000 to the firm to get out of her obligations to it.

In 1884 a select committee of the Senate was appointed. I shall have to give something of personal history, but I claim no credit in that matter, because after a thorough investigation we simply collected, boiled down, and gave the syllabus of the opinions of the great manufacturers of both Great Britain and America and of the wisest men of the Army and of the Navy. We deserve the credit of collecting the evidence and giving the syllabus.

July 3, 1884, the Senate appointed a select committee under the following resolution. I will summarize it. I will not read it all.

A select committee to inquire as to the capacity of steel-producing works in the United States to make steel of suitable quality and sufficient in quantity to furnish metal for guns of higher power, and the metal plates and other material for the construction of vessels of war, and for the armor or sheathing for such vessels. The committee shall also inquire as to the character and sufficiency of machinery and machine tools in the navy-yards, and also in private foundries and machine shops in the United States, for the construction of engines suitable for vessels of war, and for manufacturing guns for the proper armament of such vessels and of the seacoast defenses, and for the purpose of constructing iron and steel ships of war. Said committee shall also inquire into the best locations in the United States for manufacturing guns, engines, and armor for vessels, and for building iron and steel ships of war, and the best method of manufacturing and building the same, whether by the Government or by contract with private parties; said committee shall have power to sit, and so forth. The expenses, and so forth.

Under that resolution, with myself as chairman, Senator Miller, of California—whose place Mr. SEWELL soon took—Senators Miller, SEWELL, ALDRICH, MORGAN, and M. C. Butler were appointed. Their investigation was conducted the next winter and for a year, for their time being taken up by other engagements, it required nearly a year to make all the visits that they desired to make. That committee, in most cases by a full committee, in others by a subcommittee, visited the following companies, works, and yards:

The Morgan Iron Works, New York City; the Continental Iron Works, Greenpoint (Brooklyn), N. Y.; the West Point Foundry Association, Cold Spring, N. Y.; the Midvale Steel Company and the shipyards of Cramp & Sons, Philadelphia; the Cambria Iron Company, Johnstown, Pa.; the Bethlehem Iron Company, Bethlehem, Pa.; the Pennsylvania Steel Company, Steelton, Pa.; the shipyard of John Roach & Son, Chester, Pa. At Pittsburg: The Edgar Thomson Steel Works, the Pittsburg Bessemer Steel Works, the Homestead Steel Works; Park, Bro. & Co., Limited; the Pittsburg Steel Casting Company; Jones & Laughlin; Miller, Metcalf & Parkin, and the Keystone Bridge Company. The South Boston Iron Works, Boston, Mass.; the Tredegar Iron Works, Richmond, Va.; the navy-yards at Norfolk, Washington, and New York; the army ordnance proving grounds at Sandy Hook, N. J.; the naval ordnance proving grounds at Annapolis, and the torpedo station at Newport, R. I.; also witnessing there the maneuvers of the North Atlantic Squadron in August, 1884.

Two members of the committee, in England during the summer, took opportunity to visit the Woolwich Arsenal, the Chatham Dockyard, the proving grounds at Shoeburyness, and the works of Sir William G. Armstrong & Co. and R. & W. Hawthorn, at Newcastle-on-Tyne, Charles Cammell & Co. and Sir John Brown & Co., at Sheffield, and Sir Joseph Whitworth & Co., at Manchester.

Through Mr. Phelps, the minister of the United States, official permission was kindly and promptly granted to visit the Government works at Woolwich, Chatham, and Shoeburyness, and the private establishments were opened most frankly and cordially.

Mr. MORGAN of the committee visited the Pacific Coast and inspected the Mare Island Navy-Yard, the Union Iron Works, and the Pacific Rolling Mill Company's shops, and so forth. And an accomplished officer of the Navy accompanied the committee as a secretary, you might say, nominally, during this time.

Mr. HALE. What year was that?

Mr. HAWLEY. In 1884 and 1885. After calling a very large number of witnesses from these different firms and after asking their advice, the committee collected from them this volume of information. We came to this conclusion, to which I wish particularly that those Senators who may not have listened to me heretofore will listen. We inquired as to the facilities for doing all this work. Many men said we could not do it, that we had not facilities for it, and so forth. Our conclusions were as follows:

1. The United States is metallurgically independent for all purposes of warfare.

2. The manufacture of iron and steel for peaceful purposes has kept pace with the foremost science and skill of the world. For steel making the casting capacity is ample, but the heavy forging and finishing of guns and armor will require new and costly plants.

3. The machinery and machine tools of the navy-yards are sufficient for the building of engines, but much of it is obsolete and no longer economical; the means of building iron or steel ships are lacking. One yard has a good plant of limited capacity for finishing steel guns—

That is the Washington Navy-Yard—

and has done some good work.

4. As a partial check upon private builders and as a resource in case of necessity, some ships should be built in navy-yards, the parts to be furnished by private foundries. Ships in general should be built by private contract, and private yards are capable of doing the work. * * *

5. Armor plate and engines should be obtained wholly from private manufacturers.

6. The costly experiments of twenty five years have reached a stage which justifies certain conclusions. Guns should be made of open-hearth steel, forged, breech-loading, chambered, of calibers ranging from 5 to 16 inches, of lengths ranging from 30 to 35 calibers. Armor and projectiles should be made of forged steel. The hydraulic forging press produces better results than the steam hammer, costs much less, and should be used for Government work. Ships should be constructed of steel, but certain minor classes may be composite of steel and wood.

Then provided for repairs at any yard or all yards.

7. The manufacture of guns suitable for ships and coast defense should be divided between private foundries and Government shops, the former providing the forged and tempered parts and the latter finishing those parts and assembling them.

That is done.

8. The Government should establish two factories for machine-finishing and assembling guns.

That has been done at the places suggested, the Washington Navy-Yard and the Watervliet Arsenal.

When the determination to contract for heavy guns shall have been reached, the localities for finishing them can easily be determined.

9.—

The committee said—

All needed private capital is ready for cheerful cooperation with the Government in whatever it may require.

We summed up the capital that wished to help in this work of regeneration, and it was $40,000,000, capital that was willing to enter into contracts to build ships, armor, and guns and assist in any part of the work. Then the tenth was the important conclusion:

10. Proposals for armor and guns should require such quantities and extend over such a series of years as to justify private persons in securing the best plant. Payments should be made only for completed work and only the guaranteed bids of persons having capital and experience should be considered.

I say that was the policy from that time until the present, not because any committee discovered it, but because it was the summing up of the opinions of the men in the United States and in Europe who were best qualified. The Governments of France, and Russia, and England made all the experiments that the ingenuity of the Senator from New Hampshire could devise if we gave him the summer to do it in, and fell back substantially upon these identical features, and have been working on them.

As to the putting up of a Government plant, it is wholly and absolutely unnecessary. Nor do I believe in the wisdom of fixing a limit precisely for the manufacture of heavy armor. I do not think it is worth while to do it. I believe in giving your Secretary of the Navy the power that we used to give him under which he made great successes, not exactly an unlimited power, but a reasonably full power, and holding him to the responsibility. We did well under that. We got armor as cheap as it could be made in this country, and as cheap as it could be made in any other country when the difference in wages is taken into account and the difference, of course, in the cost of raw material and of the subsequent manufacturing and finishing processes. The experiment, I say, of gun making by a government altogether for itself is not, to my knowledge, going on anywhere in the world, and I think not as to armor, but I am not quite positive as to that. I know the most of it has been done as we have been doing it.

I think it would be a great deal better to take this provision as it came from the House and reject the proposition which says no contracts for armor plate shall be made at a rate to exceed $400 per ton. I would not only reject the proposition to limit it to $300, but the proposition to limit it to $400 per ton, satisfied that we should do better justice to ourselves and to the subject by that course of proceeding.

When we came to talk with the large manufacturers of steel as to what they would do in this matter, there were several things they insisted upon—contracts running over a period of years and large contracts—otherwise they would not promise to invest from two to four million dollars in the magnificent, the enormous plant that would be needed. There was another thing they could not insist upon, but it was something that I think was said by nearly every Government contractor with whom I have talked, and we have had Government contractors for guns of various styles in my own town for a great many years manufacturing the Colts rifles, the Sharps carbines, and the Enfield rifles that have been made for England or for Russia. The Hotchkiss guns have been made there, and guns have been made for the Government in New Haven.

We have had a great variety of gun factories covering this whole field. A great company is building up in Bridgeport now which proposes to take a heavy share in the manufacture of ordnance, from the 1-pounder Hotchkiss up. There is one expression of opinion that I heard from all those people. It is summed up in this, that the Government is the worst customer in the world; and why? They will tell you in many of those shops that they send inspectors there—in many cases young men of 25 to 30 years of age—who have learned a good deal from the books at Annapolis and West Point, but in practical knowledge of what is a good piece of steel or iron work, and what is sufficiently fitting, they do not begin, any half dozen of them, to equal one of the old mossy heads who have been forty years in the best shops of New England making iron and steel, whose eye is instinctive for everything in the nature of real effect, who will tell you weights by looking, who will tell how a journal works, tell how the nuts and screws work, and all sorts of things, and will give you a good idea of what your gun will be worth before it is built.

Those men do not like to have a youth come there and look on the underside of a gun carriage and find a little scar as big as a dime that no private contractor would think of objecting to, and say on account of it the piece is imperfect, and therefore it ought to be rejected. But they get along, and with all that perhaps they are willing to take the contract for all that. But then, some gentlemen, without any reflection, think that any one of these large shops can begin immediately to make any piece, large or small, from a watch up to the magnificent marine engine without preparation; that they have fair steel-working machinery already. They forget that great machine tools, some of them of great size and enormous cost, must be built in order to carry on the work.

For instance, the Bethlehem Iron Works put up a steel hammer weighing 100 tons, a magnificent mass of steel, which, on dropping on a piece of metal from an inch in thickness to a 20-ton piece of armor, heated to a white heat, would beat it into shape. That machine cost something to manufacture and costs something to work it, and then they changed, or some of them did, to forging by hydraulic pressure, working 20 tons of steel as a housewife works the dough—very similarly to that—putting upon it a great piece of cold steel, which will push it and press it backward and forward into all sorts of shapes. All of those things cost money and take time. They put up—and a magnificent thing it is and was when a committee of fourteen of us, including the distinguished chairman of the Committee on Appropriations [Mr. ALLISON], visited there some years ago—one of the finest works to be seen anywhere in the world, and an exhibition of the power of man in everyday matters.

When they went to all that expense, they did not wish to be met by a contract for one or two or three or four years, or have only a limited quantity of work to do; they did not wish to be bound absolutely to any limit of cost for the future; they did not wish to be told that Congress could come in three years hence and say to them, "You are making too much money at $100 a ton;" they wanted some leeway; they wanted a chance to talk with a wise Secretary of the Navy, and tell him what, in all reason, the work could be done for, and how it would compare with the work done on the great ships of Great Britain or the work done by such wonderful works as the Creusot establishment in France, or with what is being done by Russia, and tell him how much the corresponding work could be done for in this country.

One would suppose from the tone of the speechmaking here that the men who have established these magnificent works were not only entirely destitute of honor, but of patriotism as well. Does not any man who is familiar with the great work of mechanics know that they are proud of every piece of their work and that the most of them would not be willing for anything in the world to turn out an inferior product? They do not like to be employed upon cheap work. They like to do those splendid things which challenge comparison with the Creusot Works, and with Armstrong, and all those gentlemen. They are ambitious, they like their work; but if they are to be spoken of constantly as if they were jewing—to use a disagreeable phrase—as if they were screwing and twisting about and endeavoring to cheat the Government, I am sure many of them would say, "We will endeavor to find heavy steel work in making the shafting for steamers, etc., in private life, and the Government can go and take care of itself."

I think that any gentleman who has been familiar with Government contracts and such work for the last thirty or forty years past, to say nothing of what he may have read of other countries or heard of in his own country, will tell you that it is one of the unwise things to put up a complete Government plant of this sort.

Go to your Washington Navy-Yard, and you will see one of the finest shops in the world, it is true and one admirably conducted no doubt, but it costs a great deal more to do our work there than private people would do the same work for. They take the rough forging, only partly finished, great bands and cylinders for the biggest cannon, and refine them and polish them down to a thousandth of an inch; and you will see them there take great bands of steel 3 or 4 feet in thickness in external diameter and slip them down over a tube as easily as you put your glove on. That work is better divided. There is no necessity for the Government undertaking to manufacture anything that can be well done by private enterprise; it is far better for the country that it should be so done, that the Government may not be cumbered with great Government shops which, as people think sometimes, are likely to be governed by political influences, and the real expenses of the Government are swollen.

It is a far better way also to build ships in the private yards, and they mostly have been so built. Do you suppose that Cramp is not proud when one of his ships makes 19, 20, 21, 22, or 23 miles an hour? He would rather die than cheat the Government in a matter of that sort. He is prouder of the trial trip of one of those steamers than any man in any country is of any decoration his sovereign may have given him. It is in private establishments that things ought to be built.

In accordance with the conclusions of the committee as to ships, we reserve to ourselves the power to provide for ourselves the capacity to build war ships as a sort of protection, as a reserve resort if there should arise any great national necessity.

Our present system is correct. The amendment on page 51, in my judgment, is not put there with the idea of putting up any enormous establishment with a $4,000,000 plant, but as a sort of brutum fulmen against the private manufacturers, which they understand just as well as we do.

I say they will make the best work in the world for reasonable prices if we treat them like gentlemen, and give the Secretary of the Navy some leeway in making bargains with them. You can not restrict this by rule. They are changing all the while the character of that material; they have been improving by their harveyizing, and by the use of nickel alloy, and they are changing the form of the old-fashioned turret, which was simply a cheese box on a raft, as the old *Monitor* was called. Their idea goes to the changing of the turret so as to round it up toward the top and elongate it in the front, with the idea that when they are fighting head on, a shot can hardly hurt that turret, for when it strikes on the side it will strike it on a curve line, and go off over the top. It is a very different thing to build a vessel like that from what it was to build the ordinary cheese-box turret. That is a simple problem upon definite lines, an exact curve all the way round; it is on vertical and perpendicular lines. The other has to have many different systems of forging, and very different tools for cutting the plate down to a proper thickness. You can not make a contract for that work for $400 a ton. The cost will run much above that, but there are minor parts of the steel that might be made for $50 a ton.

The best way, in my judgment, by all means, for the safety of the country and for the sake of the excellence of the work, is to avoid all political combinations, to avoid all unnecessary manufacturing by the Government itself, and to leave this matter substantially where it has been.

Mr. SQUIRE. Without any previous intention of saying a word, the remarks of the Senator from Connecticut [Mr. HAWLEY] have caused me to rise for the purpose of stating in a very few sentences my emphatic concurrence in what he has said to the Senate.

For some years I happened to be engaged in the business of manufacturing small arms not only for the Government of the United States, but for several States of the Union and for foreign countries. I know something of the business of manufacturing arms for the Government, and I know something of the business of great concerns engaged in supplying material of war for the nations of the world. I know something of the relative cost of manufacture by private concerns and companies as compared with the cost of arms manufactured by the United States Government and by other governments of the world, and I venture to say in brief that I believe it to be for the advantage of this Government that it should encourage the manufacture of war material by companies and by private concerns rather than to engage in the manufacture as a Government, or rather than to extend the Government plants already existing for that purpose to any considerable extent.

My reasons for that are somewhat in the line of the suggestions advanced by the honorable Senator from Connecticut. I believe, in the first place, that the Government will get better work by such means. In the second place, I believe that the Government will get the work done at less cost; and, in the third place, I believe it to be unwise for the Government to extend its establishments so as to involve any political question in this business of manufacturing by the Government any further than may be necessary.

It has been shown in the past that in the manufacture of small arms the great companies, such as have been alluded to by the Senator from Connecticut, the Colt Company, of Hartford; the Remington Company, of Ilion, N. Y.; the Sharp Company, and other companies, manufacture small arms at less cost than they have been manufactured by the Government. I believe the lowest cost for the Springfield muzzle-loading rifle during the late war and just after that war was about $13 per arm. Private companies have been enabled to manufacture the same arms at a less cost, and to sell those arms to the Government of the United States at the price of $12.50 per arm. The price of breech-loading rifles sold to the Government, which formerly ranged from $37.50 to $42.50 per arm, has been reduced by private competition so that those private factories are enabled to supply those arms to the Government at a cost not to exceed $15 or $16 per arm.

If those things are true—and I know them to be true in the manufacture of small arms, in which the same system of superintendence, the same system of inspection or relatively the same system of inspection, should be employed as in the inspecting of the great guns manufactured for the Government and by the Government—then I believe it worthy of the attention of the Senate to consider very seriously as to the propriety of the Government of the United States engaging in the manufacture of the great guns or of armor steel. I believe it to be an unwise proceeding, and nothing short of absolute necessity should induce us as a Government to engage in the manufacture of armor plate.

It may be true that these manufacturers have made some profits. I believe they are entitled to all the profits they have made. I am not one of those Senators who would be in favor of jewing down those manufacturers and screwing them down to the last point, so that they would need to dock their pay rolls and dock their employees and reduce their wages. I believe in encouraging those large concerns. I believe in encouraging that class of talent and that class of labor. I believe that we should rather put a premium upon such work; that we should build up such private concerns and such large companies as are willing to engage in this business.

I have had some conference with men connected with some of those large establishments of the present day, men connected with large establishments like the Bethlehem Company, which the Committee on Naval Affairs visited, and which I visited in connection with the business of that committee, and they have said to me that they really did not particularly care for the business of the Government at the rate at which they were receiving under the system of inspection that they were required to adopt. I think it unwholesome for us to persist in an effort to reduce the price of armor plate below what those large concerns can produce it for at a reasonable profit; and, from such investigation as I have been able to pursue personally, I do not believe that the price of $400 per ton is any too much for them to receive.

It may be that in the discovery and in the inventions of the present day, of which we have heard so much of late, that the price of the ore from which steel is produced can be largely reduced. It may be that the cost of those processes may be reduced, it may be that innovations may occur from time to time, but those inventions will only come about through the stimulus that is acquired by reason of the necessities of the case, the competition that will come up, and by reason of the talent that is employed and the experience that is developed. From all this the Government of the United States will reap a large advantage, and I do not think it wise for us to be penny wise and pound foolish in this matter. I believe it would be pound foolish for the Government of the United States to undertake to provide a large establishment for the manufacture of armor plate.

What would be the result? Of course there would be the usual preliminary attention to matters that would take a large amount of time, that would take an amount of talent, an amount of inspection and surveying of the whole question. Time would be required to develop in that direction. Then there would be required the outlay, and it would be necessary to get the proper corps of men, the proper superintendence, the proper inspection; and all those things require some years in order to develop it to the proper degree of perfection. Then, when you have all this, the Government has to establish and maintain a vast establishment, a great company of men, officers, and inspectors, who have to be maintained. I do not think it wise for the Government to enter upon a project of this kind. I do not think it is economical. I believe it to be detrimental to the best interests of the Government.

If I might add a few more words, I believe this policy to be unfair to these companies and to the men engaged in this business. I believe they ought to have encouragement in the future. It was regarded as important during the war in the defensive policy of this Government that there shou'd be large private factories. When we came to consider our sources of public defense, we always counted upon the large private establishments which could engage in the manufacture of arms and in the manufacture of war material. It is an element of strength to the Government.

It so happens that under the policy which has been pursued in the past we have a large establishment on the Pacific Coast for the building of ships—the Union Iron Works, of San Francisco. We also have a small establishment now engaged in the building of a steam torpedo boat and other steam vessels for the Government on Puget Sound, at Seattle, my own town.

I believe in the encouragement of private factories. I believe it is to the interest of the Government to encourage them rather than to concentrate such work into one or two great public establishments on the Atlantic Coast. Therefore I hope this amendment may be disapproved of by the Senate.

I have listened with great interest to the remarks of the honorable Senator from Connecticut, who is thoroughly well informed upon this subject, and to whom we should all look up as an experienced Senator, the chairman of the Committee on Military Affairs, and a member of the Coast Defense Committee, a man who has given great attention to this subject during all the past years, and I venture to say that no man in the Senate is better advised on this subject than the Senator from Connecticut; and for one I feel like heartily seconding his statement in every particular. I do not think he made a misstatement in his speech;

and it was for the purpose of emphasizing what he said that I rose to my feet.

Mr. ELKINS. Mr. President, this amendment carries with it an appropriation of $3,200,000. So far as I can learn from the discussion on this subject, it occurs to me that there is a wide difference of opinion as to what would be the proper cost of this armor plate per ton. One Senator says $300; one committee—the Committee on Naval Affairs—recommend, if I understand it, $300; and the Appropriations Committee say $400. When I read the report of the committee, I find it concludes that this armor plate is worth between three and four hundred dollars a ton.

Now, we are dealing with very large figures here. I know that no committee has ever come before the Senate asking for an appropriation without knowing something more definite than either the Committee on Appropriations or the Naval Committee seem to know about what they are asking here. When the committee comes here and talks about the cost being between three and four hundred dollars a ton, if you will stop to count the difference it is nearly a million dollars. If there is a difference of $100 a ton on each ship, that would be $270,000, and on three ships it would be $810,000. It seems to me that we had much better suspend the construction of these three battle ships than to go on with all the doubt and uncertainty which prevails as to what will be the proper cost of armor plate.

Mr. President, we have a great many battle ships. We have more battle ships than we have seamen to man them—I mean American seamen. If our Navy were called into action we could not man the vessels with American seamen. We have 76,000 seamen, two-thirds of whom are foreigners and one-third Americans. Your building up of the Navy now is something like building a head without a body. You can not sustain a navy without a merchant marine back of it; and we have no merchant marine.

We have more ships to-day than we can man, and why now, in the condition of the Treasury, depleted as it is, should we give this $3,000,000 to go on constructing these three battle ships, especially when there are no two Senators who agree as to what is the real cost per ton of armor plate? I do not think as Senators, trustees of the Government, and as business men called upon to dispose of the public funds and to vote appropriations, that we should do it recklessly. Let somebody ascertain; let the executive department of the Government ascertain what the real cost is, and not tell the Senate that it is between $300 and $400. I never knew so reckless a recommendation to be made when you come to deal with figures of this magnitude. Until the Senator from New Hampshire, leading the Naval Committee, or until the Appropriations Committee, which is assumed to know, or somebody else will find out definitely whether this armor plate is worth $100 or $200 or $300, or $600 a ton, as some say, I do not think we should go forward blindly making appropriations. We are called on here as Senators to vote without any very definite knowledge or information, without any accurate information. The Appropriations Committee has not time to look into the question, and the members of the Naval Committee do not agree even among themselves, and here is a difference of $810,000 in an appropriation of $3,000,000.

Now, suppose the president of a railroad company should make a recommendation to set aside a certain sum to do a piece of work and his vice-president should come in and say, "I recommend $800,000 less," what would be the duty of the board of directors? Simply to wait until they had definite information. We are proceeding without definite information, and if the Naval Committee and the Appropriations Committee can not give to the Senate definite information, in my judgment we had better suspend the construction of these battle ships until we can act intelligently in a matter of such magnitude.

But, Mr. President, my objection to this amendment is to that part of it which seeks to inaugurate the policy of this Government entering upon private business, if you please. The Naval Committee recommend by amendment that in the event that these armor-plate factories—and there are only two of them in the United States—do not take the price per ton Congress names, then the United States is to buy one of their factories and go into the business of making armor plate. One would suppose from the talk here that there were about forty or fifty armor-plate establishments ready to sell to the Government. If some things I have heard be true, some of these armor-plate factories will be very glad to sell to this Government at a million and a half dollars, and with this bill a law, all that the two armor-plate factories have to do is to come together and say, "We insist upon $500 a ton for armor plate." Then the Secretary of the Navy is authorized to buy one of them out and have it loaded onto the Government.

Who knows but what the owners of these factories would like to sell them for $1,500,000?

But suppose, Mr. President, we can not buy one of these plants. Is the Senate prepared now to vote that the Government of the United States shall go into the business of manufacturing armor plate? The Government buys shoes for the Army, buys clothing, buys blankets, and buys supplies of all kinds. What would be thought of a proposition to authorize the Government to establish factories and go into the business of making this article?

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. Yes, sir.

Mr. ALDRICH. I should like to ask the Senator, for information, whether the three battle ships upon which the armor plates are to be used are not now under construction?

Mr. ELKINS. I do not know; I suppose they are. You will have to go to the Naval Committee to find out. I do not know; but the Appropriations Committee ought to know.

Mr. ALDRICH. There is no possibility, I know——

Mr. BACON. Mr. President, we can not hear the question propounded by the Senator.

Mr. ALDRICH. I was asking the Senator from West Virginia whether the three battle ships are not already under contract.

Mr. ELKINS. Suppose they are?

Mr. ALDRICH. Then the armor plate must be obtained somewhere, or else the ships will be absolutely useless.

Mr. ELKINS. Why can you not suspend the contract? The Senator from New Hampshire [Mr. CHANDLER] says that the work has been already suspended for a year.

Mr. ALDRICH. Oh, no.

Mr. ELKINS. What would the ships be worth without the armor, the Senator asks. They would not be worth anything.

Mr. ALDRICH. That is exactly the question I am suggesting to the Senator, who says that we should go out of the armor-plate business, and not buy of these gentlemen or anybody else.

Mr. ELKINS. I beg your pardon. I did not say that.

Mr. SEWELL. If the Senator will allow me, the construction of ships, their frames, and so forth, is one thing, and the contract for armor is a subsequent matter, as it is not needed at the time when the construction of the ship itself is going on, but it is reserved, so as to find out from the Secretary of the Navy as to the proper price to be paid for armor in the future.

Mr. ALDRICH. What I am trying to find out from the Senator is whether it will not be necessary to obtain armor plate at some time from somebody before the ships will be of use?

Mr. ELKINS. It is not necessary for the Government of the United States to appropriate money and not know definitely the price or cost of the thing it buys, or how much it ought to pay. Somebody ought to tell the Senate what this armor plate is worth. There is not a Senator here who says he has definite information on the subject. The committee comes before the Senate and says the price should be from $300 to $400 a ton. When you come to talk about the three ships, it amounts to $270,000 each, and then Senators say a difference of $100 is nothing. But it does mean something; it makes a difference of $810,000 on the three ships. I do not want to vote upon a proposition, as a Senator and as a business man, without knowing whether I am paying too much or too little for what I am buying.

Mr. HALE. How does the Senator then——

The PRESIDING OFFICER. The Chair would inform the Senator that he can not be heard at the desk.

Mr. HALE. I was trying to get the Senator from West Virginia to hear me.

Mr. ELKINS. I can hear the Senator very well.

Mr. HALE. So far as I can judge from what the Senator says, he does not want anything done; he does not think we need any more ships.

Mr. ELKINS. I can tell the Senator I do not like to go forever on in midnight darkness.

Mr. HALE. He wants everything made absolutely clear before he will consent to have any more ships. Now, this year, in what was rather an unprecedented fashion for us, we have put no provision whatever for new ships in this bill; but we have got three ships on our hands which were authorized last year, which have been contracted for, which are being built, and which are absolutely good for nothing and are dead matter unless we supply armor; and we have come to the point where investigation has shown that the prices heretofore paid for armor are too much, and the committee reports a limit of $400 per ton. Now, the Senator wants accuracy, and he can not get anything better than that. One man believes that $400 is too much; another believes that it is too little; but the committee reports $400, and the Senate is going to be put to the test of saying whether $400 shall be the limit. I have no doubt that when we fix that limit——

Mr. QUAY. Will the Senator from Maine allow me to interrupt him?

Mr. HALE. Certainly.

Mr. QUAY. I may be in error as to the facts, but my recollection is, at the last session of Congress the question of the equitable price to be paid for armor plate was submitted to the Secretary of the Navy, with instructions to examine and to report to Congress by the 1st day of January, and that his testimony before the Committee on Naval Affairs and his report to Congress gave evidence

that $395 to $400 was, in his judgment, an equitable price for the armor. Am I mistaken about that?

Mr. HALE. That is a general statement of what took place.

Mr. QUAY. It is very particular as to the amount.

Mr. HALE. Yes.

Mr. QUAY. He gave to the Naval Committee and to Congress the figures fixed by the Committee on Appropriations in this bill.

Mr. HALE. He did, and the price we have fixed is based upon that report. It was a singularly bright and exhaustive examination, and, as I said to-day, it was as good a piece of work as any Secretary has done in years, and it brought light out of darkness to a much greater extent than I supposed it could be done. The report is based upon it and the bill is based upon it, and the limitation is fixed, and if the Senate passes it and it goes through, the contractors will accept it and be glad to accept it.

Mr. ELKINS. How does the Senator know it?

Mr. HALE. I have no doubt whatever as to that.

Mr. ELKINS. Why does the Senator say he has no doubt?

Mr. HALE. I have no doubt whatever for the reason that it is shown very clearly, and the contractors are bright men, that they can furnish the armor and make a profit at that price, and they will not venture to decline to furnish it.

Mr. ELKINS. I do not know how much time I should yield to the Committee on Appropriations.

Mr. HALE. The gentleman can stop it at any time. I do not know of any committee except the Foreign Relations Committee which refuses to have questions asked. I do not know of any other committee that reports things that are not true and then refuses to answer questions.

Mr. ELKINS. I have seen the time of Senators taken away from them by the gentlemen on the Appropriations Committee, one replying to the other, and the Senator from Maine is declaring all the while that this colloquial debate is the best way to get at the facts.

Mr. BATE. We can not hear one word that is being said on the other side. It seems to be a private colloquy carried on there among a half dozen gentlemen on the floor.

Mr. HALE. It is very interesting to the parties engaged in it.

Mr. BATE. I desire to hear what is going on.

Mr. HALE. Now, if the Senator does not want me to go any further——

Mr. ELKINS. No; I want to ask a question.

Mr. HALE. I yield to the Senator to ask me a question.

Mr. ELKINS. If I give way to the Appropriations Committee, I will not get another chance to-night.

Mr. HALE. I yield for a question.

Mr. ELKINS. What does Great Britain pay for like armor?

Mr. HALE. Sometimes one price and sometimes another.

Mr. ELKINS. Please state, if the Appropriations Committee know, what price is paid.

Mr. HALE. Yes; we do know.

Mr. ELKINS. State it.

Mr. HALE. Different prices.

Mr. ELKINS. State some of the prices.

Mr. HALE. They pay in pounds what amounts in dollars——

Mr. ELKINS. State it in dollars.

Mr. HALE. As I say, they pay in pounds what amounts in dollars in some cases to $270, in some cases to $350, and in some cases to $400, and so it goes on at different prices.

Mr. QUAY. It seems to me, unless I err, that the average price is about $540.

Mr. PERKINS. Mr. President——

Mr. ELKINS. Another member of the Appropriations Committee.

Mr. PERKINS. I wish to answer my friend.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from California?

Mr. HALE. I yield the remainder of my time to the Senator from California.

Mr. ELKINS. I want this to be the last member of the Appropriations Committee I yield to to this discussion.

Mr. PERKINS. My friend asks what Great Britain is paying for armor plate. I desire to inform him that another foreign government in Europe, as appeared by the testimony before the Naval Committee, not the Committee on Appropriations, paid these same two companies—the same one company, for they have pooled their issues on prices—only $250 a ton for 2,400 tons of this armor plate, amounting to $600,000, and while the evidence was not direct, it appeared that it was delivered to them in Europe for that price.

Mr. ELKINS. Here is a member of the Appropriations Committee——

Mr. PERKINS. Of the Naval Committee, if you please.

Mr. ELKINS. You are on the Appropriations Committee, too.

Now listen. Here is a member of the Naval Committee and a member of the Appropriations Committee who says that armor-plate contractors in the United States delivered armor plate in Europe—delivered, Mr. President; I put stress upon that word, because it costs at least $10 a ton to get it to Russia—in Russia for $250, but now he, a member of both of these committees, is sustaining the amendment which recommends $400 a ton. The Senator from Maine says he is definite—$400 a ton. I know he is definite, but another Senator, sitting in front of me, who has been Secretary of the Navy, says three hundred and fifty or three hundred dollars. He is groping in the dark, too, and does not know where he is on the question. I want to make myself plain. If nobody charged with finding out these facts knows anything about them, we had better suspend; we had better not have these three battle ships completed. They can stand where they are. The work is going on now, and we can wait for the armor plate until we know what it will cost.

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. What Senator would pay for anything until he knows what it is worth? Would these gentlemen go out into the market and buy clothes, or coal, or wood, or build a house, without knowing what it would cost? Not one of them.

Mr. HALE. The Senator has not located ignorance in the right place.

Mr. ELKINS. I do not know where it belongs. Whatever was done on this subject, nobody can find out anything about it.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. ALDRICH. Is it not true that a large proportion of the uncertainty in the mind of the Senator from West Virginia, and incidentally in the minds of the committees, is due to the fact that the contractors declined to give any definite information as to the cost of armor plate?

Mr. ELKINS. I know nothing about the contractors. The contractors attend to their side of the business, and they do not need a guardian. I think, sir, somebody else needs a guardian in this transaction, not the contractors.

I have no complaint to make of them. If a contractor can get $400 a ton out of the Appropriations Committee or the Naval Committee, who do not know anything about the subject, he will get it, or if he can get $600, he will get it. The contractor is not to blame for that. It is Congress, provided it pays too much.

This is a serious proposition. Here is a difference of $810,000, and the Senator from Maine says he can be definite and he can be positive. Here are the findings of the committee, and let me read one of the findings of the committee or the conclusion of the committee. It recommends to the Senate:

VI.

That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

What is such a report as that worth?

Mr. HALE. Is that in the bill?

Mr. ELKINS. No, sir; it is your committee's finding.

Mr. HALE. It is not in the bill.

Mr. ELKINS. You say you want $400, when the committee tells us it is between three and four hundred dollars. Why do you not adopt what is advised by somebody who under the circumstances is presumed to know? I would never fix the highest price. If somebody advised me that the price of a product was between three and four hundred dollars I would never give him $400; never on earth.

But this is not all. The committee comes here with an amendment. Shall I call it vicious—the worst legislation I ever saw proposed in Congress—and say to armor-plate contractors, "If you do not take our offer we will buy you out?" That is, maybe, just what the contractor wants. "We will give you a million and a half for your plant, if you do not take the contract at this price." What a state of affairs! Here is a factory manufacturing shoes for the soldiers, or blankets. Suppose we should say in a bill, "We are going to give so much for shoes or blankets, and if you do not take that, we are going to give you more than your factory is worth, and run the business ourselves."

Mr. President, there is a principle involved in this matter. This Government should not be committed to the policy of going into private business and enter into the manufacture of armor plate any more than manufacturing army shoes or army blankets. Everybody knows this sort of paternalism is objectionable and unwise. There are some in the Senate who may vote for it, but I doubt whether even the Populists will follow the gentlemen into this kind of legislation.

Mr. HALE. Will the Senator allow me?

Mr. ELKINS. Certainly.

Mr. HALE. Is the Senator in favor of fixing any limitation?

Mr. ELKINS. I am in favor of finding out——

Mr. HALE. No, no.

Mr. ELKINS. In some intelligent way what this armor plate is worth, and then saying that that price shall be given.

Mr. HALE. We are confronted with the bill which we are considering to-night. We have to pass it to-night. I ask the Senator whether to-night he is prepared to fix any limit on the contractors, or does he take the position that he is not ready to fix any limit whatever?

Mr. ELKINS. How on earth am I to know? The Senator is asking me what with all the means at his command he ought to know, and he says, "Will you not fix some price?"

Mr. HALE. No; I do not ask the Senator that. I ask him if he is ready to fix any limit.

Mr. ELKINS. You do not know anything about it. How do I know? You are ready, however, to fix the highest limit, and you may be entirely right. I do not say this is enough, too much, or too little. I simply say we should have more information before voting.

Mr. HALE. I am asking the Senator whether he is ready to fix any limit?

Mr. ELKINS. I am not, because I am not advised.

Mr. HALE. That is what it amounts to. The Senator does not want these contractors to be limited at all.

Mr. ELKINS. I want them simply to get a fair price and make a fair profit. They are entitled to this and should have it, no matter what it is. The Government can afford to be just and fair and not oppress manufacturers.

Mr. HALE. No; the Senator does not want them limited at all.

Mr. ELKINS. It is very easy to ask a question and then put an interpretation on the answer. Let me state to the Senator what I do mean and without asking him to interpret it. Here stands the Senator from Maine with the amendment.

Mr. QUAY. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. QUAY. Would the Senator from West Virginia be willing to leave the fixing of the price of the armor to the discretion of the Secretary of the Navy, who has been directed to examine and report, and who made an investigation and reported upon it?

Mr. ELKINS. I do seriously think before voting we should know something more about this question; I do not believe in giving a Cabinet officer unlimited power about anything.

We often get in the Cabinet a very able business man, but sometimes we make a mistake and get one who does not know much more about business than some of us, and I am unwilling to surrender to the discretion of a Cabinet officer the throwing away or the saving of $800,000.

Mr. ALDRICH. Will the Senator allow me?

Mr. ELKINS. Certainly.

Mr. ALDRICH. Does the Senator from West Virginia seriously think we ought to delay the consideration of this bill until he makes up his mind?

Mr. ELKINS. I seriously think, and I want to emphasize it, that until we know something more definitely about what we are doing we ought to stop. That is safe.

Mr. HALE. Whom does the Senator mean by "we?"

Mr. ELKINS. The Senate of the United States, and not the Appropriations Committee.

Mr. CHANDLER. Will the Senator yield to me for a moment?

Mr. ELKINS. I want to know when these interruptions will end?

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. CHANDLER. I have not interrupted the Senator before.

Mr. ELKINS. I yield.

Mr. CHANDLER. The Senator is very amusing. I want to call his attention to three facts, and then to ask him a question.

Mr. ELKINS. It will be the first fact that has been brought out to-night.

Mr. CHANDLER. There is the report on this subject by the Secretary of the Navy; made at some length and after great care, and it is very precise and definitely stated. There is the separate report, and there is the report of the Committee on Naval Affairs on this question. Now, I ask the Senator if, until to-night when I showed them to him, he had ever seen or heard of any one of the documents before?

Mr. ELKINS. I have seen enough of them, with this kind of a conclusion, and I have to read it again before the Senators can understand it:

> That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

Any report that is so vague and so uncertain, and which, as I try to insist upon and to bring to the attention of Senators, makes a difference of $810,000, is not worth considering. The Senator from New Hampshire, with all his astuteness, would not go down town and buy an article and make any such bargain as he proposes to make as Senator.

Mr. CHANDLER. Let me say a word. The Senator does not wish to be unjust. He is entertaining, but he does not wish to be unjust. The Senator only read three lines of the conclusion.

Mr. ELKINS. That is all I want to read.

Mr. CHANDLER. It is all the Senator wanted to read, but here is a long page.

Mr. ELKINS. Worse than ever.

Mr. CHANDLER. The Senator should wait. Here is a long page stating the Secretary's conclusions, giving $400 as the price, and showing exactly how he arrived at it; showing the calculation of $300 a ton, and then comes this clause, which the Senator will allow me to read:

> While this question was under consideration by the committee, the Bethlehem Company and the Carnegie Company requested to be heard—

Neither company had given the committee any information whatever on the subject, nor had they given the Secretary of the Navy anything—

> and on the 2d day of February Mr. R. P. Linderman appeared for the former company and Mr. C. M. Schwab for the latter company, and for the first time since the investigation was ordered on December 31, 1895, the companies seemed willing to discuss some details concerning the actual cost of making armor, while still declining to permit an examination of their books on that point. They made criticisms of some of the details of Secretary Herbert's report, and the Secretary being present, he made reply thereto, and afterwards submitted a letter dated February 3, 1897. A report of this last hearing, including the Secretary's letter, will be found with the testimony accompanying this report.
> The companies are entitled—

The committee say—

> even at this late day, to receive fair consideration of any facts and arguments which they choose to submit to Congress, and the committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

Following that report the Committee on Appropriations and the Committee on Naval Affairs have gone on to consider the subject. The two companies gave them no information whatever. The committees were confronted with the fact that nearly a year ago the contracts were made for the hulls of these ships, and they found it necessary to provide the armor for those ships, or else to suspend their construction, and the Committee on Appropriations have concluded, under the circumstances, to fix as a limit, beyond which the price shall not go, $400 a ton. They bring in that conclusion, subject to the approval or disapproval of the Senate and House of Representatives, and now they are subjected to the criticism of the Senator from West Virginia, who has no information whatever on the subject and never even had taken it up for consideration until after he began his speech to-night.

Mr. ELKINS. I do not know what the Senator from New Hampshire has against me or why he wishes to impugn my conduct or my motives here. What good does it avail these distinguished Senators to read what the contractors say? You would think that the Senators were in the hands of the contractors. They say the contractors will not tell us. Why should a contractor tell a Senator anything if he does not want to? It is his business; and it is the business of the Senate to find out. It is the business of the contractor to get as much money as he can for a given piece of work. What is strange to me is that the committee is all the time striking the highest price. I do not find any of you wanting $300.

Mr. CHANDLER. The Senator is getting a little wild.

Mr. ELKINS. Not at all.

Mr. CHANDLER. What does the Senator mean when he says he does not find anyone wanting $300, when he is now speaking on my motion to reduce the sum to $300?

Mr. ELKINS. I thought it was $350.

Mr. CHANDLER. It is wholly the invention of the Senator.

Mr. ELKINS. Now I understand this excitement. The Senator said it was amusing a while ago. It is not so amusing now. There is no business man in the world, there is not a man keeping a stand on Pennsylvania avenue, who would go into business this way. I can not torture language. I did not make this report, and I have not read all of it, but I have read enough of it to convince me that there is a very wide divergence of opinion as to the cost of armor plate; and the Senators may argue and debate the question as long as they wish, but they can not get away from the fact that there is a difference of $100 on every ton. Now, that is the question, and as a business man will we submit to this sort of legislation not founded on facts? No Senator on either the Naval or Appropriations Committee will say that he has an accurate knowledge as to the cost of armor plate.

I am asked would I seriously do this and seriously do that. I want to say to Senators that I would suspend work on these battle ships now and here, because there is no danger of war. The Senate is going to adjourn very soon, and the arbitration treaty is going to be considered, and the Cuban question is out of the way. Julio Sanguily is out of jail, he is pardoned, and there is no prospect of trouble in that direction. There is no use for haste. All sorts of rumors are afloat, that the plate can be made for $100 and $200 and $250, and because the contractors will not tell the Senator from New Hampshire what it is worth he says, "We will go on groping in the dark."

The Naval Committee and the Appropriations Committee are on the best terms. One represents $300; the other represents $400. How are we Senators, who have no means of getting information, to decide this question? We are to be advised by the committee, and what the contractors may say or what the contractors may do is of no avail to us. What the contractors say has nothing to do here. It is not the fault of the Senate if the Appropriations Committee has not brought its attention to what armor plate will cost, and I want to repeat with some emphasis that there is not a Senator advocating the appropriation of $2,000,000 or $3,000,000, with a Treasury bankrupt and empty, who would go out into the business world and do business upon any such basis as proposed in this bill. I want to say further that what is good as between individuals from a business standpoint is good for this Government. We should be just as careful with the Government's money as with our own, and if Senators were building ships, providing armor plate out of their means, they would find out in some way, no matter if the contractors sealed their mouths and locked them, whether they would pay for an article when they did not know what it was worth.

This is a serious question. There is no use to try to divert the attention of the Senate from the real issue, and I want simply to say to Senators that for their sakes, and for the sake of the United States Senate, we had better stop the construction of these ships.

Why make this mad haste? What for? There are some wild reports about war. We are not going to have any war. I believe in building a navy, but build it according to our means. I want it further understood that I am making no expression of opinion as to what the armor plate is worth. I can get no light from the distinguished Senator who has this measure in charge nor from the members of the Naval Committee. There is a difference of $100. The Senator from Maryland [Mr. GORMAN], I believe, wants more. I do not know. He seems to understand the question. I see him in his seat now, and I tried to ask him whether he was for $300 or $400 or $600.

Mr. HAWLEY. He reported $400.

Mr. ELKINS. Do I misrepresent the Senator when I say he is for $400.

Mr. GORMAN. No.

Mr. ELKINS. You stand for $400. You want to pay these contractors $400.

Mr. HAWLEY. Not more than $400.

Mr. ELKINS. Not more than $400. That Senator is an able Senator; he is a business man. I know too well if a man went to him and said something was worth between three and four hundred dollars he would never get $400.

Mr. STEWART. Will the Senator from West Virginia allow me?

Mr. ELKINS. Certainly.

Mr. STEWART. Does not the Senator know that it is because the contractors will not tell?

Mr. ELKINS. That is what the Senator from New Hampshire read, and he says therefore we must give $300, and this Senator says we must therefore give $400, and the Senator from Maryland says, "Amen, I will give $400," and we who have to vote must follow blindly this indefinite and vague proposition—this light that goes out in darkness and looms up again.

I want to bring some business principles to bear in this discussion. This is a proposition to take the people's money out of the Treasury of the United States. We are the trustees charged with the payment of this money, and the Senators on the Appropriations Committee are especially trustees of the Government. The great Appropriations Committee come in here and say, "Oh, we must hurry through." The Senator from Maine is impatient. When a Senator who has had two years of probation, who has been waiting and listening and hearing others talk, with no opportunity to express himself until now, speaks, he becomes impatient and does not want to hear him.

I am not here to make any war on the contractors. I do not blame or oppose them. I am not here to say whether armor plate is worth $300 or $500, and I do not find any other Senator who knows any more about it than I do—not a bit more. Therefore I think I am right in insisting, when there is so much doubt about a proposition, when there is such want of information involving a difference between the two estimates—one $300 and the other $400, amounting in the aggregate to $900,000—that work on these battle ships shall be stopped for a year. How can that prejudice the public interests? We hope with the incoming Administration to fill the Treasury with money. Then we can pay it out; but I will insist then on knowing for what we are paying it. I do not want to lay too heavy a burden on a bankrupt Treasury.

In another year perhaps the Government will have more money. We have promised to put money in the Treasury under a proper system of taxation, and let us wait until we get it. It is the people's money, taken from them by taxation. I fear sometimes that we forget where the money comes from which we are called on to appropriate. It comes from the people's hard earnings; and then a Senator, with a wave of his hand, says, "Oh, three or four hundred dollars, that is not much difference on 1 ton of steel." Three or four hundred dollars! Why, nine-tenths of the people of the United States only have an average income of $400, and live on this amount.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. Yes; he is not on the Appropriations Committee. I hope he will know something about the question.

Mr. BUTLER. The Senator was making such a patriotic statement that it was bound to bring a Populist to his feet, because we can approve such sentiments. I was very glad indeed to hear him say that he wants to have more money, and to express a deep regret at taxes being wrung from the people when money is scarce. I want to congratulate the Senator from West Virginia upon that position, that he is opposed to taking more taxes out of the people until the amount of money is increased.

Mr. ELKINS. No; I beg pardon. Do not put that in my mouth. I did not say more money. The Senator is as bad as the members of the Appropriations Committee. He can not get up here and state a proposition fairly. I said nothing about more money. I said more money in the Treasury.

Mr. BUTLER. You are not in favor of the people having more money?

Mr. ELKINS. There is plenty of money in this country to do its business. The gentleman must excuse me. I do not want to take up too much time of the Senate.

The PRESIDING OFFICER. The Senator from West Virginia is entitled to the floor.

Mr. BUTLER. He is not quite so good a patriot as I thought he was.

Mr. ELKINS. I know the impatience of the Senate, and I want to address myself a little further to this amendment. I do not know who is the father of it. I think the Appropriations Committee is not willing to accept its paternity, and I am told it is the amendment of the Naval Affairs Committee.

Now I wish that Senators would listen to the reading of this:

In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed—

Four hundred dollars per ton. That is what it means.

Mr. HALE. We have not reached that amendment.

Mr. ELKINS. They have to be argued together. One depends on the other.

In case the Secretary of the Navy shall find it impossible to make contracts for said armor within the limits as to price above fixed, he shall be, and hereby is, authorized to lease, purchase, or establish a Government armor factory of sufficient capacity to make such armor and to proceed to manufacture the armor necessary for said three battle ships.

Now, I venture to say that the parallel of that sort of legislation is not in the history of the Government. It is a direct menace to business men—"Now, if you do not do what I want you to do, then I will go into the business myself; I will establish a factory, or I will buy one of your plants out, or I will purchase buildings." I want to call the attention of Senators to what it costs—$1,500,000. I would not put that in the power of any Cabinet officer. In the first place, I want the Senate to condemn in an emphatic way this first attempt to enter upon the principle of the Government entering into private business.

In executing this authority he shall prepare a description and plans and specifications of the land, buildings, and machinery suitable for the factory; and shall advertise for proposals to furnish such land, buildings, and machinery as a whole plant, or separately—

But it says he may lease or purchase. And he shall appoint an armor board, and so forth.

Now, Mr. President, in the first place, to take $3,000,000 out of the Treasury of the United States is a serious proposition, but not knowing what we should pay for an article is worse. But, beyond this, it is absolutely wrong to encourage, or foster, or vote for any principle that authorizes the Government to enter into private business. The Government is not ready to enter into private business. As I said, she might as well enter upon making shoes and blankets and clothing for the Army, for this is all connected with war. If I had my way, if I could persuade members of the Appropriations Committee, I would simply strike all this out and say "For the present we will suspend work upon battle ships until we know what this armor plate costs." The only excuse for the Appropriations Committee is that the armor-plate people will not tell them what it costs. Then we should wait until we know definitely what it costs and allow the contractor a fair profit, no matter if the price be three, four, or five hundred dollars per ton.

Mr. TILLMAN. Mr. President, from my brief experience in this body I sympathize very much with the feeling of helplessness and ignorance which the distinguished Senator from West Virginia [Mr. ELKINS] has confessed; and, even though I am a member of the Naval Committee and have devoted as much time as I could spare from my other duties here to the business of familiarizing myself with the subject-matter intrusted to our care, I do not feel

able to give him all the light that he asks for on this question of armor. But I do feel able to give him enough light, and to give the Senate enough light, to show that there is nothing connected with the recent history of this Government—no expenditure—so reeking with fraud and so disgraceful to those who are responsible for it.

If we go back and trace the history of this armor-plate manufacture we find that during Mr. Cleveland's first term, when Secretary Whitney began what is known as the construction of the new Navy, the manufacture of armor according to the most approved methods was an unknown thing in this country, and that there was no plant capable of performing that work. The largest steel plant in the country at that time, I believe, was at Bethlehem, and Congress wisely, perhaps (I shall not pretend to say it was not wise), entered not into a contract, but it authorized the Secretary of the Navy to enter into a contract with the Bethlehem Iron Works by which they were to construct a sufficient addition to their already large steel works to make this armor. The price fixed was away up yonder, some $600 or $700, I am not familiar with the exact amount, but it was $600 or $700 per ton, and it was generally understood in the debates and in the newspapers that the enormous price was given by reason of the fact that an enormous expenditure of three, four, or five million dollars was necessary, and the Government proposed by this large price to reimburse the Bethlehem Manufacturing Company in the contract which would then be let for its outlay. The proof is overwhelming in these reports, in the testimony taken before the Naval Committee in the investigation last winter, that the plant at Bethlehem, which was constructed in addition to what they already had, has been paid for twice over by this Government absolutely, and that they have made a present of it to the Bethlehem Company.

In a year or two after the contract was entered into at Bethlehem the new Secretary of the Navy, Mr. Tracy, finding that the delivery of armor from Bethlehem did not keep pace with the needs of the Navy, or for some other reason—that was the ostensible excuse—without authority from Congress, entered into a contract of his own with the Carnegie Works at Pittsburg, by which they were to receive the same price for the armor that Bethlehem was receiving, and he thereby hoped, as he explained, to bring about competition in the price of armor, and have two plants instead of one, and thus enable the Government to obtain all the armor it might want in the construction of the new Navy at reduced prices after a while.

The construction of the new Navy has gone on. It is getting to be rather respectable. It has cost us an enormous sum. Last winter, when the Venezuela war scare was on, the proposition came from the House to increase the Navy by four battle ships. There was a struggle here to reduce it to two, but we compromised on three, as I foretold would be the case, because there are only three navy-yards in this country that can construct such ships. Each one of them got a ship, and they, in collusion, agreed as to the price they would bid on those ships, and no doubt we are to-day paying a million dollars bonus or a million and a half dollars clear profit over and above a reasonable sum for their construction.

But the question of armor to put on these ships was under investigation by the Naval Committee, and all we could do in this body as to the reduction that should be had was to put it off and forbid any contract being let out for armor plate until an investigation was had by the Secretary of the Navy. The Secretary of the Navy made that investigation. It is here. It is full and complete. The Naval Committee has had this matter under consideration during the whole year; we have paid more attention to it than any and all else before us; and notwithstanding our ignorance (and I confess we are still ignorant), we have learned enough to know that these two companies, instead of competing with each other in the manufacture of armor, are to-day in collusion and have formed a trust; that they fix the price absolutely, without any regard to justice, without any regard to the liberal manner in which the Government has treated them in the past, without any regard to the fact that the price they have received, amounting to about $15,000,000 for plates they have already manufactured, has paid them back fourfold for the expenditure they paid out, and that they have had large dividends on account of the investment besides.

Mr. Herbert comes forward and makes a report based on the best information he can obtain as to the construction and cost of armor in Europe, and then he takes up the reports of the Carnegie Company and the Bethlehem Company. He went to the auditor's office at Pittsburg to find out the profits they had returned for taxation. He analyzed every bit of the information he obtained, and here are his conclusions:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	$250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors	20.00
Making	395.00
Or in round numbers	400.00

And that is the way the $400 figures have been reached. We have constructed these armor factories, we have given them to these people, we are asked to give them 50 per cent profit upon the reasonable cost of the manufacture, to give $10 extra as a bonus on guesswork, and reach $400 as the basis of the Naval Committee.

I will say here that the reason why there is some ambiguity or a little latitude in the report of the committee as being somewhere between $300 and $400 was in order that the Naval Committee might come in here like a band of brethren upon a united report without any minority battle to be fought.

The Senator from New Hampshire [Mr. CHANDLER], who has been largely instrumental in getting up this investigation, whose ability nobody questions, is here asking us to go back to $300 as a fair price, and here are his conclusions as to why that is enough.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

Now, Mr. President, the proposition here is to limit this price to $300 or have the Government go into the manufacture of armor on its own account rather than submit to further imposition. Those who are accustomed to hold up their hands in horror at the idea of the Government going into business, who see the specter of the subtreasury or the Government ownership of railroads in everything brought in here to take the trusts by the throat and cause them to relinquish their grasp upon the throats of the people, say, "Oh, no; we can not have the Government do anything on its own hook except to sit down here as the agent and tool of these corporations and trusts, wring from the people their hard earnings in taxes, and turn them over to these robbers." That is the business we are engaged in. That is what we are here for, and that is why all of this discussion is being raised here as to the Government not going into business and buying or erecting a plant of its own for the purpose of making armor. How else are we to do under the law which requires us not to purchase abroad one bolt or one scintilla of material which goes into these ships, which limits us to home manufacture? How are we to break the grasp of this trust?

The theory advanced in this body as we heard it discussed here in regard to the monopolies in the District of Columbia in the matter of electric lighting and gas is that Congress can regulate monopolies here, hold them down and make them put their prices at whatever we please; that we can control monopolies. I say here that the evidence is overwhelming in this electric-light business and everything else, that instead of our controlling monopolies, monopolies have the Senate in their breeches pockets.

Mr. President, I grow so indignant when I trace the history of this iniquitous business that I am apt to say harsh words, but God knows I believe every utterance I have made here is true. I would hate to believe or even to insinuate that these people have their paid agents in this Chamber. I would hate to suppose or suspect——

Mr. HAWLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. HAWLEY. Does the Senator dare to say that, or even dare to insinuate it?

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. I dare say that as far as I can see and understand the situation here I can explain it upon no other ground except that there must be men here who are the agents of these trusts.

Mr. HAWLEY. I say that is a disgraceful slander, unworthy of any gentleman.

The PRESIDING OFFICER. The Senator from South Carolina will proceed.

Mr. CULLOM. And in order.

Mr. TILLMAN. I might say that none but the galled jade winces.

Mr. HAWLEY. If the Senator applies that to me, I have a very sufficient answer.

The PRESIDING OFFICER. The Senator from Connecticut must address the Chair and be recognized before he can interrupt a Senator on the floor.

Mr. HAWLEY. I beg pardon of the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. HAWLEY. If the Senator addresses any language of that kind to me, I have a sufficient answer.

The PRESIDING OFFICER. The Senator must not proceed to speak until he is recognized by the Chair.

Mr. HAWLEY. I accept the rebuke.

Mr. TILLMAN. I said I would feel ashamed to even insinuate that there were men here who are so lost to their duties to the men who sent them here and to the States they represent as to be guilty of this, but I am bound to put two and two together. I am compelled, as an honest man, to speak what I believe to be true, and so help me God, unless this be true, then I can not explain it upon any other hypothesis.

Mr. President, to go on with the question as to the Government going into business, who conducts this vast and complex machine of handling the mails, a business ramifying into the remotest corners of this country, covering every State and county and hamlet, a monopoly created by the Government and made self-sustaining almost in spite of the facts brought out here and notorious to everybody that everything else has gone down in the last twenty years except the compensation of these corporations for transporting the mails? The cost of manufacturing steel rails is one-half what it was fifteen years ago, when these contracts were begun, or ten years ago. Everything now, almost, is reduced by reason of the shrinkage in the volume of money; yet the armor-plate trust, created by the money of the Government, acknowledged by the Secretary of the Navy to be a trust, is to have its hands thrust deep into the coffers of the Treasury, into the pockets of the people, and when I get up here and try to expose their iniquities and proclaim my belief that there is dishonesty in it—fraud, peculation—I am twitted. I do not want to say anything harsh. God knows I have got enough vitriol in me now, and I could let out a heap of it. I will try to go on with the question.

On what do I base these charges? Here is the conclusion of the Secretary of the Navy, as to his belief that there is a trust in the manufacture of armor, which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.

Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

Mr. TILLMAN. Here we have the representative of the Government in the control of the Navy Department, the man charged last winter by this Congress with the duty of investigating this question, and who has done it fully and thoroughly, proclaiming his belief in a combination, and yet he has acted so liberally that after arriving at such a conclusion he allows them 50 per cent profit in order to make the price $400.

What other business in this country, except that of those conducted by trusts and monopolies, now earns 50 per cent, or 30 per cent, or 20 per cent, or 10 per cent? Why are these millionaires to be given 50 per cent profit after we have created the factories and presented them to them? Why, I ask, unless, as I said, it be because they have their "friends" in this Chamber?

Mr. President, if the statement were made, the proof produced that the Treasury was to be looted to the amount of two or three million dollars in a transaction, and there was no doubt about it, and men got up here and said, "We can not help it; we must let this go on; we can not have the Government go into competition in business; we have got a monopoly here, created by ourselves, two corporations in combination; they have the Government down; they have their hands in our pockets, and we can not help it," what other conclusion can be reached but that we are sharing in the booty? Let me ask why we can not help it? We can help it if Senators will rise to a sense of their duty, will consider that the country is looking at us, and we are already considered a body disgraced by reason of our lack of ability to do business according to the dictates of Wall street. We do not hurry up enough. We do not obey orders. The touch of the electric button between Wall street and the Senate has been broken somehow in the last year or two on the financial issue; and the newspapers are turned loose on us like a pack of sleuthhounds to abuse and slander and misrepresent the Senate. If the Senate does this thing in the broad light of day, in the face of the facts produced by its own committee and by our Secretary of the Navy, how can we escape the condemnation of honest men as being the paid agents of these corporations?

But there is another phase of this armor business that is even blacker than this. In 1894 a big complaint was made through the newspapers, a furore created as to frauds in armor plate. The charges were that the Carnegies were not complying with their contract even at the high price we were paying them, $650 a ton; that they were putting off on us spongy material, rotten material, untempered material, as armor plate at that price. The Naval Committee at the other end of the Capitol got a resolution through that body instructing its committee to investigate these questions. They sent for the manufacturers themselves. They did not go out in the highways and byways and look up this informer or that spy, and men who had been turned off by the company; but they sent for the superintendent and the manager of the Carnegie Works and the others connected with the manufacture of those plates and asked them questions, took their own admissions, brought in no other testimony except that which Carnegie's men themselves made; and what did they report? Here are the charges made against the company, which were admitted by the agents of the company who appeared as witnesses before the committee. I want the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. TILLMAN. Now, gentlemen, those of you who do not feel so thin-skinned, who know you are honest, who feel that you are the agents only of the people of the States which you represent, please listen.

The Secretary read as follows:

THE CHARGES AGAINST THE COMPANY.

[Congressional Record, August 23, 1894, page 8638.]

First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

Second. False reports of the treatment of the plates were systematically made by the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"The contractor shall state for each article in writing the exact treatment it has received."

The specifications of the contract of November 20, 1890, paragraph 164, says:

"A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector."

Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

Fourth. Specimens taken from the plates both before and after treatment to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.

Seventh. Various specimens selected by the Government inspectors were re-treated without their knowledge before they were submitted to test.

Eighth. Plates selected by the Government inspectors for ballistic test were re-treated with the intention of improving their ballistic resistance, without the knowledge of the Government inspectors. In one case, at least, the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619 after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.

Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.

Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges.

Mr. TILLMAN. Mr. President, those were the charges, and the testimony is there to show that every word of them was admitted and confessed before a committee of the House of Representatives, and that House, without a division—because even the Republicans over there dared not face their constituents for reelection and fight the investigation—passed a resolution to have certain plates taken

off the vessels of the Navy and have them put through the necessary test to show the frauds and prove them. Mr. Carnegie was fined by the Secretary of the Navy and, by some hokus-pokus, this glorious President of ours, who, God be thanked, goes out of power in two days from now, remitted that fine. The thieves were caught; they confessed that they had robbed the Government; the House of Representatives sent to you a resolution to have certain plates tested upon your new Navy to prove the frauds which had been practiced upon the Government.

That resolution came over here and went to sleep and died without action, and Mr. Carnegie sports his steam yacht and floats back to Scotland to his game preserve, and writes gold-bug literature to tell the American people how they ought to behave themselves. He can come to Congress and come to the President, and get such recognition as he has had. Why should he not sport steam yachts and live in palaces? Why not? He can conduct private business; yes; oh, yes; but we can not. We can not compete with him, because there is too much red tape here, too much eight-hour law, too much this, too much that, too much t'other created here by political influences to stop the wheels of an honest Administration and to rob the people and make millionaires at the expense of the paupers, who are growing more and more numerous every day. Then, when I get up here and bring these facts to the attention of the Senate and ask the Senators if they do not propose to convict themselves in the eyes of the people of being in collusion with these men, of being only their greedy and paid agents, a Senator gets up here with his thin skin and undertakes to twit me with being insulting and slanderous!

Why was not that resolution passed here and those plates taken off? Why? Why? Here is a list of the ships of our new Navy—our boasted new Navy, the one we love so, and that we pet so. This is only a partial list of the ships the plates on which were confessed to have been plugged up, or not tempered, or some other thing which would weaken them and make them worthless, and not according to contract.

Four on the *Monterey;* 6 on the *Monadnock;* 8 on the *New York;* 4 on the *Amphitrite;* 3 on the *Terror;* 3 on the *Oregon;* 3 on the *Olympia;* 6 on the *Indiana;* 4 on the *Massachusetts,* and so on.

You were asked to cooperate with the House and to have those plates taken off and tested before the Government paid for them, and you would not do it. Why did you not do it? [A pause.] Do not everybody answer at once [laughter], especially you people who think I am slandering the Senate. Why did you not do it?

If we get into a war with Spain or anybody else and those ships of ours go out to meet an honestly constructed vessel of equal strength, a shot from one of those vessels plunging through one of these spongy plates which have been plugged up would send our American vessel with 600 or 800 men to the bottom of the sea by the frauds perpetrated by these pets of the Senate. Then what will your responsibility be?

Now, are you ready to continue these monopolists in their grab game of looting the Treasury at will? You can only help it by authorizing the construction of a plant which will make armor for the Government in case these monopolists will not submit to a decent price. Our committee tells you that $300 will allow them 33 per cent profit, while the Secretary of the Navy, in order to reach $400, has to give them 50 per cent profit and $10 a ton bonus.

Why should you not reduce the price to $300 and say, "Now, you robber rascals, if you do not come here and take this work at a reasonable price, we will make it ourselves, even if it costs $500 or $800 a ton." We would at least have then the satisfaction that the money that is spent would go to the common laborers and mechanics, the "men in blouses," who are going into the ditch with my friend from Pennsylvania [Mr. QUAY], or, I believe, he is to go into the ditch with them. [Laughter.] Now, my friend, if you do not vote to fix the price at $300, we will know that you do not mean to go with them.

The eight-hour law and the red tape in connection with Government administration in conducting its own affairs is such that it costs the Government more. But let us distribute the benefit among the masses and not concentrate it upon these two pets, the Carnegie Company and the people at Bethlehem, who have had a rich, rich, rich reward for their "patriotism" ten years ago in going into the manufacture of armor so that Americans could have a navy constructed by Americans out of American material. You are face to face with it, gentlemen; you can not dodge it. That is the situation.

This committee comes here and says that these frauds were perpetrated, and they proved it by the admissions of Carnegie, and you did nothing about it, and would not even investigate. Carnegie was fined, but the fine was remitted. The two plants were in collusion, and the Secretary of the Navy said so before the committee, and I as an humble member of that committee directed all the inquiries I put to them to bring out the fact that they to-day are practically one corporation. They did not deny it. That is the situation. You can not help yourselves from taking whatever they offer, unless you do now allow the Government to make its own plant. I would not say buy any plant, because there are only two for sale—they are the only two in the country—and we open the doors to buy what we paid for to these people, and we were asked to give them two dollars for every one the plant cost.

They have got it; they have got the title; and now you say "We will buy it." I would rather build a new one. Any honest man who resents robbery and rascality and stealing would rather build a new one than let these thieves have their own way. I would sooner see them become useless if the Government enters into the manufacture. That is my position. I am not afraid to get up here and say what I think and what I believe when you give me facts like these to base my belief on. Nobody from Connecticut or anywhere else is going to terrorize me. I am not thin skinned. I am not afraid of being accused of stealing if I did vote for the subsidy for the Southern mail last night. You men who have been here so long, who are so friendly, so loving and kind in your consideration toward the great wealthy combinations—you are the men who have to face the alternative of voting for a decent reduction in the price of armor and giving us a way out by allowing us to construct a plant if these people will not come down to a decent rate; you have got to vote one way or the other.

You have voted for these people in the past without regard to public opinion, and I dare say you will vote that way to-night. The old guard never surrenders. But there is a young man in the Senate from West Virginia, a weakling, a suckling, like myself, who feels his inability here to get in touch with the business of the Senate, and sits here and sees things ground out; and you get up and quarrel like schoolboys or like geese over some little pitiable $10,000 or $5,000 or $3,000 proposition, and you slide through these millions like greased lightning [laughter]; you do not even discuss them; you do not even ventilate them. Here is one that the Naval Committee brings to your attention. We prove these charges; we prove not only that they are robbing the Government, but that they are practicing fraud upon the Government in the manufacture of armor, and they have not been punished for it. Will you stop it, or will you not? Will you allow the Government to go into the business of manufacturing armor if the Government must pay these people twice what the armor is worth?

I went down to Bethlehem. I followed that thing through from the ore at the beginning to the finished plate at the end. I saw how many men were at work; I saw the machinery; I saw the entire output and how it was handled; and I do not believe it costs $200 a ton to make it. I am ready to take an oath to that, and others of the committee think so, too.

But the Naval Committee tries to be harmonious. We come here with what we think is a reasonable proposition, a liberal proposition, to give these people $300 a ton, and it is left for the Senate to decide now whether we shall reduce the price to $300 or will allow the Government a way out by giving it an opportunity to make its own armor if it can not buy it at that price.

Mr. President, I have only to say in conclusion that I would be glad if somebody would ask some question about this, for I have probably forgotten some points about it.

Mr. STEWART. I would ask the Senator the cost of the same kind of armor in other countries?

Mr. TILLMAN. We found out that all the armor manufacturers in the world are in the same combination that these two American concerns are—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government all in a pile. So that if you go abroad, you will only get on the other prong of the fork. You do not want to go abroad. I would rather pay the American workmen $10 a day for six hours' work, and let this money be distributed among the masses, than allow it to go into the pockets of the combination here. Let us do the Government business through Government agencies, and then these combinations against the Government will be in vain.

(To Mr. QUAY, who had risen.) Now I am ready for the Senator, who is the blouse Senator. [Laughter]. I am afraid he is not with the workingman. I know how he is going to vote.

Mr. QUAY. There is no difficulty about the way I am going to cast my vote on this question; but I merely desire to ask the Senator from South Carolina whether I understood him to say that this amendment, proposing to limit the cost to $300, comes from the Naval Committee and is offered by the authority of that committee?

Mr. TILLMAN. It comes in this way. The Senator from New Hampshire and all of the committee, except four, were in favor of fixing the limit at $300, but out of consideration for the other members of the committee, and with a desire, as we thought, to be reasonable and to get some action—mind you, we have got to run the gantlet of the House, and everybody knows how the trusts are fortified in that end of the Capitol at this time, with the gag law in full force and effect, with every man manacled and unable

to obtain the eye of the Speaker or get a chance to say a word, unless he crawl around on his belly like a worm—for a free American Representative in Congress has got to crawl around like a whipped cur to obtain recognition. You can not do anything over there; and unless the Senate rises to its duty and protects the people, then the steal goes on. The majority of the committee are in favor of $300 a ton.

Mr. QUAY. But they did not direct this amendment to be offered on the floor of the Senate.

Mr. TILLMAN. We did not direct it.

Mr. QUAY. That is all I want to know.

Mr. TILLMAN. We did not direct it, because we knew that we had to pass the gantlet of the great moguls of the Appropriations Committee, and we proposed to come in here, where we would have a better chance, and ask you gentlemen to give us some consideration. Let the Naval Committee take charge of the Navy, instead of you gentlemen of the Committee on Appropriations managing it, because we do know more about it than you do, although you are all-wise and have been here long enough to have wisdom die with you whenever you go out of here. [Laughter.]

Mr. QUAY. I move to lay the amendment of the Senator from New Hampshire on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to lay upon the table the amendment of the Senator from New Hampshire reducing the price to be paid for armor from $400 to $300 per ton.

Mr. HALE. The Chair has just stated the amendment which I was about to ask should be stated.

Mr. TILLMAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], who is not in the Senate; and I therefore withhold my vote.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], whom I do not see in the Senate, and therefore I withhold my vote. If he were here, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. WILSON (when his name was called). I announce my pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE], and therefore withhold my vote.

Mr. QUAY (after having voted in the affirmative). I did not observe when I voted that the Senator from Alabama [Mr. MORGAN] was out of his seat. I desire to withdraw my vote, being paired with him.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The PRESIDING OFFICER. The Senator from North Carolina has not voted.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote. If he were here, I should vote "nay."

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent, and I think he has a general pair with the Senator from Maine [Mr. HALE]. If my colleague were present, I understand he would vote "nay."

Mr. BURROWS. I have such an understanding with the Senator from Louisiana [Mr. CAFFERY] with whom I am paired that I think I am justified in voting; and I vote "nay."

Mr. BATE. I desire to state that my colleague [Mr. HARRIS] is detained from the Senate by sickness, and that he is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 12, nays 36, not voting 42; as follows:

YEAS—12.

Aldrich,	Cullom,	Hale,	Murphy,
Allison,	Gibson,	Hawley,	Squire,
Brice,	Gorman,	McMillan,	Wetmore.

NAYS—36.

Allen,	Carter,	Gray,	Platt,
Bacon,	Chandler,	Hill,	Proctor,
Baker,	Chilton,	Kenney,	Shoup,
Bate,	Clark,	Lindsay,	Smith,
Berry,	Daniel,	Lodge,	Stewart,
Brown,	Dubois,	Mills,	Teller,
Burrows,	Faulkner,	Peffer,	Thurston,
Butler,	Frye,	Perkins,	Tillman,
Cannon,	Gallinger,	Pettigrew,	White.

NOT VOTING—42.

Blackburn,	Hansbrough,	Mitchell, Wis.	Sherman,
Blanchard,	Harris,	Morgan,	Turpie,
Caffery,	Hoar,	Morrill,	Vest,
Call,	Irby,	Nelson,	Vilas,
Cameron,	Jones, Ark.	Palmer,	Voorhees,
Cockrell,	Jones, Nev.	Pasco,	Walthall,
Davis,	Kyle,	Pritchard,	Warren,
Elkins,	McBride,	Pugh,	Wilson,
Gear,	Mantle,	Quay,	Wolcott.
George,	Martin,	Roach,	
Gordon,	Mitchell, Oreg.	Sewell,	

So the motion was not agreed to.

Mr. PERKINS. Only a word in relation to this matter, in behalf of the Committee on Naval Affairs, in answer to my friend from West Virginia [Mr. ELKINS].

The Committee on Naval Affairs had this question before them for weeks. They gave it thoughtful and careful inquiry; they heard testimony of those who were engaged in manufacturing armor plate; they had before them the exhaustive, comprehensive, and accurate report of the Secretary of the Navy, a most valuable contribution of information in relation to this subject-matter, and after discussing it for days, and after patiently listening to the testimony and endeavoring to analyze it, we agreed upon an amendment, or the recommendation which my friend from West Virginia characterizes as unheard of, full of incongruities, and not at all worthy of that committee. That report was that a fair price for armor plate would be somewhere between three and four hundred dollars per ton.

I want to say to my friend from West Virginia that when he was Secretary of War, where he so faithfully discharged the duties of that high position, there were thousands of estimates made for doing work which were submitted to him and which had his approval at a high estimate, which, upon advertising for bids, was offered to be done for 20, 30, and 40 per cent less than the estimates made by the corps of Government engineers. I have in mind an instance which came under my observation during his administration, where it was estimated by the Corps of Engineers that the work would cost 15 cents a cubic yard, and later a contract was let for 8 cents a cubic yard for doing the work, and my distinguished friend approved that very proposition.

So your committee believed in making this recommendation that the matter should be left discretionary to the good judgment of the Secretary of the Navy. The amendment simply limits the maximum amount for which he may let a contract for the manufacture of armor plate, and I say to my friend that as business men, with prejudices against none, biased in favor of no one, we endeavored to give the Senate the result of our investigations, which appears in the report, and to that we brought the experience of the distinguished Senator from New Hampshire [Mr. CHANDLER], who for four years discharged so ably the duties of the high position of Secretary of the Navy, and I believe, Mr. President, that his report, combined with that of Secretary Herbert, is a most valuable contribution to the information upon this subject.

We have hardly a law upon our statute book to-day which, in a measure, is not one of compromise. One suggests one proposition and another another proposition, and so we argue and reason together, and out of it is finally crystallized a law which has for its object that which is intended by a majority of Congress. So, in that spirit, Mr. President, I want to offer an amendment, that instead of fixing the price at $300 per ton we fix the maximum limit at $350 per ton. I believe if my friend the Senator from New Hampshire will accept the amendment, it may possibly carry, and it will be a solution of this problem, so to speak.

While I admit that the price may be high, while there may be a large margin of profit, we should take into consideration the fact that the plant which is built for the manufacture of armor plate is a special plant, with a special class of machinery for this special purpose, that there is no other customer for the armor plate than the Government, and that we shall want in the next four years, say, only 9,000 tons, while the capacity of the two plants is quadruple that amount. He should take into consideration all those things in fixing the maximum limit at which we will permit the Secretary of the Navy to contract. I therefore suggest to my friend that he accept my amendment making the price $350 per ton instead of $300.

The PRESIDING OFFICER. The Chair suggests to the Senator from California that the committee amendment is one amendment, the amendment of the Senator from New Hampshire is another, and, of course, an amendment in the third degree is not in order. The amendment will be in order after the amendment of the Senator from New Hampshire is disposed of.

Mr. WHITE. Will the Chair be kind enough to state the parliamentary situation?

The PRESIDING OFFICER. The question now is on agreeing to the motion of the Senator from New Hampshire to reduce the amount from $400 to $300.

Mr. WHITE. Mr. President, I wish to make a suggestion. I

believe it to be impossible for any member of the Senate to solve the question what should be the price of armor plate. There is no expert upon this floor, and there is no one here to-night, nor has there been during the entire progress of this debate, who has been able to submit any facts or figures justifying a final determination of the subject.

There is one thing, however, which must be obvious, and that is that the Government of the United States has been paying more money than it ought to have paid for armor. We have had many statements about the condition of our Navy. We have certainly made much progress, but there is certainly great room for improvement. A year ago when we were preparing to construct torpedo boats which could successfully compete with those of foreign countries I suggested that we ought to manufacture one in the great canyon of the Colorado, because I felt that there a torpedo boat would be safe. Admiral Walker, one of our most distinguished officers, a gentleman in whom we have the greatest confidence, testified only last year before the Coast Defense Committee of the Senate that in the event of a war between this Republic and England or France or a similarly equipped power, our Navy would have no other refuge than escape upon mudbanks. Otherwise it would be captured or destroyed. That is the situation we must confront.

Here in this debate we are treated to a discussion of the value of armor plate. We are now met with a situation involving financial deficiencies. We can not meet the great armaments of Europe, and we might as well content ourselves with a solution of matters pertaining to immediate conditions rather than to expend money upon situations which are absolutely irrelevant to the matters regarding which we all consider it necessary that we should legislate.

I wish to refer Senators to Senate Document No. 152, regarding the condition of our torpedo-boat armament. I do not believe that it is necessary to spend any more time in attempting to solve matters regarding our present armament, but that it would be better to adhere to the suggestions made by the committee rather than to engage in disputations regarding subjects concerning which we have no information.

Mr. HALE. I hope we may have a vote now. The last expression of the Senate was very significant on the general subject; I do not think it worth while to antagonize that, and I hope we may have a vote either upon the $300 proposition, if that is maintained, or the $350 proposition, so that the conferees may be instructed by the Senate. It is a very late hour, and I desire very much that we shall get through with the bill to-night.

Mr. CHANDLER. It is immaterial to me whether we first vote on the larger sum, $350, or on the three-hundred-dollar proposition. If Senators prefer it, a vote can be taken upon the three-hundred-and-fifty-dollar proposition. I can not, however, but insist that $300 is an ample sum as the maximum for the price of armor. The question is a simple one after all. It grows out of the fact that there is no such thing as competition in armor either in this country or in Europe. If it were not for that fact, we should simply fix a maximum, and the proposals offered after competition in open market would settle the question what we ought to pay. But there can be no competition. The only two concerns which can compete with each other have admittedly entered into combination. Now, what shall we do? Simply fix, according to our best judgment, upon such information as we can get, a maximum sum, and if the Secretary of the Navy can not make contracts at or below that sum, then no contracts can be made.

Mr. President, with the price given to Russia by one of these companies at $240, it seems to me $300 is enough, but after all, the judgment of Senators will be influenced somewhat by the question, what is the quantity of armor that is to be contracted for?

Mr. SQUIRE. May I ask the Senator a question?

Mr. CHANDLER. Not at this moment. A year ago the House of Representatives sent a proposition for four battle ships over to us. We reduced it to three. We have authorized the hulls of the ships to be built. We delayed the contracting for the armor. The bill comes over to us from the House this year without provision for any battle ship in it, and we have, it must be admitted, no knowledge as to whether this Government will go on and build any more battle ships after these three. Therefore every Senator must decide for himself what is a fair maximum price for the armor for these three ships and vote accordingly. For my part, I adhere to the figures given in my amendment, but I am entirely willing that a vote shall be taken upon the three-hundred-and-fifty-dollar amendment, if that is desired by the Senator in charge of the bill.

Mr. HALE. Let the Senator, for the time being, withdraw his amendment for $300, and let us take a vote on the $350 proposition, which is the natural and parliamentary process—on the highest sum first.

Mr. BERRY. I hope the Senator from New Hampshire will not withdraw his amendment, and that we shall have a vote on the $300 proposition. That is the pending question, and I think we ought to have a vote on it according to the parliamentary usage.

Mr. CHANDLER. What is the parliamentary rule?

The PRESIDING OFFICER. Unless otherwise directed by the Senate, the Chair would hold upon a proposition of this character that the vote should be taken upon the lowest amount, $300.

Mr. HALE. That is the first amendment, undoubtedly.

The PRESIDING OFFICER. That is the amendment first in order, unless the Senate otherwise directs.

Mr. HALE. Undoubtedly.

Mr. FRYE. The Senator from New Hampshire can withdraw the amendment, and let the other one be voted on.

Mr. SQUIRE. I wish to direct a question to the Senator from New Hampshire, who seems to be very well informed on this subject. He has stated that a foreign government made a contract, I think I understood him to say, for $240 a ton, and I would ask the Senator if he is not advised of the fact that since the period at which the Government of Russia—if that is the one to which he refers—made the contract at $240, that Government has made a contract with the same firm at a much higher price?

Mr. CHANDLER. I will answer the question by saying yes; but that is not all of the answer. After the American manufacturers went abroad and took this contract, they forced themselves into the European combine, and with all the armor manufacturers of the world in one combine, there is no such thing as competition in armor anywhere on the face of the broad earth.

Mr. SQUIRE. Does the Senator mean to insist that the combine was effected before this subsequent contract?

Mr. CHANDLER. After it, in my belief.

Mr. HALE. After that contract?

Mr. SQUIRE. It was after the last contract was effected.

Mr. CHANDLER. I do not understand that to be true.

Mr. SQUIRE. I understand it is, and that if there is any combine it was subsequent to the contract.

Mr. CHANDLER. I am inclined to think now the Senator is right.

Mr. SQUIRE. I think I am correct. Therefore I do not think it is right for the Senate to assume that price of $240 should be the criterion.

Mr. HALE. Mr. President——

Mr. BACON. I desire to say just a word.

Mr. HALE. I wish to have a vote, but I yield to the Senator from Georgia.

Mr. BACON. I have no desire to detain the Senate, but there is one fact which I believe should be stated before the vote is taken, in order that Senators may approach the determination of the question not as a matter of guesswork, but upon a substantial basis. The question as to whether or not $300 is a proper limit, or $350 or $400, is, upon an examination of the testimony and of the reports which have been made by the Secretary of the Navy and by the Naval Affairs Committee, dependent upon what is considered to be a proper profit upon a reasonably ascertained expense. In other words, the investigations which have been made show with reasonable certainty—with as much certainty as we can ascertain it without the examination of the books—that the cost of labor and material in the construction of the armor plate is about $200 per ton.

Now, the way in which this difference as to the amount to be paid arises is that there is a difference in the minds of Senators as to how much profit should be allowed upon that. In the case of the Secretary of the Navy, he arrives at the figures in this way: Assuming $200 as the cost of labor and material, he adds $50 per ton as the cost of maintenance, and then assumes that by reason of the peculiar circumstances of the case the parties should have 50 per cent profit upon the total expenditure. In other words, we have $250, and 50 per cent added to that brings it up to nearly $400. That is the way the Secretary of the Navy gets at it.

The Senator from New Hampshire, on the contrary, says there ought not to be 50 per cent profit, and he reduces it to 33 per cent, and also by reducing the amount allowed for maintenance he brings the price down to $300. Others, by allowances between these two extremes, reach the sum of $350. So it is not a matter of ignorance on the part of the committee; it is not a matter of guesswork, as was intimated and suggested, and even charged, by the Senator from West Virginia, but it is a question of difference in different minds as to the amount of profit which should be allowed upon an expenditure about which there is no very great difference between any of the parties.

Mr. STEWART. May I ask the Senator a question right there?

Mr. BACON. Certainly.

Mr. STEWART. In regard to the maintenance, does it require $50 to maintain the plant while 1 ton of armor plate is being manufactured?

Mr. BACON. I am not now going into that question.

Mr. STEWART. Is that the estimate of the cost?

Mr. BACON. Fifty dollars is allowed for maintenance of the

plant, in order to keep it in the same condition, so that by the time it has run its period of life the amount thus paid will have kept it in a condition of efficiency.

I did not rise to detain the Senate with a discussion of who is right and who is wrong, but I thought it proper that the Senate should have clearly before it this fact, that is conceded—I will not say conceded, but almost conceded—that the amount of the cost of labor and material is about $200, and the increase over and above that is the question of what profit should be allowed.

Mr. SQUIRE. Will the Senator allow me?

Mr. BACON. If the Senator from Washington will allow me to finish my statement, I will yield to a question later. Believing as I do that 50 per cent profit is too much; believing that 33 per cent is ample——

Mr. TILLMAN. Thirty-three and a third per cent is too much.

Mr. BACON. Concede it, if you believe that it is too much, but there are peculiar circumstances. Here is a plant which is valuable only for this purpose. Here is a plant which can be used for no other purpose, and which must remain partially idle if we do not give it work up to its full capacity.

Mr. TILLMAN. Will the Senator allow me?

Mr. BACON. I hope the Senator will not get me into a discussion as to whether it is right or wrong. I did not rise for that purpose.

Mr. TILLMAN. I wish to ask the Senator——

Mr. BACON. I do not want to detain the Senate by going into that question.

Mr. TILLMAN. Does the Senator refuse to yield?

Mr. BACON. Yes; because I did not rise to discuss the question. It has been sufficiently discussed.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SQUIRE. Mr. President, I wish to ask——

Mr. BACON. I decline to yield for the present.

The PRESIDING OFFICER. The Senator from Georgia declines to yield to anyone.

Mr. BACON. Yes, sir; to anyone. I simply rose for the purpose of calling one single fact to the attention of the Senate and not for the purpose of discussing the merits of the case or the details of it in any particular. This fact is well known to members of the committee.

It is well known, I have no doubt, to other Senators who have investigated it; but by reason of the remarks made by the Senator from West Virginia it might have appeared that the arrival at these various amounts was a mere matter of caprice or guesswork, and I thought it was due to the Senate and due to the Committee on Naval Affairs that there should be presented the basis upon which this conclusion and the various conclusions have been reached, in order that each Senator, when he comes to vote upon the question as to whether he will favor $300 or $350 or $400, may have an intelligent basis upon which to rest his vote.

Mr. SQUIRE. It is right on this point that I desire to get information a little more accurately, and I do not desire to detain the Senate.

As one who has been engaged for some years in practical manufacturing, it so happens that I am familiar with the fact that manufacturers are accustomed to charge up to cost a certain percentage upon the aggregate of labor and capital. If the labor and capital entering into the cost of armor plate amounts to $200 a ton, my desire is to know whether any estimate has been made for what are called the miscellaneous or running expenses, which are just as much a part of cost as any part of it. It is customary with large manufacturers to charge from 20 to 40 per cent upon the aggregate cost of labor and material for what are called running expenses. Now, if you figure it at 25 per cent upon $200 as the aggregate cost of labor and materials, it would be $50 a ton, which would be just as much a part of the cost as the labor and materials. Therefore the aggregate cost would be $250. When you come to estimate your profit, you would have to estimate it upon $250 rather than upon $200.

I wish to state, in conclusion, that I believe there is a great deal of humbug upon this red-flag business, the whole business of an outcry against manufacturers in reference to Government work. I do not believe these people are making the money that is charged home to them. I believe it is all humbug; it is nonsense, and it is simply shaking this red flag here and trying to drive people to vote in a certain way, as has been done to-night. It is not right; it is not decent; it is not proper.

I believe in giving men manufacturing for the Government just as fair a chance as any other class of men. They have gone into this business decently, honestly, and even upon importunity. Let us give them a fair chance. I have no interest in the world in this matter, but I want to see fair play. I think we should stimulate this work rather than to discourage and disparage it or make it disreputable; and you are making it disreputable by this discussion here for the purpose to-night. I am very sorry that these words were uttered here to-night from my friend the Senator from South Carolina [Mr. TILLMAN]. I think in his enthusiasm, in his desire to do what he believes to be just, he has pursued this matter too far. I think he has done injustice to the Senate and injustice to the manufacturers of this country. I believe they should have a fair price.

I do not believe in giving them an extraordinary profit or anything of the kind, but I believe it to be true that the manufacturers engaged in manufacturing war material for this country during and since the war have, as a rule, gone down into ruin. They have not profited by it permanently. I know of no concern that has been engaged in the business of manufacturing war material that has survived until to-day except the Colt Company, and that company did it out of profits made by investments in other directions.

As a rule, these companies have perished simply because of their desire to build up great plants and benefit the Government in time of great emergency. I believe that fact should be taken into consideration, and that in future operations of the Government we should endeavor to stimulate instead of to discourage the work on the part of private companies.

Mr. HALE. After the eloquent and convincing speech of the Senator from Washington, which has settled this question, let us have a vote.

Mr. TILLMAN. I will allow the Senator to have a vote in three minutes, but I wish to say another word.

Mr. HALE. I am afraid the Senator will not stick to his three minutes. I will watch him.

Mr. TILLMAN. If I do not get under somebody's skin again, I pledge you I will do it.

Mr. HALE. I think the Senator, after the vote so overwhelmingly in his favor, ought to be content to have a vote now. However, I will watch him and see that he does not go beyond three minutes.

Mr. TILLMAN. Look at the clock.

Mr. HALE. I will.

Mr. TILLMAN. Mr. President, I want to make a few points in regard to wear and tear or cost of maintenance of these plants. They are as massive structures in the way of manufacturing buildings as any I have ever seen. They are nothing but stone, brick, iron, and steel; and materials of that kind do not wear out easily. Therefore the wear and tear is more than provided for, amply, doubly provided for, in the estimate of the Senator from New Hampshire.

The next is why should we give these people 33⅓ per cent profit on a plant which the Government has paid for? We have paid every dollar and doubly paid every dollar of the cost of these manufacturing plants. None of us can make 33⅓ per cent, in our business at least. We poor devils down South are glad to get 3 or 4 or 5 per cent, and lots of us are not getting any per cent. Why do these millionaires ask and why do you desire to give them such exorbitant profits? What is the hurry here? You have two vessels under contract. You say that the Treasury is bankrupt. You know the country is bankrupt, or almost on the verge of it. You will have to increase taxation in spite of yourselves, and the next Congress is to be here in two weeks to do it. Are we going to continue the construction of ships, when, as the Senator from California has pointed out, we have not a single harbor fortified so that our ships can retire to a place of safety, and get away from England's or France's or Germany's navy? They would be at the mercy of any foreign country with which we might get into war, except it might be Spain or Italy or Turkey, or some third-rate power.

With that fact staring you in the face and no necessity for hurry, why can you not let the new Secretary of the Navy, the man who is to come in with the representative of progress and prosperity, act? Why not give him a chance and see what he can do? Why should you not let there be a contrast as between the so-called Democratic Administration and bona fide Republican Administration.

Mr. GRAY. Time!

Mr. TILLMAN. The three minutes are up. Let us give the Government a chance, too. The Senator from Washington wants us to give these poor, poverty-stricken manufacturers—Carnegie and the Bethlehem Company—a chance. Let us give the United States a chance, or rather let us give the poverty-stricken taxpayers a chance.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire, to insert three hundred in place of four hundred dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I desire to offer an amendment.

Mr. GORMAN. I understand the committee amendment on page 50 is disposed of, and not the one on page 51.

The PRESIDING OFFICER. Not the one on page 51.

Mr. HALE. The amendment on page 51 is the next amendment, and it is now in order.

The PRESIDING OFFICER. The Secretary will state the amendment on page 51.

Mr. PETTIGREW. I should like to inquire whether it was the understanding or agreement that we are to dispose of the committee amendments before any others are offered?

Mr. HALE. That was the agreement.

Mr. PETTIGREW. I want to say, in this connection, that at the proper time I shall offer an amendment to reduce the amount for armor plate from $3,210,000 to $2,407,500.

The PRESIDING OFFICER. That amendment would be in order.

Mr. PETTIGREW. I will do so, for the reason that the reduction from $400 to $300 a ton necessitates this reduction in the appropriation. The committee of the House knew just how many tons of plate it would take for these three battle ships, and they multiplied it by $400 a ton.

Mr. HALE. I think we might as well take a vote on that amendment now, because it is connected with the last amendment, and it naturally follows.

Mr. PETTIGREW. I move, therefore, that the words "three million two hundred and ten thousand dollars" be stricken out and the words "two million four hundred and seven thousand five hundred dollars" be inserted in their place.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 51, which has been read twice.

Mr. HALE. I do not think it is worth the while, so far as I am concerned, to insist upon the amendment.

Mr. GORMAN. I hope the Senator will not insist upon it.

Mr. HALE. So far as I am concerned, I am willing that it shall be withdrawn.

Mr. NELSON. No; let us have a vote upon it.

Mr. HALE. If the Senate desires to vote upon it, I can not help it.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 51, which has twice been read.

Mr. HALE. Let us have a vote. The amendment has been read.

Mr. NELSON. On that I ask for the yeas and nays.

Mr. GORMAN. Oh, no.

Mr. STEWART. Let the amendment be read.

Mr. GORMAN. It is to buy a plant.

The PRESIDING OFFICER. The amendment on page 51 has been read twice. The Chair will have it read again if the Senator insists upon it.

Mr. PALMER. Let it be read.

The PRESIDING OFFICER. The yeas and nays are called for upon agreeing to the amendment.

Mr. NELSON. Did the Chair intimate that the ayes had it?

The PRESIDING OFFICER. The Chair did not intimate anything about it.

Mr. HAWLEY and Mr. HALE. Let the vote be put viva voce again.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The ayes appear to have it.

Mr. GORMAN. I call for a division.

Mr. QUAY and Mr. HAWLEY called for the yeas and nays.

Mr. BACON. I simply desire to suggest that we can afford to let this stand. We are going to have an extra session in two weeks, and we will find out if this provision is necessary. I think with the disposition of the subject that has been made we can very well afford to rest with what has been accomplished to-night.

Mr. GORMAN. I trust that will be done, and that this provision will not be inserted.

Mr. PALMER. Let us have the yeas and nays.

Mr. LINDSAY. If we abandon this amendment, I do not think we can accomplish anything to-night.

Mr. BACON. Oh, yes.

Mr. LINDSAY. We put ourselves at the mercy of this combine by enabling them to refuse to furnish armor.

Mr. GORMAN. Suppose they do? We can wait a year.

Mr. LINDSAY. If the theory be true that there can be no competition, this is a case in which the Government ought to manufacture its own armor plate.

The PRESIDING OFFICER. The question now, unless Senators wish to debate it, is, How shall this question be decided? The question has been put. The Chair has intimated that he believes the ayes have it. If that be questioned——

Mr. GORMAN. We do question it.

The PRESIDING OFFICER. Of course Senators have a right to call for the yeas and nays. The yeas and nays have been called for.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and Mr. ALDRICH responded to his name.

Mr. BACON. It does not cut off debate because the yeas and nays have been ordered.

Mr. HAWLEY and others. The roll call has commenced.

The PRESIDING OFFICER. The Chair had already decided the question. Then the yeas and nays were called for, and the Secretary proceeded to call the roll, and called one name, and he will now proceed.

The Secretary resumed the call of the roll.

Mr. TILLMAN. I think there is confusion in the minds of Senators as to what we are voting on.

The PRESIDING OFFICER. The Chair will suggest to Senators that they look at the bill on page 51. It has been twice read. The question is on agreeing to the amendment.

Mr. TILLMAN. The amendment which provides for the purchase of an armor plant in the event that the Secretary of the Navy can not buy armor at $300 a ton?

The PRESIDING OFFICER. That is precisely it. The Secretary will proceed with the roll call.

The Secretary resumed the call of the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH] who has not voted. I therefore withhold my vote. I should vote "nay" if I had an opportunity.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WALTHALL (when his name was called). I again announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. I ask that this announcement may apply to all the remaining votes taken to-night.

The roll call was concluded.

Mr. NELSON (after having voted in the affirmative). Has the Senator from Missouri [Mr. VEST] voted?

The PRESIDING OFFICER. He has not.

Mr. NELSON. Then I withdraw my vote. I am paired with him.

Mr. HALE. I hope Senators, as this is not at all a party question, will vote in order to make a quorum, unless they feel constrained by their pairs.

Mr. NELSON. Then I will let my vote stand, upon those considerations.

Mr. MCMILLAN. I announce my pair with the Senator from Kentucky [Mr. BLACKBURN], and withhold my vote.

Mr. BLANCHARD. I transfer the pair that I have with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, the senior Senator from Louisiana [Mr. CAFFERY], and will vote "yea."

Mr. MCMILLAN. I will vote. I vote "nay."

Mr. GORDON. I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. QUAY. Following the suggestion of the Senator from Maine [Mr. HALE], I will take the responsibility of voting. I vote "nay."

Mr. PALMER. I will transfer my pair with the Senator from North Dakota [Mr. HANSBROUGH] to the Senator from Arkansas [Mr. JONES] and vote. I vote "nay."

Mr. WALTHALL. To make a quorum, I will vote. I vote "nay."

The result was announced—yeas 26, nays 30; as follows:

YEAS—26.

Allen,	Chandler,	Lodge,	Stewart,
Berry,	Daniel,	Mills,	Thurston,
Blanchard,	Dubois,	Nelson,	Tillman,
Brown,	Gallinger,	Peffer,	Warren,
Burrows,	Gray,	Perkins,	White.
Butler,	Hill,	Pettigrew,	
Cannon,	Lindsay,	Smith,	

NAYS—30.

Aldrich,	Elkins,	McMillan,	Sewell,
Allison,	Faulkner,	Mitchell, Wis.	Shoup,
Bacon,	Frye,	Murphy,	Squire,
Bate,	Gibson,	Palmer,	Teller,
Brice,	Gorman,	Platt,	Walthall,
Carter,	Hale,	Proctor,	Wetmore.
Chilton,	Hawley,	Quay,	
Cullom,	Kenney,	Roach,	

NOT VOTING—34.

Baker,	George,	McBride,	Sherman,
Blackburn,	Gordon,	Mantle,	Turpie,
Caffery,	Hansbrough,	Martin,	Vest,
Call,	Harris,	Mitchell, Oreg.	Vilas,
Cameron,	Hoar,	Morgan,	Voorhees,
Clark,	Irby,	Morrill,	Wilson,
Cockrell,	Jones, Ark.	Pasco,	Wolcott.
Davis,	Jones, Nev.	Pritchard,	
Gear,	Kyle,	Pugh,	

So the amendment was rejected.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the committee's amendment on page 50, striking out lines 18 and 20:

And provided further, That no portion of this armor shall be purchased until it has all been contracted for.

That amendment has not yet been agreed to.

Mr. HALE. Let that be agreed to now.

The PRESIDING OFFICER. It is agreed to, without objection.

Mr. GORMAN. I move to strike out the further proviso beginning in line 20, page 50, down to the end of the page. Let it be read.

The SECRETARY. It is proposed to strike out, on page 50, beginning in line 20 with the word "And," the following:

And provided further, That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor, if he shall deem it for the best interest of the Government.

Mr. GORMAN. Striking out this provision leaves the law stand precisely as it has been since the beginning of the construction of the new Navy, letting contracts be made separately for armor and for vessels. It is my impression that under this provision we may nullify all the Senate has done to-night.

Mr. HALE. I hope the proviso will not be stricken out. It gives no additional discretion, but it does give the Secretary an opportunity to make a contract for the entire ship.

Mr. TILLMAN. Will the Senator allow me one minute? Will he consent to an amendment in the nature of limiting the price?

Mr. HALE. The price is already limited in what we have done before. That is not changed. There is no discretion given. But if you strike out the proviso, you forbid the Secretary to make, if he chooses, a contract with one man for the whole ship and oblige him to fight it out with the contractors for armor. That is the object of the proviso. The Naval Committee is in favor of that. It gives the opportunity to make a contract for the whole ship, and then let the contractor for the whole ship fight it out with the armor men and keep them down. The Secretary of the Navy at one time determined upon this policy. He was importuned by the armor contractors and changed his policy, and the committee has put it on, in order that, if the Secretary believes it to be right, he may make a complete contract and then let the armor men fight it out with the contractor.

Mr. TILLMAN. I have examined it and I am satisfied you are correct. It does not allow him to pay more than $300 per ton.

Mr. HALE. There is no doubt about it.

Mr. SMITH. I should like to agree with the Senator from Maine on that proposition, but on reading it I can not see any clause whereby we are prevented from paying any sum of money for armor plate.

Mr. HALE. Then the Senator may put in, if he chooses, "by the Secretary of the Navy, subject to the conditions hereinbefore prescribed." But that is not needed.

Mr. SMITH. The Senator's proposition is not possible, and he is practically annulling by it just what the Senate has already done.

Mr. HALE. Let me say to the Senator that the Senate has taken a great step in advance and the Senator has been in favor of it. If the Senator thinks and believes that this proviso ought to go out, I will make no further point. I tell him, however, that, in the end, he is fighting against his own proposition.

Mr. SMITH. I would rather have it go out.

Mr. HALE. All right.

Mr. SMITH. I agree with the Senator from West Virginia that I would rather not have any ships built than have them built under the present conditions.

The PRESIDING OFFICER. The proviso is a part of the original House bill.

Mr. ALLISON. Mr. President——

Mr. GORMAN. I move to strike it out.

Mr. HALE. Of course the Senator from Maryland has moved to strike it out. He does not want the Secretary to have any discretion to contract for the whole vessel.

Mr. GORMAN. The Senator from Maine ought not to make that statement.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. ALLISON. I merely wished to make one suggestion respecting this proviso. We have been told in the debate to-night that there are but two factories where armor can be made, and we have had a broad proposition here for the Government to build a factory of its own. If the proviso has any value, it is of value to enlarge the range of competition.

Mr. HALE. Of course it is.

Mr. ALLISON. I had supposed for one that it was a healthy proviso in the view that if there is a combination among the producers of armor in this country and in foreign countries whereby they can adjust the price, we provide here for some other people who can bid for this work.

Mr. SMITH. What I ask is why you should have other people to bid for ships. You have only the Government to bid for armor, and that is the price the armor-plate men would give the shipbuilders. You have no right to make the price less than they now give the Government. So I can not see where there is anything to be gained by the argument of the Senator from Iowa.

Mr. ALLISON. I have understood in this debate, although I have not mingled in it, as one reason why we should establish on the part of the United States a factory for the construction of armor, that the hulls and machinery of these vessels have already been contracted for, and that we must rush in pell mell here and build a new factory in order to get armor to put upon these hulls and attach to this machinery. This proviso applies only to the vessels which have been already contracted for so far as the hulls and machinery are concerned. Now, supposing it should turn out that one of the contractors for the hulls of these vessels is willing to contract for this armor, and the two monopolies that we have heard so much about here are not willing to contract, do we not then enable a third or a fourth bidder to come in and contract for this armor?

Mr. HALE. That is exactly the proposition of the amendment.

Mr. ALLISON. I submit, therefore, to the Senator from Maryland that we are putting a healthful proviso in here to enlarge the number of people who can bid.

Mr. HALE. Undoubtedly.

Mr. ALLISON. And although confessedly there is a profit of $100 or $150 a ton, we have been told here to-night that nobody will or can bid for that except those two concerns.

Mr. SMITH. I hope the Senator from Iowa will answer me this question.

Mr. ALLISON. If I can, I will.

Mr. SMITH. I ask, if there are but two armor-plate factories in this country—and that they have both entered into a combination, and that they have a monopoly nobody denies—how can you get more than two armor-plate bids if there are not more than two places in the country where that armor is made? That is what I want to know?

Mr. ALLISON. That statement has been made here, but it is just possible that somebody else may have machinery to manufacture the armor.

I will ask my friend from New Jersey what possible harm can result from this proviso, when we have limited the price to $300 a ton, which, according to some of the arguments we have listened to to-night, will give a profit upon the armor. If that be true, will not somebody have enterprise and genius enough in the course of six or eight months to attach to his present plant something which will enable him to build a portion of the armor required, and in that way we should partially get rid of the tremendous monopoly of which we have heard so much to-night.

Mr. SQUIRE. I have a suggestion to make, which I think will be acceptable.

Mr. SMITH. I supposed I had the floor, but I will yield to the Senator.

Mr. SQUIRE. I think the suggestion will be acceptable to the Senator from New Jersey as well as to the chairman of the committee. I propose to insert after the word "armor," in line 24, the words "at a rate not to exceed $300 per ton." Would not that be acceptable to the Senator from New Hampshire?

Mr. ALLISON. That would cover the whole question.

Mr. SMITH. I do not want any ambiguity whatever about this matter. I want to know that we are going to pay so much for the armor, and no more. I am not willing that the manufacturers of armor shall sell the armor to the builders of our vessels at a less price than they sell to us. It seems to me it is just frittering away our rights and doing no good, so far as our Government is concerned.

Mr. STEWART. I wish to make a remark, if the Senator will allow me.

Mr. SMITH. Certainly.

Mr. STEWART. In case it is provided that only $300 a ton shall be paid, suppose when the builders of a vessel go to the armor-plate companies and find that they have got to pay $400 a ton, their bid for the construction of the vessel would be on that basis, thus destroying the effect of the act that has been passed, because they will find out what they can get the armor plate for before they do the work, and the bids of every one of them will be upon the basis of $400 a ton. That is the way they must necessarily do. That will destroy the limitation put upon it.

Mr. SMITH. That is precisely so. That is my argument.

Mr. TILLMAN. Will my friend from New Jersey allow me to ask him, or will the chairman of the Committee on Appropriations allow me to ask him a question?

Mr. SMITH. Yes, sir.

Mr. ALLISON. I would rather the Senator would ask the

question of the Senator from New Jersey, although I am perfectly willing to answer it if I can.

Mr. TILLMAN. I will ask the Senator this question: The Senate has just refused to pass the amendment suggested by the Committee on Appropriations, to allow the purchase, leasing, or building of an armor plant, and it has limited the price of armor to $300 a ton. Now, there are only two armor manufactories in the country. If you take from the Secretary of the Navy the power given in this bottom line that you are now trying to strike out, then you leave us only one way to complete those two vessels under contract, whereas, if you leave that in, the Secretary can have the influence of a private firm or person on another private firm or company to get decent treatment, instead of the Government being at the mercy of a monopoly.

Mr. HALE. That is it exactly.

Mr. TILLMAN. And give him a chance to contract with the same men who have contracted for the hulls to furnish the armor, and if these grand seigniors, who have grown so fat, will not come down in their prices somebody else can go into the business of making armor, and thereby the Government will get the advantage of competition, and we can make another fellow so fat that he will not give the Government any consideration.

Mr. ALLISON. The question the Senator from South Carolina asked me was a better statement of my argument than I could have made myself.

Mr. TILLMAN. That is a great compliment, coming from the Senator from Iowa.

Mr. SMITH. It is getting rather late to discuss this question at any length, Mr. President, but it seems to me that it is very plain that there is nothing to be gained by giving the Secretary any such authority. We have but two armor-plate factories in the country, and we are told that there is just as much competition among the shipbuilders as amongst the armor-plate manufacturers. I know nothing about that myself; but if that be true, what is to prevent them from paying $500 for every ton of armor plate and adding that to the price at which they are going to build a vessel for. It does seem to me that that is a good business proposition. To my mind, this is simply one way of undoing what we have done. You say in one place to the Secretary of the Navy, "You can not buy armor plate at more than $300 per ton," and then you say in another place that he can practically do as he pleases.

Mr. CHANDLER. The Senator would be right if, by any possibility, it could be inferred that in contracting under this last clause, the Secretary could pay more than $300 a ton; but by no possibility can that construction be given to this clause. If there is any such possibility, then the limitation ought to be added.

Mr. ALLISON. I will say "at a price not exceeding $300 per ton."

Mr. SMITH. I will accept that.

Mr. HALE. Let those words be put in after the word "armor." The language of the bill is:

That the Secretary of the Navy is authorized, in his discretion, to contract with either or all of the builders of the hulls and machinery of those vessels, or with any one or more bidders, for the furnishing of the entire amount of said armor.

Then insert, after the word "armor," the words "at a cost not exceeding the aforesaid $300 per ton."

Mr. HAWLEY. I want to make a suggestion there. What do we care what a shipbuilder pays for his armor, if he furnishes a ship at a certain rate? It is his private contract.

Mr. ALDRICH. The Secretary of the Navy is doing this.

Mr. SMITH. I suppose if he had to pay $700 a ton for armor it would cost the Government more to buy the ship than if the armor cost but $300 a ton. That is the way it looks to my mind.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "armor," in line 24 on page 51, it is proposed to insert, "at a cost not exceeding the aforesaid $300 per ton."

Mr. HALE. That is right.

Mr. THURSTON. I do not wish to detain the Senate, Mr. President, and I should not speak on this amendment except for the fact that I endeavored to say a word before the last vote was taken.

I wish to make the prediction now that the striking out of the amendment on page 51 has undone all the beneficial effects of the adoption of the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER]. In my judgment the striking out of the amendment on page 51 has emasculated the whole provision. It leaves the country at the mercy of the armor-plate manufacturers, and, in my judgment, with that provision stricken out, the armor-plate manufacturers of this country will refuse to contract at a rate of $300 per ton.

Mr. HALE. And all the more because it is fixed at $300.

Mr. THURSTON. And all the more because it is fixed at $300; and we shall simply be met at the next session of Congress with a report that we are unable to buy the armor for our present vessels at the rate of $300 per ton; and that will be used at the next session of Congress with all the power and force behind it, the armor-plate combination, to compel Congress to raise the price.

Mr. ALLISON. Or build a factory.

Mr. THURSTON. Or build a factory.

In my judgment, the only power in this bill to compel a contract at the price of $300 or less was the alternative provision to build a factory and make the armor ourselves if they do not come to our terms.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. GORMAN. I offer an amendment which I send to the desk, to come in after line 25, on page 6.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. On page 6, after line 25, it is proposed to insert:

To enable the Secretary of the Navy, in his discretion, to purchase the right to manufacture and use the boat-detaching device invented by L. J. M. Boyd, of Annapolis, Md., patented under letters patent No. 374929, of December 20, 1887, and to pay for the past use of said device by the Navy Department, $25,000.

Mr. SMITH. I ask whether that amendment was before the Committee on Naval Affairs and was reported favorably by that committee?

Mr. GORMAN. No; it was not.

Mr. SMITH. It seems to me rather a singular procedure that a matter of this kind should come up in Committee of the Whole without ever having been before the Committee on Naval Affairs. Is it customary that such amendments as this should come from the Appropriations Committee? I hope the amendment will be laid over, unless there is some good reason why it should be passed to-night. I am sure, as a member of the Naval Committee, that the proposition has never been before us, and it is a matter of which the members of that committee should have some knowledge.

Mr. CHANDLER. Unless the Senator from Maryland can show something to indicate that the amendment is in order, I shall make the point of order against the amendment.

Mr. GORMAN. I frankly stated that the amendment had not been before the Naval Committee, as my friend from New Jersey [Mr. SMITH], who is a member of that committee, probably knows. I offered the amendment. It is not a new matter, but it is one which four years ago was directed to be investigated by the Navy Department, and was investigated by the Department and reported upon by it. The Senator can make the point of order if he desires.

The PRESIDING OFFICER. The Chair thinks that the amendment is not in order.

Mr. NELSON. I offer an amendment to come in at the end of line 6, on page 52.

The SECRETARY. After line 6, on page 52, it is proposed to insert:

That the President of the United States be authorized to nominate and, by and with the advice and consent of the Senate, appoint the leader of the United States Marine Band as a first lieutenant of marines not in line of promotion, with rank, pay, and emoluments of officers of that class.

Mr. NELSON. The amendment which I have offered is really Senate bill 3368. It has been favorably reported by the Committee on Naval Affairs, and is recommended by the Secretary of the Navy. I ask to have the report of the committee and the letter of the Secretary of the Navy, both of which are very short, read.

Mr. HALE. I think the amendment is subject to the point of order.

Mr. NELSON. I have the floor at present. The point of order can not take me off my feet.

Mr. HALE. No, it can not.

Mr. NELSON. I ask to have the report read as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read the report as a part of the remarks of the Senator from Minnesota.

The Secretary proceeded to read the report submitted by Mr. CAMERON February 19, 1897.

Mr. HALE. I will withdraw the point of order if the Senator will withdraw the request to have the report read.

Mr. NELSON. I will withdraw the request for the reading.

Mr. BLANCHARD. I renew the point of order.

Mr. NELSON. Then I insist upon the reading of the report.

The PRESIDING OFFICER. The reading of the report will be proceeded with.

The Secretary resumed and concluded the reading of the report, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States

Marine Band, having had the same under consideration, beg leave to make the following report:

The committee recommend the passage of the bill for the reasons set forth in the letter of the Secretary of the Navy, as follows:

"NAVY DEPARTMENT,
"*Washington, January 29, 1897.*

"SIR: The Department has carefully considered Senate bill 3368, entitled 'A bill to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band,' and respectfully returns the same with the recommendation that the rank conferred be that of second lieutenant, instead of first lieutenant. The band is a part of and attached to the Marine Corps. It is a military organization, and it is proper that its leader should not only have military authority, but also a rank that would entitle him to respect and consideration, and such pay as will be sufficient at all times to secure the services of a first-class musician and leader.

"Professor Fanciulli is such a musician. His services are very desirable, and it is feared that the Department will lose him unless this bill, or some other, increasing his compensation, be passed. The increased pay which this bill carries is desirable, but even with such increase he would not be receiving as much as he could probably command elsewhere. The rank proposed to be conferred by the bill, which in itself is small, would nevertheless add dignity to his place and tend to give him that increased control over the musicians under him which is so essential to efficiency.

"The former leader of the band, Professor Sousa, left it because he could do far better elsewhere. The Department was very fortunate in securing the services of the present incumbent of the place, but it can not always expect to be as successful as in this instance, and it is very desirable that an official who is as competent and reliable as Professor Fanciulli should be retained.

"This band, by reason of its location and the peculiar duties it is called upon to perform at the capital of the country, has become, and it is hoped will always be looked upon as par excellence, the national band. In other countries, as in Italy, Austria, and Germany, where music is most highly esteemed, the leaders of Government bands are commissioned officers, and some of these band leaders not only enjoy rank, but receive, even in those countries where wages are very much lower than here, far greater compensation than does the leader of the Marine Band.

"I desire to recommend most earnestly the enactment of this bill with the amendment suggested into a law. It carries but little money and I feel that it will tend greatly to promote the continued efficiency and excellence of this organization, to which our musical people now look with constantly increasing pride and admiration.

"I have the honor to be, very respectfully,
"H. A. HERBERT, *Secretary.*

"Hon. J. D. CAMERON,
"*Chairman Committee on Naval Affairs,*
"*United States Senate, Washington, D. C.*"

Mr. NELSON. I desire to say just a word. I will not take up the time of the Senate. I sincerely hope the Senator from Louisiana will withdraw his point of order and that we may have a vote upon the amendment. The leader of the band is an expert musician, a very skillful man. He has simply the rank of a private. This simply aims to put him in a position where he can have military control of the band and gives him a fair salary. His office is not to be in the line of promotion. He is always to be a second lieutenant. I trust the amendment will be allowed to stand in favor of good discipline and good music right here at the nation's capital.

Mr. HAWLEY. Mr. President, there is a point in favor of the amendment, and that is that the leader of the band is in command of 25 or 30 regularly enlisted men in the service. They can be made soldiers very easily at any time. They can throw away their musical instruments and fight.

Mr. NELSON. The whole band is composed of enlisted men, I might say, and as the Senator from Connecticut says, there are 25 or 30 men in the band.

Mr. SQUIRE. Is not this establishing a bad precedent?

Mr. NELSON. The amendment is not subject to the point of order. It stands in the position of an amendment recommended by a committee, the bill having been reported by the Committee on Naval Affairs and being on the Calendar and in order.

Mr. BLANCHARD. It is very clear that the amendment is subject to the point of order, and to a presiding officer with the skill of the present occupant of the chair no argument to show that is necessary.

It also sets a very bad precedent upon an appropriation bill to be creating additional offices. Hardly an appropriation bill passes Congress but that it adds a number of United States officials. It is already known throughout the country that Federal officials constitute a large army, and this way of increasing their number upon appropriation bills should not be tolerated by the Senate.

Mr. HAWLEY. I wish to make a single suggestion. It does not increase the number a single man. They are all enlisted men now.

The PRESIDING OFFICER. The Chair is very much in favor of the proposition of the Senator from Minnesota in the shape of a bill, but the amendment is not in order upon the appropriation bill.

Mr. CHANDLER. I wish to call the attention of the Senator from Maine to the provision on page 48, for torpedo boats. It seems to be contemplated that the Secretary of the Navy can get three torpedo boats for $800,000. I know the Senator has put it "not more than three torpedo boats," but it is not possible to get a torpedo boat of sufficient size and speed for one-third of $800,000, and I put that fact upon record as my opinion. I should much prefer to have the Senate put it at two rather than to get three torpedo boats in the bill with an implication that the Secretary of the Navy ought to get those three torpedo boats for $800,000. It is suggesting to the Secretary that he shall build that class of torpedo boats of which he can build three for $800,000.

Mr. HALE. Hardly. I put that in advisedly, in order to leave it to the Secretary of the Navy. If he thinks $800,000 can be better expended on two boats, he can do it. If he thinks $800,000 can be better expended on three, he can do that. I prefer to leave it to him.

Mr. CHANDLER. I ask the Senator whether the Secretary would feel at liberty to expend the $800,000 upon two torpedo boats instead of three as the language now stands?

Mr. HALE. He would. We had just such a provision last year, in which we left the limit in the appropriation and left the number to the Secretary.

Mr. SQUIRE. I suggest that it would be wise on the subject of torpedo boats to amend the amendment, and I call the attention of the Senate especially to this point, by inserting the words that at least one of the torpedo boats shall be built on the Pacific Coast.

Mr. HALE. As there may be but two torpedo boats, the committee did not think it was worth while to do that. They are small matters.

Mr. SQUIRE. They are very important matters, I beg to assure the Senator from Maine.

Mr. HALE. He can do that in his own discretion. There is not enough in it to put in that provision.

Mr. SQUIRE. It is well known that the American Navy is sadly deficient in torpedo boats. If there is one element of deficiency in our Navy as at present constituted, it is in regard to torpedo boats.

It is a fact well known to those who have studied the question at all that we are practically without torpedo boats unless some boat has been recently completed, and we have at present an arrangement for building three, I believe.

Mr. HALE. We have twenty-one or twenty-two already started.

Mr. SQUIRE. You have only three practically. I beg to suggest to the Senator that one of these should be built on the Pacific Coast.

Mr. HALE. I do not think on a small matter of this kind such a provision should be inserted. When we come to build large ships we always do that, but on these little craft it is hardly worth while to put on such a provision.

Mr. SQUIRE. The people of my State are deeply interested in the building of a torpedo boat on Puget Sound, which is nearly completed, and the constructors of that vessel have been highly commended for the efficiency of their work, so far as it has progressed. They ought to have a chance to bid.

Mr. HALE. They will have the same chance that everybody else will have. It is safe to leave that to the Secretary of the Navy.

Mr. SQUIRE. I think it ought to be recognized in the bill. Why not recognize it in the bill? We have always recognized it as to ships of war.

Mr. HALE. They are very large matters.

The PRESIDING OFFICER. Does the Senator from Washington make a motion?

Mr. SQUIRE. After the word "party," in line 21, I move to insert the words "on either the Atlantic or the Pacific Coast."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "party," in line 21, it is proposed to insert "on either the Atlantic or the Pacific Coast;" so as to read:

And not more than two of said torpedo boats shall be built in one yard or by one contracting party on either the Atlantic or the Pacific Coast

Mr. HALE. I move to lay the amendment on the table.

The motion was agreed to.

Mr. GIBSON. I wish to offer an amendment. On page 35, in line 14, after the word "librarian," I move to strike out "$1,400" and insert "$1,800."

This was recommended by the Board of Visitors at the last meeting, in June. This gentleman is a very competent officer. He has rendered faithful service for many years, and, in my judgment, he is entitled to the increase of salary.

Mr. HALE. The amendment proposes an increase of salary. I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the international monetary conference bill.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 59 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1897.

POSTMASTER.

Esther Sobye, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin, in the place of Charles M. Sobye, deceased.

MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles H. Gardner, of the District of Columbia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Asst. Surg. Rupert Blue, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1897.

MARSHAL.

Giles Y. Crenshaw, to be marshal of the United States for the western district of Missouri.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Maj. Isaac Arnold, jr., to be lieutenant-colonel.

Cavalry arm.

Second Lieut. James Augustine Ryan, Tenth Cavalry, to be first lieutenant.

Second Lieut. Frank Merrill Caldwell, Third Cavalry, to be first lieutenant.

First Lieut. Elon Farnsworth Willcox, Sixth Cavalry, to be captain.

Second Lieut. Milton Fennimore Davis, Fourth Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. Benjamin Ward Leavell, Twenty-fourth Infantry, to be captain.

CONSULTING ENGINEER, INTERNATIONAL BOUNDARY COMMISSION.

W. W. Follett, to be consulting engineer of the United States on the International (Water) Boundary Commission.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Charles H. Gardner, of the District of Columbia, to be a passed assistant surgeon in the Marine-Hospital Service.

Asst. Surg. Rupert Blue, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service.

POSTMASTERS.

Lillian T. Oviatt, to be postmaster at Longmont, in the county of Boulder and State of Colorado.

George F. Gardner, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado.

J. O. Billings, to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota.

Esther Sobye, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin.

Henry F. Mann, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania.

Frank O. Howard, to be postmaster at Columbus, in the county of Warren and State of Pennsylvania.

Charles H. Rolston, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois.

J. W. Maloy, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania.

T. E. Kennard, to be postmaster at Longview, in the county of Gregg and State of Texas.

J. Albert Walton, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania.

Charles E. Steel, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania.

Hugh H. Lourey, to be postmaster at Frankfort, in the county of Marshall and State of Kansas.

Judd Hartzell, to be postmaster at Laharpe, in the county of Hancock and State of Illinois.

George Huhn, to be postmaster at Etna, in the county of Allegheny and State of Pennsylvania.

Margaret B. Doonan, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania.

Arthur F. Young, to be postmaster at Union City, in the county of Erie and State of Pennsylvania.

Edward J. Morath, to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado.

William S. Harriss, to be postmaster at Wilson, in the county of Wilson and State of North Carolina.

August Pein, to be postmaster at Eureka, in the county of McPherson and State of South Dakota.

William G. Messler, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois.

Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia.

William T. Anderson, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

Smith M. Dockstader, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota.

Robert M. Porter, to be postmaster at Williamston, in the county of Ingham and State of Michigan.

David C. Hyer, to be postmaster at Susanville, in the county of Lassen and State of California.

John McCabe, to be postmaster at St. Peter, in the county of Nicollet and State of Minnesota.

John H. Kuehl, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa.

Hugh M. Quinn, to be postmaster at Mapleton, in the county of Blue Earth and State of Minnesota.

Ida C. Kratochwill, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin.

Ira R. Allen, to be postmaster at Fairhaven, in the county of Rutland and State of Vermont.

John H. Hanson, to be postmaster at Lake Benton, in the county of Lincoln and State of Minnesota.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read.

The SPEAKER. The Chair desires to suggest that the Clerk read a portion of the Journal as corrected.

The Clerk read as follows:

The call of committees was proceeded with.
The Speaker stated that when the Committee on Interstate and Foreign Commerce was called, Mr. PATTERSON had desired to be recognized; and directed, by the consent of the House, that this committee be again called.

The SPEAKER. It was done by consent of the House, and the Chair desires that fact to appear. Without objection, the Journal as read, with this correction, will be approved.

Mr. BRUMM. What committee was that?

The SPEAKER. The Committee on Interstate and Foreign Commerce. It was intended to be called again, but by some accident it was not.

There was no objection, and the Journal was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to amendments of the House of Representatives to the bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894;

A bill (H. R. 10290) for the relief of Joseph P. Patton;

A bill (H. R. 4310) for the relief of Mathias Pederson;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5597) for the relief of Charles Deal; and

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; and

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had passed the joint resolution (S. R. 209) regulating the distribution of public documents; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

ORDER OF BUSINESS.

Mr. TRACEY. Mr. Speaker, I am directed by the Committee on Accounts to present the following privileged report.

Mr. CANNON. I ask the gentleman to withhold that a moment, and let me make a motion touching a general appropriation bill.

Mr. TRACEY. I withhold it.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move to suspend the rules, and that the House disagree to the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and ask for a conference.

The SPEAKER. The gentleman from Illinois moves to suspend the rules, to nonconcur in the Senate amendments, and ask for a committee of conference.

Mr. HOPKINS of Illinois. Mr. Speaker, for the purpose of getting an explanation, I demand a second.

Mr. CANNON. Let it be considered as ordered.

The SPEAKER. The Chair is proceeding upon the supposition that the House does not demand the reading of the amendments.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the amendments.

Mr. HOPKINS of Illinois. I do not desire to delay the bill at all, but as to whether there is to be a disagreement or not, I think the House ought to know something about the Senate amendments.

Mr. CANNON. I think my colleague had better let it go; there will be an opportunity to discuss any controverted matters on the first conference report.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] demands a second.

Mr. CANNON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.. The Clerk will read the Senate amendments.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the amendments.

Mr. HOPKINS of Illinois. Pending that request, Mr. Speaker, I would like to know from the gentleman in charge of the bill how many points of disagreement there are; and I would like to know in a general way what they are. There may be some of those amendments that we may want to agree to.

Mr. CANNON. I would state——

Mr. COX. I rise to a question of order. We can not hear what is going on.

The SPEAKER. The point of order is well taken. Gentlemen will take their seats and cease conversation.

Mr. CANNON. Mr. Speaker, I will state in reply to my colleague that there seems to be 192 Senate amendments to this appropriation bill. A number of them are formal; to some of them, in my judgment, there is no objection. There are those to which I think there is much objection. Under ordinary conditions I would, instead of making this motion, after the bill should be printed and the Senate amendments numbered, which has not yet been done, move that the House resolve itself into Committee of the Whole for the purpose of considering the Senate amendments, and give one, two, three, or four days, as the case might be, according to the pleasure of the Committee of the Whole, for the consideration of these amendments. But this is the 1st day of March. At noon on the 4th day, as the gentleman is aware, this Congress expires. There is to follow this the general deficiency bill, the naval bill, not yet acted on by the Senate, and the Post-Office bill, which has just come over. The result is that it will be impossible, if these bills are to be passed at all, to pursue the course that I have just indicated. Therefore I do not see any way to dispose of these bills except in the first instance to nonconcur in all the Senate amendments, let the bill go to conference, and when the conference committee reports, if the report does not suit the House, it can be rejected. But let me say to my friend, I think I know the Senate amendments about which there will be a contest in the House; and if I shall have any influence with the House conferees, and I believe the House conferees will substantially agree as to the proper policy, the amendments about which there would be a real contest would be reported without an agreement, so that upon that report, with all matters eliminated by the report of agreement, they would come up for the adoption of the House if it sees proper to adopt them. We can then have the printed bill, with the amendments properly numbered, and then there will be the real debate and the real consideration, and the House may disagree to or agree to them, as the case may be.

Mr. SAYERS. Will the gentleman yield to me a moment?

Mr. CANNON. With pleasure.

Mr. SAYERS. Mr. Speaker, I want to say that I heartily concur with the gentleman from Illinois [Mr. CANNON], who has charge of this bill. If the House desires to facilitate the passage of a proper sundry civil appropriation bill, and that this bill should not fail, then I believe that the motion of the gentleman from Illinois ought to prevail, and that the House ought to send this bill immediately into conference, and I sincerely trust that the House, and especially members upon this side, will sustain the motion of the gentleman from Illinois to put it into conference.

Mr. MEREDITH. We do not know what the amendments are.

Mr. SAYERS. As stated by the gentleman in charge of the bill, an opportunity will be given to vote upon all important amendments about which there can be any dispute.

Mr. PEARSON. Separately?

Mr. SAYERS. Separately; and I want to say to the gentleman from Virginia [Mr. MEREDITH] that if the House refuses to adopt the motion of the gentleman from Illinois and this bill is thrown into Committee of the Whole, the probability is that it will never reach the President.

Mr. MEREDITH. I do not desire anything of that kind, but my idea is that there are some of these amendments that the House may desire to adopt, and if this bill goes to a conference and those amendments should be knocked out, then the House, in my judgment, would not have an opportunity to vote upon them.

Mr. SAYERS. After this explanation, Mr. Speaker, the House can, of course, do as it pleases.

Mr. HOPKINS of Illinois. Mr. Speaker, in demanding a second to the motion made by my colleague [Mr. CANNON], I had no desire to delay this bill going to conference. My desire was simply to take this occasion to emphasize the bad practice that is indulged in by the Appropriations Committee in waiting until the closing hours of the session to bring in, and ask the House to dispose of, in this hurried manner, bills that carry $50,000,000. I appreciate all that my colleague has said about the importance of having this bill become a law, but here are 192 amendments, according to his statement, that have been made by the Senate, and he asks this House to disagree to all those amendments without considering one of them, or having one of them read, and without the House knowing anything about their contents or their merits. If this bill had been brought in at an earlier day in the session, and had been properly considered, many of these questions that cause so much trouble in conference could be settled in the House. Gentlemen will remember that during last session, on one of these bills, the House, after repeated conferences, was required practically to take the bill out of the hands of the House conferees and adopt the Senate amendments, one by one, in order to get the bill disposed of. Now, as I say, I do not propose to antagonize the motion made by my colleague, but I do think this is a vicious practice that has grown up here in the House.

Mr. LACEY. Is it not true that every member has had laid upon his desk this morning all of these amendments and has had full opportunity to read them and to know just what is involved in the motion of the gentleman from Illinois [Mr. CANNON]?

Mr. HOPKINS of Illinois. No, sir; there is not one of these amendments that has been laid upon the desk of any member.

Mr. LACEY. They are all in the CONGRESSIONAL RECORD, fully reported; every one of them.

Mr. HOPKINS of Illinois. Well, the gentleman knows or ought to know, for he has served here long enough to know, that members have not had an opportunity, with the other duties devolved upon them in connection with committee work, to look these amendments over. That is all I desire to say, Mr. Speaker, and I do not, as I said before, wish to antagonize the motion of my colleague that this bill be sent to a conference.

Mr. CANNON. Mr. Speaker, a word in explanation of my motion and by way of reply to my colleague [Mr. HOPKINS]. This is the short session of Congress. Members of the House understand that when these great supply bills, originating with many committees of the House, are considered at the short session, necessarily the three months' time of the session (with two weeks vacation in the three months) must have passed before all the bills

can be disposed of, and that they could not be passed at all in that time unless the various committees reporting them had the greatest familiarity with their contents and had prepared them with great care. Now, what is the fact? Two weeks ago to-day this bill passed the House and went to the Senate. It is not parliamentary for me to criticise the coordinate branch of Congress, and I would not if I could. Suffice it to say that it was almost midnight last night before this bill passed the Senate, with these 192 amendments. Now, it is for the House to choose. Measuring my words, I say that if this bill is to pass at all at this session, it must pass by the proceeding I have proposed, with, later on, the opportunity to have a contest in the House, item by item, upon important amendments, where there is a real difference between the two Houses.

Now, sir, respectfully and courteously, let me say that I do not receive in a meek and lowly spirit the reprimand and discipline that my honorable colleague [Mr. HOPKINS] seeks to give me touching former conduct of this bill, especially when he is pleased to make the statement that at the last session of Congress this bill was taken from the committee——

Mr. HOPKINS of Illinois. I did not say this bill; I said one of these appropriation bills.

Mr. CANNON. Well, this is the bill that carried the items, and the gentleman said that the House concurred in the Senate amendments over the objections of the committee. Yes, I will say to the gentleman, the House did concur in the end with many Senate amendments, the Senate insisting. The House concurred after full discussion and three or four conferences. When there was plenty of time, your conferees, being the same then as they will be on this bill, reported matters back to the House time and again, and the House performed its function touching this important matter. And I am glad of it, because it is the duty of this House, touching matters of real difference, to settle them for itself and not have them settled surreptitiously by a committee of conference. So that my friend and colleague, if he had thought of the merits surrounding that contest, would not have sought to discipline me or my committee upon that matter.

Now, if there are no further remarks to be made——

Mr. PEARSON. I wish to ask the gentleman from Illinois [Mr. CANNON] whether the Senate amendments increase the appropriations as made by the House. Is there an increase or a net reduction?

Mr. CANNON. Oh, I think there is a very considerable increase.

Mr. HOPKINS of Illinois. Mr. Speaker, my remarks were not directed personally to the gentleman in charge of this bill. Where they touched upon the manner in which these bills have been brought into the House they were directed against the committee, not against any individual members. And the criticism that I made respecting the bills of this class in the last session of the House might be very properly applied to this. There is a bill [holding up a copy of the sundry civil appropriation bill] which, when it passed the House, carried over $50,000,000. Yet it was brought in at so late a day that the gentleman in charge of the bill made an appeal to members of this House that it should be passed under a suspension of the rules, and members who were clamoring to have it considered section by section, so that they might be able to offer and discuss amendments, were deprived of that opportunity under the plea that owing to the lateness of the day when this bill was brought in, it was important, if it were to become a law, that it be passed under a suspension of the rules.

Now, I am protesting against that practice, not criticising my colleagues here. I insist that these great bills which appropriate millions of the people's money, as this bill does, should be brought in here at an hour and a day early enough to permit each individual member to express himself upon the several appropriations as they are proposed. The gentleman knows as well as I that no individual member has had any opportunity upon this bill to exercise the free rights of a member on this floor regarding any of the appropriations in the bill.

Mr. CANNON. Now, Mr. Speaker, a word in conclusion. The gentleman now shifts his attack from me personally to the committee over which I have the honor to preside.

Mr. HOPKINS of Illinois. I deny that statement. I made no personal attack. The gentleman can not put me in that position.

Mr. CANNON. Very well; then I will say no more about that. The gentleman then makes his attack upon the committee over which I have the honor to preside. In reply to that attack, I say to him, I do not accept it for my committee. That committee has been constant in work from the time this session began up to the present, touching these bills. It was impossible to prepare them at an earlier day. I will not speak of the laxity of work, if there has been laxity, elsewhere. But here is the condition: 192 amendments; three days and a few hours until the close of this Congress.

The gentleman complains that the bill was passed under a suspension of the rules. His complaint is against the House. It took two-thirds of this House to pass the bill. It takes two-thirds of this House to-day to concur in these amendments; and I am trying to address myself to the common sense and judgment of two-thirds of the members when I ask them to adopt the motion which I make to suspend the rules and send this bill to a committee of conference. The gentleman does not seem to antagonize that position; he seems to accept it in the present condition; but he comes with an "if" and a "but" and a "wherefore" and a "notwithstanding"——

Mr. HOPKINS of Illinois. I accept the situation under the emergency you present.

Mr. CANNON. Some one has said that a child can ask more questions in a minute than a sage can answer in time and eternity. [Laughter.] It is easy to criticise. My honorable colleague knows about the short session. He understands about the methods of legislation. He has been here for many, many years; and I only want to say to him, courteously and respectfully, that while his remarks and mine will both adorn the RECORD [laughter], the situation is as I have stated it, and I now ask a vote.

The SPEAKER. Is there objection to dispensing with the reading of the amendments? The Chair hears none.

The question being taken, the motion to suspend the rules, so as to nonconcur with the Senate amendments and ask for a committee of conference, was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. I move that the House nonconcur in the amendments of the Senate to House bill No. 10289, the Post-Office appropriation bill, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The Clerk will read the amendments.

Mr. LOUD. I ask unanimous consent that the reading of the amendments be dispensed with.

There was no objection.

The question being taken on the motion of Mr. LOUD that the House nonconcur in the Senate amendments and ask a conference, it was agreed to.

The SPEAKER announced the appointment of Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE as conferees on the part of the House.

PAY OF CERTAIN EMPLOYEES.

Mr. TRACEY. Mr. Speaker, I now present a report from the Committee on Accounts, which I ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives, That the session employees heretofore authorized by resolution reported by the Committee on Accounts and adopted by the House, to be paid from the contingent fund of the House, be paid for the same number of days as is authorized by the legislative appropriation bill approved May 28, 1896, for the session employees authorized by that act.

Mr. TRACEY. I ask that the report of the committee accompanying the resolution be read.

The report was read, as follows:

Your committee, to whom was referred House resolution No. 553, for the payment of such session employees of the House as have been heretofore authorized by resolutions reported by this committee and adopted by the House, as other session employees are paid, have had the same under consideration and beg leave to report: That the session employees mentioned in the resolution were employed because the public service required additional clerical and other force to that provided for in the legislative appropriation bill approved May 28, 1896. That such additional clerical employees were required to and did perform the same services as have been performed by the session clerks provided for in the appropriation bill as aforesaid. Your committee therefore are unable to see any reason why the session employees authorized by resolution of the House and paid from the contingent fund should not be paid for the same number of days as is provided in the legislative appropriation bill for the session employees therein specified. By reason of these facts your committee report the resolution favorably and recommend that it do pass.

Mr. DOCKERY. Mr. Speaker, I do not understand this to be a privileged resolution. I wish to examine it for a moment.

The SPEAKER. Does the gentleman raise the point of order that it is not a privileged report?

Mr. DOCKERY. I see that it provides for the payment out of the contingent fund. I find I was in error.

Mr. TRACEY. There is a report also, Mr. Speaker, giving the names of the employees affected by this resolution and their assignment, which I ask to have read:

The Clerk read as follows:

Employees who are employed by the session and paid from contingent fund:
Herman Schriener, assistant clerk to the Committee on Military Affairs, at $6 per day.
Joseph E. Hall, assistant clerk to the Committee on Naval Affairs, at $6 per day.
J. P. Burrows, assistant clerk to the Committee on Interstate and Foreign Commerce, at $6 per day.
W. T. Sullivan, assistant clerk to the Committee on Invalid Pensions, at $6 per day.
Bessie M. Ridenour, assistant clerk to the Committee on Invalid Pensions, at $6 per day.
John A. Miller, assistant clerk to the Committee on Claims, at $6 per day.
L. E. Bridgeman, messenger in the post-office, at $100 per month.
Joseph Hammon, laborer in post-office, at $60 per month.

Mr. TRACEY. Mr. Speaker——

Mr. COX. Before the gentleman proceeds, will he allow me to ask him a question?

Mr. TRACEY. Certainly.

Mr. COX. Are not the employees whose names are provided in this special appropriation already in the employ and pay of the Government?

Mr. TRACEY. They are.

Mr. COX. And this means additional pay over and above the salaries now given to them by the Government?

Mr. TRACEY. I will explain that to the gentleman in a moment. These eight persons whose names have been mentioned here were employed by a resolution of the House, and were employed because their services were necessary. Six of them are clerks to committees. They have been performing precisely the same services as similar session employees which are provided for in the legislative appropriation bill. In that bill it is provided that all of the session employees of the House shall receive pay for one hundred and twenty-one days. That has been the uniform custom of the House.

Now, these session employees, under a ruling of the Comptroller of the Treasury—these men employed by a resolution of the House itself—have been cut off with only eighty-nine days. Since they have been performing exactly the same services as those employees provided for in the legislative bill, the Committee on Accounts can not see any reason, and I can not see any reason, why they should not receive the same compensation. This resolution, therefore, simply provides that these eight employees—six of them committee clerks—shall receive the same pay, that is, pay for one hundred and twenty-one days, provided for the other session employees under the legislative appropriation bill. That is all this bill does.

Mr. LOUD. Why were they cut down to eighty-nine days?

Mr. TRACEY. By a ruling of the Comptroller of the Treasury.

Mr. LOUD. That is—and let us be frank about it—because they were not authorized by law; that there was no legislation for their employment.

Mr. TRACEY. That is correct.

Mr. LOUD. Now, the gentleman says they were performing this work?

Mr. TRACEY. They were.

Mr. LOUD. One of them is a clerk to the Committee on Claims, is he not?

Mr. TRACEY. I think not.

Mr. BRUMM. Yes; that is correct.

Mr. LOUD. I would like to ask the chairman of the Committee on Claims what time did that committee organize?

Mr. BRUMM. I can not answer that exactly from memory now, but I do know that he was employed there before he was formally appointed.

Mr. LOUD. I only ask that because I know that the Committee on Claims were not prepared to do business for some considerable time after this House organized.

Mr. BRUMM. Perhaps a couple of weeks.

Mr. TRACEY. With reference to the assistant clerk to the Committee on Military Affairs, I personally know about him, and he is one of the most efficient, one of the most industrious, and one of the most capable employees about the House.

Mr. GRIFFIN. Working often nights and Sundays.

Mr. TRACEY. Yes; working often nights and Sundays, and there is no reason in the world that I can see why he should not receive the same pay as a session employee, who does no more work, but who happens to be named in the legislative bill.

Mr. LOUD. With all due respect to the gentleman, I should like to say that there are very few committees in this House for which one gentleman can not perform the clerical work. I believe the Post-Office Committee has as much clerical work as the Military Committee, from my knowledge of affairs in this House.

Mr. TRACEY. We have a very large amount of work.

Mr. LOUD. Yet, let me say, the clerk of the Committee on Post-Offices and Post-Roads can perform the clerical work of that committee and of the chairman, and he is not worked to death, either. This, mind, is a proposition—and the House might just as well understand it—to give a few gentlemen pay for a period during which they perform no service for the Government. I believe they will come under the amendment to the sundry civil bill, to give a month's extra pay to employees at the end of this session.

Mr. BRUMM. Does the gentleman mean to say a month's extra pay over and above this?

Mr. LOUD. Why certainly, they having been on the roll at a certain date, they will be entitled to a month's extra pay just the same as the rest.

Mr. BRUMM. Sufficient unto the day is the evil thereof. The gentleman is anticipating.

Mr. LOUD. Oh, I am anticipating a certainty.

Mr. HULICK. The only reason, as I understand, why the gentleman [Mr. TRACEY] asks for this appropriation is because other employees before this time received this additional amount. That is the only reason, is it not?

Mr. TRACEY. The only reason on earth why I ask for the passage of this resolution is because I believe in the spirit of fairness and justice.

Mr. HULICK. The question that occurs to me is that the House should consider whether this is due to these employees. Do they deserve it? It is not a question whether it was given to other employees and therefore should be given to these.

Mr. TRACEY. The House has already determined that nineteen of its session employees shall be paid for one hundred and twenty-one day's services in this session.

Mr. HULICK. But the question that presents itself is, Was that a right and proper thing to do?

Mr. TRACEY. Why, the House has determined that it is right, and that question is settled.

Mr. HULICK. But we are not determining that now. We are only determining the question as to what we shall do in the present case.

Mr. WASHINGTON. That has already been determined, and is the law.

Mr. TRACEY. The House having been right in its determination to pay the nineteen employees for one hundred and twenty-one days, it can not but be right in doing the same for these eight other session employees.

Mr. HULICK. Now, another question. Will they receive the additional extra pay for one month, if that item comes over in the appropriation bill, as has been stated by the gentleman from California [Mr. LOUD]?

Mr. TRACEY. Certainly not. They get simply what this resolution provides.

Mr. LOUD. Let me say that I am anticipating a certainty, just as sure as the sun will rise to-morrow, and the gentleman well knows it.

Mr. MCMILLIN. Do I understand from the gentleman from California that there is a provision which embraces these employees among those who are to receive an extra month's pay?

Mr. LOUD. Why, the gentleman, if he had read the RECORD, would find that such an amendment has been included in the sundry civil bill in the Senate, and the gentleman has had experience enough to know that the Senate never allows an appropriation bill to pass without taking care of its employees.

Mr. MCMILLIN. Now, I wish to ask the gentleman in charge of the bill, is not the real purpose of the committee to give an extra month's pay to these men as is given to the others?

Mr. TRACEY. That is the purpose.

Mr. MCMILLIN. Then, if the Senate amendment is adopted, and I have no doubt it will be——

Mr. LOUD. The gentleman knows it will be.

Mr. MCMILLIN. As the gentleman from California says, it will be, it gives these employees two month's extra pay. It gives them this certain; and if the other is adopted, does not the gentleman think they will get another? Does not the gentleman think it would be well to hold this up to see what will be the fate of that Senate amendment?

Mr. TRACEY. Let me state, in reply to the gentleman from Tennessee, that I think the gentleman from California is mistaken in stating that there is any amendment pending in the Senate for the payment of these House session employees.

Mr. LOUD. It takes in all the employees.

Mr. TRACEY. There is no such amendment pending in the Senate.

Mr. HULICK. It has already passed.

Mr. TRACEY. These session employees were not included in the bill. The Comptroller of the Treasury does not include these employees who are employed by resolution of the House.

Mr. LOUD. Why not?

Mr. TRACEY. Because he says it does not, and he is the law.

Mr. LOUD. That amendment says every employee on the roll on the 1st of February.

Mr. TRACEY. But the Comptroller holds that that does not include employees employed under resolution of the House, and has so decided, and this is introduced on that distinct understanding.

Mr. MILNES. Will the gentleman allow me to ask him a question?

Mr. TRACEY. Certainly.

Mr. MILNES. The proposition is to give these special employees an extra month's pay. Now, if this House has an extra session, or an extra session of Congress is called to meet on the 15th of this month, the House will be paying two sets of men for the same duty performed during that month.

Mr. TRACEY. I do not so understand. This is not paying these men for duty they are to perform hereafter. It is paying

them in accordance with what the House determines to be right—that these session employees shall be paid an extra month for extra services that they have performed, not what they are going to do.

Mr. MILNES. They are to be paid for services that they have not performed.

Mr. McMILLIN. Will the gentleman yield to me for a moment?

Mr. TRACEY. Certainly.

Mr. McMILLIN. I have the provision before me, which has already been incorporated on the sundry civil bill. This is the provision. Gentlemen can see whether it embraces these employees or not:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

That is the provision. I think the gentleman will see, as they are session employees, that they are embraced in the provision of the resolution. I submit to him whether on consideration he will not put that interpretation upon it himself?

Mr. COX. If my colleague will allow me, these special employees that you are speaking of—does any member of this House know what extra duty has been imposed upon them? They accepted the positions and were willing to perform the duty when they accepted it.

Mr. TRACEY. I desire to say, in reply to the paragraph read by the gentleman from Tennessee [Mr. McMILLIN], just what I have heretofore said. The disbursing clerk of the House has communicated with the Comptroller of the Treasury in regard to that very matter, and he holds that the language read by the gentleman from Tennessee and in the bill only includes the session employees provided for in the appropriation bills, and not those employed or appointed by resolution of the House.

Mr. McMILLIN. Do I understand the Comptroller has interpreted this before it became a law?

Mr. TRACEY. He interpreted that before it became a law, because of the fact that this has been the uniform practice in the past.

Mr. BRUMM. That is the interpretation of the Comptroller of the provision.

Mr. McMILLIN. This is unquestionably for employees:

To pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1897, etc.

Mr. TRACEY. These are not borne on the session roll.

Mr. McMILLIN (continuing):

Including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-fourth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. TRACEY. I think the gentleman would see in a minute, if he would just reflect, that these session employees are not borne on the roll referred to there. They are paid out of the contingent fund of the House; the other session employees are paid out of an appropriation bill by an appropriation for that purpose. These men are not borne on the session rolls referred to in that law at all, and hence the Comptroller is right in holding that they do not come in under that provision. There is no question about it, and if these men are to be paid at all, it will have to be by a resolution of this kind, because those men are paid out of the contingent fund and not out of an appropriation bill.

Mr. WASHINGTON. Will the gentleman yield to me a moment?

Mr. TRACEY. Certainly.

Mr. WASHINGTON. I think that perhaps since the gentleman first made his statement the House may have lost sight of the fact that all the session employees borne upon the regular roll are by law paid at the short session for one hundred and twenty-one days; that is to say, for one month beyond the termination of the session. Now, by resolution of the House there are eight gentlemen in whom I have not the slightest interest except the desire to see justice done, who have been employed by authority of the House to do exactly the same kind of work that is done by the session employees who get paid for one hundred and twenty-one days, but, under a ruling of the Comptroller, these eight men, being appointed by resolution, can be paid for only eighty-seven days, thirty-four days less than the others; and it seems to me it is only just and fair to pay all the employees who do the same kind of work for the same number of days, and let us deal with the question of the month's extra pay by itself hereafter.

Mr. BRUMM. Especially as it is following the precedents heretofore set for years.

Mr. LACEY. Let me ask the gentleman in charge of this resolution a question. A number of these employees, the House will remember, were not employed until after the Christmas holidays. Under this resolution they will now get pay not only for the full session, but they will have one month added to their three months' pay if the resolution passes in this form. Am I right about that?

Mr. TRACEY. Certainly not; because their pay did not begin until they were employed.

Mr. LACEY. But this resolution says that they shall receive the same pay as provided in the act of 1896, and the act of 1896 gives the session employees three months' pay and one month's extra pay. In this way, by indirection, these men whom we did not put on the rolls until after the Christmas holidays will get the same pay that they would have received if they had been put on the rolls on the first day of the session, and, in addition thereto, one month's extra pay. That is the effect of the resolution in the form in which it is submitted to the House.

Mr. TRACEY. I think the gentleman is mistaken about that.

Mr. LACEY. I have just read the resolution, and I think there can be no question but that that will be the effect of it. If that is not the purpose in view, then the resolution ought to be rewritten, so that these employees should not, under any circumstances, receive more than one month's additional pay over and above what they would receive but for the passage of this resolution.

Mr. BRUMM. I think that is a fair amendment.

Mr. TRACEY. I have no objection to that amendment, because that was the intention.

Mr. HARTMAN. Mr. Speaker, I observe that this resolution does not make any provision at all for an extra month's salary for the clerks to Senators, Representatives, and Delegates. I will ask the gentleman if it does?

Mr. TRACEY. No.

Mr. HARTMAN. I want to ask the gentleman why it is that there is any discrimination made against them. Is there any class of employees of the Senate or of the House that performs any more satisfactory or efficient work than the clerks to Senators, Representatives, and Delegates? Now, I ask the gentleman if he will accept an amendment to include them? I want to ask him if, in his opinion, it would not be entirely just and equitable that such an amendment should be adopted to this resolution?

Mr. TRACEY. I could not accept that amendment.

Mr. HARTMAN. Upon what basis does the gentleman refuse to accept it?

Mr. TRACEY. Because this is an entirely different matter?

Mr. HARTMAN. Why is it different? Are not those clerks the employees of the various Senators, Members, and Delegates who constitute the House of Representatives and the Senate?

Mr. BRUMM. They are employed by the year, while these clerks are not.

Mr. HARTMAN. I understand; but I beg the gentleman's pardon, this resolution particularly says "employees borne upon the annual rolls of the House." Now, these clerks are annual employees. We are authorized to employ them annually. You provide for an extra month's compensation for every employee at both ends of the Capitol with the exception of the clerks to Members, Senators, and Delegates, and I repeat that there is no class of employees at either end who perform any more satisfactory or efficient service, and if we are going to be generous, let us be fair and just at the same time.

Mr. BRUMM. Let me suggest that the employees of the House have to stay here at least a couple of weeks to perfect their work, and they stay here at their own expense, while the individual clerks of Senators and Members go home and have practically nothing to do.

Mr. HARTMAN. My clerk does not go home.

Mr. BRUMM. Then that is because you have not your clerk living at home.

Mr. HARTMAN. No; it is because he stays here and performs his duty, as he ought to do.

Mr. BRUMM. I will go with the gentleman if he thinks it is right and the House thinks it is right to raise the salaries of those clerks if they are not high enough, but they ought not to come in on this resolution.

FORFEITED OPIUM.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed with an amendment the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder; also that the Senate requested a conference with the House of Representatives on said amendment, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. WHITE, and Mr. PLATT.

Mr. DINGLEY. It is desirable that the bill just received from the Senate go into conference immediately. I ask unanimous consent that the amendment of the Senate be nonconcurred in and the request of the Senate for a conference agreed to.

The SPEAKER. If there be no objection, the bill just received from the Senate will be taken up.

There was no objection.

The SPEAKER. The amendment of the Senate will be read.

Mr. DINGLEY. I ask that the reading of the amendment be omitted. As the bill passed the House, it authorized the sale of opium when seized. The Senate has amended the bill so as to authorize the destruction of the opium. That is the only change.

The SPEAKER. The Chair has ordered the reading of the amendment for the information of the House.

The amendment was read, as follows:

In line 7 strike out all after "and," down to and including "forfeiture," in 12, and insert "shall be destroyed."

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] moves that the House nonconcur in the amendment of the Senate and agree to the request of the Senate for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. EVANS, and Mr. MCMILLIN as conferees on the part of the House.

PAY OF CERTAIN EMPLOYEES.

Mr. TRACEY. In response to the suggestion of the gentleman from Iowa [Mr. LACEY], I propose to amend this resolution as follows:

Strike out the words "the same number of days as is authorized by the legislative appropriation bill, approved May 28, 1896, for the session employees authorized by that act" and insert "one month extra for extra services performed, as are other session employees provided for in the legislative appropriation bill."

Now, if there is no further discussion desired, I will ask the previous question.

Mr. HARTMAN. Before the gentleman does that, I want to offer an amendment to this resolution, adding thereto one month's extra salary to the clerks of Senators, Representatives, and Delegates.

Mr. BRUMM. I object. Let that matter be brought in as a separate resolution.

Mr. TRACEY. That proposition can come in separately.

Mr. BRUMM. Why weigh this resolution down with that question?

Mr. HARTMAN. I am in favor of this resolution; and even if my amendment be defeated, I shall vote for the resolution.

The SPEAKER. The gentleman from Missouri [Mr. TRACEY] asks for the previous question.

The previous question was ordered.

Mr. DOCKERY. I now ask that the proposition as proposed to be amended be read.

Mr. TRACEY. Let the amendment be read.

The Clerk read the amendment of Mr. TRACEY.

Mr. HARTMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARTMAN. Is the amendment which I offered pending, or was it cut off by the ordering of the previous question?

The SPEAKER. The previous question had been moved before the gentleman presented his amendment.

Mr. HARTMAN. I understood the gentleman yielded to me.

Mr. TRACEY. Not to offer an amendment.

Mr. HARTMAN. Very well.

The question being taken, the amendment of Mr. TRACEY was agreed to, and the resolution as amended was adopted; there being on a division—ayes 58, noes 39.

PRINTING REPORTS OF DIRECTOR OF THE MINT.

Mr. PERKINS. I move to suspend the rules so as to adopt the resolution embraced in the report of the Committee on Printing which I send to the desk.

The Clerk read as follows:

The Committee on Printing, having had under consideration House joint resolution No. 258, providing for the printing of additional copies of the report of the Director of the Mint for 1896, of the report of the Production of Precious Metals for 1895, and of the Coinage Laws of the United States, report the following substitute, and recommend that the same be agreed to.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 10,000 copies of the report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint; 3,000 for the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for the year 1895, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

The Public Printer estimates the cost of the work under this resolution as follows:

Ten thousand copies of the Report of the Director of the Mint for 1896, at $3,500.

Three thousand copies of the Report of the Director of the Mint on the Production of Precious Metals for 1895, at $1,200.

Five thousand copies of Coinage Laws of the United States, at $2,000.

Mr. PERKINS. Mr. Speaker, if there be no demand for a second on the motion to suspend the rules, I call for a vote.

The question being taken, the rules were suspended, and the resolution reported by Mr. PERKINS was adopted, two-thirds voting in favor thereof.

INTERSTATE NATIONAL BANK, KANSAS CITY.

Mr. VAN HORN. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo., was read, as follows:

Be it enacted, etc., That the Interstate National Bank of Kansas City, located in Kansas City, county of Wyandotte, and State of Kansas, is hereby authorized to change its location to the city of Kansas City, county of Jackson and State of Missouri, by complying with the following provisions: Whenever the stockholders representing three-fourths of the capital stock of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate under the corporate seal of the bank expressing such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit and other business of said bank shall be carried on in the city of Kansas City, county of Jackson and State of Missouri.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or effect in any action or proceeding in law in which the said bank may be a party or interested. And when such change shall have been determined upon, as aforesaid, notice thereof, and of such change, shall be published in two newspapers of general circulation in the city of Kansas City, Kans., not less than four weeks.

SEC. 3. That all the debts, demands, liabilities, rights, privileges, and powers, of the Interstate National Bank of Kansas City, now located in Kansas City, in the county of Wyandotte and State of Kansas, shall devolve upon the Interstate National Bank of Kansas City, of the city of Kansas City, county of Jackson and State of Missouri, whenever such change of location is effected.

Mr. VAN HORN. Let the report be read.

The report (by Mr. CALDERHEAD) was read, as follows:

The Committee on Banking and Currency, to whom was referred Senate bill 3680, respectfully report the same back to the House, with the recommendation that it concur in the Senate bill.

The bank referred to is located at the Kansas City stock yards, and has a capital of $1,000,000 and a surplus of $140,000, and transacts the banking for the cattle business there.

The bank is in a building situated on the State line, one part of the building being in the State of Kansas and the other part in the State of Missouri. It is desired to move the bank from the northwest corner of the building, which is in the State of Kansas, to the southeast corner of it, which is over the line in the State of Missouri. Under the general statute a national bank may move within the State where it is located a distance of not over 30 miles, with the consent of the Comptroller, but may not move farther than that, nor from one State to another.

It is because this removal is across the State line that it requires the sanction of a special act.

The committee are of opinion that the bill protects all the legal rights and obligations of all the parties interested in it, and therefore unanimously recommend that the bill do pass.

Mr. LOUD. Which way is it proposed to move this bank—into Kansas or out of it?

Mr. VAN HORN. Out of it.

Mr. LOUD. Well, I think that is right. [Laughter.]

Mr. DOCKERY. I understand that this bill has been recommended by the Comptroller of the Currency and is satisfactory to all parties interested.

Mr. COX. Mr. Speaker, there is one point about this bill that I want to have clearly understood. The line of demarcation, it seems, runs through the House of this banking corporation; and the only object of the bill, as I understand it, is to transfer the bank from one State to another.

Mr. VAN HORN. From one room to another.

Mr. HENDERSON. In the same building.

Mr. DOCKERY. That is all right.

Mr. COX. But I want the point clearly reserved that no liability or jurisdiction shall be disturbed by the passage of the bill.

Mr. HENDERSON. That is amply provided for in the bill.

Mr. DOCKERY. It seems to be fully met in the provisions of the bill as read.

Mr. VAN HORN. And it meets the approval of the Comptroller of the Currency.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. VAN HORN, a motion to reconsider the last vote was laid on the table.

MRS. WELTHA POST LEGGETT.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILNES, Mr. DALZELL, Mr. TALBERT and others demanded the reading of the report.

The report was read at length.

Mr. BARTLETT of New York. Before consent is given, I wish to ask the gentleman in charge of the bill why is this bill taken up by a sort of undue preference out of its order and brought in for consideration at this time? I understand that it has not been considered at a Friday night session. There are unquestionably a number of pension bills so considered that should be brought before the House for its action if any are to be considered.

But, of course, Mr. Speaker, the power lies with the majority to determine the matter, although I think that gentlemen on the

other side of the House ought to object to any unfair preference in the case of any pension bills. Let us consider them fairly and in due and proper order. But it lies with gentlemen on the other side to object to such preference if they think it improper.

Mr. TALBERT. I would like to ask if this is not the grant of a new pension?

Mr. BURTON of Ohio. She is not receiving any pension now, I will state to the gentleman.

Mr. TALBERT. And why has she not applied through the regular channels?

Mr. BURTON of Ohio. I will answer the gentleman by saying that in view of the very exceptional services rendered by her distinguished husband—and I think I may say without exaggeration that of the volunteer officers none except General Logan won a worthier or higher record than he—that in view of these exceptional services it seems to be only a proper mark of consideration to this widow for Congress to grant this pension directly, as it has done in many other cases.

Mr. TALBERT. But why did she not go to the Pension Bureau and get her bill through there? I suppose the object is to get $50 per month, whereas she would get but $30 from the Department under the general law. That seems to have been the uniform practice here.

Mr. BURTON of Ohio. The gentleman will observe from the reading of the report——

Mr. MILNES. Mr. Speaker, I have utterly failed to get recognition for the pension of a private soldier on this floor, a man who fought in the ranks and suffered injury there, and therefore I object.

Mr. BURTON of Ohio. I trust the gentleman will not insist upon his objection.

The SPEAKER. Objection is made.

LIFE-SAVING MEDAL TO DANIEL E. LYNN.

Mr. SNOVER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 100, granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to bestow upon Daniel E. Lynn, of the city of Port Huron, Mich., a gold life-saving medal in recognition of his heroic services in the attempt to rescue the crew of the schooner *William Shupe* on the 19th day of May, 1894.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BARTLETT of New York. I would ask for the reading of the report, reserving the right to object.

The report (by Mr. WANGER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., respectfully report having carefully considered the measure, are of the opinion that it should pass without amendment for the reasons set forth in Senate Report No. 602.

This resolution is identical with House Resolution No. 223, heretofore favorably reported by the committee (House Report No. 2814), and we suggest that it be substituted for the same.

There being no objection, the joint resolution was considered, and ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SNOVER, a motion to reconsider the last vote was laid on the table.

THOMAS ROSBRUGH.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 459) for the relief of Thomas Rosbrugh.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Thomas Rosbrugh, of St. Clair County, Mo., to enter 160 acres of public land, subject to entry under the homestead or settlement laws, not mineral, nor in the actual occupation of any settler, in lieu of the southeast quarter of section 24, in township 38, of range 27 west, in St. Clair County Mo., which land was entered by said Thomas Rosbrugh on December 21, 1869, under the homestead laws, said entry being reported to be without conflict by instruction of the Commissioner of the General Land Office of the date of January 22, 1870, the title to half of which land failed because of a prior disposition of the same, which did not then appear upon the records of the Land Office, and the entry of said Rosbrugh was canceled: *Provided, however*, That the said Thomas Rosbrugh shall not have made any other entry of land of the United States under the homestead laws: *And provided further*, That a final certificate and patent shall issue to the said Thomas Rosbrugh, or his legal heirs or representatives, upon such entry as he may make hereunder, without proof of residence or cultivation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8443) to amend section 4878 of the Revised Statutes relating to burials in national cemeteries;

A bill (H. R. 4310) for the relief of Mathis Pedersen;

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 5597) for the relief of Charles Deal;

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

A bill (H. R. 10290) for the relief of Joseph P. Patton;

A bill (H. R. 610) for the relief of John F. McRae;

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia;"

A bill (S. 2232) to vacate Sugar Loaf reservoir site, in Colorado, and to restore the lands contained in the same to entry;

A bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

A bill (S. 1743) to establish an additional land office in the State of Montana; and

A bill (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River.

CHESTER B. SWEET.

Mr. BARHAM. I ask unanimous consent for the consideration of the bill (S. 927) for the relief of Chester B. Sweet, of California.

The bill was read.

Mr. BLUE. Mr. Speaker, let us have the report on that bill.

Mr. LIVINGSTON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

EDWARD C. SPOFFORD.

The SPEAKER laid before the House the bill (H. R. 6730) granting a pension to Edward C. Spofford, with a Senate amendment thereto.

The Senate amendment was concurred in.

ANNA G. VALK.

The SPEAKER also laid before the House the bill (H. R. 7055) increasing the pension of Anna G. Valk, with a Senate amendment thereto.

The bill and the amendment of the Senate were read.

Mr. BLUE. Mr. Speaker, what is the rank of the officer whose widow is named in this bill?

The SPEAKER. The rank is that of surgeon.

Mr. LOUD. I move that the bill be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ALPHONZO O. DRAKE.

The SPEAKER also laid before the House the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, with a Senate amendment thereto.

The Senate amendment was concurred in.

Mr. TERRY. Mr. Speaker, a parliamentary inquiry. I understand that these bills have been considered in Committee of the Whole and have passed the House; that they have Senate amendments to them, and in that way become in order now.

The SPEAKER. They are House bills with Senate amendments, which are now returned to the House for its action.

LYDIA W. HOLLIDAY.

The SPEAKER laid before the House the bill (H. R. 7422) granting a pension to Lydia W. Holliday, with a Senate amendment thereto.

The bill and the Senate amendment were read.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. LOUD. Mr. Speaker, what is the usual pension given to army nurses under the law?

Mr. CROWTHER. Twelve dollars a month.

Mr. LOUD. Then I move that the bill be referred to the Committee on Invalid Pensions.

Mr. PICKLER. Before that motion is put, I should like to ask what is the Senate amendment?

The SPEAKER. It strikes qut "thirty" dollars and inserts "twenty" dollars.

Mr. PICKLER. I hope the gentleman will not move to refer the bill to the Committee on Invalid Pensions.

Mr. LOUD. I think that is the proper body to consider this matter.

Mr. PICKLER. I have no personal knowledge of this; but I understand that this woman is 93 years old, and that the case is a peculiar one. I hope the gentleman will withdraw his motion to refer to the committee, and let us vote on the motion to concur in the Senate amendment.

Mr. LOUD. I shall not withdraw the motion.

Mr. PICKLER. Then I hope it will be voted down.

The SPEAKER. The question is on referring the bill to the Committee on Invalid Pensions.

The question being taken, on a division (demanded by Mr. PICKLER) there were—ayes 32, noes 56.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER (after having counted the House). One hundred and forty-two members are present, not a quorum. Under the rules of the House the yeas and nays will be considered as ordered, and at the same time there will be a call of the House. Those present and desiring to vote will answer "yea", or "nay" when their names are called, and those desiring to be recorded as present will announce that they are present. The Clerk will call the roll.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. I would like to inquire what is the question before the House?

The SPEAKER. The question before the House is, Shall the bill be referred to the Committee on Invalid Pensions?

The question was taken; and there were—yeas 62, nays 191, answered "Present" 17, not voting 102; as follows:

YEAS—62.

Abbott,	Cooper, Tex.	Livingston,	Shuford,
Allen, Miss.	Crisp,	Loud,	Skinner,
Bailey,	De Armond,	Maddox,	Stallings,
Bartlett, Ga.	Ellett,	Maguire,	Stokes,
Bartlett, N. Y.	Erdman,	McCulloch,	Strowd, N. C.
Beach,	Hall,	McDearmon,	Talbert,
Bell, Colo.	Harrison,	McLaurin,	Tate,
Bell, Tex.	Hendrick,	McMillin,	Terry,
Berry,	Jones,	Meredith,	Tucker,
Black,	Kleberg,	Meyer,	Turner, Va.
Blue,	Kyle,	Money,	Wheeler,
Buck,	Latimer,	Moses,	Wilson, S. C.
Catchings,	Lawson,	Ogden,	Woodard,
Clardy,	Lester,	Otey,	Yoakum.
Cockrell,	Linney,	Robertson, La.	
Connolly,	Little,	Sayers,	

NAYS—191.

Acheson,	Evans,	Hyde,	Raney,
Adams,	Fairchild,	Johnson, N. Dak.	Reeves,
Aldrich, T. H.	Faris,	Joy,	Reyburn,
Aldrich, W. F.	Fenton,	Kerr,	Rinaker,
Anderson,	Fischer,	Kiefer,	Robinson, Pa.
Andrews,	Fitzgerald,	Kirkpatrick,	Royse,
Arnold, Pa.	Fletcher,	Lacey,	Sauerhering,
Arnold, R. I.	Foote,	Layton,	Scranton,
Atwood,	Foss,	Lefever,	Shafroth,
Avery,	Fowler,	Leighty,	Shannon,
Babcock,	Gamble,	Leonard,	Sherman,
Baker, Kans.	Gibson,	Lewis,	Simpkins,
Baker, Md.	Gillet, N. Y.	Long,	Smith, Mich.
Baker, N. H.	Goodwyn,	Lorimer,	Snover,
Barney,	Graff,	Low,	Sorg,
Belknap,	Griffin,	Mahany,	Southard,
Bennett,	Grosvenor,	Mahon,	Spalding,
Bingham,	Grout,	Marsh,	Stahle,
Bishop,	Hager,	McCall, Tenn.	Steele,
Brewster,	Hanly,	McCleary, Minn.	Stephenson,
Broderick,	Hardy,	McClellan,	Stewart, N. J.
Bromwell,	Harmer,	Meiklejohn,	Stewart, Wis.
Brosius,	Harris,	Mercer,	Stone, C. W.
Brumm,	Hart,	Miller, W. Va.	Stone, W. A.
Bull,	Hartman,	Milliken,	Strode, Nebr.
Burrell,	Hatch,	Minor, Wis.	Sulloway,
Burton, Mo.	Heatwole,	Mitchell,	Sulzer,
Burton, Ohio	Heiner, Pa.	Mondell,	Taft,
Calderhead,	Hemenway,	Moody,	Thorp,
Clark, Iowa	Henderson,	Morse,	Towne,
Clark, Mo.	Henry, Conn.	Murphy,	Tracey,
Codding,	Henry, Ind.	Murray,	Treloar,
Coffin,	Hepburn,	Noonan,	Van Horn,
Colson,	Hermann,	Northway,	Van Voorhis,
Cook, Wis.	Hicks,	Odell,	Wadsworth,
Corliss,	Hill,	Otjen,	Walker, Mass.
Cousins,	Hitt,	Overstreet,	Walker, Va.
Crowley,	Hooker,	Parker,	Warner,
Crowther,	Hopkins, Ill.	Pearson,	Watson, Ind.
Curtis, Iowa,	Howard,	Perkins,	Wilber,
Dalzell,	Howe,	Phillips,	Willis,
De Witt,	Howell,	Pickler,	Wilson, N. Y.
Dockery,	Hubbard,	Pitney,	Wilson, Ohio
Dolliver,	Huff,	Poole,	Wood,
Doolittle,	Hulick,	Powers,	Woodman,
Dovener,	Huling,	Prince,	Woomer,
Eddy,	Hull,	Pugh,	Wright.
Ellis,	Hunter,	Quigg,	

NOT VOTING—102.

Aitken,	Danford,	Loudenslager,	Settle,
Aldrich, Ill.	Daniels,	Martin,	Shaw,
Allen, Utah	Dayton,	McCall, Mass.	Smith, Ill.
Apsley,	Denny,	McClure,	Southwick,
Bankhead,	Dingley,	McCormick,	Sparkman,
Barham,	Dinsmore,	McCreary, Ky.	Spencer,
Barrett,	Draper,	McEwan,	Sperry,
Bartholdt,	Gardner,	McLachlan,	Strait,
Boatner,	Gillett, Mass.	McRae,	Strong,
Boutelle,	Griswold,	Miles,	Swanson,
Bowers,	Grow,	Miller, Kans.	Tawney,
Brown,	Hadley,	Milnes,	Tayler,
Cannon,	Hainer, Nebr.	Miner, N. Y.	Thomas,
Chickering,	Halterman,	Mozley,	Tracewell,
Clarke, Ala.	Hilborn,	Neill,	Turner, Ga.
Cobb,	Hopkins, Ky.	Newlands,	Tyler,
Cooke, Ill.	Hurley,	Owens,	Updegraff,
Cooper, Fla.	Hutcheson,	Patterson,	Wanger,
Cooper, Wis.	Jenkins,	Payne,	Washington,
Cowen,	Johnson, Cal.	Pendleton,	Watson, Ohio
Cox,	Johnson, Ind.	Price,	Wellington,
Crump,	Kem,	Ray,	White,
Culberson,	Knox,	Richardson,	Williams,
Cummings,	Kulp,	Rusk,	Wilson, Idaho.
Curtis, Kans.	Leisenring,	Russell, Conn.	
Curtis, N. Y.	Linton,	Russell, Ga.	

So the motion to refer the bill to the Committee on Invalid Pensions was rejected.

Mr. BARRETT. I wish to vote.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARRETT. I desire to vote, or to be recorded as present.

The SPEAKER. The gentleman can be recorded as present.

Mr. SWANSON. I desire to vote. I was in the Hall on the second roll call.

The SPEAKER. Was the gentleman listening when his name should have been called, and failed to hear it?

Mr. SWANSON. I can not say that I was listening. I desire to be recorded as present.

The SPEAKER. The Clerk will record the gentleman as present.

Mr. MCCREARY of Kentucky. I desire to be recorded as present. I voted "yea."

The SPEAKER. The gentleman withdraws his vote, and will be recorded as present.

Mr. DINSMORE. Mr. Speaker, I am informed my name was called on the second roll call. I was present, and answered "present" on the first roll call.

The SPEAKER. The gentleman will be recorded as present.

The following pairs were announced:

Until further notice:

Mr. CANNON with Mr. SAYERS.

Mr. GILLETT of Massachusetts with Mr. BOATNER.

Mr. KULP with Mr. SHAW.

Mr. MCCALL of Massachusetts with Mr. SPARKMAN.

Mr. MCCLURE with Mr. STRAIT.

Mr. BARRETT with Mr. CATCHINGS.

For this day:

Mr. WILLIAM A. STONE with Mr. NEILL.

Mr. DINGLEY with Mr. BANKHEAD.

Mr. BARTHOLDT with Mr. HUTCHESON.

Mr. JENKINS with Mr. MINER of New York.

Mr. WELLINGTON with Mr. CULBERSON.

Mr. WILLIAM F. ALDRICH with Mr. ALLEN of Mississippi.

Mr. WANGER with Mr. COBB.

Mr. LEISENRING with Mr. DINSMORE.

Mr. MOZLEY with Mr. OWENS.

Mr. BEACH with Mr. COWEN.

Mr. AITKEN with Mr. PENDLETON.

Mr. CRUMP with Mr. RUSK.

Mr. THOMAS with Mr. WASHINGTON.

The following-named gentlemen answered "present" when their names were called: Mr. BARRETT, Mr. COOPER of Florida, Mr. COX, Mr. CHICKERING, Mr. DALZELL, Mr. DANFORD, Mr. DINSMORE, Mr. JOHNSON of Indiana, Mr. MCCALL of Massachusetts, Mr. MCCREARY of Kentucky, Mr. MCRAE, Mr. OWENS, Mr. PAYNE, Mr. RICHARDSON, Mr. SPARKMAN, Mr. WILLIAM A. STONE, and Mr. SWANSON.

The result of the vote was then announced as above recorded.

BRIDGE ACROSS MISSOURI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I submit a conference report on the bill H. R. 2698, and ask for its adoption.

The SPEAKER. The gentleman presents a privileged report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River at the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreements of the Senate and agree to the same and the Senate agree to the same.

E. J. MURPHY,
JOSIAH PATTERSON,
Managers on the part of the House.

G. G. VEST,
S. B. ELKINS,
JOHN P. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

In explanation of this report your conferees beg to submit the following statement:

That amendment numbered 1 permits those interested in the navigation of the Mississippi River to be heard as to the location of the bridge, before the board of United States engineers provided for in the bill, which reports to the Secretary of War.

Amendment numbered 2 provides that in no case shall the bridge be located within three-fourths of a mile of any other bridge on said river.

Amendments numbered 3, 4, 5, and 6 provide that said bridge, to be constructed, shall consist of but one span, if located below the Eads Bridge.

Amendment 7 is a grammatical correction.

Amendments 8, 9, 10, and 11 strike out words in the bill from which it might be inferred that said bridge might be owned and operated by individuals.

Amendment 12 is a grammatical correction.

Amendment 13 strikes out surplus words "in either event."

Amendment 14 strikes out section 11, which gave the right of eminent domain to the corporation chartered.

Amendment 15 strikes out section 12, which authorized the corporation chartered to borrow money.

Amendments 16 and 17 simply changes numbers of the sections so as to be, as amended, in numerical order.

E. J. MURPHY,
Conferee on the part of the House.

The report of the committee of conference was agreed to.

Mr. PICKLER. Mr. Speaker, if it is in order, I now move that the House concur in the Senate amendment to the bill (H. R. 7422) granting a pension to Lydia W. Holliday.

The motion was agreed to; and the Senate amendment was concurred in.

HATTIE A. BATES.

The SPEAKER also laid before the House a bill (H. R. 4903) entitled "An act for the relief of Hattie A. Bates," with an amendment of the Senate thereto.

The Senate amendment, inserting after "Bates" the words "dependent and helpless," was read.

Mr. McMILLIN. Mr. Speaker, is that a conference report?

The SPEAKER. It is not a conference report; it is a House bill with a Senate amendment.

Mr. PICKLER. Mr. Speaker, as I understand that the Senate amendment merely inserts the words "dependent and helpless," I move that the House concur.

The motion was agreed to; and Senate amendment was concurred in.

CHARLOTTE WEIRER.

The SPEAKER also laid before the House the bill (H. R. 2689) granting a pension to Charlotte Weirer, with an amendment of the Senate thereto.

The Senate amendment was concurred in.

BRIDGE ACROSS THE ALABAMA RIVER.

The SPEAKER also laid before the House a bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River, near the city of Montgomery, Ala., approved March 1, 1893," with an amendment of the Senate thereto.

The Senate amendment was concurred in.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 26, 1897:

An act (H. R. 8250) for the relief of William Gemmill;

An act (H. R. 9494) concerning homestead lands in Florida;

An act (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;

An act (H. R. 1984) to provide for the use and occupation of reservoir sites reserved;

An act (H. R. 1475) for the relief of Basil Moreland;

Joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries; and

Joint resolution (H. Res. 239) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo.

On February 27, 1897:

An act (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;

An act (H. R. 10040) granting an increase of pension to George W. Ferree;

An act (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia;

An act (H. R. 1515) for the relief of Hugh McLaughlin; and

An act (H. R. 6099) granting a pension to Margaret Kirkpatrick.

On March 1, 1897:

An act (H. R. 9689) for the relief of Daniel E. De Clute;

An act (H. R. 3842) to increase the pension of Edward Vunk; and

An act (H. R. 5898) granting a pension to Amanda M. Way, as army nurse.

HARRIET WOODBURY.

The SPEAKER laid before the House a message from the President of the United States, which was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1299, entitled "An act to pension Harriet Woodbury, of Windsor, Vt."

The beneficiary named in this bill was the wife of Aaron G. Firman at the time of his enlistment in 1863. He died October 2, 1864, and the beneficiary, as his widow, was pensioned in 1865, from the day of her soldier husband's death.

She continued to receive the pension allowed to her as such widow until July 14, 1869, when she married Samuel H. Woodbury. She was thereupon dropped from the pension roll pursuant to law, and in 1868 the minor son of the soldier was allowed a pension of $8 a month, commencing at the date of the remarriage of his mother. This pension was increased to $10 a month in 1873, from July 25, 1868, and was continued until 1880, when the minor child reached the age of 16 years.

On July 26, 1886, twenty years after the beneficiary ceased to be the widow of the soldier Aaron G. Firman, and became the wife of the civilian Samuel H. Woodbury, he died and she became his widow.

It is now proposed by this bill to pension her again as the widow of the deceased soldier, notwithstanding her voluntary abandonment of that relation to become the wife of another, more than thirty years ago.

No feature of our pension laws is so satisfactory and just as a fair allowance to the widows of our soldiers who have died from causes attributable to their army service. When, however, such a beneficiary, by remarriage surrenders her soldier widowhood and turns away from its tender and patriotic associations to assume again the relation and allegiance of wife to another husband, when she discards the soldier's name and in every way terminates her pensionable relationship to the Government, I am unable to discover any principle which justifies her restoration to that relationship upon the death of her second husband.

No one can be insensible to the sad plight of a widow in needy condition, but our pension laws should deal with soldiers' widows. I understand that only the existence of this relationship to a deceased soldier creates, through him, the Government's duty and justifies the application of public money to the relief of such widows.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

The SPEAKER. The question is, Will the House, on reconsideration, pass this bill?

Mr. DOCKERY. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Invalid Pensions.

The motion was adopted.

WORLD'S COLUMBIAN COMMISSION.

The SPEAKER also laid before the House the following message of the President of the United States; which was read, and referred to the Committee on Appropriations:

To the Congress:

I transmit herewith the report of the Board of Lady Managers of the World's Columbian Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1897.*

JOHN X. GRIFFITH.

Mr. HEPBURN. Mr. Speaker, I move to suspend the rules and pass——

The SPEAKER. The Chair recognizes the gentleman to ask unanimous consent.

Mr. HEPBURN. Then, Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 4550. It is a bill in the interest of an old soldier who is now entirely blind. It carries only a small pension, and I hope the House will pass it without objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of John X. Griffith, late of Company A, Seventy-seventh Illinois Infantry, now borne upon the pension rolls at $8 per month, to $50 per month, on account of almost total disability for the performance of manual labor, from loss of sight, and to issue him a certificate at that rate.

Mr. McMILLIN. Mr. Speaker, I would like to hear the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4550) granting an increase of pension to John X. Griffith, having considered the same, respectfully report:

This soldier served as sergeant, Company A, Seventy-seventh Illinois Volunteer Infantry, from July 31, 1862, until July 17, 1865, when honorably discharged. He was taken prisoner at Mansfield, La., April 8, 1864, and was confined at Tyler, Tex., and paroled May 27, 1865.

He applied for pension October 19, 1882, alleging disease of eyes contracted in October, 1864, while a prisoner of war; and his claim was allowed at $4 for disease of eyes, and increased to $8 from January 14, 1891.

The sight of right eye became practically lost in 1887, and both eyes have progressed toward blindness until he became practically blind, being barely able now only to distinguish light from darkness with the left eye, the right one being blind.

The Pension Bureau rejected his claim for increase on the ground that his blindness is due to cataract, and not to the chronic sore eyes contracted in service, and which has continued and grown worse ever since. He explains that he did not apply for pension earlier because he was financially in good circumstances for a long period after the war and did not need pension, but met with reverses, lost his property, and became in need.

The medical and other testimony show that the only disease of eyes this soldier ever had was that contracted as prisoner of war, as alleged, and no other cause is assigned for the cataract which caused blindness.

Your committee therefore report back the bill with the recommendation that it pass, after being amended by striking out all of the printed bill after the word "Infantry," in lines 5 and 6, and inserting in lieu thereof "and pay him a pension of $30 per month, in lieu of the pension which he now receives."

Mr. HEPBURN. Mr. Speaker, most of the facts set forth in the report I know to be correctly stated. Since the case was before the committee I have received information that this old soldier is now entirely blind. I know the statement in the report as to the cause of his long delay in asking for a pension to be true. He was until 1885 in affluent circumstances, owning one of the finest farms I ever saw.

Mr. MCMILLIN. As I understand, there is no dispute about the condition of his sight. The only question is, whether the present condition of his eyes is the result of cataract or of disease contracted in the service?

Mr. HEPBURN. It is simply a question of scientific opinion on the part of some gentlemen, in opposition to the facts of the case. The man is totally blind. He has never had any other disease of the eyes than that contracted in the service, and that he has had continuously since his service.

Mr. MCMILLIN. The gentleman asks that the bill pass with the amendment?

Mr. HEPBURN. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill.

The amendment as stated in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

E. C. CHIROUSE.

Mr. HYDE. I ask unanimous consent for the present consideration of the bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Let us have the report read, reserving the right to object.

The report was read.

Mr. HYDE. As the report is very brief, I will state the facts of this case: It appears that about twenty-five years ago a priest of the Catholic Church was appointed Indian agent at the Tulalip Agency, Wash.; that while he was agent he cut some timber from the Indian reservation, sold it, and with the proceeds built houses for the Indians, paying out money for material and to employ carpenters, blacksmiths, and so forth. Many years afterwards, when his accounts were examined at the office in Washington, it was ruled that the proceeds of the timber sold by him should have been turned directly into the Treasury, instead of being expended for the benefit of the Indians in the same manner in which he was expending other money of the Government which he had the right to expend in that way. The matter has run along for twenty-five years, until now suit has been brought against this man and his bondsmen. There are vouchers from this priest showing to the satisfaction of the Department how every dollar of this money was paid out. The agent himself has been dead fifteen years; many of the bondsmen have been dead for some time; some of them are living. This bill was prepared or recommended by the Department with the view of having this account settled upon principles of equity and justice. The facts of the case are largely within my personal knowledge, and I think the bill ought to be passed.

Mr. MCMILLIN. What is the amount involved?

Mr. HYDE. I am not able to state—not a large sum—some twelve or fifteen hundred dollars, according to my information, besides the costs, which are to be paid. This bill is designed simply to avoid a legal difficulty. It provides for settling the matter upon equitable grounds; and no settlement will be made unless proper vouchers are shown. All the costs are to be paid. The officials of the Department desire the bill passed in order that they may do justice in the case.

Mr. MCMILLIN. Has the bill been recommended by the Secretary of the Interior or by the Commissioner of Indian Affairs?

Mr. HYDE. I think not in any formal recommendation. But Senator WILSON, of our State, went to the Department and obtained information which he has furnished to me.

Mr. MCMILLIN. Has the bill been reported by a committee of this House?

Mr. HYDE. It has been.

Mr. MCMILLIN. The facts are so meagerly stated in the report that we are unable to learn anything about the case from that document. It strikes me—though I do not know that I shall object to the bill—that a matter of this kind ought to have been referred formally to some Department of the Government for an opinion.

Mr. HYDE. I understand that something of that kind was done in the Senate.

A very reputable citizen of Olympia, Mr. John F. Gowey, cashier of the First National Bank there, who knows all the facts of the case, talked with me about the matter this morning and mentioned the circumstances to the Speaker of the House. He corroborated all I have heard about the matter. I have no doubt that this is an equitable bill and ought to pass.

Mr. LOUD. Mr. Chairman, however much I may regret to object to the consideration of this bill, yet, in view of the limited information accompanying it, there being no recommendation from the Department and no report from the committee further than a mere recommendation that the bill pass—disdaining to give the House a particle of information on the subject—I feel constrained to object to the consideration of the bill until it comes before the House properly supported by evidence.

The SPEAKER. Objection being made, the bill is not before the House.

MRS. ELIZABETH GNASH.

Mr. CLARK of Iowa. I ask unanimous consent for the present consideration of the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash. This lady is a war widow. The bill proposes to grant her a pension of $12 a month. It has already passed the Senate.

The bill and report were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I understand that this bill has not been considered in the House.

Mr. CLARK of Iowa. It has been considered by the Committee on Invalid Pensions and favorably reported.

Mr. ERDMAN. It has not been considered in the House; and I object to it.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and joint resolution were taken from the Speaker's table and referred as follows:

A bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

Joint resolution (S. R. 209) regulating the distribution of public documents—to the Committee on Printing.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HULL. Mr. Speaker, I desire to submit the conference report which I send to the desk.

The SPEAKER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7320), "An act to prevent trespassing upon and providing for the protection of national military parks," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree thereto with amendment as follows: In lieu of the matter stricken out insert the following:

SEC. 4. That any person to whom land lying within any national parks may have been leased who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States according to the statutes or code of practice of the State in which the park may be situated.

SEC. 5. This act shall apply only to the military parks of the United States.

J. A. T. HULL,
D. G. TYLER,
Managers on the part of the House.

JOS. R. HAWLEY,
GEO. L. SHOUP,
E. C. WALTHALL,
Managers on the part of the Senate.

The statement submitted by the House conferees was read, as follows:

The amendment of the Senate struck out all of section 4 and left the park commissioners without power to remove parties whose leases have expired or to remove parties who have sold land within parks to the Government and refuse to vacate. The amendment agreed to in conference restores section 4, modified so as to make the offense simply a trespass.

Section 5 makes it clear that the act only applies to military parks.

J. A. T. HULL.
D. G. TYLER.

The SPEAKER. The question is on the adoption of the report.

Mr. COX. Mr. Speaker, it is impossible for us, in the confusion, to know what is going on.

Mr. HULL. I will state to the gentleman from Tennessee that the bill, as it passed the House, in section 4 made this refusal to vacate premises on the expiration of the lease or when demanded, after anyone had sold property in the parks to the Government, a misdemeanor which should be punished by a fine not exceeding $1,000 or by imprisonment, or both. The amendment makes it simply a trespass; and where refusal is made to vacate the premises it requires the park commissioner to go into the Federal court in the State where the park is situated and enforce the mandate of removal.

It is a very moderate measure and protects the rights of the Government. The other was considered by the Senate entirely too drastic and that it gave too great a power to the commissioners. This, therefore, is simply a modified power to enforce removal to meet that objection.

I ask the adoption of the report.

The report was considered, and agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, DETROIT, MICH.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885, be, and the same are hereby, repealed; and the lands and buildings referred to in said sections are hereby retained for the use of the Government.

Mr. CORLISS. Mr. Speaker, I ask for the reading of the report, which fully explains this matter.

The report (by Mr. MERCER) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, this matter, I think, was up some time ago and an objection was made.

Mr. CORLISS. I will state to the gentleman from California that the objection was made because information had not reached some of the members of the House with reference to it. It is simply a proposition to retain the Government grounds for Government purposes and insure a saving in rents of about $6,000 per annum to the Government.

It is absolutely necessary for the accommodation of the Government departments in that great city. If it is not passed there will be an expenditure of five or six thousand dollars per annum for the rent of buildings.

This bill carries no appropriation whatever. It does not require an appropriation to occupy the building, but simply allows the retention, as the Treasury Department undoubtedly will direct, for the accommodation of the Government of a building held by the Government for nearly a hundred years.

Mr. LOUD. Who occupies the building now?

Mr. CORLISS. The Post-Office Department, but within ninety days they will go into the new building. The new building, however, is not adequate to accommodate all of the departments of the Government, and they are occupying private properties now, and unless this law is repealed, as sought by the pending bill, inasmuch as the pending law is mandatory, they must sell that ground, and in a few years we will be found asking for an appropriation to put up an additional building.

Mr. LOUD. I think the gentleman will probably be back here anyway; but I should like to ask what the Treasury Department says about this matter.

Mr. CORLISS. I have talked with the Assistant Secretary of the Treasury, and he deemed it very essential that this building be held for the benefit of the Government.

Mr. LOUD. I will ask the gentleman from Michigan [Mr. CORLISS] if that is in the report, or in such form that it can be presented to Congress?

Mr. CORLISS. It is not in the report, and the Assistant Secretary of the Treasury assured me that it was not usual for that Department to make communications to Congress on such matters.

Mr. LOUD. It is a very important matter, it seems to me, for us to legislate on, and we ought to be in possession of the proper information.

Mr. CORLISS. You are in possession of all the information that can possibly be given. Fourteen years ago it was expected that the new building, when completed, would accommodate the offices of the Government; but the city has doubled in population, the business has doubled in volume, and the Government departments in Detroit can not possibly all be located in the new building. The space will all be occupied, and this old building will simply accommodate the overflow.

Mr. HICKS. How near is the new building to completion?

Mr. CORLISS. Within ninety days.

Mr. HICKS. Then it will give the use of two buildings instead of one.

Mr. CORLISS. It will give the use of two buildings, which are both owned by the Government.

Mr. LOUD. I shall not object, Mr. Speaker, and neither do I desire specially to doubt the word of the gentleman; but I oppose this system of legislating upon the personal statement of an individual member of Congress, when it is so easy to secure, in official form, the report of the Department, if the Department think the proposed course is advisable.

Mr. CORLISS. Mr. Speaker, I will answer the gentleman by saying that this bill has the unanimous report of the Committee on Public Buildings and Grounds, after consideration of this question, and I can assure the gentleman that the Treasury Department deem this necessary. They did not deem it necessary to write a communication to the House, because the facts are apparent to anyone who will listen to the report of the committee. The report states the exact facts with reference to the matter. This is absolutely necessary for the accommodation of the Govertment departments in Detroit.

Mr. LOUD. How could the committee know this, if they did not receive the information?

Mr. CORLISS. Because I presented to the Committee on Public Buildings and Grounds a certificate, signed by the assistant supervising architect in Detroit, certifying what departments of the Government could enter the new building, and what could not. That certificate I had before the committee. It was not printed as a part of the report because the facts are fully reported. It shows that there will be a saving of at least $5,000 per annum to the Government by retaining its own property, which it has held for a hundred years.

Mr. HICKS. Was it not further stated before the Committee on Public Buildings and Grounds, by authority of the Secretary of the Treasury, that you ought to have this additional accommodation?

Mr. CORLISS. I have assured the House of that fact, just as I assured the committee of it.

Mr. MADDOX. Mr. Speaker, I object to the consideration of this bill until we get a report from the Treasury Department.

The SPEAKER. Objection is made.

CLARA A. GRAVES ET AL.

Mr. QUIGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased.

The bill was read.

Mr. LOUD. I should like to hear the report on that, Mr. Speaker.

Mr. HARRISON. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. The Clerk will call the committees.

The Clerk proceeded with the call of the committees.

The Committee on Election of President, Vice-President, and Representatives in Congress was called.

ELECTION RETURNS.

Mr. MERCER. Mr. Speaker, I am directed by the Committee on the Election of President, Vice-President, and Representatives in Congress to call up the bill (H. R. 4979) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections.

The bill was read, as follows:

Be it enacted, etc., That sections 140 and 145 be amended so as to read as follows:

"SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

"First. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to forward forthwith by express to the Secretary of State, at the seat of Government, who is authorized and directed to deliver the same to the President of the Senate, one of the certificates.

"Second. Such person designated as above shall forthwith forward by the post-office, through its registry department, to the Speaker of the House of Representatives, at the seat of Government, one other of the certificates.

"Third. Such person shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

"SEC. 145. Every person, who having been delegated pursuant to sections 140 and 141 to deliver and forward the certificates as therein provided, and having accepted such services shall refuse or neglect to perform the same, shall forfeit the sum of $1,000."

SEC. 2. That sections 143 and 144 be, and the same are hereby, repealed.

SEC. 3. That the cost of the transmission of said certificates as heretofore provided shall be paid, upon proper vouchers, out of the contingent fund of the House of Representatives.

Mr. MERCER. Mr. Speaker, some years ago, following the Presidential election, the electors of a certain State met at the capitol thereof and attempted to choose a messenger to bring the returns to the city of Washington. After a conflict of several hours, a conflict of words only, one of the electors betrayed a friend and failed to vote for him for messenger, because another friend told him that if he would vote for him they would divide the mileage. I thought if that was the way mileage in such cases was disposed of, it might be a good idea to remember that we are not now living in the year 1802, the time when that statute was passed, and act accordingly. We are living in the age of express companies, fast mails, and other conveniences whereby certificates can be sent to Washington, instead of being sent by personal messenger. I was told the other day that in another State in this Union the electors met at the State capitol, figured out the probable expense of the messenger, and after deducting that sum from the mileage allowance the rest of them took the balance.

I find in 1872 it cost the United States $20,000 to send the messengers to the capital of the United States. In 1876 it cost $8,857. I do not understand why it cost less in 1876 than in 1872. Perhaps that responsibility rests with the Electoral Commission. In 1880 it cost $8,713.75; in 1884, $10,846.70; in 1888, $9,211.75, and in 1892, $12,671.50. Now, Mr. Speaker, there is no reason why we should not abolish this law of 1802, and produce something more in keeping with the nineteenth century, although it is closing. We have express companies, we have fast mails; and they are just as safe and certain a method of conveyance for electoral certificates as if sent by messenger. This bill will abolish the messenger service, and save to the Government every four years a large amount of money. As it is very difficult for anybody to be recognized to pass a bill carrying an appropriation this late in the session, I thought it well to take the other tack and economize a little, hence this bill; and I trust there will be no objection to its passage.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the vote by which the bill was passed was laid on the table.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Mr. BAKER of New Hampshire (when the Committee on the Judiciary was called). I call up the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The bill was read, as follows:

Be it enacted, etc., That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

The amendment recommended by the committee was read, as follows:

In line 3, after the word "cases," insert the words "hereafter arising."

Mr. BAKER of New Hampshire. Mr. Speaker, this bill is intended to give the Supreme Court of the United States exactly the same authority over the court of appeals of the District of Columbia that is now exercised in regard to the circuit courts of appeal. The Committee on the Judiciary have unanimously recommended the bill with the pending amendment. I hope it will be agreed to.

The question was taken; and the amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask that the bill S. 3588 be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair can not entertain that request, as it breaks up this order of business.

Mr. HENDERSON. That is all this committee has on the House Calendar.

DETAILING AN ARMY OFFICER TO ACCEPT POSITION UNDER GOVERNMENT OF GREATER REPUBLIC OF CENTRAL AMERICA.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

The resolution was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to detail an officer of the United States Army, not above the rank of captain, who shall be permitted to accept from the Government of the Greater Republic of Central America the position of instructor in a military school in said Republic and the emoluments pertaining thereto.

Mr. DOCKERY. Let us have the report.

Mr. HULL. Mr. Speaker, I will say that the bill was informally considered by the Committee on Military Affairs this morning, and I was unanimously instructed to call it up with the recommendation that it pass. It came to us for consideration with a request from the Secretary of State that it be passed as an act of courtesy to the Greater Republic of Central America. That Republic pays all the expense of this officer who is detailed. It costs nothing to this Government. The Secretary of War reported that he can see no objection to its passage.

Mr. McCLELLAN. This is not the first time that has been done.

Mr. HULL. Oh, no; it has been done repeatedly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 90, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks.

DETAILING AN ARMY OFFICER TO ACCEPT POSITION UNDER GOVERNMENT OF GREATER REPUBLIC OF CENTRAL AMERICA.

Mr. BAILEY. Mr. Speaker, I desire to ask the gentleman from Iowa if, under this resolution, the officer detailed to act as an instructor in that Republic would still continue to draw his salary as an officer of the United States Army?

Mr. HULL. I am unable to say to the gentleman what the rule of the Department would be; but my impression is that he would draw his pay the same as when on leave of absence.

Mr. BAILEY. Obviously it is improper for him to be serving that Government and receiving pay for his services there and at the same time to be drawing a salary from the United States. I should think that the gentleman would be willing to provide that if he accepts the pay of one Republic that he should at least discontinue the salary of the other.

Mr. HULL. I would simply say to my friend from Texas that the Government has repeatedly detailed officers, when called upon by South American Republics, as military instructors, and in one case detailed an engineer officer to Japan as instructor there. This bill is in the usual form.

Mr. BAILEY. I have no doubt that it has been, nor have I any question about the propriety of rendering a friendly government this service, provided they are willing to pay for it, as they seem to be; but my contention is that if a man draws a salary from a government which he does serve he ought not at the same time continue to draw a salary from a government which he does not serve. I would think the gentleman would be willing to provide against this man drawing a double salary for single work.

Mr. HULL. As to what they are to pay him, I do not know. I am assured that the War Department has no objection to this. I have no objection to the gentleman submitting an amendment to the House if he desires to, but this is a Senate bill. I will say to the gentleman from Texas the War Department is not asking this. It is the State Department, urging it as an act of friendship to a friendly power. The War Department simply acquiesce and say there is no objection to it. But the Secretary of State sent a dispatch here this morning asking that this bill be passed. It is urged by the representative of the Republic asking for this officer's services.

Mr. BAILEY. Then I ask the gentleman from Iowa whether he will not support this amendment:

Provided, however, That the officer so detailed shall not draw his salary as an officer of the Army of the United States.

Mr. HULL. I will say to the gentleman from Texas that if he wants to offer that amendment, of course, it is in order, but I sincerely hope the House will vote it down.

Mr. BAILEY. I have no doubt that the House will vote it down, because the House evinces a disposition to be more than liberal with these people.

Mr. HULL. I think it is a very proper thing for us to be liberal in this case.

Mr. BAILEY. With other people's money, I think not.

Mr. HULL. No, it is our own money, the money of the people of the United States. We can easily spare an officer for this purpose, and it will be without any extra cost to us. The War Department can pursue the usual course in the matter.

Mr. BAILEY. If the gentleman's statement be correct, we ought to reduce the number of our officers; but I constantly hear that their number ought to be increased, and the Secretary of War has recommended an increase to this very Congress.

Mr. HULL. When we detail an officer of our Army to go there to be a military instructor, it certainly is a detail for an extraordinary service. Whether an officer would go there for the compensation that the Republic would be willing to pay him is a question. That, of course, would be a matter to be settled between him and the Government desiring his services. One thing, however, is very clear, that it costs this Government nothing to give a friendly recognition of this kind to a friendly government, and this bill proposes to do it in the usual form. For us to say to the Republic, "We will let you have an officer if he will surrender his position and pay under the United States Government while he is absent," would be, to my mind, not entirely courteous and certainly not gracious.

Mr. McCLELLAN. This is merely permissive, as I understand.

Mr. HULL. It is merely permissive.

Mr. McCLELLAN. If the officer can not be spared, he will not be detailed.

Mr. HULL. Certainly not.

Mr. BAILEY. Merely one word, Mr. Speaker. I do not doubt the propriety of permitting the War Department to detail an officer to become instructor in the military academy of a friendly nation. I do not doubt the propriety of that friendly nation paying for his services. The only point of difference that I have with the gentleman from Iowa is that he believes this officer ought to draw the double salary, while I think the officer ought to draw salary only from the country which he serves.

Mr. HULL. The gentleman does not represent me correctly when he speaks of a "double salary." I hope you will yield long enough for me to say that when the officer goes to another country, if he were not receiving anything more than he receives as salary at home, he would really be receiving less than his present compensation, because he would be giving up his quarters and his rations and would have nothing but his salary on leave. Now, this is an extraordinary duty, going into a strange country and a different climate, and taking the chances of the change, and to say that the Government of the Republic must bid high enough to secure first-class talent in order to secure this detail would be for this Government to extend no courtesy whatever. The Republic could go into the market and hire talent in that way without asking any favor of us, but they want the prestige of having an accomplished American officer there to give instruction in their military academy.

Mr. BAILEY. Then why not make this act entirely gracious and provide that they shall not pay him any compensation? The gentleman's argument goes contrary to his bill.

Mr. HULL. Not at all.

Mr. BAILEY. Oh, yes; the gentleman's argument is that we ought not to require this friendly Government to pay for this officer's services, and yet the bill provides that it shall pay for his services.

Mr. HULL. I think the gentleman misunderstands my argument entirely.

Mr. BAILEY. I am entirely unable to comprehend it if it does not mean just what I say.

Mr. HULL. My argument is that if we cut off the pay of this officer and make the surrender of that a condition of detailing him, it is no particular courtesy for us to tell this friendly Government that they can have him provided they will pay him; and my further argument is that it will probably be necessary for them to pay him something extra, because he would hardly consent to go there for his simple pay as a captain.

Mr. BAILEY. I was about to suggest, Mr. Speaker, that I have confidence enough in the Secretary of War to suppose that he will not detail an officer to go there unless that Government makes suitable provision for him; and to assume that that Government will make suitable provision and at the same time compel this Government to continue to give this officer the same pay that he has been drawing while in the actual service of the United States is, I submit, to provide him with a double salary. He draws one pay from the Government of the United States, which he does not serve; he draws another salary from the foreign Government, which he does serve; and I am unable to understand the English language if that does not mean that he is to receive double pay. However, I am willing to submit the question to the judgment of the House without any further contention. I offer the following amendment, upon which I should like to take the sense of this body:

Provided, That the officer so detailed shall not during the time of such detail draw any salary from the Treasury of the United States.

The question being taken on agreeing to the amendment, there were on a division (called for by Mr. BAILEY)—ayes 41, noes 83.

Mr. BAILEY. No quorum.

The SPEAKER (after counting the House). One hundred and eighty-six members are present—a quorum.

Mr. BAILEY. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were not ordered, there being—ayes 26, noes 187 (less than one-fifth voting in the affirmative).

So the amendment was rejected.

The joint resolution was then ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The Committee on Military Affairs was called.

Mr. PARKER. Mr. Speaker, I desire unanimous consent under this call for the consideration of a bill which involves no appropriation.

The SPEAKER. The Chair hopes the gentleman will not ask that at the present time, because in the opinion of the Chair it would interrupt the order of business.

EXTENSION OF MAIL SERVICE.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). I call up the bill (S. 1811) to extend the uses of the mail service.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable, suspend its operation altogether.

SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

SEC. 3. That all cards and envelopes furnished by the United States Economic Postage Association shall conform in size to the requirements of the Post-Office Department; shall be used only for return messages; shall have printed thereon, and upon the coupon attached thereto, the address of the individual, firm, company, or corporation to whom such cards and envelopes are to be returned; and may also have printed upon the address side the penalty prescribed for any violation of this act, and upon each coupon such words as will indicate that the postage will be paid when the card or envelope is delivered to the addressee.

SEC. 4. That it shall be unlawful to mail, and postmasters and other postal officials shall refuse to send or carry in the mails, any envelopes or cards of the said association on which the name of the individual, firm, company, or corporation imprinted thereon has been erased; and any person convicted of the violation of this statute shall be fined not exceeding $100, or imprisoned not more than thirty days on failure or refusal to pay the fine.

SEC. 5. That said association shall pay postage upon each and every piece of matter passing through the mails which shall be patented or now or hereafter owned by said association or its successors.

SEC. 6. That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily or weekly, or monthly.

SEC. 7. That in every case where an envelope of the said association when mailed carries more than a single-rate message, the postmaster shall place upon the coupon attached to said envelope and cancel as many postage-due stamps as may be required by existing law, in the same manner as is now done with all other similar mail matter; and the said association shall redeem and pay for the stamps so added to the coupons at the same time that the coupon is redeemed and paid for.

SEC. 8. That postmasters shall cancel all coupons attached to the cards and envelopes of said association in the same manner that stamps are now canceled, and shall be entitled to the same compensation for canceling said coupons as is allowed for the cancellation or sale of stamps.

SEC. 9. That nothing shall be paid by the United States Government for or on account of any patent owned by the United States Economic Postage Association, and no claim for damages shall be made or exist against the United States for or on account of the alteration, amendment, or repeal of this act.

Mr. BINGHAM. Mr. Speaker, on the point of order made on Saturday last against the consideration of this bill in the House, that it should first be considered in Committee of the Whole, the Speaker made a ruling that according to the arguments then submitted, he concluded the bill could be considered in the House. I should like to review that point of order and to submit to the Speaker for his consideration a reference to several paragraphs in the bill.

The SPEAKER. The Chair will hear the gentleman. The Chair decided the point on Saturday last upon the matter as then presented to him.

Mr. BINGHAM. I submit to the Chair in the first place that the proposition embraced in this bill changes entirely, or very

largely, the method of administering the postal service. It proposes to transfer to a corporation the printing of postal cards and stamped envelopes, with coupons attached. The Government now does this work—always has done it—under careful guards, because postal cards and stamped envelopes have been decided to be securities of the Government.

Mr. LOUD. The printing of postal cards and stamped envelopes is done under contract to-day; it is not done by the Government itself.

Mr. BINGHAM. Postal cards are prepared in the Bureau of Engraving and Printing.

Mr. LOUD. No, sir; I beg the gentleman's pardon.

Mr. BINGHAM. Oh, we have had that fight here——

Mr. LOUD. Oh, no; they are made to-day in Connecticut, and the stamped envelopes in New York.

Mr. BINGHAM. The stamped envelopes are manufactured at the Bureau of Engraving and Printing.

Mr. LOUD. The gentleman is mistaken about that; it is only the postage stamps that are made there.

Mr. BINGHAM. Very well. Then, Mr. Speaker, this company will be permitted to manufacture postal cards and stamped envelopes. They can be sold all over the country; they will be transmitted through the mails. They will be stamped at the office of departure. At the office of delivery the coupons will be detached from the postal card and the stamped envelope, and upon those coupons this association will pay to the Post-Office Department the amount which may appear to be due upon the account rendered. These stamped envelopes and postal cards will circulate through the mails of the entire country; they will be sold everywhere by the agents of this association. Every office of delivery must of necessity keep an account of these coupons, so as to determine the amount to be paid by this Economic Association. It is patent, therefore, that in the great cities there must be a large rendition of accounts in connection with the coupons to be paid for by this association.

Now, under the existing law the prepayment of postage is compulsory; it must be paid at the office of mailing. Under this bill payment is not compulsory at the office of mailing, but is compulsory at the office of delivery. Hence I say that at all the offices of delivery in the country there must be a clerical account and a rendition of these coupons in order that they may be paid by the company. Further, it is provided in this bill:

> Upon failure at any time for ten days to redeem said coupons in cash the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

There is the limitation of ten days. That has got to be rendered to the Department by every post-office in the country, in order that the Postmaster-General may be intelligently informed of the carrying out of the requirements of the act, so that he may stop the business of a corporation which is operating in defiance of the law.

Now, the committee submit in their report that the carrying out of the proposition would approximate thirty millions of additional net revenues to the Government, whereas, Mr. Speaker, the entire revenue from the first-class matter, that is, the 2-cent letter postage and 1 cent on postal cards, the sum total was but $60,000,000 last year. The committee say that this will be thirty million net revenue, while we do not get more than that net from the entire first-class service of the Government to-day.

I claim, Mr. Speaker, if you are to add thirty million of additional net revenues to the Government, arising from the service of this company—and I suspect that that figure is very much like the gentleman's figures with reference to the Loud bill, which have been quoted all over the country—I claim that you can not handle this proposition (changing the methods of the Department from what they are to-day in order to accomplish the purpose the bill seeks to accomplish) without an extraordinary increase in the clerical force in all great post-offices of the country.

I make the point of order that I have submitted.

Mr. LOUD. Mr. Speaker, the gentleman has failed, I think, to make any point that the Chair can consider for a moment. That this will entail any additional expense upon the Government is true to this extent only: As the business of the Government increases—and I would say that, as the gentleman well knows, as the ordinary business of the Post-Office Department increases—it is a cause of necessary additional expense. That is inevitable. And through and by the operation of this bill, if the business of the Department increases, of course it will increase the expenditures of the Department to a certain extent. But not by reason of the operation of this act.

I wish to say one word only, and I do not care to make any reply to the point made by the gentleman at this time. Because, Mr. Speaker, I think the gentleman himself feels that there is no point of order that can lie against the bill. But a word to the House.

This question has been before Congress for four or five years. It is a great question. It is a question worthy the consideration of this body and of its most careful deliberation. The gentleman who calls it up does so as the chairman of the committee, not desiring to hurriedly pass it through the House, but to give to this body the widest possible latitude for its consideration. I have myself given it some three or four years of study and research, but it was only during the last winter, having then time to carefully investigate it, that I satisfied my own mind that the passage of the bill would be of great benefit to the country.

The SPEAKER. The Chair thinks the gentleman is not confining himself to the point of order.

Mr. LOUD. I think that is correct and well taken, Mr. Speaker; but about as closely as the gentleman from Pennsylvania did. I was simply asking the indulgence of the House to make a statement.

The SPEAKER. The Chair does not see anything to change his ruling on the subject. It may be possible that it will increase the expenses. But that is a mere matter of speculation as to whether they will or not; and the Chair overrules the point of order.

Mr. LOUD addressed the Chair.

Mr. BINGHAM. Do I understand that a bill of this character, radically changing the entire administration of the Department, is before the House for consideration without even having the report of the committee read—a bill that has been before the House for five years?

Mr. LOUD. Mr. Speaker——

The SPEAKER. The bill is now open for consideration under the rules of the House.

Mr. BINGHAM. But does the gentleman propose to proceed without having the report read?

Mr. HENDERSON. The gentleman from California has addressed the Chair for the purpose of discussing the bill.

Mr. BINGHAM. I did not so understand.

Mr. LOUD. Mr. Speaker, I hope the House will pay attention to the measure now before us. You have pertinently, Mr. Speaker, at times suggested to the House when a matter is up for unanimous consent that each and every individual member of the House is responsible for its passage. I want every individual member of this House to carefully investigate this question, and if it appeals to his judgment it should receive his vote; and if not, he should vote against it. But I think it a question of such magnitude and such importance that every individual in the House should and must give it his most careful consideration.

This bill in its effect is liable—I say liable, although I believe it is more than probable, and I only give you the result of my best judgment—is liable to be of such benefit as to give us an increased revenue of some two or three millions of dollars a year. The gentleman from Pennsylvania [Mr. BINGHAM] made some reference to "thirty millions" a year. I did not prepare the report. It was prepared by another member of the Committee on the Post-Office and Post-Roads.

Now, to better understand the matter, I ask the House to give consideration to the reading of a portion of the report, beginning on page 3 and running down to the bottom of page 4. I ask the attention of the House to this matter, and ask the Clerk to read the portion of the report I have indicated.

The Clerk read as follows:

> The object of this proposed legislation (which requires no appropriation of Government money, immediately or prospectively, so far as said association is concerned, as your committee is assured) is to enable the association to furnish the trades people of the United States a convenient and cheap method of soliciting trade by mail, and the public a convenient and inexpensive method of placing orders. To accomplish these purposes the association asks the use of the United States mails, under such provisions as will give absolute security as to payment of postage to the Government, and under such rules and regulations as may be prescribed by the Postmaster-General.
>
> It is the intention to furnish business men with the coupon cards and envelopes of this association for trade purposes, and it is desired by the bill (H. R. 4176) to allow the postage upon all such cards and envelopes to be paid through the association at the office of delivery.
>
> It seems to your committee that the plan is very simple. We do not think its adoption would interfere with or cause any friction in the machinery of the postal service, as it is free from complicated details and cumbersome methods. It is in line of progress in postal appliances.
>
> At the office of mailing all fourth-class postmasters would include the coupons with canceled stamps, and take credit for the same.
>
> At the office of delivery the coupons are detached and the mail delivered, and an agent of the association will each day pay the postage represented by such coupons.
>
> A similar bill to the one under consideration, exclusive of the amendments herein suggested by your committee, was introduced in the Fifty-third Congress by Hon. John S. Henderson, of North Carolina, who was at that time chairman of the Committee on the Post-Office and Post-Roads, and which bill received, in the third session of that Congress, the unanimous recommendation of that committee to the House in favor of its enactment into law, but owing to the lateness of the session the bill failed of passage.
>
> The amendments herein proposed by your committee are in line with amendments suggested by Postmaster-General Wilson in a favorable report upon the bill under consideration, received from him under date of April 18, 1894, in response to a reference of the same to him under date of January 29, 1894, for an expression of his opinion thereon.
>
> Your committee is of the opinion that the legislation herein recommended is another progressive step in keeping with the recommendation of Postmaster-General Wilson in his annual report for the fiscal year ended June 30, 1895, "that authority for the use of private post cards in our mails be granted by Congress."

Postmaster-General Wilson also, in his letter on the bill to your committee, under date of April 13, 1896, says:

"The plan has the indorsement of a number of business firms and corporations on the ground that it opens better and more economical facilities for correspondence and for the placing of orders between merchants and tradesmen and their customers.

"It may be concluded that the Post-Office Department should look with favor on any proposition which may accomplish these results, provided it secures undoubted protection to public revenues, holds out a substantial promise of increasing these revenues, and does not run counter to any well-recognized or inviolable principle of public policy."

It is estimated that millions of dollars are invested by business men each year in postal cards and stamped envelopes, which are inclosed in letters for answers in solicitation of trade or information, and that only 10 per cent of these cards and envelopes are returned to the original senders. Thus 90 per cent of this vast sum is lost to those who utilize the mail for these purposes; nor does the Government gain by such loss, for these stamped envelopes may be redirected or exchanged at any post-office for stamps, while the addressed cards thus sent out are purchased and bronzed, and sold upon the market. This great waste to business men has been a serious discouragement, and to obviate it the system presented in this bill has been devised. If carried into practical operation, it will not only relieve this embarrassment to business, but encourage an extensive expansion of the use of the mails for the purposes indicated; and it must be evident that the business men of the country desire such legislation, because hundreds of letters from leading houses in all branches of trade in the United States have been presented to your committee, urging favorable consideration of the bill.

The demand being evident for the enactment of such legislation, it only remains to determine whether said legislation shall give ample security to the Government that the postage will be paid at the office of delivery. The bill provides that the association shall give a bond of ample security for the redemption of the coupons taken from the cards and envelopes, and also shall keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of such coupons. This practically amounts to a prepayment of postage upon all mail matter furnished the public by this association, and thus no serious departure from the well-established policy of the Government in demanding compulsory prepayment of postage is inaugurated by the adoption of this system.

The advantages to the Government in the increase of revenue secured by the adoption of this system seems of the greatest importance. Among the many indorsements of the association's plan is one from the business manager of the Chicago Record (printed in appendix), in which he says that journal is now sending out 500,000 letters each year with reply postal cards, and he says if this proposed system shall be legalized by the Government they will probably send out five times as many. Now, if all these were local letters, and if the accompanying table (A), compiled from the reports of the Postmaster-General, be correct, at least seven-eighths of the money paid by this journal for postage is a net profit to the Government; in other words, the net postal revenue from this source under the present system is $8,750. Provided the management of the Record actually sent out five times the amount of mail matter indicated in its letter under the proposed system, the profits would be five times as much, or $43,750, from which amount should be deducted the Government's profit of 90 per cent of the 500,000 postal cards inclosed for replies, but never returned to the Record. Not considering the cost of the cards (32.87 cents per 1,000) or the expense of handling them, the 90 per cent profit would be $4,500, which, added to the profits on the 500,000 letters now sent out ($8,750), gives under the present system a net profit of $13,250. Deduct this from the profit under the proposed plan, and a net gain in revenue of $30,500 is shown.

A hundred times this result for the business men of the entire United States would give an annual increase of $3,500,000 net postal revenue, and it might not be extravagant to say that the stimulus thus given to mercantile and commercial interests throughout the whole country would approximate $50,000,000 net revenue.

From this statement of the Chicago Record as to the increased mail matter which they will send out under the advantages offered by the allowance of these coupon cards or envelopes to pass through the mails under the provisions of this bill as amended, it will be seen that a new avenue for a large increased sale of postage stamps is opened up in all parts of the country in the solicitation of both local and out-of-town orders or trade by mail. In other words, in the opinion of your committee, the adoption of this new system has a twofold way of producing greatly increased revenue to the Post-Office Department which it is not to-day receiving, viz, by increased sale of stamps to the large business public and the payment to the Government by said association of the postage represented by each and every coupon passed through the mail and duly canceled as other matter passing through the mails.

The revenue to the Government from the redemption of these coupons will be decidedly greater than on any other class of matter handled by the Government, inasmuch as it is all first-class matter, and the Government is saved the expense of making, printing, storing, or handling of either the envelopes or cards prior to their transmission through the mails for only reply or order purposes. Many business men who do not now use the mails for the solicitation of trade orders will, by the use of this new system, in the opinion of your committee, be thus given an incentive or stimulus, by reason of the rivalries of competition, to convenience possible patrons, customers, or consumers at the expense of the business man receiving the orders for trade or replies to inquiries which, as a rule, concern more those to whom they are made than those making them.

In addition to the use to which it would be put by wholesale dealers, manufacturers, newspapers, etc., this system would be utilized by local dealers in all the free-delivery towns, as cards could be distributed to the public at a slight cost by which orders could be mailed at the nearest letter box, thus creating a great public convenience and largely increasing the Government revenues from a source entirely unapplied at the present time.

Your committee fully agree with the following advanced views pertaining to postal affairs, expressed in their reports by Postmasters-General Vilas, Wanamaker, Bissell, and Wilson, all of which are in harmony with the recommendations of this report.

Mr. LOUD. Now, Mr. Speaker, just a word more, and I will submit to the House the letter from the Postmaster-General in relation to this subject.

I will state that this letter is the result of a very careful investigation and conference held between the Postmaster-General and myself last year, in which we reviewed the bill from beginning to end, and suggested such amendments as have been incorporated in it, so that now it is in no way dangerous for the Government of the United States to adopt it. We have provided that this company shall take these coupons up day by day. We have provided a minimum bond of $100,000, flexible at the will of the Postmaster-General.

This bill empowers the Postmaster-General to experiment with this in one or two cities, not exceeding two, in the United States, for the period of one year, and if anything shall appear to demonstrate that this system should not continue, that it is not in the interest of the Post-Office Department and of the Government, he has the power to stop all proceedings and the further issuance of cards by this company.

I can only say to the House that I can only give you my word on the matter, that I believe the measure to be as carefully guarded as it is possible to guard any legislation, that the Government is absolutely safe, that it is engaging in an enterprise solely in regard to first-class postal matter, on which the Government is to-day receiving most of its revenues, as the gentleman from Pennsylvania [Mr. BINGHAM] well knows. Out of a total of 412,000,000 pounds of mail matter handled by the Government, 65,000,000 pounds of first-class matter returns to the Government more than $60,000,000, out of a total revenue of about $80,000,000.

Mr. COOPER of Wisconsin. Will the gentleman explain in a few words what is meant by line 4 of section 3, where it says that the cards and envelopes of this association shall be used only for return postage?

Mr. LOUD. I will say to the gentleman that this is probably a very difficult matter to understand.

Mr. COOPER of Wisconsin. I do not understand that myself, and I can not understand the first section, either.

Mr. LOUD. I will endeavor to explain.

Mr. BLUE. Mr. Speaker, if the gentleman from California [Mr. LOUD] will permit me, I desire to call attention to page 7 of the report, which contains the forms of these cards, and they explain the matter.

Mr. LOUD. Yes; and let me say to the gentleman from Wisconsin [Mr. COOPER] that it is difficult, I admit, for the House to understand this question. I investigated it at times for three or four years before I could give it my unqualified support.

I want to say that there is very little encouragement for a member to talk on this question to perhaps ten or fifteen gentlemen who are willing to listen. If the House does not want to consider the matter, why, it should immediately vote it down; but if it wants to take this matter up for consideration, I say again it is worthy of the consideration of this House and should receive its attention. It may give us some very profitable revenue.

There is in this country a class of business called the soliciting of orders. In the cities of the country, business houses, dyeing houses, dealers in coal and wood, publishing houses, and other firms send out blank postal cards soliciting orders. To-day they must buy those postal cards and pay for them 1 cent apiece.

The proposition contained in this bill, as the gentleman from Pennsylvania [Mr. BINGHAM] will soon tell you, is a radical departure from the prepayment of postage.

This company, under a bond to the Government, are allowed to send these cards through the mails without prepayment, but taking up these coupons day by day under the requirements of this bill. Now, they go to a coal dealer or a dyeing house or a publishing house and say, "Here, we will sell you a thousand or ten thousand or fifty thousand blank cards for a certain price," whatever it may cost them to print them, and, I suppose, a reasonable profit. The individual buying those cards will not be compelled to pay postage upon the same until the cards shall have been returned to him, presumably bearing an order.

Mr. COOPER of Wisconsin. Right there I should like to ask the gentleman a question.

Mr. LOUD. Certainly.

Mr. COOPER of Wisconsin. Suppose the card is not returned bearing an order. The United States Government will then have carried this postal card free.

Mr. LOUD. Oh, if it carries it, the card will be returned to the individual. The Government can not carry it unless it is returned to him, because the card bears his address upon it.

Mr. RICHARDSON. I plead ignorance on this matter. I should like to have the gentleman explain it. Suppose the postal card falls into the hands of some one who puts it in his pocket.

Mr. LOUD. The Government has not carried it, nor has it lost anything, in that case.

Mr. RICHARDSON. But I understood you that the Government first carried it and delivered it.

Mr. LOUD. Oh, no. I tried to explain that.

Mr. RICHARDSON. I misunderstood you.

Mr. LOUD. This corporation deals with the individual. Up to that point the Government has nothing to do with it.

Now, let me suppose, for illustration, that you are a coal dealer. You want to send out a thousand postal cards. You have on the card a blank for orders. The card bears your address. You can send them out in such manner as you please, by messengers or otherwise, but if you send them by mail you must pay the postage to the Government. The Government is not responsible at all unless you send them through the mail; and if you do so you pay the postage. Now, you have sent out a thousand or ten thousand of

these cards to supposable customers. I do not know what they are going to cost, but will suppose you pay $1.50 a thousand for them. If you were to send out postal cards under the present system, that would cost you $10.

Under this system you would pay $1.50 a thousand, if they cost that much, and you would be compelled to pay it to this company, and the company is compelled to pay to the Government, whenever the cards go into the post-office, a cent postage, and I believe any corporation or any business man could afford to pay the additional cent if he gets an order. This question has been submitted to the best business men of this country. Some of the publishing houses to-day send out as high as 50,000 postal cards at one time. It is estimated that not over 2 per cent of these are ever returned. Of course the gentleman from Pennsylvania [Mr. BINGHAM] will probably say, "Well, the Government has made a profit out of those not returned."

It is true; but where a publishing house is sending out today 50,000 postal cards a year, from the best information that can be gathered the publishing houses would send out 10,000,000 a year, and the number that would be returned through the post-office would, of course, be in just the same proportion. That is the only paying portion of the post-office business to-day. The second, third, and fourth class postal matter does not pay the Government for its transmission and handling; and we must make all the profit in the operation of the Post-Office Department out of the first-class matter. [Applause.]

Mr. HICKS. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. HICKS. Why do you pick out this corporation to give it this privilege? Why not make a general proposition?

Mr. LOUD. That is just what I expected to hear upon this floor; and it shows the extraordinary intelligence of the gentleman. [Laughter.]

Mr. HICKS. I will admit that.

Mr. LOUD. Permit me to say, first, this company has the patent upon this card, and I believe the Government can not afford to deal with Tom, Dick, and Harry, and every individual in this country. It must deal with somebody who is responsible, and the less in number that it deals with the more liable is the Government to get its just due out of the company.

Mr. HICKS. Will the gentleman kindly go a little further into detail, and tell us why this special corporation should have this privilege?

Mr. LOUD. Why, I have just said to the gentleman, because this corporation has obtained the patent. As to selecting this corporation, whatever the insinuation of the gentleman may mean, I do not know. I do not know who the incorporators are. I do not care. Why should we not take this corporation, let me ask the gentleman, as well as any other?

Mr. HICKS. Why do you specially urge this patent? I want light on the subject.

Mr. LOUD. This patent?

Mr. HICKS. Yes, sir.

Mr. LOUD. I do not think it is worth taking my time to discuss that.

Mr. HICKS. You have taken two years to find out the merits of this matter yourself, and now you want us in an hour to vote for a bill that it has taken you two years to try to complete.

Mr. LOUD. You can get all the time you want to discuss the matter.

Mr. HICKS. I am much obliged to the gentleman.

Mr. LOUD. I want the House to have all the information that it can have. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has thirty-four minutes.

Mr. MITCHELL. Does the gentleman recognize the fact that this bill, as it is drawn, practically is a ratification by the United States of the validity of the patent owned by this particular company?

Mr. LOUD. I think that the Government has already ratified the validity of the patent of this company in their issues.

Mr. MITCHELL. No; the gentleman knows that a patent is a mere right to sue, whereas this act would give the right to this particular company to use this particular method, making its cards exclusively, as I understand the bill.

Mr. LOUD. Now, let me say to the gentleman that it is going to be a serious question with some gentlemen on the floor from some portions of the United States where postal cards are manufactured to-day, whether they can support this bill because gentlemen think it will affect the manufacture of postal cards in certain sections of the country. Let me say, in anticipation of that, postal cards will be manufactured if this bill shall pass, under contract to the lowest bidder, I suppose, the same as they have been in the past; and more than that, this company can not practically and successfully manage this business and the business of manufacturing and printing postal cards.

Mr. MITCHELL. That is not the point I wish to raise. Suppose somebody else should get a system better than this and an improvement upon it. The object of the patent laws is to encourage the American inventor. I think that this bill, as I have read it very hastily, would discourage any inventor not interested in this particular company. It is as a member of the Patent Committee, and interested, therefore, in our patent laws, I believe in the interest of all concerned, that I have asked for this information.

Mr. LOUD. The gentleman is too fair a man not to comprehend, if he knows anything of this question; but of course he has not had time to give it careful consideration. Gentlemen speak of not giving it to any person except the one. If there were more than one, we could not with safety enter into a contract with every individual or firm. Probably you will hear on the floor before we get through the cry that this is giving to a corporation a special privilege.

I want to be perfectly frank with the House, and say that there is no other way in which the thing can be done. The Government must deal with one person or corporation, or else not touch the scheme at all. If the Government is going to take it up, it can not be taken up in any other manner. It is a credit business. Somebody may say, "Why can not the Government itself enter into it?" Permit me to say, Mr. Speaker, that I do not think the Government is in a position to enter into a credit business with the great mass of the American people, but it can enter into such business with a corporation which gives a bond of $100,000 as a minimum—a bond which is flexible and can be increased at the will of the Postmaster-General—such corporation being required to redeem these coupons day by day.

Mr. MITCHELL. One further question. I wish to ask the gentleman whether, in his judgment, it would be impossible to frame a general act which would give the Postmaster-General power to extend these same privileges under general provisions of law analogous to our general banking law, the object being to enable the Postmaster-General to extend the same privilege to another system if it should be devised?

Mr. LOUD. I do not know but that might be possible. This, however, is the only scheme that has ever been presented, and the device is patented, so that it is a question whether any individual could now use this scheme. I know of no other plan that has ever been presented, and therefore we must adopt this or else we can not try the system. I do not anticipate that the Patent Office would issue another patent for any device which would be an infringement on this, and I do not think there is room for making any improvement that would be patentable.

Mr. HENDERSON. Mr. Speaker, I desire to ask the gentleman from California a question or two. From some remarks that I have heard around me, the impression seems to obtain that the passage of this bill would do away to a great extent with the use of postal cards as they are used now. Is there any truth in that?

Mr. LOUD. Oh, no; it would increase their use. The postal cards as used to-day by individuals will continue to be used in the future, and it is believed that the cards contemplated in this bill will be simply an additional amount consumed through other avenues of business.

Mr. HENDERSON. Then this is to enable business houses to increase their work through the postal-card system?

Mr. LOUD. That is it.

Mr. HENDERSON. Another question. I see that this Senate bill was introduced by Senator VILAS, ex-Postmaster-General. That suggests the question, What is the attitude of the Post-Office Department toward this legislation? I would like to hear from the gentleman on that point.

Mr. LOUD. I said a few moments ago that this bill in its present form was the result of several conferences between the Postmaster-General and myself, which resulted in amendments that are incorporated in the bill, amply protecting the Government. I send to the Clerk's desk and ask to have read a copy of the letter in which the Postmaster-General expresses his views on this subject.

The letter was read, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 9, 1896.

SIR: The amendments made by the Committee on the Post-Office and Post-Roads to House bill 4176, Report No. 1382, entitled "A bill to extend the uses of the mail service," in accordance with the suggestions of my report on said bill, would seem to afford sufficient protection to the public revenues, especially in view of the authority given to the Postmaster-General in the first section of said bill by the proposed amendment to test, in his discretion, the practical operation of the act in such one or more cities as he may select before its extension to the entire country.

In view of these facts, I am prepared to say that the Department can make, in my opinion, a fair and safe test of the measure, which seems to be pressed by some of the business organizations of the country and is willing to do so, and thus by actual experiment (which alone can determine the results of its operation) be able to report to Congress, after a reasonable time, upon the expediency of continuing or repealing the legislation proposed in the bill.

Very respectfully,

WM. L. WILSON, *Postmaster-General.*

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. LOUD. Now, Mr. Speaker, I will ask the gentleman from Pennsylvania if he is ready to proceed.

Mr. BINGHAM. I have a few remarks to make.

Mr. LOUD. I will reserve the balance of my time, feeling satisfied that the Chair will recognize me later.

Mr. COOPER of Wisconsin. Before the gentleman from California takes his seat, I would like to ask him one question. In the letter written by the publisher of the Chicago Record (Appendix D of the report) observe this sentence. He speaks first of the great number of postal cards that they send out in envelopes. They are obliged to pay postage on all those, of course, and a great percentage of them, he says, are not returned. Then he closes his letter with this sentence:

It is likely that if we were obliged to pay full postage on the cards returned to us only, we would send out five times as many.

That means, does it not, that under the rule suggested, that company would send out five times as many cards as it now sends out, and that the Government would carry free of postage all of them except those that were returned?

Mr. LOUD. No; the gentleman does not seem to grasp the situation.

Mr. COOPER of Wisconsin. That is precisely what he says, is it not?

Mr. LOUD. The moment one of these cards is offered for cancellation, right at the point of mailing, there is taken from that card a coupon which the company must redeem.

Mr. COOPER of Wisconsin. That is, at the office of delivery?

Mr. LOUD. No; not at all; at the office of mailing. The Government does not carry that card until the coupon is redeemed, substantially.

Mr. COOPER of Wisconsin. Somebody here at my right suggests that I do not "get onto this steal." I have not found anybody over here who does. [Laughter.]

Mr. LOUD. The gentleman ought hardly to use that phrase.

Mr. COOPER of Wisconsin. I am merely making a literal quotation. [Laughter.]

Mr. BARNEY. What is there about this that is patentable except the sending out of cards with return coupons?

Mr. LOUD. I am not competent to answer the question whether the scheme should have been patented or not, but I understand that a patent has been granted.

Mr. BARNEY. If that is all there is of it, simply a plan of sending out postal cards with return coupons——

Mr. LOUD. It would not make any difference whether the scheme was patentable or not. Still, in order to go into this business successfully, the Government would have to enter into a contract with some individual or corporation.

Mr. BARNEY. How do these order cards get into the hands of the people that use them?

Mr. LOUD. This corporation puts them into the hands of the people who purchase them in whatever manner it sees fit.

Mr. BARNEY. They do not pass through the mails, then?

Mr. LOUD. If they do, they must pay the rate of postage which is collected on that character of mail matter. Mr. Speaker, I reserve the balance of my time.

Mr. BINGHAM. Mr. Speaker, I shall endeavor to be very brief in what I may have to say on this proposed legislation, as it seems that my proposition that a point of order should stand against this bill was not made sufficiently clear and I was overruled, although the report of the committee and the remarks of the gentleman in charge of the bill indicate that in the future there may be some additional expense to the Government. The report reads:

The object of this proposed legislation, which requires no appropriation of Government money immediately or prospectively, so far as said association is concerned, as your committee is assured—

I will make no further statement about having been overruled on the point of order, because the committee wisely put in the qualifying words, "as your committee is assured," but fails to make the direct statement that the bill will carry no additional appropriation in the future.

I desire to be perfectly fair in this debate; for I have found during my experience in this House that the House, when fairly and truthfully informed upon any proposition, will consider it as all legislation should be considered.

There is one saving clause in the proposition now submitted by the chairman of the Committee on the Post-Office and Post-Roads in the acceptance of the Senate bill and in the nonpresentation of the House bill. The Senate bill makes this merely an experimental measure.

Mr. LOUD. The gentleman will allow me to say that the committee never would have consented to submit and advocate this bill without that very meritorious feature.

Mr. BINGHAM. I am glad that it is simply an experimental measure and can be set aside by the Postmaster-General if the experiment should not prove to be acceptable to the Department.

I have had a little experience in experimental legislation in connection with that Department. In the Fifty-first Congress I brought into this House the Post-Office appropriation bill and appropriated $10,000 for experimental free delivery in rural districts. That experimental free delivery has been going on ever since in fourth-class and other offices, and Congress has never moved to do away with the legislative restriction in regard to free delivery in towns of less population than 10,000 or at offices having less revenue than $10,000. Experimental free delivery has been going on in little sections of the country. Congress, I repeat, has never moved in the matter of free delivery for towns and cities of less than 10,000 population or at offices where the revenues are less than $10,000. Experimental free delivery is going on to-day and for the next fiscal year. The experiment now contemplated in this bill may continue for a similar number of years.

I have great respect for the gentleman in charge of this bill; but I have no confidence in the figures or estimates he submits to this House. I think there has never been a bundle of figures less able to bear examination and to sustain the conclusions submitted than those adduced in support of "the Loud bill;" and although those figures are quoted to-day in every paper of the country, they in no wise sustain the gentleman's conclusions. The report of the Postmaster-General some years ago showed that a million of dollars was the amount of the postage on this second-class questionable matter. I make the statement that there has not been any examination in the Post-Office Department which would justify the gentleman's computation of $10,000,000.

Mr. LOUD. Will the gentleman allow me——

Mr. BINGHAM. With pleasure.

Mr. LOUD. I have no objection to the gentleman going on and arguing "the Loud bill"——

Mr. BINGHAM. I am not arguing "the Loud bill." I am simply coming to the paragraph in the gentleman's report which I propose to debate.

Mr. LOUD. Let me say one word right here. I stated to the gentleman once before, and I want to emphasize it again, that I am not the author of this report, and I am willing to admit that the figures contained in it are somewhat wild. I want to say to the gentleman further that I did not give my assent to this bill until some months after this report was drawn.

Mr. BINGHAM. Then, as the gentleman from California admits that the figures in the report of the committee in connection with this bill are "somewhat wild," I should like the gentleman who reported the bill to tell the House upon what he predicates the statement that in the course of a short time the net revenues to the Government from the adoption of this system will yield $30,000,000, when the sum total for the carrying of all first-class matter for the last fiscal year—not the net revenue, but sum total—is only $60,624,462.

Upon what does the gentleman predicate the statement that the introduction of this system is going to virtually double the net revenues of the Government? The gentleman from California has explained his own position, and now it becomes the gentleman who made the report to submit to this House where and how he obtains the figures to establish this declaration made in connection with this proposed legislation. There is no statement nor authority in any report emanating from the Post-Office Department that by the legislation here proposed $30,000,000 or more of net revenue is to be derived by the Government. If that is so, if that can be clearly established, I might perhaps be willing to yield some of my objections to this bill; but until I know it, I feel that I am justified in maintaining the position I have taken.

Now, Mr. Speaker, this Government carries the mail under a constitutional obligation. It has done so from the inception of the Government. It is doing so to-day, rendering every possible facility to the people. I claim, sir, that it is better for the people to submit to some inconvenience and the loss of some slight possible improvement rather than to give up in any way a control or a relation to the carrying of the mails that in any wise takes from the Post-Office Department absolute and supreme control over all that pertains to the service.

What does this Economic Postage Stamp Association propose? In a statement that was made a little while ago the gentleman from California [Mr. LOUD] was right and I was wrong, because I had in my mind the printing of the stamps by the Government, and not the postal cards or envelopes. To-day the Government by advertisement prints its postal cards. By advertisement it prints its stamped envelopes. In the Bureau of Engraving and Printing the stamps are printed.

In the debate that pertained in connection with the transfer of the printing of the stamps from the contractors to the Bureau of Printing and Engraving, it was claimed—I did not concur in the conclusion—that postage stamps were Government securities, and therefore should be protected and printed by the Government, the same as bank notes and greenbacks. This proposition is that a company called the Economic Company shall print postal cards, shall print stamped envelopes, shall sell them all over the country, and have them redeemed when the letter reaches its point of delivery.

Mr. LOUD. Oh, no; the gentleman is mistaken about that.

Mr. BINGHAM. Oh, yes; the coupon is to be redeemed when the letter reaches the point of delivery.

Mr. LOUD. The gentleman is mistaken about that.

Mr. BINGHAM. In what way?

Mr. LOUD. When the letter is mailed, the coupons are taken off in the office where the mailing is done.

Mr. BINGHAM. Well, one is the same as the other.

Mr. LOUD. No; the Government gets the coupon before the letter is carried.

Mr. BINGHAM. The coupon is detached. That office must keep its record account. All the offices in this country will be called upon to change their system of accounts, and to keep a record account with this outside company. Now, I claim you, Mr. Speaker, that that will necessitate agencies throughout this whole country. The postal cards and stamped envelopes are under the protection and supervision of Government special agents, specially detailed to carefully watch and account, and this proposition will establish outside of the postal service an independent organization for the sale of these heretofore issues of the Department.

If there is any money in this proposition, I do not know where it is; but, to my mind, in a very short time this outside company will be doing nine-tenths of the business in postal cards and stamped envelopes that is now done by the Government. I believe that the Government should keep control of that in every respect. I believe the Government should have absolute control of all these said-to-be securities. I believe every facility is given to the people to-day for the transmission of their mail matter, and this would be a departure so pronounced, a change of system so marked that I do not think it wise legislation.

In my brief remarks I have been perfectly fair, and I submit that the only redeeming feature of the proposition—although I am not enamored with the question of experimental legislation such as we have experienced during the past four or five years in rural free delivery—I say the only saving clause in the gentleman's proposition is that it may be experimental on the part of the Department; but it radically changes a system that has run from the foundation of the Government, and makes an outside corporation the printer, disburser, and seller of postal cards and stamped envelopes, a business that is now guarded by special agents in every possible way so that there can be no defalcation or wrong. I submit to this House that I think the legislation is unwise.

Mr. QUIGG. I should like to make an inquiry of the gentleman from Pennsylvania [Mr. BINGHAM] with regard to the bill. I should like to know whether it is a fair statement of the bill to say that it lets a private corporation into partnership with the Government, in a portion of the Government's monopoly of the postal service.

Mr. BINGHAM. It allows the United States Economic Postage Association to print, distribute, and sell throughout the entire country the issues of postal cards with coupons attached, and issues of stamped envelopes with coupons attached.

Now, I reserve the balance of my time.

Mr. LOUD. Mr. Speaker, how much time does the gentleman from Kansas [Mr. BLUE] desire?

Mr. BLUE. As much time as the gentleman can yield. I want five minutes, anyhow.

Mr. LOUD. I yield five minutes to the gentleman from Kansas [Mr. BLUE], and if he desires more, I will yield it to him.

Mr. BLUE. Mr. Speaker, I trust that the House, before it passes upon this measure, will give it a fair consideration. If gentlemen desire to vote intelligently upon the subject, it would be well to get the report made to the House, as well as that in the Senate, and examine the facsimile of the postal card to be used. There is nothing intricate about it whatever. Every business man throughout the United States is in the habit of sending out postal cards addressed to himself, requesting his customers to reply to him upon the postal cards. The result of that practice is that very many of these customers, instead of using the postal card in the transaction of business with the party sending it out, cross out the address and use it in their own business.

The object of this measure is to protect the business men in the use of the postal cards they send out. An examination of the report accompanying the bill will show that the postal card to be sent out by this company, which manufactures them, or the vendee of the postal card, has printed upon one end of it a coupon. It has printed also upon one side the address of the firm sending out the card. When a party uses it, putting an order upon the other side, and sending it back to the person who transmitted it, at the post-office, the coupon is detached and kept by the Post-Office Department. Before this company manufacturing them can sell these postal cards the first and second sections of this act make the requirement that the company shall file with the Post-Office Department good and sufficient bond, of not less than $100,000, to protect the Post-Office Department in the redemption of these coupons.

In addition to that there is a provision is in this bill that the Post-Office Department may first confine the use of this measure to certain cities, or a certain city in the Republic, and if the experiment is not satisfactory the Department shall not adopt it. It provides further that if any of these coupons are not redeemed within a short time, it shall be the duty of the Postmaster-General to stop the transmission of these cards and coupons through the mails. The first and second sections say:

Be it enacted, etc., That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this bill in such one or more cities as he may select before its extension to the entire country.

SEC. 2. That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General may from time to time prescribe, conditioned for the redemption in cash, when presented, of each and every one of said coupons taken from cards and envelopes at the office of delivery. Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, in his discretion, stop the carrying of said envelopes and cards in the mails of the United States.

This measure is in the interest of the business of this nation; and the reason that business men will send out largely in excess of what they now send of postal cards is the assurance that the cards sent out will be used in sending back orders to them, instead of displacing the address and using them in the private business of the party to whom the card is addressed. The Government is amply protected in every way. There is no wrong; there is nothing underhanded about it. It is an improvement in the postal service; and so well is it guarded that if, after being tested in a city or cities, it is found not expedient, it is wholly in the hands of the Postmaster-General to discontinue the system. If any of these coupons are not redeemed, it is wholly within the power of the Postmaster-General to suspend the business. The fact that it is a corporation that publishes these postal cards, I apprehend, makes no difference.

The postal cards now in use, as I understand, are already published by a corporation or individual contract. I find that the parties who publish this card have a patent right upon it, and that to some extent it is a monopoly. But every patent is a monopoly, so long as it exists, to a certain extent. Yet this costs the Government nothing. On the other hand, the Government receives compensation for the postal cards it carries, and is not that all it now receives? The postal cards carried by the Government now yield it compensation; if not carried by it, then, as a matter of course, no compensation is received.

Mr. TRACEY. Is the gentleman able to state what additional value will be given to the patent by the passage of this bill?

Mr. BLUE. The gentleman asks me what additional value will be given to the patent by the passage of the bill. I suppose, as a matter of course, its value will consist largely in its use by the people through the mails of the Government.

The SPEAKER. The gentleman's five minutes have expired.

Mr. LOUD. I yield five minutes more to the gentleman from Kansas.

Mr. BLUE. As a matter of course, it will increase the value of this patent; but every patent in its operation is increased in value in the same way. It costs the Government nothing, and it benefits the business men of the entire Republic. Every patent which provides for the saving of labor and the cheapening of a commodity is beneficial to the patentee, but that benefit is derived from its use by the people. That is all there is of this. It becomes a benefit to the patentee through its use by the public.

Mr. HULL. Is it not true it can not be used without authority of law? It is different from other matters in that.

Mr. BLUE. And it differs, as the gentleman from Iowa has said, and differs materially in this, that it can not be used for the very purpose intended without the authority of the Government to use it. But this use is not an exclusive one. Any other corporation or person can be permitted to use the mails in the same way if the Government sees fit to allow it so to do. There is nothing in this measure to prohibit the use of similar postal cards by any other individual, provided the patent of the company is not infringed. Neither is there anything here to prevent the Government from the use of the postal card now employed.

But in conferring the authority the Government loses nothing, and the people are benefited thereby. Let us pass this bill, and let the system be tested. If it fails, it will cost nobody anything, except the patentee; and if it is a success, it will benefit the people of the Republic, while, as I have said, in neither instance is the Government injured. I trust that the House will examine this bill thoroughly, because the better gentlemen understand it the more likely they are to vote to pass it, in the interest of the public and of the postal service.

Mr. PERKINS. Can the gentleman explain how these coupons, after they have been detached, are to be returned for redemption? What guaranty is there that all of them will be returned?

Mr. BLUE. If the gentleman will read the first and second sections of the bill, he will see that the company is required to give a bond. In the next place, as I understand it, the company deposits sufficient funds with the Government to pay for the transmission of the postal card and the cancellation of the coupon.

Mr. PERKINS. That is to redeem the coupons that are returned; but at small offices throughout the country, where they may take only two or three of these coupons in a month, how are we to be assured that those coupons will be returned for the company to redeem?

Mr. BLUE. If the gentleman will look into the report, he will find that fully explained. As I understand it, these coupons are to be canceled at the time they are detached, and the money is in the hands of the Post-Office Department to pay for them the moment they are canceled, and if the money is not there there is a bond of $100,000 to guarantee it. Let me say further, in this connection, that I believe all the Postmasters-General in the last three or four Administrations have, either directly or indirectly, given their approval to this legislation. The present Postmaster-General has approved it. It is simply a measure in the interest of better and cheaper postal service for the people of the United States.

Mr. MITCHELL. I would like to ask the gentleman from Kansas when the original patents were granted.

Mr. BLUE. I am unable to answer that question. There are gentlemen on the floor perhaps who can answer it. I do not see, however, what that has to do with this measure at this time.

Mr. MITCHELL. If the gentleman can not answer that, I would like to ask him whether there has ever been any opposition to this bill by any other party claiming to have rival patents?

Mr. BLUE. I do not understand that there is any controversy at all about that. I understand that nobody has ever claimed that there was any infringement, or questioned in any way the right of this company.

Mr. BINGHAM. Does the gentleman know that?

Mr. BLUE. I do not understand that there is any such claim. I do not say absolutely that there is not, but I do say that it is not my business to prove the fact. I here urge the enactment of this law. It is the business of the opposition to maintain and show the patent of the company is in issue, and if the gentleman knows anybody who controverts the right of this company, let him say who it is and give time and place when the opposing claim has been asserted.

Mr. HULL. This matter has been before Congress for several years, I believe, and if there were any other patents in issue, would not the parties probably have made a showing here?

Mr. BLUE. The gentleman from Iowa well says that this is not a new proposition; that it has several times been before Congress, and that, if any other parties questioned the right of this company, they would probably be here to controvert it. This is a meritorious measure and ought to become a law.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Speaker, there is a question of construction between the gentleman in charge of this bill and myself in reference to a statement which I made in my first remarks. I made the statement that the postal card with the coupon attached or the envelope with the coupon attached is deposited in the post-office; the coupon is detached and the account kept at the other end of the route where the postal card or the stamped envelope with the coupon is delivered. The gentleman from California stated that the detaching was done at the point of departure. I call his attention to the reading of the bill, which says that this corporation shall give a bond in the sum of $100,000—

> Or such larger sum as the Postmaster-General may, from time to time, prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

I claim that the postal card and envelope go through the mails and that the detaching of the coupons is done at the office of delivery. In the facsimile in the gentleman's report we find this: "Good for postage when delivered to addressee." I simply desired to set myself right on that point.

Mr. HICKS. Then, in that case, if the card was not delivered the Government would get nothing for carrying it.

Mr. LOUD. Mr. Speaker, this is the first time I have heard that point made, but if there is any doubt about that point, I suggest to the gentleman whether that provision might not be amended so as to read "at the office of mailing" instead of "at the office of delivery." Would not that make it sufficiently clear?

Mr. BINGHAM. I think it is clear now. The detaching is clearly to be at the office of delivery, not at the office of departure.

Mr. LOUD. Would not the substitution of the word "mailing" instead of the word "delivery" remedy the defect?

Mr. BINGHAM. If the gentleman desires to have the coupons detached at the mailing office, it would.

Mr. LOUD. That is the intention.

Mr. BINGHAM. How does anybody know, in that case, that it ever goes through the mails?

Mr. LOUD. It bears the stamp.

Mr. BINGHAM. But the stamp is detached.

Mr. LOUD. When it has got into the hands of the postal authorities, we assume that it is then started on the way to delivery.

Mr. BINGHAM. The gentleman can fix it either way. I do not care whether it is done at the point of delivery or at the point of departure. I simply wanted to show the foundation for the statement that I made.

Mr. LOUD. I am willing to change the bill in that respect if the gentleman desires.

Mr. BINGHAM. I have no desire to change it. I now yield five minutes to the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, permit me to ask whether I am recognized in my own right?

The SPEAKER. The gentleman is recognized for five minutes, which have been yielded to him by the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. CORLISS. The reason I ask the question is that I desire to make a motion, and I thought that if recognized in my own right I would have the right to make it. I will not consume over five or six minutes.

The SPEAKER. The Chair desires the attention of the gentleman from California [Mr. LOUD]. The gentleman from Michigan [Mr. CORLISS] desires to be recognized in his own right. Does the gentleman from California yield the floor for that purpose?

Mr. BINGHAM. If there are no gentlemen desiring to occupy any part of my time, I will yield the remainder to the gentleman from Michigan.

Mr. CORLISS. I prefer to be recognized in my own right, for the purpose of making a motion.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. CORLISS. Mr. Speaker, if I understand this measure, it grants to a corporation a special privilege that is not granted to any other citizen of the United States. It grants to a corporation owning a patented device a privilege which, by virtue of the patent, places in its hands a monopoly. No other corporation, no other individual, will have the right to exercise the privilege granted under this bill to this corporation.

Mr. HARDY. Will the gentleman allow me——

Mr. CORLISS. My time is limited.

Mr. HARDY. I merely wish to state that the Government——

Mr. CORLISS. I have not yielded. Mr. Speaker, my time is limited to what period?

The SPEAKER. The gentleman has the floor for an hour.

Mr. CORLISS. Then I can permit interruptions.

Mr. LOUD. There seems to be a misunderstanding as to the recognition of the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, I decline to yield.

Mr. LOUD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair does not understand the gentleman.

Mr. LOUD. There seems to be some misunderstanding on the subject of the right to the floor. I understood that I took the floor and gave way to the gentleman from Pennsylvania, who yielded to the gentleman from Michigan five minutes. Otherwise I should not have allowed myself to be taken off the floor.

The SPEAKER. The Chair called the attention of the gentleman from California to the matter, so that if there was any misunderstanding it might be rectified at the time; nothing was done, and the Chair recognized the gentleman from Michigan.

Mr. LOUD. I did not hear the Chair. It was impossible to do so on account of the noise.

The SPEAKER. The Chair called the special attention of the gentleman from California to the matter.

Mr. STEELE. The understanding was that the gentleman from Michigan was yielded five minutes in his own right so that he could offer an amendment.

The SPEAKER. The gentleman from Michigan requested to be recognized in his own time. The Chair called the attention of the gentleman from California and the House to the matter; thereupon nothing was done, and the Chair recognized the gentleman from Michigan.

Mr. STEELE. My understanding was that the gentleman from Michigan wanted to be recognized for five minutes to offer an amendment.

Mr. BINGHAM. The Chair will allow me to state that I announced distinctly that if no other gentlemen desired a portion of my time, I had no further use for it, and would yield it to the gentleman from Michigan. That gentleman declined my proposition, and asked recognition of the Chair in his own right.

Mr. CORLISS. And I obtained it.

Mr. BINGHAM. I clearly stated to the House that, so far as I was concerned, I did not wish to occupy the floor further.

The SPEAKER. The Chair endeavors to protect the rights of members.

Mr. CORLISS. I decline to yield further.

Mr. Speaker, this measure is brought in here, it seems to me, at a time when members of this House should not be asked to consider so important a matter. It is one which ought to be considered with great care. This bill grants to one corporation the credit of this Government; it authorizes that corporation to transmit through the mails at the expense of the Government letters and postal cards upon the credit of the company. The only guaranty that the Government has for reimbursement is the bond which the corporation proposes to file—a bond which, perhaps, will be filed in the city of Washington, while undertaking to guarantee the credit of this company all over the land—at every post-office in the country.

This grant is a personal privilege in the hands of a corporation. I can not believe that a member of this House at the present time will for a moment vote in favor of it. The gentleman from California [Mr. LOUD] stated here that it took two years for this corporation to convince him conscientiously of the merit of the measure and induce him to father it before this House. Now, if it took two years to convince the gentleman from California of the merit of the measure, I think this House ought to have longer than two hours to consider it. [Applause.]

The gentleman from Nebraska stated that this bill is in the interests of the business of the nation. Then, Mr. Speaker, let the nation control the operations of this system. If the measure is in the interests of the business people of the country, let the Post-Office Department control the operations of the system. The Government can control the issue of patents. Some other man may devise a method which will be better than this. Let the Government offer a reward, if it be deemed necessary, for a patent device that will surpass this one. You will obtain it within a few months.

I say that the people of the country should absolutely control the Post-Office Department. This bill is a step in the direction of placing the Post-Office Department in the hands of private corporations. The gentleman from California is to-day taking a step that he believes in—a step which would take from the hands of the people the right to control the Postal Department of our Government. He has stated to me that he believes the postal business can be handled more economically if placed in the hands of corporations. That has no doubt influenced him in supporting that proposition.

I believe, Mr. Speaker, this is the first step that has ever been attempted by this House toward taking from the hands of the people the right to control their own postal matters. We are drifting more and more into the power of corporations. We are drifting more and more under the influence of such organizations. I submit that this bill should be condemned, and I can not believe that the members of this House desire at this time, when we have measures pending that are just, when we have measures that the people desire, when we have private bills here that the gentleman from California [Mr. LOUD] is always ready to object to, to take up, at the dictation of the gentleman from California, a measure that involves an interest of every class of people in this country. I hope that the House will at once adopt the motion which I am about to make, and end this discussion for the present, until the matter can be given due consideration.

Mr. Speaker, I move that this bill lie on the table.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] moves that the bill lie on the table.

The question was taken; and on a division (demanded by Mr. CORLISS) there were—ayes 93, noes 44.

Accordingly, the motion to lay the bill on the table was agreed to.

REPORTS OF PRIZE FIGHTS.

The SPEAKER. The Clerk will call the next committee.

Mr. ALDRICH of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be allowed to call up a measure at this time.

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH] has a matter which he desires to call up, and if there be no objection, he can present it.

Mr. MCMILLIN. We were unable to hear his request.

The SPEAKER. The request was that the Committee on Interstate and Foreign Commerce be allowed to call up a measure under the call. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, etc., That no picture or description of any prize fight or encounter of pugilists, under whatever name, or any proposal or record of betting on the same, shall be transmitted in the mails of the United States or by interstate commerce, whether in a newspaper or other periodical, or telegram, or in any other form.

SEC. 2. That any person sending such matter, or knowingly receiving such matter for transmission, by mail or interstate commerce, shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment for not more than five years, at the discretion of the court, or by a fine not exceeding $1,000.

Mr. ALDRICH of Illinois. I ask the Clerk to read the report.

The report (by Mr. ALDRICH of Illinois) was read, as follows:

All the States of the Union, save one or two, forbid prize fights, which have been sent to the limbo of condemned customs with dueling, slavery, lotteries, and polygamy. This bill simply protects the more advanced States which have forbidden pugilism as brutal and brutalizing against having prize fights brought into their borders in pictures and descriptions which are only a little less harmful than the degrading sport which they describe. (This bill does not forbid a brief statement of the fight as a matter of news.)

This Congress, in its swiftest enactment, forbade prize fighting in its whole jurisdiction, and so drove a prospective prize fight announced to occur in one of the Territories into the mountains of Mexico, whose Government had also forbidden it. This bill is but a logical extension and protection of that act, and is in accord also with another act of this Congress, approved by this committee and since enacted into law, prohibiting the interstate transportation of obscene pictures; pictures of the brutality of pugilism are hardly less harmful to our youth. It is in accord, also, with the antidivorce act of Congress, which has protected the families of the whole land against the "divorce colonies" of one of the Territories. This bill calls for immediate consideration for manifest reasons. It is believed the reputable press, which describes prize fights only because of competition, will welcome this protection.

Your committee, therefore, beg leave to report the same to the House with a recommendation that it do pass.

A bill to forbid the transmission by mail or interstate commerce of any picture or description of any prize fight or its accessories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no picture or description of any prize fight, or encounter of pugilists under whatever name, or any proposal or record of betting on the same shall be transmitted in the mails of the United States or by interstate commerce, whether in a newspaper or other periodical, or telegram, or in any other form.

SEC. 2. That any person sending such matter, or knowingly receiving such matter for transmission, by mail or interstate commerce, shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment for not more than five years, at the discretion of the court, or by a fine not exceeding $1,000.

Mr. ALDRICH of Illinois. Mr. Speaker, this bill is precisely what it purports to be. If it becomes a law, it is not expected that the mill which is billed for the 17th of March in the State of Nevada will be prevented, but it is expected to stop the broadcast dissemination of matter the publication of which has already commenced, in all parts of the country, of the details of the affair.

Prize fighting has been driven out of Louisiana, Texas, Mississippi, Arkansas, and California, and several other States. By an act passed in the Fifty-third Congress prize fighting has been driven out of the Territories. Now, Mr. Speaker, the last refuge of those engaged in this unseemly business is a State the population of which is less than that of one ward alone in my district. It does seem to me that, if the demoralizing effect of these combats themselves can not be stopped, we can, at least, stop that which is even worse and more degrading and more demoralizing to the youth of this land, namely, the broadcast publication of the sickening details of these fights.

Mr. GROW. With pictures.

Mr. ALDRICH of Illinois. Therefore I think it is high time for Congress to do what it can to prevent this.

Mr. WILLIAM A. STONE. I should like to ask the gentleman what he understands to be the meaning of the words in the sixth line of the first section "by interstate commerce?"

Mr. ALDRICH of Illinois. That means the transmission of any matter connected with the combat, or referring thereto.

Mr. WILLIAM A. STONE. Do you understand that would prevent sending it by express?

Mr. ALDRICH of Illinois. I do; precisely that.

Mr. WILLIAM A. STONE. I am afraid that is not strong enough to cover it.

Mr. ALDRICH of Illinois. Well, if the gentleman can suggest a stronger amendment, I have no objection.

Mr. WILLIAM A. STONE. I am in favor of the bill, but I want to see it pass in such manner as to stop this business.

Mr. ALDRICH of Illinois. Mr. Speaker, in my time I will send to the Clerk's desk and ask to have read letters and telegrams which I have received this very day on this subject.

Mr. FOOTE. I should like to ask the gentleman a question.

Mr. ALDRICH of Illinois. Let us have these letters and telegrams read first.

The Clerk read as follows:

WORCESTER, MASS., *March 1, 1897.*

Hon. J. FRANK ALDRICH, *House of Representatives:*

The Worcester (Mass.) Congregational Ministers' Meeting, representing 40 churches and 8,000 members, heartily indorses and urges passage of bill now before the House forbidding the transmission by mail or interstate commerce of any pictures or description of any prize fights or its accessories.

J. CHAS. VILLIERS, *Secretary.*

ROCHESTER, N. Y., *March 1, 1897.*

Hon. J. F. ALDRICH, *M. C.:*

Presbyterian Ministers' Meeting petition for your antiprize-fight bill.

H. H. STEBBINS.

PHILADELPHIA, PA., *March 1, 1897.*

To FRANK ALDRICH, *M. C.:*

The Methodist Episcopal Preachers' Meeting of Philadelphia, representing over 100 churches, earnestly urges immediate passage of antiprize-fight bill.

FRANCIS ASBURY GILBERT, *Secretary.*

PITTSBURG, PA., *March 1, 1897.*

To Hon. J. FRANK ALDRICH:

Pittsburg United Presbyterians with you in effort to quarantine prize fight in Nevada.

W. J. ROBINSON, *President Association.*

CHICAGO, *March 1, 1897.*

To J. FRANK ALDRICH:

Chicago Young Men's Christian Association, with 5,000 members, urges passage of bill 10569. Methodist churches of Chicago by vote of pastors also urge passage.

L. WILBUR MESSER.

DAYTON, OHIO, *March 1, 1897.*

Rev. WILBUR F. CRAFTS,
210 Delaware avenue NE., Washington, D. C.:

The Ministerial Association of Dayton, Ohio, indorses the antipugilistic bill and urges its passage.

A. V. RABER, *Secretary.*

—

CHICAGO, ILL., *March 1, 1897.*

Hon. J. ALDRICH,
United States House of Representatives, Washington, D. C.:

On behalf of 300,000 White Ribboners we entreat you to protect our boys from brutality by indorsing prize-fight bill.

KATHARINE L. STEVENSON,
Cor. Sec. National W. C. T. U.

—

RICHMOND, VA., *March 1, 1897.*

J. F. ALDRICH, *M. C.*,
House of Representatives, Washington, D. C.:

We favor the antiprize-fight bill.

WM. WIRT HENRY,
For Self and Others.

—

PITTSBURG, PA., *March 1, 1897.*

Hon. J. FRANK ALDRICH,
House of Representatives:

I favor passage of your anti-prize-fight bill or something better.

J. J. PORTER.

Mr. ALDRICH of Illinois. Mr. Speaker, I will ask consent that the remainder of the communications be printed in the RECORD, saving the necessity of reading them.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the remainder of the telegrams and communications be printed in the RECORD. Is there objection?

Mr. HOWARD. I object.

Mr. MEREDITH. I object.

Mr. ALDRICH of Illinois. I ask if the gentleman withdraws his objection?

Mr. MEREDITH. I withdraw my objection.

Mr. ALDRICH of Illinois. I ask the gentleman from Alabama if he has withdrawn his objection?

The SPEAKER. One member can not withdraw another member's objection. [Laughter.]

Mr. ALDRICH of Illinois. I understood the gentleman from Alabama to object to the printing of these communications, and I also understand that he now withdraws his objection.

The SPEAKER. The gentleman from Virginia withdrew his objection.

Mr. HOWARD. I do not withdraw the objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

To the House of Representatives of the United States:

I know that I but voice the sentiments of the Baptist Young People's unions, not of the District only, but of our entire country, when I petition your body, as I do hereby, for the immediate passage of the Aldrich antiprize-fight bill—a measure that affords protection to our youth against free trade in brutality.

RICHARD A. FORD,
President District Baptist Young People's Union.

Mr. ALDRICH of Illinois. I will ask the Clerk to discontinue reading, and I will yield ten minutes of my time to the gentleman from Massachusetts [Mr. MORSE].

Mr. WILLIAM A. STONE. Will the gentleman yield to me a half a minute, that I may offer an amendment?

Mr. HARDY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARDY. Is there any division of time in the debate on this bill? I am opposed to the bill.

The SPEAKER. The Chair has made no distinction thus far.

Mr. MORSE. I will only take about three minutes.

Mr. WILLIAM A. STONE. Will not the gentleman give me a minute?

Mr. MORSE. I yield for a minute for the reading of the amendment to be offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. I offer this amendment.

The Clerk read as follows:

In line 6, page 1, section 1, after the word "interstate," strike out "commerce" and insert "railway or water service or otherwise;" also in line 3, section 2, after the word "State," strike out the words "commerce" and insert the words "railways or water service or otherwise."

Mr. WILLIAM A. STONE. I think that was the intention of the bill, and it will carry out its purpose.

Mr. MORSE. I desire to occupy the attention of the House but for a few minutes. I trust the amendment offered by the gentleman from Pennsylvania will be assented to by the chairman of the committee.

Mr. ALDRICH of Illinois. I have no objection to the amendment, and will accept it.

Mr. BINGHAM. Will the gentleman allow me to make an inquiry for information?

Mr. MORSE. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. BINGHAM. Will the gentleman allow an interruption for the purpose of obtaining information?

Mr. MORSE. Certainly.

Mr. BINGHAM. Do I understand from the wording of this bill that the clause reading "whether in a newspaper or other periodical, or telegram, or in any other form" will prevent correspondence in a sealed letter giving a description of a fight or a description of anything pertaining to it?

Mr. MORSE. I hardly think it goes so far as that.

Mr. BINGHAM. What does it mean by "in any other form?"

Mr. MORSE. In any public form that will debauch the public mind.

Mr. FOOTE. It does not so state.

Mr. BINGHAM. If any information of a fight shall be transmitted in the mails of the United States, "in a newspaper or other periodical, or telegram, or in any other form," would that prevent a sealed description from being sent?

Mr. MORSE. I think it is hardly as drastic as that, Mr. Speaker. Now, I ask the attention of the House to listen to me for just a few minutes.

Mr. Speaker, I want to say that I believe in this bill. I believe it is a just and proper bill, and I hope it will pass both Houses and be signed by the President and become a law. Every State in the Union, save three, makes prize fighting a crime, and the suppression of the details and of pictures of this degrading, brutal, and disgusting business is in entire harmony with the laws of the States, with the laws of the United States, and with the sentiment of our people. The brave stand taken by Governor Culberson, of Texas, whose father, Judge CULBERSON, has been an honored member of this House for many years, won for him the praise of all the right-minded people throughout this great country.

For a year or two past two big brutes named Corbett and Fitzsimmons have been looking for a place to pound one another. Up to this time they have done most of their fighting with their mouths. One after another, where they have attempted to have a meeting, the States have taken action to prevent it. In Louisiana, in Mississippi, in Florida, in Minnesota, in Texas, in Arkansas, and New Mexico. Then it was proposed to have the fight outside the country, in Mexico. The Mexicans are not particularly pious. They do not object to a bull fight, but they drew the line on these brutes, and the Mexican Government said their country should not be disgraced by this brutal exhibition. Now, to the everlasting shame and disgrace of the State of Nevada, the legislature of that State has passed a bill, and the governor has signed it, to legalize this brutal, disgusting exhibition. My district contains 200,000 inhabitants, and has the misfortune to be represented on this floor by so humble an individual as myself, and has only a piece of a Senator at the other end of the Capitol; while the State of Nevada, with 40,000 inhabitants, has one Representative in this House and two Senators at the other end of the building.

If there was any constitutional method by which statehood could be taken away from that State, which is little less than a mining camp, I am sure a vast majority of the people of this country would favor such action, and would be glad to remand the State back to the condition of a Territory, especially since this last disgraceful, humiliating, and shameful act of the legislature of that State.

This bill, as I understand it, does not forbid a brief statement of the fight as a matter of news, but forbids the transmission through the mail, or by interstate commerce, or by telegraph, of the disgusting details, or of pictures of the brutal encounter.

Mr. FOOTE. Who is to be the judge of the brutality of the encounter? And I would like also to know just how much constitutionality there is in this bill? Why can we not go further and strike out accounts of murders and other disgusting details that we find every day in the newspapers?

Mr. MORSE. Well, I hope, when you hear the vote of the House on this question, you will see that it is with me, and that this House believes prize fighting is a brutal encounter and is a disgrace to the country, as it is. It belongs to the Dark Ages. It has no place in a Christian and civilized community such as we profess to be.

Mr. FOOTE. Does this bill prohibit the publication of accounts of boxing matches?

Mr. MORSE. I think so; if they lead to the drawing of blood or anything of a brutal character. I suppose a boxing match might perhaps be of such a character as not to come within the scope of this bill.

Mr. BRUMM. How about football?

Mr. MORSE. Well, I am not a champion of football, either. I believe it is brutal. But let us go for one thing at a time, and we are dealing with prize fighting now.

Mr. Speaker, this bill, as I understand it, was only very recently reported from the Committee on Interstate and Foreign Commerce. It is the unanimous report of that committee. I never read the bill until this morning; but the telegrams and letters which have reached the gentleman in charge of the bill [Mr. ALDRICH of Illinois] from remote sections of the country, some of which have just been read from the Clerk's desk, show the widespread interest felt by the moral and religious people of this country in this bill which is now before the House. In answer to the argument that this bill establishes a censorship of the press, it is right to

establish a censorship of the press in the interest of public morals. We have a censorship of the press now in regard to matters that concern the moral welfare of our people. No paper can circulate through the mails of the United States that contains any advertisement of a lottery or any drawing of a lottery. We have a censorship of the press in regard to obscene and indecent publications. No paper, magazine, or other publication containing such obscene or indecent matter is mailable. We have the same censorship of the press in regard to advertisements, medicines, or preparations of abortionists, and now it is proposed to add one more thing injurious to public morals that shall be excluded from the United States mails and from interstate commerce, i. e., pictures and disgusting details of these brutal prize fights. Would anybody think, at this stage of the game, of repealing the law excluding the other things from the mails and from interstate commerce? I venture to say that such a bill could not get 6 votes in this House.

I repeat, Mr. Speaker, that this bill is in the interest of virtue and public morals. Pass this bill and relieve these brutal exhibitions of the notoriety which they are given by the press, and the business of the prize fighter will be gone, and the country will be saved from this everlasting humiliation and disgrace. It has been well and truly said here that the large and great metropolitan papers would be glad to be relieved of publishing these disgusting details, but they are compelled to do it by the rivalry of the sensational and more unprincipled newspapers. For my part, I would be delighted if the United Press and the Associated Press were allowed to telegraph over the country at the close of the fight that these two big brutes had met each other at Carson City and had killed each other, and neither of them would be able to give any more challenges or accept any, or fight any more either with their mouths or fists. [Applause.]

Mr. Speaker, the whole business is brutal, degrading, disgusting, repugnant to the moral sense of our people, demoralizing to the young men of our country, and this bill should pass and become a law. [Applause.]

Mr. FOOTE. One more question.

Mr. ALDRICH of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I have not had time to analyze the legal effect of the provisions of this bill. A question has been put to me which is a very difficult one to answer. It is how far we can go in suppressing the right of the newspapers——

Mr. QUIGG (interposing). Mr. Speaker, I ask for order. This is a very serious proposition, and I want to understand it. I can not hear the gentleman from Ohio.

The SPEAKER. The Chair has been asking for order all day and occasionally getting it. [Laughter.] The House will please be in order. The gentleman from Ohio will proceed.

Mr. GROSVENOR. The question has been put to me, and it is the question, I suppose, that the gentleman from New York [Mr. FOOTE] was about to put to the gentleman from Massachusetts [Mr. MORSE], whether or not it is competent for Congress to prohibit the publication in the newspapers of matter which is deemed to be immoral and which promotes immorality and crime, as, for instance, the publication of accounts of murders, murder trials, and other matters that I need not more particularly specify.

Mr. FOOTE. If the gentleman will allow me, the question I wanted to put was this: Whether this proposed law would prevent a review of the fight between David and Goliath, or anything of that kind? [Laughter.]

Mr. GROSVENOR. Mr. Speaker, I refer the gentleman to the distinguished divine, Dr. Talmage, who preached upon that subject about two weeks ago. [Laughter.]

Mr. Speaker, I look with absolute detestation and horror upon this whole business of prize fighting. I have no disposition to criticise the State of Nevada, however, because if I lived in a State that had nothing else to commend it, possibly I might be in favor of importing prize fights. [Laughter.] But the public may as well understand that the necessities of good order and of decent government are involved in breaking up this business of prize fighting. This is not a novel question with me. I had the honor to aid in the prosecution of the first prize fight that was prosecuted in the State of Ohio. Our statute simply defined the crime to be "who ever engages in a prize fight." The whole question of "boxing matches" and "athletic clubs" came up in considering the various subterfuges under which prize fights were attempted to be perpetrated upon the public, and the supreme court of Ohio gave a construction to the term "prize fighting" drawn from the decisions of the English court in the case of Slavin. The result was that the young man on trial was held to be guilty of prize fighting and was sent to the penitentiary, and from that day to this we have had no more prize fights in the State of Ohio.

Now, this bill undertakes to say that the advertising of prize fights shall not be permitted through the mails or the express companies of the country. If prize fighting is a crime, as it is; if it is brutal and demoralizing, as it is, how does this differ in principle from excluding from the mails the advertisements of lotteries and other games of chance? The gentleman from New York has put the question to me whether the proposed law would exclude an account of the fight between David and Goliath. I will put a question to him in reply. Our law excludes from the mails all advertisements of lotteries or games of chance, and my question is: Would that law exclude from the mails an account of the transaction between Laban and Jacob? [Laughter.]

Mr. FOOTE. If the gentleman will allow me, I will say that I never receive any such documents as those he has referred to here.

Mr. GROSVENOR. My friend from New York is not the sort of person that we are trying to protect. He protects himself. There is a sort of atmosphere, a sort of halo around him that drives away every attack upon his virtue; but he is different in that respect from many other people. [Laughter.] I hope the bill will pass.

Mr. ALDRICH of Illinois. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, no Representative on this floor is more earnestly opposed to the crime of prize fighting than myself, and I am in hearty accord with all proper measures for the suppression of the evil. But it seems to me that this is one of the most extraordinary propositions submitted to this body during my Congressional service. This bill establishes a censorship of the press of the country, and if enacted into law the logical result will be a bureau of the Government to make the censorship effective. In such an event I do not know of any gentleman on this floor—I say it with entire and perfect respect—who is more entitled to preside over that bureau than the gentleman from Massachusetts [Mr. MORSE] who advocates this measure.

Mr. MORSE. Allow me to ask——

Mr. DOCKERY. I do not yield. Mr. Speaker, if the great daily newspapers are to be punished for reporting prize fights, then I suppose the next step in logical sequence will be to prohibit the press from publishing the details of other crimes—the details, for instance, of murders.

Mr. MORSE rose.

Mr. DOCKERY. I do not yield, because I have not time.

Mr. Speaker, I believe that every State in this Union has prohibited prize fighting except the State of Nevada, and I trust the discussion of this question will so awaken public sentiment in that little State that its legislature at an early date will forbid this hideous and thoroughly vicious sport.

Let the law prohibit prize fighting; that is the way to stop this evil—not by establishing a censorship of the press. The liberty of the press must be maintained, because it is essential to the safety of the Republic. If this bill becomes a law, some other gentleman with the peculiar views of the gentleman from Massachusetts will be advocating the control and regulation of the press in respect to other crimes that may find description in the columns of the newspapers.

I trust that this bill will be laid on the table, and if opportunity offers I shall make that motion. I can not do so now, because I speak by the courtesy of the gentleman in charge of the bill.

Mr. WILLIAM A. STONE. Does not the gentleman believe that scattering over the country the details of prize fights helps to awaken a desire in the minds of young men to distinguish themselves in that way, and therefore to a great extent corrupts public morals?

Mr. DOCKERY. Perhaps that is true; but I would go to the root of the evil by prohibiting prize fighting; and every State of the Union with the exception of Nevada has already done so.

Mr. HEPBURN. How would you do that?

Mr. DOCKERY. It has already been done, as I understand, except by the State of Nevada.

Mr. HEPBURN. How would you prevent it there?

Mr. DOCKERY. Let the telegrams and papers that have been read here in the time of the gentleman from Illinois [Mr. ALDRICH] be addressed to the enlightened conscience, the moral sentiment, the patriotism of the people of Nevada, and I have confidence that they will respond to the appeal and promptly pass an act prohibiting this brutal and cruel sport.

Mr. WILLIAM A. STONE. Does not the gentleman know that the newspapers try to get up prize fights on their own account in order to enlarge their circulation?

Mr. ALDRICH of Illinois. I yield to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I do not rise to defend prize fighting or prize fighters. I desire only to say that this is very dangerous legislation. Under this bill, as it is drawn, you can prohibit anybody from sending certain books now in the Congressional Library to anybody by mail, under a penalty of $1,000 fine and five years' imprisonment. They have in that Library the History of English Pugilists, with pictures of nearly every prize fight fought in Great Britain. You might prohibit even the sending of an illustrated copy of Virgil through the mails, for there we have a magnificent description of the prize fight between Dares and Entellus.

The States, all except one, have forbidden prize fighting. You can safely leave legislation as to the printing of cuts of such fights

in newspapers to the States where such newspapers are printed and where such legislation belongs. We already find a bill introduced into the legislature of New York to prevent the caricaturing of public men. You might just as well bring that bill up here in the House as to bring this bill in here. They are all in the same category.

I say this is dangerous legislation; it is legislation which, if indulged in at all, should be left with the States, not resorted to by Congress. You already have upon the statute book a law forbidding the sending of obscene books or papers through the mails. Do you know how that works? Men have been arrested in the city of New York and elsewhere for selling copies of Boccaccio, of the Heptameron, of Rabelais, and other standard works. You can not tell how far such legislation is going to reach, gentlemen. It seems to me it is dangerous, and I trust the bill will be tabled.

Mr. ALDRICH of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HEPBURN], chairman of the committee reporting this bill, and, owing to the lateness of the hour, at the conclusion of his remarks I shall ask for the previous question on the bill to its passage.

Mr. HEPBURN. Mr. Chairman, it is only a few years since the effort was made in this House to prevent the advertisement of lottery schemes by dissemination through the press. At that time gentlemen made precisely the same arguments against that bill that they are now making against this. They then insisted that that was a censorship of the press, and that its influence would be widespread and deleterious. Is there any gentleman now, in the light of experience, with the knowledge which we now have on this subject, who would, here in this presence, attempt a repeal of that wise legislation? We have seen that it has destroyed that most enticing mode of gambling, and that it has undoubtedly saved to thousands and tens of thousands of homes that which was necessary for their support and comfort. Gentlemen now say that this establishes a censorship of the press, and the gentleman gives an extreme illustration. I insist that that is not an illustration that ought to be considered here.

This bill will be construed by men learned in the law—by judges of the courts. They will not give the construction that the gentleman insists upon in his hypothetical case. There is no fear of anything of that kind. No court will have difficulty in determining the class of literature that is here prohibited, nor will the officers of the Postal Department have any difficulty. They have to determine now as to whether this, that, or the other enterprise has those characteristics which are prohibited by law. They have no difficulty in reaching that determination, in excluding from the mails matter which ought to be excluded, and in permitting the free and safe passage of that which under the law is prohibited. Gentlemen are unnecessarily frightened about this bill. I undertake to say that the great reputable journals of this country desire that a bill of this kind shall be passed. They do not want to burden their columns, day after day, with the accounts of these unseemly proceedings; but there are papers that will do it, and in order to meet the active competition those that otherwise would exclude reports of this sort from their columns are compelled to print them, because there is a small percentage of people, but one which is important, perhaps, in the sale of newspapers, that desire this literature. This passion is catered to by all of the papers. I believe that a large majority of them would be glad to have this legislation and be relieved from the necessities of this malodorous competition.

Mr. ALDRICH of Illinois. I move the previous question on the bill and pending amendment to its passage.

Mr. MITCHELL. I should like to ask the gentleman whether, under this bill, if one person sends to another one of our voluminous Sunday newspapers which happens to contain a description of a pugilistic encounter, the person sending the paper and the one to whom it is sent would not be liable to prosecution by the wording of this bill?

Mr. HEPBURN. I do not think any person, under those circumstances, would be liable, nor do I think the gentleman thinks so. The law is not intended for that class of persons. It is intended to prohibit the publication of this class of literature.

Mr. QUIGG. Could not a reporter who sent a telegram with reference to any sort of an encounter be made liable to five years' imprisonment?

Mr. HEPBURN. Any sort of an encounter, if it was a prize fight. He has no business to use the mails for that purpose.

Mr. QUIGG. I said a telegram.

Mr. MITCHELL. The bill goes much further than the gentleman from Iowa thinks.

The SPEAKER. The Chair understands the gentleman from Illinois [Mr. ALDRICH] to ask for the previous question.

Mr. ALDRICH of Illinois. I do.

The question being taken on ordering the previous question, the Speaker announced that the ayes seemed to have it.

Mr. QUIGG demanded a division, and then demanded the yeas and nays.

Mr. WILLIAM A. STONE. I understand the gentleman from Illinois who has charge of the bill to ask for the previous question on the bill and the pending amendment. Is that correct?

The SPEAKER. The gentleman asks for the previous question on the bill to its passage.

Mr. QUIGG. I move that the House do now adjourn.

Mr. DOCKERY. Mr. Speaker, a parliamentary inquiry. If the previous question is ordered, will it be in order, after such action, to move to lay the bill on the table?

The SPEAKER. If the House refuses the previous question, it will be in order to move to lay the bill on the table.

Mr. DOCKERY. In the event of the previous question being ordered, will it then be in order to move to lay the bill on the table?

The SPEAKER. The Chair thinks not, under the rulings.

Mr. DOCKERY. Then I hope the previous question will be voted down.

Mr. QUIGG. I move that the House adjourn.

Mr. ELLETT. I move that the House do now adjourn.

Mr. DALZELL. I hope that motion will not prevail.

Mr. DOCKERY. Pending the demand for the previous question, I move to lay the bill on the table.

The SPEAKER. The gentleman can not do that, pending the motion——

Mr. CANNON. Mr. Speaker——

Mr. CUMMINGS. A parliamentary inquiry, Mr. Speaker.

Mr. QUIGG. I withdraw the motion that the House do now adjourn.

The SPEAKER. The House is getting into confusion over a matter which is perfectly simple. The gentleman from Illinois [Mr. ALDRICH] asks for the previous question. If the House orders the previous question, then the vote must be taken on the bill to its passage. If the House refuses to order the previous question, then the motion to lay the bill on the table will be in order. If, meantime, the House adjourns, that solves the difficulty in another way.

Mr. CUMMINGS. Is the same difficulty solved with reference to a motion to recommit?

The SPEAKER. Temporarily.

Mr. QUIGG. I move that the House do now adjourn.

Mr. PAYNE. Pending that, Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow.

The SPEAKER. That is not in order pending a motion to adjourn. This is a matter which concerns the state of the public business.

Mr. GROUT. Mr. Speaker, I ask unanimous consent for the printing of the District bill, which is not quite ready to come over.

The SPEAKER. If the gentleman who made the motion to adjourn will withdraw it, the Chair will put some of these questions.

Mr. QUIGG. I withdraw the motion, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. ELLETT. I believe I have the floor, Mr. Speaker.

Mr. DOCKERY. Mr. Speaker, I move to take a recess until to-morrow morning at 10 o'clock.

The SPEAKER. There is a motion to adjourn pending.

Mr. DALZELL. That motion has been withdrawn by the gentleman from New York [Mr. QUIGG], and I have moved that the House take a recess until 10 o'clock to-morrow morning.

Mr. BARRETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. Is a motion to take a recess until 10 o'clock to-morrow morning amendable?

The SPEAKER. It is open to amendment.

Mr. BARRETT. Then I make the point of order that pending the verification of a vote no motion can be made that is coupled with an amendment. The House has already voted upon the previous question.

Several MEMBERS. No!

The SPEAKER. The motion for the previous question is pending.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent——

Mr. BARRETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. BARRETT. The Chair stated that the question was upon the previous question and the House voted, and the gentleman from New York rose and said that he called for the yeas and nays.

Several MEMBERS. The House did not vote.

Mr. DALZELL. I withdraw my motion that the House take a recess.

The SPEAKER. The motion of the gentleman from Pennsylvania is withdrawn, and the question now is on ordering the previous question.

Mr. CANNON. Mr. Speaker, I rise to a privileged motion.

The question was taken on ordering the previous question; and the Speaker declared that the noes seemed to have it.

Mr. ALDRICH of Illinois. I ask for a division.

The House divided; and there were—ayes 56, noes 98; so the House refused to order the previous question.

Mr. ALDRICH of Illinois. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. McMILLIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. My parliamentary inquiry is whether the refusal of the House to sustain the demand for the previous question made by the gentleman in charge of the bill does not pass the control of the bill to the opposition?

The SPEAKER. The Chair thinks it does.

Mr. DOCKERY. I move to lay the bill on the table.

The question being taken on the motion of Mr. DOCKERY, the Speaker declared that he was in doubt.

Mr. ALDRICH of Illinois. I ask for a division.

The House divided; and there were—ayes 93, noes 55.

Mr. ALDRICH of Illinois. I demand the yeas and nays, Mr. Speaker.

The question was taken, and the yeas and nays were ordered—87 members (more than one-fifth of the last vote) voting in favor thereof.

Mr. BARTHOLDT. Mr. Speaker, I move that the House do now adjourn.

Mr. CANNON. I hope that will be voted down.

The question being taken on the motion of Mr. BARTHOLDT, the Speaker declared that the noes seemed to have it.

A division was demanded, and the House divided.

Mr. STEWART of New Jersey. Mr. Speaker, pending the announcement of the vote upon the motion to adjourn, I rise to a parliamentary inquiry. The yeas and nays are ordered. Is it in order after that is done to make a motion to adjourn?

The SPEAKER. It is in order. On this question the yeas are——

Mr. GROSVENOR. Mr. Speaker, after consulting with gentlemen on both sides of this question, I wish to make a proposition.

Mr. DOCKERY. I hope the gentleman will have that opportunity.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the motion to lay the bill upon the table be withdrawn, and that it be referred to the standing Committee on the Judiciary.

Mr. DOCKERY. I hope that will be done.

Mr. BARRETT. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROUT and others objected.

The result of the vote on the motion to adjourn was then announced—ayes 79, noes 77.

Mr. ALDRICH of Illinois. I ask for the yeas and nays.

Mr. CANNON. Mr. Speaker, I desire unanimous consent to make a minute's statement.

The SPEAKER. If there be no objection, the gentleman from Illinois will have that permission.

There was no objection.

Mr. CANNON. I hope there will be unanimous consent to withdraw this motion to adjourn, and that I be recognized to move that we take a recess until to-morrow morning at 10 o'clock, the object being at that time to receive bills from the Senate. We will have to be up all night to-morrow night, and we had better husband our strength, and not get into a useless wrangle that will wear us out without profit. I therefore ask unanimous consent that the motion to adjourn be withdrawn, and that I may be afforded an opportunity to make a motion to take a recess, as indicated.

Mr. DOCKERY. I hope that will be done.

Mr. QUIGG. I would like to inquire whether that leaves the previous question pending to-morrow morning?

The SPEAKER. The previous question was negatived.

Mr. GROSVENOR. I hope the gentleman from Vermont will not insist upon his objection.

Mr. BARTHOLDT. I withdraw the motion to adjourn.

Mr. GROUT. I simply want a yea-and-nay vote on this question.

The SPEAKER. The yeas and nays have been ordered by the House.

Mr. GROUT. That will be in order to-morrow morning.

The SPEAKER. The motion to adjourn is, by consent of the House, withdrawn.

Mr. BAILEY. I want to make a parliamentary inquiry before that consent is given.

The SPEAKER. The gentleman will state it.

Mr. BAILEY. If the motion is withdrawn and the gentleman from Illinois is recognized to move a recess until 10 o'clock to-morrow, we come back precisely to where we are now, with this bill still pending.

The SPEAKER. It will still be pending.

Mr. BAILEY. It seems to me we had better dispose of it. I am not making any objection; but I think we ought to dispose of the bill.

Mr. McMILLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. Notwithstanding its pendency in its present condition, conference reports on appropriation bills would take precedence.

The SPEAKER. Conference reports would take precedence.

Mr. DOCKERY. I understood that the gentleman from Ohio asked unanimous consent that this bill be referred to the Committee on the Judiciary.

The SPEAKER. Objection was made. The gentleman from Missouri [Mr. BARTHOLDT], by consent of the House, withdraws the motion to adjourn, and the gentleman from Illinois [Mr. CANNON] moves that the House take a recess until 10 o'clock to-morrow morning.

The question was put.

The SPEAKER. Before announcing the result, the Chair will submit the following report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 7205) granting a pension to Alphonzo O. Drake;

A bill (H. R. 2689) granting a pension to Charlotte Weirer;

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 4903) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in company H, One hundred and forty-third New York Volunteers;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The motion to take a recess was then agreed to; and accordingly (at 6 o'clock and 8 minutes p. m.), the House was declared in recess until 10 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of the First Assistant Postmaster-General, showing operation of the rural free-delivery service at forty-two post-offices—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Kenosha, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Otter Tail Lake and Otter Tail River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Sheboygan, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Racine, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BAILEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 267) to amend an act entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861," approved March 2, 1891, reported the same with amendment, accompanied by a report (No. 3057); which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9962) for the erection of a public building at Carrollton, Ky., reported the same with amendment, accompanied by a report

(No. 3058); which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred House bills Nos. 9471, 7863, and 5683, reported in lieu thereof a bill (H. R. 10375) to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the consular service, accompanied by a report (No. 3060); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10249) to regulate interstate transportation of property owned or manufactured by unlawful combinations, reported the same with amendment, accompanied by a report (No. 3062); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. McCLELLAN, from the Committee on Invalid Pensions, to which was referred the bill (S. 3237) entitled "An act granting a pension to Annie Fowler," reported the same (Report No. 3063); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10374) to provide for the purchase of a site and the erection of a public building thereon at Kirksville, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: A bill (H. R. 10377) to provide for the purchase of a site and erection of a public building at Georgetown, in the State of South Carolina—to the Committee on Public Buildings and Grounds.

By Mr. HARTMAN: A resolution (House Res. No. 558) providing for an extra month's salary to clerks for Members and Delegates—to the Committee on Accounts.

By Mr. WALKER of Massachusetts: A resolution (House Res. No. 559) to amend the rules of the House of Representatives—to the Committee on Rules.

By Mr. ACHESON: A memorial of the legislature of Pennsylvania, in favor of the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. HARRIS introduced a bill (H. R. 10376) for the relief of Gideon Neff; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Holbrook Lodge, No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, Pa., asking for the passage of the Hill contempt bill, the Erdman arbitration bill, and the Phillips commission bill—to the Committee on Labor.

Also, resolutions of Captain Samuel Campbell Post, No. 286, Grand Army of the Republic, of Burgettstown, Pa., praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the members of Branch No. 332, National Association of Letter Carriers, of McKeesport, Pa., for the passage of the letter carriers' salary bill—to the Committee on the Post-Office and Post-Roads.

By Mr. AVERY: Petition of W. M. Davenport, of Bellaire, Mich., in favor of a tariff of $2 per 1,000 on all kinds of lumber, and 35 per cent on shingles—to the Committee on Ways and Means.

By Mr. BABCOCK: Petition of the North Capitol and Eckington Citizens' Association, asking that the Library of Congress be opened to the public from 9 a. m. to 10 p. m.—to the Committee on the Library.

By Mr. BERRY: Petition of George C. Grau and others, of the State of Kentucky, favoring the enactment of the McMillan-Linton bills (S. 3589 and H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. BROMWELL: Sundry petitions of William C. Otto and other citizens; William Ekermeyer, J. M. Meeker, Richard Dymond, George A. Thayer, Carl A. Voss, the J. A. Fay & Egan Co. and others, the Stacey Manufacturing Company and others, Harman, Goepper & Co. and others, Stewart Shillito and others, Alex. McDonald & Co. and others, and the Bee Vehicle Company and others, all of Cincinnati, Ohio, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protest of members of the Board of Administration of Cincinnati, Ohio, against the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ohio State board of health, Columbus, Ohio, for a permanent census service—to the Committee on the Judiciary.

Also, memorial of the National Association of Manufacturers, of Philadelphia, Pa., concerning tariff schedules—to the Committee on Ways and Means.

Also, resolution of the Ohio State Trades and Labor Assembly, of Cincinnati, Ohio, concerning Cuba—to the Committee on Foreign Affairs.

Also, petition of George Cutler and others, Samuel Wunder and others, and Jacob Cohn and others, citizens of Cincinnati, Ohio, urging the passage of the McMillan-Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BULL: Petition of Rev. John Evans and other citizens of Westerly, R. I., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the District of Columbia.

Also, petition of Thomas H. Peabody and other citizens of Westerly, R. I., asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Rev. W. J. Smith and other citizens of Westerly, R. I., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. C. Maine, of White Rock, R. I., and others, for the passage of the Phillips bill for the appointment of an impartial, nonpartisan commission—to the Committee on Labor.

By Mr. COOK of Wisconsin: Petition of F. H. Sweet and 40 other citizens of Fond du Lac, Wis., favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of William N. Krauf, of Chilton, and 625 citizens of Calumet County, Wis., in support of House bill No. 8315, to regulate the manufacture, sale, importation, and exportation of adulterated beer—to the Committee on Ways and Means.

By Mr. FARIS: Papers to accompany House bill No. 10352, to increase the pension of Milton Kinder—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10353, to pension Francis H. Churchill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10354, to increase the pension of John W. Rollins—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the New Orleans Lumber Exchange; also resolutions of the Chamber of Commerce of Louisiana, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7194, for the relief of Eli Conner—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petitions of Arthur Griffin and 6 other citizens of Shodack Landing; C. B. Dresser and 9 others, of Adams Basin; A. C. Lee and 8 others, of Gates, and J. V. Evans and 18 others, of Chittenango, in the State of New York, in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petition of Rev. Dr. J. G. Butler; Rev. Howard W. Ennis, of the Brotherhood of Andrew and Philip; Mr. W. H. Pennell, chairman of Christian citizens' committee of the District Endeavor Union; W. S. Dewhurst, president of the District Epworth League; Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens of Washington, D. C., held February 28, 1897, for the passage of the bill to further protect the first day of the week in the District of Columbia as approved by the District Commissioners—to the Committee on the District of Columbia.

By Mr. OTJEN: Petition of W. G. Smith and 15 other citizens of Milwaukee, Wis., praying for the passage of Senate bill No. 3545 and House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petition of Christian Endeavor societies of Norwich, Conn., in favor of legislation to prohibit the sale of intoxicating liquors in the Capitol building—to the Committee on Public Buildings and Grounds.

By Mr. CHARLES W. STONE: Petition of D. F. Davis and others; also of S. M. Simpkins and others, of Franklin; also of W. W. McClelland, of Polk, in the State of Pennsylvania, favoring the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Rutherford B. Hayes Post, No. 187, Grand Army of the Republic, of Oil City, Pa., favoring the Pickler per diem pension bill—to the Committee on Invalid Pensions.

By Mr. WILBER: Petition of J. Anthony Bassett, principal, and others of the public school of Richfield Springs, N. Y., for the passage of a bill compelling certain studies in public schools—to the Committee on Education.

Also, resolution of the Elvin D. Farner Post, No. 119, Grand Army of the Republic, of Oneonta, N. Y., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *March 2, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. 459) for the relief of Thomas Rosbrugh was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 4550) granting an increase of pension to John X. Griffith was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 4979) to amend sections 141 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States, relating to Presidential elections, was read twice by its title, and referred to the Committee on Privileges and Elections.

LEGATION BUILDING AT TEHERAN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a dispatch from the United States minister at Teheran, Persia, dated January 18, 1897, concerning the purchase of an official residence at that place; which was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SEABOARD AIR LINE MAILS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 23d ultimo, a copy of the reports of the agents of the Post-Office Department in relation to the weighing the mail upon the Seaboard Air Line in 1896, and also all correspondence between the Department and the officers of that railroad company, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

REPRINT OF DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HALE. I ask to have the District of Columbia appropriation bill printed as it passed the Senate, with the amendments of the Senate numbered, for the convenience of the conferees.

The VICE-PRESIDENT. It will be so ordered.

PERSONAL EXPLANATION—ACTION IN EXECUTIVE SESSION.

Mr. QUAY. Mr. President, I rise to a personal explanation, and in order to make it I will be compelled to ask the Senate to agree that I shall be permitted, contrary to the rule, to refer to what transpired in executive session in relation to the confirmation of certain Pennsylvania postmasters yesterday. If there are no objections, I will proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. MITCHELL of Wisconsin. What is the proposition? I could not hear it.

Mr. QUAY. I ask unanimous consent of the Senate that I may be relieved from the obligation of secrecy as to matters transpiring yesterday evening in executive session in relation to the confirmation of certain Pennsylvania postmasters.

Mr. CHILTON. We can not hear on this side.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that, for the purpose of a personal explanation, he be relieved from the obligation of secrecy in regard to certain matters which occurred in executive session. Is there objection? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. QUAY. Mr. President, I recognize the right and the power of a majority in the Senate. I recognize their right to name the postmasters in Pennsylvania and elsewhere, to have them reported from the Post-Office Committee when there is no objection affecting the character of the nominee of the President, and to have the report adopted in the Senate.

In pursuance of the policy of the majority, a large number of Pennsylvania postmasters were favorably reported to the Senate. Yesterday evening, during the executive session, they were taken up for confirmation. As to some of them there was question as to the character of the nominee, and when the suggestion was made, after the confirmation, that the rule should be suspended and the President be notified of the confirmation of the other nominees for postmasters, I asked, and the Senate unanimously agreed, that the Pennsylvania postmasters should be excepted. I think Senators present will remember that.

Now, I take up the CONGRESSIONAL RECORD this morning, and I take up the newspapers, and find that all the Pennsylvania postmasters have gone with the others, and that their confirmation has been given to the press while they are still lying here subject to reconsideration; and I have this morning, as I expected I might have from one of them—from the office at Lansford, Carbon County, Pa.—remonstrances seriously affecting the character of the nominee, and it is possible that in one or two others, notably in the case of the postmaster at Philipsburg, Center County, documents of the same kind may be received.

I do not know how to correct what has been done. I presume it has gone too far. But I desire to call the attention of the Senate to what has transpired, and to urge that something should be done to fix the responsibility somewhere, in order to prevent the recurrence of such an act.

Mr. PEFFER. I will take the liberty of suggesting to the Senator from Pennsylvania that the best way to remedy such matters is to stop altogether executive sessions with closed doors.

Mr. CHILTON subsequently said: On the matter brought up by the Senator from Pennsylvania [Mr. QUAY] this morning, I desire to occupy perhaps two minutes. I think it is due to the Secretary of the Senate and his assistants that some correction should be made of the remarks made by the Senator from Pennsylvania, which I think may put them in a false attitude. I ask permission of the Senate to make a statement. It is about an executive matter, though it is not one of great importance.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Texas will proceed.

Mr. CHILTON. My only reason for taking a special interest at this stage is that I happened to be in the chair yesterday afternoon during the time of the executive session. A great many nominations were confirmed. Among these were the nominations for postmasters in Pennsylvania. Then a request was entered that the President be notified of the confirmation of all these nominations. The Senator from Pennsylvania objected as to the Pennsylvania cases, and they were omitted from the order of notification. The records of the Senate show that fact. So there is no fault in our records.

Now, the matter of complaint is that the CONGRESSIONAL RECORD shows the confirmation in the Pennsylvania cases in connection with all the others. That is true; but the rule of the Senate, which I will read, Rule XXXVIII, section 2, says:

> The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

I am informed by Senators old in service here that the custom has been whenever a nomination is confirmed to publish the fact in the RECORD, regardless of the order in regard to notification of the President. So the confirmation in the Pennsylvania cases was published in accordance with this custom. But the notification to the President has not been given, and the records show that no consent to such notification was given. It only remains to say that the Senator from Pennsylvania has no cause of complaint against the officers of the Senate. I refer to the matter again because his remarks would seem to imply that somebody is blamable in the premises.

Mr. QUAY. I think, on examination, since my remarks this morning, that the statement of the Senator from Texas is correct. I was not aware that it is the custom of the Senate to give out for publication a list of confirmations when they have not finally passed beyond the jurisdiction of the Senate, but it seems that the custom is contrary to what I had supposed.

Mr. HOAR. It seems to me that the Senator from Texas is wrong, and that the original proposition of the Senator from Pennsylvania, as I understand it, is right.

When we make public the confirmation or rejection of a nomination——

Mr. CHILTON. We can not hear what is being said by the Senator from Massachussetts.

Mr. HOAR. We do not expect that it will be treated as the final action of the Senate until the time provided under the Senate rules for reconsideration has gone by, and therefore when the Senate orders that a certain action which is still inchoate, liable to be reconsidered, not finally acted upon, shall not even be communicated to the Executive, it supposes, of course, that it will not be communicated to the public. If another practice has crept in, it is a practice which ought instantly to be changed. I hope it will be changed by the direction of the Presiding Officer, without

any occasion to have any addition to the rule. Otherwise, of course, we shall have to change the rule.

Mr. HILL. Will the Senator from Massachusetts allow me for a moment? The difficulty with the statement of the Senator from Massachusetts is that the rule to which the Senator from Pennsylvania refers has been changed by a resolution of my own which passed the Senate about two or three years ago. I found confronting us in executive session this rule, under which, although we confirmed a nomination to-day, it could not be given out to the press or published in the RECORD until two days thereafter, and therefore we had to remain quiet during that day. Then two days afterwards it would be sent out by the Associated and the United Press that on yesterday or the day before the nomination of a man had been confirmed, when in fact it had been confirmed two days before.

Now, to avoid that I offered a resolution which passed the Senate after some little opposition, because it trenched upon the old practices of the Senate, and therefore there was naturally some opposition to it. It was passed. It is a part of our rules, and from that day to the present confirmations have been given to the public and published in the RECORD, although the President has not been notified.

Mr. HOAR. I desire to say that I am perfectly familiar with the history which the Senator from New York has recited, and with the order of the Senate, but certainly a nomination is not confirmed or rejected by the Senate until the time has gone by for reconsideration. The reconsideration is as much a part—of course it is a condition subsequent—of the action of the Senate as any other part.

Mr. CHILTON. Mr. President, my occupancy of the chair at the time of these confirmations made it proper that I should ascertain the exact facts. I have found that the clerks in this case have done just as they do in all cases—that is, as soon as a nomination is confirmed they put it in the RECORD and give it to the press. This takes place without any regard to the question of notification.

Mr. HILL. They have a right to do so. Although a motion is made to reconsider the vote by which a bill was passed, the bill has passed, and although the President has not been notified, the nomination has been confirmed. That has been going on for three straight years in the Senate under the resolution which can be produced at any time by looking up the files of executive sessions.

Mr. QUAY. My understanding, when I addressed the Chair and called the attention of the Senate to the matter this morning, was similar to that of the Senator from Massachusetts, which, if it is not the rule and practice of the Senate, I think ought to be the practice. I am satisfied from the statements made by gentlemen of large experience in the Senate that the custom is as stated by the Senator from New York, and that I was in error, and I have nothing more to say.

Mr. CHANDLER. There is no doubt about the correctness of the statement of the Senator from New York, and if the Senator from Pennsylvania had made inquiry he would have learned that, although these announcements of confirmations are in the CONGRESSIONAL RECORD, the notices have not been sent to the President. That is the whole case. The resolution of the Senator from New York was deliberately adopted. It may have been unwise to adopt it, but it was deliberately adopted, and it stands until it is reconsidered, and that reconsideration and the discussion connected with it must take place in executive session and not in open Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2696) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; and it was thereupon signed by the Vice-President.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask unanimous consent that the international monetary conference bill may be taken up and considered at 12 o'clock to-day.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at 12 o'clock the international monetary conference bill be taken up.

Mr. ALLEN. I do not know that I want to object, but I should like to ask the Senator from New Hampshire a question. Is it the bill as passed by the House that he wishes to have considered?

Mr. CHANDLER. Yes; I shall move to concur in the House amendments. I do not anticipate any objection to the amendments, but one or two Senators wish to say a few words upon the subject.

Mr. ALLEN. Has there been any suggestion that the measure as passed here——

Mr. JONES of Arkansas. Let the amendments be read that the Senator from New Hampshire wishes to have concurred in.

Mr. CHANDLER. Why will not the Senator wait and consent to the amendments being taken up for consideration at 12 o'clock. I renew the request for unanimous consent, and then the amendments can be read.

The VICE-PRESIDENT. Is there objection?

Mr. PERKINS. I ask the Senator from New Hampshire to fix the hour at 1 o'clock, as we have the fortifications appropriation bill to be considered in the meantime.

Mr. CHANDLER. I will substitute 1 o'clock, Mr. President.

The VICE-PRESIDENT. One o'clock is substituted. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of members of the Fourth session of the legislative assembly of Idaho, remonstrating against the right of Hon. Henry Heitfeld to a seat as Senator from that State for the term beginning March 4, 1897; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Presbyterian Ministers' Association of New York and vicinity, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's National Sabbath Alliance, remonstrating against the action of the United States Senate in holding a legislative session on Sunday, February 28, 1897; which was ordered to lie on the table.

Mr. CANNON. I present a petition of the National Equitable Protection Association of the United States, and of the State Grangers of Pennsylvania and Virginia, in favor of equitable protection. I do not ask that the petition be printed in the RECORD, but that it be printed as a document and referred to the Committee on Finance.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. CANNON presented a petition of sundry citizens of Utah, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. QUAY. I present a resolution of the house of representatives of Pennsylvania, which I ask to have read and lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

IN THE HOUSE OF REPRESENTATIVES,
Harrisburg, February 18, 1897.

Whereas the Senate of the United States has unanimously adopted a resolution designed to effect the release from imprisonment and insult of an American citizen, Mr. Sylvester S. Scovel, a representative of the press of New York City, and who is now confined in a Spanish prison: Therefore,

Be it resolved by the house of representatives of Pennsylvania, That the action of the Senate of the United States is hereby commended, and that effort should be made by the Department of State to secure the early release of said Sylvester S. Scovel.

A true copy from the journal of the house of representatives.

JERE B. REX,
Chief Clerk, House of Representatives.

Mr. QUAY. I present a memorial of the State Grange of Pennsylvania, setting forth the inequalities existing in the present tariff. I move that the memorial be printed as a document, and referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition of the pastors of sundry churches in York, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that the consular service be placed under

the protection of the civil-service-reform law; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Northfield, Minn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BURROWS. I present the petition of Enoch Moore and 33 other citizens of Kent County, Del., and the petition of Ezekiel Cowgill and 37 other citizens of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS presented the petitions of Roehm & Davidson, of Detroit; Perkins & Co., of Grand Rapids; Standart Bros., of Detroit; the United Steam Pump Company, of Battle Creek; the Rumsey Manufacturing Company, of Detroit; the Henderson-Ames Company, of Kalamazoo; C. D. Wideman & Co., of Detroit; Hill's Seed Store, of Detroit; Frederick Stearn & Co., of Detroit; the Clough & Warren Company, of Detroit; Charles A. Strelinger & Co., of Detroit; and the United States Heater Company, of Detroit, all in the State of Michigan, and the petition of the executive committee of the New York County Woman's Christian Temperance Union, of New York, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

Mr. TELLER presented a memorial of sundry news dealers of Denver, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented a memorial of Division No. 44, Order of Railway Conductors, of Denver, Colo., remonstrating against the passage of the anti-scalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of Rev. Francis L. Hayes, of the Congregational church, of Manitou, Colo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. BATE presented the petitions of H. L. Armstrong, cashier of the Continental National Bank of Memphis; of the Van Vleet Mansfield Drug Company, of Memphis; of C. W. Goyer & Co., of Memphis, and of the L. H. Gage Lumber Company, of Memphis, all in the State of Tennessee; of T. A. Havron, publisher of the Democrat, of Jasper, Tenn.; of T. F. & Hal Sevier, publishers of the Sentinel, of Sabinal, Tex.; of J. V. & R. S. Kirkland, of Fulton, Ky.; of G. H. Trevathan, of Paris, Tenn., and of the A. M. Stevens Lumber Company, of Dyersburg, Tenn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were ordered to lie on the table.

Mr. GEAR. I present a memorial of the Tollerton & Stetson Company, of Sioux City, Iowa, earnestly opposing the passage of the Bailey-George bankruptcy bill, and vigorously urging the passage of the Torrey bankruptcy bill. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. VILAS presented a petition of members of the Union Church, of Berlin, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of W. D. Parker and sundry other citizens of River Falls, Wis., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petitions of A. Staley and sundry other citizens of Beaverdam; of John Rapt and 18 other citizens of La Crosse, and of H. J. Untrant and 23 other citizens of La Crosse, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a memorial of Typographical Union, No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Fort Atkinson, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Mrs. Louise Thayer Faville, superintendent of the peace and arbitration department of the Wisconsin Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of A. Grossenbach & Co., and of the E. R. Godfrey Sons' Company, of Milwaukee, Wis., remonstrating against an increase of the duty on Mexican oranges; which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Milwaukee, Marinette, and Black Creek, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Milwaukee, Beloit, Stoughton, and Janesville, all in the State of Wisconsin, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were ordered to lie on the table.

Mr. HANSBROUGH presented a petition of the Baptist Young People's Union, the Epworth League, and the Young People's Society of Christian Endeavor, of Wahpeton, N. Dak., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of members of the Methodist churches of Bismarck and Cando, and of members of the Baptist Church of Grafton, all in the State of North Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

Mr. CHILTON presented the petition of H. Bradford and sundry other citizens of Texas, praying for the enactment of legislation prohibiting the issuance of internal-revenue special-tax stamps to sell intoxicating liquors in territory where prohibition prevails under State local-option laws; which was referred to the Committee on Territories.

THE RAMIE INDUSTRY.

Mr. GEAR. I ask that Senate Document No. 47 and Senate Document No. 57, Fifty-fourth Congress, second session, being a statement of S. H. Slaught in behalf of an appropriation to promote the ramie industry, be reprinted, together with certain matter which I will furnish later.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

AMENDMENT OF THE POSTAL LAWS.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 additional copies of Senate Report No. 1517 on the so-called Loud bill, including the minority report, Fifty-fourth Congress, second session.

COMMERCIAL RELATIONS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the "Review of the World's Commerce," etc., being part of said Commercial Relations.

ARBOR DAY.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. PROCTOR on the 27th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 12,000 additional copies of Arbor Day: Its History and Observance; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture.

FOREIGN RELATIONS, 1896.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by himself on the 8th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

BILL INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3734) for the relief of St. John's Catholic Church at Summersville, Nicholas County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Patents.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. MARTIN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

Mr. PLATT subsequently, from the Committee on Patents, to whom was referred the amendment submitted by Mr. HOAR this day, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

A. H. HERR.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to report the amount found due A. H. Herr, March 16, 1894, by his predecessor for the rent of his property while the same was in the occupancy of the Quartermaster's Department, and to inform the Senate whether the settlement was made by the Secretary of War under the authority vested in him by section 219 of the Revised Statutes, "to fix and make" the rental to be allowed in cases where the parties had not agreed upon the compensation to be paid; also, whether the amount allowed was the same as was allowed by the officers in charge of the property, and is, in his opinion, a reasonable and just allowance.

VICTOR H. M'CORD.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and is hereby, requested to furnish for the use of the Senate copies of all papers, correspondence, diplomatic or otherwise, on file in the State Department in connection with the arrest and imprisonment at Arequipa, Peru, of Victor H. MacCord, a citizen of Linesville, Crawford County, Pa., in June, 1895, he being at the same time consular agent of the United States in Peru, if any have been received by the State Department since the adoption by the Senate of the resolution of May 20, 1896, requesting the President to continue the investigation and efforts theretofore made by the United States in the matter of the claim of Victor Hugo MacCord, a citizen of the United States, against the Government of Peru, to the end that such an adjustment of said claim might be made as might be warranted by the facts in the case and by the law applicable thereto.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the naval appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. TELLER. I move that the Senate insist upon its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

THE BUBONIC PLAGUE.

Mr. ELKINS. I ask unanimous consent to call up the joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States. It is a measure to prevent the approach of the bubonic plague.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution indicated? The Chair hears none, and the joint resolution will be read at length.

The Secretary read the joint resolution which had been reported from the Committee on Public Health and National Quarantine with amendments, in line 6, after the word "disease," to insert "from a foreign port or place;" in line 11, after "person," to insert "from a foreign port or place;" and in line 12, after "entry," to insert "or enter;" so as to make the joint resolution read:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place, that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury on recommendation of the Surgeon-General of the Marine-Hospital Service, and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. ELKINS. A similar joint resolution to the one just read has passed the House. I ask the Senate to substitute the joint resolution that passed the House for this, and that the House joint resolution be put upon its passage. It is recommended by the Secretary of the Treasury.

Mr. CHANDLER. How about the amendments?

Mr. GALLINGER. There are amendments to the pending joint resolution.

Mr. ELKINS. The House joint resolution has the amendments in it.

Mr. GALLINGER. The House joint resolution can not have the amendments in it, inasmuch as the Senate committee proposed to amend the House joint resolution.

Mr. ELKINS. It has the amendments in it. I copied one from the other.

Mr. GALLINGER. I must insist that the amendments reported by the Committee on Public Health and National Quarantine shall be incorporated in the House joint resolution unless they are already there.

Mr. ELKINS. They are there.

Mr. GALLINGER. I do not understand how that can be the case. They may have been interlined.

The VICE-PRESIDENT. The House joint resolution will be read.

The Secretary read the joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, as follows:

Whereas in view of the alarming nature and spread of the bubonic plague, now prevalent in India and adjacent countries, and in view of the danger of this scourge being brought to the United States: Therefore,

Resolved, etc., That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons should be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

Mr. ELKINS. That is the same as the Senate joint resolution, and I ask for its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The VICE-PRESIDENT. Senate joint resolution 200 will be postponed indefinitely.

ESTABLISHMENT OF LIGHT-HOUSES, ETC.

Mr. MCMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 9703) to provide for light-houses and other aids to navigation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That light-houses and other aids to navigation be established and erected as hereinafter set forth, to wit:

Completing the removal of Cape San Blas light station, Florida, to Blacks Island.

Building a light keeper's dwelling at Egmont Key light station, Florida.

Reconstructing the front beacon of Apalachicola Bay range-light station, Florida.

Establishing a light station at or near St. Joseph Point, in St. Joseph Bay, west coast of Florida.

Establishing range lights to mark the channel over the bar, entrance to Choctawhatchee Bay.

Repairing wharf and buildings of the depot at Key West, Fla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YAZOO RIVER BRIDGE.

Mr. WALTHALL. I ask the Senate to consider at this time the bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA COURT OF APPEALS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The amendment of the House of Representatives was, on page 1, line 3, after the word "cases," to insert "hereafter arising."

Mr. HILL. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HILL, Mr. PLATT, and Mr. CLARK were appointed.

DISTRICT BENEFICIARY ASSOCIATIONS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

Mr. MILLS. I desire to ask the Senator from New Hampshire if the bill has been reported by the Committee on the District of Columbia?

Mr. GALLINGER. It has been reported unanimously by the Committee on the District of Columbia, after having passed the other House.

Mr. ALDRICH. I should like to have the report read.

Mr. MILLS. It seems to me there ought to be a provision in the bill retaining the right to repeal or change this act of incorporation.

Mr. GALLINGER. I will state to the Senator that the bill is in exact conformity to the laws that have passed in ten or twelve of the States and which are now on their statute books. It simply puts these fraternal organizations under the law, but exempts them from certain of the rigid provisions relating to old-line life insurance companies.

Mr. MILLS. We have adopted something of a rule here that in the case of acts of incorporation we shall retain the right to amend, alter, or repeal.

Mr. GALLINGER. I have no objection to that provision.

Mr. MILLS. Is that in the bill?

Mr. GALLINGER. I think it is not; but I have no objection to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 4, after the word "society," to insert "order;" in line 14, after the word "under," to strike out "70 years" and insert "the age of expectancy from the time of entering;" in line 16, after the word "laws," to insert:

Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide, or the association and members agree.

In line 29, before the word "dues," to strike out "or;" in the same line, after the word "dues," to insert "and other payments;" in the same line, after the word "members," to insert "or otherwise;" and in line 36, after the word "therein," to insert:

Provided, however, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this act.

So as to make the section read:

That a fraternal beneficiary association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident, or old age: *Provided*, That the period in life at which payment of physical disability benefits on account of old age commences shall not be under the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency, or benefit fund in accordance with its laws. Any such association having a reserve, emergency, or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide, or the association and members agree. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments, dues, and other payments collected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this act.

Mr. GALLINGER. In line 14 I desire to have the words "seventy years" remain, and the word "or" inserted afterwards; so as to read:

Seventy years or the age of expectancy from the time of entering.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 2, line 4, after the word "State" to insert "country;" so as to read:

SEC. 2. That all such associations coming within the description as set forth in section 1 of this act, organized under the laws of the United States relating to said District, or any State, country, province, or Territory, and now doing business in said District, may continue such business.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "State," to insert "country," and in line 7, after the word "its," to strike out "constitution and;" in line 12, after the the word "State," to insert "country;" in line 14, after the word "State," to insert "country;" in line 15, after the word "State," to insert "country;" so as to read:

That any such association coming within the description as set forth in section 1 of this act, organized under the law of any State, country, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the assessor a duly certified copy of its charter and articles of association, and a copy of its laws, certified to by its secretary or corresponding officer, together with an appointment of the assessor of said District as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, country, province, or Territory in which it is incorporated or organized, in case the laws of such State, country, province, or Territory shall provide for such authorization; and in case the laws of such State, country, province, or Territor do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 4, line 53, after the word "State," to insert "country;" so as to read:

Twenty-second. If organized under the laws of any State, country, province, or Territory, state such fact and the date of organization, giving chapter and year, etc.

The amendment was agreed to.

The next amendment was, in section 4, to strike out the following paragraph after line 61:

The assessor is authorized and empowered to address any additional inquiries to any such association in relation to its doings or condition, or to any other matter connected with its transactions relative to the business contemplated by this act, and such officers of such association as the assessor may require shall promptly reply in writing, under oath, to all such inquiries.

The amendment was agreed to.

The next amendment was, in section 7, line 12, after the word "said," to strike out "institution" and insert "association;" so as to read:

Such persons shall make, sign, and acknowledge before any officer authorized to take the acknowledgment of deeds in this District, and file in the office of recorder of deeds of said District a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection in which shall be stated the name or title by which said association shall be known to law, the mode and manner in which the corporate powers granted by this act are to be exercised.

The amendment was agreed to.

The next amendment was, in section 7, line 47, after the word "laws," to insert "and the provisions of this act," and in line 49, after the word "said," to strike out "society" and insert "association;" so as to read:

And they and their successors by their corporate name shall in law be capable of creating, maintaining, and disbursing a reserve or emergency fund in accordance with its laws and the provisions of this act, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of said association, and may let, place out at interest, or sell and convey the same as may seem most beneficial for said association.

The amendment was agreed to.

The next amendment was, in section 9, line 2, after the word "beneficiary," to strike out "society, order, or;" in line 3, after the word "of," to strike out "any;" in line 3, after the word "such," to strike out "society, order, or;" in line 4, after the word "or," to insert "which;" in line 6, after the word "said," to strike out "society, order, or;" in line 13, after the word "present," to strike out "and voting" and insert "vote;" and in line 14, after the word "the," to strike out "officer" and insert "officers;" so as to read:

SEC. 9. That any subordinate body of any fraternal beneficiary association incorporated under the provisions of this act, or of such association now doing business or which may hereafter be admitted to do business in this District under this act, where the laws of the governing body of said association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution, expressing the desire of such subordinate body to be incorporated and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present vote therefor, the president and secretary of such subordinate body, or the officers holding relative offices therein, shall prepare articles of association under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing.

The amendment was agreed to.

The next amendment was, in section 9, line 30, after the word

"therewith," to strike out "therein;" in line 37, after the word "respective," to strike out "society, order, or;" in line 38, after the word "such," to strike out "society, order, or;" and in line 39, after the word "is," to strike out "incorporated" and insert "known;" so as to read:

On the execution of said articles of association, and before the filing thereof with the recorder, the secretary of such subordinate body shall annex thereto his affidavit, stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that to the best of his knowledge and belief the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective association, giving the name by which such association is known.

The amendment was agreed to.

The next amendment was, in section 10, line 3, after the word "beneficiary," to insert "prior to or at the time of becoming a member of the association;" so as to read:

SEC. 10. That no contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

The amendment was agreed to.

The next amendment was, in section 11, line 4, after the word "attachment," to strike out "by trustee, garnishee," and insert "garnishment;" so as to read:

SEC. 11. That the money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this act shall not be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

The amendment was agreed to.

The next amendment was, in section 12, line 8, after the word "State," to insert "country;" and in line 10, after the word "State," to insert "country;" so as to read:

That any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, country, Province, or Territory wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, country, Province, or Territory shall be valid as if cast within said District.

The amendment was agreed to.

The next amendment was, in section 15, at the end of the section, to insert:

To "transact business" or "doing business" under this act means the writing of applications and the soliciting of new members, so far as the penalty of the act applies thereto. It shall not be unlawful for any organization under section 1 to continue the operation of its lodges or branches except in securing new members.

So as to read:

That any person who shall act within said District as an officer, agent, or otherwise for any association which shall have failed, neglected, or refused to comply with, or shall have violated, any of the provisions of this act, or shall have failed or neglected to procure from the assessor a proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified. To "transact business" or "doing business" under this act means the writing of applications and the soliciting of new members, so far as the penalty of the act applies thereto. It shall not be unlawful for any organization under section 1 to continue the operation of its lodges or branches except in securing new members.

The amendment was agreed to.

The next amendment was, in section 16, line 2, after the word "society," to insert "order;" in line 5, after the word "beneficiary," to strike out "societies, orders, or;" in line 11, after the word "corporation," to insert "or department or branch of the United States Government;" so as to read:

That nothing in this act shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and shall only apply to fraternal beneficiary associations as defined by section 1; and nothing in this act contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficiary societies, order, or association which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or Department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand, subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100.

The amendment was agreed to.

The next amendment was, in section 17, line 5, after the word "incorporated," to strike out "body" and insert "fraternal beneficiary association;" so as to read:

That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated fraternal beneficiary association in the District of Columbia.

Mr. GALLINGER. I move to amend the amendment by striking out "beneficiary" and inserting "beneficial."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I have a few verbal amendments of the same character to come in. I move, in section 1, line 3, to strike out the word "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 4, line 12, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 56, I move to strike out the word "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 7, line 3, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. I also move in the same section, line 8, before the word "association," to strike out "beneficiary society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 15, I move to strike out the first word in the line, "and," and insert "or."

The amendment was agreed to.

Mr. GALLINGER. In line 19 of the same section, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, lines 23 and 24, I move to strike out "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 27, I move to strike out the words "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 29, I move to strike out "order, or society."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 31, I move to strike out "society, order, or."

The amendment was agreed to.

Mr. GALLINGER. In line 33 of the same section I move to strike out "beneficiary society" and insert "beneficial association."

The amendment was agreed to.

Mr. GALLINGER. In section 8, line 2, I move to strike out "beneficiary society" and insert "beneficial association."

The amendment was agreed to.

Mr. GALLINGER. In section 9, lines 1 and 2, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In section 16, line 4, I move to strike out "beneficiary" and insert "beneficial."

The amendment was agreed to.

Mr. GALLINGER. In the same section, line 8, I move to strike out "order, or association" and insert "orders, or associations."

The amendment was agreed to.

Mr. MILLS. Now, I wish the Senator would put in a provision retaining the right to amend, alter, or repeal the charter by Congress.

Mr. GALLINGER. The Senator from Minnesota [Mr. DAVIS] has an amendment prepared which he will suggest.

Mr. DAVIS. At the end of the bill I move to add the following proviso:

Provided, That all rights, franchises, and privileges granted by this act shall be subject to amendment or repeal by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill regulating beneficial associations in the District of Columbia."

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. GALLINGER, and Mr. FAULKNER were appointed.

DEATH OF DR. RICARDO RUIZ.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

o the Senate:

I herewith transmit a report of the Secretary of State upon a resolution of the Senate relating to the arrest, imprisonment, and death of Dr. Ricardo Ruiz in the jail of Guanabacoa, on the Island of Cuba. Agreeing with the suggestion of the Secretary, I have not thought it compatible with the public interest that the correspondence referred to in the resolution should be communicated pending the public and exhaustive investigation about to be instituted.

Though it seems to be clear that the consul-general should have profes sional aid in such investigation, that matter, together with the selection of the particular persons to act with him, properly devolves upon my successor in office.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1897.

M. A. CHEEK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate of February 24, 1897, a report from the Secretary of State in relation to the claim of M. A. Cheek against the Siamese Government, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1897.

FORFEITED DOMESTIC OPIUM.

Mr. MORRILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

JUSTIN S. MORRILL,
STEPHEN M. WHITE,
O. H. PLATT,
Managers on the part of the Senate.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

The message also announced that the House insists upon its amendment to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution to print 10,000 copies of the Report of Hearings before the Committee on Banking and Currency, Fifty-fourth Congress; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7423) granting a pension to Lydia W. Holliday; and

A joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 10,000 copies of the Report of Hearings before the Committee on Banking and Currency, Fifty-fourth Congress; 8,000 copies to be for the use of the House and 2,000 copies for the use of the Senate.

ORDER OF BUSINESS.

Mr. PERKINS. I am directed by the Committee on Appropriations to ask at this time that the Senate proceed to the consideration of the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

Mr. CULLOM. Will the Senator from California yield to me for a moment?

Mr. PERKINS. I will yield for a matter which will not bring up discussion.

Mr. CULLOM. I merely want to make a statement. I do not desire to interfere with the progress of the appropriation bill, but I desire to state that immediately after the appropriation bill now before the Senate is disposed of I shall move to take up House bill 1090 to amend the act to regulate commerce. I call the attention of the Senate to it, because I very much desire to have that bill taken up and considered, but I do not desire to displace any appropriation bill.

Mr. ALLEN. I hope the Senator from Illinois will not insist upon that.

Mr. CULLOM. I want to say one word, if the Senator will allow me to do so.

Mr. CHANDLER. I should like to have my amendment to the antiscalping bill read.

Mr. CULLOM. I am not asking that anything be read at this time. I simply want to say that the bill to which I refer is a very important one. I undertake to say that there is no bill before the Senate at this minute, outside of the appropriation bills, which is, in the estimation of the great body of the people, more important than the one I have indicated.

Mr. JONES of Arkansas. What bill is it?

Mr. CULLOM. The bill known as the antiscalping bill. I will designate it in that way.

Mr. ALLEN. That is altogether too important a bill to take up and consider at this Congress.

Mr. CULLOM. I think, if the Senate will allow the bill to be taken up, we can probably dispose of it inside of an hour.

Mr. FAULKNER. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. CHANDLER. There is no measure more important to the people of this country than the amendment I have offered; and I ask to have it read.

Mr. CULLOM. I have said all I desire to say, but I give notice that I will make the motion as soon as the appropriation bills are disposed of.

Mr. CHANDLER. Let my amendment be read.

Mr. FAULKNER. I object to the reading of the amendment. I call for the regular order.

The VICE-PRESIDENT. The Chair must state that the regular order is the bill taken up on motion of the Senator from California [Mr. PERKINS].

Mr. PLATT. That is the bill before the Senate?

The VICE-PRESIDENT. It is before the Senate by vote of the Senate.

Mr. PLATT. I should like to make some remarks upon it.

Mr. GEAR. I ask the Senator from Connecticut to yield to me a moment for morning business.

Mr. PLATT. I can not yield for the moment. I will presently.

Mr. President, I am just as anxious to obtain consideration for certain bills which I think are important as are other Senators who clamor for recognition and who ask the Committee on Appropriations to yield to them. I think we ought to have some understanding about this matter, either that we shall have a time fixed wherein House bills can be taken up and acted upon, or that no House bills shall be taken up and acted upon.

I do not think it is fair to engage the attention of the Senate simply because you can catch the eye of the Chair, and bring long bills here and take the time of the Senate, when other bills which are just as important get no opportunity for consideration. I am going to insist upon one of two things, that we shall either have some time set apart when we can consider the House bills which ought to be considered, or I am going to object to them all.

Mr. CULLOM. I want to make a request.

The VICE-PRESIDENT. The Chair will submit to the Senate any request the Senator from Connecticut [Mr. PLATT] will indicate. The Chair recognizes Senators in the order in which the Chair is addressed, and the Senator from Connecticut first addressed the Chair.

CONSIDERATION OF HOUSE BILLS.

Mr. PLATT. I ask unanimous consent that at 3 o'clock this afternoon we may consider House bills on the Calendar.

Mr. ALDRICH. The Senator means unobjected cases.

Mr. ALLEN. I object, Mr. President.

Mr. CULLOM. I object to that.

Mr. PLATT. I should like to have my request submitted to the Senate.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Connecticut that at 3 o'clock this afternoon the Calendar of House bills be called. Is there objection?

Mr. ALLEN. I object.

Mr. PLATT. I am requested by various Senators to say unobjected cases.

The VICE-PRESIDENT. Is there objection?

Mr. FAULKNER. I simply desire to say that I shall object to that request until after the two remaining appropriation bills have been passed. As soon as they shall have been passed—which I hope may be by 3 o'clock, if we continue with the fortifications bill now before us, and follow that with the deficiency bill—I think we shall have plenty of time to go to the Calendar of unobjected House bills. Personally, I am earnestly in favor of the

request of the Senator, but I shall object to any unanimous consent being granted until the appropriation bills are put into conference.

Mr. PLATT. But, Mr. President, the Senator from New Hampshire [Mr. CHANDLER] got unanimous consent of the Senate that at 1 o'clock a bill of his might be taken up, and here comes the Senator from Illinois [Mr. CULLOM], a member of the Committee on Appropriations, and gives notice that as soon as the fortifications appropriation bill is passed he will move to take up his bill. While I am in favor of his bill and want it to pass, I do not think that consent should be given now. It is utterly indifferent to me what is done so that we all have the same privileges here with regard to House bills.

Mr. CULLOM. I want to say a word. I am perfectly willing that the unobjected cases, the bills which are not opposed, shall pass; but I am unwilling that this session shall go by without any effort, and that bills shall be permitted to fail which are much more important than the bills to which there is no objection, which are generally little bills of no particular consequence to the country one way or another.

Mr. PLATT. I have several bills here of a public character and of great public interest; I do not think there will be any objection to them; but we can not get an opportunity to have them considered.

Mr. CULLOM. I merely desire to say that while I do not intend to interfere with appropriation bills, I do intend, if I can get the floor, to move to take up the bill to which I have referred at some future time.

Mr. PLATT. That is right. I will withdraw my request, Mr. President, and submit it in this form, that as soon as the two appropriation bills still unconsidered are disposed of by the Senate, we shall set apart a time for the consideration of unobjected House bills upon the Calendar.

Mr. FAULKNER. There is no objection to that.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Connecticut that as soon as the two remaining appropriation bills have been disposed of, the unobjected cases upon the Calendar may be taken up as indicated.

Mr. FRYE. Not to interfere with conference reports.

Mr. PLATT. Of course not; they can not do so.

The VICE-PRESIDENT. Is there objection to the request?

Mr. NELSON. If the bankruptcy bill may be included in that consent for consideration, I will agree so far as I am concerned; otherwise I shall not.

The VICE-PRESIDENT. Does the Chair understand the Senator to object?

Mr. FAULKNER. I will state to the Senator that we probably can get through with the unobjected House bills in from an hour to two hours, and the adoption of that course would facilitate the taking up of the bankruptcy bill as the unfinished business.

Mr. NELSON. Very well. On that statement, I do not object.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Connecticut, and it is agreed to.

Mr. ALDRICH. There is no question, then, that the understanding applies only to unobjected House bills upon the Calendar?

The VICE-PRESIDENT. The Chair so understands.

Mr. PERKINS. I hope we shall now proceed with the consideration of the appropriation bill.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask that the resolution I offered Saturday morning may be laid before the Senate, that I may ask to have it adopted.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from Kansas, which will be read.

The Secretary read the resolution submitted by Mr. PEFFER February 27, 1897, as follows:

Resolved by the Senate, That the Committee on Finance be, and it is hereby, instructed to report to the Senate during the present session of Congress what action the said committee has taken in the matter of the investigation under the resolution adopted at the last session of Congress directing an investigation of bond sales by the Secretary of the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HILL. What is the resolution, Mr. President?

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution.

Mr. MORRILL. Mr. President, I regret to say that the chairman of the subcommittee on that subject, the Senator from Tennessee [Mr. HARRIS], is ill and not able to be present. Therefore, I doubt whether it will be possible for the committee to make any report at this session.

Mr. ALDRICH. Mr. President, is the resolution before the Senate by unanimous consent?

The VICE-PRESIDENT. The resolution of the Senator from Kansas comes over as part of the morning business, and was laid before the Senate.

Mr. ALDRICH. How did it happen to get here at this particular time?

The VICE-PRESIDENT. The Senator from Kansas asked that it might be laid before the Senate.

Mr. ALDRICH. It is a matter of public notoriety with which everyone is familiar as to just what the Committee on Finance has done with that resolution, which was offered originally by the Senator from Kansas. A subcommittee of the Committee on Finance was appointed, of which the Senator from Tennessee [Mr. HARRIS] was chairman. That committee investigated the subject at great length, and the testimony taken by the committee is in print. The subcommittee, however, up to this time, has not agreed upon a report, and in the absence of the Senator from Tennessee, it will probably be impossible for that subcommittee to report at this session, and I may add his absence under circumstances which I am sure every Senator regrets.

Mr. PEFFER. If the Senator from Rhode Island will pardon me a moment, the Senator from Missouri [Mr. VEST] who is now present had charge of the examination during the sessions of that subcommittee, and I think that possibly he can make a statement before the Senate which will be entirely satisfactory to me and to the country.

Mr. ALDRICH. It seems to me there is no necessity for passing any formal resolution upon the subject. The facts are very well known.

Mr. PEFFER. I do not care about a report, but I should like a statement of the facts.

Mr. BATE. I simply desire to say in connection with one thing which has been said as to the absence of my colleague [Mr. HARRIS], that he is sick and utterly unable to be here, nor do I know when he will be able to be here.

Mr. PERKINS. I hope we shall now proceed with the regular order.

Mr. VEST. Will the Senator permit me to make a brief statement in regard to this matter?

Mr. PERKINS. Certainly.

Mr. VEST. Mr. President, the Committee on Finance appointed a subcommittee consisting of five Senators, and the Senator from Tennessee [Mr. HARRIS] was chairman of that subcommittee. After having previously examined the Secretary of the Treasury and the Assistant Secretary of the Treasury in Washington, the subcommittee proceeded to New York and examined Mr. Pierpont Morgan and others in that city. That testimony has been published; it is in a public document and accessible to every Senator. The document contains a full account and report of all the proceedings.

The Committee on Finance were ordered to inquire as to the disposition of the bonds which were purchased by certain persons in the city of New York, to whom they were sold, and what profit was made. We endeavored to comply with the instructions of the Senate, and put the necessary questions to Mr. Morgan and Mr. Belmont, representing the purchasing syndicate, as to the profit they had made and the persons to whom they had sold those bonds. They declined to answer those questions, and we were unable to force an answer, the statute in regard to recalcitrant witnesses before Congressional committees applying alone to the District of Columbia, and, as we were conducting the examination in New York, there was no remedy left for us except to return and report the refusal of those witnesses to answer those questions, one of the questions being clearly legitimate and within the province of the Senate to put.

The subcommittee returned to Washington City, reported to the full committee, and the question as to what should be done in regard to the refusal of those witnesses to answer is now pending. The Senator from Tennessee, the chairman of the subcommittee, appointed the Senator from Connecticut [Mr. PLATT] and myself members of a subcommittee to draw up a report, but it was manifestly impossible to draw anything like a complete report or a fair report until the matter was disposed of as to whether these men should be made to answer those questions or not.

The only course open to us in the event of their refusal—and they did refuse—was to pursue the same course which the committee did in regard to the sugar investigation, report a refusal to the Senate, and then make a report by the Senate to the district attorney of the District of Columbia, who is required by law to place the facts before the grand jury, and, if an indictment is then found, criminal proceedings can be had under the statute in force in this District. But as to what the Senate committee has done, a full and complete report is found in the document to which I refer.

Mr. ALLEN. I wish to ask the Senator why those witnesses were not reported to the Senate and arraigned at the bar of the Senate?

Mr. VEST. We reported to the Finance Committee and asked for the action of the majority of the full committee upon that subject.

Mr. ALLEN. There can be no question of the power of the

Senate to arraign those parties for contempt and punish them for contempt.

Mr. VEST. Well, Mr. President, that is a question about which very good lawyers differ. I myself think the Senate has that right, but very good lawyers think not, because there is a specific statute on the subject, to which I have referred, and under which the Senate has heretofore proceeded.

Mr. ALLEN. The Senate has exercised that power heretofore.

Mr. VEST. The Senate has never exercised the power since I have been here of calling witnesses before the bar of the Senate. The House of Representatives did that in the Kilbourn case, and imprisoned Kilbourn, and it cost us about $75,000 to pay for that little experiment.

Mr. ALLEN. The power of arraignment is incident to the power to investigate.

Mr. VEST. That is a question. We have a statute, and we proceeded under it in the sugar investigation—the Senator from Nebraska was a member of that committee—and when witnesses in that case refused to answer, the Senator from Delaware [Mr. GRAY] reported the facts to the Senate, and the Senate provided that the facts should be certified to the district attorney of this District. That was done; and then, under the statute, he laid this report before the grand jury, indictments were found, one of the defendants has been convicted, and the proceedings against the others are now pending.

Mr. STEWART. Did the committee take into consideration the propriety of summoning those witnesses to Washington and putting the questions here?

Mr. VEST. We did, and I advocated that course. However, I shall not state what occurred in committee.

Mr. ALDRICH. So long as the Senator from Missouri has made a partial statement of what the subcommittee stated to the full committee, I think he ought to say, in justice to the full committee, that the subcommittee stated that they were not able to agree upon any recommendation as to what course should be taken.

Mr. VEST. That is true. The subcommittee was divided in opinion. Some of us were of opinion that those witnesses should be brought to Washington City and indicted under this statute if they refused to answer. Other members of the subcommittee, possibly a majority, thought that the matter ought to be dropped.

Mr. HILL. Will the Senator allow me a moment?

Mr. VEST. Certainly.

Mr. HILL. Right in the same connection, I desire to ask whether it is true that all other questions were fully answered except those in regard to what had occurred in the disposition of the bonds?

Mr. VEST. That question was the salient point in the whole case. When we came to the question, "What profit have you made?"—I believe I put the question to Mr. Belmont and Mr. Morgan—"What profit have you made upon the sale of those bonds?" they both peremptorily declined to answer. I then put the other questions directed to be put by the Senate, "To whom did you sell those bonds?" and they replied, "We decline to answer."

Mr. HILL. The Senator from Missouri has not answered my question except inferentially.

Mr. VEST. The other questions were answered.

Mr. HILL. All the other portions of inquiries were answered?

Mr. VEST. All the other portions of the inquiry were answered, and the printed document shows the questions and the replies.

Mr. PEFFER. The Senator, I think, is mistaken as to the number of copies of this statement or partial report which have been printed. I tried to get a copy at the document room, and was informed that there were none there. I finally sent to the Committee on Finance, and was there informed that but a few copies had been printed, and those for the use of the committee.

Mr. VEST. We ordered the usual number printed, and I supposed they had been printed.

Mr. PEFFER. I ask unanimous consent that the usual number of copies of this report be printed for the use of the Senate as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. ALDRICH. There is no report; only the testimony.

Mr. PEFFER. Whatever it is.

Mr. HILL. Will the Senator from Missouri indulge me?

Mr. VEST. Certainly.

Mr. HILL. I was one of the few members of the Senate who opposed this investigation. I did not believe then that it would be productive of any beneficial or other results. I believed that it would result substantially as it has resulted, in a mere farce.

I recollect in the discussion had upon that question that I made the statement that it was not within the power of this committee to compel witnesses to disclose any private transactions in regard to the disposition of the bonds after they had purchased them from the Government. Congress had a perfect right to investigate everything concerning the bond sale, the advertisements, the negotiations; everything that led up to it; but when the bonds were sold and the sale itself had been consummated, and parties had purchased the bonds and they had become their private property, neither Congress nor a legislative committee had any power under the Constitution or laws of our country to inquire into the private affairs of a citizen.

Mr. VEST. Will my friend from New York permit me to put one question to him?

Mr. HILL. Yes.

Mr. VEST. Does he not think the Congress of the United States, or either branch of it, has the right to inquire of men who have purchased the bonds of the Government whether they have disposed of them to officials of the Government or to national banks, which are the fiduciary agencies of the Government?

Mr. HILL. If there is any charge against any official of the Government, involving a Department of the Government, that is an entirely different thing; but it was contended here—and I disputed the proposition in several hours' debate—that you could inquire into the disposition of bonds after they were sold, there being no charge against any official, because that was stricken out of the resolution itself before the debate was closed, and it was a mere fishing investigation from the beginning to the end.

Mr. President, this investigation closed about last August or September, in ample time to bring the witnesses here, in ample time to summon them to the bar of this Senate, in ample time to proceed against them in any way possible, if there had been any desire to do so.

I do not desire to cast any reflection upon the committee. The committee have accepted the trust reposed in them, and were, of course, obliged to proceed under the resolution as best they could. I simply now, not having intended to allude to it before, wish to say that I thought at the time the resolution was pending that it was too bread. I thought then the resolution was simply a waste of time; that it would be a mere farce; that nothing would be disclosed against any official of the Government, nothing would be disclosed against any of the banks of the country, and nothing would be disclosed against the men who have purchased the bonds. There was not a scintilla of evidence to invalidate the bond sale or to cast suspicion in any manner whatever upon it.

The only question now left is, Have the committee a right to ask as to the purchase of the bonds, to whom they were sold, to what banks, to what institutions, to what widows or orphans, or anybody else? That, I say, they can not do. They have no constitutional power to inquire, and I state that my belief is that the committee are pretty well satisfied that they had no such power; and this investigation talked of so loudly at the time it was ordered has resulted, as have all such investigations undertaken by Congress without authority in the past, in a mere farce.

Mr. PERKINS. I call for the regular order, Mr. President.

Mr. STEWART, Mr. PLATT, and other Senators addressed the Chair.

The VICE-PRESIDENT. Objection being interposed to further debate, the Chair, under the vote of the Senate, will lay before the Senate the regular order, which is House bill 10288.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. STEWART. I take the floor on the regular order, then, Mr. President.

Mr. PERKINS. Mr. President——

Mr. STEWART. I have the floor on the pending order.

Mr. PERKINS. I desire to move that the first formal reading of the fortifications appropriation bill be dispensed with, and that the amendments proposed by the committee be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Chair will state, in the absence of objection, that that will be taken as the order of the Senate. The Senator from Nevada [Mr. STEWART] addressed the Chair.

Mr. STEWART. Mr. President——

The VICE-PRESIDENT. The Senator is recognized.

Mr. STEWART. Sixty-two millions of bonds were sold at private sale for 4½ per cent premium at a time when there had been no like bonds ever sold for a premium of less than 1 per cent for each year they had to run. These bonds had thirty years to run. No United States 4 per cent bonds had ever before been sold for less than 1 per cent for each year that would elapse before they became due. The bond sale to which the resolution of the Senator from Kansas [Mr. PEFFER] refers was a private sale, and it has been admitted on all hands that there was a large profit in the transaction to somebody. I believe it is conceded that there was at least $10,000,000 realized. The Senate appointed a committee to investigate this transaction, which was not a private transaction, for it affected the Government of the United States and the administration of the law. That committee went to New York

and called before it Mr. Morgan and Mr. Belmont. I was present at the hearing. Those gentlemen refused peremptorily to make any disclosures which would show the profit or to whom the money was paid. Although the Senate had ordered this investigation, they refused to answer.

I simply rose to say that I regret that the Committee on Finance, when the matter was reported to that committee, did not take such action as would vindicate the authority of the Senate. I regret that they did not call those witnesses to Washington, and let them refuse to testify here, and thus give the Senate an opportunity to carry out its purpose. Of course if the Senate will allow itself to be defied in that manner, all investigations will become a farce.

I regret that such a precedent should be established in this case. It seems to me it is lowering the dignity and authority of the Senate to allow men, because they are rich and powerful, to defy the order of the Senate and refuse to testify, when we are in the habit of making other men who have not that influence submit to examination here. It is very unfortunate that we should make an exception in the case of the rich and powerful, and that it should be urged against the Senate every time an investigation is proposed. The precedent is a bad one and puts the Senate in a bad light.

I regret that the Finance Committee did not find time in the long space that has elapsed to take proper action to put the Senate in its proper position and let the Senate judge whether those men should answer or not, and let it decide deliberately. Let us maintain this power. If we do not have the power, let the Senate so decide; but to order an investigation and then allow the power of the Senate to be defied, it seems to me, is setting a bad example; it is a bad precedent, and I am sorry for it.

Mr. HOAR. I desire to say that while I do not often agree with the Senator from Nevada, I entirely concur in every word he has said.

The VICE-PRESIDENT. The bill will be read for action on the amendments of the Committee on Appropriations.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 3, after the word "money," to strike out "except that already authorized;" and in line 5, after the word "fortifications," to insert "except that already authorized;" so as to make the clause read:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, except that already authorized, the Secretary of War shall report to Congress on or before December 6, 1897, the most practicable and economical plan for the care and preservation of the fortifications and their armament, said plans to be based upon the authorized strength of the artillery force of the Army.

The amendment was agreed to.

The next amendment was, on page 3, line 15, before the word "thousand," to strike out "fifty-four" and insert "forty-six;" so as to make the clause read:

For purchase or manufacture of carriages for coast-defense guns of 8, 10, and 12 inch calibers, $446,000.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the word "dollars," to insert the following proviso:

Provided, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding 22 cents per pound.

The amendment was agreed to.

The next amendment was, on page 5, line 8, to increase the appropriation for powders and projectiles, for a reserved supply for armament of fortifications, from $169,868 to $269,868.

The amendment was agreed to.

The next amendment was, on page 6, line 2, to increase the appropriation for coast-defense guns of 8, 10, and 12 inch caliber manufactured by contract under the provisions of the fortifications acts of August 18, 1890, and February 24, 1891, from $156,184 to $500,000.

Mr. QUAY. That ought to be $600,000, as the Senator from California knows.

Mr. PERKINS. I will accept, on behalf of the committee, $600,000 instead of $500,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment, to insert "six hundred thousand dollars" in lieu of "five hundred thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 7, to insert:

For the purchase of machine guns of approved musket caliber, of American manufacture, $20,000.

The amendment was agreed to.

The next amendment was, on page 7, line 20, to increase the appropriation for the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground, Sandy Hook, New Jersey, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, from $8,000 to $16,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. Mr. President, I desire to submit a few remarks upon this general subject.

The Congress of the United States for the last ten or twelve years has been what may be called liberal; that is to say, it has been just and enterprising in the matter of fortifications and their armament. Twenty-six million dollars have been appropriated, about $12,000,000 of which have gone to guns and gun carriages, and yet, notwithstanding that, not one single artillery soldier has been added to the Army.

We have put in one place, for example, guns and carriages costing several hundred thousand dollars. The two big 12-inch rifles are lifted by hydraulic apparatus, and there is not an artillery soldier at Sandy Hook, and not only no one to operate the guns, but there is no one to keep the rust from this costly apparatus.

We are talking a great deal about war nowadays; talking lightly, as if we could strike out at any minute. It is said, "Have we not nine or ten millions of men capable of bearing arms?" Of course we have. But suppose you march a hundred thousand of them down on the beach; of what use would they be? They could not work the guns; they would probably spoil them. Such a general levy of the militia would be what Wellington called simply meat for cannon.

We have stations all around the coast liable to be attacked. Guns are lying in some places all ready to be mounted. We have nobody to guard them—no garrison—for the artillery force is limited. There are new batteries being constructed at Portland, Me. I believe there is a company there. I believe there is one company in Portsmouth. At Grover Cliff, on the north side of Boston Harbor, work is going on, but there are no soldiers there. At the western end of Long Island Sound, in the Fort Schuyler and the region thereabout, there are five different posts with but a company each; yet there are to be great batteries there.

At Sandy Hook, now called Fort Hancock, many guns are lying there waiting to be tested. There are the two splendid 12-inch rifles of which I have spoken, already mounted, and 16 mortars, in groups of four, according to the plan, in the great mortar pit. Nobody is being taught how to use them, and nobody is there to protect them. At Finns Point and Fort Delaware—this is to provide for the defense of Philadelphia—there are no troops, I think.

At Wilmington, N. C., works are going on. The guns are lying at Sandy Hook, waiting to go down to Wilmington. At Charleston, S. C., the work of building the fortifications is going on rapidly. They are working hard. At Savannah, Ga., they are working. I believe there are some guns there, but nothing is being done with them. At Fort Clinch there is no garrison, and nothing is going on at all. In Mobile, Ala., they are working day and night. The guns are ready, but there are no soldiers to learn how to work or even guard them. At Galveston, Tex., somewhat the same condition prevails. At San Diego, Cal., work is going on. There are no guns there yet, but there will be before long.

At Lime Point, San Francisco, they are working on both sides of the Golden Gate. Guns are waiting, but there are no artillery troops at that point. There are some at Fort Alcatraz. At Puget Sound, Washington, guns are waiting to be mounted. They have three posts there, but no artillery soldiers. Wilsons Point, Admiralty Head, and Marrowstone Point are each to have two batteries.

In short, while the work of building fortifications and of building costly and splendid guns with their heavy carriages is being very handsomely provided for, the Army is unable to have men to guard or drill.

Mr. STEWART. Will the Senator allow me to ask him a question for information?

Mr. HAWLEY. Certainly.

Mr. STEWART. Our Army consists of 25,000 men?

Mr. HAWLEY. Nominally 25,000 men.

Mr. STEWART. Where are they located?

Mr. HAWLEY. I do not know that I have information. I am afraid I have mislaid, very much to my disgust, the paper which gives the station of every single artilleryman in the country. They are distributed at forts where there are guns. It is a small number comparatively. There are, perhaps, 10,000 or 12,000 infantry out of the whole number who are what may be called mobile forces. There is no use putting infantry at these places unless you convert them into artillerymen, and it is just as well to have artillerymen enlisted in the first place. In short, the General of the Army, the Chief of Ordnance, the Secretary of War, and all familiar with such matters, desire an addition to the artillery force. To work the modern high-powered gun is a trade.

Mr. STEWART. Are they not enlisting men now? Do they not enlist artillerymen?

Mr. HAWLEY. They are enlisting from time to time to fill vacancies, but are not allowed to go above the total allowed to four regiments. They actually need two additional regiments, that is, 1,610 men. I do not make any motion to increase the Army, though we have a bill here for that purpose. I have been unable to get consideration for it. We have but slowly won friendship for it.

Mr. STEWART. Why would not an amendment not increasing the Army, but allowing an increase of artillerymen, answer the purpose? Would not that do instead of enlisting infantry men?

Mr. HAWLEY. I think the infantry are needed for various posts where they are stationed. That is the judgment of the men who study these questions much more than we do in the Senate.

But I have done what I proposed to do. I have called attention to the lamentably undefended condition of our coasts in general. The big lift at Sandy Hook gives almost as much trouble and requires as much skill as is needed to run a goodly steamboat.

If the Senators desire to pursue this subject further, let them examine into it, and they will see in what an utterly lamentable condition we are under present legislation, with splendid guns and fortifications, but no skilled men to operate them, open to attack at ten or twenty places, without even a little artillery company of forty.

Mr. PERKINS. I desire to ask my friend the Senator from Connecticut if the Committee on Military Affairs have made any specific recommendation?

Mr. HAWLEY. A specific recommendation is here in the shape of a bill to authorize the enlistment of 1,610 artillerymen, forming a new artillery regiment. It has not been acted upon. I have had no opportunity or chance to get consideration for it. I have endeavored to do so, but I have made up my mind, it being so late in the session, that inasmuch as the bill would give rise to discussion, I might as well let it go over.

I make no motion, Mr. President. I only wanted to state the condition.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill may be dispensed with, and that the committee amendments may be considered and acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

Mr. QUAY. Will not the Senator from Maine yield to me to secure the passage of the bridge bill which I have been trying to get up all the morning. It will occupy but five minutes.

Mr. SQUIRE. After the deficiency bill is disposed of.

Mr. QUAY. It will create no discussion.

Mr. HALE. I understand an agreement has been made that those bills shall be taken up after the deficiency bill is concluded.

Mr. QUAY. I did not so understand.

Mr. HALE. The Senator sees the importance of getting through with the pending bill.

Mr. QUAY. I was not here when the agreement was made. Of course I withdraw the request.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 20, to increase the appropriation for contingent expenses of United States consulates for the fiscal year 1896 from $14,433.90 to $16,325.18.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

International Exhibition at Brussels: For additional amount to enable the Government to take official part in the International Exhibition to be held at Brussels, Belgium, during the year 1897, $30,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Legation to Spain: For clerk hire at legation to Spain, fiscal year 1896, $1,200.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

Payment to Samuel C. Reid: The Secretary of State be, and he is hereby, authorized and directed to pay over to Samuel C. Reid, his heirs, executors, administrators, and assigns the full amount of the unexpended balance ($16,194.53) yet remaining of the $70,739 appropriated by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*.

Mr. ALDRICH. I wish the Senator in charge of the bill would give us some explanation of this item. It seems to me to be a private claim, pure and simple, and I hardly see any excuse for its being upon this bill.

Mr. HALE. I will state to the Senate what it may as well understand now, that the committee for years has endeavored to enforce the proposition of putting no claims upon the deficiency appropriation bill. It has, after repeated contests, been defeated in that effort, and the Senate has by its decisions always declared certain claims in order and put them upon the bill. They have put upon the bill, as amendments, such items as had already passed the Senate, bills reported from the committees having jurisdiction. The committee this year has taken from the large number of bills of this kind good claims, reported duly, with exhaustive reports showing their equities and showing that the Government owes the money, and has put on this bill all those that were put on last year and rejected, and those that have passed this year after having been reported by committees; and this is one of them. It is hardly a claim in the sense of the appropriation of money, because it simply directs the Secretary of State to pay over the balance of a fund that has already been appropriated. We looked at it carefully. I have no doubt that the Secretary of State ought to have directed, under the law already passed, the payment of this money; but some technical objection was made to the effect that the vouchers were not sufficient. I think that was a wrong decision.

What I have said applies rather to certain other claims that will be reached than to the pending amendment.

Mr. GRAY. This amendment takes no money out of the Treasury?

Mr. HALE. There is no money appropriated. It is a simple direction to pay the balance. It is just as good a case against the Government. There is not any matter that has been put on by the committee that is not a good case. The committee concluded this year to adopt that method of getting rid of these matters, which if they were not put on the bill in committee would be put on it in the Senate.

Mr. BLANCHARD. I wish to ask the Senator from Maine a question. I ask him to explain how it is that the amendment directs this amount, $16,194.53, to be paid to Samuel C. Reid, his heirs, executors, administrators, and assigns, when the act of May 1, 1882, directed the money to be paid to the captain, owners, officers, and crew of the U. S. brig *General Armstrong*? Is the remainder of the money due entirely to Samuel C. Reid?

Mr. HALE. It is.

Mr. BLANCHARD. Is it true, then, that the owners, officers, and crew have received their full quota from the first appropriation?

Mr. HALE. Yes; there are no claimants against this balance. All of the rest has been paid.

Mr. ALDRICH. I assume that this money would have been paid under the original act if the beneficiary named here, or his heirs and assigns, were entitled to receive it. I assume that this is to cure some defect in the existing law, by which $16,000 is to be taken out of the Treasury.

The Senator from Maine knows as well as I do the danger of putting private claims upon this bill. The Senator says that the committee have undertaken to discriminate between claims and have put certain good claims upon the bill. It seems to me that when the Committee on Appropriations undertakes, in violation of the rules of the Senate, to discriminate as to the private claims that are pending before Congress——

Mr. HALE. Mr. President, the Senate committee has not done much discrimination. It has taken all of these items that are subject to the rule I have mentioned and has put them on. The Senate of course can knock them all off, and that will be a guidance to the committee in the future; but the committee in the course it has pursued heretofore of not putting on any has been overruled in the Senate and the Senate has put them on. They are perfectly good cases against the Government, and rather than to go over the same ground this year the committee, not discriminating, has taken up this whole collection and has put on, I think, every item that had been examined and was admissible under the rules that have been established by the Senate.

Mr. ALDRICH. Will the Senator inform the Senate what is the aggregate amount of the claims?

Mr. HALE. The amount is not very large compared with many items in the bill—between three hundred and four hundred thousand dollars.

Mr. ALDRICH. In all?

Mr. HALE. In all.

Mr. ALDRICH. I ask the Senator from Maine to allow this particular clause to go over.

Mr. HALE. I think we may as well dispose of it, because these items occur right along through the bill at different points.

Mr. ALDRICH. I ask it in order that they may be taken up at some time in the course of this discussion and treated together. I know there are people constantly applying to me who desire to have their claims put upon appropriation bills, and if this door is to be opened I desire in justice to some of my constituents to offer amendments of the same character.

Mr. HALE. The Senator will have to put his claims into the same category with those the committee has adopted.

Mr. ALDRICH. What is the category of the committee?

Mr. HALE. For instance, that the full Senate has passed a bill for the purpose.

Mr. ALDRICH. Certainly that does not make them in order.

Mr. HALE. The Senate has decided already that it does make them in order.

Mr. ALDRICH. I think not.

Mr. HALE. The committee made the point at the last session and was overruled. The Senate put on nearly a dozen on the ground that the Senate had already passed bills to pay the claims.

Mr. ALDRICH. The last clause of Rule XVI, applying to private land claims, is clear, definite, and distinct.

Mr. HALE. Undoubtedly; but the Senate has a right——

Mr. ALDRICH. And no decision of the Senate upon a single case can establish any variation of that rule.

Mr. HALE. The Senator can make his point if he chooses. I am entirely willing that he should do so, and then the Senate will settle the whole business.

Mr. ALDRICH. I should be very glad to have the matters that are alike go over, and have the question decided once for all.

Mr. HALE. There is not much point in their going over, because it is about the only controversy there is on the bill, and they are put in in different parts of the bill, as they apply to the different Departments. So you can not consider them all together. I have no objection to the Senator making his point of order.

Mr. JONES of Arkansas. I should like to ask a question of the Senator from Maine. I understand an appropriation of $77,000 was made, of which an unexpended balance of $16,000 is remaining. I understand that amount was appropriated and paid to Samuel C. Reid and his heirs, and the beneficiaries of the appropriation have been paid except $16,000, and that on account of a technicality it has not been paid; so that the effect of the amendment is simply to make operative an appropriation that has been made of this money to a man to whom it is due beyond any dispute. It seems to me if that is true the Senate will not stickle on a fine point of order about paying a matter of that sort.

Mr. ALDRICH. The statement made by the Senator from Arkansas can not be absolutely accurate, because the bill as originally passed provided for the judgment of a certain sum for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*. Now, Mr. Samuel C. Reid, whom I remember very well, could not have been the captain and the owners and officers and crew of the brig *General Armstrong*.

Mr. JONES of Arkansas. He was captain.

Mr. ALDRICH. He might have been captain and owner, but certainly could not have been officers and crew, as distinguished from captain and owners.

Mr. FAULKNER. Have all the other claimants been paid?

Mr. ALDRICH. No one knows whether they have been paid or not. There is no information before the Senate. I will not make a point of order at this stage. I will investigate this case at such time as I may have at my disposal between now and the time the bill reaches the Senate, and reserve the point of order.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment is to be passed over, the Chair understands.

Mr. HALE. There are no contested items on the bill except in these matters, and I would rather have them settled as we go on. If the Senator from Rhode Island makes his point of order, I would rather have it settled now.

Mr. ALDRICH. I will not make any point of order now; I will make it when the bill is in the Senate, if I choose to make it.

Mr. HALE. All right.

Mr. HAWLEY. We have had the matter up in the Senate. We passed the bill. It was thoroughly discussed. I took pains to ask particularly whether any of the outstanding claims were still out, whether the whole had been disposed of except this balance, and I am assured that it is so. I hesitated about it, but am told it is so beyond all question. I believe the balance belongs lawfully to the existing Mr. Reid, who is pursuing this matter, and has pursued it for a great many years. Now he is within an inch of getting final justice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ALDRICH. I have no objection to agreeing to the amendment now. If I should be inclined to make the point of order, I shall make it when the bill is in the Senate.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

Spanish and American Claims Commission: To enable the Secretary of State to distribute and pay to the claimants, respectively, the sums due them upon a balance of net increment received by the United States, amounting in all to the sum of $14,485.50, which sum remains unpaid upon said claims, as they were ascertained and allowed by the Spanish and American Claims Commission, which claims are stated and the sum of money due upon each of them is ascertained and stated in Exhibit B, accompanying the message of the President to the Senate of the United States dated February 27, 1888, and published in Senate Executive Document No. 98, Fiftieth Congress, first session, $14,485.50.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Payment to Thomas E. Keenan: To pay Thomas E. Keenan balance of salary due him as United States consul at Odessa, Russia, for the period extending from March 21, 1892, to September 30, 1892, $368.99.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to insert:

Payment to master of Swedish bark *Adele:* For payment to the Government of Norway and Sweden, to reimburse T. Pearson, master of the Swedish bark *Adele*, costs and expenses incurred by him in proceedings connected with his imprisonment by a State court, contrary to Article XIII of the treaty of 1827 with Sweden and Norway, $295.64.

The reading of the bill was continued to line 18, on page 6.

INTERNATIONAL MONETARY CONFERENCE.

The PRESIDING OFFICER (at 1 o'clock p. m.). The Secretary will suspend. By an order of the Senate, at this hour the Senator from New Hampshire [Mr. CHANDLER] obtained unanimous consent to call up a bill, which will be stated.

The SECRETARY. A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. CHANDLER. The House amendments have been read. They are intended to carry out and facilitate the original object of the bill, and they are not objectionable to the friends of the measure. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives to the bill.

Mr. CHANDLER. I understand that Senators wish to speak on the pending question. They will now have an opportunity to be heard.

Mr. DUBOIS. Mr. President, I feel constrained to say a few words on this amendment and in regard to this bill, for the same reason that I have been constrained at many other times to address the Senate. My people are very much interested in the subject-matter of this bill, and while I know time is very precious, I think the Senate will bear me out in this, that during the six years which I have been here, while I have occupied your attention sometimes in long speeches, at others in short, I have scarcely ever claimed your attention except when the interests of my State and my people were at stake. When I conceived that their interests demanded an advocate, I never hesitated to appear as their spokesman here.

We are a young and a new community. Our relations with the Federal Government are hardly yet established. We have our land, our Indian, our irrigation, postal, and other matters which demand our attention, and it has been upon those questions mostly, and upon questions affecting the entire country as well as my own State, in relation to the financial issue, that I have occupied your time. Sometimes I may have appeared dogmatic, and even dictatorial, but you know that nothing actuated me except a sincere desire to do the best for a people who had honored me with a seat in this Chamber. I say now I would not proceed were it not that my people are so much interested in the subject-matter under discussion. I can say, perhaps, for the delight of some Senators, that hereafter you will not be bothered much for some years to come, at any rate, from my State on this floor.

To return to the question at hand. This whole bill seems to me to be a political proposition more than anything else. All admit that nothing can be done in relation to an international conference unless England consents to it. England demonetized silver in 1816 because at that time she was the great creditor nation of the world. She desired to make money dearer. It is a law of economy which no one disputes that supply and demand regulate the value of money as well as of everything else; and the less money there is the dearer it becomes, and in consequence the great creditor nation of England was wise when it demonetized silver. She struggled after that for years to induce the other great nations of the world to follow her example, and in 1873 she practically succeeded, because then the United States and Germany discarded silver.

Does anyone think for a moment that England will enter into an international conference which will restore silver as basic money? You know that she will not. The Republican party knew when they put that in their platform at St. Louis that England would not consent. They did not intend to restore silver when they put that declaration in their platform. I was there. I was upon the

committee on resolutions. They accorded to us one representative, in the person of the distinguished Senator from Colorado [Mr. TELLER], on the subcommittee. He presented, in behalf of the bimetallists of this country, one proposition after another. They were all voted down with sneers; and finally, to ease up the political situation in the Middle West, they put in the clause that the Republican party would promote an international conference. The men who put that in the platform at St. Louis knew it meant nothing. They intend to hold us to the single gold standard if they can.

I shall vote for this bill. I hope it will accomplish something. I trust that your efforts may, in spite of you, result in something. You will get the most cordial support in this Chamber at all times from the bimetallists to make any effort which you desire in behalf of silver; but we wish it distinctly understood that we have no faith in your honesty of purpose, and that you do not intend and will not accomplish anything by it. In two years from now I can recall this prophecy and you will admit that I am at this time absolutely correct.

Mr. ALLEN. Will the Senator from Idaho permit me to call his attention to an important matter in this connection?

Mr. DUBOIS. I shall be very glad to have the Senator do so.

Mr. ALLEN. It was reported in the press dispatches at the time that the financial plank of the Republican party was wired to J. Pierpont Morgan, of New York; that he was asked to state whether it met his approval or not; and it was also reported that he wired back to the convention that it did meet his approval. Does the Senator know anything about that?

Mr. DUBOIS. I know nothing about that as a matter of fact. Those were the rumors at St. Louis at the time. But I do know that the plank was satisfactory to the most ardent supporters of the gold standard; and they said then, as their leading organs say now, that it means nothing. What I desire to do is to call attention to the fact that they are playing politics in this, and nothing else.

I received a letter a day or two ago, and I think I am at liberty to read part of it, leaving out some portions which are personal to myself. It is from a gentleman who is well known to a number of Senators in this Chamber, Mr. Moreton Frewen. It is dated the 7th day of February, and in it he says:

25 CHESHAM PLACE SW., *February 7, 1897.*

MY DEAR SENATOR DUBOIS: In the latest paper to reach me I read with the greatest regret that you have lost your reelection to the Senate from Idaho. I feared when I left America that it would be so, but you have been making so gallant a fight that the three weeks past it had looked to us over here that this further untoward incident of the campaign of 1896 would be spared us.

As to currency affairs on this side of the sea, you will before long get a report from WOLCOTT, who, after seeing all our people here, left for Paris a fortnight since, and is now in Berlin, I believe. Never have I known the movement for currency reform so apparently hopeless and headless as it is in England to-day. Even Balfour, who has hitherto inspired us with hope, seems to recognize that the opposition within the cabinet and in the city is quite invincible. The prospect of international action, as far as I can see, depends entirely on whether some country can be found brave enough to put its foot down. Now that our bankers and exporters no longer fear what they did fear, a gold premium in New York, they treat the entire question with ridicule. From your side of the sea, also, the news reaches England in all the same way. I was lunching yesterday with one of the cabinet, who had just received a letter from Smalley, the correspondent in New York of the London Times. Smalley asked my host whether he had seen WOLCOTT, and went on to add that his so-called mission had no significance whatsoever; that the gold standard had won the fight and had come to stay. And I have no doubt whatever that Smalley looks upon WOLCOTT's visit as mere politics. The fact is, times here are fairly good. We have been drawing in our loans from all over the world; the banks are consequently stuffed with currency; and in the city they have had a succession of mining booms, which employ a portion of the speculative wealth of the community and earn high rates of interest, to be, for the time, some set off for the very low loan rates. The extreme lowness of prices—that is to say, the great purchasing power of the sovereign here—this and the luxury of modern London is bringing millionaires to spend their money here from all parts of the world. As matters stand, nothing but fresh convulsions on the part of our debtors will rekindle the embers of the silver question. The only prospect, a prospect no one anywhere can desire, is that further disasters on your side may carry conviction to your people. I can not believe that any tariff amendments can bring you any prosperity while you are obliged to export to Europe in competition with the exports of all those nations in Asia and South America which are bonused by a gold premium in their ports of from 100 to 200 per cent premium on gold.

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Believe me, dear Senator, sincerely yours,

MORETON FREWEN.

The only way, in my judgment, to reach an international agreement is for this great nation of ours to stand out as they did in 1776 and say, "We will regulate our own affairs." Whenever we do that, then, in my judgment, the European nations will sue for an international conference. If they did not do that, it is my opinion that they would lose the trade of the world, and when you strike their pocketbook you strike their patriotism. They will not, it seems to me, under any circumstances enter into an international conference which means the restoration of silver until they are absolutely compelled to do so.

This view of the case was what induced a number of Republicans to leave their party at St. Louis, and holding to these views is what induced us to issue an address a few days ago, which I will ask the Secretary to read.

The PRESIDING OFFICER. Does the Senator desire the paper to be read in full or to be printed in the RECORD?

Mr. DUBOIS. I desire it to be read.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

To the Silver Republicans of the United States:

There could not be a better illustration of the great law by which in free government the rise, progress, and decline of parties are determined than that afforded by recent and present political developments in the United States. Political parties are practical instruments for executing the will of the people in respect to principles and policies of government.

They, therefore, should represent and respond to public opinion in its attitude toward the problems which the experience of the nation from time to time brings forward for solution. It is not parties that make issues, but it is issues that make parties.

APPROACHING A SETTLEMENT.

For years events have been forcing upon the country, with ever-increasing definiteness and emphasis, the necessity of reform in our monetary system as respects both the coinage of the metallic money and the regulation and control of credit currency. Under stress of experience and consequent investigation, opinions have been gradually crystallizing. In this process the line of cleavage has paid little regard to previously existing party demarcations, and to-day the most careless observer can not fail to see that the genius of the nation is approaching a settlement of this momentous controversy through the agency of political instruments now being fashioned to its hand.

In the story of these formative events the so-called Silver Republicans have taken an important part and discharged a necessary function. In doing so they have not surrendered their conviction on certain other great principles of political economy and government, but they realize that these principles are not capable of successful application under the present monetary conditions. They believe, therefore, that the adequate treatment of all other issues must await the correct decision of the dominant one thus presented. In this spirit they cooperated with the organized forces of bimetallism in the last campaign. Every consideration of patriotism and expediency seems to counsel a continuation of that policy.

REPUBLICAN HISTORY.

Silver Republicans believe themselves to be in harmony with the original spirit of the old Republican party, and they claim a property in its great names and glorious traditions, justified by the splendid services and sanctified by the sacred memories of the time when that party embodied the aspirations and spoke the purposes of the great masses of the American people. That party was born in answer to the cry for a champion of liberty. Its early words were words of comfort and assurance to the oppressed. Its great deeds, by which it will hereafter live in history, were deeds of patriotism. Its policies professed above all things to hold dear the safety and welfare of the American people as against the rest of the world.

The Silver Republicans can not forget that history. They can not to-day follow those who have usurped the dominion of that party into a shameless abandonment of American interests and the tyranny of an alien money system. They believe that the duty of the hour demands that they maintain their identity and perfect their organization.

Circumstances have sometimes in the past thrust upon the undersigned responsibilities on behalf of Silver Republicans which, in the absence of formal organization, we have felt warranted in assuming. Recently, however, we have received a vast number of anxious inquiries from various parts of the country upon the question of party policy, and requesting us to give some definite direction thereto. These communications exhibit a surprising and gratifying unanimity in sentiment and plan.

APPEAL TO SILVER REPUBLICANS.

Responding to these earnest suggestions, and at the same time expressing our own deliberate opinion, we urge upon the Silver Republicans of the United States, and upon all citizens of whatsoever previous party association, who are willing to cooperate with us in political action, until the great monetary issue is settled, and settled right, that immediate steps be taken to perfect organizations in the various States and Territories, to the end that thereafter a national convention may be held for the purpose of making an authoritative pronouncement to the country and effecting a national organization.

As soon as possible each of the States and Territories should designate a member of the provisional national committee of the Silver Republican party, which committee will have charge of the calling of the national convention and of all matters preliminary thereto. Meantime we have taken the liberty of naming Mr. CHARLES A. TOWNE, of Minnesota, as chairman of said provisional national committee, whose official address for the present will be the city of Washington, and to whom all communications should be sent. The provisional national committee is hereby called to meet in executive session at the city of Chicago, at a place to be seasonably announced by the chairman, on Tuesday, the 8th day of June, 1897.

Signed at the city of Washington this 22d day of February, 1897, the anniversary of the birth of the "first American," whose life was a sublime example of patriotism, and whose precept, placing duty to country above and beyond all party obligation, is a deathless watchword of political liberty.

H. M. TELLER.	JOHN P. JONES.
FRED T. DUBOIS.	CHARLES A. TOWNE.
FRANK J. CANNON.	CHARLES S. HARTMAN.
R. F. PETTIGREW.	JOHN F. SHAFROTH.
LEE MANTLE.	C. E. ALLEN.

Mr. DUBOIS. Mr. President, the adoption of the gold standard at St. Louis, as I said, was what impelled Republicans to leave that convention, and when they left it, the Republican party of the Pacific Coast walked out with them; when they left it, there went out with them from that convention Republicans from every voting precinct in the United States, and I say to my former political friends on this side of the Chamber that they have left you for good. You may not lay the flattering unction to your soul that they will come back. There will be ten of your party to join us where one of ours goes back to you so long as you adhere to the single gold standard, and you will fool nobody by your pretended international agreements; you will fool nobody any more by your misleading planks in platforms. You may cajole and corrupt a few by offices, for business opportunities are scarce, but you will not induce many to sacrifice their principles for place.

The issue is squarely joined in this country. It is squarely

joined in this Chamber. You must meet it, and meet it fairly. When I say meet it fairly, I mean that you must declare for the free coinage of silver at the ratio of 16 to 1; that you must make gold and silver equal in the eye of the law, and open the mints to both of them without discrimination.

I trust that your forthcoming tariff bill may bring prosperity to this country, but it will not, in my judgment, and it can not so long as you adhere to the single gold standard. The rates of exchange are too great against you for any protective tariff to avail, and when your tariff fails, when prosperity does not come back, then you will be brought face to face with this question, and, in my judgment, it will crush you out as a party.

As I said a day or two ago in this Chamber, and as we said to you at St. Louis, the Republican party has written its last law on the statute books of this country by its own votes. You name a President for the last time. He can peddle out the post-offices, the marshalships, etc., and reward those who betrayed their people and sometimes their principles, but your effective force and power is gone. My remarks are qualified all the time with the statement that this condition is upon you and will remain with you unless you abandon the gold standard and shake loose the trusts and moneyed powers which now control your policies.

I shall not take up any more of the time of the Senate, Mr. President, for I know how precious it is in these closing hours of the session.

Mr. CANNON. Mr. President, I ask that the Secretary may read from the desk the House amendment to section 2 of the bill now under consideration.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. The amendment of the House of Representatives is, on page 2, line 4, of the Senate bill, to insert the following:

And he is further authorized, if in his judgment the purpose specified in the first section hereof can thus be better attained, to appoint one or more special commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purpose specified in the first section hereof. And in case of such appointment so much of the appropriation herein made as shall be necessary shall be available for the proper expenses and compensation of such commissioners or envoys.

Mr. CANNON. Mr. President, the adoption of this amendment by the Senate of the United States under the statement made by the proponents of the bill will be an official confession of the absolute failure of the mission of the junior Senator from Colorado [Mr. WOLCOTT] to the nations of the earth in the alleged interest of an international agreement for bimetallism. If he had accomplished the purpose which was claimed for his mission, no further expenditure of time or money by envoys extraordinary of the United States would be required.

Mr. President, it might be inferred, by one who has been suspicious of this movement from the day that it was proposed in St. Louis until now, that the junior Senator from Colorado was sent abroad not to secure favor for international agreement, but to secure opposition to it. That the mission has absolutely failed is proved by the amendment suggested by the committee of the House of Representatives, adopted by the House, and now favored by the Senator from New Hampshire [Mr. CHANDLER] who has charge of the measure. It was not until the absolute failure of the mission of the junior Senator from Colorado to Europe was announced in the public press of Europe and the United States that the gentlemen who advocate this method of settling a question purely American in its present aspect concluded that it was wise to spend public money to send other envoys abroad.

I say, sir, that if one had been so suspicious of the proposition from the beginning as perhaps the result may in the end justify, he would have inferred from the situation that the junior Senator from Colorado went to Europe to sound the troubled waters there, to see whether there was any danger of an international agreement on the monetary system before the United States should take any step in that direction.

I desire at this point, Mr. President, to ask permission to have the Secretary read the article which I send to the desk, from the editorial columns of the Scranton (Pa.) Republican of the date of February 24, 1897.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The Secretary read as follows:

WOLCOTT'S MISSION.

Senator WOLCOTT had no faith when he left this country that he would succeed in his mission in the interests of bimetallism and he is not going to be disappointed. No international convention will be held, and it is in nowise likely that anything practical will result from the Senator's tour, unless it be to cause the early abandonment of further thought of an international movement in behalf of silver. This is evidently the opinion of the London Pall Mall Gazette, for it closes a long article on Mr. WOLCOTT's mission with these words:

"Senator WOLCOTT came as a private advocate of a cause discredited by a majority of his fellow-countrymen. Under such circumstances to expect he would receive official support from the foreign opponents of such a cause required a degree of childlike simplicity rare anywhere and which no one would expect to find in Colorado. On his return Senator WOLCOTT will find that the newspapers alone will display any anxiety regarding the result of his personally conducted European tour. He has met many distinguished people in England, France, and Germany, but in not one of these countries did he find that bimetallism was considered necessary to its welfare. Though the mission was absolutely fruitless, it was quite as successful as it deserved to be."

The real cause of Senator WOLCOTT's failure crops out in the foregoing lines. "In not one of these countries did he find that bimetallism was considered necessary to its welfare," says the Pall Mall Gazette, and that remark explains why nothing will result from Senator WOLCOTT's mission. The nations of Europe do not want bimetallism and will not move to restore silver to its former position as a monetary metal, believing that, like gold, iron, and copper, it should stand on its own merits. Are they not right?

Mr. CANNON. Mr. President, nothing but the strange circumstances under which this legislation is proposed would have justified any comment upon a member of this body who is absent in a foreign country, but the insistence upon the passage of this bill, and its becoming a law during the term precedent to the inauguration of President McKinley, forces at this time, and in the absence of the junior Senator from Colorado, all such comments as either the friends or the foes of the measure will have opportunity to make.

We have a very large diplomatic appropriation bill. We send abroad the chosen figures of our national life to represent the best thought, the highest purpose, of the United States. I take it that this amendment, coming from the House of Representatives, so entirely dominated by the will of the greatest man in the party soon to come into power—that this amendment, coming from a House so entirely in accord with the declaration for the gold standard at St. Louis, is notice to the country that no man who, in his official capacity would advocate bimetallism, will ever be sent by the next President of the United States as a minister, an ambassador, or a consul to any foreign nation, and that, in order to secure a presentation of the wish of more than a majority of the people of the United States, it is necessary for Congress to appropriate $100,000 for the selection of some envoys extraordinary or special commissioners, who shall go to Europe to treat on behalf of the United States in this the greatest issue which confronts the people in practical life.

If the bill as it went from the Senate was nonsense, as many people believe, it has come back to us costly nonsense. A man to go from the United States as a special commissioner, an envoy extraordinary, to present the cause of bimetallism to the nations of Europe! The cause is discredited in the very fact. I presume we shall have men at the court of St. James, men in knee breeches before the Russian Czar, men dancing attendance upon the War Lord of Germany, who will say: "The appearance of these men, who come as envoys extraordinary and special commissioners, is but the outburst of that 'turbulent' people, who must have a little concession in order that they may be contented with the promises of the Administration coming into power."

I intend to vote for this amendment, as I voted for the original bill. The Senator who proposed the bill stated that it was only fair that the friends of the measure should have it exactly in the form they desired. Mr. President, they have it so; and I warn the Senators who propose to satisfy the people of the United States with these promises and with continued efforts, which mean nothing except delay, that the mass of the voters of this nation will not be satisfied if this measure shall be put into diplomacy, and if we shall have the State Department dealing with the prosperity of the people of the United States as it has dealt with the lives of our citizens in the Island of Cuba. They have sat and smiled and fished and smirked before the people of the United States while citizens have been tortured and assassinated, and it is proposed now to put into the custody of the State Department this great question, which belongs as entirely to the people of the United States as the glory of their own country, as their leadership in the liberty struggles of the world.

I know that the next Administration will have a tariff bill. That has been decided upon. It was decreed before the victory was won. The determination that a revision of the tariff must be had upon lines satisfactory to the commercial interests of this country was in itself the decision of the election; and a victory was secured by means that were delicately indicated by the distinguished Senator from New Hampshire the other day, when, in his speech, he alluded to the efficient aid which the money power of the United States had conferred upon the Republican party in the last campaign.

I do not know what other silver Republicans in this body may think concerning the prospect of tariff, but from all the conferences which I have had with those gentlemen who are distinguished within the great Republican party, to which I once gave all the effort that I was capable of offering, all the devotion which my soul could hold, and all the belief which one man can entertain toward an earthly party, I am convinced that they have counted the men in this Chamber, and that they know that from some States where no Republican victory was won in the last election will come the necessary two votes to enable them to carry a tariff bill. But that will not answer the needs of the people of this

country. No amount of glory which can surround the inauguration of a President on the 4th day of this month will satisfy the demand of the people, almost an instant demand.

The backbone of the patriotism of this country, the strength of its prosperity, has been among the agriculturists and the toilers. Will putting a high tariff on manufactured goods, thus enhancing the price, relieve the agriculturist who sells his product in the markets of the world at the world's market price? The farmer's loaf has been getting less and less in size each year, because he has bought in a protected market and has sold in a free-trade market. The knives of national legislation have been cutting a slice off each end of the farmer's loaf each year, and as the people walk along Pennsylvania avenue on the 4th of this month and witness the glory of that spectacle, some of them will think that the inaugural expenditure by the Government and by the people of this great city, the capital of this mighty nation, but ill accords with the conditions among those who toil. When the people come to read the appropriations of this Congress, perhaps the greatest in the history of the country; when every man of moderate means or every man in poverty has been compelled to cut himself short of comforts and deprive those who are dependent upon him of some of those things which he would gladly give as the result of his toil, they may conclude that the country, its Legislature, and the people who inaugurate Presidents with mighty pageantry have forgotten the needs of the common mass and their circumstances.

If an international agreement can be procured, if it can win back to the people of the United States not only their old-time prosperity, but if in bringing prosperity it can give back to us the national dignity, which we are losing by chasing after the false gods of the Old World, I shall be as grateful as the most ardent advocate of this method; but I do not believe that any such result can follow. I think there will be ensuing "confusion only worse confounded." I think that the next Administration will be the same as if Grover Cleveland had been elected for a third term.

Mr. STEWART. Mr. President, I do not wish to call names or express the suspicions which I entertain of bad faith on the part of the Republican party in pretending that they are in favor of restoring silver by an international conference, or otherwise. There are exceptions, and I make the author of this bill, the Senator from New Hampshire [Mr. CHANDLER], one of the honorable exceptions.

But what is the situation of the Administration? When the Senator from Colorado [Mr. WOLCOTT] first went to Europe, the tone of the European press was kindly, at least, but events happened here which led them to ridicule his mission and say that he represented nothing and nobody, and was entitled to no consideration.

That was the language and substance of the leading journals of London a short time ago. But that language was not used until events occurred here showing the position of the Administration and it was rumored that Mr. Gage, a banker of Chicago, might be appointed Secretary of the Treasury. Following that rumor, Mr. Gage went to Canton and had an interview with the President-elect. He went home and announced his views. There was some question at first as to whether they were really his views, but it turned out that they were views which he had expressed in a deliberate address and which he indorsed.

In that address, as reported by the papers, he declared that he is in favor of retiring the greenbacks, of retiring the silver certificates, of selling the silver which the Government has in its vaults, and of having no money in this country except gold and national bank issues. That was the position which the person who is to be Secretary of the Treasury declared. It was published in Europe, and immediately upon that publication Mr. WOLCOTT's mission was ridiculed. That was as clear a declaration as could possibly have been made that the United States did not intend under any circumstances, or that the Administration that is to come in did not intend under any circumstances, to change the situation. By their acts you shall know them. This act of the President-elect in selecting Mr. Gage, who is the most radical gold man on either side of the Atlantic, is proof positive of the position of the incoming Administration.

If we wanted further evidence of that, it is found in this proposition, which intrusts this matter to the Secretary of State. We all know who is to be Secretary of State. We all know his record upon this question. We know that he was the author of the bill to demonetize silver; that he has done more than any other man who ever lived to fasten the gold standard upon the world. This matter is to be intrusted to him by our Government. When this is reported to Europe, and they find that the subject has been delegated to the Secretary of State, they will be further reassured that the new Administration will do nothing; and that the New York Evening Post and other papers which declared that the provision in the platform was merely for political purposes were right, and that Mr. Smalley was right when he wrote his letter to the Cabinet minister, which is reported by Moreton Frewen, in the letter to the Senator from Idaho [Mr. DUBOIS], which he has just read, that there was no movement in this country among the powers that be for silver; that they have regarded the verdict of last fall as a verdict for the single gold standard, and intended to adhere to it.

I am aware that there are some Republicans who still entertain the hope that there is good faith on the part of their party in going to Europe to ask permission to exercise the functions delegated to Congress by the Constitution of the United States. I am willing that they shall try the experiment. I regret, however, that that experiment is to be tried at the expense of the honor and dignity of the United States, for there is no more humiliating position which the people of this country can assume than that of appealing to Europe for permission to pass laws regulating our domestic affairs. It is the most humiliating spectacle that has ever been presented. While it degrades our people, while it is anti-American, I am willing that it shall be done if there is still one man in the Republican party who in good faith wants it done. I want the object lesson given so that it can be understood. It has been understood by me for many years.

I have felt the contumely which has been heaped upon us every time we have supplicated for an international conference, the sneers and jokes and light expressions which have occurred; the assumption that the delegates are there and must be treated politely, must be treated as delegates from a great country; must be treated politely personally, but must be told that their mission is fruitless, that there is no idea of seriously considering it. Great Britain's delegates have done this at every conference, and have treated with contempt every proposition looking to the restoration of silver. That is the attitude of Great Britain to-day, and to go there again and present our supplications for relief is indeed humiliating to the land of Washington, Jefferson, and Jackson, and the heroes who made this a country. But if it must be done in order to satisfy the American people that they must take care of themselves or suffer, let it be done again.

The platform pledges the Republican party to this. The Senator from New Hampshire has taken that platform in earnest and has brought forward the pending bill, but the President-elect, by the selection of this Cabinet officer, has advertised to the world that the provision was put there for political purposes and nothing else. He has advertised to the world that what the New York Post says in regard to it is true; that it was for political purposes, to gain a few votes in the election. Those votes having been secured and the victory won, that is all that is required. That victory, they claim, is a victory for the single gold standard, so far as the incoming Administration is concerned, and every step has borne witness to the truth of what the New York Post and the Sound Money League of New York have constantly proclaimed.

Let us have this object lesson again. Let the country be humiliated. Let them send their monometallic commissioners, as Mr. Cleveland did in his first Administration. Let Edward Atkinson go as he went before to find out on the other side why the people of the United States have no right to manage their own domestic affairs. If Manton Marble stands for what he did a few years ago, he is a good agent. Send them. Send the editors of the New York Evening Post, pay them your money, and they will find arguments to make reports why this country is dependent upon Europe for its existence as a nation, why we have no right to legislate here, but must apply to the governments of Europe to exercise our legitimate functions under the Constitution. This spectacle, I think, will convince the American people that the provision in the platform calling for an international conference was merely to catch votes, and those whose votes were caught by this trap will be slow to be deceived again. Some new dodge must be invented. I thought this dodge, after it had been played for twenty years, was understood, but it appears not. It will serve its purpose again, and I want to say to them, "Go on with it. Let the monometallic representatives of the Cabinet send their agents abroad, let them spend your money, and let their reports come in again." You will see what those reports will be. You will see that they will carry out the verdict of the Sound Money League of New York, and not the promise of the platform.

If it had been intended to stand by Mr. WOLCOTT, a Secretary of the Treasury would have been appointed in harmony with his mission. If it had been intended to negotiate fairly on this great question, some other person would have been selected for the post of Secretary of State. These two selections in my mind establish the fact that the pledge in the platform was not in good faith, but for the purpose of deceiving the American people.

Mr. TELLER. Mr. President, I shall not detain the Senate with any general discussion of this question. I was compelled to be absent from the Chamber when the bill passed the Senate. Had I been present I should have expressed, perhaps at some length, my views upon the subject. I am not recorded as having voted for the bill, although I left a pair—I do not know whether or not it was announced—in favor of so doing. I should not have voted for it with any hope or expectation that any result would come from it save that of convincing the American people that

bimetallism in this country could not be secured through international agreement. At this late hour, with the appropriation bills pressing on the Senate and the anxiety of all to get through and to close up the business of the session, I shall not enter into any detailed examination of the efforts that have been made by this country to secure an international agreement.

It is enough to say that in the three very determined efforts we have made we have signally failed, and there is nothing now in the condition of the world which indicates that the time is any better for an international agreement than heretofore, if we continue to insist as we always have insisted and as we now insist, at least as the Republican party that is coming into power insists, that it shall be with the consent and approbation and assistance of Great Britain.

When the Republican party at St. Louis declared that the gold standard should be maintained until the consent of the leading commercial nations of the world was obtained to get rid of it, those who proposed it as well as those who listened to it, those who voted for it as well as those who voted against it, knew that it was beyond the bounds of reason to hope or expect that Great Britain would change her attitude on the money question which she has steadily maintained since 1816, and which to-day she is more determined to maintain than heretofore. I need not and I shall not go into a discussion of the reasons why Great Britain will not agree to an international agreement which shall restore silver to its old place, to the place it occupied before 1873 in the currency of the different countries of the world. One of the facts I will state is that Great Britain last year bought nearly $700,000,000 more of the products of the world than she sold, paying for them from her great interest accumulations and her investments in foreign lands.

Her interests are for low prices. She so declared in every monetary conference ever held where that question was presented. I know that of late we have had some apparently encouraging reports from Great Britain. I know we have been told that public sentiment is changing. It matters little what the public sentiment of Great Britain may be. It matters little what the great public of that country think. The question is, What do the powers that control it intend? And every time they have made an utterance it has been against an international agreement.

I should have voted for the bill, however, as I have voted for others, and as I have proposed myself several for conferences which we have never succeeded in securing. I should have done it because I am one of those who believe that there would be nothing derogatory to American dignity to enter into an arrangement with other countries for an international agreement concerning the money question, although I do feel that when we make the declaration to the world that we will not ourselves exercise that prerogative of sovereignty unless they agree, we do humiliate and degrade the American people. But there would be nothing derogatory to American dignity in entering into an agreement for an international conference on equal terms, saying to them we prefer to have bimetallism with your assistance than to have it alone; for we recognize the doctrine that the whole is greater than the part, and what this nation can do alone, nobody can doubt other nations can do in connection with us.

I believe an international agreement could be made that, as I said before, would not be derogatory to our standing, not a surrender of any prerogatives, not the yielding of anything we ought to reserve any more than is the making of a postal arrangement with another country. So my opposition to that phase of the Republican platform is not that I am against an international agreement, but I am opposed to it because the limitations and restrictions put upon it are of such character that no man of ordinary intelligence who has examined this question and kept pace with the condition of public opinion in the world believes it is possible to reach the limit there provided.

Mr. President, I do not like to say, and yet I think I ought to say it, that in my judgment the provision for an international agreement was put there exactly as the New York Advertiser, a Republican paper, declared recently, for the purpose of getting Western votes. When that provision appeared in the public press, the great Republican papers of this country published in the East, and even in Chicago, declared that it was a simple declaration for the gold standard; for every sensible man, they said, knew that Great Britain, the leading commercial nation of the world, would never consent to an international agreement to restore bimetallism throughout the world, and, as the Senator from Idaho said a few minutes since, that phase of the platform was as acceptable to the gold-standard people as any other. Yet it was a phase of the platform that not one of them would have agreed to if he had believed it was possible to carry it out.

In the commencement of the session I indicated a disposition to discuss the question with some others, but the business of the Senate seems to have precluded that being done in the proper manner. I shall take occasion undoubtedly in the Senate at the next session to say what I proposed to do at the present session. I do not for myself propose to let this question die. I know that this is the greatest question the American people have ever had to consider, and when on the opposite side we are told that all the wealth of the country, the great corporations, the great syndicates, and the combines are determined to commence a campaign of education, that they intend to keep up the discussion, I can reply to Senators that while we do not have the ability to carry on a campaign as they do, while we have not unlimited funds to call on and to use, we will carry on this contest, and we expect to make it a lively contest.

I should like to say just a word more with reference to an international agreement, or the possibility of an international agreement, even at the risk of extending my remarks further than I intended.

There will never be an international conference that will be a success until it originates with some nation or people who are earnestly anxious to secure results. If the United States shall call an international conference, as this provision seems to indicate, it must be preceded by diplomatic correspondence with other nations. The great trouble with the last conference which we had was that our delegates went to the conference, the United States Government having called it, without any plan. There had been some diplomatic correspondence touching the greater and enlarged use of silver, but none touching the question of agitating the public mind in this country. Until the United States Government shall enter into correspondence with other nations to establish an understanding as to what we are willing to do, and what they are willing to do, every international conference that will be called will be an absolute failure.

The Republican party is coming into power; and I mean to say nothing offensive to anybody. We know, or we think we do, who is to be Secretary of State. We know—at least we think we do—who is to be Secretary of the Treasury. The selection of these two persons indicates what the policy of the Administration must be. We all know that the Senator from Ohio [Mr. SHERMAN], who has given great attention to these subjects and has had large experience, does not believe in an international conference. We have no reason to suppose that the Senator from Ohio will enter into any arrangement for that purpose. We know, if we can depend upon the declarations of the supposed new Secretary of the Treasury, at least as we get them through the press, that he has no sympathy with an international agreement. If there is any reason to suppose that the President-elect has any sympathy with an international agreement, Mr. President, it must come from his votes in the House and his declarations made before the campaign began, for no man can find an utterance of his after his nomination that would indicate that he is friendly to an international agreement, save and except the perfunctory admission on his part when he accepted the nomination that he would support the platform. Every statement from the cottage porch indicated that he had gone over to the gold standard in earnest and would there remain.

Mr. President, I shall vote for the pending bill, because I will vote for anything and everything that offers a reasonable hope of relief to the American people, and I shall do it without reference to who may be in power or what party may control the administration of public affairs. While I may not be disposed to act with the party upon its party lines, I shall be, I hope, patriotic enough always, whenever I see a movement or measure that is intended for the benefit of the American people, to approve of it.

We are about to inaugurate a President with the pomp and splendor of monarchy, I am told. We are told that nothing in the history of the country compares with it. There will be undoubtedly a grand and magnificent display. I do not complain of that. I think that when the Executive of seventy-odd million people is to be inducted into power and office there should be something more than the ordinary condition of public affairs. But it must be painful to those who will witness it to realize that on that day there will be more idle Americans, more Americans hunting for food and hunting for work than at any other time in the history of this Republic; that there are more men, women, and children supported by charity to-day than at any other time in the history of our country. I may say free as this country has been, and rich and great as it is, I think there is but one other country where there are as much want and distress to-day, and that is in the Asiatic region, where British domination of their finances has brought those people to dire distress. I do not hold the British Government responsible for the famine, but I hold them responsible for having destroyed the accumulations of those people for generations, to the extent, not as the Senator from New Hampshire indicated the other day, of three or four or five hundred million dollars, but almost a thousand million dollars, for that is the value they have destroyed by the decrease of the value of their property, which is simply the accumulation of silver.

At the proper time I will take occasion to discuss this question at length, but not now.

Mr. MORGAN. Mr. President, I expect that I shall stand very

nearly alone in voting against this bill, and I desire now to put upon record very briefly indeed some of the reasons why I oppose it, and also to give some assurance to the gentlemen who have spoken this morning, who were recently members of the Republican party, that in their departure from that organization for the purpose of reestablishing the double standard in this country, they have and will have my firm support under all circumstances until that great event is accomplished.

I do not wish Senators to feel that they stand alone and apart from the members of the Democratic party proper, who are committed, as I understand it, in the platform of their party and in their position, as well as by the creed which they profess, to the use of gold and silver, and without discrimination against either metal, for the purpose of coinage into money.

Senators have said that they will vote for this bill in order to furnish an opportunity to its friends and to the Republican party to redeem certain pledges which they made to the people of the United States that they would exert themselves with all their power in the direction of obtaining consent of European powers to bimetallism in its present interpretation. We know that the thought of Europe on the subject of gold and silver is represented entirely in Great Britain; that there is a dominance of financial power in Great Britain which directs entirely the current of financial events throughout the entire Continent of Europe, unless perhaps Russia may be excepted. So in dealing with this subject we are dealing really with Great Britain. If Great Britain to-morrow were to restore the free coinage of silver as it existed in 1816, all of America except the party that was represented at Indianapolis would be throwing up their hats and shouting with joy for the redemption of mankind from an evil which seemed otherwise impossible to get rid of.

Now, I will suppose it cabled across the Atlantic Ocean to-day that the Parliament of Great Britain had reestablished the law as it was prior to the act of 1816. That would bring in the free and real use of gold and silver coin in that great realm, and it would also carry with it the privilege of free coinage which has existed among the British subjects from the time of Queen Anne without interruption; and the American people would be rejoiced beyond even the joy that the Republican party feel and a great many other people in the United States feel in the great event which is to take place here on the 4th day of March. There is nothing human thought can comprehend in respect to the situation of the people of the United States that would produce such profound happiness as if we could announce on the floor of the Senate that an act of Parliament had restored gold and silver to their proper uses, as they were intended to be by the Almighty, and as they were from the time of Queen Anne down to 1816.

How does it happen, Mr. President, that any nation on this earth has got that much power over the American people? How does it happen that we are looking out for a remedy, a relief and deliverance from terrible evils, of which we have now experienced the hardships for nearly thirty years, and that we would be so happy in welcoming this act on the part of Great Britain? It is because Great Britain has us in leash, because she has the power over us, and because she uses it without hesitancy and without compassion against the people of the United States and the people of all other silver-using countries in the world, but more particularly those of America.

Now, in order to achieve that deliverance which we so much desire, which would bring us such happiness, such joy, such triumphant exclamations of delight, I prefer to rely upon the wisdom, strength, power, and conscience of the American people. If it would rejoice us to have this benefit bestowed upon us through the compassion of Great Britain, how much more should it rejoice and make us proud if we felt that we could lay our hands upon it by the strength of our own right arm and our own sagacity. The commission that is proposed in this bill is intended to be sent simply to Great Britain, for, while other nations will, if there is any convention at all, probably send their delegates there, it will all be subordinate to the whole of that imperial power.

When the commission get to Great Britain, if they have been fortunate enough to obtain any concessions whatever, even the slightest, they will return here with glory written on their banners as having succeeded in begging out of that great Empire the privilege to the American people of exercising one of their sovereign functions as a republican government under the Constitution. Whether the advantages they gain in Great Britain are slight or whether they are great, whether they extend to the whole subject of the remonetization of silver and its free use equally with gold or whether it is only a partial success, they will come back with rejoicings and they will pronounce in our favor a new independence obtained by them from the thraldom under which we are now to that great power.

I do not know what the form is going to be. If the honorable Senator from Ohio [Mr. SHERMAN], who is said to be averse to the effort (I do not know whether he is averse to it), should form after all a treaty with Great Britain that both Governments should agree to the remonetization of silver at the ratio of 16 to 1, and the free coinage of silver should occur in both of the great English-speaking countries, and if he were to send that treaty into the Senate of the United States for our ratification, we would be compelled to ask ourselves a question that no man can answer with safety to this Government. What is that question? Shall we put the rights of the United States in respect of the coinage of gold and silver under the obligation of a treaty with Great Britain? Can we do it?

Mr. President, I do not wish to ever place the right of coining gold and silver according to our own wishes or purposes, or any other sovereign power of the American nation, under the guardianship or within the protection of a treaty obligation. There is a very plain reason for that. Treaties are made to bind governments together by certain penalties; that is to say, when they engage solemnly that they will do certain things, they are held bound in honor and in duty to do those things. But they are held by a still stronger tie to do them; that is to say, if either nation willfully violates the treaty, that nation is bound to answer to the other in war or in damages.

Will I ever consent to vote for the ratification of a treaty that will establish the ratio of 16 to 1, if you please, between gold and silver, and give free coinage to both metals, when, if we choose to depart from that system, or if Great Britain chooses to depart from that system, the only possible remedy that we have at all under the treaty is to go to war? I do not propose to put the sovereign rights of the United States under the control of any government in the world to such an extent or in such a method that that government will have the right to complain against us that we have violated a treaty when we depart from that rule, and the penalty of the violation is war. When we do that, we surrender our sovereign power into the hands of Great Britain by a contract that stands outside of and violates the Constitution of the United States and the whole system and sovereignty of the United States.

Therefore I could not vote for such a treaty, although it might accomplish the very purposes I desire, for I would not bind myself or my country under a treaty obligation to establish the coinage of silver and gold at a ratio of 16 to 1 and leave the coinage unlimited. No American statesman who understands the genius and theory and framework of the American Constitution can ever consent to have a financial question of this kind come within the control and grasp and reach of the treaty-making power. That is out of the question. We had just as well surrender the power to make war and declare peace into the control of Great Britain as to surrender the power to coin money and to regulate the value thereof. Now, this is all I desire to say upon that proposition.

I will suppose that the commissioners will come back with what is called an academic agreement, the recommendation of a great convention in which all the Governments of Europe and the Government of the United States have agreed that we will enact legislation in all those countries for the purpose of the coinage of silver at a ratio of 16 of silver to 1 of gold, with the free coinage of both metals. Then we shall have to enact laws to carry that into effect.

In the measure that we are passing to-day are we pledging ourselves that we will enact laws to carry that into execution according to the basis that may be agreed upon between our commissioners there and their commissioners in that convention? If we are doing that, it is very dangerous ground we are treading upon. We all know that that is not to be the effect of it, for the reason that when this agreement comes back here it must be submitted to the Congress of the United States for ratification, and we know that the next Congress after that can repeal that law without responsibility to Great Britain. But if we enter into what is called an international agreement that we will adopt legislation in Parliament and legislation in the Congress of the United States under parallel bills for the free coinage of gold and silver, and the next Congress of the United States find that that is a bad policy for this country, and they wish to depart from it, then we have created between our Government and the Government of Great Britain by this compact a relation which is violated in its essence and in its spirit by the act of Congress; and in doing that we have hampered our legislative powers to such an extent as to make the situation not only extremely disagreeable but very dangerous.

Now, it is useless for us to undertake by anticipation to realize these things through any commission that we can send there. When they come back, I care not whether they come with a treaty or whether they come with recommendations for legislation, the result is going to be precisely the same. The United States can not enter into such an engagement with them in either form without subjecting this Government to the disagreeable penalty of going to war in order to have the privilege of making our monetary system conform to that of Great Britain or any other powers in Europe.

So, Mr. President, seeing that nothing can come from this at all except a mere perfunctory effort to perform a party pledge given in a platform, I am not willing by my vote to sanction a measure

so extraordinary as this is. I am opposed to it now because I know that when the agreement comes back, if they should ever succeed in making one, I shall be compelled to oppose its ratification. Therefore I oppose it now.

Senators have predicted that the whole effort would be entirely futile, that nothing would result from it. I concur fully in the opinion. It is a mere effort to delay, and the action of the Senate to-day, that we are about to take on this bill, will be appealed to by partisans in this Chamber and in the other House of Congress, and possibly by the President of the United States, as a reason why we should not take care of our own financial system, because we have sent commissioners across the water to get the consent of other governments as to the method and means by which that care shall be taken. That is all of it. It will be made, as it has heretofore been made, a mere pretext for the delay of the consummation of that wish of the American people which to-day lies closest to the hearts of the voters of this country.

There is no mistaking the situation. The people of the United States realized this one fact, that the Almighty made these precious metals for use by man as money, and he made them for nothing else, you may say, except for decoration. They are not useful in any other sense; and people have realized that when a nation, whether it is Great Britain or the United States, undertakes to depart from that law and degrade and destroy one of these precious metals the penalties necessarily follow.

The penalties of Great Britain are twofold; first, the excessive riches of her ruling classes, and next, the excessive poverty of her subjects, not merely in that island of 35,000,000 people, but out through the whole broad reach of that great realm. To-day the people of India are suffering more from the fact that they have been impoverished for the want of means of living by the closing of the mints in that country than by any dispensation of Providence visited upon them through some other agency. These sufferings will come. The Almighty does not intend that these divine decrees shall be violated by the nations of the earth. He made these metals for use as money, and when we abolish their use, so as to give the control and dominion to one metal over the other and break down that competition which exists in their very nature, we violate that divine arrangement and that divine command. Nothing but punishment can ever fall upon a people who thus violate the laws of God and of nature. There is where it comes to.

Great Britain has done it and grown rich, but while she has grown rich in her upper and titled classes she has swept myriads of people into paupers' graves, broken up many millions of households, and has brought distress and despair to untold millions of human beings. In order to enrich her upper classes by giving predominance to gold, she visits destruction upon those who are upon the substratum—the peasantry, the producer, the toilers on land and sea. That is my conviction about it. The framers of the Constitution of the United States made a very wise, distinct, and firm provision, but if they had made no provision upon the subject, I would feel that I was raising a sacrilegious hand when I undertook to strike down one of the precious metals in order to make the other more valuable and the people who own it more powerful financially.

No man doubts that the use of gold in the world has built up enormous riches for those who are wise enough and mean enough to take advantage of humanity. No man can shut his eyes to that picture, or to the other in which humanity appears degraded, starved, diseased. When these things present themselves to us in the history that we are in contact with day by day and hour by hour, it is time for the American people to stop and consider whether they had not better conform their laws and their institutions to this divine command rather than conform them to the will of Great Britain.

I shall vote against concurring in the amendments to this bill.

Mr. MANTLE obtained the floor.

Mr. HALE. I wish to make an observation in reference to the order of business.

Mr. MANTLE. Certainly.

Mr. HALE. I am only going to make a suggestion. What I desire to say to the Senator in charge of the bill is that it was the understanding when it was agreed that it might interrupt the progress of the appropriation bill that it would take but a short time, and the Senator from New Hampshire assured us that the debate would not be lengthy. I merely wish to say that if the debate is prolonged the Senate will soon be confronted with a condition in which the appropriation bills will be in danger. I shall consider it my duty very soon to move that the Senate proceed to the consideration of appropriation bills. I make the suggestion to the Senator from New Hampshire so that he may, if possible, arrange to get a vote on the measure.

Mr. CHANDLER. Neither the Senator from Maine nor myself would want to interrupt the Senator from Montana in the remarks which he is about to make. I believe after he has spoken we shall very shortly get a vote upon concurring in the House amendments.

Mr. HALE. I hope that will be the case, and that the Senator will contrive, so far as he can, to bring it about, because very soon we must get on with the appropriation bills.

Mr. MANTLE. Mr. President, I would not detain the Senate at all, for I know the time of the Senate is precious, were it not that this question is one which seems, from the nature of the debate and those participating in it, to involve peculiarly those Republicans who felt it their duty to dissent from the national platform adopted at St. Louis last summer and also to withdraw their support from the candidate nominated upon that platform. Having been one of those, I feel that it is not out of place at this particular time for me to say a few words.

I want to say at the outset that I am heartily in favor of any and every effort to bring about an international agreement with reference to the coinage of gold and silver upon equal terms. I recognize the fact that, although many of the leading journals of the country, many of the leading Republicans of the country, and, I believe, Senators in this Chamber, affect to say that that provision was placed in the St. Louis platform without any real purpose or sincere intent of carrying it into effect, the great majority of Republicans who supported the Republican platform in the last campaign accepted the pledge to promote an international agreement honestly and sincerely, and they are anxious to see the pledge redeemed if it be possible to do it.

Mr. President, I think the responsibility is with the Republican party to bring about this result. I do not think it is within my province to lay any obstacle in its path, nor is it my intention to do so. I would much rather aid in bringing about that consummation; for while I am an ardent believer in the proposition that this Government of ours is rich enough and strong enough to adopt its own financial policy, just as it does every other policy, without asking or waiting for the advice of any other nation, yet I concede that if an international agreement can be had, that is by all odds the most desirable method of bringing it about.

Mr. President, having said this much, I feel in all honesty bound to add that I am afraid, very much afraid, that this new attempt will meet the same fate which has attended every other effort in a like direction. There is nothing, so far as I have been able to discover in the proceedings of any international conference heretofore had, that holds out the slightest encouragement for success at this time; nor has anything transpired since the holding of the last international conference which, to my mind, holds out any real hope of ultimate or near success, and I say this with great deference to the opinion of the distinguished Senator from New Hampshire, who I know differs from me in this opinion, but it seems to me that every interest of England, at least, is opposed to the proposition which we are advocating.

I say the responsibility is upon the Republican party, which is in honor bound to carry out the pledge made to the people. I have for the distinguished man who is soon to occupy the Presidential chair an unbounded admiration. I regard him as a splendid specimen of American citizenship, of American manhood, and American opportunity; and here, too, let me add that I can say the same of the distinguished gentleman who was his opponent in the late campaign. I believe each of them in his way is an honor and a credit to this country of ours. I believe that it is Mr. McKinley's intention to do all that lies in his power to bring about the consummation sought, and I feel that the effort ought to be made, even while my judgment and my conviction tell me that the effort will be futile.

I was one of those, as I have said, who found that in order to be consistent, to maintain my own self-respect, and to redeem the pledges which I and my party had made to the people I have the honor in part to represent, I could not remain with the party after the declaration contained in the St. Louis platform upon the question of bimetallism; and so I gave my support to the opposition candidate. I did that without any bitterness or ill will and without any unjust or unkind criticism of the party which I had left; and I may also say that there is no act of my life which caused me deeper regret or more profound sorrow than the act of separating myself from the party with which I had associated all my life, for I had never before cast anything but a Republican vote. That condition, however, was not my fault. The Republican party itself was to blame for the state of sentiment existing throughout the West, for they had led us to say to the Republicans in the West that the Republican party of the nation was the friend of silver; that it would solve the silver question; that it would do all that could be done in that direction; and we had repeatedly gone home from national Republican conventions preaching that doctrine to the people of the West, telling them that the Republican party was the friend of silver. Then we found ourselves suddenly confronted with this declaration in favor of maintaining the gold standard.

I know that there are leading Republicans of this nation who say that there is no practical difference between the declaration contained in the St. Louis platform upon the financial question and

the declaration contained in the platform adopted at Minneapolis four years before, but it seems to me that it will require a great stretch of the imagination to so believe. The Minneapolis platform declared in favor of gold and silver as standard money, and when it used that word "standard" it has always seemed to me that it stated the whole case, for standard money is money that stands alone, that stands by itself, which does not have to depend upon some other form of money. There was the widest difference in those declarations; and, thus believing that the Republican party had abandoned one of its great cardinal principles of faith, I felt, in consideration of my own views, of my own earnest convictions, and in consideration of the sentiment existing among Republicans in my State, that I could no longer follow the Republican party in that declaration, in that aberration from what I considered its former belief and practice. It is needless, perhaps, for me to add that I was sustained by a large majority of the Republicans of the State of Montana in the course which I adopted.

Lately I have signed a declaration which seeks to organize the Silver Republican party of the United States. I have done that in pursuance of the same ideas and purpose, because I realize that so long as this great question divides us there is no possibility of Silver Republicans and Gold Republicans acting in unison.

Mr. President, this is not a happy condition of affairs for me to view. I sincerely hope that the Republican party may solve the financial question; that it may do justice; that it may restore to us the money of the Constitution; and if it does this, it will solve the greatest question now before the American people, and one in which is involved, as I believe, the happiness and prosperity and welfare of the great masses of our country. And if it shall do that successfully, the Silver Republicans will be the first to say "Well done," and we shall be happy to return.

It is said that a protective tariff will restore prosperity to the country. I do not think so, and yet I shall lay no obstacle in the path of a protective tariff. God knows, Mr. President, this country needs prosperity, and if a protective tariff will bring it, I say by all means let us have a protective tariff. I do not believe it will bring prosperity, because I believe industrial conditions throughout the world have reached such a stage of development that a protective tariff will no longer equalize the differences which exist, as it was wont to do in the years gone by; and so, after this protective tariff shall have been passed, I expect to see the same conditions largely prevail. Then this financial question will again confront us, and when it comes to that, as I have seen no reason so far to change my views, I shall continue in the future to act and vote upon that question as I have in the past. I can see no hope for a protective tariff to bring about the old condition of prosperity to this people. If we are to have any real, genuine, honest prosperity, it must begin with the masses of the people. All the wealth of this world comes from the earth; it comes up through the channels of labor, and any permanent prosperity which is to come to us must come through the toilers of the earth. They must be made prosperous, at least to a degree, before there can be any general and permanent prosperity for the whole people of this country.

Mr. President, I shall not take up the time of the Senate any further now, and I am sorry indeed that I felt called upon even to say this much at this stage of the parliamentary proceeding.

Mr. CHANDLER. I hope we may have a vote now, Mr. President.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to concur in the amendments of the House of Representatives to the bill now before the Senate.

The amendments were concurred in.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I now ask the Senate to proceed with the consideration of the general deficiency bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, after line 9, to insert:

Amounts due the Central Pacific Railroad Company: To pay the amounts due the Central Pacific Railroad Company as set forth in House Document No. 284 of this session, $12,238.53.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

Des Moines Navigation and Railroad Company: The Secretary of the Treasury is hereby authorized, upon return to him of Treasury warrant No. 30, issued in July, 1896, for $541.26, and made payable to the order of the Des Moines Navigation and Railroad Company, in payment of the appropriation in that amount made by the deficiency appropriation act approved June 8, 1896, "To reimburse the Des Moines Navigation and Railroad Company and others, defendants, for costs paid by them for printing in case of the United States of America, plaintiff, *vs.* The Des Moines Navigation and Railroad Company and others, defendants, in the United States circuit court for the northern district of Iowa, in pursuance of stipulation made between the parties and approved by the court in relation to said costs of printing," to issue his warrant to A. J. Van Duzee, clerk of the United States district court for the northern district of Iowa, in the same amount, who shall distribute and pay to the parties entitled thereto as provided by said stipulation.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

Payment of Treasury settlements: To pay the amounts found due the Sun Mutual, Commercial Mutual, Atlantic Mutual, and the assignees of the Washington Marine Insurance companies, of New York, by the proper accounting officers of the Treasury, and certified by the Secretary of the Treasury in Senate Document No. 178, Fifty-fourth Congress, first session, and reported to the Senate in Senate Document No. 51, this session, $23,661.67.

The amendment was agreed to.

The next amendment was, on page 8, after line 21, to insert:

For payment of certain Treasury settlements heretofore certified to Congress, numbered 9656 and 9696, and reported in House Executive Document No. 234, page 12, Fifty-third Congress, third session, $8,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

For payment of Treasury settlement numbered 6301, certified in Senate Executive Document No. 40, Fifty-third Congress, third session, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 6, to insert:

For payment of Treasury settlement numbered 5000, certified in Senate Executive Document No. 5, page 2, Fifty-third Congress, third session, $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

To pay the claims (Treasury settlements) certified in Senate Document No. 60, second session Fifty-fourth Congress, $23,000.33.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

Reimbursement of D. N. Morgan: To reimburse D. N. Morgan, Treasurer of the United States, for five sheets of silver certificates, lost in his office without negligence on his part, $200.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to insert:

Reimbursement of J. W. Adams: To reimburse J. W. Adams, superintendent of the mint at Carson, Nev., for payments made to T. R. Hofer and L. L. Elrod for services, respectively, as acting chief clerk and bookkeeper at said mint, $301.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Reimbursement of A. P. H. Stewart and Charles A. Weed: To reimburse A. P. H. Stewart and Charles A. Weed, formerly doing business under the firm name and style of Stewart & Co., late of Mobile, Ala., for money advanced by them on behalf of the United States at said Mobile, in the year 1865, to pay freights and expenses on Government cotton, $21,541.68, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to insert:

Payment to heirs of Sterling T. Austin: To pay to Florine A. Albright and Missouri A. Pollard, heirs of Sterling T. Austin, deceased, for the proceeds of sale of 360 bales of cotton, the property of said Sterling T. Austin, seized by the civil and military authorities of the United States and received into the Treasury, as found by the Court of Claims, $59,287.

The amendment was agreed to.

Mr. VEST. I should like to ask the Senator in charge of the bill if that is one of the Bowman claims?

Mr. HALE. To which one does the Senator refer?

Mr. VEST. The clause beginning in line 19, on page 10, for payment to the heirs of Sterling T. Austin.

I want to state to the Senator that it is my purpose, as soon as we reach one of the so-called Bowman claims, to offer an amendment including the balance of those claims.

Mr. HALE. I understand that that amendment will be offered at the end of the bill, and that will be a question for the Senate to decide. The committee did not put on the bill either the so-called Bowman claims or the French spoliation claims, but put on individual claims, which had already passed the Senate and passed the committee, but did not put on the general Bowman claims.

Mr. VEST. I want to state frankly that I should prefer, as one of the friends of the Bowman claims, to offer that amendment immediately in juxtaposition to this one, which has been preferred by the committee and put in the bill.

Mr. HALE. I prefer that the Senator should wait until the amendments of the committee are acted upon. He can offer the amendment, of course, at the end of the bill or at any part of the bill.

Mr. VEST. I should like, in this connection, to ask a question of the Senator, which has given rise to some inquiry on this side of the Chamber. By turning to page 90 of the bill I find a provision:

For payment of the judgments rendered by the Court of Claims reported to Congress at its present session in House and Senate Document No. 217.

What claims are those which amount to $834,155.83?

Mr. HALE. Those are the regular judgments, the list of which is contained in the document referred to. The House puts in all the judgments that are certified up to the time when they make up the bill, and the Senate committee then calls for the subsequent judgments, and they are put into the bill, and are found, as the Senator will see if he wants to look at the items, in the document referred to, which the clerk of the committee will furnish him.

It is the same with the amendments on the next page regarding Indian depredations. The House of Representatives puts in all that are certified up to the time of their action upon the bill, and the Senate the balance. The document shows what the cases are.

Mr. VEST. What I want to know is whether they are connected with the Bowman claims?

Mr. HALE. No.

Mr. BERRY. I ask the Senator from Maine whether there are any Bowman claims in the bill?

Mr. HALE. The Bowman claims are not here. There may be individual cases where the Senate has passed a bill for a special claim, and in which case they are, under the decisions of the Senate, in order; but the usual Bowman claims reported from the House and from the committee are not in this bill.

Mr. VEST. Some of them are, because the Chouteau claim is here. That is the identical claim——

Mr. HALE. I say there are certain claims which the Senate has already passed upon individually and separately that are in the bill, but what are called the Bowman claims are not here.

Mr. VEST. What does the Senator mean by saying, "the Senate has already passed upon?"

Mr. HALE. The Choteau claim first passed the Senate as a separate bill; it was put on the appropriation bill last year, passed through the Senate, went to the House, and was struck off there.

Mr. BERRY. I ask the Senator from Maine were not the Bowman claims put on in the Senate by an amendment last year, agreed to by the House of Representatives, and then the President vetoed the bill, and when the new bill came in they were left out.

Mr. HALE. As also were the French spoliation claims.

Mr. BERRY. The Bowman claims and the spoliation claims also were left out.

Mr. HALE. That is what I said, as also the spoliation claims. The Committee on Appropriations has not now put on either the spoliation claims or the general list of Bowman claims. The Senate can put both on if it chooses, and let them go to the House.

Mr. MILLS. The Bowman claims are judgments of the Court of Claims, are they not?

Mr. VEST. Findings.

Mr. HALE. The Senator knows how they are judgments. They are judgments that are sent back for action by the committees of Congress. They are not like the judgments provision for which is found on page 90 of the bill, which are absolute and complete judgments.

Mr. VEST. The Bowman claims were put in the appropriation bill first by the Senate at the third session of the Fifty-third Congress, and at the first session of the Fifty-fourth Congress, and by overwhelming majorities they passed the Senate. The Chouteau claim is one of the Bowman claims, because the proceeds are going to one of my constituents, and I know something about that.

Mr. PLATT. The claim the Senator is talking about is evidently a Bowman claim, not a judgment.

Mr. VEST. It is a judgment.

Mr. PLATT. Not a regular judgment of the Court of Claims.

Mr. VEST. I ask the Senator from Maine to let either the list of all the Bowman claims be passed over or let them be considered together, or I will offer my amendment now.

Mr. HALE. I have no objection to the Senator offering it now.

Mr. VEST. Very good.

Mr. BURROWS. I ought to say, in answer to inquiries on this matter, that I hold in my hand the findings of the Court of Claims, or rather the action of the Court of Claims, upon the item to which the Senator from Missouri refers, from which it appears that the Court of Claims declined to take jurisdiction of the matter, upon the ground that a preliminary inquiry as to the loyalty of the party disclosed that he was not loyal.

Mr. VEST. What claim is that?

Mr. BURROWS. The claim of Sterling T. Austin, to which I understand the Senator refers. I have here the findings of the court in that case.

Mr. WARREN. The Senator will allow me to suggest that the majority of the court did not find that there was any disloyalty on the first hearing, but that the loyalty had not been fully established; and out of a claim for some $300,000 they did find for the amount shown in this amendment, it being the amount received by the Government for certain identified bales of cotton for which the money is in the Treasury.

Mr. BURROWS. The item embraced in this bill?

Mr. WARREN. The item embraced in the bill for that portion of the claim—a little less than $60,000. The case was a very peculiar one. It at first balanced very nearly on the dividing line as to the loyalty of the claimant, that his loyalty was not sufficiently established in the minds of the majority of the court at that time, but since then the loyalty has been clearly proven. The original claimant is dead, and the bill is in the interest of the heirs, always loyal, deserving citizens of the United States.

Mr. BURROWS. May I inquire of the Senator whether the claim embraced in this bill was passed upon by the court?

Mr. WARREN. Yes; the court found for the amount named, but did not pass on the loyalty, except as I just stated.

Mr. BURROWS. That was my understanding.

Mr. WARREN. That was true; and this amendment is proposed in favor of the heirs who brought proof before the committee and before the Senate as to loyalty, and a bill for the payment of the claim was considered and unanimously reported by the Committee on Claims and unanimously passed by the Senate.

Mr. BURROWS. I understand the matter has been passed over temporarily. It is in the amendment, as I understand it, to be proposed by the Senator from Missouri, embracing the findings of the Court of Claims; and if this is in the amendment, there is no use of passing upon it twice.

Mr. VEST. I now offer the amendment.

Mr. BATE. I have an amendment to offer in the name of my colleague [Mr. HARRIS], which is the same as Senate bill 2433, which was referred to the Committee on Claims. I desire to ask the Senator from Michigan [Mr. BURROWS] if it is the same bill that he has reported here? I have not seen his report.

Mr. BURROWS. I am unable to state, because I have not examined it; but I am informed by the clerk of the committee, who has compared it with the one introduced, that it is identical.

Mr. BATE. Then, if it is identical, the amendment I was about to offer on behalf of my colleague to this bill is unnecessary, for all we desire is to effect the object—that is, to get the provisions of that bill placed upon the appropriation bill. The bill I hold in my hand has a long list of what are known as Bowman claims, which have been examined and passed upon by the Court of Claims and referred to Congress for action.

Mr. VEST. They are identical.

Mr. BERRY. I would ask the Senator from Tennessee if that list of claims includes all claims which have been passed upon by the Court of Claims up to the present time, or is it simply a list that was in the bill a year ago?

Mr. BATE. I think there have been one or two added since. I think it includes all which were passed upon up to the commencement of this session.

Mr. BERRY. The bill of a year ago, I think, only included those claims which had been passed upon up to the beginning of the Fifty-fourth Congress. I think it did not include a large number which have been subsequently passed upon by the court.

Mr. BATE. I supposed the list contained all the claims passed at the last session, and upon the cursory examination I gave it, and upon conferring with the Senator from Missouri, I found but two exceptions. If the amendment of the Senator from Missouri embodies the same claims that are embodied in the bill to which I refer, I shall of course sustain the amendment, and I ask the Senator from Michigan whether two bills of the same kind were introduced?

Mr. BURROWS. I understand that the amendment proposed by the Senator from Tennessee is the same as the bill introduced by his colleague at the last session and reported upon, as the one offered by the Senator from Missouri at the present session, passed upon by the Committee on Claims, and reported back to the Senate with a favorable recommendation.

Mr. BATE. Will the Senator permit me to call his attention to the fact that this bill was introduced on the 16th of December last? It has been before the committee of which he is a member, and I suppose the committee perhaps preferred the other bill, and that may be the solution of the matter.

Mr. BURROWS. The amendment offered by the Senator from Missouri was submitted in February of the present year.

Mr. BATE. Yes, sir. If I understand the Senator, his committee have made no report upon the bill introduced by my colleague on the 16th of December last.

Mr. BURROWS. I think not.

Mr. BATE. Do I understand, then, that the committee substituted the other bill, the one introduced by the Senator from Missouri, for the one introduced by my colleague? Was that the report?

Mr. BURROWS. I think that was the case.

Mr. VEST. The amendment I offer contains the claims that were embraced in the amendment which passed the Senate in the first session of the Fifty-fourth Congress, except two claims which have been taken out and passed in special bills by both Houses of Congress, and signed by the President since that time. Of course those two claims are out, because it is unnecessary to reenact them. This amendment embraces 235 claims of claimants in 12 States of the Union and the District of Columbia. The whole amount of these Bowman claims is $567,901.45.

We established the Court of Claims for the purpose of relieving Congress from the drudgery of examining into the details of these personal claims which are brought before us from session to session. The Court of Claims have passed upon and adjudicated

them; they were honestly due, and the claimants have been seeking here from session to session for the payment of as honest a debt as ever was incurred by any Government upon the face of the earth. The committees have passed upon them; and, as I said, the Senate has adopted them twice. The only possible argument that could be found against them was that the condition of the public Treasury was such that money could not be spared at that time to pay even an honest debt.

If the argument which has been made is worth anything on this case, it was a hundred times more forcible as applied to other claims that have been put by the committee in these bills. Some of those claims are now in the bill, conspicuously the Choteau claim. President Cleveland vetoed the bill at the last session expressly on account of the Chouteau claim, which he named in his message. Why should this discrimination be made? I stand here as the representative of the State of Missouri to state that these other claims are just and equally binding upon the Government, and the Chouteau claim has no superiority over any other in that regard. Why should we establish a tribunal and then ignore its findings? Does anybody pretend to say here that the money is not due? What excuse can we give? We are soon, it is said, to have an era of prosperity, with an overflowing Treasury, higher tariff, more money. Yet we say to these claimants, after our own tribunal, the Court of Claims, has passed upon the claims and adjudicated in their favor, "We will put you off to another season."

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. After line 2, on page 11, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely:

ALABAMA.

To Elizabeth E. Bibb, of Huntsville, $1,644.
To S. V. Biggers, administrator of Robert P. Biggers, deceased, late of Cherokee County, $610.
To Joseph A. Clark, of Madison County, $500.
To Henry H. Coulson, of Jackson County, $250.
To John B. Hardman, of Cherokee County, $2,229.
To Thomas J. Hargiss, of Jackson County, $1,637.
To L. D. McCallum, administrator of Stephen Hurley, deceased, late of Cherokee County, $795.
To Philip M. Jones, administrator of Philip B. Jones, deceased, late of Lee County, $1,264.
To John P. Lowallen, administrator of Madison Lowallen, late of Jackson County, $305.
To E. W. Miller, administrator of Elizabeth A. Palmer, deceased, late of Walker County, $665.
To William B. Owens, of Cherokee County, $630.
To Mary E. Saffold, of Dallas County, $2,033.
To Solon D. Moore, administrator of John C. Scroggins, deceased, late of Cherokee County, $750.
To George W. Stutts, of Lauderdale County, $590.
To Eliza H. Tenge, administratrix of Charles A. Tenge, deceased, late of Lauderdale County, $501.
To Robert E. Tweedy, of Lawrence County, $3,879.
To John W. Wesson, of Dekalb County, $441.
To Samuel M. Weaver, administrator of George W. Yuckley, deceased, late of Huntsville, $600.

ARKANSAS.

To R. B. Carl Lee, administrator of Charlotte C. Bancroft, deceased, late of Phillips County, $9,970.
To Henry T. Cate, of Washington County, $835.
To Pryor D. Chism, administrator of Robert Chism, deceased, late of Monroe County, $295.
To William R. Clark, administrator of James W. Clark, deceased, late of Benton County, $3,610.
To Peter Cook, of Lonoke County, $904.
To Alexander Davis, of Conway County, $5,605.
To W. F. Davis, administrator of George W. Davis, deceased, late of Sebastian County, $505.
To William Y. Fain, of Phillips County, $560.
To E. M. Ford, administrator de bonis non of Richard L. Ford, deceased, of Phillips County, $3,159.
To Peter L. Freezer, of Mississippi County, $125.
To Samuel Gallaher, administrator of Henry Gallaher, deceased, late of Washington County, $575.
To J. W. Frazer, administrator of William J. Hendricks, deceased, late of Monroe County, $1,612.
To Warren Holtzclaw, administrator of Elijah Holtzclaw, deceased, late of Phillips County, $600.
To James H. Humphreys, of Phillips County, $293.20.
To Mary R. Kirkpatrick, of Jefferson County, $625.
To Abijah T. Phelan, of Washington County, $235.
To Frank Rhodes, of Phillips County, $605.
To Juber Russell, of Crawford County, $435.
To L. P. Featherstone, administrator of John R. Sembler, deceased, late of St. Francis County, $955.
To A. M. Scott, administrator of Sarah Slate, of Phillips County, $910.
To James C. Tappan, administrator of Samuel J. Sutton, deceased, late of Phillips County, $2,105.
To Mary Turner, administratrix of Sterling M. Turner, deceased, late of Sebastian County, $560.
To Thomas H. Webb, of Lonoke County, $542.
To D. C. York, administrator of William York, deceased, late of Woodruff County, $793.

DISTRICT OF COLUMBIA.

To Joseph T. Jenkins, $1,517.
To James W. Sears, administrator of Rebecca Sears, deceased, $1,800.
To Louis P. Shoemaker and others, executors of Abner C. P. Shoemaker, deceased, $2,450.
To P. E. Dye and W. S. Hoge, administrators of David Shoemaker, deceased, $1,255.
To Barnett T. Swart, $6,012.
To James R. D. Morrison and others, $6,100.
To administrator de bonis non of Charles M. Roberts, deceased, the sum of $39,034.21.

GEORGIA.

To Thomas J. Anderson, administrator of David B. Anderson, deceased, late of Fulton County, $704.
To William L. Connally, of Walker County, $670.
To Myra M. Harbin, administratrix of Nathan P. Harbin, deceased, late of Whitfield County, $12,400.
To George W. Hendricks, adminstrator of John Weitinger, deceased, late of Bartow County, $597.
To A. Thornburgh, administrator of John C. Lee, deceased, late of Walker County, $941.
To George Wagner, administrator of Henry Mastick, deceased, late of Savannah, $3,105.
To Richard Mayse, of Atlanta, $880.
To Charles V. Neidlinger, of Effingham County, $1,015.
To Minerva J. Nichols and others, executors of Frank D. Nichols, late of Cummings, $2,255.
To Benjamin P. Rogers, of Douglas County, $410.
To Francis Tillman, administrator of Francis Tillman, deceased, late of Chatham County, $952.
To William C. Parker, administrator of Moses Trimble, late of Campbell County, $270.

ILLINOIS.

To Daniel K. Tenney, of Cook County, $546.87.

KANSAS.

To Joseph Dunlap, of Greenwood County, $2,160.

KENTUCKY.

To Edward H. Taylor, administrator de bonis non of the estate of Lucy A. Barker, late of Louisville, $1,440.
To Martha Brashear, administratrix of Obadiah Brashear, late of Nelson County, $223.
To Margaret Carter, administratrix of Thomas Carter, deceased, late of Marion County, $1,760.
To Abijah M. Cartmell, of Nelson County, $440.
To James Doolin, of Pulaski County, $218.
To William J. Marshall and others, executors of John G. Holloway, deceased, late of Henderson County, $2,520.
To Henry E. Jenkins, of Warren County, $96.
To George Leonhart, of Campbell County, $410.
To Squire H. Bush, administrator of Edward C. Lucas, deceased, late of Hardin County, $720.
To John C. Lummis, of Kenton County, $150.
To Lemuel S. McHenry, of Daviess County, $150.
To Samuel B. Merrifield, of Nelson County, $404.
To Susan E. Miller, in her own right and as widow of and administratrix of Jacob M. Miller, deceased, late of Marion County, $910.
To Samuel D. Glasscock, administrator of William C. Moore, deceased, late of Hardin County, $530.
To Buford Mussen, of Marion County, $897.
To John G. Mussen, administrator of Susan Mussen, deceased, late of Marion County, $438.50.
To the Nazareth Benevolent Institution, of Nelson County, $319.
To Mary E. Neel, administratrix of Pearce Noland, deceased, late of Shelby County, $9,529.
To Mary Orendorff, of Breckinridge County, $250.
To Benedict Pash, of Nelson County, $950.
To Dent S. Pash, of Nelson County, $480.
To Elizabeth M. Patteson (formerly Lewis), in her own right and as administratrix de bonis non of William H. Lewis, deceased, late of Hart County, $2,825.
To Jacob H. Russell, of Lincoln County, $145.
To Mary Sisco, executrix of William Sisco, deceased, late of Nelson County, $209.05.
To George W. Smith, of Hardin County, $667.
To Thomas M. Beeler, administrator of David Standiford, deceased, late of Jefferson County, $85.
To James H. Taylor, administrator of Thomas W. Taylor, deceased, late of Nelson County, $90.
To William C. Kennedy, administrator of William Thixton, deceased, late of Jefferson County, $430.
To James W. Smith, administrator of Miles H. Thomas, deceased, late of Hardin County, $235.
To Abel A. Thompson, of Marion County, $124.
To W. C. M. Travis, of Crittenden County, $140.
To William H. Hughes, administrator of David Unsell, deceased, of Ballard County, $5,000.
To Alfred B. Vernon, of Hardin County, $82.25.
To John H. West, of Larue County, $150.
To Germania Safety Vault and Trust Company, administrator of William Wirts, deceased, late of Jefferson County, $597.

LOUISIANA.

To James M. Dowling, administrator of Mary T. Anderson, late of St. Landry Parish, $10,610.
To Nannie A. Badley, administratrix of Henry Badley, deceased, late of Baton Rouge, $3,442.
To Lucile Tounoir, administratrix of Arnaud Decuir, deceased, late of Pointe Coupee Parish, $575.
To Alphonse Meuillon, administrator of Antoine Donato Meuillon, deceased, late of St. Landry Parish, $3,490.
To Abram A. Harvey, guardian, etc., of the children of Abram A. Harvey, deceased, of Washington Parish, $1,990.
To Benjamin R. Keaton, of Washington Parish, $739.
To Luke Madden, administrator of Patrick Madden, deceased, late of Madison Parish, $845.
To J. A. Oubre, administrator of Eugene Oubre, deceased, late of Pointe Coupee Parish, $6,683.
To John A. Porche, of Pointe Coupee Parish, $550.
To Joseph St. Amand, administrator of Alphonse St. Amand, deceased, late of Pointe Coupee Parish, $612.
To Fanny B. Randolph and Dora L. Stark, of Avoyelles Parish, $16,500.

MARYLAND.

To Franklin A. Ash, administrator of John Ash, deceased, late of Washington County, $750.
To William T. Beeler and others, administrators of David Beeler, deceased, late of Washington County, $437.
To Thomas W. Crampton, of Washington County, $1,378.
To Ezra Daub, of Washington County, $248.
To John Grice, of Washington County, $240.
To Isaac Gruber, executor of John Cowton, deceased, late of Clear Spring, Washington County, $295.
To William M. Blackford, of Washington County, $6,206.
To Benjamin Brown, of Washington County, $450.
To James H. Elgin, of Washington County, $5,978.70.
To James B. Ferrell, of Frederick County, $592.
To William P. Hickman, administrator of George W. Spates, deceased, late of Montgomery County, $2,248.
To C. M. Keedy and others, executors of John J. Keedy, late of Washington County, $462.
To Benjamin F. Middlekauff, administrator of Henry J. Lowman, deceased, late of Washington County, $350.
To Daniel N. and Levi Middlekauff, administrators of John C. Middlekauff, deceased, late of Washington County, $160.
To Andrew J. McAllister, of Washington County, $50.
To Jacob F. Miller, of Washington County, $623.
To H. H. Keedy and Charles W. Adams, administrators of John Miller, deceased, late of Washington County, $475.
To Hamilton A. Moore, of Washington County, $180.
To the administrators or legal representatives of James W. J. Moore, deceased, late of Leonardtown, $1,040.
To Henry C. Mumma and others, executors of Samuel Mumma, deceased, late of Sharpsburg, $853.
To Victor Miller, administrator of Joshua Newcomer, deceased, late of Washington County, $880.
To John L. Nicodemus, of Washington County, $130.
To John L. Nicodemus, administrator of John Nicodemus, deceased, late of Washington County, $645.
To George W. Padgett, of Frederick County, $2,280.
To Samuel D. Piper, administrator of Elias S. Grove, deceased, late of Washington County, $809.
To James Resley, of Washington County, $514.50.
To Reuben Rouzee, of Montgomery County, $1,107.
To H. B. Snively and A. G. Lovell, executors of George Snively, deceased, late of Washington County, $174.
To Eveline Fries, sole heir of John Snyder, deceased, late of Washington County, $223.
To Eli Wade, William Wade, Mary E. Wade, Susan C. Wade, Elizabeth J. Hoffman, née Wade, heirs of Henry Wade, deceased, late of Washington County, $2,902.
To Eli Wade, administrator of John A. Wade, deceased, late of Washington County, $1,755.
To William B. White, of Montgomery County, $672.80.
To Laura C. Wilson, administratrix of Richard T. Wilson, deceased, late of Montgomery County, $1,455.
To Lewis Trone, of Washington County, $555.50.
To Daniel M. Mullendore, of Washington County, $370.50.
To Reuben A. Hurley, of Montgomery County, administrator de bonis non of A. F. Hurley, deceased, late of Lyon County, Nev., $1,150.
To Thomas Hilleary, of Frederick County, $627.
To James F. Pierce, of Montgomery County, $2,506.

MASSACHUSETTS.

To Augustus P. Burditt, of Boston, $5,130.

MISSISSIPPI.

To Bettie A. Aldrich, late of Washington County, $2,005.
To John C. Bailey, of Marshall County, $1,587.
To William H. Belue, administrator of Nathan H. Belue, deceased, late of Tishomingo County, $325.
To Rebecca L. Bolling, of Warren County, $845.
To Rebecca L. Bolling, administratrix of Emily R. Martin, deceased, late of Vicksburg, $1,760.
To D. J. Foremon, administrator of Sarah Burton, deceased, late of Warren County, $571.
To Preston Chavis, deceased, late of Warren County, $320.
To Calvin Cheairs, of Benton County, $5,543.
To Evan Cook, administrator of John S. Cook, deceased, late of Hinds County, $1,780.
To K. D. Wright, administratrix of Lucy Cordell, deceased, late of Hinds County, $984.
To W. T. Ratliff, administrator of Willis Cotton, deceased, late of Hinds County, $270.
To E. E. Temple, administrator of Drury Couch, deceased, late of Lafayette County, $1,696.
To Pleasant L. Crosby, administrator of Peter Crosby, deceased, late of Warren County, $225.
To Edward V. Dickens, of Panola County, $4,290.
To W. T. Ratliff, administrator of Peter Dunbar, deceased, late of Hinds County, $320.
To James G. Ferguson, of Warren County, $15,063.
To Samuel Bagnell, administrator of Ignatius G. Flowers, deceased, late of Claiborne County, $7,935.
To A. H. Hamer, administrator of George Gorman, deceased, late of Marshall County, $3,105.
To Sarah Goschorn, of Claiborne County, $564.
To Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, $19,445.
To Aaron Langley, of Hinds County, $380.
To Mary T. Leake, of Warren County, $225.
To Virginia Lowe, of Claiborne County, $615.
To W. C. Mitchell, administrator of W. W. Mitchell, deceased, late of Tallahatchie County, $1,042.
To Catherine Murchison, of Hinds County, $1,461.
To John C. Bailey, administrator of Andrew Nichols, late of Marshall County, $1,067.
To Henry C. Nichols, of Marshall County, $980.
To James H. Owens (or Owen), of Scott County, $325.
To R. J. Harding, administrator of Nelson Potter, deceased, late of Hinds County, $677.
To M. K. Redwine, administratrix of James A. Redwine, deceased, of Lafayette County, $545.
To Aaron Royston, of Marshall County, $250.
To Alexander Seals, of Marshall County, $390.
To Patrick Sheehan, of Warren County, $976.
To Claudius L. Shipp, administrator of Felix G. Shipp, deceased, late of Lafayette County, $1,895.
To T. C. Dockrey, administrator of William Sloan, deceased, late of De Soto County, $622.
To C. S. Farrar, administrator of Gray W. Smith, deceased, late of Marshall County, $11,080.
To Mrs. J. A. Sorrell, administratix of E. F. Sorrell, deceased, late of Alcorn County, $1,443.
To Albert H. Sprich, of Amite County, $750.
To Martha J. Stewart, of Jefferson County, $2,317.
To L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased, late of Warren County, $720.
To Emily Thrift, administratrix of S. B. Thrift, deceased, late of Warren County, $1,505.
To Martha Walker, administratrix of Sandy Walker, deceased, late of Marshall County, $350.
To Enoch P. Ward, of Marshall County, $1,673.
To Robert S. and George W. Woodbury, of Issaquena County, $2,570.
To Mattie S. Whitney, administratrix of Franklin Whitney, deceased, late of Claiborne County, $22,224.
To Allie V. Askew, administrator de bonis non of W. W. Neeley, deceased, late of Warren County, $8,540.

MISSOURI.

To E. W. Atchley, administratrix of Thomas V. Atchley, deceased, late of Laclede County, $350.
To Wiley Bailey, of Cass County, $225.
To Charles Balmer, surviving partner of Balmer & Weber, of St. Louis, $3,072.25.
To Daniel P. Belcher, of Cass County, $100.
To J. M. Bell, of Vernon County, $755.
To Charles P. Chouteau, as survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., assignees, through a court in bankruptcy proceedings, of Charles W. McCord, $174,445.75.
To George W. Claypool, administrator of Reuben Claypool, deceased, late of Greene County, $607.
To Thaddeus Collard, $150.
To Simeon Gilbreath, of Bates County, $389.
To David Graham, of Jackson County, $550.
To L. B. Hearrell, of Newton County, $744.10.
To A. L. and W. G. Keithley, of Taney County, $867.
To Mangram E. Langston, of Howell County, $350.
To John P. Legg, administrator of Arch. C. Legg, late of Henry County, $1,050.
To Pleasant Longacre, administrator of Richard Longacre, deceased, late of Cass County, $1,155.
To John T. Lynch, of Houston County, $150.
To John T. Lynch, administrator of David Lynch, deceased, late of Houston County, $175.
To James H. Moyer, of Iron County, $560.
To John L. Peters, surviving partner of John L. Peters & Co., late of St. Louis, $3,115.50.
To Jehu Robinson, of Webster County, $176.
To Joseph L. Walls, of Pettis County, $1,272.
To George Withers, administrator of H. M. Withers, deceased, late of Cooper County, $425.

NORTH CAROLINA.

To Furneyfold Mercer, of Jones County, $747.

OHIO.

To David Hicks, of Hamilton County, $340.

PENNSYLVANIA.

To the heirs of the estate of Nicholas J. Bigley, deceased, late of Pittsburg, Sarah M. McMeal, Joseph H. Bigley, Catherine L. Grace, Mary E. Smith, George Carrol Bigley, Susannah L. McCormick, Agnes Lorotta Suter, Nicholas J. Bigley, and John W. Bigley, $21,211.50.
To A. J. Schwartz, administrator of M. Schwartz, late of Adams County, $622.

TENNESSEE.

To M. A. Gober, administrator of Joseph T. Abernathy, deceased, late of Fayette County, $2,455.
To T. S. Galloway, administrator of Darling Allen, deceased, late of Fayette County, $1,880.
To Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, $900.
To George W. Beasley, of Fayette County, $618.
To William S. Bewley, of Hamblen County, $480.
To A. T. Bone, administrator of James T. Bone, deceased, late of Gibson County, $535.
To W. S. Beck, administrator of Joshua Beck, deceased, late of Hamilton County, $6,100.
To A. B. Cannon, administrator of Jane W. Cannon, late of Jefferson County, $150.
To Hugh Carothers, of Lawrence County, $720.
To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.
To Mary R. Rowlett, administratrix of Caleb R. Clement, deceased, late of Gibson County, $1,192.
To P. B. Robinson, administrator of William R. Collier, deceased, late of Madison County, $171.
To Slater and William Cowart, of Hamilton County, $3,771.
To F. L. Crafton, administrator of Paul C. Crafton, deceased, late of Gibson County, $258.
To A. B. Crenshaw, of Gibson County, $300.
To William Crews, of Gibson County, $125.
To M. V. Dalton, administratrix of Carson R. Dalton, deceased, late of Shelby County, $930.
To John Deaton, of Chester County, $125.
To Lucy E. Dowdy, executrix of W. P. Dowdy, deceased, late of Fayette County, $1,380.
To Thomas N. Doyle, administrator of Newsom Doyle, deceased, late of Fayette County, $1,630.
To Abner East, of Shelby County, $240.
To Washington East, of Shelby County, $165.
To W. J. Embry, executor of John P. Brown, deceased, late of Maury County, $5,192.
To Francis M. Freeman, of Giles County, $500.
To William A. Galloway, of Shelby County, $1,000.
To George L. Gray, of Franklin County, $1,643.12.
To S. E. Green, executor of A. P. Green, deceased, late of Hamilton County, $1,041.
To Elzira Hamilton, of Claiborne County, $1,320.
To Franklin E. Hardwick, of Bradley County, $632.
To S. B. Herbert, of Lawrence County, $425.

To C. M. Hunt, administratrix of John W. Hunt, deceased, late of Hardeman County, $4,200.
To Caty Jones, administratrix of William Irwin, deceased, late of Hawkins County, $125.
To William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, $13,378.
To Ann Kannell, administratrix of John Kannell, deceased, late of Memphis, $841.
To Stephen Kee, of Shelby County, $30.
To R. J. Burke, guardian of minor children of Peter Kelley, deceased, late of Madison County, $416.
To B. J. Kimbrough, administrator de bonis non of James Kimbrough, deceased, late of Shelby County, $1,091.
To Fredonia Knight, administratrix of Joseph T. Knight, deceased, late of Hardeman County, $260.
To Charles F. Beezley, administrator of J. C. Lanier, deceased, of Shelby County, $1,289.
To Thomas M. Leneave, administrator of Irby T. Leneave, deceased, late of Maury County, $750.
To J. I. McCown, of Lincoln County, $450.
To R. Love, administrator of D. W. McKenzie, deceased, late of Fayette County, $1,100.
To Sarah L. McLemore, administratrix of John C. McLemore, deceased, late of Shelby County, $2,830.
To William F. Moore, of Maury County, $1,347.
To William M. Murdock, of Hamblen County, $435.
To John W. Devine, administrator of John G. Newlee, deceased, late of Claiborne County, $4,250.
To A. M. Applewhite, administrator of Andrew J. Newsom, deceased, late of Fayette County, $600.
To R. H. Ogilvie, of Maury County, $2,150.
To Joseph M. Orr, of Greene County, $255.
To Pleasant Owen, of Knox County, $311.
To John Warren, administrator of James Pankey, late of Hardeman County, $1,730.
To J. C. Jenkins, administrator of B. M. Parham, deceased, late of Hardeman County, $282.75.
To Thomas Patrick, administrator of Marion Patrick, deceased, late of Jefferson County, $150.
To Andrew B. Phillips, of Maury County, $585.
To William Pickett, administrator of Jesse Pickett, deceased, late of Sequatchie County, $4,730.
To Fayette J. Pulliam, of Fayette County, $92.
To William A. Quarles, administrator of Mary Quarles, deceased, late of Jefferson County, $240.
To James A. Richardson, administrator of Ezekiel T. Keel, deceased, late of Shelby County, $833.
To John A. Roe, of Gibson County, $2,763.
To Robert Talley, of Haywood County, $175.
To Archibald R. Thomas, of Madison County, $938.
To H. L. Thomas, administrator of B. R. Thomas, deceased, late of Shelby County, $5,876.
To Wilkin Thomas, of Shelby County, $210.
To T. D. Thurman, administrator of John G. Thurman, deceased, late of Shelby County, $585.
To Joseph Townsend, administrator of Peter Townsend, deceased, late of Tipton County, $1,045.
To E. J. Tucker, of Fayette County, $675.
To John Loague, administrator of John N. Stephens, deceased, late of Shelby County, $500.
To W. T. Smith, administrator of Willis Robinson, deceased, late of Hardeman County, $225.
To Osborn Walker, of Wayne County, $625.
To Marshall Wallace, executor of William Wallace, deceased, late of Hawkins County, $675.
To T. S. Gallway, administrator of Thomas J. Waller, deceased, late of Fayette County, $2,260.
To Mary M. White, administratrix of Owen (or Orrin) White, deceased, late of Shelby County, $457.
To John W. Alexander, administrator of James S. Williams, deceased, late of Williamson County, $1,080.
To Thomas H. Williams, administrator of Harvey Williams, deceased, late of Shelby County, $759.
To Alfred A. Young, executor of Joseph Young, deceased, late of Giles County, $375.
To Fannie Young, of Giles County, $125.

VIRGINIA.

To Loftin D. Allen, of Henrico County, $1,651.
To William H. Anderson, of Frederick County, $749.
To Sarah W. Brown, of Alleghany County, $962.
To Susan Brown, of Culpeper, $264.40.
To William Bushby, of Alexandria, $1,728.85.
To Martha S. Clark, of Amelia County, $459.
To Alexander Donnan, administrator of Thomas Farrell, deceased, late of Prince George County, $3,207.
To Elkanah Fawcett, of Winchester, $1,871.
To John E. Febrey, of Fairfax County, $2,636.
To Samuel W. George, sr., of Loudoun County, $542.
To George W. Gunnell, administrator of Elizabeth Gunnell, deceased, late of Fairfax County, $5,124.
To Jesse Owings, trustee to Ann E. Harper, of Alexandria County, $1,688.
To St. Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, $996.
To Mary F. Lewis, of Clarke County, $1,002.
To John Mulholland, Peter Mulholland, and Patrick Mulholland, of Fairfax County, $630.
To Emily Taylor, executrix of William H. Taylor, deceased, late of Fairfax County, $1,935.
To James B. Russell, executor of Sampson Touchstone, deceased, late of Frederick County, $1,125.
To Rowena F. Vaughn, administratrix of Walker Vaughn, deceased, late of Culpeper County, $510.
To John Waldron, late of Greenbrier County, $6,984.20.
To V. Dallas White, administratrix of Benjamin K. White, late of Dinwiddie County, $2,203.
To William H. Woodard, of Shenandoah County, $772.
To Matthew Woodward, of Prince William County, $490.

WEST VIRGINIA.

To Moses C. Baylor, of Jefferson County, $1,144.
To Catherine Beck, administratrix of John Beck, late of Jefferson County, $365.
To H. P. Brown, administrator of William McClintic, deceased, late of Greenbrier County, $500.
To Rhoda Neal, of Greenbrier County, $345.
To John W. Ott, of Jefferson County, $706.
To Charles L. Pyles, of Kanawha County, $586.
To Joseph L. Roberts, of Jefferson County, $305.
To J. Ran Rhoderick, administrator of Benjamin Welsh, late of Jefferson County, $810.
To Henry T. Woody, of Kanawha County, $3,046.
To Samuel W. Wysong, executor of James Wysong, deceased, late of Jefferson County, $3,585.

Mr. STEWART. In regard to these claims, I wish to call the attention of the Senate to the fact that they have been referred to the Committee on Claims year after year. We have diligently examined them and reported them, and have continued to do so, and there is no doubt about the just indebtedness of the United States. If they can not be paid, I hope they will never again be referred to a committee of which I am a member. I do not want to be engaged in the idle work of examining claims and adjusting them and reporting them if Congress does not intend to pay them.

They are as honest debts as any the Government has, and it seems to me that after organizing a court and a committee, and having all the means in the power of the Senate to ascertain the justness of the claims, after they have been thoroughly examined, not only by the court but by the committee, they should not be refused consideration year after year. It seems to me this repudiation will be ascribed by the poor people who have claims against the Government to the fact that they have not the power and influence to enforce them. I think this Government, as great and strong and wealthy as it is to-day, should do by the poor as it does by the rich.

They have been kept waiting all the way from five to twenty-five years, struggling to get their rights. You will see that in a number of cases the money is to go to the administrator or legal representative. If the claims had been disposed of when they should have been, they would not be here now. They would not have accumulated. They have piled up, and now Senators say it is too much. I do not think it is dealing squarely with the creditors of the Government. I think they ought to be paid, and I hope that some disposition will be made of the claims. If they are never to be paid, let us know it and repudiate them squarely. To keep generation after generation waiting, refusing to make appropriations to pay their claims, it seems to me, is trifling with our credit and brings dishonor upon the Government. I hope we may have a vote upon the amendment, and that if these claims can not be paid now it will be understood that the Government intends to repudiate them.

Mr. BATE. Mr. President, since I was on the floor before, I have examined the two amendments of which we have been speaking. The one presented by my colleague [Mr. HARRIS] was submitted on the 16th day of December. That was before the Committee on Claims, and I find the committee offered some amendments——

Mr. ALDRICH. It is impossible to hear what the Senator from Tennessee is saying.

The VICE-PRESIDENT. The Chair desires to remind Senators that it is impossible to hear the remarks of Senators. There is constant complaint of conversation in the Chamber.

Mr. ALDRICH. What became of the amendment offered by the Senator from Missouri?

Mr. BATE. I have the floor.

The VICE-PRESIDENT. The Senator from Rhode Island addressed an inquiry to the Chair.

Mr. BATE. I did not hear it.

Mr. ALDRICH. I ask what became of the amendment offered by the Senator from Missouri?

Mr. BATE. That is pending.

The VICE-PRESIDENT. That is the pending question, upon which the Senator from Tennessee has been recognized.

Mr. BATE. I do not desire to make a speech upon it, although I might say with emphasis what has already been said by the Senator from Nevada [Mr. STEWART] in regard to the character of these claims. They are just and proper claims; they have been passed upon by the Committee on Claims and are here, and the Government owes the money. But I do not care to go into that. I only want to put my colleague and myself right. The amendment, as I have said, was introduced on the 16th of last December, and the one now offered in January following. It went before the committee. The committee acted upon it and reported it favorably, and they have made some amendments in it. Some claims are inserted and some stricken out, especially those paid since, and the committee, regarding it as best, have adopted, it seems, in lieu the amendment proposed by the Senator from Missouri [Mr. VEST], with these amendments on it, and thus it stands. I desire to say that under these circumstances I will not press the amendment which has been offered by my colleague, notwithstanding I think it entitled to precedence; but I will heartily cooperate with those who are seeking to put through the amendment offered by the Senator from Missouri. But in point of fact, my colleague, Senator HARRIS, who is at this time sick

and unable to be in the Senate Chamber, introduced on the 16th of December last the bill containing the list of claims which had been passed on by the Court of Claims.

Mr. VEST. I want to state, in order to dispose of this collateral question, that I did not know the Senator from Tennessee had introduced the amendment. I introduced it at the instance of a large number of claimants in my State who were pressing me upon the subject. I should very gladly have got rid of it, as of any other business, if I could.

I propose that the clause beginning with line 23, on page 46, down to and including line 15, on page 47, referring to this Chouteau claim, be added to the amendment and be stricken out of the body of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri to the amendment will be stated.

Mr. VEST. It is to transfer the Chouteau claim from the body of the bill to the amendment I have offered.

Mr. BURROWS. That will conform, allow me to say, to the amendment as reported by the Committee on Claims. The modification leaving out the Chouteau case is a modification made without the authorization of the committee.

Mr. VEST. That was in my original amendment, and was changed in the Appropriations Committee.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 22 of the amendment, after line 6, it is proposed to insert:

For payment to Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (Ninth Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (Twentieth Court of Claims Reports, page 220) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department on behalf of the United States with Charles W. McCord on the 9th day of July, 1864, $174,445.75.

Mr. BURROWS. That conforms to the amendment as reported by the committee.

Mr. BLANCHARD. Mr. President, on the general subject of the payment of judgments awarded by the Court of Claims, I desire to submit a few observations.

The Congress of the United States by giving the Court of Claims jurisdiction of certain claims against the Government of the United States invited these claimants to enter its doors and make good their claims against the Government. A good many claimants against the Government have availed themselves of that invitation of Congress as embodied in the law and have filed their suits in the Court of Claims, and findings of the Court of Claims on the facts and on the amounts due have from time to time been handed down by that court and transmitted to Congress.

While that has been the case, and while Congress has from time to time appropriated money to pay some of these awards, it is a fact that none of the claimants whose awards have been favorably acted upon since 1890 have been paid. In the years from 1890 until now, the Court of Claims has been going on with its work of investigation of these claims and making awards in them, and yet Congress, having invited these claimants to present their claims to this judicial tribunal, has been recreant to its duty in respect to providing money to meet judgments after they have been rendered.

It is high time that the Congress of the United States should either pay these judgments or else say to the claimants that they do not intend to pay them. As it now stands, the Court of Claims is a tribunal in which these claimants are ensnared to the extent of going to the expense of employing lawyers and the payment of witness fees to make their claims against the Government, and after this tribunal, selected by the Government, shall have rendered this award in favor of the claimants, Congress withholds the money to meet the judgment. It is an outrage upon the claimants, and the time has surely come when these awards of the Court of Claims should be paid.

Mr. LINDSAY. I understand the amendment introduced by the Senator from Missouri is pending.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri is pending, to which the Senator from Missouri has offered an amendment, which is now before the Senate.

Mr. LINDSAY. I desire to offer an amendment to the amendment. I will wait until the pending amendment to the amendment is disposed of.

The VICE-PRESIDENT. The Chair will recognize the Senator when the amendment to the amendment is disposed of. The question is on agreeing to the amendment of the Senator from Missouri to the amendment.

The amendment to the amendment was agreed to.

Mr. LINDSAY. I offer an amendment to the amendment.

The SECRETARY. At the end of the amendment it is proposed to add——

Mr. HALE. Where does that come in? At the end of the amendment already adopted?

Mr. LINDSAY. Yes.

Mr. VEST. My amendment came in after line 2 on page 11.

The SECRETARY. It is proposed to add on page 12, after line 2——

Mr. HALE. Have we reached page 12 of the bill? It ought to have been offered before the amendment was agreed to.

Mr. ALDRICH. The amendment has not been adopted. It was the amendment to the amendment which was agreed to.

Mr. LINDSAY. This is an amendment to the amendment.

Mr. HALE. I thought the amendment was just adopted.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri to the amendment which he offered has been agreed to, and the Senator from Kentucky [Mr. LINDSAY] offers an amendment to the pending amendment.

Mr. HALE. Where is it to come in?

Mr. LINDSAY. After line 2, on page 12 of the amendment.

Mr. HALE. Proceed.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 2, on page 12, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Thomas W. Campbell, of Louisville, Ky., the sum of $5,142, being the amount found due him by the Court of Claims for property taken during the late war by the United States Army as reported to Congress in House Miscellaneous Document No. 25, Fifty-third Congress, second session.

The amendment to the amendment was agreed to.

Mr. CAFFERY. I offer an amendment to the amendment.

The SECRETARY. It is proposed to add to the amendment:

To pay to Edward H. Murrell, amount collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him and turned into the Treasury, the sum of $1,409.34.

The amendment to the amendment was agreed to.

Mr. BURROWS. I offer an amendment to the amendment. On page 2, line 3, after the word "act," I move to strike out "namely" and insert "and all claims where the amount or amounts were found by said Court of Claims in its finding of facts in cases under the general jurisdiction of said court, namely."

The amendment to the amendment was agreed to.

Mr. ALDRICH. I should like to ask the Senator from Missouri, or some Senator who is familiar with what has been done in the last four or five minutes, what amount in the aggregate is involved in the amendment as it now stands?

Mr. VEST. I have not counted up the claims which we have just added, but the amount I read as in original amendment was $567,901.45. There has been something added—for Louisville, $5,000, in round numbers, and for Louisiana, $1,000; possibly $6,000 more.

Mr. ALDRICH. It must be evident, I think, to the Senator from Maine at this time that the proposition which I suggested this morning is now being acted upon. It is very manifest that the Senate is to put on the bill all claims which have ever been approved by the Court of Claims and all private claims that have been approved by any committee of this body or have ever passed the body; and if that is to be so, I do not know any reason why individual Senators who have claims which have never been approved by committees or perhaps have never been presented to the Senate should not take this opportunity of having the Government pay any claim which Senators think the Government is in justice bound to pay now or hereafter.

The Senator from Louisiana [Mr. BLANCHARD] says we ought to pay these claims now because they have been accumulating for the last seven years. I have an impression, which I think is shared by a great many people in this country, that the Treasury of the United States is not exactly in condition to pay the accumulated claims of two or three wars, and the accumulated claims which have been pending before the Court of Claims and before the various committees of this body for the last twenty-five years—I will not say for the last twenty-five years, because some of these claims have been pending fifty years.

Now, there can be but one result from this, it seems to me. Either the amendments will encounter fatal opposition in another body or the bill will meet the fate which a similar bill met last year, and deservedly met last year. I am not in the habit of indulging——

Mr. FAULKNER. I will ask the Senator why he thinks this bill will meet a similar fate? I am satisfied that if the authority to which he refers had any idea that these bills ought not to be paid he would have mentioned it in his message sent to us; but he carefully avoided making any comment upon this character of claims.

Mr. ALDRICH. The Senator from West Virginia is much nearer the authority to which he refers than I am, and perhaps is a better representative of that authority upon this floor; I am only speaking now of what a man occupying the position to which he refers would feel bound to do, it seems to me, in a case of this kind; that is all.

Mr. FAULKNER. Why more so now than then?

Mr. ALDRICH. I suppose he will occupy the same position he did then. I understand the Executive veto last year was based largely upon the French spoliation claims. If there is any justice or equity in any claim, it certainly pertains to the French spoliation claims. They have passed the Court of Claims and have been through all the various formalities which the claims now presented have been through. I am not in the practice of criticising the Committee on Appropriations, because I know how arduous are their duties and how earnestly they try to do what is right; and I saw with great regret this morning that that committee had undertaken to discriminate in regard to private claims which have been pending before the Senate, and I knew the Senate would put upon this bill before it passed substantially every claim which is now pending before Congress or has been pending in the last twenty-five years.

Mr. HALE. Let me call the Senator's attention to the fact that the Committee on Appropriations last year was submitted to precisely the same thing when it put no claims on.

Mr. ALDRICH. But they were put on, I will state, by a combination of interests here. They were put on by the Senate itself——

Mr. HALE. Undoubtedly.

Mr. ALDRICH. In opposition to its own rules or in spite of its own rules.

Mr. HALE. Undoubtedly a rule that the Senate committee always tried to observe of jealously excluding every claim was overruled, and claim after claim was put on—Bowman claims, spoliation claims, and other claims—much more numerous than anything that has been put on to-day or is likely to be put on to-day, I think.

Mr. ALDRICH. Is that any justification for a standing committee of this body in bringing in amendments to an appropriation bill that are clearly an evasion of or in violation of its own rules?

Mr. HALE. Yes; the Senate Committee on Appropriations made no deviation from the course that was taken in the body last year, and it did not discriminate. It did not put on either the spoliation or the Bowman claims, because they were distinctively claims by themselves, and the spoliation claims were especially the ground of the President's veto; but it put on all the claims that came under the rule the Senate adopted last year, leaving it to the Senate to strike them out if it chose, or to take the chances with the House and with the President. Now, the Senate can put on thousands and tens of thousands of claims more if it chooses, and it is likely to do so; but it does not follow that it would not have done it if nothing had been put on by the committee, because last year when nothing was put on the same result was reached. The truth is, the Senate is bound to put these claims on and the result, quite likely, will be what it was last year running the gantlet of the House and the Executive, and not one of them will pass. Senators take that chance when they put these claims on the bill.

Mr. DANIEL. Will the Senator from Maine allow me to inquire if some of the Bowman claims are not in the bill?

Mr. HALE. There are some that have been segregated, which have heretofore passed the Senate, which are distinctive and by themselves.

Mr. DANIEL. Will the Senator allow me to state that other claims have passed the Senate distinctively in the same way. These have been put on by the committee; they have been selected by the committee and taken out from that class and attached to this bill.

Mr. HALE. No; they have not.

Mr. DANIEL. On page 10 is the payment of the claim of the heirs of Sterling T. Austin.

Mr. HALE. That case has passed the Senate time and again distinctively.

Mr. DANIEL. So have these others.

Mr. HALE. No; they never were included in the list of the Bowman claims.

Mr. DANIEL. They are of the same class.

Mr. HALE. These never have been included in the Bowman claims. They were in a separate and distinctive bill.

Mr. DANIEL. They were found to be due by the Court of Claims.

Mr. HALE. If the Senate chooses to put on the Bowman claims, of course it can do it and take its chances. The Senate can make this bill, as it has heretofore, a bill of claims. The result will be, after a while the pendulum will swing back and the Senate will insist upon its rules that not one claim shall go on. But the reverse has been the case, and the Committee on Appropriations has now, for the first time, selected the claims that have already been passed by committees and put them on, and has taken the chances.

Mr. DANIEL. I beg leave to ask the Senator if this claim is not put on under the rules of the Senate?

Mr. HALE. It is the rule that the Senate fixed at the last session.

Mr. DANIEL. Is it not in the rules of the Senate that if an amendment is reported by a committee it may be offered as an amendment?

Mr. HALE. That is what the Senate has decided, that private claims may be put on this bill.

Mr. DANIEL. One, I think, is as much of a rule of the Senate as the other.

Mr. HALE. Undoubtedly. I have not made any point of order against the Bowman claims, the Senator must have noticed.

Mr. DANIEL. I was only inquiring for information from the Senator. He seemed to forget that the Senate was following its own rule.

Mr. HALE. I do not make any point of order. I do not think any of them are in order under the written rules, but the Senate has decided otherwise.

Mr. DANIEL. It seems to me they are within the rule.

Mr. HALE. That is the decision the Senate has made. I do not think under the clause at the end of Rule XVI any claim is in order, but the Senate has decided otherwise, and has decided that a bill which has passed the Senate and has been reported by a committee has already been adopted by this body in one way or the other and is in order. I made no point on the Bowman claims on that account.

Mr. ALDRICH. Mr. President, I realize that the opinion or the vote of any individual Senator is powerless in this matter. These claims and the interests they represent are so widespread, they reach into so many States and to the representatives of so many States, that my words are simply wasted. But I desire to suggest to Senators who have the responsibility of these enormous appropriations that if these claims are to be paid in spite of the established rules of the Senate, some period ought to be selected for their payment when the Treasury is in a different condition from what it is to-day, when the country is better able to pay, when the revenues are somewhere near adequate in view of these great expenditures. Wait until next year. I am in hopes we shall then have a revenue sufficient to pay any legitimate claims upon the Treasury. Postpone your zeal in behalf of your own constituents or your own friends for a while. Do not load up this bill with all the claims, as I have already stated, that have been pending before the Senate for a generation. We can not afford to do it.

Mr. HOAR. I should like to ask the Senator from Rhode Island a question before he sits down. He has been investigating this matter. Has he heard any suggestion anywhere, or will he make one himself, that these claims are not absolutely just and due from the United States?

Mr. ALDRICH. There are two questions which I am suggesting to the Senate: First, that if these claims are just, they should be paid in another way and at another time. I am not undertaking to say whether the claims are just at all. They are here in violation of the rules of the Senate. They are put upon this bill in violation of the rules of the Senate. An appropriation bill is not the proper place to legislate for claims, whether they are just or otherwise.

Mr. HOAR. What is the proper place? The Senator says these are claims a generation old. The French spoliation claims, claims as honest, righteous, and just as ever existed, claims against the Government of France which we took and used to pay off a great international obligation and saved ourselves from war, perhaps, have been pending for over ninety years. These claims, the Senator says, are a generation old; that is, they are claims that we have not paid when the Treasury was full and running over; and I should like to know whether the Senators who object to this way of paying them believe them to be honest or not?

Mr. ALDRICH. I imagine some of them are honest and some of them are very dishonest; that is, if the truth could be accurately known. If the Senator wants a categorical answer, I have no doubt some of them are honest and some of them are very improper claims.

Mr. HOAR. Will the Senator mention those he thinks are dishonest? The Court of Claims has found them to be claims of a high order, and a committee of the Senate composed of eleven able Senators, every one of them fit to be chief justice of the State where he lives, or nearly every one of them, has examined them and found them all honest. Now, will the Senator point out which of the claims which these two tribunals have approved are defective?

Mr. ALDRICH. I do not think the Senator from Massachusetts expects me to answer that question. I think the Senator must be as well aware as I am of the character of his own question.

Mr. HOAR. The reason why I do not expect my friend to answer the question is because he can not answer it without getting into a logical scrape.

Mr. ALDRICH. I do not think so at all. I have two reasons for protesting against placing all this class of claims upon this

bill. In the first place, I say it is a violation of the rules of the Senate, which were adopted deliberately, or the authority of the Senate to prevent legislation upon appropriation bills, or to pay private claims upon general appropriation bills. That has been the policy of the Senate from the commencement. If private claims are just and honest, they ought to be passed in the ordinary and usual way, as other bills are passed. The Senator from Massachusetts is now in charge in the Senate of the general bankruptcy bill, the adoption of which he believes is essential to the continued prosperity of the country. There is no more reason why that bankruptcy bill should not be put upon this general deficiency bill, as far as the rules of the Senate are concerned, than that the claims which are now presented and which the Senator is advocating should be placed upon it.

Mr. HOAR. It is true I am in charge of a general bankruptcy bill, but I never proposed to have the United States go into bankruptcy, and if I did I should hope at least she would never go into fraudulent bankruptcy. I think the repudiation of these claims is just that.

Mr. ALDRICH. There is no repudiation of claims at all involved in the course which I have suggested. It is that they shall be paid by legislation in the course which the Senate and House of Representatives have adopted to govern legislation of this kind. It is not that you shall put on by a logrolling scheme (and I do not mean to be offensive at all in that suggestion) all the claims which every Senator has ever presented to the Senate at any time and to pay them in one fell swoop from the Treasury of the United States when that Treasury is in the condition of our own to-day.

The Senator from Massachusetts, I think, has served for a long time upon the Committee on Claims, and I have no doubt that he has given a great deal of honest and conscientious work to his investigations in that direction; but the fact that the Court of Claims and the Committee on Claims have reported favorably bills to the Senate is no evidence to my mind that the Senate ought to violate its rules and pay those claims by a different method than is prescribed in those rules. If the Senator from Massachusetts is in charge of a claim here that is honest, it ought to be paid. With his zeal and intelligence and fidelity he can secure the passage of a bill here, and if the claim is of the nature he suggests it can be passed in the other House and become a law upon its merits, and not because it is placed here in an aggregation involving an expenditure of millions of dollars that he knows will secure votes enough on account of its magnitude to pass the Senate.

Mr. HOAR. Mr. President, I will state the position in which we are placed. The Senate has found by experience the contrary of what my honorable friend from Rhode Island assumes. Let a claim be as clear as daylight, unquestioned by anybody, thoroughly sifted, found just by the ordinary courts of the United States, then referred to the Court of Claims and reaffirmed as just without a division, then brought to a committee of this body and scrutinized again, then pass this body and scrutinized again, and you carry it to another place and say to the highest authority there, "All this which I have just recited is the fact about this claim, this demand," and that authority will reply, "I know it; it is absolutely just and honest, and the citizen of the United States to whom it is due is suffering and poor and in distress, but I will not let this body act on it. I will not even submit it where a two-thirds vote is required, because if I do the gate will be opened and millions and millions of unjust, extravagant, and dishonest claims will pour in." That proceeding will be supported and submitted to, and the result is that these honest claims against the Government of the United States become old and stale and a burden, and wearisome to the flesh of everybody who has legislative responsibility here. At the same time that action will be accompanied by attacks in the press and attacks in deliberative bodies upon the Senate as a body that wastes time and discusses things, and does not carry out promptly the will of the people by reason of securing here an opportunity for debate.

The Senate of the United States had the rule which has been cited, and in view of that condition of things it adopted a year ago, and I do not know but earlier, a policy which is either a repeal of that rule or a destruction of it, one or the other, and declared that these things should be so enacted here that they at least should be presented to the other body, whose concurrence in legislation is necessary. While as an original question my honorable friend from Maine [Mr. HALE] and my honorable friend from Rhode Island [Mr. ALDRICH] are right, the thing is settled by precedent and construction here the other way, and it has been, in my judgment, righteously settled.

I do not think we ought to be frightened by the suggestion that there are so many of these claims pending against the Government. Either the Senate and the House of Representatives can be trusted to deal with them honestly, if they can be explained and discussed, or if they do not deal with them honestly when they are explained and discussed the public will find them out, and sooner or later they will furnish a remedy. The way to secure honesty of legislation in any free country is freedom, and not to put the legislative body into a straight waistcoat or tie it up in a sack. I have little respect for a man who keeps his credit good at his bank, pays his business paper when it is due, and cheats his grocer or his washerwoman because they can not affect his credit. And I have as little patriotic pride in that particular in a country that prides itself on the scrupulous good faith with which it pays its bonds and cheats by these delays or evasions honest citizens whom it has plundered of the property which belonged to them under its Constitution and laws.

The Senator from Rhode Island talks about logrolling. I never heard of this amendment until I came into the Senate, long after it had been offered and when the discussion had gone on for some time. But how is it possible that these claims, every one of which in its order has passed the Court of Claims and has passed the Committee on Claims, can be liable to such a charge? It is the regular bill intended to carry out the judgments of the Court of Claims, which comes in here as carefully guarded to secure against such an evil method of legislation as it is possible for the wit of humanity to guard.

Mr. President, we enacted the Bowman Act, which was an act drawn by a very industrious and useful colleague of my own, whose legislative career was cut short too soon for the interests of the Commonwealth and of the country he so faithfully served. It was regarded as a great measure of legislation. We said: "We are going to do what few governments on earth do. We are going to let the citizen who has got a good claim against his country come into court as an equal and have his fair trial before a court of our own selection, before learned judges appointed by the President and approved by the Senate." And now when those judgments come in, where all the care and safety of a judicial inquiry exists, where the Attorney-General was present, and where the court, if it erred at all, errs by the common judgment of everybody who knows about it in an overscruple, I think we are bound to see that justice is done the people who have these just claims. If we can do it in accordance with our ordinary rule, very well; but by the rules, through the rules, or over the rules, I think this justice ought to be done to these citizens.

Mr. ALDRICH. Mr. President, I do not think that any person in the Senate or out of it can properly accuse the Senate of the United States of illiberality in their treatment of private claims or injustice in regard to private claims. We have, under the rules of the Senate, nearly 365 days in the year, when the Senate is in session for that length of time, or whatever number of days it may be in session, during which private bills and private claims may be considered by this body, and there is no restraint upon any Senator offering claims of this kind. They go to the Committee on Claims of this body, which no man has ever ventured to accuse of illiberality in their treatment of claims. They are then reported to the Senate, and each case is treated upon its merits and passed upon by the Senate, or should be, with deliberation. They are then sent to the other House for its approval, and to the Executive for his approval. Those bills can be considered in order at any time and in order anywhere except upon general appropriation bills.

Mr. STEWART. Will the Senator allow me to make a suggestion to him?

Mr. ALDRICH. Certainly.

Mr. STEWART. There are many of these bills which have passed the Senate once, twice, three, four, and as many as five times. I have known of entirely unobjectionable bills passed by the Senate at each session of Congress for as many as four succeeding Congresses which did not pass the House. They would go over there and everybody there said they did not have any opportunity to have them taken up and considered. So they go and come. If you look at the history of these bills, you will find that many of them, as I have said, have passed repeatedly in every Congress, and what are we to do about it?

Mr. ALDRICH. During my sixteen years of service in the Senate I have very rarely known the Senate to refuse to pass a bill to pay any private claim which had any pretense of honesty in it.

Mr. STEWART. The Senate does not refuse to pass the bills. The refusal is in the other House.

Mr. ALDRICH. There is no doubt about that. If those claims pass the Senate and do not receive the approval of a coordinate branch of this Government, are we to say that "unless you do approve those specific bills there are to be no appropriations made to carry on the Government"?

Mr. STEWART. We do not intend that.

Mr. ALDRICH. Shall we say to the other body, "We will force you to do one of two things—either that no appropriations shall be made for this Government or else you must take them with the additions that we propose"? Are you going to say to those gentlemen that these claims, as the Senator from Massachusetts has said, whether the claims are just or unjust——

Mr. STEWART. They are just.

Mr. HOAR. If my honorable friend will allow me, I did not say that.

Mr. STEWART. I do not accuse the House of injustice, but that it does not consider such bills and has not considered them. They are not taken up, and can not be taken up.

Mr. ALDRICH. I hope the Senator from Nevada will allow me to go on with what I have to say.

Mr. STEWART. I do not say that those bills are not reported by the House committees, but that they are not considered by the House itself.

Mr. ALDRICH. Mr. President——

Mr. HOAR. If the Senator will allow me, I did not say what he has attributed to me.

Mr. ALDRICH. I do not desire to misquote the Senator from Massachusetts. The Senator from Massachusetts deliberately said that by the rules, or over the rules, these claims must be paid.

Mr. HOAR. That is a very different thing from saying what the Senator just stated, that I had said whether they were just or unjust they must be paid.

Mr. ALDRICH. Wait a moment. The Senator from Massachusetts can not undertake to say to me or anybody else that he knows whether those claims are just or unjust or proper in amount.

Mr. HOAR. Mr. President——

Mr. ALDRICH. It is not within the power of any man, however great his ability may be, to know whether such claims are just or not; and when the Senator says that those claims, by the rules, or through the rules, or over the rules, are to be put into an appropriation bill, it becomes a menace, a threat to the House of Representatives and to the President of the United States, that "if you do not sign this bill, including these claims, then the Government of the United States must stop for the want of appropriations."

Mr. HOAR. If my friend will allow me for a moment——

Mr. ALDRICH. Certainly.

Mr. HOAR. I said that these claims were ascertained to be just by the court of our own creation, by the committee of our own creation, and by the Senate; and being so ascertained, that, if I could accomplish it, they should pass by the rules, through the rules, or over the rules. That I stand by.

Mr. STEWART. Allow me——

Mr. ALDRICH. I decline to yield.

Mr. HOAR. I ask the Senator to allow me a word further. When the Senator from Rhode Island stated that I had said those claims should be put on whether they were just or unjust—not purposely, I know, but very carelessly, very recklessly, very unjustly—he made a gross perversion of my language.

Mr. ALDRICH. If I understand the position of the Senator from Massachusetts—I certainly have no desire to misrepresent him—it is this: That the Court of Claims has said that these claims were just, and the Senator from Massachusetts, or the Committee on Claims of this body, have said they were just.

Mr. HOAR. The Senator is wrong.

Mr. ALDRICH. And the Senate having said they are just, though the House of Representatives do not agree with that opinion, and the President of the United States, clothed by the Constitution with authority of approval or disapproval of those measures, should conclude that they were not just, that then, through these rules or over these rules, I will force those gentlemen to accept these claims, whatever may be their character.

Mr. HOAR. That is your logic, and not my statement at all.

Mr. ALDRICH. If that is not the logical conclusion from the Senator's statement, I do not understand the English language.

Mr. HOAR. My friend will pardon me. He understands the English language very well. He does not understand logic the least in the world. [Laughter.]

Mr. ALDRICH. I used the word "logrolling," and the Senator suggested that there is no logrolling in this scheme. I said I did not intend to use the word "logrolling" in an offensive sense. I said these claims reached out in so many directions and included so many States and so many Senators that it was impossible here to resist their adoption upon the floor of the Senate. That is what I said; and I meant no offense to any Senator by saying it. I said that this amendment and those referred to by the Senator from Missouri [Mr. VEST] are only the commencement of the amendments to be offered this afternoon and adopted by the Senate. The $600,000 involved in this amendment will grow, as the Senator from Maine knows, before this bill is passed, into so many millions, or more; and all I ask and all the suggestion I have to make is a word of protest, which I know is absolutely futile and useless, that this legislation ought not to be carried on in this way and ought not to be adopted at this time, in the present condition of the Treasury.

Mr. STEWART. I wish to call attention to the fact that the Committee on Claims never puts a claim into this bill which has been rejected by the other House. That, I believe, is a rule well understood. There are many claims in this bill which have repeatedly passed the Senate and have been repeatedly approved by the committees of the House of Representatives. After they have gone through Congress after Congress, and have not been acted upon, it is not antagonizing the other House or questioning its judgment when it is a notorious fact that that House has never had an opportunity to vote upon the bills. If they had been rejected by the House of Representatives they would not have been put into this bill.

There may be some bills which have been rejected by the other House, perhaps, but I think it is very seldom that such bills have been subsequently reported favorably by the Senate committee. But when they have been once discussed in the other House and rejected on their merits, the committee regards that as the end of the claim. But these bills have been repeatedly passed through the Senate, and the only reason assigned by anyone in the H use of Representatives for their not passing there is that there is no opportunity to bring them to the attention of the House. You go to the chairman of a committee there and inquire what has become of a bill, and he will say, "Here it is; a just bill, but I can not get the eye of the Speaker; I can not get the bill up; there is so much other business pressing." It can not be done; the House can not consider it.

The fact that the House of Representatives can not consider these claims and does not consider them imposes an additional duty on the Senate to bring them to the attention of the House in some form. A single bill involving two or three hundred dollars, which has been reported upon favorably and about which there has been no doubt, does not attract attention in the House, and can not in that large assemblage, in the way it is organized. There is no disguise about the fact that they can not consider these bills in detail, and do not do it.

Mr. TURPIE. I offer an amendment to the pending amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, line 21, after the word "claims," it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative of the estate of George McDougal, the sum appropriated in the general deficiency bill of August 4, 1886, to pay the judgment of the Court of Claims in favor of John Paul Jones, administrator, in the same manner as though said judgment had been affirmed on appeal to the Supreme Court of the United States, to wit, the sum of $81,250, but without interest or costs, which said sum shall be accepted in full for all claims for principal and interest.

Mr. HALE. Is that reported by any committee?

Mr. TURPIE. Mr. President, the validity of this claim has been reported from the Committee on Claims, in support, however, of a separate bill which was passed by the Senate six days ago. This claim passed the Senate at the last session. It has gone to the other House and has been favorably reported there, but it has not been acted upon, and will not be reached. It has passed twice through the favorable report of the Committee on Claims of the Senate after it had been adjudged in the Court of Claims. It has every possible evidence of verity. The foundation of it is for meat and flour—$80,000 worth of it—sold to the commissioners of the United States to treat with the Indians in 1850, in their country which we had taken possession of without treaty and against treaty. These supplies were furnished at that time when the Indians were almost at war against the miners of California. The claim has been ever since pending. It has not been denied; it has never been disputed; it has always been admitted.

I think it is perfectly in order to offer it, and that it is not subject to the point of order. I know that Senators have urged against a claim of this kind that it is in violation of the rule. I submit such claims are not in violation of any rule; that they are not urged against any rule. The Senate has a right to make a rule to-day in any case and by any vote, and that special rule bears the same resemblance as a special act does to a general law. It is as regular, it is as constitutional as any printed rule there is numbered among those published as such. Those laws published as such were made by the aggregation of votes; they were made, if I may use the colloquialism, by logrolling; they were made by compromise; and the Senate may to-day make a special rule in favor of this claim or in favor of any claim by special vote for its allowance.

Nor is this claim urged against the coordinate branch of the Legislature. It is not a matter outside of conference or concurrence. It has not been rejected in the House, and it is submitted in this bill as the Bowman claims are submitted to the House; just the same.

The conference committee is composed of an equal number of members of both Houses, and when it acts upon either claim both Houses act, and when they concur or nonconcur in a report the Houses must afterwards act upon the action of the committee before it.

There is no possible parliamentary objection to the consideration of this claim or any of those which are offered as amendments.

Mr. HALE. If the amendment comes under the rule the Senator declares it does, then that is the end of it. I want to say, however, to Senators that they should bear in mind that the more

heavily this bill is loaded the more danger it will encounter elsewhere. I do not need to elaborate that. Every Senator knows that. I should like to have a vote on the amendment which has been presented by the Senator from Missouri, and then go on; and after this I must insist that the order be carried out, that the committee amendments, as they are reached in the reading of the bill, shall be acted upon, and when we are through with those amendments, then Senators, in their discretion and in their judgment, must consider whether it is worth while to seek to put everything onto this bill.

The rules and the policy which the Senate has adopted in the last year or two are very liberal, but they may be well found to react against the very object of those rules and prevent anything being done. So, Mr. President, I hope we may now have a vote upon the proposition of the Senator from Missouri.

Mr. BLANCHARD. I desire to offer an amendment to the amendment of the Senator from Missouri.

Mr. HALE. The Senator from Indiana [Mr. TURPIE] has an amendment pending to that amendment.

The VICE-PRESIDENT. The Chair will state that the pending question is upon the amedment submitted by the Senator from Indiana [Mr. TURPIE] to the amendment submitted by the Senator from Missouri [Mr. VEST], and the amendment of the Senator from Indiana will first be disposed of.

Mr. HALE. Let me say further, Mr. President, that I am very desirous that we should pass this bill, and if it shall be passed, as it easily can be, unless hindered by discussion, by 6 or half past 6 o'clock, then there will be no need for an evening session, because then the committees of conference can go to work. But if the bill is delayed and runs over that time, we shall have to take a recess and have a night session, and the Senators know that if that can be avoided, after those we have had, it is worth their while.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Indiana to the amendment of the Senator from Missouri. [Putting the question.] The noes seem to prevail.

Mr. VEST. I want to make a single statement to the Senator from Indiana. I want to state that I will vote for the amendment of the Senator, but I would prefer, if agreeable to him, not to put the claim provided for in his amendment on the Bowman claims. It is not one of those claims. They are sui generis, under the Bowman Act, while this claim is not. I will vote for it because it is a just claim; I have no doubt, if the Senator states so, but I do not want to endanger the Bowman claims.

Mr. TURPIE. I will submit to the Senator from Missouri, and to the Senate also, that although this is not properly a claim under the Bowman Act, as there is no question of loyalty involved in it, the original claim being that of an Indianian for supplies furnished to the Indians of California upon the order of our commissioners engaged in the acquisition peaceably of the gold mines in California. McDougal took the same place that Vigo did with George Rogers Clark in the Northwest, in furnishing commissary supplies to the Federal commission in 1850, at that time treating with the Indians of California. Although this is not properly offered as a Bowman claim, yet it was considered by the Court of Claims in the same manner as those under the Bowman Act, and received the same adjudication with reference to its correctness, its verity, its honesty, and I trust it will not be excluded from the category of cases which are now to be added to this bill.

These provisions were furnished to the Indians at the request of United States commissioners and were paid for in drafts upon the Department of the Interior, which the Department refused to pay because no appropriation had been made for that purpose. More than forty years have since elapsed. Let us make the appropriation now. The amount includes no interest; it only covers the face of the drafts.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

Mr. DANIEL. Was the vote taken on the amendment of the Senator from Indiana, Mr. President?

The VICE-PRESIDENT. The Chair submitted the question, and the "noes" seemed to prevail; but the Chair will again submit to the Senate the question on the adoption of the amendment proposed by the Senator from Indiana to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

Mr. BLANCHARD. I send to the desk an amendment to the amendment offered by the Senator from Missouri. I would state that the amendment which I send up is an award or finding by the Court of Claims under the Bowman Act.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 9 of the amendment, after the word "dollars," it is proposed to insert:

To Marie Eliza Payne, of Natchitoches Parish, $5,476.

Mr. VEST. Is that under the Bowman Act?

Mr. BLANCHARD. Yes, sir; it is under the Bowman Act, and has been adjudicated by the court.

The amendment to the amendment was agreed to.

Mr. HALE. Now, let us have a vote on the amendment of the Senator from Missouri.

Mr. ROACH. If the Senator will allow me, I desire to offer an amendment which I think ought to come in here.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $1,621.56, in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to the heirs of said Margaret Kennedy is to be in full compensation for all claim or demand of the heirs of said Margaret Kennedy, as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy in the District of Columbia, being the farm on which Fort Sedgwick was erected.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from North Dakota.

Mr. FAULKNER. I do not think that ought to be passed.

Mr. BERRY. I hope the Senator will not object to that claim. The man has been here for twelve years that I know of.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Dakota to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is upon the amendment submitted by the Senator from Missouri as amended.

The amendment as amended was agreed to.

Mr. PUGH. Mr. President——

Mr. HALE. I must ask that the rule be enforced and the bill be read so that the committee amendments may be taken up. That course has already been agreed to. Then after that is through Senators can offer their amendments. That has always been the rule, and I must insist upon its being enforced.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 11, after line 2, to insert:

Ford's Theater disaster: To provide for the payment of employees of the Government for injuries received and for losses sustained, and for three death cases, at the Ford's Theater disaster, which occurred on the 9th day of June, 1863, $34,525, which sum shall be paid out by the Secretary of the Treasury to the persons and in the amounts as follows: Thomas D. Anderson, $300; Ethelbert Baier, $2,500; Edward C. Carroll, $900; George R. Garnett, $1,500; Thomas Morley, $2,250; Charles R. Miller, $3,500; George W. Smoot, $1,200; Smith Thompson, $2,000; Nathan F. White, $1,500; H. P. Willey, $300; James A. White, $1,000; Mrs. Georgie R. Baldwin, legatee under the last will of David Henry Porter Brown, $5,000; Nina A. Kime, legatee under the will of her husband, $5,000; to the legal representative of William Schrieber, deceased, $5,000; Wilson H. Thompson, $1,000; Sherman Williams, $2,000; Charles G. Smith, $75; Richard C. Jones, $200; for compensation to E. V. Brookshire as a member of the Ford's Theater Commission for twenty-three days subsequent to the expiration of his term in the House of Representatives and since May 11, 1896, at $10 per day, $230: *Provided*, That the provision of the sundry civil appropriation act approved August 18, 1894, appointing a joint commission consisting of the select committee of five Senators, appointed by the President of the Senate, and five members of the House of Representatives, appointed by the Speaker of the House of Representatives, to investigate and report upon the Ford's Theater disaster, be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Engraving and Printing," on page 13, line 22, to increase the appropriation for pay of assistant custodians and janitors for the fiscal year 1896 from $969.34 to $999.40.

The amendment was agreed to.

The next amendment was, on page 15, line 6, to increase the appropriation to supply deficiency in the appropriation for "suppressing counterfeiting and other crimes" from $5,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "suppressing counterfeiting and other crimes," for the fiscal year 1895, $154.95.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

Credit in accounts of Col. C. B. Comstock and Col. George H. Mendell: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of Col. C. B. Comstock, brevet brigadier-general, United States Army, the sum of $42, standing against him on the books of the Treasury; and to allow and credit in the accounts of Col. George H. Mendell the sum of $472, standing against him on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 19, after line 18, to insert:

Protection of salmon fisheries of Alaska: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Protection of salmon fisheries of Alaska," for the fiscal year 1896, $44.36.

The amendment was agreed to.

The next amendment was, on page 19, after line 24, to insert:

World's Columbian Exposition: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Synopsis of Department reports, World's Columbian Exposition," $98.45.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to insert:

For payment to N. E. Dawson, for services rendered the World's Columbian Commission, $500.

The amendment was agreed to.

The next amendment was, on page 20, after line 7, to insert:

Payment to Ella M. Hendricks: To pay Ella M. Hendricks amount erroneously collected by the Government and deposited in the Treasury as rent received from E. S. Cummings, under lease by the United States of lot 23, in Wager Six-Acre Reservation, Harpers Ferry, W. Va., it since appearing that the title to said lot was not vested in the United States, but was and is the property of the aforesaid Ella M. Hendricks, $87.50.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

Settlement with James M. Willbur: The Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished, by the direction of the Secretary of the Treasury and Senate committee, by the experts Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn, to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminating tiling, frames, and supports thereof, placed by said Willbur in and around the New York City post-office and court-house building beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling, or in the quantity thereof, from that which was specified in said contract.

That the Secretary of the Treasury shall, within sixty days after the making of said report, pay to said Willbur such amount as he shall find from such report to be due to him, which sum shall be taken and received by said Willbur in full and final settlement of all and every claim against the United States on said account, and such sum as may be necessary to pay the amount so found due is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

Payment on account of wreck, revenue cutter *Gallatin:* To enable the Secretary of the Treasury to reimburse the survivors of the officers and crew of the United States revenue cutter *Gallatin*, wrecked off the coast of Massachusetts on the 6th day of January, 1892, for losses sustained by them, respectively, in the wreck of said vessel, $12,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Treasury, in determining the amount of such losses, shall in all cases require a schedule and sworn statement of loss, and that no allowance shall be made for any property except that which was useful, necessary, and proper for said officers and crew while engaged in the Government service on board such revenue cutter.

If any survivor of said wreck entitled to the benefit of this appropriation shall have died before receiving the reimbursement provided for, then such sum, when duly ascertained, shall be paid to his widow, if one survive him, and if not, then to his minor children, if any there be; and the benefit of this provision is further extended to the surviving widow or minor children of any officer or member of the crew of said revenue-cutter *Gallatin* whose life was lost at the time of such wreck, and in this case the Secretary of the Treasury may dispense with the sworn statement provided for herein.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert:

To pay W. L. Cook for services as clerk and custodian of records of the United States second judicial district court of the late Territory of Utah from January 6 to March 10, 1896, both days inclusive, $280.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "International exchanges, Smithsonian Institution," for the fiscal year 1896, $179.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 27, after line 21, to insert:

For rebuilding fish-transportation cars Nos. 1 and 3, which have worn out in the service, $10,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert:

For rebuilding steam launch in use on Potomac River in connection with shad-hatching station thereon, $2,000.

The amendment was agreed to.

The next amendment was, on page 28, line 6, to increase the appropriation for the construction of a dwelling house for the superintendent at the station of the United States Fish Commission at St. Johnsbury, Vt., from $2,500 to $4,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 30, after line 11, to insert:

Lighting: To pay the Washington Gas Light Company for extra lighting, being for the service of the fiscal year 1896, $3,715.07.

The amendment was agreed to.

The next amendment was, on page 35, line 3, after the word "fifty," to insert "and Senate Document No. 161;" and in line 6, after the word "deceased," to strike out "$959.75" and insert "$1,444;" so as to make the clause read:

Judgments: For the payment of judgments, including costs, against the District of Columbia, set forth on page 10, House Document No. 250 and Senate Document No. 161 of this session, except the judgment in favor of Elizabeth L. W. Bailey, administratrix of David W. Bailey, deceased, $1,444, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

National Homeopathic Hospital: To pay for a fire escape erected on the hospital building in May, 1896, by the order of the Commissioners of the District of Columbia, $480.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Physicians to the poor: For amount necessary to pay the physicians to the poor in full satisfaction for all services during said period for vaccinating 11,980 persons during the smallpox epidemic, from October, 1894, to January, 1895, inclusive, $1,500; $75 to be paid to each physician.

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to insert:

Relief of Andrew H. Russell and William R. Livermore: The Court of Claims is hereby authorized to take jurisdiction of a suit to be brought by Capt. Andrew H. Russell and Maj. William R. Livermore on account of the alleged infringement of their patent, No. 230823, dated August 3, 1880, for a magazine firearm, granted to said Andrew H. Russell, and to render judgment for damages incurred or compensation due for such infringement; and the court is hereby further authorized to receive and consider the testimony already taken in the suit brought in the United States circuit court for the district of Massachusetts by said parties against Col. Alfred Mordecai and dismissed for want of jurisdiction, and such new evidence as might be taken on either side.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

Payment to Edmund E. Schreiner: To pay to Edmund E. Schreiner, of Washington City, D. C., for quarters furnished Capt. Herman Schreiner, Ninth United States Cavalry, from September 1, 1872, to February 18, 1873, $302.40.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to insert:

Payment to James W. Schaumburg: To pay to the legal representatives or devisees of James W. Schaumburg, deceased, the amount found to be due him by the United States circuit court for the eastern district of Pennsylvania, which judgment was affirmed by the Supreme Court of the United States, for the pay and emoluments of said Schaumburg as a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, $11,165.31.

The amendment was agreed to.

The next amendment was, on page 39, after line 24, to insert:

Payment to William S. Grant: To pay William S. Grant, in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861, this sum to be paid under the direction of the Secretary of War, who shall take proper releases and receipts from the said William S. Grant, $77,989.38.

The amendment was agreed to.

The next amendment was, on page 40, after line 11, to insert:

Mileage to officers: That the paragraph "For mileage to officers when authorized by law, $80,000: *Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes," in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1898, is hereby amended so as to read as follows:

"For mileage to officers when traveling on duty without troops when authorized by law, $80,000: *Provided*, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes, and in addition thereto he shall receive transportation in kind."

Mr. SEWELL. I desire to offer an amendment to the committee amendment which I think will be acceptable.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). That is in order under the agreement. The amendment to the amendment will be stated.

The SECRETARY. On page 41, line 2, after the word "kind," it is proposed to insert:

This rule shall also apply to the members of the Board of Managers of the National Homes for Disabled Volunteer Soldiers and their officers, traveling under orders of the Board.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, after line 15, to strike out:

That all funds and property, real or personal, except bequests or donations from individuals, now held or that may hereafter be acquired, for or on account of the National Home for Disabled Volunteer Soldiers, or any interest or business connected therewith, shall be held to be public funds and property to be used, set apart, and disposed of for and on account of the objects for which said money or property was received; and all officers responsible for such money or property shall render to the Secretary of War direct full and complete vouchers, accounts, and returns for same, to be approved by him, and under such regulations as he may prescribe: *Provided further*, That the money accounts shall be rendered monthly, and the property returns at least once in six months.

The amendment was agreed to.

The next amendment was, on page 45, under the head of "Navy Department," after line 6, to insert:

For payment in full to the Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress, $80,867.46.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to insert:

For payment in full to the legal representatives of John Roach, deceased, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in said act, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, $28,160.25.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

For payment in full to the Richmond Locomotive and Machine Works for damages and losses incurred in the construction of the armored battle ship *Texas*, $69,550.39.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

That the claims of the William Cramp & Sons Ship and Engine Building Company for damages and losses sustained by it by reason of the failure of the United States to promptly and properly furnish the armor and armament for the ships constructed by said company for the United States submitted to the Navy Department under the act of June 10, 1896, be, and the same are hereby, referred, as recommended by the Secretary of the Navy, to the Court of Claims for adjudication upon their merits; and if the said court shall find that the said company sustained losses and damages by reason of the delays and defaults of the United States, then it shall render judgment for such sum or sums as in the opinion of the court will fully compensate the said company therefor.

The amendment was agreed to.

The next amendment was, on page 46, after line 17, to insert:

For payment in full to the Union Iron Works of San Francisco the amount found due said company by the Department for extra work and expenses in constructing the *Monterey*, $14,742.58.

The amendment was agreed to.

The next amendment was, on page 46, after line 22, to insert:

For payment to Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (Ninth Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (Twentieth Court of Claims Reports, page 250) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department, on behalf of the United States, with Charles W. McCord on the 9th day of July, 1864, $174,445.75.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator in charge of the bill to this amendment, which has already been incorporated into an amendment adopted previously.

Mr. HALE. I will fix that before we get through with the bill.

The PRESIDING OFFICER. Shall the amendment in the bill be disagreed to?

Mr. HALE. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, after line 15, to insert:

To pay Rear-Admiral C. C. Carpenter the amount withheld from him for pilotage charges while in command of the *Hartford*, by Department order of September 20, 1883, $111.60.

The next amendment was, on page 53, after line 21, to insert:

MISCELLANEOUS.

To compensate T. and A. Walsh, of New York City, for materials lost and damages sustained on account of an accident which occurred August 8, 1856, to the caisson of Dry Dock No. 2 at the navy-yard, Brooklyn, N. Y., as estimated and determined by a board of officers of the Navy directed to investigate and report thereupon, the board having found that the damages were not due to any negligence on the part of Messrs. T. and A. Walsh, $623.55.

The amendment was agreed to.

The next amendment was, on page 55, under the head of "Department of the Interior," after line 10, to insert:

Reimbursement of Jacob Kempner: To reimburse Jacob Kempner for injury done his residence by blasting done in Whittington avenue, Lake Reserve, at Hot Springs, Ark., said blasting having been done in the progress of work under the control of the superintendent of Hot Springs Reservation, $15.35.

The amendment was agreed to.

The next amendment was, on page 55, after line 16, to insert:

Payment on account of new Library building: For the payment to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs, late doing business under the style and firm name of Stout, Hall & Bangs, and J. M. Vale, out of any money in the Treasury not otherwise appropriated, in full payment of the balance due them on a contract entered into with them by the United States of America April 21, 1888, for furnishing stone for the walls of the cellar, or subbasement, of the Library building, in the city of Washington, as found by the Secretary of the Interior in his report to Congress (House Document No. 117, first session, Fifty-fourth Congress), under the authority conferred upon him by the act of Congress approved March 2, 1895 (Twenty-eighth Statutes at Large, page 94), the sum of $31,802.52, which sum shall be paid as follows:

To William H. B. Stout and Isaac S. Bangs, or their assigns, the sum of $22,802.52.

To Cyrus J. Hall the sum of $6,000.

To J. M. Vale the sum of $3,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to insert:

Payment to W. R. Austin & Co.: For payment to W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census of the United States, the same to be in full for all said materials and all vested rights, $15,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert:

Payment to William H. Crook: To pay William H. Crook for services as secretary to the President to sign land patents, for the fiscal years 1879, 1880, 1881, and 1882, inclusive, $4,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 19, to insert:

Engraving the illustrations necessary for the monographs and bulletins, $28,985.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

Printing and binding the monographs and bulletins, $42,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 24, to insert:

Protecting public lands: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, $20,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 22, to insert:

Payment to Irving W. Stanton: To pay Irving W. Stanton, of Pueblo, Colo., compensation for his services as register of the land office at Central City, Colo., from September 30, 1868, to November 14, 1868, $176.95.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to insert:

Payment to Thomas Guinean: For payment to Thomas Guinean, of Oregon, assignee of Bradley S. Hoyt, deceased, of California, amount paid the United States by said Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled, $160.

The amendment was agreed to.

The next amendment was, on page 60, after line 10, to insert:

Payment to Avery D. Babcock and wife: For payment to Avery D. Babcock, of Polk County, Oreg., and to Margaret I. Babcock, his wife, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and occupation by the United States of their donation claim No. 58, in section 8, in township 6 south, range 7 west, of the Willamette meridian, in the State of Oregon, $2,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 6, to insert:

For compensation of clerks, $7,000. The appropriation for surveys of private land claims for fiscal year ending June 30, 1897, is hereby made available for office work on such surveys.

The amendment was agreed to.

The next amendment was, on page 62, after line 22, to insert:

That the Secretary of the Interior be, and is hereby, directed to pay to G. H. Kitson, or his legal representatives, the sum of $1,000, due said Kitson for money advanced to the Menominee tribe of Indians, of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

To pay the amounts found due by the Court of Claims, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Barney, $3,534.76.

To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims.

The amendment was agreed to.

The next amendment was, on page 64, under the head of "Department of Justice," in line 15, to increase the appropriation for traveling expenses, Territory of Alaska, from $250 to $282.50.

The amendment was agreed to.

The next amendment was, on page 64, line 22, to increase the appropriation for rent and incidental expenses, Territory of Alaska, from $2,600 to $2,705.

The amendment was agreed to.

The next amendment was, on page 65, after line 5, to insert:

Payment to W. A. Poucher: To pay accounts of W. A. Poucher, United States attorney for the northern district of New York, for services performed under the direction of the Attorney-General, $2,946.38.

The amendment was agreed to.

The next amendment was, on page 65, after line 10, to insert:

Payment to Hugh T. Taggart: For payment to Hugh T. Taggart, for services performed under appointment by the Department of Justice, $25,500.

The amendment was agreed to.

The next amendment was, on page 66, line 10, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

To enable the Attorney-General to represent and protect the interests of the United States in matters and suits affecting the Pacific railroads, and for expenses in connection therewith, to be available until expended, $50,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 6, to insert:

Payment to Winslow Warren: To pay the account of Winslow Warren, of Boston, Mass., for services rendered by him under order of the circuit court of the United States for the district of Massachusetts, $500.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 68, after line 4, to insert:

To pay three deputy clerks of the United States district courts in the Indian Territory, one at Muscogee, one at South McAlester, and one at Ardmore, at the rate of $1,200 per annum each, for services performed and to be performed, from the 31st of March, 1895, to the 30th of June, 1897, $8,100.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

For fees of district attorney, United States courts, for the District of Columbia, $1,200.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:

To amend section 907 of the Revised Statutes relating to the District of Columbia so that it will read as follows:

"He shall pay to his deputies or assistants not exceeding, in all, $10,000 per annum, also his clerk and messenger hire, not exceeding $6,600, office rent, fuel, stationery, printing, and other incidental expenses, not exceeding $1,200, out of the fees of his office: *Provided*, That no expenses other than those above specified shall be allowed."

The amendment was agreed to.

The next amendment was, on page 69, line 10, after the word "thousand," to strike out "and ninety-one dollars and eighty-eight cents" and insert "one hundred and forty-five dollars and eleven cents;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of district attorneys, United States courts," for the fiscal year 1896, $65,145.11.

The amendment was agreed to.

The next amendment was, on page 69, line 24, to increase the appropriation for the fiscal year 1896 from $9,569.45 to $20,724.10.

The amendment was agreed to.

The next amendment was, on page 70, line 2, to increase the appropriation for the fiscal year 1895 from $4,450 to $7,550.

The amendment was agreed to.

The next amendment was, on page 70, line 13, to increase the appropriation for the fiscal year 1896 from $10,901.48 to $13,514.45.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the appropriation for the fiscal year 1896 from $28,107.74 to $29,778.09.

The amendment was agreed to.

The next amendment was, on page 71, line 1, to increase the appropriation for the fiscal year 1895 from $1,006.94 to $1,486.07.

The amendment was agreed to.

The next amendment was, on page 71, to increase the appropriation for support of United States prisoners, including necessary clothing, medical aid, etc., for the fiscal year 1896, from $50,000 to $50,003.50.

The amendment was agreed to.

The next amendment was, on page 71, line 22, to increase the appropriation for support of United States prisoners, including necessary clothing and medical aid, etc., for the fiscal year 1895, from $10,000 to $10,689.65.

The amendment was agreed to.

The next amendment was, on page 74, under the head "Post-Office Department," in line 22, after the word "session," to strike out "$74,268.70" and insert "$77,394.17;" so as to make the clause read:

For the fiscal year 1896, to pay amounts set forth in House Document No. 250 of this session, $77,394.17.

The amendment was agreed to.

The next amendment was, on page 75, line 3, after the word "thousand," to strike out "five hundred and seventy-four dollars and forty-eight cents" and insert "six hundred and fifty-nine dollars and ninety-six cents;" so as to make the clause read:

For the fiscal year 1895, to pay amounts set forth in House Document No. 250, of this session, $2,659.96.

The amendment was agreed to.

The next amendment was, on page 76, line 1, to increase the appropriation for compensation of postmasters for the fiscal year 1896 from $568,656.23 to $569,065.37.

The amendment was agreed to.

The next amendment was, on page 76, after line 5, to insert:

Payment to estate of William Moss, deceased: To pay to the administrator of the estate of William Moss, deceased, late of Arkansas, for the benefit of the heirs at law of said deceased, for extra services in transporting the United States mails from Washington, Ark., to Clarksville, Tex., and back, three times a week from July 1, 1854, until June 30, 1858, route 7600, which services were not provided for in his contract, $14,175.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

Payment to Twyman O. Abbott: To pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, in full and final settlement for damages sustained by reason of the breach of a certain contract for lease of a building and ground for post-office purposes, $10,967.75.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 76, after line 24, to insert:

For the public printing, for the public binding; and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents and all the necessary materials which may be needed in the prosecution of the work, $175,000.

The amendment was agreed to.

The next amendment was, on page 77, after line 11, to insert:

That the Public Printer be, and he is hereby, authorized and directed to pay the employees and former employees and the legal representatives of deceased former employees of the Government Printing Office such sums as may be due said employees and former employees for accrued and unpaid leaves of absence for the fiscal years 1887 to 1894, both inclusive; and the sum of $57,859.60, or so much thereof as may be necessary, is hereby appropriated for the purpose.

The amendment was agreed to.

The next amendment was, on page 78, after line 19, to insert:

SENATE.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

To make the salaries of the clerks to the Committees on Revolutionary Claims and Corporations Organized in the District of Columbia, from the 1st day of July, 1896, to 30th day of June, 1897, at the rate of $2,100 per annum each, $600.

The amendment was agreed to.

The next amendment was, on page 79, after line 3, to insert:

For telephone operator, at $720 per annum, from March 5, 1897, $234.

The amendment was agreed to.

The next amendment was, on page 79, after line 6, to insert:

For press gallery page, at $600 per annum, from March 5, 1897, $195.03.

The amendment was agreed to.

The next amendment was, on page 79, after line 9, to insert:

For page in folding room, at $600 per annum, from March 5, 1897, $195.03.

The amendment was agreed to.

The next amendment was, on page 79, after line 12, to insert:

For one assistant engineer, at $1,440 per annum, from March 5, 1897, $468.

The amendment was agreed to.

The next amendment was, on page 79, after line 16, to insert:

For one fireman, at $1,095 per annum, from March 5, 1897, $355.83.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

For two laborers, at $720 each per annum, from March 5, 1897, $468.

The amendment was agreed to.

The next amendment was, on page 79, after line 23, to insert:

To pay A. S. Worsley, for services rendered the Senate to March 4, 1897, $252.

The amendment was agreed to.

The next amendment was, on page 80, after line 2, to insert:

To pay E. J. Atherton, for services rendered the Senate to March 4, 1897, $191.67.

The amendment was agreed to.

The next amendment was, on page 80, after line 5, to insert:

To pay J. L. Bowie, for services rendered the Senate to March 4, 1897, $155.30.

The amendment was agreed to.

The next amendment was, on page 80, after line 8, to insert:

To pay W. A. Merritt, for services rendered the Senate to March 4, 1897, $151.38.

The amendment was agreed to.

The next amendment was, on page 80, after line 11, to insert:

To pay James P. Knight, for services rendered the Senate to March 4, 1897, $122.86.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

For purchase of furniture, $3,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 15, to insert:

For services in cleaning, repairing, and varnishing furniture, $500.

The amendment was agreed to.

The next amendment was, on page 80, after line 17, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, for the fiscal year 1894, $34.80.

The amendment was agreed to.

The next amendment was, on page 80, after line 24, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred from March 11, 1896, to March 4, 1897, for clerk hire and other extra clerical services, $3,840.

The amendment was agreed to.

The next amendment was, on page 81, after line 5, to insert:

To pay M. W. Blumenberg, for services to the Committee on Naval Affairs in pursuing the inquiry as to the cost and price of armor, under Senate resolutions of December 21, 1895, and February 13, 1896, $425.

The amendment was agreed to.

The next amendment was, on page 81, after line 11, to insert:

To enable the Secretary of the Senate to pay H. A. Austin, for reporting testimony taken before the Committee on Indian Affairs, under resolutions of the Senate of May 13, 1890, February 27, 1891, and March, 1896, authorizing certain investigations to be made in the Indian Territory, $191.25.

The amendment was agreed to.

The next amendment was, on page 81, after line 19, to insert:

To pay Frank P. Holmes, for extra services as conductor of Senate elevator from July 1, 1891, to January 31, 1892, $280.90.

The amendment was agreed to.

The next amendment was, on page 81, after line 23, to insert:

For payment of medical expenses of C. F. Lynch, an employee of the Senate, incurred by reason of injuries while in discharge of his duties, $290.45.

The amendment was agreed to.

The next amendment was, on page 82, after line 2, to insert:

To pay Robert Stein, for translating the work of Edward Suess on The Future of Silver, for the Finance Committee, United States Senate, Senate Miscellaneous Document No. 95, $100.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 85, line 1, after the word "Means," to strike out "ninety" and insert "one hundred and forty;" so as to make the clause read:

To pay George W. Cochran, for rent of room for use of subcommittee of Committee on Ways and Means, $140.

The amendment was agreed to.

The next amendment was, on page 85, after line 2, to insert:

To reimburse the Clerk of the House for expenses incurred and to be incurred for services of a clerk and stenographer, at the rate of $100 per month, from December 2, 1895, to June 30, 1897, $1,888.04.

The amendment was agreed to.

The next amendment was, on page 85, after line 8, to insert:

To pay John H. Barnsley the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95

The amendment was agreed to.

The next amendment was, on page 85, after line 14, to insert:

To pay Charles Carter and Harry Parker for caring for subcommittee rooms of the Committees on Appropriations and Ways and Means, $75 each, $150.

The amendment was agreed to.

The next amendment was, on page 85, after line 18, to insert:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.95.

The amendment was agreed to.

The next amendment was, on page 85, after line 24, to insert:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives, from January 9, 1896, to March 4, 1897, inclusive, $1,383.34.

The amendment was agreed to.

The next amendment was, on page 86, after line 4, to insert:

To pay Guy Underwood the difference between the pay of a laborer and that of a messenger in the hall library, at the rate of $3.60 per day, from July 1, 1896, to June 30, 1897, inclusive, $594.

The amendment was agreed to.

The next amendment was, on page 86, after line 10, to insert:

To pay, under resolutions of the House, Isaac R. Hill, at the rate of $1,500 per annum; Thomas A. Coakley, George L. Browning, and George Jenison, at the rate of $1,200 per annum each; C. W. Coombs, at the rate of $1,800 per annum, and James F. English, at the rate of $900 per annum, from March 4 to December 1, 1897, inclusive, $5,799.50.

The amendment was agreed to.

The next amendment was, on page 86, after line 20, to insert:

To pay the following assistants in the document room, authorized and employed under resolutions of the House, namely: One at the rate of $1,600 per annum, one at the rate of $1,200 per annum, and two at the rate of $1,000 per annum each from March 4 to June 30, 1897, inclusive, $1,573.31.

The amendment was agreed to.

The next amendment was, on page 87, after line 3, to insert:

To pay Charles N. Thomas for extra services as clerk in the office of the disbursing clerk of the House of Representatives, $300.

The amendment was agreed to.

The next amendment was, on page 87, after line 6, to insert:

To pay Noah L. Hawk for extra services as acting assistant deputy sergeant-at-arms, $600.

The amendment was agreed to.

The next amendment was, on page 87, under the head of "Judgments, United States courts," in line 17, after the word "seventy-seven," to insert "and Senate Documents numbered one hundred and fifty-six and one hundred and sixty," and in line 23, after the name "Bloodgood," strike out "twenty-nine thousand and thirty-five dollars and twenty-seven cents" and insert "thirty-four thousand one hundred and eighty-seven dollars and thirty-one cents;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Documents No. 257 and 277, and Senate Documents No. 156 and 160, and which have not been appealed, except the judgments in favor of Andrew H. Gay and the Realty Company, and including $1,426.20, in full for principal of judgment in favor of Francis Bloodgood, $34,187.31, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *Provided further*, That the amount of the judgment in favor of James R. Lawrence, herein appropriated for, shall be paid to the clerk of the circuit court for the district of South Carolina, to be distributed under the decree of that court, and that such payment shall be in full satisfaction and discharge of any and all claims, either of the said James R. Lawrence or of any person claiming through or under him, arising out of the matters involved in said action.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 90, in line 10, after the word "in," to insert the word "House;" in line 11, before the word "Numbered," to strike out "Document" and insert "and Senate Document;" and in line 12, after the word "seventeen," strike out "$292,489.88" and insert "$834,155.83;" so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House and Senate Document No. 217, $834,155.83: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 91, line 5, after the word "Senate," to strike out "Document No. 10" and insert "Documents Nos. 10 and 165;" and in line 8, after the word "and," to strike out "thirty-six thousand eight hundred and seventy-one" and insert "seventy-five thousand two hundred and fifty-three;" so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Nos. 10 and 165, and in House Document No. 265, of this session, $175,253.50, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

The amendment was agreed to.

The next amendment was, under the head "Claims allowed by the Auditor for the Navy Department," on page 97, line 15, after the word "cents," to insert:

Provided, That no part or any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

So as to make the clause read:

For provisions, Navy, Bureau of Supplies and Accounts, $11,182.44: *Provided*, That no part or any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

The amendment was agreed to.

The next amendment was, under the head, "Claims allowed by the Auditor for the Post-Office Department," on page 103, after line 4, to insert, as a new section, the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1894, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 162, Fifty-fourth Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For suppressing counterfeiting and other crimes, $61.46.
For assessing and collecting internal revenue, $57.69.
For collecting the revenue from customs, $15.60.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $695.38.
For incidental expenses, Quartermaster's Department, $60.
For transportation of the Army and its supplies, $17.25.
For reimbursement to certain States and Territories (State of Nebraska), for expenses incurred in repelling invasions and suppressing Indian hostilities, $2,644.59.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $67.84.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $250.44.
For mileage, Navy, Graham decision, $2,706.32.
For pay of Marine Corps, $5,014.57.
For contingent, Marine Corps, $13.85.
For contingent, Bureau of Equipment, $20.18.
For provisions, Navy, Bureau of Supplies and Accounts, $2,837.23: *Provided*, That no part or any one of the claims to which this appropriation is applicable, shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.
For steam machinery, Bureau of Steam Engineering, $69.29.
For enlistment bounties to seamen, $200.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For expenses of inspectors, General Land Office, $20.95.
For surveying the public lands, $3,293.48.
For pay of judges, Indian courts, 3 cents.
For contingencies, Indian Department, $2.50.
For support of Pawnees: Schools, $681.49.
For support of Sioux of different tribes: Subsistence and civilization, $75.
For support of Apaches, Kiowas, Comanches, and Wichitas, $10.
For Indian school transportation, $1.29.
For incidentals in Idaho, $37.80.
For salaries, pension agents, $33.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF JUSTICE.

For expenses of Territorial courts in Utah, $32.75.
For pay of special assistant attorneys, United States courts, $170.
For fees of commissioners, United States courts, $1,276.60.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For mail depredations and post-office inspectors, $43.98.
For free-delivery service, 50 cents.
For star transportation, $26.78.
For special facilities, $981.43; in all, for deficiency in the postal revenues, certified claims, $1,052.69.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I have several amendments in the way of corrections to make to the bill. On page 71, line 21, I move to reconsider the vote by which the amendment of the committee increasing the sum from $10,000 to $10,689.65 was agreed to.

The motion was agreed to.

Mr. HALE. Now, in line 23, before the word "thousand," I move to strike out "ten" and insert "eleven;" so as to read.

For the fiscal year 1895, $11,000.

The amendment was agreed to.

Mr. HALE. On page 74, in line 23, after the words "one hundred and fifty," I move to insert "and Senate Document No. 159."

The amendment was agreed to.

Mr. HALE. On page 75, line 3, after the word "fifty," I move to insert "and Senate Document No. 159."

The amendment was agreed to.

Mr. HALE. On page 90, in line 11, I move to reconsider the vote by which the committee amendment striking out the word "document" was agreed to, and that the amendment be disagreed to.

The amendment was agreed to.

Mr. HALE. On page 90, in line 12, after the word "seventeen," I move to insert "and Senate Document No. 167."

The amendment was agreed to.

Mr. HALE. On page 91, in line 8, I move to reconsider the vote by which the committee amendment striking out "thirty-six thousand eight hundred and seventy-one" and inserting "seventy-five thousand two hundred and fifty-three," before the word "dollars," was agreed to, and that the Senate disagree to the amendment.

The motion was agreed to.

Mr. HALE. On page 91, beginning in line 8, after the word "session," I move to strike out the words "one hundred and thirty-six thousand eight hundred and seventy-one dollars and fifty cents" and to insert "two hundred and four thousand twenty-seven dollars and sixty-six cents."

The amendment was agreed to.

Mr. HALE. On page 70, after line 3, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 3, on page 70, it is proposed to insert:

To pay the amount found due by the accounting officers of the Treasury in favor of Edward Baxter, special assistant United States attorney for the middle district of Tennessee, on account of the appropriation for the special assistant attorneys, United States courts, for the fiscal years as follows: For the fiscal year 1896, $2,000; for the fiscal year 1895, $2,000; for the fiscal year 1894, $2,000; for the fiscal year 1893, $500.

The amendment was agreed to.

Mr. HALE. On page 35, after line 11, I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, after line 11, it is proposed to insert:

For the opening of North Capitol street northward through the property of Annie E. Barbour and others, and to pay the owners of the land necessary to be taken for public use in the extension of said North Capitol street according to the report of the appraisers appointed by the supreme court of the District of Columbia March 16, 1894, to appraise the land necessary for the extension of said North Capitol street, as said report was confirmed by the supreme court of the District of Columbia June 22, 1894, and finally adjudged by the court of appeals of the District of Columbia March 4, 1895, so far as the same relates to the land of said Annie Barbour and others. That the following sum is hereby appropriated, out of the revenues of the District of Columbia, for the purposes following, namely: $21,078 to pay the award of said appraisers, confirmed and adjudged as aforesaid.

The amendment was agreed to.

Mr. HALE. Mr. President, that is all.

Mr. MARTIN. Mr. President——

Mr. HALE. I wish to say, however, that if we can finish the bill in the course of the next half hour, there will be no necessity for an evening session so far as the Committee on Appropriations are concerned.

Mr. MORGAN. I desire to call the attention of the Senator from Maine to what I suppose is an omission on the part of the committee.

The PRESIDING OFFICER. The Chair has recognized the Senator from Virginia [Mr. MARTIN].

Mr. HOAR. I desire to say, if the Senator will pardon me, that I hope there will be a brief executive session before the Senate adjourns.

Mr. MORGAN. Mr. President, I desire to call the attention of the Senator from Maine——

Mr. MARTIN. I offer an amendment, which has been reported favorably from the Committee on Claims.

Mr. MORGAN. Before the amendment is read, I desire to call the attention of the Senator from Maine——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN. I do not.

Mr. HALE. Let me say further, in addition to my suggestion, that the report of the conferees on the sundry civil bill will be in when this bill is finished.

Mr. MARTIN. I yield to the Senator from Alabama for the purpose of making a correction in an amendment which has been passed over.

Mr. MORGAN. I desire to call the attention of the Senator from Maine to what I suppose is an omission.

Mr. HALE. I will listen to the Senator.

Mr. MORGAN. On page 4, line 16, there should be inserted after the word "respectively" the words "their heirs or assigns," so that the money can be taken by those to whom it belongs.

Mr. HALE. Those words may be inserted.

The SECRETARY. After the word "respectively," in line 16, page 4, it is proposed to insert the words "their heirs or assigns;" so as to read:

Spanish and American Claims Commission: To enable the Secretary of State to distribute and pay to the claimants, respectively, their heirs or assigns, the sums due them upon a balance of net increment received by the United States, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Virginia will now be stated.

The SECRETARY. After line 8, on page 40, it is proposed to insert:

For the compensation and reimbursement of Richmond College, located at Richmond, Va., for the occupation of its buildings and grounds by United States troops and officers for the period of about eight months, said occupation commencing in April, 1865, and for injury to and destruction of the buildings, the apparatus, libraries, and other property of said college by said troops and officers, the sum of $25,000, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That no money be so paid except upon accounts of such occupation, injury, and destruction, and the damage caused thereby, duly verified and proven.

The amendment was agreed to.

Mr. HOAR. On page 90, after line 17, I move to amend by inserting what I send to the desk. It is in order under the rules.

The SECRETARY. After line 17, on page 90, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, $80,907, out of any money in the Treasury not otherwise appropriated, the same being compensation in full for the use by the United States, to wit, in 66,907,513 cup-anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States issued to him August 16, 1864, and numbered 43851, during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut in the case of Forehand and others *vs.* Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand and others *vs.* The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate under and pursuant to the act of March 3, 1883, commonly known as the Bowman Act, said findings of fact having been certified to the Committee on Claims of the Senate by said court on the 26th day of April, 1889.

Mr. HALE. From what committee does that come?

Mr. HOAR. From the Committee on Claims.

The amendment was agreed to.

Mr. GORDON. On page 86, at end of line 20, I propose to insert what I send to the desk.

The SECRETARY. On page 86, after line 20, it is proposed to insert:

Provided, That the said named parties are severally selected by the Fifty-fifth Congress to fill the several positions now severally held by them in the House of Representatives: *And provided further*, That if these said named parties are not so selected, then these several sums shall be paid to those who are selected to fill these several positions respectively.

The amendment was agreed to.

Mr. MILLS. I offer an amendment to come in after line 17, on page 5.

The SECRETARY. After line 17, on page 5, it is proposed to insert:

For editing, under the direction of the Secretary of State, with a view to future publication, all reports, papers, and documents belonging to the United States relating to the war of the Revolution, and the operation, organization, and administration of the forces therein engaged, now in the custody of the State Department, $15,000.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. GRAY. I ask unanimous consent to reconsider the vote by which the amendment offered by the Senator from North Dakota [Mr. ROACH] was adopted, in regard to the heirs of Margaret Kennedy, to the amendment of the Senator from Missouri [Mr. VEST], as I desire to offer it as a separate amendment to the bill.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent to reconsider the vote by which the amendment to the amendment was agreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAY. I offer the amendment to come in on page 12, after line 14.

The amendment was read, and agreed to, as follows:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $3,000, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to the heirs of said Margaret Kennedy is to be in full compensation for all claim or demand of the heirs of said Margaret Kennedy, as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy in the District of Columbia, being the farm on which Fort Sedgwick was erected.

Mr. MCMILLAN. On page 18, after line 6, I move to insert:

For rifle practice and matches for the fiscal year 1897, $500.

The amendment was agreed to.

Mr. DANIEL. From the Committee on Claims I offer the amendment which I send to the desk.

The SECRETARY. After line 2, page 11, it is proposed to insert:

To pay Briscoe B. Bouildin, deputy collector of internal revenue, the amount of expense incurred by reason of wounds inflicted while in the discharge of duty, $205.15.

Mr. DANIEL. I will state, in brief, that a bill to this end has twice passed the Senate. It was favorably reported in the House and it is recommended by the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. BATE. I offer an amendment to be inserted at the end of line 15, on page 42.

The amendment was read, and agreed to, as follows:

That in order to reimburse Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn., for the use and occupation of the building and grounds and for consumption of materials, for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed by troops of the United States during the late war, the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the proper authorities of said institution, out of any money in the Treasury not otherwise appropriated, such sum, not exceeding $25,019.96, as the accounting officers of the Treasury Department, under direction of the Secretary, may find to be duly proven on account of such injury and destruction, use, occupation, and consumption of the building and grounds of said college.

Mr. HAWLEY. I invite attention to page 97. I move to strike out from line 22 down to and including line 6, on page 98. It will take quite a little time to state the case in full.

Mr. HALE. Let the amendment be read.

Mr. HAWLEY. I am working in the interest of officers' claims which have been established three times at least by the decisions of the Supreme Court of the United States.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Beginning in line 22, on page 97, it is proposed to strike out:

That hereafter the accounting officer of the Treasury shall not receive, examine, consider, or allow any claim against the United States for pay or allowances which have been or may be presented by officers or enlisted men of the Regular Army, Navy, or Marine Corps, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been or may hereafter be adopted as the basis for the allowance of such claims, which accrued more than six years prior to the institution of proceedings on which such decisions were or may be made.

The amendment was agreed to.

Mr. PUGH. Mr. President——

Mr. HALE. Has the Senator from Alabama a further amendment?

Mr. PUGH. Yes, sir. I offer an amendment to come in at the end of the amendment of the Senator from Missouri, which has been agreed to by the Senate.

Mr. HALE. Let us hear what it is.

The SECRETARY. After the Bowman claims amendment, which has been adopted, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Mobile Marine Dock Company, or to its authorized agent or attorney, out of any money in the Treasury not otherwise appropriated, $36,202.65, in full payment for the use and occupation of and damage to property taken of said company from April 16 to November 15, 1865, inclusive.

The amendment was agreed to.

Mr. STEWART. I offer an amendment to come in after line 17, on page 73.

The SECRETARY. On page 73, after line 17, it is proposed to insert:

That the proviso in the act of May 20, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1897, and for other purposes, which reads as follows: "That in the ninth judicial district, in addition to the term or terms held in San Francisco, a term of the circuit shall be held in each year in two other places in said district, to be designated by the judges of said court," is hereby repealed.

The amendment was agreed to.

Mr. GORMAN. I offer an amendment to come in on page 9, after line 14.

The SECRETARY. On page 9, after line 14, it is proposed to insert:

To pay Catherine Burns, of Annapolis, Md., the widow of Lewis Burns, for pay and rations as mate on the United States ship *Potomac*, from April 4, 1871, to July 9, 1873, heretofore certified to be due by the proper accounting officers of the Treasury Department, and certified to Congress by the Secretary of the Treasury as a deficiency for the fiscal year ending June 30, 1893, and for prior years, the sum of $701.25.

The amendment was agreed to.

Mr. ALLEN. I offer an amendment to be inserted after line 14, on page 12.

The amendment was read, and agreed to, as follows:

That for the purpose of encouraging the propagation of the blue and silver fox the Secretary of the Treasury be, and he is hereby, authorized to issue leases to the islands of North Semidi, South Semidi, Ukomok, Long Island, Little Koniushi, Pearl Island, Carlsons Island, Little Naked Island, and Marmot Island, in Alaska, for a period not exceeding twenty years, for the purpose of breeding and domesticating blue and silver foxes; and he may issue leases of such other islands in Alaska for this purpose as may seem, in his opinion, to be in accordance with the public interest; all such leases to be held under such regulations as he may prescribe: *Provided*, That persons actually engaged in caring for and domesticating such foxes on any of said islands shall be accorded the preference right to lease the island or occupy the same under such rules and regulations as the Secretary of the Treasury may prescribe, and such lessee shall have the privilege of killing the foxes and disposing of their furs, subject to the rules and regulations aforesaid.

Mr. THURSTON. I offer an amendment, to be inserted after line 8, on page 40.

The amendment was read, and agreed to, as follows:

To pay Henry T. Clarke, of Omaha, Nebr., for the value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Fort Crook, Nebr., and being the buildings on said land acquired by the United States by condemnation proceedings in the suit of the United States against Henry Zucher in accordance with a proposition made by Henry T. Clarke to the Secretary of War, on July 29, 1889, which said proposition was for the sale of land to the United States for a new Fort Omaha, now Fort Crook, and by which proposition all said buildings were retained by the said Henry T. Clarke, $2,000, the same to be received and accepted by said Henry T. Clarke in full for all claims against the United States for or on account of said buildings.

Mr. MANTLE. I offer an amendment, to be inserted after line 19, on page 60.

The amendment was read, as follows:

To C. J. Baronett, of Gardiner, Mont., for the bridge known as "Baronett's Bridge," over the Yellowstone River, and the approaches thereto, $5,000.

To James C. McCartney, of Gardiner, Mont., for certain buildings at or near Mammoth Hot Springs, taken and used by the United States, $3,000.

To Matthew McGuirk, of Los Angeles, Cal., for certain buildings at or near Mammoth Hot Springs, taken and used by the United States, $1,000.

The amendment was agreed to.

Mr. SMITH. On page 5, after line 17, I submit an amendment to come in after the committee amendment already adopted.

The amendment was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emile M. Blum, for services as commissioner-general to the international exposition at Barcelona, Spain, the sum of $5,000 and to James M. Seymour, jr., for services as assistant commissioner the sum of $2,000.

The amendment was agreed to.

Mr. HALE. I appeal to Senators to let the bill with all that has been placed upon it be put upon its passage.

Mr. WHITE. That would be unjust to those of us who have had no part in filling it up.

Mr. HALE. I certainly did not know that there was any Senator here who did not have a part in it.

Mr. TILLMAN. I have an amendment I should like to have go in the bill.

Mr. HALE. It is a matter I can not control. I hope Senators will see what the result will be, however.

Mr. QUAY. I desire, I will say to the Senator from Maine, to

reduce the bill slightly instead of adding to it. I call the attention of the Senator in charge of the bill to page 64. I propose to strike out line 25, on page 64, and on page 65 to strike out lines 1, 2, 3, and 4. I am not acquainted with the facts in relation to the claim, but I am told by a gentleman that the beneficiary of the appropriation was at the time the service was rendered to the Interior Department an Indian agent and under pay from the Government. It is the item for payment to J. R. Jewell.

Mr. HALE. I have no objection to that. That will give an opportunity for us to look into it in conference.

Mr. QUAY. Yes; let it go into conference. I am not personally acquainted with the facts. It is said that the salary would be duplicated and that the service rendered was worthless.

The PRESIDING OFFICER. The paragraph moved to be stricken out will be read.

The SECRETARY. On page 64 and 65 strike out:

Payment to J. R. Jewell: To pay J. R. Jewell, of Olean, in the State of New York, for his services, rendered for the Interior Department, in investigating and reporting upon the alleged interest of the so-called Ogden Land Company to or in the reservation lands of the Seneca Nation of Indians, in the State of New York, $500.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania, to strike out of the text of the bill what has been read.

The amendment was agreed to.

Mr. HILL. I offer an amendment on page 40 to come in after the amendment already adopted, which follows line 8.

The amendment was read as follows:

Arming and equipping the militia: The permanent annual appropriation made by the act of April 23, 1808, designated as section 1661 of the Revised Statutes, and which was increased to $400,000 by the act of February 12, 1887, being for the procurement of ordnance stores and quartermasters' stores and camp equipage, shall also, in the discretion of the Secretary of War, be available for the procurement of other military stores, including official publications of the War Department for the use of the militia of the country.

The amendment was agreed to.

Mr. WHITE. I have two amendments to offer. I move to add to page 59, line 22, what I send to the desk. I have attracted the attention of the Senator in charge of the bill to this amendment, and I think there will be no objection to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 22, page 59, insert:

To pay amount found to be due under contracts for the survey of public lands in the State of California prior to June 30, 1890, $34,834.23.

The amendment was agreed to.

Mr. WHITE. The next amendment I propose is to strike out. I desire to make a motion for the purpose of getting an explanation from the Senator in charge of the bill. I refer to the last seven lines on page 90, which I move to strike out, being an allowance of $1,310,427.08 to the Southern Pacific Company. I understand this is upon a judgment rendered by the Court of Claims. We all know that the indebtedness of the Central Pacific Railroad Company to the Government is a matter in process of adjustment or that must be adjusted. This, it is true, is a judgment in favor of the Southern Pacific, but I notice that in the testimony which was taken before the Fifty-third Congress the attorney of the Southern Pacific Company, Judge Payson, testified as follows:

The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes.

There are judgments in favor of the Central Pacific Company which are held up in consequence of the position of matters between that corporation and the Government, and it appears to me that it may be that in the equitable adjustment of the entire subject, the same persons being interested in both corporations, and the one being merely nominally different from the other, the Government may have a valid reason for not paying the money and appropriating it for defraying the indebtedness of the Central Pacific if it be found that they are really operated as one institution and by the same individuals. Therefore it appears to me it ought to stand over and not be on this bill, and I move to strike it out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out, on page 90, lines 18 to 24, inclusive, the following words:

To pay balance of judgment of the Court of Claims No. 10697, in favor of the Southern Pacific Company, certified to Congress in House Executive Document No. 168, Fifty-third Congress, second session, $1,310,427.08.

Mr. HALE. This is the same kind of appropriation that has been made for years and years. They are judgments rendered for this company which are not legally offsetable. I do not think it worth while to take any time of the Senate, because there is no Senator here who has not heard the matter discussed over and over again. The policy of the Senate has been fixed for these appropriations for years. I am willing to have a vote upon the question at once.

Mr. WHITE. I simply wish to say that I do not concur with the Senator that it is clear they are not offsetable, as he says. I think the circumstances are such that it may be developed the Government has a proper offset for this item. But I do not wish to detain the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. MORGAN. Mr. President, I desire to be heard upon it. I want to ask the Senator from Maine what has been the policy of the bill?

Mr. HALE. Such claims are proposed to be paid.

Mr. MORGAN. I understand from another member of the committee that this same identical claim has been before the Committee on Appropriations year after year for several years, and they have rejected it.

Mr. HALE. I think the Senate has put matter of this kind on the bill for at least a dozen years.

Mr. MORGAN. This proposition has always been rejected heretofore by the committee, I am informed.

Mr. COCKRELL. It is the same claim that the Senate has put on the deficiency bill repeatedly. The House has stubbornly and determinedly opposed it and never would permit it. Now, the House comes in and inserts it in the deficiency bill. It is believed by some, you know, that the cause was the enormous contribution to a certain fund which was used up to and prior to the day of election in November last. Whether that was true, I do not know, for I have not the secrets of it; but I am stating that that is believed by many to have been one of the inspiring causes which brought the House to make this appropriation, when it had fought it so stubbornly year after year.

Mr. HALE. I do not think the Senator should make any imputation of that kind upon another branch. I have no idea that there is anything whatever in such a rumor. The Senator knows from our experience about other matters that it happens every year in our lives that we put on items, the House stubbornly resists, and, upon reflection, the House changes its ground and puts it on a subsequent bill. This bill has several other items which the House has resisted year after year, and, doubtless becoming convinced, they put the items on the bill as they have done in this case.

Mr. COCKRELL. That is the point. What convinced them? That is the objective point. It is the charge and belief of very many good people that it was the contribution of the president of the road of a large sum of money to be used during the last campaign.

Mr. HALE. I do not suppose there is the least foundation for believing that such a charge had any influence whatever upon the House. As I have said, the House does that in other matters where there could possibly be no connection with such a charge; and I should not want to make such an insinuation against the other body as being influenced by a thing of that kind. I have no idea there is anything whatever in it; but I am entirely willing to take the vote of the Senate upon agreeing to the amendment.

Mr. MORGAN. I rose to sustain the position of the Senator from California [Mr. WHITE]. I had neither any information nor any suspicion of the political use that might be made or had been made of this item of appropriation. I am informed that for the last eight or ten years, ever since that judgment was rendered, the House has persistently refused to put it on any appropriation bill or to make any provision of law for it in the way of an appropriation. The reason of the refusal, I understand, has been the pending unsettled state of accounts between the Central Pacific Railroad and the United States. The United States have not ostensibly any interest in the Southern Pacific Railroad, but they have a very large debt against the Central Pacific Railroad. Now, it is contended, and I am sure the evidence is stated beyond the possibility of reasonable denial, that the Central Pacific Railroad and the Southern Pacific Railroad are as identical as my two hands as a part of my body.

Mr. WHITE. If the Senator will permit me, the quotation that I read and the citation I made from the remarks of the counsel of the Southern Pacific before the Congressional committee fully sustain his statement.

Mr. MORGAN. There is no doubt about it. Now, in all fairness, a matter of this kind ought to be presented here in a separate bill, so that the Senate by itself and disconnected from a general appropriation bill might consider this very vexed and very tangled question.

But this is not the only question between the Central Pacific and the United States and the Southern Pacific and the United States. The Central Pacific Railroad Company is owned in a very large part by the Southern Pacific Company, and the Southern Pacific Company is the lessee of the Central Pacific, with practically, yes absolutely, I believe, the identical board of directors.

Mr. HALE. I find it will be impossible to finish the bill this afternoon. Will it be convenient for the Senator to go on later if we take a recess from now until 8 o'clock?

Mr. MORGAN. Oh, yes.

Mr. HOAR. I wish the Senator would allow this as a more convenient time (because the people who gather here in the evening are interrupted by an executive session) to devote five minutes to the consideration of executive business before he makes a motion for a recess.

Mr. HALE. Let us try to get a unanimous-consent agreement first.

Mr. ALLISON. I desire to give notice to the Senate that I wish to present at the earliest possible moment the conference report on the sundry civil bill, and that there are many things in that bill which must go back to the House for a separate vote and discussion there, wherein we have disagreed respecting amendments that were put on in the Senate. Therefore it is important that we shall certainly be here as early as 8 o'clock, when I will ask the Senator from Maine to lay aside the pending bill until the conference report can be agreed to, in order that it may go back to the House for its consideration as early as can be done to-night. It is manifest, and must be to all, that if the appropriation bills are to pass at this session, wherein there are many differences between the two Houses, opportunity must be given in each House for more or less debate. I do not wish to interfere with the convenience of Senators in reference to a recess; the recess should be taken now, and we should reconvene here at 8 o'clock, when I hope to take up the conference report which I have in hand.

Mr. HOAR. It is desirable to have a brief executive session. If we do that this evening, there will be a very large number of citizens from all parts of the country coming here at this interesting season who will be in the galleries. Perhaps it is the only opportunity many of them ever will have to see the Houses of Congress in session, and it would be a very serious disturbance to them to hold an executive session later in the evening. They would all have to be turned out and lose their places, and so on. I therefore move that the Senate——

Mr. ALLISON. Mr. President——

Mr. ALDRICH. Let us test the sense of the Senate on the question whether we are to have an executive session or not.

Mr. ALLISON. I move that at half past 6 the Senate take a recess until 8 o'clock, to convene at that hour in open session.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. HEMENWAY, and Mr. LIVINGSTON, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were signed by the Vice-President:

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement;

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use to the public white schools of that portion of said District formerly known as Georgetown;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River, at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

A joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. FAULKNER) laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PERKINS. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. HALE, and Mr. GORMAN were appointed.

PERRINE LAND-GRANT INVESTIGATION.

Mr. DUBOIS. I desire to submit a report from the Committee on Public Lands in regard to the issuance of patents of the Perrine land grant. The subject has attracted considerable attention. The Committee on Public Lands, in regard to the issuance of patents to the Perrine heirs, had a very full and complete investigation, examined a great many witnesses, and have come to a conclusion, with the exception of the Senator from South Dakota [Mr. PETTIGREW]. The subject has attracted a great deal of attention, and I ask that the report be printed in the RECORD, and also as a document.

Mr. PETTIGREW. I desire to say a word in regard to this report. I wish the Senator from Idaho would withdraw the report until to-morrow morning, as I desire to make a brief statement in regard to it, or I am willing to make the statement now. I desire to make it at the time when the report is submitted.

Mr. DUBOIS. I shall very gladly comply with the request of the Senator from South Dakota.

Mr. HOAR. If the Senator will withhold the report until to-morrow morning, I shall be very much obliged to him.

Mr. DUBOIS. Very well.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

DISTRICT COURT OF APPEALS.

Mr. HILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 358) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Strike out, in line 3, section 1, the following: "That in all cases hereafter arising" and insert in lieu thereof the following words: "That in all criminal cases, and in such civil cases as may hereafter arise."

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

The report was concurred in.

MUTILATION OF UNITED STATES COIN.

Mr. DAVIS. I ask the Senate to proceed to the consideration of the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Minnesota asks unanimous consent for the present consideration of the bill indicated by him.

Mr. ALLISON. If the bill is a short one and leads to no debate, I will yield to the Senator from Minnesota; but beyond that I must ask for the consideration of the conference report on the sundry civil bill.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. STEWART. I do not like to object to the consideration of the bill, but if the proposed law is to the effect that a man is a criminal if he happens to take a coin that has been defaced or mutilated, it seems to me that that is going too far.

Mr. DAVIS. I beg leave to state to the Senator from Nevada that the bill was very carefully examined by the Senator from Colorado [Mr. TELLER] and myself. It covers only the offense of uttering, which seems to be defective in the present legislation.

Mr. STEWART. Constantly people take when in a hurry coins that have been worn and mutilated, and all that kind of thing, and they will not pass afterwards, and sometimes they pass them without thinking about it. If it only means that if they shall do it with fraudulent intent, and that point is carefully guarded, I do not object.

Mr. DAVIS. The bill expressly says that it shall be done with fraudulent intent.

Mr. STEWART. Then I have no objection.

Mr. BROWN. What is the exact change proposed in the law?

Mr. DAVIS. I will state the exact change in the proposed amendment. The statutes as they are are substantially retained, but there is a defect in the statutes in regard to the uttering of defaced or mutilated coin. The object is to cover it.

Mr. BROWN. What is the change? What is made criminal that was not before criminal?

Mr. DAVIS. The offense of uttering.

Mr. BROWN. Was it not fully defined in the statute?

Mr. DAVIS. It was not fully defined before. The Senator from Colorado and I examined the matter very carefully, and agreed that this defect should be covered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5459 of the Revised Statutes of the United States so as to read as follows:

"SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens, or causes or procures to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aids or assists in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, or has in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, shall be imprisoned not more than five years and fined not more than $2,000.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 459) for the relief of Thomas Rosbrugh, reported it without amendment.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 719) to restore a pension to Harriet M. Knowlton, with the veto message of the President, to report it with a recommendation that the bill pass, notwithstanding the President's objection thereto.

The PRESIDING OFFICER. The bill, with the accompanying message, will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6671) for the relief of Charles A. Nazro, reported it with an amendment, and submitted a report thereon.

LANDS IN FLORIDA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The amendment of the House of Representatives was, after section 4, to insert:

SEC. 5. That nothing contained in this act shall be so construed as to interfere with any valid adverse right asserted under any law of the United States to any of the lands settled upon under the armed invasion act.

Mr. CALL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; agrees to a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON, managers at the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 27, 44, 47, 52, 53, 54, 57, 69, 75, 76, 81, 84, 86, 87, 94, 95, 97, 154, 156, 157, 163, 175, 183, and 192.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 11, 13, 14, 15, 16, 19, 21, 22, 23, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 51, 55, 59, 60, 64, 65, 66, 67, 77, 79, 82, 83, 85, 88, 93, 142, 145, 150, 151, 152, 153, 158, 161, 164, 167, 171, 172, 173, 174, 176, 177, 178, 181, 182, 184, 185, 186, 187, 188, and 189, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Insert at the end of the matter inserted by said amendment, the following: "The present limit of cost of said building not to be exceeded;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment, insert the following: "*Provided*, The present limit of cost of said building shall not be exceeded;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"The Secretary of the Treasury is authorized to expend the $75,000, or so much thereof as may be necessary, heretofore (in 1896) appropriated for the purchase of site for a court-house and post-office at Salt Lake City."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$475,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$126,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$132,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the first sum named in said amendment insert "$209,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Treasury is hereby authorized to pay Dr. Leonard Stejneger the sum of $940, and to F. A. Lucas the sum of $630, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries, out of the appropriation heretofore made for such investigation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and on page 55 of the bill, in line 24, strike out the word "five," and in lieu thereof insert the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all after the word "Interior," in line 19, down to and including line 25 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The reindeer to be transported by a vessel of the Revenue-Cutter Service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$420,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$276,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$295,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$213,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following: "For lodge and gateway, $2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$188,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: On page 110 of the bill, after the word "addresses," in line 11, insert the following: "And the compiler shall prepare a full table of contents and a complete index for such compilation;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 4, 6, 9, 10, 12, 24, 48, 49, 50, 58, 61, 62, 63, 72, 73, 74, 78, 89, 90, 91, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 146, 147, 148, 149, 168, 169, 170, 179, 180, and 190.

WM. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

JOSEPH G. CANNON,
W. A. STONE,
JOSEPH D. SAYERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. HILL. It is quite impossible to understand precisely what the conference report is. I simply desire to ask the Senator from Iowa whether there was any change made in the conference report in regard to the electric lighting amendments.

Mr. ALLISON. The amendments in relation to electric lighting in this District are still in disagreement. They have not been agreed to.

Mr. QUAY. I have two questions to ask the chairman of the Committee on Appropriations: First, What became, under the report of the committee of conference, of the Overfalls Shoal light vessel?

Mr. ALLISON. The House conferees receded from the disagreement.

Mr. QUAY. In what condition are the river and harbor improvements left?

Mr. ALLISON. I think, perhaps, I had better give in brief the questions about which the two committees were unable to agree.

We were unable to agree as respects the amendments relating to public buildings, except the public building at Helena, Mont., where there was an additional authority given to purchase land. The House conferees receded from their disagreement to that amendment.

They also receded from the amendment relating to the public building at Milwaukee, Wis., wherein it is proposed to make a slight change.

They agreed to the provision respecting the public building at Salt Lake, Utah, wherein it is proposed to authorize and direct the purchase of a site and the commencement of a public building. The House conferees were not willing to authorize the commencement of the building, but agreed to the remainder of the amendment, which provided that the Secretary should be authorized and directed to purchase a site.

Mr. BROWN. At what amount?

Mr. ALLISON. At the amount named, not to exceed $75,000. That is the situation as respects public buildings.

The House conferees would not agree to amendment numbered 24, appropriating $175,000 for a revenue cutter in the harbor of New York, and that is still in disagreement.

They also refused to make the changes reported by the Senate committee respecting the Omaha Exposition, and those amendments are still in disagreement.

They also refused to agree to amendment numbered 58, making a change in the collection districts in the State of Vermont.

They also refused to agree to the appropriation for the sugar bounty, being amendment numbered 61.

They also refused to agree to the amendment numbered 62, appropriating a small sum to A. T. Kimball, etc.—not a very important amendment.

They also refused to agree to the provision respecting the appropriation for the heirs of those who were killed in the explosion at the gun-cotton factory on Goat Island, in the harbor of Newport.

They also refused to agree to amendment numbered 72, restoring to the public lands the reservations recently made by the Executive order of the President.

They also refused to agree to amendments numbered 73, 74, and 78, relating to the increase of the appropriation for the Report on Mineral Resources, wherein we had changed the amount from $20,000 to $45,000, and inserted certain provisions for procuring statistics relative to the production of gold and silver.

They also refused to agree to the electric-light amendments which we had proposed in the Senate.

They also refused to agree to the appropriation to improve the roads from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

As respects the river and harbor amendments, we found so much difference and so much controversy respecting those amendments that all of them from amendment, I think, numbered 98 to 141, inclusive, are still in conference. They are among the amendments disagreed to.

They also refused to agree to the amendment numbered 144, appropriating $35,000 for an additional building for the Garfield Hospital.

They also refused to agree to amendment numbered 146, appropriating $150,000 for the survey by the deep-waterways commission.

They also refused to agree to the Aransas Pass appropriation.

Also to the appropriation of $50,000 for the improvement of Pearl Harbor.

Also to amendment numbered 149. They refused to agree to an appropriation for an investigation as to the proposed memorial bridge, etc., across the Potomac River.

They also refuse to agree to amendment numbered 168, appropriating $100,000 for the Soldiers' Home at Hot Springs, S. Dak.

Amendments numbered 169 and 170 are still in conference, although they are merely computations depending upon other amendments disagreed to.

They refused to agree to amendment numbered 179, being the amendment proposed by the Senator from Massachusetts [Mr. HOAR], relating to the codification of the criminal laws.

They also refused to agree to the appropriation of $150,000 for the Nicaragua Canal Commission, being amendment numbered 180.

And also to amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans, etc., for the improvement of the Government Printing Office.

All the other amendments have been agreed to in conference.

The Senate committee receded from a number of amendments which I will state in brief.

Mr. CHANDLER. Can the Senator give the numbers?

Mr. ALLISON. I can give the numbers.

The Senate conferees receded from amendment numbered 44, page 45, which relates to the purchase of the fish hatchery in California.

They also receded from a small amendment relating to the details of printing paper for internal-revenue stamps.

The Senate conferees receded from amendment numbered 57, on page 57, in relation to immigrants.

They also receded from certain amendments relating to the Geological Survey printing, etc., which are not very important.

Also the small amendment which we had inserted for the unveiling of the statue of Professor Gross.

We also receded from amendment numbered 97, on page 93, that being the clause providing for a lease of lands in the Gettysburg National Park, which was struck out by the Senate.

The Senate conferees also receded from the amendment which provided for a republication of the constitutions of the States and Territories, being amendment numbered 183.

These, I believe, are the principal amendments. There may be some small amendments where we receded, as in the case of the Soldiers' Home. There were some amendments that on revision the House conferees refused to agree to, which the Senate conferees receded from in order to reach an agreement on the subject. The question of stating the accounts of Soldiers' Homes is still in disagreement.

All the other amendments, I believe, at least the important Senate amendments, were agreed to by the House conferees.

I shall be glad to answer any question any Senator desires as repects any particular amendment. If no inquiry is made, I hope we shall have a vote on concurring in the report.

Mr. VILAS. I observe by the report that there is still in disagreement the amendment in relation to the deep-waterways commission. I had hoped to have found an opportunity to invite attention in some more formal way to the great improvement involved in that work for which the Committee on Appropriations added the amendment to the bill, but the progress of the session, and the pressure of business rendered it unfit that the time should be consumed. The vast importance of it to the people of the Northwest, the vast importance of it for the defense of the northern border of this country is so great that I hope the conferees on the part of the Senate will insist upon maintaining the amendment which the Senate put on.

Mr. ALLISON. I will say, as respects the amendments disagreed to, that the conferees on the part of the House insisted that there should be opportunity in the House for their consideration, and especially was that stated in regard to the deep-waterways survey, on the ground that there was no estimate for this appropriation, they making the same objection to the continuation of the Nicaragua Canal survey and also the Pearl Harbor improvement in Hawaii.

I will ask that there be inserted in the RECORD a brief statement which I have here of the disagreements, that Senators may see them in the morning and know from this statement exactly the matters that are still in conference.

The PRESIDING OFFICER. If there is no objection to the request of the Senator from Iowa, the memorandum sent to the desk will be incorporated in the RECORD. The Chair hears none, and it is so ordered.

The statement referred to is as follows:

The committee of conference have been unable to agree upon the following amendments, namely, numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings, as follows:

Appropriating $100,000 for additional land for extension of public building at Bridgeport, Conn.;

Appropriating $14,000 for completing approaches to public building at Charleston, S. C.;

Appropriating $100,000 for public building at Norfolk, Va., and extending the limit of cost of said building from $150,000 to $250,000;

Appropriating $25,000 for additional site for and $75,000 for extension of public building at Topeka, Kans.;

Appropriating $325,000 for purchase of the Corcoran Art Gallery property;

Appointing a commission to examine sites and consider prices of lots suitable for a memorial building for the National Society of the Daughters of the American Revolution; and

Appropriating $50,000 for purchase of a site for a public building at Butte, Mont.

On amendment numbered 24, appropriating $175,000 for a revenue cutter for service on the Atlantic coast.

On amendments numbered 48, 49, and 50, appropriating $75,000 additional for the Omaha Exposition.

On amendment numbered 58, creating an additional customs collection district in the State of Vermont.

On amendment numbered 61, appropriating $1,085,156.66 for the payment of sugar bounty.

On amendment numbered 62, appropriating $2,011.13 to pay A. T. Kimball for damage to his property from the break in the Pine River Reservoir, Minnesota.

On amendment numbered 63, appropriating $15,000 to the heirs of those who were killed by the explosion of the gun-cotton factory on Goat Island, in the harbor of Newport, R. I.

On amendment numbered 72, restoring to the public domain lands in Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, reserved by Executive orders and proclamations of February 22, 1897.

On amendments numbered 73, 74, and 78, increasing the appropriation for Report of Mineral Resources from $20,000 to $45,000.

On amendments numbered 89, 90, and 91, relating to the electric lights in certain parks of the city of Washington.

On amendment numbered 96, appropriating $26,000 to improve the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

On amendments numbered 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, and 141, relating to river and harbor works, by which the Senate reduced the appropriations of the House $2,450,168, and added new works amounting to $1,313,000.

On amendment numbered 144, appropriating $35,000 for an additional building for the Garfield Hospital.

On amendment numbered 146, appropriating $150,000 for the Deep Waterways Commission.

On amendment numbered 147, appropriating $5,000 for a board of engineers to ascertain the character and value of the improvements made at the Pass of Aransas, in Texas, by the Aransas Pass Harbor Company.

On amendment numbered 148, appropriating $50,000 for the improvement of Pearl Harbor, Hawaiian Islands.

On amendment numbered 149, appropriating $2,500 for a survey, designs, and estimates for a memorial bridge across the Potomac River.

On amendment numbered 168, appropriating $100,000 for a Branch Soldiers' Home at Hot Springs, S. Dak.

On amendments numbered 169 and 170, correcting a total and relating to the manner of disbursement and accounting for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 179, providing for three commissioners to revise and codify the criminal laws of the United States.

On amendment numbered 180, appropriating $150,000 for the Nicaragua Canal Commission.

On amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans for additions and improvements to the Government Printing Office.

NET REDUCTIONS BY SENATE IN RIVER AND HARBOR ITEMS IN HOUSE BILL.

Reductions	$2,450,168
Increase	1,313,000
Net reductions	1,137,168

Mr. FRYE. I desire to call the Senator's attention to the fact that as to the Pearl Harbor improvement there is a very careful report prepared by Admiral Walker, which gives all the necessary information and gives an estimate of the entire cost of completing the improvement at $100,000.

Mr. ALLISON. So we stated to the conferees on the part of the House, but they insisted that it did not appear in the Book of Estimates and therefore was a matter that must lie in the judgment of the two Houses, and they did not agree to that amendment.

So as respects the waterways commission, we called their attention to the complete and elaborate report of the commission, who had already made a preliminary survey, but the same answer was given.

Mr. VILAS. But in that case the report of the commission came in Congress too late to have been put in the Book of Estimates. It did not properly go before the Secretary of the Treasury to be included in his estimates in any case.

Mr. ALLISON. That is very true.

Mr. NELSON. I desire to ask the chairman of the committee a question, if he will permit me. What was done with the amendment numbered 56, the Alaskan seal-fishery provision?

Mr. ALLISON. I will state to the Senate that we receded from that portion of the amendment numbered 56 which provides for the continuation of the scientific investigation, etc., retaining what I have no doubt will be agreeable intelligence to the Senator from Minnesota—the provision for the compensation of those faithful men who served the commission last year.

Mr. NELSON. That is agreed to?

Mr. ALLISON. That is agreed to.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments to the bill and ask for a further conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I present a conference report on the Indian appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report.

Mr. VEST. It is impossible for us to understand what the disagreements and agreements are until we hear from the chairman of the conference committee on the part of the Senate. I should like to know what the numbers given mean.

Mr. CARTER. I insist that the announcement of the numbers bears no more significance to the Senate than the reading of the report in the Greek language.

Mr. GALLINGER. They would mean more if the Senator had the last print of the Indian appropriation bill before him.

Mr. CARTER. The bill, I understand, has not been printed with the amendments numbered.

Mr. GALLINGER. It is so printed.

Mr. PETTIGREW. It is printed with the numbers, and the Senator can get a printed copy of it.

Mr. CARTER. I did not know that was the fact.

Mr. VEST. As the Senator from Montana has stated, it is simply impossible for us to understand what has been done by the conferees. I should like, in order to bring the matter to an issue, to ask the Senator from South Dakota what has been done in regard to the amendment of the Senate in reference to the Uncompahgre Reservation, and what has been done in regard to the Indian Territory?

Mr. PETTIGREW. After the reading of the report has been completed I will answer the Senator from Missouri.

Mr. VEST. It is simply nonsense to sit here and listen to the reading of the report, in which the amendments are stated simply by number.

Mr. PETTIGREW. The bill is printed with every amendment numbered.

Mr. VEST. But we have not had time to look at the printed bill.

The reading of the report was concluded. It is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 21, 28, 40, 41, 43, 70, 74, 84, 96, 97, and 103.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 14, 16, 17, 22, 23, 24, 25, 26, 27, 29, 32, 33, 36, 37, 38, 39, 42, 44, 45, 46, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 82, 85, 86, 89, 98, 100, 101, 104, and 105; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert after the word "Territory," in said amendment, the following: "Or adjoining State or Territory;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$22,375;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the allottees of land within the limits of the Quapaw Agency, Indian Territory, are hereby authorized to lease their lands or any part thereof for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed. All chattel mortgages executed in the Quapaw Agency shall be recorded by the clerk of the United States court at Miami, in the Indian Territory."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Ind. T., who have each received allotments of 200 acres or more, may sell 100 acres thereof under such rules and regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out from said amendment, after the word "sum," the words "or so much thereof" and insert in lieu thereof the words "so much;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes," in line 4 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 31, and agree to the same with an amendment as follows: Strike out after the word "purchase," in line 1 of said amendment, down to and including the word "Dakota," in line 3, and insert in lieu thereof the words "of land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For extension and completion of steam plant, $6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out, in lines 8 and 9 of said amendment, the words "for steam-heating plant, $15,000;" and strike out, in line 9, the word "eighty-six" and insert in lieu thereof the word "seventy-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Insert after the word "That," in line 1 of the said amendment, the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the words "to be" and insert in lieu thereof the words "is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For resurvey of the lands of the Chickasaw Nation, Ind. T., $141,500, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for filing in the Indian Office and one in the General Land Office, and twenty photolithographic copies of the plats shall be returned, one for filing in the Office of Indian Affairs and one in the General Land Office, which shall be certified to by the Director of the Geological Survey, and the others filed in the General Land Office, with the facsimile of the signature of the Director of the Geological Survey, and the same provision shall also extend to the plats to be filed of the surveys already made or to be made under the supervision of the Director of the Geological Survey within the Indian Territory, and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys, and in making the resurvey the former land survey is to be disregarded, the latter now being declared null and void: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through an Indian inspector with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements to be submitted to Congress for its approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "Except when otherwise specifically provided by law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Insert after said amendment as a separate paragraph the following:

"The Secretary of the Interior is hereby directed to negotiate through an Indian inspector with the Indians entitled thereto for the allotment in severalty of all the lands in the Cattaraugus and Allegany Indian Reservations in the State of New York, and said inspector shall report thereon with all convenient speed to the Secretary of the Interior, who shall transmit the same to Congress for its action thereon, and no agreement made shall be binding until approved by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: Insert after said amendment as a separate paragraph the following:

"Immediately upon the passage of this act, the Commissioner of Indian Affairs is hereby authorized and directed to cause to be examined, by an officer of his bureau thoroughly acquainted with the history of the issuance and redemption of the "scrip" hereinafter mentioned, all payments made in redemption of "Kaw or Kansas Indian scrip" issued or claimed to have been issued under the treaty of 1859, as amended in 1862, and further amended in 1863, and to report to Congress, for its consideration and action, as early as practicable, the amount of money, principal, and interest paid out of the Kansas Indian funds in the redemption of any part of said scrip, which was issued without authority of treaty or law, as decided by the Attorney-General of the United States, and report all interest paid on said scrip."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the alleged difference in area of the reservation as actually set apart to them and that provided to be set apart under the the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the difference, if any, between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and in hearing and determining the said matter the court shall take into consideration and determine whether since the date of said treaty there has been any equitable adjustment made to said Indians in whole or in part for the alleged difference in area. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court, and when completed the court shall make a full report to Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following:

"That all children born of a marriage between a white man and an Indian woman by blood, and not by adoption, and who is recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such child of such right."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation, in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

"That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who hold title to land, either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

"That upon the approval of said census and the report of said commissioner by the Secretary of the Interior patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

"That where there are several heirs, and the partition of land is practicable, the partition shall be made by said commissioner, but if not practicable, said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

"That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.

"That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inheritance, and make a separate report thereof.

"That upon the approval of said appraisement by the Secretary of the Interior, he shall offer said residue of lands at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

"That where an allottee has died leaving no heirs, or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided herein.

"That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

"That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

"That for the purpose of carrying out the provisions of this section there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee, or Christian Indians, not held for them by the United States, said sum being on the 1st day of January, 1896, $42,560.36.

"That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians, per capita, the remainder of said funds, of $42,560.36, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

"That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council."

And the Senate agree to the same.

On amendments numbered 9, 30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, and 95, the committee of conference have been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. CARTER. Mr. President, I move that the Senate disagree to the report of the committee of conference, and insist on a further conference.

Mr. QUAY. I hope the Senator from Montana will withdraw his motion for a moment.

Mr. CARTER. I should like to make a statement in support of the motion.

Mr. GALLINGER. That is debatable.

Mr. QUAY. I know, but I wish to offer an amendment.

Mr. CARTER. I understand that can not be done. If the Senator will permit me one moment, I should like to make a statement.

Mr. President, as suggested early in the reading of this report, it was extremely difficult for any Senator upon the floor of the Chamber to comprehend its significance. Many amendments were added in the committee of the Senate and adopted in the course of our deliberations in the Cnamber. Many of those amendments have been stricken out and the substitutes, it appears in many cases, are much more elaborate than the portions disagreed to. The far-reaching consequences or significance of any one of these extensive amendments no one, in the limited time here allowed, can possibly predict or comprehend.

I will call the attention of the Senate to one item. During the last session of Congress, on the Indian appropriation bill, a treaty was ratified whereby the Indians of the Blackfoot Reservation, in the State of Montana, ceded about 900,000 acres of land to the United States, and in consideration for such cession the General Government is obligated to-day to pay those Indians about $1,500,000.

The purpose of this cession was to take out of the Indian country a certain valuable mineral region and to throw it open for location under the mining laws by citizens of the United States. As the bill passed the Senate before it appeared in conference, every citizen of the United States, regardless of his place of residence, was given a fair, free, and full opportunity to purchase any portion of those lands from the Government upon which he might discover valuable mineral. In conference, however, and without any opportunity to deliberate upon this floor, a proviso was inserted to the effect that any person who might, prior to the time the land was surveyed, make a location within that country, and should have such location protected. This gave to the Indian agent in charge of the country—and he remains in charge until it becomes a part of the public domain—the exclusive right to designate the persons who might explore that valuable mineral region and make locations within its limits.

I make no accusations upon this floor, but I am informed by persons whose truth and veracity I can not question that the Indian agent upon that Blackfoot Agency, in collusion with divers and sundry speculators thereabout, has issued permits to certain favored individuals, who have taken from this purchase by the Government every foot of mineral land worth occupying or developing. The proviso under which this great wrong and monopoly was consummated, or sought to be consummated, was interjected in conference without the knowledge of the Representative in the other House or either Senator from Montana upon this floor.

Mr. HAWLEY. In what State was it?

Mr. CARTER. In the State of Montana. Now, for the purpose of preventing this overreaching combination from gaining advantage, as the result of their underhanded operations, we have sought in this bill to repeal the proviso which gave the advantage in a surreptitious manner in a former bill, and the committee of conference disagrees, and says that this remedial legislation in the interest of common honor and common honesty shall be disagreed to by the American Congress.

Upon this one proposition alone, if no other element appeared in the conference report, this report should be disagreed to. The report should be analyzed; the component parts of it made plain to every Senator; the record placed upon these desks, to the end that each Senator charged with a duty here should be permitted to vote intelligently upon the subject-matter of this important piece of legislation.

Mr. STEWART. Will the Senator state to me exactly what is the point of difference?

Mr. CARTER. The point simply, I will state to the Senator from Nevada, is that an Indian reservation was to be opened under a cession from the Indians to the United States, and a proviso was inserted whereby any person who might, through the good graces of the Indian agent, be permitted to enter that land before the cession was consummated could make a mining location within its limits, and that location would be validated by the proviso.

Mr. STEWART. That was a fraud.

Mr. CARTER. It is a fraud—plain, palpable, and bold. Language need not be employed to brand it more dark and damaging than it appears upon the surface.

This report should be disagreed to, and the disagreement insisted upon until this piece of proposed legislation in favor of all the people of the country at large shall be permitted to become a part of the law of the land.

Mr. PLATT. Mr. President, it has been very difficult to understand what has been done by the conferees in this conference report. The first thing to which I wish to call the attention of the Senate is this: In the amendment numbered 14, which relates to transferring court jurisdiction over the Osage and Kansas Indian reservations from Oklahoma to the Indian Territory, it will be remembered that I suggested, when the amendment was proposed in the Senate, that the amendment altered the boundaries of the Territory of Oklahoma, and the Senator from Nebraska [Mr. ALLEN] thought not. He said that it was not intended to take the Osage Reservation out of the Territory of Oklahoma and put it into the Indian Territory, but simply to transfer the jurisdiction of the court. It was a matter which we had not heard of until it was proposed by the amendment, and it was suggested that it was not the intention to lessen the area of the Territory of Oklahoma, and that it could be fixed in conference; but now in conference it stands as it was passed in the Senate.

Mr. ALLEN. On what page was that?

Mr. PLATT. It is on page 27, amendment numbered 14.

Now, I wish to say that I think that that method of breaking up one of the Territories of this Union is entirely improper. The amendment as it stands takes 3,000 square miles from the Territory of Oklahoma and puts it in the Indian Territory. That was not the intention of the amendment. It was disowned by the Senator from Nebraska, who said that he did not desire to change the boundaries of Oklahoma, and he thought that his amendment did not; but I have examined the matter, and I find that it does. I submit that that ought not to be done under the amendment.

Mr. ALLEN. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT. Yes.

Mr. ALLEN. I have no objection whatever, so far as I am concerned, to have the words "for judicial purposes" inserted in line 21, after the word "Oklahoma." That will obviate the difficulty the Senator from Connecticut suggests.

Mr. PLATT. It would if we could amend the provision, but it being in a conference report, we can not amend it. This is only one thing I am going to speak of with reference to this conference report. If we disagree to the report, undoubtedly that matter can be fixed in conference.

The legislature of Oklahoma has unanimously passed a resolution protesting against being despoiled of its territory, and I do not think it ought to be done in this way.

I wish the Secretary would recur to amendment numbered 81 to see what has been done there, for I wish to call the attention of the Senate to this matter.

The PRESIDING OFFICER. The Secretary will read, as requested.

Mr. PLATT. Before that is done, I will read the amendment as it is in the bill.

Mr. ALLEN. On what page?

Mr. PLATT. Amendment numbered 81, on page 68. It reads:

The Secretary of the Interior is directed to negotiate through an Indian inspector with the Yankton tribe of Indians of South Dakota for the purchase of a parcel of land near Pipestone, Minn., on which is now located an Indian industrial school.

That is all there is of the amendment. Now, will the Secretary read how it will be according to the report of the conference committee?

The Secretary read as follows:

Amendment No. 81: Insert after said amendment, as a separate paragraph, the following:

"The Secretary of the Interior is hereby directed to negotiate through an Indian inspector with the Indians entitled thereto for the allotment in severalty of all the lands in the Cattaraugus and Allegany Indian reservations, in the State of New York; and said inspector shall report thereon with all convenient speed to the Secretary of the Interior, who shall transmit the same to Congress for its action thereon, and no agreement made shall be binding until approved by Congress."

Mr. PLATT. Mr. President——

Mr. GEAR. May I ask the Senator a question?

Mr. PLATT. Let me say this, first.

Mr. GEAR. I merely wanted to ask a question.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. PLATT. I will yield in a moment.

Either something has been inserted here which has not been before the Senate at all, or something has been inserted here which was voted down by the Senate. My recollection about it is that it was voted down by the Senate.

Mr. QUAY. I was just looking at that amendment. That amendment was offered on the floor and was voted down.

Mr. PLATT. That is my recollection, that that amendment was offered on the floor of the Senate and voted down, and now it is inserted as a continuation of a provision about negotiating with the Yankton Indians.

Now I will listen to the Senator from Iowa.

Mr. GEAR. I was merely going to suggest that the amendment as amended takes out of the State of Minnesota over 1,200 miles, and transfers it to the State of New York.

Mr. HALE. Does the Senator from Connecticut understand from his investigation of this report, which nobody knows anything about, and, it not being printed, which nobody can understand—does he mean to say that an amendment which was voted down in the Senate has been written into this bill by the conferees?

Mr. PLATT. I so understand it, either that or else it was never acted upon at all by the Senate; I do not know which.

Mr. HALE. Then, Mr. President——

Mr. PLATT. I want to call attention to one other amendment of the same character.

Mr. HALE. I shall wait for the Senator, and then I am going to move to proceed with the consideration of the deficiency appropriation bill, and let this report be printed, so that Senators can see what there is in it, and see how much the conferees have written into it that the Senate has either rejected or not considered.

Mr. PLATT. I wish the Secretary would turn to amendment numbered 91. I should like him to read that amendment as it stands in the bill as passed by the Senate, and as it is proposed to be amended by the conference committee.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Amendment numbered 91——

Mr. CULLOM. That is a committee amendment.

Mr. PLATT. That is as the bill left the Senate.

The SECRETARY. The Senate inserted, on page 72, after line 20, the following:

For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian affairs, under authority of the Indian appropriation act approved June 10, 1896, $2,000: *Provided*, That the Secretary of the Interior may authorize said work to be performed by a clerk of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed under the appropriation heretofore made or may hereafter disburse under this appropriation for this purpose to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

Mr. PLATT. I ask the Secretary to now read the amendment as agreed to by the committee of conference.

The Secretary read as follows:

Immediately upon the passage of this act, the Commissioner of Indian Affairs is hereby authorized and directed to cause to be examined by an officer of his Bureau, thoroughly acquainted with the history of the issuance and redemption and of the "scrip" hereinafter mentioned, all payments made in redemption of "Kaw or Kansas Indian scrip," issued or claimed to have been issued under the treaty of 1859 as amended in 1862 and further amended in 1863, and to report to Congress for its consideration and action as early as practicable the amount of money, principal and interest, paid out of the Kansas Indian funds in the redemption of any part of said scrip, which was issued without authority of treaty or law, as decided by the Attorney-General of the United States, and report all interest paid on said scrip.

Mr. HALE. I should like to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Maine?

Mr. PLATT. Certainly.

Mr. HALE. The Senate has listened to the proposition originally in the bill, and it has listened to the substitute of the committee of conference.

Mr. CHANDLER. The addition.

Mr. HALE. The addition. I should like to have the Senator state if he can what possible relation there is between the one and the other.

Mr. PLATT. None at all. The amendment as it left the Senate was a questionable amendment in my mind, and it related to the preparation of a digest of the decisions of the courts and the Interior Department, etc., relating to Indian affairs. We put such a provision in last year. I think it went in in conference last year, but I am not certain about that. It was said then it would only cost $2,000, and here it comes for $2,000 more, performed, as I understand, by a clerk in the Indian Office, who is a favorite there. But I do not make any objection to that amendment.

However, when it comes back from the committee of conference it has attached to it a provision about Kaw Indian scrip which never was heard of in the Senate or in the House until it was put in the conference report.

Mr. CULLOM. Where does it come from?

Mr. HALE. Has it in any way any relation to the original proposition?

Mr. PLATT. Not the slightest.

Mr. CULLOM. Where are the Kaw Indians?

Mr. PLATT. They are in Kansas, and, if I am correctly informed, one or more of them happen to be members of the other House, which may account——

Mr. CULLOM. One or two of the Kaw Indians?

Mr. PLATT. Yes; which may account for the fact that this has crept into the conference report.

Mr. President, these are all the instances I have been able to gather during the reading of the report and in the confusion of the Chamber, but these certainly are instances in which it seems to me the committee of conference has exceeded its powers. I think the report ought to be printed and rejected.

Mr. ALDRICH. Suppose we have it rejected first.

Mr. PLATT. Or rejected first, and then printed.

Mr. HALE. The Senator can reach that by moving that the report be tabled and printed.

Mr. CULLOM. That it go over and be printed.

Mr. HAWLEY. Yes.

Mr. ALLEN. I hope the Senator will not make that motion until the Oklahoma matter can be properly explained. I do not think there will be any difficulty about that when the Senator understands it.

Mr. PLATT. I do not think the Senator intended by the amendment, when he submitted it, to change the boundaries of Oklahoma Territory.

Mr. ALLEN. Not at all.

Mr. PLATT. I did not so understand.

Mr. ALLEN. It did not detach the Osage Nation from the Territory of Oklahoma except for judicial purposes.

Mr. PLATT. That I did not object to, and do not.

Mr. JONES of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. JONES of Arkansas. I thought the Senator from Connecticut had yielded the floor.

Mr. PLATT. I will yield the floor.

Mr. JONES of Arkansas. There is another reason why I think the report should go back to the committee. The bill came from the House with a provision that changed the law as it stands now as to the rights of mixed bloods. It is clear that the law is right as it stands and ought not to be changed. The provision, as I understand it, as it was read at the desk, now proposes absolutely to reverse the law from what it is at this time.

The policy of the Government has been and the law is now that when a white man marries an Indian woman she shall be segregated from her tribe, and that she and her children shall follow the status of the white man. They are a part of the people of the United States. They have the rights of citizens of the United States, and they take no part with the tribe. This proposes exactly to reverse that provision, and to make the children of a mixed marriage of this sort become citizens of the tribe and entitled to equal rights with all the other citizens of the tribe. The policy has been to prevent that sort of thing. Assuming the superiority of the white man and the belief that when a white man marries an Indian woman he does not and ought not to lose his status as a citizen of the United States, it is provided now that his children shall take their status from him, and that his children shall not follow the status of the Indian woman.

This ought not to be changed. It is the law now. It is right as it is. The tendency ought to be to have the intelligent and superior people of the United States absorb these people and not to have them absorb the people of the United States. Besides it is not fair to have the children of these people, men who marry Indian women for no other purpose in the world than to get a part of the patrimony, to become interested in the tribal rights. It ought not to be encouraged. It ought, on the contrary, to be discouraged, and no white man marrying a woman in that way ought to be allowed to have any rights in the tribe. It seems to me the action of the conference committee is radically wrong in that respect, and the Senate ought to stand by its action in striking out that provision of the bill. I hope that for that reason the conference report will go back to the committee.

Mr. ALLEN. Mr. President, I wish to reply briefly to the Senator from Arkansas, and to say that I can see no distinction whatever between the child of a white man and an Indian woman and the child of an Indian man and a white woman. There may be a distinction. In either instance, however, the children are half-breeds, and the same reason that would segregate the child of a white man and an Indian woman from the tribe should segregate the child of an Indian man and a white woman from the tribe. If any of these children are to be recognized as members of the tribe, they should all be recognized. If the marriage of an Indian woman and a white man ought to be discouraged, then the marriage of an Indian man and a white woman is equally to be discouraged.

The law as it stands now is not just—that is, it is not just as respects the issue of a marriage between a white man and an Indian woman. The Senator from Arkansas seems to think that the white man marries into the Indian tribe for the purpose of obtaining a status in the tribe, and doubtless that is true in many cases; but what is the truth with respect to the white woman who marries into an Indian tribe? Does she not marry the Indian man for the purpose of obtaining a status in the tribe as an Indian, just as much as the white man does to obtain a status as an Indian?

If it is to be discouraged in one instance, it should be discouraged in the other, and there is no kind of sense or policy in permitting the issue of an Indian man and a white woman to became members of the tribe and at the same time deprive the issue, a half breed, of a white man and an Indian woman of like privileges. If the one is wrong, the other is wrong. The same reason that excludes the one excludes the other.

I do not know but that it would be good policy to say that whenever an Indian man marries out of his tribal relations he shall cease to be a member of the tribe, and to apply the same rule to an Indian woman who marries a white man. Let them be segregated from their tribe and have their station in society as citizens of the United States.

Mr. VILAS. I do not propose to discuss the pending motion; but I am a little surprised at the complaint which some Senators have been making as if in the conference report there had been a violation of the rules. If I am not vastly mistaken, nearly every Senator among those now crying out at the infraction of this sacred rule voted at the last session to despoil the Indians of the Indian Territory of some of their dearest rights, and against their most earnest protest; notwithstanding after the Senate had ruled all those amendments out upon a point of order, they were brought in out of whole cloth on the conference report.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. VILAS. I do not know what the Senator wants.

Mr. HALE. I only wish to say that so far as I am concerned, I opposed that from the very beginning; believed it to be an infraction of the rules and an outrage upon the Senate, and endeavored in every way to prevent it. I agree with the Senator that it was in the same line that seems to have been pursued in this report, of putting in new legislation in conference reports, and it is about the worst abuse that can obtain in the Senate.

Mr. VILAS. Oh, Mr. President, this is hardly a speck, this is not a mote in the eye compared to the monstrous work of the last session in violation of this rule.

Mr. HALE. I agree with the Senator from Wisconsin in that.

Mr. VILAS. Let us justify the conferees by precedents of our own creation.

Mr. HALE. But that was not a precedent that committed us who opposed it at the time. Simply because the majority did it, against the protest of some of us, does not in any way bind us to agree to this report.

Mr. VILAS. I should be very glad if the principle were established that the rules should be observed because they are rules, but when this very bill was before the Senate the rules of this body were trampled under foot as if a herd of buffalo had run over them, and amendments went upon the bill utterly regardless of the rules of the Senate. Talk about rules! We might as well recognize the fact that there is no principle and that there is no rule obligatory during the construction of a bill in this body except the will of the Senate for the time being.

I only say this in reference to what seems to be severe—and, when you look to the rule and not to the usage and precedents, justly severe—criticism, which has been indirectly rather than in direct adjectives applied to the conferees. But I call attention to the excuse they have in the action of the Senate itself. I have no desire to discuss this proposal in the least, or to interfere with the order which is sought by Senators and which I suppose is a very proper order to make, at least that we should understand thoroughly what is proposed before action is taken.

Mr. HAWLEY. Mr. President, the iniquity of breaking a rule is nothing especially criminal or disgraceful. The question is whether, in addition to breaking the rule, we have not put in that which is actually wrong. I find prevailing about the Senate a very strong sense of indignation. We were probably misled last year, especially those of us who, from our location, can not be expected to be thoroughly informed on Indian affairs, and we will be very grateful to the Senator from Wisconsin if he will tell us what was the wrongdoing if not the fraud that we were led into last year, and just what fraud to avoid this year.

Mr. CALL. Mr. President, I have been requested by some of the Seneca Indians who are here to bring to the attention of the Senate the clause in the conference report in reference to their rights, by which authority is given to sell their lands without any negotiation with the tribe or any tribal consent. Some of these Indians, who are located in the State of New York, are making very serious objections to that provision of the bill which authorizes the lease of their lands for the purpose of oil wells. I think that ought not to be done upon the pending bill, and if such a provision is desirable, it ought to be the subject of more serious consideration in some bill brought before the Senate at its next session as to which all these parties may be heard and their rights duly provided for and protected.

I was requested to bring this subject to the attention of the Senate, in order that when the disagreement shall take place, the conferees may be advised that there are serious objections and protests against this provision of the conference report.

Mr. PETTIGREW. Mr. President, in regard to the matter of which the Senator from Montana spoke, I wish to state in behalf of the committee that last year there were three treaties ratified in the bill, two of them in Montana and one in relation to the San Carlos Reservation, in Arizona. The Arizona treaty was prepared by the Department and negotiated by one of its inspectors. That contained a provision that persons who had a mining claim upon the reservation should have a preference right after it was opened to settlement to take the land.

This provision was recommended by the Department and earnestly urged. In conference members came before the committee and desired that the same provision, the same words and terms, should be applied to the reservations in Montana, representing that it accorded with justice and the protection of rights; and the committee feeling that it could safely be extended to the other reservations, made the three treaties correspond.

It appears that some complaints have arisen with regard to the reservation in Montana. An amendment was submitted and referred to the Committee on Appropriations to repeal the provisions of the treaties of last year. While I do not think, perhaps, it is proper to say, ordinarily, what the Committee on Appropriations has done, I will say in this connection that the Committee on Appropriations, after fully discussing the matter, voted unanimously not to put it into the bill. It went on the bill of the Senate. The conferees on the part of the House refused to agree to it, and the argument used was that if any rights had attached under the law of last year, there was nothing we could do to take them away. Therefore, we could accomplish nothing by insisting upon the amendment. However, so far as I am concerned, I am willing that every one of the objections to the conference report raised by Senators shall be submitted to the Senate. I should like to take the sense of the Senate upon each and every one of them, and I shall be very glad, if any one of them is not acceptable, to have the conference report rejected and again go into conference on this subject.

Now, in regard to the oil leases in New York, that is the House provision. The Senate struck it out. The House insisted upon it. Members from New York came before the committee, Judge DANIELS, for instance, who has held court in that portion of New York for years, being circuit judge. He stated that after careful and thorough investigation of the whole question he was convinced that it was in the interest of those Indians to have that lease confirmed. Therefore the Senate conferees receded.

In respect to the Osage Indians, that is a provision which was put on by the Senate. The House accepted it.

As to amendment 99, with reference to the mixed-blood Indians, it is a House provision. The Senate struck it out, the House insisted, and the conferees yielded. Upon that question I shall be very glad to take the sense of the Senate. I should be pleased if the Senate would insist that that should be stricken out of the bill and insist to the point of defeating the bill, for I believe it is wrong and unjust. Therefore, I say, instead of making one motion I should like to take the sense of the Senate upon each of these propositions.

Mr. GALLINGER. That can not be done.

Mr. PETTIGREW. It seems to me it can be done.

Mr. HALE. You can not do it on a conference report.

Mr. PETTIGREW. By unanimous consent we can take the sense of the Senate most certainly upon each proposition.

Mr. TELLER. The committee certainly has the right to take the sense of the Senate upon any proposition which we may bring forward.

Mr. ALLISON. After the report is nonconcurred in.

Mr. TELLER. After the report is nonconcurred in.

Mr. HALE. The first question is on concurring in the report.

Mr. PETTIGREW. I should be glad to take the sense of the Senate upon these questions.

Mr. CARTER. It is and has been far from my purpose to cast any possible shadow of reflection, or to convey any kind of insinuation intimating directly or remotely, any purpose on the part of any Senator or Representative in any way to connive at or lend aid to the unfortunate provisions of law of which I complain. Since, as appears, an agent of the Interior Department framed a provision of law relative to ceded Indian lands in Arizona, New Mexico, or elsewhere, such provision, probably through inadvertence, was added to the acts relating to the ceded Indian lands in Montana. In assuming that anyone could make a valid mining location on an Indian reservation, such agent simply acted in ignorance of the plain spirit and letter of the general mining laws of the land. The law is that all persons upon an Indian reservation, save and except the agents and employees of the Government of the United States, and the wards of the Government for whom the reservation has been established, are trespassers in the eyes of the law, and as such, prior to the complete extinguishment of the Indian title, no right can be acquired by settlement, mining location, or otherwise.

Hence it is that a provision of the law complained of, which proposes to validate existing rights, contemplates the creation of rights where none exist. No right can be initiated by or through a wrong or a trespass. Any individual going upon an Indian reservation to explore or to occupy Indian lands without the consent of the United States is a wrongdoer, and as a wrongdoer he can not initiate a right by the proceeding.

The act of the last session proposed that all persons having mining locations upon that land at the date of the survey and segregation from the Indian reservation should be recognized as valid owners of valid mining claims. Now, what was the consequence of that? The Indian agent could permit anybody to go upon the reservation as a prospector, and in the case in Montana reputable citizens have advised me that the Indian agent had the Indian police, paid by the United States, industriously chasing people off that reservation throughout the entire autumn and summer preceding it, to the end that the few favorites in the ring might have the free and untrammeled privilege to locate every part of mining country there worth locating or staking out.

The names of the individuals are said to appear upon the location notices within the Indian reservation to-day. These gentlemen are said to have located every water right within that reservation which is worth having or that can be utilized for any useful purpose. They have located every conceivable or available town site within the limits of this land, for which the United States has paid the sum of about $1,500,000, and they propose to profit by and through this overreaching scheme in consequence of the law passed at the last session through inadvertence and mistake. What we now ask is that, before the consummation of this scheme, Congress shall step in and repeal the section under which this unconscionable advantage is sought.

No one need feel hurt or injured, no person need wince or apologize, because no one is accused. We will call it inadvertence or oversight and ask that the mistake be corrected, and upon that ground and that ground alone I ask the Senate to nonconcur in the conference report.

Mr. PEFFER. Is the motion subject to amendment?

The PRESIDING OFFICER. The motion is not subject to amendment. Its effect is either to concur or nonconcur in the report.

Mr. PEFFER. Then I will ask, instead of putting it in the form of a motion, that the conference report be printed, so that we can have it in separate form.

Mr. CHANDLER. That it be laid upon the table and printed.

Mr. PEFFER. That it be laid upon the table and printed, so that we may have it convenient to refer to in the further consideration of the report.

The PRESIDING OFFICER. Does the Senator from Kansas ask that as a substitute for the motion of the Senator from Montana?

Mr. PEFFER. I do not know that that is exactly the way to put it. I am in favor of the Senator's motion, but at the same time I should like to have the report printed.

The PRESIDING OFFICER. The amendments will all be printed in the RECORD.

Mr. PEFFER. But separately.

The PRESIDING OFFICER. They can be printed separately. Is it the purpose not to take any action on the report to-night?

Mr. PEFFER. No; I do not care about that.

The PRESIDING OFFICER. The request of the Senator from Kansas is that the report of the conferees may be printed as a document.

Mr. PEFFER. That is it.

Mr. CHANDLER. There is no reason, I will say to the Senator from Kansas, for printing the report if it is to be acted upon now. It seems to me that either there ought to be an agreement to reject the report and have a new conference, or the report ought to be laid upon the table and printed, and the deficiency bill taken up. It seems to me that is what ought to be done.

Mr. PEFFER. Whichever is the better form.

Mr. CHANDLER. For my part——

Mr. JONES of Arkansas. If the Senator will allow me, I will suggest that the purpose of all the Senators may be accomplished by agreeing to send the report back to the conference committee and to print the report at the same time as a matter of guide to the Senate to see what has been reported up to this time and the points as to which difficulty exists.

Mr. CHANDLER. If that would be satisfactory to the conference committee——

Mr. HAWLEY. Nonconcur first.

Mr. JONES of Arkansas. Nonconcur first.

Mr. CHANDLER. Nonconcur in the report and let it be printed.

Mr. PEFFER. That will be entirely satisfactory to me.

Mr. CARTER. I suggest that some progress be made at this time. I think the suggestion of the Senator from Kansas can be fairly met by disagreeing at this time, in conformity with the motion now pending, and thereupon have at least the report printed for the information of the Senate, and several matters may be agreed to in the morning, notwithstanding the agreement to-night.

Mr. TELLER. I do not know whether I can have the floor a moment or not. There seem to be two or three Senators on the floor talking at the same time. If Senators standing claim the floor, of course I will yield.

Mr. CHANDLER. I am waiting.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado. The Chair can not prohibit Senators from standing.

Mr. TELLER. I did not mean to complain that they are standing, only I did not know whether the Senators were claiming the floor. I do not desire to interfere with them if they are.

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, I have just come into the Chamber. I heard only a portion of the complaint. I heard practically nothing except what the Senator from Montana [Mr. CARTER] stated; but I understand the complaint is that there is legislation on the bill and the conference committee have added some more to it. That is the fact. There is not any question about it. There are some things here that ought not to be in the bill. We probably added some things that ought not to be in the bill; but it ought to be borne in mind by the Senate that we are in the last hours of the session, and that there is a general desire that the bill shall pass. We ought to realize the position in which the conference committee is placed, that is, that conferees may have to make some concessions.

It can not be an offense to put legislation upon this bill. There is more legislation upon the bill than usual, but there has never been an Indian appropriation bill passed since I have been in the Senate that has not contained more or less legislation. In fact it is the only way that you can get any legislation on some questions. The best part of the legislation for the last twenty years touching the Indian question has been upon Indian appropriation bills.

The Senate the other night insisted (and I voted with them because I believed it was necessary; I believed that the good of the public service required it) that we should put on certain legislation, and I do not think it can be now complained of if there shall be a little more added in the same general direction. That is all that has been done, and that has been done to facilitate, if possible, the passage of the bill.

The Senator from Montana complains that there was some legislation put on last year. If the provision in this bill that he refers to was put in, it was put in because somebody in that section of the country demanded that it should be placed in the bill. I have no personal recollection of it, but I will venture to say that it came from some Representative of the State where this property lies. It would not have been put in without it. A similar provision has been put in a number of bills heretofore in exactly the same language, and it has been put in because every time somebody who lived in the section of the country was anxious to protect certain rights.

In regard to my own State, legislation has taken place here (I will not say it was on an appropriation bill, for I think, perhaps, it was not) that preserved the first privilege of taking the land to the prospectors who had invaded an Indian reservation in the mountains and had made mining locations. That may be a very unwise provision, and certainly, if the facts exist as stated by the Senator from Montana, it was unwise in that case at least. But what was the question presented to the committee? This provision has not been put on by the committee. In the first place, it is pure legislation as everybody knows. The question was whether it was vicious legislation when we came to look at it, but the Senate put it on, not by our consent and approval.

When the act of 1896 or the last act provided that these people had certain privileges, their position became one recognized by law, and the title that they had attempted to make became a vested and good title. A year afterwards, when some of these titles have changed hands, we assert that that was an error, or that there has been fraud under it, and we have no evidence in the world before us. There was not a statement made here by anybody that there had been any fraud. No suggestion of fraud was made to the Senate when it was put on, and if there had been it would not have made very much difference. The question is, Have you vested rights of property in individuals now, and can you take it away by legislation, and that, too, by legislation upon an appropriation bill? If I am correct about it, that provision is not only legislation, but vicious legislation. The Senator did not complain about the legislation last year; he complains of it now.

Mr. CARTER. I will state, if the Senator from Colorado will allow me——

The PRESIDING OFFICER. Does the Senator from Colorada yield to the Senator from Montana?

Mr. TELLER. Certainly.

Mr. CARTER. Until the bill became a law, owing to the fact that the provisions were interjected in conference, I had no knowledge whatever of their existence, I desire at this point relative to the matter of vested rights to ask the Senator a question.

Mr. TELLER. Wait a minute. Does the Senator mean to say that that provision was put in in conference last year?

Mr. CARTER. I am so informed by my colleague, who is a member of the Indian Affairs Committee.

Mr. TELLER. I have no recollection of it; but I venture to say the Senator must be mistaken as to that.

Mr. CARTER. I may be mistaken.

Mr. TELLER. If put in in conference, it was put in because some Representative from that State asked to have it put in. It was to carry out a provision of a treaty that had been made. The Senators and Members from that State were anxious to have it become a law, and the Committee on Appropriations, I think, will not be arraigned for sometimes yielding to the seductive influence of Senators and Members who represent a section, and say that a provision is equitable and just, and ought to be inserted in the bill. I am sure no member of the committee has, on his own motion, made such a suggestion about this matter. The committee did not even know that there had been any invasion of that territory. I do not say the Senator did it. Perhaps no other Senator from his State did it, but it is very singular if that is not the fact.

Mr. CARTER. I have stated that I did not desire to be understood as directly or indirectly insinuating that this was anything save a mere inadvertence and oversight. The worthy chairman of the Indian Affairs Committee suggests that a like provision came from the Interior Department in conjunction with another treaty. It is quite probable, indeed, that having received such a provision from the Indian Office relative to one treaty the same provision might have been applied to lands supposed to contain mineral deposits in other sections as well.

Mr. TELLER. Before the Senator from Montana arraigns the committee about it he ought to know what the facts are. He does not know them; he admits that he does not know them. It is not a very pleasant thing for the committee to be arraigned by a Senator here for doing that which they did not do, or if they did it it was done upon his request or that of some one else of equal character. If the treaty came from the Department with a request that it should be ratified, it is very strange to me that hose who were interested in its ratification did not have enough interest in it at least to read it.

Mr. President, this bill is full of objectionable features as to legislation. You can not, I repeat, get a bill here that will do justice to the Indians and the public without putting in these provisions. There has always been with reference to the Indian appropriation bill a degree of latitude that never has been recognized in any other appropriation bill that comes before the Senate.

There is not anything, in my judgment, in this bill that is vicious; there is not anything in this bill that is not beneficial, and there is not anything improper in the bill, unless you say that the bill should contain no legislation at all. If the Committee on Appropriations are to be instructed as to that, it is well to instruct them now so that the committee may know hereafter exactly what they can put on a bill and what they can not, that they may make a distinction between those provisions which are legislation and those which are simply appropriations; and the line is so close in many cases that it is very difficult to draw it. In any appropriation that we propose to make we must have some latitude, and in many instances it is necessary to approach very closely to the line of legislation, and in many instances to go beyond it.

So far as I am concerned I have no particular interest in this question. I should like to take, if I can, the sentiment of the Senate on these different propositions. Then I am prepared, as a member of the conference committee charged with the attempt to agree with the House, to stand by whatever the Senate shall determine, without reference to what may be the result and what may become of the bill.

Mr. WILSON. Before the Senator from Colorado takes his seat, I should like to ask him a question for information only. Do I understand the Senator's statement to be that the Commissioner of Indian Affairs through the Secretary of the Interior recommended this piece of legislation, making the location of mineral entries valid where discoveries have been made prior to the opening of the reservation?

Mr. TELLER. I will say that I have no recollection about it whatever, but it was stated that the Senator who has the bill in charge, the chairman of the subcommittee, had stated that another treaty came here with such a recommendation, and therefore I inferred that it might have been the same case here.

Mr. WILSON. I will state the reason why I made the interrogatory. I had an item in the bill opening a reservation to mineral location, providing that that property, the title to which is not in the Indians at all and never has been, shall be opened to leases wherever any mineral lands are found. The Commissioner of Indian Affairs protests against the opening of that reservation to mineral location and giving all the people a chance. Since the original legislation has taken place a vast number of people have rushed across into that reservation and doubtless made mineral locations, but all that would be illegal and void unless legislation of this character is admitted hereafter.

Mr. TELLER. I will simply say that amendment numbered 90, by which the Senate struck out the provision the Senator refers to, contains some legislation, and I understand it was sent to the House from the Indian Office and put in there. On our part we put in the following:

> Amendment numbered 88: That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

That is a reservation that the Indians have no title whatever, but which the Commissioner of Indian Affairs seeks to recognize in some sense at least by providing that the leases shall be made with their approval and their consent and that they shall have the profit that will arise out of the leasing. That we thought to be objectionable in many ways, and the Senate struck it out. The committee recommended it, the Senate struck it out, and that is one of the items that has been in conference. The House conferees receded from their provision and the Senate conferees receded from the amendment opening the Colville Reservation.

Mr. CHANDLER. Mr. President, I do not rise to discuss the merits of any of the propositions in this bill. I do not know, if I could understand the report of the conference committee, whether I should be able to discuss intelligently the merits of any of the propositions in the bill. But I have a right, as a member of the Senate, to know, if I can, what the propositions are. It is not a question of legislation on an appropriation bill, or whether the Senate wisely put that legislation on or not. The question is as to what a conference committee ought to do, and how they ought to present to the Senate the result of their deliberations.

One year ago we had new provisions written into a conference report by a conference committee. We had a long discussion over their right to do that. The Senate finally affirmed the provisions of new legislation which the conference committee inserted, and hence we have set the precedent about which the Senator from Wisconsin has taunted us to-night.

That precedent having been set, here we have in amendment No. 81, which is a provision for directing the Secretary of the Interior to negotiate with the Yankton Tribe of Indians a four-line provision, an addition written in by the conference report, directing the Secretary of the Interior to negotiate with a tribe of Indians in the State of New York, no part of which provision was in the bill as it passed the House, no part of which provision was in the bill as it was amended by the Senate, as I understand it. I am told also (I do not know whether correctly or not) by the Senator from Pennsylvania [Mr. QUAY] that it is a clause which was proposed to be inserted in reference to the New York Indians which was voted down by the Senate. Now, Mr. President, has a conference committee a fair right to do that thing?

Going further, to amendment No. 91, we find a provision as the bill went from the Senate that there shall be a completion of a digest of the decisions of the Secretary of the Interior and of the courts on Indian questions. There has been added to that provision a clause providing for the auditing of certain Kaw scrip. Where was this Kaw scrip issued, and who were the Kaw Indians? What about the scrip? Was anything presented to the Senate in reference to the auditing of the Kaw scrip when this bill passed the Senate. I ask the Senator from Iowa?

Mr. ALLISON. Not to my knowledge.

Mr. CHANDLER. The Senator from Iowa says not to his knowledge. And yet there comes in a conference report, which we had been taught to believe down to the vicious precedent of last year was to be a mere adjustment of differences between the two Houses on the various subjects-matter embraced in the bill, two new and entirely distinct matters.

Mr. President, where shall we be if this precedent is allowed to stand and we are to go on in this way and be compelled to sit here when a conference report comes in the last hours of a session, when the Senate is supposed to have the utmost confidence in its conference committees—if we are to be obliged to sit here and to find out what new provisions of legislation, never heard of before, have been inserted by the conference committee in a conference report, which is supposed to be only an adjustment of differences as to subjects already contained in the bill?

There is another thing I can not understand in the report, and I shall be no better off if the report is recommitted and comes back here again in this shape. The Senate struck out a long provision beginning on page 86. Page 86 of the House bill was stricken out, and pages 87, 88, 89, and 90. Five long pages were stricken out by the Senate. As I heard the report read at the desk, when trying to follow it, the conference report, instead of saying

that the Senate conferees recommend that the Senate recede from striking out those five pages and agreeing to the five pages with amendments here and there, recommends a new provision in the place of the whole five pages, which, as it was read at the desk, seems to be, as you listen to it, the same amendment at first; the first page the same, the second page the same, the third page the same, and then begin little differences here and there, a word or two left out, a word or two inserted, so that it is utterly impossible for anyone to tell what lurks in the changes that the Senate conferees have made.

I do not say that anything lurks there that ought not to be there; what is there may be very beneficial indeed; but I say the Senate is entitled to have a report made to it which if those five pages are to be adopted as the law of the land, with certain alteration in the five pages which the conference committee report, the report shall state that those five pages are to be adopted with certain amendments, and should specify those amendments, so that Senators can understand what they are. Instead of that, we have these long five pages of matter read over at the desk, and it is utterly impossible to tell wherein in their wisdom the conference committee have changed the original House provision.

The precedent set last year in the Senate has been a most injurious one. It was stated at the time that the precedent was set in order to accomplish certain very beneficial results so far as the Indians were concerned.

Mr. ALDRICH. I hope the Senator from New Hampshire does not mean to be understood that because the Senate has done a thing once which is a violation of its rules and improper that that is any precedent for some action upon the part of the Senate on a subsequent occasion.

Mr. CHANDLER. I do not think so. I did not believe that vicious precedent should ever be followed again, but I understood the Senator from Wisconsin, who seems disposed to reproach the Senate for what it did last year, to take it for granted that because of this evil precedent of last year the Senate had now broken down entirely its rule and that the present conference committee were justified in putting new legislation into this bill.

Mr. ALDRICH. I hope the Senator from New Hampshire will agree with me that this proposition, coming here as it does, should be adjudged by its merits and by the law of this body and by the parliamentary law which applies to these cases.

Mr. CHANDLER. I do.

Mr. ALDRICH. And what the Senator calls the precedent of last year has nothing whatever to do with it.

Mr. CHANDLER. I do agree with the Senator from Rhode Island, but so far as the action of last year went, the conference committee this year had that to look to as a justification for their action this year.

It will be remembered that after the action upon the Indian appropriation bill last year it became necessary whenever a conference report came in here to interrogate the chairman of the Committee on Appropriations and to secure from him an explicit statement that the conferees had not written in the bill new legislation no part of which was in the bill before. I felt then that there was trouble ahead. That trouble has now come to us, and in these amendments numbered 81 and 91 we have the result. Here is a gross violation, as it seems to me, of the rules as they stood prior to last year in amendment numbered 91, which was a provision for publishing a digest of Indian laws, and you have a provision to audit the Caw scrip connected with the Indian tribes in the State of Kansas.

Now, Mr. President, we might just as well give up here and now the attempt to pass the appropriation bills between now and Thursday noon, as to spend to-night and to-morrow and to-morrow night here in the effort to intelligently deal with these appropriation bills, unless it can be understood between the Senate and the members of the Committee on Appropriations that conference committees are to deal with differences connected with the specific subjects-matter of the bill as they go into conference, and to deal with nothing else.

Now, Mr. President, I think that this report ought to be recommitted, and a new conference ordered very soon—I apologize to the Senate for taking up so much time on this subject—or else the report ought to be laid upon the table, and the Indian appropriation bill sent over until the 15th of March, the deficiency bill taken up, and an effort made to see whether we can not at least pass all the other bills but this; and then let this bill, which I characterized as a bill of abominations when it was under consideration in the Senate before the amendments were adopted, and which I fear is a still worse bill of abominations to-day, go over until it can be examined more carefully and more leisurely at the next session of Congress.

Mr. CALL. Mr. President, I desire to say just a word or two upon the amendment numbered 99 in the conference report, by which the Senate struck out the provision that the children of a white woman and an Indian man should be deprived of their property rights. I think it ought to be known to the conferees that there is objection to it on the part of some members of the Senate. Why a white woman should be deprived of her property rights because she marries an Indian it is very difficult to conceive. Nothing but the old theory that a woman is no longer a person, that she is not recognized in the law when she becomes the wife of a man, can justify this proposition. Certainly that is not the rule.

The Indians doubtless have a right to prescribe under the law their own relations and their own property rights in respect to marriage, but to say that there is any difference between the case of a white man who marries an Indian woman or of a white woman who marries an Indian man in respect of the rights of their children, in natural justice, in any reason to be derived from the law, is impossible. It is a manifest injustice.

Why should the white woman who marries an Indian man, some of them highly respectable, some of them intelligent, living in the Indian tribe, giving an example of intelligence, of education, of industry, of probity, be deprived of her property rights, which is not done even under the common law, for there the rights of real estate of the woman are preserved to her when the marriage survives? Why in this case there should be an arbitrary law and Congress should not redress it if it legislates upon the subject at all, is a difficult question for me.

I think if there is anything done on this subject, this provision of the bill should be preserved, and the rights of the woman marrying according to her will, her discretion, or what motives influence her, are matters which should be considered carefully before a law is permitted to exist, by which the rights of the woman to her property are taken away from her.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana [Mr. CARTER].

Mr. ALDRICH. I understand the members of the conference committee desire that this item shall be taken up some time for the consideration of the Senate. That of course can only be done by disagreeing to the conference report as a whole. If that is done, it seems to me the conference report might be printed and go over until to-morrow morning, and thus, if the committee desire separate action of the Senate upon any of the items, it can be had in the parliamentary way.

Mr. PEFFER. I hope that will be done.

Mr. PLATT. The question is on concurring in the conference report.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. SMITH. Will the Chair please state the question?

The PRESIDING OFFICER. The motion of the Senator from Montana is that the report of the conference committee be disagreed to by the Senate, and that a further conference be asked with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

Mr. PLATT. I ask that the report as read to-night may be printed in the RECORD. I suppose, however, it will be printed in the RECORD, having been read.

The PRESIDING OFFICER. It will be printed in the RECORD without further order.

Mr. ALDRICH. It seems to me it would be better to print it in bill form if that can be done before to-morrow. It will be better understood that way.

The PRESIDING OFFICER. The Senator from Kansas has asked that the conference report be printed in document form.

Mr. ALDRICH. No; in bill form.

Mr. PEFFER. I think it would be better to have it in bill form.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the conference report be printed in bill form. Is there objection? The Chair hears none, and it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] had the floor when the recess was taken.

Mr. JONES of Arkansas. Will the Senator from Alabama yield to me to offer an amendment, which I will ask him to allow to be considered at this time? It will take only a moment, I think.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to present an amendment, to be now considered by the Senate. Is there objection? The Chair hears none.

Mr. JONES of Arkansas. On page 76, line 22, before the word "legislative," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, after line 22, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William J. Parkes and John C. Ward, assignees of A. B. & B. C. Maxwell, or their legal representatives, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,442.86, for balance due the said A. B. & B. C. Maxwell for service as mail contractors on routes Nos. 7908, 7911, 7948, and 7953, in the State of Arkansas, prior to March 31, 1861.

Mr. ALDRICH. Has that amendment been passed upon by any committee or otherwise?

Mr. JONES of Arkansas. I can not say that it has been. The records of the Post-Office Department show that there is a balance standing to the credit of these gentlemen for this service.

Mr. ALDRICH. We have not the report of any committee upon it. I suppose, however, in view of the precedents established this morning, that it is not necessary even to have that formality. I do not know that the Senate requires any such thing.

Mr. BERRY. The bill has been referred to both the House Committee and the Senate Committee on Claims. The Senator from Florida [Mr. PASCO] had it in charge. I do not think it has been reported to the Senate, but it has been reported to the House of Representatives. The Treasury books show that this money is due. The proof was taken before the House committee that it has never been paid. It stands there, an admitted claim, as shown by the books of the Treasury.

Mr. JONES of Arkansas. It stands to the credit of these gentlemen on the books of the Treasury Department now, as I understand the facts.

Mr. HALE. I do not think the Senator would offer the amendment except upon the idea that anything would go on this bill. It is clearly out of order, not having been reported by any standing committee.

Mr. JONES of Arkansas. I only wanted it to take its chances with other things on the bill.

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection.

Mr. HALE. No, Mr. President; I make the point of order that no committee has reported it.

The PRESIDING OFFICER. The point is well taken, in the opinion of the Chair.

Mr. MORGAN addressed the Senate. After having spoken some time,

Mr. TELLER. Will the Senator yield to me for a moment?

Mr. MORGAN. Yes.

Mr. TELLER. I learn that the Senate ordered a conference report on the Indian appropriation bill to be printed. I desire to move to reconsider that, and to recall the report. We can not afford to send the conference report off now to be printed, if we expect to pass the bill. I ask unanimous consent that that order may be revoked.

Mr. ALLISON. The report will be printed in the RECORD.

Mr. TELLER. To be printed in the RECORD.

The PRESIDING OFFICER. It will be printed in the RECORD, of course. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the motion is reconsidered.

Mr. MORGAN resumed the floor. After having spoken some time,

Mr. HALE. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. I do.

Mr. HALE. I do not think the effect of the suggestion which was made a while ago in regard to printing the conference report on the Indian bill was understood.

The PRESIDING OFFICER. The Chair stated that the conference report would be printed in the RECORD, but under the motion to reconsider, it would not be printed in bill form.

Mr. HALE. The understanding was when the bill went from the Senate that it was to be printed, as a great part of the debate was upon the point that nobody understood what there was in the bill, and that it certainly ought to be printed.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the motion to print it in bill form should be reconsidered, as it would be impossible to send the conference report, with the accompanying papers, to the other House unless the order was revoked.

Mr. HALE. I do not think any action of that kind ought to be taken in the absence of Senators who insisted that the bill and report should be printed. I certainly think it ought to be printed.

The PRESIDING OFFICER. The Senator was present who suggested the printing of it.

Mr. JONES of Arkansas. There certainly ought not to be any revocation of the unanimous consent of the Senate given on the request of the Senator from Colorado without his being present, and he is not in the Senate. I suggest that he ought to be sent for.

Mr. HALE. The agreement of the Senate to reconsider, which was made unadvisedly, ought not to have been made in the absence of Senators who had taken charge of the debate.

The PRESIDING OFFICER. There was no unanimous consent that the report should be printed in bill form. There was a motion to that effect; which was agreed to. Then the Senator from Colorado asked unanimous consent that the motion should be reconsidered for the reasons which he gave; and the Senator who suggested the printing of the report in bill form was present at the time when the motion was made.

Mr. HALE. I do not think the Senator from Connecticut [Mr. PLATT] was here.

Mr. PEFFER. I asked to have the printing in bill form, and was present when the Senator from Colorado asked to reconsider the vote, and I did not object to that request; but it occurred to me that, while the reasons given by the Senator from Colorado are good, the difficulty can be obviated in this way: If the printers at the Government Printing Office understand the situation, they will first put up the matter as it comes from the reporters for the RECORD here, and then they can use the proof of that for preparing this matter in bill form. That will relieve the situation, I think, from embarrassment.

Mr. TELLER. I should like to say that it seems to me to be very absurd to print a report that has been rejected. That conference report will never come back to the Senate.

Mr. PEFFER. That is one reason why I am very anxious to have it preserved. I want to look at it in the future.

Mr. TELLER. I do not think we ought to jeopardize the passage of the bill by delaying the conference.

Mr. PEFFER. If the suggestion I make be accepted, that need not be done.

Mr. TELLER. It can be printed afterwards, if it is to be printed simply as a curiosity. We shall have it printed after we get through.

Mr. PEFFER. So far as I am concerned, that will answer.

Mr. HALE. How will the Senate be able to understand how such remarkable things were put into a conference report unless the report is printed?

The PRESIDING OFFICER. The Chair will suggest that the amendment will be in the RECORD to-morrow.

Mr. TELLER. If the conference reports are to be printed, all right; we will print the next report when the Senate wants it. What is the use of printing a past report? We propose to go into conference and try to change that conference report so as to agree with the sentiment of the Senate. We shall make our report, and we shall have it printed. There is no use of printing the other, so far as I can see, except to print it as a curiosity, which we can do after we get through.

Mr. PLATT. I do not think it was my suggestion that this conference report should be printed in bill form.

Mr. FRYE. It was the suggestion of the Senator from Kansas [Mr. PEFFER].

The PRESIDING OFFICER. The suggestion was made by the Senator from Kansas.

Mr. PLATT. I made inquiry whether the conference report, having been read at the desk, would not appear in the RECORD to-morrow morning, and received the assurance that it would be, and I thought that would be entirely sufficient. I did not make the motion or suggestion to print it in bill form. It will be in the RECORD to-morrow morning just as read at the desk.

Mr. HALE. Very well.

Mr. TELLER. If we can go on with this report, using the copy of the old report, we can expedite things very rapidly. If we have to act without that before us and make a new report, it will cause considerable delay.

Mr. ALLISON. I concur in the suggestion of the Senator from Colorado, who suggested a reconsideration of the order for the printing of the report, for the reason that the clerks of the committees, and especially the clerk of the Committee on Appropriations, who is now dealing with this conference report in connection with the conferees, needs the old report to go on with the conference, if anything is to be done by the conferees to-night. It is perfectly easy to take another copy of this report at a later hour, send it to the Printer, and have the report printed; but if anyone is to print it in bill form with these amendments as they would be in the bill, it would require editing in a way that would take considerable time.

Mr. PLATT. It will require two or three hours of work of the clerks of the Senate in charge of those matters in the Secretary's office when they ought to be giving attention to other matters.

Mr. ALLISON. So that it can not very well be printed in bill form, embracing the original text as it will read with the agreements of the conference inserted; but it will be a very easy thing at a later hour to print the conference report itself in the form of a document. So I think that had better be done, perhaps, and later in the evening allow it to be printed in the form of a conference report, as read at the Clerk's desk.

Mr. CHANDLER. I think that ought to be satisfactory. Certainly I have no desire to delay the conference report.

Mr. ALLISON. Certainly it was no purpose of mine to interfere with whatever was understood to be the order of the Senate, but only to save two or three hours of the work of the clerks, who are very much occupied now with these bills.

Mr. WILSON. Mr. President, I sincerely hope that the order will be modified, and that the conference committee may be able to go on, for the reason that we from the Western country are perhaps more interested in the passage of the Indian appropriation bill than any other section. It seems that every time——

The PRESIDING OFFICER. The Chair will——

Mr. WILSON. One moment, if I may be permitted, Mr. President.

Every time the Indian appropriation bill is up, it seems that it requires more discussion than nearly all the other appropriation bills combined, and makes more discussion. It is impossible to enact an Indian appropriation bill without legislation. There never has been one passed by Congress, nor there never will be one passed by Congress, that is not full of legislation. You can not avoid it; it is not possible to avoid it.

Mr. HALE. Then you ought to print the reports.

Mr. WILSON. Well, Mr. President, the Senator says we ought to print them. I have no doubt that a great many things creep into conference reports. This is not the first time that it has occurred. It perhaps illustrates what the Western people desire very much, but can not have in this Congress, and that is to distribute the appropriation bills, so that we shall get a little more legislation; but the Senator who is speaking to me from his seat is not in favor of that.

Mr. ALDRICH. I made the suggestion to have this report printed in bill form. Perhaps I ought to give my reasons for making that suggestion. I thought at that time that it was the purpose of the committee and of the Senate to go on and consider the report, item by item, to-morrow morning, and therefore it was necessary to have it printed. If the committee expect to present a new conference report to-morrow I can see that it might not be desirable or necessary to print the old one, but if they do present a new one, it is necessary to have that one printed; that is, if it is to be anything of the nature of the one already presented, if the committee expect the Senate to understand it or any part of it.

Mr. MORGAN. Mr. President, in the condition of weariness that the Senate all share in, I should not venture to address myself to the motion made by the Senator from California [Mr. WHITE] to strike out a part of this bill relating to a claim of the Southern Pacific Company, except under the requirements of a most imperious necessity, as I understand it. I happen to be a member of a select committee of the Senate to consider the Pacific railroads, and on that committee I have bestowed much attention to the condition of the Central Pacific, the Southern Pacific, and all of the other roads belonging to that great system in the West. I therefore feel impelled by convictions, as I said, which I can not escape, to resist the driving of this entering wedge into a question of great magnitude and importance which will be largely influenced or decided, perhaps, by the action of the Senate on this part of the appropriation bill.

The time is exceedingly inopportune for considering this subject. The Senate has an opportunity on the bill that was reported here from the Committee on Pacific Railroads to pass upon every question which concerns those roads, including the one which is presented in this bill. This claim is for $1,300,000, alleged to have been put in judgment before the Court of Claims some eight years ago. From the time that the judgment was rendered in the Court of Claims up to the present, no session of Congress has passed at which there was not an effort to make an appropriation of the kind that is now before the Senate on some appropriation bill. No session has passed when this claim has not been pressed in one House or in the other, and without reference to which House has acted in refusal of it, or which House has been satisfied with it, it is enough to say that on every occasion Congress has rejected this claim. That has been gone through with, as I am informed by a member of the committee, the honorable Senator from Missouri [Mr. COCKRELL] some eight or ten times; and it would seem that that ought to be sufficient to sustain the objections that are made now to the consideration of this subject on an appropriation bill.

No man can understand this question as it ought fully to be understood, and no man can, therefore, cast a clean, conscientious vote unless he can devote much time to the study of a number of papers, printed and laid before the Senate, that contain the facts that should control its decision.

Mr. WHITE. Mr. President, I ask that order may be preserved. There is a great deal of noise, especially in the galleries.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The officers of the Senate will see that order is preserved in the galleries.

Mr. MORGAN. I do not suppose, Mr. President, at this hour of the night, and with the Senate so weary as it is, that I can engage the attention of the Senate to the facts that I shall present; but I wish to inform Senators that I am going to put the facts on the record, and then I shall ask the country to confront them when they have voted this money on this bill, so that their responsibility will be known, whether they listen or whether they do not, and whether they pass the proposition or whether they pass it by.

This subject can not be considered to-night with any degree of fairness because of the want of time, because the Senate is pressed now with a great many other conflicting provisions of appropriation bills, in which every Senator has his own general as well as his personal interest, and we ought not to consider it. If this proposition had been brought here by the Committee on Appropriations of the Senate, a point of order would have arisen upon it, but inasmuch as it comes as a part of the text of the bill from the House of Representatives, no point of order lies to it, and the only way we have of reaching it is on the motion which the Senator from California has submitted, to strike it out.

Mr. WHITE. If the Senator from Alabama will permit me, I wish to ask him a question.

Mr. MORGAN. Certainly.

Mr. WHITE. Is it not a fact that this identical claim in a certain bill heretofore before both Houses of Congress was offered by the railroad company as a matter of offset in the very bill which the representatives of the corporation desired to pass?

Mr. MORGAN. Yes.

[At this point the honorable Senator yielded to Mr. TELLER.]

Mr. MORGAN. Not only has this proposition, this identical account, been presented to Congress by some of its committees as an offset against the demands of the Government of the United States against the Central Pacific Railway Company, but the attorney of Mr. Huntington, who represents everything and everybody connected with this whole business, has also admitted, according to statements contained in the RECORD and quoted in the House of Representatives on yesterday, I believe, that this was a proper offset, not in so many words, but as a necessary effect was a proper offset against the debt which the Central Pacific Railroad Company owes to the Government of the United States.

Before, however, touching upon the merits of this proposition, I wish to invite the attention of the Senate to the present situation. Senators on this floor have informed us, and I suppose we may take it as authentic information, that on the 15th day of this month we are to be convened in extra session of the full Congress, with all of the powers under the Constitution which we possess to-night for the enactment of laws relating to every subject which concerns the welfare of the American people, and, as suggested to me by the Senator from Kansas [Mr. PEFFER], some that do not.

I do not know why it is that there is very great urgency in the passage of this appropriation and putting it upon this bill to-night, in this last stage of an expiring session and an expiring Administration; and if we put this measure into this bill, and pass the bill and send it to the President, he is under no constitutional or moral obligation to consider it at all; and if he adheres to a very wise practice, which I understand he has adopted heretofore, he will not act upon this bill. He will say properly that he has not time to act upon it, that the Congress of the United States through some delay has not furnished him with this bill in time to enable him to give it intelligent consideration. That reason, if no other existed, ought to cause the Senate to forbear to send a measure of this kind, surrounded by a mass of facts, to the President of the United States, which we know, and which he will find out when he comes to look into this subject, it is impossible for him to fathom in the time which is given to him. He can not read the testimony of the leading witness which has been taken before the committee of the Senate, every word of which bears directly upon this subject. What witness is that? Collis P. Huntington, who knows the whole story, and out of whom it was wrung by a cross-examination, in connection with papers, which, after all, he could not deny, but it is a mixed and conflicting statement of the facts relating to this intricate and hidden transaction, which the President of the United States, if he were to devote every moment of time to it until the expiration of his commission, could not possibly understand.

I notice, Mr. President, that the railroads, following a practice which has obtained in recent years, are found crowding their measures upon the Congress of the United States just at the close of a Congress. During the last days of the last session of an expiring Congress they are always here ready to get emergent legislation in an emergent way, and to press their demands upon us for a great deal more than they are worth—I was about to say for all they are worth, but a great deal more.

I remember at the close of the last Congress we had the pooling bill up here. The lobbies of this Capitol were crowded with railroad agents, all coming from different parts of the United States—some of them very important men—pressing the consideration of that pooling bill upon us with an eagerness and determination which I have hardly ever seen equaled. Now, to-night, in these last weary hours of this session of Congress, which has been to everybody a laborious one, we find this measure, after it has been

defeated nine or ten times by the Congress of the United States, brought back through the instrumentality of the vote of the House of Representatives and thrust upon us for consideration. Its boon companion, its attendant friend, is the anti-scalping bill, with which I suppose we are to be scalped here before we get through with this session of Congress. Sir, there is not a railroad agent in the United States who has any influence with anybody here who has not been writing and begging personally and telegraphing in regard to it.

[At this point the honorable Senator yielded to Mr. HALE.]

Mr. MORGAN. If the storm is over, Mr. President, I shall proceed with my remarks. A man has to sail by dead reckoning through the Senate in such a storm as this. He can not see the stars, the moon, or any other thing by which he can guide himself or guess at his course or the speed he is making. This seems to be the worst possible time for deliberation. It is in such moments that the pressure of spoliation is most urgent. In the din of this confusion the voice of reason and the plea for justice to the people are unheard.

Mr. PLATT. Mr. President, I can hear perfectly well the conversation that is going on behind me between Senators, but I can not hear the Senator from Alabama.

The PRESIDING OFFICER. Senators will please cease conversation.

Mr. MORGAN. I may as well repeat, Mr. President, that I am speaking now to the reporters and to the country; I am not speaking to this body at all, because they do not want to listen; but the facts that I put upon record here now I think will at least be read by some persons outside of these walls; and when they are read, I repeat again that Senators will feel that they are under a responsibility of which they are very little conscious, for they have not had a proper opportunity to look at this matter, and I can not at all censure any gentleman on this floor for not attempting at this late hour and under the circumstances to understand all of the facts in the history of these railroads which make up the ground of objections to this appropriation.

Mr. ALLEN. Will the Senator permit me to make a suggestion?

Mr. MORGAN. Yes.

Mr. ALLEN. I suggest in this connection a proposed amendment which may dispose of the matter, if accepted by the committee. I move to add on page 90, after line 24, what I send to the desk:

Provided, That the money hereby appropriated shall be retained in the Treasury until the final adjustment of the Government lien on the Southern Pacific Railroad Company and the Central Pacific Railroad Company.

Mr. MORGAN. That is precisely the attitude that Congress has taken toward this subject for nine or ten consecutive sessions. Nobody has ever disputed these judgments. Nobody has ever questioned the fact that the Southern Pacific Company—not the Southern Pacific Railroad Company, but the Southern Pacific Company, the Kentucky company—has recovered these judgments in the Court of Claims, and the whole matter has been adjusted so far as concerns the amount due from the Government for the transportation of mails and other things. It has been actually brought to the state of a judgment, but the judgments of the Court of Claims against the Government of the United States are not final judgments. They are not collectible except through appropriation bills. Nevertheless, the very point which the Senator from Nebraska now makes and the amendment which he offers is the point which has been ruled against this railroad company in nine or ten sessions of Congress—that is to say, that this money shall remain in the Treasury until a settlement can be had between the Central Pacific Railway and the United States Government.

On this bill we have a provision of the same sort. I will read it. It is found on page 7:

To pay the amounts due the Central Pacific Railroad Company, as set forth in House Document No. 284 of this session, $12,238.53.

Mr. WHITE. That is a Senate amendment.

Mr. MORGAN. That is a Senate amendment, as the Senator from California very properly suggests.

The report upon that from the Treasury Department, Mr. Wike, Assistant Secretary, is as follows:

It is desirable to have these small amounts provided for in order that the accounts on the books of the Department may be closed, and as all the amounts are to be credited to the sinking fund and interest accounts of the Central Pacific Company, no money is to be expended from the Treasury therefor.

Now, in this identical bill, on report made by the Senate committee, the provision of the amendment offered by the Senator from Nebraska has found a place in this legislation, and it is exactly right. What we want to do is not to rob anyone nor to deprive any man of his just rights, but that so long as that case is pending between the Central Pacific Railroad Company and the United States, this money ought not to be drawn from the Treasury. It should either be carried into the sinking fund of the Central Pacific Railroad Company, as this smaller appropriation has been by this bill, or else the payment of it ought to be suspended according to the amendment of the Senator from Nebraska until that settlement can be made.

Is there any ground upon which we can place this? I have already adverted to the fact that there is testimony to show this. When you go into the details of the testimony, it is immense in its bulk, and it comes from examinations made by a commission of the United States Government which was appointed by the President under act of Congress of March 3, 1887, and reported December 1, 1887, since which time there has been no report from any other commission. The facts upon which I predicate the claim that this is a proper offset of a debt due to the Government from the Central Pacific Railroad Company are stated in that report.

Now, before I go any further with it, I wish to show what is the present effect of that report. The facts have not changed since the report was made. The commission consisted of three very prominent men, Mr. Littler, Mr. Anderson, and Governor Pattison, of Pennsylvania. They went out West, examined Collis P. Huntington and Leland Stanford and a large number of other witnesses upon nearly all the facts which showed the relationship between the Southern Pacific Railroad Company and the Central Pacific Railroad Company. Other facts that fully sustain their report have since been laid before Congress. They came back and made their report to Congress.

At a recent date, during the last session of Congress, Mr. Huntington came before the Senate Committee on Pacific Railroads for the purpose of promoting a bill for the settlement of all the difficulties between that company and the United States Government. He was attended by witnesses, counsel, and a large retinue of friends, I suppose you might call them, or servants—I do not know which would be the proper appellation—standing around to do his service and promote his wishes in every possible respect. He was armed cap-a-pie with a statement of the whole case as he understood it in advocacy of his measure. But he was put under oath by the committee, by order of the Senate, and examined and cross-examined as a witness, and here is his testimony reported to this body, covering a number of pages—more than 100 pages of closely printed matter. In that examination the basis of the cross-examination was the report of the Government commission, and Mr. Huntington was given every opportunity that he could possibly ask to controvert the facts stated in that report and the conclusions to which these commissioners came. The examination was intended to elicit evidence that would give to the Senate of the United States a true idea of the exact situation of this railroad company and its relations to this Government.

Now, in that testimony the report of the commission was laid before Mr. Huntington; his own deposition and that of Leland Stanford, given under that examination, were laid before him, and he had a full and fair opportunity of contradicting as much of it as he might be able to show was mistaken or erroneous; and, Mr. President, the result was that his testimony confirmed the report from end to end, except that he undertook to cast very improper suspicions and criticisms upon the commissioners themselves, one of whom, I understand, is now his fast friend. I do not know what caused the change. He got around on the other side, but he can not take the facts out of the report which he put there. Mr. Huntington could not swear them out, and there they stand. The report of the commission is now sustained by Huntington under cross-examination, and when it comes to be unfolded the conclusions they reached were absolutely just and fair, and show that this is the most stupendous fraud that was ever perpetrated upon a government in the history of mankind. Here it is perfectly plain and palpable. It is a record of shameful malversation that has no parallel.

I can not afford to-night to undertake the very severe task of going back and giving even an outline of the situation as described in Mr. Huntington's testimony sustaining the report. There are some prominent facts, however, connected with it that it is proper I should state now, for the purpose of showing—and that is all I am trying to show—that we can not to-night properly try and determine this case; that it ought to go over, and that it ought to be made the subject of a separate bill. Whenever the question of this sum of $1,300,000—a pretty large sum after all—is brought before this body, it ought to be scrutinized upon a separate bill brought in and passed here, if it does pass, which has but one purpose, and that is the determination whether the claim is a just one, or, in other words, whether the Government has a proper offset to it.

On this proposition I assume that what is now called the Southern Pacific Company is identical with the Central Pacific Company—identical in its management, in its ownership, and in all the equities that affect it, in the trusts that attach to the situation of these directors in the Central Pacific Railroad Company, and which trusts, whenever they are brought within reach of a court of equity, must be enforced in favor of the Government of the United States. It may be said—lawyers might say—that this proposition is in the nature of an equitable set-off. I do not care what you call it. It is a set-off that is supported by justice and

truth. It is a set-off which shows that the men who are claiming this money here to-night under the appropriation bill are the men who owe it to the United States.

Some intimations have been thrown out that perhaps Mr. Huntington was induced to press his demands upon Congress at this time because he had been useful to some political party. I do not make myself a party to any such accusation. I will never, while I am on the floor of the Senate, undertake to impeach any man except upon a state of facts which I believe to be honestly true and of which I have some knowledge. Therefore I cast no such imputation upon any person in connection with this transaction. But I do say, upon evidence that has been submitted under oath in the report of these commissioners, that the claim now presented against the Government of the United States has been satisfied forty times over by demands that Huntington and his associates owe to the Government of the United States as the owners of the Southern Pacific Company, who own the Southern Pacific Railway Company.

The Committee on the Pacific Railroads made a report to this body at the last session, in which they sum up the actual amount of the indebtedness, and for the sake of convenience I will refer to that report for just a moment. In Table B, on page 9 of their report, they put the estimated debt of the Central Pacific Railroad Company on January 1, 1897, to the United States at $57,681,514.29, and that debt is the basis of the bill which was reported here for the purpose of extending it through a long period of years, more than seventy years, according to my calculation.

Now, this company on the 1st day of January, 1897, owed the United States Government more than $57,000,000, presently due, according to the report of the committee made to this body, and they are claiming from this Government $1,800,000 because the judgment happened to be rendered in the name of the Southern Pacific Company, when that name merely stands in fact and in law and in morals for the Central Pacific Railroad Company. To prove that proposition with absolute thoroughness would require me to examine a very large amount of testimony and a number of facts, all of which, however, are indisputably and indubitably established in the testimony that is now within reach of the Senate upon printed documents of an official character which have been brought in here from one place and another, from a committee of this body, from the railroad commissioners who have reported here, from the reports of the railroad commissioners, and others who have incidentally furnished us with facts that bear upon this proposition.

The general and correct statement is that four men built the Central Pacific Railroad Company. They were Huntington, Stanford, Hopkins, and Crocker. In reality they were partners, although their interests were borne in the form of stock in a construction company with which they built the Central Pacific Railroad, and, after that, in other corporations created only for their convenience. That construction company, called the Contract and Finance Company, had but four stockholders. It was a California corporation, created for the purpose of building the Central Pacific Railroad. It had four stockholders, whose names I have stated. The Central Pacific Railroad Company when it was built had four stockholders, and they were the same persons. So these four stockholders, the men whose names I have called here to-night, made a contract with themselves for the building of the Central Pacific Railroad. For the purpose of getting the money to build that railroad the bonds of the United States were issued to them, as the road progressed toward completion, by sections. An exactly equivalent amount of bonds was issued and sold by them. In order to give to those bonds, which at first were second-mortgage or second-class bonds, the priority in the market and to make them worth par, to say the least of it, perhaps a premium, the Congress of the United States, at the solicitation of these four men, gave to these bonds a priority of lien, or rather, to speak a little more accurately, a priority of satisfaction, for the statute does not give a priority of lien, but a priority of satisfaction out of the proceeds of the mortgaged property whenever it may be realized in money. At all events, they have that precedence.

Then they issued $100,000,000 of the stock, voting it themselves. They took all of the stock and all of the bonds, those issued by the Government and those issued by the company, and out of that stock and those bonds they paid themselves for building the road, first making a contract with themselves and then taking the entire assets of the corporation and converting them, when they could or when they wanted to, into money, and out of that fund they built the road. In addition to that, they had a land grant of many millions of acres, which have yielded to them many millions of dollars, and they have yet on hand a large body of very fertile land in California and all along the line of their road, more particularly in California.

Here, then, is the corporation, organized by four men who owned it, called the Central Pacific Railroad Company. Here is another corporation, a construction company, called the Contract and Finance Company, organized by the same four men. They make a contract with themselves for the building of that road, and they take the assets of the corporation and they build the road. It is scarcely conceivable that there could be a more complete ownership of a piece of property than that. But they were acting under a charter of the United States Congress, and they were directors and incorporators and stockholders in this corporation to build the railroad, and in each of these characters and all of them they were trustees for the people of the United States for the faithful administration of that great public trust. They were debtors to the United States also, and were bound, as trustees, to protect that indebtedness, and to apply to its satisfaction the trust estate in their hands.

Now, the question recurs, and will always recur, as to whether they have been faithful in the execution of that trust. That is a very simple question. It does not require any very great lawyer to understand that directors and managers and owners of stock in a railroad company are responsible as trustees to whoever has the right to hold them to accountability, to all their creditors at least. They are accountable as trustees for the management and administration and application, in good faith, of all the assets that come into their hands, to the payment of the debts of the company, especially the trust liabilities. I do not think it worth while to delay the Senate of the United States in the discussion of a proposition that is mere hornbook learning, and which any student in a law office understands perfectly well. There stand those trusts, created first by the law and next by the express agreement of the company in the administration of the law—the law which pertains to and regulated and controlled this great corporation—these four men being the stockholders and directors of the company. In every character which they held and in every form of justice and obligation these four men were all the time and are now responsible as trustees.

What have they done as trustees? They have gone on and they have built or purchased other railroads, quite a number of them, as many, Mr. Huntington says in this testimony here, as forty, largely, if not exclusively, from the assets of the Central Pacific Railroad Company. They got additional charters from the State of California, and these same four men would organize from time to time a new construction company for the purpose of building these new railways. When they had got the Central Pacific Railroad built and there came to be a suspicion that the Government of the United States would be calling them to account about this business, Huntington burned the books of the first construction company. He deliberately had them burned and destroyed, so that, as he supposed, there would never be any opportunity to know what those books contained, and everything would depend upon the frailty of human memory and perhaps the greater frailty of human conscience from that on. After having cleared off the books in that way and closed the accounts by burning them up, and, as he supposed, concealing from the world all knowledge or possibility of knowledge of these transactions, the same four men set to work to build or purchase these additional roads. Out of what property or what money or what capital did they build or buy the additional roads? The evidence in this case is beyond all controversy in proof that these roads were built, nine parts out of ten, with money realized out of the Central Pacific Railroad Company.

Mr. BUTLER. Out of the construction or the operation of it?

Mr. MORGAN. The operation and construction, too; but of course there are no accounts about the construction.

Mr. BUTLER. What evidence is there that the books were burned?

Mr. MORGAN. The reports are full of it. Mr. Huntington could not deny it. I can not stop here to go through the record, but the Senator has my assurance that the record proves it beyond all controversy.

Mr. WHITE. It is admitted all round that they were destroyed by somebody.

Mr. MORGAN. Yes; and Mr. Huntington could not deny it under examination.

Mr. BUTLER. Could the responsibility for the burning of the books be traced to Mr. Huntington except indirectly?

Mr. MORGAN. It is traced, and not inferentially, and if you will take that deposition and read it you will find he could not get out of it. It was impossible. He fixed up a good many pretexts as reasons why he burned them, or had it done, but he caused them to be burned. There is no doubt about it.

Mr. CAFFERY. May I interrupt the Senator from Alabama? I have been very much interested in his statement showing how the construction company built the Central Pacific Company in the nature of a trust imposed upon them by having all these assets. If it is not too much, I ask the Senator from Alabama in this connection to trace the relation between the Southern Pacific Company and the Central Pacific Company, so as to make such a legal identity as would allow a set-off, one debt to the other.

Mr. MORGAN. That would take me a long time. I am speaking from the record here and from the facts, all of which are presented to the Senate.

Mr. CAFFERY. I will ask whether the stockholders of the Southern Pacific are the same as those of the Central Pacific?

Mr. WHITE. If the Senator from Alabama will permit me, in the extract which I read this evening from Judge Payson's statement before the House of Representatives, he concedes that they are the same; and if I may be permitted to repeat it, I ask the Senator from Alabama to read the extract, which I think he has before him, and which, I think, answers the inquiry of the Senator from Louisiana.

Mr. MORGAN. Mr. MAGUIRE says:

Now, Mr. Chairman, Judge Payson—

We all know him—

one of the attorneys of the Southern Pacific Company—

Not the Southern Pacific Railroad Company, but the Southern Pacific Company, which I will explain presently—

for the collection of this very claim, was called upon while he was before the Committee on Appropriations of the Fifty-third Congress to explain a confusion in the accounts between these companies, showing that they paid no attention to obligations as between themselves. His answer, from which I now read, will be found on page 112 of the report of that committee of hearings on April 19, 1894, submitted to the Fifty-third Congress. On that occasion Judge Payson—and he ought to know as much as any of us upon this question—said:

"The Southern Pacific Company has leased the Central Pacific for ninety-nine years upon the payment of a certain amount of money guaranteed, and whether there is any provision of the lease between the Central Pacific Company and the Southern Pacific Company as to these outside expenses I do not know; but I should say, practically, it does not make any difference what the contract is, because, substantially, the shareholders of one are the shareholders of the other, and it is like paying out of one pocket into another pocket of the same man's clothes."

I suppose that attorney knew what he was talking about. Certainly Judge Payson was never accused of having an imperfect knowledge of what he said.

Mr. WHITE. Regarding his own client.

Mr. MORGAN. Yes, sir. Before I proceed to that I wish to read from the report in answer to a question put by the Senator from North Carolina [Mr. BUTLER], as to whether or not these subsequent railroads were built out of the earnings.

I find here the statement of the dividends of the Central Pacific Railroad Company between 1874 and 1894. The gross earnings were $886,992,020, nearly a billion dollars. The operating expenses were $512,229,852; net income, $374,762,168, nearly three times enough to pay off the mortgage debt upon that railroad property to the United States and to the first-mortgage bondholders. That enormous sum was paid to the stockholders in dividends between 1874 and 1894.

In that period we do not know, from any evidence in the case, who were the stockholders. If they were other than the original four, it was because they had sold the stockand got the money for it.

Now, Mr. President, when we are talking about trusts and the duties of trustees, here was a duty that devolved upon those men to set apart that fund, but they put it in their pockets. They owed it to honesty and public duty to apply it to the payment of their debt to the Government of the United States and these mortgage bonds, which, to convenience and enrich them, we made first-mortgage bonds by statute. How can anybody who has a decent respect for justice say that these men had the right, technically or otherwise, to put this vast sum of $374,762,168 into their pockets and leave these debts go entirely unprovided for?

Mr. BUTLER. The net profit for twenty years was $374,000,000 on the Central Pacific?

Mr. MORGAN. On the Central Pacific. Those were the dividends. They were the actual dividends paid out, not to say anything of the great amount of money that had been put into betterments of this property which they owned themselves. There is no wonder that colossal fortunes were built up there. They could not help it. With the vast amount of traffic they had, the vast resources of money that they commanded, they could not help building up these enormous fortunes of which we hear so much.

When this debt began to approach maturity, Mr. Thurman and Mr. Edmunds of this body took up that subject, and in the Committee on the Judiciary perfected and reported to this body the Thurman Act, which is monumental as to their ability, skill, and integrity. When these people saw that coming, they first challenged it in the Supreme Court of the United States, and said that the Congress of the United States had no right to pass such an act, that it was an invasion of private rights—vested rights.

Then after the Supreme Court decided that the act was constitutional they commenced scheming to get their property out of the way, transferring everything that they could possibly transfer from the Central Pacific Railroad into new schemes and enterprises which they built with the money that came from the Central Pacific Railroad.

Now, Mr. President, here is a remarkable fact. That road is presented to us as being a bankrupt institution. It owes us now the amount due upon every one of these bonds. They have never paid a bond of the United States that I have heard of. The Secretary of the Treasury might have bought some bonds in with a part of the sinking fund, I do not know; but they have never paid a bond. They have never paid a first-mortgage bond. They have left the whole weight of the bonded indebtedness to rest on the Government, and we have been compelled, out of the Treasury of the United States, to pay the interest as it accrued upon these bonds until the sum of interest that we paid amounts to more than $34,000,000.

Now, while that was going on, while the Government of the United States was advancing to them under that unfortunate act of Congress the interest, and had no right, as the Supreme Court decided, to resort to this railroad company for the purpose of reimbursing the Treasury out of the assets of the company, ought we not to hold them to the duty of replacing these enormous amounts of money that they declared as dividends upon their stock and putting it into a sinking fund, or paying the bonds as they mature. Putting these dividends into the sinking fund would have been the proper way to do it. They could thus have provided for their debt to the United States, and still have grown very rich.

I desire the attention of the Senate for one moment to this fact. Notwithstanding this alleged bankruptcy, the board of directors of the Central Pacific Railroad Company, or of the Southern Pacific Company, have been declaring dividends down to this day on the stock of the Central Pacific Railroad Company. They have been paying dividends upon the stock of the British stockholders. It has not been a large dividend, but it has been large enough to keep them at rest. I have not heard that any dividends were paid upon stock held in the United States. Where is the majority of the stock held now? Fifty-one per cent of it is held in London, leaving 49 per cent in the United States. Upon that 51 per cent of stock they have been paying dividends down to the day of the last report that they have made.

Now, where did they get the money to pay those dividends? Who has paid it? I have a copy, from a paper that was sent to me, of one of the certificates issued. Issued by whom? Not issued by the Central Pacific Railroad Company, but issued by the Southern Pacific Company, the Kentucky company, which I will presently describe. I will read now a copy of that certificate:

The Southern Pacific Company announces that after January 1 it will pay a dividend of one-half per cent on the stock of the Central Pacific Railroad Company on dividend warrant No. 81.

Here is a company organized in Kentucky paying dividends upon Central Pacific stock. How does that happen? How would it happen that the very company to which the bill refers here and to whom we are about to vote $1,300,000 is paying dividends on Central Pacific stock? Of course it is because they own the concern; that is all of it. There is evidence enough, Mr. President. That sort of evidence would hang a man if he were accused of piracy. But the Southern Pacific Company is not robbing the Central Pacific Railroad Company. It really owns that road and is performing a kind service to it by inducing the British stockholders to forbear a strict inquiry into its officers.

On a former occasion, in February, 1894, Mr. Huntington had also been before the Committee on Pacific Railroads. I will read his examination on that occasion for the purpose of giving the Senate an idea of what this Pacific Company is. Before reading that I will state what they did after they had built and bought these forty railroads. Huntington says there were forty. He gives the names of them here somewhere, but I have not laid my eyes upon it to-night. How far do those roads reach? They reach from New Orleans to Portland, in Oregon, with a number of branches running out in different directions to different valuable points, forty roads in all, different organizations. The owners of these roads concluded that they would move out of the reach of the jurisdiction of the courts where those railroads were; that they would get away from inquiring stockholders and bondholders and people, and that they would go to Kentucky and get a charter that would include all of them. They went to the State of Kentucky and got a charter for what was called the Southern Pacific Company. The word "railroad" is not mentioned in it.

The Southern Pacific Company was given the right under the Kentucky statute to build railroads anywhere except in Kentucky. When the legislature granted them the charter in Kentucky, they said, "You can not build any railroads here, but you can own all that you can buy; you can own steamship lines and all that." Thereupon they took these forty railroads which they had bought, the stock of which was owned almost exclusively by them, and they exchanged the stock in those roads at a rate that they agreed upon with the respective companies into the stock of the Pacific Company, that Kentucky company.

Now, how was the Kentucky company organized? What was its capital stock? It consisted entirely of shares of the various railroads reaching from New Orleans out to Portland, Oreg. They assembled the shares of those different railroads and put them in their treasury, or rather they put them in the hands of a trustee, and upon that basis they issued stock to the respective parties who had built the roads and owned them. They issued what

they call warrant stock, to pass by delivery from hand to hand. Who were those parties? Still the same four and their heirs and administrators. Some of them had died, and this was a convenient way of transacting their business. What kind of stock did they issue? A species of stock never known in reference to any other railroad about which I have read or heard. It was called warrant stock, as I have said, and is so arranged that there can scarcely be any responsibility on the stockholders. Under such circumstances, and in favor of such stockholders, it certainly is the duty of the Senate to withhold the payment demanded in the House bill until the accounts of the Central Pacific Railroad Company can be settled with the Government. The amendment of the Senator from Nebraska covers the point I have been trying to present in the confusion that prevails in the Senate, and in spite of so many interruptions, I hope the amendment will be adopted.

Mr. SMITH. Will the Senator from Alabama yield to me?

Mr. MORGAN. Certainly.

Mr. SMITH (at 11 o'clock and 25 minutes p. m.). Mr. President, this is very valuable information that the Senator from Alabama is giving. It seems to me there ought to be more Senators present to listen to it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Jersey having suggested the want of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Carter,	Hoar,	Roach,
Allen,	Chandler,	Jones, Ark.	Shoup,
Allison,	Chilton,	Kenney,	Smith,
Baker,	Clark,	Lindsay,	Squire,
Bate,	Cockrell,	McMillan	Stewart,
Berry,	Cullom,	Mantle,	Teller,
Blackburn,	Daniel,	Morgan,	Tillman,
Brown,	Faulkner,	Nelson,	Vilas,
Butler,	Gallinger,	Peffer,	Warren,
Caffery,	Gear,	Perkins,	White.
Call,	Hale,	Platt,	
Cannon,	Hawley,	Quay,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. I do.

Mr. HALE. I do not want to interrupt the Senator, but only to say a few words on the order of business.

I hope Senators will bear in mind that at 12 o'clock to-morrow morning there will only be twenty-four more hours, day and night, before the session absolutely closes. The sundry civil bill has not passed; the naval bill has not passed; the fortifications bill has not passed; the deficiency bill has not passed, and the Indian appropriation bill has not passed. I want Senators to bear in mind that it will only be by an earnest effort on the part of everybody to expedite these bills and get action on them, that we can finally pass them. When the bills fail, a great many matters upon them, of interest to the public generally, fail and nobody can tell what will be done afterwards. It opens the prospect of an indefinite length of an extra session of Congress, the prolongation of our labors here through the long seasons of the spring and summer, and all of that will be greatly disembarrassed if we pass these bills.

I can not pass them; the Senator from Iowa [Mr. ALLISON] can not pass them, nor can the Senator from Colorado [Mr. TELLER], nor can any of the Senators who are in charge of these appropriation bills. We are entirely in the hands of the Senate. But I think it is right and proper to state now just what the situation is. Pretty soon we will adjourn, for we shall find ourselves without a quorum, until 11 o'clock to-morrow morning, and then there will be only twenty-five hours before, by constitutional limitation, the session of the Senate ends, the Congress ends, and all of these things are left upon our hands.

With that statement of the case, I leave everything to the judgment and good sense of Senators.

Mr. CHANDLER. May I ask the Senator from Maine with reference to this motion to strike out made by the Senator from California, if he knows any reason, if the majority is to rule, why there should not be a vote?

Mr. HALE. On the other hand, when the matter came up the Senator from California raised the point, and I expressed myself then as willing to take the vote. If the Senate wants to strike the provision out, the country can get along without it.

Mr. WHITE. I think the Senator from Maine will agree that I did not spend any particular time in debating the matter.

Mr. HALE. No; I am not reproaching anybody. I felt the necessity of the provision, and so I could have gone on and defended it in a certain way to my satisfaction, but to me the thing significant to be gained was the vote of the Senate upon the matter. If the provision went out, that was the end of it. I say that the country can live, notwithstanding.

Mr. CHANDLER. Why can we not vote now on the motion of the Senator from California?

Mr. WHITE. I should like to say something about that, but not while three Senators occupy the floor, one of whom is not entitled to it.

Mr. CHANDLER. Is that Senator the Senator from California?

Mr. WHITE. The Senator from Maine [Mr. HALE] is entitled to the floor.

Mr. CHANDLER. Has not the Senator from New Hampshire the same right to occupy the floor as the Senator from California?

Mr. WHITE. The Senator from California does not assume to occupy the floor; he is merely standing up.

Mr. HALE. I think we may now come to some understanding by conferring in this way, and I am willing to yield to any Senator who has a suggestion to make.

Mr. ALLEN. I ask the attention of the Senator for a moment.

Mr. HALE. I yield, with pleasure.

Mr. ALLEN. I understand the amendment I proposed will be satisfactory to the Senator from Alabama and the Senator from California. It is to the effect that this money shall be kept in the Treasury until the final adjustment of the Government liens upon those roads.

Mr. HALE. That presents very clearly and distinctly the views of certain Senators, and it may be of a majority of the Senators in the body, and I am entirely willing to submit to the vote of the Senate upon it, so far as I am concerned.

Mr. ALLEN. I assume that there is no question about the justice of this claim and that the Government ought, as a matter of self-protection, to retain this money in the Treasury until the final adjustment of the controversy respecting the Government liens.

Mr. WHITE. Which may result in the liability of the Southern Pacific Railroad——

Mr. STEWART. This does not belong to the Central Pacific.

Mr. WHITE. It belongs to the same people.

Mr. STEWART. It does not.

Mr. WHITE. I have never heard before any distinction, and the recognized attorney, who appears as an attorney, has stated that they are the same people.

Mr. STEWART. It came out in the evidence that most of the Central Pacific stock was owned in Europe and the other stock by different corporations.

Mr. HALE. But the Senator does not want to debate this question, and I think we had better have a vote on it, and then vote on the other matters that may be presented, and pass them or defeat them.

Mr. STEWART. The judgment was that it was not the Central Pacific road.

Mr. HALE. We shall be helpless unless we proceed to vote. There will be no quorum here in an hour from now.

Mr. CHANDLER. If the Senator from Nevada wants a vote upon it, why should we not have a vote?

Mr. HALE. Let us have the proposition of the Senator from Nebraska stated.

The PRESIDING OFFICER. The Chair will state that he does not understand that the Senator from Nebraska has offered an amendment to this proposition.

Mr. ALLEN. Oh, yes; some time ago I offered an amendment,

Mr. STEWART. That does not change the status.

Mr. ALLEN. But the money ought not to be taken out of the Treasury until there is an adjustment of every claim.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Nebraska.

The SECRETARY. At the end of line 24, on page 90, it is proposed to insert:

Provided, That the money hereby appropriated shall be retained in the Treasury until the final adjustment of the Government liens on the Southern Pacific Railroad Company and the Central Pacific Railroad Company.

Mr. HALE. Let us have a vote upon that.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska. [Putting the question.] The "ayes" seem to have it.

Mr. STEWART. I call for the yeas and nays on that.

Several SENATORS. Oh, no.

Mr. JONES of Arkansas. Do not ask for the yeas and nays.

Mr. STEWART. Let the amendment be read again.

Mr. WHITE. This must have been on account of the subscription of the president of the road to the antisilver fund.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. ALLEN.

Mr. STEWART. In regard to that, let me state that it has nothing to do with the adjustment of the Southern Pacific Railroad with the Central Pacific.

Mr. WHITE. That is the whole question.

Mr. STEWART. No. Let me state the facts for a moment.

Mr. MORGAN. If there is going to be a debate about this, I claim the floor.

Mr. STEWART. No; but there has got to be a division. That amendment defeats the provision in the bill. The money is in the Treasury now.

Mr. WHITE. May I ask the Senator from Nevada if he intends to demand a division or a call of the roll to-night?

Mr. HALE. If he does, that will be the end of the bill, of course.

Mr. STEWART. Does the Senator intend that there shall be only one side established in this case?

Mr. WHITE. That is not the question. I am only asking the Senator——

Mr. STEWART. By interjecting this amendment they choked down the extension, and that can not be done.

Mr. WHITE. My friend will certainly concede that I did not choke anybody down, but in the present condition of the Senate I am only asking the Senator whether he wishes a roll call?

Mr. STEWART. I certainly do.

Mr. WHITE. Then, Mr. President, I move that the Senate do now adjourn.

Mr. HALE. Oh, no; let us have the roll call, and if Senators will vote without announcing pairs we shall have a quorum.

Mr. WHITE. I withdraw my motion.

Mr. HALE. Does the Senator think on the expression we have had on the viva voce vote that it makes any difference about explaining his views, as the Senate has indicated its wishes?

Mr. STEWART. That we have adopted it?

Mr. HALE. Undoubtedly, but I no not think it ought to be adopted.

Mr. STEWART. It can not be voted out without some debate.

Mr. ALLEN. It is not voted out at all.

Mr. HALE. The Senator can not be concerned about determining the matter when the result is already determined.

Mr. WHITE. I renew my motion. I move that the Senate do now adjourn.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. The question is on the motion of the Senator from California.

Mr. WHITE. For the present I withdraw the motion, but I desire to say to the Senator from Illinois [Mr. CULLOM] who addresses me, that I am willing to stay here any reasonable length of time, but if we are to talk about this matter for an hour or two and have a roll call, we will find ourselves without a quorum, and it is absolutely absurd to remain here. We might as well adjourn and prepare for work to-morrow.

Mr. CULLOM. Let me make one remark. The Senator from Alabama [Mr. MORGAN] has been discussing this question for some time. The Senator from Nevada [Mr. STEWART] feels that he has not had a hearing on the question. Why not give the Senator from Nevada a few minutes' time to express his views, and then have a vote?

Mr. WHITE. Will the Senator from Nevada agree to limit the debate and take the vote at any hour to-night?

Mr. HALE. The Senator will not occupy much time.

Mr. STEWART. I want twenty minutes.

Mr. HALE. That is all right.

Mr. CULLOM. I suggest that the Senator from Nevada have a few minutes in which to give his views, and then that the vote be taken, as the other side has already been heard.

Mr. STEWART. If the other side has been heard——

Mr. WHITE. I ask unanimous consent that the Senator from Nevada be allowed twenty minutes within which to address the Senate upon this topic, and that those who favor the amendment be permitted ten minutes to answer him.

Mr. STEWART. I agree to that.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that twenty minutes be allowed to the Senator from Nevada [Mr. STEWART] to present his views on the subject before the Senate, and that those in favor of the amendment have ten minutes to reply.

Mr. HALE. And then a vote.

Mr. WHITE. And then vote.

Mr. STEWART. Does that include an agreement to have a vote at that time?

Mr. WHITE. That the vote be had in thirty minutes.

The PRESIDING OFFICER. And that the vote be taken immediately thereafter. Is there objection? The Chair hears none, and the Senator from Nevada is recognized.

Mr. STEWART. In 1862 Congress passed an act providing for the construction of the Pacific railroads.

In that act it was provided that the charges for doing the business of the Government should be credited on the bonds—the whole of it. In 1864 Congress amended that act, allowing the company to receive one-half compensation. In the meantime the Kansas Pacific Railroad was constructed, a part with subsidy bonds and a part of it without, and the Denver Pacific was constructed, having no bonds. The Government withheld one-half of the compensation of the Kansas Pacific Company. The company sued for that portion of the service on the nonaided road; it went to the Supreme Court, and the Supreme Court held that the Government had no right to retain the compensation to the company for any part of the nonaided road. The Denver Pacific for a part of the line also brought suit, and the Supreme Court held that the Government must pay those that were not a part of the aided line.

In 1878 the Thurman Act was passed, which, so far as this matter is concerned, revived the act of 1862 and provided that the Government should retain the entire compensation. The Central Pacific in the meantime had constructed in California two or three hundred miles of nonaided road. They brought suit against the Government for the compensation on the nonaided road. The Supreme Court of the United States held that the act of 1878 simply revived the act of 1862, and that the company was entitled to receive full compensation upon all portions of the road that were not aided by bonds.

Then the Southern Pacific Railroad of Kentucky was formed, a corporation in Kentucky, which owned the Southern Pacific road through California, Arizona, and New Mexico. It leased the Central and some other branches. It made a contract with the Government to carry the mails. The Secretary of the Treasury contended, after the company had rendered $1,800,000 worth of service, that the Kentucky corporation had no power to contract and no right to receive compensation for the services performed. The company sued, and the Court of Claims held that the Government, having made the contract with the company and received the service, could not question its right to be incorporated and to perform its function. The Government took steps to appeal it to the Supreme Court, but finally abandoned the appeal. When the appeal was abandoned, the Government paid the Southern Pacific Railroad Company for its services and has continued to pay it. That ended the controversy.

At that time there were about $3,000,000 due. The Senate has passed at almost every session bills for the payment of those judgments. At the last session Congress paid part of it. They paid a little over fifteen hundred thousand dollars on it, which includes something more than the amount that had not gone to judgment, leaving on the eighteen hundred thousand dollar matter—I speak in round numbers—thirteen hundred thousand dollars, which is a judgment unpaid. The House had each time refused to pay and disagreed with the Senate until last year, and at the last session the House put in a partial payment. At this session of Congress they put in the balance to close up the transaction.

The Central Pacific and the Southern Pacific are distinct corporations. Mr. Huntington and two or three others own stock in common, but the great mass of the Central Pacific stock is owned abroad. I do not know where the Southern Pacific stock is owned. That came out in our investigation. They are entirely distinct corporations. The Government has not aided this road. It stands upon the plain contract. It has been regularly paid without objection since the decision of the court.

Mr. PLATT. May I ask the Senator a question?

Mr. STEWART. Certainly.

Mr. PLATT. Has the Government any lien on the Southern Pacific?

Mr. STEWART. No, sir; and the Southern Pacific does not owe it a cent.

Mr. PLATT. This amendment speaks as if it does.

Mr. STEWART. This amendment undertakes to take the property of one company and give it to another. All this talk about the Central Pacific is entirely irrelevant. It is another company, another corporation; and it has been so held by the decisions of the Supreme Court. It is entirely distinct—a nonaided road. It does not owe the Government a cent. Some of the stockholders may be the same, but most of them are different.

It was stated here that the Southern Pacific was built by the Central Pacific money. That is a mistake. There is $40,000 a mile mortgage on the Southern Pacific. It was constructed with these bonds. They bonded it to the extent of $48,000 a mile. That is what it was built with. Whatever money these men may have made matters not. The Southern Pacific road was built with bonds issued to the full amount of the construction. It is an independent, nonaided road, with which the Government contracted and refused to pay on the ground that it was not competent as a corporation to contract to carry the mails.

The court said that the Government, having received the service, had no right to raise any such question, either in law or equity; that it could not be inquired into in that collateral way. Since that was decided by the court, the Government has paid for its mail service right along. But to involve in this plain judgment, which remains here drawing interest, a question of the settlement of the Central Pacific, another corporation, not connected with this, except there may be some common stockholders (the

majority are not), and take their money is wrong. This company has this bonded debt out, and if you involve them in that way you will injure their credit.

The amendment of the Senator from Nebraska is a great deal worse than the amendment proposed by the Senator from California, because it assumes what is not true, that the Southern Pacific is liable for the payment of the Central Pacific's debt, which, I say, is not true. If that be true, the Southern Pacific would also be embarrassed, and to have it go out to the stockholders and bondholders of the Southern Pacific Railroad that their property is held to pay the debts of the Central Pacific would do great injustice. I would rather it would be beaten altogether.

But it seems to me after it has been passed by the Senate on argument so often, it being a clear proposition, a clear debt, a judgment in favor of a company that has not received any Government aid, it is not right to tie it up in this way. After all that has been said, and after years of consideration, finally the House has come to this conclusion, and has twice passed the appropriation. Here it is in the act of last year:

Payment to Southern Pacific Company: To pay the claims of the Southern Pacific Company, its branches and leased lines, certified in Senate Document No. 236, this session, $1,542,979.44.

Most of this indebtedness arose after the judgment for the $1,800,000, and while that suit was pending. The appropriation included what had not gone to judgment and a part of the judgment, leaving some $1,300,000 unpaid. This is the remainder which is in judgment, drawing interest under the law, and it has no more connection with the Southern Pacific Railroad, so far as this obligation is concerned, than an indebtedness of the Baltimore and Ohio Railroad would; and to assume that it has is unjust. It is contrary to the decisions. If I had time, I could read the decisions showing that there is no connection.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. STEWART. I do.

Mr. LINDSAY. I ask the Senator whether in the litigation in the Court of Claims the issue was raised as to whether these were substantially the same company or different corporations?

Mr. MORGAN. No.

Mr. STEWART. The question in the Supreme Court was twice raised, and it was decided that nonaided roads were not liable for the debts of the aided roads.

Mr. WHITE. I deny that any such question was ever litigated anywhere.

Mr. STEWART. It was three times raised in the Supreme Court whether the Government could retain the freight money on roads that were nonaided, and the Supreme Court decided in Kansas Pacific against the United States, in Central Pacific against the United States, and in Denver Pacific against the United States that the portion of the roads which were nonaided were not liable for the debts of the aided roads, although at the time these decisions were made the companies owning the nonaided roads also owned the aided roads. The companies were the same, but the United States Supreme Court held that the companies were not liable to render the Government service on the nonaided portion of their roads without compensation.

The statement of Mr. Payson that slipped in there amounts to nothing. It is against the entire facts and the history of it. In the Court of Claims, the Government availed itself of all the reasons it had, and the Attorney-General followed it up until the case was exhausted. Under the law as the Supreme Court had declared it, if the Central Pacific had owned all the roads the Government would have been compelled to pay for services on the nonaided roads; but the Central Pacific Company did not own the Southern Pacific Railroad Company's lines or any part thereof. The two companies were separate and distinct.

It is true that the Southern Pacific leased the Central Pacific line and the Government retains the compensation for the services rendered by the Central Pacific Company. It retains the entire compensation on the aided road, and applies it on the debt of the aided road. But this is for service on nonaided roads by an independent corporation, under an independent contract made by the Government with the Southern Pacific to carry the mails. The company performed the service and the Government raised the flimsy pretense that the corporation had not the power to make the contract and receive the money. This defense was repudiated by the court. It had no merit whatever. Why should not this judgment be paid? Why it should be tied up to pay another company's debt is more than I can comprehend.

I could go into all the details of the case of the Central Pacific, etc., but it is not in this case at all. It is simply a question whether the Government will pay its judgment. The service ought to have been paid for after it was performed. The Government raised a shallow objection and kept the road out of its pay for years and years and years. It has passed the Senate time and time again. The House rejected it on the idea that it was the Central Pacific Railroad. The name deceived it. The House is a very large body, and it has little time to consider such matters on appropriation bills. But when the question was understood the House recognized its justice and paid part of it last year and this year it proposes to pay the remainder.

Now, the Senate is called upon to reverse its action, and say, after the House has consented to it and after it has paid part of it, that it will not pay the balance of it, which has gone to judgment. It is a very plain case, and that is all I care to say about it.

Mr. WHITE. Mr. President, the rendition of a judgment upon claims of this kind is no more binding upon Congress than this. The judgment is in effect a statement from a competent tribunal that the claim is a just one. Whether there is anything else which in the opinion of Congress ought to be offset against it is quite another matter. If Congress believes that the railroad company in this case owes money, certainly the Government has a right to ask that the matter be submitted to final adjudication.

I admit that my friend from Nevada is dealing with this matter impartially. He says Judge Payson, who is a salaried attorney of the railroad company, does not know what he is talking about. My friend from Nevada is not a salaried attorney of the railroad company; he is not in the pay of the company, and he is not in its secrets, and he does not represent the company here; but Judge Payson does.

Mr. STEWART. I was on the committee and heard the testimony, and the fact came out before the committee, what I think no one will deny, that a majority of the Central Pacific stock was owned in Europe; and my friend from Alabama stated that that was one reason why he wanted to deal fairly with the company, to protect those stockholders, because most of them are foreigners.

Mr. WHITE. But Judge Payson is to-day the attorney, and surely the Senator from Nevada does not claim to occupy that rôle.

Mr. STEWART. I claim to occupy the rôle of being on the committee and having heard the testimony and knowing what it is, the incidental remark of Judge Payson does not weigh against the conceded facts in the investigation which were brought out and which we know to be true.

Mr. WHITE. The present enthusiasm of the Senator from Nevada is of course reminiscent of a former condition, which has no application to present conditions as far as he is concerned. But Judge Payson, the attorney of the company, states that the stockholders are the same. The Senator from Nevada, who now is not the attorney of the company and who now has no personal relations with the company, assumes to question the statement of a man who is duly authorized to act and who is acting for the company. I suppose that the admitted statements of the admitted attorney are of more validity than the statements of the Senator from Nevada, who in days agone was on a committee and who has no intimate relations with that corporation.

Mr. President, I do not say that ultimately it may not be determined that the Government owes this money. I say it is doubtful. Mr. Payson, their attorney, says the stockholders are the same. I believe it. I know the men who dominate the one company are the same men who dominate the other, and every man familiar with the conditions surrounding both corporations knows that to be true. And I say that if, upon a legal analysis of the situation, it is discovered that after all it is a great partnership, entered into for the purpose of defrauding the Government and taking out of the hands of the Central Pacific Company assets which ought to be devoted to the satisfaction of a claim owed by that company to the Government of the United States, and if there has been a fraudulent diversion of those assets into the channel leading to the Southern Pacific coffers, equity will reach it.

I claim that to be the case. Let that question be decided by the courts, and let the Government, now admittedly without much money in its coffers, pay that money to claimants regarding whose claims there is no dispute, and leave these matters doubtful, almost sub judice, to future solutions. I am willing to rest the case, and I ask for a vote of the Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska [Mr. ALLEN].

Mr. STEWART. Let us have the yeas and nays.

Mr. HALE. Does the Senator from Nevada insist upon the yeas and nays? I do not believe that there is a voting quorum present.

Mr. WHITE. The very object of the agreement was that we should not have the question taken by yeas and nays.

Mr. ALLEN. I understood the unanimous-consent agreement to be that there should be no yea-and-nay vote.

Mr. HALE. There is a quorum on a roll call, but so many Senators have the practice, which I think is a bad one, of announcing on every question that is not a party question a pair that we can not count on the presence of Senators.

Mr. ALLEN. If the Senator from Maine will permit me, I suggest that when it was agreed that twenty minutes should be allowed upon one side and twenty minutes upon the other side, it was also agreed to that there should be no yea-and-nay vote.

Mr. STEWART. Oh, no.

Mr. HALE. I do not think that was stipulated, but I hope there will be none. Let us have a viva voce vote.

Mr. WHITE. I suggest that one-fifth of the Senators present must second the demand before the yeas and nays can be ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nebraska. [Putting the question.] The ayes seem to have it.

Mr. STEWART. Then I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from Nevada demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CAFFERY (when his name was called). I am paired with the Senator from Michigan [Mr. BURROWS.]

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

The PRESIDING OFFICER (when Mr. FAULKNER'S name was called). The present occupant of the chair is paired with the junior Senator from West Virginia [Mr. ELKINS].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but to make a quorum I shall vote. I vote "nay."

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], who is not present.

Mr. STEWART. I ask unanimous consent to withdraw the call for the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. VILAS. What is the request?

The PRESIDING OFFICER. Unanimous consent is asked to withdraw the call for the yeas and nays. That, of course, would make the decision of the Chair upon the viva voce vote stand as the judgment of the Senate.

Mr. WHITE. There ought to be no objection to that, it seems to me.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BUTLER. What is the request?

The PRESIDING OFFICER. That the call for the yeas and nays be withdrawn and the decision of the Chair shall stand as the judgment of the Senate. The amendment, therefore, of the Senator of Nebraska is adopted.

Mr. HALE. Now, Mr. President, let us see if we can not finish the bill.

Mr. CLARK. I beg leave to offer an amendment. On page 83, after line 6, I move to insert:

To pay Leslie C. Baker the difference between the salary he has been receiving and that of a messenger of the Senate from December 9, 1895, to March 4, 1897, $472.28.

The amendment was agreed to.

Mr. CLARK. On behalf of the Senator from Oregon [Mr. MCBRIDE], who is detained from the Chamber by sickness, I offer an amendment which has been submitted to the chairman of the committee. It is to come in after line 17, page 90.

The amendment was read and agreed to, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Campbell, of the State of Oregon, the sum of $1,165, being the amount found due by the Court of Claims for property taken by the Army during the war of the rebellion, as reported to Congress in House Miscellaneous Document No. 132 of the second session of the Fifty-third Congress.

Mr. HALE. Now, can we not have the bill reported to the Senate?

Mr. ROACH. Mr. President——

Mr. NELSON. I have an amendment to offer.

The PRESIDING OFFICER. The Senator from North Dakota has been recognized.

Mr. ROACH. I offer the following amendment, to come in on page 13, after line 14:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the estate of A. H. Herr, deceased, late of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $17,288.55, allowed the estate of A. H. Herr by the Secretary of War for the use of his premises, known as Herrs Island, near Harpers Ferry, by the Army, during the late war.

The amendment was agreed to.

Mr. TILLMAN. I move the adoption of the amendment which I send to the desk, to come in after line 18, page 10.

The amendment was read, as follows:

To pay to the trustees of the Newberry College of the Evangelical Lutheran Synod of South Carolina, in Newberry, in said State, the sum of $15,000 for injuries to the buildings of said college, resulting in its destruction, and caused by the troops of the United States while in possession of it and occupying it as a barrack, after the close of the war, in 1865, in South Carolina, and said sum shall be in full payment of all claims by said college on account of the use, occupation, and loss of the buildings.

Mr. HALE. What committee does that come from, Mr. President?

Mr. TILLMAN. This bill has passed the Senate twice, and it has had a unanimous report in the House.

Mr. HALE. I simply want to know whether it is the report of a committee, or was passed at the present session of the Senate. If that is not the case, the amendment is not in order under the practice of the Senate.

Mr. TILLMAN. It passed the Senate, I think, last spring. I hope the Senator will not make the point of order against it, when so many others have got their amendments through, and take advantage of my ignorance, from the fact that I did not get a report on it. No doubt I could have got a report on it, because it has already passed through the Senate.

The PRESIDING OFFICER. It passed the Senate on January 26, 1896.

Mr. HALE. I have not let in any amendment that has not been reported by a committee.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the bill passed the Senate January 26, 1896.

Mr. TILLMAN. It passed the Senate in the last Congress, it has passed this body twice, and it was reported by the committee in the other House, and would have passed there but for the fact that it could not be reached.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from South Carolina.

The amendment was agreed to.

Mr. BAKER. I offer an amendment, to be inserted on page 76, line 22. It has been reported from the Committee on Claims not only once, but a great many times.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. On page 76, at the end of line 22, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of Daniel Woodson, deceased, late receiver of public moneys in the Delaware land district of Kansas, the sum of $1,162 46, for office expenses, under the seventh section of the act of August 18, 1856, reported to Congress by the Secretary of the Interior, for appropriation, in accordance with said act, and favorably reported upon by the Senate Committee on Claims by Report No. 959, on May 15, 1896, on Senate bill No. 1438.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of Ely Moore, deceased, late register of the land office in the Pawnee land district of Kansas, the sum of $4,115, for clerk hire and office rent, under the seventh section of the act of August 18, 1856, reported to Congress by the Secretary of the Interior, for appropriation, in accordance with said act, and favorably reported upon by the Senate Committee on Claims, by Report No. 959, on Senate bill No. 1438.

The amendment was agreed to.

Mr. VILAS. I offer an amendment which is simply to correct an error made in the enrollment of a bill at the last session, which has been submitted to the Committee on Commerce, examined, and reported by the chairman of that committee.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALDRICH. There can be no doubt but that amendment ought to be adopted. I think that will complete pretty much the sort of legislation that is to go into this bill. If there is any other kind that has not been suggested, it ought certainly to be offered to this bill.

Mr. HALE. I hope the Senator will not arrive at that conclusion until we see the character of amendments that are coming. Perhaps it may turn out that the Senator is too hasty in his conclusion.

Mr. VILAS. This amendment is entirely proper.

Mr. HALE. There is no objection to it, I suppose.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 44, after line 18, it is proposed to insert:

To correct an error in enrolling the act of June 30, 1896, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the sum of $5,000, to be expended, under the direction of the Secretary of War, in continuing the improvement of the harbor at Green Bay, Wis.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the President of the United States be authorized to nominate and, by and with the advice and consent of the Senate, appoint the leader of the United

States Marine Band as a first lieutenant of marines not in line of promotion with rank, pay, and emoluments of officers of that class.

Mr. BLANCHARD. I make the point of order against that amendment.

Mr. HALE. Let us have the ruling of the Chair.

The PRESIDING OFFICER. In the opinion of the Chair, the point of order is well taken.

Mr. CHANDLER. I have an amendment which ought to go along with certain amendments in the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

For the infliction of the injuries and the destruction of the property hereinbefore in this act paid for, done and achieved by the Army of the United States during the suppression of the rebellion, apology and regret are hereby duly made and expressed in behalf of the people and Government of the United States.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

Mr. BLANCHARD. I desire to enter a motion to reconsider the vote by which an amendment on page 40 was adopted.

Mr. HALE. Do not enter the motion to reconsider, but move to reconsider, because we want to pass the bill to-night.

Mr. BLANCHARD. Very good. I make the motion to reconsider the vote by which the amendment, beginning in line 1, on page 40, and going down to line 2, on page 41, relative to the mileage of officers in the military establishment, was adopted.

Mr. HALE. I move to lay that amendment on the table.

Mr. BLANCHARD. The Senator can not take me off the floor to do that.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. BLANCHARD. I make this motion for the purpose of calling the attention of the Senate to these words at the top of page 41:

And in addition thereto he shall receive transportation in kind.

Mr. NELSON. I make the point of order that the motion to reconsider is not debatable.

Mr. CHANDLER. Let the Chair state the motion.

The PRESIDING OFFICER. The motion is to strike out, the Chair understands.

Mr. NELSON. The Chair is mistaken; it is a motion to reconsider.

The PRESIDING OFFICER. The mover has a right to make a statement of his reasons.

Mr. BLANCHARD. Mr. President, in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1898, there was adopted this provision:

Provided, That hereafter the maximum sum to be allowed and paid to any officer of the Army shall be 4 cents per mile, the distance to be computed over the shortest usually traveled routes.

That was adopted a few weeks ago and became a law. In the deficiency bill now under consideration there is a proposition to change that, and change it by the addition of these words, to which I call the attention of the Senate:

And in addition thereto he shall receive transportation in kind.

Mr. HALE. I think the Senator is right. I think those words ought to be stricken out.

Mr. BLANCHARD. Those are the words I wish to strike out. I move to strike out of the amendment those words.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment was adopted will be reconsidered. The Chair hears no objection, and it is so ordered. The question now is on the amendment of the Senator from Louisiana to the amendment of the committee, which will be stated.

The SECRETARY. On page 41, line 1, after the word "routes," it is proposed to strike out "and in addition thereto he shall receive transportation in kind."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CARTER. I offer the amendment which I send to the desk, to be inserted on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 25, on page 9, it is proposed to insert:

Provided, That no deputy official or assistant or any person handling money, employed in any branch of the public service for whose default or misconduct any superior officer under bond to the United States may be answerable, shall be subject to civil-service laws, rules, or regulations, and all orders, acts, and parts of acts inconsistent with this proviso are hereby repealed and rescinded.

Mr. CHILTON. I raise the point of order on that amendment.

The PRESIDING OFFICER. The point is well taken.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 26 minutes a. m., Wednesday, March 3, 1897), the Senate adjourned until Wednesday, March 3, 1897, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1897.

APPOINTMENTS IN THE NAVY.

Paul J. Dashiell, a citizen of Maryland, to be a professor of mathematics in the Navy, to fill a vacancy existing in that grade (subject to the examinations required by law).

James Chambers Pryor, a citizen of Tennessee, to be an assistant surgeon in the Navy, from the 27th day of February, 1897, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Louis Philip Brant, adjutant First Infantry, to be captain, February 6, 1897, vice Barry, First Infantry, appointed assistant adjutant-general, who resigns his line commission.

Second Lieut. Hiram McLemore Powell, Second Infantry, to be first lieutenant, February 6, 1897, vice Noble, First Infantry, appointed adjutant.

Second Lieut. Fred Winchester Sladen, Fourteenth Infantry, to be first lieutenant, February 10, 1897, vice Davis, Fourth Infantry, appointed commissary of subsistence, who resigns his line commission.

Second Lieut. Harry Hill Bandholtz, Sixth Infantry, to be first lieutenant, February 12, 1897, vice Leavell, Twenty-fourth Infantry, promoted.

Second Lieut. Henry Thornberg Ferguson, Twenty-third Infantry, to be first lieutenant, February 15, 1897, vice Hall, Thirteenth Infantry, resigned.

Second Lieut. Henry Grant Learnard, Nineteenth Infantry, to be first lieutenant, March 1, 1897, vice Owen, Fourteenth Infantry, dismissed.

Candidate Corpl. Preston Brown, Battery A, Fifth Artillery, to be second lieutenant, March 2, 1897, vice Powell, Second Infantry, promoted.

Candidate Corpl. William D. Conrad, Troop I, Fifth Cavalry, to be second lieutenant, March 2, 1897, vice Sladen, Fourteenth Infantry, promoted.

Candidate Corpl. Louis Herman Gross, Company G, Fifth Infantry, to be second lieutenant, March 2, 1897, vice Bandholtz, Sixth Infantry, promoted.

Candidate Serg. Thomas Franklin, Company A, Eighteenth Infantry, to be second lieutenant, March 2, 1897, vice Ferguson, Twenty-third Infantry, promoted.

Candidate Corp. George H. Steel, Company D, Fifth Infantry, to be second lieutenant, March 2, 1897, vice Learnard, Nineteenth Infantry, promoted.

ASSISTANT SURGEONS IN MARINE-HOSPITAL SERVICE.

Claude H. Lavinder, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Taliaferro Clark, of the District of Columbia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Hill Hastings, of Kentucky, to be an assistant surgeon in the Marine-Hospital Service of the United States.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1897.

APPOINTMENT IN THE NAVY.

James Chambers Pryor, of Tennessee, to be an assistant surgeon.

PROMOTIONS IN THE NAVY.

Lieut. Commander Uriel Sebree to be a commander.

Lieut. Uriah R. Harris to be a lieutenant-commander.

Lieut. (Junior Grade) Augustus N. Mayer to be a lieutenant.

POSTMASTER.

Abial H. Chase, to be postmaster at Concord Junction, in the county of Middlesex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

[*Continuation of legislative proceedings of March 1, 1897.*]

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m., Tuesday.

PLANS AND ARRANGEMENTS FOR INAUGURAL CEREMONY.

Mr. DOCKERY. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the following resolution be referred to the Committee on Rules.

The Clerk read as follows:

Resolved, That the Committee on Rules are hereby directed to inquire, ascertain, and report by what authority of law, or otherwise, and by whose direction, and for what reason or reasons, the platform for the inauguration of the President-elect is now being constructed upon the space between the central staircase and the Senate wing of the Capitol, east front, connecting alone with the entrance of the Senate wing, as an adjunct of the Senate, instead of being located in front of the central staircase, accessible equally from both House and Senate wings, as has been the unvarying practice ever since the Capitol was first constructed; and also whether the House of Representatives has any right of participation in the preparation of plans and arrangements for the inaugural ceremony.

Mr. DOCKERY. I ask that the resolution be referred to the Committee on Rules.

The SPEAKER. The gentleman asks unanimous consent that the resolution be referred to the Committee on Rules. Is there objection?

Mr. RICHARDSON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Will it be in order to offer an amendment at this time? I understand a platform is being constructed immediately in front, and I would like to know by what authority it is being constructed.

The SPEAKER. The resolution has not reached the amendment stage, as the Chair believes the gentleman from Tennessee will recognize. It has not reached the point of being referred to the committee.

Mr. RICHARDSON. I did not hear what the Chair said, as the gentleman from Missouri was speaking to me.

The SPEAKER. The gentleman asks unanimous consent that the resolution be referred to the Committee on Rules.

Mr. PAYNE. Mr. Speaker, I suppose if the gentleman had put the resolution in the hands of the Clerk, it would have gone to the Committee on Rules?

The SPEAKER. It would.

Mr. PAYNE. But there is no objection to its going to the Committee on Rules by this method?

The SPEAKER. That is for the House to say.

Mr. BARRETT. I would like to ask the gentleman why he does not put the resolution on its passage by unanimous consent?

Mr. DOCKERY. I think it is proper to have the resolution first considered by a committee.

Mr. RICHARDSON. If objection be made to the resolution, would it not go to the Committee on Rules?

The SPEAKER. It would, provided it was deposited in the proper way.

Mr. RICHARDSON. So that the resolution will reach the same destination, whether we object or not.

Mr. BARRETT. As I understand, this resolution directs the Committee on Rules to make certain inquiries——

The SPEAKER. The resolution has gone to the Committee on Rules by the consent of the House.

RECESS.

Mr. PAYNE. I move that the House take a recess until half past 10 o'clock. The gentleman from Vermont [Mr. GROUT] informs me that an appropriation bill will probably be ready at that time for consideration.

The question being taken on the motion of Mr. PAYNE, it was agreed to; and accordingly (at 10 o'clock and 5 minutes a. m.) the House took a recess until half past 10 o'clock.

The recess having expired, the House reassembled at 10 o'clock and 30 minutes a. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that House bill No. 10167, known as the District of Columbia appropriation bill, which has just been returned from the Senate with amendments, be taken up, the amendments of the Senate non-concurred in, and a conference with the Senate asked.

Mr. HOPKINS of Illinois. Pending that request, I want some little explanation from the gentleman making the request. How does this House know that we want any conference at all on these amendments? I reserve the right to object, pending the gentleman's explanation.

Mr. GROUT. Mr. Speaker, it is not usual to pass a great appropriation bill like this without a committee of conference. I do not believe it would be possible in this case to do so. The Senate has added amendments, considerable in number and amount. I have not myself looked at the bill since it was returned, and I do not know the exact amount of the amendments, but they aggregate some $2,000,000. I have no idea that the House would concur in those amendments and pass the bill without a conference.

Mr. HOPKINS of Illinois. What are the amendments?

Mr. GROUT. Well, sir, they are on various subjects.

Mr. HOPKINS of Illinois. Well, what?

Mr. GROUT. One is, as I understand—I have not had the bill before me this morning. Will the Clerk please hand me the bill? Here on page 1, I find an amendment appropriating $6,720 for a free public library; on page 2, I find an amendment to enable the register of wills to compare, correct, and reproduce certain records, will books, etc., $2,000. Then there is a provision for the payment of judgments for lands condemned for the extension of Sixteenth street. The appropriation for that purpose is a large one.

Mr. HULICK. Is the gentleman reciting these amendments for the benefit of the gentleman from Illinois [Mr. HOPKINS] or for the information of the House?

Mr. GROUT. For the benefit of the gentleman from Illinois, evidently.

Mr. HULICK. I suggest that the gentleman might take the bill to his committee room and examine it item by item for himself.

Mr. GROUT. I will go through these amendments seriatim, if the gentleman chooses. These amendments make a total——

Mr. HOPKINS of Illinois. I want to know whether there is any serious difference between the House and the Senate. The gentleman has referred to sundry amendments. Now, those amendments may be in accordance with the wishes of a majority of this House.

Mr. PAYNE. I should like to ask the gentleman from Vermont whether these various amendments do not appear in the Senate proceedings as published in the RECORD.

Mr. GROUT. Certainly; all of them.

Mr. PAYNE. So that the gentleman from Illinois and all other members have access to the amendments in that form, without having the time of the House taken up by the reading of them in detail in the closing hours of the session.

Mr. HOPKINS of Illinois. I am not asking a detailed statement of all these amendments; but the gentleman from Vermont is asking unanimous consent, which means the consent of every member of this body, including myself. Now, I am not going to delay the action of the House or the committee of conference on this bill; but when such an extraordinary request as that is made, I should like to have it accompanied with some sort of a statement showing that the course we are asked to adopt by unanimous consent is proper.

Mr. GROUT. I do not understand that this is an extraordinary request; it is the usual request. Of course it is competent for the House to refer all these amendments to the Committee on Appropriations, have them considered there, then brought into the House, and considered in Committee of the Whole. But the gentleman must know that if this bill is to become a law there is no time for that.

The gentleman seems to be in doubt whether we would not want to agree to all these amendments. Sir, the House passed this bill without these amendments. The presumption is that the House passed the bill in the form which pleased it and as it thought the bill ought to be. These amendments have been put on by the Senate. Very likely we shall be compelled to agree to some of them; but I am sure the House will never agree to them all.

Mr. DALZELL. I should like to know how many amendments there are.

Mr. GROUT. I do not get my eye on the number.

Mr. HOPKINS of Illinois. The gentleman apparently does not know much about them.

Mr. GROUT. Mr. Speaker, the gentleman knows that I have but just got my hand on this bill, with no time to examine it. I can not, of course, tell all about these amendments at this moment, but I know enough about it to believe that the House will disagree to many, if not most, of these amendments.

Mr. DALZELL. Do the amendments reduce the amount?

Mr. GROUT. Oh, they increase the aggregate of the bill about $2,000,000, as I understand.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. BINGHAM. Why does not the gentleman move to suspend the rules?

Mr. GROUT. I will. Mr. Speaker, I move——

Mr. HOPKINS of Illinois. I withdraw any objection to the gentleman's request.

The SPEAKER. Is there further objection?

Mr. MORSE. I wish to make a parliamentary inquiry. I desire to know, in the event of there being unanimous consent, if it will be in order to instruct the conferees?

The SPEAKER. The House has a right to make instructions, but it is unusual at the first conference.

Mr. GROUT. After the conferees come in, it is competent for the House to instruct the conferees on any subject, and it would seem that it would best expedite the passage of this bill to let it at once go to conference. It should be remembered we have only two days, and if the matter is to be delayed by further debate, I shall move to suspend the rules and nonconcur and ask for a committee of conference.

Mr. MORSE. Mr. Speaker——

Mr. PAYNE. I want to suggest to the gentleman from Massachusetts——

Mr. MORSE. The matter which I have on my mind is the appropriations added to this bill in the Senate for sectarian charities in the District of Columbia, which the House refused last year and reaffirmed this year.

Mr. PAYNE. Mr. Speaker, I supposed I had the floor.

Mr. MORSE. I think I had the floor.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] made a parliamentary inquiry.

Mr. MORSE. I am extending the inquiry now, Mr. Speaker. [Laughter.] I hope the House will indulge me. I do not desire to impede the public business; but I simply desire to say that this House has taken a very firm and decided position in regard to the appropriation of public money for sectarian charities.

Mr. STEELE. I think we ought to have the regular order, and not a speech.

The SPEAKER. The question is, Is there objection to the proposition of the gentleman from Vermont [Mr. GROUT]?

Mr. McMILLIN. Let us have the proposition stated. There was confusion, and it was impossible to hear the gentleman's proposition distinctly.

The SPEAKER. The proposition is that the House nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

Mr. MORSE. Now, Mr. Speaker, I move that the House conferees be instructed to insist on the attitude of the House in regard to appropriation of public money for these sectarian charities in the District of Columbia.

Mr. HOPKINS of Illinois. Mr. Speaker, the gentleman ought to know that by nonconcurring in the Senate amendments the House expresses its disapprobation of all these amendments, including the one that the gentleman from Massachusetts [Mr. MORSE] has in mind, and that the action of the House is really an instruction to them.

Mr. MORSE. Well, I want to emphasize that matter. I am not disposed to delay the public business, and I withdraw the motion; but I want the conferees to understand the feeling of this House in regard to this matter of continued appropriation of public money for sectarian charities in the District of Columbia.

The SPEAKER. There being no objection to the request of the gentleman from Vermont [Mr. GROUT], the House nonconcurs in the Senate amendments and asks for a committee of conference.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I ask that the naval appropriation bill may be printed with the Senate amendments.

The SPEAKER. The gentleman asks unanimous consent that the naval appropriation bill, with the Senate amendments, may be printed.

Mr. BOUTELLE. And I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

Mr. McMILLIN. Will the gentleman state——

The SPEAKER. Without objection, the Senate amendments will be printed. The next proposition submitted by the gentleman from Maine [Mr. BOUTELLE] is for unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

Mr. McMILLIN. Touching that I should like to ask the gentleman from Maine——

Mr. BOUTELLE. If the gentleman will permit me, I will give my reason for the request. As he is well aware, we are in the closing hours of the session——

Mr. HOPKINS of Illinois. They all say that. Will the gentleman come to the point?

Mr. BOUTELLE. If the gentleman from Illinois will be kind enough to restrain his youthful impetuosity for about two minutes, I will give him some information. If he will preserve that dignity which always characterizes him when he occupies the chair, he will get along very finely. I will state to the gentleman from Tennessee [Mr. MCMILLIN] that the Senate at midnight last night completed twenty-eight amendments to the naval appropriation bill. There has been no opportunity, up to this moment, to carefully examine them. Undoubtedly the action of the House Committee on Naval Affairs would be to ask a formal nonconcurrence, and it seems to me that we shall accomplish the desired object very much more rapidly by nonconcurring, and allowing the conferees of both Houses to get together and eliminate whatever it may be possible to of controversy, and then come back to the House with the questions that may remain at issue.

Mr. McMILLIN. I believe that the amendments do not cover a great deal of space, so I should like to have them read. It is about the only opportunity we shall have to hear them read, if the bill goes to conference as an entirety.

The SPEAKER. The Clerk will read.

Mr. BOUTELLE. I will state to the gentleman that the amendments will not be intelligible unless accompanied by the text of the bill, because many of them simply amend by striking out so many words and in lieu thereof inserting some other words.

Mr. McMILLIN. All I wish is to get at an understanding of the material changes of the bill; and I will ask the gentleman to state what are the material changes in the bill as it passed the Senate.

Mr. BOUTELLE. The material changes are the authorization of certain vessels, some torpedo boats, and a sailing vessel for the Naval Academy, and a modification of the paragraph treating the subject of armor plate.

Mr. McMILLIN. What modification do they make in that? That is one of the subjects on which I desire to inquire.

Mr. BOUTELLE. They reduce the price for armor plate to $300, and insert a specific price per ton; whereas the House, acting upon the recommendation of the Secretary of the Navy, had computed the amount at the rate of $400 a ton, because some deemed that preferable to placing a specific price for a commodity in a law.

Mr. McMILLIN. The reason I call attention to it is that it has struck me all along that we have been paying enormously for this armor plate, and I wanted, if possible, in this bill, as two, three, or four immense ships will soon have to be plated, to get some means of cheapening the construction. I desire to call attention to that. Now, as to the torpedo boats; how many are provided for?

Mr. BOUTELLE. Three torpedo vessels.

Mr. McMILLIN. Three torpedo boats and one sailing vessel for the Naval Academy.

Mr. BOUTELLE. One sailing vessel as a practice vessel for the Naval Academy.

Mr. McMILLIN. On that subject, while I would not like to ask the gentleman to anticipate the action of his committee, nor give any expression that he would not want to in anticipation of his committee's action, does the gentleman think at this time, when sailing vessels are so little used for naval purposes, that these young men should receive their training in a sailing vessel when their practical work will be in steam vessels?

Mr. BOUTELLE. I will state to the gentleman, in reply, that this vessel has been requested by the Superintendent of the Academy for use as a training vessel for these boys. This will not take the place of training in steam vessels, as they have a gunboat already assigned for that purpose; but it is believed by the Superintendent and by many of the best officers of the Navy to be a very desirable method of preliminary training for the boys, and I share in the feeling very thoroughly myself. I will state, however, to the gentleman from Tennessee that the House committee, while at first contemplating requesting the House to authorize at this session one additional battle ship and also this small vessel, of which type two have been requested by the Superintendent, we determined finally that we would relinquish our strong desire to ask for the authorization of another battle ship, on the ground that I stated the other day, that the bill was necessarily large, and the circumstances in which we are placed were such as to seem to render it expedient to delay for one session the authorization of another large battle ship. We thought it seemed rather diminutive to come in and ask for one little craft, and we thought that we would postpone that also.

Mr. McMILLIN. Certainly; it is a modest request.

Mr. BOUTELLE. It will only cost $250,000.

Mr. McMILLIN. But I desire to call attention to the fact that we are proposing as a training ship a vessel that will never be used in any other naval battle in the world, and it does seem to me that every step taken in training a naval officer ought to be in connection with some kind of a vessel that will be used in naval warfare; and it is utterly useless to expend any money in the construction

of a kind of ship that will never be seen in conflict at all. I simply want to say that as a preliminary; and I want to say in that connection that I know the Naval Committee are better posted and better prepared to deal with this question than I am; but we all have our opinion upon these things, and I desire to state mine.

Mr. BOUTELLE. I think the gentleman from Tennessee and I will coincide entirely after a little conference in regard to the matter. The construction of this vessel for this purpose is not intended as a backward step or a substitute for instruction in existing steam vessels; but it is believed by Superintendent Cooper, of the Naval Academy, and it is a view also held by some of the very foremost of the naval officers, that there is no school of preliminary training of the nerve, eye, and self-command so efficient and desirable in the early training of these boys as on board a sailing vessel, to be followed up by technical training on board of a steam vessel as their education proceeds.

Mr. CUMMINGS. If my friend will allow me, I would like to say to the gentleman from Tennessee that the Senate struck out this provision, which was put in by the House committee, giving the Secretary power to ask for a contract with the contractors who are now building the last three battle ships authorized by Congress to furnish the armor plate for those vessels; the point being this—that instead of the Government spending $1,500,000 to establish an armor plant, or putting the least onus of building an armor plant on the Government, this would be placed upon the contractors of the vessel, who might see fit to build the armor plant so as to fulfill their contracts with the Government. The Senate struck out that provision.

Mr. McMILLIN. I can see that the House provision on that subject would be, in my estimation, much better.

Mr. HOPKINS of Illinois. Mr. Speaker, there is one of these amendments upon which, if it suits the convenience of my genial friend in charge of the bill, I would like to have a separate vote of the House. That is the provision relating to armor plate. Gentlemen will remember that in previous Congresses our attention has been called to armor plate and the manner in which it has been furnished, and that the present Secretary of the Navy has given out contracts under which the Government has been compelled, as I understand, to pay at the rate of $520 per ton for the armor plate for the *Kearsarge* and the *Alabama*. Am I correct in that?

Mr. BOUTELLE. That is about the figure.

Mr. HOPKINS of Illinois. Now, Mr. Speaker, at the close of this Democratic Administration, the Secretary of the Navy recommends that in future the price be limited to $400 per ton, and, as I understand, that is the figure that was adopted by the Naval Committee of the House when the bill was presented, but the Senate, with the additional information which that intelligent and able body possesses, has reduced the figure to $300 per ton.

Mr. MEREDITH. What sort of an Administration did the gentleman speak of?

Mr. HOPKINS of Illinois. I said at the close of this Democratic Administration.

Mr. MEREDITH. We on this side are not informed that it is a Democratic Administration. [Laughter.]

Mr. HOPKINS of Illinois. Well, there are a great many things that you do not know, which yet exist. [Laughter.] The Senate has reduced this item $100 per ton, and I would like to make a motion, and I do make a motion, that the House concur in that Senate amendment. I do it for this reason, that the president of the Illinois Steel Company, one of the great iron and steel industries of this country and of the world, has given it out publicly that if that company is permitted to bid it will furnish for $340 per ton armor plate in every respect as good as that which is now being furnished the Government for $520 per ton.

Mr. MILNES. What is the financial standing of that company at this time? Is it good?

Mr. HOPKINS of Illinois. It has a capital stock of $40,000,000, and such men as Marshall Field, George M. Pullman, Mr. Rockefeller, and others of that class are the stockholders.

Mr. MILNES. Has there not been something in the daily press recently about that company being bankrupt?

Mr. HOPKINS of Illinois. Oh, no. If there has, I have not seen it, and it is not correct.

Mr. BABCOCK. That is one of the wealthiest and strongest institutions in America.

Mr. DALZELL. Does my friend from Illinois know how long it takes to build a plant to make armor plate?

Mr. HOPKINS of Illinois. Yes; I know all about it.

Mr. DALZELL. Does the gentleman know how much money it takes to build a plant to make armor plate?

Mr. HOPKINS of Illinois. Yes; I know all about that.

Mr. PITNEY. Will the gentleman yield for a question?

Mr. HOPKINS of Illinois. Oh, one at a time! I can not be interrupted every moment. The point I am making is this, that if this great steel industry of Chicago can furnish this armor plate for $340 per ton at a profit, then it would seem that the company which is furnishing armor plate now at $520 a ton can well afford to take contracts in the future for the sum specified in the Senate amendment, $300 per ton.

Now, I appeal to the members of this House, upon the showing that has been made here, that instead of nonconcurring in this Senate amendment the House ought to concur in it, and ought to say to the Navy Department and to this great Carnegie Company which has been furnishing this armor plate in the past that if they desire to continue to furnish armor plate to the Government of the United States they must furnish it at a figure that is at least reasonable.

Mr. Speaker, I am not perhaps so familiar with the facts as the learned gentleman the chairman of the Committee on Naval Affairs of the House, but I am credibly informed that this same company, which has been furnishing armor plate to the Government of the United States for the *Kearsarge* and the *Alabama* at the rate of $520 per ton, furnished the same kind of armor plate to the Russian Government for $249 per ton.

Mr. TOWNE. And delivered it.

Mr. HOPKINS of Illinois. And delivered it in that country. Why can not an American institution furnish to the Government of the United States armor plate for the great war vessels of our own Navy as cheaply as it can furnish armor plate to foreign countries? Why is it that we should be required to pay this extravagant sum under the administration of the present Secretary of the Navy for the plating of the *Kearsarge* and the *Alabama*, and yet this same company should furnish armor plate at the rate of $249 per ton to a foreign government? I now ask the chairman of the Committee on Naval Affairs if he is willing that at this stage the House shall vote to concur in the Senate amendment fixing the price of this armor plate at $300 per ton?

Mr. BOUTELLE. I want to say to the gentleman that my reason for asking a nonconcurrence is because the amendments are involved. The Senate has struck out what we concede to be important safeguards.

Mr. HOPKINS of Illinois. On this item?

Mr. BOUTELLE. On this very item for the purchase of armor plate. We had a very carefully prepared paragraph covering this subject in a way that seemed to us to be well guarded, irrespective of the question of price. The Senate modified it in various ways. They eliminated some of what we regard as important portions of the provision which the House passed; and I think we can reach a conclusion a great deal better if the House will allow us to go into conference and see if we can not agree with the Senate upon what may prove to be nonessential things, and come back here with a concrete proposition. Now, the gentleman from Illinois ought to feel a share of the gratitude of this House to me for having refrained with a great deal of effort from pouring out a stream of eloquence on the subject of this armor plate.

Mr. HOPKINS of Illinois. I do; I do. [Laughter.]

Mr. BOUTELLE. I hope the gentleman does. I am perfectly willing he should substitute some eloquence of his own——

Mr. HOPKINS of Illinois. Oh, no; I do not wish to do that.

Mr. BOUTELLE. If the gentleman will only reciprocate in the interest of the public business, I shall be grateful in return to him.

This is a complicated question; it has not been stated to the House in detail. No such partial statement as the one just made by the gentleman from Illinois, though he may have intended it to be just, is a sufficient basis on which this House can intelligently act. This is an intricate problem. This whole matter of furnishing armor plate to the Government is one which can not be disposed of in a phrase. There are numerous misleading conditions here to-day that ought to be eliminated if this question is going to be discussed. I should be glad, if time allowed, to take part in such discussion.

We hear about some great concern somewhere that is ready to do something at a certain price. There is no such proposition pending at the Navy Department; there is no such proposition pending in the House of Representatives; there is no such proposition pending before the Committee on Naval Affairs. There is not a responsible proposition, so far as I am aware, anywhere to-day to furnish this armor for these ships at any price whatever. We have bought armor in the past from the Carnegie Company, and we have bought armor from the Bethlehem Company.

Mr. DALZELL. Will not the House have an opportunity to discuss this matter fully when the conference report comes in?

Mr. BOUTELLE. I accept the gentleman's suggestion; I have tried three or four times to make that suggestion. If my friend from Illinois and my friend from Tennessee [Mr. McMILLIN] will kindly bear with me a moment, let me say, my proposition is that the House nonconcur in these amendments now, so that we may bring the matter back here later with some of the nonessential features eliminated, if possible, and then have such a discussion of this armor question as the House may deem proper.

Mr. McMILLIN. There is one difficulty which stands in the

way of the gentleman's proposition, and the difficulty is twofold. In the first place, the conference report will come in as an entirety; it must take that shape; it must be accepted or rejected as a whole. In the second place, that report will come in during the last hours of the session, when there will be no opportunity to discuss deliberately any question, and when we shall be obliged to take whatever we may be able to get, whether it is exactly what we wish or not. I do not mean to insinuate that the committee will not be intelligent and painstaking in the discharge of its duty. But I do not believe—and I give my opinion now for whatever it may be worth, and gentlemen of the House will determine whether I am correct—I do not believe that when our committee shall have worked with the Senate conferees for two days in the closing hours of the session, the conference committee will come in with a proposition naming anything like $300 a ton as the rate to be paid for this armor plate. My apprehension is that if we do not accept that price now, the Senate may give us guarantees and promises as to future matters of control, but that the contract price will go upward. These are the reasons I have been hopeful that at the first opportunity we would accept a reasonable rate.

Now, I have no doubt we have had to pay heretofore—and I am not blaming any of the officers in charge of the matter—new inventions always come high; new processes so important as those involved here are of course covered by patents, and the patent necessarily makes the price high—but I do believe we have been paying enormously for our armor plate, and that if possible we ought to get a reduced price.

Mr. CUMMINGS. Mr. Speaker, I wish to say to the gentleman from Illinois [Mr. HOPKINS] that his statement that the Bethlehem Company furnished armor to the Russian Government at $249 per ton delivered at St. Petersburg is true; but it is also true that to-day that same company is furnishing to the Russian Government the same armor at $527 per ton. The latter is the price obtained under competitive bidding; the English armor-plate manufacturers bid the lowest that they thought they could afford—$540 per ton. The original contract at $249 per ton was, as the Bethlehem Company alleges, taken at a loss for the purpose of breaking into the European market.

Mr. DALZELL. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. Yes, sir.

Mr. DALZELL. Is it not a fact that the only party that offers to make armor plate, outside of those who have already made it in this country, is a party that has no armor-plate plant? Is it not a fact that to build such a plant will take three to five years and an investment of four to five million dollars? Is it not further the fact that the only proposition made by that party is conditioned upon the United States entering into the contract for twenty years to come? Are not those the facts?

Mr. CUMMINGS. I will say to my friend that I understand the Illinois company has no plant; but it is not a fact that it will take three years to complete a plant, for the Secretary of the Navy, in his report to the House, prints a proposition from a company in England to furnish an armor-plate plant in this country inside of a year and a half at a cost of $1,500,000.

Mr. DALZELL. I do not believe the English company can do it.

Mr. HOPKINS of Illinois. The suggestion of my friend does not meet the proposition. The proposition is as to whether the companies that are now furnishing this armor plate to the Government of the United States are doing it at exorbitant prices or not. I am here to maintain that the Government can get this armor plate for $240 a ton, and that if we accede to the Senate proposition for $300 per ton, instead of the House proposition of $400 per ton, still the Carnegie Company, which furnishes this armor, will make a handsome profit. I am also informed that the Secretary of the Navy admits in his report, or in communications that he has made to the Naval Committee of the House, that at the rate of $400 per ton, which he has proposed in his report, the company will make the enormous profit of 50 per cent. Think of it for a moment! One of the great Departments of the Government recommending that a private concern, in dealing with the Government of the United States, shall make a clear profit of 50 per cent upon its transactions. Six per cent is regarded as a large profit made in individual enterprises between man and man.

Mr. BINGHAM. Yes; but that is a continuing enterprise.

Mr. HOPKINS of Illinois. Why should the Government of the United States tax our people for the purpose of still further increasing the wealth of one private concern at the rate here indicated? I say the time has come for this House itself to take some action in the premises, and I trust that if I withdraw my objection to the request of the gentleman in charge of this bill he, as one of the conferees, will insist that the House accept the Senate amendment and make armor plate hereafter at $300 per ton instead of $550 per ton.

I yield five minutes to the gentleman from Iowa.

Mr. BOUTELLE. Where did the gentleman get that five minutes?

The SPEAKER. All this debate is proceeding by unanimous consent.

Mr. HOPKINS of Illinois. Now, Mr. Speaker——

Mr. BOUTELLE. I shall have to make a motion to close this matter up.

Mr. HOPKINS of Illinois. I will say to the gentleman that, with the understanding that the conferees of the House will agree to the $300 per ton for armor plate, I have no objection at all to his request. I can see the force in what he says about the language that should properly guard and protect the Government of the United States, and I know the skill and ability of the gentleman in such matters. I would not embarrass him at all, but upon the broad proposition that armor plate hereafter shall be furnished to the Government for $300 per ton, I insist that the House shall have a voice, unless the committee agree to it, without action on the part of the House.

Mr. LOW. Will the gentleman permit a question?

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The proposition before the House is, Is there objection to the request of the gentleman from Maine [Mr. BOUTELLE] for unanimous consent?

Mr. HOPKINS of Illinois. With that understanding, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman that the House nonconcur in the Senate amendments and ask for a conference? [After a pause.] The Chair hears none.

Mr. DALZELL. I move that the House do now adjourn.

Mr. BOUTELLE. Mr. Speaker, gentlemen about me have called my attention to the fact that the gentleman from Illinois [Mr. HOPKINS], while the Speaker was engaged in putting the question, made some observation, just as he was about sitting down, that with some understanding he would do so and so——

The SPEAKER. The Chair did not understand the gentleman from Maine to assent to any understanding.

Mr. BOUTELLE. I did not, and I want it so understood.

Mr. McMILLIN. The gentleman from Illinois withdrew his objection on that understanding.

Mr. HOPKINS of Illinois. I withdrew my objection with the statement to the gentleman that I would do it on that understanding.

Mr. BINGHAM. In the hope; not the understanding.

The SPEAKER. The Chair asked unanimous consent after the gentleman had taken his seat, and no objection was made.

Mr. HOPKINS of Illinois. Would it be in order to instruct the committee upon that amendment?

The SPEAKER. It would not be in order, now that the House has nonconcurred.

CONFEREES ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the District of Columbia appropriation bill Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

CONFEREES ON THE NAVAL APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the naval appropriation bill Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS.

Mr. DALZELL. Is not my motion in order?

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. ALDRICH of Illinois) there were—ayes 100, noes 27.

Accordingly (at 11 o'clock and 10 minutes a. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 2, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ROBERT M'GEE.

Mr. DOCKERY. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the following bill.

The bill was read, as follows;

A bill (S. 229) for the relief of Robert McGee.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States the sum of $10,000 in compensation for damages sustained by him by reason of having been scalped and otherwise injured by

the Brule Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864; and if said Secretary, after giving a hearing or an opportunity to be heard to said Sioux Nation of Indians, shall find said claim to be equitable and just, he shall pay or cause to be paid said sum of $10,000 or such part thereof as he shall decide to be justly and equitably due to the aforesaid Robert McGee.

Mr. DOCKERY. I ask for the reading of the report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. HILL, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi;

Joint resolution (H. Res. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States; and

A bill (H. R. 9703) to provide for light-houses and other aids to navigation.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of Arbor Day: Its History and Observance; of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 10,000 copies of the Report of the Director of the Mint for 1896; 5,000 for the use of the Director of the Mint, 3,000 for the House of Representatives, and 2,000 for the Senate.

There shall also be printed and bound 3,000 copies of the Report of the Director of the Mint on the Production of Precious Metals, for the year 1895, for the use of the Director of the Mint.

There shall also be printed and bound 5,000 copies of the Coinage Laws of the United States; 2,000 for the Director of the Mint, 2,000 for the House of Representatives, and 1,000 for the Senate.

Also:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print for distribution by the Department of State 5,000 copies of Commercial Relations for 1895 and 1896, and (in separate form) 10,000 copies of the Review of the World's Commerce, etc., being part of said Commercial Relations.

RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of Arbor Day: Its History and Observance, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture—

To the Committee on Printing.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State—

To the Committee on Printing.

ROBERT M'GEE.

The SPEAKER. The Clerk will again report the bill.

The bill was again reported.

Mr. DOCKERY. I ask that the report be read, Mr. Speaker.

Mr. DINGLEY. I reserve all points of order on the bill.

The SPEAKER. The right of objection is reserved.

The report (by Mr. CURTIS of Kansas) was read, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 229, have carefully considered the same, and report it back with the recommendation that it do pass.

The Senate report is made a part of this report.

[Senate Report No. 572, Fifty-fourth Congress, first session.]

The Committee on Indian Depredations, to whom was referred the bill (S. 229) for the relief of Robert McGee, report the same favorably to the Senate, with recommendation for its passage, and adopt as their report the statements and report made by the committee during the Fifty-second Congress.

Considering the large number of affidavits presented, there seems to be no question as to the helpless condition of the claimant, Mr. McGee, or as to the statements made that he received his injuries at the hands of roaming bands of the Sioux tribe of Indians. In the judgment of your committee the Secretary of the Interior, after hearing the arguments pro and con, can safely be trusted under the provisions of the bill to pay this man from such funds of the moneys of the Sioux Nation as may be available.

—

[Senate Report No. 1230, Fifty-second Congress, second session.]

Your committee, to whom was referred Senate bill 3582, respectfully report the same favorably with amendments.

It appears that in July, 1864, a supply train started from Fort Leavenworth, Kans., for Fort Union, N. Mex., in charge of one J. L. Riggs. When they had arrived at the Great Bend of the Arkansas River, Walnut Creek Station, Kans., the party was attacked by a band of the Brulé Sioux Indians under the leadership of the chief, Little Turtle. The massacre which followed was one of the most bloody, nearly all being killed or wounded. Of those wounded was one Robert McGee, now of Excelsior Springs, Mo., a boy, being then about 15 years of age, who was pierced by ten arrows, scalped, and tomahawked in a most brutal manner. He was taken to Fort Larned, where by the skill of physicians and careful nursing, he was partially restored to health, though suffering greatly from contusions of the skull, which have made his life a struggle against suffering to the present time.

The statements here made as to his identity and present condition are supported by the affidavits of many reliable citizens who knew him then and who know him now. Among these are Hulbert H. Clark, M. D., of Santa Cruz, Cal., attending surgeon of hospital at Fort Larned, Kans., in 1864, and who cared for Mr. McGee. He says:

"In the matter of Robert McGee, I, Hulbert H. Clark, M. D., a resident of Santa Cruz, Cal., hereby certify that while in the United States service as acting assistant surgeon, being stationed at Fort Larned, Kans., as post surgeon, did, on or about the 16th day of July, 1864, receive into the United States post hospital Robert McGee, a boy about 16 years old, who had been wounded in numerous places, including the almost complete (entire) removal of the scalp, his wounds and injuries being inflicted by the Brulé Sioux Indians led by Chief Little Turtle, in their attack upon a Government supply train, then en route westward, being on the day of the attack which, I believe, was July 14, 1864, at or near the Great Bend of the Arkansas River, from which point the wounded reached Fort Larned two days later. That said Robert McGee remained in my charge about three months, during which time he was visited by General Curtis, who instructed me to give him special care; also gave McGee an order on the quartermaster for such clothing as was necessary for his comfort.

"When he left the hospital he was very weak, and fully two-thirds of the surface of the skull was not healed, being covered by a very delicate coat of granulation and which bled upon the slightest friction; also a wound of the left elbow and in left groin were still open. How he survived is unaccountable. When he reached the hospital he was unconscious from shock, loss of blood, and want of food. It was several days before he could whisper so as to be understood. He was handled by raising him in the sheet, his many wounds—some fourteen in number—about chest, arms, and abdomen prevented us grasping in the ordinary manner. I have not seen him since he left Fort Larned.

"I made a report of all the cases that came to my charge at that time, making McGee's special because of his youth and its severity. I have no interest in any claim he may make upon any Department of the United States Government.

"H. H. CLARK, M. D.,
"*Ex-Acting Assistant Surgeon, U. S. Army.*

"Subscribed and sworn to before me this 29th day of November, 1892.

"ED. MARTIN, *Clerk*,
"By D. J. MILLER, *Deputy*."

Other affidavits of a like character are furnished by Nathan Swan, of Klova, Colo.; James L. Riggs and Martin Brown, of Pike County, Mo.; D. B. Gresham, of Meriden, Kans.; Miss Martha Sapp, of Wyandotte, Kans.; Jasper A. Hanna, of Brunswick, Mo., who was a private soldier at Fort Larned, and acted as nurse to Mr. McGee during his sickness; J. R. Tunks, of Caldwell, Mo., who also acted as nurse for a short period. A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that, under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brulé Sioux Indians, of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Your committee therefore recommend the passage of the bill as amended, so as to authorize the Secretary of the Interior to investigate the claim of Mr. McGee for $10,000 compensation for his injuries, and to pay the same, if just and equitable, from the interest money due the Sioux Nation.

Mr. ERDMAN. Mr. Speaker, is this a request for unanimous consent?

Mr. DOCKERY. I hope the gentleman will not object.

Mr. ERDMAN. I understand this is to punish, without trial, the Sioux of to-day for what the Sioux did thirty-five years ago.

Mr. DOCKERY. The gentleman misunderstands the bill. It refers the whole question to the Secretary of the Interior for investigation, and if he does not think anything justly due, the bill authorizes him to disallow the whole amount.

Mr. ERDMAN. The purpose is to withhold the appropriation of the Sioux at this time for what the Sioux of thirty-five years ago did. I object.

The SPEAKER. Objection is made.

Mr. DOCKERY. I hope the gentleman will withdraw the objection. It is a piteous case.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I desire to call up a privileged matter. On the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893, that has just come over from the Senate, I would like to have conferees appointed.

Mr. WALKER of Massachusetts. Mr. Speaker——

The SPEAKER. One moment. The gentleman from Iowa has the floor. This is a Senate bill with a House amendment; the Senate disagrees to the House amendment and asks for a conference.

The Clerk proceeded to read the bill.

Mr. BAILEY. It is not necessary to read the bill. The gentleman from Iowa, I understand, is going to move for a conference.

Mr. HENDERSON. That is what I want.

Mr. BAILEY. It is unnecessary to read the bill, and I ask unanimous consent to dispense with that.

Mr. HENDERSON. I ask that the House insist on its amendment.

The SPEAKER. The Clerk will read the amendment. Strictly speaking, the bill has not to be read, except for the information of the House.

The amendment of the House was read.

Mr. HENDERSON. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of the following conferees: Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk. It is short.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the resolution which will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 10,000 copies of the report of hearings before the Committee on Banking and Currency, Fifty-fourth Congress, 8,000 copies to be for the use of the House and 2,000 copies to be for the use of the Senate.

Mr. WALKER of Massachusetts. Mr. Speaker, let me say this contains the statement of Hon. J. H. Eckels, Comptroller of the Currency, made before the Committee on Banking and Currency in a five days' examination.

Mr. BAILEY. Then I object, if you are going to print the Comptroller's statement.

Mr. WALKER of Massachusetts. Let me say to the gentleman it contains a large amount of tables of very valuable statistics that have never been published anywhere, and the requests for these hearings we have already received are so numerous that they will exhaust the supply we have within five days.

Mr. BAILEY. We have been inflicted with what the Comptroller has had to say long enough.

Mr. WALKER of Massachusetts. I only desired to do my duty in the matter. That is my only purpose.

The SPEAKER. Objection is made.

INCOME-TAX CASE.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that I may be allowed to address the House for thirty minutes, pursuant to a promise made the other day, that I would answer the gentleman from Tennessee [Mr. MCMILLIN] in his strictures upon Justice Shiras with relation to the income-tax case.

Mr. BAILEY. I hope that request will be granted, with the understanding that we are permitted to have thirty minutes on this side, if we desire to use it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that he be allowed to address the House thirty minutes in regard to the matter suggested to the House. Is there objection?

Mr. RICHARDSON. Let us understand that my colleague is to have an opportunity to reply for thirty minutes.

The SPEAKER. The Chair has no doubt——

Mr. RICHARDSON. I simply submit that request, to go with the request of the gentleman from Pennsylvania.

Mr. GROSVENOR. There will be no question about that.

Mr. DALZELL. I think that ought to be allowed, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, coupled with the request of the gentleman from Tennessee.

Mr. RICHARDSON. I understand my colleague was on the floor a few moments ago, and has gone out for a few moments, and if he can not be here I shall object unless he has an opportunity to be heard.

Mr. HENDERSON. Let him have fifteen minutes to reply, if he wants it.

Mr. RICHARDSON. I want the same length of time that the gentleman from Pennsylvania has.

Mr. HENDERSON. He has already spoken on it. Give him fifteen minutes to reply.

Mr. RICHARDSON. The gentleman from Missouri [Mr. DE ARMOND] may desire to have some time.

Mr. MEREDITH. Will my friend permit me? Is it possible that a judge of the Supreme Court of the United States should require any defense in the House of Representatives?

Mr. HENDERSON. No; but an attack made upon him may require attention, not the judge.

Mr. BAILEY. I understand that this request is entirely agreeable to the gentleman from Pennsylvania.

The SPEAKER. The Chair has put them together to the House.

Mr. BAILEY. I think there is no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Speaker, if I understand the request, it is that the gentleman from Pennsylvania be given thirty minutes, and the gentleman from Tennessee thirty minutes. It may be, Mr. Speaker, that I should desire to say a few things myself. I do not know that I shall, but I should like to have some provision made in regard to that.

The SPEAKER. There will be thirty minutes for reply.

Mr. BAILEY. That was my original suggestion.

The SPEAKER. That is what the Chair understands.

Mr. RICHARDSON. Then, in the absence of my colleague, I have no doubt he will agree to divide the time between himself and the gentleman from Missouri. That is satisfactory.

The SPEAKER. The gentleman from Pennsylvania is recognized.

INCOME-TAX CASE.

Mr. DALZELL. Mr. Speaker, on the 13th day of February, when the sundry civil appropriation bill was under consideration in the House, the gentleman from Tennessee [Mr. MCMILLIN] and some gentlemen on this side of the House fell into a discussion of the tariff question. Comparison was made between the McKinley bill, so called, and the Wilson bill, so called, and in the course of the discussion the gentleman from Tennessee made use of this language:

We—

Referring, of course, to the Democratic party—

passed a bill which would have supplied ample revenues to meet the expenditures of the Government, but unfortunately it encountered one other man, who, as supreme judge, has authority to say what the law is; and it turns out to be a greater power than the lawmaking power itself. I do not propose, sir, to try to fix the responsibility of that unaccountable decision where it does not belong. I do not propose either by insinuation or innuendo to charge a whole court with that which really belongs to and is a part of the responsibility of one man. It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses, was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him.

And there was applause on the Democratic side.

Within a few minutes thereafter, the gentleman from Ohio [Mr. GROSVENOR] was addressing the House, and this took place:

Mr. MCMILLIN. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly.

Mr. MCMILLIN. Was it not Shiras, and he alone, who changed his first opinion, deciding one thing one week and another another week?

On that same day, if I recollect rightly, the gentleman from Missouri [Mr. DE ARMOND] addressed the House on various subjects, and in the course of his remarks used this language:

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually and cast it as an additional burden upon poverty and toil.

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches

a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown, in a land of free people under free institutions.

On a subsequent day, the date I do not now recall, the gentleman from Tennessee [Mr. MCMILLIN] again took part in a controversy on this subject. The gentleman from New York [Mr. BARTLETT] had undertaken a defense of the decision of the Supreme Court in the income-tax cases, and in reply to him the gentleman from Tennessee [Mr. MCMILLIN] used this language:

> What I said of Justice Shiras was that the man who tore down the Constitution, who overruled the decisions of one hundred years, who took away from the people the right to impose upon the wealth of the country taxes to meet the expenses of the country, was named Shiras. I repeat it to-day, and I am glad if I have got through his heretofore thick skin at last. Did he not decide that the income tax was unconstitutional, and did he not have to overthrow the decisions of one hundred years to do it?

Now, Mr. Speaker, if the gentleman from Tennessee, by the use of the elegant, classic, and dignified language that he "had got through the thick skin" of this justice of the Supreme Court, meant to convey the impression that the gentleman from New York [Mr. BARTLETT] was undertaking a defense of Mr. Justice Shiras at the instance of that gentleman, he was very far mistaken. The gentleman from New York informs me that he has no acquaintance with Justice Shiras; that he never spoke to him, and was never spoken to by him. And that leads me to say, Mr. Speaker, that the duty I assume to-day I assume of my own motion, because I regard it as a duty, and not because I have been requested by Mr. Justice Shiras, either directly or indirectly, to abandon the precedent that he has established in this matter of maintaining a dignified silence in the presence of unjustifiable assaults. But that distinguished gentleman was born in the city which I have the honor to represent. Throughout all his life he has resided in the county of which that city is the chief city.

He is a member of the same bar of which I have the honor to be a member. For twenty years he and I together have practiced at that bar. During all my business life I have known him intimately, and I have known him, as has every man, woman, and child who knows him at all, as a high-minded, able, accomplished, scholarly gentleman. I know him as a fine lawyer, a man of eminently judicial temperament, and a man whose life is an answer to any insinuation of wrong from any source, high or low. Hence I have felt it to be my duty to place before the House, in answer to the assertions which have been made, not an argument, but a plain, simple statement of facts. And let me say here that I shall not indulge in either defense or justification of the decision of the Supreme Court in the income-tax cases. I shall not discuss that question, nor shall I stop to discuss the question whether or not it is proper for a member on this floor, or for any citizen, to criticise a decision of the Supreme Court of the United States. I think fair criticism of their tribunals is permissible and is a right that always has been exercised and always will be exercised by the American people. But there is a manifest difference between a logical discussion of a decision, a fair, manly, open criticism of a decision of a court, and the abuse, by the calling of hard names, of an individual member of that court.

Now, Mr. Speaker, the charge made against Mr. Justice Shiras is that in participating in the decision in the income-tax cases in the Supreme Court of the United States he changed his opinion, and that that change of opinion was decisive of the question. Well, a change of opinion involves nothing that is wrong in a judge. Courts and judges often change their opinions. The difficulty in this case seems to be that the alleged change of opinion (which did not take place) was against that entertained by the gentleman from Tennessee and the gentleman from Missouri. There was a judge who changed his opinion in this case—who decided one way one week and another way another week—and I have no doubt at all that he decided in both cases, at both times, pursuant to his honest, conscientious convictions. But he receives no censure, and deserves none, but rather commendation, because his change was from the other side to the side of the gentleman from Tennessee and the gentleman from Missouri.

Now, let me call attention to the plain facts in this case, because there is not the slightest evidence upon which to base the assertion that there was any change of opinion upon the part of Justice Shiras. The gentleman from Tennessee is not a member of the Supreme Court; the gentleman from Missouri is not a member of the Supreme Court; neither of those gentlemen is intrusted with the secrets of that court; and the allegations that they make here therefore manifestly are not made from knowledge, but from hearsay. What the hearsay was upon which these allegations are based neither of the gentlemen has vouchsafed to tell us. I apprehend that the hearsay on which they were based was the lying report of some popocratic newspaper reporter, published for the first time in a popocratic newspaper.

Now, what are the facts? And I refer to the record. The case in which this decision was made was the case of Pollock *vs.* The Farmers' Loan and Trust Company. It is reported in volumes 157 and 158 of the United States Supreme Court Reports. The questions involved were: First, whether a tax on the income of real estate was a direct tax within the meaning of the Constitution, and therefore unconstitutional, unless imposed by the rule of apportionment; second, whether a tax on the income of personal estate was a direct tax, and therefore unconstitutional, unless imposed by the same rule; third, whether the law under review by the court infringed the rule of uniformity prescribed by the Constitution; and lastly, whether the tax imposed upon State and municipal bonds was a constitutional tax—four questions, the House will observe.

The case, as all the country knows, was elaborately and exhaustively argued by the most eminent lawyers of the country—the conceded leaders of the American bar. Eight judges participated in the hearing. They were Chief Justice Fuller, Justices Field, Harlan, Gray, Brewer, Brown, Shiras, and White. In their first decision, eight judges concurred—in other words, the court was unanimous—in holding that a tax on municipal bonds was unconstitutional. Six judges held that the tax on the income of real estate provided for by the law was unconstitutional, because imposed without regard to the rule of apportionment. These six judges were Chief Justice Fuller and Justices Field, Gray, Brewer, Brown, and Shiras. The Chief Justice spoke for all of these six judges with the exception of Mr. Justice Field, who filed a concurring opinion, because he went a step further than the other six judges were willing to go. Two judges dissented—Mr. Justice Harlan and Mr. Justice White—upon the ground, first, that a court of equity had no power to restrain the United States Government in the collection of a tax; and, secondly, because they held themselves bound by the doctrine of stare decisis.

Now, the House will observe, here is the first decision by the Supreme Court in this case. It is not possible to say up to this time that anybody has changed his mind. And in this first decision the justice who is now assailed for having changed his mind constituted one of the majority—one of the six judges. I may say here in passing that even if it were true (of which there is no evidence) that at that time he had changed his mind from what on a prior occasion it had been, it would have made not the slightest difference, inasmuch as the court would then have stood five to three. Thus much, it seems to me, is plain.

By this first decision certain questions were left undecided. They were these: Whether or not the provision declared void as to the income of real estate avoided the whole act; secondly, whether the tax on the income of personal property as such was unconstitutional unless imposed by the rule of apportionment; and third, whether any part of the tax if not considered as a direct tax was invalid for want of uniformity on any of the grounds suggested.

Upon these questions the court stood, according to the Chief Justice, four to four. The Chief Justice declined in his opinion to disclose how the court divided. Mr. Justice Harlan at the close of his opinion refused to say anything on that question, so that the public is utterly in the dark as to where each of these two groups of four stood, and whether on these three several questions the same four differed with the same four on each. I know of nobody, outside of the members of the Supreme Court and some of the Democratic and Populist newspapers and the gentlemen from Tennessee and from Missouri, who professes to know how the court stood at that time.

These questions being undecided rendered the administration of the law difficult. The situation threatened multiplied suits—no end of litigation. So the plaintiffs came into court and asked the court for a reargument, assigning as a reason therefor this difficulty of administration and this probability of multiplied litigation. The Attorney-General of the United States came into court and representing the United States joined in the petition for a reargument upon condition that the reargument should be a reargument of the entire case—not simply of the questions that remained undecided. The Chief Justice, in announcing the decision of the court, said that he considered the two applications—the application of the plaintiffs as modified by the application of the Attorney-General—as equivalent to a petition on both sides for a reargument; and the case, he said, was therefore opened for reargument—not merely upon the undecided questions, but upon all the questions involved in the original hearing.

The case was reargued. Much new matter was submitted on both sides of the case. I have the books here, but I do not stop to verify what any gentleman may verify for himself by looking at the record of the case. Much new matter was suggested on both sides, and the result of the second decision by the court was a reaffirmance of the first decision and a step in advance. Having originally decided that a tax on income derived from real estate

was a direct tax within the rule of required apportionment, they held in the second place that a tax on the income derived from personalty was also a direct tax within the rule of required apportionment.

How did the court stand on this second decision? Those who reaffirmed the first decision of the court, and joined in the opinion submitted by the Chief Justice—those who stood by and reaffirmed the principle already laid down by the court, and who went a step further—were Mr. Chief Justice Fuller, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Shiras, all of the original six except Mr. Justice Brown.

Of the six judges that stood together as a majority of the court in the first instance five stood as a majority of the court in the second instance, and in both instances is to be found the name of the gentleman who is assailed here as having changed his mind. Two of the justices, Justice White and Justice Harlan, abode by their former decision and dissented. The third, Mr. Justice Jackson, who did not participate in the first, joined with them to make a third in their dissent, and lo and behold, one of the judges who had sat side by side with Mr. Justice Shiras as a member of the majority in the first instance, changed his mind—without doubt conscientiously, as I have already said—and went over to the other side.

So that the justices stand thus—the majority deciding in accordance with the first decision: The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Brewer, and Mr. Justice Shiras; dissenting, Justices White and Harlan, and joining them, Mr. Justice Jackson; joining the minority and abandoning the majority, Mr. Justice Brown.

Now, sir, upon what ground, in the face of that record—upon what ground rests the accusations which have been made here? Absolutely none. I repeat, absolutely none. Because, to sum up, the situation stands thus: By the first decision the act was declared unconstitutional by a unanimous court so far as the tax on municipal bonds was concerned, and as to what is known as income derived from real estate the act was declared unconstitutional by the court, standing six to two; and of these six justices Mr. Justice Shiras was one. Upon the petition for reargument—and the case was reargued—it was decided by a majority of five to three, and of that majority all of them belonged to the original six except Mr. Justice Brown, who changed his opinion. The Chief Justice spoke for all six in the first instance and he spoke for all five in the second instance.

Now let me recur to the observations made by the gentleman from Missouri [Mr. DE ARMOND] and see how much truth is contained in them. He says:

> Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality.

Absolutely untrue and without the slightest foundation in fact. On the contrary, instead of dividing equally, the all eight of them decided the act unconstitutional so far as it applied to a tax upon municipal bonds, and six of the eight decided the law unconstitutional so far as it applied to a tax on the income of real estate. So the gentleman is mistaken; they did not divide equally upon the question of constitutionality. The gentleman then says:

> The ninth judge was absent.

That is true, and that is about the only thing that is true in this entire paragraph.

He says:

> They who took the one side and those who took the other were well known.

Not so. The Chief Justice declined to furnish any light on the subject. There is no man here, I venture to say, who knows how those judges stood, four to four.

Then the gentleman says:

> The ninth judge joined in with the four who held the law to be constitutional, and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind, etc.

On the contrary, the ninth justice did not join in with the four. He joined in with the two, and one of the majority joined with him, so that there is no truth in this allegation.

Now, Mr. Speaker, not to detain the House longer, it seems to me that an injustice has been done that ought to be remedied. It is not alone in this House that this charge has been made. It was made on every Democratic stump throughout the last campaign. It has been made in every Democratic and Populistic newspaper throughout the length and breadth of this land; and during all that time, true to his sense of dignity and the traditions of the court, the unjustifiably assaulted party has sat in silence, trusting that the future would vindicate him. I invite my friends on the other side now to a manly retraction of the charges that they have mistakenly made. And if they do not see fit to accept my invitation, I take the liberty of warning them that a reaffirmation of these charges on their part will not be a reply satisfactory to the people of this country.

The American people love justice. They love fair play. They hold as sacred above all things else personal character and personal reputation. They will not hold to be justifiable, nor will they excuse, an assault made upon mere statement without sustaining proof. They will not accept lightly an attack upon the most august judicial tribunal in all the world, nor will they condemn without proof a member of that tribunal, who attained his place therein by merit, and of whom I can say of knowledge that he is revered by all who know him as one who has worn for more than three-score years "the white flower of a blameless life." [Prolonged applause on the Republican side.]

Mr. MCMILLIN. Mr. Speaker, I do not conceive that the speech which has just been made by my distinguished friend from Pennsylvania [Mr. DALZELL] requires that I shall go into any very extensive argument on the question that is involved. There are a few plain, patent facts which all of reasoning, all of sophistry, all of eloquence can not get rid of. First, that after the first hearing of the income-tax cases pending before the Supreme Court of the United States that tribunal held it constitutional. Some part of it, they said, was not constitutional; but the law they sustained. That fact can not be denied.

The result was reached by a court—one justice being sick and absent—equally divided.

Secondly, that when the other justice had appeared and there was a full bench, and that other justice decided in favor of the constitutionality of the law, one man of the four hitherto holding it constitutional held that it was not constitutional. That fact can not be denied.

Now, who was that judge who changed? Four have written opinions showing where they stood. It is not necessary for me to utter harsh words concerning that distinguished judge. Words stronger than I could utter, words stronger than I desire to utter, were hurled into his face, as he sat on the bench, by his own colleagues, whose integrity and patriotism can not be denied. Will the House bear with me while I take some nuggets out of the very elaborate decisions of the four judges who dissented on that occasion and still held that the law was constitutional?

If we were to draw an inference fixing the responsibility on any man, from the remarks of the gentleman from Pennsylvania [Mr. DALZELL] we would infer—which is impossible, in view of his written opinion—that Mr. Justice Brown was the man who wavered in the first instance. I can not legitimately draw that conclusion. Here is what he said on the final hearing of the cause:

> My fear is that in some moment of national peril this decision will rise up to frustrate the will and paralyze the arm of Congress. I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. It approaches the proportions of a national calamity.

What more could I have said concerning Justice Shiras, if he is the man, than this distingnished colleague of his said in his face, while he sat there, and opened not his mouth in opposition to this opinion?

Mr. DALZELL. I do not want to interrupt the gentleman if he does not want me to, but that was said no more of Mr. Justice Shiras than of the others.

Mr. MCMILLIN. But the other justices gave reasons in dissenting finally for the faith that was in them.

Mr. DALZELL. What other justices? There was only one opinion filed on the part of the majority in the second decision, and that was the opinion of the Chief Justice.

Mr. MCMILLIN. But the opinions of the other justices, outside of this distinguished individual, had been known on the first hearing.

Mr. DALZELL. Give us something more than your statement.

Mr. MCMILLIN. If the gentleman is not satisfied with the opinion of one man, we will take four, and then I hope the gentleman will be satisfied. I have already quoted from Justice Brown.

Justice White said of the majority opinion:

> It takes invested wealth and reads it into the Constitution as a favored and protected class of property.

What greater charge could be made against a judge than that he was doing that in violation of the best interests of the community—taking invested wealth and reading it into the Constitution as a favored and protected class of property?

Mr. Justice Jackson said:

> Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress.

What could be more direct than that? But now, after all these judicial protests, complaint is made by the gentleman and his friends—first, the gentleman from New York; secondly, the gentleman from Pennsylvania because in the tribune of the people—here in this legislative Hall, a representative of the people has dared to open his mouth against the overriding of the Constitution and destroying the taxing power of Congress; against judicially destroying the capacity of the Government to reach the wealth of the country for purposes of government. If we are to be traduced for it, why not include in the traducing the justices

who talked to him as he sat on the bench? But that is not all. Let us take another dissenting opinion:

It strikes at the very foundation of national authority—

Says Justice Harlan.

Sir, no man who heard this last opinion rendered can ever forget the manner in which that distinguished jurist turned to his colleagues that he felt were doing violence to the Constitution, and uttered his words as if at them directly. Does the gentleman say that Justice Shiras did not favor the decision in the first instance?

Mr. DALZELL. He was one of the majority that rendered it.

Mr. MCMILLIN. You are his mouthpiece.

Mr. DALZELL. I deny it; and I forestalled the gentleman by making a statement that he ought to accept as coming from me.

Mr. MCMILLIN. Mr. Speaker, I wish to say nothing unkind of my friend from Pennsylvania [Mr. DALZELL]. This thing was brought up in my absence and I did not hear his opening remarks. I was necessarily absent by direction of the House. I had gone to the Senate to attend a conference on a bill coming from the gentleman's committee and mine. Hence I do not blame him with my failure to be present when he began. But he stands here as Justice Shiras's defender—if not as his mouthpiece, then as his defender. Will you say that he did not favor this opinion in the first instance and did not somersault in the second? [Applause on the Democratic side.]

Mr. GROSVENOR. He has said——

Mr. MCMILLIN. No, sir; the gentleman will not say it; the judge himself, Judge Shiras, would not say it, and no man, in face of this extraordinary decision and this still more extraordinary somersault, will ever declare it.

Mr. DALZELL. Now, the gentleman desires to be fair.

Mr. MCMILLIN. I do; and I am going to be.

Mr. DALZELL. Is there any person outside of the members of the Supreme Court who know of their own knowledge how the eight divided on the first proposition?

Mr. MCMILLIN. There may not be any persons outside of the Supreme Court who of their own knowledge know how the eight divided, but there is an individual who does know how the eight divided.

Mr. DALZELL. Well, let us have him.

Mr. MCMILLIN. Who knows it so well that I doubt not the truth of the fact——

Mr. DALZELL. Let us have it.

Mr. MCMILLIN. I know it in such a way that I do not doubt a particle. It can not be gainsaid.

Mr. DALZELL. Name your authority.

Mr. HYDE. Everybody knows. [Cries of "Name him!" on the Republican side.]

Mr. MCMILLIN. There is a gentleman who can put it at rest forever.

Mr. DALZELL. Name him.

Mr. MCMILLIN. His name is Shiras, if you want him named. [Applause on the Democratic side and jeers on the Republican side.] If the gentleman reaches to the bottom of this case and gets at the real facts, I will get him to come to me candidly or to this House candidly and say whether he has not found these to be the facts. When one of the judges, who finally held the law to be constitutional, was wavering in the first decision, this distinguished Judge Shiras went to him and implored him to stand by the constitutionality of the law and argued the case with him and asked him to sustain the law; that on the second hearing Judge Shiras never gave this man nor the court to understand that he was himself being revolutionized or had been revolutionized; that the court was as much astonished as the country at his extraordinary somersault, and when he did do it he gave no evidence or reason, but quietly and without an opinion gave his voice for the overriding of the very law which he had voted to sustain a few days before.

The gentleman in all his life will never find a single fact that will contradict a single one of those statements, never. As far as I am concerned, members of this House will bear me witness that I have not indulged in the disposition to speak harshly of coordinate branches of the Government; but, Mr. Speaker, we are custodians of a sacred Constitution and glorious institutions. To us has come down the exalted privilege, in our day and generation, of holding aloft the most splendid creation of the human brain, uninspired, in the whole world—the Constitution of the United States, and whether courts or crowds or individuals attempt to tear down that sacred instrument, I for one propose to stand here, unmoved by the eloquence of the gentleman from Pennsylvania, unmoved by the—in my opinion—erroneous decision of the justice from Pennsylvania, and hold aloft the Constitution as the supreme law of the land, ever to be preserved. [Applause.]

Now, some criticism has been indulged in here because there has been comment on the Federal bench emanating from members of Congress and from the newspapers, and the gentleman from Pennsylvania [Mr. DALZELL], in his zeal, says that that criticism has emanated from "a popocratic press." Mr. Speaker, I want to have read in my time the utterances of the author of the Declaration of Independence on the question of the encroachment of the Federal judiciary. I want the House to see where the trouble was then, and that this is not a new trouble. I also beg members to bear in mind that the adoption of the eleventh amendment to the Constitution of the United States was in itself a criticism of the Supreme Court for overriding the Constitution. I will ask the Chair how much time I have occupied?

The SPEAKER. The gentleman has occupied fifteen minutes.

Mr. MCMILLIN. Then I will regretfully forego having read the quotations from Thomas Jefferson that I was about to introduce in order that I may not do injustice to the gentleman from Missouri [Mr. DE ARMOND], who, also, has shared in the attack of the gentleman from Pennsylvania. Having occupied half the time allowed, I yield the remainder to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, a short time ago, in the course of a running debate which took a wide range, the gentleman from Tennessee [Mr. MCMILLIN] who has just addressed the House, and, later on, I, made some remarks about the income-tax decision, and indulged in some strictures upon the course of Justice Shiras in connection with that decision. Soon it was rumored, and a little later it was announced, that at the first fitting opportunity the distinguished gentleman from Pennsylvania [Mr. DALZELL] would reply and defend Justice Shiras. The long-expected and anxiously-waited-for reply has finally come, and, with all deference to the gentleman from Pennsylvania, it does seem to me that a few more such defenses would surely leave Justice Shiras in a deplorable condition. [Laughter.]

There was criticism of the decision of the Supreme Court upon the income-tax cases; but the gentleman from Pennsylvania wisely chooses not to go into that matter, not to discuss the right or the wrong, the strength or the weakness, of that decision. There was also comment upon the fact, or the alleged fact—I think the real fact—that Justice Shiras occupied one position at the first hearing and the opposite position at the second hearing, and that his change of opinion in the interval had the momentous effect of making unconstitutional, according to the decision of the court, a law the like of which had been deemed constitutional for a hundred years of our Government.

Now, mark the marvelous features of the defense or reply of the gentleman from Pennsylvania. He does not tell us why Justice Shiras changed front. He does not even know, so he does tell us, whether Justice Shiras did change his opinion or not. The gentleman comes to this House with all his magnificent abilities, fully equipped for this defense, and yet admits that he knows nothing about the facts involved. Justice Shiras did or did not change his opinion about the income-tax law. The gentleman has known Justice Shiras intimately, so he tells us, for years and is upon the most friendly footing with him. He has contemplated this reply for some weeks, yet, by his own confession, he is unable to tell the House what the attitude of Justice Shiras was at one time and what at the other time.

Mr. Speaker, what is there of sacredness or secrecy about it? Why should the opinion of Justice Shiras the one time or the other time be hedged about so carefully that even the gentleman from Pennsylvania, to say nothing of less-favored individuals, may not know what it was or is? [Applause on the Democratic side.] Why ought there to be any secrecy about it? Why should not the gentleman, speaking here as the self-appointed champion of Justice Shiras, be able to tell us whether the Judge did or did not change his position with respect to that great, that momentous question pending in the Supreme Court? I pause for reply. Why ought he not to be able to do it? Why does he rise to talk here in the way of defense, explanation, or apology, if unable to do that? What information does he bring here?

Mr. DALZELL. The gentleman is simply playing a very common lawyer's dodge in trying to put the burden of proof on the other side when it belongs to himself.

Mr. DE ARMOND. The gentleman can not by his adroitness escape the force of what I am stating. He appointed himself, he says, without consultation with Justice Shiras or invitation from him, his defender or apologist, whichever term he chooses to employ; and he comes here now unable, as he confesses, to tell the House anything about whether Judge Shiras did or did not change his opinion; and he talks as though it were so sacred a thing that there is some virtue lying somewhere in the ignorance which he parades. [Applause on the Democratic side.]

Mr. DALZELL. I want to say to the gentleman that I treat this question here to-day precisely as Justice Shiras would treat it himself—upon the record; and the gentleman has not, nor has the gentleman from Tennessee, disclosed to this House upon what they base the statement which they make, which is contradicted by the record.

Mr. DE ARMOND. There are two records, Mr. Speaker. There

is the small, narrow record over which Justice Shiras may have control, and there is the vast, mighty record over which the people of this country have control. [Applause on the Democratic side.] If the gentleman chooses to confine himself to the narrow record of Justice Shiras in two decisions upon the most momentous question, the most far-reaching and important question that has arisen and been decided in years by the Supreme Court—if he desires to confine himself to the clam-like policy of not declaring where Justice Shiras stood or how he stood or why he stood—let him not impose upon me or upon any other Representative the like restrictions.

The gentleman says there is no authority for the assertion—the assumption, as he would call it—that Justice Shiras changed front, except communications and editorials in "popocratic" newspapers. He could at once put at rest the question, if there be any, whether Judge Shiras did or did not change front. I defy him to deny that he did. In all the months when this man's conduct has been criticised, when this decision has been condemned from ocean to ocean and from the Lakes to the Gulf, it is strange, if he has been suffering unjustly, that no one has arisen to give the facts to the people.

The gentleman assumes to have discovered by his process of reasoning where Justice Brown stood. I will not go into that. If to talk about where Justice Shiras stood and to draw inferences as to why he changed and the results deserves condemnation, what will the gentleman say of his own curious conduct here in imputing to Justice Brown vacillation of judgment at least, if nothing more, and holding him up as the one man who ought to be singled out for condemnation, if there is to be any condemnation?

The gentleman is right in saying that this question has been discussed in the newspapers and that it was talked about during the campaign by speakers opposed to the policy which has been carried out for his party in the decision now upon us as law. He is right in asserting that; and I will say to him that the decision will be talked about again. The charge will be made along the whole line. And let me warn him and warn others who propose to defend that indefensible decision that they can not hedge themselves behind imaginary walls of propriety. The people have a right to know where Justice Shiras stood. The people have a right to know why he changed his opinion, when the effect of that change of opinion was to cast the burden of heavy taxation upon poverty and privation and toil and to lift it from wealth. [Applause on the Democratic side.]

Talk about the sacredness of the decisions of the Supreme Court! What of the sancity of the decisions that had come down unimpaired until the date of that decision from the earliest days of this Republic? The question of Federal taxation, involving the principle of the income tax, first arose in 1796; at that time it came before that august tribunal, the Supreme Court of the United States. It was decided then by a unanimous bench that a tax upon vehicles was not to be regarded, under the Constitution, as a direct tax, to be laid according to population, but as an indirect tax, to be laid according to the rule of uniformity.

Madison took a contrary view at the time the discussion was up; Hamilton argued that the carriage tax was constitutional. Madison afterwards, as President, approved laws enacted enforcing the principle involved in the carriage tax. And for a hundred years, in times of peace and in times of war—for a hundred years, with all the changes and fluctuations that have taken place, with men coming and going in this great world and upon that bench—that decision, that exposition of the supreme law, the correctness of that interpretation of the Constitution, remained unquestioned until the day when five out of nine justices of the Supreme Court temporarily overthrew it. I believe I say "temporarily" advisedly, because the American people will never, never submit to that kind of constitutional law, maintained in that kind of a way. They are for regularity, for the constitutionality of the Constitution. They are for the decisions of the fathers, affirmed by the sons, and overthrown only when wealth and monopoly in this country became so great a power that the voice of constitutional law, that the glorious story of a hundred years of the life of the Republic, stood as naught in the way.

In the opinion of the court fear was expressed that taxes might be laid under the old principle, by those whose constituents would not have to pay them. Did the Chief Justice who used that expression, did the Justices who entertained or seemed to entertain that fear, realize that under present methods and by that iniquitous decision there may be such burdens cast upon the masses of the people, by the representatives of special interests and special classes, as this country has never yet known?

It was suggested, too, in one of the opinions, that of a man old in years without being venerable—for there is a difference between being old and being venerable—it was suggested that if this policy of maintaining an income tax should prevail, perhaps the time might soon arrive when the "walking delegate" would determine how much tax the thrifty people of the land should pay. That may be dignified in a Supreme Court opinion; and the gentlemen from Pennsylvania [Mr. DALZELL] is nothing if not dignified in the discussion of such opinions. There was no suggestion by this aged judge that the time might come—there was no comment on the fact that the time is here—when it is thought by some to be more advisable and more in conformity with the Constitution, as remodeled, to tax men than to tax money; just to lay burdens upon manhood, rather than upon wealth.

I have nothing to say about the walking delegate. The reference to him is a petty sneer at the laboring man. There may be delegates who walk without having bodyguards, and whose walking is not attended with the overturning of fundamental principles, the ousting of the constitutional authorities of a State of their rightful jurisdiction, or the smoothing out and passing over as a virtue of what, in common parlance, is called murder.

Mr. Speaker, this income-tax question and this decision are in politics. As the gentleman from Maine [Mr. BOUTELLE] said when the naval bill was up, the defense of Justice Shiras by the gentleman from Pennsylvania naturally would provoke a political discussion. The lines are drawn. The battle is on. We defy you to the onset. We are ready to meet you upon these lines. We are not for overturning the Constitution. We are not for disregarding the decisions of the highest court. But we are for standing by the decisions of Marshall, and Taney, and Chase, and Waite. We are for standing by the decisions of a great court in the years of its prime. We are for standing by the interpretation of the Constitution in the days of the fathers and as accepted by the sons. But we repudiate, and we will use all honorable, all constitutional, all lawful means to undo a revolutionary decision, which has reversed the judgment of a century.

We are ready to meet you upon that ground; and I say again, in that contest, in a broader and mightier forum that even the Supreme Court of the United States—in the great forum of the American people—it will not be enough to plead "We do not know," and "I have not found out" how this man or that man stood. [Laughter on the Democratic side.] "You do not know, and I do not know, and nobody knows," says the gentleman from Pennsylvania. The masses of the American people have settled to a conclusion about decision and judge which is correct. I defy the gentleman to deny its correctness. I defy him to refer to the man for whom he apologizes, or whom he defends, for the authority to deny it. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired.

HEARINGS BEFORE COMMITTEE ON BANKING AND CURRENCY.

Mr. BAILEY. Mr. Speaker, a short time ago I objected to the printing of some matter for the Committee on Banking and Currency. Since making that objection I have investigated the hearings, and I find that, in spite of much that is irrelevant and trashy, there is much that might be valuable to the country, and I desire to withdraw the objection that I made and to let the gentleman from Massachusetts [Mr. WALKER] have his leave to print.

The SPEAKER. The Chair will again submit to the House the proposition of the gentleman from Massachusetts [Mr. WALKER], which the Clerk will read.

Mr. WALKER of Massachusetts. I renew my request, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts [Mr. WALKER] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 10,000 copies of the Report of Hearings before the Committee on Banking and Currency, Fifty-fourth Congress, 8,000 copies to be for the use of the House and 2,000 copies to be for the use of the Senate.

Mr. WALKER of Massachusetts. Let me say that the 2,000 copies that were printed under the law have practically been exhausted. Requests are coming to the clerk from all over the country for copies, and as the plates have all been made, the cost of the printing will be comparatively small. Even the 10,000 copies will be soon exhausted if printed. These reports contain very many elaborate tables and thorough investigations of the currency question which never have been printed before.

Mr. COX. I am not going to raise an objection to the printing of these reports, but I intend to state to the House that they have never been worth a cent to that committee.

Mr. BAILEY. Well, then, you ought to object to printing them. I thought there was something of value in them.

Mr. COX. Well, probably it would be to the gentleman from Texas [Mr. BAILEY]. [Laughter.] But we have heard, everybody in that committee, all sorts of theories, all sorts of systems, and all sorts of ideas. That committee have passed this entire Congress in those hearings. I am not going to object to the printing, but when you get them printed, there is not a man in this House who will ever read them.

Mr. BAILEY. Mr. Speaker, I insist that anything that would be valuable to me could be used to great advantage by my friend from Tennessee [Mr. COX].

Mr. COX. Why, there is no doubt about that, and I yield that question, because the gentleman has the right to lead me. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. PERKINS. Mr. Speaker, this resolution came to the Committee on Printing yesterday, and upon the examination that the committee were able to give it, we decided adversely to making a favorable report upon it. As a rule, I will say that resolutions of this character——

Mr. QUIGG. Mr. Speaker, I hope the gentleman from Iowa will inform the House what it is that is proposed to be printed. I have been unable for the last fifteen minutes to gather any information as to what the pending proposition is.

Mr. PERKINS. I will say to the gentleman from New York that the resolution before the House is here at the instance of the gentleman from Massachusetts [Mr. WALKER], the chairman of the Committee on Banking and Currency, asking for the printing of 10,000 copies of the hearings during this Congress before his committee.

Mr. WALKER of Massachusetts. Let me correct the gentleman from Iowa and state that it is not at the instance of "the gentleman from Massachusetts," but by the unanimous vote of the Committee on Banking and Currency.

Mr. PERKINS. I was saying, Mr. Speaker, that as a rule I think resolutions of this character are first agreed upon in the committee from which they emanate, and by that committee are referred, through the House, to the Committee on Printing. I have not been advised and can not ascertain that the Committee on Banking and Currency, as a committee, have ever taken any action upon the resolution. Now, my understanding is that the Committee on Banking and Currency, for the most time during this Congress, has been considering, with more or less discord, a bill known as the "Walker bill." [Laughter.]

Mr. WALKER of Massachusetts. Will the gentleman allow a correction——

Mr. PERKINS (continuing). My inference is, without further investigation than I have been able to give to the matter, that these are the hearings—the record of the wranglings—of the Committee on Banking and Currency upon that particular question. It does not seem to me, and did not seem advisable to my colleagues on the committee, that it was worth while to incur the expense of printing it, for the information of the country, on this great problem of banking and currency. It did not seem advisable to the committee that it should print, at the public expense, a record of these discords; and therefore at this late time in the session, with very much pressing upon us and upon the House, while very many meritorious resolutions are sleeping now in the Committee on Printing, we determined not to occupy the time of the House nor to inflict this trouble further upon the country, and therefore decided not to report the gentleman's resolution.

Therefore, Mr. Speaker, he has brought it before the House himself. I agreed with him that I would not make personal objection. If the House thinks it is important that this record should go further to the country, why, print it.

That is all I desired to say.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman from Iowa who has just taken his seat, while he has been somewhat ironical in his remarks, has been exceedingly unfortunate in that he has been talking about a subject of which he is evidently wholly without knowledge. I have the honor to be a member of the Committee on Banking and Currency, and have attended, I believe, nearly every hearing had by that committee during this session, and which hearings it is sought now to have published for the information of the House.

It is a surprise to me, Mr. Speaker, to be informed by the gentleman from Iowa that there is anything in the record, as made up in that committee, which shows "wrangling" or discord on the part of the committee. There were, of course, different views entertained there; there was a diversity of opinion among the members as to the proper system of banking and currency to be devised and recommended to Congress and the country to take the place of the existing system, but these were just such differences of sentiment and opinion as one would naturally expect to find among gentlemen of originality in thought and independence in action. The general course of the committee was harmonious, and I think that every gentleman—every member of the committee—was animated by a laudable desire to find out the actual defects in the existing system and devise, if possible, such remedies as would bring about a better and more satisfactory currency system than that which is now prevailing.

Mr. PERKINS. Will the gentleman allow an interruption?

Mr. JOHNSON of Indiana. Why, certainly.

Mr. PERKINS. Did the committee come to any conclusion?

Mr. JOHNSON of Indiana. The committee may not have come to any definite conclusion upon a general system of banking and currency reform, but it listened to a great many valuable suggestions, which, in the present condition of public sentiment throughout the country, I do not doubt thoughtful and reflecting men would be willing to have laid before them. It also reported two important public bills which have passed this House.

Now, Mr. Speaker, the imputation that these hearings were devoted entirely to what is known as the Walker bill, like the other statements made by my friend from Iowa, savors very largely of romance. The truth is that the Walker bill occupied as little time in hearing as any other bill before the committee. I think we had four distinct bills before the committee. In the examination of the witnesses by the committee each bill was taken up separately and subjected to an analysis. The opinion of the experts present was asked as to the merits of that particular bill.

Now, Mr. Speaker, the subject of banking and currency reform is an important one, one which will not down at the bidding of any man, even if he be the chairman of the Committee on Printing of this House. There is a widespread and rapidly increasing public interest in the subject, and we have an increasing demand for correct information upon it. It will be observed that the Comptroller of the Currency, whom I deem to be a gentleman of considerable attainment in banking and currency matters, was before this committee and was heard at length, various questions being propounded to him both by the gentlemen of the committee who agree with him and the gentlemen who disagree with him in his views. In my humble judgment the opinion of the Comptroller as given upon his examination is worth dissemination. Among many others who were heard was Captain Royall, from Richmond, Va. He took in some particulars the opposite view of the currency question from that expressed by Comptroller Eckels, and while I can not agree with him in the opinions he expressed, I nevertheless recognize the fact that it was a very intelligent expression of opinion in favor of the repeal of the 10 per cent tax on State-bank circulation and the revival of State banks of issue. Men of all grades of opinion on the subject of banking and currency were heard. They were subjected to rigid cross-examinations, and the information elicited will certainly be of benefit to the people by adding to the general fund of the public information if published.

This Congress has published too much trash, including, possibly, speeches delivered at various times by myself, to be justified at this time in refusing to the country a document so pregnant for good as the document now sought to be published. I can say that I have myself received, since the Committee on Banking and Currency has had these hearings, not less than twenty-five or thirty requests from various sections of the country, purporting to come from gentlemen of intelligence who take a deep interest in the subject, for copies of these hearings when published. I understand that the amount involved in the publication is small, and I believe now that the House, if happily it be in its serious mood, can not afford to refuse the Committee on Banking and Currency permission to publish the document.

Mr. PERKINS. Can the gentleman from Indiana inform the House as to the amount of cost or expense involved?

Mr. JOHNSON of Indiana. I do not know what the cost will be, but when information is so valuable, if the cost is not very much, I think the House will be fully justified in making the publication. Can the gentleman enlighten the House as to the cost? He is a practical printer.

Mr. PERKINS. I think I can tell very closely.

Mr. JOHNSON of Indiana. Will the gentleman be kind enough to inform the House?

Mr. PERKINS. I think the expense will be from $3,500 to $4,000.

Mr. JOHNSON of Indiana. Why, Mr. Speaker, although not a practical printer myself, it seems to me that that opinion is simply ridiculous. I mean no discourtesy to the gentleman in saying it. [Laughter.]

Mr. PERKINS. Now, Mr. Speaker, permit me to add that I have not given my personal opinion only, but I have the opinion of the Public Printer, and the figures quoted to me by him were $3,600; and the gentleman's criticism——

Mr. JOHNSON of Indiana. The gentleman said $35,000.

Mr. PERKINS. No; I said $3,500 to $4,000.

Mr. JOHNSON of Indiana. No; the gentleman said $35,000. [Cries of "No, he did not!"]

Mr. JOHNSON of Indiana. Very well.

Mr. PERKINS. The gentleman from Indiana may be a better authority on this subject than the Public Printer, but for one I prefer taking the Public Printer's judgment.

Mr. JOHNSON of Indiana. The gentleman said in his opinion it would cost $35,000. That was an inadvertence, no doubt. I am only a better judge than the Public Printer in the event that he said the cost would be $35,000.

Mr. PERKINS. No; not an inadvertence. I said $3,500. I want to ask the gentleman one other question, whether or no, in

the Committee on Banking and Currency, the resolution here presented was favorably acted upon?

Mr. JOHNSON of Indiana. Mr. Speaker, I was absent from one or two meetings, including the last one, when this matter would have been most likely to come up, so that I am not able to answer the question, but, from various things that occurred around the table during the investigation, I know it was always expected that these hearings would be published.

Mr. PERKINS. Well, I know, Mr. Speaker, that there has been considerable difference of opinion in the Committee on Banking and Currency as to the value of this investigation. I am not here to mention the names of members who have spoken to me about it, but my understanding is that the committee has never taken any action on the subject.

Mr. CUMMINGS. Mr. Speaker, did I understand the gentleman from Indiana to say that the proceedings of the Committee on Banking and Currency were entirely harmonious?

Mr. JOHNSON of Indiana. The gentleman should have understood me to say there was no more friction in the Committee on Banking and Currency than would naturally be expected among gentlemen who view the banking and currency question from independent standpoints and who are possessed of some tenacity of opinion. There has been only that kind of friction which always generates truth.

Mr. CUMMINGS. Then I would like to ask the gentleman if his colleague on the committee, the gentleman from Tennessee [Mr. COX], agrees with him in that opinion?

Mr. JOHNSON of Indiana. Mr. Speaker, I am utterly unable to answer as to the mental condition of my friend from Tennessee. [Laughter.]

Mr. BRUMM. Mr. Speaker, I wish to make a motion. It seems from what is disclosed here that the Committee on Banking and Currency have never acted on this matter, and I therefore move that it be referred to the committee so that they can give us a report upon it.

Mr. JOHNSON of Indiana. That would be an entirely useless course.

Mr. COX. Mr. Speaker, let me give you the state of facts that exists in that committee.

A MEMBER. Don't! [Laughter.]

Mr. COX. There is one bill in that committee that was presented by the chairman, the gentleman from Massachusetts, and all of the hearings that go on in the committee unless they accord with his views of the matter——

The SPEAKER. The gentleman is not permitted to state what occurred in the committee except in so far as it relates to the action taken. That having been brought in question, may, the Chair supposes, be discussed.

Mr. COX. Well, there has been no action of the committee. [Laughter.]

Mr. BRUMM. Then let us refer it to the committee for action.

Mr. COX. Now, the effort is to publish a lot of hearings with all sorts of ideas and all sorts of theories; and let me call your attention to the fact that the same thing was done in a Congress preceding this, and those hearings are all printed in book form. Now, I do not want to antagonize the chairman of the committee, but the trouble with that committee——

Mr. STEELE. Do not speak of your troubles. [Laughter.]

Mr. BARRETT. We all have them. [Laughter.]

Mr. COX. Well, I will not go into that; but I see the situation exactly.

Mr. JOHNSON of Indiana. If the gentleman sees the situation exactly, it is quite a departure from his usual mental operations. [Laughter.]

Mr. COX. If I saw the situation as you see it, I would not pursue the course you have taken. [Laughter.]

Now, Mr. Speaker, putting aside frivolity, what is going to be accomplished by publishing these hearings? What is to be gained? They are all published already. They are all in the reports of a preceding Congress. Of course you find a new man here and there; you find a State-bank man; you find a gold-bug man; you find a man in favor of amending the national banking law. We have had them all there. But why incur the expense of publishing these hearings when they are already published? Mr. Speaker, the thing I regret most about this is that you can not see the situation of things in that committee as it is. [Laughter.]

Mr. HYDE. Let me ask the gentleman if his committee has reported any bill to amend the banking and coinage laws?

Mr. COX. We have brought one bill in here by a hard rub, and——

Mr. HYDE. I ought to know, but I do not.

Mr. COX. We have brought in only two bills from that committee. One is to permit the banks to take out circulation to the par value of the bonds——

Mr. HYDE. I know of that.

Mr. COX. And the other is to allow banks to be organized on a capital stock of $25,000.

Mr. JOHNSON of Indiana. Both of which propositions were opposed by the gentleman from Tennessee.

Mr. COX. Now, that is not the truth.

Mr. JOHNSON of Indiana. Well, Mr. Speaker, I hope I shall not have to appeal to the Chair for protection. The gentleman's language is unparliamentary. [Laughter.]

Mr. COX. Oh, well, if it is I will take it back. [Laughter.]

Mr. HYDE. Have the committee reported any bill to revise the financial system of the country?

Mr. COX. No; and you will never get it out of that committee. [Laughter.]

Mr. HYDE. Why have they not reported such a bill?

Mr. COX. How can you get such a bill reported when there are not two men on the committee who will agree on any proposition? [Laughter.]

Mr. HYDE. That is what I want to find out.

Mr. JOHNSON of Indiana. If the gentleman desires a serious answer to his question, I will tell him that there are two men, and more than two men, on the committee who can agree upon a proposition.

Mr. HYDE. I do want a serious answer. I want to know how it is that, with all these hearings, you have not been able in that committee to formulate a bill to revise the financial system of the country?

Mr. JOHNSON of Indiana. Mr. Speaker, the whole investigation so far has been largely educational; but does the gentleman believe that in the present state of opinion upon the subject any bill for a general revision of the banking and currency laws would receive consideration in this House?

Mr. HYDE. I do not think that relieves the committee of their duty at all.

Mr. JOHNSON of Indiana. But the committee can not be expected to attempt that which would be unavailing.

The SPEAKER. The gentleman from Tennessee [Mr. COX] has the floor at present.

Mr. COX. I want to reply to a remark made by my friend here. That committee, as at present constituted, can never agree on any kind of a reform bill. We might just as well recognize that fact.

Mr. PERKINS. It would only be necessary to go through the hearings to ascertain that fact. [Laughter.]

Mr. HYDE. I believe, all the same, that the country would like to have these hearings.

Mr. COX. In my view, they will not be worth a cent.

Mr. WALKER of Massachusetts. Mr. Speaker, the chairman of the Committee on Printing has seen fit to criticise quite sharply the Banking and Currency Committee, and myself particularly, and to reveal to the House what he says has transpired in the committee—its action in the committee room. I want to be allowed by the House to say this, that I have occupied the time of the committee on the bill drawn by me not over two hours directly in the last two years. I want to say, furthermore, that the bill which I have drawn I drew because I felt I owed it to this House and to the country to do the best I could in the matter. Moreover, I challenge the chairman of the Committee on Printing, or any other man in this country, to find any word of mine in any letter, interview, or public speech in which I have ever said anything other than this, that I have done the best I could in the bill I have drawn. And I would never have shown any disposition to press that bill, little as I have, if any man had taken it upon himself to submit to the committee any bill which would be a solution of the financial difficulties with which the Banking and Currency Committee has been struggling. I wish to say, further, that there has been as much or more time spent by the author of every other bill in that committee—more time of the committee taken by the author of many other bills—than I have occupied upon mine.

Let me add that no committee of any legislative body in the world has ever been called upon to struggle with any more intricate or serious situation, or been called upon to settle any problem pregnant with any more difficulties in connection with a financial situation, than this committee in this Congress and in previous Congresses has had to struggle with.

Let me say further that no committee has ever worked any harder, or been any more industrious, conscientious, individually or collectively, in studying these problems. Again, no committee charged with the solution of any problems approaching this in difficulty has ever made any more progress in the same time than this committee has made during these two years. And they have now reached a point where within a few weeks they might have presented some practical solution of the difficulty.

We have no apologies to make to the chairman of the Committee on Printing, to this House, or to the country for not bringing to pass any greater results than have been brought to pass under the difficulties disclosed to us. They have no apologies to make as to the intelligence with which in the investigation of this question they have pursued the study of these problems and difficulties.

These hearings, instead of being a repetition of the hearings of

the Fifty-third Congress, as has been said, have not proceeded at all on the lines of the hearings of that Congress. The line of investigation, in many respects, has been new and original. The hearings contain such valuable matter that I am constantly being written to to furnish parts of these hearings on lines which have been developed before the country. Such applications have been made by investigators, students of political economy, college professors, financiers, farmers, and wage earners all over the country. The 2,000 copies of these hearings already printed will not last thirty days.

Now, I have simply done my duty to the House in this matter. It is utterly indifferent to me whether these hearings be published or not—absolutely indifferent to me personally or as a member of this Congress. But I have felt it my duty to try to satisfy the people who have been writing and will write the committee for these hearings. Having said and done what I have, I have nothing further to offer.

The question being taken on agreeing to the resolution, it was agreed to; there being on a division (asked for by Mr. PERKINS)—ayes 52, noes 19.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. DALZELL. I renew the motion to take a recess until 3 o'clock.

INTERNATIONAL AMERICAN BANK.

Mr. CALDERHEAD, by unanimous consent, presented the views of a minority of the Committee on Banking and Currency on the bill (H. R. 875) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; which were ordered to be printed, and referred to the House Calendar.

Mr. BLUE. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. DALZELL] for a recess.

BEQUEST OF PETER VON ESSEN.

Mr. RICHARDSON. I hope the call for the regular order may be withdrawn for a moment in order that I may ask unanimous consent for the consideration of a public bill.

Mr. BLUE. I withdraw the call temporarily.

Mr. RICHARDSON. I ask unanimous consent for the present consideration of the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to accept the bequest of $12,057.24 bequeathed by the will of the late Peter Von Essen to the late corporation of Georgetown for the use of the free white schools of said town, and which sum has been decreed to be turned over to said Commissioners, as the successors of the said corporation, by the supreme court of the District of Columbia in equity cause No. 5238; and that said Commissioners be, and they are hereby, required to distribute the said funds among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship.

Mr. RICHARDSON. I trust I may be permitted to make a brief statement. Peter Von Essen died in Georgetown in 1836, having previously made a will in which, after giving some annuities to a son and a grandson, he bequeathed the residue of his estate to Georgetown for "the free white schools of that city." The bequest was peculiar, because, as a fact, there was no such corporation, no such legal entity as the "free white schools of Georgetown." But such were the terms of the bequest. After several years of litigation in the courts in respect to this will, the money was turned over to the Commissioners of the District of Columbia. After the litigation was over and after the annuities had been paid to the son and grandson, there was left, as appears in the bill, about $12,000.

Mr. Speaker, there are no free white schools in the city of Georgetown to take this money. If the money is to be turned over to Georgetown, or the District of Columbia, it would necessarily go into the Treasury of the United States, to be paid out as all other money, and of course contrary to the express terms of the bequest. The object of the testator was to benefit certain schools which he called the free white schools of Georgetown. There was no public school law, as I understand it, at that time existing in Georgetown; and the schools were supported mainly by private contributions. This was commendable in Mr. Von Essen. But the conditions are all changed now in respect to schools in Georgetown.

In view of the fact that Congress will be compelled to take some action in reference to this matter to dispose of the money finally, I think we ought to give it to the descendants of this testator, Peter Von Essen, who I understand are very poor, rather than to apply it in a manner not contemplated by the testator. There is a petition on file with the District Committee, signed by several hundred people of Georgetown, which petition is set forth in the report, stating that they are acquainted with the descendants of Peter Von Essen, that they are very poor people and worthy, and have no other estate. And it seems to me that Congress should not hesitate for a moment to turn the fund over to the poor children or descendants of this old man rather than to put it into the Treasury to be expended in a general way for the debts and expenses of the Government. Certainly the object and intent of the testator would not be carried out by making that disposition of it. And while it may be said that it would not be carried out by giving it to his children or descendants, yet at the same time it would be fairer and more equitable and would seem to be a more just distribution of it than to apply it in the other way.

Mr. DOLLIVER. How much money is involved?

Mr. RICHARDSON. The amount is $12,057.24.

The District Committee, I will say, have considered the bill and reported it unanimously. This is a Senate bill, which was reported unanimously in the Senate and passed by that body.

Mr. BRODERICK. How would this be divided? Does the bill provide?

Mr. RICHARDSON. It provides that it shall be paid by the Commissioners of the District of Columbia to the children of Peter Von Essen share and share alike—dividing it equally between them.

Mr. CLARDY. Is it proposed to be turned over for the purpose of educating these poor children or for general purposes?

Mr. RICHARDSON. It will be turned over for general purposes.

Mr. CLARDY (continuing). Would it not be more in accordance with the will of the testator to turn it over for their education?

Mr. RICHARDSON. Well, that would hardly be practicable.

Mr. MILES. I would suggest to the gentleman that these "poor children" are at least 30 years of age by this time.

Mr. RICHARDSON. I do not know what their ages are. I spoke of them as children. I mean they are the descendants of old Peter Von Essen. One of them, I understand, is driving a street car in this city. I have no personal acquaintance with any of them.

Mr. CLARDY. Some of them must be children.

Mr. RICHARDSON. Oh, no; I presume not. They are grown. I never saw them, however, and do not speak from personal knowledge.

Mr. MILNES. As I understand it, this money is held by the District Commissioners?

Mr. RICHARDSON. Yes, sir; in some kind of trust capacity.

Mr. MILNES. And can not be disposed of without the action of Congress?

Mr. RICHARDSON. I have so attempted to state. Unless Congress takes action upon the matter, I do not see any way of disposing of it. If, however, we are to make any disposition of it, I think it should go to the children or descendants rather than into the general fund of the United States, as I have stated.

Mr. DALZELL. How did this money get into the hands of the District Commissioners?

Mr. RICHARDSON. It was turned over to them by the trustee or executor of the estate. It was paid over in what was supposed to be the execution of the will of the testator.

Mr. DALZELL. For the use of a certain charity named in the will?

Mr. RICHARDSON. Yes, sir; as I have explained.

Mr. DALZELL. And I understand that that charity does not now exist?

Mr. RICHARDSON. I understand that it does not exist, and perhaps never did exist in the manner described in the will of Von Essen.

Mr. DALZELL. I was going to ask the gentleman whether it ever did exist.

Mr. RICHARDSON. I do not think it ever did.

Mr. BRODERICK. And the will has been treated as void for uncertainty?

Mr. RICHARDSON. It was so uncertain that the Commissioners have not known what to do with the money, and they have held it in trust, as I understand it, ever since.

Mr. BRODERICK. Has it ever been in question in the courts?

Mr. RICHARDSON. Yes; there was a construction of it in some way by the District courts, and the District courts directed the payment of the money to the Commissioners.

Mr. HEPBURN. Why not introduce legislation that will enable the Commissioners to carry out the will of the testator? Why not appropriate this money to the schools of that section of the District?

Mr. RICHARDSON. Well, I will state in reply to that appropriate question that the answer to it is that we can not carry out the will of the testator, because he directed this money to be given to the free white schools of Georgetown.

Mr. HEPBURN. Well, there are schools of that character, are there not—free white schools—in Georgetown?

Mr. RICHARDSON. There are schools in Georgetown to which only white children are admitted.

Mr. HEPBURN. That is what I mean.

Mr. RICHARDSON. I think so.

Mr. HEPBURN. And they are public schools, and they are free to the children of the District. Why not appropriate this money as the testator desired to have it appropriated?

Mr. MILNES. The courts have decided, have they not, that there was no such corporation to turn it over to?

Mr. RICHARDSON. So I understand. And the courts have held that they could not give it to the free white schools of Georgetown, because there was no such entity to receive it; therefore it was turned over to the Commissioners.

Mr. MILES. It is perfectly plain that that will is void for uncertainty.

Mr. RICHARDSON. It looks so to me, because of the inability to carry out the will strictly.

Mr. BARHAM. Why not give it to the heirs at law?

Mr. RICHARDSON. That is what we want to do.

Mr. BARHAM. Why did not the courts give that instruction? Why did not the court instruct them to pay it out?

Mr. RICHARDSON. The court did not give any instruction, as I understand it, as to the final disposition of the money. These are the facts as the committee have them. We do not believe it would be a proper thing for Congress to attempt to assist the testator in making a will which would give the money to the free white schools of Georgetown. The schools of Georgetown are taken care of as all other schools in the District are cared for. There is no separate appropriation for the free white schools, or for the schools of Georgetown now, but they are taken care of in the District of Columbia appropriation bill as a part of the great school system of the District of Columbia. They do not need this appropriation, and if Congress is to supplement the will at all, I think it is equitable to supplement it by giving the money to the descendants of this man.

Mr. LOUD. Why can not these heirs sue and recover, if the will is void? The gentleman says the will is void.

Mr. RICHARDSON. I think there was some adjudication in the courts which prevented the Commissioners from paying the money over.

Mr. LOUD. It seems to me we are disposing of this money to-day without sufficient evidence, and if we do so, these heirs may sue and eventually recover. Then we shall have to reimburse.

Mr. RICHARDSON. Oh, no. The heirs join in the petition for relief under this bill. I wish to have published, as a part of my remarks, the petition in this case asking for this very legislation.

Mr. LOUD. They may be the heirs and they may not. That has not been adjudicated, has it?

Mr. RICHARDSON. There is no controversy about the heirs.

Mr. LOUD. There is no occasion for a controversy here.

Mr. RICHARDSON. Well, there never has been. Those are the facts, Mr. Speaker. I have no interest in it one way or the other, but it does occur to me that the children ought to have the money, rather than that it should go to the plethoric treasury of the District of Columbia. These people are proven to be very poor.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. RICHARDSON. I desire to have printed as a part of my remarks the report, which is the same as the report of the Senate.

The SPEAKER. Without objection, the report will be printed as part of the remarks of the gentleman from Tennessee [Mr. RICHARDSON].

There was no objection.

The report is as follows:

The Committee on the District of Columbia have considered the bill (H. R. 8098) authorizing and requiring the District Commissioners to pay the funds of the estate of Peter Von Essen, deceased, to his heirs and distributees, and report a substitute therefor which they recommend do pass.

The committee find that the bill for the relief of the persons named has been favorably reported by the Senate Committee on the District of Columbia. The object of this bill is the same as House bill 8098. The committee recommend, therefore, that the bill, as reported by the Senate Committee on the District of Columbia be reported as a substitute for House bill 8098, and that same do pass. The committee recommend that House bill 8098 lie on the table.

The facts in the case are clearly set forth in Senate Report No. 1383 of the present session, made on the bill reported as the substitute above mentioned. This report is adopted by your committee as their report, and is as follows:

"The Committee on the District of Columbia, to whom was referred the bill (S. 2966) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, make a favorable report on the same as amended.

"The history of the schools in Georgetown shows that for sixty years after the settlement of that town there was no provision for public instruction of boys and girls. In June, 1811, the people of Georgetown, by private contributions, founded a school on the Lancastrian system, and from that time on these private benevolences were both recognized by the corporation and were supplemented from its treasury. The progress, however, was not rapid, and but for the help of individuals of public spirit (such as George Peabody and W. W. Corcoran) there would have been breaks in the continuity of the free schools. It was not until June 16, 1871, that the Georgetown schools were put upon a solid basis by the appointment of a board of trustees, and in 1874 they became a part of the school system of the District of Columbia.

"It was during the days of poverty and struggle on the part of the public schools of Georgetown that Peter Von Essen died, leaving some small annuities to his daughter and granddaughter and giving his fortune to the free white public schools of that town. At the time of his death he was supposed to be a wealthy man, but the amount of the bequest turned out to be less than $13,000. He had two children, a son, John Peter, jr., and a daughter, Harriet, who married Francis Essex.

"It appears that the son was dissipated and that Mr. Von Essen willed his property to his grandson, Francis Von Essen Essex, and cut his son off with an annuity. The son thereupon made way with the will and made it appear that the wife of the grandson was the guilty party. The trustees of the schools (who were the witnesses to the will) were to receive the property, which was charged with two small annuities that ceased with the death of the grandson.

"This grandson left four children, the youngest being 3 years old. They were cared for by their grandmother, then over 70 years old. The heirs brought suit, but the court held that the bequest was legal, and in 1888 the sum of $12,057.24 was paid into the United States Treasury to the credit of the District of Columbia as the successor of the city of Georgetown. The Commissioners, however, are at present without authority to use this money as provided for in the bequest, and such authority must be granted by Congress.

"Meantime the conditions have so changed that it is impossible to carry out the intentions of the testator. The schools of Georgetown (now without corporate existence) are well provided for by annual appropriation; and hence there is no need of this small bequest. On the other hand, the three living descendants of Peter Von Essen are in such circumstances that the division of the money among them would be simply an act of justice. The Government having provided to carry out the purposes for which the bequest was made, may properly provide for a distribution of the money among the heirs of the testator; and especially is this just, inasmuch as legislation is necessary in any event.

"The heirs of Peter Von Essen are: Stephen E. Essex, born June 27, 1866; Harriet C. Essex, born July 22, 1868; Francis B. Essex, born January 5, 1873. Stephen E. Essex is now employed as a teamster, as appears below:

"WASHINGTON, D. C., *January 1, 1897.*

"I hereby certify that Stephen Essex is at present employed by me as a teamster, and has been in my employ for the last six years. I pay him $7.50 per week. He is a sober, industrious, deserving man. I have known him all his life, and I believe I can safely say he has never been known to drink any intoxicating liquor. He has a wife and four small children, and he certainly tries his very best to maintain them. I know him to be the grandson of the late Peter Von Essen.

"Respectfully,

W. H. GASKINS,
"1006 Thirty-second street NW.

"Francis B. Essex is a mechanic in the employ of Messrs. Wimsatt & Uhler, builders and dealers in marine hardware, Seventh and K streets SW., as appears from the following letter:

"WASHINGTON, D. C., *January 2, 1897.*

"GENTLEMEN: The bearer of this, Frank Essex, a grandson of the late Peter Von Essen, has been in our employ for nearly seven years; is an industrious, sober, and reliable young man, a good mechanic, and we can and do cheerfully recommend him for favorable consideration by your honorable body in his application before Congress.

"Respectfully,

WIMSATT & UHLER.

"The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

"The people of Georgetown have signified their desires in the matter in the following petition:

"GEORGETOWN, D. C., *December 31, 1896.*

"*The Board of Commissioners for the District of Columbia:*

"DEAR SIRS: We, the undersigned residents of that part of the District of Columbia called Georgetown, do ask your honorable body to consider the equity side of the John Peter Von Essen case.

"We protest against the District of Columbia becoming the beneficiary of the residuum of the John Peter Von Essen estate, because the schools of Georgetown, as well as other parts of the District of Columbia, are amply provided for in the more than a million and a half annually appropriated by Congress (half of which comes from the General Government) while the heirs are poor and need the money.

"The $12,000 asked for in your bill now pending in Congress would be but a drop in the big bucket of the United States Treasury, but for the heirs it would be a godsend and establish them for life; moreover, we believe it would be bad to establish a precedent of making the public schools objects of charity.

"We ask your honorable body to bear in mind the changed conditions:

"1. When the will was made, the schools of Georgetown were supported for the most part by private contributions; now they are generously provided for by public appropriations.

"2. The corporation of Georgetown does not exist; the schools are not private; the small sum left of the large estate of thirty years ago makes it impossible to carry out the intent of the letter of the will.

"3. In 1866 the son of John Peter Von Essen was dissipated and untrustworthy, while your claimants, descended through his daughter, are sober, honest, and hard-working poor people.

"We trust that your honorable board will see your way clear to withdraw your bill, waiving the legal points in order to decide on the side of justice and equity.

"Respectfully, yours,

"Benj. F. Harper, 3310 M street NW.; Robert Benner, 3310 M street NW.; W. H. Harrison, 1720 Thirty-second NW.; Frank Tennyson, corner Thirty-fourth and O streets NW.; Thomas Blackman, 3326 M street NW.; John Caton, 1803 Thirty-fifth street; Curtis M. Smith, 1411 Thirty-third street; Smith Bro. & Co., 3227 Water street; Ice Mfg. Co.; J. E. Thompson, 1027 Thirty-fourth street NW.; E. T. Simpson, 3338 M street NW.; Albert Peacock, 1224 Twenty-eighth street NW.; C. T. Gladmon, 1210 Twenty-eighth street NW.; F. J. Kohler, 2305 Ohio avenue NW.; J. T. Smith, Twenty-eighth and M streets; F. J. Buckley, 2306 M street; James Hartley, Twenty-eighth and M streets; G. B. Sullivan, 3257 N street; Geo. M. D. Gory, 1206 Twenty-eighth street; F. H. Connolly, 1224 Twenty-eighth street; E. S. Walmer, 1050 Thirtieth street; G. R. Hollingsworth, 1050 Thirtieth street; Charles Burns, 3214 P street; Michael V. Moran, 3009 M street; Chas. W. Kirkley, 1436 Thirty-second street]

John H. Jackson, 3009 M street; T. B. Goodwin, 1239 Thirty-first street NW.; W. H. Hunter, 1228 Twenty-ninth street NW.; Chas. H. Johnson, 3045 M street; Eugene L. Morgan, 3059 M street; Lee Mockbee, 3042 P street NW.; W. S. Williams, K street, Georgetown; Maurice M. Ball, 3310 M street NW.; J. W. Coon, 1311 Thirty-second street; R. P. Shelton, 3408 O street; J. F. Gladmon, 1310 Thirty-fourth street NW.; James H. Homes, 1310 Thirty-fourth street NW.; S. R. Gladmon, 1320 Thirty-fourth NW.; H. M. Glee, 1208 Thirty-third NW.; John M. White, 1415 Thirty-second street NW.; William Elliot, 3310 M street NW.; Michael Dougherty, 3328 M street NW.; S. H. Gladmon, 1210 Twenty-eighth NW.; George T. Harper, 3255 K street NW.; Chas. E. Edwards, Woodley lane, D. C.; J. A. McCarthy, 3335 M NW.; Robt. B. Tenney, 3108 Second street NW.; Samuel T. Howard, M street Market; Thos. J. Cross, 3029 N street; W. E. Reynolds, 3272 M NW.; I. H. Veirs, 3218 M NW.; C. E. Waters, 3340 R NW.; Jno. B. Lang & Bro., 3206 M; Wm. H. Lang, 1078 Thirty-second street; Manogue Jones, 3150 M street NW.; Wm. V. Lewis, 3314 O street; Jno. T. Wood, 3144 M street; T. A. Newman, 3136 M street; B. Nordlinger, 3130 M street; A. Baer, 3128 M street; Geo. Freeman, 1422 Thirty-second street; M. C. Mitchell, 3100 M street NW.; J. A. Oliver, 3328 N street NW.; Levin S. Frey, 3010 P street N. W.; Edgar P. Berry, 3058 W street; Paul B. Graham, 3066 Q street; S. Thomas Brown, 2903 P street NW.; Joseph P. Birch's Sons, 3084 M street NW.; H. Sommers & Son, 3068 and 3040 M street NW.; W. Nordlinger, 3109 M street NW.; W. F. Gibbons, 3135 M street NW.; R. P. Waddey, 3139 M street NW.; Mayfield & Brown, 3147 M street NW.; W. K. Grimes, 1531 Thirty-second street NW.; S. M. Sinsheimer, 3151 M street; H. P. Gettrel, 3100 P street; W. T. Weaver, 1308 Thirty-second street; Cropley & Boteler, 3213 M street; Charles B. Cropley, 3213 M street; H. G. & J. E. Wagner, 3221 M street; H. G. Wagner, 3116 Dumbarton avenue; John T. Core, jr., 3270 M street; C. G. Reckett, 3232 M street; Geo. W. Wise, 2900 M street NW.; M. F. Burrows, 2929 M NW.; W. D. Brace, 2929 M street NW.; Maurice Baer, 3157 M street NW.; G. W. Offutt, 3211 M street NW.; George Timper, 3245 M street; F. V. Offutt, 3281 M street NW.; L. W. Ritchie, 3259 N street; J. W. Hunter, John Dugan, M. A. Dugan, 3240 N street NW.; F. Darne Bro., 3301 M street; Wm. H. Rackey, 3721 M street NW.; J. E. Dyer & Co., 3230 M street; J. J. Cook, 3295 M street NW.; H. A. Garrett, 3413 N street NW.; James O. Caton & Sons, 1050 West Market Space; Dennis T. Keady, 3316 M street NW.; Houser & Co., 3246 M street NW.; D. F. Dumbertt, 1228 Thirty-first street NW.; Thos. J. Biggins, 3275 M street NW.; John McKenna, 1412 Thirty-fourth street; Carl Haneke, 2021 Olive avenue; D. I. Offutt, 1522 Thirty-third street; James Clarence Burch, 1511 Twenty-eighth street.

"Other correspondence is as follows:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, October 5, 1888.*

"The undersigned, Commissioners of the District of Columbia, hereby acknowledge the receipt from Charles M. Matthews, trustee appointed by the supreme court of the District of Columbia in equity cause No. 5238, equity docket 16, William King et al *vs.* Francis N. Essex, of the sum of $12,007.24, being in full of the amount found due by a decree made in said cause on account of the legacy in favor of the free white schools of Georgetown, contained in the last will and testament of Peter Von Essen, late of the town of Georgetown, in said District, deceased, such payment being made in accordance with the terms of said decree and in discharge of said trustee of all past and future responsibility on account thereof.

"WILLIAM B. WEBB,
"SAML. E. WHEATLEY,
"CHAS. W. RAYMOND,
"*Commissioners District of Columbia.*

—

"OFFICE ATTORNEY OF THE DISTRICT OF COLUMBIA,
"*Washington, April 17, 1896.*

"GENTLEMEN: Agreeably to your request, I have examined House bill 8098 (Fifty-fourth Congress, first session), for the relief of the heirs of Peter Von Essen, deceased, which you referred to me for examination and report.

"In 1876 William King, surviving executor of the last will and testament of Peter Von Essen, who died in Georgetown in 1868, filed a bill on the equity side of the supreme court of the District of Columbia (No. 5238) against the (then) surviving heirs and distributees for a construction of the bequests in said will for the benefit of the free white schools of Georgetown. The bill in the equity cause above referred to alleges that the heirs of Peter Von Essen were a grandson, Francis Von Essen Essex, and a son, John P. Essen, who is alleged to have died intestate and without issue.

"I have no doubt the persons named in the bill H. R. 8098 are the heirs and distributees of Peter Von Essen, deceased.

"The bill 8098 is herewith returned.

"Very respectfully,
S. T. THOMAS,
"*Attorney District of Columbia.*

"The COMMISSIONERS, etc."

The bill was passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BLUE. I renew my request for the regular order.

The SPEAKER. The gentleman from Kansas [Mr. BLUE] demands the regular order. The gentleman from Georgia [Mr. BARTLETT] has notified the Chair that he has an election case, which will be in order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

Joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America;

Joint resolution (H. Res. No. 261) for the prevention of the introduction and spread of contagious and infectious diseases into the United States;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi;

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown; and

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement.

CONTESTED-ELECTION CASE—WATSON AGAINST BLACK.

Mr. BARTLETT of Georgia. Mr. Speaker, by direction of Committee on Elections No. 1, I call up the contested-election case of Watson against Black, and move the adoption of the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That Thomas E. Watson was not elected a member of the Fifty-fourth Congress, and is therefore not entitled to the seat therein.

Resolved, That James C. C. Black was elected a member of the Fifty-fourth Congress, and is therefore entitled to the seat therein.

Mr. BARTLETT of Georgia. Mr. Speaker, this is a unanimous report of the committee, and by direction of the committee, I call up the resolutions and ask that they be adopted.

The question was taken; and the resolutions were adopted.

On motion of Mr. BARTLETT of Georgia, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

RECESS.

Mr. ALDRICH of Illinois. Mr. Speaker, I call up the unfinished business.

Mr. DOCKERY. I move that the House take a recess until half past 3.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 72, noes 33.

So the motion was agreed to; and accordingly (at 2 o'clock and 25 minutes p. m.) the House was declared in recess until 3 o'clock and 30 minutes p. m.

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 30 minutes p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations of the District of Columbia, with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

A further message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with amendments in which the concurrence of the House was requested.

FORTIFICATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the fortification bill and ask for a conference.

Mr. HOPKINS of Illinois. Mr. Speaker, has that been considered at all?

Mr. GROUT. No, sir.

The SPEAKER. The Clerk will read the amendments.

Mr. GROUT. I will say to the gentleman that the only way, if we expect to get these several appropriation bills through in these two remaining days, is to put them into committee of conference.

Mr. HOPKINS of Illinois. That is the same old story——

Mr. GROUT (continuing). And to put them into conference at once.

Mr. HOPKINS of Illinois (continuing). Without even a variation.

The SPEAKER. The Clerk will read the amendments.

Mr. GROUT. The amendments are not very numerous, and perhaps you will want to agree to them.

The amendments of the Senate were read.

Mr. HOPKINS of Illinois. Mr. Speaker, I would like to ask the gentleman in charge of the bill what item it is that is increased to $600,000?

Mr. GROUT. I can not tell the gentleman this moment without an examination of the bill. Perhaps the Clerk can turn to that part of the bill and let us know what it is.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

For coast defense guns of 8, 10, and 12 inch caliber, manufactured by contract under the provisions of the fortification act approved August 18, 1890, and of February 24, 1891, $156,184, with the following amendment: Strike out "$156,184" and insert "$600,000."

Mr. GROUT. Now, the gentleman will see that he does not want to agree to that amendment offhand.

Mr. HOPKINS of Illinois. I do not say that I want to agree to it offhand, but I simply wanted to know something about it before the request of the gentleman should be granted.

Mr. GROUT. It is safe to nonconcur at all times when Senate amendments are presented, and to let them go to a conference. Then if the conference committee bring in an agreement to some or all of the amendments, the House having agreed to nothing, we are at liberty to disagree to the report and instruct the conferees.

Mr. HOPKINS of Illinois. Not at all. There are some times when it is a great deal better for the House to take charge of the amendments than to permit a long conference and have the House delayed in the closing hours of the session.

Mr. GROUT. We shall make every effort to make an early report.

Mr. HOPKINS of Illinois. I have no objection.

The SPEAKER. The gentleman asks unanimous consent that the House nonconcur in the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

Accordingly, the Senate amendments were nonconcurred in, and the House agreed to ask for a conference; and the Speaker appointed as the conferees Mr. GROUT, Mr. HEMENWAY, and Mr. LIVINGSTON.

PAYMENT OF CERTAIN BONDS AND STOCKS OWNED BY THE UNITED STATES.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 10625) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund.

Be it enacted, etc., That whenever any State is in default in the payment of principal or interest on any bonds or stocks issued or guaranteed by such State, the ownership of which is vested in the United States, the Secretary of the Treasury be, and he is hereby, authorized and directed to institute any action or proceeding which he may consider advisable against such State or its representatives to secure the payment of the principal and interest of said bonds or stocks: *Provided*, That the Secretary of the Treasury, instead of instituting actions or proceedings against any State in default, may sell said bonds or stocks with all interest due thereon at the highest price which he can obtain therefor, or he may compromise the indebtedness of any State on such bonds or stocks, such proposed sale or compromise to be first approved by the Attorney-General and the Secretary of the Interior.

Mr. WASHINGTON. Mr. Speaker, I would like to ask how this bill comes before the House?

The SPEAKER. On a motion to suspend the rules. Does the gentleman demand a second?

Mr. WASHINGTON. I demand a second.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. WASHINGTON. I shall have to object to that.

The SPEAKER. Objection is made. The gentleman from New York [Mr. SHERMAN] and the gentleman from Tennessee [Mr. WASHINGTON] will take their places as tellers.

The House divided, and tellers reported.

Mr. WASHINGTON. I withdraw the demand for a second.

The SPEAKER. The gentleman withdraws the demand for a second, but it has been ordered by the House. The Chair understands the gentleman does not desire to withdraw the claim for discussion. Perhaps the best way is to announce that the House has decided, by ayes 67, noes 34, to order a second.

Mr. MCMILLIN. Mr. Speaker, Rule XXVIII, clause 2, provides that—

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

Now, a majority of the House has not yet seconded this demand.

Mr. WASHINGTON. I made the demand for a second, and after we had counted for some time, finding evidently that the other side had two to one, in order not to further obstruct business of the House, I had an understanding with the gentleman that we should have the usual debate, and on that I was willing to withdraw the demand and have the second considered as ordered.

The SPEAKER. Was it understood that there was to be a different time for debate from that which is allowed by the rule?

Mr. WASHINGTON. No; the usual debate, twenty minutes on a side.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] and the gentleman from Tennessee [Mr. WASHINGTON] will be recognized to control the time for and against.

Mr. SHERMAN. Mr. Speaker, I ask that the report upon this bill be read by the Clerk.

The report (by Mr. SHERMAN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10625) entitled "A bill to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund," report the same back to the House and recommend that it do pass.

In pursuance of a resolution of inquiry which passed the House on the 6th of June, 1896, the Secretary of the Treasury made a full report to the House on the 4th of February, 1897, which is House Document No. 253, second session, Fifty-fourth Congress, and by which it appears that there is due the United States from various States, by reason of the assumption by the United States of payment to the Indian trust funds of the amount heretofore invested in the bonds of the said several States, $2,075,466.66; that the United States has been paying to the several Indian tribes 5 per cent interest on these amounts for very many years.

The committee is informed that several of the States which have issued these bonds have heretofore compromised with other creditors and adjusted their debts, but there was no authority by which the United States could make any possible adjustment except receiving the face of the bonds and accrued interest.

The purpose of this bill is simply to authorize the Secretary of the Treasury to either collect the above amount, with the interest due thereon, or to sell the securities, or to compromise with the different States upon terms which shall be approved by the Attorney-General and Secretary of the Interior. The bill has been referred to the honorable the Secretary of the Treasury, and by him approved in the following letter:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., February 17, 1897.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing copy of a bill to authorize the Secretary of the Treasury to secure payment of certain State bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund, and requesting a report thereon.

"In reply, your attention is invited to Department letter dated February 4, 1897, reporting as to the condition of the State stocks and securities in question, in which the necessity for legislation by Congress, before the Secretary of the Treasury may be able to enforce collection or undertake a settlement thereof, is set forth.

"The proposed bill, if the same should become a law, will, it is believed, enable the Department to collect these moneys or dispose of these bonds advantageously to the Government, and I therefore urgently recommend its passage. The United States is and has for some time been advancing to the fund the interest on these bonds and stocks, and unless some active steps are taken may continue to do so indefinitely.

"Respectfully, yours,

"W. E. CURTIS, *Acting Secretary.*

"Hon. J. S. SHERMAN,
"*Chairman Committee on Indian Affairs,*
"*House of Representatives.*"

Mr. SHERMAN. Mr. Speaker, as appears by the report, the United States has from time to time invested money which it held in trust for various Indian tribes in bonds of the various States, and many of those have defaulted, and after default the United States assumed the debt, and from the time of that resumption to the present has been paying to these Indian tribes the interest thereon, so that up to the present time, besides the principal due to the United States on these bonds, it has advanced to these several Indian tribes hundreds of thousands of dollars in the way of interest. Several of the States have already, as gentlemen know, compromised with their creditors upon some basis or other but there was no provision by which the United States could compromise. It was forced to collect either the full amount of the bonds or nothing. One of the States, at least, Arkansas, has, under a law recently enacted, entered into negotiations with the United States, and the United States and the State of Arkansas have practically agreed upon terms adjusting their respective debts.

Mr. HEPBURN. Is it not true that under that power of compromise, and under the arrangement that has been made, the entire indebtedness of the State of Arkansas to the Government for the original Smithsonian fund has been absorbed and wiped out; and has not that been done under just such a power of compromise and concession as the gentleman proposes in this bill?

Mr. SHERMAN. I understand, Mr. Chairman, that the proposed compromise with the State of Arkansas is for a sum very much less than the original face of the bonds. Whether it entirely wipes out the debt for the Smithsonian fund or not I do not know.

Mr. HEPBURN. I ask the gentleman if it is not true that under that compromise the United States becomes the debtor?

Mr. SHERMAN. Oh, no. Under that proposed compromise, as I understand it—and my friend from Iowa can perhaps correct me if I misstate it—the United States is to receive $160,000 in cash, and the respective claims of the State of Arkansas and of the United States (the State claiming that there is something due to it from the Government of the United States) are wiped out.

Mr. LACEY. One hundred and sixty thousand dollars in bonds, not in cash.

Mr. SHERMAN. One hundred and sixty thousand dollars in new bonds. But the compromise does not, as my friend from Iowa supposes, make the United States a debtor.

This bill authorizes the United States to bring actions against hese several States upon their bonds in default, or it authorizes an official to negotiate with the several States and agree upon a settlement, which shall be effective only when approved by the heads of two Departments; or it authorizes further the sale of securities to some purchaser who may desire to take the position which the United States now has. It is a bill such as we do not often have here toward the close of a session, a bill designed to bring money into the Treasury rather than to take money out of the Treasury, and I trust that it will pass. I reserve the balance of my time.

Mr. WASHINGTON. Before the gentleman sits down, can he give the House a statement of the States concerned and the amounts claimed?

Mr. SHERMAN. Certainly. It is found upon page 5 of House Document No. 263 of the present Congress. A full statement is given in that document of the exact status of the debts and of what has been done with reference to adjusting them. The States concerned are Arkansas, Florida, Louisiana, the two Carolinas, Tennessee, and Virginia, and the total amount in default is two million and seventy-five thousand and some odd dollars. Does that answer the gentleman's question?

Mr. WASHINGTON. Yes; I wanted to get that information, as we have not before us the document to which the gentleman refers.

Mr. LACEY. I want to ask the gentleman a question. The title of this bill specifies that it relates to bonds and stocks held under an act of 1894, but the discussion has been in relation to bonds held under acts passed long before that time.

Mr. SHERMAN. Bonds and stocks held under that and prior acts.

Mr. LACEY. Well, is this title sufficiently descriptive?

Mr. SHERMAN. Perhaps not. Perhaps we should amend it.

Mr. COLSON. Does not the gentleman think that this bill should be amended so as to provide that these bonds, in case of sale, shall be sold at public sale? The bill does not so provide in terms.

Mr. SHERMAN. The bill does not so provide in terms, but it does provide for a sale under the direction of the Secretary of the Treasury.

Mr. COLSON. That is true; but, in view of the recent sales of bonds by the Government through the Secretary of the Treasury, I think this bill should be amended so as to provide for a public sale.

Mr. SHERMAN. Perhaps the gentleman is correct, although I do not think we should have any trouble along the lines of the controversy over the recent sale of bonds, as the question there was simply as to how much premium we should receive. I do not think there will be any trouble of that kind about these bonds. [Laughter.]

Mr. COLSON. Is this bill open to amendment?

Mr. SHERMAN. I suppose it is not, as I have moved to suspend the rules and pass the bill.

Mr. COLSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COLSON. Is it not permissible in any way to amend this bill?

The SPEAKER. It is not.

Mr. COLSON. Well, I think it is not wise to invest the Secretary of the Treasury with such discretionary power as this bill gives him. These bonds may be sold at private sale, as the bonds of the Government have been sold recently under the present Administration, when bonds worth 116 or 118 were sold for 104½.

Mr. JOHNSON of California. Mr. Speaker, a parliamentary inquiry. Is it admissible to offer an amendment to this bill at this time?

The SPEAKER. No amendment can be offered to the bill in its present position.

Mr. WASHINGTON. Mr. Speaker, this is a very important measure, too important, it seems to me, to be brought up at this time and put through the House under a suspension of the rules, with a chance for only twenty minutes' discussion on a side. It is impossible to arrive at anything like a comprehensive understanding of the scope of the bill with such a limited discussion. We can not tell how far it may go or to what it may lead. It may possibly involve lawsuits between the Federal Government and the various States. I think it very unwise to attempt to legislate in this manner at this late hour of the session.

It will be remembered, perhaps, by some that some ten days or two weeks ago a resolution which had passed the Senate was presented to this House for consideration, in the interests of a particular constituency by its Representatives, asking a settlement between that State and the United States Government, involving the very items mentioned in this bill now coming from the Committee on Indian Affairs. At that time we asked, however, one thing additional: That the claims which Tennessee has against the Government of the United States, and which she has maintained in such manner as she has been able to do for thirty years, might be taken into consideration as an offset against the bonds held as an Indian trust fund, and as an offset against such other claims as the Government of the United States may have against that constituency.

I do not think it is fair or just to legislate in such a manner as this, for one side only. Tennessee is not the only State involved in this question. As was stated by my friend from New York [Mr. SHERMAN], Louisiana, Arkansas, Virginia, and perhaps one or two other States are interested in this matter. Having hastily sent to the document room to procure Document No. 263, Fifty-fourth Congress, second session, I find it impossible to gather from these disjointed pages a concise statement of the amount of any of these debts. The House ought to understand this question before a bill of such importance as this is rushed through. It is true that it is not a Senate measure and there is very little chance of it passing at the other end of the Capitol before this Congress adjourns. But I think ample time ought to be given for the full consideration of the measure and an understanding of its magnitude.

In order that Representatives of other States interested in this matter may be heard, I will not consume further time, but will yield to other gentlemen. In the first place, I yield to my colleague [Mr. PATTERSON].

Mr. PATTERSON. I ask unanimous consent that this bill be amended by adding after the words in line 15 "that he may compromise the indebtedness of any State on such bonds or stocks" the words "or any claim of such State against the United States." I hope my friend from New York will make no objection to this amendment. It places the whole matter in a shape for adjustment.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] asks unanimous consent for the adoption of the amendment which the Clerk will read.

The Clerk read as follows:

After the word "stocks," in line 15, add "or any claim of such State against the United States."

The SPEAKER. Is there objection?

Mr. LACEY. I object.

Mr. WASHINGTON. I now yield four minutes to my colleague, Mr. MCMILLIN.

Mr. MCMILLIN. Mr. Speaker, I believe that when the House understands the full significance of this bill, it will not consent to take it up and pass it without a recommendation of the Judiciary Committee, without being allowed the right to amend, and without even the right to debate the proposition for more than twenty minutes on each side.

Here is a proposition to authorize the institution of suits against five or six States of this Union upon important matters that we have not been able to settle for the last twenty-five years. It is proposed to rush this bill through in the short period of forty minutes. The gentleman from New York has told us that the States to be sued are Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Florida.

Why is it, if great States are to be brought before the tribunals of the country, that the opinion of the Judiciary Committee of this Congress is not invoked? Why is it that such a bill comes without the unanimous recommendation of the Committee on Indian Affairs? This bill does not represent the unanimous views of that committee; on the contrary, the committee is seriously divided upon the question. What pretexts will be brought next for suing States? What States will be hauled up next? Where is this matter to end? How do you propose to enforce the judgment? Will you sell the States?

One of the States to be sued under this bill has already secured the passage in this Congress of a proposition for an amicable settlement on terms laid down in an elaborate bill, which was fully discussed before its passage. There is another bill pending now which has time after time passed the Senate, which has more than once passed the House, which was voted on the other day under a suspension of the rules—a bill authorizing another of the States to settle by amicable adjustment the important matters involved here.

The House has never felt that it was justified in authorizing the institution of these suits; yet it is proposed now in a wholesale way to institute such suits against States of the Union. There ought to be a carefully prepared measure looking to a settlement with each State upon the facts affecting its particular case. There is no provision here for set-off in any action which may be brought. The equities involved in these controversies ought to be settled; equities which have caused Congress to refrain from action so long ought not to be disposed of in this way. No set-off is allowed by this bill. No provision is made for equitable defense by the State when suit is brought. On the contrary, when the suit is

brought, the cold principles of law are to be applied where great equities exist.

Mr. Speaker, if this were a proposition to bring suits against the State of Pennsylvania or Iowa or New York, without the right to amend the bill, without the right for ample discussion or due consideration, I should stand, as I am standing now, against any such proposition. The States have rights in this regard which ought to be most sacredly and studiously cared for. If the proposition were that the least Territory of this Union should be brought to account in this way and dealt with thus harshly, I should resist it.

Every State is interested in not establishing such a precedent as that proposed to be established by this measure. Every individual member representing a State upon this floor is interested that this bad precedent shall not be established. If we are going, Mr. Speaker, to bring these suits against the States, let us have the Judiciary Committee of this House consider the matter and inform us that it is at least wise; let us have them say that it is constitutional; let us have them say that it is judicious; let us have some utterance from the chief law tribunal of the House of Representatives to justify such extraordinary action. But no; suddenly, without notice, with no opportunity to offer an amendment, no opportunity to set up the equities of the States involved, it is proposed to come here and by a wholesale proceeding bring more States before the judicial tribunal of this country than ever was brought by any single act of Congress before, in the history of the whole Government.

I protest against it, sir. I protest in the names of all the States. It is unwarranted and an unwarrantable proceeding. Such a measure ought not to be enacted by this body. My attention has just been called by my friend Mr. BARTLETT of Georgia to the fact that the eleventh amendment to the Constitution was adopted to prevent the hauling up of States at the request of individuals in similar cases.

That amendment was adopted soon after the adoption of the Constitution itself, by the very people who had adopted the Constitution, and was wise. Let us defeat this measure and refuse to take this very questionable step.

[Here the hammer fell.]

Mr. WASHINGTON. Mr. Speaker——

Mr. GIBSON. I will ask the gentleman from New York if he will allow me to read an amendment to the bill?

Mr. SHERMAN. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes.

Mr. SHERMAN. I think I had better occupy that time or reserve it.

Mr. WASHINGTON. I hope the gentleman will occupy a portion of his time now.

Mr. SHERMAN. I would rather that the gentleman would proceed.

Mr. WASHINGTON. I yield to the gentleman from Arkansas [Mr. MCRAE], who wishes to be heard on this subject.

[Mr. MCRAE addressed the House. See Appendix.]

[Mr. MCCALL of Massachusetts addressed the House. See Appendix.]

Mr. WASHINGTON. I yield three minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I am opposed to the passage of this bill as it is presented, but not for the reasons stated by certain gentlemen on the other side of the House. I have no objection at all to the first section of the bill, but I am opposed to investing any of the officers of the United States with power to compromise these claims of the United States, about which there is no possible controversy. There is no question but that certain States owe the United States, or the wards of the United States. The evidence of their indebtedness is beyond all controversy, just as it was in the case of the State of Arkansas. No man doubted but that the State of Arkansas had absorbed the entire fund which the charity of an Englishman gave to the people of the United States for the purpose of founding the great Smithsonian Institution. That money was put into the hands of the State of Arkansas half a century ago. For more than thirty-seven years that State has refused to pay either principal or interest. It now amounts to more than $1,500,000, not a cent of which that State will pay; but under the provisions of a statute authorizing a compromise they have been permitted to trump up claims against the United States, claims growing out of the grants of the United States, claims growing out of the beneficence of the United States.

Mr. MCRAE. Mr. Speaker——

Mr. HEPBURN. These claims they have tried to expand until they would absorb the whole of this just indebtedness.

Mr. MCRAE. Mr. Speaker, I hope——

Mr. HEPBURN. Now, with that example before, me I am unwilling to trust any gentleman with the arrangement of these difficulties under the comprehensive word "compromise." It means entirely too much. It gives them too much of authority to fritter away, under the pretense of settling claims of these States, these bona fide claims which the United States has against the States, about which there is no dispute, which every man knows they owe to the Government.

Mr. MCRAE. I know the gentleman wants to be fair. When he says that nothing has been paid, I simply want to suggest that he overlooks the fact that all of the 5 per cent money, all of the swamp and school indemnity fund, has been sequestered and held and applied on this indebtedness, besides a large quantity of lands in place, which counterclaims were allowed and credited under the act of August 4, 1894.

Mr. HEPBURN. Oh, there are some comparatively trivial sums which the United States holds in its own hands, under the general statute, and which it has refused to pay over.

Mr. MCRAE. These are not trumped-up claims, but well-recognized, equitable claims.

Mr. HEPBURN. I am entirely unwilling at this time, in this hasty way, to invest any officer of the Government with the power to compromise these claims about which there is no dispute.

Mr. WASHINGTON. I reserve the balance of my time.

Mr. SHERMAN. How much time has the gentleman remaining?

The SPEAKER. The gentleman from Tennessee has four minutes.

Mr. SHERMAN. How much time have I?

The SPEAKER. Nine minutes.

Mr. GIBSON. I wish my colleague from Tennessee [Mr. WASHINGTON] would give me time to read an amendment.

Mr. WASHINGTON. Let us hear from the gentleman from New York. I will try to yield to my colleague [Mr. GIBSON] later.

Mr. SHERMAN. Mr. Speaker, my valued friend [Mr. WASHINGTON] has found fault with the chairman of the Committee on Indian Affairs for bringing in this bill at this time. I desire to call the attention of my friend to the fact that in June last there was passed, on my motion, a resolution of inquiry directed to the Treasury Department for the information contained in this House document. No answer was sent to that inquiry, and after the House met in December I addressed a letter, and then a second and a third, and made several visits to the Treasury Department before I succeeded in obtaining the information which I desired, which reached here under date of February 4. As soon as possible thereafter the Indian Committee considered the affair and reported thereon.

This bill has been brought up here at the earliest possible moment. Certainly this House is not responsible for some little delay. We waited for nearly eight months for a report from the Treasury Department, without which we could not act. My friend from Tennessee [Mr. MCMILLIN] suggested that this bill should go to the Committee on the Judiciary. Why, Mr. Speaker, this bill was properly referred to the Committee on Indian Affairs. Under the rules of the House that committee has to consider all questions which relate to the funds of the Indians. Excepting its chairman, presumably, it has on it as good lawyers, possibly excepting the Committee on the Judiciary, as any committee of this House. Had the bill been sent to the Committee on the Judiciary, my friend from Tennessee then, I assume, would have desired that the bill be sent to the Committee on Claims, or to some other committee. My friend says that he would stand up here and defend the States of Iowa, New York, or Pennsylvania if such a bill as this were brought in here. Thank God, Mr. Speaker, the States of Iowa, Pennsylvania, or New York will never demand a champion against defaulted claims.

Now, Mr. Speaker, I believe that my valued friend from Iowa [Mr. HEPBURN] ought to favor this bill. I believe it is wise. I believe in giving to the heads of Departments—and this provides for the concurrent action of two—authority to compromise these debts. Without that authority it may be that we may never reach a conclusion. With that authority I believe it is possible within a reasonable length of time to bring into the Treasury a considerable sum of money, and we all agree that such a case as that would not injure the already so-alleged overfilled Treasury of the United States. I reserve the remainder of my time.

Mr. MEIKLEJOHN. Will the gentleman allow me to ask him a question?

Mr. SHERMAN. I will.

Mr. MEIKLEJOHN. The gentleman from Iowa [Mr. HEPBURN] has objected to the provisions of the bill on the ground that it provides for a compromise. Does the provision of compromise provide that it shall include the equities on the part of the States as well as on the part of the General Government?

Mr. SHERMAN. It does not in terms so provide. It provides, Mr. Speaker, that they may be sued for their debts, they may be compromised, or their securities may be sold. That is what it provides in distinct terms. I reserve the remainder of my time.

Mr. WASHINGTON. Mr. Speaker, before the time is entirely exhausted I ask unanimous consent that the time for debate be extended fifteen minutes additional on each side, so that this question may be fully understood.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time for debate may be extended fifteen minutes on a side. Is there objection?

Mr. HOOKER. I object.

Mr. WASHINGTON. I will put the request in this way, that we may be allowed ten minutes on a side. This question is not understood by the House. I appeal to my good friend not to object to that. I think the chairman of the committee will join me in that request.

The SPEAKER. The gentleman asks unanimous consent that debate on this question be extended for ten minutes on a side. Is there objection? [After a pause.] The Chair hears none.

Mr. WASHINGTON. Mr. Speaker, I yield two minutes to my friend from Kentucky [Mr. COLSON].

Mr. COLSON. Mr. Speaker, among the objections which have already been stated to the pending measure, there is another which occurs to me, and it is this: The bill provides that the Secretary of the Treasury, instead of instituting actions or proceedings against any State in default, if he does not think it advisable, may proceed to sell these bonds or stocks with all the interest due thereon at the highest price which he can obtain therefor.

Now, the measure does not provide that these bonds shall be sold at public sale. It leaves it to the discretion of the Secretary of the Treasury to sell them at public sale or at private sale. This is an unwise feature of the measure. The bill should have been drafted so as to provide that the Secretary of the Treasury, in case he thought it proper to sell these evidences of indebtedness, should advertise them and sell them in the open market to the highest bidder, and not leave it possible for the Secretary of the Treasury to sell these bonds, as the present Secretary of the Treasury has sold bonds of the Government of the United States, at private sale, and in that way put an unreasonable margin of profit into the pockets of a private syndicate.

The present Administration, Mr. Speaker, has been disgraced by a proceeding which should never have been possible under the laws of the United States. A block of bonds of $62,000,000 were sold at private sale. Those bonds were worth upon the market 116 and 118, and yet they were sold in private at 104¼, giving a profit of $8,000,000 upon that sale of bonds, and putting it into the coffers of a private bond syndicate. I am opposed to such a proceeding.

The SPEAKER. The time of the gentleman has expired.

Mr. WASHINGTON. I yield two minutes to the gentleman from Florida.

Mr. COOPER of Florida. Mr. Speaker, this bill affects a number of States, among others the State of Florida. I will say to the gentleman from New York that there never has been a day when the State of Florida has not been ready to pay the United States every dollar of indebtedness due it if the United States would pay us what has been favorably reported Congress after Congress by every committee of this House that has ever considered these claims, and by every Department to which the claims were referred under authority of acts of Congress; and yet every time that a report has come before this House in our favor the House has failed to act upon it.

Now, this bill undertakes to permit the Secretary of the Treasury to sell these bonds held against the several States and authorizes him to sue the several States, and yet provides for no offset, for no judgment against the United States if we prove that they are indebted to us over and above our indebtedness to them. The gentleman from Iowa says that we owe the United States undeniably some money, about the amount of the bonds. The United States owes us undeniably, outside of disputed claims, at least large claims on account of lands; and yet it is proposed to make no provision for any offset.

Mr. HULICK. May I ask the gentleman a question?

Mr. COOPER of Florida. I have but two minutes, or I would yield.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. WASHINGTON. I yield two minutes to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, I wish to read as a part of my remarks an amendment which I hope will not be objected to by my friend from New York [Mr. SHERMAN]. It is as follows:

Add "*Provided*, That where any of said States has a claim against the United States, the said Secretary, the Attorney-General, and the Secretary of the Interior shall have power to adjudicate such claim by way of set-off against such bonds and accrued interest thereon."

Mr. Speaker, why should the Government of the United States be allowed to collect its claims which are evidenced by bonds and the States not be allowed to bring forward their claims by way of set-off? One of the most equitable principles administered in any court is that of set-off. There is nothing more unjust from the standpoint of law and equity than to allow one man to go into court and collect his claim and to deny to the defendant the right to prove his counterclaim. That is one of the barbarisms of the old common law which has been corrected by statute in all the States of the Union so as to allow a set-off, the principle of equity being incorporated upon the principles of the common law by the operation of the statutes.

For my State of Tennessee all that we ask is that when this claim of the United States is presented against her she may have the right to present to the very same officers mentioned in this bill what she has to say in defense of herself by way of counterclaim and set-off. Why should not the Government of the United States be willing to trust its own officers, the very men that it is proposed shall compromise these claims? We are willing, Tennessee is willing, that they shall adjudicate her counterclaim. How can there be any objection to that course of procedure? We take your own officers, your own Secretary of the Treasury, your own Secretary of the Interior, and your own Attorney-General, and we are willing that they shall determine whether the State of Tennessee owes the United States or whether the United States owes the State of Tennessee.

[Here the hammer fell.]

Mr. WASHINGTON. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes left.

Mr. WASHINGTON. I would ask the gentleman in charge of this bill whether he will not use some of his remaining time now?

Mr. SHERMAN. Perhaps I do not care to use any more time. My case seems to be so strong that it does not need many advocates to espouse it on the floor.

Mr. JOHNSON of California. Mr. Speaker, I ask the gentleman from Tennessee to yield to me to offer an amendment.

Mr. WASHINGTON. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to offer an amendment. I have submitted it to the gentleman from New York [Mr. SHERMAN], and I ask unanimous consent that I may have it read and may offer it.

The SPEAKER. The gentleman from California asks unanimous consent to have read an amendment which he desires to propose. Is there objection?

There was no objection.

The amendment was read, as follows:

Amend the bill by adding thereto the following:
"And their action shall be approved by the President of the United States."

The SPEAKER. The gentleman asks unanimous consent that the bill be amended in this way.

Mr. SHERMAN. I have no objection to that amendment.

The SPEAKER. Is there objection to adding the amendment presented by the gentleman from California?

Mr. LACEY. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. WASHINGTON. If the gentleman from New York [Mr. SHERMAN] does not wish to consume his time, can it be taken by the opposition?

The SPEAKER. It can not.

Mr. WASHINGTON. Mr. Speaker, in this hurried debate very little can be added to what has been already said in regard to this measure, except to ask this question: Suppose this bill should become a law, and the officials here authorized to bring suits against these sovereign States of the Union and to collect the claims which it is alleged the Government of the United States holds against them should do so and should get judgments. How can these judgments be enforced? Is it proposed by this Congress to send the Army and the Navy against the sovereign States of this Union that are in default, to coerce the State legislatures into levying taxes and collecting the money and paying it into the Treasury of the United States?

That is a question that should be borne in mind in the consideration of this bill. Then, aside from that, the equities should be kept in mind. It should be remembered that we insist that the Government of the United States is indebted in various ways to each and all of these States. It is of no avail for gentlemen to rise on this floor and scoff at our claims and try to throw upon us the slur that we have repudiated our debts. I maintain, sir, that the honor of Tennessee is as good as the honor of New York, or of Pennsylvania, or of any Northern State. She discharges her legal obligations, and is proud to meet them when they are due.

It is true that Tennessee, like Northern States in the past, when she found herself with a debt that had not been contracted by her citizens, that was not a legal debt, did resist payment and did make an honorable compromise with her creditors. She does not deny that she owes the Government something, and the items of that obligation may be mentioned in the report cited by the gentleman from New York [Mr. SHERMAN], but at the same time Tennessee claims that the United States Government is justly indebted to her, and all that we ask is fair and just action by Congress, so that we may be allowed to put in as an offset to what we owe the Government of the United States that which it can be shown the Government of the United States justly owes us. If that can be done, and if this bill can be amended so as to allow us that right, in the interest of fair dealing, I shall not

object to it, but I must continue to object as long as it is proposed to use force on the one side and to deny equity on the other.

Now, Mr. Speaker, the time for debate on this side is about closed, and if the gentleman on the other side will not use up his time we shall have to submit the matter to the judgment of the House.

The question being taken on the motion of Mr. SHERMAN, to suspend the rules and pass the bill, it was determined in the negative; there being—ayes 43, noes 88; two-thirds not voting in the affirmative.

ORDER OF BUSINESS.

Mr. BLUE. I call for the regular order.

Mr. DALZELL. I move that the House take a recess until half past 7 o'clock this evening.

Mr. PERKINS. Will not the gentleman withhold that motion for a moment?

Mr. DALZELL. For what purpose?

Mr. PERKINS. I want to pass a Senate resolution.

Mr. DALZELL. Is it privileged?

Mr. PERKINS. I will move to suspend the rules and put it on its passage.

Mr. BLUE. I call for the regular order.

Mr. DALZELL. I insist on my motion.

The motion of Mr. DALZELL was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House at 7.30 o'clock p. m. (in the absence of the Speaker) was called to order by Mr. WILLIAM J. BROWNING, Chief Clerk.

Mr. WILLIAM A. STONE. I move that Mr. JOHN DALZELL, a Representative from Pennsylvania, be chosen Speaker pro tempore.

The motion was agreed to.

Mr. DALZELL, on taking the chair, was greeted with loud applause.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10228) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

IMMIGRATION.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER pro tempore. The Chair lays before the House the message just received from the President of the United States.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill numbered 7864, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration, "by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come and join the husband or parent similarly qualified and capable."

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense, for however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties and guarded against difficult or oppressive administration.

It is not claimed, I believe, that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who with their descendants are now numbered among our best citizens.

It is said that too many immigrants settle in our cities, thus dangerously increasing their idle and vicious population. This is certainly a disadvantage. It can not be shown, however, that it affects all our cities nor that it is permanent; nor does it appear that this condition where it exists demands as its remedy the reversal of our present immigration policy.

The claim is also made that the influx of foreign laborers deprives of the opportunity to work those who are better entitled than they to the privilege of earning their livelihood by daily toil. An unfortunate condition is certainly presented when any who are willing to labor are unemployed. But so far as this condition now exists among our people, it must be conceded to be a result of phenomenal business depression and the stagnation of all enterprises in which labor is a factor. With the advent of settled and wholesome financial and economic governmental policies and consequent encouragement to the activity of capital, the misfortunes of unemployed labor should, to a great extent at least, be remedied. If it continues its natural consequences must be to check the further immigration to our cities of foreign laborers and to deplete the ranks of those already there. In the meantime those most willing and best entitled ought to be able to secure the advantages of such work as there is to do.

It is proposed by the bill under consideration to meet the alleged difficulties of the situation by establishing an educational test, by which the right of a foreigner to make his home with us shall be determined. Its general scheme is to prohibit from admission to our country all immigrants "physically capable and over 16 years of age who can not read and write the English language or some other language;" and it is provided that this test shall be applied by requiring immigrants seeking admission to read and afterwards to write not less than twenty nor more than twenty-five words of the Constitution of the United States in some language, and that any immigrant failing in this shall not be admitted, but shall be returned to the country from whence he came at the expense of the steamship or railroad company which brought him.

The best reason that could be given for this radical restriction of immigration is the necessity of protecting our population against degeneration and saving our national peace and quiet from imported turbulence and disorder.

I can not believe that we would be protected against these evils by limiting immigration to those who can read and write in any language twenty-five words of our Constitution. In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write, but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult. Violence and disorder do not originate with illiterate laborers. They are rather the victims of the educated agitator. The ability to read and write, as required in this bill, in and of itself, affords, in my opinion, a misleading test of contented industry and supplies unsatisfactory evidence of desirable citizenship or a proper apprehension of the benefits of our institutions. If any particular element of our illiterate immigration is to be feared for other causes than illiteracy, these causes should be dealt with directly, instead of making illiteracy the pretext for exclusion to the detriment of other illiterate immigrants against whom the real cause of complaint can not be alleged.

The provisions intended to rid that part of the proposed legislation already referred to from obvious hardship appears to me to be indefinite and inadequate.

A parent, grandparent, wife, or minor child of a qualified immigrant, though unable to read and write, may accompany the immigrant or be sent for to join his family, provided the immigrant is capable of supporting such relative. These exceptions to the general rule of exclusion contained in the bill were made to prevent the separation of families; and yet neither brothers nor sisters are provided for. In order that relatives who are provided for may be reunited, those still in foreign lands must be sent for to join the immigrant here. What formality is necessary to constitute this prerequisite, and how are the facts of relationship and that the relative is sent for to be established? Are the illiterate relatives of immigrants who have come here under prior laws entitled to the advantage of these exceptions? A husband who can read and write and who determines to abandon his illiterate wife abroad will find here under this law an absolutely safe retreat. The illiterate relatives mentioned must not only be sent for, but such immigrant must be capable of supporting them when they arrive. This requirement proceeds upon the assumption that the foreign relatives coming here are in every case by reason of poverty liable to become a public charge unless the immigrant is capable of their support. The contrary is very often true. And yet, if unable to read and write, though quite able and willing to support themselves and their relatives here besides, they could not be admitted under the provisions of this bill if the immigrant was impoverished, though the aid of his fortunate but illiterate relative might be the means of saving him from pauperism.

The fourth section of this bill provides "that it shall be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country." The fifth section provides "that it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act."

The prohibition against the employment of aliens upon any public works of the United States is in line with other legislation of a like character. It is quite a different thing, however, to declare it a crime for an alien to come regularly and habitually into the United States for the purpose of obtaining work from private parties, if such alien returns from time to time to a foreign country, and to constitute any employment of such alien a criminal offense.

When we consider these provisions of the bill in connection with our long northern frontier and the boundaries of our States and Territories, often but an imaginary line separating them from the British Dominions, and recall the friendly intercourse between the people who are neighbors on either side, the provisions of this bill affecting them must be regarded as illiberal, narrow, and un-American.

The residents of these States and Territories have separate and especial interests which in many cases make an interchange of labor between their people and their alien neighbors most important, frequently with the advantage largely in favor of our citizens. This suggests the inexpediency of Federal interference with these conditions when not necessary to the correction of a substantial evil affecting the general welfare. Such unfriendly legislation as is proposed could hardly fail to provoke retaliatory measures to the injury of many of our citizens who now find employment on adjoining foreign soil.

The uncertainty of construction to which the language of these provisions is subject is a serious objection to a statute which describes a crime. An important element in the offense sought to be created by these sections is the

coming "regularly or habitually into the United States." These words are impossible of definite and certain construction. The same may be said of the equally important words "returning from time to time to a foreign country."

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated, its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1897.*

The bill returned with the message is as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable; and a wife or minor child not so able to read and write may accompany or be sent for and come and join the husband or parent similarly qualified and capable.

SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from review, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant.

SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there, who have heretofore been inhabitants of that island.

SEC. 9. That this act shall take effect July 1, 1897.

Mr. BARTHOLDT. I ask unanimous consent that the consideration of this veto message be deferred until to-morrow immediately after the reading of the Journal, or as soon thereafter as it can be reached—not to interfere with conference reports.

Mr. DANFORD. I suggest that the Journal may not be read to-morrow, and some definite time should be fixed for the consideration of this subject—say 1 o'clock.

Mr. BARTHOLDT. There is no objection, I presume, to fixing 1 o'clock.

Mr. PEARSON. I object to the postponement of this question.

Mr. DANFORD. Evidently we have no quorum here to-night.

Mr. BARTHOLDT. If there is objection to the request for unanimous consent, I move, Mr. Speaker, that the consideration of this veto message be postponed until 1 o'clock to-morrow.

Mr. BAILEY. Mr. Speaker, I submit as a parliamentary inquiry whether the motion of the gentleman from Missouri [Mr. BARTHOLDT] is in order? The regular order, as we all very well understand, is the matter coming over from yesterday evening. It occurs to me that whatever may be done other than the consideration of the regular order must be done by unanimous consent. I had this in mind yesterday when I insisted that the matter then pending should be disposed of. At any time when the regular order is called, I submit we must take up the bill affecting the sending of certain matter through the mails. It seems to me that no business can be entertained except by unanimous consent otherwise than the consideration of conference reports, which are always in order.

The SPEAKER (who had resumed the chair during the reading of the veto message). It is quite true that a veto message is always a question of privilege. At the same time the House very often refers such a message to a committee. There does not appear to the Chair any reason why the House may not fix a time for the consideration of such a message.

Mr. BAILEY. That is very true in the ordinary condition of business under our rules. So, too, under our rules it is ordinarily in order at any time to move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills; but in the peculiar parliamentary status that now exists I doubt whether that motion would be in order. I make the suggestion purely as a friend of the court, and I have no interest in the matter one way or the other. I suppose we ought to keep our Journal correct, however, as to the order of the motions, and in view of that, I meant to suggest to the gentleman from North Carolina that unanimous consent was desirable.

Mr. PEARSON. I would ask the gentleman what is the objection to the consideration of this matter now? We have all made up our minds about it.

Mr. BAILEY. That is true, but we have not a full House, and it is a matter that gentlemen on both sides of the House would like to take the sense of a full House upon.

Mr. BARTHOLDT. Mr. Speaker, there is no objection on the part of a great number to considering the question now but for the fact that the House is slimly attended at this time, and I think the majority of the members would like to go on record. For that reason I made the motion to defer consideration until 1 o'clock to-morrow.

Mr. CANNON. Mr. Speaker, if I may be allowed, I think at about 8.30 o'clock, from the best information I have, the House will receive a message from the Senate with reference to its action on the conference report on the sundry civil appropriation bill. I will say that there are many items of interest touching the public buildings, rivers and harbors, forest reservations, and so on, not yet agreed to, that will require consideration of the House; and I should think it would take two or three hours to consider them. Certainly the consideration of these matters will take up some time; and if this veto message is considered now it is manifest that its consideration could not progress very far before being interrupted.

If it meets the approval of the House, I am quite ready to ask unanimous consent, or will move to take a recess until about 8.30 o'clock, the time I hope we will hear from the Senate on that bill.

Mr. PERKINS. Will the gentleman defer that request for a moment, to permit me to present a Senate concurrent resolution that ought to be acted upon?

Mr. BAILEY. I submit, Mr. Speaker, that there must be some disposition made of this veto message.

The SPEAKER. The Chair will entertain a motion to postpone the consideration of the matter until 1 o'clock to-morrow.

Mr. BARTHOLDT. That is my motion.

Mr. BLUE. Now, Mr. Speaker, I suppose the gentleman from Missouri has control of the time?

Mr. CANNON. The motion is not debatable.

The question being taken, on a division (demanded by Mr. BLUE) there were—ayes 104, noes 11.

So the consideration of the veto message was deferred until 1 o'clock to-morrow (Wednesday).

ORDER TO PRINT.

Mr. DOCKERY. Before the gentleman from Iowa proceeds, I desire to ask unanimous consent that the vetoed bill may be printed in the RECORD, in connection with the veto message of the President, for the information of members.

The SPEAKER. Without objection, that order will be made.

There was no objection.

[The bill is published in the preceding column of this page.]

REPORT ON FOREIGN RELATIONS.

Mr. PERKINS. Mr. Speaker, I now ask consent for the present consideration of the concurrent resolution I send to the desk.

The SPEAKER. The concurrent resolution will be read.

The Clerk read as follows:

Resolved, That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

The report was read, as follows:

The Committee on Printing, having had under consideration Senate concurrent resolution to print and bind 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State, having considered the same, recommend that it be agreed to.

The Public Printer estimates the cost under this resolution at $1,132.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution was agreed to.

And then, on motion of Mr. CANNON (at 8 o'clock and 7 minutes p. m.) the House took a further recess until 8 o'clock and 40 minutes p. m.

The recess having expired, the House, at 8 o'clock and 40 minutes p. m., resumed its session.

Mr. DALZELL. Mr. Speaker, I do not believe that there is any business now ready for consideration, and I therefore move that the House take a further recess until a quarter past 9 o'clock.

The motion was agreed to.

Accordingly, at 8 o'clock and 41 minutes p. m. the House took a further recess until 9 o'clock and 15 minutes p. m.

The recess having expired, the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

The message also announced that the Senate had passed without amendment the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report on the sundry civil appropriation bill. I ask unanimous consent to omit the reading of the report, and to read in place thereof the statement of the House conferees, which fully explains the action taken.

Mr. RICHARDSON. I want to ask if the statement fully explains the amendments?

Mr. CANNON. Yes; you will find that the statement is much more intelligible than the mere reading of the conference report would be.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[For the text of the conference report see Senate proceedings of to-day.]

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 192 amendments to the bill involving a net increase of $2,039,063.92.

By the action of the conferees, submitted in the accompanying conference report, 114 of the amendments are disposed of, the House agreeing to amendments involving $451,735, and the Senate receding from amendments involving $308,849.13.

The committee of conference have been unable to agree upon the following amendments, namely, numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings, as follows:

Appropriating $100,000 for additional land for extension of public building at Bridgeport, Conn.;

Appropriating $14,000 for completing approaches to public building at Charleston, S. C.;

Appropriating $100,000 for public building at Norfolk, Va., and extending the limit of cost of said building from $150,000 to $250,000;

Appropriating $25,000 for additional site for and $75,000 for extension of public building at Topeka, Kans.;

Appropriating $325,000 for purchase of the Corcoran Art Gallery property;

Appointing a commission to examine sites and consider prices of lots suitable for a memorial building for the National Society of the Daughters of the American Revolution; and

Appropriating $50,000 for purchase of a site for a public building at Butte, Mont.

On amendment numbered 24, appropriating $175,000 for a revenue cutter, for service on the Atlantic coast.

On amendments numbered 48, 49, and 50, appropriating $75,000 additional for the Omaha Exposition.

On amendment numbered 58, creating an additional customs collection district in the State of Vermont.

On amendment numbered 61, appropriating $1,065,156.66 for the payment of sugar bounty.

On amendment numbered 62, appropriating $2,011.13 to pay A. T. Kimball for damage to his property from the break in the Pine River Reservoir, Minnesota.

On amendment numbered 63, appropriating $15,000 to the heirs of those who were killed by the explosion of the gun-cotton factory on Goat Island, in the harbor of Newport, R. I.

On amendment numbered 72, restoring to the public domain lands in Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, reserved by Executive orders and proclamations of February 22, 1897.

On amendments numbered 73, 74, and 75, increasing the appropriation for report of mineral resources from $20,000 to $45,000.

On amendments numbered 89, 90, and 91, relating to the electric lights in certain parks of the city of Washington.

On amendment numbered 96, appropriating $26,000 to improve the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, Ga.

On amendments numbered 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, relating to river and harbor works, by which the Senate reduced the appropriations of the House $2,450,168, and added new works amounting to $1,313,000.

On amendment numbered 144, appropriating $35,000 for an additional building for the Garfield Hospital.

On amendment numbered 146, appropriating $150,000 for the Deep Waterways Commission.

On amendment numbered 147, appropriating $5,000 for a board of engineers, to ascertain the character and value of the improvements made at the Pass of Aransas, in Texas, by the Aransas Pass Harbor Company.

On amendment numbered 148, appropriating $50,000 for the improvement of Pearl Harbor, Hawaiian Islands.

On amendment numbered 149, appropriating $2,500 for a survey, designs, and estimates for a memorial bridge across the Potomac River.

On amendment numbered 168, appropriating $100,000 for a branch soldiers' home at Hot Springs, S. Dak.

On amendments numbered 169 and 170, correcting a total and relating to the manner of disbursement and accounting for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 179, providing for three commissioners to revise and codify the criminal laws of the United States.

On amendment numbered 180, appropriating $150,000 for the Nicaragua Canal Commission.

On amendment numbered 190, authorizing the Joint Committee on Printing to have prepared plans for additions and improvements to the Government Printing Office.

J. G. CANNON,
WM. A. STONE,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I first desire to move the adoption of the conference report.

Mr. MAGUIRE. Mr. Speaker, I should like to ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. MAGUIRE. I understand that an amendment has been adopted by the Senate confirming the transfer of certain oil rights in Indian lands. Is that among the amendments agreed upon?

Mr. CANNON. I think there is no such provision upon this bill.

Mr. SAYERS. There is no such provision in this bill, I think.

Mr. MAGUIRE. Perhaps it is on another bill.

Mr. SAYERS. It is on another bill, I think.

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. CANNON. I should like to say to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that I desire to have a vote on the adoption of the conference report, and to make my motion to further insist upon the disagreement of the House, and then any motion which the gentleman from Pennsylvania desires to make will be in order.

Mr. BARTLETT of New York. I should like to ask the gentleman from Illinois [Mr. CANNON], chairman of the committee, one or two questions: Is it true that the conferees have agreed to the building of certain roads in States by the Federal Government? I refer to amendments 142 and 143.

Mr. CANNON. Please be kind enough to mention them.

Mr. BARTLETT of New York. One is the road to the national cemetery at Pensacola, Fla., and the other is the road to the national cemetery at Springfield, Mo.

Mr. CANNON. With the cession of the right of way, that is correct, sir.

Mr. BARTLETT of New York. There is no cession of the right of way in the first amendment.

Mr. MILLIKEN. I should like to ask the gentleman whether the conferees have agreed to the amendments in reference to public buildings, or have they disagreed to them?

Mr. CANNON. They have disagreed to them.

Mr. MILLIKEN. All of them?

Mr. CANNON. Yes; they will come up subsequently.

Mr. MILLIKEN. Including the last amendment?

Mr. CANNON. Certainly.

Mr. HARTMAN. I should like to ask the gentleman with reference to the forest-reserve amendment.

Mr. CANNON. There is no agreement on that.

Mr. HARTMAN. Would a motion be in order to recede from the disagreement on that amendment?

Mr. CANNON. Not until after we adopt the conference report; then it will be.

Mr. HARTMAN. In the absence of the gentleman from Wyoming [Mr. MONDELL], I make that inquiry.

Mr. CANNON. Now, Mr. Speaker, I ask for a vote on the conference report.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I move that the House insist upon its disagreement to the remaining Senate amendments and assent to the conference asked by the Senate.

Mr. SAYERS. Mr. Speaker, if the gentleman will allow me a moment?

Mr. CANNON. I yield for a moment for a question.

The SPEAKER. The Chair will put the question first. The gentleman from Illinois moves that the House insist upon its disagreement to the other amendments and agree to the conference asked.

Mr. SAYERS. Mr. Speaker, if the gentleman from Illinois will permit me, I will suggest that it would not be good policy to ask a single vote upon all the amendments which are not included in the conference report. I believe that the conferees of the House ought to have the judgment of the members of the House upon the several propositions involved in the Senate amendments which have not been agreed to by the conference committee. I think it will save time if the gentleman will allow these amendments to be taken up as they appear in the appropriation bill and be separately considered by the House.

Mr. CANNON. One by one.

Mr. SAYERS. We can consider some of them by classes.

Mr. CANNON. I wanted to make this general motion, and then, if gentlemen desired to move that the House recede with or without amendments to any amendment, that they would give the number of the amendment, that action could be had upon those and then that we could dispose in a motion as to the remaining amendments.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to move that the House agree to certain Senate amendments, and will send my motion to the Clerk's desk.

The SPEAKER. It is in the power of members to have separate votes.

Mr. WILLIAM A. STONE. I want to have a separate vote on these, or rather a class of amendments in the same category, and I make my motion in regard to them all.

Mr. SAYERS. Mr. Speaker, I would suggest, for the convenience of the House, that the Clerk be directed to read the amendments as they appear upon the bill, and then we can dispose of them in their regular order.

The SPEAKER. That is the gentleman's right.

Mr. CANNON. I will say to my friend it will take a long time.

Mr. SAYERS. The House will get into confusion if the amendments be not regularly considered.

Mr. EVANS. Mr. Speaker, I want a separate vote on amendment numbered 127.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has sent up certain matters on which he desires a separate vote, and the gentleman from Kentucky desires a separate vote, on what number?

Mr. EVANS. Upon amendment numbered 127.

The SPEAKER. Upon amendment numbered 127. Does any other gentleman desire a separate vote?

Mr. ROBERTSON of Louisiana. Mr. Speaker, I desire a separate vote on Senate amendment numbered 61.

Mr. POWERS. I ask for a separate vote on amendment numbered 58.

Mr. CLARKE of Alabama. I desire a separate vote on amendment numbered 138.

Mr. MERCER. I desire a separate vote on amendments numbered 48, 49, and 50.

The SPEAKER. The gentleman from Nebraska desires a separate vote on amendments numbered 48, 49, and 50.

Mr. TOWNE. Mr. Speaker, I desire a separate vote on amendment numbered 146.

Mr. CURTIS of Kansas. I ask for a separate vote on amendment numbered 6.

Mr. LACEY. I ask for a separate vote on amendment numbered 72.

Mr. FLETCHER. Mr. Speaker, I ask for a separate vote on amendment numbered 136.

Mr. PICKLER. Mr. Speaker, I desire a separate vote on amendment numbered 168.

Mr. QUIGG. Mr. Speaker, I desire a separate vote on amendment numbered 24.

Mr. HARTMAN. I desire a separate vote, Mr. Speaker, on the public building amendment in Montana, and the amendment relating to forest reservations. I will get the number of them.

The SPEAKER. The Chair did not understand the number of the amendments on which the gentleman desires to have a separate vote.

Mr. HARTMAN. On amendment numbered 12.

Mr. SOUTHARD. Mr. Speaker, I desire a separate vote on amendment numbered 112.

Mr. HILL. Mr. Speaker, I desire a separate vote on amendment numbered 1.

Mr. BULL. Mr. Speaker, I desire a separate vote on amendment numbered 63.

Mr. DOVENER. Mr. Speaker, I desire a separate vote on amendment numbered 179.

Mr. TYLER. Mr. Speaker, I desire a separate vote on Senate amendment numbered 4.

Mr. MEREDITH. Mr. Speaker, I desire a separate vote on amendment numbered 149, relating to the memorial bridge.

Mr. BURTON of Ohio. I desire a separate vote on amendment numbered 128.

Mr. CATCHINGS. Mr. Speaker, I desire a separate vote on all the river and harbor items, beginning at amendment numbered 98 and ending at amendment numbered 139.

Mr. COOPER of Texas. I desire a separate vote on amendments numbered 110 and 139.

Mr. CANNON. I desire a vote on my motion as to the amendments upon which a separate vote is not asked for.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House insist upon the other amendments and agree to a conference.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, with reference to these items upon which various members have asked for separate votes, will there be an opportunity for gentlemen to explain the reasons why they desire such separate votes?

The SPEAKER. That will be a matter for the House to determine.

Mr. CANNON. Gentlemen will see at once that, with all these separate votes, debate must be real debate and exceedingly brief; otherwise we can not dispose of all these matters.

Mr. WILLIAM A. STONE. I ask unanimous consent that debate be limited to two minutes on each item.

Several members objected.

Mr. CANNON. I will say this, Mr. Speaker, that if the Chair will recognize me, as under the rules I apprehend I can be recognized, I shall have no objection to unanimous consent that debate be confined to——

Mr. WILLIAM A. STONE (interposing). Five minutes on each item.

Mr. CANNON. Oh, some of them are more important than others, and I believe I will ask the House to stand by me from time to time and will try to divide the time fairly among members.

The SPEAKER. The proper course of procedure would be this. The gentleman from Illinois [Mr. CANNON] being in charge of the bill, as each amendment is reached, he will be recognized, under the rule, for an hour, and he can use such portion of the time as he pleases or as the circumstances permit.

Mr. CANNON. The House sees the necessity for dispatch, and I will state to the Chair and to the House that if I am recognized I will be absolutely impartial in yielding from side to side, but will ask the House to stand by me from time to time to close debate and reach a vote as rapidly as possible.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the United States custom-house and post-office building at Bridgeport, Conn., for the use and accommodation of the Government offices, the cost of said additional land and extension or addition not to exceed $100,000.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House for a moment, I will say that there are seven public-building items that come in the form of Senate amendments upon this bill. In the main, I think that the items are meritorious. I can not tell the House anything new upon the public-building question. There is no time now for anything but real discussion and real action according to the best judgment of the House. As to a portion of these amendments (if the House is inclined to accept any portion of them) I think we ought to nonconcur. I do not believe that we ought to authorize a new building. I do not believe that we ought to extend the limit upon any building where its construction has not been commenced. As to this building at Bridgeport, I will say in general terms that I have no doubt that the appropriation is justifiable from every standpoint, so far as the Government is concerned, and I hope the House will act upon its best judgment upon this and all the other amendments without temper, because there is no time for that. In justice to the gentleman from Connecticut [Mr. HILL], I now yield to him—I hope two minutes will be sufficient.

Mr. HILL. Mr. Speaker, two minutes is a very short time in which to dispose of a one-hundred-thousand-dollar amendment, especially when the chairman of the committee admits that it is right, fair, and just. The city of Bridgeport in 1880 had 29,000 inhabitants, to-day it has over 75,000. Its custom-house receipts at that time were $4,000; to-day they are $100,000. Its post-office

receipts in 1880 were $40,000; to-day they are nearly $100,000. It is an absolute necessity for the proper performance of the public business in that place that there should be an addition put upon the building; not for ornament, not for the purpose of beautifying the city, but for the proper performance of the public business. I have papers, photographs, and scale drawings of the building, if anybody cares to look at them; but this does not seem to be a case of merit. Is it a case of justice? Here is the sundry civil bill, which I have analyzed, carrying $18,000,000 of river and harbor appropriations, with $5,000,000 for public buildings, and the State of Connecticut does not get one single penny.

Now, I submit it to your sense of justice, to your sense of fairness, that when the chairman of this committee admits that this building is a necessity, and when thirty-eight States carry away $22,000,000, much of which, I think, the gentleman would not admit to be necessary, you should at least give to a meritorious building in a State that has not a penny in this bill at least $100,000 to carry on that work.

Mr. HICKS. Was the gentleman's bill before the Committee on Public Buildings and Grounds?

Mr. HILL. The bill has passed the House Committee on Public Buildings and Grounds; it has passed the Senate Committee on Public Buildings and Grounds, and has passed the Senate Committee on Appropriations. Each of these committees admits, as the chairman here admits, that this is a meritorious and necessary measure. I submit the case on this two-minute talk to the fairness and good judgment of members of the House.

Mr. MADDOX. I ask the gentleman from Illinois what has become of the amendment on page 92, in lines 5 to 9?

Mr. CANNON. What is the number of the amendment?

Mr. MADDOX. Ninety-six.

Mr. HILL. I ask for a vote on this amendment before we take up any other.

The SPEAKER. The Chair will see that the gentleman has a vote on the question.

Mr. CANNON. I yield two minutes to the gentleman from Pennsylvania [Mr. HICKS].

Mr. HICKS. Mr. Speaker, in behalf of the Committee on Public Buildings and Grounds I desire to enter a protest against the enactment of any of these various amendments that propose to appropriate money for new public buildings. It is well known to the House that the Committee on Public Buildings and Grounds have endeavored to secure a day, in order that buildings which are needed in various parts of the country should be erected. It was my honor to be one of a committee to present to the Committee on Rules a petition signed by 308 members of this House asking that a day be given for the consideration of a part of the many meritorious measures pending on the Calendar of the House. We were denied that right by the Committee on Rules on the ground of economy. We now find that the Senate has put on this sundry civil appropriation bill public buildings amounting to almost $800,000, as follows:

Bridgeport, Conn	$100,000	Topeka, Kans	$100,000
Charleston, S. C	14,000	Worcester, Mass	3,000
Helena, Mont	20,000	Salt Lake City	75,000
Norfolk, Va	100,000	Court of Claims	325,000
Racine, Wis	9,436	Butte, Mont	50,000

The House owes it to itself and to its committee to strike out every amendment in this bill that proposes to provide a new public building in any part of the country. If the House is to stand by its committee—if it is to take care of its own rights—here is the place to do it. It is not right that we should permit the Senate to load down our appropriation bills and have them brought here and passed, the House stultifying itself and discrediting its own committee by agreeing thereto. I trust that this amendment and all others of like character in the bill may be promptly and effectually voted down.

Mr. MILLIKEN. I desire to ask the gentleman is it not true that there have been reported to this House a large number of public building bills that have quite as much, and many of them a good deal more, merit than the bills that have been put upon the sundry civil bill?

Mr. HICKS. That is very true.

Mr. MILLIKEN. Then if these amendments be passed on the sundry civil bill, a few bills which have received the support of the Senate—on what account we can not tell—will become laws, while bills of greater merit, of much more importance, for buildings where the public service much more strongly demands the erection of public buildings will be left out. I submit to the House, therefore, the justice of what my friend from Pennsylvania [Mr. HICKS], a member of the committee, has said, that if the Senate is to legislate upon the question of erecting public buildings or purchasing sites for them, and they are to be voted through on an appropriation bill, there is no use for a Committee on Public Buildings and Grounds; there is no reason for its existence, and there is only one logical thing to do—that is, to abolish it.

Mr. HICKS. Mr. Speaker, the honored chairman of the committee is precisely right. The committee has been laboring during this entire session of Congress to bring before the House bills that are equally meritorious with the amendments now in question; and this House, I take it, can not in justice to itself insult its committee by voting for these appropriations. No one regrets more than I do the failure to pass at this session of Congress many of the pending public-building bills, but this is not the way to do it, and to be consistent we must refuse to concur with these amendments suggested by the Senate. It is our right to originate this sort of legislation, and as the direct representatives of the people it is our duty to stand firmly by this right.

Mr. CANNON. Mr. Speaker, I hope the House will be careful in disposing of these items. The pending amendment is for a public building already in existence. The wants of the city concerned have quite outgrown the accommodations of the present building. The postal receipts, in view of the increased population, have amounted away up to, in round numbers, $80,000 a year.

Mr. HILL. One hundred thousand dollars.

Mr. CANNON. One hundred thousand dollars, as the gentleman informs me. Now, standing alone, independent of anything that has taken place touching the policy in regard to public buildings, this proposition has great merit. It is not a proposition to erect a new building.

I hope the House will be careful in the decision of these questions, because there are various kinds of public building amendments here—some calling for the construction of entirely new buildings which have never been authorized. Now, I want the attention of my friend from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. You shall have it.

Mr. CANNON. At the last session of Congress, on similar amendments, we had half a dozen conferences. The House "thundered in the index." Under the lead of the honorable gentleman from Maine [Mr. MILLIKEN] and myself we again and again insisted. But finally the House itself yielded. My friend, vigorous as he is, was compelled, worn out by the obstinacy of the Senate, to yield also.

Mr. PEARSON. I rise to a parliamentary inquiry. I desire to know whether the chairman of the Committee on Appropriations is to control the time both in favor of and against these amendments?

The SPEAKER. The chairman of the committee in charge of the bill necessarily controls one hour.

Mr. PEARSON. Will no one be recognized in opposition, in his own right?

The SPEAKER. Not until the gentleman from Illinois has yielded the floor.

Mr. CANNON. I will divide fairly with the gentleman. How much time have I had?

The SPEAKER. The gentleman has occupied four minutes.

Mr. HYDE. I want to ask the gentleman a question. Is it the upshot of this that the House is powerless to enact any legislation of this kind, however meritorious, and is also powerless to resist that kind of legislation when it comes from the other House? That is what I want the House to know, and want the country to know.

Mr. CANNON. Legislation is by the assent of both the Senate and the House. Now, Mr. Speaker, I believe I have used about six minutes altogether.

The SPEAKER. The gentleman has used ten minutes.

Mr. CANNON. How much has the other side used?

Several MEMBERS. There is no other side.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding and concurring in the amendment.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. HILL. I ask for a division.

The House divided; and there were—ayes 53, noes 87.

Accordingly, the House refused to recede and concur in the amendment.

Mr. CANNON. I ask the Clerk to read the next one.

The Clerk read as follows:

(4) For public building at Norfolk, Va.: For extension of limit of cost of site and building from $150,000 to $250,000, $100,000.

The SPEAKER. The question is on receding from the disagreement, and concurring in the amendment.

Mr. CANNON. I ask for a vote, Mr. Speaker.

Mr. TYLER. Will the gentleman give me two or three minutes.

Mr. CANNON. I will give the gentleman two minutes, although I call his attention to the fact that the temper of the House is to nonconcur.

Mr. TYLER. Well, I want to test the temper of the House a little further.

Mr. CANNON. I will give the gentleman two minutes.

Mr. TYLER. Mr. Speaker, I wish to call the attention of the House to the fact that this is an exceptional case; that in effect it is to complete a building already commenced. There was an appropriation made for a public building at Norfolk six years ago, on

the 2d of January, 1891, of $150,000. After the purchase of the site by the Government, and after the site had been piled, it was ascertained that the sum of $50,000 had been expended, leaving less than $100,000 to complete the building under the original plans and specifications.

From the report of the Supervising Architect the conclusion was inevitable that $100,000 or less was absolutely inadequate to complete such a building as the necessities of the city and of the public service required. Therefore I presented a bill for the additional amount of $100,000. That bill was favorably passed upon by the Committee on Public Buildings and Grounds.

This amendment is in effect simply to do that which has already been done by the report of the committee, to complete a public building. We can not use the money already appropriated unless we have an additional amount that will give us such a building as the Supervising Architect and other Federal authorities say is necessary. If we use the $98,000 now in hand, which is what remains of the former appropriation, it will be utterly inadequate to the building that we desire. So, gentlemen, I say this is for the purpose of completing a building, not to commence one. We have already a site which has been piled. We have $98,000 on hand, which is inadequate to complete the building needed, and we want $100,000 more, the amount which is given in this amendment. I hope the Senate's amendment will be concurred in.

Mr. CANNON. Mr. Speaker, one word in reply only. The two most meritorious amendments in relation to public buildings, in my judgment, are the one at Bridgeport and the one at Topeka. That is all I want to say about it.

Mr. MILLIKEN. Will my friend allow me one word right there? [Cries of "Vote!" "Vote!"]

Mr. CANNON. I yield a minute to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, just one word. I desire to say that the Committee on Public Buildings and Grounds have favorably reported to this House bills for ninety public buildings, and there is not one in the entire list that ought not to pass this House if any one in this bill ought to pass. [Applause.]

The SPEAKER. The question is on receding and concurring in the Senate amendment.

The amendment was nonconcurred in.

The Clerk read the next amendment, as follows:

(6) For public building at Topeka, Kans.: To enable the Secretary of the Treasury to purchase 50 feet front of ground, or so much thereof as may be needed, adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices, is located, not to exceed $25,000; and to enable the Secretary to enlarge the said building for the better accommodation of the post-office and other Government offices, and to supply the same with the necessary fireproof vaults, elevator, and other fixtures and appliances for the more convenient, safe, and ready dispatch of the public business, $75,000; in all, $100,000: *Provided*, That the plans, specifications, and full estimation of said building shall be previously made and approved according to law: *And provided further*, That said building, so enlarged, shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on the north.

Mr. CURTIS of Kansas. I move that the House recede from its disagreement to the amendment of the Senate, and agree to the amendment, with an amendment, which I send to the desk.

The Clerk read as follows:

That the House recede and agree to amendment numbered 6, with the following amendment, to wit:

For the purchase of additional ground at Topeka, Kans.: To enable the Secretary of the Treasury to purchase, by condemnation or otherwise, 50 feet front of ground, or so much thereof as may be needed adjacent to the ground now owned by the Government on which the public building at Topeka, Kans., occupied as a post-office and other Government offices is located, not to exceed $25,000; and to enable the Secretary to change and improve the buildings on said newly-purchased grounds so as to accommodate the United States pension agency and other Government offices, and to supply the same with vaults and other fixtures and appliances for the convenient, safe, and ready dispatch of public business, $10,000.

Mr. CANNON. I yield two minutes to the gentleman from Kansas.

Mr. CURTIS of Kansas. Mr. Speaker and gentlemen of the House, you will notice in this amendment, in order to meet the objection that the Committee on Public Buildings and Grounds has to erecting any buildings, that all I ask for now is that we be allowed to buy 50 feet additional ground and that we be permitted to change the buildings on the newly purchased ground, so as to accommodate the public offices at Topeka. By this amendment an appropriation is asked for $35,000, instead of $100,000. In the city of Topeka we are paying $4,650 a year for rent and other expenses for office rooms for Government offices, and if you pass this amendment you will pay, in the rent and other expenses now paid, for the ground purchase and the changing of the building in less than eight years. That is not all. Not a department in the building has sufficient room to carry on public business. Valuable papers and furniture are kept in closets. Valuable papers are piled up to the ceiling. We need two more jury rooms when the two United States courts are in session. Every office is overcrowded, to say nothing of the $4,650 a year we pay to accommodate the offices now outside of the Government building, and that amount will be saved if you pass this amendment. I hope, as I have consented to leave out the part asking for a new building, that this House will vote for this amendment. I ask the gentleman from Illinois to yield to the gentleman from Texas, who has visited the building and knows of its condition.

Mr. CANNON. I yield a minute to the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, some eighteen months ago I chanced to visit Topeka, Kans., and while there, in company with the gentleman from Kansas who has just addressed the House, I visited this building. I went into every room, and saw that not only the rooms, but also the corridors and the gangways, were occupied, and I have no hesitancy in indorsing what the gentleman has said respecting the necessities of that building. There is no question about it. Independent of any policy which this House may have entered upon respecting the construction of public buildings, the building at Topeka is, in my opinion, entirely inadequate for the public service.

Mr. CANNON. I ask for a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 112, noes 12.

So the amendment was agreed to.

On motion of Mr. CURTIS of Kansas, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

Mr. CANNON. I make the same motion as to all of these amendments, Mr. Speaker.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

(12) To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $50,000. Said site shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site.

Mr. CANNON. I ask for a vote, Mr. Speaker. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on receding and concurring.

The question was taken; and the motion to recede and concur was rejected.

The SPEAKER. The House declines to concur, and nonconcurs in the Senate amendment.

Mr. CANNON. Now, Mr. Speaker, I move to reconsider the votes on each one of these motions and to lay that motion on the table.

The SPEAKER. The gentleman moves to reconsider the several votes that have not been reconsidered, and to lay that motion on the table. Without objection, the latter motion will be agreed to.

There was no objection.

Mr. HILL. Is that motion debatable?

The SPEAKER. It is not. The Clerk will report the next amendment.

The Clerk read as follows:

(24) For constructing and equipping a steam revenue cutter for service on the Atlantic coast of the United States, with headquarters at the port of New York, the sum of $175,000.

Mr. QUIGG. Mr. Speaker, if I may have permission of the gentleman from Illinois——

Mr. CANNON. I yield two minutes to the gentleman from New York, if he desires it.

Mr. QUIGG. Yes, Mr. Speaker, I think I can state the facts in the case in two minutes. The initiative of this proposition came from the Secretary of the Treasury. The facts with regard to the case are that owing to the exigencies of the Revenue-Cutter Service and the deficiencies in seagoing cutters, the only seagoing revenue cutter that was available for use at the port of New York was taken away three years ago, and since that time there has been no seagoing revenue cutter at the port of New York, and there is none in the Service with which to supply the deficiency and the necessity.

It is said by the collector of New York that the loss in revenue to the service is certainly as much as $500,000 a year by reason of the fact that we have no seagoing revenue cutter at that port. There is none, as I have already said, with which to supply the deficiency, and the Secretary of the Treasury has appealed to Congress on three different occasions and in his report to construct this vessel. The recommendation in this case has been approved by the House Committee on Interstate and Foreign Commerce, and a bill has passed the Senate. It is placed on this bill as one

of the urgent necessities of the service, and I hope that the House will concur in the amendment.

Mr. CANNON. I will yield one minute to the gentleman from New York——

Mr. BARTLETT of New York. Mr. Speaker——

Mr. CANNON. Mr. BENNETT.

Mr. BARTLETT of New York. I had supposed that as I was on the Committee I should be recognized.

Mr. CANNON. I will yield a minute to my colleague first.

Mr. BARTLETT of New York. Mr. Speaker, this amendment should be adopted by the House without regard to party for two reasons. It is necessary first, that this appropriation should be made in order to care for our revenues; in the second place, to give due protection to human life. I have received a communication from the Maritime Association of the port of New York, asking that this amendment may be adopted, and requesting me to make every effort within my power toward its adoption. But is it necessary to appeal to you, gentlemen, to give the port of New York $175,000 for a revenue cutter which is asked for by the Treasury Department, and which is demanded by our maritime interests, in this bill which carries millions of dollars for unnecessary purposes? If it be necessary, I appeal to you to give the city of New York this one appropriation.

Mr. BENNETT. Mr. Speaker, I was directed by the Interstate and Foreign Commerce Committee to report the bill spoken of by both the gentlemen from New York who have just addressed the House favoring the construction of a revenue cutter for service on the Atlantic coast with headquarters at New York. That bill was passed by the Senate and is now on the Calendar of the House. It provides for the expenditure of $250,000 for this purpose, so I should think the House might well afford to allow the appropriation of $175,000 in this bill. The revenue-cutter *Grant* was constructed for this service, but it was too good to be left there and was sent to Bering Sea to watch the sealers, and since that time the entire Atlantic coast has been left unprotected. I trust that the House will allow this appropriation to stand in the bill.

Mr. CANNON. I yield thirty seconds to the gentleman from New York, Mr. MITCHELL.

Mr. MITCHELL. I have here a letter from the Maritime Association of New York, of which I will read as much as I can in the thirty seconds allowed me.

The letter is in part as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, February 11, 1897.

DEAR SIR: We are most anxious to secure for this port a first-class seagoing revenue cutter.

Senator HILL's bill, S. 1473, to provide for it, passed the Senate last year, and its counterpart, Representative BENNETT's bill, H. R. 3561, was favorably reported in the House, but was not reached. It was then put by the Senate into last session's sundry civil bill, but was lost in conference.

Since the *Perry* was ordered to the Pacific, we have not had at New York a cutter capable of going to sea, however great the emergency. It is much desired by the revenue-marine officials, and it is much needed to cruise for the relief of distressed vessels in the stormy season. Lives and property have been lost for want of it, and we confidently hope that it may be secured.

Very respectfully,

HENRY S. KNOWLTON,
Vice-President.

Hon. JOHN MURRAY MITCHELL, M. C.,
Washington, D. C.

I hope the Senate amendment will be concurred in.

Mr. CANNON. Mr. Speaker, I desire thirty seconds only for myself to close the debate on this item. There are 23 cruisers in the revenue service, 8 harbor boats, 4 cruisers now being built, and 2 authorized, not being built, but that can be built. Any and all of these may be ordered to the port of New York, if necessary, and 14 have been built in the last ten years. I am ready for a vote.

The question being taken on the motion to recede and concur, the Speaker declared that the noes seemed to have it.

A division was asked for.

The House divided; and there were—ayes 68, noes 83.

So the House refused to recede and concur.

The next amendment, No. 48, was read, as follows:

Including the return of said Government exhibit.

Mr. CANNON. Mr. Speaker, I suggest to the gentleman from Nebraska that we vote on Nos. 48, 49, and 50 together.

Mr. MERCER. That is what I desire. I desire to move that the House recede from its disagreement and concur in amendments Nos. 48, 49, and 50, and upon that motion I desire to be heard.

The three amendments, as incorporated in the text, read as follows:

(48) Including the return of said Government exhibit, two hundred (49) and seventy-five thousand dollars (50): *Provided*, That the cost of building or buildings for the Government exhibit shall not exceed $75,000.

Mr. MERCER. Mr. Speaker, some years ago in the lower branch of the Nebraska legislature the public buildings committee introduced a resolution providing that $500 should be appropriated to pay the expenses of that committee "to visit the penitentiary and return." One of the facetious members of the house moved to strike out the words "and return." [Laughter.] Of course that was defeated.

Now, this amendment No. 48 says, "including the return of said Government exhibit." Of course in Omaha we have a disposition to take everything which belongs to us, but we do not care to keep this exhibit any longer than it will serve the purposes of the exposition, and the Treasury Department has informed me, and the exposition managers have informed me, that $50,000, the amount originally provided, is entirely inadequate to construct the building for the Fish Commission and also to construct the administration building. I do not think the members of this House desire to see a peanut show or to see a peanut building there, and I think they are great enough and magnanimous enough to give the appropriation that is provided in these amendments, providing for the return of the Government exhibit to the city of Washington and wherever else it comes from.

Mr. Speaker, that will be an exposition of no mean proportions. It will represent the resources, the industries, and the capabilities of twenty-four States and Territories, and I desire that for once the people of the United States may look over the Alleghany Mountains and may travel there and take notice of the resources of that grand transmississippi country. We expect the East to come there with its capital and its knowledge, and we expect that after that exposition has been seen by the people of the United States those grand States and Territories beyond the Mississippi will have an opportunity to grow and prosper the same as the Eastern States have done. I trust that the members of this House, irrespective of politics, will help us on these three amendments. [Applause.]

Mr. CANNON. A word in reply, Mr. Speaker. Two hundred thousand dollars for the Government exhibit at Atlanta, including public building—it was simply magnificent.

Mr. MERCER. The Government building at Atlanta was taken from Chicago already built.

Mr. CANNON. Not at all.

Mr. MERCER. Oh, yes.

Mr. CANNON. Not at all.

Mr. MERCER. Look at the report.

Mr. CANNON. Now, that made a magnificent exhibition, and the Government has the building in stock. This House, by the persistent action of the gentleman from Nebraska [Mr. MERCER], of which I do not complain, passed an act for the Omaha Exposition, limiting the amount to $200,000. That was followed by an act appropriating $150,000 for the exposition at Nashville.

Mr. MERCER. One hundred and thirty thousand dollars for Nashville.

Mr. CANNON. One hundred and thirty thousand dollars for Nashville, the gentleman says.

I want to say that the amount already appropriated by law will make a splendid exhibit, and I do not believe that in the present condition of the Treasury, and in view of the legislation already had, we should give $75,000 additional merely because the Senate has placed this amendment upon the bill and because the honorable Representative from Nebraska does not want to be outdone by the Senate. I ask for a vote.

Mr. HEPBURN. I wish to ask the gentleman from Nebraska this question: How much has the State of Nebraska as a State contributed toward this exposition?

Mr. MERCER. The Nebraska legislature is acting on this proposition at the present time and has not completed its deliberations. [Laughter.]

The question being taken on the motion that the House recede from its disagreement and agree to the amendment, it was rejected; there being—ayes 49, noes 92.

The fifty-eighth amendment was read, as follows:

Sections 2525 and 2526 of the Revised Statutes are hereby amended to read as follows:

"SEC. 2525. On and after October 1, 1897, there shall be in the State of Vermont two collection districts, as follows:

"First. The district of Vermont to comprise the counties now constituting the First Congressional district of Vermont, in which district Burlington shall be the port of entry, and St. Albans, Alburg, East Alburg, Swanton, Highgate, Franklin, West Berkshire, Windmill Point, and Richford subports of entry.

"Second. The district of Memphremagog to comprise the counties now constituting the Second Congressional district of Vermont, in which district Newport shall be the port of entry, and North Troy, Derbyline, Island Pond, Canaan, and Beecher Falls subports of entry.

"SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and whose salary shall be $2,000 per annum; and in the district of Memphremagog a collector, who shall reside at Newport, and whose salary shall be $2,000 per annum: *And provided further*, That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise, without appraisement, are hereby extended to each of the several ports in the two districts provided for herein, and to the subports of St. Albans, Richford, Island Pond, and Beecher Falls."

Mr. CANNON. I believe the gentleman from Vermont [Mr. POWERS] wishes to move to concur in this amendment of the Senate. I yield the gentleman one minute.

Mr. POWERS. That will not be enough.

Mr. CANNON. Very well; two minutes.

Mr. GROUT. I should like to say a word, also.

Mr. CANNON. I hope the gentleman from Vermont will consent to discuss the matter briefly; and I do not think we shall want any time in opposition.

Mr. POWERS. Mr. Speaker, this proposition, unlike the public-building propositions which have been voted down, is one having substantial merit. The simple facts which called for this legislation are these: In 1799, before the days of railroads and steamboats, an act was passed creating the State of Vermont into one collection district. The population of the entire State at that time was less than 35,000, and very few goods requiring the payment of duties were then imported into the State. Since that time no less than six lines of railway running through the British Provinces traverse the State of Vermont, carrying goods to the Boston and Portland markets and also to the markets of the city of New York. The number of entries in the northern district of Vermont to-day is four times the number made in all the rest of New England with the exception of the ports of Boston and Charlestown; and the entries in Vermont are three-fourths as many as those in the district of Boston and Charlestown.

Now, every gentleman will understand that the work of collecting duties is greater or less in accordance with the number of importations, rather than the amount of duties paid. A small import with the payment of small duty requires the same clerical force as a large one involving a large amount. Not only that, but our State is unfortunately traversed by a line of mountains running from the north line to the south, so that the collector of the port of Burlington, which is his residence, is required, in reaching the east and northeastern parts of the State, where come in two large lines of railway, bringing imports from abroad, to travel as far as he would if he were going to the city of Boston or New York.

Now, it is proposed to divide this State into two northern districts, making the port of Burlington one, and the port of Newport, where another line of railway comes in from Canada, the other, with sundry subports in both districts. This is not an unusual proposition. The State of Maine has eleven or twelve northern districts.

A MEMBER. Thirteen.

Another MEMBER. Fourteen.

Mr. POWERS. The State of Connecticut has five.

[Here the hammer fell.]

Mr. CANNON. I am ready for a vote.

Mr. POWERS. Does the gentleman yield the case?

Mr. CANNON. I do not; but I am ready for a vote.

Mr. POWERS. Well, so am I.

The question being taken on the motion that the House recede from its disagreement and concur in the Senate amendment, it was determined in the negative, there being—ayes 51, noes 83.

Amendment numbered 61 was read, as follows:

Bounty on sugar: For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, $1,985,156.66, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

Mr. ROBERTSON of Louisiana. I desire to make a motion.

Mr. CANNON. Does the gentleman desire to move to concur?

Mr. ROBERTSON of Louisiana. I wish to move that the House recede from its disagreement to this amendment and agree to the same.

Mr. CANNON. I yield to my colleague on the committee five minutes.

Mr. ROBERTSON of Louisiana. Mr. Speaker, this appropriation was put on this bill by the Senate in pursuance of the law enacted March 2, 1895. This is not the institution of a new bounty. It is not for the purpose of permitting anyone to receive from the Treasury any money upon sugar to be produced in the future. It is for the purpose of making up the difference between the rate fixed in the act of March 2, 1895, and the amount appropriated under that act.

By the terms of that act Congress agreed to pay to the sugar planters, whether they produced sugar from cane or from sorghum, from beets or from maple, in consideration of the fact that the bounty of 1890 had been repealed, the sum of eight-tenths of 1 cent per pound upon the crop growing that year, and which had not been gathered. The estimate of $5,000,000, which was appropriated for the purpose of paying this amount at the rate of eight-tenths of a cent per pound, was upon the growing crop. It was impossible for Congress to ascertain at that time the exact amount which it must appropriate in order to comply with the statute. The crop being larger than was estimated for, the amount appropriated in the bill was not sufficient by more than $1,000,000.

We maintain that this is existing law, and that this is merely a deficiency appropriation, to make up the amount which ought to have been appropriated in order to fulfill the provisions of the statute at eight-tenths of a cent per pound.

If I may be permitted to do so, Mr. Speaker, I will yield the remainder of my time to my colleague [Mr. BUCK].

The SPEAKER. The gentleman yields to his colleague, and the gentleman from Louisiana [Mr. BUCK] is recognized for two minutes.

Mr. BUCK. Mr. Speaker, I do not think the House is in a temper to listen to extensive argument even if time allotted permitted. There is simply a question of fact as to the condition of the existing legislation under which this appropriation is now offered. The act of 1895 did not appropriate a gratuity or a donation, but it recognized the injury which had been done by the sudden repeal of the bounty under the act of 1890. It recognized that enormous capital had been invested, and that increased preparation for the production of sugar which were made under the act of 1890, had entailed loss when the bounty was repealed.

I had not the honor to be a member of the Congress which passed this provision; but I have looked into it sufficiently to believe that when Congress, in 1895, put this legislation in the peculiar form in which it now is, it did not intend to give simply the $5,000,000, but it enacted the law, which I have not the time to read, in the form of a specific provision that a special bounty of eight-tenths of a cent per pound shall be paid to the sugar producers. The eight-tenths of a cent per pound was manifestly calculated in this way:

The House, in its sense of right and justice, took cognizance of the fact that the sugar planters had acted upon the faith of the McKinley tariff act; had invested enormously in the prospect and the hope of a large increase; had added to their machinery; had incurred pecuniary obligations; and to make up the deficiency to them of the 2 cents per pound bounty which they lost by the repeal of the act of 1890, the Wilson tariff act being expected to give them 1.2 cents per pound protection, Congress enacted the eight-tenths of a cent per pound bounty as an exact equivalent for that which had been taken away.

That is the substance of the proposition before this House, that the act of 1895 provided that a bounty of eight-tenths of 1 cent per pound shall be paid, and when the $5,000,000 were appropriated, that represented merely an estimate. There is, therefore, it seems to me, nothing for the House to do except to say whether this indebtedness, which has been created by the statute, shall be recognized and honored by Congress to-day. The amounts are recognized and fixed in the Treasury Department. Returns were furnished according to the bounty law, and persons entitled have made their proof.

[Here the hammer fell.]

Mr. CANNON. How much time has been consumed on the other side?

The SPEAKER. Six minutes.

Mr. ANDREWS. I ask for two minutes.

Mr. CANNON. I yield three minutes to the gentleman from Nebraska [Mr. MEIKLEJOHN].

Mr. MEIKLEJOHN. Mr. Speaker, I confidently believe that if gentlemen of this House understand the situation out of which this appropriation grows, there will be no question about concurring in this amendment, which is based upon law, equity, and justice.

The appropriation is not in pursuance of a new authorization, but it grows out of legislation that is already upon the statute books. That legislation was passed at the close of the last session of the Fifty-third Congress after protracted debate and careful consideration. There were two paragraphs. The first was that a bounty on all sugar produced from July 1, 1894, to August 28, 1894, testing more than 90° by the polariscope should be paid for at the rate of 2 cents per pound, and all sugar testing between 80° and 90° polariscope should be paid for at the rate of 1½ cents per pound. Act of March 2, 1895 (28 Stat., 933), entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," provides:

That there shall be paid by the Secretary of the Treasury to those producers and manufacturers of sugar in the United States from maple sap, beets, sorghum, or sugar cane grown or produced within the United States, who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, a bounty of 2 cents a pound on all sugars testing not less than 90° by the polariscope, and 1½ cents a pound on all sugars testing less than 90° and not less than 80° by the polariscope, manufactured and produced by them previous to the 28th day of August, 1894, and upon which no bounty has previously been paid, and for this purpose the sum of $238,289.08 is hereby appropriated, or so much thereof as may be necessary.

Another paragraph was adopted in the same bill, which provided that all producers of sugar who made applications, filed bonds, and secured licenses during the period from the 28th of August, 1894, to the 30th day of June, 1894, should be paid a bounty at the rate of eight-tenths of a cent per pound.

The act of March 2, 1895 (28 Stat., 933), provides:

That there shall be paid to those producers who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, by filing the notice, application for license, and bond therein required, prior to July 1, 1894, and who would have been entitled to receive a license as provided for in said act, a bounty of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States testing not less than 80 degrees by the polariscope, from beets, sorghum, or sugar cane grown or produced within the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive; and for this purpose the sum of $5,000,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That no bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States, upon which the bounty herein provided has already been paid or applied for.

The bounty herein authorized to be paid shall be paid upon the presentation of such proof of manufacture and production as shall be required in each case by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and under such rules and regulations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. And for the payment of such bounty the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for such sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounty shall be disbursed, and no bounty shall be allowed or paid to any person as aforesaid upon any quantity of sugar less than 500 pounds. * * *

That any person not entitled to the bounty herein provided for who shall with intent to defraud, apply for, or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding $5,000, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

Under this act these claims were filed with the Treasury Department. They were passed upon by the Comptroller of the Treasury. That statute contained an administrative provision. It contained a penalty for any imposition or fraud upon the Government. It was a complete and independent act. It was found that when all the claims were audited and allowed the appropriation of $5,000,000 made under this law was short by $1,085,000.

Instead of paying eight-tenths of 1 cent per pound it paid but six-tenths of 1 cent per pound.

The Supreme Court of the United States, in the sugar-bounty cases of the United States *vs.* The Realty Company and United States *vs.* Gay, sustained the law and the equity and justice of that appropriation. If you strike from this bill this appropriation of $1,085,000, which has been authorized and appropriated under the present existing law, and a continuing appropriation, then with the same reasoning and the same judgment I say you should strike from this sundry civil appropriation $15,000,000 which it carries as a continuing appropriation of the river and harbor bill of the first session of the Fifty-fourth Congress.

Mr. Speaker, I desire to have gentlemen clearly understand that this is an appropriation which has already been authorized by law, and that equity and justice demand that this House should concur in this amendment and retain this appropriation of $1,085,000 to pay the balance of these claims which have been filed, audited, and approved by the Treasury Department. I hope the House will concur in this amendment; and that when gentlemen upon this floor vote on this proposition they will take into consideration that they are voting for a continuing appropriation, the same as the $15,000,000 in this bill is a continuing appropriation for river and harbor improvements, and are not voting to authorize a new appropriation.

Mr. PEARSON. I desire to offer an amendment.

Mr. CANNON. I do not yield for the purpose of offering an amendment. I yield to the gentleman from Nebraska [Mr. ANDREWS] two minutes.

Mr. ANDREWS. Mr. Speaker, the McKinley law provided for a bounty of 2 cents per pound on domestic sugar. That law was repealed by the Wilson law in 1894. The crop of 1894 had been very largely produced while the McKinley law was still in existence. The repeal of the McKinley law by the Wilson law left the producers of domestic sugar in a position of embarrassment. It was claimed by them that they had an equitable claim against the Government for certain reimbursements under the McKinley law.

I will not stop to debate the comparative merits of the McKinley law and the Wilson law. Congress decided in 1895 that the producers of domestic sugar were equitably entitled to a rate of eight-tenths of a cent per pound upon all domestic sugar for the year 1894. A sum of $5,000,000 in the aggregate was appropriated to meet the amount due under that agreement, as that was the estimate upon the crop of 1894.

The crop of 1894 exceeded that of 1893, upon which the estimates were made. When all these claims had been audited and approved, it was found that an appropriation of $6,085,000 and a little over ought to have been made to meet the claims. Five millions were paid. A deficiency of $1,085,000 still stands upon the books of the Government in favor of those producers. The question now is this, Will we pay the existing deficiency?

The producers are credited upon the books of the Government in the sum of $6,085,000 and are debited to the payment of $5,000,000. There remains, therefore, an unpaid balance of $1,085,000 in round numbers. I hope the House will recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I yield two minutes only to the gentleman from Pennsylvania.

Mr. HICKS. Mr. Speaker, the Republican party, since the great Lincoln, has been noted for its love of justice and fairness, and its fulfillment of all promises made to the people. This has been its record since its foundation. The bounty on sugar was an enactment by the people through the representatives of the Republican party, in the great measure that did so much for our people and their prosperity.

Mr. THOMAS. Who repealed it?

Mr. HICKS. No matter who repealed it. The Republican party said to the people of this country that they would give them a bounty upon the production of sugar, and there is a part of that bounty yet unpaid, no matter if the greater portion does go to the State of Louisiana, whose Representatives voted for the repeal of that great measure, the McKinley bill, that did so much for the prosperity of this country; no matter if the members from Louisiana did vote for its repeal, we owe it to the people of Nebraska, to the people of California, and to the people of the great State of Pennsylvania, and also to Louisiana, to comply with and live up to our contract, as fully recited in that bill.

If we desire to keep our record as honorable men and as representatives of that great party of the people, the party of Lincoln, Grant, and McKinley [applause], it is our duty to pay the balance, whatever that balance may be, to the producers of sugar who were guaranteed this bounty under the provisions of the McKinley law. I appeal to my fellow Republicans to stand by and vote for this amendment and see to it that this money is paid, as we agreed and as we promised to do. I trust this amendment will prevail.

There is but a small part of this money, as has been suggested, that goes to the so-called Northern States. Let us rise above prejudice, if prejudice still exists, and prove that the great Republican party cares as much for the people of Louisiana (even though they do vote against us) as we do for the people of our own section. The great Republican party stands for prosperity for all the people, as well as justice and equal rights for all parts of our great country. [Applause.]

Let us stand by the contracts of the McKinley bill and thereby prove our love of equal justice, regardless of where and upon whom the benefits may fall.

Mr. CANNON. Mr. Speaker, how much time has the other side consumed?

The SPEAKER. Thirteen minutes.

Mr. CANNON. I hope, Mr. Speaker, that I can have order, and I ask that the gavel may fall at the end of five minutes, and then I will ask for a vote.

Mr. Speaker, under the law known as the McKinley law there was a bounty upon sugar, which was paid from year to year. The McKinley law was repealed in August, 1894. It is true that shortly after that repeal the Senate, by an amendment upon the sundry civil appropriation bill, appropriated $5,000,000 to pay a bounty to growers of sugar at the rate of eight-tenths of a cent per pound, that is to those growers who had complied with the McKinley law by asking for a license and filing the proper bond and notice before the 1st of July, 1894. The bounty was repealed in August, 1894.

Upon a fight in the Democratic House which passed the Wilson bill—a House Democratic by almost two-thirds—that bounty of eight-tenths of a cent a pound to those growers of sugar was agreed to; the same House that had agreed to the Wilson bill assented to that appropriation of $5,000,000. I had the honor to be a member of that House. I opposed the appropriation at the time, stating that the bounty had been enacted in the McKinley law to foster and establish an industry; that that bounty had been repealed by the Wilson law; that subsequent to its repeal the eight-tenths of a cent a pound, if given at all, would be given as a gratuity. But the appropriation passed. The $5,000,000 was paid. It lacked a million dollars of paying the amount which was provided for in the sundry civil act. I thought then it was a gratuity. I think now it was a gratuity.

Mr. MEIKLEJOHN. Will the gentleman yield for a question?

Mr. CANNON. In a moment. It is as just to pay this million as it was to pay that five millions. I want to state the exact facts. But, in my judgment, from the standpoint of the best interests of the Government, from the standpoint of apt legislation to establish an industry, that object was defeated and the industry was killed by the Wilson bill, and that gratuity of eight-tenths of a

cent per pound was given by a Democratic Congress. So far as I am concerned, I am ready for a vote.

Mr. MEIKLEJOHN. If the gentleman will yield now, I will ask him whether the Supreme Court in the the sugar-bounty cases held that it was a gratuity?

Mr. CANNON. The Supreme Court, in the sugar-bounty cases, passed upon what was before it. Congress having made the appropriation, the court held in substance that that was an appropriation by the legislative power within its authority, and sustained the claim, because Congress has the right to appropriate, if it wishes to, for a last year's bird's nest or a repealed sugar bounty.

Mr. MEIKLEJOHN. Did they not put it upon the ground of contract?

Mr. CANNON. Oh, no.

The question was taken on the motion to recede and concur; and the Speaker declared that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 85, noes 63.

So the motion was agreed to.

On motion of Mr. ROBERTSON of Louisiana, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, had further insisted upon its amendments to the bill, asked a further conference with the House, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

Mr. CANNON. I yield to the gentleman from New York [Mr. SHERMAN].

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House accede to the request of the Senate for a further conference on the Indian appropriation bill. They have rejected the former conference report and asked for a further conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the sundry civil appropriation bill.

Mr. MADDOX. Mr. Speaker, I rise to ask unanimous consent to go back to amendment No. 96.

Mr. CANNON. I do not want to turn back now. Let us go on to the end first.

The SPEAKER. The Clerk will read the next amendment.

The amendment was read, as follows:

(63) For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, $15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of $5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. BULL. Mr. Speaker, I move that the House recede from its disagreement to this amendment and concur.

Mr. CANNON. Does the gentleman desire any time?

Mr. BULL. Yes, sir.

Mr. CANNON. I yield the gentleman two minutes.

Mr. BULL. I want more time than that. Mr. Speaker, the substance of the amendment in the bill is recommended by the Committee on Claims of this House unanimously, and in the Senate it has been favorably recommended by the Committee on Naval Affairs. I can in a few words state what the case is, and I can best state it by reading from the report made by the Committee on Claims of the House. I read:

The Chief of the Bureau of Ordnance, Navy Department, in his report for 1893, on page 14, says:

"On July 3, 1893, the gun-cotton factory (at the naval torpedo station) was destroyed by fire, a full statement of which will be found in the report of the board appointed to investigate the subject (see appendix). Three employees, Jeremiah Harrington, first-class laborer; Frank Loughlin, second-class pipe fitter, and Michael O'Reagan, first-class laborer, lost their lives while fighting this fire, and it is earnestly requested that Congress be asked to grant assistance to their families. The employees of this station receive no extra compensation for the undoubted risk to which they are subjected. The fact that so few lives have been lost since the establishment of this station is due to the care which has been constantly exercised."

On page 37 of same report the inspector of ordnance at the torpedo station says:

"The destruction of the gun-cotton factory by fire, attended by loss of life, on July 3, 1893, has been made the subject of special reports to the Department and the Bureau. While the direct testimony in regard to the cause is conflicting and unsatisfactory, the opinion of the board that it was due to a spark caused by a foreign substance in the picker is concurred in by me as being the most probable.

"The immediate cause of loss of life was the explosion of some 6 or 7 pounds of dry long-staple gun cotton, used for priming detonators, etc., which was loosely stowed in a powder tank, the lid of which was tightly screwed down to exclude moisture."

The special reports of the board appointed to investigate the circumstances attending the fire and explosion are attached to this report as an appendix.

To accompany the fourth indorsement, Commander George A. Converse, inspector of ordnance at the United States torpedo station, submits the following memorandum:

1. Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan lost their lives while endeavoring to extinguish the fire which resulted in the total destruction of the gun-cotton factory at this station July 3, 1893.

2. Loughlin and Harrington were regularly employed in the building, knew the character of its contents and the danger to which they were exposed; while O'Reagan, a most faithful employee of the station for about eleven years, as enlisted man and per diem laborer, was one of the first to respond to the fire alarm and joined the other two men.

3. Loughlin, who had been acting as foreman of the gun-cotton factory, knew that the only dangerous material in the building (about 7 pounds of long-staple gun cotton) was stowed in a powder tank, which, on the first alarm of fire, should have been thrown into the sea; and doubtless being cognizant of the fact that such disposition of that material had not been made, took the nozzle of the fire hose, and, with Harrington and O'Reagan, attempted to combat the fire in its immediate vicinity, fully aware of the dangerous nature of the undertaking. While thus engaged in the performance of what they believed to be their duty the explosion occurred, resulting in the death of the three men.

4. From my personal observation of the conduct of these men at the time of the explosion, I can state that they acted with great bravery, and sacrificed their lives in an attempt to prevent the destruction of Government property.

5. I renew my recommendation that provision should be made for the widows, children, or legal representatives of these men, believing that all civilians actually employed in the manufacture of explosives or war material in Government factories should be entitled to the same consideration as persons who are required to use such material in the naval or military service.

6. I believe that it is customary for private companies engaged in the manufacture of explosive material to insure the lives of the employees for the benefit of the surviving relatives; and it seems but just that an equal provision should be made by the Government.

7. A copy of the letter referred to by Mr. Bull is transmitted herewith, and attention is invited to the report of the Chief of the Bureau of Ordnance for the year 1893, which contains the recommendation that Congress be asked to render assistance to the families of these men.

GEORGE A. CONVERSE,
Commander, United States Navy, Inspector of Ordnance, Torpedo Station.

TORPEDO STATION,
Newport, R. I., February 7, 1896.

The letter mentioned in the last paragraph of the foregoing memorandum is as follows:

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, July 5, 1893.

SIR: Please convey to the families of those men who were killed at the fire at the gun-cotton factory the deep sympathy of the honorable Secretary of the Navy, and his profound sorrow at their loss.

The Bureau will make every effort to secure for them some compensation for the dependent condition in which they have been placed.

Respectfully,

W. T. SAMPSON,
Chief of Bureau of Ordnance.

Commander G. A. CONVERSE, U. S. N.,
Inspector of Ordnance, in charge
Naval Torpedo Station, Newport, R. I.

During the reading of this report, Mr. BULL's time having expired, Mr. CANNON yielded him an additional minute.

Mr. BARTLETT of New York. When did the Committee on Claims make a favorable report in reference to this case?

Mr. BULL. At the last session of this Congress.

Mr. BARTLETT of New York. I would like to ask why other cases of equal merit have not been favorably reported by the Committee on Claims. I have had four or five bills before that committee, and I can not get any favorable report upon them. I am against any discrimination. Let us have fair play.

Mr. BRUMM. Probably the gentleman's bills were not reported favorably because he failed to bring the proper evidence before the committee.

Mr. BARTLETT of New York. No, sir; the evidence has been before the committee.

Mr. BRUMM. If you had had as strong testimony to support your claims as that presented in favor of this, they would have been favorably reported.

Mr. CANNON. In this case it is alleged that three men working for the Government lost their lives by an explosion. It is not alleged that there was any carelessness on the part of the Government officials. This amendment proposes to give $5,000 apiece to the families or legal representatives of these men. Sir, is this any higher case than one in which the loss of life has resulted from the casualties of war? And have we entered upon the policy of giving $5,000 to the widow or family of the soldier or sailor who loses his life in the war? This claim does not appear in the estimates. I have never heard of it before; the Committee on Appropriations has never heard of it. It never was considered by our committee. Whether it has merit or not, I know not, but I ask the House upon the case as it appears before us, to vote down the motion to concur.

The question being taken on the motion that the House recede

from its disagreement and concur in the amendment of the Senate, it was rejected; there being—ayes 33, noes 74.

The Clerk read amendment No. 72, as follows:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota, set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States, the same as if said Executive orders and proclamations had not been made.

Mr. CANNON. I yield to the gentleman from Iowa [Mr. LACEY], who, I understand, desires to make some motion.

Mr. LACEY. I make the motion which I send in writing to the desk.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment and on page 52 of the bill, after line 26, insert the following:

"The Secretary of the Interior may, in his discretion, use any portion of the foregoing amount in protecting and utilizing the forest reserves heretofore proclaimed by the President of the United States. And he is hereby authorized, in his discretion, to make sales of timber on any forest reservation, now or hereafter proclaimed, for mining and domestic purposes, under such regulations as he may prescribe, and to make all needful rules and regulations in furtherance of the purposes of said reserves, for the management and protection of the same. And the provisions of section 1 of the act of February 20, 1896, entitled "An act to open forest reservations in the State of Colorado for the location of mining claims," are hereby made applicable to all forest reservations set apart by proclamation of the President, except the Yellowstone Forest reserve; that all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for agricultural purposes than for forest uses, shall be duly restored to entry under the general settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication or proclamation of restoration by the President, based upon recommendation by the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie: *Provided further*, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof, and that title to mineral claims therein may be acquired in the same manner as upon other mineral lands of the United States.

"The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary line of such reserve, or may vacate altogether any order creating such reserve."

Mr. BARTLETT of New York. I desire to ask the gentleman from Illinois [Mr. CANNON] how much debate we are to have on this proposition?

Mr. CANNON. Quite enough to enable the House to understand it, and just as little as possible after we understand it. I yield five minutes to the gentleman from Iowa.

Mr. BARTLETT of New York. I should like to know whether we have any rights. Are we entirely under the dominance of the chairman of this committee?

A MEMBER. We are under the control of the House.

Mr. CANNON. I yield five minutes to the gentleman from Iowa.

Mr. MONDELL. I rise to move a substitute to the amendment offered by the gentleman from Iowa.

Mr. CANNON. I do not yield for that purpose.

Mr. LACEY. Mr. Speaker, I do not know that it will be possible in five minutes to explain this long amendment.

Mr. PICKLER. I ask that the gentleman from Iowa have as much time as he may desire. This is a very important amendment.

Mr. LACEY. I do not ask any further time now.

Mr. PICKLER. This is a very important question to our State; and I think the gentleman from Iowa [Mr. LACEY] chairman of the Committee on Public Lands, should have such time as he may desire.

Mr. LACEY. I have five minutes. I hope the gentleman will allow me to proceed.

Mr. Speaker, this is a very important matter, and it is brought here at a very late hour, so that it will be difficult, perhaps, to make the House understand it fully. On the 22d day of February the President of the United States, by an executive order issued in pursuance of the act of 1890, withdrew from the public domain, and set apart, thirteen additional reservations as forest reservations, amounting to over 21,000,000 acres, or a little over 35,000 square miles. This naturally and almost of necessity included some lands that ought not to have been embraced in the reservations. Instead of attempting to correct this matter by a provision under which the President might withdraw any portion of this land from the reservations, or to correct the alignments, the Senate has placed upon this sundry civil bill a provision repealing entirely the proclamation of February 22.

This proposition which I now offer includes—first, a provision authorizing the use of timber from the reservations for mining purposes, under the regulations of the Secretary of the Interior. Next, it includes a bill that has already passed this House, a bill that this body has already fully considered, and although it is somewhat long, covering perhaps a printed page of the paper which I hold in my hand, it is not new matter.

The House has considered it carefully and fully in the bill (H. R. 119), and that bill is now pending in the Senate. In order not to bring too much matter into the proposition, we have cut out of that bill the part which has been read. That is in regard to the method of withdrawing from settlement and entry such parts of the various reservations as may be better adapted for cultivation than for timber. But the pith of the whole amendment is in the last five lines, which I will again read, and I invite the attention of the gentlemen from the States where these reservations have been carved out to this provision:

The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Mr. PICKLER. The President has had that power always.

Mr. LACEY. He has never had it.

Mr. PICKLER. He has it now.

Mr. LACEY. Not at all. The gentleman is mistaken. The act of 1891 gave him the power to create a reserve, but no power to restrict it or annul it, and there ought to be such authority vested in the President of the United States. A new President will enter upon his office the day after to-morrow, and there will be no question but what he will give a patient hearing to the gentlemen from the States in which these reservations are located. We should not destroy the reservations simply because some small portions of them, or even a considerable portion of them, have not been properly located. There is no provision of law now by which the reserves heretofore established by President Harrison can be realigned and the boundaries located, in order to leave out portions that ought not to have been included. This provision will give that authority.

In the State of California there was a town of 1,500 inhabitants included in one of the reservations by the order of President Harrison. That was a mistake. That town and the land surrounding it ought to be withdrawn from reservation, and this amendment will give full authority to make this change. This draft was submitted to the Secretary of the Interior. It was the product of a conference between him and some members of the Committee on Public Lands, and will be acceptable, I think, so far as the Administration is concerned.

Now, I think this ought to be accepted by the gentlemen from the States in which the reservations are situated. It protects them fully. It incorporates in that bill the very provision of the bill (H. R. 119) for which they voted, which they supported, and with which they were satisfied. It adds thereto a provision by which the President of the United States may withdraw from the reservations such parts as are no longer needed or such parts as have been improperly included. This forest-reservation system is a highly beneficial one, and the policy has been entered upon and continued now for a number of years, and has been working well.

It is true that in some instances it has worked hardship. These reservations have included here and there the farms of settlers and cut them off from the opportunity of schools. In cases of that kind the provision that we insert in this proposed amendment will give an opportunity, in almost every instance, to segregate that part of the reserve and to realign it in such a way as to exclude the parts where the settlements exist.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker——

Mr. BARTLETT of New York. Mr. Speaker, I ask the chairman of the committee for time.

Mr. CANNON. I will yield to the gentleman some time before I get through. I will now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I wish to have an opportunity to offer an amendment, or a substitute rather for the amendment offered by the gentleman from Iowa [Mr. LACEY], but I am informed by the gentleman in charge of the bill [Mr. CANNON] that I have no right, on this floor, at this time, to offer any substitute for the amendment which has been offered by the gentleman from Iowa.

Mr. PICKLER. Claim your right, and we will try and help you get it.

Mr. MONDELL. I propose to offer, as a substitute, the motion that the House recede from its disagreement to the Senate amendment, and agree thereto.

In the latter part of the Fifty-first Congress, in the closing days of that Congress, there came over a conference report from the Senate which contained a provision that I am about to read. That was voted upon in this House without due deliberation, without any investigation of the subject, without any debate in this House or in the Senate. The provision is as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public land bearing

forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

While this matter was under discussion, the gentleman from Florida [Mr. CALL] said as follows:

Mr. CALL. Mr. President, I do not wish to interpose any objection to the conference report. I desire to say that I know nothing about its provisions, but it disposes of a vast portion of the public domain of this country, as I gather from the reading. In my judgment the question of the disposition of the public lands is one of the most important that could be presented to the consideration of this body. I believe that those lands should be reserved for homes for the people who live upon and cultivate them. And while I can not say whether the provisions of this conference report conform to the interests of the people or not, I wish to clear myself of all responsibility in this matter by saying that I shall not willingly vote or consent, if I know it, to any proposition which prevents a single acre of the public domain from being set apart and reserved for homes for the people of the United States who shall live upon and cultivate them.

Mr. PLUMB. I want to say to the Senator, in response to what he has said, that no bill has passed this body or any other legislative body that more thoroughly consecrates the public domain to actual settlers and home owners than does the bill in the report just read. That is the central idea of the bill.

And still, Mr. Speaker, the setting up of these forest reservations under the provision that I have just read withdraws very great areas of land from settlement under any of the public land laws of the United States, prevents a single stick of timber being cut on any acre of it, and empowers the President of the United States, as has been held in the case in California, to prevent the grazing of cattle upon these vast reservations.

It certainly never was intended when that act was passed that these areas should be segregated without investigation and without knowledge of the people living in the vicinity of those reservations. On the 22d day of last month 21,000,000 acres of land, 32,000 square miles of the public domain of the United States, was set up as forest reservations by the President of the United States, and not a single Representative on this floor or in the other coordinate branch of Congress had the slightest intimation, until they read the morning papers the morning thereafter, that there was any intent to set up these reservations and to reserve these lands.

Now, what are these reservations? Within my State, in the Big Horn Mountains, there is one reservation of 1,129,000 acres. I have traversed that reservation from end to end, time and time again, and there is not over 100,000 acres of that land that has timber of any sort, kind, or character upon it. On every side of that great reservation are rapidly growing settlements, in the two great mountain basins. Into those valleys the hardy pioneers have gone and built their homes, and the only source from which they can obtain firewood or timber to build their houses or improve their farms is upon this reservation.

Mr. COOKE of Illinois. Have you any objection to the amendment offered by the gentleman from Iowa [Mr. LACEY]?

Mr. MONDELL. I have a very decided objection to it. They have reserved these vast areas there. They have taken the public domain. Let this question be thoroughly ventilated.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask that my time be extended.

Mr. CANNON. Mr. Speaker, I regret exceedingly that I can not yield further to the gentleman. I now yield five minutes to my colleague on the committee [Mr. BARTLETT of New York].

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, I believe that all this opposition to the policy of forest reservation is inspired by the timber rings in our Western States and Territories. I am so informed by a gentlemen of the highest credibility. I believe, if this amendment be adopted and that the power be taken away from the President of the United States to make these forest reservations, that the whole sundry civil bill will be vetoed; and I for one hope that the Chief Magistrate of this nation will veto this sundry civil bill if this amendment is agreed to. What is it proposed to do? It is proposed to repeal a law which was passed on the 3d day of March, 1891, and which gives the President of the United States the power——

Mr. MONDELL. Will you yield to me for a question? The gentleman does not mean to represent——

Mr. BARTLETT of New York (continuing). To make these forest reservations of land partly covered by timber. Under that law President Harrison set apart reservations of some 18,000,000 acres; and now President Cleveland, in pursuance of the same policy, has set apart 21,000,000 acres. It is proposed that without any deliberation whatever, at the close of this session, to repeal the salutary law which was enacted six years ago. A commission under the National Academy of Science made a report to the Secretary of the Interior, and it is upon that report, made by these distinguished scientific gentlemen, that this proclamation was issued.

Mr. DOOLITTLE. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. No; I can not yield.

Now, I call attention to the fact that President Harrison set apart 18,000,000 acres in five distinct and different proclamations; and I call attention to the fact that the president of the Arizona Timber and Lumber Company, who cut some 15,000,000 to 20,000,000 feet per annum, protested against the policy that has been adopted in the Senate, and he says that no man can object to the policy of forest reservation unless he is animated by greed of pocket or is controlled by his covetousness.

So I say that we ought not to repeal this act now. Bring it up in your new Congress. I believe that the vital force against us is the force of the men who control the timber rings and the lumber rings in the various States and Territories affected. I do not care to give their names, but their names are well known, and the gentlemen who support this largely—I do not mean the gentleman from Wyoming, but the gentlemen who support this amendment—are animated by a desire to please those lumber syndicates and are not prompted by any wish to please the settlers of their States.

Mr. MONDELL. Does the gentleman mean to intimate that I am actuated in my statements here by any idea of helping any lumber syndicate?

Mr. BARTLETT of New York. I stated that I made no reflection upon the gentleman.

Mr. MONDELL. But you made the statement that those who were opposing the amendment offered here were actuated by such motives.

Mr. BARTLETT of New York. I say that in the main the opposition to this amendment arises from forces controlled by the lumber and timber rings.

Mr. DOOLITTLE. You say that because you do not know what you are talking about. [Laughter.]

Mr. BARTLETT of New York. I make no reflection on any of the distinguished gentlemen.

Mr. DOOLITTLE. Well, you evidently do not understand the premises. You do not know anythng about it.

Mr. BARTLETT of New York. The House can determine whether I am intelligent or not. Now, I propose to read what Mr. Riordan, the president of the Arizona Timber and Lumber Company, says. I suppose the gentleman will admit that he is a judge. He says:

The opposition to the policy of forest reservations can be explained only on two theories: either selfish and immediate pocket interests, which expect to profit from the unregulated use of the public domain, animates the opposition, or else ignorance as to the object and purport of the reservations.

Now, Mr. Speaker, I say that the scientific gentlemen who have made this report are not satisfied with this Senate amendment. I was informed by one of the board to-day that it was not agreeable to them.

[Here the hammer fell.]

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman be allowed five minutes more.

Mr. CANNON. Mr. Speaker, I believe I control this time. I now yield three minutes to the gentleman from South Dakota [Mr. GAMBLE].

Mr. GAMBLE. Mr. Speaker, I will detain the House but a moment. I desire first to reply to the statements just made by the gentleman from New York [Mr. BARTLETT]. They have already been fittingly characterized by the gentleman from Washington [Mr. DOOLITTLE]. The gentleman from New York does not know what he is talking about. There is no proposition in this amendment, Mr. Speaker, to repeal the act of 1891.

Mr. BARTLETT of New York. A practical repeal.

Mr. GAMBLE. No, sir; but we ask this House to vacate and set aside the proclamations that were promulgated by the Executive on the 22d of February, based on misinformation like that upon which the gentleman from New York relies. Let this be first done, and then proper legislation may be enacted to protect forest reservations and the great interests involved. There is no pretense, Mr. Speaker, that there was any definite, careful, or painstaking examination made of the different reservations proposed to be laid out by the eminent commission that made the recommendation to the Secretary of the Interior.

Mr. DOOLITTLE. They never went over the ground.

Mr. GAMBLE. They never went over the ground. They stated with reference to the reservation laid out in the Black Hills in my State that there were only thirteen claims filed in that immense area of 1,000,000 acres, while the fact is, Mr. Speaker, that there are upward of 10,000 people residents of that region. There are towns, and villages, and mining camps, and great mining industries established in that immense and wonderful region, and by this act of the Executive, without one word of advice, consultation, or suggestion from any of the Representatives from the States that were interested in the region, these proclamations were promulgated. And what of definite knowledge as to the conditions there existing do we find on the part of the Secretary of the Interior in his recommendation made to the President for the creation of these reservations? He says:

The state of Professor Gibbs's health would not permit him to accompany the commission on its tour of inspection, but the other members began their work July 2, 1896, and visited most or all of the forest reservations and other public forests of the United States.

There is no pretense, Mr. Speaker, that this commission ever visited the Black Hills, and if they had simply gone there and looked out of the car windows of the railroad that runs through this entire reservation, they would have seen these evidences of settlement; they would have seen these great investments of capital, these extensive communities, these settlers upon their farms, with their vested interests; they would have seen the great mining camps and mills, in which are invested upward of two millions and a half dollars. We insist, Mr. Speaker, that those people have a right to be heard and that these proclamations ought to be vacated, and then proper legislation may be enacted.

This wanton disregard of the rights of the people within the limits of this particular reservation will disastrously affect the mining and other industries there established and will destroy the possibility of their proper and legitimate development. Last year in the Black Hills proper the output of gold alone aggregated nearly $9,000,000. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. I ask the gentleman to allow me five minutes.

Mr. CANNON. We have a great many other amendments to dispose of.

Mr. HARTMAN. I ask it for this reason: Five million acres of land in my State have been set apart without any notice, and——

Mr. CANNON. I yield. Go on. [Laughter.]

Mr. HARTMAN. I defy the gentleman to name any timber ring that is in any way back of the effort which is being put forth by our people to prevent the settlers from being deprived of the right to take timber for their domestic uses and for the purpose of fencing their lands, and to enable miners to run their tunnels and to prop up their stopes. If the gentleman can do it, I want him to rise and say so. Mr. Speaker, I say it is not a fact. This is a matter which concerns every man who has taken his future into his own hands and gone into those States and tried to make a home for himself and his family. Take my own State. There are three res rvations——

Mr. BARTLETT of New York. The gentleman appeals to me to rise——

Mr. HARTMAN. Yes, sir.

Mr. BARTLETT of New York. Does the gentleman intend to say that there is no lumber or timber rings in the West?

Mr. HARTMAN. I say that in the States referred to in this amendment, the States affected by this order, there are no timber rings concerned at all.

Mr. BARTLETT of New York. Does the gentleman mean to say there is no timber syndicate in any one of those States?

Mr. HARTMAN. I have answered your question fairly and squarely. I want to say, Mr. Speaker, that upon the successful knocking out of this proclamation depend great mining industries in the city of Butte, in the city of Anaconda—mining industries which produced 212,000,000 pounds of copper last year. On one mining property there was spent over $10,000,000 in wages. This proposition of the President proposes to make it impossible for that great enterprise to be kept up. The proclamation was issued with the same lack of knowledge on the part of the President of the United States that is now possessed by the distinguished gentleman from New York who rises here as his special defender.

Mr. Speaker, one word further, and I am through—a word with reference to the manner in which this has been done. There has been no examination made at all. The matters provided for by the Commissioner of the General Land Office—the ordinary methods of investigation were not followed, the public notices which were required to be given were none of them given—not in a single case. So that we are in this position: If this House passes the amendment proposed by the gentleman from Iowa, it affords no relief whatever.

I hope the House will vote down that amendment, and then I hope my friend from Wyoming [Mr. MONDELL] will be recognized to make a motion to recede from our disagreement and concur in the amendment of the Senate. If there is anybody here who feels at all friendly to our side of this question, I do not want a single vote to be cast in favor of the amendment of the gentleman from Iowa. I do not want to put into the hands of the Secretary of the Interior the power to go to work and repeat the farcical examination which was alleged to have been made by these alleged scientific gentlemen who never came within two or three hundred miles of some of the reservations.

They went there, put up at some of our fine hotels, took their maps and with their pencils marked out, as has been done [exhibiting a map], one-eighteenth of the entire State, without consulting a single State officer or a single Representative or Senator here in Washington. Is the House ready to indorse that? [Cries of "No!" No!"] I do not believe you will; and I thank the House for this expression of its good will.

Mr. PICKLER. I ask the gentleman from Illinois [Mr. CANNON] to give me one minute to read a telegram from some of my constituents in the Black Hills country, relating to this question.

Mr. CANNON. Well, I yield the gentleman half a minute.

Mr. PICKLER. I must say to the gentleman that the Senate took two hours to discuss this question. The telegram that I am about to read is from the representative of one of the great mining interests in the Black Hills:

President Cleveland's executive orders issued Monday, reserving nearly a million acres of land in the Black Hills of South Dakota for a forestry reservation will ruin every industry here. Do all possible to have the order suspended. If you can not get it revoked until the people here can be heard, please send me a copy of the order describing the location of the lands reserved.

Mr. CANNON. Now, Mr. Speaker——

Mr. LOUD. I hope the gentleman will yield me five minutes. [Cries of "Vote!" "Vote!"]

Mr. CANNON. Mr. Speaker, I desire the attention of the House upon this matter, because, in my judgment, it is a vital amendment. Its adoption means the nonenactment of this sundry civil bill at this session of Congress.

A MEMBER. Well, let her go.

Mr. CANNON. The gentleman says, "Let her go."

Mr. DOOLITTLE. Such an outrage as this upon the States whose rights are involved should not be permitted by this House of Representatives.

Mr. CANNON. Mr. Speaker, I crave the judgment of the House—not its sound. What are the facts of this case? A week or two ago the President of the United States, acting in pursuance of law, issued a proclamation withdrawing 20,000,000 acres of land from the market, calling it a forest reservation. That is the condition now; there is no doubt about it.

Gentlemen from Montana and elsewhere object. Now, I am not here to find fault with their objection; I am not here to criticise it; I am not here to use hard words; but the natural way to repeal this Executive order is by legislation—not upon an appropriation bill. It could not go an appropriation bill under the rules of the House. It could not go on an appropriation bill under the rules of the Senate. Nevertheless it comes here in the shape of a Senate amendment.

What does it do? It absolutely repeals the Executive order. Grover Cleveland made the Executive order. If that Executive order is repealed, it must be done by the approval of the President of the United States. It was made two weeks ago.

Now, what does the gentleman from Iowa [Mr. LACEY] propose to do? The gentleman from Iowa proposes in lieu of the absolute repeal of this Executive order, to provide, first, that the President of the United States shall have power to repeal this Executive order, in whole or in part. The President never dies. One person is President to-day, another person perchance is President next week. Now, the amendment of the gentleman from Iowa [Mr. LACEY] if adopted, and if that was the only provision in it, renders it possible for the President of the United States to repeal this Executive order entirely, or to modify it in whole or in part.

Now, granting, for the sake of the argument, that gentlemen from the State of South Dakota and gentlemen from other States are aggrieved, are they not better off under the amendment than they are now?

Mr. LACEY. Without any law.

Mr. CANNON. Without any law. Now, this is first. What next does the gentleman from Iowa [Mr. LACEY], by his amendment, propose to do? He proposes to throw open these reservations, made by Executive order, for mineral-land entry. They are not open now. If his amendment is adopted and enacted into law, they will be open for both mineral-land entry and agricultural-land entry.

Mr. LACEY. Not for agricultural-land entry; but they can use the timber for agricultural purposes.

Mr. CANNON. I was mistaken. They will be open for mineral-land entry. What else does the amendment do? It puts it in the power of the Secretary of the Interior, aye, it makes it the duty of the Secretary of the Interior, whether this provision of this Executive order is made or not, to sell the Government timber to the miner, to the settler, and to the farmer. Am I correct about that?

Mr. LACEY. Under exactly the same terms as the House has already imposed by the bill H. R. 119.

Mr. CANNON. Precisely.

Mr. LACEY. I did not attempt to write anything new for the House, but simply copied that which the House on due deliberation, upon motion of the Committee on the Public Lands, after careful consideration, had already, as far as it was in the power of the House, enacted into law.

Mr. CANNON. Now, Mr. Speaker, that is what the amendment offered by the gentleman from Iowa [Mr. LACEY] will do. The chairman of the Committee on Public Lands [Mr. LACEY] is familiar with these questions. I was not so familiar with them. When this Senate amendment came to the House, not being familiar with it, but knowing the ability, the knowledge, the honesty, and the judgment of the chairman of the Committee on Public Lands, I at once went to him and said "I wish you would

take charge of this. It is on my bill, out of order. If it remains on my bill, an absolute repeal of an Executive order that was made two weeks ago, I believe that my bill, carrying $50,000,000 for rivers and harbors, and for every branch of the public service, will be lost."

The gentleman from Iowa considered the matter. He has moved his amendment. Now the gentleman from Montana and the gentlemen from the Dakotas oppose this amendment. Does it not place them in better shape than they are in now? There is no doubt about that.

But the gentlemen from these States, without regard to the welfare of this bill, seek to fasten, out of order, this provision upon a great money bill which runs to every corner of the Republic, and in its expenditures to every ocean upon the earth, and to hold it up by the throat, and say that that Executive order, made by the President, shall be repealed with the consent of the President in less than two weeks after it has been made, or that this bill shall not be enacted into law.

The gentleman from Iowa [Mr. LACEY] has the reasonable side of this case. These gentlemen are placed in a much better position. I would go far to accommodate my friends from the West. I have every sympathy with them, and the amendment of the gentleman from Iowa [Mr. LACEY] is a vast improvement upon the present condition.

I ask the House to adopt the amendment of the gentleman from Iowa, and let us go on with the other amendments upon this bill. [Applause.]

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. LOUD. I hope I may have five minutes.

Mr. CANNON. I hope the gentleman will not ask that.

Mr. LOUD. I shall not attempt to impede the business of the House; but I believe the matter contained in this amendment is of great importance to the people of my State.

Mr. CANNON. Oh, my friend, I will say I understand I think it is the temper of the House to adopt the amendment.

Mr. LOUD. Mr. Speaker, for three days I stood in this House last Congress on a measure of this kind.

Mr. BRUMM. Regular order.

Mr. LOUD. By going slowly we will get along a good deal faster. If the gentleman says he will except the State of California, I have no objection.

Mr. LACEY. If the gentleman from California will allow me, I suggest as to this part of the bill, which authorized the sale of timber for domestic and mining uses, he desires to amend it so that they can not do that in California. I have no objection to that. The other States where they do not want to sell will have no objection to Califofnia having that exception made.

Mr. CANNON. We can fix that in conference, I will say to my friend.

Mr. LOUD. Will the gentleman agree to fix that? [Cries of "Vote!"]

Mr. CANNON. I ask, Mr. Speaker, for a vote. Gentlemen have had two minutes to our one; and we must finish this bill.

The question was taken; and the amendment of Mr. LACEY was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

The Clerk read as follows:

Amendment numbered 98:
For improving Hudson River, New York: Continuing improvement, strike out "five hundred" and insert "three hundred and seventy-five;" so as to read "$375,000."

The SPEAKER pro tempore (Mr. BENNETT). The gentleman from Illinois in charge of the bill is recognized.

Mr. HOOKER. Will the gentleman from Illinois yield to me for a moment?

Mr. CANNON. For what purpose?

Mr. HOOKER. I want to ask a question and make a suggestion about several amendments here.

Mr. CANNON. I would be glad to hear the gentleman.

Mr. HOOKER. I intended to move that the House nonconcur in all of these amendments concerning rivers and harbors.

Mr. CANNON. Notice has been given as to various ones of these amendments, that gentlemen would move to concur, or recede from the disagreement, which takes precedence over my motion in those cases where such notice was given.

Mr. HOOKER. I will suggest that amendments numbered from 98 down to 130 involve substantially the same thing.

Mr. EVANS. Except amendment 127.

Mr. WILLIAM A. STONE. I have given notice concerning——

Mr. HOOKER. My statement will not interfere with yours in the slightest. These are simply for appropriations where projects are put upon continuous contracts, and the amounts inserted in the bill in the House are reduced in the Senate for no other purpose whatever, and I ask unanimous consent that a vote may be taken on the twenty-two together. They are 98, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 113, 116, 118, 120, 123, 124, 125, 126, 129, and 130.

Mr. CANNON. I will say to my friend that many of those amendments are closed up already. And let me say to my friend, to save trouble about this matter, the horizontal cut upon the river and harbor items amounting to $2,000,000 is not of very great importance, except if the Senate amendments are concurred in that there will be a deficiency to be provided for next winter. But so far as the public service is concerned, with the power to contract, the money will be paid in the meantime.

My trouble and that of the House conferees very largely is not upon those items where the amount of the appropriation was reduced, but the principal trouble that the House conferees have is the legislation touching rivers and harbors upon this bill; in other words, the provisions which make this a river and harbor bill as well as a sundry civil bill.

Mr. HOOKER. Will the gentleman permit just a question?

Mr. CANNON. In a moment. I do not feel that we ought to do that, but we ought to submit it to the House for its consideration and action.

Mr. HOOKER. If the gentleman will permit me a question. The amendments I have suggested do not involve any legislation.

Mr. CANNON. I beg your pardon; some of them do.

Mr. WILLIAM A. STONE. They concur in some.

Mr. HOOKER. I move to nonconcur in such of the amendments as may reduce the appropriations made by the House.

Mr. CANNON. If the gentleman had been here during the whole evening, he would see at once that we would make better headway by going on as we have been.

Mr. HOOKER. I was hastening by asking a vote upon twenty-two propositions at once.

Mr. CANNON. That can not be done. Separate votes have been demanded on many of them.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Page 94, amendment 98:
"Strike out 'five hundred thousand' and insert 'three hundred and seventy-five thousand;' so as to read '$375,000.'"

Mr. CATCHINGS. Is not a separate vote asked?

Mr. CANNON. Vote.

Mr. CATCHINGS. I desire to state to my friend from Illinois that we can expedite the matter if the motion of the gentleman from New York is entertained. He makes the motion to nonconcur in all of these amendments where the Senate reduces the amount. You can embrace them all in one motion.

Mr. CANNON. We can do it one by one.

Mr. CATCHINGS. Very well.

Mr. CANNON. My motion is that the House insist on its disagreement.

Mr. SAYERS. The proper motion is that the House further insist upon its disagreement to the amendment of the Senate.

The SPEAKER pro tempore. The question is on the motion that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The Clerk read as follows:

For completing improvement of channel connecting the waters of the Great Lakes between Chicago, Duluth, and Buffalo, (99) including necessary observations and investigations in connection with the preservation of such channel depth, $1,000,000.

Mr. CANNON. Mr. Speaker, that amendment is not even in conference.

Mr. SAYERS. The report of the conference committee embraced that item as settled.

The Clerk read as follows:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, (100) $400,000—strike out "four" before "hundred," and insert "three;" making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read as follows:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement (101), $400,000.

Strike out "four," before "hundred," and insert "three," making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

Mr. CANNON. Mr. Speaker, nobody has asked for separate votes on the amendments that are now being read.

Mr. HOOKER. I asked unanimous consent a while ago to take the vote on 22 of them together.

Mr. TOWNE. Separate votes were asked for.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] made the request.

The Clerk read as follows:

Improving harbor at Savannah, Ga.: For continuing improvement (102) $400,000.

Strike out "four" and insert "three;" making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The Clerk read as follows:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement (103) $400,000 (104).

Strike out "four" and insert "three," so as to make the appropriation $300,000. After "dollars" add "to be immediately available."

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. CANNON. Now, Mr. Speaker, I ask unanimous consent as to amendments numbered 105, 106, 107, 108, 109, 110, 111, that the House further insist upon its disagreement with the Senate.

Mr. PEARSON. Mr. Speaker, I desire a separate vote on amendment 109, as it relates to a matter with which I have some acquaintance.

Mr. CANNON. Then I will except 109.

The Clerk read the other amendments enumerated by Mr. CANNON, as follows:

Amendment 105, reducing appropriation for harbor of Portland, Me., from $400,000 to $300,000.

Amendment 106, harbor at Rockland, Me., reducing appropriation from $400,000 to $300,000.

Amendment 107, harbor at Buffalo, N. Y., reducing appropriation from $550,000 to $412,500.

Amendment 108, harbor of refuge, Delaware Bay, reducing appropriation from $450,668 to $338,000.

Amendment 110, Sabine Pass, Texas, reducing appropriation from $400,000 to $300,000.

Amendment 111, harbor at Cleveland, Ohio, reducing appropriation from $400,000 to $300,000.

The motion of Mr. CANNON that the House further insist on its disagreement with these Senate amendments was adopted.

Amendment numbered 109 was read, as follows:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, $400,000. Amend by striking out "four" and inserting "three," making the appropriation $300,000.

Mr. CANNON. Mr. Speaker, what motion does the gentleman from North Carolina [Mr. PEARSON] desire to submit?

Mr. PEARSON. That we concur in the amendment.

Mr. CANNON. Does the gentleman desire to be heard?

Mr. PEARSON. I do.

Mr. CANNON. How much time does the gentleman want?

Mr. PEARSON. It will take not more than three minutes for me to say what I want to say.

Mr. CANNON. I yield the gentleman that time.

Mr. PEARSON. Mr. Speaker, when I last asked the gentleman in charge of this bill to be permitted to take the floor, it was for the purpose of moving an amendment in relation to the question of the sugar bounty, which was then before this body, to the effect "that the appropriation be made available only after the expiration of a period of thirty consecutive days during which the revenues of this Government shall be equal to its daily expenditure," and I am here to say to the distinguished chairman in charge of this bill and to the House that the reason I select this item of Winyaw is that I know the spot, I know the river, and I know that the appropriation is not needed; and I know further—but I would not like to make any personal remarks in this connection—I do know, however, that the receipts there are only $300 a year, and are you not content with $300,000?

Do you insist upon $400,000 for a place that brings in only $300 a year? Is that the economy that is to characterize this Administration, or rather this Republican House? I make this point not because the locality is South Carolina, or because it is on this river, but because of the unworthiness of the appropriation, and I believe that there are other unworthy items in the bill, particularly one on the far Northwestern coast, where $400,000 is appropriated for a harbor at a place where they will have to dig a hole in the sand and call it a harbor and pour in $400,000, a place where there is no town, no custom-house, not a dollar of revenue collected, and yet it is proposed to put in $400,000, and at a time when we have not the money.

A MEMBER. What place is that?

Mr. PEARSON. It is a place called Grays Harbor, and it is only one of thirty or forty of such items.

Mr. HOPKINS of Illinois. Well, stick to your point on this amendment.

Mr. PEARSON. I will stick to this, but I say it is only one of many unworthy items. In saying this I am inspired by no spirit of sectionalism, but simply by a knowledge of geography and a knowledge of the receipts and expenditures of this Government at this point and a desire to protect the public Treasury in its present distress.

Mr. HOPKINS of Illinois. How near do you live to the place?

Mr. PEARSON. I was born on the river that empties into this bay.

Mr. WILLIAM A. STONE. The gentleman differs entirely with the report of the Chief of Engineers.

Mr. CANNON. I yield to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, in the absence of the gentleman from South Carolina, more immediately interested in this, I desire to say a few words in reply to the gentleman from North Carolina.

The gentleman from North Carolina does not understand the situation at all, if we are to judge by his remarks. Winyaw Bay is the outlet of all the rivers practically in the State of South Carolina. Those rivers carry a constant and valuable traffic, as is fully set forth in the reports of the Chief of Engineers and the local engineers in charge of the work there.

This improvement is a matter of so much importance that delegations have been repeatedly sent here from the State of South Carolina on this subject. It is a matter of so much moment that the legislature of South Carolina, on more than one occasion, has passed resolutions expressly insisting that Congress should deal liberally with this improvement. It is within a very few miles of Charleston. The customs receipts cut no figure in the matter at all, because practically all the business goes to Charleston and figures in the receipts of that place.

I repeat that the State of South Carolina is filled with navigable streams, every one of which to-day is being made use of for the purposes of commerce; that the aggregate commerce upon those streams is simply enormous; that they all—practically without an exception—empty into Winyaw Bay. There is not a more worthy project in this bill than the one under discussion, and the gentleman from North Carolina simply does not know what he is talking about when he undertakes to denounce this as an unworthy project.

Mr. CANNON. I ask for a vote.

The question being taken on the motion that the House recede from its disagreement and concur in the amendment of the Senate, there were—ayes 24, noes 78.

Mr. PEARSON. I make the point of no quorum. [Cries of "Oh, no!"] I have not yielded my rights. If we must squander this money, let us do it in daylight.

Mr. CANNON. Mr. Speaker, I have yielded time to my friend to discuss this question. I want to say to him that we are now within less than thirty-six hours of the expiration of this Congress. The present proposition is simply the sending of this matter to a conference. It is not a question of legislation. That was determined a year ago. I appeal to my friend not to make the point of no quorum. I want to get this bill into conference.

Mr. PEARSON. Will the gentleman allow me to make a statement?

Mr. CANNON. With pleasure.

Mr. PEARSON. I desire to say, Mr. Speaker, that at the beginning of the consideration of this bill I demanded a second on the motion which was made to suspend the rules. I had the right to control the time, and the men who stood with me had the right to be heard in opposition to the measure. That right—by accident, I ought to say, in justice to the Speaker—was denied me. It was not his fault; it was simply a mistake of fact.

Now, I know that there are men enough on this floor to defeat these unworthy measures if we have a fair hearing. I knew it on that day; I know it this night. And I know the Treasury is not in a condition to stand the expenditure for these unworthy objects. In justice to the people whom I represent, in justice to the Federal Treasury, and in accordance with the oath which I have taken in front of the Speaker's chair, I shall stay here all night, if necessary, to oppose such legislation.

Mr. CANNON. Does the gentleman demand a quorum?

Mr. PEARSON. I demand a quorum.

Mr. CANNON. "Not thou, but the rule railest at me." [Laughter.]

Mr. Speaker, I ask unanimous consent to pass over this item.

Mr. RICHARDSON. There is no use in doing that.

The SPEAKER. That can not be done unless the point of no quorum is withdrawn.

Mr. PEARSON. I am not an obstinate man by nature; and I have no disposition to antagonize the gentleman from Illinois. I feel that I have not been treated as I should have been in this discussion; and I know there are men enough on this floor when we have a full House to defeat such legislation as this.

Mr. CANNON. I ask unanimous consent to pass over this item until we have finished the bill and then return to it. Will that be satisfactory to the gentlemen from North Carolina?

The SPEAKER. If the gentleman from North Carolina withdraws the point of no quorum, that can be done; otherwise it can not.

Mr. RICHARDSON. I can not see what good that will accomplish.

Mr. CANNON. If the gentleman withdraws the point of no quorum, we can then, by unanimous consent, pass over this amendment until we complete the rest of the bill, when we can return to it.

Mr. PEARSON. I decline to yield unanimous consent, so far as I am concerned.

Mr. CANNON. Very well; then let us get a quorum, Mr. Speaker.

The SPEAKER proceeded to count the House.

Mr. PEARSON (interrupting the count). Mr. Speaker, I have emphasized my opposition to this bill; I find that my opposition must be unavailing, and I withdraw the point of no quorum. I am not willing to tax the patience and the physical strength of the members now present.

The SPEAKER. The point of no quorum is withdrawn. Th noes have it, and the House insists upon its disagreement. The Clerk will read the next amendment.

The Clerk read as follows:

(112) The Secretary of War is hereby directed to cause to be made a survey and estimate of cost of deepening and widening the straight channel in Maumee River and Bay, with a view to obtaining and permanently securing a channel of a uniform width of 400 feet and 20 feet deep at low water, the cost of said survey to be paid out of money already appropriated for the improvement of said channel.

Mr. SOUTHARD. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. If my friend will allow me, in order to save time, I will say that this amount is payable from the appropriation upon its face. The reason that your conferees did not agree to this was that it is legislation, and belongs on a river and harbor bill. This is the sundry civil appropriation bill, and we did not feel at liberty to recommend to the House to make it in whole or in part a river and harbor bill. Having made that statement, I know of no objection to the amendment upon its merits, and if the gentleman moves to recede, I am willing to allow the vote to be taken.

The motion of Mr. SOUTHARD to recede and concur was agreed to.

The Clerk read the next amendment, as follows:

(113) In line 20, page 90, strike out the words "five hundred" and insert the words "three hundred and seventy-five."

Mr. CANNON. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The Clerk read the next amendment, as follows:

Improving harbor at Oakland, Cal.: For continuing improvement under present limit, $200,000. And the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving harbor at Oakland, Cal., is hereby amended to read as follows:

"Improving harbor at Oakland, Cal.: Continuing improvement under existing project, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $666,000: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount hereby authorized to be expended."

Mr. WILLIAM A. STONE. I ask the gentleman to yield to me for a minute. I move that the House recede from this disagreement and concur in the Senate amendment. I simply wish a few minutes time in which to make an explanation.

Mr. CANNON. Does the gentleman want five minutes or three minutes?

Mr. WILLIAM A. STONE. Five minutes, and I will include the kindred measures.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. WILLIAM A. STONE. I wish the House would give me its attention for a moment. This matter is similar to two other amendments, numbered 121 and 122. The Oakland Harbor matter, the Ohio River dams, and the Kentucky River are the three similar items.

They were all placed in the last river and harbor bill; but the Chief of Engineers, through a mistaken estimate as to the cost of these projects, did not give the Committee on Rivers and Harbors a sufficient limit of cost, and the limit fixed by the Committee on Rivers and Harbors was made too low. So, when the Secretary of War came to let the contracts, as he was authorized to do, he found that he could not let contracts for the completion of the work on these three items inside the limit.

Therefore the matter was referred to the Judge-Advocate-General, who decided that, inasmuch as the limit was not sufficient to complete the work, the Secretary of War had no business to let the contracts at all. So they were not embraced in the sundry civil bill that was passed through the House. The Senate put them on in the shape of amendments, and cured the difficulty by providing that the amount should be what would be necessary to prosecute the work.

The amendment does not raise the limit in either case, and the items are before the House simply on the Senate amendment, with the technical objection cured by the Senate amendments. I therefore hope that the House will concur in the Senate amendments, as it puts them on the same footing with all the other items in the river and harbor bill under what is known as the contract system.

Mr. HEPBURN. I should like to ask the gentleman what was the estimate for the improvement provided for the item in amendment numbered 121?

Mr. WILLIAM A STONE. Item 121 is the four dams in the Ohio River.

Mr. HEPBURN. What was the original estimate?

Mr. WILLIAM A. STONE. The original estimate, which has not been raised at all, was a limit of $2,020,000, and that embraced four dams, Nos. 2, 3, 4, and 5. Now, the Senate has eliminated dam No. 5. They have not raised the limit at all, but they have appropriated the amount which the Secretary of War estimates is necessary.

Mr. HEPBURN. Nearly the amount for the four that was estimated for the five.

Mr. WILLIAM A. STONE. Well, that was clearly a mistake of the Secretary of War. He got his estimate too low.

Mr. HEPBURN. But that was a mistake that induced the committee of the House to consent to go into this enterprise.

Mr. WILLIAM A. STONE. What committee, the River and Harbor Committee?

Mr. HEPBURN. Yes. Well, they want to improve river Dam No. 6; Dam No. 1 has been completed long ago. This simply corrects a mistake made by the Chief of Engineers. I hope the House will concur in the Senate amendment.

Mr. CANNON. Mr. Speaker, does the gentleman from California desire a minute?

Mr. HILBORN. Mr. Speaker, the last river and harbor bill had a provision for the completion of the work on Oakland Harbor, upon a plan that was devised years ago, and which fixed the limit of cost at $666,000. After the river and harbor bill had been passed, and Congress had adjourned, a new engineer was put in charge of this work. He revised the figures of his predecessor and raised the estimate by several hundred thousand dollars. Now, a responsible contractor, one who has had vast experience in this kind of work, has offered to do this work, to complete the improvements upon the original plan, for the amount fixed in the river and harbor bill itself.

Mr. CANNON. Mr. Speaker, a word, and I am ready to vote. At Oakland, the provision in the river and harbor bill that passed a year ago was to complete the work according to the plans of the engineer and within a limit of cost of $686,000. Now it seems that to complete it according to the engineer's estimate referred to it will cost $1,062,000.

Mr. HILBORN. I said we had an offer to complete it for the original estimate.

Mr. CANNON. The Senate comes in and proposes to amend this provision of the river and harbor bill by striking out the word "complete," and putting in the word "continuing," so that by this legislation the amount of money carried by this bill can be devoted to that improvement.

Now, then, a word as to the four dams on the Ohio River. They are in the same fix exactly. By the legislation on the river and harbor bill, that work can not be done by $1,000,000, according to the plans described in the river and harbor bill.

The same is true as to the Kentucky River. It will cost a million of dollars more than the limit fixed in the river and harbor bill passed a year ago.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to ask the gentleman a question.

Mr. CANNON. In a moment. Now, by the Senate amendment as to Oakland, Cal., as to the four dams on the Ohio River, and as to the Kentucky River, they come in with legislation to expend this money in "continuing," changing the law of the river and harbor act and making a river and harbor act of this bill.

Now, when I state that, I hope that the House is in possession of the fact, and it is for the House to say whether this bill, reported by the Committee on Appropriations, is to not only be an appropriation bill in pursuance of existing law, but is also to be a river and harbor bill that legislates for the improvements of rivers and harbors. I am ready for a vote.

The SPEAKER pro tempore (Mr. PAYNE). The question is on the motion to recede and concur.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CANNON. I will ask for a stand-up vote, and then I am done.

The SPEAKER pro tempore. The gentleman demands a division.

The House divided; and there were—ayes 70, noes 14.

So the amendment was concurred in.

Mr. WILLIAM A. STONE. I ask that the other two be considered in the same way. They are exactly the same as this.

Mr. CANNON. Read the next amendment.

The Clerk read as follows:

(115) The officer of the Coast and Geodetic Survey detailed to serve on the Board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which Board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1556 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. CANNON. Is there any motion there?

Mr. SAYERS. This amendment seems to be for the payment of an officer detailed upon a board of survey.

Mr. WILLIAM A. STONE. I move that the House concur in the Senate amendment.

The question was taken; and the Senate amendment was concurred in.

The Clerk read as follows:

Amendment No. 116: Strike out "four" and insert "three;" so as to read "$300,000."

Mr. CANNON. I ask unanimous consent that we further insist upon disagreement on this amendment and send it to conference.

The motion was agreed to.

The Clerk read as follows:

(117) That the Secretary of War be, and he is hereby, authorized and directed to expend from existing appropriation "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith" made by the "Act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of $10,000 in making a definite survey and location of said improvement from the head of Salmon Bay to termination on Smiths Cove and connect with former survey from Lake Washington to head of Salmon Bay, and in preparing a cadastral map, showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

Mr. CANNON. Does the gentleman from Mississippi think that this amendment ought to be concurred in?

Mr. CATCHINGS. No, sir; I do not. I think it ought to be nonconcurred in.

Mr. CANNON. Then I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read as follows:

Amendment No. 118:
Strike out "four" and insert "three;" so as to read "$300,000."

Mr. CANNON. I ask that the House further insist on its disagreement to this amendment.

The SPEAKER pro tempore. Without objection, it will be ordered that the House further insist upon its disagreement to this amendment.

The Clerk read as follows:

Improving the Great Kanawha River, W. Va.: Completing improvement, $273,000.

Mr. HULING. I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. The House has voted so frequently I will say nothing about it.

The amendment was concurred in.

Amendment No. 120 was read, reducing the appropriation for improving the upper Monongahela River from $400,000 to $300,000.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the House further insist on its disagreement.

The motion was agreed to.

Amendment No. 121 was read, as follows:

(121) Improving the Ohio River: For continuing construction of Dams Nos. 2, 3, and 4, between Davis Island dam and Dam No. 6, $400,000; and the provision in the river and harbor appropriation act of June 3, 1896, authorizing contracts to be made for improving Ohio River by the construction of Dams Nos. 2, 3, 4, and 5, is hereby amended to read as follows:

"*Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to prosecute work on said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,999,000, exclusive of the amount herein appropriated: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur.

The motion was agreed to.

Amendment No. 122 was read as follows:

(122) Improving Kentucky River, Kentucky: For completing Locks and Dams Nos. 7 and 8, $200,000; and the provision of the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, relating to improving Kentucky River, Kentucky, is hereby amended to read as follows:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute work on said improvement in accordance with the present project for same, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein and heretofore appropriated.

"*Provided*, That of the amount authorized to be expended, $93,000, or so much thereof as may be necessary, may be expended in addition to the $50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise, and said $93,000 shall be immediately available: *Provided further*, That in making such contract or contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended."

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the several votes by which these amendments were concurred in was laid on the table.

Mr. CANNON. Mr. Speaker, with reference to amendments 123, 124, 125, and 126, I ask unanimous consent that the House further insist upon its disagreement.

There was no objection, and it was so ordered.

Amendment numbered 127 was read, as follows:

Add to the item for improving falls of Ohio River, at Louisville, Ky., the following: *Provided*, That the Secretary of War may carry to completion the present project of improving the falls of the Ohio River and Indiana Chute Falls, Ohio River, by contract, as provided in the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896; or the necessary materials may be purchased, and the work done otherwise than by contract, in his discretion, if more economical and advantageous to the United States.

Mr. EVANS. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and concur in the same.

Mr. CANNON. Mr. Speaker, the only possible objection to this provision is that it is legislation upon an appropriation bill. It does not increase the amount. The engineers want it, and say that in the condition of that work they ought to have the discretion to do at least a part of the work by days' work, because it is not practicable to do it entirely by contract. The only reason that the conferees disagreed to the amendment was that they wanted the House to assume the responsibility of putting legislation upon this bill.

Mr. BURTON of Ohio. Why is it that the limit of the total cost is not included here?

Mr. EVANS. It is limited in the river and harbor bill.

Mr. CANNON. In amendment 126 the gentleman will find that it is limited.

Mr. BURTON of Ohio. Is it contemplated, then, that this other method of doing the work shall not in any event increase the cost?

Mr. CANNON. It will not increase it.

Mr. EVANS. It will diminish it.

The motion of Mr. EVANS to recede and concur in the Senate amendment was agreed to.

On motion of Mr. EVANS, a motion to reconsider the vote by which the last motion was agreed to was laid on the table.

Amendment numbered 128 was read, as follows:

Add to the item for improving Chicago River, Illinois, the following:

"In pursuance of the provisions of 'An act making appropriations for the construction, repair, and improvement of certain public works on rivers and harbors, and for other purposes,' approved June 3, 1896; and it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in the improvement of said river which was recommended or suggested to be done in the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1893, may be done: *Provided*, That the total cost of such improvement or work shall not exceed the limit provided for in said act."

Mr. CANNON. Mr. Speaker, I yield five minutes to my colleague from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and concur in the same. Mr. Speaker, I want to say only a few words on this subject. It is not sought by this amendment to make an appropriation.

In the last session of Congress an appropriation of $50,000 was made for the improvement of the Chicago River, and the Secretary of War was authorized to place that river under the contract system and expend up to $700,000 for necessary improvements, or improvements recommended by the engineers stationed at Chicago. By this amendment we seek only to construe the law passed at the last session, so that we may be able to go on and put our river under contract and complete the work or exhaust the $700,000 appropriated at the last session.

Mr. CANNON. Mr. Speaker, I yield a minute to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has objected seriously to certain of these amendments because they apparently indicate an effort of the Senate to

introduce legislation that belongs to a river and harbor bill alone. He has objected to the sundry civil bill being transformed into a river and harbor bill. But there is another objection to the pending amendment, which the gentleman has entirely passed over. Here is another assumption. This amendment, it appears, proposes to construe a law passed heretofore, so that it is a usurpation of a function of the Supreme Court. This amendment undertakes what is the proper construction of a law passed at some previous period. I simply want to call attention to this additional objection to the amendment.

He objected to the sundry civil bill becoming a river and harbor bill. Now, there is another objection to this clause that the gentleman has entirely passed over. Here is the assumption of another function. This section proposes to construe a law—a usurpation of the function of the Supreme Court. We find here an attempt to define the proper construction of a law passed at some previous period. I simply call attention to this as another objection to this section.

Mr. CANNON. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, this provision not only construes a law; it creates one. The river and harbor act passed June 3, 1896, was clear enough. It made provision "for improving the Chicago River, in Illinois, from its mouth to the stock yards on the South Branch and to Belmont avenue on the North Branch, as far as may be permitted by existing docks and wharves."

That provision was distinct enough—"as far as may be permitted by existing docks and wharves." It contemplated only the work of dredging. It is perfectly clear that that is what was intended to be expressed in the law. An estimate has been recently made by the local engineer at Chicago, showing that there are four items of expense to carry out the improvements contemplated in this bill—$280,000 for dredging, $100,000 for widening, $176,000 for building docks, $144,000 for right of way.

Now, the past is secure so far as this improvement is concerned. It is provided that dredging shall be done, though I think it is a mistake to provide even that in this location. Nearly every harbor on the Great Lakes is of a certain type. There is a creek or river, usually a narrow one, like the Chicago River and its branches, emptying into the lake. The Government constructs a pier from the mouth of the river out into the lake far enough to reach navigable water. But every improvement on the river or creek inside of that pier is made at the expense of the municipality or of private parties. In the city of Buffalo, in the city of Cleveland, in the city of Milwaukee, in all these great ports on the lakes, every dollar of the expense inside of the Government pier is paid by the municipality or by private parties.

Now, concede that there should be such degree of favor shown to Chicago that dredging be done inside of that pier, it is wrong to pay also for right of way and to rebuild docks that are made by deepening. The Government engineer expresses himself clearly on this subject in his last report:

> It has been customary for the United States to maintain the channel between the piers and docks of the entrance to Chicago River by dredging to such width and depth as required by vessels of the dimensions navigating Chicago River.
>
> This dredging has been restricted to that part of the channel lying seaward of the Rush Street Bridge. The city of Chicago uses this river as an outfall for its sewage, and also annually dumps large volumes of slush and street cleanings into the channel through the operations of its street-cleaning department.

There is not a man in this House more friendly to river and harbor improvements than I, but we should carefully draw a line between that which should be performed by the General Government and that which should be performed by private parties and municipalities. To illustrate: In the common council of Buffalo I am informed that a few days ago a resolution was introduced reciting the terms of this bill, and directing that an investigation should be made, with the view to secure an appropriation for improving Buffalo Creek, which is the same kind of a stream as Chicago River, but has always been improved by the city. I do not wish to see this bill pass without the House understanding the dangerous precedent which it will establish—that of doing at the expense of the Government a work which should be done by others.

More than that, the Government has no business inside of the Chicago River. It is very narrow, spanned by bridges every 300 or 400 feet, and crossed by tunnels which limit the depth. There is a city ordinance, the validity of which was tested in the Supreme Court of the United States, by which the city of Chicago closes those bridges for an hour in the morning and an hour in the evening. The Supreme Court decided that it was a matter exclusively for the city of Chicago to determine—that until the General Government interfered and took control of that river, not merely improved it, but took absolute control and directed what should be done with those bridges, the city of Chicago had the exclusive control of them. Fancy where we would be if the General Government should endeavor to buy the right of way and cut off corners and straighten the river and then build docks to be used by private parties. It is a matter of private enterprise, I submit, that the city of Chicago should take care of. [Applause.]

I am willing to concede in justice that Chicago is a great port, which has not received large appropriations from the Government; but I submit that we ought not to establish this precedent; that we ought not to extend this favor to one locality which will operate as a discrimination against other localities and as a dangerous precedent everywhere.

Mr. CANNON. I yield to my colleague [Mr. REEVES] for five minutes.

Mr. REEVES. Mr. Speaker, although my colleague on the Committee on Rivers and Harbors [Mr. BURTON of Ohio] and I have been unable to agree on this matter, I accord to him perfect fairness and honesty in what he does. At the same time I must insist that he is in error both in principle and in fact. The chief objection made by the gentleman to this proposition is that the work is to be done in the Chicago River, inside of the Government piers. He claims that because the work is thus inside of those piers it is not in the interest of the commerce of the country at large, and therefore must be in the interest of the city alone, and that the expense should be borne by it.

Mr. BURTON of Ohio. My colleague on the committee, I know, does not wish to misstate my position. I do not claim that this improvement is not in the interest of commerce, as of course it is. The only question is as to the agency which should do the work, and the parties who should pay for it.

Mr. REEVES. My friend shifts his position from what it has been heretofore on this question.

I want to make a suggestion to the House, which I ask may be heard by everyone here. There are grain elevators built on this river with a capacity of 37,000,000 bushels, every bushel of which is shipped in from the States of Illinois, Iowa, Minnesota, Nebraska, and that region of country, simply to be transferred and carried to the seaboard. I want to know if that is not the commerce of the country, rather than any local commerce or anything of a local character. That is only one item of many of a kindred kind.

The fact is, Mr. Speaker, that the whole trouble about this Chicago River lies in this: Some 12 or 15 miles from Chicago down the lake is another river called the Calumet. Some of the property owners about that stream want to drive the harbor of Chicago down there, and a constant alarm has been kept up, and all manner of agitation and rumors have been spread through the House and elsewhere against the improvement of the Chicago River, in the interest of the property owners on the Calumet River. The truth ought to be told plainly. I want to say to the House that if you drive the commerce of that great city away from the Chicago River, you will incur an expense of more than $100,000,000 to change the railroad terminals and the improvements in the interest of commerce that have been made on the Chicago River.

My friend from Ohio [Mr. BURTON] says that we are establishing a precedent. In that he is mistaken. The precedents have long since been established for the doing of work for the Government inside of the Government piers. He will find upon examination that Newtown Creek in Brooklyn is a parallel case to that of the Chicago River.

Mr. BENNETT. No, it is not.

Mr. REEVES. I beg your pardon, but it is. That is a stream on which millions of tons of commerce pass, and it is located within the city of Brooklyn. Do not let me be misunderstood, and I hope the gentleman here, who acts a little nervous about this, will not understand that I am by any means condemning the improvement of Newtown Creek, for I believe it to be a valuable and proper one. I supported it in the committee and in the House, and it is in this bill which we are now passing.

My friend will also find that Michigan City, on Lake Michigan, is a kindred improvement, exactly parallel. He will also find that between Menominee and Marinette the Menominee River is improved for a distance of 2 miles, dredging to a depth of 16 feet between these two towns, and the case is parallel to that of the improvement in the Chicago River.

The gentleman will also find, upon examination of volume 28 of the Statutes at Large, page 351, an item for the improvement of the Warrior and Tombigbee rivers.

[Here the hammer fell.]

Mr. BURTON of Ohio. I trust the time of the gentleman will either be extended, so that he may answer some questions which I wish to propound to him, or that I may have a little further time.

Mr. BENNETT. And I ask the gentleman from Ohio [Mr. BURTON] to explain the case that I talked to him about.

Mr. BURTON of Ohio. The gentleman refers to Newtown Creek. That is not in the city of Brooklyn. It is between Long Island City and Brooklyn, between two separate counties, and widely different from the case of the Chicago River. It is a stream about 1,000 or 1,200 feet wide. The river and harbor act provided for a channel not for the full width, but 125 feet in width,

through the center of the stream presumably, leaving it to the abutting owners on the two sides to do all the work that is sought to be done at the expense of the Government in the case of the Chicago River. There is a very wide difference between cutting out a channel 125 feet in width in a stream 1,000 feet wide and doing what is sought to be done in this bill, which is to have the Government replace the piling at the edges.

Mr. HOPKINS of Illinois. Yes; but the gentleman concedes that the improvement proposed in this amendment is in the interest of the commerce of the country, does he not?

Mr. BURTON of Ohio. Certainly; but so is the building of an elevator by a private individual. So is the bringing of a railroad into Chicago.

Mr. HOPKINS of Illinois. That is not a parallel case.

Mr. HENDERSON. I should like to ask my friend a question. Does not the act of June 3, 1896, which is being construed here, really pass upon the main question of appropriating for work inside the Government piers?

Mr. BURTON of Ohio. It does. I think that was wrong, but I concede that what was determined upon then should be carried out.

Mr. HENDERSON. We have passed that point in legislation.

Mr. BURTON of Ohio. That point is settled, so far as the dredging is concerned, but not as far as going to the sides and replacing the piling is concerned, or buying the right of way. There are two distinct items, one of $176,000 for docks, and another for $144,000 for right of way, which, I submit, ought to be eliminated.

Mr. HENDERSON. I would like if the gentleman from Ohio will make clear to the House the effect of this interpretation of the act of June 3, 1896. What was done under this act, and what is the effect of this in relation to the act of June 3, 1896?

Mr. BURTON of Ohio. I can answer that in part by reading the official report of Major Marshall. In 1893, in making recommendations for the benefit or interest of commerce, he says:

> First. That the Chicago River from its mouth to the stock yards on the south branch and to Belmont avenue on the north branch as far as may be permitted by existing docks and wharves be dredged to admit passage by vessels drawing 16 feet of water.
>
> Second. All encroachments on the stream by docks within the original meandered lines of the streams obstructive to navigation, as it exists to-day, should be removed at the expense of the encroaching parties, and obstructive bridges be required altered or changed.

The act of 1896 only provides for dredging. This bill includes provision for purchase of right of way and for building docks.

This bill is more than an interpretation. It carefully leaves out the provision for removal by encroaching parties, and lays upon the Government the expense of doing all the work of improvement of the river, which was recommended and suggested to be done in the interest of commerce by Capt. William L. Marshall. In his recommendation he said that these encroachments ought clearly to be removed by private parties there.

Mr. COOKE of Illinois. I ask if the gentleman will allow me five minutes?

Mr. CANNON. In a moment. I yield to my colleague two minutes.

Mr. REEVES. Mr. Speaker, I only want to finish a word I was saying in respect to an inquiry, and as to the particular kind of work that may be required to make the improvements. The fact is that the river and harbor bill passed in June last quotes the language of Major Marshall, the local engineer, almost, if not entirely, verbatim. I drew it myself, and know whereof I speak.

The simple truth is that the Comptroller of the Treasury, in his efforts to interpret this statute, said that he will not audit all the bills for the work provided by the river and harbor bill until the work shall be done, and this interpretation is given to it to the end that the money appropriated a year ago may now be made available. It does not add anything additional. My friend says the Government should not be called upon to put in piles, and I agree with that, except where the Government tears them down in making the improvements. That is all that is contemplated here. We are now doing this work at various points, taking out some piles. Major Marshall recommends that they be put in again. The same kind of work is done all over the country in these river and harbor improvements.

I want to say only one word in further answer to a suggestion as to the sewage put into this river at Chicago and the character of the river. Some gentleman has said that he wants to know about the ditch. I will answer both questions at the same time. It means that the city of Chicago is expending now, and has nearly completed an improvement that has cost $30,000,000, that it is paying out of its own pockets. This is not alone for the purpose of drainage, but for the purpose of commerce in connecting the Great Lakes with the Gulf of Mexico, which every engineer says must be done.

Mr. CANNON. I yield five minutes to my colleague representing one of the Chicago districts, and then I hope for a vote.

Mr. COOKE of Illinois. I desire to say in reference to the commerce that is carried on Chicago River that this appropriation is utterly insignificant when you consider how enormous is the extent of that commerce.

Listen for a moment to the figures. The river contains 214,290 feet of dock front, or 40.6 miles. The elevators along the river have an aggregate capacity of 40,000,000 bushels. In 1895 there were shipped 82,300,000 bushels. There were shipped in addition 1,507,000 barrels of flour, and 4,063,000 packages of miscellaneous freight. There were received 2,000,000,000 feet of lumber by water, and 1,000,000,000 feet by rail. There were received 3,207,000 tons of coal.

The amount of commerce done upon the Chicago River equals that at New York. It is so great that all these other harbors sink into utter insignificance in comparison with it. Now, with reference to the point of the gentleman from Ohio, that there is no precedent for improving it, why, so long ago as in 1888 Congress appropriated $100,000 for the removal of certain obstacles that were in the Delaware River, opposite the city of Philadelphia.

Mr. BURTON of Ohio. Does not the gentleman know that that appropriation was made upon the express provision that the docks should be extended out into the river? The city of Philadelphia owned certain docks and private individuals owned others, and both were to bring them out to the line of the channel dredged by the Government.

Mr. COOKE of Illinois. I refer only to the purchase of the island in the river for the purpose of improving the commerce of Philadelphia. The gentleman will excuse me for not yielding, because he has already spoken and my time is limited. At Michigan City, I quote from the Engineer's Report:

> The harbor is the creek which winds through the town, and to which all vessels having business at this port proceed.

The Menominee River has received a large appropriation for the purpose of widening and extending the channel; and at New York the appropriation which was made for improving Spuyten Duyvil Creek across to the Harlem River required a total expenditure of $2,700,000 for widening and deepening that channel, an enormous work, which was demanded by the great commerce there carried on. That is a precedent for the appropriation for the harbor of Chicago which was contained in the river and harbor bill passed last year, and I call the attention of the House to the fact that in the provision placed upon this bill by the Senate, by way of an amendment, there is not a dollar of addition made to the appropriation contained in the river and harbor bill.

There is merely such a construction given to it as will induce the War Department to make the expenditure. The act of last spring provided that the improvement should be made "according to the recommendation of Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report made under date of August 9, 1893," and the endeavor is made by this amendment to make the appropriation read exactly as Major Marshall would himself have drawn it had he been drawing the act. Here is the language:

> And it is hereby declared to be the true intent and meaning of the said provisions of said act relating to the improvement of said Chicago River, that all of the work in the improvement of said river which was recommended or suggested to be done in the interest of commerce by Capt. William L. Marshall, of the Corps of Engineers of the United States Army, in his report of August 9, 1893, may be done.

[Here the hammer fell.]

Mr. CANNON. Just a word, Mr. Speaker, and then I shall be ready for a vote. The city of Chicago is the second city in the Union, and let me add that the tonnage of Chicago River is greater than the tonnage of any port in the United States. I want to say further that the river and harbor bill of a year ago, right or wrong, authorized the improvement of this river up to the amount of $700,000, and this provision, while it is legislation, does not increase the limit of cost, but requires that this work shall be done within the limit, instead of practically increasing the limitation as the House has done to-night in relation to Oakland, Cal., the four dams on the Ohio River, and improvement of the Kentucky River. I am ready for a vote.

The motion that the House recede from its disagreement and concur in the Senate amendment was adopted.

On motion of Mr. LORIMER, a motion to reconsider the vote by which the House concurred in the Senate amendment was laid on the table.

Amendment 129 was read, as follows:

> Illinois and Mississippi Canal: For continuing construction (129), $1,700,000.

Mr. CANNON. Mr. Speaker, I ask unanimous consent, as to amendments 129, 130, and 131, that the House further insist upon its disagreement.

Mr. CATCHINGS. Mr. Speaker, I suggest to the gentleman that amendment No. 131 should be passed over temporarily, until we reach No. 133, so that the two can be considered together.

Mr. CANNON. All right. Then my request for unanimous consent applies only to amendments 129 and 130, and as to them, I move that the House insist on its disagreement.

The motion was agreed to.

Amendment 131 was read, as follows:

In the item for continuing improvement from the mouth of the Ohio to the mouth of the Missouri River, strike out the following:

"And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1896, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding $100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo."

Mr. CATCHINGS. Mr. Speaker, I have suggested to the gentlemen from Illinois that we consider that with amendment 133, as they both relate to the same point.

Mr. CANNON. Mr. Speaker, I want to make a proper motion, providing that the cost of this improvement on the Mississippi River shall be paid in whole or in part from the appropriation for the Lower Mississippi and the Upper Mississippi.

Mr. CATCHINGS. Mr. Speaker, I want to raise that very question, and I will move that the House recede from its disagreement and concur in Senate amendment 131, my purpose being to make a similar motion later with reference to amendment 133.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] moves that the House recede from its disagreement to the amendment of the Senate numbered 131, and concur in the same.

Mr. CATCHINGS. Then, Mr. Speaker, for convenience, I would like to discuss the same motion with reference to amendment 133 at the same time.

Mr. CANNON. How much time does the gentleman desire?

Mr. CATCHINGS. A very few minutes.

Mr. CANNON. Three or four?

Mr. CATCHINGS. I will not be very long. The gentleman can call me down when he chooses.

Mr. CANNON. I will yield the gentleman five minutes. I would not like to call him down. [Laughter.]

Mr. CATCHINGS. Mr. Speaker, the representative from the Cairo district [Mr. SMITH], accompanied by a delegation from the city of Cairo, appeared before the Committee on Appropriations and represented to them that at a point known as Beach Ridge, a few miles north of Cairo, the Mississippi River was likely to break through into the Cache River, a smaller stream which at that point runs nearly parallel with the Mississippi and empties into the Ohio at Mound City, which is seven or eight miles up the Ohio from Cairo. And they asked the Committee on Appropriations to provide that an amount not to exceed $100,000 might be used out of the appropriation provided for that section of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio for the purpose of preventing the Mississippi River from so breaking into the Cache.

The Committee on Appropriations very properly declined to take the matter into consideration until it had first been submitted to the Committee on Rivers and Harbors. Thereupon Mr. Smith, the representative to whom I have alluded, appeared with his delegation before the Committee on Rivers and Harbors, who were assembled for the special purpose of giving him a hearing. It was represented to us that if the Mississippi River should break through into the Cache, the national cemetery located at Mound City at the mouth of the Cache River, which has cost the Government something like $150,000, would be entirely destroyed; and I think that statement was absolutely true.

It was also represented to us that there was a marine hospital at the city of Cairo, constructed by the Government at a cost of something like $80,000, which would also be in imminent danger if this break should occur: and I think that is absolutely true. It was represented that this danger was imminent, and that this provision should be made for the preservation of this Government property.

We asked if this matter had been submitted to the Engineer Department. Mr. Smith stated that they had called upon the Chief of Engineers, who had telegraphed to Major Handbury, the engineer in charge of this section of the Mississippi River, who had replied that he did not think there was imminent danger of this break occurring, but would consider the matter in the orderly course of improving that section of the river. But these gentlemen were so urgent in their representations to us that, concluding this work would possibly be necessary to be done at some time, we decided to recommend to the Committee on Appropriations that this diversion be authorized. So we addressed a communication to the Committee on Appropriations to that effect.

Amendment 131 contains the provision which the Committee on Appropriations thereupon made, by which a sum not to exceed $100,000 of the appropriation for the section of the river between the mouth of the Missouri and the mouth of the Ohio was authorized to be used for that purpose. The provision in that form passed the House. It went to the Senate, where a communication was submitted from the Chief of Engineers in which the suggestion—not the request—was made that perhaps this diversion should be made from the appropriation for the lower section of the Mississippi River. Thereupon, without the request of any Senator or Representative, the Committee on Appropriations of the Senate provided in their first draft of the bill that this $100,000 should be taken from the appropriation for the lower section of the river.

In open Senate, after a full discussion, that amendment which the Senate committee proposed was stricken out. The provision carried in the bill as passed by the House was also stricken out, and an independent, specific appropriation of $100,000 was made for that purpose. I submit that the action of the Senate was proper and wise—thoroughly justified by the circumstances. The danger, if there be one at all, is purely local. It in no sense affects the navigation of that section of the Mississippi River. If the city of Cairo were absolutely destroyed, commerce would not be delayed or vexed in the least in any section of that river. But there is valuable Government property which might be destroyed.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. CATCHINGS. I ask a few more minutes.

Mr. CANNON. I yield the gentleman another minute.

Mr. CATCHINGS. I repeat, Mr. Speaker, the object of this appropriation is not to affect the commerce of the river in the least degree. It is purely local—for the purpose, in the first instance, of protecting public property, and in the second instance, preventing serious damage to the city of Cairo.

The suggestion which my friend has just made and which was made by the Appropriations Committee of the Senate, that the money for this purpose should be taken from the appropriation for the Lower Mississippi River, is entirely without warrant. This danger, if it occurs, will not occur upon that portion of the river. The appropriation has no relation, commercially or otherwise, to that section of the river. If such a diversion of the appropriation were made, it would simply disturb the division of the funds between the different sections of the river, which was amicably adjusted in the river and harbor bill and was satisfactory at the time to all persons concerned. I want to move, when we reach that point, that the House concur in the Senate amendment whereby $100,000 was specifically appropriated for that purpose.

Mr. PEARSON. Does not the Senate amendment add precisely $100,000 to the appropriation already carried by the bill?

Mr. CATCHINGS. It does.

Mr. CANNON. Mr. Speaker, I crave, for three minutes, the attention of the House.

For this river, from the Head of the Passes to Cairo, there is in this bill and the deficiency bill, under the provisions of the last river and harbor bill, over $3,000,000 available. From Cairo to Minneapolis or St. Paul, upon the same two bills, there is available about $1,000,000. Cairo, on the Mississippi, is threatened with the destruction or damage of navigation, and the adjacent country with overflow; and therefore, under the lead of the Committee on Rivers and Harbors, $100,000 was segregated from this Mississippi River appropriation to confine the river to its present banks by revetments. That provision, which will be found in this bill, on page 103, was stricken out by the Senate. Later on in the bill the Senate makes this appropriation—absolute, pure legislation. My friend the gentleman from Mississippi [Mr. CATCHINGS] says that the object of this is not to protect navigation, but to protect Cairo, the cemetery, and adjacent country.

Why, Mr. Speaker, it is in part to protect navigation, and, incidentally, to protect the adjacent country, and that is true of every dollar of these multiplied millions carried on this bill for the Lower and the Upper Mississippi.

Now, what I want to ask this committee to do is to insist on its disagreement to both these Senate amendments, and let this go back to conference, and let the Senate recede, and let this $100,000 for the improvement of the Mississippi River be segregated from one or the other of these appropriations, carried on these bills, in pursuance of the river and harbor bill.

Now, I am ready for a vote.

Mr. SMITH of Illinois. Mr. Speaker, as this matter is within my own district, I ask my colleague [Mr. CANNON] to yield to me a few minutes.

Mr. CANNON. I will yield two minutes to the gentleman.

Mr. SMITH of Illinois. Oh, I do not care for two minutes.

Mr. CANNON. Well, I yield three minutes to the gentleman.

Mr. SMITH of Illinois. I will say to my colleague——

Mr. CANNON. I will yield five minutes to the gentleman sooner than quarrel with him.

Mr. SMITH of Illinois. I would not quarrel with my colleague for anything on earth, because I know I should get the worst of it.

I want to say, Mr. Speaker and gentlemen, that I, fortunately or unfortunately, live between the Ohio and the Mississippi rivers. The Ohio is a peaceful stream, but the Mississippi is a raging one at almost all times.

Cairo is at the confluence of the Mississippi and Ohio. There is a little stream called the Cache River, running into the Ohio some 6 miles above Cairo.

A few years ago there was about 6 or 7 miles of land between the Mississippi and Cache River; but the Mississippi began cutting and cutting at a point called Beach Bridge, above Cairo, and to-day it is within 1 mile of the Cache River.

Three weeks ago, inside of twenty-four hours, 124 feet of the bank caved in, bringing it that much nearer to the Cache River. Unless this work is done and done speedily, the Cache River and the Mississippi River will be connected.

I must correct my friend from Mississippi [Mr. CATCHINGS] in one statement that he made, that this danger was not imminent. The report from the engineer was that it was not "immediately dangerous."

Mr. CATCHINGS. My friend misunderstood me. I said that that the engineer said that it was not immediate.

Mr. SMITH of Illinois. Not immediate, that is correct; but if we wait until the Mississippi shall have cut through into the Cache River, and have an "immediate" condition of affairs of that character, it will cost this Government $800,000 or $1,000,000 instead of $100,000.

Mr. SIMPKINS. Six hundred thousand dollars is a small part of the "cash river" that has flowed into the Mississippi. [Laughter.]

Mr. SMITH of Illinois. Now, I have always stood with those who favor river improvements, so far as those improvements go to the benefit of the general public. I know the facts connected with this matter, and know that this improvement is necessary and urgent.

As has been well said by my friend from Mississippi [Mr. CATCHINGS], the Government has a national cemetery there, which is represented by my State, and when the Mississippi River cuts through this one-half mile, that cemetery will be gone.

The Government not only has that, but it has a custom-house in Cairo which has cost this Government over $125,000. It has a marine hospital there which has cost the Government about the same amount.

Now, I am not particular where this money comes from. [Laughter.] I think I might as well be honest, even though I should differ from some of my colleagues. [Laughter.] I care not whether this appropriation comes from the appropriation made for the Upper Mississippi or the Lower Mississippi or as a separate appropriation.

What we want and what is demanded here is that an appropriation be made and that this work be done, and I certainly think that the good sense of this House will bear me out in my statement that this is necessary, that it ought to be done; and I trust that my colleagues living along the great Mississippi, which bears on its bosom the great bulk of the products of this country to the Gulf, will assist in the matter.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I want the House to understand that the gentleman from Ohio first moves, on amendment numbered 131, the vote being separate, that the House concur in the Senate amendment.

I hope that will be voted down, and that the House will insist upon its disagreement to the Senate amendment, so that it can go back to conference and let this matter be adjusted, my intention being, if the House does so vote, that this money shall be available from the Upper or the Lower Mississippi appropriation, or both.

Now, I am ready for a vote.

Mr. HENDERSON. Put it into the Lower Mississippi River, if you can.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendment.

Mr. BARRETT. Has the previous question been moved on this question?

The SPEAKER. The Chair will recognize the gentleman from Illinois if he desires to move the previous question.

Mr. CANNON. I hope my friend will let us dispose of this, and then he can make his request.

Mr. BARRETT. If the gentleman from Illinois does not object, I would like to make my request now.

Mr. CANNON. We can not take up matters foreign to this now. I ask for a vote.

Mr. BARRETT. If the gentleman from Illinois will accord with me in his pleasant way that my request shall receive due consideration, I shall withdraw it until the matter is disposed of.

Mr. CANNON. The gentleman shall certainly have an opportunity to make his request. That can be done after we dispose of this paragraph.

The SPEAKER. The question is upon receding and concurring.

The question was taken; and the motion to recede and concur was rejected.

Mr. CANNON. That means, Mr. Speaker, as I understand it, to further insist without further vote.

The SPEAKER. The House has been so treating it to-night, and unless objection is made, and the technical form is insisted upon, the Chair will so rule.

Mr. CANNON. Then the same rule of further insisting necessarily is applicable to No. 133.

The SPEAKER. If there be no objection, that will be considered as included in the vote. [After a pause.] The Chair hears no objection.

Mr. CANNON. Now the gentleman from Massachusetts desires to make a request.

Mr. BARRETT. Mr. Speaker, when this bill was before the House I appeared before the Committee on Appropriations and asked that the appropriation for the improvement of Boston Harbor should "be made immediately available." I find that there are two separate items in this bill on which that request has been accorded. I wish now to ask unanimous consent that on page 95, line 13, there shall be put in the words "to be immediately available;" and the reason I make that request, Mr. Speaker, is this.

Mr. CANNON. I will call my friend's attention to the fact, on looking at the bill, that the improvement of the harbor at Boston, Mass., "for continuing improvements $400,000," is not in disagreement between the House and Senate at all. There is no Senate amendment.

Mr. BARRETT. I understand, Mr. Speaker, of course, that a point of order can be made against my request.

Mr. CANNON. It is not a question of a point of order; but simply there is no Senate amendment.

Mr. BARRETT. I think I understand the situation, Mr. Speaker, but by unanimous consent it can be inserted. I ask the House to listen to me for a moment, and then I will ask for unanimous consent. The contract for Boston Harbor has been awarded, Mr. Speaker, and the boast is made that the work——

The SPEAKER. The gentleman will suspend a moment. The House will please be in order.

Mr. BARRETT. I understand, Mr. Speaker, that the point of order might be made, but trust it will not be made. There are several points of order that might be made at this time to this bill, which gentlemen present well understand without my calling attention to them. Now, I ask that for the improvement of Boston Harbor the House will put in the words "to be immediately available," for this reason. It was understood when these appropriations were made that the work should be done during the year now coming on.

The contract for Boston Harbor has been awarded under such conditions that no work can be done there during the summer now coming on. The person to whom the contract has been awarded has, I am told, made the statement that under the peculiar conditions of the award no work will be begun during the year 1897. Now, I desire that Boston Harbor shall be treated the same as other harbors in this bill. I ask unanimous consent that on page 95, line 13, the words "to be immediately available" may be inserted.

Mr. CANNON. Now, Mr. Speaker, however much I would like to oblige the gentleman, I am constrained to object, for the reason that there is no Senate amendment and that the contracts are let for the work to commence at the beginning of the next fiscal year, on the 1st of July. I want to finish the bill and shall be compelled to object, because it would be followed by requests for unanimous consent from everybody else, and the provisions of the river and harbor bill which fix the time of commencing the work under contract would be amended all along the line by unanimous consent.

Mr. BARRETT. Now, Mr. Speaker, the gentleman in charge of the bill will accord me a moment, I am sure, because I have stayed in my seat all the night, have helped to keep a quorum, and have voted with the chairman of the Committee on Appropriations. I find on the same page, in relation to Cumberland Sound, that the appropriation is made immediately available.

Mr. CANNON. But I will call my friend's attention to the fact that the House insists on its disagreement to that amendment. That has not been agreed to, and it will not be agreed to.

Mr. BARRETT. I wish to add, Mr. Speaker, that if the House shall finally insist on its amendment with regard to Cumberland Sound I will make no objection to striking out Boston, but I do insist that for a harbor so far north as Boston, where harbor improvements can not be prosecuted later than the 1st of October, the same accommodations should be given that is given much farther south, where work can be continued during the whole of the winter months. I simply ask that my amendment may be inserted with the understanding that if Cumberland Sound is finally rejected, so far as the Senate amendment is concerned, I shall make no objection to Boston being stricken out; but I must insist that our northern harbors ought to be treated with the same consideration as harbors much farther south.

Mr. CANNON. Read the next amendment.

Mr. BARRETT. Wait one moment——

Mr. ARNOLD of Pennsylvania. I object.

Mr. BARRETT. All right.

Mr. CANNON. Read the next amendment.

Amendment 132 was read, as follows:

Add to the provision for improving the Mississippi River in front of Muscatine, Iowa, the following:

"*Provided, further*, That the sum of $50,000 of said sum shall be expended for continuing the work of constructing artificial banks between the mouth of Flint River and running along the west bank of the Mississippi River to the mouth of the Iowa River."

Mr. CANNON. Mr. Speaker, I move that the House further

insist on its disagreement to that amendment. Now, let us understand about this. It segregates $50,000 from the appropriation for the Upper Mississippi River for the construction of artificial banks between the mouth of Flint River, running along the west bank of the Mississippi to the mouth of the Iowa River. I want the House to dispose of this.

Mr. SAYERS. Does the gentleman wish the House to concur in the amendment? If he does, I will make the motion.

Mr. CANNON. I do not make that motion at all. This is an entirely new matter and I do not want any perfunctory action about it. I move that the House further insist on its disagreement.

The motion was agreed to.

Amendment 134 was read, as follows:

Add to the provision of $25,000 to repair and protect the works in the neighborhood of Nebraska City, in the State of Nebraska, the words "to be immediately available."

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement to that amendment.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. BARRETT. I call for a division.

The House divided; and there were—ayes 69, noes 1.

Mr. BARRETT. Mr. Speaker, is there——

Mr. WELLINGTON (interposing). Mr. Speaker, I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. SAYERS. I trust the gentleman will not insist on that.

Mr. CANNON. I appeal to gentlemen to let us go on with this bill, and I especially appeal to the gentleman from Massachusetts [Mr. BARRETT], whom I call upon to testify that I have treated him with the greatest courtesy, to let us go on with the bill. The motion is to do in this case exactly what is done about Boston—that is, to insist that Congress will not make this money immediately available.

Mr. BARRETT. Mr. Speaker, I suppose the Chair recognized the fact that I rose in my place immediately on the announcement of the vote, in order to ask whether a quorum had voted on the division.

The SPEAKER. A quorum did not vote on the division.

Mr. CANNON. Does the gentleman from Massachusetts make the point of no quorum?

Mr. BARRETT. I wish to ask the gentleman in charge of this bill one question, and then, perhaps, I shall not make the point, but in the meantime I reserve it. This item says "to be immediately available." I wish to ask the gentleman if, when this matter comes into the House again——

Mr. WELLINGTON. Regular order, Mr. Speaker.

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order.

Mr. HENDERSON. Oh, let the gentleman from Massachusetts ask his question.

Mr. BARTHOLDT. No; I will not.

Mr. BARRETT. Then, Mr. Speaker, if I can not be allowed to ask a question, I raise the point of no quorum.

The SPEAKER. Does the gentleman from Massachusetts make the point of no quorum?

Mr. BARRETT. I do not wish to do that, provided I can have the privilege of asking the gentleman in charge of this bill a question.

Mr. ARNOLD of Pennsylvania. Regular order.

Mr. CANNON. I will answer the gentleman's question, if I can, if the House will allow him to ask it.

Mr. BARRETT. Of course the members of this committee understand the position that every other member of the House is placed in. Now, there are certain items on this bill——

Mr. CANNON. I shall be glad to have the question.

Mr. BARRETT. I will ask it. There are certain other items upon this bill that are made immediately available. They have all been disagreed to by the House by a vote, and I wish to ask the gentleman if, when this bill comes out of conference again, an opportunity will be given for a vote on these items as to which the appropriations are made "immediately available," so that they can be considered on their merits?

Mr. CANNON. Mr. Speaker, when this conference report comes back, if ever it does come back to the House, it will be for the House to adopt the report or to defeat it. The House can exercise that right. I could not cut it off if I would, and I would not if I could.

Mr. BARRETT. On that statement, Mr. Speaker, I shall not raise the point of no quorum.

Amendment 135 was read, as follows:

(135) The unexpended balance of the appropriation for the improvement of the Suwanee River, Florida, may, in the discretion of the Secretary of War, be expended for deepening the West Pass of the Suwanee River at its mouth.

Mr. CANNON. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Amendment numbered 136 was read, as follows:

(136) A sum not exceeding $15,000, or so much thereof as may be necessary, of the money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River may be used and is hereby made available for the payment of damages for lands and tenements overflowed or injured by the construction of a reservoir and dam at Gull Lake, Minnesota.

Mr. FLETCHER. I move that the House recede from its disagreement from this amendment and concur in it.

The motion of Mr. FLETCHER to recede and concur in the Senate amendment was agreed to.

Amendment numbered 137 was read, as follows:

(137) That the Secretary of War be, and he is hereby, authorized to investigate the extent of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and to perform such experimental work as he shall deem necessary to determine some suitable and feasible plan or method of checking and removing such obstacle, so far as it is a hindrance to interstate or foreign commerce, and to report the results of such investigation and experimental work; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the cost thereof.

Mr. CANNON. I move that the House further insist on its disagreement to this amendment.

Mr. WANGER. Will the gentleman allow me one question? Is it not a fact that the navigation of the rivers in Florida and some other States is very seriously interfered with by the growth of these aquatic plants?

Mr. CANNON. I will say in answer to the gentleman that the committee over which I have the honor to preside is an appropriations committee; that this is a matter of legislation thrust in upon this bill where, under the rules of both bodies, it has no place. I simply do not know about these aquatic plants. It will be time enough when we make a river and harbor bill, through the action of a committee well equipped to answer the gentleman's questions, to take that matter into consideration.

Mr. WANGER. I ask the gentleman to give me just a moment. I have been informed by gentlemen who are connected with the navigation interests, on the St. Johns River particularly, that these plants have been growing very rapidly, so that they interfere with the progress of the steamers. The difficulty from this source is becoming more and more serious—is assuming large proportions. I believe it is to the interest of the public and of the public Treasury that means should be devised at the earliest practicable period to find a way, if possible, to remove these obstructions.

This appropriation, as I take it, is simply for the purpose of determining upon a suitable or feasible method of removing these obstacles, or checking their growth. If by the prompt expenditure of $10,000 we can save hundreds of thousands of dollars in the future, it seems to me it would be better to do it.

Mr. CANNON. There are multiplied millions of things on earth and in the universe generally that perhaps should be done, that it might be wise for somebody to do, but about which I know nothing. [Laughter.] This is a sundry civil appropriation bill; and I hope the House will further insist on its disagreement to this amendment. If in due time, in the framing of a river and harbor bill, the accomplished gentlemen who have given technical attention to this matter think that some provision like this should be made, legislation for that purpose can then be had.

I trust we shall have a vote.

Mr. SPARKMAN. My colleague, who has this matter in hand, being unavoidably absent to-night, I want to say a word to the House before the vote is taken. I know of my own knowledge, and also from information, that the St. Johns River, in the State of Florida, is very much in need of this legislation, and that if something is not done, and done speedily, the navigation of that river will be seriously impeded.

I hope therefore that the House will not vote according to the motion made by the gentleman from Illinois [Mr. CANNON], but that it shall recede from our disagreement to the Senate amendment, and concur therein. If we wait until next December or next February, when we have the next river and harbor bill before the House, it will be too late to attend to this matter, and serious damage may, and doubtless will, be done to the navigation of that river. I ask that the House recede, and concur in the Senate amendment.

The question being taken on the motion of Mr. CANNON, it was agreed to.

Amendment numbered 138 was read, as follows:

(138) That the Secretary of War be, and he hereby is, directed to cause a survey to be made to examine into the feasibility and advisability of the improvement of the waterway beginning at a point at or near the site selected for Lock No. 13, on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream, to Bessemer, Ala.; thence up the Valley to Birmingham and beyond to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said route between Five Mile Creek and Bessemer, Ala., so as to secure a channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line, and to ascertain the cost of such improvement, and the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

Mr. CANNON. I am informed that the gentleman from Alabama [Mr. TRUMAN H. ALDRICH] desires to make a motion in reference to this amendment.

Mr. TRUMAN H. ALDRICH. Mr. Speaker, I desire to say

that this is a worthy object, and that the amendment does not add one dollar to the amount appropriated by the bill. The funds are already in hand and unexpended. Furthermore, the object is to ascertain whether the greatest coal and iron district of Alabama can use the improvements of the Warrior River, on which the Government has spent millions of dollars.

I desire to move that the House recede from its disagreement and concur in it.

Mr. CANNON. There have been several surveys ordered upon this bill. This legislation belongs on a river and harbor bill. If the River and Harbor Committee had been one-thousandth part as industrious heretofore as they have been to-night, out of order, this amendment would not have to be carried on this sundry civil bill.

Mr. CLARKE of Alabama. If my friend will give me thirty seconds, I will answer that part of his statement.

Mr. CANNON. I will yield to my friend thirty seconds.

Mr. CLARKE of Alabama. The last river and harbor bill directed that a preliminary examination of this project be made. The engineer in charge reported that no preliminary examination could be made. He said that owing to the importance of the interests involved in it, a survey was necessary, and he recommended that a survey be made, estimating the cost at $15,000. In that estimate the Chief of Engineers concurred. The provision in the bill, however, carries no appropriation whatever. It provides for defraying the expense out of the unexpended portion of a balance that belongs to the building of the locks in the Warrior River.

Mr. CANNON. Can we not have a vote?

Mr. CLARKE of Alabama. Why, yes; I think we may safely leave it to the House now for a vote.

The SPEAKER. The question is on the motion to recede from the disagreement of the House, and to concur in the Senate amendment.

The motion to recede and concur was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

(139) For the purpose of a dredge boat for use in the harbor improvement at Sabine Pass, Tex., $100,000, and for the expense of operating the same during the fiscal year ending June 30, 1898, $30,000; in all, $130,000.

Mr. CANNON. I move that the House further insist on its disagreement to that amendment.

Mr. COOPER of Texas. I want to move to recede from the disagreement and concur in the amendment.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. COOPER], to recede from the disagreement of the House and concur in the amendment of the Senate.

Mr. CANNON. Now, I will call the attention of my friend to the fact that even if his motion should be adopted the amendment is wrong. It should be for the "purchase" of a dredge boat This amendment reads "for the purpose of dredge boat."

Mr. COOPER of Texas. This is a clerical error.

Mr. CANNON. I understand this is a clerical error, but nevertheless this is a Senate amendment.

Now, one thing further. There is an appropriation of $400,000 in the river and harbor bill for Sabine Pass, and in my judgment the House should insist on its disagreement, and, if this item for a dredge boat goes into the bill for the improvement of Sabine Pass, it ought to come, like the appropriations for the Mississippi River, from the appropriation for that harbor. I trust that the House will send the item back to conference.

Mr. SAYERS. Mr. Chairman, I think there should be fair play in this House, and I believe that the House will give me fair play. I notice that the gentleman from Illinois [Mr. CANNON] seemingly opposed certain legislation upon this bill and at the same time he wanted the House to concur in the Senate amendment.

Mr. CANNON. To what amendment does my colleague refer.

Mr. SAYERS. I refer to the amendment affecting the city of Chicago. I voted for that amendment because I believed it was a proper one. But that was legislation pure and simple.

Mr. CANNON. When my friend says I "seemingly" opposed the item, my friend does not do me justice, because in matters of legislation I seemingly do nothing that I do not really mean.

Mr. SAYERS. I simply want to make a statement to this House in reference to this particular item.

Mr. CANNON. That is right.

Mr. SAYERS. Sabine Pass is represented by my colleague [Mr. COOPER of Texas], but it so happens that I have some knowledge of the circumstances with reference to this matter.

It is true, as stated by the gentleman from Illinois [Mr. CANNON] that there is an appropriation of $400,000 in this bill, or sought to be appropriated by this bill, for the purpose of continuing the work at Sabine Pass. Now, if you take the $130,000 for this dredge boat and charge it against the authorized limit of the contract, then there will be a deficiency in the sum necessary to complete the contract. It is absolutely necessary that this boat should be purchased or built, and that this dredging should be begun. Two jetties are already being built at Sabine Pass, and it is necessary to have this boat in order to facilitate the establishment of the channel, and also to direct the current in the proper course.

Mr. CANNON. Will my friend allow me?

Mr. SAYERS. Now, there are other items on this bill that ought not to be here. We have concurred in legislation amounting to millions of dollars to-night, and now the gentleman seeks to single out this particular amendment and interpose an objection, so that it shall go back into conference.

When the river and harbor bill of last session passed, it contained an amount of $1,400,000 for the work at Sabine Pass. It went to the Senate, and nearly $400,000 was eliminated from that item, so that a reduction was made to a million, instead of $1,400,000, as it passed this House. If the gentleman insists that this $130,000 shall be taken out of this appropriation of $400,000, then there will not be sufficient to complete the work. [Cries of "Vote!" "Vote!"]

Mr. CANNON. The gentlemen cry "Vote." I am ready for a vote with the statement that there is $400,000 available in this bill for the completion of the Sabine Pass. If it is the sense of the House to legislate, I can not help it. They have legislated on other items; perhaps, none so baldly as this, but I am ready for a vote.

Mr. COOPER of Texas. I move to concur in the Senate amendment, substituting the word "purchase" for the word "purpose," to correct a clerical error.

The SPEAKER. The gentleman moves to recede and concur with an amendment.

Mr. BARRETT. Mr. Speaker, is an amendment in order?

Mr. CANNON. It is in order to agree with an amendment making it "purchase" instead of "purpose."

The Clerk read as follows:

In line 9, strike out the word "purpose" and insert the word "purchase."

The SPEAKER. The question is on receding and concurring with an amendment.

The motion was agreed to.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the amendment was concurred in with an amendment was agreed to.

The Clerk read as follows:

(146) Deep Waterways Commission: For surveys and examintions (including estimate of cost) of deep waterways and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission transmitted by the President to Congress January 18, 1897, $150,000. Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

Mr. CANNON. Mr. Speaker, what was done with 140?

The SPEAKER. That was nonconcurred in.

Mr. CANNON. All right. Go ahead.

Mr. TOWNE. Mr. Speaker, I desire to make a motion on amendment numbered 146. I requested a separate vote on it. I desire to move that the House recede from its disagreement and concur in the Senate amendment.

Mr. BENNETT. I desire to ask the gentleman has there been a route decided upon for this deep waterway?

Mr. TOWNE. This is for the purpose of deciding upon a route.

Mr. BENNETT. This is for the preliminary survey?

Mr. TOWNE. It is to make complete surveys for the purpose of obtaining data to determine where the great public work contemplated by the original resolution shall finally be built.

Mr. CANNON. Mr. Speaker, the gentleman moves that the House recede and concur. Will three minutes do the gentleman?

Mr. TOWNE. That will be ample time at this hour of the morning.

Mr. CANNON. I yield the gentleman three minutes.

Mr. TOWNE. Mr. Speaker, I desire to say only a few words in support of this motion. There certainly has been in the direction of proposed improvements in interior communication no proposition in recent years so important or far-reaching as this one, which contemplates the opening of deep-water communication between the Great Lakes and the sea. It has been indorsed by all the public bodies of the large cities upon the Great Lakes, and in the vicinity of the proposed route or routes.

It has awakened the attention of publicists and the newspapers, and the preliminary report, which has been drawn by a commission composed of men of very great ability and submitted to the present session of Congress, has attracted general and deserved interest and attention. It certainly has placed prominently before the country the desirability of this great improvement, as an ultimate public work to be undertaken when we are in full possession of the necessary information, and shows it in importance to be second to none ever contemplated by this Government.

The gentleman from Illinois shrugs his shoulder as if he desired me to cease, and if so, I will, as I know how the time is flying.

Mr. CANNON. I will withdraw the "shrug" if my friend will go on.

Mr. TOWNE. If he should withdraw the "shrug" from some of his remarks, he would deprive them of much of their emphasis.

Mr. CANNON. That is very nice. I hope to get a vote. Now, then, I will yield a minute to the gentleman who wanted me to yield to his request and I made the motion deprecating yielding to him, but my friend from Minnesota, all the while dwelling in his good opinion, I fear, thinks that nothing can take place unless it has relation to him as the center.

Mr. BENNETT. I desire to ask the gentleman from Minnesota one question. You talk of the proposed line.

Mr. TOWNE. I was not aware that I had talked about any particular proposed line.

Mr. BENNETT. I understood the gentleman to say the proposed line.

Mr. TOWNE. The line or lines.

Mr. BENNETT. Is it intended to go by Lake Michigan into the Mississippi River, or by some other route that may hereafter be selected by this Commission? I will say to the gentleman from Minnesota that this is a matter in which the State of New York is deeply interested. Several propositions have been presented whereby bills have been introduced in both branches of Congress for completing a great canal from the Great Lakes to Lake Champlain, and so down the Hudson River. Is any such proposition as that contemplated in this provision?

Mr. TOWNE. Why, that is exactly the proposition, if the gentleman pleases.

Mr. BENNETT. That is all I wish to know.

Mr. TOWNE. It does not contemplate any connection with the Mississippi River at all.

Mr. LOW. Has any route been anticipated?

Mr. TOWNE. There are, I believe, three several routes under contemplation and discussion. There have been, however, only a series of preliminary examinations from existing data, without any careful surveys or study as contemplated in this particular provision. That is the purpose of this provision.

Mr. LOW. So that large lake vessels can pass to the seaboard, making practically a connected waterway between the lakes and the sea?

Mr. TOWNE. That is the object of this great project.

Mr. CANNON. I yield three minutes to the gentleman from New York [Mr. FOOTE].

Mr. FOOTE. Mr. Speaker, I sincerely hope that this motion may be concurred in. This is a matter of vital interest to the people of New York State, and not only to the people of that State, but to the people of the great Northwest. There are, as I understand it, three great routes contemplated. One, and the most feasible, is by Lake Champlain, and another is by the Erie Canal. I sincerely hope that the House will consider this subject thoughtfully and will adopt the motion to recede.

Mr. CANNON. A single word, Mr. Speaker. I hope the House will not concur. I do not antagonize this survey; I do not antagonize this deep-water project. I live in Illinois, and I know what water transportation to the seaboard is. But I think this ought to go back to conference for one reason if for no other. It contains this language:

> Such examinations and surveys shall be made by a board of three engineers, to be designated by the President, one of whom may be detailed from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and one shall be appointed from civil life.

Now, we have a whole corps of people educated at the expense of the Government for this very business, and I think that when it is agreed that the survey shall be made it should be made by the Army engineers, who are specially educated for that kind of work and are intrusted with it.

Mr. TOWNE. Will the gentleman in charge of the bill allow me just a word?

Mr. CANNON. Certainly.

Mr. TOWNE. Mr. Speaker, I will say that I am cognizant of the purpose with which this particular provision was drawn. It is perhaps known to most of the members of the House that the engineering portion of the preliminary work thus far done by the existing commission, acting in cooperation with the corresponding commission appointed by the Canadian Government, has been done by the well-known engineer, Mr. Cooley, of Chicago.

I think that perhaps it may be said that he enjoys a reputation as high as that of any other engineer in the world in that particular department, certainly as high as any in the United States. He has given to this work unsurpassed ability, long devotion, and a large amount of time, and he has received no compensation for his services. It is in the view of those interested in the great improvement here contemplated that Mr. Cooley's services shall be availed of in the further prosecution of the work. I think it was not only wise, I think it was almost indispensable for the proper continuation of this great enterprise, that the law was drawn so as to enable the Government to avail itself of the experience, the services, and the ability of this distinguished man.

Mr. CANNON. Mr. Speaker, I do not know Mr. Cooley. He may be a good man, but we have plenty of good men of our own without incurring this expense. Let us not found an industry while we are trying to get deep-water communication. I am ready for a vote.

The question being taken on the motion that the House concur, the Speaker declared that the noes seemed to have it.

Mr. TOWNE. I ask for a division.

The House divided; and there were—ayes 43, noes 13.

So the motion to recede and concur was agreed to.

On motion of Mr. FOOTE, a motion to reconsider the last vote was laid on the table.

Amendment 147 was read, as follows:

> That for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President, from the Engineer Corps of the Army; and such board shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near said Pass of Aransas.
>
> It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination; the character of the work done and the cost of same; the character and cost of any unfinished work contracted to be done by said company; the probable result upon the deepening of the channel across the bar of any work contracted for or contemplated by said company but not then finished; the value to the Government of all work done or contracted to be done by said company for the purpose of deepening said channel or removing said bar, and such other information as they may deem essential to be known to Congress in making future provision for the purchase of said works by the United States Government.
>
> Said board shall report the result of their investigation to the Secretary of War on or before the first Monday in December, 1907, and the Secretary shall immediately transmit the report to Congress; and $5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineers, the amount of such compensation for said services to be fixed by the Secretary of War.

Mr. WELLINGTON. Mr. Speaker, I move that the House recede, and concur in the Senate amendment.

Mr. CANNON. I am ready for a vote.

The question being taken on the motion of Mr. WELLINGTON, the Speaker declared that the noes seemed to have it.

Mr. WELLINGTON. Division.

The House divided: and there were—ayes 34, noes 2.

So the motion to recede and concur was agreed to.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

Amendment 149 was read, as follows:

> Memorial bridge across Potomac River: To enable the Chief of Engineers of the Army to make the necessary surveys, soundings, and borings, and for securing designs and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, $2,500.

Mr. MEREDITH. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I hope that will not be done, Mr. Speaker.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. MEREDITH. I ask for a division.

The House divided; and there were—ayes 40, noes 29.

So the motion to recede and concur was agreed to.

On motion of Mr. MEREDITH, a motion to reconsider the last vote was laid on the table.

Amendment numbered 168 was read, as follows:

> For the erection of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, which shall be erected by and under the direction of the Board of Managers of the National home for Disabled Volunteer Soldiers, which Branch Home, when in a condition to receive members, shall be subject to such rules, regulations, and restrictions as shall be provided by said Board of Managers, $100,000.
>
> *Provided*, That such Branch Home shall be erected on land donated to the United States by the people of Hot Springs, S. Dak., and accompanied with a deed of perpetual lease to one or more of the medical or hot springs for the use of the above-named Home, the location and area of the land and springs of hot water to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers or such persons as they may appoint to make the selection of location and hot springs, and that exclusive jurisdiction shall be vested in said Board of Managers over the premises occupied by said Home as over other realty held by said Board until further enactment by the Congress of the United States.

Mr. PICKLER. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. CANNON. I yield five minutes to the gentleman from South Dakota.

Mr. PICKLER. I desire to say, Mr. Speaker, that I hope the House will concur in this Senate amendment. Preceding this amendment there is a provision for the location of a soldiers' home at Vermilion, in the county of Vermilion, State of Illinois.

The time is coming, nay, is now here, when more of these special homes must be provided for the accommodation of our soldiers, who are now growing old. I think this provision is a wise one. The provision for the home in Illinois is doubtless a good one, but I feel confident that this amendment for a soldiers' home at Hot Springs, S. Dak., is one which, above all others, should be adopted. I advocate this home, not simply because it is my State, but because, as is shown by the reports of the managers of the National Soldiers' Home, as is shown also by the request of the

managers of several State homes, this location at Hot Springs, S. Dak., is peculiarly well suited for a national soldiers' home. The medicinal properties of those waters are well known. I incorporate in my remarks the conclusions of the Senate Committee on Military Affairs in reference to this matter, as embodied in their report:

1. That another Branch Home is needed in fulfillment of the intentions of the Government toward its veterans, existing Homes being crowded, while the demand for accommodations is increasing.
2. That the location of a Branch Home at Hot Springs, S. Dak., will accommodate the veterans of a region for which existing accessible Branch Homes possess inadequate facilities.
3. That the medicinal water at Hot Springs, S. Dak., is a curative agent for ailments most common among ex-soldiers, experience having demonstrated this to the satisfaction of the officials who have watched the effect in a stated number of cases there subjected to experimental treatment.

The Managers of the National Soldiers' Home recommend this proposition. It is also recommended by the assistant inspector-general, General Averell. For the cure of rheumatism and kindred maladies the waters of South Dakota hot springs are shown to be superior to any others in the country. Thirty thousand of these old soldiers have gone down to death during the last year. For the million that remain some provision of this kind should be made. Our National Homes are now crowded. This institution at Hot Springs will afford accommodations for the relief of soldiers in other places, who are now suffering from diseases for which these waters are especially applicable.

Mr. RICHARDSON. Does the gentleman claim that the climate of South Dakota is good for rheumatism?

Mr. PICKLER. Yes, sir. That is shown in the Senate report.

Mr. RICHARDSON. I never heard of that fact before.

Mr. PICKLER. Well, let some of your lame Tennesseeans come up there, and we will straighten them out in a short time.

Mr. RICHARDSON. I did not imagine that Dakota was a good place for rheumatism.

Mr. PICKLER. This is not a matter of speculation, Mr. Speaker. Here are the scientific reports about the medicinal virtues of the waters at the Hot Springs. Their curative properties were known to the Indians long before the white settlers came there. As shown in the report of the managers of the National Home, 44 per cent of those using these waters for rheumatism were cured. The place is admirably suited for a soldiers' home. An institution of this peculiar character is needed at the present time—needed for soldiers at other homes who are suffering from diseases for which these waters are especially applicable. There can be no reason, it seems to me, why this amendment should not be concurred in.

Mr. McCLELLAN. This is a proposition which was contained in a bill introduced some time ago?

Mr. PICKLER. Yes, sir.

Mr. McCLELLAN. A bill which was referred to the Committee on Military Affairs in this House, and not reported.

Mr. PICKLER. I thank the gentleman for the suggestion. A bill making provision of this kind was passed by the Senate some time ago, and was referred in this House to the Committee on Military Affairs.

Mr. McCLELLAN. And not reported.

Mr. PICKLER. A provision just previous to this in the bill is for a soldiers' home in Vermilion County, Ill. I think that institution is probably necessary. As shown by the report of the Managers of our National Home, more of these soldiers' homes should be provided. If you are ever to do anything for these old soldiers who are suffering and so rapidly dying from disease, now is the time and this the place to do it.

Mr. WILLIAM A. STONE. How far is this place from Chicago?

Mr. PICKLER. About 900 miles.

Mr. WILLIAM A. STONE. What number of these old soldiers have you in your State?

Mr. PICKLER. There are about 7,000 in South Dakota. But this institution is not intended exclusively for South Dakota.

[Here the hammer fell.]

Mr. CANNON. I now yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, I trust that this motion will not prevail. It is a very serious question with all those who have studied this matter of soldiers' homes deliberately and carefully as to whether or not there should be any more homes added to those already built. If the regulations suggested in the bill which has been formulated by the committee of investigation of the Home at Leavenworth, Kans., become a law, I have no doubt at all but what the result will be that the homes already built will be more than sufficient to meet the demands of the Government.

If $4 per month shall be accorded to each inmate for his necessities, reserving the balance of the $16 per month, which, as I understand, is the maximum allowed to the inmate of a Soldiers' Home, for the benefit of the soldier's family, and for outdoor relief, I apprehend that it will very materially curtail the number of inmates in the Homes. This is a proper provision. There is no equity, good judgment, or good sense in maintaining a man at a Soldiers' Home, giving him food, clothing, and shelter, and, at the same time, furnishing him money to buy intoxicants and to use in the abuse of himself. If these provisions that are suggested by that bill are adopted, they will save a great many thousand dollars to the Treasury of the United States.

It is a question of grave doubt in the minds of many who have carefully examined this question whether the addition of the home in Illinois was a proper measure. But that is in the center of a populous region. It is a highly favored location. If this home which is now proposed should become a part of the system of the soldiers' homes, it would be remote from the centers of population. Transportation there would be expensive, and the chances are that there never will be a large soldier population in that part of the country.

The fact that there may be some healing springs there is of little consequence. That will not be a sufficient inducement to soldiers to encourage them to come to that particular locality, considering the cold and inclement weather which prevails there during the greater portion of each year.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. BLUE. If you will be quick about it, I will, yes.

Mr. PICKLER. I want to ask the gentleman if he has read this Senate report, and if he does not know that the managers of the Soldiers' Home say unanimously that there should be another Home between the Mississippi River and the West?

Mr. BLUE. But, Mr. Speaker, the trouble about that is that the judgment of the managers of the Soldiers' Homes is not always reliable. Anyway, it is based on conditions as the Homes are now managed.

Mr. PICKLER. The trouble is it is too close to the Leavenworth Home, is it not?

Mr. BLUE. Oh, no, it would in no way interfere with that Branch Home. The opinion of the managers of the Soldiers' Homes in this particular is, I think, faulty. The difficulty about this is that members of the board are constantly asking for more; they are constantly seeking to add to the expenditures of the Government, without any reason or any just cause for it. The old comrades long for the pleasures of the society of their families and friends. They desire out-door relief. They do not covet the associations of the Soldiers' Homes.

Mr. LOW. Will the gentleman permit me to ask him a question?

Mr. BLUE. Yes.

Mr. LOW. Would you deny to an old soldier the privilege, the opportunity, and the wherewith to take a drink?

Mr. BLUE. Oh, no; not in moderation. But, Mr. Speaker, the fact about it is that many of the men who get into these homes get there by reason of their habits of intemperance..

Mr. PICKLER and other members. Oh, no.

Mr. BLUE. When they get their food and clothing and shelter, if you give them $4 a month as pin money, that, in my judgment, is sufficient for their ordinary necessities.

Mr. WILLIAM A. STONE. This drink which is spoken of is water, is it not?

Mr. BLUE. Not always, unfortunately. So, Mr. Speaker, this is a matter of sentiment. There is no good reason why these men should be given pensions to squander upon strong drink. When they are given a small amount of money, sufficient for their immediate necessities, and the balance of their pensions is preserved for their families, it will be better for them and those dependent upon them.

Mr. HOWE. May I ask the gentleman a question.

The SPEAKER. The gentleman's time has expired.

Mr. CANNON. I yield five minutes, or such time as the gentleman may desire, to the gentleman from Iowa [Mr. HENDERSON] and then I shall ask for a vote.

Mr. HENDERSON. Mr. Speaker, we have one soldiers' home already in the legislation of this Congress. A soldiers' home is not the ideal place for the old soldier. I pity the old soldiers who have to go there. For those who have to give up wife and child, and the ideal life of the family, the Soldiers' Home is good enough, but it is no place for a man to go who still has a hold on life, its activities, its duties, and its loves. I have visited the Soldiers' Homes, and have always left them with sorrow in my heart.

When this country is able to help the soldier more than we do under existing law, let it be done in such a way that he can stay with his wife and his children in the midst of the community in which he has lived. [Applause.] That is the ideal life for the defender of the Republic, and we should not send him where he must retire from the duties of life and the ardors of manhood, and sink into that condition where there are no aspirations left for the human heart, and nothing to do but to vegetate. We have enough of that. If we have money to give, let Congress give it so that it may be expended on men who can stay among their communities where they have been brought up, and where they have returned with well-won honors, to be enjoyed among their kindred. I am against this idea for establishing a home for Dakota, or for any

particular State, and I am against it in the interest of my comrades.

Mr. CANNON. I yield a minute to the gentleman from South Dakota.

Mr. PICKLER. The gentleman from Iowa of course sets up an ideal condition here that we would be glad to get if possible. But we are crying out, and if this is voted down it will be voted down because it costs a little money to the Government. When it comes to building up homes and supporting them, we would like that ideal for the soldiers if we could get it.

This is not a soldiers' home, gentlemen. It is a sanitarium. It is recommended by the National Board of Managers as a place to cure soldiers sent from the other Homes, and not an ordinary soldiers' home. We are not asking that. Contrary to the assertion of the gentleman from Kansas, contrary to the gentleman from Iowa, these Soldiers' Home are now overcrowded. That is what the officers say.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I now ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from South Dakota to recede and concur.

The motion was rejected.

The Clerk read as follows:

(179) That the President, with the advice and consent of the Senate, shall appoint three commissioners whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion.

That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change.

That each of said commissioners shall receive a salary of $5,000 a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HENDERSON. I move that the House recede and agree to the amendment of the Senate. I only desire to say that in the judgment of the Committee on the Judiciary of the House, without respect to party, we feel that the conditions of the law in this respect are such that this contribution ought to be made in the interest of the people.

Mr. ELLETT. I concur in the statements made by the gentleman from Iowa.

The motion to recede and concur was agreed to.

Mr. CANNON. I believe that closes the amendments, does it not?

The SPEAKER. It does.

Mr. NEWLANDS. Mr. Speaker, I ask unanimous consent that we take up amendment numbered 9, page 8, which has been inadvertently passed over.

Mr. CANNON. That is the Corcoran Art Gallery. I do not think the House will agree to it.

Mr. NEWLANDS. I would like to be heard on it for three minutes.

Mr. CANNON. So far as I am concerned, I shall not object to that.

The SPEAKER. The gentleman from Nevada asks unanimous consent that the vote of the House be rescinded, and that a vote be taken on receding and concurring in the Senate amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I yield the gentleman three minutes.

Mr. NEWLANDS. Will the Clerk read the amendment?

The Clerk read as follows:

(9) That the sum of $325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,733 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owners at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

Mr. NEWLANDS. Mr. Speaker and gentlemen, you all know the Corcoran Art Gallery. You know that it was an organization created by the late William Corcoran. A large fund was laid aside for this great work that in other great capitals assumes the phase of a governmental organization and enterprise. The gentlemen who are the directors of this fund found that the building was too small for them, and they have recently erected a magnificent building, costing over $700,000. They are obliged to vacate the building which they have occupied. They wish to sell it, in order to obtain a fund from the interest of which they will be enabled to support this institution. The institution in itself is in the nature of a governmental institution. It is for the promotion of art and architecture. It conducts a great work in instruction. I am told it has over 160 pupils now whom it instructs free of charge.

Now, so much for the interests of the gallery. I am assured that the Government of the United States requires a building for the Court of Claims. The Court of Claims now occupies the building occupied by the Department of Justice. I am told that the architect of the Government has declared that that building was unsafe, that it has too many occupants, that there is too great a weight imposed upon it, and the Department of Justice is desirous of getting rid of the Court of Claims in that building. The chief justice of the Court of Claims and the associate justices have united, I am informed, in a letter requesting the purchase of this building as a convenient and appropriate place for the sessions of that court.

Now, as to the value. I am told by real-estate men of character and standing in this community that they valued this property at from $500,000 down. I am also informed that the original price asked for it was $500,000, but they have come down in the price to $325,000. From my knowledge of real-estate values in this city, considering the location, that is a very reasonable price. The location is a favorable one, directly opposite the War Department, and in such a situation property constantly increases in value. In view of the necessity of the Government providing a suitable place for the Court of Claims, I think it is a reasonable price for this property, and I think the property is well adapted for the purpose.

Mr. CANNON. Now, Mr. Speaker, I will take three minutes; and then I will ask for a vote.

Mr. HENDERSON. I would like three or four minutes.

Mr. CANNON. I yield three minutes to the gentleman from Iowa.

Mr. HENDERSON. Mr. Speaker, I would not speak on this question if I did not feel it was one of very great importance. One of the greatest attractions of this nation is the Corcoran Art Gallery. It was donated by Mr. Corcoran. It has been of no expense to this Government or this city. There is no family anywhere in this country that visits Washington but one of the first pilgrimages made is to the Corcoran Art Gallery.

They have just given us a building dedicated to art. Though not equal in size to some galleries in Europe, it ranks in its perfection, in its beauty, in its adaptation to the exhibition of works of art, sculpture, and painting equal to anything in the Old World. The trustees are among the aggressive and enterprising men of the Republic. Now, the value of the old building has been referred to by my friend from Nevada. It is needed, and as time goes by we will need more and more of this land convenient to the interests of this city. Take the ground upon which the old Riggs Bank is situated. They paid $20 a foot for that ground, and thought they had a bargain.

At the same rate, consider the ground alone. As you will see from the bill, it contains in round numbers 18,000 feet, and it is worth $360,000 there, within sight of the White House and the State Department, in the most delightful part of the city. We need it for the Court of Claims. We are getting it at a bargain, and at the same time we are upholding the hands of those who are carrying out the will of the late Mr. Corcoran, who has done so much for this city and for the country.

Mr. PEARSON. Will not the proceeds of this purchase money simply go to add to the art collection?

Mr. HENDERSON. Every dollar of it will go to the benefit of the people of the United States.

Mr. CANNON. Mr. Speaker, I want a little time, and then I hope gentlemen will be disposed to vote. The first objection to this is that if the amendment is to be adopted this property ought to be paid for from the joint revenues of the District of Columbia and the Treasury of the United States, while this provides for taking it entirely from the Treasury. That is objection number one. The second objection is this. The gentleman says in one voice that this is for the Court of Claims, and in the next voice that it is a donation to the art gallery.

Mr. NEWLANDS. Not at all. I said the proceeds would be a donation to the art gallery.

Mr. CANNON. Another objection is this: We have $7,000,000 invested in the finest building in the world, right across the park here, with space, wall, floor, all ready for art, to be paid for from the Treasury. Again, one gentleman says this ground is worth $20 a foot, amounting to $360,000, and the other gentleman says it is worth $500,000. Then, the name of all that is good, why cheat this institution by buying this property for $325,000? [Laughter.]

Mr. NEWLANDS. The gentleman entirely misstates me when he says I stated that the property was worth $500,000. I said that the valuations put upon it ranged all the way from $500,000 down.

Mr. HENDERSON. And I spoke of the value of the ground alone, without reference to the building.

Mr. CANNON. Well, they are anxious to sell it, and they come to Congress and offer it by a Senate amendment, not by independent legislation, at $325,000. Now, if it is so good a thing they had better keep it and get $400,000 for it. [Laughter.]

One word further. I have nothing to say against the Corcoran Art Gallery. It is a good institution. It is a worthy organization. I do say, however, that it will cost $30,000 to convert that building, which many people allege is a mere fire trap, into quarters for the Court of Claims. I think we had better not do this. If it is

to be done at all, it ought to be done only after being reported from the proper committee, and I trust that under all the circumstances the House will vote down the motion to concur. Let us not gush about these things. Let us have a little hard-headed judgment about them.

Mr. LOW. Let me ask the gentleman whether the country at the present time can afford the expense of this luxury?

Mr. CANNON. Well, the gentleman knows that we are running emptyings in the Treasury. [Laughter.] There is about a foot and a half between Uncle Sam's breeches and his vest. [Laughter.]

Mr. MILNES. I would like to ask the gentleman in charge of this bill if he knows the value of land where the new art gallery building has been erected?

Mr. CANNON. I do not.

Mr. MILNES. I was told to-day by a real estate dealer that land could be bought in that vicinity for $2 a foot.

Mr. CANNON. I suppose that would be a good price for it.

Mr. MILNES. And that is just as good a place for a Court of Claims as the other.

Mr. CANNON. Every bit. Now, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. MAHON] for one minute, and then I shall ask for a vote.

Mr. MAHON. Mr. Speaker, to buy this building as here proposed would be a mistake. We have a magnificent square in this city—Judiciary Square—suitable for the court-houses and law buildings of the city. In the not far distant future this Government will be compelled to build a Department of Justice somewhere, and, if it is to be built at all, that is the place for it. Let us build a Department of Justice there. Let us not buy these old worn-out firetraps, but erect buildings of granite and marble like the new Library, that will stand for all time and be a credit to the Government. [Applause.]

The question being taken on the motion of Mr. NEWLANDS that the House recede and concur in the Senate amendment, it was decided in the negative.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. I rise to ask unanimous consent to recur to amendment numbered 96, on the ninety-second page of the bill.

Mr. WILLIAM A. STONE. Before that consent is given, Mr. Speaker, I ask to have the amendment read.

Mr. MADDOX. I make this request because I was called out at the time when the amendment was reached.

Amendment 96 was read, as follows:

To enable the Secretary of War, through the Commissioners of the Chickamauga and Chattanooga National Park, to improve the Lafayette or State road in Georgia from Lee and Gordon's Mill, in that State, to the town of Lafayette, $26,000.

Mr. MADDOX. Now, Mr. Speaker, I ask unanimous consent to recur to this amendment and that the House recede from its disagreement and concur with the Senate.

Mr. CANNON. The gentleman, as I understand, desires unanimous consent to set aside what has been done, to go back to this amendment, and to move to concur.

Mr. MADDOX. Yes, sir.

Mr. CANNON. Well, I shall make no objection.

Mr. DALZELL. Mr. Speaker, have we already taken action on that amendment?

The SPEAKER. We have.

Mr. MADDOX. I was called out of the House when this bill was brought in, and did not have the chance to call for a separate vote on this proposition.

Mr. DALZELL. Well, Mr. Speaker, if we passed on this matter when we had a full attendance of members, it is unfair now to ask that the measure be reconsidered.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. MADDOX]?

Mr. DALZELL. I object.

Mr. MADDOX. I will say to the gentleman from Pennsylvania that I have been urging this matter for the last five hours.

Mr. ELLETT. I hope the gentleman from Pennsylvania will not object.

The SPEAKER. Objection is made by several gentlemen.

Mr. ELLETT. The gentleman from Pennsylvania has undertaken to state the ground of his objection, but the ground is groundless. The House has not passed upon this question; it was passed over by the House. [Cries of "Regular order!"]

Mr. CANNON. I believe, Mr. Speaker, we have now disposed of all these amendments.

The SPEAKER announced the appointment of Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS as conferees on the part of the House in the further conference on the sundry civil appropriation bill.

FRATERNAL BENEFICIAL SOCIETIES.

The SPEAKER laid before the House the amedmnents of the Senate to the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

The amendments were read.

Mr. RICHARDSON. These amendments are almost all of them merely formal. They have been examined by the District Committee; and we recommend that they be concurred in.

Mr. LINTON. I move concurrence in the amendments of the Senate.

The amendments were concurred in.

WITHDRAWAL OF PAPERS.

Mr. HILL, by unanimous consent, obtained leave to withdraw from the files of the Fifty-fourth Congress, without leaving copies, papers in the case of E. Warriner, no adverse report having been made.

Mr. BURTON of Missouri, by unanimous consent, obtained leave to withdraw papers filed in support of the bill (H. R. 3222) for the relief of James H. Wimpey, there having been no adverse report.

REPRINT OF BILLS.

Mr. CANNON. I ask unanimous consent for the reprinting of the sundry civil appropriation bill with the amendments.

There being no objection, it was ordered accordingly.

On motion of Mr. BREWSTER, by unanimous consent, a reprint was ordered of House report (No. 2569) of the Committee on Coinage, Weights, and Measures upon House joint resolution No. 183.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for two days, on account of sickness in his family.

To Mr. SHANNON, indefinitely, on account of sickness in his family.

To Mr. HUFF, for one day, on account of important business.

RECESS.

Mr. HENDERSON. I move that the House take a recess until 11 o'clock a. m.

Mr. CANNON. At the suggestion of the gentleman from New York [Mr. SHERMAN], I ask the gentleman to name half past 10 o'clock as the hour for reassembling.

Mr. HENDERSON. Adopting the suggestion of the chairman of the Appropriations Committee, I move that the House take a recess until half past 10 o'clock a. m.

The motion was agreed to; and accordingly (at 3 o'clock and 10 minutes a. m., Wednesday, March 3) the House took a recess until 10.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting further information in relation to the official residences of foreign diplomats—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of State, apprising the House of a letter from the minister at Teheran, Persia, concerning a building for the legation at that capital—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Florence A. Puryear, administratrix of R. R. Hightower, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FAIRCHILD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 7707) to maintain and protect the integrity of the coins of the United States, reported the same without amendment, accompanied by a report (No. 3075); which said bill and report were referred to the House Calendar.

Mr. ATWOOD, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the resolution of the House (House Res. No. 543) to authorize the Speaker to appoint a committee to investigate South Carolina elections, reported the same, accompanied by a report (No. 3065); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10355) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, reported the same with amendment, accompanied by a report (No. 3066); which said bill and report were referred to the House Calendar.

Mr. LORIMER, from the Committee on Labor, to which was referred the bill of the House (H. R. 9490) to prevent conspiracies

to blacklist, reported the same without amendment, accompanied by a report (No. 3077); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on Public Lands, to which was referred the bill of the House (H. R. 5819) entitled "An act to provide for the examination and classification of certain lands in the State of California," with amendments of the Senate thereto, reported the same, accompanied by a report (No. 3067); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 3520) entitled "An act to provide for the erection of a custom-house in the city of New York," reported the same with amendment, accompanied by a report (No. 3072); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE, from the Committee on Public Buildings and Grounds, submitted the views of the minority on the bill (H. R. 6197) to provide for the erection of a custom-house in the city of New York, which said views (Report No. 2409, part 2) were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 3640) entitled "An act granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion." (Report No. 3064.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 9383) granting an increase of pension to George W. Howard. (Report No. 3068.)

The bill (H. R. 9047) granting an increase of pension to Aurelius Roberts. (Report No. 3069.)

The bill (H. R. 9827) to increase the pension of Alexander G. Willis. (Report No. 3073.)

The bill (H. R. 6542) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr. (Report No. 3074.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 8126) to pension James M. Miller. (Report No. 3071.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PICKLER, from the Committee on Invalid Pensions, reported adversely (Report No. 3070) the bill (H. R. 9266) to repeal an act of Congress of August 13, 1888, which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of evidence to accompany the claim of D. B. Harmon; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STAHLE: A memorial of the legislature of the State of Pennsylvania, in favor of the passage of the bill (H. R. 1) for the classification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the National Association of Manufacturers, favoring the immediate revision of the tariff and the reestablishment of reciprocity—to the Committee on Ways and Means.

Also, resolution of the American Association of Flint and Lime Glass Manufacturers, in favor of the bill to establish the department of commerce and manufactures—to the Committee on the Judiciary.

Also, petition of Mrs. Jennie R. Best, State superintendent of department of mercy, Woman's Christian Temperance Union, of Pennsylvania, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building—to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH of Illinois: Petition of Mrs. Margaret Dye Ellis, superintendent Woman's National Christian Temperance Union, numbering upward of 200,000 women; also petition of W. S. Dewhurst, president of the Washington District of Epworth League; also petition of W. H. Pennell, chairman of the good citizenship committee of the Christian Endeavor, numbering more than 2,000,000 members, in favor of the passage of the anti-prize-fight bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Dr. J. G. Butler; Rev. Howard W. Ennis, of the Brotherhood of Andrew and Philip; Mr. W. H. Pennell, chairman of Christian citizens' committee of the District Endeavor Union; W. S. Dewhurst, president of the District Epworth League; Mrs. S. D. La Fétra, superintendent of the Christian citizenship department of the World's Woman's Christian Temperance Union; Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, and Rev. L. B. Wilson, D. D., presiding elder, in behalf of two mass meetings of citizens of Washington, D. C., held February 28, 1897, for the passage of the bill to prohibit the transmission by mail or interstate commerce of any picture or description of any prize fight—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: Petition of the Woman's Christian Temperance Union of Pueblo, Colo., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions adopted by the city council of Denver, Colo., favoring the passage of House bill No. 3273, to classify clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petition of the Drownville Methodist Episcopal Church, the Barrington Congregational Church, and the Young People's Society of Christian Endeavor, of Barrington, R. I., favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Drownville Methodist Episcopal Church, the Barrington Congregational Church, and the Young People's Society of Christian Endeavor of the Congregational Church of Barrington, R. I., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of Fred Hartheimer and other citizens of Louisville, Ky., in favor of the Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. FLETCHER: Resolutions of the New Orleans Board of Trade, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Resolutions adopted by various Grand Army of the Republic posts, Department of Vermont, viz, Stannard Post, of Burlington; Sedgwick Post, of Brattleboro; William H. Boynton Post, of Northfield; Henry Carpenter Post, of Waterville; U. S. Grant Post, of Randolph; J. M. Warner Post, of Morrisville; Chamberlin Post, of St. Johnsbury; Edwin Dillingham Post, of Waterbury; Ransom Post, of East Corinth; Whitney Post, of Tunbridge; Stowe Post, of North Calais; Stoughton Post, of Bellows Falls; C. C. Johnson Post, of Springfield; C. B. Lawton Post, of Wilmington; J. H. Bosworth Post, of Fairhaven; Stearns Post, of West Barnet; R. S. Sherman Post, of Essex Junction, and Pixley Post, of Enosburg Falls, favoring such an amendment to section 1225, Revised Statutes of the United States, as will authorize the detail of officers and noncommissioned officers of the Regular Army as military instructors in the public schools—to the Committee on Military Affairs.

Also, petition of Rev. C. H. Smith and 21 others, favoring the passage of the McMillan bill (S. 2485) to further protect Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution adopted by the Christian Endeavorers of Washington County, Vt., favoring the passage of House bill No. 7083, to prohibit the sale of intoxicating liquor in the Capitol—to the Committee on Public Buildings and Grounds.

Also, resolution adopted by the Washington County Christian Endeavor Union of Vermont, favoring the establishment of an international arbitration commission—to the Committee on the Judiciary.

Also, resolutions adopted by the National Association of Manufacturers, requesting a speedy revision of the tariff—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of the Woman's Christian Temperance Union of the State of New York, asking for the enactment of a law that shall make the treating to intoxicating liquor in any public place or restaurant a misdemeanor—to the Committee on Alcoholic Liquor Traffic.

By Mr. HARTMAN: Petition of W. S. Collins and other citizens of the State of Montana, favoring the reduction of fees for entry of public lands—to the Committee on the Public Lands.

Also, petition of A. J. Johnston and others, of the State of Montana, favoring the passage of the Cullom and Sherman bills to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Papers to accompany House bill No. 9516, for the relief of Eliza Miller—to the Committee on Invalid Pensions.

By Mr. KULP: Petition of Mrs. Caroline E. Little and other members of the Woman's Christian Temperance Union of Eaglesmere, Pa., for the passage of a bill relating to the share of a widow in the estate of her husband dying intestate—to the Committee on the Judiciary.

By Mr. MORSE: Petitions of the Christian Endeavor societies of the Waldo Congregational Church, the South Congregational Church, the Porter Congregational Church, and of the Wendell Avenue Chapel, all in Brockton, Mass., for the passage of House bill No. 7088, asking for the suppression of the sale of intoxicating liquors in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. REYBURN: Petition of General G. K. Warren Post, No. 15, Grand Army of the Republic, Department of Pennsylvania, in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: Petition of Maurice Couchot and 42 other citizens of San Francisco, Cal., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of T. J. West and other citizens of Oil City; also petition of W. J. Chapman and others, of Franklin; also petition of F. H. Pyle and others, of Newcastle, in the State of Pennsylvania, favoring the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *March 3, 1897.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

REPORT OF EXCISE BOARD, DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a report of the excise board of the District, for the license year ended October 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 61, 112, 114, 115, 119, 121, 122, 127, 128, 136, 138, 146, 147, 149, and 179, and agrees to the same; recedes from its disagreement to the amendments of the Senate numbered 6, 72, and 139, and agrees to the same with amendments in which it requested the concurrence of the Senate; further disagrees to the residue of the amendments of the Senate to the said bill, and agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. WILLIAM A. STONE, and Mr. SAYERS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. MURPHY presented a memorial of sundry citizens of New York City, remonstrating against the passage of House bill No. 8014, revising and amending the statutes relating to patents; which was referred to the Committee on Patents.

He also presented a memorial of the Commercial Club of Albany, N. Y., remonstrating against the passage of the anti-scalping railroad ticket bill; which was ordered to lie on the table.

Mr. THURSTON presented a petition of sundry citizens of Omaha, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. BRICE presented a petition of the Christian Endeavor Society of the Presbyterian Church, of McArthur, Ohio, and a petition of the Christian Endeavor Society of North Lawrence, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. ALLEN presented sundry petitions of citizens of Hastings, Valley, and Ames, all in the State of Nebraska, praying for the enactment of legislation protecting the producers of beet sugar; which were referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 6, of New York, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. HOAR presented a memorial of the Travelers' Protective Association of Massachusetts, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Young Men's Congregational Club of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Commercial Travelers' Club of Springfield, Mass., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VILAS presented a petition of the legislature of Wisconsin, praying for the adoption of certain amendments to the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" which was ordered to lie on the table.

Mr. PERKINS presented a petition of the legislative assembly of California, praying for the passage of the so-called California mineral lands bill; which was read, and ordered to lie on the table, as follows:

[Telegram.]

CAPITOL, SACRAMENTO, CAL., *March 2, 1897.*

Hon. GEORGE PERKINS,
United States Senate, Washington, D. C.:

The following joint resolution was this day adopted by the California legislative assembly:

[Joint resolution No. 30, relative to and advocating the passage of the California mineral lands bill.]

Whereas there is now pending in the Congress of the United States a California mineral lands bill;

Whereas the speedy enactment thereof is a matter of vital importance to California: Therefore,

Be it resolved, That our Senators be instructed and our Representatives in Congress be requested to use all honorable means to secure the passage of the same.

Be it further resolved, That the governor transmit a copy of this resolution by telegraph to the California delegation in Congress.

JAMES H. BUDD, *Governor.*

Mr. ALDRICH presented sundry petitions of churches in Rhode Island, praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of churches in Rhode Island, praying for the enactment of legislation providing for the appointment of an impartial, nonpartisan industrial commission, to prohibit the sale of intoxicating liquors in the Capitol building and grounds, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Pawtucket, R. I., praying for the enactment of legislation prohibiting the transmission of gambling matter by telegraph, as such transmission has already been forbidden by mail and express; which was referred to the Committee on Interstate Commerce.

Mr. WARREN. I present a memorial from the national convention of the representatives of commercial bodies of the United States, reviewing the insolvency laws and statistics of failures of the several States.

I move that the memorial lie on the table and that it be printed.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10364) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to

the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported it without amendment, and submitted a report thereon.

CONGRESSIONAL LIBRARY BUILDING.

Mr. HANSBROUGH. I present a report of the Joint Committee on the Library upon the hearings had before that committee under the authority of the concurrent resolution of the Senate of May 5, 1896, together with additional testimony and a statement of the cost of such hearings.

I move that the report and accompanying testimony be printed.

The motion was agreed to.

EMPLOYMENT OF STENOGRAPHERS OF COMMITTEES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the following resolutions, reported them severally without amendment, and each was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

Resolved, That the compensation of the stenographer employed to report the hearing by the Committee on Indian Affairs in relation to the removal of the Lower Brule Band of Sioux Indians from their homes south of White River, South Dakota, be paid out of the contingent fund of the Senate.

Resolved, That the stenographer employed to report a statement before the Committee on Naval Affairs relative to torpedo-boat destroyers be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 3735) to increase the pension of Mary F. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 3736) to establish uniform laws on the subject of bankruptcies throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORT ON PACIFIC COAST HARBOR.

Mr. WHITE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the report made to him by the board appointed to locate a deep-water harbor for commerce and of refuge at port Los Angeles or at San Pedro, Cal., under the provisions of the river and harbor act of June 3, 1896, together with the plans, specifications, and estimates made by said board.

ANNUAL REPORT OF THE COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1896; which was referred to the Committee on Patents, and ordered to be printed.

SENATOR FROM IDAHO.

The VICE-PRESIDENT presented a memorial of members of the legislature of Idaho, remonstrating against Henry Heitfeld being sworn in as a Senator from that State; which was referred to the Committee on Privileges and Elections.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I submit a report of the committee of conference on the District of Columbia appropriation bill. If Senators will take up a copy of the bill with the amendments numbered, I will state what items are still in disagreement, so that they may know, without trying to follow the reading, the amendments upon which the conferees have failed to agree.

Amendment numbered 2, appropriating $6,720 for the free public library, is still in conference, the controversy between the Senate conferees and the House conferees being whether the sum shall be paid as usual, one-half by the United States, or all by the District; also the proposition on the part of the House to transfer all the books of the Departments not used in their circulating libraries and not needed for the use of the Departments to this library.

Amendment numbered 8, remitting penalties on taxes due and payable on or before July 1, 1895, is still in controversy.

Amendment numbered 6, appropriating $210,000 for payment of judgments for the land condemned for the extension of Sixteenth street, was put in the appropriation bill by the Senate last year, and again this year. It was dropped out last year because the House would not agree to it, and the House conferees object to it now. They are judgments rendered by the supreme court of the District of Columbia.

Amendment numbered 7 is an appropriation of $65,000 to pay for lands to be condemned for the extension of Rhode Island avenue.

Amendment numbered 53 strikes out the House provision giving authority for necessary extensions of electric arc lighting.

Amendment numbered 55 prohibits the laying of conduits or erection of overhead wires for electric-lighting purposes. Senators will remember that that is the amendment which came from the Committee on the District of Columbia, and was supposed to be a compromise reached by the different interests.

Mr. CULLOM. Those are amendments not agreed to by the conferees?

Mr. TELLER. They are amendments not agreed to.

Amendment numbered 58, reappropriating the unexpended balance and appropriating $266,746.38 to resume work on the Washington Aqueduct tunnel, is not in controversy concerning the amount, but on the question whether we shall undertake to complete that tunnel.

Amendments numbered 102 to 123, inclusive, striking out the general appropriation proposed by the House for charities and appropriating specifically for charitable institutions in the District of Columbia, are still in controversy.

Amendment numbered 131, repeating the provision contained in the last District of Columbia appropriation act, defining the policy of the Government with reference to appropriations for charitable institutions, properly goes with the former amendment.

If Senators desire to ascertain what the conferees have agreed to, they will find it by taking the bill and running it over as the reading of the report proceeds. The Senate put in some items for improvement of streets, and the conferees have been compelled, under the stress of haste, to drop a good many of those streets, disagreeing to some, and so report the bill without them. I ask that the report be read.

The Secretary proceeded to read the report of the committee of conference, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 5, 15, 20, 22, 23, 25, 29, 30, 31, 34, 36, 39, 40, 41, 43, 44, 45, 54, 59, 60, 61, 62, 69, 71, 77, 78, 88, 90, 99, 101, 127, 128, 129, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 18, 26, 27, 28, 32, 33, 37, 38, 46, 47, 52, 56, 57, 65, 67, 68, 70, 72, 79, 80, 81, 85, 89, 90, 92, 94, 97, 98, 125, 126, 132, 133, and 135, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,812;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,550;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,778;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,735;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For paving North Capitol street between O and Q streets, $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "': *Provided*, That if any surplus remains of the sum hereby appropriated, the same shall be expended for regulating, grading, and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided however*, That the portions of Baltimore street and Twentieth street so regulated, graded, and paved are, or shall be, dedicated by the owners for conformity with the plans for highway extension."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: After the word "condemnation," in line 3 of said amendment, insert the words "to a width of 130 feet;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$104,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 26 of said amendment strike out the words "two hundred" and insert in lieu thereof the word "fifty;" and strike out all of lines 42, 43, and 44 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and at the end of line 4, page 26, of the bill insert the following:

"And the limit of cost of said Western High School building, including site, is hereby increased from $100,000 to $133,000, and a further contract for the completion of said building is hereby authorized within the said limit of $133,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$596,020;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter each of the members of the fire department shall be entitled to leave of absence each year, with pay, for such time, not exceeding twenty days, as the Commissioners shall determine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed, in line 5 of said amendment, insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "For the" and insert in lieu thereof the words "Toward the;" and in line 6 of said amendment strike out the word "twenty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 6, 7, 53, 55, 58, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 131.

HENRY M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. W. GROUT,
M. PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

Mr. McMILLAN. We can not understand anything about what the amendments are from the reading.

Mr. TELLER. I believe if members of the Senate who are desirous of knowing what we have done in conference would take the bill and run through it, they would get the information more quickly than in this way.

Mr. CULLOM. I think if the Senator would explain, as he started in to do, each item referred to, we would learn as much as we could learn by examining the printed bill, unless we took a couple of days to look at it. I think the Senator ought to explain the report.

Mr. TELLER. We can not have a new print now. If Senators will take their copies of the bill with the amendments numbered, I will state the page and line, and they can follow me as I go along.

In amendment numbered 1, page 3, line 18, we proposed to give to the deputy collector the authority to act in the absence of the collector. The House conferees objected, and the Senate conferees receded.

The next amendment, numbered 2, is for the free public library, on page 8. That is yet in controversy.

Amendment numbered 3, page 10, which is the tax question, is still in controversy.

On page 11, amendment numbered 4, to enable the register of wills to compare, correct, and reproduce certain records, or will books, and purchase of books, $2,000, the Senate conferees receded.

Mr. McMILLAN. And that is stricken out?

Mr. TELLER. That is stricken out.

Amendment numbered 5, on page 12, is a modification of the act repealing the act to amend, etc., for the settlement of outstanding claims relating to the public works. The Senate inserted the clause "unless Congress shall hereafter specifically direct payment thereof." On that amendment the Senate conferees receded.

Amendments numbered 6 and 7, for the payment of judgments for lands condemned, are still in controversy.

Amendment numbered 8, on page 13, for assessment and permit work, the Senate appropriated $175,000, the House having made the amount $125,000. The conferees have compromised on $150,000.

On page 14, amendment numbered 9 appropriated $200,000 for the work on streets and avenues. The conferees have reduced the amount to $165,000, and then the schedules following along will be reduced proportionately, and I need not read them.

The Senate conferees receded from amendment numbered 15, on page 14, for paving with asphalt East Capitol street between Eleventh and Thirteenth streets.

The House conferees receded from amendment numbered 16, for paving H street between Twenty-second and Twenty-third streets NW.

The House conferees receded from amendment numbered 17, for paving Morris street between Sixth and Seventh streets NE.

The House conferees receded from amendment numbered 18, for removing cobblestone and repairing with asphalt block D street between Sixth and Seventh streets SE.

Amendment numbered 19, for paving of North Capitol street between O and R streets, was amended by striking out "R" and inserting "Q," and reducing the amount from $9,000 to $5,000, and then the House conferees receded from the disagreement.

On amendment numbered 20, for paving the north half of B street between Ninth and Tenth streets NW., the Senate conferees receded.

On page 16, amendment numbered 21, for suburban sewers, the House had appropriated $36,000, and the Senate increased the appropriation to $100,000. The conferees have fixed the amount at $70,000.

Amendment numbered 22, on line 22: The Senate increased the Rock Creek and B street intercepting sewer appropriation from $90,000 to $130,000, and the Senate conferees receded from it.

Amendment numbered 23: The Senate raised the appropriation for the Tiber Creek and New Jersey avenue high-level intercepting sewer from $50,000 to $100,000, and the Senate conferees receded from it.

Amendment numbered 24: The Senate struck out the provision in the item for paving Connecticut avenue and Columbia road between Florida avenue and Eighteenth street extended, and the House conferees receded from the disagreement.

Amendment numbered 25: The Senate conferees receded from that amendment; the conferees added the following provision:

Provided, That if any surplus remains of the sum hereby appropriated, the same shall be expended for regulating and paving Baltimore street from Columbia road to Twentieth street, and thence along Twentieth street to the Adams Mill road entrance to the Zoological Park: *Provided, however*, That the portions of Baltimore street and Twentieth street so paved are, or shall be, dedicated by the owners for conformity with the plans for highway extension.

That is practically what the Senate originally recommended.

On amendment numbered 26, for grading and regulating Clifton, Irving, Yale, Bismark, Harvard, Columbia, Steuben, Kenesaw, Wallach, and Thirteenth streets from Seventh to Fourteenth streets, and Roanoke and Princeton streets from Seventh to Thirteenth streets, completing improvements, the House conferees receded.

The House conferees receded from amendment numbered 27, for grading and regulating Sherman avenue.

The House conferees receded from amendment numbered 28, for grading and regulating Kenesaw avenue and Park road.

From amendment numbered 29, for paving Spruce street, the Senate conferees receded.

From amendment numbered 30, for grading and graveling Albemarle street, the Senate conferees receded.

From amendment numbered 31, for grading and graveling Twenty-second and Twenty-fourth streets, Langdon, the Senate conferees receded.

From amendment numbered 32, for grading and regulating Twelfth street extended from Florida avenue to Mount Olivet road, the House conferees receded.

From amendment numbered 33, for paving Massachusetts avenue extended from Twenty-second street to Sheridan circle, the House conferees receded.

From amendment numbered 34, for grading Pennsylvania avenue extended SE., $5,000, the Senate conferees receded.

From amendment numbered 35, page 20, for grading and regulating Emporia street, the House conferees receded with an amendment. Instead of $5,000 the conferees made the appropriation $4,000.

From amendment numbered 36, for continuing the improvement of the road extending from Broad Branch road to Chevy Chase circle, the Senate conferees receded.

From amendment numbered 37, for improving Thirty-seventh street between Back street and Tennallytown road, the House conferees receded.

From amendment numbered 38, for paving Spruce and Bohrer streets from Larch street to Florida avenue, the House conferees receded.

From amendment numbered 39, for improving and protecting Connecticut avenue extended beyond Rock Creek, $10,000, the Senate conferees receded.

From amendment numbered 40, for grading and regulating Providence, Lansing, Hartford, and Tenth streets, Brookland, $9,000, the Senate conferees receded.

From amendment numbered 41, for the purchase of land belonging to the Catholic University and lying between the west line of Eighth street east, extended, and so on, the Senate conferees receded.

From amendment numbered 42, for grading and graveling Joliet street from Connecticut avenue extended to the Zoological Park, and acquiring same by purchase or condemnation, $5,000, the House conferees receded with an amendment. The amendment is that the street shall be 130 feet wide.

From amendment numbered 43, for grading and regulating Lowell street from Seventeenth street to Klingle Ford road, the Senate conferees receded.

From amendment numbered 44, for grading and regulating Michigan avenue, the Senate conferees receded.

From amendment numbered 45, for the grading and improvement of G street from First street east to Fourth street NE., the Senate conferees receded.

From amendments numbered 46 and 47, for grading and regulating and paving Princeton street and Roanoke street from Thirteenth street to Fourteenth street, the House conferees receded.

The next amendment, numbered 48, is incidental, being a total.

From amendment numbered 49, for the straight extension of Connecticut avenue, the House conferees receded with an amendment on page 23, where there is an appropriation of $200,000, which is increased to $250,000, striking out lines 19, 20, and 21, about the bridge.

From amendment numbered 50, for sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, for which the House appropriated $130,500, the Senate increased the appropriation to $150,000, and the House conferees receded with an amendment making the appropriation $140,000.

From amendment numbered 51, for lighting, the House appropriated $135,000, the Senate increased it to $185,000, and the House conferees receded with an amendment making it $160,000.

From amendment numbered 52, for street lamps, the House conferees receded, leaving the maximum $20, as it was last year.

From amendment numbered 53, for electric arc lighting, etc., the Senate struck out the words "and for necessary extensions of such service," which is a matter still in controversy.

Amendment numbered 54, relating to the appropriation for electric arc lighting, etc., the Senate struck out "$55,000," and inserted "$40,000." The House conferees receded from the disagreement on that amendment.

Amendment numbered 55 also relates to electric arc lighting, and is still in conference.

On page 28, from amendment numbered 56, providing that the Chief of Engineers of the Army shall report to Congress at its next regular session for erecting a bridge over Rock Creek, the House conferees receded.

On amendment numbered 57, for engineering, maintenance, and general repairs of the Washington Aqueduct, the Senate increased the appropriation from $20,000 to $21,000, and the House conferees receded from that.

Amendment numbered 58, which is the Washington Aqueduct tunnel, is still in controversy.

On page 33, on amendment numbered 59, the Senate proposed an increase of salary of the janitor of the Wallach School building of $100. That was objected to, and the Senate conferees receded.

The Senate conferees receded from amendment numbered 60, which, of course, goes with the preceding item.

On page 34, amendment numbered 61, for the care of smaller buildings and rented rooms, including cooking and manual training schools, etc., the Senate increased the appropriation from $58,996 to $59,096, and the Senate conferees have receded from that.

From amendment numbered 62, for rent and care of Miner School building on Seventeenth street, $3,050, the Senate conferees receded.

Amendment numbered 63, for repairs and improvements to school buildings and grounds, on lines 19 and 20, page 34, the House appropriated $32,000 and the Senate increased the amount to $40,000. The House conferees receded with an amendment making the appropriation $35,000.

In the next amendment, numbered 64, for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, the House appropriated $8,000, the Senate increased it to $10,000, and the House conferees receded with an amendment making it $9,000.

On page 35, from amendment numbered 65 the House conferees receded. That is a Senate amendment increasing the appropriation for contingent expenses, including furniture, books, stationery, etc., from $28,500 to $29,500.

Amendment numbered 66, relating to text-books and school supplies, the House appropriated $38,000, the Senate increased it to $42,000, and the House conferees receded with an amendment making it $40,000.

On page 35, amendment numbered 67, for purchase of water filters, $2,000, the amendment of the Senate was to make the appropriation immediately available. The House conferees receded from that.

Page 36, amendment numbered 68, for one eight-room building and site, seventh division, county, $40,000. These are school buildings. The House conferees receded.

Amendment numbered 69, for one eight-room building and site northeast, sixth division, $40,000. The Senate conferees receded.

Amendment numbered 70, for one eight-room building and site in the vicinity of North Capitol and R streets, $40,000. The House conferees receded.

Amendment numbered 71, for four-room addition to Birney School, eighth division, $8,000. The Senate conferees receded.

Amendment numbered 72, for lot adjoining Curtis School building, to be acquired by purchase or condemnation, $5,000. The House conferees receded.

Amendment numbered 73, for completing Western High School, to be immediately available, the House appropriation was $50,000. The Senate increased it to $83,000. The House conferees receded with an amendment increasing the limit of cost from $100,000 to $133,000.

On page 37, amendment numbered 74, under the head of "Metropolitan police," the House provided for 286 privates, class 1, the Senate increased the number to 318; and on the next page, amendment numbered 75, the House provided for 194 privates, class 2, and the Senate increased it to 226; and amendment numbered 76 is the total appropriation, from all three of which amendments the House receded.

Amendment numbered 77 relates to the annual leaves of absence of the Metropolitan Police. The Senate increased the time from twenty to thirty days, and in amendment numbered 78 the Senate inserted the words "at such times;" so as to read "at such times as the Commissioners shall determine." The Senate conferees receded, making it twenty days and leaving it to the Commissioners to determine whether they shall have any leave or not.

The House conferees receded from amendment numbered 79, increasing the number of foremen for the fire department from 17 to 18, and from amendment numbered 80, increasing the number of privates from 13 to 20, and from amendment numbered 82 the House conferees receded, with an amendment giving them twenty days' leave of absence a year, and struck out the words "at such times," leaving it to stand in harmony with the provision for the police.

From amendment numbered 83, for repairs to engine houses, the House conferees receded with an amendment. The House appropriated $3,000; the Senate increased it to $4,500, and the House conferees receded with an amendment fixing the amount at $3,500.

Amendment numbered 84, for repairs to apparatus and new appliances: The House appropriated $3,000; the Senate increased it to $4,500, and the House conferees receded with an amendment fixing the amount at $3,500.

Amendment numbered 85, for purchase of horses: The House appropriated $6,000, and the Senate increased it to $7,000; the House conferees receded from that.

Amendment numbered 86, for contingent expenses, horseshoeing, etc.: The House appropriated $9,000; the Senate increased it to $10,500, and the House receded with an amendment making it $9,500.

The amendment numbered 87 is a total.

From amendment numbered 88, for exchange of old-style truck for aerial turntable truck, the Senate conferees receded.

From amendment numbered 89, for house, lot, and furniture for one engine company, to be located in the section bounded by Seventh and Twelfth streets and C and F streets NW., $35,000, to be immediately available, the House conferees receded.

By amendment numbered 90, for house, lot, and furniture for

one engine company, to be located in Anacostia, the Senate made the appropriation immediately available, from which the House conferees receded.

Amendment numbered 91 is the total from which the House conferees receded.

By amendment numbered 92, for general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, the Senate increased the appropriation from $11,000 to $11,500, from which the House conferees receded.

From amendment numbered 93, for extension of the fire-alarm telegraph, including new boxes, etc., the House conferees receded with an amendment cutting down the appropriation from $15,000 to $7,500.

From amendment numbered 94, under the head of "Health department," providing for two inspectors of garbage, the House conferees receded.

From amendment numbered 95, increasing the total appropriation for the health department from $30,900 to $33,300, the House conferees receded.

From amendment numbered 96, for incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, etc., the Senate conferees receded.

From amendment numbered 97, for the purchase of a site for a contagious-diseases hospital, which the Senate struck out, the House conferees receded.

From amendment numbered 98, for two isolating buildings to be constructed in the discretion of the Commissioners of the District of Columbia on the grounds of two hospitals, the House conferees receded.

From amendment numbered 99, providing that the Secretary of the Interior, the Surgeon-General of the Army, and the Supervising Surgeon-General of the Marine-Hospital Service shall be constituted a commission to examine suitable sites for a contagious-diseases hospital in the District of Columbia, the Senate conferees receded.

On page 48, from amendment numbered 100, providing for a wall around the jail grounds, the House conferees receded, with an amendment decreasing the appropriation from $20,000 to $10,000, and some slight amendment in the phraseology that is immaterial.

From amendment numbered 101, for the construction of a crematorium which shall contain two alternating furnaces, the amendment presented by the Senator from New Hampshire [Mr. GALLINGER], the Senate conferees receded.

Mr. GALLINGER. The Senate conferees receded?

Mr. TELLER. The Senate conferees receded.

I called attention to the subject of charities, which are still in controversy, being amendments numbered 102 to 123.

From amendment numbered 124, for repairs and furniture, the House conferees receded, with an amendment reducing the appropriation from $5,000 to $2,000.

From amendment numbered 125, for the appointment of superintendent of hospital, the House conferees receded.

The House conferees also receded from disagreement to the provision inserted by the Senate, amendment numbered 126, providing for salary and compensation of the surgeon in chief, etc., which puts the law back as it was last year, leaving the hospital in charge, not of a superintendent, but surgeon in chief.

On amendment numbered 127, providing that any legally licensed physician may attend private patients, when they occupy pay rooms, in any of the public hospitals of the District of Columbia, the Senate conferees receded.

In amendment numbered 128, Reform School for Girls, the Senate provided for a cook at $240. The Senate conferees were compelled to recede from that amendment.

The next amendment, numbered 129, is a total.

In amendment numbered 130, for the Industrial Home School, the House appropriated $9,900; the Senate increased it to $12,000, and the House conferees receded, with an amendment making it $11,000.

Amendment numbered 131 is connected with the charities, and is still in controversy.

From amendment numbered 132, relating to the compensation of the clerk to the joint select committee concerning the charities and reformatory institutions of the District of Columbia, the House conferees receded.

From amendment numbered 133, increasing the appropriation from $3,000 to $3,600 for expenses of rifle practice and matches in the District of Columbia militia, the House conferees receded.

The Senate conferees receded from amendment numbered 134, which proposed to insert in the bill the following proviso:

Provided, That so much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

The House conferees receded from amendment numbered 135, which strikes from the bill section 3 in the following words:

SEC. 3. That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Those are all the subjects of the conference.

Mr. GALLINGER. Before the question is taken on concurring in the report, I desire simply to emphasize an observation I made the other day concerning the burial ground at the Washington Asylum, the so-called potter's field.

I notice that the Senate conferees receded from the amendment which I had inserted in the bill providing for a crematorium. I am not going to argue the question this morning, but I wish to repeat that there is here in the District of Columbia, in the capital of this great nation, a condition of things existing such as I apprehend can not be found in any other great city perhaps in the civilized world, and some remedy ought to be provided at the earliest possible moment, so that this reproach will not be laid at our doors. I regret that the conferees on the part of the Senate surrendered the amendment, but especially so without providing at least for the purchase of additional ground for the burial of the indigent and pauper poor in the District of Columbia.

There is one other matter concerning which I simply want to make a single observation, and that is the provision I had inserted that any legally licensed physician may attend private patients when they occupy pay rooms in any of the public hospitals in the District of Columbia. I think that this must be the only city in the United States in which public hospitals exist, getting contributions from the public fund, where pay patients are refused the privilege of having their own physicians. I believe there is only one hospital in the District where that condition of things exists. The medical profession have insisted, and very properly have insisted, that these restrictions should be removed and that physicians should be allowed the same privileges here in that respect that they are allowed in the other great cities of the country.

I simply desire to say that I regret the conferees on the part of the Senate have felt constrained to surrender that amendment, because it is a very proper one and one that ought to have been kept in the bill; but I take it that the Senate conferees had to surrender something; that this is a compromise measure, and they are very earnestly desirous of reaching a conclusion and agreement. So I find no fault concerning their action, except to say that I feel sure such a provision will in the near future be incorporated in the District of Columbia appropriation bill and that this restriction, which ought not to exist, will be removed.

Mr. CALL. I should like to ask the Senator from Colorado a question. I understand that amendment numbered 7, on page 13, is still in conference. It is the provision to pay for lands to be condemned.

Mr. TELLER. That is still before the conference committee.

Mr. CALL. The Senator will allow me one other question. I understand also that the provision of the bill relating to the unpaid taxes of the District of Columbia is still in conference.

Mr. TELLER. That is still in conference. I wish to say that the committee, in surrendering some of the amendments put on in the Senate, do not pretend, of course, to express any disapproval of or any lack of merit in the amendments, or any lack of sympathy, but we were compelled to surrender some matters that we felt were very important. If the hours had been longer between the time we were sitting and the closing of the session, I doubt very much whether we would have surrendered what we did surrender. There seems to be a general feeling that we ought to get these appropriation bills through, and members of the committee are exceedingly anxious that there shall be no reasonable ground for anyone to be charged with neglect of duty. We remained in conference on the bill until nearly 4 o'clock this morning. I suggest that it is not worth while to read the entire report after the explanation which has been made.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

Mr. TELLER. I move that the Senate still further insist on its amendments and request a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

Mr. PLATT. I obtained yesterday unanimous consent that after the passage of the deficiency and other appropriation bills there should be some time given to the consideration of unobjected House bills on the Calendar. I wish that that order may be now enforced.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment in order to have the action of the House on the sundry civil appropriation bill laid before the Senate.

Mr. PLATT. Certainly.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, agreeing to certain amendments with amendments, receding from certain other amendments, insisting on its disagreement to the residue of the amendments, and agreeing to the further conference asked by the Senate.

Mr. ALLISON. I do not know that any further action is required. The House has agreed to our conference and has receded from certain amendments. However, having agreed to some amendments with amendments, I move that the Senate disagree to the amendments proposed by the House so that those amendments may be carried into conference as well.

Mr. HOAR. Why not ask for a further conference?

Mr. ALLISON. We have asked for a conference and the House has granted it, but to some amendments the House has made amendments, and we want those in conference. As we seem to be technical about conference reports, I move that the Senate disagree to the amendments proposed by the House to certain amendments of the Senate, and ask a conference upon those amendments as well as the amendments upon which the House insists upon its disagreement.

The motion was agreed to.

Mr. PEFFER. I wish to inquire what is the status of amendment numbered 6?

Mr. ALLISON. Amendment numbered 6 has been concurred in by the House with an amendment. Does the Senator desire to have the Senate concur in the amendment to the amendment?

Mr. PEFFER. I wanted to inquire what amendment to it the other House has proposed?

Mr. ALLISON. It is at the desk.

AMENDMENT OF NAVIGATION LAWS.

Mr. GORDON. Mr. President, I shall not occupy five minutes, but I wish to explain a very unusual paper which I am about to present.

Mr. FRYE. I wish to present a conference report.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia subsequently. The report of the committee of conference will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

In the language proposed to be inserted by the Senate, section 2, line 2, strike out the word "nine" and insert in lieu thereof the word "eight."

Section 2, line 4, strike out the word "one" and insert in lieu thereof the word "two."

Section 2, line 6, strike out the word "superficial" and insert in lieu thereof the word "square."

Section 2, line 8, after the word "therein" insert the following:

"*Provided*, That any such seagoing sailing vessel, built or rebuilt after June 30, 1898, shall have a space of not less than 100 cubic feet and not less than 16 square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein."

In line 9, after the word "drained," insert the word "heated."

Section 3, line 31, strike out the words "be then," and after the word "also" insert the word "be."

Section 4, in lieu of the language proposed by the Senate insert that proposed by the House, as follows:

"Section 12, line 1, strike out the word 'and,' and also in line 2, strike out the word 'and,' and in line 3, after the letter '(c),' insert the words 'rule 16 and rule 17,' and in line 14, after the word 'fifteen,' insert the following: 'Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows.'"

Section 12, after line 22, insert the following:

"RULE 16. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. It the bearing does not appreciably change, such risk should be deemed to exist.

"RULE 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

"(*a*) A vessel which is running free shall keep out of the way of a vessel which is close hauled.

"(*b*) A vessel which is close hauled on the port tack shall keep out of the way of a vessel which is close hauled on the starboard tack.

"(*c*) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

"(*d*) When both vessels are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

"(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel."

Section 18. Strike out lines 12 and 13, and insert in lieu thereof the following: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes."

Section 20. Strike out all of the section after the word "effect" in line 1, and insert in lieu thereof the words "July 1, 1897."

And the Senate agree to the same.

WILLIAM P. FRYE,
KNUTE NELSON,
STEPHEN M. WHITE,
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN SIMPKINS,
A. S. BERRY,
Managers on the part of the House.

Mr. ALLEN. Mr. President, I should like to have the section of the report read which applies to seamen, to see whether it contains any of the flogging features that were contained in the bill some time ago.

Mr. FRYE. Let me read it to the Senator, instead of the Clerk. The existing law is this:

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than $1,000, or by imprisonment not more than five years, or by both.

The courts held that those words "malice, hatred, or revenge" imposed upon the beaten sailor the duty of proving not only that the beating was without justifiable cause, but that it was from malice or hatred or for the purpose of revenge. The Senate Committee on Commerce believed that to be an unjust burden on the sailor, and therefore they simply strike out of this law the words "malice, hatred, or revenge."

Mr. ALLEN. How will it read then?

Mr. FRYE. One moment, because I have been vicariously suffering for the Committee on Commerce, and a great deal of abuse has been heaped upon my unfortunate head within the last two months, the charge being made that I had restored flogging on American merchant ships. How anybody could have believed that is beyond my comprehension. The man who did must have been a fool or insane; and yet I was blackguarded in one or two great papers of the country as "that brutal Senator FRYE; that man who had restored flogging to the merchant marine." Yet everything that that "brutal man" had done has been done by the Committee on Commerce, and has been done to save the sailors of this country from being compelled, if they were beaten, to prove not only that it was without justifiable cause, but that it was from malice or hatred or revenge.

I never undertook to defend myself in the United States Senate, as I might have done, from those charges. I never did defend myself in Congress since I have been here. I regarded it as furnishing amusement to ignorance and to incapacity, and as doing me no possible harm. Now, the committee, paying the same consideration to ignorance that I did by keeping still, has in conference added to this section these words:

But nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes.

Which those wise gentlemen never had read, which was passed in 1850, and which says, "Flogging on board of vessels of commerce is hereby prohibited." In order to relieve those wise men, we have consented that an amendment shall be added to this section that we do not intend to restore flogging in the merchant marine by repealing section 4611. I trust that that will be entirely satisfactory to any sailor, no matter how crazy he may be.

Mr. ALLEN. Mr. President, I know but little about this section, as I have only scanned it over on one or two occasions, but I do not understand the rule of law as the Senator from Maine lays it down, or says the courts have laid it down, to the effect that the burden of proof is upon the sailor to prove malice and ill will, independent of the circumstances under which the assault occurred.

Mr. FRYE. Judge Morrow laid it down very recently in California.

Mr. ALLEN. Then Judge Morrow ought to revise his knowledge of law.

Mr. FRYE. That makes no difference. We have cured that to the satisfaction of everybody.

Mr. ALLEN. Because the law is now, and always has been since we have had any criminal jurisprudence in this country or in England, that the circumstances of the assault themselves may prove malice. An unprovoked assault, an inexcusable assault, carries with it, as a necessary and natural and indubitable conclusion, unless rebutted in some form, that the assault was actuated by malice and ill will. If there is any court in this country that is so imbecile and so foolish and so ignorant of the law as to say that the sailor must prove as a distinct proposition that the assault was actuated by malice, that man ought to be retired to private life, or he ought to be hedged off by statutes which will prevent him from making such an error.

Mr. FRYE. The Senator ignores the fact that there are two words added there which do not appear in any criminal statute touching an assault of any kind. Those words are "hatred or revenge." Those are very unusual words, and they are in this statute, and we wanted to get rid of them so that the sailor should have abundant opportunity to go and prove his case.

Mr. ALLEN. I should like to know from the Senator from Maine, who is familiar with these matters, especially matters of commerce, what circumstances will justify the assault of a sailor, either on shore or on a vessel?

Mr. FRYE. Oh, Mr. President, there are any quantity of circumstances that would justify it. If a sailor with a sheath knife

came at the captain, it would be his duty to knock him down; if he was on duty at the wheel and undertook to cast away the ship, or run it on a rock, it would be the duty of the captain to deprive him of the power of doing so. There are any quantity of circumstances.

Mr. ALLEN. I understand that quite well; but I want to know if there are any circumstances, aside from the mere fact that it occurred upon a vessel which may be thrown upon the rocks, or cast aside from its course, and so forth—whether there are any circumstances on board a vessel that will justify an assault upon a sailor that would not justify an assault on land by one private citizen upon another?

Mr. FRYE. Yes, I think so; because if a gale of wind was seen approaching and the captain of the ship should order the sailors to reef sails, and they refused, when there are lives in his charge and when there is an immense amount of property endangered, I have no doubt the captain would be justified in making an assault upon a sailor who refused.

Mr. GRAY. The same as with a soldier.

Mr. FRYE. The same as with the Army or with the Navy.

Mr. ALLEN. The Senator from Delaware says just the same as upon a soldier. There would be no justification for an assault upon a soldier under those circumstances. That is altogether an assumption.

Mr. FRYE. The Senator must see very plainly that there was no intention upon the part of the Committee on Commerce to restore flogging on shipboard.

Mr. ALLEN. I can understand very well that exigencies may arise upon a vessel requiring prompt action where the sailor fails to perform his duty; but aside from those peculiar exigencies which are incident to navigation and which might result possibly in mutiny or in the destruction of the vessel or injury to it in some form, or injury to passengers, are there any circumstances that will justify an assault upon a sailor by an officer any more than an assault made upon a private citizen?

Mr. NELSON. If the Senator from Nebraska and the Senator from Maine will allow me, I will reply to the former Senator.

It is not necessary at this juncture to go into theoretical discussions as to the circumstances under which a master or an officer may strike a sailor. The question at issue is simply what are the changes made by the pending bill in the existing law; what is the difference between the House measure and the Senate measure?

Mr. ALLEN. Mr. President——

Mr. NELSON. Will the Senator from Nebraska yield to me to make a statement?

Mr. ALLEN. Not now.

Mr. NELSON. Very well. I will make it by and by.

Mr. ALLEN. I do not concede for a moment that it is a mere question between the House bill and the Senate amendment, or whichever it may be. I think it rises to a greater dignity than that. I can understand quite well that it is necessary to have discipline on board a vessel, and I concede that the authorities should be given ample power to enforce discipline, to protect the vessel, to protect freight, to protect passengers, and so forth, and should be permitted to have control over the persons of the seamen under those circumstances to a certain extent; but I can not understand why an officer or a subordinate on board of a vessel, whenever he may become incensed or angry at a sailor for some little remark he may make or something of that kind, would be justified in assaulting him with a weapon or with his fist with the same degree of brutality that he would assault an ox.

Mr. FRYE. I do not think he would be. I think he would be liable under that statute if he did.

Mr. ALLEN. Nor can I understand the kind of jurisprudence to which the Senator from Maine has referred, which casts the burden of proof upon the sailor, in a prosecution for an assault, to prove as distinct propositions, separate from the circumstances of the assault itself, actual and distinct malice, hatred, or ill will.

Mr. PLATT. Will the Senator allow me a moment?

Mr. ALLEN. Certainly.

Mr. PLATT. When the statute provides that the assault which is to be punished shall be with malice or from revenge, would not the Senator think that that cast upon the person who committed the assault the burden of proof that it was from malice or revenge?

Mr. ALLEN. I have said it cast upon the prosecution the burden of proof, but it does not cast upon the prosecution the burden of proving those things distinct from the circumstances under which the assault occurred. For instance, in the case of murder, there must be willful and deliberate malice, or malice aforethought. Suppose a man, an entire stranger to his victim, shoots down or stabs his victim to death, will not the court infer, and will they not instruct a jury to infer, or that they may infer, that under the circumstances of the assault willful and deliberate malice are to be presumed, and that it is not necessary for the prosecution to prove as a distinct proposition that there was malice aforethought independent of the circumstances under which the assault took place? I understand the distinguished jurist to whom my friend from Maine [Mr. FRYE] refers has held that these things must be proved as distinct propositions independent of the mere circumstances under which the assault occurs. If that is true, I suggest to my friend from Maine that those jurists should be hedged in by a statute which will prevent that in the future.

Mr. NELSON. Mr. President, the argument of the Senator from Nebraska [Mr. ALLEN] that the question of malice may be inferred from the act may be correct as a general proposition, but it is not true in this particular case. The existing law which is sought to be amended by this provision of the bill which the Senator from Nebraska criticises is as follows:

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, etc.

The courts have decided as long ago as in 2 Sumner, and decided by as eminent a jurist as Judge Story, a member of the Supreme Court, that in prosecutions under that statute two things must be established and concur in order to justify a conviction. First, it must appear as an independent proposition that the master was actuated by malice, hatred, or revenge; then, in the second place, that the assault was made without justifiable cause. What we aim to do by the proposed statute is to eliminate one of those grounds. We may not go so far as the Senator desires in this respect, but if this report be adopted and the bill shall become a law, we eliminate one of the ingredients that are necessary now in order to secure conviction in the case of the beating by a master of a sailor on shipboard, and it will no longer be necessary to prove that the beating was through malice, hatred, or revenge. That is as far as we have gone, and that is practically as far as the House bill has gone, although they use different language.

Now, let us see the two sections of the bill which amend the section of the Revised Statutes I have read. The House provision amends that section as follows:

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who willfully beats, etc.

In that phrase in that connection all lawyers understand that the term "willfully" does not mean merely intentional; it does not mean the reverse of accidental. If a man approach me in a threatening manner and strike me down, and I beat him, repelling force with force, and strike him down, in one sense that is intentional, in one sense that is willful, but not in the meaning of the law. It is not a willful beating, for I have a justifiable ground.

The bill as amended by the Senate, and that is incorporated in this conference report, reads as follows:

SEC. 5347. Every master or other officer of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats, etc.

So, practically, as a matter of law, the two sections of the Senate and House bill are identical, and by both we have relieved that provision of the law of that bad feature which existed before, which rendered it almost impossible to secure a conviction, because the court invariably instructed the jury in all such cases that, in order to convict, they must find that the beating on the part of the master or officer was done through malice, hatred, or revenge. If this bill becomes a law, the sailors will no longer be required to prove that fact.

Mr. President, the sailors have a man here, as is proper enough, to represent their interests. He is not a lawyer. He made the mistake, when he noticed the Senate section, of intimating that it restored flogging in the Navy. There never was a greater mistake in the world. He charged the chairman of the Committee on Commerce with being guilty of taking a retrograde step to restore flogging. There never was a more outrageous and unjust charge in the world. The chairman of the Committee on Commerce has manifested from first to last, so far as I know—and I think I know what occurred in reference to this matter—a disposition to go as far as is just and proper to protect the sailors.

"Flogging" has a technical meaning. It does not mean striking a man. The term "flogging" was used to describe a punishment which once existed not only in our merchant marine, but also in our Navy.

Mr. ALLEN. I should like to have the Senator explain the difference between flogging and an assault.

Mr. NELSON. "Flogging" is a technical term used in the sense of punishment in our Navy as well as in our merchant marine. Flogging was administered as a punishment, just as it is in the State of Delaware for some offenses now. The law authorizing flogging was repealed in 1850 by a provision of law now incorporated in the Revised Statutes. Let me read that section:

SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

By this provision of law flogging was forbidden.

The gentleman who represents the sailors insinuated or claimed that by this amendment which we have incorporated in this bill,

and by which we sought to relieve the sailor from the onus of proving that the assault was committed in malice or for revenge, we had restored flogging to the Navy or the merchant marine. There never was a more outrageous or unjust charge in the world. But in order to take away all doubt on that question, we have added a proviso to this amendment so that section as amended shall not be construed in any manner to restore flogging in the Navy.

Mr. President, I will agree with the Senator from Nebraska that perhaps we might have gone further to relieve the sailors in this case; but we have taken a great step and inaugurated a great reform to remove an evil which has existed in the law since 1835. As in all reforms, we could not accomplish everything with one leap, one jump. We thought we had better go gradually. I think at present all intelligent sailors and all well-meaning sailors are satisfied with what we have accomplished; and if this is not sufficient, by and by we can go a step further; but what we have now done ought to be ratified, because it is in the interest of the sailors and a great advantage to them.

Mr. FRYE. Now let us have a vote.

Mr. ALLEN. Mr. President——

Mr. NELSON. I shall be pleased to answer any question the Senator from Nebraska may wish to ask.

Mr. ALLEN. Just a word, for I shall not detain the Senate at this time. I do not think the Senator from Minnesota ought to be permitted to put Judge Story in a false light. Judge Story never held in 2 Sumner, or in any other case, that it was necessary to prove malice, hatred, ill will, or willfulness of conduct independent of the circumstances under which an assault occurred, and there is not a decision in all the decisions of the United States which I have had occasion to examine—I have examined some of them, not all of them—aside from the one referred to by the Senator from Maine, which ever laid down the foolish doctrine that the burden of proof was upon the prosecution to establish either malice or hatred or ill will or any circumstances aggravating an assault necessarily independent of the circumstances attending the assault itself. If nothing appeared justifying the assault, it was presumptively proved.

Mr. FRYE. I think, as the Senator modifies his statement, he is entirely correct, that the jury may find from the circumstances that there was malice.

Mr. ALLEN. Not only may find——

Mr. FRYE. But it must be found.

Mr. ALLEN. Certainly, it must be found; but the very fact that the assault was unprovoked, that the relations between the parties were the relations of strangers, or that they had previously been friends, or that nothing existed in their relations making them enemies—the very fact that the assault was made under circumstances of that kind not only authorizes the jury to infer that the assault was malicious and willful, but the court would tell the jury that they should infer from those circumstances, if the assault was consummated, that it was willful and deliberate.

Mr. FRYE. The Senator, I take it, does not object to our trying to make it a little easier for the sailor.

Mr. ALLEN. Not at all.

Mr. FRYE. Then it is important to get a vote on the report, so as to get the matter over to the House of Representatives.

Mr. ALLEN. I will retire in a moment.

Mr. FRYE. I thought the Senator was through.

Mr. GRAY. Will the Senator allow me to ask him a question?

Mr. ALLEN. Certainly.

Mr. GRAY. Suppose, under the law as it existed, as read by the Senator from Maine [Mr. FRYE], a sailor had been indicted, it would be necessary, of course, to show not only that the assault was unjustifiable under the circumstances in which they were placed as master and sailor, but also that it was actuated by malice, hatred, or revenge. Now, it is quite conceivable that an assault might be unjustifiable from the point of view of a mariner and the relations that exist between the sailor and the officer, and yet not be actuated by either hatred, malice, or revenge.

Mr. ALLEN. Mr. President, there may be such a thing as that, but if there is, I am altogether too obtuse to see it.

The Senator from Minnesota [Mr. NELSON] undertook to draw a distinction between an assault and battery and flogging. I must admit that the distinction is not comprehensible to me. Why, Mr. President, the very menace or threat of an assault, if the assailant be within striking distance and capable of executing his threat, is a simple assault itself, for which a man may be punished, and any laying of the hands upon a person in anger, however light it may be, is an assault and battery.

Now, the Senator from Minnesota undertakes to draw a distinction between this kind of an assault and battery and that kind of an assault and battery that is found in the case of an officer taking one of these unfortunate sailors off into some place and striking him with a whip or with some other weapon. There may be a distinction between these two assaults. If there is, I am incapable of seeing it. What I want to do is to protect the sailor as an American citizen on board his vessel as well as an American citizen on shore.

I can understand quite well, as the distinguished Senator from Maine says, that there are rare and exceptional circumstances under which the officer might be justified in inflicting corporal punishment, but the burden of proof should be placed upon that officer, whenever he is arraigned before a court charged with that offense, of proving the justifiable circumstances.

Mr. FRYE. I should like to have a vote now.

The VICE-PRESIDENT. The question is upon concurring in the report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. PLATT. Now I suggest that we proceed with the consideration of unobjected House bills on the Calendar under the unanimous-consent agreement.

The VICE-PRESIDENT. The first bill on the Calendar will be announced. The Chair will state, however, that the Senator from Georgia [Mr. GORDON] addressed the Chair and gave way to the Senator from Maine to present a privileged report.

Mr. PLATT. If the Senator from Georgia will wait one moment, and let us put the order in the way of execution, then he can proceed.

The VICE-PRESIDENT. The first bill on the Calendar under the unanimous-consent agreement will be announced.

RAILROADS IN THE INDIAN TERRITORY.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and to correct alignments," was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The bill has heretofore been read at length.

Mr. ALLEN. Let it be read again.

The bill was read.

The VICE-PRESIDENT. The amendment which has heretofore been adopted will be stated.

The SECRETARY. In line 85, after the word "alignment," an amendment was adopted to insert the following additional proviso:

And provided further, That the right to add to, alter, amend, or repeal this act is hereby expressly reserved to Congress, or to any State which may hereafter be established in the territory through which the lines of said railroad companies are constructed.

The VICE-PRESIDENT. The amendment heretofore proposed by the Senator from Arkansas [Mr. BERRY] will be stated.

The SECRETARY. In line 28, after the word "stations," it is proposed to insert:

Provided further, That any railroad company which shall avail itself of the privileges of this act shall not charge more than 3 cents per mile for carrying cash passengers through said Indian Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON'S FAREWELL ADDRESS.

Mr. GORDON. Mr. President, I think no man on the floor of the Senate taxes this body less often than myself. I do not wish to make a speech, but I do ask unanimous consent for a few moments' indulgence in order to explain a rather unusual communication which I am about to present. If this consent is granted, the Senate will discover that while the purpose which I have in view is rather sentimental and patriotic than practical for this late hour of the session, yet it is neither an idle nor improper object.

One hundred years ago, Mr. President, in Congress Hall, Philadelphia, was witnessed an inaugural ceremony which I will not say was in strange, but certainly it was in striking, contrast with the one upon which we are to look in this Capitol to-morrow.

The incidents and facts connected with that scene and some most interesting facts connected with that early period of our history have been collated and described by that accomplished gentleman and patriotic citizen, Judge James H. Embry, of this city, in a communication to myself, which I ask the Senate to have printed in the RECORD.

Mr. President, it will be recalled that in Congress Hall, on the 4th of March, 1797, stood George Washington making his Farewell Address to public life and to official connection with his country. Another figure which appeared upon that scene, certainly not less picturesque and scarcely less eminent, was John Adams, who was to assume the Presidential office. It will do no harm in this period of our country's power and splendor and upon this

centennial to place in the record of our proceedings some account of that remarkable scene.

It was the "farewell" of the man who was first designated by Light Horse Harry Lee, the father of Gen. Robert E. Lee, "First in war, first in peace, and first in the hearts of his countrymen;" the permanent retirement of that man of whom Mr. Jefferson said that his fame would go on increasing through the centuries until some constellation in the heavens would be called after him. The prediction of Mr. Jeffers on will probably never be realized, but we will all agree, I think, as will all the liberty loving of our race, that Washington's name will not be forgotten while any of that race shall survive or republican institutions live.

The other figure to whom I allude was John Adams, who with his thundering words had done for American independence and freedom what Mr. Jefferson had done with his pen and what Washington had enforced with his guns—the man who Mr. Jefferson declared was our Colossus on the floor of Congress.

It will do no harm to revive the picture of the scene in that little hall in Philadelphia one hundred years ago, when George Washington, in his severely plain black suit, stood amidst his weeping hearers, bidding his farewell to all official connection with his country. It will do no harm to have our children recall John Adams, in his no less severely plain drab suit, as he sat with his ruffled-bound hands covering his face, wet with tears, as the father of his country was uttering those solemn, golden, and ever-memorable words.

Mr. President, begging the pardon of the Senate, realizing the fact that this is no time for speech making, I ask that this paper, which I think is worthy of preservation, be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The paper is as follows:

WASHINGTON, D. C., *March 2, 1897.*

MY DEAR SIR: May I remind you that time's tireless march will bring us in a few hours to the centennial of one of the marked epochs of our national life—the retirement of the illustrious Washington from public life; the surrender by him of the great trust of the Presidential office, and the first successful experiment of free government within the Western Hemisphere. It is well to pause and contemplate the nation, then an infant, and now a giant, and in imagination to picture it a century hence, when a population of hundreds of millions between the two oceans that bathe our shores, preserving, as we all devoutly hope, the blessings and liberties we this day enjoy, shall be prepared to hand to another century our Constitution unimpaired and our Federal Union unbroken. Just a century ago, besides the original thirteen States, three stars had been added to our flag, and Vermont, Kentucky, and Tennessee had taken their places in the great assembly of American Commonwealths. Virginia had, with royal munificence, dedicated to the nation the Northwest Territory, an area larger than the British Isles, and had given the fairest portion of her domain—Kentucky—to become one of the sisterhood of States. The invitation to become a State of the Federal Union was extended to Kentucky before it was to Vermont. The sixteen States of the Federal Union just a century ago had a population not exceeding 5,000,000; now forty-five American Commonwealths contain a population of about 75,000,000.

Many questions, foreign and domestic, confronted Congress during the Administrations of Washington. With affection for his memory, with reverence for his character, and with a warm appreciation of his advice and counsel, the Senate pauses in its deliberations to hear and ponder his Farewell Address to his countrymen, and to place it anew upon its records, that millions may again read its patriotic utterances and be imbued with his spirit of intense devotion to the public weal.

As we look back at the record of our national life a century ago, we find Congress sitting in Philadelphia—a city then of less than 40,000 population. The first Congress ever assembled on the Western Hemisphere met in that city on the 5th of September, 1774, and the great Declaration was proclaimed within its limits. The British forces occupied the city from September, 1777, to June, 1778, the battle of Germantown having been fought October 4, 1777. From 1790 to 1800, the city of Philadelphia was the seat of government of the United States. It is interesting to note some of the proceedings of Congress near the close of Washington's last Administration—just a century ago. Assembling then as now on the first Monday of December, instead of sending a message, President Washington appeared on December 7, 1796, in the Chamber of the House of Representatives, where the Senate had already assembled, and addressed the two Houses. On the 10th, the Senate transmitted an address to the President in answer to his speech, and on the 16th the members of the House in a body waited upon the President at his residence, and the Speaker, on their behalf, delivered an address to the President. On February 8, 1797, the two Houses assembled in the Representatives' Chamber and counted the votes for President and Vice-President. On the 15th, John Adams, the President-elect, addressed the Senate on his retirement from the body for the remainder of the session, and on the 22d the Senate made answer to the address. On March 1st the Senate considered a bill the President had vetoed, to amend the act "to ascertain and fix the military establishment of the United States." On March 2d a bill was considered by the Senate for the relief and protection of American seamen. On Saturday, March 4th, President Washington issued a summons to the Senate to meet in their Chamber at 10 o'clock to receive any communication which the President may lay before them.

On December 14, 1796, a bill was discussed in the House to report the debates. A member inquired the cost, and thought "the expense altogether unnecessary." He said that if the debates of the House were printed, and four or five copies given to each member, they would employ all the mails of the United States. The question was debated at some length. On March 1, 1797, the questions of duties on distilled spirits and protection to American seamen were discussed in the House. On March 2d a bill making appropriations for the military establishment was discussed, and among the items agreed to was one "for the payment of the Army, $356,450." Naval appropriations were also discussed, and Mr. Smith, a member from South Carolina, proposed to add $172,000 for finishing the three frigates *United States*, *Constitution*, and *Constellation*, but Mr. Nicholas opposed the appropriation of so large a sum. On March 3d sundry bills were passed, and an evening session was held. The last hours were occupied in a debate upon a resolution expressing sympathy for the sufferings of General Lafayette in his long and rigorous imprisonment, and as to measures that should be adopted toward effecting his restoration to liberty. Mr. Livingston reminded the House that Lafayette "came here from the pompous ease of a foreign court; he voluntarily served the cause of America and bled for her;" that "besides spending a princely fortune in our cause, he asked nothing, nor would accept any compensation for his services." For want of time, no final action was taken upon the resolution, and about 11 o'clock on the evening of March 3d the House adjourned sine die.

The morning of March 4th had arrived, and Congress Hall, on Chestnut street, in which Congress held its sessions, was the spot to which all eyes were turned. Close by stood, anchored to the earth, the most sacred temple on American soil—"the Runnymede of our nation"—old Independence Hall, the refuge and the rock of the fathers of the Revolution. Before noon time the members of the Senate, conducted by the Vice-President, Thomas Jefferson, who had just taken the oath of office, and accompanied by the officers of the Federal and State governments and a vast concourse of eminent citizens, repaired to the Hall of the House of Representatives, where a large audience of ladies and gentlemen had assembled to witness the ceremonies. What an imposing assemblage of illustrious men, representatives of the States and of the people—among them James Madison, Albert Gallatin, Fisher Ames, Andrew Jackson, John Langdon, Richard Stockton, and John Laurence—gathered there in the nation's infancy to witness the retirement to private life of the most eminent citizen of the Republic, and to participate in the ceremonies of clothing with the power and authority of the Presidential office John Adams, the most distinguished citizen of the Commonwealth of Massachusetts.

Near the Speaker's chair sat Thomas Jefferson, whom Adams had called twenty years before the man with "the masterly pen." In front of the Speaker's chair sat Chief Justice Ellsworth, who was to administer the oath, and with him three other judges of the Supreme Court—Cushing, Wilson, and Iredell. Very soon loud cheering was heard in the streets, and in a few moments Washington entered the Chamber, followed by Adams. The whole audience arose and greeted them with enthusiastic cheers. The historian tells us that when they were seated perfect silence reigned, and Washington arose, with the most commanding dignity and self-control, and proceeded to read in a firm, clear voice a brief valedictory. He wore a full suit of black. Mr. Adams wore a full suit of bright drab, with lash or loose cuffs to his coat, and wrist ruffles. The audience listened to Washington in breathless silence, as if they "desired to hear him breathe and catch his breath in homage of their hearts." While Washington was speaking, Adams covered his face with both hands, the sleeves of his coat being moistened with tears. Washington was composed until the close of the address, but when nervous sobs broke loose and tears covered the faces of the audience, the great man was shaken.

Look at the mighty men grouped together in that single Chamber—Washington, the foremost figure of the human race, his name as imperishable "as if it were written between Orion and the Pleiades;" Jefferson and Adams, "the pen and the tongue, the masterly author and the no less masterly advocate of the Declaration." Besides these were others standing beside them whose fame will be as enduring as our language or our liberties. What a scene for an artist, what a theme for the historian. With what

joy would Chatham, who bravely defended the cause of the Colonies, have looked down upon that presence. With what majestic eloquence would Edmund Burke again have thrilled the British House of Commons, as he did twenty years before, when he reminded the ministry that the close affection which grows from kindred blood and from equal privileges and protection "are ties which, though light as air, are as strong as links of iron." A few whose names will survive while our language is spoken and our liberties are preserved were not there. Old Samuel Adams, with hands of iron and nerves of steel, the Martin Luther of the Revolution, was absent. Patrick Henry, whose voice had thrilled the Colonies with its magnetic eloquence—declared by Jefferson to be the greatest orator that ever lived, and by John Randolph to be "Shakespeare and Garrick combined"—offered by Washington the Chief Justiceship of the United States, was not there.

Thus just a century ago closed the official career of our great Washington. He had enjoyed the unbounded confidence of his countrymen. Almighty God had raised him up to lead the armies of the Revolution, and had given him wisdom and courage to meet the dangers and perils that surrounded the Colonies in their struggle for liberty. In peace he had guided the first footsteps of the young nation, and stood a faithful sentinel to guard its life against every peril. Advancing years and his earnest desire to retire to the grateful shades of his own Mount Vernon prompted him to surrender to his countrymen the great trust committed to his care; and in words of affection, of tenderness and love, of deepest solicitude for their welfare and prosperity, and for the maintenance, growth, progress, power, and supremacy of the nation, he left the true impress of his great heart and mind in his last earnest messages of advice and counsel to his countrymen.

With great respect,

JAMES H. EMBRY.

Hon. JOHN B. GORDON,
Senator from Georgia.

PERRINE LAND GRANT INVESTIGATION.

Mr. DUBOIS. I desire to present a report from the Committee on Public Lands in regard to the Perrine land grant in Florida. The committee have patiently investigated this case; in fact, they have had it under advisement in one way and another for the past two years, and during the past two weeks they have had quite a full and thorough investigation. The committee have agreed on this report unanimously with the exception of the Senator from South Dakota [Mr. PETTIGREW], and inasmuch as so much attention has been attracted to the case, I ask that the report may be printed in the RECORD, and may also be printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. Mr. President——

Mr. PLATT. I call for the regular order.

Mr. PETTIGREW. I wish to address myself briefly to the report which has just been made.

I did not join in the report, but I think the facts related in the report itself justify a resolution to vacate this grant and throw these lands open to settlement.

What are the facts? In 1838 Congress granted to Mr. Perrine one township of land—about 23,000 acres—in southern Florida, for the cultivation of tropical plants. Perrine died. No effort had been made to comply with the grant. The right was then conferred upon his widow and his heirs. No effort has been made for more than forty years to comply with the conditions of the grant, and there is no evidence that previous to that time any compliance had been had. A few years ago several settlers went upon these lands and claimed them under the homestead law. Knowing that for very many years there had been no effort on the part of anyone to comply with the condition of the grant, the settlers had a right to suppose that Congress would open these lands and they would be allowed to file their homestead entries.

Last year a railroad was built into this vicinity. The company looked up the condition of this grant, sought the Perrine heirs, and made a contract with them by which the railroad company, if they could secure a patent from the Government, should have one-half of the land, less the amount it would take to satisfy the settlers. Mark you, Mr. President, these settlers were not upon the land under the conditions of the grant, but were there as homesteaders, hoping to enter the land under the homestead law.

The agents of the railroad company convinced a part of the settlers that the title of the Perrines, if they should go on at this late day and comply with the conditions of the grant, would be perfect, and they would be ousted from their holdings, and thus secured a contract by which each settler, when the Perrine title was perfected, was to receive 40 acres of land upon which were located their improvements. I say part of the settlers made this arrangement.

The railroad company employed attorneys at a town 15 miles away, who proceeded to secure other settlers to go upon this grant This was in June, 1896. They located thirty-five or forty families. They cultivated small tracts of ground. In some instances, although the grant required that there should be a settler on each section, no ground was placed under cultivation. Trees were girdled, underbrush taken out, and a few so-called tropical plants planted. One acre was the extent of the improvement upon each section, except in the case of the old settlers, who were transformed into Perrine settlers by the contract with the railroad company.

What is more, the settlers who were to engage in the actual cultivation and propagation of tropical plants made no planting until the last of October and in November, and the evidence shows that three, at least, of the settlers did not go on the land until November, and in December they made their proof. In December they submitted their proof, and the patent issued.

Mr. President, I propose to show what these settlers had to do to acquire title, if the grant had been complied with:

> That whenever any section of land in said tract shall be really occupied by a bona fide settler actually engaged in the propagation and cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

It provides that, when occupied by bona fide settlers actually engaged in the cultivation and propagation of valuable tropical plants. Have these conditions been accomplished by the planting among the timber, among a few girdled trees, of a few tropical plants in November, and making the proof in December? Is the putting of these plants in the ground in November, and then making the proof in December, a compliance? Is the putting of these plants in the ground in November, and then coming before the Land Department and swearing that they are engaged in the cultivation of tropical plants, a compliance with the grant? There is not even a semblance of compliance. The fact of the matter is that the proof shows that of these 35 or 40 settlers who were placed upon the land by the railroad company only 8 remain.

The affidavit of Sarah Roberts says:

> After the back settlers made their attempted proof for the railroad company, they left the grant with but a few exceptions.

The affidavit of John W. Roberts says:

> I know that some of them went off after they proved up. * * * I know of a few of them that are trying to sell out their claims, etc.

It appears that the railroad company found that this township of land had been granted to Perrine; that time was not the essence of the contract; that an actual and bona fide compliance before forfeiture on the part of Congress would give a title. What I complain of is that there is no compliance with the grant whatever, and that the Department could not help but know that there was no compliance with it. Is it a cultivation of tropical plants, or is it a determination as to whether they are valuable tropical plants; that they are furnished by the railroad in November, planted by the settler in small tracts in the timber, and abandoned to die and disappear, and proof is made in December, one month afterwards? It seems to me that the proof, the admitted case, is sufficient to justify a forfeiture of this grant.

Mr. HILL. I rise to a parliamentary inquiry. I desire to know what is the business before the Senate.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator from New York rises to a parliamentary inquiry. The Senator from Idaho [Mr. DUBOIS] having made a report from the Committee on Public Lands, the Senator from South Dakota, from the same committee, is making an oral statement upon the subject.

Mr. PLATT. I do not wish to interfere with the statement of the Senator from South Dakota, but I do think that, under the circumstances, this is not in exact accord with the unanimous consent given by the Senate for the consideration of House bills. I did not suppose it would take any time when the report was presented. I have not felt like objecting or calling for the regular order until the Senator from South Dakota had finished his speech.

The PRESIDING OFFICER. The Chair will state that the regular order is the consideration of unobjected House bills upon the Calendar. The Senator from South Dakota will proceed, by unanimous consent.

Mr. BERRY. Will the Senator permit me for a moment? I hope that when the Senator from South Dakota concludes his speech the Senator from Idaho will be given an opportunity to speak.

Mr. FRYE. Oh, no.

Mr. PLATT. No; we can not do that.

Mr. PETTIGREW. I shall conclude my statement at once.

Mr. BERRY. It is certainly unfair to let the statement of the Senator from South Dakota be made unless an opportunity is given to the Senator from Idaho to reply thereto.

Mr. HILL. If the Senator from Idaho is not permitted to reply, which seems to be the purpose, then I object to further proceeding with this matter, and ask for the regular order.

Mr. PETTIGREW. I think we can dispose of this matter very quickly. I have a written statement.

Mr. HILL. How dispose of it?

Mr. PETTIGREW. I have a written statement on this matter and I ask unanimous consent that it may be printed in the RECORD.

Mr. HILL. That is all right.

Mr. HOAR rose.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. HOAR. I do not know about that. What is the paper?

Mr. PETTIGREW. It is a statement of the facts.

The PRESIDING OFFICER. The order of the Senate is the consideration of unobjected House bills upon the Calendar.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts on the point of order.

Mr. HOAR. The question of order is that it is not what the Chair has stated, but it is the request for unanimous consent. I rose to object before the Chair announced that unanimous consent was granted. I have the highest desire to do what would be agreeable to the Senator from South Dakota, but the introduction into the Senate and the printing in the RECORD of things not said in debate is a great departure from the precedents, and it will lead to infinite mischief, and I must object. I should yield to that Senator any time of my own for any statement, but I will not consent that the statement be printed in the RECORD.

The PRESIDING OFFICER. The Chair understands the Senator from Massachusetts to object to the insertion in the RECORD of the paper presented by the Senator from South Dakota.

Mr. HOAR. I rose in time.

The PRESIDING OFFICER. The question is, Shall the request of the Senator from South Dakota be granted by unanimous consent?

Mr. HOAR. I object.

Mr. PETTIGREW. I wish to state that it is a statement of the views of the minority on this question.

Mr. HOAR. Very well. If it is to be printed as a report, I will not object.

Mr. PETTIGREW. Now, I desire to have the views of the minority read by the Secretary, and I ask unanimous consent that that may be done.

Mr. PLATT. Oh, no.

Mr. HOAR. It may be printed in the RECORD as a speech.

Mr. PETTIGREW. I do not desire to print it as a speech, but to print it in the RECORD as the views of the minority.

The PRESIDING OFFICER. Unless objection is interposed, the statement will be treated as a minority report of the committee and ordered to be printed.

Mr. PETTIGREW. In the RECORD?

The PRESIDING OFFICER. It will be ordered to be printed in the RECORD.

Mr. COCKRELL. And also as a document. Let it be printed with the other report.

Mr. BERRY. Yes; with the other report.

The PRESIDING OFFICER. Is there objection to the request that it shall also be printed in the RECORD? The Chair hears none, and it will be so ordered.

Mr. DUBOIS. That is entirely satisfactory. I do not wish to consume the time of the Senate, and I shall not. The action of the Department of the Interior in granting these patents is not and can not fairly be a subject of criticism. If blame attaches to anybody in this transaction, it is to the Congress itself for not annulling the grant long ago. The committee patiently went over this case, and there can be no just criticism whatever of the views of the majority of the committee. The views of all the members of the committee, except the Senator from South Dakota, are to be printed in the RECORD. His answer is to be printed in the RECORD, and that, I think, will be entirely satisfactory.

Mr. PETTIGREW. Then I desire to print as a part of my views a brief with regard to the law on the matter.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. BERRY. Unless the Senator makes that a part of his minority report, I shall object.

Mr. PETTIGREW. I make it a part of the minority report. Now, both reports are to be printed in the RECORD, and that is all I desire.

Mr. BERRY. Very well.

The report of the committee is as follows:

Mr. DUBOIS, from the Committee on Public Lands, submitted the following report, to accompany Senate resolution No. 302:

RESOLUTION.

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

The Committee on Public Lands, having had under consideration the subject-matter referred to in the foregoing resolution, after full investigation of the facts as presented by the record and witnesses examined, and consideration of the law as determined by the United States Supreme Court, reports as follows:

That the patent was issued on proofs submitted to and approved by the Commissioner of the General Land Office and the Secretary of the Interior, under the acts of Congress of July 7, 1838, and February 18, 1841, which read as follows:

[Act of July 7, 1838.]

Whereas in obedience to the Treasury circular of the 6th of September, 1827 Dr. Henry Perrine, late American consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States; and

Whereas he has demonstrated the existence of a tropical climate in southern Florida, and has shown the consequent certainty of the immediate domestication of tropical plants in tropical Florida, and the great probability of their gradual acclimation throughout all our Southern and Southwestern States, especially of such profitable plants as propagate themselves on the poorest soils; and

Whereas if the enterprise should be successful, it will render valuable our hitherto worthless soils, by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a township of land is hereby granted to Dr. Henry Perrine and his associates, in the southern extremity of the peninsula of east Florida, to be located in one body of 6 miles square, upon any portion of the public lands below 26 degrees north latitude.

SEC. 2. *And be it further enacted*, That the said tract of land shall be located within two years from this date, by said Henry Perrine, and shall be surveyed under his direction, by the surveyor of Florida, provided that it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States, nor any site for maritime ports or cities.

SEC. 3. *And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

SEC. 4. *And be it further enacted*, That every section of land in the tract aforesaid which shall not be occupied by an actual settler, positively engaged in the propagation or cultivation of useful tropical plants, within eight years from the location of said tract, or when the said adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States. (5 Stats., 302.)

[Act of February 18, 1841.]

Whereas, under the provisions of the act to which this act is a supplement, Dr. Henry Perrine made, in the manner thereby required, the location therein authorized, and, while engaged in the necessary measure to carry into effect the object contemplated by said act, was murdered by the Seminole Indians; and

Whereas Mrs. Ann F. Perrine, the widow of the said Doctor Perrine, is anxious to continue the undertaking thus commenced by her late husband, but is prevented from so doing by the continuance of the Indian war in Florida: Therefore,

Be it enacted, etc., That Mrs. Ann F. Perrine, the widow of the said Henry Perrine, and Sarah Ann Perrine, Hester M. S. Perrine, and Henry E. Perrine, his surviving children, are hereby declared to be entitled to all the rights and privileges vested in and granted to the said Dr. Henry Perrine by the act to which this is supplement, and that the time limited by said act, in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States be, and the same is hereby, extended to eight years from and after the time when the present Indian war in Florida shall cease and determine.

From the record it appears that the land selected was officially surveyed in 1847, and then designated on the public maps as "Perrine grant," and that during said year the Perrine heirs caused the settlement on the grant of thirty-six families from the Bahama Islands. These families are said to have been driven away by the Indians in 1848. Thenceforward and until a recent date, said heirs were seeking to secure a confirmation of the title by Congressional action, without having attempted any compliance with the conditions of the grant other than as indicated.

In 1873 application was made by the State of Florida to list the lands embraced within the grant to the State under the swamp-land act of 1850, which application was refused upon the ground that the lands belonged to the Perrine heirs.

In 1889 application of certain parties to use the Perrine land for the propagation of valuable tropical plants was refused by the Secretary of the Interior on the ground that the Perrine heirs still seemed to have an interest in the land. Nothing further appears to have been done in the way of general settlement upon the land until 1896, although the evidence shows that some thirteen squatters have been residing upon the grant for terms varying from two to thirty years.

In December, 1895, a bill was introduced in the Senate, probably at the instance of said squatters, providing for the forfeiture of the entire grant, and in response to inquiries the Secretary of the Interior informed this committee in January, 1896, that the interest of the Perrine heirs in the grant was still recognized by the Department.

Now in regard to the issue of the patent. The record and the testimony show that in the spring of 1896 the Perrine heirs and their associates entered into written contracts with all of the squatters then upon the grant and numerous other persons who were by them induced to become settlers thereon, by the terms of which said contracts said squatters and other persons bargained and agreed to assist said heirs and their associates in complying with the conditions and requirements of said granting acts; and for their services and expenses in the premises it was agreed that each of the contracting settlers should receive portions of the grant, varying from 40 to 80 acres each.

Early in December, 1896, proofs were prepared and filed in the General Land Office, consisting of some 400 affidavits, showing compliance with the terms and conditions of the granting acts. These proofs were considered and examined for over thirty days by the Commissioner of the General Land Office and the Secretary of the Interior, and were, by each of said officers, approved as showing full and complete compliance with the law. These proofs applied to each section, showing that upon each section a settlement had been made and valuable tropical plants placed thereon, which were, at the date of the submission of the proofs, in a growing condition. It further appears from the said affidavits that about 50 settlers, including the squatters, were located upon the grant. Having reached the conclusion that the proofs showed a satisfactory compliance with the grant, said proofs not being controverted as to settlement and improvements, the Department concluded that the grantees were entitled to patent and in pursuance of such conclusion patent was issued in the regular and orderly course of business.

It does not appear from the record or from any testimony presented to the

committee that there was any departure from customary procedure in the Land Office or the office of the Secretary of the Interior in connection with the filing of the proofs, the examination thereof, the issuance of the patent, or any other act or circumstance connected therewith.

The Department held, and properly so, as the committee believes, that the grant was one in præsenti and that at any time before a formal declaration of forfeiture by Congress for failure to comply with the conditions subsequent, the grantees had the right to comply with the terms of the grant and to submit proof of such compliance, and that upon the filing of such proof of compliance, in good faith, with the terms and conditions of the grant and the approval thereof by the Commissioner of the General Land Office, the grantees became entitled to a patent.

From the time of the reference of the aforesaid bill to the committee much difficulty has been encountered in attempting to deal equitably and justly with the conflicting interests, because of disputed questions of fact as to the extent to which the heirs had complied with the conditions of the grant prior to the introduction of the bill. Pending the attempt by the committee to reach a just conclusion, the said Perrine heirs and their associates proceeded to and did comply, technically at least, with the terms of the grant as to each section embraced therein and furnished proof thereof as stated. In the opinion of the committee neither criticism nor blame can be properly attached to the officers of the Government in approving the proofs and issuing the patent. There does not appear either in the record or in the testimony presented to the committee any evidence of either fraud or mistake of fact or law.

During the investigation prosecuted in conformity with the resolution of the Senate, the record and the testimony have shown that the grant had been made by Congress not only in contemplation of services to be rendered, but as recognition of services theretofore rendered by Dr. Perrine in introducing and experimenting with the growth of valuable tropical plants in the United States. During his efforts to comply with the grant, as stated in the act of 1841, Dr. Perrine was killed by the Indians. Again in 1849 the efforts of his heirs to comply with the law were frustrated by the interference of the hostile Seminole Indians. Evidence of the efforts of Dr. Perrine to comply with the law remains throughout southern Florida in the wide distribution of sisal hemp, which seems to have been introduced by him on this grant, and is now growing wild in that section of the country.

All the facts being considered, the case of the heirs of Dr. Perrine, as presented to the committee by the testimony and the record, bears every evidence of merit and good faith. The laches of the heirs in complying with the conditions prescribed in the granting acts seem to have proceeded from inability so to do. The testimony discloses the fact that in 1890, stimulated no doubt by the proposed forfeiture, these heirs were driven to make what appears to be, as disclosed before the committee in the investigation, a hard bargain with the Florida and East Coast Railway Company, whereby said corporation, in consideration of furnishing the means to earn the grant, obtained from the heirs a contract for the conveyance of about 10,000 acres of the land embraced therein. The friction between the heirs and the settlers which resulted in the presentation of the resolution for the investigation of the issuance of patent originated in contention for better terms by about nine out of fifty settlers who insisted that the land agent of the railroad company who contracted with them on behalf of the Perrine heirs and said railroad company, which had become associated with them, orally agreed to have a dike and canal constructed for the improvement of the grant. Some of the settlers insisted that said dike and canal should be constructed before patent was obtained, or in lieu thereof that they should receive a greater quantity of land than called for by their written contracts.

The evidence presented does not controvert the proofs submitted to the Department upon which the patent was issued, the settlement and the improvements on all the sections being shown to be as alleged by the proofs on file in the land office.

The only additional precaution the Department could have taken in the premises would have been to send a special agent to Florida to ascertain if the facts disclosed by an examination of the land as to settlement and improvements sustained the averments in the obviously hastily prepared proofs of compliance with the terms of the grant. The funds and force were at the disposal of the Department for the purpose indicated.

The evidence presented to the committee shows that with the exception of the squatters and the families from the Bahama Islands already mentioned, settlements on the land began only last May, and no tropical plants were set out by the agents or settlers who were acting for the Perrine heirs and the railroad company until October. From the nature of the land, being without roads and much of it under water, it was apparently impossible to build substantial houses, and those erected were not substantial, some of them being only covered with paper and constructed of pine logs. The tropical plants, in most cases, cover only 1 acre, and have been set out among trees in some instances, showing that an effort had been made to comply with the letter rather than the spirit of the law. Affidavits have been filed indicating that already some of these settlers have left their new homes, if that word can be applied to the settlements, and the plants set out in October are in some instances said to be dying or dead for the want of attention. The work of settlement began in May; the tropical plants were set out in October and November; proofs were begun in December and filed with the Department, and the patent issued on the 4th of February. It is thus seen that the Perrines and their associates, the railroad company and the attorneys who worked on a commission, have obtained 23,000 acres of Government land under conditions which in a year's time may materially change.

It can not be supposed that it was the intention of Congress to give away this large body of land upon pretense of complying with the conditions, and owing to the short time since the "so-called" settlements were made and the tropical plants set out, it is impossible to tell at this time whether a fraud has been perpetrated upon the Government or not. The record and proof now sustains the patent. We were assured by those who were authorized to speak that the rights of all squatters, as set forth in their contracts with the railroad company, would be protected and that deeds would be made to them. If this pledge be complied with in good faith, it will be probably to the best interest of all concerned to leave the matter as it is, as, should the grant be forfeited, it would either go to the State of Florida as swamp land or remain undeveloped, it being very evident that it would require considerable capital to open it and protect it from the overflow of the everglades. If the pledge of fair dealing with the squatters and settlers is not redeemed, further action by Congress may be in order.

The views of the minority are as follows:

The evidence shows that not until about May, 1896, over forty years after the termination of the Seminole Indian war, did the heirs or associates of Dr. Henry Perrine ever pretend to perform the conditions named in the acts of Congress of 1841.

That about said time the said Perrine heirs, being without means or facilities, associated with them the Florida East Coast Railway, by one J. E. Ingraham, land commissioner of said company, to assist the said heirs in carrying out the enterprise, agreeing with said company that upon a patent being issued to the said Perrines by the United States the interest in said land was to be divided as follows: The said Perrines to receive one-half, the said railroad company one-half, less the interest to be given to certain settlers, as hereinafter stated.

That in compliance with said agreement and about the month of June, 1896, an alleged agreement was entered into by and between the settlers and the said Ingraham on the part of the railway company, whereby in consideration of said settlers withdrawing all proceedings before the Land Department of the United States antagonistic to the claim of title of the heirs of the Perrines * * * and further to make proof as required, etc., the said company covenanted to deed to said settlers a portion of said Perrine land to the extent of 40 each, etc. The said railway company covenanting "that it will use its good offices to procure from the United States the conformation of the title to the lands known as Perrine grant and the issuance of a patent therefor."

The evidence shows that much of the land on what is termed the back sections of the Perrine grant is separated, a large portion of the year, by surface water from the shore land on Biscayne Bay, which materially depreciates the value of said back sections, but by the construction of proper dikes and canals for drainage purposes, said back sections would be worth four times as much as in the present state. That at the time said agreement was made between the said railroad company and the settlers whereby said settlers should receive 40 acres each it was represented by the railroad company and verbally promised that said company would construct the necessary canals and dikes, which would make each said 40 acres as valuable as 160 acres without the same; and it is strenuously contended by said settlers in their protests and affidavits on file that they were led into making said agreement relying upon said representations, but that said canals and dikes have never been so constructed, and the letter on file and in evidence from Mr. Ingraham discloses the intention of said company not to do so.

That in November, 1896, one E. I. Robinson, holding power of attorney from some of the objecting settlers, addressed a letter to the Interior Department, requesting to be advised of the proper form and mode of presenting protests and petitions protesting against the issuing of said patent to the Perrine heirs, whereupon he received the following letter:

"MR. E. I. ROBINSON, *Jacksonville, Fla.*

"SIR: I am in receipt of your letter of November 16, 1896, inclosing a letter from James A. Smith, one of the settlers on the Perrine grant, and a paper which appears to be a contract or agreement between Mrs. Annie R. Woodward, one of the settlers on 40 acres of land within said grant, and the Florida East Coast Railroad Company, in which the company agrees, in consideration of settlement, improvement, and cultivation for such time as may be required by the Commissioner of the General Land Office, 'to use its good offices to secure from the United States without delay a confirmation of the title to the heirs of Henry Perrine for the land known as the Perrine grant, and to secure from said heirs a deed of conveyance to said settlers.'

"You ask to be instructed as to the form of petition or protest required to be filed in your (this) office."

"You are advised in reply that the matter of the Perrine grant is pending before Congress, and any petition with regard to the same should be made to Congress. I herewith inclose a copy of Senate bill No. 161 relative to the lands embraced in said grant introduced by Senator CALL, December 3, 1895. I am unable to give you any further information on the subject.

"Very respectfully,

"E. F. BEST."

In compliance with said letter, all protests and petitions which were properly sworn to and executed were transmitted to Congress and never found their way to the Interior Department. While copies of the same were before the Department, yet it was contended by the attorney for the Perrines (see his brief) that they should not be considered, being only copies, as against the sworn proofs and affidavits on file, and as a matter of fact they were not considered.

(Mr. Lionenberger, of the Department, stating before the committee that no affidavits were on file, only copies.)

It was contended by counsel for the Perrines that at the time of the Best letter the proofs were not filed and the matter was not before the Department. (Has not this matter been before the Department for years?) In any event, whether or not the settlers were so advised by the Department with the intention of deceiving them, the facts remain that they were deceived, and their protests not considered, and we contend that if the Department had been one-half as zealous in desiring to protect the interests of the settlers as they were in "railroading" the patent through for the Perrines, that as soon as it discovered its mistake that said application for patent was pending, it would have notified said settlers of the proper place to file their petitions and protests.

The Department certainly had ample opportunity of correcting its mistake, and not doing so, it bears the earmarks of "suppressio veri."

All of the improvements up until about the middle of 1896 that were made upon the Perrine grant were made by squatters and settlers locating upon said grant, not as settlers under the Perrine grant, but by settlers who had a right to expect that said grant would be forfeited by Congress by reason of having so long remained unappropriated by the Perrine heirs, and who in that belief desired and determined to make homes for themselves with a view of perfecting their titles under the land laws of the United States.

See case of Lake Superior Ship Canal Railroad and Iron Company *vs.* Cunningham (155 U. S., 370-384), wherein it is said:

"If a party entering upon a tract, although he knew it was within the limits of an old railroad grant, did so under the honest belief and expectation that the grant is not technically extinguished by lapse of time, had remained so long unappropriated by any beneficiary that Congress would shortly resume it, and in that belief determined to make for himself a home thereon with a view of perfecting his title under the land laws of the United States, when the forfeiture should be finally decided, it must be held, we think, that he is within the term of this confirmatory act and bona fide claimant of a homestead."

That subsequent to the agreement between the Perrine heirs and the said railroad company, said company, through its agent, caused settlers to be located on all unsettled sections, which so-called settlers we submit the evidence shows were not actual, bona fide settlers.

See affidavit of Sarah Roberts, which says:

"After the back settlers made their attempted proof for the railroad company, they left the grant, with but a few exceptions."

See also affidavit of John W. Roberts:

"I know that some of them went off after they proved up; but now they are coming back. I know of a few of them that are trying to sell out their claims."

Also see affidavit of James A. Smith:

"That he, with Mehring and others, have (been) inspecting these new settlers' places, and find sixteen of these back settlers have apparently deserted; and most of the houses are incomplete, and but few door shutters and but few wells, and some places they have no tools or any evidences that their owner had any further use for them. Most of their trees are dead, and what ain't are dying for want of work and care. There is no grub in their houses, and some have no cooking utensils. Some are trying to sell out their claims." * * *

Also see affidavit of E. W. Sigsbee and George H. Mehring, who swear to the same facts as are set forth in the Smith affidavit; also affidavit of John F. Roberts, who states that the new men, who made proofs on the back sections for the Perrines by girdling a few trees and building pole tents, are away, with the exception of seven or eight.

That when proof was made there were present S. H. Richmond, a specially employed agent of the company; George A. MacDonald, whose evidence discloses the fact that he was employed by the railroad company and who acted in the capacity of a professional witness to a greater number of the proofs, appearing in some cases as a disinterested witness; also Eugene F. McKinley, attorney for said company, specially delegated to superintend the making of said proofs.

Thirteen of said settlers objected to the making of said proofs for the reason that said company refused to comply with its promises to construct said canal. Nine of the thirteen, to wit, J. A. Smith, Ephriam W. Sigsbee, J. W. Roberts, J. F. Roberts, Sarah M. Roberts, George H. Mehring, Robert O. Swindel, E. L. Robinson, and Annie R. Woodward, persisted and continued to refuse to make proof, and have never done so; nevertheless said railroad companies' agent secured other persons, without said objecting settlers' knowledge or consent, to make affidavits of said objecting settlers' occupancy and improvements, as involuntary settlers under the Perrine grant, instead of settlers expecting to become homesteaders.

And said sections were thereby involuntarily metamorphosed from "expectant homesteaders" to Perrine settlers; which act was sanctioned by the Department, as appears from the letter of the honorable Commissioner of the General Land Office during the investigation before the committee, on file with the committee, in which it is stated:

"I am in receipt of your letter of this date, asking me to furnish you to-day at the Senate a list of all persons claiming to be settlers on the Perrine grant under the Perrine heirs. Following is a list referred to, so far as I see appears on the records of this office."

Then follows a list in the honorable Commissioner's letter, in which is included the names of the above objecting settlers, who have never claimed under the Perrine heirs and who have never signed or made proof and who have strenuously objected to making said proof because the contract they entered into with the railroad company to make said proof was made under duress, coercion, and false and fraudulent representations, as are set forth in their protests, a copy of which protests was filed with the Department, but, as the records of the office show, were not considered because the same were not sworn to.

In the matter of the investigation of the United States patent issued to the heirs of Dr. Henry Perrine to certain lands in Florida, under acts of Congress of 1838 and 1841, pending before the honorable Committee on Public Lands of the United States Senate.

BRIEF IN BEHALF OF THE CONTESTING SETTLERS.

[E. V. Brookshire, counsel for contestants.]

We desire to call your attention to a number of cases arising in Oregon under the Congressional act known as the donation act, which we are convinced have a direct application to the questions of law and fact involved in the Perrine grant.

In the case of Lee vs. Summers (2 Oregon, 200) we find this language:

"Where Congress grants land in words of present grant, the legal title passes to the grantee." (13 Peters, 449; 6 Cranch, 128; 3 L. D., 244; 2 Wheaton, 148; 12 Peters, 554.)

The cases just cited show that the title vests immediately in the donee, not the less because the title vests in him conditionally and subject to be defeated by his failure to comply with the law, nor because the borders are yet to be determined by survey.

The right to resist a patent improperly issued, as we believe the Perrine patent to have been, rests only with the Government and those who stand in an attitude lawfully to claim under the Government.

In the Oregon case cited we find the following language:

"This subject is reviewed by Judge Field in the case of Moore vs. Wilkenson (13 Cal., 427), where it is laid down that a patent can not be set aside except in favor of those whose title was at the time such as to enable them to resist any action of the Government respecting it."

Therefore, we think it clear that the settlers on the Perrine grant, being unable to resist a forfeiture of the grant by the Government, would be unable to attack the patent, which we believe to be improperly issued, consequently their rights can only be saved by the Government asserting its right in the premises because the Perrines have failed to comply with the conditions subsequent within the time prescribed in the act making the grant.

In the case of Blakesly vs. Caywood (4 Oregon, 279; in syllabus) we find this language:

"The donee takes upon conditions subsequent—by operation of the donation act the donee acquires the land in fee, subject to the conditions specified in the act. They are conditions subsequent, and it is in the power of the donee to render the estate absolute by performance of the conditions."

The donation act requires that the citizens should be naturalized before they should be entitled to a patent from the Government, and the Blakesly case holds that these conditions, as well as all others, had to be strictly complied with.

Dolph vs. Barney (5 Oregon; 191 in syllabus):

"The donation act is a grant in presenti of an estate in fee, subject to be defeated by noncompliance with the conditions subsequent therein expressed."

It is decided in this case that after an amendment was made to the donation act in 1854 that the husband and wife, having complied strictly with all the conditions subsequent provided in the act, possessed the power of alienation of the land before the issue of the patent, and the court in the body of its opinion uses this language to explain what kind of title was conveyed to the grantee by the Government when he settled upon the land:

"To views made of the character of the grant as expressed in the opinion referred to we yield our full assent and hold the donation act to be a grant in presenti of an estate in fee, subject to be defeated by noncompliance of the conditions subsequent therein expressed, upon the completion of the residence and cultivation required by the fourth section, the condition of defeasance no longer attached and the estate from a base or qualified fee became a fee simple absolute, which by relation must be held to have had its inception at the date when the donee first entered upon the land with the intention of complying with the requirements of the law."

It will be remembered that under numerous railroad grants it has been held that when the maps of different locations were filed and the Secretary of the Interior had, by Executive order, withdrawn the land from the body of the public domain, that such title as the railroad had in the advance of their performance of the conditions subsequent vested as of the date of the grant; to use the language of the court in the Dolph case, "by relation."

In the case of McKay vs. Freeman, 6 Oregon, 440, it was held that "where a donation claimant had complied with all the conditions of the grant so as to entitle him to a patent, and thereafter conveyed the tract, his wife not joining, and he dying before patent was issued, held that his widow was entitled to dower in the tract."

We cite the above to show that in all these cases there can be no waiver of the conditions subsequent attached to the grant.

The strict performance of the conditions subsequent attached to the grant is the consideration which passes to the Government; in other words, many of the cases use this language in substance:

"The claimant must earn the land by performing the conditions subsequent within the time prescribed in the act making the grant."

The material thing required by the Government is that all the conditions of the grant must be complied with. To illustrate, it was held in Farris vs. Hayes, 7 Oregon 81, "That if the husband had not complied with all the conditions of the grant by residence, cultivation, etc., before his death, his wife took no dower."

The Oregon decisions construing the donation act held that those taking under it from the beginning of their settlements took a base or qualified fee, and that when all the conditions subsequent necessary to entitle them to a patent had been fully performed, that they were possessed of a fee simple absolute, and entitled to a patent.

However, it will be seen that the Supreme Court of the United States, construing the Oregon donation act, reached the same end as did the courts of Oregon, but construed the act differently; that is to say, in the case of Hall vs. Russell (11 Otto, 503), the court used this language:

The opening words of section 4 are: "That there shall be and hereby is granted." This is appropriate language in which to express a present grant, but as was well remarked by Mr. Justice Field for the court in Missouri, Kansas and Texas Railway Company vs. Kansas Pacific Railway Company (97 U. S., 491, xxiv, 1006): "It is always to be borne in mind in construing a Congressional grant that the act by which it is made is a law as well as a conveyance and that such effect must be given to it as will carry out the intent of Congress. There can not be a grant unless there is a grantee, and consequently there can not be a present grant unless there is a present grantee. If, then, the law making the grant indicates a future grantee and not a present one, the grant will take effect in the future and not presently. In all the cases in which we have given these words the effect of an immediate and present transfer, it will be found that the law has designated a grantee qualified to take according to the terms of the law and actually in existence at the time. Thus in Rutherford vs. Greene (2 Wheat., 196), the grantee was Major-General Greene; in Lessieur vs. Price (12 How. 59), the State of Missouri; in U. S. vs. Arredondo (6 Peters, 691), Arredondo and Son; in Fremont vs. U. S., (17 How., 542; 58 U. S., xv. 241), Alvarado; in Schulenberg vs. Harriman (21 Wall. 44; 88 U. S., xxii, 551), the State of Wisconsin; in Railroad Company vs. U. S. (92 U. S., 733; xxiii, 634), the State of Kansas; and without particularizing further it may be said generally that in the swamp land cases and all the internal improvement grant cases, where for the most part the question has arisen of late if a grant has been held to take effect presently, the State or some corporation having all the qualifications specified in the act has been designated as grantee. In other words, when an immediate grant was intended, an immediate grantee having all the requisite qualifications, was named."

You will observe that the Supreme Court decided that the language of the Oregon donation act was such as to indicate a present grant, a grant in presenti, but the court says further in construing a Congressional grant, that such effect must be given to the same as will carry out the intent of Congress. Therefore, the Supreme Court held that a settler under the donation act of Oregon, had to be a qualified donee, that is he had to live upon the land and comply with all the conditions subsequent provided for in the act, before he was qualified to obtain a title in fee simple and to be entitled to a patent; and in the language quoted above they stated that where the Supreme Court has held the grant to take effect presently:

"The State or some corporation having all the qualifications specified in the act has been designated as a grantee."

Further along in the opinion we find this language:

"We conclude that, under section 4, there was no grant of the land to a settler until he had qualified himself to take as a grantee by completing his four years of residence and cultivation and performed such other acts in the meantime as the statute required, in order to protect his claim and keep it alive."

In the light of the above decisions we think it is a matter of little consequence whether we say that the Perrines took a legal estate from the beginning under the grant, as was held in the Oregon cases, or whether they obtained a possessory right only; for both the Territorial courts of Oregon and the Supreme Court of the United States have uniformly held that all the conditions subsequent provided in a Congressional grant must be strictly complied with within the time designated in the act, before the donee can obtain an absolute title in fee simple, and the right to demand a patent.

To show the strictness with which conditions subsequent were enforced under the Oregon donation act, we would cite the case of Maynard vs. Hill (125 U. S., 190).

We understand that the Land Department justifies the issuing of the Perrine patent on the law laid down in the case of Schulenberg vs. Harriman (21 Wallace, 44). It was said in this case that the Congressional acts of 1856 and 1864 placed the legal title to the lands designated therein in the State of Wisconsin in trust for the construction of the railroad mentioned; second, that the lands designated have not reverted to the United States, although the road was not constructed within the period described, no judicial proceedings or any act on the part of the Government having been taken to forfeit the grant; third, that the legal title to the lands being in the State it was the owner of the logs cut thereon, and could authorize the defendant (the State's agent) to take possession of them wherever found.

The case made by the Perrines is clearly distinguishable from the above case for the reason that the State of Wisconsin was a qualified donee. The State was not required to perform conditions subsequent in order to be intrusted with the legal title to the land.

The legal title passed to Wisconsin in trust, and therefore the State of Wisconsin had a right of action against all persons trespassing upon the land until the United States saw fit to declare the lands forfeited. Wisconsin did not have to earn the land by the performance of conditions subsequent. Wisconsin was not required, under the Congressional act, to pay for the lands. In fact, the consideration for the granted lands contemplated by Congress was the building of the railroad within the time prescribed in the act.

Another case relied upon by the Land Office to sustain the patent is Rutherford vs. Greene's heirs (2 Wheaton, 196). In May, 1780, before the organization of the Federal Government, North Carolina, through her legislature, granted to General Greene 25,000 acres of land, "as a mark of the high sense this State entertains of the extraordinary services of that brave and gallant officer."

This was a present grant, a grant in presenti. General Greene had to do nothing to earn the land. No conditions subsequent were attached to the grant. He was a qualified grantee when the act passed the North Carolina legislature.

A case was decided by the Supreme Court of the United States a few days ago (February 16, 1897), which is directly in point. It is the case of the Atlantic and Pacific Railroad Company vs. Mingus. The United States being greatly concerned in the suit, due to the precedent to be established, Mr. Joseph H.

Call, a special United States attorney, filed a brief in behalf of the United States, in which we find the following language:

"In all the land-grant cases and other cases involving the construction of the Pacific railroad acts this court has declared again and again that effect must be given to the intent of Congress, and such construction and intent will not be defeated or changed by the happening or not happening of events not then in contemplation. (United States *vs.* Stanford, 161 United States, 412; Railroad *vs.* Forsythe, 159 United States, 46; United States *vs.* Southern Pacific, 146 United States, 570; United States *vs.* Northern Pacific, 152 United States, 284.)

"This court therefore decided in the Southern Pacific case, as a question of law, that the act of 1871 did not surrender the right of forfeiture for breach of the conditions subsequent.

"The right and power of Congress to forfeit a railroad land grant for breach of the condition in failing to construct the road declared in United States *vs.* Southern Pacific Company, supra, has been reaffirmed in the following later cases: United States *vs.* Northern Pacific, 152 United States, 284; Lake Superior Railroad *vs.* Cunningham, 155 United States, 354; Sioux City Railroad *vs.* United States, 159 United States, 349.

"It is contended by the plaintiff in error that the effect of this act of April 20, 1871, was to postpone the time within which Congress could forfeit the grant for breach of condition to the time of the foreclosure of the mortgage. * * * It was a condition of the grant that not less than 50 miles of railroad should be completed each year after the second year, and that the whole of the road should be constructed, equipped, and finished by July 4, 1878. (See section 8 of the act)."

In July, 1898, Congress declared those lands forfeited which were not earned in compliance with the terms of the grant. Mingus preempted a small tract on the forfeited portion, and the railroad in this suit was trying to take it from him on the ground that the railroad did not have to earn the land in the time prescribed in the grant; in other words, that the railroad did not have to perform the conditions subsequent within the time limited in the act.

You will observe, however, that the court decided in favor of Mingus, and again reaffirmed the doctrine that conditions subsequent attached to a land grant must be fully performed in the time prescribed in the act.

Now, under the Congressional act of July 7, 1838, to Henry Perrine, and the supplementary and amendatory act of February 16, 1841, certain conditions subsequent were imposed, and the two acts have to be construed together in pari materia. The conditions subsequent were as follows:

First. That the grantee should locate the tract within two years from the date of the grant and that the same should be properly surveyed.

Second. That the grant should not embody lands having sufficient quantity of naval timber to be reserved to the United States nor any site for maritime ports or cities.

Third. That every section of the tract shall be really occupied by a bona fide settler actually engaged in propagating or cultivating valuable tropical plants to prevent forfeiture of the same within eight years from and after the time when the present Indian war in Florida shall cease and determine.

Now, the only condition that seems certainly to have been performed was the one providing that the tract should be located within two years after the approval of the act of 1838. This condition subsequent seems to have been performed by Dr. Henry Perrine, for the supplementary act of 1841 makes mention of its performance, but under the evidence presented in this case it can not be pretended that the Perrine heirs performed the third condition subsequent within the time prescribed in the acts with reference to the propagation and cultivation of valuable tropical plants upon all the sections of said grant within eight years after the cessation of the Indian wars supposed to have been prevalent in Florida in 1841.

In fact it is safe to say that for a period of more than thirty years, perhaps forty years, the United States has had the right to declare a forfeiture of the Perrine grant. History informs us that the last of the Seminole Indians took up their abode beyond the Mississippi River prior to 1858; therefore we think it is certain that for more than thirty years the United States has had the undoubted right to declare a forfeiture of the grant. The Perrines have not performed the conditions subsequent in compliance with the terms of the grant, and they have not earned the lands in contemplation of law; the Government has not received the consideration necessary to pass the title. The consideration to go to the Government in contemplation of Congress was the performance of the conditions subsequent within eight years after the cessation of the Indian war prevailing in Florida in 1841.

It would seem clear, then, that the performance of the conditions subsequent necessary to pass the legal title and to warrant the issuing of the patent has undoubtedly failed. It will be remembered, as was said in Dolph *vs.* Barnard, supra, that the issuing of the patent is a ministerial act, and that the patent is merely the evidence of title.

In our judgment, the issue of the Perrine patent can only be justified upon the theory that the Land Department of our Government is empowered to waive a condition subsequent in a Congressional grant, and upon this point we will state that we do not believe that a well-considered case can be found in any of the law books to justify such a contention.

Will it be contended that a government can lose any of its rights by laches? Will it be contended that the statute of limitations runs against the Government?

We assert, as a matter of law, that the United States is never barred of its right of action by a statute of limitation except where Congress has provided that the United States shall be barred, and, further, that laches can not be imputed to the United States. To sustain this proposition, we would refer you to the case of The United States *vs.* Thompson. (8 Otto, 486.)

It will certainly be admitted that for more than thirty years last passed the United States has had a right to declare a forfeiture of the Perrine grant. Therefore we state, as a matter of law, that, this right of forfeiture having accrued in favor of the United States, it can never be lost. It is a right that will continue in the Government of the United States indefinitely.

It is certainly not necessary for me to say in this presence that no one but the grantor can raise the question of a breach of a condition subsequent. We do not think that the Government should permit the patent in question to remain unassailed. The safety of the people lies in the strict enforcement of the law.

The decisions of our courts construing Congressional grants have uniformly been that the conditions of a grant have to be strictly complied with. We think that the patent in question could only have been issued upon the theory that the Land Department of the Government can waive a condition subsequent provided in a Congressional act, and that the Government by laches can lose the right of forfeiture which has once accrued. In short, we are satisfied that the Land Department has acted in the issue of the patent beyond the scope of its proper jurisdiction.

The settlers on the Perrine grant, whom we represent, went upon the land in question believing the same to be subject to forfeiture and believing that the United States would declare a forfeiture. Their belief, we insist, was a reasonable one, and therefore we submit that their entry and occupation was not wrongful. They have rights which the Government should protect, and they can only be protected through action on the part of the United States enforcing its rights in the premises.

For a clear definition of the rights of these settlers, we would cite the case of the Lake Superior Ship Canal, Railroad and Iron Company *vs.* Cunningham (155 U. S., 354).

We think that Congress would be justified and should, in fact, suggest to the judiciary the propriety of investigating in a proper equity suit all matters arising under the Perrine grant, with a view of ascertaining whether, in fact, the terms and conditions of the grant have been complied with in accordance with law; and whether or not the Land Department has exceeded its proper jurisdiction in the issuing of the patent.

Mr. DUBOIS subsequently said: I wish to request that an additional brief in the Perrine case be also printed in the RECORD as a part of the majority report.

There being no objection, the additional brief was ordered to be printed in the RECORD, as follows:

[Before the Committee on Public Lands, United States Senate. Reply brief of Perrine heirs and their associates in re the Perrine grant.]

An act to encourage the introduction and promote the cultivation of tropical plants in the United States.

Whereas in obedience to the Treasury circular of the 6th of September, 1827, Dr. Henry Perrine, late American consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States; and whereas he has demonstrated the existence of a tropical climate in southern Florida and has shown the consequent certainty of the immediate domestication of tropical plants in tropical Florida and the great probability of their gradual acclimation throughout all our Southern and Southwestern States, especially of such profitable plants as propagate themselves on the poorest soils; and whereas, if the enterprise should be successful, it will render valuable our hitherto worthless soils by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a township of land is hereby granted to Dr. Henry Perrine and his associates in the southern extremity of the peninsula of east Florida, to be located in one body of 6 miles square upon any portion of the public lands below 29° north latitude.

SEC. 2. *And be it further enacted*, That the said tract of land shall be located within two years from this date by said Henry Perrine, and shall be surveyed under his direction by the surveyor of Florida: *Provided*, That it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States nor any sites for maritime ports or cities.

SEC. 3. *And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates.

SEC. 4. *And be it further enacted*, That every section of land in the tract aforesaid, which shall not be occupied by an actual settler positively engaged in the propagation or cultivation of useful tropical plants within eight years from the location of said tract, or when the adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States.

Approved July 7, 1838 (5 Stat., 302).

The grant was located; Dr. Perrine erected his dwelling, and began work with all expedition; was massacred by the Indians, his house burned, effects destroyed, and his wife and children, after a most thrilling and terrible experience, barely escaped with their lives. Work was necessarily postponed.

February 18, 1841, the following act was passed (6 Stat., 819):

"An act supplementary to an act entitled 'An act to encourage the introduction and promote the cultivation of tropical plants,' approved July 7, 1838.

"Whereas under the provisions of the act to which this is a supplement, Dr. Henry Perrine made, in the manner thereby required, the location therein authorized; and while engaged in the necessary measures to carry into effect the objects contemplated by the said act was murdered by the Seminole Indians; and,

Whereas Mrs. Ann F. Perrine, the widow of the said Dr. Perrine, is anxious to continue the undertaking thus commenced by her late husband, but is prevented from so doing by the continuance of the Indian war in Florida: Therefore,

"*Be it enacted, etc.*, That Mrs. Ann F. Perrine, the widow of the said Henry Perrine, and Sarah Ann Perrine, Hester M. S. Perrine, and Henry E. Perrine, his surviving children, are hereby declared to be entitled to all the rights and privileges vested in and granted to the said Dr. Henry Perrine by the act to which this is a supplement, and that the time limited by the said act in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States be, and the same is hereby, extended to eight years from and after the time when the present Indian war in Florida shall cease and determine."

In 1847 the official survey was made. In same year said heirs brought thirty-six families from the Bahamas to the grant, but they were driven away by the Indians. Various official reports show that many tropical fruits and plants were set all over the grant.

The period limited by the act, "in which every section of said grant should be occupied to prevent the forfeiture of the same to the United States," was "extended to eight years from and after the time when the present (then) Indian war in Florida shall cease and determine."

The said war closed in 1855.

The eight years terminated in 1863.

The country was then in the midst of the civil war. It is a matter of common knowledge, and notorious, that it was several years after the close of that civil war before it was practicable to attempt the settlement of this grant.

Then the heirs were erroneously advised that their grant had been forfeited by its terms, and they sought new legislation, which, of course, could not be had, as the acts then in the statutes were ample. The true construction and force of those acts were not known by the heirs until two years ago.

THE LAW OF THE CASE.

In the case of Schulenberg *vs.* Harriman (21 Wallace, 44) was involved the construction of a grant like that to the Perrine heirs.

The Supreme Court held, referring to the words in the granting act "That there be, and is hereby, granted," the lands, as follows:

"That the act of Congress of June 3, 1856, passed a present interest in the lands designated there can be no doubt. The language used imports a present grant, and admits of no other meaning;" cited prior decision of that court to same effect, and said:

"Numerous other decisions might be cited to the same purport. They establish the conclusion that, unless there are other clauses in a statute restraining the operation of words of the present grant, these must be taken in their natural sense to import an immediate transfer of title, although subsequent proceedings may be required to give precision to that title and attach it to

specific tracts. No individual can call in question the validity of the proceedings by which precision is thus given to the title where the United States are satisfied with them."

That grant (June 3, 1856, 11 Stat., 20) was upon condition that if the road was not completed in ten years "no further sales should be made and the lands unsold should revert to the United States."

The court say:

"If the condition be not enforced, the power to sell continues as before the breach, limited only by the objects of the grant and the manner of sale prescribed in the act.

"And it is settled law that no one can take advantage of the nonperformance of a condition subsequent annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground, the title remains unimpaired in the grantee. The authorities on this point, with hardly an exception, are all one way from the Year-Books down. And the same doctrine obtains where the grant upon condition proceeds from the Government; no individual can assail the title it has conveyed on the ground that the grantee has failed to perform the conditions annexed," citing several authorities.

The court then said:

"In what manner the reserved right of the grantor for breach of condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement. At common law the sovereign could not make an entry in person, and, therefore, an office found was necessary to determine the estate; but, as said by this court in a late case, 'the mode of asserting or of resuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government without these preliminary proceedings.' United States *vs.* Repentigny (supra); Finch *vs.* Risely (Poph., 53). In the present case no action has been taken either by legislation or judicial proceedings to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title by location of the route of said railroad acquired precision and became attached to the adjoining alternate sections.

"The title to the land remaining in the State, the lumber cut upon the land belonged to the State."

This said case was an action brought by agent of the State to recover logs, or their value, cut upon said grant lands, and the court gave relief in the same manner as though the State had absolute title after perfect performance of the condition subsequent, to wit, a construction of the road within the term named in the grant. As a fact, however, no part of the road had been constructed, and the time within which the granting acts (1856 and 1864) prescribed that it should be completed, or the grant would be forfeited and the lands revert to the United States, had long before expired.

In Van Wyck *vs.* Knevals (106 U. S., 360) the same doctrine was reasserted by the court. It said:

"When the route of the road is 'definitely fixed,' no parties can subsequently acquire a preemption right to any portion of the lands covered by the grant. The right of the State and of the company is thenceforth perfect as against subsequent claimants under the United States.

* * * * * * *

"So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted, not reserved, is equally clear. If the whole of the proposed road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings, or through the action of Congress," citing Schulenberg *vs.* Harriman, supra. "A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach. The holder of an invalid title does not strengthen his position by showing how badly the Government has been treated with respect to the property."

So in the Perrine grant, it was a present grant, passing title out of the United States—"is hereby granted to Dr. Henry Perrine and his associates." Eight years from location or survey was the limit given to occupy it by a settler on each section engaged in the propagation or cultivation of useful tropical plants, and in the supplementary act eight years after the close of the Indian war in Florida was the limit to the heirs.

Until a judicial decree of forfeiture, or until an act of Congress to same effect, the Perrine grant was subject to the performance of said settlement condition subsequent. No individual could gain any right to the land, as the Land Office has always warned all persons who have sought information in respect of it.

When that condition subsequent had once been performed and the proofs thereof made and declared satisfactory by the officer appointed by the statute to do this, the Perrine grant became a vested property right.

The right to a patent is equivalent to a patent issued. (Stark *vs.* Starrs, 6 Wallace, 402; Barney *vs.* Dolph, 7 Otto, 652.)

Therefore, after that Congress had no constitutional power to declare a forfeiture, nor to direct the courts to do so, because of nonperformance of the condition subsequent, for the lands had then become the property of the Perrines, and Article V of amendments to the Constitution declares that:

"No person shall be * * * deprived of * * * property without due process of law."

Hence, when the proofs of compliance with the granting act in respect of settlement of each section, and the cultivation of tropical plants, had been made and found sufficient by the Land Department, Congress was shorn of jurisdiction, and a pending bill for forfeiture was absolutely discharged and dead.

The patenting of the grant then became a mere ministerial duty, which, if refused, could have been compelled by mandamus.

I venture the assertion that there can be no lawyer in the United States Senate to-day who will question the soundness and conclusiveness of the foregoing legal propositions.

WHAT PROOFS WERE REQUIRED TO BE MADE?

Section 3 of the granting act:

"*And be it further enacted*, That whenever any section of land in said tract shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land Office, a patent shall issue to the said Henry Perrine and his associates."

That statute did not stipulate that the settler should have been there for any certain period of time, nor that the plants should have attained any certain degree of growth, nor that the intentions of the settlers as to the future should be proven.

No instructions in respect of these or any other points or matters were ever issued by the Land Department.

The statute was so express, plain, and unmistakable that construction was not required.

Yet the proofs made were by several, and not merely two witnesses; the settlers had each built his dwelling house, cleared at least an acre of timber, planted at least an acre in valuable tropical plants, several of which were never before cultivated in Florida, nor, so far as we are aware, anywhere in the United States; some of them had very large and valuable improvements, the aggregate of which is under oath estimated by several witnesses before the committee at from $20,000 to $40,000, and each settler (except those who refused to help make their proofs), swears to his good faith and his intention to continue said cultivation in the future, while the testimony before the Senate committee is that the Perrine agents would accept no one as a settler who would not settle with distinct understanding that he was so to continue the propagation or cultivation of valuable tropical plants after title was acquired as before.

It was an evidence of good faith on the part of the Perrines and their associates that they gave the settlers lands for their permanent homes on the grant, instead of making or suggesting any other arrangement.

In respect of those settlers who refused at the last to help make their proofs—thirteen out of over fifty, and we believe and are informed that all except nine subsequently withdrew from their position as protestants—the record shows the following as illustrative of the fullness and conclusiveness of the proofs as made and acted upon by the Land Department:

Ephraim W. Sigsbee refused to sign his proof until he had a bond for title. There are eleven affidavits to his settlement and improvements, such as the statute requires.

George F. Mehring likewise refused. There are eleven affidavits in proof of his settlement and compliance with law.

James A. Smith refused, and the like facts are proven by ten affidavits.

John F. Roberts refused, and the proofs were made by ten affidavits.

John W. Roberts refused, and nine affidavits established the facts.

Sarah M. Roberts refused, and there are six affidavits to her settlement and the requisite cultivation of plants.

Mr. Sigsbee, above named, has reconsidered, however, far enough to make his selection of his 40 acres and ask the Perrines to execute the deed to his wife, as shown to the honorable committee.

THE PROTESTS OF THESE PARTIES WHO REFUSED AS AFORESAID TO SIGN THEIR PROOFS.

Those protests, in the shape of letters and copies of alleged affidavits, show various reasons assigned for said refusal. One wanted a bond for title, or 80 acres of land as a substitute consideration. Some complained that Ingraham, agent for the Perrines and associates, had orally promised to construct a canal and dikes to drain the land and shut out the inflowing water from the Everglades, and others wrote to the irrepressible Robinson that they would give him 40 acres of land each to get them claims of 160 acres. Four promises of this kind appear.

He denies that he advised those settlers or created the trouble. But it is clearly proven that there was no word of dissatisfaction before he came, when about half the proofs had been taken, and that the trouble ensued immediately after his arrival. He is recognized from the first as the representative of those recalcitrant parties; so announces himself in the correspondence following the first trouble, and has appeared before the committee, testifying under their generous permission to what he believes without knowledge, thinks without observation, and has heard from others not present, and to irrelevant matter throughout. None of all this is evidence, even were it upon material points.

Now, let us examine this revolt (the head and front of which is E. I. Robinson) in the light of the familiar law and a grain of common sense.

The agreements of all the settlers, duly signed and under seal, we have filed with the committee and opened every fact to their scrutiny. Those agreements specify the considerations and mutual promises and undertakings of each settler and of the agent of the Perrines, Ingraham, who was accepted as such agent and associate without question.

There is nothing in those written contracts, not one word, concerning bond for title, dike, or canal.

Does or can any sane man believe that dike and canal, which are referred to in Robinson's testimony as costing, according to some one's estimate, $50,000, would have been left out of every one of those contracts, and not been noticed by a single man, had they been a part of the original agreement?

But they do not go so far as to say why the alleged agreement as to dike and canal was not incorporated into the written contracts.

Mr. Richmond, the Perrine agent on the grant, testifies that Mr. Ingraham told the settlers that said improvements were intended to be made after securing title by patent. Who was correct?

First. A written contract under seal must be held to be the whole contract, and it can not be varied and changed by oral conversations.

Second. Had said promises formed a part of the consideration on which the settler acted, they would, beyond rational doubt, have been demanded to be put into the written contract.

Third. It is quite improbable that agreement to make an improvement which would cost perhaps $50,000 would be made to antedate patent to the land, especially when those improvements were not essential to the issue of patent. Common experience proves that business men do not proceed in that manner. The claim of the other side is simply absurd.

Fourth. There is the direct testimony of Mr. Richmond, who heard what Ingraham said on the point, and is express, and in the line of reason and probabilities.

Fifth. Of the upward of 50 settlers on the grant, about 40 do not contend for bond for title: do not claim that dike or canal was promised before patent, and have fulfilled their written contracts according to their tenor and plain purpose.

Is this branch of the subject worth discussing further? No sane man of fair judgment can believe Robinson's claim. It is utterly improbable and irreconcilable with known facts and conditions.

We have as facts—

1. Written contracts under seal for settlements and cultivation, as required by the statute, and withdrawal of all opposition to patent to the Perrines.

2. A full compliance with law in respect of settlement, cultivation of plants, and permanent provisions and purposes on every section of the grant.

Mr. Robinson himself can not specify a single section on which such compliance was not made, while the facts are shown by voluminous proofs in the record.

3. The refusal at the last moment of about one-fifth of the settlers to sign their proofs; the overwhelming proof by other witnesses that compliance with law was in fact made.

4. The proofs of about four-fifths of all the settlers whose position is in direct antagonism to that of the protesting one-fifth, and in emphatic contradiction of the claim of that small fraction.

5. The proofs in the record, and also before the committee, may be summed up as follows:

Fifty settlers and upward, or about twenty more than was required by the statute.

Fifty acres cleared of timber after the method of that country.

Fifty acres more or less cultivated for garden and home uses.

Fifty acres of valuable tropical plants in cultivation.

All this at a conservative estimated value of from $20,000 to $40,000.

6. The examination of all those proofs by the Commissioner of the General Land Office, the officer appointed by the act making the grant to pass upon the proofs and to determine their sufficiency, and to issue patent, resulted in finding them a compliance with the statute, and in the issue of patent, under the direction of the Secretary of the Interior.

In that connection it is pertinent to remark that there was no other judge in the world authorized by law to pass upon the sufficiency of those proofs. He was not only authorized, but it was his imperative duty.

In the absence of fraud, the courts would take the findings of fact under those proofs by the Land Department as conclusive; for there can be no mistake in respect to what the law required, and no misconstruction of a statute so plain and unmistakable in all its provisions and in line with the repeated decisions of our highest court.

There has been no evidence of fraud, gross mistake, or misconstruction of law, and hence it is not a matter which the courts would by any possibility interfere with were the question submitted to litigation.

To bring to mind what the Supreme Court of the United States has held with regard to this matter, I subjoin excerpts from a few of its many like decisions.

In United States *vs.* Maxwell Land Grant Company, 121 U. S., 325 (syllabus):

"While courts of equity have the power to set aside, cancel, or correct patents or other evidences of title obtained from the United States by fraud or mistake, and to correct under proper circumstances such mistakes, this can only be done on specific averments of the mistake or the fraud, supported by clear and satisfactory proof.

"5. The general doctrine on this subject is that, when in a court of equity it is proposed to set aside, to annul, or correct a written instrument, for fraud or mistake in the execution of the instrument itself, the testimony on which this is done must be clear, unequivocal, and convincing, and it can not be done upon a bare preponderance of evidence which leaves the issue in doubt.

"6. Where the purpose is to annul a patent, a grant, or other formal evidence of title from the United States, the respect due to such an instrument, the presumption that all the preceding steps required by law had been observed, the importance and necessity of the stability of titles dependent on these official instruments demand that the effort to set them aside should be successful only when the allegations on which this attempt is made are clearly stated and fully proved.

"7. In this case the evidence produces no conviction in the judicial mind of the mistakes or frauds alleged in the bill, and the decree of the circuit court dismissing it is affirmed."

Same doctrine was reasserted in United States *vs.* San Jacinto Tin Company. (125 U. S., 273.)

In Heath *vs.* Wallace (138 U. S., 573) the court says:

"Moreover, if the question be considered in a somewhat different light, viz, as the contemporaneous construction of a statute by those officers of the Government whose duty it is to administer it, then the case would seem to be brought within the rule announced at a very early day in this court and reiterated in a very large number of cases, that the construction given to a statute by those charged with the execution of it, is always entitled to the most respectful consideration, and ought not to be overruled without cogent reasons." * * * "It is settled by an unbroken line of decisions of this court in land jurisprudence that the decisions of that department upon matters of fact within its jurisdiction are, in the absence of fraud or imposition, conclusive and binding on the courts of the country," citing cases.

Decisions of the Land Department are conclusive in the absence of fraud or mistake. (Lee *vs.* Johnson, 116 U. S., 48.)

"Fraud is not presumed, either as a matter of law or fact, unless under circumstances not fairly susceptible of any other interpretation." (Tucker *vs.* Moreland, 10 Peters, 58.)

But it is really unnecessary to discuss this plain law, declared a thousand times, for there is no fraud charged.

And right here is the marvelous part of this whole investigation. The construction of the granting act is too clear to be questioned. We can not interpolate, and we can not take from the language of the law. The grant by its own preamble was made in part because Dr. Perrine had merited it by previous personal exertions. The Treasury had sent out a circular asking its consuls to interest themselves in the matter of tropical plants, and yet no money was furnished for the necessary expenses. Dr. Perrine gave great time and most valuable attention to it, and actually spent most of his little fortune in the enterprise. Congress sought to reward him in a measure, and also hoped for additional results, and what has now been done promises ascertainments which in the nature of the experiments must be of national value.

The grant was to Dr. Perrine and his associates, and the grant to the heirs conferred upon them the rights theretofore given to their ancestor.

There is no mistake or misconstruction of law alleged, and no one has either alleged or testified to any fraud whatever.

Mr. Robinson and others sought to have the Land Department send down a special agent to look over the grant. But their statements were none of them by original affidavit, and most of them were by letters, which bound nobody. They filed nothing in the Department, under which they could be made responsible for perjury or misrepresentation. They came as men discredited by being self-confessed violators of their solemn written contracts. While not attaching serious blame to the real settlers, because they were undoubtedly misled, yet they filed no affidavits which, if true, would show that the law had not been complied with.

The Perrine agents understood this trouble to result from Mr. Robinson, and circumstances corroborate, and he has been before this committee delivering a long tirade on matters alleged to be between Mr. Ingraham, agent, and the settlers.

Now, as between the Perrines, or their agent, Ingraham, and the settlers, neither the Land Department nor Congress is the proper tribunal to resort to. The Department never did, and probably never will, order investigations asked for by men on the grounds relied upon by Robinson et al., and presented by men whose integrity and reliability were measured by self-confessed violation of written contracts, and upon outside allegations which were practically denied by four-fifths of all the settlers on the grant.

That the statute had been complied with was evident, and the matters between Robinson et al. and the Perrine agent were for the courts, and not within the jurisdiction of either the Land Department or Congress.

Robinson's testimony is of no earthly value before Congress or the Department; yet he speaks to prejudice. He refers to Mr. Parrott, vice-president of the Florida East Coast Railway Company, and to what he alleges Parrott said in respect to the large promises of Mr. Ingraham. We have only to ask that the letter of Mr. Parrott to Robinson, which was put there by Robinson himself, or by some one he sent it to, be read, for Mr. Parrott distinctly says that what has been promised will be done; and he mildly suggests to Mr. Robinson that possibly it might be a good thing for him to observe *his* contract, for Robinson is a self-confessed violator of it.

The estimates of value of the lands on this grant made by Robinson show a desire to prejudice and an insincerity. He is a swift witness and commits himself to palpable errors in consequence. He says 1 acre on the front of the grant is worth as much as 160 acres in the back, and yet says some land in the front is worth $200 an acre and the land back $10 to $20 per acre, or 160 acres would be worth from $1,600 to $3,200. Also he admits that he knows the price of no land less than 8 to 10 miles from the front of this grant, or less than 5 miles from the rear, and it is in evidence that land there, and improved land, can be had for from about $5 to $15 per acre.

He glibly testifies to threats, and yet can not state an instance. He heard that some wife objected to her husband taking a sea trip until he made his proofs for fear he would otherwise lose his land, and that some one was told he would lose his land if proofs were not made. This is simply silly, and I name it only to show the absurdity of this attack.

He even sought to make an impression that Assistant Commissioner Best, of the General Land Office, had misled him by giving him no satisfaction, except telling him the matter was in the hands of Congress, while at the same time action was taken in the General Land Office.

An examination of the Assistant Commissioner's letter shows that it was written in 1895, when the matter was in Congress, and not before the Land Office.

He speaks of the poverty of the settlers, and of the injustice of the giving of 80 acres to each of three front settlers, and 40 acres only to those back from the front.

The said three settlers had been there many years and had large improvements, which clearly justified the arrangements made with them. The back settlers voluntarily agreed to take 40 acres, and that area, as most men know, is beyond doubt more than they can ever cultivate to the fruits and plants and vegetables which are produced there. It is testified to by Mr. Richmond, from his personal knowledge, that this arrangement for 40 acres to the back settlers was pursuant to their own demand.

But what has their poverty, or the back lands, or front lands got to do with the matter before the Senate committee?

What is before this committee, anyway?

There is no evidence or indication that either Robinson or his attorneys asked that question, or sought to direct their testimony to it.

The question is outlined by the resolution for investigation, to wit:

"*Resolved*, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers, and to administer oaths."

We have cited the law; the proofs came to the Commissioner of the General Land Office; he found them satisfactory as to a compliance with law; he was the judge appointed by Congress to reach that conclusion or any other on the proofs; when he reached it, his duty resulted to issue patent; Congress then had no jurisdiction to act; it was supposed that everybody in and out of this committee was cognizant of that law, and the patent was issued because of said proofs, said compliance with the statute, and said duty.

There is no evidence of the slightest irregularity in respect of it; as a matter of fact, there was none; the proofs underwent the most careful and thorough examination, and all questions were most carefully studied and considered for over a month after the proofs reached the Department before patent issued.

I am certain that no discourtesy was entertained toward this committee. In the opening days of the session I had entered my appearance here for the heirs in a letter, in which I advised the committee, as I recollect, that the proofs were then being taken; that if satisfactory, no forfeiture could be declared, and asking that action on Senate bill 161 be deferred, etc.

The law was so well established in like cases that no thought was entertained by anyone that discourtesy could be inferred from the Department's acting upon a matter after the jurisdiction of Congress had been ousted, and when the near termination of the Administration and of this Congress, as is always the case, made it desirable to close out cases fully considered in the former and to pass into law matters fully considered by the latter.

There is no propriety or justice in seeking to put into the courts a matter like this, when the facts are absolutely wanting which those courts have a thousand times declared were essential to such action. Peace of title is best for all communities, and where compliance with law is clear and fraud is absent there is no justification for any Congressional action which would suspend all use of property for years and put to expense and great trouble a community of persons like those interested in this case.

It should also be not forgotten that in addition to an absence of all material showing, in addition to a total want of evidence that the law has not been fully complied with, in addition to the fact that the case has been brought in aggravated form to Senators, whose anxiety and purpose are always to be sure that their duty is fully performed, and thus caused this investigation, a moment's reflection will convince anyone that the controversy related to points and matters of which neither the Land Department nor Congress had jurisdiction, and that it was palpable imposition to crowd their consideration upon either of said tribunals.

Perhaps I should say, in conclusion, that the Perrine heirs and their associates are so thoroughly convinced that the few recalcitrant settlers who made settlement and improvement, as required by their contracts, were acting under misleading advice when they assumed their present position; that they will give them, each one, his deed for the stipulated 40 acres, in precisely the same manner as though they had made no difficulty, and this was determined immediately after patent, and before any investigation was suggested or thought of.

In respect of a railroad being interested, it need not be discussed, because the heirs had a clear right to associate whom they pleased with them in the matter. As a matter of fact, however, the heirs were compelled by want of means to get help as they could; and while said company is interested in having the country settled, and has done wonderful service to said State by its immense improvements on the east coast, it is yet an open question whether the company will lose or gain by its engagements in this matter, and so far as the law and the proprieties of all legitimate investigation are concerned, it is a matter entirely unimportant. The improvements it has promised will certainly improve its own interests, and likewise benefit the actual settlers on the grant lands.

Respectfully submitted.

C. W. HOLCOMB,
Attorney for the Perrine Heirs and their Associates.

WASHINGTON, D. C., *February 25, 1897.*

Mr. PETTIGREW. I ask leave to prepare and have printed a formal minority report, more full than the one already submitted, not to be printed in the RECORD, but to be filed.

The PRESIDING OFFICER. The Senator from South Dakota

asks leave to submit a minority report hereafter. The Chair hears no objection, and leave is granted.

SUBMARINE CABLE SYSTEMS IN THE UNITED STATES.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 9149) to regulate the establishment of submarine telegraph cable lines or systems in the United States was announced as the next business in order on the Calendar.

Mr. ALLEN. Let that go over.

Mr. FRYE. I hope the Senator will not do that.

Mr. ALLEN. Let the bill go over.

WILLIAM F. SONGER.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4193) to correct the military record of William F. Songer, to report it favorably without amendment. I ask unanimous consent that the bill may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion standing against William F. Songer, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to him a certificate of honorable discharge.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 834) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842; and

A bill (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the action of the House of Representatives on the Indian appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, and requesting a further conference on the disagreeing votes of the two Houses.

Mr. PETTIGREW. I move that the Senate further insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 16, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 13, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such services."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said Senate amendment insert the following: "400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment and amend as follows: Strike out in line 9, page 11, of the bill the word "four" and insert in lieu thereof the word "five;" and the Senate agree to the same.

W. B. ALLISON,
R. F. PETTIGREW,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

E. F. LOUD,
J. C. KYLE,
Managers on the part of the House.

Mr. PLATT. This is the final report?

Mr. ALLISON. This is the final report upon the Post-Office appropriation bill. If Senators desire any explanation, I shall be glad to give it. There is no material change in the bill as passed by the Senate except that we have receded from some legislation inserted by the House on pages 10, 11, and 12 of the bill, which adds to the convenience of the Post-Office Department in its administration. If there are any special points concerning which any Senator desires an explanation, I shall be glad to give it.

Mr. VILAS. It is the final report?

Mr. ALLISON. It is the final report.

The report was concurred in.

AMENDMENT OF THE PATENT LAWS.

Mr. PLATT. I ask for the regular order.

The bill (H. R. 3014) revising and amending the statutes relating to patents was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with amendments.

The first amendment was, in line 26, section 3, after the word "country," to strike out the following words:

This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted on such a pending application.

The amendment was agreed to.

The next amendment was in section 4, line 4, after the word "words," to strike out "six months," and by adding at the end of the paragraph the following sentence: "And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents, upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action," and insert "one year;" in line 23, after the word "within," to strike out "six months" and insert "one year;" in line 26, after the word "within," to strike out "six months" and insert "one year;" and in line 30, after the word "unavoidable," to strike out "and upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents, upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action;" so as to make the section read:

SEC. 4. That section 4894 of the Revised Statutes be, and the same hereby is, amended by striking out the words "two years" in every place where they occur and substituting in lieu thereof the words "one year;" so that the section so amended will read as follows:

"SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable."

The amendment was agreed to.

The next amendment was, on page 9, to add a new section at the end of the bill, as follows:

SEC. 7. That this act shall take effect January 1, 1898, and sections 1, 2, 3, and 4, amending sections 4886, 4920, 4887, and 4894 of the Revised Statutes, shall not apply to any patent granted prior to said date, nor to any application filed prior to said date, nor to any patent granted on such an application.

The amendment was agreed to.

Mr. CHILTON. I should like to have a brief explanation of the bill from some one. It is a very long bill. I am not disposed to object to it, but I should like to know in brief what it is in substance.

Mr. PLATT. Will the Senator allow me to have one more amendment made? On page 4, in order to conform to the amendment on page 5, certain lines should be stricken out which are exactly similar in words. After "country," in line 12, on page 4, I move to strike out down to and including the word "application," in line 17. These words have already been taken out in another part of the bill, but were left in at that point by an oversight.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "country," in line 12, page 4, strike out all down to and including the word "application," in line 17, in the following words:

This section, as hereby amended, shall not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, nor to any patent granted for such a pending application.

The amendment was agreed to.

Mr. PLATT. This bill at the time it was first reported to the Senate excited considerable opposition, but the parties opposing it were heard, and I believe that everyone is satisfied now with the bill, with its amendments. I do not think there is objection in any part of the country or from any person. I can take up the time of the Senate with a little summary of the bill, if the Senator from Texas desires it.

Mr. CHILTON. If it will not take too long, I shall be glad to know something about what the bill is.

Mr. PLATT. The first amendment of the law adds to the conditions of obtaining a patent that the invention shall not have been published more than two years prior to its application. I think that is right. The second incorporates that as one of the defenses which may be made. The third matter is one which excited a good deal of objection. As proposed, it limited the right of a party to proceed in his application for a patent, once having been rejected, to six months. The law as it now stands is two years. The Commissioner of Patents changed the rule and made it six months. That excited the hostility of the patent attorneys. We have compromised the matter and made it one year. I think that is entirely satisfactory to everyone.

The rest of the measure relates to foreign patents. It provides that a patent obtained in a foreign country before it is obtained here shall not limit the term of the patent in this country, but gives seven months within which to make the application here after it has been made in a foreign country. Patents that run here seventeen years have been limited to two years and three years and five years and all sorts of terms by reason of the fact that they were first taken out in foreign countries where, by the operation of the laws, the term was limited.

I do not think there is anything in the bill but what is right.

Mr. BACON. I ask that there may be an amendment added to the bill in the nature of a new section, to come in at the end, to be numbered accordingly.

Mr. PLATT. It had better be put before section 7.

Mr. BACON. All right.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert as a new section before section 7:

That in case where the head of any Department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent, it shall be the duty of such head of Department to be represented before the Commissioner in order to prevent the improper issue of a patent.

Mr. PLATT. I have no objection to the amendment.

Mr. BACON. I desire simply to state that it is in accordance with the recommendation of the Committee on Naval Affairs.

Mr. PLATT. Let it be agreed to.

The amendment was agreed to.

Mr. CHILTON. After the statement of the Senator from Connecticut, I have no disposition to obstruct the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I call up the conference report on the Indian appropriation bill.

The PRESIDING OFFICER. The conference report on the Indian appropriation bill will be read.

Mr. PETTIGREW. The report was read yesterday and is found in the RECORD, except such changes as have been made by the conferees since the report was rejected.

Mr. CULLOM. I hope the Senator will explain the items that have now been agreed to, and state whether there are any left that have not been agreed upon.

Mr. PETTIGREW. It seems to me that it is not necessary to read the whole report, and I will state the items that have not been agreed to.

In the first place, on amendment numbered 9, payment of Creek Indians, we were unable to reach an agreement.

We were also unable to reach an agreement upon amendment numbered 30, which relates to contract schools.

The conferees also failed to agree upon amendments numbered 59, 60, 61, and 62, which relate to the Five Civilized Tribes.

Also amendment 83, relating to the Uncompahgre Indian Reservation; also amendment 87, relative to the reimbursement for Indian school in Nevada; also amendments 88 and 90, in relation to the Colville Indian Reservation; also amendments 92 and 93, in relation to the claims of attorneys upon the fund of the Old Settler Cherokees; also amendment 95, in relation to the Sisseton and Wahpeton Indians; also amendment 99, in relation to mixed-blood Indians; also amendment 103, which repeals certain provisions in the act of last year in relation to two reservations in the State of Montana.

This conference report differs from the one which was submitted to the Senate last night and rejected by the Senate, in that we have stricken from the report the provision for negotiating with the Seneca Indians in New York, and the provision in regard to the Kaw scrip, which was objected to by the Senate as being purely legislation; and the Senate has receded from its amendment with regard to the Osage Indians.

The Senate amendment placed the country occupied by the Osage Indians in the Indian Territory. The House refused to agree to that, and rejected it upon a vote, and therefore we now recede from that amendment. I think in every other respect the report is the same as that submitted yesterday.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

Mr. ALLEN. I should like to call the attention of the Senator in charge of the bill to the necessity of organizing the Osage Nation for judicial purposes and requiring that there may be a court held at Pawhuska, the capital of that nation.

I should like to ask the Senator if it is not within the province of the conference committee to so modify the amendment which I submitted as to authorize and direct the holding of one or more terms of court at Pawhuska during the year?

Mr. PETTIGREW. I admit the necessity of something being done in relation to the courts in that country, but the House of Representatives refused to agree to the Senate amendment, and refused to agree to it even modified as the Senator suggests.

Mr. ALLEN. Mr. President, I will not detain the Senate at this late hour further than to make a brief statement showing the necessity for organizing this territory for judicial purposes.

The Osage Nation embraces a great many thousand acres of land. It is in the northeastern corner of what is now known as Oklahoma. It is bounded on the west and separated from Oklahoma Territory proper by the Arkansas River, which is only bridged at one or two points, and which is very difficult to ford. There is not a judge, a justice of the peace, or a court commissioner in the Osage Nation. The nearest point at which the people of that Territory can reach a court of record is at Perry, in Oklahoma, some 60 miles southwest of the extreme southern boundary of the Osage Nation, making it 125 or 130 miles from the northeast portion of the Osage Nation, which is very heavily settled along the border.

Mr. President, west of the Arkansas River the justices of the peace send their process clear across this Territory suing Indians, entering judgments against them, and issuing executions; and the Indian's property, his houses, his fences, everything of that kind is put up at sale, and sold at ruinously low figures, and there is no restraint whatever.

Mr. PLATT. Will the Senator allow me?

Mr. ALLEN. I will.

Mr. PLATT. The Senator speaks very positively as to the practice of suing Indians in the Oklahoma courts, but it seems to me that there must be some mistake about that; that the Senator must be misinformed. Those Indians are not citizens, as I understand, and so they can not be sued. I can not suppose that an Oklahoma justice of the peace would allow a suit against an Indian in his court. I can not understand it; I think there must be some mistake about it, and that the persons sued were not Indians.

Mr. ALLEN. The Senator says they can not do it; but it is a good deal like the man who said, "They can not put me in jail," when he was in jail. These Indians are sued. The justices of the peace along the border of the Osage Nation and west of the Arkansas River are in the constant habit of issuing process, bringing the Indians into court, trying small causes against them,

issuing executions, sending their constables over the Osage Nation to levy upon their property; and I will say, for the benefit of the distinguished Senator from Connecticut, that the courts of record of that Territory have upheld the jurisdiction of the justices of the peace over the Indian Territory, and have upheld the exercise of jurisdiction over the persons of Indians, and enforced those judgments. Now, what is to be done under these circumstances?

Mr. PLATT. I have no objection to the transfer of that business to the Indian Territory, as I said last night.

Mr. ALLEN. I suggest to the Senator having this bill in charge that that country should be detached for judicial purposes and placed in the northern district of the Indian Territory, so that something may be done in the way of giving the Osage Nation a judiciary of its own, requiring, for instance, the district judge closest to or adjoining this Territory to hold one or more terms of court at Pawhusky, the capital, and exclude the jurisdiction of justices of the peace in Oklahoma Territory as respects its exercise over the citizens or property of the Osage Nation. I can say to the Senator from Connecticut that there is a well-authenticated case——

Mr. PLATT. I have not the slightest objection to the suggestion of the Senator, and if it could be reached in conference I should be very glad to have it done.

Mr. ALLEN. There is a well-authenticated case which cost an Indian over $1,200. A justice of the peace in Oklahoma Territory rendered a judgment against that Indian, a constable went upon the Osage Nation and levied upon the house—it was a little bit singular to levy upon real estate or portions of real estate on the execution of a justice of the peace—put up the property, and sold it, I think, for something like $30, and sold some 10 or 12 miles of barbed-wire fence for something like twenty-two or twenty-three dollars, and then the property was taken from the territory and over to Oklahoma and sold.

Those abuses ought to be stopped. If, in the judgment of Congress, those Indians should be left without any remedy whatever before the courts; if they are to be raided by a class of lawless justices of the peace west of the Arkansas River, and are to be upheld by the judiciary of record in that Territory, I do not know that it is any particular individual concern of mine; but in view of the fact that the Indians are wards of the nation, that they are pillaged on every conceivable occasion, that they are robbed and despoiled of their rights and of their territory, it stands this great Government in hand to protect them from this kind of predatory work, both in their property and in their persons.

I hope that the conference report will be rejected on that proposition.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 20, 21, 28, 40, 41, 43, 70, 74, 84, 96, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 10, 12, 16, 17, 22, 23, 24, 25, 26, 27, 29, 32, 33, 36, 37, 38, 39, 42, 44, 45, 46, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 81, 82, 85, 86, 89, 91, 98, 100, 101, 104, and 105, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert after the word "Territory," in said amendment, the following: "Or adjoining State or Territory;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$22,418.25;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the allottees of land within the limits of the Quapaw Agency, Indian Territory, are hereby authorized to lease their lands or any part thereof for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Ind. T., who have each received allotments of 200 acres or more, may sell 100 acres thereof under such rules and regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out from said amendment, after the word "sum," the words "or so much thereof" and insert in lieu thereof the words "so much;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes," in line 4 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out after the word "purchase," in line 1 of said amendment, down to and including the word "Dakota," in line 3, and insert in lieu thereof the words "of land;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For extension and completion of steam plant, $6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$62,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out, in lines 8 and 9 of said amendment, the words "for steam-heating plant, $15,000:" and strike out, in line 9, the word "eighty-six" and insert in lieu thereof the word "seventy-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "That," in line 1 of the said amendment, the word "hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out, in line 3 of said amendment, the words "to be" and insert in lieu thereof the words "is made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For resurvey of the lands of the Chickasaw Nation, Ind. T., $141,300, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for filing in the Indian Office and one in the General Land Office, and twenty photolithographic copies of the plats shall be returned, one for filing in the Office of Indian Affairs and one in the General Land Office, which shall be certified to by the Director of the Geological Survey, and the others filed in the General Land Office, with the fac-simile of the signature of the Director of the Geological Survey, and the same provision shall also extend to the plats to be filed of the surveys already made or to be made under the supervision of the Director of the Geological Survey within the Indian Territory, and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys, and in making the resurvey the former land survey is to be disregarded, the latter now being declared null and void: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through an Indian inspector with the Rosebud Indians and with the Lower Brule Indians in South Dakota for the settlement of all differences between said Indians; and with the Rosebud Indians and the Lower Brule Indians, the Cheyenne River Indians in South Dakota, and with the Standing Rock Indians in North and South Dakota for a cession of a portion of their respective reservations and for a modification of existing treaties as to the requirement of the consent of three-fourths of the male adult Indians to any treaty disposing of their lands; all agreements to be submitted to Congress for its approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Except when otherwise specifically provided by law;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the claim of the Fond du Lac Band of Chippewa Indians of Lake Superior for compensation arising from the alleged difference in area of the reservation as actually set apart to them and that provided to be set apart under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the state of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the difference, if any, between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, the said action to be brought by the said Fond du Lac Band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and in hearing and determining the said matter the court shall take into consideration and determine whether since the date of said treaty there has been any equitable adjustment made to said Indians in whole or in part for the alleged difference in area. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court, and when completed the court shall make a full report to Congress.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 2. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation, in Franklin County, Kans., and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of

July 16, 1859, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

"That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who hold title to land, either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

"That upon the approval of said census and the report of said commissioner by the Secretary of the Interior patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

"That where there are several heirs, and the partition of land is practicable, the partition shall be made by said commissioner, but if not practicable, said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

"That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section 12, of township 17 south, of range 18 east, in Kansas.

"That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of land now owned or held by inheritance, and make a separate report thereof.

"That upon the approval of said appraisement by the Secretary of the Interior, he shall offer said residue of lands at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed one year, with clause of absolute forfeiture in case of default: *And provided*, That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

"That where an allottee has died leaving no heirs, or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided herein.

"That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of 21 years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

"That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

"That for the purpose of carrying out the provisions of this section there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee, or Christian Indians, not held for them by the United States, said sum being on the 1st day of January, 1896, $42,560.36.

"That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee, or Christian Indians, per capita, the remainder of said funds, of $42,560.36, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

"That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto, expressed in open council."

And the Senate agree to the same.

On amendments numbered 9, 30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, 95, 99, and 103, the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. PETTIGREW. I move that the Senate further insist on its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

SALE OF LIQUORS IN CAPITOL BUILDING.

The bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was announced as next in order.

Mr. FAULKNER. I object to that bill.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VEST. Mr. President, I am informed that while I was absent from the Senate, unfortunately, a few minutes ago there was a report made from the Joint Committee on the Library. What Senator made that report?

The PRESIDING OFFICER. The Senator from North Dakota [Mr. HANSBROUGH] made the report, which was ordered to be printed.

Mr. VEST. I should like to ask that Senator if there is anything in that report in regard to the subject of who were the architects of the Library building? However, I see the Senator is not present.

I want to make this statement, Mr. President, and I will state why I make it. The Senator from Indiana [Mr. VOORHEES], as we all know, has been for years the prime mover in building a new Library. His term of service expires to-day, and I want to make this statement while he is a member of the Senate, in order that he may affirm or deny my statement. I think he will affirm it with very great pleasure.

I was very much surprised a few days ago to see in the report of a public lecture delivered by Col. or Maj. Bernard Green, whom we have made superintendent of the new Library, the statement that that edifice was not built upon the plans and specifications furnished by Smithmeyer & Pelz, the architects selected for that purpose and who have received pay from the Government of the United States for that duty. Upon a silver plate in the Library building to-day is an inscription furnished by General Casey, now dead, and who was for a number of years superintendent of the Library building, stating that the architects were Smithmeyer, Pelz, and Casey, the son of General Casey, a young man who was employed as assistant in the Library building in 1892. General Casey wrote that inscription himself, and so informed me. He testified before the Joint Library Committee that the plans and specifications of this Library building were made by Smithmeyer & Pelz. In the lecture to which I refer, Major or Colonel Green states that the building was not constructed upon those plans; that the outlines were furnished by Smithmeyer & Pelz, but that he, Major or Colonel Green, and General Casey, in 1888, remodeled or reformed those plans and specifications, and that the real plans were those which they then made.

This is an astounding statement, Mr. President, and, in my judgment, does the grossest injustice to Smithmeyer & Pelz. In his testimony before the Joint Library Committee, Colonel or Major Green said that, while Smithmeyer & Pelz had been employed originally, it was found necessary to abandon in the main their plans and specifications in 1888, when the new plans and specifications were furnished by himself and General Casey. How it is possible that General Casey could have made that plate, placed that inscription upon it, and put it up in this Library building, conveying to the public the information that Smithmeyer & Pelz and his son were the architects, when he knew, according to Major or Colonel Green, that in 1888 those plans and specifications of Smithmeyer & Pelz had been abandoned, is beyond my understanding; and, as the Senator from West Virginia [Mr. FAULKNER] suggests to me, at that time Major or Colonel Green was the superintendent of the building.

Mr. President, if his statement be true that these plans and specifications of Smithmeyer & Pelz were abandoned in 1888, and new plans and specifications made by himself and General Casey adopted, how is it possible that General Casey, the father of this young architect, could himself have put that plate in that building, when his son was even not employed as assistant architect or engineer until 1892?

This building is a dream of beauty. There is nothing in Europe equal to it. Even the magnificent cathedral at Cologne does not approximate in architectural perfection this magnificent building that we have erected here for our posterity; and it is a serious matter to take the credit of designing that structure from Smithmeyer & Pelz, who for thirteen years were engaged upon this work, who went all over Europe and inspected every public building before they furnished these plans and specifications; who had twelve plans and one hundred specifications made out and put in the possession of the architect of the Library building, and I understand now they can not be found. There were the plans and specifications of forty-one competitors before the Library Commission, and after mature investigation the commission deliberately selected those of Smithmeyer & Pelz, and I do not propose as a Senator to allow that statement of Colonel or Major Green to go unchallenged. It is the grossest injustice to these citizens of the United States, who have been paid by Congress for this work, who have carried their professional skill to the highest degree in making the plans and specifications for this building; and I embrace this, my last opportunity before the Senator from Indiana leaves the Senate, to make this statement, in order that he may either affirm it or give us the real facts.

Mr. CALL. Mr. President, I wish to say a single word in reference to the observations of the Senator from Missouri.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent.

Mr. CALL. Only a single word.

Mr. President, I know Mr. Green, the superintendent of that building, very well. I knew General Casey; and while I do not undertake to measure the degree of reputation and applause which should come to these different architects for the part they have performed, it is certainly true that every detail of the construction of that building has been under the immediate observation and

direction of General Casey and of Mr. Green. It is certainly true that there is no man of more eminent fitness and skill and knowledge in architecture than Mr. Green. I have no doubt that he has not intended in anything he may have said to disparage in the slightest degree the part that any other architect had in the origination of the designs for this building.

Mr. VEST. May I ask the Senator a question?

Mr. CALL. Certainly.

Mr. VEST. Do I understand the Senator to state that Major or Colonel Green is an architect?

Mr. CALL. I do.

Mr. VEST. He is an engineer only, and so was General Casey.

Mr. CALL. He is not only an engineer officer, but he is a most accomplished architect.

Mr. VEST. General Casey, testifying before the Joint Committee on the Library, in reply to a question of the Senator from Iowa [Mr. ALLISON], when asked if he was an architect—and I quote his exact language—said: "I am no more an architect than you are."

Mr. CALL. It is certainly true that every detail of that building has been under the immediate direction and observation of General Casey, be he architect or engineer, and that Mr. Green has been the principal factor and agent in its performance, and if that building is a dream of beauty, if it is the most beautiful building in the world, it is due in the larger part to Mr. Green.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was announced as next in order.

Mr. HILL. That bill will lead to some debate.

Mr. GALLINGER. Do I understand the Senator from New York to object to the bill?

Mr. HILL. Several Senators have spoken to me, and said they desired to discuss it.

Mr. GALLINGER. I am very sorry. It should have been passed.

The PRESIDING OFFICER. The bill being objected to, it will be passed over.

ST. LOUIS RIVER BRIDGE.

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was announced as next in order.

Mr. VILAS. That bill can not be disposed of at this session.

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. VILAS. Yes, sir; the Senator from Minnesota [Mr. NELSON], the Senator from Pennsylvania [Mr. QUAY], and I have agreed that this subject shall not be disposed of at this session.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

OLEOMARGARINE AND OTHER IMITATION DAIRY PRODUCTS.

The bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported was announced as next in order.

Mr. CHILTON. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill being objected to, it will be passed over.

RIGHT OF WAY THROUGH PUBLIC LANDS.

The bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes, was announced as next in order.

Mr. ALLEN. I do not think that that bill has been referred to any committee.

The PRESIDING OFFICER. The Chair will state to the Senator that this bill came from the House of Representatives, and was put on the Calendar in place of a Senate bill which had been reported from the Committee on Public Lands.

Mr. ALLEN. I am willing that the bill shall be read through, but I reserve the right to object to it.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary read the bill.

Mr. ALDRICH. That bill has not been considered by any committee, Mr. President.

The PRESIDING OFFICER. The Chair has stated that it is a House bill substituted for a bill reported from the Senate Committee on Public Lands.

Mr. ALLEN. It ought to go to the Senate committee anyway, notwithstanding the fact that it is a substitute.

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection being made, the bill goes over.

GOVERNMENT USE OF PATENTED DEVICES.

A bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, was announced as next in order.

Mr. HAWLEY. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill, being objected to, goes over.

REMOVAL OF STREET RAILWAY ABANDONED TRACKS.

The bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, was considered as in Committee of the Whole.

Mr. ALLEN. That is rather a remarkable bill. I should like to ask the chairman of the Committee on the District of Columbia if it is proposed to forfeit the easement of the railroad companies for a failure to operate the railroad for three months?

Mr. McMILLAN. There are a great many tracks in the city which are not used by any company.

Mr. ALLEN. I suggest to the Senator from Michigan that this bill does not forfeit their right of easement; that, according to the terms of the bill, there is no reason why they may not go back at any other time and lay down their tracks if they desire to do so.

Then I want to call the attention of the Senator from Michigan to another very significant part of this bill, and that is the portion which punishes the president of the railroad company by fining him $10 for every day he fails to have the tracks removed. Suppose the board of directors of that company refuse to permit him to have the tracks removed, suppose he uses every reasonable effort a human being can to secure their removal, and can not do so, is he still to be fined according to this bill for failing to remove the tracks?

It occurs to me that this bill ought to go back to a committee and ought to be placed in the hands of somebody to be redrafted.

Mr. McMILLAN. This seems to be a very simple bill. It is recommended by the Commissioners as one which it is quite proper to pass. There are a number of street railway tracks that are not in use at all, and this simply compels the company to take up their tracks and put the streets in good condition. If they do not do it, the president of the company is to be fined.

Mr. ALLEN. The Senator from Michigan——

Mr. McMILLAN. I do not care to press the bill if there is to be discussion.

Mr. ALLEN. The Senator from Michigan must not understand that I am opposing the bill particularly. I agree with him that abandoned tracks should be removed within a reasonable time. But if they are removed, the removal ought to be under such circumstances as would not permit the company to come back and relay the tracks, and the penalty should not be inflicted upon the president of the company unless he has it in his power to remove the tracks.

I move to strike out that portion of the bill which inflicts a penalty upon the president for a failure to remove the tracks.

Mr. McMILLAN. Does the Senator simply desire to strike out that part in relation to the president being fined?

Mr. ALLEN. Yes, sir; I do not want to see the president fined unless he is guilty of something wrong.

Mr. McMILLAN. I have no objection to that.

Mr. GALLINGER. Does not the Senator from Nebraska think there ought to be a fine imposed upon the corporation?

Mr. ALLEN. That would be all right.

Mr. GALLINGER. It seems to me there ought to be in the bill a penalty in some form or other.

The PRESIDING OFFICER. The amendment suggested by the Senator from Nebraska will be stated.

The SECRETARY. After the word "the," in line 10, it is proposed to strike out "president of;" so as to read:

The said company shall be deemed guilty of a misdemeanor.

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. ALLEN. I should like to have the first part of the bill read again.

The Secretary read as follows:

That whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been used for railway purposes for a period of three months the Commissioners of said District may thereupon notify such company to remove said unused tracks and to place the street in good condition.

Mr. ALLEN. I move to add "and the company's easement over the street shall terminate."

Mr. McMILLAN. I have no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "condition," in line 8, it is proposed to insert:

And the company's easement over the street shall terminate.

The amendment was agreed to.

Mr. ALLEN. I suggest another amendment. Where the word "three" occurs, speaking of three months, I suggest that it be stricken out and the word "six" inserted.

The SECRETARY. In line 5, it is proposed to strike out "three" and insert "six;" so as to read "six months."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MCMILLAN. I move that the Senate insist upon its amendments and request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. PROCTOR and Mr. WETMORE were appointed.

Mr. GORMAN subsequently said: The bill (H. R. 10121) to compel the street railway companies of the District of Columbia to remove abandoned tracks, and for other purposes, passed the Senate. I enter a motion to reconsider the vote by which the bill was passed. I wish to enter it for a moment, so that I may look at the bill while it is pending.

The PRESIDING OFFICER. The motion of the Senator from Maryland to reconsider will be entered.

ADULTERATION OF FOODS AND DRUGS IN THE DISTRICT.

The bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia was announced as the next business in order on the Calendar.

Mr. HILL. Let the bill be read. I have sent for a copy of it. I have no objection that I know of, but I want to know what it is.

The Secretary proceeded to read the bill.

Mr. SEWELL. This appears to be a very important bill, and if it is subject to objection, I object to it.

The PRESIDING OFFICER. The bill, being objected to, will go over without prejudice.

SALE OF POISONS IN THE DISTRICT.

The bill (H. R. 10038) to regulate the sale of poisons in the District was announced as the next business in order on the Calendar.

Mr. CANNON. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection being interposed, the bill will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS managers at the conference on the part of the House.

CANALS AND RESERVOIRS ON PUBLIC LANDS.

Mr. PERKINS. While temporarily absent from the Chamber the bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes, was objected to by the Senator from Nebraska [Mr. ALLEN], I think, under a misapprehension. Therefore, if there is no objection to the bill I should like to have it considered at this time.

Mr. ALLEN. I withdraw any objection I had to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. GEAR. I object to the further consideration of the bill.

Mr. PERKINS. I think the Senator is laboring under a misapprehension.

Mr. GEAR. I think not.

Mr. PERKINS. It simply changes the existing law, which allows water to be taken from public lands for irrigation and mining and reservoir purposes, by adding to it "for domestic purposes." It has been approved by the Secretary of the Interior, reported favorably, and I think my friend is certainly laboring under a misapprehension.

Mr. GEAR. I withdraw my objection.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

CONTAGIOUS DISEASES IN THE DISTRICT.

The bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment of the committee was, in section 1, line 5, after the word "plague," to insert "and," and in line 6, after the word "glanders," to strike out "diphtheria and scarlet fever;" so as to read:

That for the purposes of this act the term "contagious disease" shall be held to mean Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, and glanders, or any of these diseases by whatsoever name it may be designated.

Mr. HAWLEY. Why is diphtheria stricken out?

Mr. GALLINGER. I will say that these two diseases, diphtheria and scarlet fever, are provided for in another act; they are taken care of.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 1, at the top of page 2, to strike out the words in parenthesis "in the case of diphtheria, including the symptoms of membranous croup;" so as to read:

The presence of the ordinary clinical symptoms of any contagious disease shall be prima facie evidence that such case is or was such a disease.

The amendment was agreed to.

The next amendment was, in section 5, line 26, before the word "glanders," to insert "and;" and in the same line, after the word "days," to strike out "diphtheria, ten days; and scarlet fever, fourteen days;" so as to read:

Said placards or warning signs shall be displayed as aforesaid until such premises and the contents thereof are disinfected to the satisfaction of said health officer, as certified by him, and for such time thereafter as may be necessary to demonstrate the freedom of occupants of said premises from contagious disease, namely, in the case of cholera and yellow fever, five days; typhus fever, twenty-one days; smallpox, sixteen days; the plague, fourteen days; and glanders, twenty-one days.

The amendment was agreed to.

The next amendment was, in section 8, line 21, before the word "or," to strike out "fermaldehyde" and insert "formaldehyde;" so as to read:

Or (d) exposed to the vapor of formaldehyde or other germicidal agent for such time and in such strength as may be specified by said health officer.

The amendment was agreed to.

The next amendment was, in section 13, line 4, after the word "transit," to strike out:

No body of a person who has died of diphtheria or scarlet fever shall be carried into or out of said District unless said body be (a) wrapped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8, and (b) incased in a coffin or casket lined with zinc, tin, copper, or lead so as to be air-tight, or in an hermetically sealed metal casket, and (c) all inclosed in a strong, tight, wooden box.

So as to make the section read:

SEC. 13. That no body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox, including varioloid, the plague, leprosy, or glanders, shall be carried into or out of the District of Columbia except in transit: *Provided*, That this section shall not apply to the transportation of bodies in hearses or undertakers' wagons for burial in adjoining States.

The amendment was agreed to.

The next amendment was, in section 21, line 14, after the word "the," to strike out "neighborhood" and insert "vicinity;" so as to read:

Said health officer may cause such persons in the vicinity to be removed as are in danger of contracting the disease.

The amendment was agreed to.

The next amendment was, in section 22, line 3, after the word "with," to insert "any;" in the same line, after the word "contagious," to strike out "diseases" and insert "disease aforesaid, or any other disease ordinarily recognized as contagious;" in line 14, after the word "with," to strike out "a" and insert "any;" in line 15, after the word "disease," to insert "mentioned in section 1 of this act;" in line 16, after the word "persons," to strike out "so;" and in the same line, after the word "infected," to insert "with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious;" so as to make the section read:

SEC. 22. That in every hospital and dispensary in said District there shall be provided and maintained a suitable room or rooms for the isolation of persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious; such persons shall, immediately upon the discovery of the nature of their sickness, be separated from the other persons and other patients at such dispensary or hospital. It shall be the duty of the physician or physicians, of the officers, managers, and of everyone in charge of a hospital or dispensary, and of everyone who has any duty or office in respect to patients in course of treatment, or persons who apply for treatment or care at a dispensary or hospital, to see that a report is immediately made to said health officer of every person so applying, infected with any contagious disease mentioned in section 1 of this act, who comes to their knowledge, and that such person or persons infected with any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, are properly isolated and kept separated from other persons and other patients.

The amendment was agreed to.

The next amendment was, in section 25, line 8, after the word "with," to strike out:

Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), glanders, the plague, or leprosy, and whenever diphtheria or scarlet fever exists in said District in epidemic form.

And insert "any contagious disease;" so as to read:

That the Commissioners of said District be, and they are hereby, authorized and empowered, whenever said District is, in their judgment, threatened or afflicted with any contagious disease, to cause house-to-house inspections to be made, etc.

The amendment was agreed to.

The next amendment was, in section 31, line 6, after the word "aforesaid," to insert "or any other disease ordinarily recognized as contagious;" so as to make the section read:

SEC. 31. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said District, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, or any other disease ordinarily recognized as contagious, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court.

The amendment was agreed to.

The next amendment was, in section 32, line 2, after the word "repealed," to strike out:

And any appropriation or balance thereof available at the time of the passage of this act, for the enforcement of the provision of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria

So as to make the section read:

SEC. 32. That all laws and parts of laws inconsistent with the foregoing be and the same are hereby, repealed.

The amendment was agreed to.

Mr. HAWLEY. I desire to inquire of the Senator from New Hampshire, our only medical officer, who is familiar with this question, whether any progress has been made toward establishing a hospital for contagious diseases?

Mr. GALLINGER. I will say, in reply to that question, that in the District of Columbia appropriation bill for the present year—and I understand the conferees on the part of the House have agreed to it—we have made provision for two isolated buildings in connection with two of the established hospitals, and have appropriated $30,000 for that purpose. I think that will answer the requirements of the District of Columbia for some time to come.

Mr. HAWLEY. One of the existing hospitals has consented to set aside a ward for contagious diseases?

Mr. GALLINGER. And there will be no trouble in getting the consent of another hospital.

Mr. HAWLEY. I must have imperfectly heard that part of the bill read. I thought I heard that it was provided that no person afflicted with one of these contagious diseases should be carried through the streets or anywhere.

Mr. GALLINGER. Oh, no; only it shall be under restrictions provided by the health officers. There is nothing of that kind in the bill.

Mr. HAWLEY. I am very glad, indeed, to know that such a hospital is to be provided. Its absence so far has been a species of barbarity.

The bill was reported to the Senate as amended, and the amendments were concurred it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate insist upon its amendments and request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BACON, and Mr. PROCTOR were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives upon the deficiency appropriation bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and accede to the request for a further conference made by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

CEMETERIES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 6, line 27, after the word "burial," to insert "disinterment or disposal;" so as to read:

It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before 6 o'clock p. m. of the Saturday following the day of burial, disinterment, or disposal.

The amendment was agreed to.

The next amendment was, in section 7, line 8, after the word "bodies," to strike out "of persons who have not" and insert "aforesaid, except such as have;" and in line 11, after the word "District," to insert "or carried through the same in transit;" so as to read:

Provided, That bodies or parts of dead bodies aforesaid, except such as have died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever, may be brought into said District, or carried through the same in transit, upon a permit of the proper municipal, county, or State authorities of the place at which such person died

The amendment was agreed to.

The next amendment was, in section 8, line 16, after the word "person," to strike out "exhibit to the public" and insert "publicly exhibit;" so as to read:

Nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being, or any part of such body, without a permit from the health officer of said District so to do.

The amendment was agreed to.

The next amendment was, in section 9, line 8, after the word "Washington," to insert "in the District of Columbia;" so as to make the proviso read:

Provided, That no cemetery shall hereafter be established within one mile and a half of the city of Washington, in the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 11, line 2, after the word "opened," to insert "except for the purpose of disinterment;" so as to read:

That no grave in said District shall be reopened, except for the purpose of disinterment, within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment to offer. In section 1, line 8, before the word "cemetery," where it occurs the first time, I move to insert the word "new;" so as to read "lay out any new cemetery," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. FAULKNER, and Mr. MCMILLAN were appointed.

ADMINISTRATOR OF GEORGE M'ALPIN, DECEASED.

The bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased, was considered as in Committee of the Whole.

The preamble recites that George McAlpin was the sutler of the Eleventh Regiment Pennsylvania Cavalry during the years 1862, 1863, 1864, and 1865, and was during those years required by the United States, at the United States custom-house at Baltimore, Md., to pay 3 per cent on the value of all of the supplies shipped to him within the lines of the Army; and he was thus unlawfully and unjustly required to pay to the United States $6,903.18, being 3 per cent on $230,203.29, to the United States, as appears by the books of the custom-house at Baltimore, Md.

The bill proposes to pay to the administrator of George McAlpin, deceased, $2,250.18.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WASHINGTON NATIONAL PARK.

The bill (H. R. 4038) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park, was considered as in Committee of the Whole.

Mr. VEST. From what committee did the bill come?

The PRESIDING OFFICER. The Committee on Forest Reservations and the Protection of Game.

Mr. VEST. I do not care to object to the bill, but there are provisions in it that I do not think ought to be there. If we are to have another national park, we ought not to have any railroads

in it. That is in a timber country, and if the railroads are permitted to run through it they will have forest fires that will destroy thousands of acres of valuable timber. I have fought here for nearly twenty years against the putting of railroads into the Yellowstone National Park. All sorts of schemes have been offered here to run railroads in to make money out of that park. Here is another national park to be established, and the bill provides expressly for tramways and railways. If you are going to have a park and preserve the natural scenery, you do not want a railroad in it.

Mr. ALLEN. If the Senator will permit me, I will state that the bill segregates a part of the park for this purpose and not for park purposes.

Mr. VEST. It is all called a park, if I heard the bill correctly.

Mr. ALLEN. I know.

Mr. VEST. It is to be a national park under the control of the Secretary of the Interior, as is the Yellowstone National Park.

Mr. ALLEN. But, if the Senator will permit me, it takes off a part of the land which is now in the park for this purpose.

Mr. VEST. Why do you provide for a railroad to go into it if you want a park?

Mr. ALLEN. Why not?

Mr. VEST. Because it will simply start forest fires. It is unavoidable in that part of the country, where they have drought for months in the year, and where the undergrowth and the grass being inflammable, a spark will start an immense fire.

Mr. HOAR. Dead leaves.

Mr. VEST. Dead leaves and no moisture. To have a railroad running through there would be a source of incalculable damage.

Mr. STEWART. I think I shall have to object to the bill.

Mr. VEST. I will not object. I do not care about stopping the passage of the bill.

Mr. WILSON. It is possibly so late that the bill will not receive the signature of the President. Possibly, if the Senator had examined it more carefully and investigated the danger of sparks igniting the timber and as to the great drought that he supposes exists in western Washington, he would have been quite satisfied with the measure. He would find that the largest annual rainfall is in Puget Sound—108 inches.

Mr. VEST. I know: but that is nowhere near this park.

Mr. WILSON. Certainly. It is only a dozen miles to the reserve where Mount Ranier stands. To make the reserve, it is laid off square, and through the portion that is not desirable it is proposed to give an opportunity to go up Paradise Valley by rail. It is now impossible to reach it except through the valley, and if anybody wants to go there on a train, he ought to have an opportunity to do so.

Mr. VEST. As a matter of course, I do not want to stop any citizen of Washington or of any other State from reaching heaven if he can get there through Paradise Valley.

Mr. WILSON. I hope the bill will be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE COPYRIGHT LAW.

The bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, was announced as the next House bill in order on the Calendar.

Mr. PLATT. I desire to make a short statement with regard to that bill, in order that any objection or proposed objection may be removed in advance. I presume almost every Senator has received a telegram from some newspaper in the United States asking him to object to the passage of this bill. Those telegrams have been sent under an entire misapprehension. They have referred to Senate bill 3631, which has not been reported by the Committee on Patents. This bill does not in any way affect newspapers, and the telegrams which have been received here have been sent under a mistake which is now understood, so that there is no objection to the passage of the bill anywhere, I believe.

Mr. MILLS. Let the bill be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Patents with amendments, in line 14 of section 1, after the word "lithograph," to insert "or other article," and at the end of the section to insert the following proviso:

Provided, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof.

So as to make the bill read:

Be it enacted, etc., That section 4963 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph or other article bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of $100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation: *Provided*, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof."

SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

The amendments were agreed to.

Mr. BUTLER. The bill seems to be entirely fair upon its face. I do not know anything about it. I received a telegram this morning about it.

Mr. PLATT. Will the Senator from North Carolina allow me? I presume almost every Senator has received telegrams from newspapers in the country. They were sent under a misapprehension that it was Senate bill 3631 which had been reported, which does apply to and may affect newspapers. It was a misapprehension. The House bill does not affect newspapers at all.

Mr. SEWELL. Will the Senator from Connecticut explain the provisions of the bill?

Mr. PLATT. There is a law now, section 4963, against putting upon an article for which a copyright has not been obtained a copyright notice. The bill extends that section and provides that if there is a false notice of copyright issued, if a notice of copyright is put on an article which has not been copyrighted, and any person shall knowingly sell it, he shall be liable to the penalty; and the importation of articles which bear a false notice of copyright purporting that they had been copyrighted in the United States has been prohibited. There has been a large business of that kind done. This proviso is that the proposed act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage of the act.

Mr. BUTLER. Have we no law now preventing the putting on of a notice of copyright when no copyright has been issued?

Mr. PLATT. We have, but we have no law against the selling of such articles knowingly.

Mr. BUTLER. This applies to those who sell them as well as to those who import them?

Mr. PLATT. It applies to importers. There is no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. QUAY subsequently said: I wish to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, to which I intended to object, but which I failed to object to because I was at the time engaged in a committee of conference.

The PRESIDING OFFICER. The motion to reconsider will be entered.

TRANSCRIPTS OF DISTRICT HEALTH RECORDS.

The bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, line 5, after the word "taxes," to insert "and by him to be deposited in the United States Treasury to the credit of the District of Columbia;" so as to make the section read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to collect a fee of 50 cents, to be paid to the collector of taxes, and by him to be deposited in the United States Treasury to the credit of the District of Columbia, for each transcript from the records of births, deaths, and marriages in the health department of said district: *Provided*, That no one transcript shall be made so as to apply to more than one birth, death, or marriage: *And provided further*, That no fee shall be charged for transcripts furnished the various departments of the United States Government for official purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF THE POSTAL LAWS.

The bill (H. R. 4566) to amend the postal laws relating to second-class mail matter was announced as next in order.

Mr. ALLEN. Let that go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill goes over.

FUNDING OF TERRITORIAL INDEBTEDNESS.

The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM LOCK AND JAMES H. TINSLEY.

The bill (H. R. 2815) for the relief of William Lock and James H. Tinsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, in line 12, after the words "payment of," to strike out "the costs of the suit expended in the obtension of said judgment" and insert "$1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract;" and in line 16, before the words "as aforesaid," to strike out "the costs" and insert "amount;" so as to read:

That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, authorized and directed to settle and adjust the judgment of the United States obtained March 4, 1886, in the United States district court at Louisville, Ky., against William Lock and James H. Tinsley, for $1,238.40, as the sureties of Glass & Gevelin, failing mail contractors on mail route No. 12121, upon the payment of $1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract; and upon payment of amount as aforesaid they, the said Lock and Tinsley, shall be forever released and discharged from the payment of said judgment.

The next amendment was to add to the bill the following:

And all pay that may have been heretofore withheld from J. H. Tinsley, of Barboursville, Ky., by the United States, on account of services rendered by him as United States commissioner, to be applied by the United States in payment of said judgment, in excess of the actual loss sustained by the Government, the same excess being $236.66, is hereby released and directed to be paid to said Tinsley upon payment of amount of actual loss to the Government, as aforesaid.

The amendment was agreed to.

Mr. ALDRICH. I should be glad to have some explanation of this bill.

Mr. BUTLER. This is a House bill which proposes to relieve two mail contractors in Kentucky. They bid $135 on a contract when they meant to bid $1,350. This was occasioned by a clerical error. They were forced to fail to carry out the contract. The Government sued on the bond and collected from them. One of the Representatives of Kentucky passed a bill through the House to refund to them the amount. The bill came to the Senate and was referred to the Committee on Post-Offices and Post-Roads. The committee communicated with the Post-Office Department, and that Department sent a letter to the committee which I have in my desk, stating that the loss to the Government was not as much as they had collected from them. The contract was again let, and the loss to the Government was about $1,100. Then the committee recommended an amendment to the bill to simply charge them with the difference between what was collected out of their bond and what the Government actually lost. It is simply a matter of equity.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

The bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in line 13, after the word "point," to strike out "on a line across the Columbia boulevard, thence on private property;" in line 14, after the word "point," to strike out "in" and insert "on the west line of;" and at the end of line 19 to insert the following proviso:

Provided, That no fares shall be charged or collected within the District of Columbia: *And provided further*, That unless the extension herein provided for shall be completed within six months from the date of the approval of this act, then this act shall be null and void.

So as to make the bill read:

Be it enacted, etc., That the Washington and Glen Echo Railroad Company, a corporation organized under the laws of the State of Maryland and operating a street railway in said State, the eastern terminus being at or near the northern boundary of the District of Columbia in Chevy Chase, be, and said corporation is hereby, authorized and empowered to obtain a right of way and construct its road and lay double tracks thereon into the District of Columbia a distance of 600 feet, and no farther, from the point in the boundary line of the District where said railway extended crosses the boundary line of the District and from said point to a point on the west line of Connecticut avenue extended, on a route to be approved by the Commissioners of the District of Columbia, said corporation to have full power and authority to operate cars upon said road for the purpose of its traffic; said corporation to use electric motive power in propelling its cars: *Provided*, That no fares shall be charged or collected within the District of Columbia: *And provided further*, That unless the extension herein provided for shall be completed within six months from the date of the approval of this act, then this act shall be null and void.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INFRINGEMENT OF LETTERS PATENT.

The bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent was considered as in Committee of the Whole.

Mr. ALLEN. I think that bill needs some explanation.

Mr. PLATT. Mr. President, corporations in these days that are using patented inventions go into various States and obtain charters or acts of incorporation and then do business in other States. Now, to sue for an infringement of patent it is necessary that suit be brought in the State where the act of incorporation is obtained. In some of the States there is no provision for service upon anyone, and the corporations thus have an opportunity to infringe upon patents and almost escape any responsibility for it by reason of the difficulty of finding them in order to sue them, for it is very inconvenient to travel across the continent to sue them when they are infringing in a business established near the plaintiff or the owner of a patent.

All there is about this bill is that it authorizes suit to be brought against an infringer in the place where the business is carried on and service to be made upon an agent in the case of a corporation. The bill was introduced in the House of Representatives by Mr. LACEY, and was fully considered there. I think it is right, and that there is no objection to it.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present the conference report on the naval appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$216,785;" and the Senate agree to the same.

On amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 the committee of conference has been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JOHN W. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. HAWLEY. I shall be glad if the Senator in charge of the bill will very briefly state the important matters from which the Senate has receded.

Mr. HALE. Mr. President, upon all of the general items in the naval appropriation bill where the Senate made amendments there has been an agreement, the House of Representatives in nearly every case yielding to the amendments passed by the Senate. Upon the controverted matters in the bill in relation to the increase of the Navy, the provision for the torpedo boats, and the provision regarding the price of armor, the conference was unable to come to an accord, and the committee has reported a disagreement upon all of those items—the new boats, the amount to be paid for armor, and the limitation which the Senate fixed at $300 per ton.

There is nothing that the Senate can do, of course, because its conferees have insisted upon the view that was established by this body on a yea-and-nay vote, until the whole question can be presented to the House of Representatives. That body has not yet had an opportunity to pass upon the Senate amendments, and the report of the conferees gives to the House of Representatives the opportunity of voting upon the amendments passed by the Senate, the chiefly significant one, of course, being that fixing the price of armor at $300 per ton. So, if this report is adopted by the Senate, all the rights of the Senate are maintained and the bill goes to the other House for the action of that body upon the Senate amendments. That, of course, is all that could be done in this report.

Mr. CHANDLER. Mr. President, I regret that the House of Representatives was not willing to accept the price fixed by the Senate of $300 a ton for armor. I confess that I have been negligent in my duty in not ascertaining more facts about the offer of

the Illinois Steel Company—I desire the attention of the Senator from Maine.

Mr. HALE. I was listening to the Senator, but was called off by a suggestion by the Senator from Ohio [Mr. SHERMAN]. I am now, as I always have done for about three-quarters of my life, giving my undivided attention to the Senator from New Hampshire.

Mr. CHANDLER. It requires the Senator's undivided attention to understand what I say, no doubt.

I said I had not been able to ascertain the full facts about the proposed offer of the Illinois Steel Company. I believe there was a bill introduced into the other House to make armor for, I think, $250 per ton; and I want to ask the Senator from Maine whether that bill or any facts in relation to the offer of the Illinois Steel Company were before the committee of conference?

Mr. HALE. The proposition or suggestion made by the Chicago company was not in any formal way before the conference, but it was considered and referred to, and was the one thing that was at the bottom of the attitude of the Senate conferees, and that was to insist, at any rate for the present, upon the proposition established by the vote of the Senate of $300 per ton. In considering that and in considering whether it is practicable to get this work done for $300 per ton—of which I personally have some doubt—the attitude of the Chicago company is a fair subject to be considered.

Mr. CHANDLER. Mr. President, I want to tell the Senator that I have learned an additional fact. I made inquiry yesterday of one of the representatives of the Illinois Steel Company (and one of the contractors for one of the three battle ships was present) as to the time within which it would be necessary for the builders of the ships to have the first armor plate, and the builder replied, "At the end of about eight months," and Mr. Gates thought that none of the armor would be required within that time.

Mr. HALE. Eight months from now?

Mr. CHANDLER. Eight months from the present time. I have been led to believe that a new armor plant could be established within eight months; that a hydraulic press and the machinery could be either made in this country or obtained from abroad at least within nine months. So, with a very slight delay in the time for furnishing the armor, I am inclined to think there might be competition for it outside of the combined Bethlehem and Carnegie companies.

Mr. HALE. Does the Senator think it would be practicable for a new plant to be created and set to work that would begin turning out armor within something like eight months?

Mr. CHANDLER. I think so; but I am rather inclined to state, although I do not know personally about the subject, that the completion of the hulls could be delayed without much expense to the Government, without much cost for six months longer; and if the contracts with the builders of the three battle ships could be extended without injury for six months, I have no doubt that the Illinois Steel Company could find a plant and machinery, and begin to manufacture the armor in season for the ships.

Mr. HALE. Of course the introduction of the Illinois Company is a new thing before the public, and I should be very glad if somebody who knows about this company would give to the Senate some information about the extent of its business and whether it is so established that it would be able to carry out any proposition that it might make to the Government.

Mr. CULLOM. Mr. President, I do not feel myself well enough informed to state to the Senate and the Senator the full extent of the business operations of that great establishment; but I do know enough to say, in relation to it, that it is one of the largest and most thoroughly equipped establishments in the country of its kind and probably as well supported financially as any other. While at first, when this subject was talked about in connection with the Illinois Steel Company, or, as it is called, the Consolidated Steel and Iron Company, I did not know that there was any serious proposition or suggestion made by that company in reference to the manufacture of armor plate. Since that, however, I have conversed with the president of the company, who is in this city to-day, and who is a thorough business man, and who represents that great establishment. He informs me that he feels sure that armor plate can be made for the price fixed by the Senate in this bill; and I have become quite interested in the subject, because if we can make armor plate at $300 a ton, and save $100 a ton by the operation, I think it would certainly be a wise thing to do, even if it were necessary to extend the time a little within which these ships should be completed. I think it would be a wise thing to do in case the amount of money could be saved to the Government which is indicated by the difference in price.

Mr. STEWART. I should like to inquire what is the proposition of the Steel Company of Chicago?

Mr. CULLOM. There is no formal proposition, I understand, made to anybody.

Mr. STEWART. What is the suggestion, then?

Mr. CULLOM. The suggestion has been made to me by the president of the company that armor plate can be manufactured for $300 per ton. I understand that the Senator from New Hampshire [Mr. CHANDLER] has talked with the president of the company on the question of time, and he thinks he could be ready to make such armor within the period of eight months.

Mr. STEWART. If we could do it within a year, it would be a great thing.

Mr. CULLOM. Yes; if we could do it within a year, it would be doing a great thing for the country.

I only desired to make this statement, because I think there is enough in it to seriously consider whether we ought not to adopt whatever policy is necessary to save the amount of money which it is claimed can be saved.

Mr. STEWART. I suggest to the chairman of the committee that the provision might be left out entirely, as there will be over eight months intervening before we are required to make an appropriation or to make an arrangement.

Mr. CHANDLER. It will take at least nine months to establish a new plant.

Mr. STEWART. I know; but if you try to make this arrangement with the Chicago company, and they should refuse, it can be remedied very soon in the extra session.

Mr. QUAY. I merely desire to ask the Senator from Illinois whether the Illinois Steel Company has ever manufactured any armor plate or has ever been engaged in the process of its manufacture?

Mr. CULLOM. I do not think that company have been manufacturing armor plate, but they have the very best men in the country already engaged for the manufacture, in case they get an opportunity of going into it.

Mr. QUAY. Then it is very remarkable that they do not proceed to make a bid or some sort of proposition if they have already engaged the very best men in the country to proceed with the work. I do not understand that, and it occurs to me that what I intimated the other night was the truth, that the rumors of some great demand on the part of the Illinois Steel Company to enter into the manufacture of armor resulted from the dissolution of the steel-rail pool, and is merely a device of my friend the president of that company, for whom I have the highest esteem, to annoy the manufacturers of armor plate.

Mr. CULLOM. Whatever may have prompted the gentlemen who represent the Consolidated Steel and Iron Company of Chicago to make suggestions about this matter, I do not know, but if there has been a dissolution of pools which has resulted in cheaper steel, that is a pretty good thing so far as it has gone.

Mr. QUAY. The pool merely existed as to steel rails, and not as to anything else.

Mr. CULLOM. I understand what the pool was. Probably the representative of the Chicago Steel and Iron Company, referred to, who is here in the city, has had his attention called to this subject within the last week or two, and has been engaged in looking up the best men who are to be found in the United States for the manufacture of armor plate in case he went into this enterprise.

Mr. QUAY. I understand, and I think the Senator from Illinois does, that the officer of the company referred to has been engaged in looking up men for another purpose.

Mr. HAWLEY. Mr. President, I shall be curious to see presented in writing, and with a due offer of security, the proposition for the guaranty of a contract that a plant can be put up and armor turned out within nine months at $250 a ton. I venture to say that no proposition of that kind, or anything in any respect resembling it, has ever been made by any arms-making or any armor-making firm in the world.

I have absolute, entire, and complete incredulity; and if I were a betting man, I would bet any odds and challenge those men to present a contract under which they would or could perform this promise.

I never heard of a plant being produced in less than about two years, and it is usually three or four years. I suppose these Illinois gentlemen are men of great ability and excellent character, and since Chicago so distinguished herself——

Mr. HALE. She produced a Presidential candidate.

Mr. HAWLEY. She produced a Presidential candidate, as the Senator says, but since she performed such magnificent work in connection with the exhibition, I am disposed to have great faith in her, but not to the extent of believing that she will beat three to one all workers in iron in the universe.

Mr. CHANDLER. I shall not undertake to fathom the disbelief of the Senator from Connecticut on anything. I have no doubt that it is unlimited in this direction. The facts of this case are very simple. The Senator from Connecticut is not posted, and he is wrong.

It is true that it took the Bethlehem Company some time to prepare. It took much less time for the Carnegie Company to prepare; and I have been credibly informed that a press can be obtained from Europe, and the machinery for shaping armor, within nine months from the time the order is given.

The Secretary of the Navy reports that that press and the machinery will cost between five hundred and seven hundred thousand dollars, and the land and the buildings and the completion of the plant perhaps $700,000 more, making between $1,400,000 and $1,500,000 for the establishment of the plant.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Delaware?

Mr. CHANDLER. Certainly.

Mr. GRAY. I wish to ask the Senator from New Hampshire whether there is not now a prohibition, by a law on the statute books of the United States, which will prevent our importing or buying abroad anything connected with the making of armor?

Mr. CHANDLER. If we should establish a Government armor plant——

Mr. GRAY. I ask whether there is now such a prohibition?

Mr. CHANDLER. If we were to establish a Government armor plant to-day, I think there is no reason why we could not import machinery from abroad for Government use without paying duty.

Mr. GRAY. I ask the Senator again, if he will indulge me, whether there is not a provision which prevents the United States from buying steel armor abroad in any amount for any purpose?

Mr. CHANDLER. Certainly.

Mr. ALDRICH. It is not a general provision.

Mr. CHANDLER. There is a provision that all the ships shall be of domestic material, as the Senator knows very well.

Mr. ALDRICH. Specific acts have contained that prohibition, but there has never been a general law passed.

Mr. HALE. Yes; a general law.

Mr. ALDRICH. I think not.

Mr. GRAY. I have been informed that there is a general law which prohibits the purchase of steel armor abroad.

Mr. HALE. Undoubtedly.

Mr. GRAY. That would have to be repealed.

Mr. ALDRICH. There is certainly no such prohibition on private parties.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. CHANDLER. Certainly.

Mr. ALDRICH. There certainly can be no prohibition against private parties importing machinery and paying the duty for the purpose of erecting steel plants of any kind.

Mr. GRAY. The duty amounts to a prohibition in that regard.

Mr. ALDRICH. Oh, no.

Mr. GRAY. I should like to ask the Senator from New Hampshire whether, in his opinion, in conducting our side of the bargain in this matter—and there are difficulties in the Senate of the United States or in the Congress of the United States in conducting the Government's side of the bargain with the contractor's on the other—it would not be important to repeal all such prohibitions now, so that whether or not this world-wide combination which has been alluded to exists now, the Secretary would be able to take advantage, at any time in the future, of any break in that combination, and thus control somewhat in our favor the market here?

Mr. CHANDLER. The time in this country and in Europe when there will be competition in armor is a long way off. It is about as far off as the time when the Senator's free-trade notions will be realized.

Mr. GRAY. I do not think this has anything to do with free trade or protection. I am merely asking for information. I am somewhat in favor——

Mr. CHANDLER. I thought that was the Senator's point.

Mr. GRAY. I am somewhat in line with the Senator's proposition.

Mr. CHANDLER. Excuse me.

Mr. GRAY. And so far as it has been accomplished I sympathize with it; but if we are to delay the building of these ships until we can make a bargain with the armor makers of the United States, had we not better throw down the barrier that now exists by law which prevents our dealing with foreign armor-plate makers?

Mr. ALDRICH. Will the Senator from New Hampshire allow me for a moment?

Mr. CHANDLER. That is a fair inquiry, and I desire to answer it, and then I will yield to the Senator from Rhode Island. It is a fair inquiry, and it might be advisable, if the Bethlehem Company and the Carnegie Company will not lower their rates, to go abroad and buy the armor. But the same combination exists over there, and we have the report of Secretary Herbert, the quotation from which was made by the Senator from South Carolina night before last, in which he says that there is strong reason to believe that foreign armor manufacturers and American armor manufacturers are in one combination.

What we want to do now, I will say to the Senator, is to get the armor for these three ships, the hulls of which are already contracted for, and the question of breaking up the combination or getting free trade is, as I respectfully repeat, a long way off.

Mr. GRAY. I am not talking about getting free trade or any principle of economics that applies to that great principle which has been before the American people so long, but I am speaking now of dealing on the part of the Government with this condition of things which is so disadvantageous to the United States and whether it would not be prudent and wise in conducting the bargain on our side to throw down this barrier, and if we have to wait some time, present that temptation to European armor makers to break the combination.

Mr. CHANDLER. What good would it do? Does the Senator think merely allowing this amount of armor to be imported free of duty would break the combination?

Mr. GRAY. I think it would. I do not think a world-wide combination can be maintained, if there is such a one now.

Mr. CHANDLER. I do not think we ought to wait. I think we ought to do as the Committee on Naval Affairs recommends, either get this armor for $300 a ton or establish a plant to do it. There is no great harm in buying a $500,000 hydraulic press abroad, whether we pay duty or whether we do not pay duty. If we pay duty on it, the money goes into the Treasury; if we do not pay duty, it does not go out of the appropriation.

Now, I want to go on with my argument, unless the Senator from Rhode Island desires to ask a question.

Mr. ALDRICH. I wish to make a statement about the point raised by the Senator from Delaware. If I am not misinformed, and I think I am not, the main parts of the machinery in the plants of both the Bethlehem Company and the Carnegie Company were imported from abroad. There certainly is no prohibition in our law against the importation of machinery of any kind for any purpose, and I have yet to believe, notwithstanding the assertion of the Senator from Maine, that we have a law upon our statute books that prevents the United States from importing armor plate or the machinery for making armor plate. It is a very singular condition of affairs if we have any such prohibition on our own action.

Mr. TILLMAN. Mr. President——

Mr. CHANDLER. I think the Senator from Rhode Island is correct. I yield to the Senator from South Carolina.

Mr. TILLMAN. It seems to me the solution of this question is very easy and simple, and but for the fact that some of the Republicans who voted the other night to reduce the price of armor to $300 a ton turned around and voted against the establishment of a Government plant in the event that we do not get the armor at that price, the matter would not now be before the Senate except to have the report concurred in. If the Senate will reconsider its action voting down the amendment of the committee which authorized the establishment of an armor plant by the Government itself in the event that we do not buy the armor at $300 a ton, we will have no more trouble about the matter, and then we can move without having regard to the question of importing armor plate or machinery, or establishing armor factories, or of the proposition of the Illinois Steel Company, or of giving any guaranties or anything else.

We are in no great hurry in this matter. These three battle ships which are to be constructed or are now under construction are not so necessary to the welfare of this country that we need to be in double-quick time here to give these monopolies a high price. Let us be reasonable, and at the same time let us take care of the interests of the country and the taxpayers, and let us establish a plant in the event that these people will not come to reasonable terms, as the committee and the Secretary of the Navy have declared what are reasonable terms.

Mr. STEWART obtained the floor.

Mr. HALE. Will the Senator from Nevada allow me to say a word?

Mr. STEWART. Certainly.

Mr. HALE. All of this discussion is interesting, but it does not bear upon the question before the Senate, which is simply the adoption of the report. That does not take into account or present the question of an armor plant. That has already been settled.

Mr. TILLMAN. Will the Senator allow me for a moment, that I may get some information?

Mr. HALE. Certainly.

Mr. TILLMAN. Is it now in order to reconsider the vote by which the Senate the other night refused to authorize the establishment of a plant?

Mr. HALE. No; it is not, because it has gone beyond that stage. The whole matter is up on the conference report, and the conference report——

Mr. TILLMAN. Could the committee, following the example of some others, agree in conference on a provision to establish a plant and bring such a provision back?

Mr. HALE. Undoubtedly it could not.

Mr. TILLMAN. It could not?

Mr. HALE. Undoubtedly it could not.

Mr. TILLMAN. How can we get at the question of establishing a plant?

Mr. HALE. The Senate got at it the other night and voted down the proposition.

Mr. TILLMAN. I have seen the Senate turn around the next morning in its cooler moments and undo some foolish things done the night before.

Mr. HALE. It can do what the Senator suggests when the matter is properly before the body, but the armor-plant proposition is not before Congress. It is neither in the House nor in the Senate provision. It was voted out in the Senate, and it was not originally in the House provision. Therefore the conference has nothing to do with it. All that the conferees have to deal with is the proposition for $300 per ton, and they insisted that the vote of the Senate was an instruction to the conferees.

Mr. TILLMAN. One more question.

Mr. HALE. Although every member of the committee voted against the decision of the Senate, the conferees consider themselves bound by the action of the Senate. The whole thing is presented in this report, and I do not think the Senator will advance the matter by introducing extraneous matter now which is not before us.

Mr. TILLMAN. I desire to facilitate and expedite the passage of the bill, but I desire also to see that these people do not get any more than $300 a ton for the armor.

Mr. HALE. The proposition that goes to the House is for $300.

Mr. TILLMAN. And the House refuses to agree?

Mr. HALE. The House has not yet had a chance to refuse. What I am asking is that the report shall be adopted, so that it will go to the House. The longer we delay——

Mr. TILLMAN. In other words, the question of the price of armor will be left open, and we will discuss it after we adopt the report and you come back and make your report?

Mr. HALE. Precisely.

Mr. TILLMAN. Then I will have nothing more to say now. I move that the report be adopted.

Mr. HALE. I supposed the Senator would do that when he understood it. That is all there is to do now—to adopt the report.

Mr. HAWLEY. I want to contribute to the stock of information on hand. I have been informed two or three times that the bid of the Chicago company, if made at all, would be upon the condition that they should make all the armor for the United States for twenty years; perhaps more. That would be a great advantage, of course. They ought to have a long contract. If they do all these things at this price, I should be perfectly willing to let them have a ten years' clear swing. People can not keep these things on their shelves and deliver at five minutes' notice.

Mr. CHANDLER. In answer to that I will state that, as I understand the facts, the Illinois Steel Company procured a bill to be introduced in the other House authorizing a contract for large quantities of armor at $260 a ton. That had no reference to these three ships.

Since that time, learning of these three ships, they have made inquiry as to whether there will be time enough for them to establish a plant and furnish the armor for these three particular ships, and they have notified the Secretary of the Navy that they stand ready, if there is time enough, which is a fact to be ascertained, to bid for the armor for these three ships.

Mr. GORMAN. In reply to the Senator from New Hampshire, I wish to state that under the law as it stands now, no matter what Congress may fix as the limit, whether $300 or $350 or $400 a ton, the Secretary of the Navy will ask for bids to furnish the armor, and he will designate the time within which it is to be delivered. So, no matter what Congress may do as to the amount, it is perfectly open to that company or any other company to bid to furnish armor if it is in condition to do it. There is no prohibition.

Mr. TILLMAN. The time would be an essential element for the reason——

Mr. GORMAN. That is absolutely in the discretion of the Secretary of the Navy. The pending bill does not deal with the question of time, let me inform the Senator from South Carolina. The Secretary of the Navy in this case, if he performs his whole duty, would give sufficient time, unless the public service would be sacrificed——

Mr. TILLMAN. Has the Secretary of the Navy authority, without Congressional action, to change the contracts already existing as to the time within which those ships are to be built and completed?

Mr. GORMAN. A year ago I stood here for four hours and tried to induce the Senate not to authorize the contracts for the ships until the price for the armor should be determined. Congress thought otherwise, and gave the Secretary of the Navy discretion, and, I think, very unwisely, to enter into a contract for the construction of the hulls of the vessels when he was prohibited from making any contract whatever for armor.

Now, the result will be that the ships will remain on the ways for a year or two years, at his discretion; but it is entirely in his discretion. He can give sufficient time to enable the Chicago concern, if it is ready to do it, to put up its plant; and that is not involved in the pending bill in any shape or manner.

Mr. CHANDLER. May I ask the Senator a question? Suppose the Secretary of the Navy has agreed to begin to furnish the armor for the hulls of those ships nine months from now?

Mr. GORMAN. That is not the fact.

Mr. TILLMAN. Mr. President——

Mr. GORMAN. Permit me to answer the Senator from New Hampshire. In the bill which passed here one year ago, when the House sent a proposition for four battle ships and those of us on the committee tried to reduce it to two, and finally a compromise was made for three ships, no provision whatever was made for armor. On the contrary, Congress said the Secretary should not make a contract for armor until the price was determined by his report and the action of Congress at this session.

Now, in the contract for the construction of the hulls, as I understand it, and I think I have read the contract, no agreement whatever was made with the shipbuilders as to the time in which the armor should be furnished. So it is open to the Department.

Mr. TILLMAN. I wish to ask the Senator a question. I have seen various bills and propositions before this body looking to the payment of large sums of money to these contractors because of damages occasioned by delays caused by the Government, so they charge. I wish to know if we are to get into another box like that and have a large damage fund to make good to the contractors because of not having furnished the armor in time?

Mr. GORMAN. I have no doubt that will occur. That is what I tried to impress upon the Senate.

Mr. TILLMAN. Oh, that goes back to last spring, when we were all drunk with politics. We are coming down to a question of business now.

Mr. GORMAN. We were not all drunk with politics; at least I deny that I was. I dealt with that question in the face of a Presidential election precisely as I deal with it now. I dealt with it precisely under Mr. Cleveland's Administration as I did under General Harrison's Administration, applying, so far as I could, business principles to it, and for twelve years we have had no politics in the discussion of matters pertaining to the Navy. We have never, from the day Mr. Cleveland was inaugurated in March, 1885, until within the last six months, had any political discussions in regard to the Navy. It was one of the subjects that was raised entirely out of politics, and we have given great discretion——

Mr. TILLMAN. Will the Senator allow me to suggest that the exigencies of the situation required that these three large shipbuilding establishments should be kept at work, that thereby they might be induced, all of them being Republicans, I believe, to contribute handsomely to the campaign fund?

Mr. GORMAN. I did not think——

Mr. TILLMAN. I am only shooting in the air. I have no facts. It is mere guesswork, you know, as to what is practical and what has been done.

Mr. GORMAN. I only know that I stood here and fought all day Sunday and Sunday night until 12 o'clock to prevent more than one ship being built.

Mr. TILLMAN. I fought what little I could, and I had my say about it.

Mr. GORMAN. But the division in the body was not on the aisle that divides the Chamber. Our friends on this side of the Chamber, I am sorry to say, or a majority of them, agreed with the other side that in the interest of the Government we had better build three of these great vessels. I regret that action. That has gone, but we are dealing with what the result is.

Now, the Senator asks me a question, if damage cases will come up here. I have no doubt they will, and that is what I had in mind and stated at the time. In the construction of vessels under earlier contracts, it was required that the armor should be delivered at a certain and fixed time, and the failure to deliver it enabled the ship builders to bring in here bills for damages occasioned by the delay. I have no doubt that will occur in this case, although as I understand the contract—I have not read it for six or eight months—the Secretary of the Navy provided so far as he could against such claims being made for the three ships on the ways by not specifying any time within which the armor should be delivered. But after a time, as the Senator and I both know, these bills of damages will come in. I have no doubt of it—none whatever. That is all past. We can not control it except as to the amount to be appropriated hereafter. We will deal with that question when it comes.

But I desire the Senate and the country distinctly to understand that at no time within the past four years were the Illinois Steel

Company prohibited from bidding for armor. My belief is that they were in a combine all over the world, and while the Illinois concern and the balance of them who are now talking about bidding for it were not manufacturing iron fitted for the naval vessels, the same scale of prices ran all the way through. Happily, I think we are reaching the time in the case of the combination of the steel manufacturers, when that seed which is placed in every combine and will grow and destroy it has developed in this case, because it has all been overdone, the prices are open, and in the war which they are making among themselves the public will have the benefit of it temporarily, but not to the extent to which it has gone now.

I do not propose by any vote of mine to exclude these gentlemen. On the contrary, I welcome them into the fold as competitors with these two great concerns which have been manufacturing the armor for the Government. I should like to see them do it. Two of them at least have control of all that great deposit of ore in the Northwest which has amazed the world and which has enabled them to manufacture steel cheaper probably than it is being manufactured anywhere else in the world. They have the coal deposits, and I am glad to see that the combination has been broken up and that there is to be competition among them.

Now, all that I have contended for in this bill is that the Government shall keep its hands free from the manufacture of armor. I disagree with the distinguished Senator from South Carolina and the members of the committee that it is wise for the Government to enter upon the manufacture of steel.

Mr. HALE. That is not presented by this report.

Mr. GORMAN. I understand that. I do not propose, however, to be interrupted in that way by the Senator from Maine. It has been referred to in the Senate, as the Senator knows perfectly well. I do not desire to consume the time of the Senate unnecessarily, but it has been brought up here.

Mr. HALE. My intimation was not to cut off the Senator. I know he would agree with me that the conference report does not present that subject-matter at all.

Mr. GORMAN. No; I understand that. It has been disposed of by the Senate. But it has been brought into the discussion, and it makes its impression upon the country, because it is presented as a line of action which would enable the Government to protect itself.

The armor to be ordered in this case and the armor that will be ordered probably in the next five years, if it were undertaken by spending a million and a half dollars for a Government plant, would cost the Government $1,200 a ton instead of $400 a ton, and if you continued the manufacture of it, it would be precisely as every other manufacturing establishment which the Government has. It would cost 100 per cent more than you could buy the article for from these people. No Government on earth, none of the great powers, where they have the ability to manage such work better than we have because of the different system, by boards and not by appropriations by Congress, has ever undertaken it, for the reason that no Government can do it.

I trust that the report will be adopted, and, as the Senator from Maine has said, the conferees on the part of the Senate regard the vote of the Senate as to the price to be paid as their instruction. We have to deal with another branch which fixed the price at $400 in effect by fixing the amount for the whole gross amount of armor to be ordered by the bill on that basis, and with them we have to deal. But the conferees understand the vote of the Senate, and they will stand by that vote and properly represent this body and let the House of Representatives determine the question as to what they will do.

Mr. STEWART. I wish to remark in a few words that it is evident that the Senate will stand by the position it has taken, $300 a ton, and I was about to suggest, although it may not be entirely pertinent to the case now, that I believe if the Secretary of the Navy were authorized to make a contract for five or ten years with any party who would furnish good armor according to specifications at $240 a ton we would get it at that price in the future. I believe that would be better than to establish Government works. If we could determine what we are willing to pay for a period of ten years, say, and make a contract of that kind (it probably could not be done in time to apply to these ships) to apply to future ships, I believe we would save a vast amount of money, more than we would by undertaking to build works by the Government, and more than we would by letting it run on and be at the mercy of this world-wide combination. If this breaks up, others will be formed. I have no doubt that an economical contract can be made to get the armor at a reasonable price if you will make a contract for a term of years, so as to give them an opportunity to get a reasonable profit on the construction of their works.

Mr. TILLMAN. Mr. President, I merely desire to call the attention of the Senator from Maryland to the fact that the Government at this time is building its own cannon. We have created a plant to make artillery to arm these very battle ships, and to arm the forts which are erected, and harbor defenses, and all that sort of thing. I deny the proposition that the Government can not conduct a business just as economically as private parties do, if you will keep politics out of it. You can not do it, in one sense of the word, because there is a disposition to have red-tape here by the roll. You will not let the Navy Department go forward, like business men, and do this, that, and the other for the benefit of the Navy, without having restriction upon top of restriction, which prohibits them from economizing. You interfere with the hours of labor, you interfere in every possible way, so as to give private manufacturers the advantage.

Mr. GORMAN. Will the Senator allow me? He is a member of the Naval Affairs Committee. We have a Government factory for the Navy at Washington to finish and assemble these guns after the tubes have been formed. So we have one for the Army at Watervliet. Then in addition to that we provided that certain of the battle ships should be built in the navy-yard to compete with private parties.

There has been no interference, so far as I know, but the broadest liberality has prevailed in the management of these concerns; and yet it is a matter of demonstration that the ships that were built in the Navy cost twice as much as those built by private contractors where the hours of labor are precisely the same, for the law provides that eight hours shall apply to workmen in the Government yards and to all Government contractors.

It is a matter of broader business than that. The shipbuilders who contracted with the Government not only have the Government work to do, but they have the work to do for private enterprises. They keep their establishments going. They have their skilled men brought there and they keep them. It is not possible for the Government to do that, because the work of the Government would not last long enough to keep skilled men in its employment all the time.

Mr. TILLMAN. Have we not got navy-yards all up and down the coast, equipped at a cost of millions and millions of dollars, and the machinery lying there rusting and mechanics employed there? Instead of giving them employment in Government works at the reasonable price which other parties pay, for political reasons you increase the pay, you reduce the hours of labor, and tie them up with restrictions as to roll calls and in every imaginable way by which time is lost; and they, of course, have their purpose in giving work to private contract.

Mr. HALE. Will the Senator let me ask him a question? The Senate has taken its ground at $300 as a limit. The report embodies that. If Senators believe that that is a good limitation and that it ought to be fixed, the sooner we get this report to the House of Representatives the better.

Mr. TILLMAN. My dear sir, if the Senator had not brought up the question of the Government building its own plant, which I had introduced, and went on to argue about it, I would not have presumed to have delayed the Senate by saying a word; but I did not care to have the impression go out that I was not desirous and willing to defend the proposition that, if you keep the rottenness of politics out of it, the Government can conduct business just as cheaply as anybody else.

Mr. HALE. Undoubtedly that is the view the Senator has. That is not involved in the report made here.

Mr. TILLMAN. I give way, and I hope the report will be adopted immediately.

Mr. HALE. Anyone who is in favor of this reduction ought to see that the sooner we get the report to the House, so that the House may act upon it, the better.

Mr. TILLMAN. It is of course the better if the bill is to be passed at this session. I feel that we should at some appropriate time discuss this matter in the interest of economy, and for the reason that we shall have an extra session, I believe, in ten days or so there is no need of the whip and spur to get this through.

Mr. HALE. But there would be no limitation whatever, and the whole thing would be left open, as it is now, which the Senator does not desire, if this bill did not pass.

Mr. SMITH. Mr. President, it is not my intention to take up any of the time of the Senate in discussing this question. I voted for the limitation of $300 a ton. I also at the last session introduced a bill limiting the amount of money to be paid for armor plate and providing for the erection of an armor-plate factory. I did so after careful consideration and after giving the matter a very large share of my time during the last session of Congress.

I seldom disagree with the honorable Senator from Maryland [Mr. GORMAN] on questions of this character, but I must say that it does not make any difference to my mind what the Senate passes or what instructions we may give to the Senators composing the committee in regard to our wishes or views on the price we want to pay for armor plate; my judgment is simply, as we are well aware of the fact, that the combination of armor-plate manufacturers which exists in this country and extends to Europe is

so strong that it makes little difference what we may do here or instruct our committee to do; it will not compel the manufacturers to accede to our wishes.

We have evidence now that the Illinois Steel Company are willing to erect an armor-plate factory in conjunction with their steel works. This has only been brought about by a temporary break-up of the great steel trust of this country, which has reduced the price of steel rails from $22 a ton to about $14 a ton. Every business man knows that this result will only be temporary, and that the trust will be again reorganized on a stronger basis, and with that will come stronger ties in the armor trust that now exists.

It has been stated and proven that the Government has paid the money for the armor-plate works now controlled by those known as the armor trust—we paying the money, they owning the works. The question is simply this: If we can afford to buy and pay for plants for private corporations to the extent of six or eight millions of dollars, what reason can be given that we should not expend one and a half million dollars to own our own, when we know and have evidence satisfactory to any business man that armor plate does not cost to exceed $200 a ton, and that we are confronted with this trust, no matter what amount is put in the bill.

In my judgment, the result of all this will be that when you come to ask these gentlemen to accept either $300 or $400 a ton they will notify the Secretary of the Navy that their price is $600 a ton, about what we are now paying them, and that if we want the armor plate they are ready to supply it at that figure. And when the Secretary of the Navy comes forward at a future session of Congress, as he no doubt will, and presents that statement of facts to this body and tells us that the hulls of the ships are completed and ready for the armor and the time of the contract has expired, and the Naval Committee or some of its members, no doubt, will tell us how great the expense to the Government will be in case the contract is not awarded, we will be called on then and no doubt will vote to pay these men whatever price they ask.

I say, with all due respect to my honored friend the Senator from Maryland, that I believe if the Senate honestly intends or expects to procure armor for the Government at a fair price, there is but one business way of securing it, and that is by authorizing the Secretary of the Navy to purchase or erect an armor plant. Without that, to my mind, all the labor that has been expended on this matter will be fruitless, and when we vote not to spend this money for the erection of an armor-plate factory, we shall practically indirectly vote to say to these men, "You can charge us whatever you please; you can continue your trust, and while we should like to have you supply armor for less money, we have no desire to interfere with what your business judgment may be."

Mr. President, after the Government has spent millions of dollars, giving it away practically, as a subsidy, with an understanding that fair prices should be maintained, after we have paid for these plants, I see no other course open to us but to erect our own plant. It matters little whether we insist upon $300 a ton or whether we embody any amount to go to the House. Practical results in this whole question can only be reached by the expenditure of a million and a half dollars, and by the Government owning its own armor-plate works, which, in my judgment, it should do.

Mr. SEWELL. Mr. President, I had the honor to be a member of the original commission in relation to guns and armor, and to have visited England—at my own expense, I may say—visiting Woolwich, Chatham, and Shoeburyness, and to have participated in the report made by that commission on the subject. Therefore I have taken an interest in it from that time to this. We visited every portion of the United States where there was any plant that was capable of the construction of armor or guns. The honorable Senator from Connecticut [Mr. HAWLEY], the chairman of the committee, made the report which was the origin of the basis for all future operations in relation to guns and armor. The price established under the contracts with the Secretary of the Navy, under the acts which were passed by Congress, ran up to a very high figure by reason of the establishment of plants costing from $3,000,000 to $5,000,000, which were experimental to a great extent, as the owners of the plants could not foresee how long the necessities of the Government would continue in relation to the supply of armor.

The recent developments in connection with steel companies, the reduction of steel rails from $28 a ton to $21 a ton, one-third or over, has established in my mind as a business man, as one accustomed to go into calculations of this kind, that the price of armor in all probability ought to be reduced in the same proportion. At the same time the demand for armor is not like that for steel rails. The only customer is the Government. The Congress of the United States may to-day give an order for 3,000 tons which may cease in three years, and the plant, which cost from $3,000,000 to $5,000,000 to put in operation, may be left entirely idle. So the proportion of profit to be allowed to the manufacturers of armor in the United States reasonably, from a business standpoint, ought to be more than that derived from the manufacture of steel rails, which are in demand every year and at all times by all the great corporations which have been furnishing so many miles of railroad to the United States.

I was in favor of limiting the price to $400 a ton on the general business principle that the cost of the production of steel in every shape has been reduced to an equivalent of that amount. I am not in favor of the rate of $300 a ton. I think we may make that mistake by reason of the offers that I have heard of as governing the minds of Senators. Still the offer has never been presented to my mind in a clear, outspoken way. I ask the Senator from Illinois if there is a proposition from the Illinois Steel Company to furnish the armor at a less price to-day? What is the proposition of the Illinois Steel Company?

Mr. CULLOM. I do not know of any specific proposition having been made in writing. There has been a bill introduced in the other branch of Congress proposing to make armor plate, on certain conditions, for $260 a ton.

Mr. SEWELL. What are the conditions?

Mr. CULLOM. That we should make a contract for a term of twenty years. I am not insisting upon any particular course of action by this body; but I think there has been enough said by the president of the Illinois Steel and Iron Company in the direction of making armor plate for $300 a ton to put upon the Senate the duty of looking into the matter more carefully and taking such steps as would enable the Government to get the benefit of such a proposition, if it is made in all seriousness.

Mr. SEWELL. I agree fully with the conclusions of the Senator from Illinois. The Illinois Steel Company is a great corporation, managed by a live American.

Mr. CULLOM. Yes; that is right.

Mr. SEWELL. He is a man who has got vim in him and capital back of him. If Mr. Gates would come here and propose to furnish armor for $240 a ton, I am for him or any other man who has a responsibility that will hold it up; but I am not for him with the idea of a contract for twenty years. We all know that there is nothing in that.

Mr. President, I am against the idea of the Congress of the United States endeavoring to take advantage of our own great industrial establishments. There was a time a few years ago when we had to send a committee to all these people and beg them to establish a plant. Congress would not take the risk to have the Government go into the manufacture of it. These great and enlightened merchants of this country invested their capital in it, and they invested it to a very much greater extent than they would do to-day. I am against any idea of the Congress of the United States endeavoring to ruin commercial establishments. Make your advertisements, get your armor at the cheapest price possible, but do not accompany it with a threat that unless you can get it you will establish your own plant.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts and joint resolution:

An act (S. 1743) to establish an additional land office in the State of Montana;

An act (S. 2232) to vacate Sugar Loaf reservoir site in Colorado and to restore the land contained in the same to entry;

An act (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company;

An act (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.;

An act (S. 3721) to authorize the construction and maintenance of a bridge across the St. Lawrence River;

An act (S. 3725) to prevent the importation of impure and unwholesome tea; and

The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The message also announced that the President of the United States had on this day approved and signed the following bills and joint resolutions:

An act (S. 153) authorizing the persons herein named to accept certain decorations and testimonials from the late Hawaiian Government;

An act (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

An act (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress, approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company;

An act (S. 3307) declaring the Potomac Flats a public park under the name of the Potomac Park;

An act (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government;

An act (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement;

A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain;

A joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France; and

A joint resolution (S. R. 205) to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America.

BILL BECOME A LAW.

The message further announced that the bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah having been presented to the President on the 18th day of February, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

INFRINGEMENT OF LETTERS PATENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10203) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent.

Mr. PLATT. The bill has been read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT WATER-MAIN TAXES.

The PRESIDING OFFICER. The next House bill on the Calendar will be reported.

The bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 1, line 25, after the word "lot," to strike out "of" and insert "or."

The amendment was agreed to.

Mr. ALDRICH. I should like to have a little explanation as to how the bill changes existing law.

Mr. PROCTOR. I do not know that I can in a moment fully explain that. I will state that it is an exact copy of a bill which passed both branches last May, with the exception of slight changes of phraseology in section 2, to avoid the danger of litigation owing to misconstruction. The bill passed both bodies and was sent to the President, and then the Commissioners recommended these slight verbal changes and the Senate passed a joint resolution changing section 2 in those particulars, but the House deeming the bill, and very properly, I think, the wiser form, did not adopt that joint resolution, but sent us this bill. Both bodies have therefore acted on the measure precisely as it is here, but in different forms. This brings their action together on a bill, instead of one acting on the joint resolution and the other on the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCISCO PERNA.

The PRESIDING OFFICER. The consideration of House bills on the Calendar will be resumed.

The bill (H. R. 10178) for the relief of Francisco Perna was considered as in Committee of the Whole. It provides that all the real estate lying in the District of Columbia heretofore purchased by and conveyed to Francisco Perna, of Montgomery County, in the State of Maryland, prior to the passage of this act be relieved and exempted from the operation of an act to restrict the ownership of real estate in the Territories to American citizenship, approved March 3, 1887, and remits all forfeitures incurred by force of that act in respect of such real estate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The PRESIDING OFFICER. This bill has been heretofore read as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEX TO GOVERNMENT PUBLICATIONS.

The joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893 was considered as in Committee of the Whole.

Mr. STEWART. I move to amend the joint resolution, in line 10, by striking out "1893" and inserting "1897." I should like to have that index brought up nearer to date. It is a very valuable work.

Mr. CHANDLER. I call the attention of the Senator from Nevada to the fact that this is a House joint resolution, and any amendment of it may cause its defeat.

Mr. STEWART. If an amendment would delay it, I will withdraw the amendment.

Mr. NELSON. I wish to call the attention of the Senator from Nevada to the fact that since 1893 the index has been prepared by the Government. This is to close the gap between the report prepared down to 1881 by the late Maj. Ben: Perley Poore and the Government index beginning in 1893.

The PRESIDING OFFICER. The amendment is withdrawn.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALES IN SUBSISTENCE DEPARTMENT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, which had been reported from the Committee on Military Affairs with an amendment, in line 11, after the words "Secretary of War," to insert "and such sales paid for within the calendar month in which made shall be regarded as cash sales;" so as to make the bill read:

Be it enacted, etc., That sections 1299 and 1300 of the Revised Statutes of the United States be, and the same are hereby, repealed, and that section 1144 of those statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 1144. The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men, at cost prices for cash, such articles as may from time to time be designated by the Secretary of War and such sales paid for within the calendar month in which made shall be regarded as cash sales: *Provided*, That sales of such stores on credit shall be made only to officers and enlisted men who have not been regularly paid, or who are in the field where it is impracticable to procure funds, and to recruits during their first month of enlistment, the amounts due therefor to be charged on the pay accounts of officers and on the muster and pay rolls of enlisted men next after the date of purchase and deducted from the payments made upon such pay accounts or muster and pay rolls by the pay department."

Mr. HAWLEY. I suggest a mere verbal amendment. In line 12, after the word "which," I move to insert the words "they were;" so as to read:

And such sales paid for within the calendar month in which they were made shall be regarded, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I thought of moving for a conference with the House of Representatives on the bill and amendment, but perhaps that may not be necessary. I think the House will simply concur in the amendment, as it is so obviously right.

CORYDON WINKLER.

The bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters, was considered as in Committee of the Whole. It directs the Secretary of War to remove from the rolls and records in the office of the War Department the charge of desertion now standing on the rolls and records against Corydon Winkler, late a private of the Eighth Company, First Battalion, Ohio Sharpshooters, and issue to him an honorable discharge, to date the 1st of May, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Under the order of the Senate, I take it that unobjected pension bills will be included.

The PRESIDING OFFICER. There is one other House bill yet remaining on the Calendar, which has not been disposed of.

Mr. GALLINGER. I am aware of that, but before that bill is acted upon I want to have an understanding. As I say, I take it that under the order of the Senate, unobjected bills on the pension Calendar, which are five in number, will be considered as included.

The PRESIDING OFFICER. The Chair so understands the order of the Senate. The pension bills are as much a part of the Calendar as any other portion of the Calendar.

Mr. GALLINGER. Certainly.

THOMAS ROSBRUGH.

The bill (H. R. 459) for the relief of Thomas Rosbrugh was considered as in Committee of the Whole. It requires the Commissioner of the General Land Office to permit Thomas Rosbrugh, of St. Clair County, Mo., to enter 160 acres of public land, subject to entry under the homestead or settlement laws, not mineral, nor in the actual occupation of any settler, in lieu of the southeast quarter of section 24, in township 38, of range 27 west, in St. Clair County, Mo., which land was entered by said Thomas Rosbrugh on December 21, 1869, under the homestead laws, the entry being reported to be without conflict by instruction of the Commissioner of the General Land Office of the date of January 22, 1870, the title to half of which land failed because of a prior disposition, which did not then appear upon the records of the Land Office, and the entry of said Rosbrugh was canceled; provided that he shall not have made any other entry of land of the United States under the homestead laws, and that a final certificate and patent shall issue to him or his legal heirs or representatives, upon such entry as he may make hereunder, without proof of residence or cultivation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT MORGAN MILITARY RESERVATION.

Mr. HAWLEY. Mr. President, there is one more House bill which I wish considered, but, having been reported to-day, it is not on the printed Calendar. It is within the rule agreed upon.

The PRESIDING OFFICER. The Chair understands the Senator to say the bill was reported to-day.

Mr. HAWLEY. Yes.

The PRESIDING OFFICER. Then it would require unanimous consent to act upon it. Is there objection? The Chair hears none.

Mr. ALLEN. What is the request, Mr. President?

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Connecticut will be read.

The SECRETARY. A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. ALLISON. I ask unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock. Is there objection? The Chair hears none, and such is the order of the Senate.

GREAT NORTHERN RAILWAY COMPANY.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, to report it with an amendment in the nature of a substitute. I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from South Dakota reports from the Committee on Indian Affairs a substitute for a pending Senate bill, and asks unanimons consent that it may be considered at this time.

Mr. ALDRICH. Let it be read for information.

Mr. HOAR. I suggest that the substitute alone be read.

Mr. ALDRICH. It will be difficult to understand the nature of the bill unless both the bill and the substitute be read. The bill being a House bill, we can not tell very well what it means unless both bills be read. I ask that the House bill be read first, and then the Senate substitute, so that we may know about what the action of the committee is.

Mr. CULLOM. It seems to me that is unnecessary. We are not going to act upon the original House bill; we are going to act upon the bill as reported by the committee, if we pass either.

The PRESIDING OFFICER. The proposition of the Senator from South Dakota is to substitute the House bill for the Senate bill.

Mr. PETTIGREW. I report a substitute for the bill as passed by the House.

Mr. ALLEN. We ought to have the House bill read, so that we may know what it is, and what is to be substituted for it.

The PRESIDING OFFICER. Does the Senator demand the reading of the House bill?

Mr. ALDRICH. Is there any difficulty about reading the House bill?

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that the clerks have not the House bill at the desk. The matter had better be passed over until the House bill is brought.

Mr. HOAR. I merely want to suggest to my honorable friend from Rhode Island that his objections are very much like the rain, which falls upon the just and the unjust alike.

Mr. ALDRICH. I do not know to which class the Senator from Massachusetts belongs. [Laughter.]

Mr. PETTIGREW. I wish to state for the information of the Senate that this bill was reported as a substitute from the committee because the House bill did not conform to the rule the committee has laid down with regard to these right-of-way bills in the Indian Territory. The changes were so great that the committee decided to report a full substitute. It seems to me that it is unnecessary to read anything but the substitute.

Mr. CULLOM. What is the rule to which the Senator refers?

Mr. PETTIGREW. The rule relative to guarding the rights of the Indians, and so forth. We must have these bills conform to the rule. The House bill does not conform to that form, and so we have reported a substitute for it. It seems to me the Senator from Rhode Island ought not to desire the House bill to be read.

The PRESIDING OFFICER. Does the gentleman from Nebraska insist upon the reading of the House bill?

Mr. ALLEN. Yes, sir.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

The PRESIDING OFFICER. The Senator from South Dakota asks that the substitute reported from the committee may be considered instead of the original bill. Is there objection?

Mr. ALDRICH. Let the substitute be read for information.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Galveston and Great Northern Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction, over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way 100 feet in width through the said Territories for the said Galveston and Great Northern Railway Company, the same to be 50 feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land 100 feet in width, with a length of 2,000 feet, for stations at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding 50 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians, or individual Indians, from which the same shall have been taken.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants, according to the laws, usages, and custom of any of the Indian tribes or nations through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the principal chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a judge or clerk of a United States court or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the central district of the Indian Territory upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member after due notice. The chairman of such board shall appoint the time and place for all hearings, provided the hearings shall be within the county where the property is situated, for which compensation is being assessed for the taking thereof or damages thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of $4 per day for each day he is engaged in assessing compensation, with mileage of 5 cents per mile for each mile necessarily traveled in the discharge of their duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Territory or nation to which they belong. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the

land and property which is sought to be condemned, and said court shall then proceed for determining the damage done to the property, in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force, or hereafter enacted for the government of said court, and the measure of damages in condemning property authorized by this act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Territories in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company, and if the judgment of the court shall be for the same as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

SEC. 5. That said railway company is authorized, and hereby given the right, to connect or cross with its tracks the tracks and railroad of any other company or person owning or operating a railway in the said Territories. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

SEC. 6. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 7. That said railway company shall pay to the Secretary of the Interior for the benefit of the particular nation or tribes through whose lands said line may be located the sum of $50, in addition to the compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territories, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as hereinafter set forth, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations or tribes under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation that said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior the sum of $15 per annum for each mile of railway it shall construct in the said nation. The money paid to the Secretary of the Interior under the provisions of this act shall be disbursed by him in accordance with the laws and treaties now in force with said nations or tribes: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations or tribes; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 8. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before the construction of any such section shall be begun.

SEC. 9. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 10. That said railway company shall build at least 75 miles of its railway in said Nation within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

SEC. 11. That the said Galveston and Great Northern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Nation or tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railroad, telegraph, and telephone lines, with its franchises, that may be constructed in said Territories shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. CHANDLER. The Senator from South Dakota will kindly explain the difference between these two propositions, and state whether they are substantially the same or essentially different.

Mr. PETTIGREW. I am always pleased to furnish information to the Senator from New Hampshire, and he very often needs it.

The measure is a simple right-of-way bill through the Indian Territory. The provisions of the bill as it came from the House, in the case of damage or injury to the improvements of Indi ns or others, placed the jurisdiction in the courts of Kansas, for instance. The Senate substitute places the jurisdiction over matters of condemnation and right of way in the courts of the Indian Territory. I think that is the main proposition. That necessitated so many changes that the committee concluded to report a substitute.

Mr. PLATT. The Committee on Indian Affairs in dealing with these bills for rights of way through the Indian Territory and the Territory of Oklahoma have adopted a form for the bills, and they try to make them all conform to the provisions as adopted by the committee and by the Senate. The pending bill as it came from the other House differed therefrom in some respects, and the committee thought it ought to be so changed that it would agree with the form of bills which heretofore have been recommended by the Committee on Indian Affairs.

Mr. CHANDLER. There was a controversy at one time in reference to the location of stations in the Indian Territory, and I should like to ask the Senator within what distance there may be stations upon the proposed line of road. What are the provisions of the bill in that respect?

Mr. PETTIGREW. It grants an additional width of 100 feet right of way wherever a station is located, and it leaves it to the road to determine that question.

Mr. CHANDLER. Is there any provision in the bill that there shall be a station every so many miles?

Mr. PETTIGREW. I think not.

Mr. CHANDLER. Ought there not to be?

Mr. PETTIGREW. I think not.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 7864) entitled "An act to amend the immigration laws of the United States," with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to certain amendments of the Senate upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; further insists upon its disagreement to certain amendments of the Senate upon which the committee were unable to agree; agrees to the further conference

asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON, managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia; and

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4193) to correct the military record of William F. Souger; and

A bill (H. R. 9607) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, and 8; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Strike out in line 4 of said amendment the word "twenty-two" and insert in lieu thereof the word "twenty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

GEO. C. PERKINS,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

WILLIAM W. GROUT,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was concurred in.

MARY FORWARD.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 4930) granting a pension to Mary Forward was announced as the next business in order on the Calendar and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary Forward, formerly the widow of Charles Branch, late of Company C, Third Michigan Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. SPYKER.

The bill (H. R. 6634) granting a pension to Sarah M. Spyker was considered as in Committee of the Whole. It proposes to pension, at $8 per month, Sarah M. Spyker, widow of L. P. Spyker, ensign, Capt. W. A. Goodwin's company of Alabama Volunteers, Indian war, 1836.

Mr. ALLEN. Let the report in this case be read.

The report submitted by Mr. GALLINGER February 26, 1897, was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6634) granting a pension to Sarah M. Spyker, have examined the same, and report:

The report of the Committee on Pensions of the House of Representatives heretofore appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Pensions, to whom was referred the bill (H. R. 6634) entitled "A bill granting a pension to Sarah M. Spyker," beg leave to submit the following report, and recommend that said bill do pass with an amendment.

The claimant is the widow of Leonidas P. Spyker, who served as an ensign in Capt. W. A. Goodwin's company of Alabama Volunteers, Creek Indian war of 1836.

The records of the Second Auditor's Office, Treasury Department, show that the soldier enlisted May 11, 1836, and was discharged June 7, 1836. Nothing was allowed in fixing the period of service for time spent in going to the place of rendezvous and from place of discharge to his home, and on the record as thus reported, showing a service two days short of the time required by the Indian war act of July 27, 1892, to give title to a pension, the widow's claim was rejected by the Pension Bureau.

Mrs. Spyker is 80 years old, and the testimony on file fully establishes her relationship to the soldier, his death, and all other facts necessary to the establishment of her legal widowhood.

There are several precedents for the allowance of pensions in these old Indian war cases where the record of service shows but a very few days short of the time required to give title under the general laws, and your committee believe that this case is in the line of precedents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED RESTRICTION OF IMMIGRATION.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 3, 1897.*

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 7864) to amend the immigration laws of the United States, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. ALLEN. I should like to hear the message of the President of the United States read.

The PRESIDING OFFICER. The Chair will state that the message will have to be read at length, unless unanimous consent is given to dispense with the reading.

Mr. CHANDLER. I think when the veto message is read there should be a quorum present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Lindsay,	Roach,
Allen,	Daniel,	Lodge,	Sewell,
Bacon,	Davis,	McBride,	Shoup,
Bate,	Dubois,	McMillan,	Smith,
Berry,	Elkins,	Mantle,	Stewart,
Blanchard,	Faulkner,	Martin,	Teller,
Brice,	Frye,	Mills,	Thurston,
Brown,	Gallinger,	Morgan,	Tillman,
Butler,	Gear,	Murphy,	Turpie,
Caffery,	Gibson,	Nelson,	Vest,
Cannon,	Gordon,	Palmer,	Vilas,
Carter,	Hale,	Peffer,	Walthall,
Chandler,	Hawley,	Perkins,	Wetmore.
Chilton,	Hill,	Platt,	
Clark,	Hoar,	Pugh,	
Cockrell,	Jones, Ark.	Quay,	

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum of the Senate is present. The Secretary will read the message from the President of the United States.

The Secretary read the message of the President of the United States.

[See House proceedings.]

Mr. LODGE. I ask that the bill and message be referred to the Committee on Immigration, which is the usual course, and be printed.

The PRESIDING OFFICER. If there be no objection, such will be the order. The bill and message will be printed and referred to the Committee on Immigration.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Construction of the Nicaragua Canal, and ordered to be printed.

To the Senate:

I transmit herewith, in reply to the resolution of the Senate of January 23, 1897, a report from the Secretary of State, accompanied by copies of the correspondence therein requested, relating to the Nicaraguan Canal or the Maritime Canal Company of Nicaragua, since 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 3, 1897.

ORDER OF BUSINESS.

Mr. CHANDLER. Mr. President, I rise to a privileged motion. There have been presented to the Senate the credentials of Mr. Heitfeld, elected a Senator from the State of Idaho, and they were put on the files of the Senate or laid on the table. I move that the credentials be referred, as has been the case with certain memorials that have come in here, to the Committee on Privileges and Elections.

Mr. STEWART. I object.

Mr. CHANDLER. I make the motion, Mr. President.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Chair would hold that until the execution of the unanimous-consent agreement of the Senate, no motion can intervene of that character.

Mr. CHANDLER. I understood that the unanimous-consent agreement reserved all privileged questions.

The PRESIDING OFFICER. The Chair does not think that a motion to refer is a privileged question.

Mr. CHANDLER. Will the Chair kindly have read the agreement that was entered into?

Mr. ALLEN. What is before the Senate now?

The PRESIDING OFFICER. The Senator from New Hampshire has made a motion to refer the credentials of the Senator-elect from Idaho to the Committee on Privileges and Elections.

Mr. ALLEN. That is a violation of the unanimous-consent order.

The PRESIDING OFFICER. The Chair is just having the unanimous agreement read, so that the Senate can see.

PROPOSED EXTENSION OF RECESS.

Mr. ALLISON. Before that proceeds, I desire to state to the Senate that the business of the Appropriations Committee will justify an extension of the recess until 9 o'clock, if that is the pleasure of the Senate.

Mr. ALDRICH. To 9 instead of 8.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unanimous-consent agreement to take a recess from 6 to 8 o'clock be changed so as to have the recess taken from 6 until 9. Is there objection?

Mr. HOAR. I think it is very serious, indeed, under any circumstances, to set the precedent of revoking a unanimous-consent agreement by other unanimous-consent agreements. But the same thing can be accomplished by the Senator stating that the business of his committee will not be ready to proceed before 9 o'clock. Undoubtedly there will be a quorum here to-night.

Mr. ALDRICH. We can agree to take a recess from 8 to 9.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. CULLOM. I do not know what the request is.

Mr. HOAR. I ask the Senator to make a slight modification of his request, which is that it be now ordered that we take a recess from 8 to 9.

Mr. ALLEN. From 6 to 9?

Mr. ALLISON. I give notice that I shall at 8 o'clock ask to have the recess further extended.

Mr. CULLOM. I desire to make an inquiry. I understand that on the motion of the Senator from Iowa we agreed to take a recess at 6 o'clock until 8 o'clock this evening. Now, what is the proposition of the Senator from Iowa?

Mr. ALLISON. To extend it to 9.

Mr. HOAR. And then take a further recess from 8 to 9.

Mr. CULLOM. I have been anxious to call up what is known as the antiscalping bill for the consideration of the Senate, and I have been waiting until the Calendar of unobjected cases should have been disposed of and the conference reports as they came in. We have about come to that time, as I understand it.

I should like very much to call up that bill in good faith for consideration, and if it turns out that the Senate is unwilling to consider it, I want the Senate to say so. I do not care to be bandying words about it; I do not care to be sitting here always with no prospect of getting a consideration of the bill. But it is a bill that, in my judgment, ought to be passed, and it is a bill that is called for by thousands and hundreds of thousands of people, and whether right or wrong is for the Senate to determine. If the Senate thinks the bill ought not to pass, and will say so, I shall be content; but I should be very glad indeed to get an expression from the Senate on the question whether it is willing to consider the bill at this session of Congress. If it is not, let it say so. I think the bill is entitled to that much consideration at the hands of the Senate of the United States.

The bill has been before the Senate for some time; it passed the House of Representatives by a very large majority, and it seems to me that it ought to be considered by the Senate before we adjourn. Bills are taken up by the hundred and passed that are not, in my judgment, of one-tenth part the importance to the people of the United States that this bill is. I do not care to argue the question, and I have not the right to do so, perhaps, on this motion, but I want to know whether there is to be an opportunity to consider the bill before we adjourn to-morrow. I have been waiting here for the time to come when the unobjected bills should be disposed of, determining that when that time came, and it would be in order, I should move to take up this bill.

I should prefer that there should not be a recess from 6 until 9 o'clock; but, of course, I am willing that the recess from 6 to 8 shall stand, because that is the order of the Senate, and such a recess is necessary, to give Senators an opportunity to rest and get something to eat; but I want to make the motion, if I am not at liberty to do so before 6 o'clock—if conference reports do not come in the way—to take up the bill known as the anti-scalping bill, which is House bill No. 10090.

The PRESIDING OFFICER. The Chair will submit the modified request of the Senator from Iowa, which is that when the Senate meet at 8 o'clock, it then take a recess until 9 o'clock. Is there objection?

Mr. CULLOM. I hope that we shall not do that, but that we shall come back at 8 o'clock and proceed to business.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. CHANDLER. With reference to the remarks of the Senator from Illinois in relation to what is known as the anti-scalping bill, which he says he has been waiting here to move to take up, I will say that he has not only waited here to take up the bill, but he has kept a dozen of us here also waiting for him to take it up, in order that we may move amendments thereto and fully discuss the bill. What my action would be upon that bill, upon the question of its final passage, I am not prepared to say, but, as the bill stands, it is a bill that certainly requires discussion, and Senators who are here in this Chamber will be very careful how they make it a penitentiary offense for a man to sell a part of a railroad ticket which he has bought and paid for with his own money and which he has not used.

Mr. President, it may be that it will appear after discussion on that bill that there are public reasons why it should pass, but certainly I know it can not pass until there has been full discussion of it. Moreover, it can not pass, in my judgment, without full amendments. There have been bills pending for two or three years in the Senate and House of Representatives proposing to make changes in the interstate-commerce act. The interstate-commerce act is full of defects—not defects as I understand them to have existed when the law was passed, but full of defects which have been discovered by the judges of the courts in one place and another over the United States—and attempts have been made to remedy those defects covering points wherein the law has been impaired by judicial decisions.

Those bills have been pending for two or three years. They are pending before the Committee on Interstate Commerce, of which the Senator from Illinois is the able and honored chairman; they are pending in the House of Representatives. They do not get consideration in the committee; they do not get reported to the Senate; they do not get consideration in the Senate, and the friends of those amendments, or the Senators who wish to strengthen the hands of the Interstate Commerce Commission quite as much as they wish to make it a crime for a man to sell a railroad ticket that is his and that he has come by honestly, will insist upon having the amendments which embody those changes and improvements in the interstate commerce law discussed by the Senate, and will insist upon having those amendments proposed to the anti-scalping bill.

The Senator from Illinois knows very well that there is not a ghost of a chance at this late hour to obtain a fair consideration of that bill. With the amendment that I intend to propose to the bill, and which, if adopted, I think, as it contains so much good in it, would make me willing to vote for the Senator's bill; but it would take half an hour to read the amendment I have here, and a great many hours for its discussion, unless the Senator from Illinois will say that he is entirely prepared to accept it.

If he will say that he will accept that amendment, and the Senate is willing to accept it, I am willing to have the amendment voted on the bill, and the bill passed with the amendment within half an hour. But the Senator knows very well that this bill, standing by itself, making it a crime for a man to sell a railroad ticket he owns, can not go through this body, with no remedy whatever proposed by the committee or submitted to Congress for the defects which have been discovered from time to time in the last half dozen years in the interstate-commerce law, not one of which we have been able to have remedied by the legislation of Congress.

Mr. ALLEN. I suggest to the Senator, in that connection, that he have his amendment read now.

Mr. CHANDLER. I tried to get it read the other day, but some Senator objected. I will ask unanimous consent that the bill be now read.

Mr. CULLOM. There is no bill before the Senate now.

Mr. CHANDLER. Then, what has the Senator been speaking about?

Mr. CULLOM. I was talking about the recess. When I make a motion to take up the bill, the Senator can offer his amendment for consideration.

Mr. CHANDLER. The Senator was speaking of a recess——

Mr. HOAR. I object to debate.

Mr. CULLOM. I am inclined to think that the Senator's bill would not be discussed very long before Senators would find that it was a bill utterly unworthy of being passed by this body.

Mr. CHANDLER. Nearly everything in this bill the Senator from Illinois has approved, and he has committed himself to its provisions. He has been trying for years to get through this bill, but the railroads would not allow him to get them through.

Mr. ALDRICH. What has become of the motion made by the Senator from New Hampshire?

Mr. CHANDLER. I do not think I can be taken off the floor in this way. It is the custom of this body for a Senator to get up without any question being pending and to talk just as long as he pleases; and this afternoon the Senator from Missouri [Mr. VEST] got on the floor and talked about the question of who was the architect of the new Congressional Library, and described the building with great power, vividness, beauty, and eloquence, as he does everything that he depicts in language, and he eulogized the architect when there was not any question whatever before the Senate.

Mr. VEST. I beg the Senator's pardon. There was a report from the Committee on the Library before the Senate.

Mr. CHANDLER. The report of the committee had been disposed of half an hour before.

Mr. VEST. But I was out of the Chamber at the time it was made, and came in and said that I was absent when the report of the committee was made, and asked to be heard.

Mr. CHANDLER. But there was nothing then before the Senate.

Mr. VEST. I hope the Senator will deliver his lecture to somebody else.

Mr. CHANDLER. I was praising the Senator.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. CHANDLER. I have the floor.

Mr. HOAR. Is it in order for two Senators to address the Senate at the same time when there is no question pending? [Laughter.]

The PRESIDING OFFICER. The Chair is perfectly satisfied that the point of order is well taken.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. CHANDLER. I would rather the Senator from South Carolina would allow me to go on. If I can not speak, as did the Senator from Missouri, with nothing before the Senate, I want to speak to the same question the Senator from Illinois spoke to, if the Chair will kindly state what that was. [Laughter.]

Mr. TILLMAN. The Senator from New Hampshire knows that no one in this body loves to hear him more than I do, but I want to give the Senate some business to do. I have been waiting here anxiously for three weeks to get an important matter before the Senate, but have given way to the appropriation bills.

Mr. CHANDLER. The trouble is that since the Senator has come in here with us he has become too amiable. [Laughter.]

Mr. TILLMAN. I have never before been charged with such a thing. I suppose that my association with my gentle friend has improved my manners. [Laughter.]

Mr. CHANDLER. The Senator has sheathed his sword and his other weapons of offense, and has become so gentle that he gets no chance for his bills. [Laughter.]

I think I have a right to move to refer the credentials of the Senator from Idaho to the Committee on Privileges and Elections, and I make that motion.

Mr. GRAY. I should like to ask the Senator from New Hampshire what effect that will have upon the Senator-elect from Idaho being sworn in on to-morrow when other new Senators are sworn in?

Mr. CHANDLER. I do not know what other Senators may have to say on that subject. I have not read the memorial that was presented a day or two ago nor the telegraphic memorial that came in to-day; but, so far as I am concerned, I have no intention of objecting to the swearing in of the Senator from Idaho to-morrow.

Mr. GRAY. But if his credentials are referred to the Committee on Privileges and Elections they will not be here in order to justify the Presiding Officer in swearing him in.

Mr. CHANDLER. I think the Senator is wrong about that. The credentials have been received by the Senate; they have been read, and I suppose they are in the record, and now they go with these memorials to the Committee on Privileges and Elections.

Mr. GRAY. But if the credentials go out of the possession of the Senate into the possession of one of its committees, it seems to me that when this gentleman presents himself to be sworn in, if any question should be made by a Senator or by the Presiding Officer, there would be no warrant for the proceedings. I think that would be a bad precedent. There is a prima facie case, a regular certificate from the governor, and the credentials are in proper form.

Mr. ALDRICH. We have made that precedent.

Mr. GRAY. We have not made that precedent yet.

Mr. CHANDLER. Will the Senator be kind enough to tell me why the credentials of a Senator are presented before he is sworn in?

Mr. GRAY. In order that there may be warrant for swearing him in.

Mr. CHANDLER. Very good. Then, when the credentials are presented and read and in the record they are in the power of the Senate.

Mr. GRAY. They are ordered to be filed.

Mr. CHANDLER. They are evidence of the Senator's right to be sworn in upon his prima facie case, whether in the hands of a committee or not.

Mr. GRAY. But if they are taken off the files of the Senate and referred to a committee, they are not in a situation to serve as a warrant, it seems to me.

Mr. ALDRICH. In the Delaware case, only a few days ago, the credentials were in the hands of the committee when the Senator's colleague was sworn in.

Mr. GRAY. Oh, no; they were never in the hands of the committee. I want to say to the Senator from Rhode Island that he is mistaken about that.

Mr. ALDRICH. I think I am not.

Mr. GRAY. Those credentials were never in the hands of the committee.

Mr. DANIEL. How could we say that the credentials were in proper form for a Senator to be sworn in unless they were here?

Mr. GRAY. That is true; we could not see them.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. I do.

Mr. HILL. There is no question, as I understand it, about the regularity of the credentials of the Senator from Idaho. There is plenty of time for the consideration of that matter, and they can be referred to-morrow or they can be referred the next day. There is no question about that.

I rise to the point of order that we are now executing a unanimous-consent agreement of the Senate, which was that pension bills on the Calendar should be disposed of, and until that order is executed I raise the point of order that no motion to refer anybody's credentials is admissible.

Mr. STEWART. I wish to suggest another point—that this Senate has no jurisdiction over whom shall be members of the incoming Senate.

The PRESIDING OFFICER. The Chair will state, in reference to the point of order raised by the Senator from New York [Mr. HILL], that the Chair has not sought to enforce unanimous-consent agreements entered into by members of the Senate. That is a matter that is left to the honor of Senators.

The Chair will decide, on the point of order made by the Senator from Nevada [Mr. STEWART], that it has been decided, as the Chair understands, by the Senate that the credentials must be referred to the Congress to which the Senator is elected.

Mr. STEWART. That is the point of order I raised, that this Senate has nothing to do as to who shall be a member of the next Senate.

Mr. HOAR. Does the Chair hold that when the Senate has made an order of business, either by unanimous consent or by vote and it is lawfully made, that the Chair can not enforce that order? We have established a special order for this day in regard to taking up pension cases, just as we say by general order that during the routine business of the morning hour certain motions shall be in order. The Chair enforces that, and this certainly has equal rights with that. It is not on a question of unanimous consent as to debate or anything of that kind.

The PRESIDING OFFICER. The Chair will state to the Senator that the point suggested by him is a matter of rule, and the Chair has a right to enforce the rules. The former Senator from Kansas, Mr. Ingalls, who was President pro tempore of the Senate when the present occupant of the chair came to this body, so ruled, and it has been the universal ruling of the Chair that the Chair can not enforce a unanimous-consent agreement, but that it must rest with the honor of Senators themselves.

Mr. HOAR. Does not the Chair propose to enforce the unanimous-consent agreement about taking a recess at 6 o'clock until 8, if a Senator objects?

Mr. CULLOM. That was an order.

Mr. HOAR. So is this an order.

The PRESIDING OFFICER. The Chair will state that unless overruled by a majority of the Senate——

Mr. HILL. I decline to concur in the view expressed by the Senator from New Hampshire. The unanimous-consent agreement can be enforced and must be enforced.

The credentials have been presented. The presentation of credentials is a matter of privilege. They have been presented and placed on file. That ends it. No motion can be made in regard to those credentials except at the time when such a motion can be made. We are now out of that order of business, and a motion can not be made now, although I do insist that the point of order is well taken, and in executing the order under a unanimous-consent agreement no Senator can rise and object. But the credentials——

Mr. CHANDLER. Will the Senator allow me to say a word?

Mr. HILL. Certainly.

Mr. CHANDLER. I think the Senator is right, unless privileged questions were reserved, and I asked the Chair some fifteen

minutes ago to be kind enough to have the consent order under which we are acting read.

Mr. HILL. It is always held that the presentation of credentials is privileged, but a Senator can not rise at any other time when the matter has not been brought before the Senate and make some motion in regard to a man's credentials.

Mr. CHANDLER. I should like to argue——

Mr. STEWART. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will suspend. The Senator from Nevada rises to a point of order.

Mr. STEWART. The point of order is that it is not in order to refer the credentials of a Senator-elect who will not become a Senator until after the 4th of March. We have a rule that they may be filed with the clerks, so that they can be identified and considered when the time for consideration comes.

Mr. CHANDLER. Let us hear that rule read.

Mr. STEWART. We have a custom to that effect. They are filed.

Mr. MILLS. Will my friend, the Senator from Nevada, permit me to help him out?

Mr. STEWART. Certainly.

Mr. MILLS. The credentials accredit this Senator to the Fifty-fifth Congress. This is the Fifty-fourth Congress. We have no jurisdiction over the matter. The Constitution makes each House the judge of the elections, returns, and qualifications of its members. We have nothing on the face of the earth to do with it.

Mr. CHANDLER. I should like to have an opportunity to demonstrate the error of the statement of the Senator.

The PRESIDING OFFICER. The Chair ruled upon the point of order fifteen minutes ago.

Mr. CHANDLER. On which point of order?

The PRESIDING OFFICER. The one made by the Senator from Nevada.

Mr. HILL. The Senate has agreed to take a recess at 6 o'clock. Will one objection, without a motion, prevent that being done? Think of the absurdity of that, with all due respect to the Chair. I insist upon my point of order. I appeal to the Senator from New Hampshire; I appeal in behalf of these few pension bills which we ought to dispose of—it is now or never with them—and I know when I make an appeal to the Senator from New Hampshire on the question of pensions he will yield.

Mr. CHANDLER. In affection for and not in fear of the Senator from New York, I will do so.

The PRESIDING OFFICER. The regular order will be proceeded with.

RACHEL PATTON—VETO MESSAGE.

The bill (H. R. 1185) granting a pension to Rachel Patton was considered as in Committee of the Whole. It proposes to pension, at $20 per month, Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

Mr. ALDRICH. Let the report in this case be read.

The PRESIDING OFFICER. The Chair will state that the bill now before the Senate was vetoed by the President of the United States.

Mr. GALLINGER. That is correct.

The PRESIDING OFFICER. It was passed over the veto in the House of Representatives and sent to this body for its action. If there is no objection, the Chair will have the three vetoed pension bills passed over, and will have the next two pension bills laid before the Senate.

Mr. CULLOM. I think we can vote upon the pending bill without taking much time.

Mr. GALLINGER. I trust action will be taken upon this bill.

Mr. CULLOM. It is a worthy case.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

Mr. ALDRICH. Before the question is voted upon, I suggest that the report ought to be read. I have already made that suggestion two or three times.

Mr. CULLOM. The veto message should be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. PALMER on the 1st instant as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1185) granting a pension to Rachel Patton, with a report thereon, together with the veto message of the President of the United States, returning without his approval the said bill, having carefully and fully considered the same, respectfully adopt the report of the Committee on Invalid Pensions of the House of Representatives, and earnestly recommend the passage of the bill, the objections of the President to the contrary notwithstanding.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the foregoing bill, have carefully considered the same and report:

The facts are substantially set forth in the message. Rachel Patton was the wife of the soldier during the period of his service. He was a captain in the Seventy-ninth Regiment of Illinois Volunteers. He was killed in battle. His record was honorable. His widow, the proposed beneficiary in this bill, was pensioned at $30 per month until her remarriage in 1876. Her second husband basely deserted her, refusing to provide for her support. A court of equity severed the bonds of matrimony that bound her to this worthless person and at the same time restored to her the honored name of her dead husband. She is now his widow. Her age is 63 years, her health poor, and she is unable to labor. The little income she has is insufficient for her support.

Whether she should now be restored to the pension roll is simply a matter of policy—a question to be decided by the law-making power of the Government in whose service her husband lost his life.

The committee, or at least the writer of this report, do not regard private acts of a similar kind as evidences of the policy of the nation. The fact that the Executive has heretofore approved, or has allowed to become laws without his approval, bills of a like character does not necessarily, in the judgment of the committee, establish any precedent for this case. The only result of enumerating such instances would be to show former inconsistent action by the President with his present position. By so doing the House could get no light to aid it in the discharge of present duty.

One private act is neither in law nor reason a precedent or a justification for another. Much less should private laws be regarded as indicating a policy in legislation. The policy of the Government should be sought in its public laws, not in its private enactments.

The committee have therefore made some examination of the public statutes of the United States to ascertain whether there has been any general legislation that justifies the passage of this bill.

By the act of July 4, 1836, approved by President Andrew Jackson, five years' half pay was granted to the widows of certain soldiers who died during their service or since from wounds received during such service. By the third section of the act certain pensions were granted to the widows of Revolutionary soldiers whose marriage to them took place before the last period of their service. The pension provided by this section, while not continuing longer than during widowhood, recognized a class of widows as entitled to especial recognition in the matter of pensions—those whose marriage to soldiers "took place before the last period of service."

On the last day of his term of office, March 3, 1837, President Jackson gave his approval to another act, which declared that no widow should be deprived of the benefits of the act of July 4, 1836, by reason of her having married since the death of her husband. The only limitation made was that she should be a widow at the time of the passage of the act.

These general laws are precedents in the true sense of the word. They are "authoritative examples." They declared a policy. It was to the effect that the widow who was the soldier's wife during his service should be especially recognized, and also that she might still be upon the pension roll notwithstanding her subsequent marriage.

Other acts might be cited, notably that approved by President John Tyler, August 23, 1842, which provided that the marriage of a widow after her husband's death should not be a bar to her claim under the act of July 7, 1838.

By the joint resolution of July 1, 1848, approved by President Polk, in the case of soldiers of the Revolution "any widow or woman who may have been the widow of such soldier" was placed upon the pension roll "upon proof by her that she was married to said soldier and that she is a widow."

The committee therefore feel justified in saying that it is not against either precedent or policy to restore to the roll a woman who was the wife of a gallant soldier during his service, and who is now a widow, notwithstanding she may have married since the soldier's death.

The time for the exercise of this policy, either in any individual case or in any class of cases, is properly in the will and discretion of the Congress.

In the present case there is the record of the gallant and meritorious service of the soldier, John Patton, his death on the field of battle, and the age, feebleness, and need of his widow.

By her remarriage there was saved to the United States $4,800. A court of conscience has given her back her former name. The committee believe the Government ought to be as generous as a court of chancery has been just to the widow of so gallant an officer. There is no suggestion by the President that the act is unconstitutional. In view of the passage of so many similar acts in the past, it can not be said to be hasty or inconsiderate legislation. It is neither opposed to precedent nor to the policy of the Government.

The people, through their chosen representatives, have seen fit to grant this pension, and the committee recommend that this manifest will of the people be made effective by passing this bill over the objections of the President.

Mr. CHANDLER. I ask to have the veto message of the President read.

Mr. CULLOM. Let the roll be called before 6 o'clock.

Mr. GALLINGER. I trust the Senator from New Hampshire will not insist upon that. It was read once. Let us vote.

Mr. STEWART. Yes; let us vote.

Mr. ALDRICH. I think we ought to vote with the objections of the President fresh in our minds. It seems to me it is not fair treatment of the Executive.

The PRESIDING OFFICER. The Senator has a right to call for the reading of the message.

Mr. ALDRICH. Let it be read.

Mr. GALLINGER. I will say that the Senator from Illinois [Mr. PALMER] reported the bill, and I notice that he did not incorporate the veto message in his report. In the case of two similar bills which I reported, I think it will be found that I did incorporate the veto messages in my reports. I presume it will take a little time to get the message.

But I will say that the President of the United States has vetoed this bill, as he vetoed three or four others in the present Congress. They were remarriage cases. I will state that the Committee on Pensions does not hold exactly the same views that the President does on this question. For instance, in the Forty-ninth, Fiftieth, and Fifty-third Congresses we passed fourteen of these bills, and the President signed thirteen. We have held in committee that when the widow had been the wife of a soldier during his army service and had remarried and the Government had been saved the pension for a number of years, as in this case to the amount of $4,800, if the wife became old and indigent and unable to work and appealed to Congress for relief, we would restore her to the pension rolls. The husband in this case was killed on the battlefield.

It is not a new thing. This policy commenced way back in the early history of the Government, in the days of Daniel Webster, and we have had a few instances of pensions of this class from time to time. I believe myself it is a just bill, and I think we ought to act upon it.

Mr. ALLEN. Does not the chairman of the committee think that the President, who was represented in such a distinguished and gallant manner by a proxy in the late war, ought to have some deference paid to his opinions on military matters in the Senate of the United States?

Mr. GALLINGER. I will say, in answer to the Senator from Nebraska, that so far as I am concerned, while serving as chairman of the Committee on Pensions, I have never made unkind reference or criticism of the President of the United States. He had the right to veto this bill. He has the right, I take it, to veto any bill that does not meet with his approval. I differ with him, and heretofore Congress has differed with him, but I think we ought not to criticise the President because of the exercise of his constitutional right in this case.

I have heretofore said that in my judgment these pension vetoes are frivolous and inconsequential. I will repeat those words today; but it is the President's constitutional right to do it, and I should be the last man in the Congress of the United States to criticise him unkindly or harshly because of the exercise of his constitutional right.

Mr. ALLEN. But, if the Senator will permit me, it is the constitutional right of a Senator to criticise the President of the United States or any other man——

Mr. GALLINGER. Oh, undoubtedly.

Mr. ALLEN. And it is not only his constitutional right to do it, but it is his duty to do so as a public officer whenever he believes the utterances of the President of the United States conflict in the slightest degree with the true interests of legislation and the true interests of individuals. I can not forget the fact that Grover Cleveland on one or more occasions has referred in his veto messages of pension bills to the soldiers, and especially the private soldiers of the late war, as coffee-coolers, and in a way that no man having a clear conception of his duty would do.

The honorable chairman of the Committee on Pensions is going too far when he expects the soldiers of the late war, upon either side of the great controversy, to submit to insolence and impudence and unkind treatment, notwithstanding it comes from the Chief Executive of this nation.

Mr. GALLINGER. If the Senator will permit me, he will remember that during Mr. Cleveland's first term this matter was fought over, and it was fought before the people of the United States. Mr. Cleveland was severely criticised because of these very utterances, and I think I joined with other members of the Republican party in making severe animadversions upon him for that course. But I would a good deal rather pass this bill, if we can get the requisite number of votes, and give this poor old woman a pension than to discuss the action of the President. Let us have a vote.

Mr. CULLOM. I hope the Senator from Nebraska will allow a vote to be taken.

Mr. STEWART. Vote!

Mr. CHANDLER. I would not make an objection on the mere form of requiring the President's veto message to be read, but it does not seem to me to be a mere question of form. The Constitution says:

> If he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

The Constitution evidently contemplates that the objections of the President, which are to be entered at large upon the Journal of the House in which the bill originates, shall also be entered at large upon the Journal of the other House, which in this case is the Senate. It is not a mere form. Rather, if it is a matter of form, it is a matter of very important form, that we should not pass the bill over the veto of the President without the veto message being present at the time the act of passing the bill over the veto is performed.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. The Chair will state that the constitutional provision has been complied with. The veto message is at the desk ready to be read.

Mr. BACON. I wish to ask the junior Senator from New Hampshire whether this is a case where a woman, after her remarriage, became a widow. There is one such case, I understand. Or is it the other case, where she became divorced? Which is it?

Mr. GALLINGER. In this case the soldier was killed on the battlefield, and this woman became his widow, and after a time she married and obtained a divorce because of ill treatment.

Mr. BACON. The Senator will recognize the fact that there are two cases, one case where the woman's second husband died and this case where she was divorced.

Mr. GALLINGER. Without any fault of her own.

Mr. BACON. I did not know which it was.

The PRESIDING OFFICER. The message of the President will be read.

Mr. CHANDLER. I withdraw my call for the message to be read.

Mr. CULLOM. Let the message be printed in the RECORD, and call the roll.

Mr. BATE. Let us hear it, Mr. President.

The PRESIDING OFFICER. The message will be read.

The Secretary read as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."

John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.

In December, 1863, the beneficiary was pensioned as his widow at the rate of $20 a month.

She received the pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension roll pursuant to law. In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.

She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.

It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.

It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension roll, as the widow of a deceased soldier, a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage, has been quite willing to forego the provision which was made for her by the Government solely on the ground of her soldier widowhood.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1896.*

Mr. MILLS. It is now nearly 6 o'clock, and as by unanimous consent we agreed to take a recess at 6 o'clock until 9, I suggest that we vote on the bill when we reassemble at 9.

Mr. CULLOM. The Senator means at 8 o'clock instead of 9.

Mr. MILLS. No, sir.

Mr. STEWART. I suggest that we can take the vote now.

Mr. CULLOM. The order was to take a recess until 8 o'clock.

Mr. MILLS. I understood that it was afterwards changed to 9.

Mr. CULLOM. It was not.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STEWART. I ask unanimous consent that the recess be extended five minutes, and that we take the vote before the recess.

Mr. CULLOM. That is right.

Mr. MILLS. It can not be done in that time.

Mr. STEWART. Then I ask that the time be extended ten minutes.

Mr. MILLS. I object.

Mr. HILL. I desire to ask the Senator from New Hampshire whether it has been contemplated to pass any general law upon this subject?

Mr. GALLINGER. I will say in reply to the Senator that that has been discussed more or less by the committee. As the Senator will notice by the report, it seems that on two occasions (I do not know when they were repealed) general laws have been passed upon this subject, or covering cases somewhat similar; but it was away back somewhere in the early history of the Government. The Committee on Pensions has given this matter some attention, and they have it in contemplation to determine either upon the passage of a general law, or else to determine not to consider any of these cases at all in the next Congress.

Mr. HILL. The general rule, of course, is that if a widow remarries, no matter whom, she may marry a pauper——

Mr. GALLINGER. That is correct.

Mr. HILL. She may marry a man who can not support her; she may have to work out, yet the rule is arbitrary that she loses her pension——

Mr. GALLINGER. The law operates of course.

Mr. HILL. Because the law operates; and of course we have to pass special laws to evade or to change that provision.

Mr. GALLINGER. Except in these individual pension cases.

Mr. HILL. Except that there is now presented a new class of cases where the husband dies or the widow is divorced, and then comes a mass of these new special cases. In my judgment, one difficulty about the administration of the pension laws by Congress is the multiplicity of special legislation.

The PRESIDING OFFICER (at 6 o'clock p. m.). The hour of 6 o'clock having arrived, under the order of the Senate a recess will be taken until 8 o'clock.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

RACHEL PATTON.

Mr. PLATT. Mr. President——

The VICE-PRESIDENT. The Chair will state the pending question. The question is, Shall the bill (H. R. 1185) granting a pension to Rachel Patton pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PLATT. We ought to have a quorum if we are going to pass this bill, or any bill. I suggest that there is no quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll.

After some delay,

Mr. ALLEN. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PLATT. What is the motion?

The VICE-PRESIDENT. The motion is that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. QUAY. We shall have a quorum in a few minutes. The Senator from Iowa [Mr. ALLISON], just before the Senate took a recess, indicated that at 8 o'clock he would ask for a recess until 9 o'clock. At 9 a quorum will be here.

Mr. BATE. I think Senators left the Chamber with that idea, and they are absent for that reason. They will be here directly.

Mr. ALLEN. I knew that the Senator from Illinois [Mr. CULLOM] desired to proceed with a bill, and I supposed we could get a full Senate to proceed.

After some further delay, the following Senators had answered to their names:

Allen,	Clark,	Lindsay,	Pugh,
Allison,	Cockrell,	Mantle,	Quay,
Baker,	Cullom,	Martin,	Sherman,
Bate,	Daniel,	Mills,	Shoup,
Berry,	Dubois,	Mitchell, Wis.	Smith,
Blanchard,	Faulkner,	Morgan,	Stewart,
Brown,	Gallinger,	Nelson,	Teller,
Call,	Gorman,	Palmer,	Tillman,
Cameron,	Hawley,	Peffer,	Vest,
Cannon,	Hill,	Perkins,	Walthall,
Carter,	Jones, Ark.	Pettigrew,	White.
Chilton,	Kyle,	Platt	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Senate was dividing upon the question, Shall the pending bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

Mr. CALL. What is the bill?

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 1185) granting a pension to Rachel Patton.

Mr. CULLOM. I desire to say that my colleague [Mr. PALMER] reported that bill from the Committee on Pensions and recommended its passage, notwithstanding the veto. If there is any doubt about the bill passing, I should like to have my colleague here when the question is submitted.

Mr. STEWART. There is no question about it.

Mr. CULLOM. It is a bill in which I take a good deal of interest myself, and I hope the Senate will vote to pass the bill, notwithstanding the veto.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. PEFFER (when Mr. GEAR'S name was called). I am requested by the Senator from Iowa [Mr. GEAR] to announce that he is paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Idaho [Mr. DUBOIS]. He not being present, I decline to vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I announce my pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. McBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. TILLMAN (after having voted in the affirmative). Has the Senator from Nebraska [Mr. THURSTON] voted?

The VICE-PRESIDENT. He has not voted.

Mr. TILLMAN. As I am paired with that Senator, I withdraw my vote.

Mr. CULLOM. I can state that the Senator from Nebraska would vote in favor of this bill, if present, and if the Senator feels like voting that way, I should be glad if he would do so to make a quorum.

Mr. BLANCHARD. I understand that a quorum has not voted. I am paired with the Senator from North Carolina [Mr. PRITCHARD], but I transfer that pair to my colleague [Mr. CAFFERY], and vote "nay."

Mr. PUGH. I have a general pair with the Senator from Massachusetts [Mr. HOAR]. I reserved, however, the privilege of voting to make a quorum, and, as I understand that there is no quorum present, I will vote. I vote "yea."

Mr. VILAS. I have a general pair with the Senator from Oregon [Mr. MITCHELL] and his colleague [Mr. McBRIDE] has a pair with the Senator from Mississippi [Mr. GEORGE]. We have arranged to transfer those pairs so that we can both vote, and the Senator from Oregon [Mr. MITCHELL] stands paired with the Senator from Mississippi [Mr. GEORGE]. I vote "nay."

Mr. McBRIDE. I vote "yea."

Mr. WILSON. I have a general pair with the Senator from Florida [Mr. PASCO], but I take the liberty, upon advice, of voting. I vote "yea."

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is not able to be here on account of sickness. He is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 37, nays 10; as follows:

YEAS—37.

Allen,	Gallinger,	Mitchell, Wis.	Roach,
Baker,	Gorman,	Morgan,	Sewell,
Butler,	Hansbrough,	Nelson,	Sherman,
Call,	Hawley,	Palmer,	Shoup,
Cannon,	Jones, Ark.	Peffer,	Stewart,
Carter,	Kyle,	Perkins,	White,
Chandler,	McBride,	Pettigrew,	Wilson.
Clark,	Mantle,	Platt,	
Cullom,	Martin,	Pugh,	
Faulkner,	Mills,	Quay,	

NAYS—10.

Bate,	Chilton,	Hill,	Vilas.
Berry,	Gibson,	Lindsay,	
Blanchard,	Gray,	Vest,	

NOT VOTING—43.

Aldrich,	Davis,	Jones, Nev.	Squire,
Allison,	Dubois,	Kenney,	Teller,
Bacon,	Elkins,	Lodge,	Thurston,
Blackburn,	Frye,	McMillan,	Tillman,
Brice,	Gear,	Mitchell, Oreg.	Turpie,
Brown,	George,	Morrill,	Voorhees,
Burrows,	Gordon,	Murphy,	Walthall.
Caffery,	Hale,	Pasco,	Warren,
Cameron,	Harris,	Pritchard,	Wetmore,
Cockrell,	Hoar,	Proctor,	Wolcott.
Daniel,	Irby,	Smith,	

So the bill was passed, two-thirds of the Senators present having voted in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2063) to amend the laws relating to navigation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals; further insists upon its amendment to the bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased;

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private, Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 3014) revising and amending the statutes relating to patents;

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 6634) granting a pension to Sarah M. Spyker;

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of certain transcripts from the records of the health department;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for infringement of patents;

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant a right of way through the military reservation at Fort Morgan to the Birmingham, Mobile, and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 10367) to revive and reenact a law authorizing the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River; and

A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. HOAR and Mr. WALTHALL members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the United States Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO NAVAL ACADEMY.

The VICE-PRESIDENT appointed Mr. LINDSAY and Mr. CARTER members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the United States Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

CREDENTIALS.

Mr. ALLEN presented the credentials of JAMES H. KYLE, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS.

Mr. LODGE presented the petition of Charles Steere, of Boston, Mass., and of Fred. W. Rawskolb, of Medford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of 52 citizens of South Braintree, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the interstate transportation of matter by an agency; which was ordered to lie on the table.

Mr. CALL. I present the petition of Mr. James Seldon Cowdon, of Vienna, Va., praying for the printing of papers contained therein relating to ærial navigation. The papers are brief, and there must be no reason why the request should not be granted. I ask that they be printed as a miscellaneous document.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

WRITS OF CERTIORARI TO DISTRICT COURT OF APPEALS.

Mr. CANNON. I move that the Senate proceed to the consideration of executive business.

Mr. HILL. Will the Senator withdraw that motion for a moment in order that a bill which has just been received from the House of Representatives may be laid before the Senate?

The VICE-PRESIDENT. Does the Senator from Utah yield for that purpose?

Mr. CANNON. I do.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference and further insisting upon its amendments to the bill (S. 3538), to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HILL. I move that the Senate insist on its disagreement to the amendments of the House of Representatives and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HILL, Mr. PLATT, and Mr. CLARK were appointed.

Mr. CANNON. At the request of several Senators, I ask leave to withdraw the motion for an executive session at the present time, but give notice that I shall renew it at the first opportunity at a later hour in the evening.

TICKET BROKERAGE.

Mr. CULLOM. I gave notice during an earlier hour of the day that at the first opportunity I would call up House bill 10090, known as the anticalping bill, or rather the bill to regulate commerce, and ask for its consideration.

I desire to state, however, that after having a consultation with members of the Committee on Interstate Commerce and after discovering that it would probably be impossible to pass the bill to-night, as there are quite a number of Senators who desire to discuss it, the committee has determined that it would be unwise and that we should not undertake to do so. Members of the Senate have been kept here day after day and night after night, and it is perfectly obvious that we would be kept here all night upon this question if the bill were taken up. I am unwilling myself, in view of the apparent certainty that we can not pass the bill at the present session, to insist upon its present consideration.

I do this very reluctantly. I have believed very earnestly that the bill ought to pass. It is not a bill of great length, its provisions are simple, and it has seemed to me all the time that the Senate ought to pass it, it having been passed in the other House by a very considerable majority. But I am told by a number of Senators that it can not pass without very considerable discussion, which would result in its failure for the present session. I yield to this situation a little more willingly than I would otherwise in view of the fact that in all probability a called session of Congress will be held in a few weeks, when we shall have time to consider bills of this nature and perfect them so that every Senator may feel satisfied at least that he has had a fair opportunity to give expression to his views.

I give notice that I will not call up the bill for consideration to-night.

Mr. WHITE. Mr. President, I note with great satisfaction the remarks of the Senator from Illinois. I have heard that after the expiration of the next legislative day no matters of general legislation would be permitted to be considered elsewhere. I regard the statement of the Senator from Illinois as a refutation of that proposition, and I know that no ukase issued from any other tribunal will interfere with the consideration of general legislation after the induction into office of the agent of prosperity.

Mr. CHANDLER. Mr. President, I think I ought to say that the members of the Committee on Interstate Commerce who are now present in the Chamber—and I think a majority of the committee are present—are of the opinion that the bill can not be disposed of at the present session. Among the number are Senators who are in favor of the bill as well as Senators who are against the bill. The bill itself as it has come from the House of Representatives would need alteration. Amendments would be proposed to the text of the bill as it has come from the House; discussion would ensue upon those amendments, and even if no additions to the bill were to be made, it would, in my judgment, be impossible to pass it, judging from the knowledge I have as to the intention of Senators now upon the floor to speak upon the bill.

In addition, I repeat what I said before the recess was taken, that it would be impossible, in my judgment, either now or at any other time, to pass this bill, which the railroads very much desire and which they believe will be very helpful to them, without having affixed to it the amendment I hold in my hand, which makes some twenty or more important and desirable alterations in the interstate-commerce law—amendments which the railroads do not desire, but which ought to be passed in the interest of the people for the purpose of strengthening the Commission and enabling it to perform the duties imposed upon it by the act of Congress.

I am quite sure that at this time the bill can not pass. I venture the prediction that at no time will it pass until a bill is prepared that travels over the whole ground of the interstate-commerce act and furnishes the improvements to that statute which for several years have been under discussion in Congress, but no one of which has been enacted into a law.

Mr. President, I am very glad that the Senator from Illinois has consented to be advised by a majority of his committee, by all the members of the committee who are upon the floor, that it is not expedient at this stage in the session to press the passage of the bill.

WILLIAM H. HUGO.

Mr. PALMER. I think this will be the last request I shall make of the Senate before I retire from office. I ask that the bill (S. 588) for the relief of William H. Hugo be taken up by unanimous consent and disposed of. I hope it will be passed.

Mr. GALLINGER. I wish to be very courteous to the Senator from Illinois, but in his absence two hours ago I took charge of a vetoed pension bill that he reported, and the next bill in the regular order is a vetoed pension bill in which I am very much interested, the beneficiary living in my own State. I think we ought to execute the order of the Senate, which embraces only a few more bills. Then I shall be glad to yield.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from New Hampshire objects.

Mr. QUAY. Before we proceed we ought to make certain a quorum is present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dubois,	Mantle,	Shoup,
Bacon,	Faulkner,	Martin,	Smith,
Baker,	Gallinger,	Mills,	Stewart,
Bate,	Gibson,	Mitchell, Wis.	Tillman,
Berry,	Gorman,	Morgan,	Vest,
Blanchard,	Gray,	Nelson,	Vilas,
Brown,	Hansbrough,	Palmer,	Walthall,
Butler,	Hill,	Peffer,	Warren,
Chandler,	Hoar,	Perkins,	White,
Chilton,	Jones, Ark.	Pettigrew,	Wilson.
Clark,	Kyle,	Pugh,	
Cullom,	Lindsay,	Sewell,	
Daniel,	McBride,	Sherman,	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present.

Mr. GALLINGER. The Senator from Illinois made a request for unanimous consent for the consideration of a bill, which will take but a moment. I interposed an objection, with a view to carrying out the regular order. I withdraw the objection, in order that the Senator's bill may be taken up, with the understanding that after that we shall proceed with the regular order.

Mr. PALMER. I ask the Senate to consider the bill (H. R. 588) for the relief of William H. Hugo. I have taken great pains to investigate it, and I assure the Senate it ought to pass.

Mr. FAULKNER. I do not like to object to any request of the Senator from Illinois, but we are still operating under the unanimous-consent agreement.

Mr. HAWLEY. I hope it may be waived for this one bill.

Mr. PALMER. I ask that the bill may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to suspend the laws regulating appointments in the Army for the purposes of this bill, and authorizes the President to appoint William H. Hugo a first lieutenant of cavalry in the Army, and thereupon to place him on the retired list of the Army.

Mr. QUAY. I think before proceeding to vote on a bill of such importance, we ought to be absolutely certain that there is a quorum present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Daniel,	McBride,	Sherman,
Bacon,	Dubois,	Mantle,	Shoup,
Baker,	Faulkner,	Martin,	Smith,
Bate,	Gallinger,	Mills,	Stewart,
Berry,	Gibson,	Mitchell, Wis.	Tillman,
Blanchard,	Gorman,	Palmer,	Vest,
Butler,	Hansbrough,	Peffer,	Vilas,
Cannon,	Hawley,	Perkins,	Walthall,
Carter,	Hill,	Pettigrew,	Warren,
Chandler,	Hoar,	Platt,	White,
Chilton,	Jones, Ark.	Pugh,	Wilson.
Clark,	Kyle,	Roach,	
Cullom,	Lindsay,	Sewell,	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

WILLIAM H. HUGO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1602) for the relief of William H. Hugo.

The PRESIDING OFFICER (Mr. BACON in the chair). The bill is in the Senate as in Committee of the Whole. If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. QUAY. Before the final vote is taken upon the bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

Mr. WILSON. A parliamentary inquiry. Is it possible in the midst of a question being put to raise the question of the absence of a quorum, the presence of a quorum having just been announced?

The PRESIDING OFFICER. The Chair will state that a question was not being put.

Mr. WILSON. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from Washington.

Mr. WILSON. The presence of a quorum had just been announced; not two seconds had intervened.

Mr. QUAY. Other business had been transacted.

Mr. HILL. What was the other business?

Mr. WILSON. What was the further business?

Mr. QUAY. A half dozen questions were put.

Mr. WILSON. I have no recollection of a half dozen questions.

Mr. QUAY. I refer to the Presiding Officer.

Mr. WILSON. I raise the question that we had just had a call of the Senate; the presence of a quorum had just been announced; the Chair had just announced it; not two seconds had intervened, and the question was being put on the passage of the bill. I raise the point of order whether the Senator has a right to raise the question of no quorum until the transaction of some other business.

The PRESIDING OFFICER. The Chair requests the Senator from Washington to state his request concisely, so that the Chair may rule upon it if necessary. Does the Senator make the point that a question was then being put?

Mr. WILSON. Yes, sir; I make that point of order.

The PRESIDING OFFICER. The Chair will state that a question was not being put. The Chair was stating the condition of the bill. The Chair stated that the bill was in Committee of the Whole, and stated that the committee had made no amendment. The bill had then been reported to the Senate, but the Chair had not propounded any question to the Senate. If that is the point of order simply, that a question was then being put, the Chair will be constrained to overrule it.

Mr. PEFFER. I understand the point of order is that no business had intervened, and that therefore another call was not in order.

Mr. QUAY. The Chair is perfectly aware that a number of perfunctory motions and questions had been put to the Senate after the previous call of the roll.

The PRESIDING OFFICER. The Chair will state to the Senate that the title of the bill had been reported to the Senate by the Secretary, which was intervening business. In addition to that, the Chair will state that according to the rule no intervening business is required; that the rule is that at any time a Senator may raise the question, and it must be immediately determined.

Mr. HILL. There can not be two calls in succession. With all due deference to the Chair, must not the rule have an intelligent and reasonable construction? There must be some business which is business.

The PRESIDING OFFICER. The Chair ruled there has been intervening business.

Mr. HILL. By the announcement of it?

The PRESIDING OFFICER. By the bill being reported by the Secretary to the Senate.

Mr. GORMAN. Call the roll.

The PRESIDING OFFICER. And a message was also received from the other House. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dubois,	Mantle,	Sherman,
Bacon,	Faulkner,	Martin,	Shoup,
Bate,	Gallinger,	Mitchell, Wis.	Smith,
Berry,	Gibson,	Morgan,	Stewart,
Butler,	Gorman,	Nelson,	Teller,
Call,	Hansbrough,	Palmer,	Thurston,
Cannon,	Hawley,	Peffer,	Tillman,
Carter,	Hill,	Perkins,	Vest,
Chandler,	Hoar,	Pettigrew,	Vilas,
Chilton,	Jones, Ark.	Platt,	Walthall,
Cockrell,	Lindsay,	Pugh,	Warren,
Daniel,	McBride,	Roach,	Wilson.

The PRESIDING OFFICER. Upon the call of the roll 48 Senators have answered to their names, and a quorum is present.

The Chair wishes to state, as this question may recur, that the ruling of the Chair in this instance was put distinctly upon the fact that the bill had been reported from the Committee of the Whole to the Senate, which was a fact of making progress, and therefore was intervening business. While the rule itself does not say so, the Chair is inclined to the opinion that the suggestion made by several Senators upon the floor that there must be some intervening business is correct. But in this instance there had been intervening business.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE D. MOWATT—VETO MESSAGE.

Mr. GALLINGER. I ask for the regular order.

The Senate proceeded to reconsider the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, which had been returned by the President to the House in which it originated with his objections to the same.

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Mantle,	Shoup,
Allison,	Cullom,	Martin,	Smith,
Bacon,	Dubois,	Mitchell, of Wis.	Stewart,
Baker,	Faulkner,	Morgan,	Teller,
Bate,	Gallinger,	Nelson,	Thurston,
Berry,	Gibson,	Palmer,	Vest,
Blanchard,	Hansbrough,	Peffer,	Vilas,
Brown,	Hill,	Perkins,	Walthall.
Butler,	Hoar,	Pettigrew,	Warren,
Call,	Jones, Ark.	Platt,	White,
Chandler,	Kyle,	Pugh,	Wilson.
Chilton,	Lindsay,	Roach,	
Clark,	McBride,	Sherman,	

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present.

Mr. QUAY. What is the status of the bill before the Senate?

The PRESIDING OFFICER. The Chair was about to state that the bill is before the Senate, vetoed by the President of the United States. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding. The Secretary will call the roll.

Mr. WHITE. What is the bill before the Senate?

The PRESIDING OFFICER. The title of the bill will be read.

The SECRETARY. A bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

The Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. MCBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE], but I will vote to make a quorum. I will vote "yea."

The result was announced—yeas 39, nays 7; as follows:

YEAS—39.

Allen,	Faulkner,	Mitchell, Wis.	Roach,
Allison,	Gallinger,	Morgan,	Sherman,
Butler,	Gorman,	Nelson,	Shoup,
Call,	Hansbrough,	Palmer,	Stewart,
Cannon,	Hoar,	Peffer,	Teller,
Carter,	Jones, Ark.	Perkins,	Thurston,
Chandler,	Kyle,	Pettigrew,	Tillman,
Clark,	McBride,	Platt,	Warren,
Cullom,	Mantle,	Pugh,	White.
Dubois,	Martin,	Quay,	

NAYS—7.

Bacon,	Berry,	Hill,	Vest.
Bate.	Gray,	Lindsay,	

NOT VOTING—44.

Aldrich,	Daniel,	Irby,	Proctor,
Baker,	Davis,	Jones, Nev.	Sewell,
Blackburn,	Elkins,	Kenney,	Smith,
Blanchard,	Frye,	Lodge,	Squire,
Brice,	Gear,	McMillan,	Turpie,
Brown,	George,	Mills,	Vilas,
Burrows,	Gibson,	Mitchell, Oreg.	Voorhees,
Caffery,	Gordon,	Morrill,	Walthall,
Cameron,	Hale,	Murphy,	Wetmore,
Chilton,	Harris,	Pasco,	Wilson,
Cockrell,	Hawley,	Pritchard,	Wolcott.

The PRESIDING OFFICER. More than two-thirds having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

Mr. SHOUP. Mr. President——

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. HOAR. My question of order is that the suggestion of the want of a quorum is out of order; that the matter of the intervention of business has nothing to do with it. In the case of the repeated motions to adjourn, the Senate having done something, they are motions for the Senate to do something, to wit, to adjourn, and the previous motion to adjourn may have been voted down for the very purpose of doing the thing which has intervened, and then they may be ready. But it never was intended that it should be put into the power of one man to prevent 89 men from doing business.

The intervention of business, therefore, has nothing to do with it. The proper and reasonable application of the rule of the Senate is that if the Chair, on inspection, sees that since the presence of a quorum has been ascertained in the way provided by the rules there has been no substantial change in the condition and composition of the Senate, and that the quorum which was ascertained continues here, he is bound to refuse to entertain the suggestion and allow the 89 men to go on with their business.

Mr. HILL. Mr. President, without discussing the general question, it is sufficient now that no business has intervened since the announcement showed a quorum when the Senator from Pennsylvania made his point. I insist upon it that the Senator can make no point of the want of a quorum. The Senator from Idaho [Mr. SHOUP] is entitled to be recognized, having addressed the Chair to make a motion.

Mr. QUAY. Those who were present in the Senate pending the discussion of the bill for the repeal of the silver clause of the Sherman Act will remember that a majority of the Senate were held up by the Senator from Idaho [Mr. DUBOIS] and the entire minority, and the precedent was adopted and sustained that anyone, at any time after intervening business, could suggest the absence of a quorum. I ask the Senator from Colorado [Mr. TELLER] if that is not true?

Mr. HILL. I rise to a point of order, which I will state. The Chair announced the vote. That vote showed the presence of a quorum. No business has intervened. We need not go further and raise a point upon an imaginary case. The Senator from Idaho [Mr. SHOUP] rose and asked to be recognized by the Chair.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that two points of order can not be pending at once unless the second point of order is addressed to something contained in the first. The Senator from Massachusetts has suggested an independent substantive point of order. The point of order suggested by the Senator from New York is an independent point on a different principle.

Mr. HILL. No. The question I raise is that the Senator from Pennsylvania can not raise the question of a quorum when the roll call had immediately before disclosed the presence of a quorum. That is the point I should like to have decided, and if it is decided in my favor the Senator who addressed the Chair is entitled to be recognized. Is not that right?

The PRESIDING OFFICER. The Chair feels constrained to rule that the point submitted by the Senator from Massachusetts has to be disposed of unless the Senator from Massachusetts waives it.

Mr. HILL. It is the same point of order, except the Senator from Massachusetts went further; that is all. Having the two points both involving the same question, the Senator from Massachusetts went further.

Mr. VEST. I should like to hear the rule read. I ask for the reading of the rule.

The PRESIDING OFFICER. The Senator from Missouri asks for the reading of the rule. The Secretary will read the rule.

Mr. QUAY. I desire to say that while to the public at large, to the people of the United States, it may seem that I am wantonly obstructing business, Senators on this floor know that I am doing it in the interest of millions of Pennsylvania capital and the wages of thousands of Pennsylvania workingmen.

Mr. HILL. Pennsylvania capital can not override the plain rules of the Senate or the country.

Mr. HOAR. I say again that in my judgment the question of the intervention of business is not a decisive test. It is the question whether the Chair sees that the composition of the Senate as made up, as ascertained by the roll call, remains substantially unchanged and a quorum continues. The other rule is to put 89 men, representing this whole country, in the power of one.

Mr. QUAY. The Senator from Massachusetts knows that when he and I were striving to sustain the credit of the Government pending the controversy over the repeal of the purchasing clause

of the Sherman act the rule was interpreted as it is being interpreted by the Chair to-night.

Mr. HOAR. I never heard it interpreted in that way.

Mr. QUAY. My recollection is that the Senator from Idaho [Mr. DUBOIS] time and again suggested the absence of a quorum, and we were compelled to sit here and to take vote after vote. We were held, I think, one month in that controversy by those obstructive tactics.

Mr. HOAR. I never considered what was done at that time parliamentary or proper on the subject of the points raised or thought of.

Mr. HILL. Mr. President, is this ancient history in order?

Mr. DUBOIS. Inasmuch as the Senator from Pennsylvania has alluded to me, I would say that during that debate on the repeal of the Sherman Act I never called for a quorum once when there was a quorum of the Senate in their seats. The Senator from Pennsylvania complained about that, and he stands here now and says he wants to protect some capital in Pennsylvania. They did not care much then when they struck down all of that Western country. But even through that fierce fight, which was a fight for the people of this country and not for a few capitalists in Pennsylvania, men who have millions and whom you are trying to give more millions to unjustly—even through that fierce fight I never asked for a quorum in the Chamber when there was a majority of the Senate in their seats; and no advocate of silver on this floor and none of those who were opposing the repeal of the Sherman Act asked for a quorum when there was a quorum present.

Mr. QUAY. My recollection is——

Mr. HILL. Can we not have the decision of the Chair on the point of order?

Mr. QUAY. I may be mistaken and the Senator from Idaho may be correct, but my recollection is that time and again, I can not say the Senator from Idaho personally suggested the absence of a quorom, but those who were subordinate to him and were acting in concert with him when there was a quorum present, and at times when there was not a quorum present the Senator from Idaho sat in his seat and refused to vote, and efforts were made to force him to vote without success, because the Senator from Idaho stood bravely up and refused to vote, and the Senate had no recourse.

Mr. SEWELL. I do not know anything about the controversy then existing, but I want to know about the rules of the Senate. I ask for the reading of Rule V in relation to the matter, and I ask for a decision of the Chair.

The PRESIDING OFFICER. The Secretary will read the rule indicated.

The Secretary read as follows:

RULE V.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HILL. Mr. President, that rule expressly says that a question of a quorum can not be raised if the roll call has just disclosed the presence of a quorum, and that is the only question that is now pending. If that is so, then the Senator from Pennsylvania could not raise the question and the Senator from Idaho was entitled to be recognized by the Chair.

Mr. SEWELL. In answer to the Senator from New York, the rule very explicitly shows that his point can not be maintained. Here it is in plain English:

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result.

Mr. HILL. The calling of the roll, no matter whether it is upon a regular roll call, upon the passage of a measure, or whether it is upon a direct suggestion of the want of a quorum, is a roll call, and that has just taken place. That is the fact which determines the presence of a quorum. Otherwise when it is called a suggestion can be made that there is no quorum, and you can keep right on forever. It can not be done, Mr. President, under these rules. Bad as these rules are, they will not permit such a farce as that. I submit the question that when the roll call discloses the presence of a quorum then the Senator who has addressed the Chair is entitled to proceed. That is the question I want decided by the Chair.

Mr. SEWELL. The rules of the Senate may be wrong——

The PRESIDING OFFICER. The Senator from New Jersey will suspend a moment. The Chair will state that two points of order have been made. Only one can be entertained at a time. The point of order before the Senate (after which the point of order made by the Senator from New York will be entertained) is the point of order made by the Senator from Massachusetts. It is that the Chair should by inspection ascertain whether there is a quorum present, and if he finds such to be the case that he shall rule the call out of order.

Mr. HILL. That is an abstract question.

The PRESIDING OFFICER. The Chair is ready to hear any debate on that question. If there is none, the Chair is ready to rule upon it.

Mr. SEWELL. The rule does not give the Chair that right. The rule is absolute.

Mr. HILL. Mr. President, we have enough difficulties here without imagining them. I am one of those willing to go to the extent of holding that the Chair can even under these rules substantially count a quorum; but it is not necessary to go so far until we reach that point. That question does not arise. You are not called upon to decide the question whether at any time the Chair can discover that immediately after the roll call there had been any change, as the Senator from Massachusetts says. You are not called upon to decide that question; it is an abstract question which may arise hereafter.

The question that was presented here was simply to test the accuracy of the last roll call. The last roll call disclosed the presence of a quorum, and a Senator can not immediately arise and say, "I suggest the want of a quorum." That is the practical question and the only one now before the Senate to decide. The other is an abstract question which has not yet arisen, but which may arise before this evening's performance is over.

Mr. LINDSAY. Mr. President, I suggest to the Senator from New York a very important fact, that may settle this question of order, and that is the information that the other House has receded from its disagreements all along the line so far as the naval bill is concerned.

Mr. HILL. That is not a parliamentary question; that is a motive for the proceeding.

Mr. LINDSAY. It lacks now only the signatures of the presiding officers of the two Houses and of the President of the United States to make it a law.

The PRESIDING OFFICER. The Chair is constrained to rule that when a Senator presents a point of order the Chair can not refuse to rule upon it on the ground that it is an abstract question. If a Senator presents a point of order, it is within the province of the Chair to rule upon it; but the Chair can not rule upon more than one point at a time. After having ruled upon one question, if the other still survives, the Chair will decide it. The Chair will then rule on the point of order submitted by the Senator from New York.

Mr. HOAR. The point of order is that the suggestion is out of order. I stated one reason for the point and the Senator from New York stated another—two reasons in favor of the same point. My proposition was that, after having done this, the provision of the rule has been exhausted, and if the Chair sees, upon an inspection, that the composition of the Senate remains unchanged, it can not be successively put every two minutes; otherwise, if I should be held to be wrong, it is very evident, it seems to me, that the rule would require the Chair to put it again and again, without any intervening business whatever.

The PRESIDING OFFICER. The point of order made by the Senator from Massachusetts is that, after there has been a roll call, in case there has been no intervening business and there is another suggestion of the absence of a quorum, the Chair should rule that point out of order if, upon a personal inspection of the Senate, he should determine that there had been no substantial change in the number present. The Chair knows no way in which such an inspection could be made, except by counting; and the Chair does not know of any rule in the Senate which justifies or authorizes the Presiding Officer to count a quorum. So the present occupant of the chair is now ready to pass upon the question submitted by the Senator from New York.

Mr. HILL. My point is, that the presence of a quorum was determined by the last roll call, and that a Senator can not immediately thereafter suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator mean to embrace the feature that no business has intervened?

Mr. HILL. Yes; that no business has intervened.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HILL. The Senator from Idaho can now make his motion.

Mr. GALLINGER. Regular order, Mr. President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, had receded from its disagreement to the amendments of the Senate numbered 30 and 103 to the said bill and agreed to the same.

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, and agreed to the same.

WRITS OF CERTIORARI TO DISTRICT COURT OF APPEALS.

Mr. HILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, the conferees having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with an amendment as follows: Strike out in lines 3, 4, and 5 the words "That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final" and insert in lieu thereof the words "That in any case heretofore made final in the court of appeals of the District of Columbia."

DAVID B HILL,
O. H. PLATT,
CLARENCE D. CLARK,
Managers on the part of the Senate.
HENRY M. BAKER,
D. B. HENDERSON,
Managers on the part of the House.

Mr. HOAR. I should like, for information, to have the bill read as it will read when the conference report is adopted.

Mr. HILL. This is the reading of the bill:

That in any case heretofore made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. I could not hear the Senator very well. I should be glad to have the bill read at the desk.

Mr. PLATT. Let the bill be read as it will read if the conference report is concurred in.

The Secretary read as follows:

Be it enacted, etc., That in any case heretofore made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. What does the Senator understand to be the meaning of the phrase "in any case heretofore made final." Does it mean a case is finally decided?

Mr. HILL. That is substantially the language of the act of 1891.

Mr. HOAR. Does the Senator mean where the decision of the court is final?

Mr. HILL. Yes, sir; that is it.

Mr. HOAR. That seems to be rather an extraordinary phrase, if I comprehend it.

Mr. PLATT. It follows the law.

Mr. HOAR. Will the Senator read the law, which he has before him, perhaps?

Mr. HILL. It reads as follows:

And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HOAR. The act of what year is that?

Mr. HILL. The act of 1891.

Mr. PLATT. The circuit court of appeals.

Mr. HOAR. That is the exception, and it follows the same language in this act. Perhaps I may be permitted to say that that was a statute in which, by some extraordinary omission, there were several very inexact, unlawyer-like phrases adopted. The matter was left by accident to two quite eminent lawyers, each of whom, I think, trusted the other, and each of whom thinks the other is to blame. But, as that phrase is in the statute, I agree to the propriety of the Senator from New York having followed the phraseology, and I make no further objection. But of course the Senator would agree with me that if we were drawing an original bill we should not speak of a case being made final, but of a decision being final.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 61, 87, 90, 92, and 95; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the words "three hundred" and insert in lieu thereof the words "three hundred and thirty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Insert after the word "that" in line 7 of said amendment the words, "on and after January 1, 1898," and strike out in line 9 the word "hereafter" and insert in lieu thereof the word "thereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That on and after January 1, 1898, all acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes passed shall be certified immediately upon their passage to the President of the United States and shall not take effect if disapproved by him, or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment or any acts or resolutions or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"That the mineral lands of the Uncompahgre Indian Reservation, in the State of Utah, are hereby declared open to public entry, under the mineral-land laws of the United States, and no one person shall be allowed to make more than four claims on lands containing gilsonite, and on and after January 1, 1898, all of said reservation unallotted to the Indians shall be open to public entry under the land laws of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserve for payment of legal services rendered and expenses incurred under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim appropriated for by act of Congress approved August 23, 1894 (28 Statutes at Large, page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

"To William S. Peabody, $10,000.
"To Charles A. Webb, administrator of the estate of C. M. McLoud, $2,500.
"To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $2,500.
"To Theodore H. N. McPherson, $2,500.
"To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $2,000.
"To John A. Sibbald, $1,000.
"To Samuel W. Peel, $2,500.
"To Reese H. Voorhees and John Paul Jones, $3,500.
"To David A. McKnight, $2,000.
"To C. M. Carter, $167.50.
"To Belva A. Lockwood, $500.
"To J. L. Baugh, $2,500.
"To Stephen W. Parker, $2,500.
"To Joel M. Bryan, $5,215.06.

"And the remainder of said sum of money, after paying the foregoing specific sums, shall be paid to the Old Settlers or Western Cherokee Indians on their requisition or requisitions made therefor by the national treasurer of the Cherokee Nation or by such other person or persons as said Old Settlers or Western Cherokees may in special council appoint for that purpose: *Provided*, That the Secretary of the Interior shall take a receipt from the person so appointed to receive said money from the said Old Settler or Cherokee Indians; and every person receiving the sums of money herein specified shall receipt in full for all claims upon the aforesaid fund, and such payment shall extinguish every right and claim of any kind of any one of said parties to any part of said funds of $78,765.13."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out by said amendment insert the following:

"That all children born of a marriage between a white man and an Indian woman by blood and not by adoption, and who is at this time recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be construed as to debar such child of such rights."

And the Senate agree to the same.

On the amendments of the Senate numbered 30 and 103, the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. QUAY. This is an important report, and it seems to me proper that a full Senate should act upon it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	Lodge,	Smith,
Allen,	Elkins,	McMillan,	Squire,
Bacon,	Faulkner,	Mantle,	Stewart,
Bate,	Frye,	Martin,	Teller,
Berry,	Gallinger,	Morgan,	Thurston,
Blanchard,	Gordon,	Nelson,	Tillman,
Brice,	Hale,	Palmer,	Vest,
Brown,	Hansbrough,	Peffer,	Walthall,
Butler,	Hawley,	Perkins,	Warren,
Call,	Hill,	Pettigrew,	Wetmore,
Cannon,	Hoar,	Platt,	Wilson.
Carter,	Jones, Ark.	Pugh,	
Clark,	Jones, Nev.	Roach,	
Cullom,	Kyle,	Shoup,	

The PRESIDING OFFICER. Upon the call of the roll 53 Senators have answered to their names. A quorum is present. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. WILSON subsequently said: I had hoped to say a single word, and rose to address the Chair before the conference report on the Indian appropriation bill had been adopted, not by way of any criticism upon the conferees for the rejection of amendment numbered 90, and also of amendment numbered 88, but to call attention to the fact that when the appropriation bill came over here from the other House it contained an amendment authorizing the leasing of certain lands in the Colville Reservation for mineral location. It was thought advisable upon the part of the Senate to strike out what the House had placed in the bill, and to insert an amendment opening the south half of the Colville Indian Reservation to mineral location without the operation of leases.

The Commissioner of Indian Affairs, without request, saw proper to send to the committee a letter protesting against opening the Indian reservation to mineral location other than by lease. In his letter to the committee he says he wishes to keep the boundaries of the Indian reservation intact, and yet he is in favor of leasing the mineral property. How a prospector could lease mineral property without first having gone upon the land and prospected, no one has been able to tell. It would be absolutely impossible, and it is an absurdity upon its face. Doubtless the honorable Commissioner of Indian Affairs expected them to look over into the promised land with a telescope and locate the mineral lands. It is an utter absurdity. The amendment to strike out, which was adopted by the Senate, was proper, and the amendment that was adopted was proper. How are we to develop this Western country? What has this Western country produced? These mineral lands.

Mr. President, when we look into it, when we stop to examine it, we find that the mineral lands of the West have furnished nearly all of the circulating medium of this country. Here is a vast mineral belt upon which now no one is permitted to go except the Indian agent, and yet the Commissioner of Indian Affairs comes here and says that we must lease this mineral property before we open it, and that we must go to the tribe of Indians who are upon that reservation and get their consent. They do not own the property. They never did own the property. The statutes of the United States have expressly declared that they have no ownership in the land. Section 5 of an act to be found on page 54 of the statutes of the Fifty-second Congress, first session, especially provided:

That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of said Colville Reservation.

Why should they be permitted, then, to lease these lands, as recommended by the honorable Commissioner of Indian Affairs? It is an utter absurdity. The land should have been thrown open to all the people, giving them an opportunity to enter upon the reservation and develop the mineral lands, if any can be found there.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. TELLER. I submit the final report on the District of Columbia appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10167) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 53, 55, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 131, and agree to the same.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM GROUT,
MAHLON PITNEY,
A. M. DOCKERY,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 6353) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States relating to copyrights.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. SHOUP. I ask unanimous consent for the present consideration of House bill 9188. To that bill there has been an amendment presented as a substitute by the Senator from Pennsylvania [Mr. QUAY]. I ask that the substitute be laid before the Senate for present consideration.

The PRESIDING OFFICER (Mr. BACON in the chair). The title of the bill will be read for information.

Mr. HAWLEY. I reserve the point of order.

The SECRETARY. A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The PRESIDING OFFICER. The amendment proposed to be substituted by the Senator from Pennsylvania will now be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That a commission is hereby created to be called the "Industrial Commission," to be composed as follows: Five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker, and nine other persons, who shall fairly represent the different industries and employments, to be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects.

SEC. 3. That the commission shall give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or subcommissions of its own members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerks, stenographer, messengers, rent for place of meeting, and printing and stationery, shall be paid from any money in the Treasury not otherwise appropriated; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 4. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 5. That the term of the commission shall be two years. The salary of each member of this commission appointed by the President shall be $3,600 per annum and actual traveling expenses.

SEC. 6. That any vacancies occurring in the commission by reason of death, disability, or from any other cause shall be filled by appointment of the President of the United States.

SEC. 7. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the consideration of the bill which has been read.

Mr. HAWLEY. Does the Senator submit a motion, or is it a request to take up the bill by unanimous consent?

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the bill.

Mr. QUAY. The amendment to the bill is one introduced by me. I understood the Senator from Idaho to move to proceed to the consideration of the bill.

Several SENATORS. Oh, no.

Mr. QUAY. Then I hope the Senator will make that motion.

Mr. SHOUP. Inasmuch as there is an objection, I move to take up the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho.

Mr. HILL. I will ask the Senator from Pennsylvania if this will interfere at all with the capitalists of Pennsylvania?

Mr. GALLINGER. The motion is not debatable.

Mr. SHOUP. There are ten million toiling men and women interested in this measure.

The PRESIDING OFFICER. Debate is not in order.

Mr. SHOUP. I beg pardon.

Mr. HAWLEY. I call for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to take up the bill. [Putting the question.] The ayes appear to have it.

Mr. CHILTON. I ask for the yeas and nays on the motion to take the bill up.

Mr. HAWLEY. I called for the yeas and nays loud enough to be heard, I thought.

The PRESIDING OFFICER. The Chair begs pardon of the Senator; he did not hear him.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a pair with the Senator from North Carolina [Mr. PRITCHARD], which I transfer to my colleague [Mr. CAFFERY], and I vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. WILSON (when his name was called). I again announce my pair with the Senator from Florida [Mr. PASCO], and therefore withhold my vote.

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote, if present, and therefore I withhold my vote.

The result was announced—yeas 44, nays 6; as follows:

YEAS—44.

Aldrich,	Faulkner,	McMillan,	Quay,
Allen,	Gibson,	Mantle,	Sherman,
Bacon,	Gray,	Martin,	Shoup,
Baker,	Hansbrough,	Mitchell, Wis.	Smith,
Butler,	Hill,	Morgan,	Squire,
Cannon,	Hoar,	Nelson,	Stewart,
Carter,	Jones, Ark.	Palmer,	Teller,
Chandler,	Jones, Nev.	Peffer,	Thurston,
Clark,	Kyle,	Perkins,	Tillman,
Cullom,	Lindsay,	Pettigrew,	Warren,
Dubois,	McBride,	Pugh,	White.

NAYS—6.

Bate,	Chilton,	Platt,	Vest.
Blanchard,	Hawley,		

NOT VOTING—40.

Allison,	Daniel,	Harris,	Proctor,
Berry,	Davis,	Irby,	Roach,
Blackburn,	Elkins,	Kenney,	Sewell,
Brice,	Frye,	Lodge,	Turpie,
Brown,	Gallinger,	Mills,	Vilas,
Burrows,	Gear,	Mitchell, Oreg.	Voorhees,
Caffery,	George,	Morrill,	Walthall,
Call,	Gordon,	Murphy,	Wetmore,
Cameron,	Gorman,	Pasco,	Wilson,
Cockrell,	Hale,	Pritchard,	Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, which has been read.

The amendment was agreed to.

Mr. HAWLEY. Mr. President, I am one of those opposed to this bill in its present form, but, as it has been taken up, it might as well be discussed at this time and in this way as at any other time and in any other way. But I should be glad, before the discussion proceeds, to have some of the Senators who are warmly interested in this measure show us the merits and the necessities of it. As Blackstone says of a new statute, "Let us know the present law, the mischief thereof, and the remedy."

The PRESIDING OFFICER (Mr. BACON in the chair). The bill is still in Committee of the Whole, and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. HAWLEY. Mr. President, I desire to justify myself in the vote I shall cast. If this were a proposition to appoint nine men from private life, representing a variety of trades so far as possible, and if the representation were to be taken from all kinds of labor unions and all kinds of discontent or dissatisfaction, I would not say one word in opposition to it, for there might be some advantages from testimony collected by able men, eminent among the classes of which I speak. My objection is chiefly to the mingling of the two, for it is also proposed here to have ten members of Congress selected by the presiding officers of the two Houses as part of the commission.

We have now, if I recollect aright the number of electoral votes, 447 members of the two Houses, duly elected under the Constitution and the statutes by the best devices known to civilization, the best devices known to statesmen and students of law and liberty for obtaining a fair representation of the opinions and desires of the people of the United States. The country is divided into Congressional districts containing a little over 173,000 people each, divided, so far as may be, when legislatures are just about it, into comparatively symmetrical districts. It is supposed, barring shoestring districts, as a Senator near me suggests, that the people in those several districts know what they want. To say that they do not know what they want is to reflect upon their intelligence, their judgment, and their patriotism.

What they want, sir, is well represented by the great variety of sentiment and opinion which prevails in these two bodies—Populists, silver Republicans, regular Republicans or gold Republicans, silver Democrats, gold Democrats—on the whole fairly representing the discordant desires of the people.

Mr. SQUIRE. I think the Senator omitted to mention the silver Republicans.

Mr. HAWLEY. I mentioned them.

I say the Senators and Representatives already elected and sworn in are the fairest possible for a jury or a bench—I do not care which—that could be imagined. I do not now say who is right and who is wrong, but they represent the nation. It is the best we can do; it is the culmination of the efforts of centuries to attain free government. When we get together, we do not, of course, assume that "we know it all;" we do not assume that we are all-wise, or that we are perfect in any respect, but we do fairly represent the people taken as a whole.

I remember that when John Morrissey, the pugilist, was elected to the House of Representatives from a district of New York City it was freely said by some that he was the best man in the district, the fairest representative that could be selected. He would not lie and he was not afraid, and those are two great virtues. In addition to that, he stood by his friends and he knew what his district wanted. He was their champion in Congress as well as in the fistic arena.

We represent the people. We know more about them, at any rate, than any random collection or organization of men that gets together and attempts to have practically another member of Congress, in fact nine or ten more members of Congress. We are supposed, as a rule, to have given a good deal of reading and a good deal of thought to all political questions. We are chosen by this elaborate system; we are sworn to a diligent and honest performance of our duties, and whatsoever the grumblers, educated and uneducated, of the army of labor or the cultured left wing of Altgeld's army may say, we are, on the whole, a representative body and know something about what our constituents desire.

Now, if you chose to make a commission of nine or ten or twelve men, chosen from the variety of interests and opinions which would be required to make a fair selection to represent all these classes of men—the Altgeld men, the Socialists, the Nihilists, and all the others—and put them in a commission and let them have an investigation, collect their evidence, and present their general judgment, I should like that; it would be instructive; but I protest in a reasonable way—I am not fanatical about it—against the combination proposed by the pending bill. I know, I think, what sort of men you will get for these nine commissioners, to some extent. I do not think you will get as good a lot under this bill as you would if you authorized the President to make the selection.

Mr. HOAR. How much time would ten members of Congress have to give to this duty?

Mr. HAWLEY. The honored Senator from Massachusetts at my right [Mr. HOAR] asks how much time the ten Congressmen would have to spare for this investigation. Would they be able to discharge fairly the duties of the position? We have had commissions which have been of great service.

Mr. SHOUP. I want to say to the Senator in that connection——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. HAWLEY. Yes, for a question.

Mr. SHOUP. Nine of these men are to be appointed by the President of the United States and confirmed by the Senate?

Mr. HAWLEY. Yes.

Mr. SHOUP. And all of this commission——

Mr. HAWLEY. I must resume the floor. I can not yield for interesting conversation.

We have had commissions which have been of great service not only to ourselves in the transaction of current business, but also of general and permanent service to all economists and students

of political affairs. I take for an illustrious example the subcommittee of the Committee on Finance, that branch or section from the Finance Committee which went to work to ascertain the prices of material, the figures relating to labor, and all that, and which compiled in a nonpartisan way those very admirable volumes, consisting of the evidence of experts and the conclusions derived from their own study, and made a report which was accepted on both sides of this Chamber during the hottest discussion of the tariff and of financial questions, the currency, as a standard work.

That is the kind of commission I should like to see organized upon this question, and not a sort of harum-scarum affair, each subdivision to take up for itself this remarkable range of subjects, "questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and to report to Congress and to suggest such legislation as it may deem best upon these subjects." That is about all there is of the material interests of the country—agriculture, manufacturing, and business; and it is proposed that this commission shall cover this whole ground and make any suggestions they please.

I say the old way is the better way; a commission composed of members of Congress, and then a distinct commission of persons taken from private life, made up with whatever motives you please, according to the best judgment of the President.

Mr. SHOUP. I know the Senator from Connecticut would not knowingly misrepresent the manner in which this commission is to be appointed.

Mr. HAWLEY. Please do not waste time on that. I know that it is to be composed of five men to be appointed by the Senate, five by the House of Representatives, and nine by the President.

Mr. SHOUP. That is correct. I desire to say, Mr. President, that the political parties to which the Senator has alluded are represented in both branches of Congress; but there are ten or twelve million people in the United States who are without representation on the committees which frame or recommend legislation. Those are the laboring people of the country, and they ask for recognition. This bill was introduced in their behalf and went to the Committee on Education and Labor, by which it was referred to the distinguished Senator from California [Mr. PERKINS] as a subcommittee, who gave it a great deal of study and thought, and submitted a report upon it, which has been laid before the Senate. Later on a substitute which met with his concurrence was presented. The Senator from California, having had this bill under consideration, is better qualified and better fitted to explain it to the satisfaction of all Senators here than I think anyone else can do, and I therefore yield the balance of my time to the Senator from California.

Mr. PERKINS. Mr. President, I shall not weary the Senate by a long speech. The committee have had this measure under consideration for several months. They considered it in its various phases. It passed the House of Representatives almost unanimously. When it reached the Senate, there was some opposition developed against the bill, and finally this compromise substantially was submitted to the Senate for its consideration.

It is no experiment. In 1885 our Government established a national bureau of labor statistics, and almost ever since that time there has been at the head of that organization a gentleman who has made a great reputation for himself as a gatherer of statistical matter for the information of Congress—Carroll D. Wright, of Massachusetts. That is a fund of information of which this commission will have the benefit, and out of it they may formulate some bill which perhaps will allay the feeling that has existed and does exist between capital and labor.

Other countries have realized the importance of this question. Great Britain has a bureau of labor statistics. Germany, France, and Belgium have such commissions. Those commissions consist of from ten and fifteen to as high as thirty-two members. They gather together the information and present it to their legislative bodies, and out of it there is formulated a law or laws which are intended for the benefit of the people. In the United States alone thirty-two States have established labor bureaus, annually gathering information, and this commission will have the benefit of their work.

No possible harm can come from the enactment of the bill and much good may result. Labor is the source of all wealth. If the laboring people of this country are not prosperous, of our other people no one can be prosperous. One-half of this country can not be unhappy and the other half happy and prosperous. We are so closely allied to each other that the prosperity and the happiness of one depend in a great measure upon the community, upon his neighbor, upon those with whom he daily associates. The expense of the bill is reduced to a minimum. Fifty thousand dollars per annum for two years is the maximum amount that can be expended.

Mr. President, only a few months ago we appropriated $50,000 to pay a commission to locate a harbor of refuge on the Pacific coast where we might expend $3,000,000, and yet our Government board of engineers had reported again and again to the Senate, but the Senate was not satisfied, and they created the commission.

We are daily receiving petitions and memorials from our constituents from Maine to Texas, from the Pacific States to the Atlantic States, asking us to consider this and that proposition, requesting us as their representatives to espouse their cause and to formulate into law that for which they have petitioned. More than fifty labor organizations in this country have petitioned us to enact this bill into law, and, as I understand, it has been so amended that all of the objectionable features have been eliminated. It is to cost not to exceed $50,000 a year. If it cost ten times that amount, it would be money wisely and judiciously expended. If it could be the means of preventing one strike, one conflict between labor and capital, it would be worth ten times, aye, a hundredfold, more than the amount named in the bill.

Mr. President, the great strike which commenced in July, 1894, it is estimated, cost this country $100,000,000, to say nothing of the lives lost, of the heartaches, of the bad feeling that existed, and which was brought about as the result of that conflict.

It seems to me the part of wise statesmanship to reconcile and harmonize when there is a conflict between any of the interests of this great country. Our interests are common, and we as representatives of the people should heed their petitions and memorials. The cautious mariner does not wait until the storm has burst with full force upon his bark before he commences to take in sail; he prepares for the coming storm.

I think that much of this complaint is imaginary; that there are many good people, thoughtful people, who believe that the laws are made in the interests of great corporations and trusts, and that the poorer people do not have the same opportunity with the rich. Many think that the poor are getting poorer and the rich richer. I do not share in that belief. I think much of it is imaginary, for every avenue to wealth and every avenue to fame and honor is open to the humblest boy and child in this land. But it is our duty to consider these questions, to consider them thoughtfully and considerately. Carroll D. Wright has recommended this measure. He has devoted a quarter of a century of his life to gathering statistics, to investigating labor organizations, the agricultural, manufacturing, and commercial interests of our country. We have all that information before us that this commission may take, and out of which they may formulate a law that may bring peace and prosperity to the people who are now complaining. There are many questions that are so closely allied to this that you can not separate one from the other. The question of arbitration, of conciliation, of profit sharing, the apprentice law, the unemployed labor of our country, the competition with Japanese and the servile labor of India, the low prices paid by other countries for labor, paid in silver, the immigration question—all these questions are to be considered by this commission.

Mr. PUGH. Mr. President, will the Senator from California permit me to interrupt him?

Mr. PERKINS. Certainly.

Mr. PUGH. Did not the Labor Committee, of which the Senator is a member, report the House bill without amendment, and when he made an effort for the consideration of that House bill, did not the opposition he spoke of develop itself, which induced the committee to frame and offer the substitute which is now before the Senate?

Mr. PERKINS. I so understand it, Mr. President.

Mr. PUGH. Is it not the surest way to secure the creation of a commission for the objects stated by the Senator to pass the House bill without amendment, and if the Senate adopts the substitute that has been offered by the committee, does not that insure the defeat of any legislation at the present session?

Mr. PERKINS. I am in full accord with the expression of my friend from Alabama, but the friends of this bill were so anxious that it should be crystallized into a law at the present session that they have accepted the suggestions which have been presented by the opponents of the bill and so have offered the substitute. The committee did not do this; it was offered by the Senator from Pennsylvania [Mr. QUAY], and has been accepted by the friends of the bill. I do not believe that even if it were to adopt the substitute the bill will be defeated, for the House of Representatives, composed of 356 members, have come fresh from the people. They are in touch with the people.

Mr. HOAR. May I ask my honorable friend a question?

Mr. PERKINS. Certainly.

Mr. HOAR. Does the Senator think that any member of the House of Representatives coming fresh from the people of California is nearer than he is to the people? Are the members of that body any more in touch with their people than he is with the people of his State?

Mr. PERKINS. I would be untrue to myself if I did not say that I am in touch and in deep sympathy with the "plain people," as Mr. Lincoln called them; but it is a fact that many people think that this body is not a body as closely in touch with the people as

the other body, whose members are elected directly at the ballot box by the people whom they represent in the House of Representatives.

Mr. HOAR. I desire to know whether my friend, then, is not in favor of the election of Senators by a direct vote of the people?

Mr. PERKINS. I believe that a Senator should be elected by the people direct. I believe the nearer the representatives of the people get to their constituents, the more they understand their wants and are in sympathy with them, the better the results that will come to our country. We can not have in all of our States such distinguished Senators as my friend from Massachusetts, or I might not be a convert to that faith; but it is a fact that from many of the States some of us have come here who never would have been here if the people had voted for us directly. [Laughter.]

Mr. HOAR. I rose to ask my honorable friend whether he meant to concede that he was not as much in touch with the people of his State as if he had come expressly from them, as any Representative from that State would come. My distinguished friend has certainly had as good an opportunity, in the course of his very remarkable, useful, and honored life, as any human being to understand what the people are who get their living by honest work. He has had the indorsement of the direct vote of his people for the greatest office that they can give, and he could have it again if he would be a candidate.

I do not agree myself that I am not in touch with the people of my State, that I do not come straight from them every time I come here, and I do not agree that the race of Yankee yeomanry from which I have descended has not the popular instinct and impulse as much as anybody. I do not think that my honorable friend means to concede to the men who are attacking this body that we do not represent the people as much as any body can. You will find, if you look at the history of the legislation of this country, that five important, useful measures for the benefit of the people originated here where you will find that one originated in the other branch.

Mr. PERKINS. Mr. President, I thank my honored friend for the compliment. His life is a part of the history of this country. No words from me could do sufficient honor and justice to what he has done, and on some occasion I should like, if I were capable, to pay the just tribute which he merits, to his worth, his statesmanship, his patriotism. But I want to pass this bill to-night. The people in the House of Representatives have almost unanimously voted for it. Now, let us imitate their example, and show the people that we are in touch and sympathy with them, and if no good comes of it, we will have done a righteous act.

Mr. SQUIRE. Mr. President, I merely wish to add a few words to what my friend the honorable Senator from California [Mr. PERKINS] has said. I do not desire to detain the Senate by any lengthy speech. I do not propose to occupy the floor for any considerable lenght of time.

I think it is necessary for the Senate of the United States, by its action here and now, to indicate its sympathy with the purposes of the amendment. I am very glad that the amendment originated with the honorable Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. If the Senator from Washington will allow me to interrupt him, I beg to say that the amendment did not originate with the Senator from Pennsylvania and does not express his best thought or judgment. It was handed to the Senator from Pennsylvania as the result of some sort of an agreement between the labor people, and, although I do not approve of the amendment, at their suggestion I submitted it to the Senate and had it read for information. If the friends of labor in the Senate wish to advance the interests of labor, they will vote down the amendment and vote up the original bill.

Mr. SQUIRE. The Senator from Pennsylvania, I understand, is, in all sincerity, in favor of the amendment proposed by him?

Mr. QUAY. The Senator from Washington is entirely mistaken. I am not in favor of the amendment.

Mr. SQUIRE. But the amendment was proposed by the honorable Senator himself.

Mr. QUAY. No.

Mr. SQUIRE. Then I do not understand the position of the Senator from Pennsylvania, if he introduced an amendment of which he is not in favor. I supposed the Senator from Pennsylvania had introduced the amendment in good faith.

Mr. QUAY. If the Senator from Washington will listen to me, he will understand the situation. I have stated that I introduced the amendment by request; that I did nothing with it except to send it to the desk to have it read for the information of Senators. I do not favor the amendment, but I favored the original bill.

Mr. SQUIRE. I regard the amendment of the Senator from Pennsylvania as a simplification of the question and not as a complication of it. That is the way I have been taught.

Mr. PERKINS. If the Senator from Washington will permit me, I am authorized to say that the labor organizations, representing more than a million of the people of this country, are willing to accept of this amendment as a substitute, and if we will pass it now it will go to the House of Representatives, and they will concur in it; and if it does not become a law it is not the fault of Congress. Now, if we just adopt the amendment, we are all right.

Mr. SQUIRE. I do not propose, as I said in the beginning, to indulge in any extensive discussion of this question, but I feel it to be a very important one for us at this juncture. It is true, emphatically true, that the great labor interests of this country desire recognition, desire investigation, and desire results from investigation. No man who is familiar with affairs in business or has any kind of contact with the public pulse can fail to realize that there is something radically wrong to-day in all that relates to the labor question in this country. It is true there is agitation, there is unrest, and there is constant appeal to us as individual Senators and as individual Represenatives in the other House of Congress.

Mr. GALLINGER. Why not let us pass the bill, then?

Mr. SQUIRE. I will be through in a moment. I have not occupied very much time. I have listened to the Senator from New Hampshire often.

Mr. CHANDLER. If the Senator from Washington will allow me, I do not think a measure of this kind should pass until it is fully discussed, and I hope he will take all the time he wants. There is plenty of time.

Mr. SQUIRE. I thank the honorable Senator from New Hampshire. I have not given to this question any more study than he has. Probably I have not given to it any more study than many Senators upon the floor. What we need is action. What we need to do is to show to the people of the United States that we are in earnest, and that we are considering the broad questions relating to the labor interests of the country.

I did not propose to let this subject pass over in silence. I am ready to give my vote. I do not know how the Senate is going to vote. How can I tell until the votes are recorded? Senators come to me and say, "Yes, we are going to have it;" but I want the members of the Senate to understand that all the great labor interests of the country are looking to us in this particular instance as they have not done in any bill that has come before us in the past ten days or the past thirty days, and that it is needful that we should be careful and considerate in our action.

I believe it to be desirable that the Congress of the United States should recognize the great labor interests, and I do not know of any better way. I might have been willing to take the House bill, but if the substitute is simpler, if it is better, let us take it. We are not quibbling about this question. What we want is a recognition of the labor interests.

There is no use of ignoring this question. We ought to have a unanimous vote of the United States Senate in favor of this measure. There is no use of ignoring the fact that the labor interests of this country are dissatisfied with present conditions, which, unless remedied, may produce very important results to this Republic. I regard this measure as one fraught with immense consequences. Let us do what we can in our day and in our time for the betterment of the condition of the industrial classes.

I second all that the honorable Senator from California has said, but on the part of the people of the State of Washington, whom I have the honor in part to represent, I want to say that I am in favor, and earnestly in favor, of the adoption of this measure.

Mr. NELSON. I should like to ask the Senator a question.

Mr. SQUIRE. Very well.

Mr. NELSON. Is there any reason why we can not have an immediate vote on this bill?

Mr. SQUIRE. Not anything that I know of.

Mr. NELSON. All right, then, let us vote.

Mr. SQUIRE. If there is any other question that anyone wishes to ask, I shall be glad to answer it. If not, I shall take my seat.

Mr. HOAR. Mr. President, I suppose the present question before the Senate of the United States is as to the proper form of this legislation. For one, I am heartily in favor of the purpose of this bill. I had the honor, when I was a member of the other House, to be the author of the first bill for a labor commission ever proposed in this country, and of carrying it through that body. It failed in the Senate, but it was afterwards renewed, and finally ripened into the present Labor Commission, which has given satisfaction to everybody. I think it would be quite well—and I should defer to the wish which has been alluded to here of the representatives of the organizations of laboring men—that the work of this Commission should be extended as is proposed in this bill; but I do not think it is a mark of respect to those gentlemen; I do not think it is right, when we consider that we are the servants of the American people, to give our assent to crude, hasty measures of legislation, which are to be to the men who are seeking to promote them like apples of Sodom, fair to the eye, but to the taste nothing but dust and ashes.

Here is a proposition to investigate within two years' time all the great subjects which affect the happiness of the workingmen of our country, who are in substance and effect the country itself—immigration, labor, agriculture, manufacturing, business, including, of course, commerce and transportation, including the great internal commerce of this country, greater than that of all the

countries in Europe put together, growing with a magnitude and a value and a rapidity which throws into the shade the dreams of even the Arabian fables, and you undertake to make a commission which, it is clearly demonstrable, can not do the work. Here are to be five members of the Senate and five members of the House of Representatives, two bodies which are to meet in special session within fifteen days, to be kept here in special session until nearly or quite midsummer, to return to their homes to give an account of their stewardship to their constituents in the State elections, to come back here again on the first Monday in December, and to stay here until midsummer next year, and you fasten upon that commission a majority of men who can not do the duties without violating their own sworn official oaths, and you say you will do it in the interests of labor, when every man on this floor, if you ask him whether he thinks that is a good thing to do, will tell you in private that he does not.

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. HOAR. Certa nly.

Mr. PEFFER. I wish to ask the Senator whether it is not a fact that there are more than five members of this body, to say nothing about the members of the other branch, who are absent all the time?

Mr. HOAR. Then you are going to put on that commission—and that makes it worse—and you propose to answer this grave ob ection by putting on it the idle and lazy drones of these two bodies.

Mr. PEFFER. That was not the point, Mr. President.

Mr. HOAR. That is the result of the proposition.

Mr. PEFFER. What I wish to suggest to the Senator is that, as a practical question, we always have from five to ten members of this body somewhere, not on duty.

Mr. HOAR. You can not have on the commission the great Senators, those who give their attention to these subjects, for their time is too valuable, according to the gentleman who made the proposition. The men who are absent from their duty, who are not on the Finance Committee, who are not on the Appropriations Committee, wno are not on the Commerce Committee, who are not on the Interstate Commerce Committee, are to be sifted out for this duty. Mr. President, I shall vote for this bill if you strike that out, and let these labor gentlemen have their commission, let them select and present to the President of the United States nine or ten of the foremost citizens of the country whom they think fit for that purpose from among the representatives of their own organizations.

I am not a young leader in this matter; I have voted for every measure in the interest of the laboring man which has been up in either House of Congress now for nearly thirty years. I have a trunk full—I do not say so with any boastful spirit, but I say it to show my sincerity in this matter—I have a trunk full of the resolutions of labor organizations, of labor conventions all over the country, thanking me for getting up that original plan of a labor commission, thanking me for my votes for the eight-hour system, and for the other great measures which have been here in their interest; and I am not afraid to state what I think is best for them; I am not afraid that I shall not have their own sober judgment, and I say that it is not respectful or decent to them that we should ask them to make up a majority of this commission of men who have got to be engaged in other duties for the time when this work is to be done, which would take every moment of their time and all of their strength, or else to palm off on them the drones and lazy men in both Houses of Congress, who will make this a mere matter of junketing or traveling about the country enjoying themselves.

Mr. President, we had another proposition almost like this in regard to another subject, to put into a statute a provision for appointing a committee made up partly of persons outside of and partly of members of Congress, and it was ruled out within three days on a point of order, and Senators from all over the Chamber came to me and said they were glad that I had made the point of order, and that it was clearly right.

Now, what is this proposition? Are these men to be public officers? You can not by an act of Congress make public officers unless they are officers of the body itself under the Constitution. Each House of Congress may appoint its own officers. These are not officers. If they are, they are not constitutionally appointed. They are committees of this House and the other, and nothing else, and if they are committees of this House and the other, and nothing else, you can not create them by statute without changing the rules; you can not appoint them in this way without changing the rules.

Mr. ALDRICH. What rule?

Mr. HOAR. The rule which provides the method of appointing committees of the Senate and what the committees shall be.

Mr. President, I do not treat this thing as a farce, to be passed through as a sop to Cerberus, and to have every Senator who votes for it chuckle and laugh in his sleeve, as some Senators do, and say they passed it simply to please the labor men. I want to serve the labor men if I can and not to please them. I admit the existence of that magnificent discontent, characteristic of the great race of this people, characteristic of the great race from which we spring, which makes men discontented with their own condition and makes them try to better it. The discontent of labor will not hurt us if we try to answer its just and reasonable demands. That discontent which makes every American look away from the space where he stands, which, to borrow the eloquent phrase of the Senator from Kansas who was once here, makes him hungry for the horizon, which sends him to the Arctic and Antarctic sea in search of his prey, which has filled up our Western lands, and which makes the man wherever he is not contented that his children shall not be better off than he is, that his old age shall not be better than his youth, is the sublimest, the noblest, the most useful, the most patriotic instinct of the human heart, and I thank God that it is pervading the bosoms of the American people at this hour as never before. It is the parent of all virtue. It is the source of all glory. It is the creator of all wealth. I take hold of the hands of the great laboring organizations of America, and am glad to yield to their demands that they shall have these great questions investigated and probed to the bottom; but I stand here as their friend and defender when I say that it is not a demand to be met with half insult and half sneer.

I put this point in all seriousness. Answer it if you can. Is it decent to give them a commission of which ten men out of nineteen either can not do their duties at all, or who, if they undertake to do their duties at all, must be the ten laziest, idlest, most unnecessary men in either House of Congress?

I move to amend the substitute by striking out the words "five members of the Senate, to be appointed by the presiding officer thereof; five members of the House of Representatives, to be appointed by the Speaker;" to strike out the word "other," between the words "nine" and "persons," and to insert before the word "nine" the word "of" instead of "and." If that amendment shall be adopted, I will vote for the bill.

Mr. HAWLEY. I should like to hear the substitute read as it will read if amended.

Mr. HOAR. I wish to say that the Senator from Pennsylvania himself, a gentleman of whom I wish to speak with all respect now and always, said when he introduced the amendment that he did not introduce it as liking it, but only that the gentleman who drew it might have it brought before the Senate in some way for its information, and that he thought the whole amendment had better be stricken out.

Mr. QUAY. I sent the amendment to the desk simply to be read for the information of the Senate.

Mr. HAWLEY. I should like to have the amendment to the amendment stated.

Mr. HOAR. If the amendment is not moved, then my motion is not in order. If it is, I want to make a commission of nine of the strongest and best men in this country, and say to the workingmen, "We will give you a commission which shall be as good and as entitled to respect as the Supreme Court of the United States itself, if you can get it."

Mr. SHOUP. Does the Senator make the motion to strike out?

Mr. HOAR. I do make the motion to strike out that much of the bill.

Mr. SQUIRE. Allow me to say a word. It is not important, as I take it, as to the technical language, or as to the number or the particular element that shall constitute the number of the commission proposed. The great question is, Shall there be a commission?

Mr. STEWART. I rise to a parliamentary inquiry before the debate goes any further. I should like to inquire of the Chair if the substitute has been offered and is pending, or whether we are acting on the original bill?

Mr. SQUIRE. I understand the amendment has been offered.

The PRESIDING OFFICER. The substitute has been adopted, as the Chair understands, as in Committee of the Whole.

Mr. SQUIRE. I understand this question is before the Senate and that debate is in order. All that has been said has been in order upon the amendment proposed by the Senator from Pennsylvania. Am I correct?

The PRESIDING OFFICER. The Chair again announces that the substitute was adopted as in Committee of the Whole.

Mr. CHILTON. I think the Chair must be mistaken about that.

Mr. THURSTON. The motion was put and carried.

Mr. CHANDLER. I ask that the amendment of the Senator from Massachusetts may be stated.

Mr. STEWART. Would a motion to reconsider the vote by which the substitute was adopted be in order? I am opposed to the substitute and I am in favor of the original bill.

Mr. SQUIRE. I believe I was recognized by the Chair and am entitled to the floor.

Mr. STEWART. The Senator from Washington has the floor.

Mr. CHANDLER. The Senator from Washington ought to let the motion be stated. We ought to know on what he is talking.

The PRESIDING OFFICER. The present occupant of the chair is advised that the substitute was adopted.

Mr. GRAY. That is right.

Mr. SQUIRE. The honorable Senator from Massachusetts proposed an amendment to the amendment. I ask for the reading of the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

Mr. QUAY. I desire to suggest that there is not a quorum present.

Mr. CHANDLER. Mr. President——

Mr. SQUIRE. Mr. President, the important question is, Shall there be a commission?

Mr. QUAY. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Lindsay,	Squire,
Bacon,	Cullom,	Lodge,	Stewart,
Bate,	Daniel,	McBride,	Teller,
Berry,	Dubois,	McMillan,	Thurston,
Blanchard,	Elkins,	Mantle,	Tillman,
Brice,	Frye,	Martin,	Vilas,
Brown,	Gallinger,	Morgan,	Walthall,
Butler,	Gibson,	Nelson,	Warren,
Call,	Gray,	Palmer,	Wetmore,
Cannon,	Hawley,	Peffer,	White,
Carter,	Hill,	Perkins,	Wilson.
Chandler,	Hoar,	Pettigrew,	
Chilton,	Jones, Ark.	Platt,	
Clark,	Jones, Nev.	Shoup,	

The PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present.

Mr. SQUIRE. It is necessary to understand the parliamentary situation. The amendment proposed by the Senator from Pennsylvania has been adopted. The Senator from Massachusetts proposes an amendment. That amendment is in effect to strike out the provisions that the commission shall consist jointly of Senators, Representatives, and those appointed by the President, and leaves a commission to be appointed to consist of nine, the members of which are not to be taken from either House of Congress. That is all there is of it.

Mr. HOAR. That is all there is of it.

Mr. SQUIRE. The Senator from Massachusetts affirms that I am correct in my statement. That leaves the question before the Senate simply, Shall we have a commission?

The PRESIDING OFFICER. The Chair will state, in response to the inquiry of the Senator from Washington, that the parliamentary situation is that the substitute was adopted as in Committee of the Whole, and the substitute being an entire substitute for the bill, it is not now open to amendment as in Committee of the Whole.

Mr. HOAR. It will be open to amendment in the Senate.

The PRESIDING OFFICER. It will be open to amendment in the Senate, of course. The bill is still in Committee of the Whole.

Mr. HOAR. What became of the motion of the Senator from Nevada to reconsider?

Mr. STEWART. I was not allowed to make the motion. I could not get the floor.

Mr. FRYE. I do not see why he could not get the floor. Four or five Senators took the floor away from the Senator from Washington.

Mr. STEWART. I tried to get the floor, but failed to be recognized.

Mr. CHANDLER. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Washington.

Mr. SQUIRE. I had not yielded the floor. The question mainly is, Shall we have a commission or not? All members of the Senate will understand that. There may be technical points raised, but the great question is, Shall this great interest of labor be recognized? Shall there be a commission? Are we disposed to fritter away our opportunities here, and because one member of the Senate wants this and another wants that, shall we have nothing? The House have indicated by their vote a disposition to respond to the demand of labor. It is well recognized that this is one of the greatest questions that can employ the attention of either branch of Congress. We have the question fairly presented to us. Shall we as Senators shrink from it? Shall we dodge this question? Shall we undertake to escape by some subterfuge, by some technicality, from our plain duty in the premises? Are we representing the people? Is it true, as the Senator from Massachusetts has asserted, that we are in touch with the people of the United States? Is it true that we are disposed to respond to the demands of this great and important element—American labor? If it is true, we ought to find a way very easily to settle these minor questions of parliamentary practice. We ought to find a way to get at the kernel of the nut.

It seems to me we have had enough discussion of this question. I believe the members of the Senate of the United States are disposed to treat fairly the question of American labor. I do not believe we are disposed to bandy words about and play with this subject. The honorable Senator from Pennsylvania submitted this amendment. Does he mean it, or does he not mean it? If he does not, then some other Senator must stand ready to offer such an amendment. The honorable Senator from Massachusetts comes forward with his great experience, his learning, his high intelligence, his great patriotism, and he says that he stands ready to respond to the call of American labor. But he says he has technical objections to the amendment. He does not agree that it is wise to have the members of the Senate and the members of the House of Representatives as a part of this commission. Therefore he proposes to strike out the provision which relates to the number of the commission, and instead of having 19 members, 5 from the Senate, 5 from the House, and 9 citizens of the United States outside of the two Houses, he proposes to have it consist of 9, simply leaving out the 10 members of Congress proposed in the amendment of the Senator from Pennsylvania.

If there is anything in this movement, if there is anything of earnest in our hearts, let us get at it. There is no use dodging this question. Do we mean really to recognize the interests that are presented here by petitions to the extent, I am told, of 50,000 signatures? If we do, let us indicate our intention. It is not a question as to whether a portion of the commission shall consist of members of the House of Representatives and members of the Senate of the United States. The main question is, Shall we have any commission, and shall it be a competent one?

I take it for granted from statements made upon the floor of the Senate that Senators represent in good faith the interests of the American people and the great interests of American labor, and that we do want to deal with this question. We know very well that the members of the various committees of the Senate and House of Representatives engaged in their proper duties have sufficient to employ them during the session of the Congress. We know perfectly well that if the matter is left entirely to existing committees of Congress this question will not be adequately dealt with. We understand that perfectly well, do we not, I ask the Senator from Massachusetts? The Senator from Massachusetts responds that he does. It is evidently true that we do need a commission. The ablest and wisest and most patriotic hearts and souls in the Senate agree that we need a commission. We need a competent one, and we do not need to quibble as to the constitution of its personnel. But do not let us lose sight of the main question. The main question is, Do we intend to have such a commission, or are we willing to be diverted from it?

I know very well that Senators here have shot in the locker. I know very well that my friend the honorable Senator from Rhode Island [Mr. ALDRICH] intends to rise here and oppose this proposition. I know very well that others have concealed weapons to bring forth on this question. But I say to the Senator from Rhode Island before I take my seat that if this great Senate of the United States shall fail now and here to recognize the great interests of American labor on this question, they will fail of their duty and they will stand impaled upon the pickets of patriotism that are on the outworks of the great fortifications that represent the interest of the American people. We can not endure suspense longer. We must have action, and we must have intelligent action. The days of Patrick Henry were no more important than the days under which we are meeting to-day. The American people require at the hands of the American Congress a proper solution of the great problem of labor as applicable to our present conditions.

Mr. PALMER. Mr. President——

Mr. QUAY. If the Senator from Illinois will pardon me for one moment. I rise to a question of explanation.

Mr. PALMER. I beg pardon of the Senator from Pennsylvania. I have the floor, and I do not think I can be taken off of it by a call of the Senate. I am ready to submit that question to the Chair—whether having the floor I can be taken off for a call of the Senate?

The PRESIDING OFFICER. It is the opinion of the Chair that such a proceeding can not regularly obtain.

Mr. PALMER. I am very anxious that a commission shall be appointed substantially as proposed by the Senator.

The PRESIDING OFFICER. Senators and persons entitled to the floor will cease audible conversation.

Mr. PALMER. I have spoken in the sound of brass bands, and all that, and I have no particular concern about talk in the Senate.

The PRESIDING OFFICER. The Senator will please suspend. Senators and persons entitled to the privileges of the floor will please suspend conversation and resume their seats.

Mr. QUAY. I do not think the Senator from Illinois heard my request; I did not hear his statement. What I asked when the

Senator from Illinois took the floor was that I might rise to a personal explanation.

Mr. PALMER. I do not yield for that.

Mr. QUAY. All right.

Mr. PALMER. No; the Senator from Pennsylvania can make his personal explanation after I get through.

Mr. President, I am exceedingly anxious that a commission shall be appointed, but not exactly as proposed by the amendment of the Senator from Pennsylvania. I favor the appointment by the President of the United States of a commission of nine persons who shall consider the various questions proposed in the second section of the amendment:

That it shall be the duty of this commission to investigate questions pertaining to immigration.

I am solicitous to know whether an intelligent commission appointed by the President of the United States, the new President, will require of immigrants a literary qualification, requiring them to read and write the English language or some other language. I am exceedingly anxious to learn from the report of such a commission whether they believe that a protective tariff is essential to the protection of American labor, or whether a tariff which will protect American labor is, under the circumstances, possible.

I repeat, the second section of the bill provides that it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business. I desire to know whether a commission of intelligent men, after investigation, will report to the Congress of the United States that they believe any system of duties imposed upon imports will afford anything like protection to American labor, or whether the promise of our friends on the right, that by some system of tariff duties they will be able to secure to American labor American prices, will be fulfilled. I am anxious to learn on that point. In my judgment it is not possible. In my judgment a tariff for protection to the extent that protection was given twenty or thirty years ago is now an absolute impossibility.

I am anxious that nine intelligent men shall inquire whether protection is needed for the Pennsylvania iron interests and steel interests that are now able to sell their products abroad, in Canada and in Great Britain; whether the Pennsylvania doctrine of protection to American industry is now practicable or can be employed as the means of giving wages to American labor. I am anxious, too, to know whether agriculture will be benefited by an increased duty upon wool and a corresponding increase upon the manufactures of woolens. I am anxious to know, by the report of an intelligent, enlightened commission, whether under the new dispensation we are now approaching a tariff of duties upon the wool produced in the West, where sheep cost nothing, where wool is substantially the simple cost of the requirements of the shepherd, and a corresponding tariff on woolen productions is to the advantage of labor. I am anxious to know, after the deliberations of such a commission, whether, in their judgment, it is advisable and wise to adopt the free coinage of silver on the ratio of 16 to 1; whether that will promote the interests of the American people and of agriculture and labor. I am anxious to know whether the business of the country will be improved either by a tariff or by the free coinage of silver on the ratio of 16 to 1. Indeed, such men as would be selected would not be likely to agree that it was wise to consult European nations as to whether we should adopt the free coinage of silver or adopt some method by which we could obtain an international coin.

So, Mr. President, I am exceedingly anxious that this commission, consisting of nine persons, shall be appointed, and that that commission shall deliberately consider all questions submitted to them, and I trust that some parliamentary method may be found by which nine persons, who shall fairly represent the different industries and employments, to be appointed by the President by and with the advice and consent of the Senate, shall be appointed, and that that commission shall investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business, and report to Congress and to suggest such legislation as they may deem best upon all those subjects.

Surely, no commission can be charged with a more important duty. If that commission should undertake to dispose of the questions that pertain to immigration, they will be called upon to and will investigate intelligently questions pertaining to immigration. They will report to this body, and will collect facts, as I suppose, which will illustrate the infinite folly, the childishness, and the injustice of that measure, which has met the condemnation of the President of the United States upon principles so broad and well settled, so much in harmony with justice and right, that the Senator, the author of the measure, or who is responsible for the measure, sought to commit it to the Committee on Immigration rather than meet a vote of this body.

I repeat that they will inquire whether labor would be benefited by what we term, ludicrously enough, protection. I trust that they will inquire whether labor would be benefited by the unlimited coinage of silver at the ratio of 16 to 1. I trust they will inquire whether it is necessary that the American people shall adopt the coinage of Japan or Mexico or China; whether that is best for the labor interests of the country; and I trust, in their general consideration of business, they will determine that the only safety for American business is a rigid and firm adherence to the existing standard of values, and that free trade, subject to the mere duties which are essential for the necessities of the Government, is the policy of the United States.

Mr. THURSTON. Mr. President, we are in the last hours of an expiring Congress. We have voted to take up this bill and consider it. We ought to be prepared to consider it in view of the fact that but a few short hours remain in which it can become a law. I believe it is time to quit horseplay on this bill; and if we propose to create a commission, let us create it. The labor and industrial interests of this country for months have been asking and beseeching us to give them a commission, a commission only with power to secure information and lay the result of that information before the Congress of the United States. There is no harm in such a commission; there can be no harm in the collection of such information; and why is it that these representatives of the great labor forces of the country are played with by the Congress of the United States day by day, month by month, given fair promises to their faces, and every time that their measure comes up they are met, not by direct and fair opposition, but by parliamentary procedure designed to defeat the end by means of delay?

Mr. President, it has never been my habit to tell the people of the country how I felt about labor or to parade any friendship that I might or might not have for the representatives of labor. I prefer to act rather than to speak; to vote rather than to delay.

There is an amendment here which provides for a simple commission, with no power except to secure evidence and lay the result before the Congress of the United States. I understand that the most respectable representatives of all the great labor organizations in this country are here to-day, ready to accept that as a satisfactory measure for the present time. We can pass that measure to-night if we wish to do it. We can defeat it; any Senator can defeat it if he desires to do so; but if we are to pass it, it must pass at once. The bill, if amended as proposed by the Senator from Massachusetts, will leave a simple commission of nine men to be selected by the President and confirmed by the Senate. It is a wise method of selection. I agree with the Senator from Massachusetts that it is not wise to create a mixed commission, half fish and half fowl, if I may apply that term to the several branches of the Congress of the United States. If we have a commission, it should be a commission pure and simple, composed of a membership which is outside of Congress and not connected with it.

Nine members is a fair number. The President of the United States can be safely trusted to assign them correctly among the different industrial and labor interests of the United States.

Now, there is the situation. If we are the friends of the organized labor of the United States, let us pass this bill now and send it to the House of Representatives, where it can be concurred in and become a law by 12 o'clock to-morrow. I do not desire to speak further. I wish to attest my belief on this subject by my vote. I hope to have a chance to give this small measure of right and justice to the organized-labor demands of the United States. [Applause in the galleries.]

Mr. PLATT. Mr. President, the words spoken by the Senator from Nebraska when he took his seat explain this bill. He appeals to the Senate to "accede to the demands of the organized labor element of the country." That is what the bill under consideration means. It is a demand from a certain class of our citizens that we shall adopt certain legislation for the purpose of securing from Congress certain other legislation which they desire.

Now, suppose it was a "demand" of the railroad interests of the United States; suppose that the presidents of the great railroads came here and demanded of us a commission to investigate the railroad situation in the United States, and to report its conclusions to Congress and its recommendations as to what kind of legislation we should adopt relating to the railroads of the United States.

Mr. PEFFER. Does the Senator think we could get such a commission if it were asked for in that way?

Mr. PLATT. That is the way this commission is asked for.

Suppose it was a "demand" from what is called the gold-standard interests of the United States that there should be a commission appointed in the interests of the money power of the United States to investigate and collect facts, to have hearings and make a report advising Congress what legislation it should pass for the benefit of the money interest and the money power of the United States. Suppose it were a "demand" from the manufacturers of the United States, who are interested, it is supposed, in the passage of a tariff bill; that they came here and presented the demands of organized manufacturing interests that we should pass a bill creating a commission to inquire into and determine what legislation we should pass in their interest.

Mr. President, what I have said is but preliminary to a few observations as to what I think of commissions. Certainly we ought not to accede to the "demands" of any class of our people in this respect. I believe that Congress ought to legislate, and that Congress has both the power and ability to legislate, on all subjects which require legislation. I do not believe in commissions created outside of Congress for the purpose of telling Congress what it shall do. If that shall be done, then the "demand"—that is the word—which requires this commission demands the legislation with tenfold clamor and with tenfold power.

I understand that by the Constitution of the United States we have a Congress composed of two branches, the Senate and the House, and I understand the Constitution commits the subject of legislation to that Congress. I know that in these days there has cropped out, as it seems to me, a desire to minimize the other two independent branches of Government and concentrate power in Congress, to minimize the executive and the judicial branches, and to magnify the power of Congress; and it seems that this sentiment, this disposition and tendency, is running side by side with a desire that Congress shall farm out its legislation into the hands of the classes which demand legislation for their particular benefit.

Mr. President, so long as the commission proposed was one in which the majority was to remain in Congress I thought it was not an entire abdication of our duty and our power, but I never have known any good to come from a commission appointed by Congress from outside of itself. I do not know that I need to enlarge at this time these views of mine, but I think we may well assume that we have the power and the capacity and are charged with a duty to enact needful legislation. The committees of Congress are ample; its committees are as able to deal with questions of legislation that affect the welfare of the country as any number of men unfamiliar with legislation who may be appointed from outside of Congress. If experience counts for anything, if long consideration of subjects counts for anything, the committees of Congress are better able to deal with these questions than are persons who are selected having had no experience in reference to them.

I would not vote for any commission upon any subject which was clothed with any power except that of investigation, and of reporting facts as the result of that investigation, and when it comes to that the committees of Congress can obtain those facts and report them to the Congress just as well and better than outside commissions. I would not favor a tariff commission or any other commission which was to report to Congress a formulated bill which Congress was expected to pass. It is abdicating our power; it is avoiding our duty, and all because there is a demand by organized labor or other organizations in this country that legislation shall be passed for their benefit.

Some one may as well speak out plainly and tell the truth. These outside commissions are contrary to the genius of our Constitution, contrary to our system of Government. They were not intended when the Constitution was formed. They have never wrought any good, and they never will. I think perhaps I am as true a friend of what may be called the interests of labor in this country as those who are loud in their advocacy of this bill. But no class of our fellow-citizens should come with a demand that legislation such as it desires shall be enacted. It makes no difference whether it is from the labor interest of the United States or the money power of the United States, whether it is from the agricultural interests of the country or the manufacturing interests of the country, whether it is from the moral interests of the country or the banking interests of the country, no class of citizens has a right to come boldly saying that they "demand" certain legislation of the Congress of the United States.

If any class of our citizens do come organized to make demands on our Congress, it is the duty of Congress to turn a deaf ear to such demands. The interests of labor, the interests of agriculture, the interests of manufacturing, the interests of currency, the interests of property, require alike the impartial, the patriotic, and the honest attention of Congress. We may well take pattern of the divine law. No word of the divine canon was promulgated for any class of the people of this world or any individuals in this world. Human laws should be like the divine laws. They should apply to all. They should be for the interest and benefit of all. They should be equal and not enacted deliberately, openly, avowedly, in the interest of any class of our fellow-citizens.

I am entirely opposed to these outside commissions, and so when the bill was presented here it seemed to me, as I undertook to say when the bill was about to come up one day, the most remarkable bill in its details and its purposes that has ever been presented to the Congress of the United States. Its details, I think, can not be defended, and its purposes, as I understand them, that an organized body of people in the country come here demanding that this bill shall be passed, can not be defended either.

Mr. President, legislation has been running into strange grooves of late. Every interest in the United States almost is organized for the purpose of promoting or preventing legislation. In these days there is not much of bribery or corruption in the National Legislature. I thank Heaven that the National Congress is comparatively free from any suspicion of corrupt means being used to favor legislation. But the great danger to our legislation, the great danger to the character of our legislation, is that Senators and Members of the House are influenced by the demand of these organizations. The Government clerks are organized to demand legislation of Congress. There are many organizations of them, and that demand we are made to feel. We get it in the resolutions which are passed in their bodies. It comes to us not with a request to consider matters, but with a kind of stand-and-deliver authority. The Senator or the Member of the House of Representatives who will not listen to it and act upon it understands that it means that he is to be opposed at the polls.

I merely speak of this as an illustration. But all over this country every possible interest has become organized. Quick communication by mail and telegraph makes it possible to organize the whole of any particular interest throughout the entire country. Then resolutions are passed, and those resolutions are sent to us, not as requests, not as petitions to Congress, but with the tacit threat behind them that if legislation is not passed for the benefit of such organizations we shall suffer at the polls.

I venture to say that there is not a Senator sitting in his seat to-night who has not been plied with telegrams, either from the railroad companies and their agents to favor what is called the anti-scalping bill, or from the organizations that are opposed to it to defeat it. They do not come requesting our attention to the bill, asking us to consider it, but they come in this way: "Do all you can" either "to urge the passage" or "to defeat the passage of the antiscalping bill."

Mr. President, it is quite time that we called a halt in this sort of legislation. It is quite time that Congress should assert itself and have the courage, the manly courage, notwithstanding what organizations may desire, notwithstanding what particular classes of people may desire, each member for himself to decide what is best for the whole people, all the people. My word for it, Mr. President, when each Senator and each member of the House acts, as he knows he ought to act, upon that principle, and we pass laws for the benefit of all the people and not for the benefit of any particular class of people, all the different classes of this country will find their interests better subserved than they can be in any other way.

Mr. CULLOM. Mr. President, I am for this bill. I believe it is a good measure to pass; I am not for it simply because, as the Senator from Connecticut [Mr. PLATT] says, it is the result of the demand of organized labor; but I am for it because I believe that it may result in great good to the people of the United States.

I observe that the bill provides that this commission, consisting of five members of the House, five members of the Senate, and nine others, who shall fairly represent the industries and employments, to be appointed by and with the advice and consent of the Senate, shall do so and so. Whoever may be the parties who are demanding the passage of this bill, if there are any such, when you come to look at the purposes of the bill, it would seem that they are worthy of consideration.

I rose more especially, however, to say that I am not in accord with the honorable Senator from Connecticut on the proposition he reasserts often, that such commissions are of no use to the country. I believe that they are of use to the country. I believe that one of the best things we can do when we come to the business of preparing a tariff bill, which we shall urge in the course of a few weeks, will be, when we get through with the consideration of that bill, to attach to it a provision for a permanent commission on the tariff, whose duty it shall be to consider all the time whatever there may be to consider in the direction of changes of any tariff law that may be passed hereafter. I desire the attention of the Senator from Connecticut.

Mr. PLATT. You have it.

Mr. CULLOM. I say I believe the time will have come, when we take up tariff legislation again, that we should provide by some means or other for a tariff commission, who shall report to Congress year by year such amendments as they may deem best after investigation, so that the time may pass by when, upon one party coming into power and another going out, there shall be radical changes in tariff legislation for raising revenue and giving protection to American industry and American labor.

Mr. GRAY. Will the Senator from Illinois allow me to interrupt him?

Mr. CULLOM. Certainly.

Mr. GRAY. Does the Senator propose to tie the hands of Congress, so that they would abdicate their functions in legislating?

Mr. CULLOM. Not at all.

Mr. GRAY. Why should not one Congress undo what they think was wrong in the action of a preceding Congress?

Mr. CULLOM. Of course Congress has the power to do that. There is no reason why it should not do it, of course, if the tariff legislation, in the judgment of one Congress, is wrong that was passed by a previous Congress. But it seems to me the Senator from Delaware will agree with me in my proposition. Take the

present condition, if you please. A new Administration is coming in. A new tariff law is likely to be passed. I think the country would benefit by the adoption of such a scheme when Congress passes the next tariff bill. If it is to be done very soon, Congress should provide for a commission whose duty it shall be to give their exclusive attention to the examination of the question as to whether the proper duty is laid upon this item, and that, and the other, and report to the succeeding Congress upon the items, suggesting whether there should be any little changes or great ones made by the succeeding Congress.

Mr. GRAY. May I ask my friend a question there?

Mr. CULLOM. Certainly.

Mr. GRAY. Is the Senator in favor of having such a commission appointed before the new Congress passes a tariff bill or afterwards?

Mr. CULLOM. I should prefer to have one in existence now, so that it could submit a report at the called session of Congress.

Mr. GRAY. Would the honorable Senator prefer that we should defer all tariff legislation in the next Congress until that commission reported?

Mr. CULLOM. I would not.

Mr. GRAY. Why not?

Mr. CULLOM. Because I think the defects of the existing tariff law are so patent to everyone that they demand immediate attention in order to raise a sufficient amount of revenue and give reasonable protection to American labor and American industry. But when that law is passed, in my judgment, there ought to be a tariff commission at work from that day on until the next session of Congress.

Mr. HOAR. Does not that always apply to the idea of a commission appointed by a President who is a great protectionist?

Mr. CULLOM. No, sir; not necessarily. I want a commission of statisticians, men of business, men who are familiar with the subject, not to pass the law for Congress, but to report the exact facts to Congress, so that Congress shall have the information before it and can act upon little amendments to the tariff law instead of sweeping a tariff law away and bringing in a new bill entirely different and in the opposite direction from the one in force at the time.

Mr. ALLEN. Does the Senator infer that in consequence of the conspicuous success of the Civil Service Commission and the Interstate Commerce Commission, therefore a tariff commission would be a success?

Mr. CULLOM. So far as the Civil Service Commission is concerned, I do not know whether there is much success attached to it or not. There has been more success attached to the work of the Interstate Commerce Commission. But I do not want to go into a discussion of interstate commerce now, after the Senator was so anxious to have the anti-scalping bill laid aside, so that we could not discuss it to-night.

Mr. ALLEN. In what respect has it been a success?

Mr. CULLOM. I say I am not going to take up that subject, but I am amazed almost that we have been able to go forward in the development of our industries in view of the fact that we are shuttlecocking first to one extreme and then to the other upon the tariff question. What I want is a reasonable tariff law that will give sufficient revenue to the country and upon such lines as will give reasonable protection to American industry and American labor, and then keep it there, as I believe the country is prepared to keep it there, when we can get it in that shape, without reference to what party comes into power. But in order to do it, we want a capable commission that will report to us at every session of Congress the exact facts in reference to the protection that is given every article of industry or commerce where such articles come from foreign countries in competition with American labor and American industry.

Mr. SQUIRE. I desire to ask the honorable Senator from Illinois whether, in his judgment, it would not be wise in the consideration of the question of commissions to apply them to the study of great questions of economics, and to have not only the tariff question, but the money question considered by a nonpartisan commission, so that not only the question of revenue to be raised for the support of the Government, but all questions relating to the currency of the country, should be considered by a competent commission and reported upon for the advice of Congress, not necessarily for its control, so as to take this question as far as possible out of the arena of active politics, so as to make these questions those of the real interests of the commercial people and all of the people of this country, without regard to the battledore and shuttlecock style we have been indulging in.

Mr. CULLOM. I am not going to say anything more to-night than to refer to the importance of a tariff commission. As to the financial question, that is another subject entirely.

I believe that this commission will be an important commission, and will do an important work in the interests of the peace and harmony and wealth of the people of the United States, and I hope, as expressed by the Senator from Nebraska [Mr. THURSTON], that we shall get a vote upon this bill.

Mr. HAWLEY. Mr. President, I wish to occupy but a short time in making a preliminary observation or two concerning this idea of subletting legislation. When I was first up I said enough about the machinery by which our forefathers and the people before them, studying free government, devised to get at this very thing—the will of the people.

It has been suggested that we should not only create a tariff commission and keep it in operation all the while, but that we should have commissions of various kinds engaged in the consideration of various subjects of legislation. Mr. President, this is practically abolishing Congress. We can not delegate the trust that we hold from the people. Lawyers will tell you that——

Mr. CULLOM. I hope the Senator does not understand me as wanting to delegate the authority to pass laws to an outside commission. I only desire to have them to inquire into and report facts to the Congress of the United States.

Mr. HAWLEY. But the important part of the business of legislation is getting a knowledge of the facts to build a law upon.

Mr. CULLOM. But we have not been able to get the facts.

Mr. HAWLEY. But your statute is to be found in your collection of facts, when you have them; then practically you have your law. You find out what is demanded by the circumstances of the case.

It is a very great mistake to let people assume, without correcting them, that we are entirely unfit or so far unfit for the proper performance of our duties that it is better to create a commission to do our thinking for us, and that we should accept the results of their labors.

I dislike another expression I have heard, of getting in touch with things—getting in touch with labor. Who is not in touch with labor?

We are in touch with labor in our houses every day, according to the number of employees we have. We are in touch with labor when we take a cab or a street car; in touch with labor when we talk with laborers in the street. I am in touch with labor when I go to my home, and among the first men I seek there are the mechanics of my town. I am in touch with labor there. I am disgusted when I hear persons talking as if we knew nothing about the people—"the people!" It is a species of demagogism and flattery that is directly seen through, to be sure, by the great mass of the American laboring people themselves.

Who will tell me anything about what labor is? Who can instruct me on that subject? My earliest recollections of boyhood are of living in a log house in the pine woods, and going to a log schoolhouse. I worked upon a farm, and I worked hard. At 13 I was the janitor of a church for a time, and when I went to college I taught my landlady's daughters in the afternoons for two hours to pay my board bills, and in another place the good woman allowed me to saw, split, and carry wood to pay for my board. And when I came out of college I was in debt, but I paid it all off in four years, I am happy to say. I was clerk in a store for a while. I taught school three winters. I turned my hand to any and every thing to earn an honest livelihood, for there was nobody poorer in that neighborhood than we were. I was a barefooted boy, living in the piney woods, and I know the whole gamut of labor. I lived among people who labored. Does anyone tell me that I am not "in touch with labor?"

In these things there is nothing to boast of, nothing to be ashamed of. It is an old story, well known to multitudes of Americans.

Labor is the business of the great majority of the people of the country, and the laborers are the large majority. They can do what they please. They have sent us here when they could have defeated us and sent others if they pleased. They hold the ballot—

> A weapon that comes down as still
> As snowflakes fall upon the sod;
> But executes a freeman's will,
> As lightning does the will of God.

And yet it is said they are not represented. Why, sir, nothing in the world that is just is unrepresented. It may not have a distinct agent appointed and commissioned, but it is represented in the thoughts of all generous people, represented in the burning words of the eloquent orator, represented in sermons and poems, represented everywhere. There was only one class in this country who were in a sense unrepresented, but it is a mistake to think they were entirely so. Then there was labor without a voice; it could not read; it could not print; it had no legal relation between husband and wife, nor between parent and child. That was labor unrepresented, was it? No; for there were thousands of people who for a hundred or two hundred years, doubting the wisdom of that system, printed papers and made speeches, uttered prayers, and systematically year after year formed societies and hired orators to discuss that great wrong, growing stronger and stronger, and finally creating a powerful sentiment, which with many became a profound religious conviction, in behalf of that unrepresented labor. By and by, in God's good time, that system, which seemed to have been bound down with bands of steel on foundations of granite, went skyward in a great explosion of fire and

blood. The "nigger" was "represented," sir, for a century before he became free.

I say nothing just can be unrepresented in this world, and I say that every man who is a statesman, every man who is a student, should take note of everything that is said, no matter how foolish it may appear, if it seems to come from honest conviction, and inquire why did that man say so and so, what makes him feel so? He will inquire as to the nihilist, whether there is anything in his situation which is unusual which has bred that sort of feeling; he will study the secret springs of action that move the anarchist and the extreme socialist and whoever makes an outcry against alleged wrong.

We are all inevitably and unavoidably connected with labor. I always wish to hear what the laboring people say; I always read the resolutions and addresses adopted by their conventions, even those which may be thought to be the most wild and visionary, for I know that, in a certain sense, it is the fanatics who make the world go—the people who are in dead earnest, who are supposed to be foolishly earnest, if you choose, about a cause. So it was said of the abolitionists. Brickbats were thrown at my father because he mildly lectured against slavery.

I have always been an honest and sincere friend of sincere labor. But legislators can not deceive the straightforward common sense of the "plain people" by manufactured expressions of sympathy and feeding them with a spoon in matter of politics.

Mr. CHANDLER. I rise not to make an argument on behalf of the pending bill, for what is wanted just now is not arguments for it, but votes for it. This bill passed the House of Representatives June 1, 1896. It was a long, elaborate bill, and it met with a great deal of opposition. There have been conferences about it all this winter, and the persons who have taken an interest in it have come to the conclusion that is embodied in the amendment proposed by the Senator from Pennsylvania [Mr. QUAY]. Within a short time there will be conference reports coming in here, which will take up the time of the Senate, and the persons expecting this bill will be disappointed. I appeal, therefore, in connection with the Senator from Nebraska [Mr. THURSTON], for a vote, that we may at least give to these people this humble, modest provision for which they ask.

At first, Mr. President, I thought the provision for the ten Congressmen ought to be stricken out, and that the commission ought to consist only of nine other persons; but upon reflection, as all the persons who desire this legislation, who have a right to ask for it, who have asked for it, and who have united in favor of it, and inasmuch as it is reduced in its expenditures, reduced in its machinery, and is a very humble request, not a demand, as the Senator from Connecticut [Mr. HAWLEY] has said, but a very humble request from the people, who think that this commission might do something toward solving the great questions which are pressing down upon the country, I hope, Mr. President, that Senators will refrain from speaking on the subject, and give us a vote. There are Senators enough here on the floor and in the cloakrooms to pass the bill, even if there shall be a call for the yeas and nays. But if you spend much more time in debating it, and Senators ventilate their views on all sorts of subjects under heaven, including tariff commission and the whole subject of the tariff, we shall not get a vote on it, and we shall be justly subjected, as some Senator has said, to the imputation that we have been playing with the people who want this bill.

There is no such thing, Mr. President, as stopping debate in this Senate; I know that very well, but I do hope that the Senators who really are for the bill will sit still and let the Senators who are against it, if there are any, talk against it, and then let us vote upon it.

Mr. GRAY obtained the floor.

Mr. HAWLEY. I beg pardon. I had forgotten one or two things I had intended to say.

Mr. GRAY. I yield to the Senator.

Mr. HAWLEY. There are to be on this proposed commission ten Congressmen with nine outsiders, with a distinct and evident purpose that the Congressmen shall control the commission. I venture to prophesy that that commission will never make a report that will be satisfactory to anybody, and all the fault will be laid upon us, for it will be said, "There were ten Congressmen against nine of us." So before the Senator from Massachusetts [Mr. HOAR] had risen, by a curious coincidence, I had marked out upon the bill precisely the amendment that he is about to move to it when the bill gets into the Senate, a proposition to create a commission to be composed of nine citizens taken from private life. If you are going to have a labor commission, why not do as you did with the tariff commission—select a body of men not in Congress, composed of the brainiest men of these labor organizations, and we shall then learn something from it? We may not be obliged to accept all they say, but we shall learn much; and we shall listen to it with a great deal of respect, for some of these men are very shrewd thinkers. Even among the nihilists and anarchists you easily find intellectual and thoughtful men.

Mr. GRAY. Mr. President, notwithstanding the monition of the Senator from New Hampshire [Mr. CHANDLER], after having said all he wished to say upon the bill, that no one else had better say anything at all about it, I venture to submit a word or two.

I am opposed to putting this Government in commission. I do not believe that that is in consonance with the genius of our institutions and with the Constitution of the United States in any phase in which we may consider it.

I do not believe, sir, that the great political questions which agitate the people of this country can ever be taken away from them and turned over to a commission of men selected by the President, by Congress, or in any other way, however able or great or scientific or learned such a commission may be. This country did not grow up in that way. This country is governed by public opinion, which sifts itself down through the agitation that the people make until we arrive at a rational and sensible result. We can not get rid of the great question of taxation by putting it into commission. We can not get rid of the great debate as to whether it is right or wrong that a few should be armed with the taxing power of this Government, that would enable them to take from the fruits of labor any portion of its reward which it had earned and put it into the pockets of those who had not earned it. That is a question which will not down, nor will any one of the other great questions that agitate the surface of politics in this country down at the bidding of a commission. We can not get rid of these things. Free government rests on agitation. We will agitate and agitate these great questions until they are settled rightly. The tariff, the currency, individual freedom, and all that belongs to a free man and a free government must be tossed about on the yeasty waves of popular debate and be agitated and agitated, as I said, until a true and honest result is arrived at. Agitation is the life of a free government. If you want the calm of despotism, you must leave the shores of this Republic and seek another clime.

No, sir; I am not in favor of getting this Government into commission yet. I do not believe that we should abdicate the functions with which we have been clothed. I do not believe we should abdicate our judgment or seek advice from the dry nurses whom we create under the name of commission. If we are to benefit the labor of this country—and when I say that and use that phrase, I mean if we are to benefit the country, for the labor of the country is the country—then we must, if we are to make an investigation to inform ourselves as to any proposition that is before us in the nature of legislation, make a specific inquiry in the domain of our legislative powers, and not make this futile endeavor to cover the whole domain of human interests as this amendment does. Listen, sir, to what is to be committed to this commission:

It shall be the duty of this commission to investigate questions pertaining to immigration, to labor—

Which includes almost every interest that concerns this Republic—

to agriculture, to manufacturing, and to business.

There you have taken in the great circle of human activity, the larger part of which, under our scheme of government, is within the legislative control of the States, and you have left out the only two subjects that are legitimately and properly within the domain of Congressional legislation—the tariff and the currency. You have excluded the very matters about which we have a right to legislate, and you will have told this commission, if you enact the bill into a law, to investigate every other subject under heaven except those that come within the purview of our constitutional legislative power.

If this is to be a mere tub to the whale, a mere sop to Cerberus, I am against it. I believe the labor of this country, so called, which is the country, rests upon a manly, self-reliant intelligence, upon a brave manhood that can be treated as if it were brave and intelligent, and does not need to be drynursed and coddled and befooled by projects such as are often attempted here in the name of labor.

Mr. ALLEN. Protect it?

Mr. GRAY. Yes, protect it; protect the country, protect yourself and your neighbors, and you protect labor. Protect the great interests of this country, but do not try to separate something called labor out of the body of the county, out of the body of the States, out of the body of this great Republic, and set it up or put it down, whichever you please, as if it were a thing apart and not the very life and essence and substance, the flesh, the blood, the bone. Why should we not come here as the representatives of the people, of the labor of the country, of the wealth-producing labor of the country, and legislate in their interest, without treating them as if they were some great, cruel, blood-stained heathen deity that had to be appeased by oblations and by nonsense that is talked in the name of labor? I want to treat it and treat all interests in this country in man fashion, and to treat it as if it deserved respect, as it does, and because I respect it I do not want any such language as this to be thrown to it, and to tell it that that is something we are doing for it when we know we are doing nothing for it.

Let us investigate a specific proposition, if you please. Let us

investigate something that is within our legislative power; but what is the use of asking a commission to roam over this country and investigate every question that pertains to immigration, to labor, to agriculture—as if agriculture and labor were not the same—to manufacturing, and to business? Mr. President, these phrases are unmeaning, whether they were intended to be so or not I do not know, and, sir, it is trifling with these great interests, it is trifling with the country, it is trifling with its intelligence, to talk about investigating in this wide domain that covers all human activity and the whole circle of human interests, and ask the commission to advise Congress in what direction they should legislate.

Mr. ALLEN. I ask the Senator from Delaware if he will be kind enough to point out any act of Congress in the last third of a century that was designed to protect the man who works with his hand, the common laborer, as distinguished from other classes of people?

Mr. GRAY. The Senator from Nebraska asks me whether I can point out an act of Congress within the last thirty years——

Mr. ALLEN. Within the last third of a century.

Mr. GRAY. Within the last third of a century—that has been enacted for the benefit of common labor as a distinct class. I think that was it. My reply to the honorable Senator from Nebraska would be that every act of Congress—and I do not propose to defend all the acts of Congress by any means—that was conceived in a patriotic intention to advance the general welfare of this country, to redound to its glory and its honor, that increased the protection of individual liberty and placed barriers between those who would prey upon their neighbors and their victims, or which tended to do so, every law that was enacted to ameliorate human conditions and did so, was for the benefit of labor, because it was for the benefit of labor, and labor is the country and the country is labor in that sense, and if it were not then we would be in sad case indeed. The honorable Senator from Nebraska says for the benefit of the common laborer as a distinct class. If I have one aspiration of my heart that I believe to be patriotic, one that I cherish, it is that there shall be no classes in this country.

Mr. ALLEN. I agree with the Senator in that respect.

Mr. GRAY. That there shall be neither in our legislation nor in our common walk and conversation any serious allusion that would suggest the idea that there are classes in this country. There are none in that sense. Let us unite here, if you please, to remove from our statute book every law, if any such there be, that tends to promote the existence of classes in this country; and I will stand with the Senator from Nebraska in every effort of that kind, and I trust he will stand with me, and I believe he will. Let us remove from our statute book every vestige of law, if vestige there be, that tends to breed these distinctions, that creates or promotes this injustice between classes of men or between man and man. I will be by his side. I will follow where he dare lead and I will lead where he dare follow in an effort of that kind; and it is because that is my aspiration, it is because I do cherish the fond hope that I may be able in what remains to me of my term of public service to do something to that end, that I am here today and shall remain with some small contentment and with some degree of comfort.

Mr. President, it seems to me that the very generality and vagueness of the language used in the sixth section of the bill which by substitution is now before the Senate ought to condemn it. The Congress of the United States has legislative powers that have been delegated to it by the Constitution, and it has none other. Of course, the Senator from Nebraska agrees with me in that. The great domain of human interest that concerns the relations of man to his neighbor, the domestic relations, the laws of property and all that concern most intimately the happiness and well-being of mankind remain as the great reserved powers of the several States. And yet this commission that is to be instituted covers the whole of that great domain and leaves out of sight, as I have said a while ago, the only two important specific questions with which Congress is exclusively charged by the Constitution of the United States, to wit, the tariff and the currency.

If there were a commission to consider the whole question of the currency, while I would not hope for any beneficial results from it, and while it comes within the reason of my opposition to all commissions, yet there would be a tangible result to be reached. And so about the tariff. That is within the exclusive domain of Congress, and though I would be opposed, as I said, to a commission, and believe that it would come within the objections I have already made to commissions, there would be a definite and tangible result.

Mr. ALLEN. The commission is to be only advisory, I understand.

Mr. GRAY. Of course it is only advisory. I do not suppose the drafters of this amendment were ever so fond and foolish as to suppose that they could delegate legislative power to them, in a measure delegate their judgment. They will have the advice of a commission of men who presumably are no better able to form an opinion and have no better facilities for forming an opinion than the delegates of the people of the United States assembled here in the two Halls of Congress.

When a specific measure comes up to which the Congress of the United States has a legitimate relation for the benefit of the condition of the people of this country, if it can be helped by legislation, I am for it, and will labor for it, and in my humble way I will contribute to the success of that measure. But, Mr. President, I can not refrain from pointing out the illusory character of this whole proposition, that whether it is so intended it does not and can not hold out any rational hope anywhere to the persons who have asked, if so be they have asked, for legislation of this character.

Mr. STEWART. Mr. President, when this proposition was first submitted to me it did not strike me favorably. I was fearful that the commission would be ineffective, and I thought Congress ought to deal with this matter. But on reflection I came to the conclusion that Congress had not been entirely successful in maintaining the prosperity of the country. When that was suggested to me also by men who importuned me to advocate the bill, I told them that I would like to know of some way of producing prosperity; that I never had found, in all my reading, prosperity without money; that if all people had money they would be able to get along pretty well, but there was not money enough evidently to go around, and they could not all have some; that if there was any way of working out prosperity without money I should like to have them invent some plan. Congress having been entirely unsuccessful in its efforts to make the people comfortable, I felt as if I were willing that the laboring men or anybody else should try their hand and see, and if they could make a suggestion that would have any influence in bringing about good times I would let them make it.

I felt something like Mr. Lincoln did after he and Mr. Stanton had managed the war here for several years. They brought General Grant to Washington to take charge of the Army of the Potomac. He went to the Secretary of War, had some conversation with him, and proposed to take all the troops away and make a campaign against Lee's army. Stanton objected. He said Washington would be captured, and he was very much excited. Finally General Grant suggested to him that they had better go and see Mr. Lincoln about it and learn what he had to say, as they could not agree. So they went over to the White House and laid the case before Mr. Lincoln. Mr. Lincoln thought about it a moment, when he turned to the Secretary of War and said, "Mr. Stanton, you and I have been managing this matter about Washington for a long time. I know we have not satisfied the country that we were doing everything that ought to be done. And do you think we have satisfied ourselves?" Then Mr. Lincoln said, "I do not feel satisfied with the way we have been doing things, and I propose to let Mr. Grant have the Army and do as he pleases with it; and if Washington is taken we will take the consequences." Inasmuch as Congress has been trying to do something in this direction for a good many years and has not made any progress, I thought perhaps we might let the laboring men take hold of it and see if they could do anything with the question.

Mr. SMITH. Will the Senator from Nevada permit me to interrupt him?

Mr. STEWART. Certainly.

Mr. SMITH. I should like to ask the Senator from Nevada whether in his judgment, if we had the free and unlimited coinage of silver at 16 to 1, it would be necessary to have any commission of this kind appointed?

Mr. STEWART. I think we could get along something better if we had more money. I think as long as the volume of money is shrinking the people will be miserable. That is my idea.

Mr. GRAY. Commission or no commission?

Mr. STEWART. Commission or no commission. But these men think they can invent a plan to accomplish something that never has been accomplished under the sun; that they can fill a man's pocket without having any money in it. If they can make any suggestions of that kind, let them make them, and we will listen to them. I have no hope of producing prosperity while the money of the civilized world is confined to the commodity gold and a few men have that commodity. As long as they have that commodity cornered, I do not believe anything will produce prosperity. It is true my friend from New Hampshire [Mr. CHANDLER] thinks it might be possible to apply to those who have it coined and get them to divide with us in some way. We can not do it in this country, but it is thought if we go to Europe we might get them to give up the advantages they possess in having the money of the world cornered. I do not believe that they will break the corner of money. I think if it is broken at all, it will have to be done by the people of the United States. I believe it has got to be done in accordance with the Constitution of the United States. I do not believe that we will ever have our own Government until we exercise those functions. As long as we fly to Europe for legislation, I do not believe that they will legislate for us; I think they will legislate for themselves. We used to do it ourselves; but somehow we are now told that we are helpless and can not legislate for ourselves; that we must apply to Europe; and we pass a bill to go to Europe. After the manner they used to do in old

colonial times, we send to the mother country for relief. The evils we endure are intolerable.

That is the wisdom of Congress. I appeal from that wisdom to the wisdom of the laboring men. It may be that they can do something. I am willing to appeal to anybody. I would rather appeal to the laboring men of this country than to the crowned heads of Europe for relief. They have not got the gold of the world cornered. They have no interest in making money scarce. On the contrary, millions of them are out of employment. Prices are growing lower and lower. I have a list in my pocket of the national banks that have failed since October last. It is a formidable list, made out by the Comptroller of the Currency, and it shows that things are shrinking up here. See the list. [Exhibiting.]

Mr. SMITH. Is the sum total stated?

Mr. STEWART. No, it is just a list.

Mr. ALLEN. Will my honorable friend permit me to suggest that to-morrow the "advance agent of prosperity" will be here to take charge of the Government, and probably there will be a change for the better without any more money?

Mr. STEWART. It was said in the campaign that prosperity was on its way and that it would be here on the 3d of November, but it did not get here.

Mr. GALLINGER. No one said that.

Mr. STEWART. Oh, yes; it was said everywhere that just as soon as it was assured that Mr. McKinley would be elected, confidence, which would bring prosperity, would come at once. The manufacturers throughout the country posted notices in their shops that if Bryan was elected business would close down, but if McKinley was elected the shops would be opened and the mills would be opened, and all would have employment. We were promised prosperity on the very day McKinley should be elected. We waited. We were all looking out for it, watching for its coming. But it has deceived us. It has gone back. Perhaps it is going back to get a new start. You know sometimes a thing gets a momentum by drawing back, and when it comes it is going to come with redoubled force. But it is certainly receding. Perhaps it is acting on this principle, backing up so as to get a good start to run and jump. That is the way the promised prosperity is operating now. It is said that it is coming; and after the election they fixed on the inauguration as the period. It may be that they will now fix on some other date. Any date will do, if only it comes at all. We do not want it to keep out of sight permanently.

But it is a mockery to talk about prosperity coming with a shrinking volume of money. There is not an instance recorded in history where there was prosperity unless there was an increasing volume of money to correspond with population and business. It has not occurred once in all the history of this world, and I defy any man to find an instance. Perhaps by this commission we can find it. I am willing to try the commission; I am willing to try anything that anyone wants to try. I was even willing to try the experiment of my friend from New Hampshire. I had a good deal less confidence in that scheme than I have in the proposed commission. Still I said, "Go on and try it," and I voted for it. This is certainly a case where we are applying to our own people for advice and information. It is not humiliating at all. But when we go across the water and ask the aristocrats of Europe to have mercy on us, it is a different kind of a prayer from what this country has been accustomed to. We had quit that kind of a prayer more than one hundred years ago, and we did not commence to bow the knee to Europe until within the last fifteen or twenty years. Now our people go to Europe and spend a hundred million a year to enjoy the smiles of aristocracy, to be presented at courts, to learn the beauties of monarchies and to learn to despise the rabble. We heard this in the campaign. Every man who was of the people was called an anarchist. The discussion of economic questions was called anarchy. The great mass of the American people were called anarchists.

It has become very popular to say that all we want is a stronger government.

Why do you want a stronger government? To keep the rabble in order? They learn that vocabulary on the other side of the Atlantic. That is monarchic. Do you not suppose that the sneers at the masses of the people, and the calling of them anarchists, and the demand for more power to put them down and keep them in order, originated in Europe? There was where the inspiration was received, by travel in Europe; it came from Europe; it is the language of aristocracy; it is the language of monarchy. The leading papers in the campaign breathed the same spirit and used the same phrases that are used in monarchical countries.

People were called anarchists for what? For peaceably discussing political questions. We hear the governor of Illinois, Mr. Altgeld, alluded to now as an anarchist, alluded to in that way by men who, if they had his capacity, his patriotism, his earnestness and zeal for the cause of humanity, would be elevated away above any place they can occupy by being temporarily in high office. I, amongst others, from what I saw in the papers, was prejudiced against him before I knew him, but when I saw him and heard him talk and read his speeches, I came to a very different conclusion. He and all the balance of those men are called anarchists. I speak of him because he is most frequently alluded to. Everybody who discusses political questions in antagonism to European ideas, in antagonism to aristocracy in this country, is called an anarchist. I do not believe that we shall receive any harm from allowing these laboring men to have a commission to collect information.

Mr. BUTLER. Will the Senator from Nevada pardon me a moment?

Mr. STEWART. Certainly.

Mr. BUTLER. I wish to take issue with the Senator from Nevada on this question of anarchy. I am opposed to anarchy, and that is one of my reasons for not being pleased at the new Secretary of the Treasury who is to be proposed to us. As I understand it, he is the man who deluded and led off Mr. Altgeld; he is the man who is suspected of having advised Mr. Altgeld to take the fatal step, and he was made the scapegoat—of pardoning the anarchists. I understand that this man, who is a business man, a man standing high among the respectable people of Chicago, advised Governor Altgeld—this honest, simple-minded governor—that he ought to pardon those anarchists, and the governor had no more sense than to follow his advice. Is that correct?

Mr. STEWART. I do not know about that.

Mr. BUTLER. I understand that is so; and if that is so, and we are about to have an anarchist here for Secretary of the Treasury, it is a matter which ought to be investigated.

Mr. STEWART. I do not know anything about that. I do not know what advice he gave to the governor of Illinois; but I know that the newspapers have represented that he undoubtedly really and honestly thinks—and I shall not question his honesty of purpose—that the greenbacks ought to be retired, that the Treasury notes ought to be retired, that the silver certificates ought to be retired, that the silver in the Treasury ought to be sold, and that the Government ought to get down to the real gold basis, with the exception of such money as the national banks might issue. If he really believes that, I do not think he can be called an anarchist in the acceptation of the term as it was used in the last election, because he must believe in very sound money, so sound that nobody in this country will be able to get any of it. The gold being pooled on the other side of the Atlantic, if he accomplishes his purpose, he will make money so sound that nobody will get it. He will accomplish one purpose. The people of the United States will be in poverty, and there will be no chance of extravagance. Perhaps his idea is to introduce economy. I have thought that our President was trying to reform the world in that way, by teaching them economy, by taking all their money from them, throwing them out of employment, and making them starve. Perhaps that is what he has been trying to do in order to guard against extravagance on their part and prevent them from indulging in luxuries.

Mr. THURSTON. Will the Senator permit me?

Mr. STEWART. Wait till I get through this sentence.

It is said by some, however, that he does not practice what he preaches, but lives better than he advises others to live. That may not be so, but I have heard it.

Mr. HILL. I want to make a suggestion.

Mr. STEWART. Just one word.

Mr. HILL. I am friendly to the bill and the Senator from Nevada is friendly to the bill.

Mr. STEWART. I am friendly to the bill.

Mr. HILL. If we are going to adjourn at 12 o'clock to-day, and if it is important that this bill should pass, it is important that something should be done, and done promptly. I ask whether we can not come to a vote now? We can pass the bill if its friends will give us an opportunity.

Mr. STEWART. I have sat here for several hours, and I found the friends of the bill talking a little too much, and so I thought it would not do any harm to make a few suggestions.

Mr. HILL. And very excellent suggestions.

Mr. STEWART. I was not saying anything against the Senator from New York, because he recognizes what is right.

I know it is difficult to practice exactly what we preach, and I find that one of the difficulties of the gold men is that, while they preach economy to others, they do not themselves appear to be suffering very much from the want of the necessaries of life. They say, "All we want is economy; we must bring wages down; we must get down to bed rock; we want more economy in public expenditures; it will not do for the masses of the people to be extravagant; and if they do not have any money, they will not spend any money; they will not go to conventions and be making trouble." Is there any danger of the common people having Bradley-Martin balls? They will be prevented from committing the sin of extravagance.

Mr. HILL. Economy of time is what we want now.

Mr. STEWART. That is true, but I do not occupy much time, and I think I might offer a few reflections, and I hope they are agreeable to my friend from New York.

Mr. HILL. Particularly so.

Mr. STEWART. I hope I am not annoying him, because I have not included him in the characters I have been describing, and I hope he does not take any of my remarks as personal. I am simply referring to the class such as those who live on Fifth avenue and those who do business in Wall street. They are the fellows who tell us that we should be economical, that we should not spend too much money, that what ought to be done is to lower wages, and they do not believe the common people have any right to advise us.

We are told that if this commission is formed it will be composed of anarchists. Of course the ordinary American citizens, according to these people, are all anarchists. If so, I am willing to let the anarchists have their way a little while. I do not know but that I am classed with them, and may have a fellow-feeling for them. I rather think I am classed with them, because I am not one of the other class, and I must be classed somewhere.

I hope, Mr. President, that this bill will pass and that we shall see what the laboring people can do. They certainly can not make matters any worse than they are and have been, and I am willing they shall try it.

Mr. THURSTON and Mr. CHILTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. THURSTON] is recognized.

Mr. THURSTON. Mr. President, I would gladly yield the right of further discussion if a vote could be taken upon this bill.

Mr. CHILTON. I think it can be taken. I for one have no disposition to delay the action of the Senate.

The PRESIDING OFFICER. Does the Senator form Nebraska yield to the Senator from Texas?

Mr. THURSTON. I will only yield, if by unanimous consent, a vote can be taken. Otherwise, I feel in duty bound to make a few remarks.

Mr. HILL. We have got to vote, I suggest to the Senator, in order to pass this bill, and if its friends will keep quiet we can come to a vote, and vote the other side down. A Senator who is now an opponent of the bill wants to perfect it somewhat. Why not permit that to be done? And then I think we shall be able to get a vote on the bill, and that is what the laboring men want. They do not want talk; they want this bill. Time is precious to-night.

Mr. THURSTON. I will yield informally to the Senator from Texas if he desires to make a motion.

Mr. CHILTON. Mr. President, I wish to state for one that I have every sympathy with the objects named in this bill, but I believe those who expect beneficial results from the project will be disappointed. Nevertheless, it is the evident sense of the majority of the Senate that the experiment shall be tried.

I have drafted an amendment, which I have submitted to the Senator in charge of the bill. It meets his approbation. It should come in at the end of line 18, section 4. The language of the section as it stands is:

SEC. 4. That it may report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report.

I propose to add this proviso:

Provided, That said final report shall be made within two years from the date of the appointment of said commission.

The Senator from California accepts that amendment. This is all I have to say.

Mr. HILL. That amendment can be offered after the bill is reported to the Senate.

Mr. CHILTON. Very well. I have no objection to withholding the amendment until that time.

Mr. THURSTON. I ask unanimous consent that we now proceed without further debate to vote upon the amendments and then upon the bill, and if we can have that unanimous consent, I do not desire to discuss the matter further. ["Vote!" "Vote!"]

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senate now proceed to vote. Is there objection?

Mr. BROWN. Mr. President, I dislike to take up the time of the Senate at this hour, but——

Mr. THURSTON. I have asked unanimous consent for a vote, and I think I have the floor. I simply ask if we can have unanimous consent for a vote; if not, I will address the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. BROWN. I do not know why we should all be cut off fmro debate because the Senator wants a vote.

Mr. CHANDLER. We are not complaining of the Senator. We only want to find out whether there is objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska that the Senate now proceed to a vote? The Chair hears none.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHILTON. I now offer the amendment which I suggested, to come in after the word "report," in line 18 of section 4.

The SECRETARY. At the end of line 18, on page 2 of the amendment, it is proposed to insert:

Provided, That said final report shall be made within two years from the date of the appointment of said commission.

Mr. HILL. Accept that.

Mr. ALDRICH. It is accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2663) to amend the laws relating to navigation; and

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

CONTINUATION OF COMMITTEES.

Mr. CANNON. I move that the Senate proceed to the consideration of executive business. However, I will withdraw the motion temporarily.

Mr. ALLISON. I offer a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the standing and select committees of the Senate as now constituted be, and they are hereby, continued until the first Monday of December, 1897, or until their successors are elected.

Mr. DUBOIS. I object to the present consideration of the resolution.

Mr. BROWN. I suggest the absence of a quorum.

Mr. SHOUP. Will the Senator yield to me to make a report?

Mr. BROWN. No, sir; I will not yield.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Gray,	Roach,
Allen,	Chilton,	Hawley,	Sewell,
Allison,	Clark,	Hill,	Shoup,
Bacon,	Cockrell,	Lindsay,	Smith,
Berry,	Cullom,	McBride,	Squire,
Blackburn,	Daniel,	McMillan,	Stewart,
Brice,	Dubois,	Mantle,	Teller,
Brown,	Faulkner,	Martin,	Thurston,
Butler,	Frye,	Nelson,	Tillman,
Call,	Gallinger,	Peffer,	Wetmore,
Cannon,	Gibson,	Perkins,	White.
Carter,	Gordon,	Platt,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. ALLISON. At the suggestion of the Senators about me, I modify the resolution, or offer a new resolution, which I ask to have considered at this time.

The resolution was read, and agreed to, as follows:

Resolved, That the standing and select committees of the Senate as now constituted be, and they are hereby, continued until their successors are elected.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED EXECUTIVE SESSION.

Mr. CANNON. I renew the motion that the Senate proceed to the consideration of executive business.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this subject I am paired with the Senator from Tennessee [Mr. BATE].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

The roll call was concluded.

Mr. CALL (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. PROCTOR], and will therefore withdraw my vote.

Mr. CULLOM (to Mr. CALL). Vote anyhow.
Mr. CALL. I will allow my vote to stand.
Mr. ALDRICH. I ask that the result may be announced.
Mr. HOAR. Let us wait until we get a quorum.
Mr. ALDRICH. I prefer that it should be announced.
Mr. HOAR. I prefer that it should not be.
Mr. ALDRICH. It is the duty of the Presiding Officer to announce the result.
Mr. GALLINGER. I think it is his duty.
Mr. HOAR. I think the Presiding Officer has the right to a reasonable time.
Mr. FAULKNER. The names have not been recapitulated.
Mr. GORDON. I suggest to the Senator from Minnesota [Mr. NELSON], in order to make a quorum, that we let our pairs stand paired, and he and I can vote.
Mr. NELSON. I prefer to let it stand as it is.
Mr. WHITE. I suppose the statement of the Senator from Minnesota that he does not wish to vote demonstrates his absence.
Mr. GORDON. In order to make a quorum, I will vote. I vote "yea."
The result was announced—yeas 33, nays 12; as follows.

YEAS—33.

Allen,	Carter,	Gordon,	Roach,
Allison,	Chilton,	Gray,	Smith,
Bacon,	Clark,	Hill,	Stewart,
Berry,	Cockrell,	Lindsay,	Teller,
Blackburn,	Cullom,	Mantle,	Tillman,
Brice,	Daniel,	Martin,	White.
Butler,	Dubois,	Peffer,	
Call,	Faulkner,	Pettigrew,	
Cannon,	Gibson,	Quay,	

NAYS—12.

Aldrich,	Hoar,	Platt,	Squire,
Chandler,	McMillan,	Sewell,	Thurston,
Hawley,	Perkins,	Shoup,	Wetmore.

NOT VOTING—45.

Baker,	George,	Mills,	Sherman,
Bate,	Gorman,	Mitchell, Oreg.	Turpie,
Blanchard,	Hale,	Mitchell, Wis.	Vest,
Brown,	Hansbrough,	Morgan,	Vilas,
Burrows,	Harris,	Morrill,	Voorhees,
Caffery,	Irby,	Murphy,	Walthall,
Cameron,	Jones, Ark.	Nelson,	Warren,
Davis,	Jones, Nev.	Palmer,	Wilson,
Elkins,	Kenney,	Pasco,	Wolcott.
Frye,	Kyle,	Pritchard,	
Gallinger,	Lodge,	Proctor,	
Gear,	McBride,	Pugh,	

The PRESIDING OFFICER. A quorum of the Senate not having voted, the Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hoar,	Roach,
Allison,	Cullom,	Lindsay,	Sewell,
Berry,	Daniel,	McBride,	Smith,
Brice,	Dubois,	McMillan,	Squire,
Brown,	Faulkner,	Mantle,	Stewart,
Butler,	Frye,	Martin,	Teller,
Call,	Gallinger,	Nelson,	Thurston,
Cannon,	Gibson,	Peffer,	Tillman,
Carter,	Gordon,	Perkins,	Wetmore,
Chandler,	Gray,	Pettigrew,	White.
Chilton,	Hawley,	Platt,	
Clark,	Hill,	Quay,	

The PRESIDING OFFICER. Forty-six Senators having responded to their names, a quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from Utah [Mr. CANNON] that the Senate proceed to the consideration of executive business.
The Secretary proceeded to call the roll.
Mr. BROWN (when his name was called). I have a general pair with the Senator from Tennessee [Mr. BATE].
Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Texas [Mr. MILLS].
Mr. GORDON (when his name was called). In order to make a quorum, I will vote. I vote "yea."
Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].
The roll call was concluded.
Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but in order to make a quorum I will vote. I vote "yea."
Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR], but in order to make a quorum I will vote. I vote "yea."
The result was announced—yeas 30, nays 5; as follows:

YEAS—30.

Allen,	Chilton,	Gray,	Smith,
Bacon,	Clark,	Hill,	Squire,
Berry,	Cockrell,	Lindsay,	Stewart,
Brice,	Daniel,	Mantle,	Teller,
Butler,	Dubois,	Martin,	Tillman,
Call,	Faulkner,	Peffer,	White.
Cannon,	Gibson,	Pettigrew,	
Carter,	Gordon,	Roach,	

NAYS—5.

Allison,	Hawley,	Hoar,	Sewell.
Chandler,			

NOT VOTING—55.

Aldrich,	Gear,	Mills,	Quay,
Baker,	George,	Mitchell of Oreg.	Sherman,
Bate,	Gorman,	Mitchell of Wis.	Shoup,
Blackburn,	Hale,	Morgan,	Thurston,
Blanchard,	Hansbrough,	Morrill,	Turpie,
Brown,	Harris,	Murphy,	Vest,
Burrows,	Irby,	Nelson,	Vilas,
Caffery,	Jones of Ark.	Palmer,	Voorhees,
Cameron,	Jones of Nev.	Pasco,	Walthall,
Cullom,	Kenney,	Perkins,	Warren,
Davis,	Kyle,	Platt,	Wetmore,
Elkins,	Lodge,	Pritchard,	Wilson,
Frye,	McBride,	Proctor,	Wolcott.
Gallinger,	McMillan,	Pugh,	

The PRESIDING OFFICER. A quorum not having voted, the Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Hill,	Sewell,
Allen,	Clark,	Lindsay,	Shoup,
Allison,	Cockrell,	McBride,	Smith,
Bacon,	Cullom,	McMillan,	Squire,
Berry,	Daniel,	Mantle,	Stewart,
Brice,	Dubois,	Martin,	Teller,
Brown,	Faulkner,	Nelson,	Thurston,
Butler,	Frye,	Peffer,	Tillman,
Call,	Gallinger,	Perkins,	Wetmore,
Cannon,	Gordon,	Pettigrew,	White.
Carter,	Gray,	Quay,	
Chandler,	Hawley,	Roach,	

The PRESIDING OFFICER. Forty-six Senators have responded to their names. A quorum is present.
Mr. SHOUP. Is there anything before the Senate, Mr. President?
The PRESIDING OFFICER. The pending motion is that of the Senator from Utah [Mr. CANNON], that the Senate proceed to the consideration of executive business.
Mr. SHOUP. I wish to present some morning business.
Mr. CANNON. I do not yield for any other business, Mr. President.
The PRESIDING OFFICER. The Secretary will call the roll.
The Secretary proceeded to call the roll.
Mr. BROWN (when his name was called). I am paired with the Senator from Tennessee [Mr. BATE].
Mr. GALLINGER (when his name was called). I again announce my pair with the Senator from Texas [Mr. MILLS].
Mr. SEWELL (when his name was called). I announce my pair with the Senator from Wisconsin [Mr. MITCHELL].
The roll call was concluded.
Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but he is in the building, and in order to make a quorum I will vote. I vote "yea."
The result was announced—yeas 29, nays 4; as follows:

YEAS—29.

Allen,	Cullom,	Lindsay,	Squire,
Bacon,	Daniel,	Mantle,	Stewart,
Berry,	Dubois,	Martin,	Teller,
Brice,	Faulkner,	Peffer,	Tillman,
Butler,	Gibson,	Pettigrew,	White.
Cannon,	Gordon,	Quay,	
Chilton,	Gray,	Roach,	
Cockrell,	Hill,	Smith,	

NAYS—4.

Allison,	Chandler,	Hawley,	Shoup.

NOT VOTING—57.

Aldrich,	Gallinger,	McMillan,	Sewell,
Baker,	Gear,	Mills,	Sherman,
Bate,	George,	Mitchell, Oreg.	Thurston,
Blackburn,	Gorman,	Mitchell, Wis.	Turpie,
Blanchard,	Hale,	Morgan,	Vest,
Brown,	Hansbrough,	Morrill,	Vilas,
Burrows,	Harris,	Murphy,	Voorhees,
Caffery,	Hoar,	Nelson,	Walthall,
Call,	Irby,	Palmer,	Warren,
Cameron,	Jones, Ark.	Pasco,	Wetmore,
Carter,	Jones, Nev.	Perkins,	Wilson,
Clark,	Kenney,	Platt,	Wolcott.
Davis,	Kyle,	Pritchard,	
Elkins,	Lodge,	Proctor,	
Frye,	McBride,	Pugh,	

The PRESIDING OFFICER. A quorum of the Senate not having voted, the Secretary will call the roll.
The Secretary called the roll.
After some delay,
Mr. ALDRICH. What is the business before the Senate? The usual process is to send for absentees. I should like to have the result of the call announced.
The Secretary having called the roll, the following Senators answered to their names:

Aldrich,	Clark,	Hawley,	Sewell,
Allen,	Cockrell,	Hill,	Shoup,
Allison,	Cullom,	Lindsay,	Smith,
Bacon,	Daniel,	McMillan,	Squire,
Berry,	Dubois,	Mantle,	Stewart,
Brice,	Faulkner,	Martin,	Teller,
Call,	Frye,	Peffer,	Tillman,
Cannon,	Gallinger,	Perkins,	Wetmore,
Carter,	Gibson,	Pettigrew,	White.
Chandler,	Gordon,	Platt,	
Chilton,	Gray,	Roach,	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. The Secretary will call the roll.

Mr. CANNON. Did the Chair announce the result of the call of the Senate?

The PRESIDING OFFICER. The Chair announced that the roll call did not disclose a quorum.

Mr. CANNON. I ask that the Secretary call the roll of absentees.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. BROWN responded to his name.

At 2 o'clock and 57 minutes a. m., Mr. NELSON, Mr. PROCTOR, and Mr. MCBRIDE entered the Chamber and responded to their names.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Utah [Mr. CANNON] to yield to me that I may present a conference report.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. CANNON. I very cheerfully yield. I have no desire to obstruct the conduct of the public business here, and I shall answer to my name when the roll is called and vote on every question which may be presented until the business of the Senate is finished.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 49, 50, 62, 63, 73, 74, 104, 117, 134, 140, 144, 148, and 168.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 24, 48, 58, 89, 91, 99, 131, 132, 133, 135, 141, 180, and 190, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 6; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following:

"The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$489,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "nor to prevent the United States Electric Lighting Company from extending conduits into Columbia Heights, Washington Heights, and Mount Pleasant within the fire limits, as specifically provided in the act of June 11, 1896, making appropriations for the expenses of the government of the District of Columbia; and the existing overhead wires of the Potomac Electric Power Company west of Rock Creek and outside the fire limits are hereby authorized to be maintained for a period of one year from the passage of this act and no longer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$18,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$481,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$394,334;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$875,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "purpose" and insert in lieu thereof the word "purchase;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,503,646;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "All supplies for the National Home for Disabled Volunteer Soldiers shall be purchased, shipped, and distributed as may be directed by the Board of Managers;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
WM. A. STONE,
JOSEPH D. SAYERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. QUAY. I should be glad if the distinguished chairman of the Committee on Appropriations would explain seriatim these items. I should be glad to vote intelligently upon them, and, in order to vote intelligently, I should like to know what has been done by the committee of conference. It may or may not be that I may desire to address the Senate at some length upon the bill.

Mr. ALLISON. As this is the final report on this bill, I will explain as briefly as I can, because time is important, the conclusion of the conferees.

Amendments numbered 1, 2, 4, 6, 9, 10, and 12 all relate to public buildings—the public buildings at Bridgeport, Conn., Charleston, S. C., Norfolk, Va., and so forth.

Mr. PETTIGREW. Are those new buildings?

Mr. ALLISON. None of them. They were agreed to by the House conferees. The Senate recedes from its disagreement to the House amendment for a public building at Topeka, Kans. The report strikes out the appropriation for the purchase of the Corcoran Art Gallery building, and also the appropriation for a public building at Butte, Mont. It strikes out the provision proposed by the Senate appointing a committee to examine sites, etc., for the memorial building of the National Society of the Daughters of the Revolution. As to amendment numbered 24, for a

revenue cutter on the Atlantic Coast, the House recedes from its disagreement.

The Senate recedes from its amendments relating to the Omaha Exposition. The House agrees to the provision relating to the collection district in Vermont. Amendments 62 and 63 strike out the appropriations proposed by the Senate for two private claims, or what are in the nature of claims. Amendment numbered 72 inserts the latter clause of the provision proposed by the House relating to the forest reservations, which has been read at the Clerk's desk. The Senate recedes from the appropriation relating to the gold and silver inquiry, the amendment of the Senate relating to mineral resources. Amendments numbered 89, 90, and 91 were disposed of by including in this bill the provisions agreed to in the bill appropriating money for the District of Columbia relating to electric lighting.

Mr. HILL. Just the same; in full and in the same language?

Mr. ALLISON. In full and in the same language.

On the amendments of the Senate relating to rivers and harbors there was a compromise by reducing the House appropriations 12½ per cent instead of 25 per cent, as proposed by the Senate, upon certain river and harbor improvements.

In respect to amendment 144, the committee strikes out the appropriation for Garfield Hospital; as to amendment 148, it strikes out the appropriation proposed by the Senate for Pearl Harbor; as to amendment numbered 168, it strikes out the appropriation of $100,000 for a soldiers' home in South Dakota.

Amendment numbered 180, appropriating $150,000 for the Nicaragua Canal survey, is retained, and on amendment numbered 190 we retain the provisions proposed by the Senate concerning the joint committee on printing.

Mr. QUAY. Did I understand the Senator to say the appropriation for Pearl Harbor, in the Sandwich Islands, is stricken out?

Mr. ALLISON. It is.

Mr. GALLINGER. The Nicaragua Canal survey provision remains in the bill?

Mr. ALLISON. Yes, sir.

Mr. WHITE. I understand the Nicaragua Canal amendment is retained?

Mr. ALLISON. Yes, sir; it is retained.

Mr. BERRY. The Senator spoke about the river and harbor items. Will he tell the Senate what disposition was made of the proposition for the improvement above Cairo, which was amended by the Senate?

Mr. GALLINGER. The Senate amendment respecting the Cache River is retained in the bill.

Mr. SQUIRE. Will the chairman please repeat his statement in regard to the Nicaragua Canal?

Mr. ALLISON. The proposition for the Nicaragua Canal survey is retained. I think I have named all the material amendments to the bill.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

COST AND PRICE OF ARMOR.

Mr. QUAY. Mr. President, early in the evening I intended, on the presentation of the conference report on the naval appropriation bill, to address the Senate at some length, but proceedings, if not extraordinary, at least unexpected, on the part of a coordinate branch of this Government, the name of which, under our rules, is too sacred, like that of Osiris in old Herodotus, to be mentioned in this profane assembly, have placed the object I intended to effect by mentioning my sentiments and views to the Senate entirely beyond my control. I think that what has transpired here—and I speak seriously—is calculated to create a great misapprehension in this country of the absolute truth of existing conditions in regard to our Navy and the armor-plate contracts.

I had intended to read to the Senate to-night, had it been possible to accomplish anything by so doing, the report of the Secretary of the Navy to the two Houses of Congress under the resolution of the last session of the present Congress; second, the letter of the Secretary of the Navy, forwarding a supplementary report in the matter of the cost and price of armor, transmitting certain letters to the Senate, dated January 25, 1897, which are somewhat important; and third, the report of the Committee on Naval Affairs on the price of armor for vessels of the Navy, and the testimony attached. The hour is very late, and the effect of adopting that method of placing this information before the people of the United States in the RECORD can be reached by printing it all in the RECORD without reading. If it is the wish of the Senate that I shall not proceed to read it, and if the Senate will agree that it shall go into the RECORD without being read——

Mr. CULLOM. Would it not be better to print it all as a document?

Mr. QUAY. No; let it go into the RECORD.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Pennsylvania asks unanimous consent that the matter designated by him be printed in the RECORD. Is there objection?

Mr. CHANDLER. I object.

Mr. QUAY. Then I will proceed to read the documents. First——

Mr. MANTLE. I should like to ask the Senator from Pennsylvania to yield to me for a moment, while I make a few remarks, I want to help take up time, and it will probably save the Senator from Pennsylvania some effort. Besides, my remarks will be directly in point to something that is transpiring.

Mr. HOAR. I desire to make a parliamentary inquiry. Is it not in order to move that the Senator from Pennsylvania have leave to print the document he speaks of in the RECORD?

Mr. STEWART and others. Undoubtedly.

Mr. HOAR. I make that motion.

Mr. QUAY. I will say to the Senator from Massachusetts, whose good opinion I respect, that my desire is that these facts shall go before the people of the country. They will see it in the RECORD, as the Senator knows, and they will not see it in the shape of a document.

Mr. HOAR. I ask that the question be put on my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. DANIEL. May I make an inquiry? Would the document be printed in the RECORD to-morrow?

Mr. HOAR. In a day or two.

Mr. QUAY. The RECORD containing it would be published in a few days, and every recipient of the RECORD would receive this information.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the Senator from Pennsylvania be permitted to have printed the document indicated as a supplement to the RECORD.

Mr. SQUIRE. I think the Senator from Pennsylvania ought to present these matters to the Senate. They are of great importance, and should be condensed into a statement of results reached.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

The matter referred to is as follows:

54TH CONGRESS, 2d Session. HOUSE OF REPRESENTATIVES. DOCUMENT No. 151.

COST AND PRICE OF ARMOR.

REPORT OF THE SECRETARY OF THE NAVY TO THE TWO HOUSES OF CONGRESS ON THE ACTUAL COST OF ARMOR PLATE AND THE PRICE FOR THE SAME WHICH SHOULD BE EQUITABLY PAID AS DIRECTED BY THE ACT OF JUNE 10, 1896, MAKING APPROPRIATIONS FOR THE NAVAL SERVICE.

COST OF ARMOR PLATE.—LETTER FROM THE SECRETARY OF THE NAVY, COMPLYING WITH THE PROVISION OF THE NAVAL APPROPRIATION BILL APPROVED JUNE 10, 1896, REGARDING THE COST AND PRICES OF ARMOR PLATE.

JANUARY 5, 1897.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, D. C., December 31, 1896.

SIR: In the act making appropriations for the naval service for the year ending June 30, 1897, approved June 10, 1896, it was enacted that—

And provided further, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action.

In compliance with this provision of the act I have the honor to transmit herewith my report.

Very respectfully,

H. A. HERBERT,
Secretary of the Navy.

Hon. THOMAS B. REED,
Speaker of the House of Representatives.

COST AND PRICE OF ARMOR.

The Senate and House of Representatives in Congress assembled:

The act making appropriations for the naval service for the fiscal year ending June 30, 1897, approved June 10, 1896, provided:

That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action.

This provision of law was construed as imposing a duty which was to be performed by me individually. I, however, associated with myself as advisers Capt. W. T. Sampson, Chief of the Bureau of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair, who have throughout this investigation rendered me much useful assistance.

The law vests in me no power to administer oaths or to summon before me witnesses.

The following sources of information appeared open:

1. The contractors for armor. They, of course, could, if so disposed, give full and accurate information as to the cost of their plants and of the manufacture of armor.

2. The naval officers who had been stationed at the works of the armor manufacturers as inspectors. These officers did not have access to the books of the contractors, and could not be expected to give very accurate information as to the cost of plant, but they had opportunities to know about the cost of material, and the character and amount of labor employed, and they had been, such of them as were on duty at the works when the Senate committee began its investigations into the price of armor last winter, especially charged by the Department with the duty of observing and ascertaining, as far as practicable, the prices of labor, cost of material, etc. They had collected much valuable information on all these points. Indeed, they were familiar with the processes of manufacture in every stage, and there were, it is believed, no secrets connected with the manufacture of armor with which they were not acquainted.

3. The prices of armor abroad, though already known in great part, could be more thoroughly inquired into and compared with the prices being paid by the Government.

4. The cost of erecting the armor plants, which was a material portion of the inquiry, could not be ascertained with absolute accuracy without an inspection of the books of the contractors. If they should fail to furnish the proper information, an inquiry into the price at which similar plants could at present be erected would throw light upon the subject. This inquiry into the present cost of erecting armor plants seemed to be all the more material because the Committee on Naval Affairs of the United States Senate, when it began the investigation which resulted in the enactment of the law calling for this report, had before it the proposition that the Government itself should erect a plant for the purpose of manufacturing its own armor.

5. Search could be instituted for any reports made to State authorities by the two contracting companies under the laws of their State.

All these sources of information have been applied to, and the inquiries which were set on foot immediately after the enactment of the law have been prosecuted diligently.

Immediately after the passage of the law, letters were written to Lieut. Commander W. S. Cowles, naval attaché to the United States embassy at London, and Lieut. Commander R. P. Rodgers, naval attaché to the United States embassy at Paris, instructing them to secure further and additional information as to the prices paid for armor to European manufacturers, and as to the cost of establishing armor plants like those of the two American companies, and with the view of aiding in these inquiries, and also of ascertaining, if possible, whether it was true, as had been charged in the Senate debate last spring, that there was an agreement or understanding existing between the manufacturers of armor in this country and in Europe, the purpose of which was to keep up the prices of armor, I made a personal visit during the past summer to France and England. Armor plants and machine shops were visited, and inquiries were set on foot while I was there, which resulted in the obtaining of two estimates of the cost of establishing armor plants, one of which was made in England and the other in France, which are hereto attached, marked Exhibits No. 1 and No. 2, respectively.

At the outset of this investigation, and in order to enable me to more readily understand the testimony which it would be necessary to take in this matter, I visited the Carnegie armor plant in July, 1896. The officials of the company courteously showed me over the works and explained the methods of manufacturing. I had some years before visited the Bethlehem works. One who witnesses the methods employed in the manufacture of armor at these plants is much impressed with the fact that relatively very little manual labor is required in the processes adopted. Very few employees are needed to put in motion the immense machines which handle the material and do the work. From this it follows that by far the most important single feature in this investigation is the cost of this machinery.

On the 13th day of June, 1896, the following letter was written to the president of the Bethlehem Company and also one of like tenor to the Carnegie Company:

NAVY DEPARTMENT, *Washington, June 13, 1896.*

SIR: In the act making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, approved June 10, 1896, it is provided "that the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action."

In discharging the duty thus imposed upon me by Congress I shall be glad to have such assistance as you may be able to render me. If it be convenient for you to attend at this time, I will be pleased to have you come to my office in the Navy Department on Saturday, the 20th instant, with such of the officers and employees of your company as may be able to aid you in this matter, and prepared to furnish me with such facts and figures relating to the subject-matter of the inquiry to be pursued as will tend to aid me in arriving at a conclusion which shall be just and fair to the company you represent and to the Government.

In conclusion permit me to express the hope that I shall have your hearty cooperation in the discharge of the delicate duties imposed upon me by this act of Congress.

I have written to Mr. Leishman, of the Carnegie Company, a letter similar to this, requesting his appearance on Wednesday, the 17th instant.

Very respectfully,

(Signed) H. A. HERBERT,
Secretary.

ROBERT P. LINDERMAN,
President Bethlehem Iron Company, South Bethlehem, Pa.

The Carnegie Company replied entirely by correspondence. Mr. Linderman, president of the Bethlehem Company, eventually came to the Department for a conference, all of which was taken down stenographically and is also appended as Exhibit No. 3. The result in both cases was a failure at that time to get any of the information desired, both companies contending that the Government had no right to inquire into their private concerns, or to ask them to exhibit to the public the secrets of their business, which they maintained were their own.

In my opinion, this position of the contractors was not well taken. I stated to Mr. Linderman that the Government had bound itself not to go abroad for armor; that this meant that it was to buy from the two American companies which make it; that the Government, therefore, as one party to these contracts, had a right to know whether the prices charged by the other party were reasonable, etc.

In reply to a question, I said to him that while the information upon which conclusions might be reached could not be withheld from Congress, that any manufacturing secrets that might be disclosed would not be revealed. In point of fact, however, it is not believed that there are any secrets connected with the manufacture of armor, as such, that are not now known to the Department through its ordnance officers, and it is to be especially noted that secrets, if any there are appertaining to the business of manufacturing either steel or armor, would not be apparent upon the books of account, and it was these to which access was desirable to enable me to reach correct conclusions.

Finding that no information was likely to be furnished by the contractors, I called before me Lieutenants Rohrer, Niles, and Ackerman, who had all been at the works of the Bethlehem Company as inspectors, and orally instructed them to make me a written report, giving their estimates separately or together as they might conclude, of the cost of manufacturing armor; and they made two reports. The first report is hereto attached, marked Exhibit No. 4. The second is not attached, because it was an attempt to state an account with the Bethlehem Company, and was not used by me for the reason that in my opinion it was not based upon proper methods, and also because the figures subsequently obtained at Harrisburg rendered such an account unnecessary. This statement is, however, on hand, if desired.

Lieutenant-Commander Rodgers, who had been an inspector at the Bethlehem Iron Works from March 1, 1895, to December 23, 1896, was also called upon to make separately his estimate of the cost of manufacturing armor, and his report is hereto appended, marked Exhibit No. 5.

Ensign McVay, at present stationed at the Carnegie works, was also instructed to observe, inquire, and report his estimate as to the cost of manufacturing armor at the works of that company, which is hereto appended, marked Exhibit No. 6.

It should be observed that the Bethlehem Company was the first to contract with the Government for armor. This company made a contract with the United States Government for a quantity of armor and gun steel on the 1st day of June, 1887, and with the plants erected under these contracts it has manufactured armor for this Government and for Russia, and gun steel for the United States Navy and the United States Army. The Carnegie Company erected its plant under a contract made with Secretary Tracy on the 20th day of November, 1890, and with this plant it has made armor for this Government and some also for the Russian Government. The Bethlehem Company, being the first to establish an armor plant in this country, naturally made some costly experiments, and its plant was therefore more expensive than that of the Carnegie Company. Leaving out of consideration the cost of plant, it is believed that the cost of manufacturing armor at the two establishments is about the same, minus a small difference in favor of the Carnegie Company, noted in some reports, resulting from cheaper coal.

RULES IN ACCORDANCE WITH WHICH CONCLUSIONS HAVE BEEN REACHED

In considering this matter, I have been guided by the following considerations:

1. A Government contractor should be liberally treated. He does not stand on an equal footing with the other party. To illustrate: Contracts for such material as armor always contain provisions authorizing the Government to modify its specifications, and in such cases to appoint a board of its own officers to decide questions of increase or decrease of cost. Government inspection is usually much more rigid than is required in ordinary commercial transactions. Such considerations as these, no doubt, often

deter those who are already doing a profitable business from taking Government contracts. The Government, therefore, as an inducement, should pay liberal prices, so as to entitle itself to the best services.

2. If contractors who have invested large amounts of money on the faith of Government contracts shall be unfairly treated and ruined by the exercise of the sovereign power of the Government, the natural result will be that only the hope of the most extravagant profits will tempt manufacturers to make Government contracts. On the other hand, liberal treatment of contractors by the Government, coupled with a prompt payment for work, ought always to enable it to procure the best articles at fair prices.

3. The two armor contractors, the Bethlehem Iron Company and the Carnegie Steel Company, Limited, each invested a large amount of money in the plant necessary to manufacture armor. Only governments require armor plates, and there was at the date when these two companies undertook to erect their plants but little prospect that either of them would ever make armor for foreign governments. It is also to be remembered that they both entered upon the business at the request of the Navy Department. Neither of them had any expectation that its first contract would insure full payment for its plant. They both, therefore, when embarking upon this manufacture, encountered the risk of a failure of the Government to authorize and build other armored vessels. If the Congress had failed, after the making of the original contracts with these parties, to authorize other armored vessels, the loss to each of these contractors would probably have been considerable. It was natural, therefore, that profits under the first contracts should be large. The risk involved was an element to be taken into consideration in fixing prices.

4. On the other hand, when these transactions are looked at from the present standpoint, it appears that not only have the original contracts made by both these companies been practically completed and the moneys paid thereon, but that each of them has been given other armor, the manufacture of which will fairly occupy it until June 1, 1897, although they are allowed by their contracts until January 1, 1898. There is, therefore, from the present standpoint, no uncertainty whatever about the volume of the Government business these two companies will have had from the dates when they began up to January 1, 1898.

In examining from the present standpoint the mutual relations between the Government and these contractors, as they are now and as they will be at the time of the fulfillment of existing contracts, there is no element whatever of uncertainty to be taken into consideration. If it shall appear that the profits already received or hereafter to be received from past and existing contracts, considered together, are or will be sufficient to pay these companies a fair percentage upon their investments and to pay for their plants in whole or in part, then the fact that the plants have been or will have been so paid for, either in whole or in part, must be taken into consideration in fixing the rates that should be allowed for armor in future contracts.

It may be that the conclusion attained from a full consideration of past and present relations between these parties and the Government is to be that future prices for armor should be much lower than those now being received, yet it will not at all follow from this that prices have, up to this moment, been higher than they should have been. When a manufacturer is about to enter upon a contract with the Government to erect a special plant for the manufacture of an article needed only by the Government, and for which no other government would probably become a customer, the amount of the demand for the article being uncertain and contingent upon the action of Congress, it can not be held unreasonable that he should expect his profits to pay him within a reasonably short period of time for a plant which would be useless in case the Government's demand upon it should cease. When, however, the time comes that the investment by such contractor in a special plant has been paid for by profits, either in whole or in large part, the time has arrived for a readjustment of prices. Thereafter rates are to be computed upon a totally different basis, and when the contract relations between him and the Government are being reviewed for the purpose of reaching a basis for future prices, a contractor can not complain if the very large profits he bargained for when the future of his venture was uncertain are not allowed him in such calculation. Such present review of past transactions can furnish no reason for taking away profits already realized, but it may very properly be looked at when determining the rate of profit in future contracts. To put it in another form, a contractor might very well refuse to embark upon an enterprise the future of which was clouded with many doubts, even upon a fair prospect of say 25 or 30 per cent profit, and yet be entirely satisfied with a profit of say 10 per cent when the future had resolved itself into the past, and uncertainty had become certainty. Confining myself therefore to past and existing contracts about which there can be no doubt, I have concluded that if the Bethlehem and Carnegie companies, up to January 1, 1898, a period at which the armor for the *Kearsarge* and *Kentucky* will all certainly have been finished, are allowed a profit of say 10 per cent upon the investments they have made for armor plants, the residue of the profits received by them severally from the manufacture of armor, due allowance being made for wear and tear, repairs, taxes, insurance, etc., ought to be applied to the amortization of their investments.

I have also concluded that in ascertaining whether the armor plant of a contractor has, after allowing him reasonable profits, been paid for, it is not unjust to consider all the profits he has derived from the use of such plant, whatever be the sources from which such profits have come. To illustrate: The Bethlehem Company contracted with the Secretary of the Navy in 1887 to furnish both armor and gun steel. The two contracts formed parts of one transaction. The company erected a gun plant and an armor plant. The two plants were contiguous, though this does not seem to be material. What did at first appear to me to be a matter of some doubt was whether in the summing up of profits derived from these plants to be set off, after allowing fair dividends on investment, against the cost of the armor plant, the profits on gun steel furnished to the United States Army, and on armor manufactured for the Russian Government could be taken into consideration in ascertaining the extent to which the company had been paid for its armor plant. I have decided this question in the affirmative.

The Government, in contracting with a manufacturer for an article he is putting on the market, and which requires no special plant, is, no more than a private individual, under obligation to see that the manufacturer makes any particular profit or that he is enabled by his contract with it to pay for any portion of his plant. Both parties in such a transaction take the ordinary chances of profit or loss. Exactly the reverse is true where the Government asks that a special plant for its own special purposes be erected. Here the Government ought, in all its contracts, up to the point at which the manufacturer shall have recouped his original investment, to take into consideration the expenses incurred, prudently and in good faith, by the contractor in preparing himself thus to serve it. But in case the contractor uses his plant to manufacture for others, his venture becomes pro tanto a commercial enterprise and is to that extent divested of its character as a governmental agency. It would, therefore, seem clear that if by means of such commercial contracts, together with Government contracts already enjoyed, such a plant has been paid for, there can no longer be any obligation resting on the Government to do what has already been accomplished. In other words, it is only when the Government is sole paymaster that it can be looked to for full payment.

I have, accordingly, in the estimates hereafter submitted as to the Bethlehem plant, reckoned on the profits made by that company on gun steel for the Navy and Army and on armor for the Russian Government, and the supposed profits of the Carnegie Company from a contract it made with Russia have also been charged to that company.

It has been heretofore stated that all efforts made in June last to obtain information from the companies were fruitless. They each then replied that their directors were (some of them) absent, and that no definite replies could be expected until these directors should return from their summer outings, and they were in turn both notified that the investigation would proceed without them.

On the 25th of November, 1896, the Bethlehem Company addressed me the following letter:

THE BETHLEHEM IRON CO., ROBT. P. LINDERMAN, PRES.,
South Bethlehem, Pa., November 25, 1896.

SIR: Referring to your letter addressed to this company under date of June 18, 1896, and to the writer's interview with you on the 25th of that month, we write to say that, after a very serious consideration of the subject, we feel reluctantly obliged to decline to give, in such detail as you request, the cost to us of manufacturing armor plate, since to do this would necessarily involve the disclosure to our competitors of business secrets which we have obtained by long and expensive experience and which belong to us alone and which might be used to our disadvantage. So far as we know, it is without precedent for a manufacturer to be asked to divulge the cost of his product, and we can not see that we should be asked to do so in this case.

We desire, however, to assist you as far as we consistently can in the investigation imposed upon you by the act of Congress referred to by you in your letter, and we therefore respectfully offer the following suggestions:

Last March, during the course of the investigation by the Committee on Naval Affairs of the United States Senate in relation to the prices paid for armor for vessels of the Navy, Commander Horace Elmer, in charge of steel inspection at the Carnegie Steel Works, and Lieut. Commander John A. Rodgers, in charge of steel inspection at these works, both stated that in their judgment the cost of the material and labor involved in the manufacture of a ton of armor amounted to $250. This estimate does not, we presume, include the very difficult and costly shapes we are sometimes required to make.

Taking this figure, however, as a basis, but without in any way indorsing or assenting to the same, there must be added thereto, among other items of cost not taken into consideration by them:

INTEREST ON INVESTMENT—MAINTENANCE AND DEPRECIATION OF PLANT—WORKING CAPITAL.

Interest on investment.—Our plant for the manufacture of armor has cost us not less than $4,000,000, not including interest on outlays during construction, land, railroad connections, etc., and counting at bare cash cost, without any manufacturing profit, the large part made by ourselves. Assuming that, by reason of comparatively recent improvements and extensions, our investment has only been that large for the past two and a half years, and for the two and a half years previous was but $3,000,000, the interest during these five years would amount to $1,050,000. During this period we made

13,411 tons of armor, including that made for the Russian Government, which would make the interest charge per ton $78.29.

Maintenance and depreciation of plant.—Ten per cent per annum is certainly a low charge to cover these two items. Ten per cent on $3,000,000 for two and a half years and on $4,000,000 for two and a half years amounts to $1,750,000, or, on 13,411 tons, to $132.72 per ton.

Working capital.—It is extremely difficult to say exactly what is the amount of working capital locked up in this branch of our business, as it varies with the condition of the work, the orders on hand, and on a number of other factors unnecessary to enumerate, but it is safe to say that during the past five years it has not averaged less than $1,500,000, the annual interest on which would amount to $90,000, or $33.55 per ton.

To recapitulate:	Per ton.
To the estimated cost of labor and material as made by your agents..	$250.00
Must be added:	
Interest on cost of plant	78.29
Maintenance and depreciation	132.72
Working capital	33.55
Total	494.56

There are other costs and expenses, such as loss on rejected plates, cost of experiments, administration expenses, etc., but the above is sufficient, we believe, to convince you that the prices now being paid by the Government are not excessive.

When, at the instance of the United States Government, we undertook this difficult and vexatious business, it was obvious that this could not be prudently done for the order which the Government then desired to place, but we were given to expect such further orders as the Government might have to give. The obstacles and delays that always beset the pioneer had, however, been overcome when the Government gave a private contract on the same terms as ours to a rival concern, which, guided by our sacrifices, was spared the outlay of more than a million dollars. And now, though there is little prospect of continuous work for these two establishments, if even for one, the Government is urged to set up another to be operated by itself.

Under these circumstances, we now confirm the informal suggestions made to yourself and to others, and state that we desire to withdraw from this troublesome business by selling to the Government, below cost, our entire armor-plate plant, which we believe to be the best in the world.

Respectfully,

THE BETHLEHEM IRON COMPANY,
ROBT. P. LINDERMAN, *President.*

The Honorable SECRETARY OF THE NAVY,
Washington, D. C.

It will be seen from this letter that Mr. Linderman does not commit himself to anything except, perhaps, to the methods of calculation which he suggests. He, however, consents that if his methods are adopted the plant of the Bethlehem Company may be estimated at $4,000,000, $3,000,000 of which are to bear interest for five years and $1,000,000 for two and a half years. He also calls attention to the fact that two naval officers during the investigation of the Committee on Naval Affairs of the Senate had testified that in their judgment the costs of material and labor in a ton of armor amounted to $250. Upon this basis he suggests the following method of calculation:

1. He claims 6 per cent interest upon the amount of his investment. Now, a manufacturer can not claim interest on his capital as distinct from profits. The net income derived from shares in such an enterprise, however large or small it may be, is profit and not interest. If Mr. Linderman means to say that in any estimate to be made the net profits allowed should be at least 6 per cent on the capital invested, this may be readily admitted. In the calculations hereafter to be made a larger per cent than this will be allowed as a rate of dividend before applying the residue of profits to the extinction of the capital invested in plant.

2. Mr. Linderman asks 10 per cent per annum for maintenance and depreciation of plant. It will be noted that the Carnegie Company, in its statement soon to follow, claims 5 per cent for "maintenance of plant," where the Bethlehem claims 10. There is no distinction to be made between the companies in this regard. Their plants are similar and are doing similar work. The difference in their estimates can only be accounted for by considering that the rule, often invoked, that 10 per cent must be allowed to a manufacturer for maintenance of plant, which includes taxes and insurance, is not of universal application. The Bethlehem Company invokes this rule, but the Carnegie Company asks only 5 per cent. As to the Bethlehem Company, it has not, on account of certain returns hereinafter set forth, been necessary to apply this rule at all. As to the Carnegie Company, I have made two calculations, in one using 10 per cent, in the other 5, the figure suggested by the company itself. There is little danger that this company has been unjust to itself. It is obvious that charges for maintenance must, under different circumstances, vary widely. A new and well-constructed plant will require not half so much for repairs, and may not subject the owners to one-third as much loss from stoppages as one that is old or badly constructed. So a plant composed in large part of delicate machinery, like those engaged in weaving fine fabrics, ought to cost more for repairs than a plant like those in question, which consists almost entirely of large and heavy pieces, like cranes, etc., which, if originally strong and heavy enough, would last indefinitely, if the smaller parts, like rollers, be from time to time replaced.

I have before me what are believed to be all the taxes paid by these companies, and they are so insignificant that they will be considered as included in either estimate of percentage for maintenance.

It is to be observed that Mr. Linderman claims maintenance on the cost of plant. This, of course, can not be allowed. So applied, Mr. Linderman's rule and his rate would give the Bethlehem $100,000 more every year than would be allowed at the same rate to the Carnegie Company for keeping a similar plant in order, as the plant of the former company, it is claimed, no doubt correctly, cost $1,000,000 more than that of the latter. The reason on which the rule is founded could lead to no such conclusion. Under such a construction the charge for maintaining a plant would vary according to the value of the land upon which it was located, according to the good or bad bargain made in buying it, or other adventitious circumstances.

The reason of the rule is apparent from its terms, viz, an allowance for maintaining a plant, not for maintaining or keeping up the cost of a plant. The percentage allowed is therefore to be applied only to the present value of a plant, and in arriving at this value the price of land, etc., which do not need to be renewed, is not estimated. This is the rule hereinafter applied.

Having determined upon allowing a percentage for maintenance, instead of apportioning it to each ton of armor, as insisted upon by Mr. Linderman in the calculations hereinafter made, a company will be credited with it during the whole period to be covered by the estimate, and this certainly can not be objected to.

3. Mr. Linderman insists that the working capital necessary is $1,500,000, the annual interest on which would amount to $90,000.

It is difficult to say what working capital is necessary to a manufacturer. Much depends upon the nature of the business done, whether returns are frequent or at long intervals, whether the products are for sale in the general market or manufactured to order. It would seem that $1,500,000 would be totally unnecessary in this instance. Every group of armor consists of three or four hundred tons and is promptly paid for when delivered and tested. When 3,000 tons of armor per annum are manufactured, payments, after they begin, accrue almost monthly. When 2,000 tons are manufactured, payments accrue at least once in two months. Ten per cent, it is true, of the money due under each contract is reserved by the Government until its complete fulfillment, but the profits on every ton of armor are great, and they afford much ready money with which to pay for labor and material, and all this must be taken into consideration in determining upon the amount to be allowed. As to future contracts, including the *Kearsarge* and *Kentucky*, progress payments will be made, rendering necessary still less working capital than now. The Carnegie Company, which claims that calculations should be made very much as is contended for by Mr. Linderman, only insists upon $1,000,000 of working capital. It may be that when a contract is entered upon, as some months must elapse before the first deliveries, $1,000,000 may be employed for a time as working capital, but certainly no such sum can be needed throughout any considerable period in such a business as manufacturing for a customer who pays promptly at short intervals, and when in every payment there is a very large profit. It is believed that $750,000 as working capital will be a liberal allowance.

About the time of the receipt of the above letter from the Bethlehem Company the following communication came from the Carnegie Company:

THE CARNEGIE STEEL COMPANY, LIMITED.

We regret to be compelled to decline any request you make, but believe that upon due reflection you will see that it is impossible for us to open the details of our private business to the eyes of our competitors and to the world.

The cost of making armor is not to be found in the details at the shops, upon which your officers have estimated. Permit us to show you three, among the many, elements of cost which they did not take into account:

First. The capital we have invested in our armor plant is, as stated by our Mr. Carnegie in his evidence before the Senate Naval Committee, fully $3,000,000. We charged to this account in our books only $2,500,000, the amount paid out; but we ourselves contributed fully $500,000. No charge was made for the ground, railway connections, etc. The water supply is taken from our other works; so also are the electric light and power currents; no charge was made for the proportion of these plants necessary for the armor-plate plant. We charged nothing for superintendence, nor for interest during construction. All of these are legitimate charges and bring the total cost up to something over $3,000,000.

We began making armor plate in October, 1891, and have made to August 1, 1896, 11,059 tons of armor. The interest upon our investment, $180,000 per year, in five years amounts to $900,000, or $81.53 per ton of armor.

Second. The estimate made by your officers took no account of maintenance of plant. This can not be estimated at less than 5 per cent per annum, which makes $150,000 per year, or for five years, $750,000, amounting to $67.94 per ton of armor.

Third. The armor plant is practically useless except for the making of armor; therefore, when the Navy is finished, say ten years hence, we have to face a probable loss of the cost of the plant, $3,000,000. Even if the salvage amounts to $500,000, we have a loss of $2,500,000, equaling in fifteen years $166,666 per annum, or $75.49 per ton of armor.

This will make items of cost which were not taken into account in the estimate of your officers, as follows:

Interest on plant, per ton of armor	$81.53
Maintenance of plant, per ton of armor	67.94
Loss by abandonment of plant when Navy shall have been completed, per ton of armor	75.49
Total	224.96

To the above should be added the cost of working capital, which varies greatly, as works may be run fully, partially, or not at all, but estimated at $1,000,000 average, the cost is, say, $25 per ton.

It is because of these and other facts that we do not hesitate to say that the manufacture of armor is not, and can not be made, a permanently satisfactory investment of capital, even at the prices charged per ton.

We did not seek the Government orders for armor; the Government sought

us, and after declining, when invited, we finally agreed, reluctantly, to undertake the task, simply because the Government could not get armor for the ships which were upon the stocks waiting for it.

If the Government now desires to undertake the manufacture of armor for itself, we shall only be too happy to sell our plant to it at cost. It is in splendid order, and we refer you to your experts as to whether it is not far more efficient now than when new, as we have continually made improvements upon it.

The plant can remain where it is, and we will undertake to furnish the steel in the ingot at a price to be fixed by three arbitrators; or we will remove the plant and erect it at any point designated by the Government; also erect the additional plant for the making of the steel. We will superintend all this and start the works, and continue to operate them until they produce armor successfully; and for all this we will only ask the Government to pay the actual cost.

We undertake also to teach the Government officials how to make such armor as we are now supplying you, which, as you know, holds the world's record.

Having gone into this business primarily to help the Government when it could not obtain armor, we submit to you and to Congress that we have some claim upon the Government to take our plant at cost, and we hope this proposition will meet with favor.

We make about 150,000 tons of finished steel per month, and the two or three hundred tons of armor we make per month demand greater attention and give more trouble than all the 150,000 tons. We shall be delighted if the Government will let us out of the armor business. We can use the capital in several lines of our business to better advantage.

It will be seen that the claim of this company is that its investment in plant should be taken at $3,000,000. It insists also on interest on its investment at the rate of 6 per cent for the full time of five years. Like the Bethlehem, this company would add to the price of armor paid for in the last part of the period interest that accrued on capital, a part of which was already extinguished, to increase its price. While demanding for itself all this interest, the Government is allowed no interest on its payments. To adopt such a rule as this would be to say that although it might appear that when one-half of these five years had elapsed the capital originally invested had been 30, 40, or 50 per cent of it repaid by profits received over and above fair dividends, yet we must go on counting interest on the whole amount, no matter how much of it had been paid back.

The company does, however, admit the possibility of some "salvage" by its third proposition, "That the armor plant is practically useless except for the making of armor. Therefore, when the Navy is finished, say ten years hence, we have to face a probable loss of the cost of the plant, $3,000,000. Even if the salvage amounts to $500,000, we have a loss of $2,500,000, equaling in fifteen years $166,666 per annum, or $75.49 per ton of armor."

It seems to be very plain that no assistance in arriving at a correct conclusion in the premises can be derived from either of these letters, unless it shall be concluded that the cost of the plant is in the one case $4,000,000 and in the other $3,000,000, as insisted upon.

The amounts of these investments, as has heretofore been stated, is most material, and I have diligently sought to secure evidence that would enable me to estimate them correctly. In discussing the weight to be given to the statements made by the companies, consideration is to be given to the following facts:

1. These companies are testifying in their own interests.

2. They are in possession of evidence which would, if produced, satisfy Congress of the correctness of their statements. They have been requested to produce this evidence, and they refuse to do it. The general ground upon which these companies refuse to show their books, or to explain otherwise the costs to them of the manufacture of armor, is that this would be to expose their business secrets to their competitors. It would appear that they might give evidence as to the value of their plants without exposing their business methods. Certainly the prices of such portions of these plants as were purchased might be proven by vouchers, and details of the items constituting the remainder might be set forth so as to enable Congress to see what had been included, and to form for itself some opinion. It is not easy to see how this would be giving away business secrets. Nevertheless, all important as is the question of the cost of these plants, we have on that subject only a bare statement by each of these companies, neither of them going into any particulars or giving any such explanations as are usually required in courts and before committees when facts are to be established.

These statements, while both of them mentioning items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants. Both of these plants are connected with steel mills, and the armor and steel plants are necessarily to some extent interdependent. If the figures in the books of these companies, when making up amounts chargeable to armor plant, proceed upon bases as incorrect as the methods suggested in each of these letters for calculating the cost of armor, and this would seem to be a reasonable presumption, then the statements as to the cost of the plants are to be taken with many grains of allowance.

It is also to be noted that if the plants of these two companies cost $3,000,000 and $4,000,000 each, proof of these figures in such manner as to satisfy Congress and the public would have a wholesome effect upon business competitors in deterring them from entering into competition in the manufacture of armor.

Examining the estimates of the cost of plants made by the Government inspectors, we find that Ensign McVay, in his prepared statement of the cost of the plant at the Carnegie works, estimated it all together at $3,000,000, the same figure given by the company. In the company's statement it said that the $2,500,000 shown by the books does not include ground, railway connection, water plant, or electric light and power currents; that these are taken from the other works, and that, together with the interest during the construction of the plant, they will amount to something over $500,000. Mr. McVay only reached $3,000,000 by including these items:

Power house at	$75,000
Pumping station, etc., at	75,000
Electric plant at	75,000
Land at	550,000
Stock on hand at	300,000
Total	1,075,000

Deducting this from $3,000,000, leaves $1,925,000 for the items which are estimated by the company at $2,500,000. The stock on hand, $300,000, is clearly improperly included by Mr. McVay in plant. His testimony, therefore, does not sustain the company. It is to be considered, however, that naval officers have really very little knowledge as to the cost of plant. They must, in all their estimates, be governed largely by such data as they are able to collect from observation and hearsay. As to the amount of labor employed and of fuel and material used in the manufacture of armor, they have observed closely, and as the market rates for these are accessible, they may be expected to estimate them with reasonable accuracy. There is, however, no general market in this country for the structures constituting an armor plant. The inspectors must necessarily, in order to form any opinion whatever of the value of these, be guided largely by such hearsay information as they can obtain, and this must, of course, come primarily in large part from the interested persons with whom these officers are brought in contact around the works.

Coming now to the estimate for the armor plant of the Bethlehem Company, the Rohrer Board estimates this plant altogether at $4,881,000, or $881,000 more than the $4,000,000 upon the basis of which the company indicates its willingness to have estimates made, provided calculations proceed upon methods suggested by it, which methods have been shown to be grossly erroneous. There is no doubt but that the Bethlehem Company's plant did cost very much more than the plant of the Carnegie Company. At Bethlehem a hammer was constructed at large cost, which rumor has placed at amounts varying from $400,000 to $700,000. The use of this hammer was subsequently abandoned, because the press which was erected did better and cheaper work. Other experiments were made which were futile and costly. It is believed that it would not be unjust to allow in these estimates $1,000,000 more for the plant at Bethlehem than for that at Carnegie's, but here, as everywhere throughout these investigations, we are met with the difficulty of arriving at any correct conclusions in the absence of the positive, direct, detailed evidence which could be furnished by the companies themselves, but which they refuse to give, preferring, as they do, to leave the Department and Congress to speculate on the subject in so far as it may not choose to be guided by the very general statements which have been made in these letters.

Even these letters were not written until after I had returned from Europe, where by my visit I procured, as stated, two estimates of the cost of armor plants. One of them was made in England by a company which is prepared to furnish the plant, and it is attached hereto, marked Exhibit No. 1. This estimate by a manufacturer of experience and reputation puts as a sufficient sum for machinery £113,400, but it having been referred to the Chief of the Bureau of Ordnance to be completed by adding estimates for duties, buildings, installation, etc., he has added these and other costly items which he deems necessary to make it equal the American plants. As thus completed, it amounts to $1,500,000. This is the estimate for putting up complete a plant equal to that of the Carnegie Company, said to have cost $3,000,000. Prices are, however, lower now than in 1887, when the Bethlehem Company began its plant, or even than in 1890, when the Carnegie Company undertook the manufacture of armor.

Exhibit No. 2 is a preliminary estimate for an armor plant at Guérigny, in France. This estimate was made by the French Government for the purpose of ascertaining what it would cost to put up an armor plant at that point in connection with the Government works already there, and which are now equipped for the manufacture of chains, cables, steel protective deck-plates, etc. No steel, however, is made there. The Government at present buys this material.

A reference to the explanation by Lieutenant-Commander Rodgers, attached to that exhibit, shows what Mr. Rodgers, after an examination of the present works at Guérigny, supposes the estimate of the French Government to include. It includes, it is supposed, installing the machinery and the erection of additional

buildings so far as needed. This estimate, made by the Government of France for the erection in connection with its plant now making protective decks and equipment supplies, is $700,000, all told.

At present the duty on machinery of this class is 35 per cent. It is much to be regretted that the details of this estimate are not given, but it is to be remembered that this $700,000 is an official estimate for the Government, and the Government is presumed to have had in view an efficient armor plant. If we allow for duties, which would be collected only on the machinery included in this estimate, and then for higher-priced labor in building houses and installing plant, this could not be more than double this estimate, making it $1,400,000.

The English estimate, we have seen, as amended by Captain Sampson, amounts to $1,590,000, which would pay duties and freight and erect here a plant equal to those in question. Doubling the estimate of the French Government, we have $1,400,000 for a similar plant, houses, machinery, and all. The average of the two estimates is $1,500,000. Adding another million for fall in price since they were erected would allow $2,500,000 for the Carnegie plant, and still another million would give $3,500,000 for the Bethlehem plant. I shall not, however, insist upon these figures in the calculations to be submitted, but will present tables in which the basis shall be the cost of the plants as given in the letters of the two companies, as, after all, I prefer to rely on these figures. I do not mean even to cast a doubt upon them. I have submitted and commented on proofs as to the cost of erecting a plant, as showing that one could now be erected for about $1,500,000, and these figures will serve as a guide for Congress in deciding whether to erect a plant, and also as a basis in calculating on future contracts.

If a correct conclusion as to cost of plant, which is far the most difficult problem in this investigation, has been reached, we may advance with more confidence to a consideration of other factors in attaining results.

PRICES OF ARMOR ABROAD.

Appended hereto is a diagram of prices, marked Exhibit No. 7, which may be relied upon as showing accurately the prices of armor in the United States, England, France, Germany, and Austria, for armor manufactured at home, and also the prices at which the United States, English, German, and French manufacturers have furnished armor for foreign governments. These prices have ranged from $349 to $650 per ton, the cheapest first-class armor in the list having been furnished to the Russian Government by the Bethlehem Company, and the highest in price, excepting some made in Italy, the armor furnished by the Bethlehem and Carnegie companies to the United States under their contracts of 1887, 1890, and 1893. The contracts made by these companies in 1890 were for about $560 per ton, on an average. Italian prices average nearly $600. Austrian armor was not first class.

It must be understood that armor plates differ in prices. Difficult shapes cost more, simple shapes less. The figures used throughout this report refer to average prices.

During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.

Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

The manufacture of armor is a special business, dependent upon many uncertainties. The necessary plant is very expensive. Armor is the product in large part of machinery, and labor and materials are but small items when compared with the original cost of plant and the expense of maintaining it. A manufacturer in possession of a plant which has been paid for by profits can produce armor at rates that would be ruinous to a company in the outset of its operations. A large margin of profit is necessary also to meet the conditions arising out of the uncertainty of orders, the maintenance of a plant when not in operation, and the keeping together of the necessary operatives while awaiting orders. Sharp competition for custom would be apt to cause manufacturers to lose sight of these conditions, and financial disaster would inevitably result from failure to keep them in mind. These natural promptings to such a combination are mentioned only as persuasive to show, when taken in connection with what follows, that a world-wide combination or understanding does exist.

An inspection of the prices paid, as shown by the diagram before referred to, will indicate what is not denied, that the Carnegie and Bethlehem companies agreed with each other as to prices. They have divided the contracts of this Government between themselves, each bidding lower than the other for one-half of the armor required at any time by the Government.

In France the Schneider Company, at Creusot, seemed to have had the field largely to itself, and furnished most of the armor to that Government from 1885 till about 1888, when the Chatillon Company began operations. Afterwards the St. Chamond and Marrel Company came in, and still later the St. Étienne. These companies when they began to share in the contracts for armor for the French Government, all charged about the same prices, these prices gradually rising, until 1891, when changes were made in the requirements. In 1892 the United States had adopted the Harvey process of face hardening. France adopted this process in 1893, and we then find that in 1894 all the French companies had raised their prices from about $370 to about $470 per ton. Afterwards, in 1896, all these French companies were found charging their Government about $535 per ton.

In 1895 Russia was in the market for harveyed nickel armor. The Bethlehem and Carnegie companies, in the United States, were then both well established, and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Company secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyed and to be delivered in Russia, the company agreeing at the same time to manufacture the armor for two other ships, if required, at the same price. The Russian Government afterwards did require armor for the other two ships, and taken altogether the armor for the three amounted to about 1,400 tons.

The French Government had, in the meantime, in 1894, and prior to these Bethlehem contracts with Russia, been paying to its companies about $560 per ton for harveyed nickel armor. Early in 1895 the Bethlehem Company secured another contract from the Russian Government, this time at the price of about $520 a ton, and almost contemporaneously the Carnegie Company made a contract with the Russian Government to supply armor at practically the same price as the Bethlehem Company.

Here, then, we have the pregnant facts that the two companies in the United States have had a perfect understanding with each other as to what they should charge their own Government; that the five companies in France seem to have had a like understanding with each other as to what they should charge their Government; that the price of armor in France rose gradually from 1891 to 1894, as improvements were adopted, to about the same price as that which was charged by the Bethlehem and Carnegie companies to Russia in 1895, after the former company had forced its way into the European market. I am informed upon authority which I believe to be good, that about, or perhaps before the time of the last contract of the Bethlehem Company with Russia, there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

The diagram shows also that, in 1896, Krupp manufactured for Russia some armor for about the same price as that charged to Russia by the Carnegie and Bethlehem companies. Dillinger, in 1896, also manufactured armor for Russia at prices about $30 per ton more than had been charged to the same Government by Krupp and by the Bethlehem and Carnegie companies. I have been unable to procure the prices at which the English manufacturers furnished armor for other governments. The price, however, at which the Cammel or John Brown Company and Vickers manufactured harveyed steel armor for their Government was about $330 per ton. None of this was nickeled and some of it was not harveyed. It will also be observed that the different companies habitually charged a little more to their own than to other governments. Vickers's armor furnished to the English Government was harveyed but not nickeled.

These facts seem to lead to the conclusion that there is at least a friendly understanding or agreement among the principal armor manufacturers of the world that prices shall be maintained at or about a certain level.

The prices at which the Bethlehem and Carnegie companies are now furnishing armor to this Government are $59 less than those paid under the contract of February, 1893. When about letting out the contracts for the *Kearsarge* and *Kentucky*, I insisted upon lower prices, and after considerable negotiation, these two companies were induced to reduce their prices to that extent, and as the price of nickel had fallen in the meantime about $10 per ton, the rates now being paid for the armor of the *Kearsarge* and *Kentucky* are some $70 lower than were previously paid.

In June, 1896, a board of officers, consisting of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman was assembled, with

instructions to make a careful estimate of the actual cost in labor and material for the manufacture of armor now being provided for our battle ships. The board submitted a report on July 3, 1896.

Lieutenant Rohrer had been inspector at the works of the Bethlehem Iron Company for the period of three years from August 1, 1892, to March 26, 1895. Lieutenant Niles had also been inspector of ordnance at these works from October 18, 1888, to August 31, 1892. The latter was with the Bethlehem Iron Company as Government inspector from the inception of the manufacture of armor plate, and was consequently familiar with the installation of the plant used in the manufacture of this armor, and with all the experiments, failures, etc., which the company encountered in establishing this plant. The connection of Lieutenant Rohrer with this company followed in point of time that of Lieutenant Niles, so that their combined experiences covered the whole period from October 18, 1888, to March 26, 1895, the date of Lieutenant-Commander Rodgers's appointment as inspector of ordnance at these works. Lieutenant Ackerman had been connected with the manufacture and use of steel in its various forms, principally castings and forgings, at different times, for six years prior to his appointment upon this board. Mr. Ackerman had also spent several months at both the Bethlehem and Carnegie works, and was familiar with the methods employed at both establishments and with the differences in their methods of work.

These gentlemen having thus familiarized themselves with all the processes employed, and being entirely disinterested, the results of their deliberations may be considered as representing with much accuracy the cost of manufacturing armor such as is now used on our battle ships. Besides the knowledge thus derived from their experience, these officers had at their disposal the market prices of all materials which go toward the composition of this armor. They were furnished, in addition, through the inspectors of ordnance, and from the records they had made while at these two establishments, with the quantity of material used and the labor required in each of the operations involved in the manufacture of armor. In making their estimate, they began with the cost of the several ingredients charged into the furnace for casting the ingot preparatory to the forging process. Each item of loss resulting in the casting of the ingot was carefully considered and accounted for. Each item of expense due to mixing, melting, pouring, etc., was considered as constituting a part of the operation and of the cost of casting the ingot. The cost of making the molds, handling the ingot, stripping it, and the material required for preparing it for forging, together with the coal, etc., required in all subsequent heatings and treatment; the cost of power each time the ingot or armor plate was moved, etc., formed a part of the cost of the finished plate. In like manner every other item of cost, including administration, was calculated and added. The result of these calculations was that the cost of the labor and material in a ton of single forged harveyed nickel steel—the Government supplying the nickel—was $167.30.

All the armor used in our battle ships up to the present time, is of single forged harveyed nickel steel, except a portion of the *Iowa's* armor, which is double forged. In addition to the items of labor and material, it was found that a considerable allowance must be made for the loss to the manufacturers in material which was rejected for defects occurring at different stages of the process. These losses were at times very large, larger of course before the methods of manufacture were thoroughly established, and it is therefore thought just to add 10 per cent to the cost of labor and material to cover these losses. The addition of this 10 per cent increased the estimate for labor and material in a ton $184. According to the estimates of Lieutenant-Commander Rodgers, based upon observation in the manufacture of reforged armor, reforging results in an increased cost to the manufacturer of $11.27 per ton, which makes the cost of reforged armor (labor and material) $196.45 per ton.

When the Senate Committee on Naval Affairs, in 1896, commenced the investigation regarding prices of armor, the inspectors at the works of the Bethlehem Iron Company and of the Carnegie Steel Company were instructed to investigate and follow carefully each process in its manufacture, the time required and its cost, the kind, quantity, and cost of different materials used, in order that they might be prepared with an estimate of the total cost of its production. The estimate thus made by Lieutenant Commander Rodgers now and then the inspector at Bethlehem, though formed independently, and with slight variations in the methods followed, was for single forged harveyed nickel steel armor, $178.59; with the 10 per cent added for losses due to rejection, $196.45; for double forged nickel steel harveyed armor, including the 10 per cent, $208.85.

The estimate made by the inspector of ordnance at the Carnegie Steel Company, Ensign C. B. McVay, who has been inspector of ordnance at these works during the past year, also based upon careful observation over the whole of this period, and upon methods similar to those followed by the Board, though varying in details, is for single-forged, harveyed nickel-steel armor, $161.54; or, adding 10 per cent for the loss due to rejections, $177.69; or, for reforged armor, with the 10 per cent added, $190.09. The Department is inclined to give the greater weight to the estimated cost formed by the Board, and it is believed to be just to both the manufacturers and to the Government to take average of the estimates to be $185.38 for single-forged and $197.78 for reforged armor.

Considering that the three estimates vary so little, and that they were made independently, the results must be quite near the actual cost. It should be noted in this connection that the first estimate submitted by Ensign McVay for reforged armor, in August, 1896, was, deducting the value of nickel, which is furnished by the Government, $177.50; adding 10 per cent for the loss due to rejections, $195.28, which makes his estimate very nearly the same as the two made by Lieutenant-Commander Rodgers and by the Board. Mr. McVay, after following for some months past the production of the reforged armor for the battle ships *Kearsarge* and *Kentucky*, has modified his estimate as above indicated, the difference in his two estimates being no doubt partly due to the increased skill of operatives and to improved processes. As, however, these deductions resulted from accurate knowledge of particular processes followed carefully throughout, we must also conclude that Mr. McVay's former statement was very liberal to the contractors.

The items constituting the heads under which the calculations of the Rohrer Board were made are summarized as follows:

Materials in ingot	$30.13
Materials consumed in manufacture	56.75
Labor	43.50
Keeping plant ready for use	9.80
Shop expenses	2.38
Office expenses and contingencies	3.34
Administration, superintendence, and engineering	21.40
Total	167.30

The methods pursued by the inspectors of ordnance followed, in the main, lines similar to those pursued by the Board, as in Exhibit No. 4, though differing occasionally in details of computation. For the purpose of comparison, the report of the Board was modified to show also the cost of reforged armor. The report of Lieutenant-Commander Rodgers was revised so as to include the item of cost of labor and material in maintaining the plant ready for use. The cost of nickel, which is supplied by the Government, was deducted from his given value of the charge. The report of Mr. McVay was changed so as to include the items: Cost of labor and material in maintaining plant ready for use, office expenses and contingencies, and shop expenses. It is noted that the report of Mr. McVay credits a cost of $15 per ton to the armor maker for the value of nickel scrap included in the charge, but the cost of forging is correspondingly low; that is to say, the cost of cutting up the scrap, which gives it its real value, is not included.

One of the inspectors estimates the losses from spoiled plates, rejections, etc., at 15 per cent, one at 10 per cent, while the Board, composed of three, puts it at 6 per cent, though this latter does not include the cost of experiment, which, however, is estimated to be less than 1 per cent. If the average of the five calculations be taken, this percentage would be 9⅓, but I have allowed 10 per cent for losses.

Upon my return from Europe, in October, I sent an officer to Harrisburg, Pa., in search of information, and he procured copies of the returns which had been made under an act passed by the legislature of Pennsylvania in 1889, by the Carnegie and Bethlehem companies. This act requires annual statements of the capital invested, dividends made, gross and net profits, and accumulations of surplus. The returns made by the Carnegie Company were so incomplete as to be of very litttle value. Those made by the Bethlehem Company are more definite. As procured from the auditor-general they contain the returns from this company of capital authorized, capital paid in, and dividends for each year from 1889 to November 1, 1895, inclusive. The returns, however, give gross receipts and net receipts only for the years 1893, 1894, and 1895, including the surplus for the fiscal year ending November 1, 1895. This information, supplemented as it was by that which the Department had at hand, constituting the amounts paid for armor during the several years, was important, and I felt that as these returns were not made with a view of being used in an investigation of this character, justice to the company required that it should be notified of the fact that I was considering them, which would suggest the propriety of making any explanations it might deem advisable. (See Exhibit No. 11.) In response to a reply I wired as follows:

DECEMBER 10, 1896.

Answering yours of yesterday, returns give you net earnings and gross earnings for the years 1893, 1894, and 1895, and surplus at end of fiscal year 1895. Would like similar returns for fiscal year ending in 1896, and also surplus at beginning of year 1889, and gross and net earnings for years 1889, 1890, 1891, and 1892.

Two days afterwards a reply was received, giving the information requested. Thereupon I wrote the following letter:

NAVY DEPARTMENT, *Washington, December 12, 1896.*

SIR: I am very glad to receive your letter of yesterday containing returns asked for, the gross earnings, net earnings, and surplus of your company at the ends of the fiscal years 1889, 1890, 1891, 1892, and 1896, severally. This information will very much aid me in the conclusions I must reach in the endeavor to arrive at the profits of your company from armor. I would like, however, especially to have also a statement as to what the surplus at the ends of the several years from 1889 to 1896 consisted of. This information would greatly aid me in arriving at correct results. If you can furnish it, you will put me under additional obligations. I ought, however, to state further what I have so often stated to your company in different forms, and what I hope you are convinced of, that my earnest desire in this matter is to do absolute justice to your company, as well as to the Carnegie Company, and, therefore, any additional information that you could furnish me, other than that herein indicated, to enable me to reach a correct conclusion would be very welcome, and if I can have assurances that you will furnish other information, I will gladly delay my report for a few days to enable you to send it.

It might not be amiss for me to say further that I recognize the fact, made clear from my investigations, that the armor plant of the Bethlehem Company cost more than that of the Carnegie Company. You began first, and you made some costly experiments, especially that with the hammer. The Carnegie Company had the advantage of your experience and avoided the mistakes which you had naturally committed. The Government ought not, in its legislation, to determine upon any prices that would do an injustice to you. The fact ought to be fully recognized that both the Bethlehem and Carnegie companies took up this business of manufacturing armor at the instance of the Government. Both companies are, therefore, entitled to fair remuneration, and no prices ought to be determined upon which would do injustice to either. I have only referred to this latter matter for the purpose of furnishing you a further indication, if any were needed, of the manner in which I am conducting this investigation, and of my wish to be just and fair both to the Government and contractors, in the conclusions at which I shall arrive in the report to be submitted by me.

If you are still of opinion, after considering this matter, that you ought not to go any further in the direction of furnishing specific information that would enable me to separate the profits made from armor from the profits resulting otherwise, I nevertheless hope that you will see proper to give me at once the statement showing what the surplus consisted of at the ends of the several years.

Very respectfully,

(Signed) H. A. HERBERT.

ROB'T H. SAYRE, Esq.,
Vice-Pres. Bethlehem Iron Co., South Bethlehem, Pa.

An answer to that letter was received, as follows:

THE BETHLEHEM IRON COMPANY,
ROB'T H. SAYRE, VICE-PRES. AND GEN. MANAGER,
South Bethlehem, Pa., December 16, 1896.

DEAR SIR: Your favor of the 13th instant is at hand. President Linderman's absence in New York this week up to date, and my absence in Philadelphia on Monday and Tuesday, will account for delay in reply to your letter.

In reply to your inquiry, "as to what the surplus at the ends of the several years from 1889 to 1896 consisted of," I can only say, in the absence of the president, in a general way—the surplus in each of these years consisted of cash, securities, stock on hand, raw material, work in hand and finished, work not accepted or delivered, plant and machinery, etc.—in other words, the surplus is the excess of assets over liabilities, and of course embraces all branches of our business.

We fully appreciate your "earnest desire to do absolute justice to our company in this matter," and have to thank you for the many evidences we have had of this, but you must pardon the natural and proper objections we have, from a manufacturer's standpoint, of giving to the public the details of our business.

Yours, respectfully,

ROBERT H. SAYRE,
Vice-President and General Manager.

Hon. H. A. HERBERT, *Secretary of the Navy, Washington, D. C.*

This letter, it will be perceived, gives no definite information. One especial purpose of my inquiry was to ascertain the component elements of the surplus as it appears in the returns from year to year.

When the table which follows is looked at, it will be seen that it would be instructive to know exactly what is meant by the large surplus, which was constantly increasing from year to year; but the company not only fails to give any definite statement as to this, but it also declines my request for "additional information" about the returns "to enable me to reach a correct conclusion."

The table is made up of the returns from 1889 to 1895, as gotten from the auditor-general, to which are added such returns from the company as came in response to my telegram on December 10, recited in my letter of December 12, and then adding the information as to the years 1885, 1886, 1887, and 1888, gathered from the Red Book of Pennsylvania, and payments for armor and gun steel, as taken from the books of the Navy and War Departments.

Here is the table thus made up, the basic figure being the company's, and careful attention is invited to it:

Synopsis of reports of the Bethlehem Iron Company to the auditor-general of Pennsylvania, from 1889 to 1896, inclusive, supplemented by statements in letter from the company to the Department, under date of December, 1896, and with payments made to the company by the Government, as shown by Department records.

	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.
Authorized capital stock	$3,000,000.00	$3,000,000.00	$5,000,000.00	$5,000,000.00	$5,000,000.00	$10,000,000.00	$10,000,000.00	.....	.....
Authorized number of shares	60,000	60,000	100,000	100,000	100,000	200,000	200,000	.....	.....
Number of shares issued	a52,264	56,901	80,000	80,000	80,000	100,000	100,000	.....	.....
Par value of share	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	.....	.....
Amount paid in per share	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	.....	.....
Amount capital paid in	b$2,613,200.00	$2,845,060.00	$4,000,000.00	$4,000,000.00	$4,000,000.00	$5,000,000.00	$5,000,000.00	.....	.....
Amount on which dividends declared	(c)	$2,729,125.00	$3,988,075.00	$4,000,000.00	$4,000,000.00	$5,000,000.00	$5,000,000.00	d $5,000,000.00	.....
Percentage of dividends	8	9	10	10	Cash, 10 Stock, 25	12	12	.....	.....
Amount of dividends	$182,606.00	$240,780.50	$398,807.50	$400,000.00	g $400,000.00 h $1,000,000.00	$600,000.00	$600,000.00	$600,000.00	.....
Gross earnings	$4,173,937.42	$6,334,743.85	$5,623,233.98	$6,731,288.83	$6,476,333.81	$5,359,753.39	$5,358,016.97	$5,826,233.87	.....
Net earnings	$9,996.69	$490,846.93	$657,402.86	$787,187.11	$1,293,729.89	$1,561,402.42	$1,109,276.53	$859,711.52	.....
Surplus, or profit and loss account.	c$1,976,614.66 f$1,956,600.02	$2,077,839.43	$2,420,675.33	$2,927,862.44	$3,821,592.33	$3,882,994.75	$4,392,271.28	$4,651,982.80	.....

PAYMENTS BY THE GOVERNMENT TO THE BETHLEHEM IRON COMPANY.

Armor	.....	.....	$42,795.68	$322,334.33	$1,963,545.36	$1,610,996.53	$1,334,247.82	$1,089,884.76	i $1,800,000.00
Gun steel:									
Navy	$51,456.13	$179,600.95	602,817.06	597,187.38	588,699.51	511,893.03	130,079.36	244,927.89	i 500,000.00
Army	.....	53,907.86	287,095.13	415,704.56	930,422.54	699,589.78	544,368.45	96,012.52	i 1,000,000.00
Total	51,456.13	233,658.83	932,707.87	1,335,256.27	3,482,667.41	2,822,479.34	2,008,695.63	1,430,825.17	i 3,300,000.00

a Prior to April, 1889, 40,000.
b Prior to April, 1889, $2,000,000.
c April, 1889, $2,000,000; November, 1889, $2,505,150; average, $2,282,575.
d Letter.
e Beginning.
f Ending.
g Cash.
h Stock.
i Estimated.

GRAND TOTALS.

Armor		$8,163,804.43
Gun steel:		
Navy	$3,406,751.31	
Army	4,027,190.86	
		7,433,942.17
Total		15,597,746.60

These figures show that especially during the period from 1890 to 1896, inclusive, the company was doing an extraordinarily prosperous business. It seems also to have done a fairly prosperous business in 1885, 1886, 1887, and 1888. During two of these years it declared 12 per cent dividends and during the other two 10 per cent. Its capital was then $2,000,000, engaged in the manufacture of steel rails and steel in other forms.

After it undertook Government business and began to receive returns from its armor and gun plants it made no separate returns of the profits derived from its work done for the Government and for the public, but by deducting receipts for Government work from total gross receipts in each year we find what was the volume of the company's commercial business.

A careful inspection of the figures, however, shows that whenever the Government business was largest the net earnings were greatest, notwithstanding the fact of a decrease during those years in the total volume of business. The year 1893 seems to have been an exception to this rule. This is probably to be accounted for by the fact that it was during that year that the company paid for the last important improvements in its plant, which is taken to have

been done out of its earnings before the net amount was declared. The table shows many other indications that the net earnings were the sums left after deducting from the gross earnings whatever was paid toward plant, e. g., in 1889, when much of the plant was erected, the net earnings were less than $10,000; gross earnings over $600,000. However that may be, these returns, taken all together, clearly indicate that all the plant has been paid for, whatever it may have cost, as I shall endeavor to demonstrate. Still there remain no means apparent on the face of these returns for determining how much of the net earnings came from Government business.

I have supposed that the proper method of arriving at the profit of this company from its Government contracts would be to make a very liberal estimate on the possible earnings of its commercial plant and deduct this from the aggregate net earnings of the entire business. It will certainly be liberal to consider that its commercial plant has paid during the years from 1889 to 1896, inclusive, a dividend of 10 per cent, about what it was paying before. Its average during the four previous years was 11 per cent, but those years were far more prosperous than has been the period elapsing since that time.

An inspection of the Red Book of Pennsylvania shows that during the period from 1885 to 1888, inclusive, many companies were declaring dividends regularly which have since failed for years to declare any whatever, and that none of the principal companies engaged in business like that of the Bethlehem Company have averaged as large dividends since 1889 as they did from 1885 to 1889.

Below is an abstract showing the dividends made by different steel companies in the State of Pennsylvania, where these two armor plants are both located, from the years 1885 to 1894, inclusive. These are only the largest and, presumably, most prosperous companies; and they are selected because they have been doing work similar to that in which the Carnegie Company is now engaged and in which the Bethlehem Company was exclusively engaged up to the time it made its contract with the Government for armor and gun steel in 1887.

The dividends of the Bethlehem Company after 1889 are omitted from this abstract. They were declared on all business—we are seeking to separate Government from commercial business—and the figures are given to show what others were earnings on commercial manufactures.

Statement of dividends paid by iron and steel companies doing business in Pennsylvania with a capital of $500,000 or over, as given in the Red Book of Pennsylvania Securities for 1895–95.

Name of company.	Dividends.									
	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Bethlehem Iron Company	10	12	12	10	a 8					
Cambria Iron Company		15	12	10	10	10	10	10	8	
Pennsylvania Steel Company	{ b 4 c 8	b 4 c 8	b 4 c 2	b 7 c 5	b 6 c 6	b 9 c 3	b 6 c 6	b 6 c 6	{	
Wm. Wharton, jr., & Co.						0	7½	0	7	
Catasauqua Manufacturing Company	4	4	0	3	3	7	8	3		
Lukens Iron and Steel Company	6	6	6	6	6	6	6	6	6	6
North Branch Steel Company	(d)	(d)	(d)	(d)	(d)	(d)	(d)	(d)	(d)	(d)

a The November dividend of this year being 4 per cent in cash, with option to take stock at $90 per share.
b Cash.
c Stock.
d Earnings from 6 per cent to 8 per cent made annually and carried to surplus.

From this abstract it appears that the Bethlehem Company, in 1885, 1886, 1887, and 1888, made four annual dividends, two of which were at 10 per cent and two at 12 per cent. The most prosperous company not having Government work is the Cambria Steel Company. This company declared larger dividends than did the Bethlehem Company up to 1888, when the latter had undertaken Government work. No other company appears to have been as prosperous or to have declared as large dividends since 1889 as the Cambria Company. The Cambria Company, from 1889 forward, did not average 10 per cent per annum. It is therefore fair to presume that if the Bethlehem Company had continued to do only a commercial business, it would not have made more than 10 per cent from 1889 down to the present time. To allow it, during this period of widespread depression, 10 per cent on its commercial business is to treat it liberally.

The testimony of Lieutenant Niles, hereto attached and marked Exhibit No. 8, shows that during a considerable portion of the period for which it is proposed to allow the 10 per cent on its commercial business this company's rail mills were idle.

In the calculations following this the company is considered as having made a profit of 10 per cent on all its commercial business since it undertook Government work. It will be noted that I base no estimates on the large dividends declared not only on the $4,000,000 paid for stock, but on the $1,000,000 dividend stock or on the constantly increasing annual surplus. This can not be done for want of knowledge as to meaning of surplus. The reasoning is based entirely on net receipts.

The synopsis of the Bethlehem Company's reports shows that its paid-up capital at the time it undertook this Government work in 1887 was $2,000,000; that this capital was gradually increased, new stock being issued in 1889, 1890, and 1891, amounting altogether to $2,000,000. In one of these years it appears that an option was given to stockholders to receive their dividends in money, or in lieu thereof stock at the value of $80 per share. It is presumed that some stockholders were willing to take and did take stock for their dividends, but even though this may have been done, in the calculations hereinafter made the stockholders are credited with having paid cash in full at par for all the $2,000,000 of stock.

Now, if the net profits as shown by this synopsis are sufficient, first, to pay back to the stockholders in full the money paid for this $2,000,000 of new stock; second, to pay interest at 10 per cent on this new stock up to the time it was repaid; third, to pay the Bethlehem Company 10 per cent per annum on its original $2,000,000 of stock, which represented its commercial plant, and, fourth, to pay all the indebtedness of the company and leave its surplus unimpaired, then it follows that the profits made upon armor and gun steel by this company have paid for all the new plant and have refunded all the money invested in the business of making armor and gun steel, having first paid fair profits thereon up to the time of refunding such moneys to the investors. The only possible answer to this is that the plant, other than that erected to manufacture armor and gun steel, has really made more than 10 per cent per annum, and this is not conceivable, considering, first, the general depression during this period, and, second, that it is known that a portion of the company's commercial plant has been much of the time idle. The calculations set forth in the following table show that the net profits accomplish these results, besides paying the bonded debt, amounting to $1,351,000, first shown on the company's report for 1895, and that after all this there is a balance of profit of $672,728.95 to be distributed among the stockholders.

At the same time the surplus, which January 1, 1889, before the receipts from Government business began to come in in any quantity, was $1,976,614.66, has increased to $4,651,982.80. This surplus was presumed to be made up of cash in hand, notes, bills receivable, and stock on hand, manufactured and unmanufactured; but fearing that this assumption might be unjust to the company, although it is a presumption that arises from the face of the accounts, I wrote the letter hereinbefore set forth to the company on the 12th day of December. It will be seen that in the reply, dated December 16, it is admitted that this surplus is made up in part of such items as have been supposed, but it is also stated that it in part consists of plant.

There is also an item of $880,000 floating debt in the report of 1885, but of this no estimate is made. It is the usual outstanding debt, amply taken care of by a surplus, also not taken into account, of more than five times its volume.

If the account is made up with the company according to its own statements from November 1, 1889, up to November 1, 1896, it will be as follows:

Profit and loss account, based on reports to auditor-general of the State of Pennsylvania.

Net earnings, 1889 to 1896, inclusive		$6,769,553.95
DEDUCTIONS.		
Interest on original capital stock of $2,000,000 for 8 years at 10 per cent per annum	$1,600,000.00	
Repayment capital added in 1889	613,200.00	
Interest on same at 10 per cent for 7 years	429,240.00	
Repayment capital added in 1890	231,850.00	
Interest on same at 10 per cent for 6 years	139,110.00	
Repayment capital added in 1891	1,154,950.00	
Interest on same at 10 per cent for 5 years	577,475.00	
Repayment bonds shown on report for 1895	1,351,000.00	
		6,096,825.00
Balance of profit, 1889 to 1896, inclusive		672,728.95

This allows dividends annually on $2,000,000 at the rate of 10 per cent for eight years; it repays the $2,000,000 paid in, with 10 per cent from the dates when the capital was subscribed; it pays the bonds shown on the report for 1895 and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants, in addition to the 10 per cent already allowed on new stock.

The Bethlehem Company is now engaged in executing a contract for one-half of the armor intended for the *Kearsarge* and *Kentucky*. This contract requires it to complete this armor before the 1st of January, 1898. The prices for this armor having been agreed upon, the profit can be estimated. Then, supposing that the company will continue to make up to the end of the year 1897 10 per cent upon its original $2,000,000 of capital, the account will stand as follows:

Profit and loss account.

Net earnings, 1889 to 1896 (1897 estimated)		$7,619,553.95
Deductions.		
Interest on original stock of $2,000,000 for 9 years at 10 per cent per annum	$1,800,000.00	
New stock issued 1889	613,200.00	
Interest on same, at 10 per cent, 8 years	490,560.00	
New stock issued 1890	231,850.00	
Interest on same, 10 per cent, 7 years	162,295.00	
New stock issued 1891	1,154,950.00	
Interest on same, at 10 per cent, 6 years	692,970.00	
Proceeds bonds shown on report for 1895	1,351,000.00	
		6,496,825.00
Balance of profit for period		1,122,728.95

It will be observed that in the above estimates the figures furnished by the company itself have saved me the necessity of estimating either the cost of plant or the cost of labor and material in a ton of armor. It will also be noticed that these estimates include all the work done by this company, whether with its commercial or industrial plant, whether armor or gun steel for the Navy or gun steel for the Army, and all other material manufactured with its special plant.

In order to ascertain exactly the profits made by the operation of the company's armor plant and gun plant, I have constructed the following table, still upon the supposition that 10 per cent per annum upon the original stock of $2,000,000 has been first deducted from the net earnings for the period in question:

Year ending December 31—	Net earnings, less 10 per cent on $2,000,000.	Stock issued, assumed to be at beginning of year.	22 per cent dividend on outstanding stock from issue.	Surplus to reduce stock.	Outstanding stock.	Accumulated surplus to pay bonds.
1889	−$190,003	$613,200			$613,200	
1890	+ 290,847				845,050	
1891	+ 100,844	1,154,950			2,000,000	
1892	457,403		$1,080,738	$114,606	1,885,394	
1893	587,187		414,876	678,854	1,206,450	
1894	1,093,730		265,419	1,095,983	110,467	
1895	1,361,402		24,299	110,467		$774,511
1896	909,277					659,711
Total	659,711					1,434,222
	5,169,554		1,735,332	2,000,000		

The above shows that the Bethlehem Company, after paying 22 per cent on all money put into new plant from date of issue of stock and till its cancellation, can repay its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000.

These two calculations both show net results. Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, whatever may have been the interest on working capital, all those and other charges were paid from the gross earnings of the company; only net earnings have been considered, and the results show that the company's investments in plant to make armor and gun steel for the Government have been returned with 22 per cent thereon.

If in any respect I have been misled by these figures, the error into which I may have fallen could have been prevented by the Bethlehem Company. It was informed that I was considering them, and when asked for certain additional figures it furnished them, but in response to my invitation to make further explanations it declined. It preferred to stand upon the inferences naturally to be drawn from these figures rather than to make further disclosures.

It is confidently believed, however, that there is no error whatever in the conclusions reached. It should be noted further that in attaining the conclusions in first table on page 33 no account was taken of the profits which will accrue on the Government contracts the Bethlehem Company has for armor and gun steel for the Army and Navy for ensuing years. These amount to over $3,000,000, on which profits will be very large.

Turning now to the Carnegie Company, it has been necessary in this case, in the absence of such returns as we have from the Bethlehem, to resort to the best evidence attainable for the purpose of showing—

(1) The value of its plant.

(2) The price of the labor and material entering into a ton of armor.

(3) The amount that should be allowed the company for maintenance and the amount of the plant upon which maintenance should be allowed.

Having determined these items, calculations have been made by using figures from the Department's books, and thus constructing tables hereafter set forth.

As to the cost of the plant, I have taken, in the table most relied on, the figures given by the company itself, to wit, $3,000,000, although the testimony hereinbefore commented upon is very persuasive to show that this is a large estimate.

The figures given by the company itself will be allowed for maintenance. I have not, however, allowed this 5 per cent upon the whole cost of the plant, but only on $2,000,000, for reasons hereinbefore set forth, viz, that the land and much other of the plant requires no appreciable charge for maintenance, and that maintenance can not properly be allowed upon what may have been paid for the plant, but that it can only properly be estimated upon the value of the plant; and I have given figures which seem to me conclusive to show that a plant like that of the Carnegie Company can be erected for about $500,000 less than the $2,000,000 allowed as to past transactions. It is estimated in the table below that the cost of labor and material in a ton of nickel-steel armor is $162.80; in a ton of Harvey nickel steel $185.38, and in a ton of double-forged nickel steel $197.78.

These figures having been arrived at, the question which next presented itself, and which was considered with great care, was as to the proper manner of stating an account. After much consideration I finally decided that it was proper to credit the company with the cost of its plant and keep no interest account whatever, either with the Government or with the company. A manufacturing company needs no interest account, if it has sufficient working capital and is doing a special business, such as the furnishing of armor under contract to a customer who pays promptly upon delivery; and I allow a working capital of $750,000.

An inspection of the table made out below will be persuasive to show that this sum, if allowed during a period of years, is ample. Money came in regularly in large amounts and always bringing large profits. The supposition has been made that the company has this working capital on hand at the beginning of the period, and it is allowed 5 per cent per annum for the use of it as a fixed charge, the principal remaining on hand at the end of the period. The table gives the number of tons of armor delivered during each period of six months and the price paid therefor. It is supposed that when payments are made to the company during these several periods, the money is deposited in its safe until a dividend is declared. Up to the moment when these dividends are declared, of course this cash is always available as working capital.

After declaring a given dividend at the end of each period of six months, the remaining net profits on hand are supposed to be paid to the stockholders, thus extinguishing their capital. When the profits over and above the assumed fair dividend are paid to the stockholders, the capital stock is pro tanto extinguished, and dividends for the ensuing six months are declared upon the reduced amount of capital, again at the same assumed rate, the surplus profits again going to reduce capital stock, and so the capital continues to be reduced at the end of each period of six months whenever there is a surplus of profit on hand for that purpose. The profits are arrived at by deducting from the amount received from the Government the amount of labor and material and 10 per cent for losses and the fixed charges of 5 per cent for maintenance and 5 per cent on $750,000 working capital.

The period covered by the estimates runs from January 1, 1892, when the Carnegie Company had begun to deliver armor, to June 30, 1897, when it will have completed its contract for one-half the armor for the *Kearsarge* and *Kentucky*.

The table is based on a valuation of the plant of the Carnegie Company at $3,000,000, and 5 per cent allowed on their entire amount for maintenance, etc., as claimed by the company in its letter to the Department. Interest at 5 per cent is also allowed on $750,000 working capital. Price of armor the same as in table that follows it.

Dividends of 10 per cent (5 per cent semiannually) are allowed on outstanding capital, and the entire cost of plant, $3,000,000, is practically extinguished by remaining surplus upon the completion of existing contracts.

Period ending—	Tonnage delivered.	Cost, including 10 per cent for rejections.	Fixed charges: 5 per cent, $3,000,000; 5 per cent, $750,000.	Total cost, including fixed charges.	Payments to the company by the Government.	Net profits, difference between payments and total cost.	Dividends, 10 per cent on outstanding capital.	Net surplus applied to reducing capital.	Outstanding capital (plant).
June 30, 1892	586	$95,302	$93,750	$189,142	$160,356	----------	----------	----------	$3,000,000
December 31, 1892	329	53,511	93,750	147,261	160,384	----------	----------	----------	3,000,000
June 30, 1893	1,195	198,012	93,750	291,762	650,111	$342,686	----------	----------	3,000,000
December 31, 1893	1,869	346,347	93,750	440,097	929,508	489,421	$300,000	$233,107	2,767,893
June 30, 1894	1,003	185,897	93,750	279,587	709,667	430,080	138,395	291,685	2,476,208
December 31, 1894	1,473	272,921	93,750	366,671	925,486	558,815	123,810	435,005	2,041,203
June 30, 1895	1,367	253,277	93,750	347,027	784,430	437,403	102,000	335,343	1,705,860
December 31, 1895	792	156,567	93,750	250,317	510,785	260,468	85,293	175,175	1,530,685
June 30, 1896	829	163,830	93,750	257,580	544,918	a 587,338	76,534	510,804	1,019,881
December 31, 1896	1,153	227,919	93,750	321,669	601,721	280,052	50,994	229,058	790,823
June 30, 1897	2,054	406,480	93,750	500,230	1,248,607	748,377	99,541	708,836	81,987
Total	12,650	2,360,083	1,031,250	3,391,333	7,225,973	4,134,640	1,216,627	2,918,013	----------

a Includes $300,000 profit on contract with the Russian Government for 1,000 tons armor at $529 per ton, the cost of which is assumed as $221 per ton, labor and material, less nickel, $197.78 (179.80 + 10 per cent for rejections, etc.), the same as for this Government, leaving a balance of $23.22 to cover cost of nickel, freight, insurance, etc., to Russia. Nothing is allowed on this contract for maintenance, interest on working capital, etc., as the whole amount of "fixed charges" is included in the cost of armor produced for the United States during the same period.

It will be seen here that but $81,000 capital remains after paying maintenance upon and extinguishing $500,000 more than the company says its books show the plant cost. The addition for land, etc., is practically wiped out.

Assume cost of plant as $2,500,000 and working capital as $750,000. Assume cost of armor per ton (labor and material) as $148 for 1,950 tons nickel steel; $168.53 for 5,872 tons harveyized steel; $179.80 for 4,828 tons reforged steel (these prices being the average of the estimates submitted), adding 10 per cent for losses by rejections, etc. Assume $2,000,000 as the value of perishable plant and allow 10 per cent thereon for depreciation, or maintenance, insurance, taxes, etc., and 5 per cent interest on working capital as annual fixed charges. Then allow 10½ per cent dividends (5¼ per cent semiannually) on outstanding capital (plant), applying the surplus of net earnings, after deducting dividends for each period of six months, to the extinguishment of cost of plant.

The following table shows the result:

Period ending—	Tonnage delivered.	Cost, including 10 per cent for rejections.	Fixed charges, 10 per cent, $2,000,000; 5 per cent, $750,000.	Total cost, including fixed charges.	Payments to the company by the Government.	Net profits, difference between payments and total cost.	Dividends, 10 per cent on outstanding capital.	Net surplus applied to reducing capital.	Capital outstanding (plant).
June 30, 1892	586	$95,302	$118,750	$214,142	$160,356	----------	----------	----------	$2,500,000
December 31, 1892	329	53,511	118,750	172,261	160,384	----------	----------	----------	2,500,000
June 30, 1893	1,195	198,012	118,750	316,762	650,111	$267,686	----------	----------	2,500,000
December 31, 1893	1,869	346,337	118,750	465,087	929,508	464,421	$525,000	$207,107	2,292,893
June 30, 1894	1,003	185,837	118,750	304,587	709,667	405,080	120,377	284,703	2,008,190
December 31, 1894	1,473	272,921	118,750	391,671	925,486	533,815	105,430	430,385	1,577,805
June 30, 1895	1,367	253,277	118,750	372,027	784,430	412,403	82,335	329,568	1,248,237
December 31, 1895	792	156,567	118,750	275,317	510,785	235,468	65,532	169,936	1,078,301
June 30, 1896	829	163,830	118,750	282,580	544,918	262,338	56,611	205,727	872,573
December 31, 1896	1,153	227,919	118,750	346,669	601,721	255,052	45,810	209,242	663,300
June 30, 1897	2,054	406,480	118,750	525,230	1,248,607	723,377	34,825	688,552	a 25,220
Total	12,650	2,360,083	1,306,250	3,666,333	7,225,973	3,559,640	1,036,420	2,525,220	----------

a Surplus.

If the value of perishable plant be assumed as $1,500,000, thus reducing the fixed charges to $93,750 semiannually and correspondingly increasing the net profits by $25,000 for each six-month period, then the dividend can be increased to 13+ per cent (6½ per cent semiannually) and still extinguish capital with remaining surplus upon the completion of contracts.

If the fixed charges be made 5 per cent instead of 10 per cent on a two-million-dollar plant, dividends can be increased to 15 per cent and extinguish capital besides.

Comparing now the results arrived at in the cases of the two companies, reached, as they have been, by entirely different methods, a strong presumption arises in favor of the accuracy and justness of the figures determined upon as the cost of manufacturing armor. In the case of the Carnegie Company, there were no figures showing either net proceeds or gross earnings. Recourse must necessarily have been had to estimated costs of manufacture. These estimates show that this company's business done entirely by its armor plant has netted to it 10 per cent profit after the amortization of its plant.

The Bethlehem Company's letter claimed plant at $4,000,000, excluding land, railroad connections, interest during construction, etc. For these another $500,000 could as well be added, as in the somewhat similar case of the Carnegie Company. Then, adding another $500,000 for gun plant, and we should have Bethlehem, $5,000,000; Carnegie, $3,000,000. Up to November, 1896, the Bethlehem Company received of Government money $12,297,000. Up to the end of the Carnegie Company's account it will have received $7,225,000. The Bethlehem's own figures show (Table 1) that up to November, 1896, its profits paid for its plant in full, much of it being built on the place, paid 10 per cent on its cash investment, and left a surplus of $672,000. The figures based on officers' estimates of cost show that the Carnegie investment was returned with 10 per cent and no surplus. All things considered, these results strikingly corroborate each other.

Further confirmation of the accuracy of the methods adopted in this investigation is derived from a consideration of the reasonableness of the results attained. The companies, when they began their ventures, counted the costs and took the chances. There was ground for doubts about appropriations—the demand for armor plate might cease at any session of Congress, and they could only have been justified by naming figures for manufacturing that would reimburse them in a short period of time provided legislation were favorable. The Congress has made reasonable appropriations, a reasonable time has elapsed, both companies are found by this report to have received back their investments—that is to say, the Bethlehem Company got it back with 10 per cent and a surplus November 1, 1896, and the Carnegie Company will be practically reimbursed its capital with 10 per cent by the 30th of June next.

EQUITABLE PRICE FOR ARMOR.

The statute under which this report is being made requires me to report not only what is the actual cost of manufacturing armor, but also what sum ought equitably be paid for armor to these two companies. This question is quite as difficult as any other involved in this inquiry. Many things are to be taken into consideration. The Government of the United States, having created these plants, ought to perpetuate them. If we are to continue building a navy, we must have armor plants. It is not good policy to buy our armor abroad. No single feature connected with the upbuilding of a new navy is more gratifying than the fact that we have domesticated in our own country all the industries necessary to make us, in matters pertaining to the public defense, completely independent of the world.

This is not in any manner the question of free trade or protection. Every great country in the world, whether it is on a free-trade or a protective basis, takes care that it shall be able to manufacture all the arms and munitions of war necessary for its protection against a public enemy. You must, therefore, pay for armor in the future a price sufficiently liberal to justify these contractors, or others, in keeping plants in order and ready at all

times to manufacture armor if occasion should require. The present size and extent of our Navy is not so efficient a factor in keeping the public peace and in creating respect for our country abroad as is our capacity rapidly to increase that Navy to any required extent.

What, then, will be a price sufficient to justify manufacturers in maintaining armor plants? These two contractors, we have seen, have already been repaid the cost of their plants, together with fair profits thereon. The Government, therefore, is under no obligation to pay them any more upon the cost of their original investment, but it should pay them enough to induce them willingly to maintain these plants, and in fixing upon such a price it must consider the cost of maintaining these plants, the probabilities of their getting work from the Government in the future, the difficulties to be encountered in retaining a force of laborers during intervals between contracts, and the absolute loss resulting from having to keep a plant in order when there is no work for it.

Under all these circumstances, it can not be said that such a percentage of profits upon armor contracts as would be readily agreed to if it were certain that orders for work would follow regularly for a number of years would be satisfactory to such contractors. There are now three ships under contract for which armor is to be supplied. These ships will require about 8,400 tons of armor. This, divided between the two contractors, would give to each 4,200 tons. The manufacture of this armor may be begun on the 1st of July next, the time at which these companies will complete their present contracts, and each of the companies can complete and deliver 4,200 tons by the 1st of August, 1898.

FINAL COST.

It has been determined that the cost of the labor and material in a ton of double-forged, nickel-steel, harveyed armor, including allowances for losses in manufacture, is $197.78. This comprises every element of cost in its manufacture save and except only the maintenance of plant. If 10 per cent be allowed for maintenance, the value of the plant must be determined upon. And here again arises the difference between the cost of a plant and its value. When we consider the question of repaying investors, we must count the price the plant cost; but whether paid for or not, a plant must be kept in repair, maintained, and the charge for maintenance is a percentage on its value, not on its cost. It will be remembered that in the table relating to the Carnegie Company only 5 per cent was allowed for maintenance. This was because the statement of the company only claimed 5 per cent, and it certainly did not so far cost more than that to maintain the plant or more would have been claimed. It is more than probable that 5 per cent is sufficient for an armor plant through any long period. But to err, if at all, on the side of the contractors, I allow in this calculation 10 per cent for maintenance.

The present value of an armor plant like those of the two companies referred to—the price at which such a plant could be erected—is, according to the figures heretofore attained, $1,500,000; the allowance for maintenance, at 10 per cent, $150,000 per annum while the plant is in operation. If we suppose that 2,500 tons of armor are manufactured per annum, this will give an average per ton of $60, which, being added to the cost of labor and material, will make, in round numbers, $256. If 3,000 tons per annum are manufactured, the price of each ton would be ascertained by adding $50 to the $198, or $248, so that we may take $250, in round numbers, as the cost of a ton of armor when the companies have fair orders for work.

Now, if we compare this price with the price at which the Bethlehem Company furnished armor to the Russian Government, we have in our estimate reached almost the exact figure of this Bethlehem bid, which was $249. This company is said to have stated that it made this low bid to get into the European market with American armor; that it knew it would suffer a loss. The armor was to be delivered in Russia, and transportation and insurance could not have been less than $4 per ton. The nickel furnished by the company in this case cost $20 per ton. Deducting this $24 from $249 leaves $225. If the cost to the company of a ton of armor, including the price of keeping its plant in repair, was $250 per ton, it thus suffered a loss on its contract of $25 per ton, which, multiplied by 1,400 tons, makes a total loss of $35,000.

It is conceivable that the company might have been willing to make armor at such a rate as this, especially as it must at any rate have kept its plant in repair, and considering also how very desirable it was that it should retain its employees. If $250 per ton was the full cost of manufacture, including maintenance, the company could truthfully say it was making the armor at less than cost, although there were good financial reasons why it should do so. It will be observed that these figures come from entirely different sources. On the one hand we have a bid, the actual price at which 1,400 tons of armor were manufactured; on the other hand we have figures entirely independent, none of which were made with any expectation of this coincidence. The amount of armor in the last contract made by this company with Russia, for which it received $520.70 per ton, was only 1,137 tons. It was not certain that the company when it made its first contract would ever get another contract as large as this.

The whole transaction certainly shows that the profits this company expected to realize in the European market, into which it was thus forcing its way, must have been large. If there was no loss in the first contract at $249, then there was an immense profit in its next contract at $520.70. If there was a loss on each of 1,400 tons, it could not have been very great or the company could not have expected to recoup except by a reasonable rate of profits on large contracts, which it could have little reason to expect in Europe, or by making large profits on the small contracts which only it could reasonably expect to secure.

It is essential, as has already been stated, that these or other armor plants be kept in operation, or at least be maintained in readiness for Government work, and such prices must be paid as will satisfy contractors that they will be remunerated for maintaining plants. It is of course uncertain how many battle ships the Government is to authorize. The Navy Department has recommended three during the present session, but it is not yet known whether this recommendation will be followed, and no business man would be justified in assuming that any given number of ships would be authorized in a given time. Both the Carnegie and Bethlehem companies erected plants which certainly cost millions of dollars, but this was done upon the faith of immediate contracts guaranteeing them very large profits.

If, now, Congress shall decide, as this report will recommend, that no such profits upon cost of labor and material as have heretofore been earned are to be allowed in the future, it is not probable that other business corporations will venture upon the establishment of plants, although it is shown by the evidence set forth in this report that plants can now be erected for very much less than was paid for those of the Carnegie and Bethlehem companies.

Should the present armor contractors refuse to make contracts at the figure that may be decided upon by Congress, it is not probable that others would undertake the work. For this reason, and because it is not believed to be desirable that the Government itself should manufacture armor, very liberal profits should be offered to the present contractors to induce them to continue their plants in operation.

It therefore seems to me that under all the circumstances, considering the uncertainty of future contracts and in view of the fact that these contractors have heretofore established plants on the faith of orders they were to receive thereafter from the Government, it would not be inequitable to allow them 50 per cent upon the future cost of manufacturing armor. Fifty per cent added to $250 would be $375, but it is to be remembered that the Government has heretofore furnished the nickel and that the item of $197.78 for labor and material does not cover the cost of the nickel.

It was quite proper that the Government in the outset of this enterprise should have furnished the nickel. Nickel had up to that time never been used in the manufacture of armor. As there was for it no such extensive market as has since been created, the price had not then been standardized. The nickel in the first armor cost $29 per ton. The price has fallen to $20 per ton. Inspectors now fully understand the nature and quality of this material, and there is no reason why contractors should not furnish it as they do the steel, manganese, etc.

It is therefore suggested that in future contracts manufacturers shall be required to furnish their own nickel. Adding $20 for this item to $375, we have $395 per ton, and allowing something for keeping nickel on hand, we have in round numbers $400 per ton. This seems to me a fair and equitable price to pay for the armor for the *Wisconsin*, *Alabama*, and *Illinois*.

This appears to be a very large margin of profit—50 per cent upon the cost of manufacture—but it is to be considered that although these contractors have heretofore been paid their investments and fair profits thereon, yet that such profits are not by any means extravagant, and are not greater than manufacturers often realize on commercial work where no great risk of orders is taken when the enterprises are entered upon. Although, in my opinion, it is entirely fair, when looking back at the transactions between the Government and these companies, to consider the moneys invested and moneys realized as accomplished facts, and to argue therefore that the risks which once existed are no longer to be taken into consideration, yet it is also a fact that these companies did take great risks in good faith, and the Government ought therefore to be willing with its eyes open to allow them liberal profits in the future. It must also be remembered that we require and receive armor equal to the best made elsewhere, and that we often raise our requirements, always demanding that we shall have the best armor that can be made. This requires many experiments that are costly.

Finally, Congress should bear in mind that it has never before, at least in so important a matter, undertaken to fix a price for manufacturers. It is only by pursuing in such case a liberal

course that we can expect contractors in the future to take great risks when entering into business relations with the Government. We must not permit them to have any reasonable ground to fear that if they embark upon enterprises for the Government it will afterwards use its power to deprive them at all points and at every stage of their relations with it of all and every chance to make any very considerable profits.

In fixing upon this price I have, at the bidding of Congress, performed a most delicate duty and given my opinion. Congress may determine upon different figures, but I beg to urge that in deciding this question it will not fail to take in view all the considerations favoring a liberal treatment of these contractors.

The Government is now paying for reforged nickel Harvey armor $563 per ton, with the nickel, which is furnished by the Government, added, $583. At the prices herein suggested $500,000 would be saved in the armor of each battle ship, or $1,500,000 on the three battle ships under contract.

It must also be remembered that this price, if Congress shall decide upon it, will be much less than is now being paid by any other Government.

This report proceeds upon the idea that the investigations which have been made show that the prices now being paid for armor, both here and abroad, are greater than should be demanded in the future. I am fully aware of the magnitude of this question. The conclusions at which I have arrived may naturally be expected to have effect upon great interests abroad as well as at home. If Congress shall decide to adopt the recommendations in this report and refuse to pay more than $400 per ton for first-class armor hereafter, it may be reasonably expected that all the power and acumen that can be brought to bear by interested parties will be exerted to show that this report is in error and to expose any inaccuracies it may contain.

Impressed by these considerations, as well as by the primary purpose of doing justice to the two companies whose affairs it has become my duty to investigate, I have proceeded throughout this whole matter with extraordinary care, and have availed myself of every possible source of information, sparing neither labor nor pains. Nevertheless, I can not hope to have avoided error in every particular.

It is possible that those who have had experience in the manufacture of armor, and who are thoroughly acquainted with all its processes and with the cost of every item of material and labor, may be able to point out errors in some particular, but I have great confidence in the accuracy of the general results attained, and fully believe that if any errors have been committed in the conclusions herewith submitted, they have been as a whole in favor of rather than against the contractors. If errors have been committed, they are such as could and would have been avoided if the companies whose affairs have been under inquiry had seen proper to afford the means of information.

There is a method by which the general results attained herein can be shown to be erroneous, if they be so, and that is by an exhibition of the books of these companies to the committees of Congress. It has been my most earnest wish not to do any injury to the contractors, and if wrong is done them by the recommendations of this report, no one will rejoice more than I if they shall be able to expose and correct it.

If the contractors shall accept the conclusions at which Congress may arrive, after this investigation, the results, it is hoped, will eventually prove of value both to them and the Government. Congress will be more willing in future to authorize new armored vessels when it becomes thoroughly understood that heretofore the prices of armor were not unreasonably high because plants were not paid for, and that contractors' investments having now been paid for, prices will be much smaller, while profits will still be liberal. It is nevertheless possible that the contractors will refuse to accept contracts at the prices herein recommended. If Congress shall determine that these prices, or any other, are fair and equitable, and shall decide not to pay any more, it should determine upon the course it will pursue in case the contractors refuse to accept its conclusions. At present the law provides that the Secretary of the Navy shall let out all contracts for armor and gun steel to the lowest bidder, after advertisement, and there is no power in the Department to procure armor elsewhere than from American manufacturers. Unless, then, this law be changed, the Secretary could not obtain armor for the battle ships already under contract if the contractors should refuse to bid within the limit Congress might fix.

I therefore recommend that if Congress shall determine by law upon any limit of price to be paid, it shall also authorize the Department to erect or buy an armor plant, and a gun plant, and, if need be, to lease such plant or plants until it can construct its own. At the last session of Congress I gave, in response to an inquiry from the Committee on Naval Affairs of the United States Senate, the opinion that the Government ought to buy its armor rather than manufacture it. The reasons set forth in that communication are still believed to be sound, and yet it is possible for the Government to manufacture its own armor, and it would be better to do so than to pay a price which would seem to Congress and the public to be extravagant. We now assemble our great guns at the Washington Navy-Yard, and we do it successfully.

If the Secretary of the Navy should be given full power not only to erect or buy and to operate an armor plant, but also full power to contract for armor and gun steel as might seem to him to be for the interest of the Government, the situation would be better for the Government and for the contractors as well. Should contractors see that the Government is willing at all times to pay fair profits for these great necessities for self-defense, they may also come to feel when they see that the Secretary has full power in the premises that so long as they do efficient and faithful work, at reasonable rates, they will have Government patronage, and if the affairs of the Navy and of the War Department were thus conducted, upon a basis and at prices thoroughly understood by the public and the Government, relations could be established and maintained between the Government and those who would serve it in this respect which would be mutually advantageous.

I have the honor to be, very respectfully,

H. A. HERBERT,
Secretary of the Navy.

EXHIBIT No. 1.

ENGLISH ESTIMATE OF COST OF ERECTION OF ARMOR PLANT.

OUTLINE ESTIMATE OF PLANT OF MACHINERY TO PRODUCE THE HEAVIEST STEEL ARMOR PLATES.

[Prepared for Lieut. Commander W. S. Cowles, U. S. N., naval attaché, United States embassy in London.]

FORGING DEPARTMENT.

One hydraulic armor-plate forging press, to exert a pressure of 10,000 tons, of very latest design, with horizontal side cylinders for forging the edges of armor plates; together with engines and pumps for working the same, and complete in every respect.

One 5,000-ton hydraulic press, specially arranged for the bending and setting of armor plates, to be worked by the same pumps as the forging press is worked by.

One hydraulic crane, for traveling over the above two presses, capable of lifting 100 tons, with engines for driving the same £75,000

NOTE.—This item does not include steam boilers, nor buildings, nor girders for traveling crane; these items should be included in building estimate.

STEEL-CASTING DEPARTMENT, AND FURNACES FOR REHEATING INGOTS FOR FORGING PRESS AND FOR HARVEYIZING PLATES.

For the production of heavy ingots for armor-plate manufacture an outlay of from £40,000 to £50,000 would be required for the construction of Siemens melting furnaces, 120-ton traveling crane and engine, ingot mold boxes, ladles for steel, etc., and furnaces for harveyizing plates.

We should supply the crane and engine and all the drawings and particulars to enable the above to be constructed in the United States for the sum of 6,500

Two or four reheating furnaces worked by gas for the forging press would cost about £1,250 per furnace.

MACHINE TOOLS FOR FINISHING ARMOR PLATES.

Four cross-planing machines for cutting up plates, with two sets of tool boxes arranged to cut in both directions, the cross slide mounted on trunnions, so as to cut plates, when desired, at an angle. Cutting traverse of tools, 18 feet; price each, £1,200	4,800
1 radial planing machine, to cut off and plane the ends of plates to a radius, for turrets, etc	2,000
1 planing machine to plane 20 feet long by 14 feet 6 inches wide by 8 feet high	3,000
1 planing machine to plane 18 by 10 feet 6 inches by 5 feet high	1,850
1 double planing machine to cut in both directions 10 by 10 by 5 feet	2,800
1 planing machine to plane 18 by 10 by 5 feet high	3,200
1 planing machine to plane in both directions to plane 30 by 10 by 5 feet high. This machine is also fitted with an extra cross slide for cross planing	4,200
1 20-inch stroke slotting machine	1,250
1 20-inch double-headed slotting machine	2,200
1 double angular radial drilling machine	1,000
2 large (single) angular radial drilling machines, with 5-inch spindle and arranged for tapping as well as drilling, price each £1,000	2,000
1 universal slotting machine for cutting out embrasures in bent or curved plates	3,600
Total	113,400

The whole of these tools are of the most recent design and of the most powerful construction, and are such as have been recently supplied to Messrs. Cammell & Co., of Sheffield; Messrs. Carnegie, of Pittsburg, U. S. A., and the Imperial Russian Government.

The prices quoted are for net cash, delivered f. o. b. Liverpool.

Terms of payment, one-third of the amount of order upon signing contract, the remaining two-thirds against bill of lading.

It would take from twelve to eighteen months to execute the order.

NAVY DEPARTMENT, BUREAU OF ORDNANCE,
Washington, D. C., December 16, 1892.

The following is memorandum of items of cost not contained in the estimates herewith for equipping an armor plant, including buildings, additional machines, minor furnishings, etc.; also a summary compiled on the basis of the estimate attached, showing the estimated cost of establishing an armor plant in the United States, exclusive of the cost of land, completely equipped, with a capacity of about 4,000 tons per annum:

Open-hearth building, including girders for crane, railroad tracks, and all constructive work	$25,000
Machine-shop building, including concrete foundation, girders and tracks for cranes, shafting, and all constructive work	150,000
Two cranes (60-ton)	40,000
Two shop engines	8,000
Five bolt machines	8,000

Two rotary saws	$12,000
Small tools and incidentals	5,000
Harvey building, including girders for crane and all constructive work	25,000
One crane (80-ton)	20,000
Tempering apparatus (water and oil), including oil tank, two heating furnaces with gas producers, etc	35,000
One crane (60-ton)	20,000
Forge building, including foundations, girders, and track for cranes, etc., and all constructive work	50,000
One press engine, with pumps, etc	30,000
One crane (75-ton)	25,000
Power house, boilers, piping, etc	75,000
Rolling stock, tracks, etc., including one locomotive, three small engines, cars, trucks, etc	20,000
Carpenter shop and tools	5,000
Office and laboratories	10,000
Testing machine	2,000
Drafting room, incidentals	10,000
Total	575,500

SUMMARY.

Estimated cost of material for armor plant, delivered f. o. b., Liverpool	$551,194
Add 40 per cent for insurance, freight, duty, and installation of machines	220,480
Total	771,674
For installation of melting furnaces, gas producers, Harvey furnaces, ingot molds, ladles for steel, etc	243,000
Total	1,014,674
Additional estimate for buildings, tempering plant, power house, laboratories	575,500
Total estimated cost of establishing an armor plant in the United States, exclusive of cost of land	1,590,074

EXHIBIT No. 2.

FRENCH ESTIMATE OF COST OF ERECTION OF ARMOR PLANT.

Refering to the inquiry concerning the cost of an increase of plant sufficient to enable the French naval iron works at Guérigny to manufacture thick armor plates of steel and capable of fulfilling present trial conditions, I am informed that it is estimated that an outlay of about 3,500,000 francs would be required for this purpose.

This lump sum does not, unfortunately, indicate the details upon which the estimate is based, and will be of little service to the Secretary of the Navy for the purpose for which he desires the figures.

In order to form a partial idea of the increase of plant necessary, I visited Guérigny on the 20th instant and examined the existing plant.

I forward as a separate memorandum a summary of the plant existing and available for the production of armor.

At present the shops are equipped for manufacturing soft-steel armor plates up to 100 mm. (4 inches) thickness, but not including the production of the steel itself, which is purchased in the form of ingots from private steel works.

Until recently Guérigny manufactured iron deck-armor plates for a number of war vessels, and within the last year it has manufactured a lot of steel (extra-doux) deck plates for the *Gaulois*.

Guérigny is essentially an iron works. Excellent iron is here produced for chains, anchor gear, and the numerous iron fittings which are supplied to vessels of war, but no steel is produced in the works.

For this reason, then, the estimate for establishing an armor plant at Guérigny must include:

The building of the necessary furnaces, gas producers, cranes, etc., and accessories constituting a steel plant; a set of heavy rolls or a forging press for forging plates; a press for shaping plates; additional machine tools necessary for machining heavy plates, and, if harveying is to be included, the necessary furnaces and water-tempering apparatus must be added.

I do not think that this estimate has as yet taken any definite shape, although if Parliament would warrant the expenditure for the plant, the navy would be pleased to make the experiment, in order to control, in a measure, the prices demanded by the French armor manufacturers, whose interests are believed by the navy to be pooled (although not so acknowledged) to the extent of maintaining high prices.

I am informed officially that each time that deck-armor plates have made at Guérigny there has been a saving, approximately, of 1,000 francs ($193) in round numbers per ton, the quality of the material being equal.

This statement is substantiated, and with emphasis, by other information as follows:

The cost of steel ingots (from which the sinking head of 30 per cent of the ingots as melted and run has been cut) as purchased by Guérigny for manufacture into deck-armor plates (up to 70 mm. thick) for the *Gaulois* was 225 francs ($43.40) per 1,000 kilogs. or French ton. The finished plates are reckoned to have cost from 800 to 900 francs ($154 to $173) per ton; and in this estimate all factory expenses, such as salaries of officers, clerks, share of hospital funds, material consumed, labor, etc., are included, but no amortization of the cost of the plant is included.

It will be found in my No. 182, page 42, "Prices paid by French navy for armor," that I reported the cost of similar deck-armor plates furnished by Chatillon-Commentry to have been 2,550 francs ($492), so that the saving of the Guérigny manufacture in this case appears to be at least 1,600 francs ($308) per ton.

This case must be exceptional, however.

The current contract price for such deck plates is about 1,800 francs per ton (not more). So that the saving in the Guérigny manufacture is about 900 to 1,000 francs per ton.

This statement of comparative costs may be of considerable interest to the Secretary, as it appears to bear upon the general question relating to the amount of profit over and above cost price as charged by contractors.

The deck plates are regarded as easy work, although metal used has been regarded as remarkably efficient; but the large profits in these deck plates seem unreasonable. The manufacturer evidently calculates that such profits may be seriously reduced by the manufacture of other more difficult plates.

The deck plates produced at Guérigny for the *Gaulois* are about 7 to 8 m. long by 1.60 m. wide by 70 mm. thick. The material is designated acier extra doux.

The test pieces 100 mm. long and 30.8 mm. in diameter give a tensile strength (R) from 30 to 35 kilogs. per square millimeter; with an elongation (A) from 24 to 30 per cent. Their sectional area is reduced to a diameter of 6 mm. in breaking.

The excellent quality of this metal (acier extra doux) has been the subject of frequent reports on my part; and I have formed the opinion that the French have always given more attention to the characteristics of plates for deck armor than any other navy.

The plates are tested ballistically under conditions before reported. Photographs of trial plates also have been previously forwarded.

November 24, 1896.

EXHIBIT No. 3.

STENOGRAPHIC REPORT OF INTERVIEW BETWEEN THE SECRETARY OF THE NAVY AND REPRESENTATIVES OF THE BETHLEHEM COMPANY.

NAVY DEPARTMENT, *Washington, Thursday, June 25, 1896.*

The investigation of the cost of producing armor plate, in accordance with the provision in the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1897, approved June 10, 1896, began at 11.30 a. m., before the Secretary of the Navy.

Present: Secretary Herbert; Joseph K. McCammon, counsel for the Bethlehem Iron Company; Robert P. Linderman, president Bethlehem Iron Company; the Judge-Advocate-General of the Navy, Capt. S. C. Lemly; and Capt. W. T. Sampson, Chief of the Bureau of Ordnance.

The Judge-Advocate-General read aloud the provisions in the law referred to, authorizing and directing the investigation by the Secretary of the Navy of the cost of producing armor plate, as follows:

"*And provided further*, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session at a date not later than January 1, 1897; and no contract for armor plate for the vessels authorized by this act shall be made until after such report is made to Congress for its action."

Captain LEMLY. That is under the act making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, approved June 10, 1896.

Secretary HERBERT. The purpose of my asking you to come here, gentlemen, was to see to what extent and in what way you could help me in this matter.

Mr. LINDERMAN. My object in coming was to help you as far as possible, and to find out from you what information and what line of information you would like us to furnish you with.

Secretary HERBERT. As you see, the act provides that I am to find out the actual cost of the manufacture of armor, and as you know more about this matter, probably, than anyone else, I have asked you to appear here and give such facts in connection with the matter as you can.

Mr. LINDERMAN. How far do you think we can properly be asked to go in that matter?

Secretary HERBERT. It is for you to say how far you are willing to go. If you could give me the figures showing the actual cost of material, what the cost of labor is, what time it takes to make these armor plates, and all facts and figures connected with its manufacture, that would be giving me the facts which I wish to get at to make this report.

Mr. LINDERMAN. Those facts would involve, I presume, Mr. Secretary, the cost of plant?

Secretary HERBERT. The cost of plant, wear and tear, the interest on money invested, and so on.

Mr. LINDERMAN. Administration and expense would be included.

Secretary HERBERT. Administration and expense and everything tending to show what the actual cost of the armor is.

Mr. LINDERMAN. I do not believe anybody connected with our company could say what the actual cost of armor is. I have never been able to find out what it is, because it varies greatly with every order we make. It is a very complicated matter, so complicated that it is almost impossible to lay down any hard-and-fast rules as to cost. Armor plate goes through a great many different processes and it is very much delayed sometimes, and the question of loss comes in. In the case of the *Iowa* we lost the ballistic plate and a portion of another plate.

Secretary HERBERT. I would suggest that you take a period, say twelve months, from the 1st of January, 1895, to the 31st of December, 1895, and show what armor was turned out during that time, what was manufactured, what labor was required, how much was paid for the labor, what was necessarily expended upon that plant to keep it in order, what losses you sustained in the way of spoiled plates, what losses in the way of rejections, and everything that occurred during those twelve months in connection with the manufacture of armor plate involving expense, adding, of course, the cost of your plant. In a calculation of that kind you would necessarily include all lost days—that is, all that could be properly charged up to labor—during that period. In such a calculation you would take into consideration every circumstance and every fact that would bear on the matter in hand. Now, I am fully aware, Mr. Linderman, of the difficulties that necessarily surround an inquiry of this kind, and I am prepared to consider and make a liberal estimate for everything that can properly and possibly be charged up to this account. This duty has been put upon me without my seeking it. The question was before the Senate committee and the matter took this turn, and almost before I knew it—certainly without my seeking it—this duty was put upon me. I see the difficulties that surround me, and I am aware of the difficulties that beset you in any effort to afford me information. I am perfectly willing and anxious to take these difficulties into consideration. I do not have any doubt that Congress would be willing to deal liberally with you in this matter.

Mr. LINDERMAN. We want to help you out in this very delicate duty as far as we can; but, on the other hand, you can see how unwilling—probably not unwilling, but disinclined—we would be to give away our manufacturing secrets, not only as to the cost of armor plate but other details of manufacture; naturally we are disinclined to open up to the world what our costs are. We do not want the Carnegie people or other competitors to know about such matters. We do not know what it costs them. We do know, however, that our labor and material cost us about the same, and the entire cost is probably about the same. Now, it may be that we can find some middle ground without saying absolutely that it costs us so much for labor and so much for material. I think we may be able to find a middle ground on which we can agree that will give you the basis you want.

Secretary HERBERT. We will aid you to do that so far as we can. I am anxious that you should go as far as you think you can go in justice to yourself in giving me this information, and I feel that it would be better for you, as well as better for the Government, for you to go as far as you may be able to do in giving me this information.

Captain SAMPSON. Don't you think it would be perfectly proper to consider all this as confidential, and simply report to Congress the result of your conclusions after hearing in confidence statements as to the cost of the armor? This investigation would be strictly confidential and the report would not be published, but simply your opinion or conclusion given to Congress, and with the figures given to them, but with the understanding that it is in confidence and that the figures are not to be published.

Mr. MCCAMMON. It says to report the result.

Captain SAMPSON. Yes; of course the result that Congress expects is not simply a statement on the part of the Secretary of the Navy that he considers a certain sum of money to be the proper price for armor, but they will want to know why he thinks so; they will want a statement to be submitted in such detail as will satisfy them that he has gone thoroughly into the subject and knows what he is speaking about. But at the same time it is not necessary that that information in detail should be published.

Secretary HERBERT. On that point let me say this: In so far as your manufacturing secrets are concerned, I suppose that the Department has most of them now. It has gotten them from the Government inspectors at your works. Certainly the Department has no desire to disclose your manufacturing secrets, or any of them, to Congress or to anybody else, and I could promise and will promise that so far as they are concerned I will not disclose to anybody what those manufacturing secrets are which you may see proper to divulge to me.

Captain SAMPSON. I do not see that it is necessary to go very much into that.

Secretary HERBERT. I do not see that it is really necessary to go into those things at all.

Mr. LINDERMAN. No; I do not mean the technical secrets at all. I mean the secrets of cost. In all manufacturing businesses one very large element of success or failure is in the matter of labor. The man who can handle his labor best is bound to be most successful. Now, you can find out, of course, what we pay for various materials we use in our various mixtures. You know the cost of nickel, for instance, as well as we do. You know the cost of coal; and I suppose your inspectors have a general idea of how much coal, and so on, is used there; but there is a great deal more in it than that.

Secretary HERBERT. Yes; I understand. Now, I want to say that I could not put myself in the position of refusing to give Congress, if insisted upon, any of the facts upon which I had arrived at the conclusion reached. I can only promise this: If you should reveal to me any manufacturing secrets, which you might desire to be kept as such, I should advise with the Naval Committees of the two Houses as to whether the testimony relating to them might not be withheld from publication; but as to such secrets, I do not see why you should reveal them even here. Indeed, the Department has already, I suppose, most of these secrets. As to the facts and figures that go to show expenditures, I think I ought to submit to Congress anything you give me that shall be considered in arriving at a conclusion. Congress will want to decide for itself as to whether the testimony that was before me justified my finding.

Mr. LINDERMAN. Mr. Secretary, would not one very good way of getting at the equitable price be to ascertain what foreign governments are paying?

Secretary HERBERT. Yes; that is a part of the inquiry I shall make.

Mr. LINDERMAN. It occurred to me that that would be a fair basis on which to base an estimate, and then gather other facts.

Captain SAMPSON. Can you furnish us such information, Mr. Linderman?

Mr. LINDERMAN. Well, I don't know that I could. I don't know whether these facts would be accessible under foreign governments in the way they are accessible so far as our Government is concerned. Do you know, Captain Sampson?

Captain SAMPSON. I don't know.

Mr. LINDERMAN. I do hear occasionally, but I do not know whether the information is reliable or not.

Captain SAMPSON. You knew about the Russian Government, as you have a contract with it? As you probably know, when we give out a contract, each bidder knows the amount bid by the others?

Mr. LINDERMAN. I do know the amount the Krupp people got.

Secretary HERBERT. Did you know all the bids?

Mr. LINDERMAN. The figures of Krupp's bid, the successful bidder, £107, we got.

Secretary HERBERT. I would like you to furnish me all the information you have on this point and direct me to additional sources of information. I will follow up any line of inquiry you may suggest, and it is my purpose to make independent inquiry and ascertain for myself as far as possible the prices that are paid abroad.

Mr. LINDERMAN. I would not think it would be very difficult to obtain the information desired along that line.

Secretary HERBERT. Then I would like you also to give me information as to the differences, as far as you may be able to do it, between the requirements made by foreign governments and the requirements by this Department. I understood you to say some time ago that the requirements here were stricter and more costly to comply with than the requirements of the Russian Government, and, as you have been bidding in the European market, I have no doubt you will be able to give me information, and I suppose you can furnish me the requirements themselves.

Mr. LINDERMAN. I can do that so far as the Russian Government is concerned. I do not think we know about the others, unless Mr. Meigs picked up the information when he was over there.

Secretary HERBERT (addressing Captain Sampson). You have that information, I suppose?

Captain SAMPSON. Yes. As the Secretary is aware, a shipbuilder abroad has to come up to different requirements in his work; for instance, to put in bolt holes, which in this country the armor-plate maker has to do.

Mr. LINDERMAN. We will be glad to do what we can to aid you in the matter.

Secretary HERBERT. I would like to be able to make a report upon this subject to Congress that would set this subject at rest.

Mr. LINDERMAN. We are as much interested in it as you are and equally anxious to settle the question.

Secretary HERBERT. It would be to the interest of the Government and to your interest. I think you know from your dealings with me that I have been disposed to deal fairly with you in every question that has come up. I recognize the fact that when a company undertakes to make armor for the Government and build an extensive plant costing millions of dollars, it necessarily incurs a risk in the very venture itself, which risk ought to be taken into consideration when arriving at what the actual cost of the armor is or what price should be paid for it.

Mr. MCCAMMON. And the small demand for the product, and the fact that in this country only the Government can be looked to to purchase armor plate, and the uncertainty that is necessarily involved in a venture of that kind. No man knows the appropriations that are going to be made by Congress for new ships, and nobody can tell absolutely whether the requirements for armor are not going to be changed from time to time. All these facts must be taken into consideration.

Mr. LINDERMAN. We have to provide special machinery to meet certain specifications, and after the machinery is put in and we have used it in making a little armor there may be changes in the armor required and this machinery is then worthless.

Secretary HERBERT. As I understand it, some of the most costly parts of your plant that you provided in good faith have become useless. I understand you are not using your hammer now?

Mr. LINDERMAN. No; we have not used it for a good while.

Secretary HERBERT. And that cost a good deal?

Mr. LINDERMAN. Yes, sir. We were practically forced by the Government to put up that hammer.

Secretary HERBERT. All those things ought to be taken into consideration, and without any doubt Congress is perfectly willing to consider them.

Mr. LINDERMAN. Of course it is a question in my mind how far I have a right to give away information which belongs to our stockholders, how far an executive officer of the company has a right to divulge the business affairs of his company.

Secretary HERBERT. I should think it would be an easy matter for you to decide upon that after consultation with your directors, you and your directors representing your stockholders in the matter. Every corporation must necessarily be represented and managed by those whom they have chosen and in whom they have to put confidence, and this question, so far as that is concerned, does not differ from other questions that come up for your decision and action.

Mr. LINDERMAN. Oh, no; when I speak of the interests of the stockholders, of course the directors have to settle that themselves.

Secretary HERBERT. Yes; and I think you might be able to decide in a short time questions of that kind. Congress has given me until the 1st day of January to make my report, and I take it that they supposed this investigation would be pursued at considerable length, and wanted to allow plenty of time for it. I wish to commence right away, do the work as expeditiously as possible, and be ready with the report before Congress assembles. Therefore let us go ahead with this question as promptly as we can. If you will help me in the matter, it is not going to take a great while.

Mr. LINDERMAN. Not ordinarily, but at this time of the year it is very difficult to get the directors of a company together. It is hard at this season to accomplish anything outside of the ordinary routine.

Secretary HERBERT. I suppose you can get a quorum together at any time?

Mr. LINDERMAN. Two of the directors of our company have gone to Europe.

Secretary HERBERT. How many directors have you?

Mr. LINDERMAN. Seven.

Secretary HERBERT. Four directors, then, constitute a quorum?

Mr. LINDERMAN. Yes, sir. Two of them are in Europe; one is on the St. Lawrence, and another one at Newport. Still, that will not prevent us from working up the facts in the case.

Secretary HERBERT. I think I ought to commence this inquiry now and pursue it as rapidly as possible, and I would like to start off right. Full information from you might suggest to me, possibly, that I needed very little more. Some of your statements I might accept without further question, others I might wish further light on. It would very much lighten my labors and tend to a correct conclusion if I could have the information from you very early, as sort of a guide as to what I should do thereafter. I do not want to go wrong, and think the information you might give would guide me to a large extent.

Mr. LINDERMAN. There won't be any unnecessary delay on our part. We will give this matter thorough consideration. I came down to-day more to find out just what was wanted and what line of information you desired to pursue than anything else; and we want to meet your wishes as far as we can.

Secretary HERBERT. I shall be very glad if you will.

Mr. LINDERMAN. Certain matters of detail I do not think we ought to be asked to go into, and if we can give you a general idea of what you want to get at, based on data that would satisfy you as to the correctness of the general idea, I think that would probably be all you could ask for.

Secretary HERBERT. Of course, I could best tell that after I see what you have to submit. I could then tell whether it was satisfactory, whether the facts and figures given me would answer my purpose, or whether there is further information that you ought to furnish.

Mr. MCCAMMON. Of course, we all recognize the impossibility of reaching a conclusion as to actual cost based upon the product for any one particular time under any one particular contract. It has been shown in testimony before the committee of the Senate, if I recollect correctly, that the present output of the Bethlehem Company of armor plate averaged about 1,200 tons a year. I do not know whether that extends for six years or only three years. The actual capacity of the works would be 3,000 tons a year, and we must take into consideration the loss of the difference between what should be the output considering the capital invested and what actually is the output, occasioned by the Navy not needing any more. I do not mean to say that is a new question, because the Secretary has practically covered that, but I am only illustrating what seems to have been in Mr. Linderman's mind, in connection with the company furnishing to the Department an estimate of the cost, under different conditions of output. That a ton of armor would cost more where the output was 1,000 tons a year than it would if the output was 3,000 tons, is obvious to everybody.

But I would like to call attention to the language of the proviso: "The Secretary is hereby directed to examine into the actual cost of armor plate." I do not wish to be capricious or narrow in the construction I place upon it, but I take it that this has not the same meaning that a provision "to ascertain the actual cost of armor plate" would have. He is told to examine into the actual cost; to do the best he can; Congress recognizing, doubtless, that the Secretary would not have the right to demand from the contractors the actual cost to them, and, after all, it does not necessarily follow that the Secretary not only is not confined in his inquiries to what it costs the present contractors of the Government, but is broad enough to cover the investigation throughout the world if you have time and if you have means of ascertaining. Then it goes on to say, "and the price for the same which should be equitably paid." When it comes to that, that is something that is largely speculative. I apprehend that he will find more difficulty in reaching a conclusion as to that, not real difficulty, but difficulty in satisfying all the people who want to know what that price should be. It has been developed that some people think that the profit should be about $10 a ton; others are willing to concede a much larger profit a ton. But of course the Secretary's deductions on that point will be after he has found all attainable information in detail. But it does not necessarily follow that Congress intended that the Secretary should do any more than make an effort to find approximately, examine into, the actual cost—that is, to come as near to it as he can to the actual cost.

Secretary HERBERT. Of course, I understand, as you do, that I am to make an inquiry, that I am to pursue such lines of inquiry as are open to me, preferably, always, those which promise the best results; and the rule of law, with which we are all familiar, is especially applicable here, that I must get the best evidence that is attainable, and that ought to come from people who know most about it; and that in default of that, then I am to get the next best evidence. And I am to find out by inquiry elsewhere as to the price of labor and price of materials and all information that would bear upon it, coming from whatever quarter it may. Of course I expect to extend my investigation to the prices of armor abroad and get all the evidence on that question I can, not only from you, but from any other source possible.

Mr. LINDERMAN. I think really that has the most bearing on the equitable price to pay.

Secretary HERBERT. I suggested to you a moment ago what I thought might be a proper method to pursue in this case—that you might take the

year 1895. I think it would be very much better to take a period like that than it would be to follow up any one armor plate.

Mr. LINDERMAN. To follow up any one armor plate would be of no value at all.

Secretary HERBERT. You could not well do that, but you could find out as to the conditions of the plates you had on hand at the beginning of the year, as well as the amount and the stock on hand at the end of the year undelivered, and how much you delivered during that year. And then you would have to take into consideration that the year 1895 was the year in which you furnished most armor. You were delivering then more rapidly than you had been prior to that time, and you had been three, four, or five years in getting ready to deliver that amount. All those previous years had to be taken into consideration, the money expended, and the losses incurred during that time. In fact, there is no circumstance whatever that may have any bearing upon it at all that I ought not to consider in a broad and liberal spirit toward you, and at the same time with justice to the Government. I don't think we are going to have any difficulty about it. I hope we won't. I should like very much to see this question settled on such a basis as would remove it entirely from discussion hereafter and leave the question of ships hereafter to be decided on its merits, not influenced in any manner by side issues like this as to whether or not the armor makers are getting too much for their armor.

Mr. MCCAMMON. Of course, Mr. Secretary, we understand perfectly your position in this matter. It has been very clear from the beginning of the controversy that you had no desire, that it was furthest from your wish, to pry into the business secrets of this company or any other contractor for the Government, and it must be recognized by everybody that there is a great principle involved in this question. The principle is, whether the Government, the might and power of the Government, can be invoked to ascertain what it costs an individual or a corporation to make anything that it proposes to sell to the United States. I am not mentioning this for the purpose of creating any feeling about it, but you must understand that it is in the highest degree inquisitorial and against the genius of our institutions—if I am not stating it in too flowery a way—to demand such information from private companies or individuals.

Speaking of the right and power to demand this information, it is not signified by legislation that the Government has the right to make these inquiries—that is, the right to demand answers to these inquiries. Congress has simply imposed upon you, Mr. Secretary, the duty to examine into the question, and if you can not reach any satisfactory results from your inquiries, then, of course, you will have to report to that effect. But however this company may want to answer your questions, not only because of your personal position in the matter (it wants to help you personally), but also it recognizes that whereas the Government has not any right to make these inquiries, at the same time it may be better that it should not stand absolutely on its rights. It all comes back to the point, Where is this going to stop, and where, hereafter, are we going to make money out of this enterprise? If the inquiry stopped right there, "How much does it actually cost?" there would not be so much harm done; but then it is possible for the Congress of the United States to determine for the Bethlehem Company what profit per ton it is entitled to.

Now, I can not imagine that any set of men want to engage in a business if it is possible for an outsider, even the Congress of the United States, to determine what its profit shall be. The question of the actual cost is immaterial, I say; but we have seen that it is possible for men who represent the people of the country, in all honesty, to say that the profit shall be this or that price a ton. Now, what would be an equitable compensation could be definitely ascertained without getting at the actual cost. I think that would be practicable, and an easy question to solve. There would be factors that could be ascertained—the market price of armor throughout the world—and if there is any such thing as a kindred article the price of that could be ascertained. I do not suppose that there is any article that is kindred to armor plate. Gun forging has no special relation to it, has it, Captain?

Captain SAMPSON. Yes; it is more closely related than almost anything else. Gun forging and shafting forging are more closely related than perhaps any other industry. They require much the same sort of tools to work with.

Mr. MCCAMMON. Congress directs that "an equitable compensation" shall be ascertained. Those are the words. The market price determines what an equitable compensation or price is so far as any other commodity is concerned. Say the Navy Department orders 100 tons of butter or flour. They would receive those articles and pay approximately what butter and flour commanded in the market, and there is no reason in the world why the same principle should not be applied to armor plate. What is a fair price? It is the price that is paid for armor elsewhere. London determines the price of a great many commodities. I do not know that I can name any of them just at this time. I think probably coffee is one such article; that its price is determined by the London market. Do you know, Captain Lemly?

Captain LEMLY. I think so. Liverpool, I think, determines the price of cotton.

Mr. MCCAMMON. Yes, and London determines the price of silver. When the United States Treasury wanted to buy silver some years ago, as I remember (they were buying it under the Sherman Act), the Government would cable to London to ascertain the price of silver every time it was ready to make a purchase. The Government would cable to London either the day or the day before they made the purchase. Is that correct, Mr. Secretary?

Secretary HERBERT. Yes.

Mr. MCCAMMON. In this way the Government ascertained what the proper price for silver should be. There is a market price for armor. Now, that has been met by the statement that there was actually, or there might be, a trust—a corner, as it were—on armor. Well, if there is such, it might be very difficult, I confess, for the Secretary to find out. At the same time he is directed to make this investigation, and I presume that with the use of sufficient money, if he has it, and the services of trained men he might ascertain very definitely whether the price now paid for armor throughout the world was a fair one—whether it was free from combination. And therefore even if you, Mr. Secretary, can not reach a definite conclusion from any statement that this company may make, what is the actual cost of armor, it is pretty certain that you will be able to report the result of your investigation so far as the equitable price is concerned.

Mr. LINDERMAN. I do not suppose that Congress would expect us to manufacture armor for this Government for $350 a ton if we could get orders from other governments at $500 or $550 a ton. Of course we would put our product where we can get the best price for it.

Secretary HERBERT. Of course, it is expected you would. Now, Judge, I do not concur with you in some of your statements. For instance, you say that the actual cost of armor is not material. You made that statement upon the idea that this governmental inquiry may not properly be directed in that line. It seems to me that you do not take into consideration this fact, that the relations between these armor makers and the Government are not exactly like the relations between the Government and the makers of articles the price of which is determined in the open markets of the world. In the first place, the Government here has, by its own law, confined itself to this market, and it provides that all the armor that goes upon its ships shall be manufactured in America.

That means, at present at least, that all that armor is to be bought from two manufacturers; and, on the other hand, these armor makers, both of them, began this work and prepared their plants with the understanding, at least, in the first place, that they were to look to this Government for work. Therefore, while there is not a partnership exactly between the Government and these two armor-making establishments in this venture, the relations that they bear to each other are peculiar, and therefore Congress has the right, I think, to have some idea of what the actual cost of making the armor is. If Congress is willing, as it undoubtedly is, to pay a fair price, and if it confines itself to our makers, American armor makers, then it seems to me it has a right to know something about what the actual cost is, and not to leave it to them to say, without giving any information at all, that "we propose to charge just so and so." I think it is legitimate for Congress to know something about the cost in order to arrive at a conclusion as to what an equitable price is. I think it is something that armor makers ought to be willing to give information about. I do not think this is an unreasonable expectation or request.

Mr. LINDERMAN. To ask the actual cost?

Secretary HERBERT. To inquire about the actual cost and, after finding out what the actual cost is, to find out what an equitable price is. Of course, Congress has not given me the powers of a court—to make that inquisitorial search that a court could make—or the power to bring witnesses and examine them under process of law, but it has proceeded in this case, I think, upon the idea that this power was invested in a Secretary and that the Secretary was disposed to exercise that power fairly and justly, and that the armor makers would meet it in the same spirit and that they would satisfy Congress that the prices paid were not unfair. If they should do this, then there would be no difficulty.

Mr. MCCAMMON. Yes, sir; I agree with that perfectly, but where we don't agree is on the question with regard to the investigation as to the actual cost of manufacturing the armor. Your remarks with regard to a fair price are such as I would have made. There should not be any great mystery with regard to what is a fair price. You have data already. Congressional inquiry has furnished you with data and you have data of your own, I take it for granted, that gives you to-day an idea of whether you are paying a fair or an unfair price for armor. Now, the very moment that there is any effort on the part of manufacturers to insist upon an unfair price, then the manufacturers have no right to expect any mercy upon the part of Congress, because Congress can claim that an advantage has been taken of the people of the country by charging an excessive sum per ton for armor.

If reliance was to be had only upon your well-known character for justness and fair dealing, there would doubtless be no hesitation to give to you all the data that they can collect—not expecting that they can collect all, but all they can collect—to show the actual cost, and in consultation with you we would reach a conclusion as to what the profit should be; but, Mr. Secretary, there can be no possible guarantee in the world that if the company voluntarily stepped forward and told you what the actual or approximate cost was that Congress would not in the future arbitrarily fix what profit should be allowed, notwithstanding any recommendation that you might make. Now, in these remarks I certainly do not wish, on the part of the company, to make any reflections on Congress. My remarks are addressed to what has already been said and action that has already been proposed to be taken by Congress.

Secretary HERBERT. I do not understand that you have done it at all.

Mr. MCCAMMON. All right; I would not wish to be misunderstood. But the fact that Congress has the power, not that it would do this, but that it has the power—not you, sir, not the Secretary, or any of your predecessors—but that Congress, a body representing everybody, has the power, and acts as it sees fit, is the difficulty, in my view. It might be overgenerous, it might be niggardly in the compensation—the profit—allowed, the profit it was willing to concede to the contractors. In other words, there would be no possible reliance upon the fairness of the price that Congress would fix hereafter for the contractors to enjoy, although there might be no intentional unfairness. And when that price is once fixed by legislation, it will be, I believe, as immovable as the laws of the Medes and Persians. If wages and the cost of material go up, still you could not increase the price allowed. If new methods and new machinery had to be adopted, it would still be impossible to change the price. It would be like a collar around the neck of any corporation that goes into a scheme by which Congress can hereafter fix their profit. That is the danger. I may be exaggerating it, but I only make these remarks to show what might be possible, and what is naturally in my mind, and probably in the minds of others, in reference to this matter. I might say that Mr. Linderman, of course, is not responsible for what I have said, nor is any member of the company. I only had a few minutes' conversation with Mr. Linderman before coming in here, and what I have said I have said simply as representing my own views. As I have stated, it strikes me there is danger in doing anything that will give away any secret that is known to the company that involves the question of actual cost.

Secretary HERBERT. Judge, I do not think there has been manifested, or is going to be manifested, any disposition on the part of Congress, as a body, to do anything at all that is unjust to the armor makers, or to act unjustly toward anybody that is engaged with the building up of the new Navy. I think the sentiment of the country now is very much in favor of an increase in the Navy, and that Congress represents and shares that sentiment. On considering this question broadly, Congress will always, I think, recognize the importance of having here plants that can manufacture armor, and plants that can manufacture guns, and plants that can manufacture ships, so as to make us entirely independent of the outside world in all these things, and that in order to have these plants they must deal in a spirit of justice and even liberality with these people, and that they must take into consideration every fact and every circumstance that would enter into the determination of what a fair price for their product would be. I do not think there is any danger in it at all.

Congress is not going to act arbitrarily with these armor makers and do them injustice if it shall see on their part a disposition to be open and fair about this and give aid in this inquiry which Congress desires to be made. If these men will do that, I am perfectly certain that Congress will do what is right and just by them. I know I shall recommend it, and I believe without any recommendation at all from the Secretary of the Navy that the Congress of the United States will always act justly with them. They have gotten the idea that there is a trust abroad, as you say. They may have that idea—that there is a combination among the different armor makers of the world and that the prices are unfair, but they want to know whether that is so or not. Congress will be much more disposed to act arbitrarily and take radical steps if they find that these armor makers who occupy this peculiar position toward the Government that I have spoken of, and who alone have the right to furnish armor for the ships of the United States Navy, are disposed to be secretive and disposed not to give any information and not aid this investigation. If the latter is their attitude, then you may expect arbitrary action on the part of Congress that would probably hurt these manufacturers and do no good to the Government.

Mr. MCCAMMON. Mr. Secretary, my remarks were based not upon the

belief that Congress was likely to do anything unfair and unjust to these people, but there is an indication in the wording of that proviso that Congress is asking for certain information the like of which I have never known them to ask. It asks for the actual cost. In view of the range of the investigation, it would seem to mean but one thing—that it wanted to know the exact cost, and that it would then proceed to fix the profit that it (Congress) thought fit and proper and fair for the contractors to receive. It was upon that theory that I made my statement a few moments ago.

Secretary HERBERT. I understand, of course, you have to take into consideration the peculiar relations, as I have said before, that exist between these armor makers and the Government, and then here is the act itself, which speaks for itself, and you see what they desire to know. I think there will be no trouble about the matter, judging from the spirit in which you and Mr. Linderman have met me here this morning. You will be able to aid me very much in this inquiry, and I hope to be able to make a satisfactory report—one that will satisfy Congress and settle this question. This is a very important matter, and I am therefore having our conversation taken down by a stenographer, and it will be written out and you will have a chance to look over what has been said and make such changes as you see proper in what you have to say.

Mr. MCCAMMON. For my part, Mr. Secretary, I will say that I came here not expecting to say anything.

Secretary HERBERT. Mr. Linderman, when may I expect some statement on this question?

Mr. LINDERMAN. That is pretty hard to answer offhand. I would like to give the matter a little thought and consideration. You made the suggestion that we try to ascertain the cost of armor—the average cost—during the year 1895. I could not tell you to-day how long it would take to make calculations that would enable me to give you that information. I would have no idea to-day how long it would take to go into that question.

Mr. MCCAMMON. Also to include in that answer the very valuable suggestions you made, Mr. Secretary, as to what would properly be included in cost. Some of those are entirely new ideas to me.

Secretary HERBERT. I speak of the year 1895. That was simply a suggestion on the spur of the moment—that you take the year 1895 as a basis for your inquiry. Of course you can take that year, or any other time that may suggest itself to you as making a fair estimate. I would like the statement as much in detail as possible, so as to be able to say to Congress, "I have come to this conclusion." If you estimate the interest that ought to be taken account of as so much, spent for material so much, loss of plates of the *Iowa*, for instance, so much, so many tons, and other plates so many tons, expenses of transportation so much; give it in such detail as will enable me to form an estimate as to what I am passing upon. The more in detail you can give me the information the better I will be able to come to a conclusion that will satisfy myself. I think we understand each other thoroughly. And now, if you will give me this information as soon as you can, I shall be obliged.

Mr. LINDERMAN. I will take the matter up as soon as I possibly can and without any unnecessary delay, I assure you; but, as Judge McCammon says, the question is a very important one, and I do not believe you will find many more people to do Government work if we are going to be called upon to give our costs to the world.

Secretary HERBERT. This inquiry is not going to be such that it will result in the end in deterring people from undertaking Government work. I think Congress will have that in view when it considers this matter. I know I shall, in reaching my conclusions in the matter.

Mr. LINDERMAN. I will take this question up at once, Mr. Secretary.

The inquiry then (at 12.50 p. m.) adjourned, to meet at such time as the Secretary of the Navy might hereafter indicate.

EXHIBIT NO. 4.

REPORT OF THE ROHRER BOARD.

NAVY DEPARTMENT, *Washington, D. C., July 2, 1896.*

SIR: In accordance with your oral instructions, and in answer to your questions, we have the honor to present the accompanying statement.

Very respectfully,

KARL ROHRER,
Lieutenant, United States Navy.
KOSSUTH NILES,
Lieutenant, United States Navy.
A. A. ACKERMAN,
Lieutenant, United States Navy.

The SECRETARY OF THE NAVY.

NOTE A.

As a preliminary to the following analysis of the cost of armor, it is but just and proper to state that it has been impossible to form, in many instances, more than an approximation of the actual cost of the items, as their components are so numerous, varied, and connected with other operations and changes as to be indistinguishable. In many other cases the recollection of seemingly trivial occurrences several years back has been the only information obtainable. It is believed, however, that the estimates are fully as large as they should be, except perhaps as regards the cost of the plant.

COST OF PLANT.

Only a vague estimate can be formed of the amount of capital which has been invested by the contractors in armor plants. It is certainly much more than would be necessary to establish an equally efficient plant at the present time, since it would be possible in certain clearly apparent instances to profit by their costly experience. So far as the investment of money has been made in good faith, following the best known practice at the time, that investment is regarded as an addition to the cost of plant, although subsequent developments and experience may have indicated that equally good results might now be obtained with a less expenditure.

The sums appropriated for the establishment of the Washington Naval Gun Factory amounted to $1,937,000. This total does not include the cost of land, as that was already owned by the Government. Neither does it include all the cost of buildings, since, with certain exceptions, old buildings were utilized. The buildings in an armor plant are more extensive and necessarily better made, so as to resist shock.

A number of the smaller tools in the Naval Gun Factory, however, were already owned by the Government, and others have no corresponding types in an armor plant, such as the great number of small lathes, milling machines, shapers, etc. An estimate of $200,000 is most liberal. This would leave the cost of the special gun plant as $1,737,000.

The special tools used in the manufacture of guns are, however, much more costly than those required for machining armor, but, as their number is much smaller, it is estimated that their cost will equal the cost of all the special machines, with cranes and auxiliaries, which are in use at the armor works.

The cost of armor plant is thus found to be as follows:

Machines of every description, and their cranes, including foundations	$1,737,000
Forging press, cranes, and furnaces	500,000
Bending press, cranes, and furnaces	200,000
Open-hearth department, casting pit, cranes, flasks, etc.	256,000
Land, buildings, and stock	844,000
Total	3,537,000

Components of the cost of 3,000 tons of armor.

Plant	$3,537,000.00
A. Materials in ingot, $30.13 per ton of plate	90,390.00
B. Materials consumed in manufacture, $56.75 per ton of plate	170,250.00
C. Labor, $43.65 per ton of plate	130,500.00
D. Keeping plant ready for use, $9.80 per ton of plate	29,400.00
E. Shop expenses, $2.38 per ton of plate	7,140.00
F. Office expenses and contingencies, $3.34 per ton of plate	10,020.00
G. Experimental work, $1.67 per ton of plate	5,010.00
H. Administration, superintendence, and engineering, $21.40 per ton of plate	64,200.00
I. Add 6 per cent of working capital ($519,360) as charge to cover losses, etc.	31,161.60
K. Add annual dividend on capital stock ($4,087,521.60), 6 per cent.	245,251.30
L. Add taxes, insurance, interest, etc., 10 per cent of cost of plant	353,700.00
M. Annual sinking fund charge to cover depreciation in value of plant, owing to completion of battle ships required	133,211.00
Total cost of 3,000 tons of armor	1,270,233.90
Total cost of 1 ton of armor	423.41
Value of working capital plus losses	550,521.00

COST OF MATERIALS IN INGOT.

The make-up of the charges have varied considerably from time to time. At first a great amount of nickel scrap was accumulated; later, in working that off, the amount of the charges formed by this scrap became very high, amounting in many instances to over 70 per cent. After the not distant consumption of this accumulated scrap, however, it will be impossible to use in the charges any more than is being at the time cut from the ingots, less the amount of waste in pit scrap, scale, etc. It is assumed that the typical ingot at that time will contain no more than 40 per cent nickel scrap.

The charge for a 20-ton plate would weigh in the vicinity of 125,000 pounds, and is assumed to be made up as follows:

Nickel scrap, 40 per cent	50,000 pounds, at one-half cent		$250.00
Pig iron, muck bar, wash metal, in varying proportions, 50 per cent = 27.232 tons, or	61,000 pounds, at $20 a ton		544.00
Nickel oxide	560 pounds supplied by Government.		
Ferromanganese	2,280 pounds, at $40 a ton		49.88
Iron ore	300 pounds, at $22.40 a ton (?)		3.00
Coke	1,420 pounds, at $2.60 a ton		1.65
Limestone	9,500 pounds, at $1 a ton		4.05
	125,050 pounds		852.58
Pit scrap and loss, 8 per cent	10,000		
Ingot	115,050		
Scale, etc., 10 per cent	11,500		
Slab	103,550		
Plate, 43.7 per cent	44,800		
Nickel scrap	58,750		
Loss in remelting, cutting	8,750		
Nickel scrap returned	50,000 pounds, at one-half cent		250.00
Cost of materials in 20-ton plate, at $30.13 a ton			602.58

As to the composition of the above charge, access has been had to the melting records of the companies, and the prices have been drawn from current market reports. The prices assigned to the nickel scrap in the charge is that agreed upon between the Navy Department and the contractors.

MATERIAL.

Synopsis of charges.

Materials.	Per ton of plate.
Mold, casting, etc.	$2.00 (A)
Ingot	30.13
Forging and casting scrap	7.76 (B^1)
Fuel at open-hearth furnaces	2.17 (B^2)
Fuel, heating ingot for forging	4.67
Power for forging press	5.00 (B^4)
Miscellaneous supplies	.50
Power for machining (turret plate $5, port plate, 32 cents extra)	5.32 (B^6)
Power for bending press	1.33
Fuel, heating plate for bending	1.78 (B^8)
Fuel, carbon, bricks, sand, etc., for carbonizing	20.65 (B^9)
Annealing, coal and wood (including cranes, 20 cents)	.80 (B^{10})
Tempering, fuel, ice, salt, water, oil and miscellaneous supplies	1.90 (B^{11})
Transportation (total, $5 for each operation, 20-ton plate, of which labor equals $1.50 and coal, etc., $1.17 per ton)	1.17 (B^{12})
Setting up and erecting miscellaneous supplies equals 50 cents, crane, 25 cents	.75 (B^{13})
Prints, templets, etc., $1 (one-half labor)	.50 (B^{14})
Blocking, paint, etc., shipping	.10 (B^{15})
Scaling, drilling for tests and analyses	.85 (B^{16})
	86.88
Add cost for maintaining plant in state of preparation for work, 10 per cent of cost of power, etc., other than wear and tear (10 per cent of $86.88—$30.13 [cost of ingot])	5.68 (B^{17})
Add for small tools, stationery, oil, waste, and miscellaneous stores (5 per cent of labor)	2.38 (B^{18})
Total for material	94.94

B[1].

Nickel scrap first constitutes a great unwieldy mass of metal. This is either heated and cut up in large pieces which are charged through the roof of a special open-hearth furnace, melted down, and cast into suitable charging ingots, or it is heated, forged down, and cut up into pieces small enough to be charged through the doors of the regular casting furnaces. In either case this expense is very large and accounts for the small value assigned to nickle scrap as an ingredient of the charges. It is estimated that the cost of reducing this scrap to a chargeable shape by the two methods is about equal, and is fully 75 per cent as great as the cost of forging an equal weight of plate. The forging of the plate requires greater exactness, but the labor and power required to cut up scrap, involving the shifting and adjustment of the cutting knives and the handling of many fragments, is greater. The cost of forging per ton is found to be $17.20, 75 per cent of which is $12.90. The amount of scrap obtained from a 20-ton plate ingot is 58,750 pounds, or 26.2 tons. Hence $26.2 \times \$12.90 = \$337.98$ per 20-ton plate, or $16.90 per ton. Sixty per cent of this should be charged to labor, or $0.14, leaving $7.76 for stores, coal, knives, etc., per ton. (See Note A.)

B[2].

With regard to the fuel at open-hearth furnaces, Mr. Carroll D. Wright, in his report of the cost of production of iron and steel in the United States (vide Iron Age, Volume XLVIII, pages 870, 871), states that the total cost of converting pig iron and scrap and ferro-manganese into steel ingots by the Bessemer process is $3.301 per ton, of which the labor is $2.601, leaving $0.761 for fuel and supplies. It is an open question as to whether steel can be produced more economically by the Bessemer process than by the open hearth. But all of the Bessemer charge except a very small per cent goes into the finished product, while in armor open-hearth work a 67-ton charge is required to produce a 20-ton plate. Hence, if it requires exactly as much heat to accomplish the reduction of 1 ton of charge in each case, and this is certainly an underestimate for the open hearth, we should take the cost of fuel per ton of open-hearth charge as fifty-seven-twentieths of that for a Bessemer charge, and the estimate becomes $\frac{57}{20} \times \$0.761 = \$2.17$ per ton. (See Note A.)

B[3].

From observation at the works, it appears that to bring to a heat the ingot of a 27-ton plate requires 48 hours in a furnace, consuming 18 tons of coal, at $4 per ton; total, $72.

To bring to heats for subsequent forgings (36 hours), 13.5 tons, at $4 per ton, $54.

Coal for engine to run press and cranes, one-half of the power furnished by the boilers using 90 tons per diem, or 45 tons for two shifts, at $3 per ton, $135.

Miscellaneous supplies for forging department (10 per cent of cost of power), $13.50, consisting of oil, waste, salt, hose, shields, gloves, etc., the total amounting to $274.50 for 27 tons, or $10.17 per ton, of which $4.67 is for heating ingot to forge, $5 for power for press and cranes, and 50 cents for miscellaneous supplies. (See Note A.)

B[4].

From observation at works, the cost of the power, coal, etc., and supplies for machining a 27-ton plate is as follows:

3 days under saw, at $5 a day, cutting off the sides and ends of plate	$40.00
6 days on planer, at $5 a day, planing sides	30.00
6 days on planer, at $5 a day, planing ends	30.00
3 days on drill press, at $2 a day, drilling bolt holes	6.00
Finish planing after harveying and tempering (uncertain, but assumed on an average as about 5 days, at $5)	25.00
Total	131.00

Making the cost per ton of plate $4.85. As, however, this does not take into account the more difficult shapes and plates containing port holes, scuppers, etc., an allowance of 47 cents per ton is added, making the total cost, under materials for machining, $5.32. (See Note A.)

B[5].

From observations at the works on a 27-ton plate, the following expenses under the head of materials are incurred for bending:

Coal for power for bending press and its cranes, 12 tons, at $3 per ton	$36.00
Or $1.33 per ton.	
Coal for obtaining two heats in the furnaces, 12 tons, at $4 per ton	$48.00
Or $1.78 per ton.	

B[6].

From observations at the works, the following information has been obtained concerning the cost, under materials, due to the Harvey process:

The sp. gr. of charcoal is from 0.132 to 0.1826: in lump, 0.382. The largest is taken on account of the weightier bone charcoal in the mixture. The surface of a 20-ton plate 11 inches thick would be about 110 square feet. The bed of charcoal is closely 6 inches deep: there is therefore 55 cubic feet of charcoal. About one-third is consumed and lost in dust, mixture with sand, etc., with every heat, or 17½ cubic feet. The weight of a cubic foot = 62.5 by 0.1626 = 10.1625 pounds, hence 101.625 by 17½ = 176.15 pounds.

To make full allowance for all possible losses, the loss is taken as 1 ton, at $30	$30.00
2 tons of special sand, tiles, bricks, etc	20.00
Coal for heating furnace, 110 tons, at $3.30	363.00
Amounting in all to	413.00

B[7].

Or $20.65 per ton. (See Note A.)

From observation at the works, the following estimate of the cost under materials for tempering a 27-ton plate is obtained:

Coal for heating plate, 6 tons, at $4	$24.00
Ice for tank, 1 ton	5.00
Salt, 2 bags, at 75 cents	1.50
Water for hardening, 1½ hours' use of pumps	16.50
Oil in tempering	5.00
Total	52.00

Or $1.90 per ton.

B[8].

From observation, the cost under materials for annealing a 27-ton plate, including the power for handling the crane, is as follows:

Coal for annealing, 4 tons, at $4	$16.00
Crane, at 20 cents per ton	5.40
Total	21.40

Or 80 cents per ton.

B[9].

From observation at the works, it is estimated that the cost under materials for transportation of a 27-ton plate (at $5 for each operation) is—

To forging furnace from casting pit	$5.00
From forging furnace to machine shop	5.00
From machine shop to Harvey furnace	5.00
From Harvey furnace to machine shop	5.00
From machine shop to bending press	5.00
From bending press to machine shop	5.00
From machine shop to tempering plant	5.00
From tempering plant to machine shop	5.00
From machine shop to scales and loading on cars	5.00
Total	45.00

Of this cost, 70 per cent is due to power, or $1.17 per ton. (See Note A.)

B[10].

A plate must be handled by cranes, for the purpose of laying off in the machine shops, three times in the course of manufacture—after forging, harveying, and tempering. It must also be set up in the finished structure for final fitting and inspection. For this work it is necessary to supply miscellaneous stores, such as wedges, special templates, chalk, waste, oil, lines, metal pencils, surface gauges, levels, etc., which, with the coal expended for crane power, it is estimated will amount to 75 cents per ton. (See Note A.)

B[11].

For the use of the various forging, machine, and erecting departments a large number of drawings and templates adapted to the different stages and operations of the work are required. These are, of course, primarily derived from the drawings furnished by the Government. It is estimated that this cost, so far as material is concerned, amounts to 50 cents per ton. (See Note A.)

B[12].

From observation it is estimated that the cost of blocking, white lead, tallow, and pine plugs for bolt holes amounts to 10 cents per ton.

B[13].

From observation the cost of material, in power, etc., for scaling, drilling test bars, and chemical analyses is assumed as follows:

Drilling 6 test bars, 1½ days, at $1	$1.50
Drilling 3 carbon analyses, 2 days, at $1	2.00
Power for scaling chisels, 3 times, 2 days each, 6 days, at $1	6.00
Total	9.50

Or per ton, 35 cents. (See Note A.)

B[14].

The number and size of the open-hearth furnaces required to turn out ingots of more than double the weight of the finished plates, as well as the great power and capacity of the presses equal to the task of forging these ingots, together with the fact that the operations of casting and forging occupy but a small portion of the time required to manufacture armor, render it impossible to work all departments continuously in unison. To increase the capacity of machine shop and treating departments until they were capable of disposing of the rough armor as fast as it could be cast and forged would multiply the output, but it would also require an immense sum to be invested in new machinery, and until the demand for an increased output is much greater and more sustained, such an increase of plant would not be wise.

In the meantime, however, casting, forging, and treating departments are all at times waiting on each other. Any one of them must, however, be prepared to work at short notice, and this state of preparation is necessarily more expensive to maintain than the care and preservation usually allotted other parts of the establishment which are temporarily in disuse. There thus arises a charge which varies from day to day, without ever entirely disappearing. Its estimation can only be approximated by assuming that the forging plant during all the time it is not in operation and the casting plant during most of this time are maintained in a state of preparation by the expenditure of a certain percentage of the money required to actually operate those departments. It is estimated that a charge fully equal to 10 per cent of labor and material, not including material in ingot, is thus incurred, or 10 per cent of $36.68 — $30.13 = $5.68. (See Note A.)

B[15].

There are shop charges under the head of material due to the cost of cutting tools, lubricating of machinery, miscellaneous stores, shop orders, soda, soap, stationery, calipers, scribers, and special fittings for work not included in the original designs of the machines. These are estimated to amount to 5 per cent of the cost of labor, or $2.38 per ton. (See Note A.)

C.

LABOR.

Synopsis of charges.

"Local handling" of materials	$3.01	(C^1)
Melting, forging, and cutting up scrap	9.14	(C^2)
Manufacture and setting up mold, transportation to pit, runways and grates, repairs to ladle and furnaces, operation of cranes, charges and blast engines, charging, tapping, pouring, and attendance at furnaces	4.36	(C^3)
Forging	7.03	(C^4)
Bending	1.48	(C^5)
Machining, operating cranes, handling, chipping, tapping bolt holes, marking, etc	6.91	(C^6)
Increased estimate of above, special shaped	.84	(C^9)
Tempering	.62	(C^7)
Harveying	5.13	(C^8)
Transportation	.50	(C^9)
Annealing, attendance, etc	.25	(C^{10})
Testing, scaling, and analysis	.76	(C^{11})
Prints, templates, etc	.50	(C^{12})
Laying off work, three times at least	1.00	(C^{13})
Setting up for inspection	.13	(C^{14})
Fitting bolts to plates	.10	(C^{16})
Total for labor	41.43	
Add for cost of maintaining plant in state of preparation for work, 10 per cent for cost of labor	4.15	
Labor	45.58	
Add for foremen, draftsmen, timekeepers, messengers, 5 per cent of labor	2.07	
Total for labor	47.65	

C[1].

The market price of materials as well as that of the nickel scrap manufactured in the works does not include the cost of "local handling." This comprises unloading from cars, distribution to stores and piling, sorting, weighing out charge, collection, mixing, breaking up, grinding, and return of remnants to store. It is assumed that this work under the head of "local handling" costs fully 10 per cent of the market price of the materials concerned—that is, 10 per cent of $302.58=$60.26 per 20-ton plate, or $3.01 per ton of plate. This item should be charged to labor. (See Note A.)

C[2].

Melting, forging, and cutting up scrap, 60 per cent of the cost of this work, as described in Note B[1], is assigned to labor—that is, $9.14 per ton of finished plate (See Note A.)

From observation at the works the following is learned:

C[3].

Making mold, 5 men, 5 days=250 hours, at 15 cents	$37.50
Material	12.00
Heating, drying, handling, setting up mounts:	
2 days in drying furnace (2 tons of coal per day, at $3 per ton)	12.00
Setting up and finishing, 2 men, 2 days=40 hours, at 20 cents	8.00
Use of crane in setting up 5 sections, 2½ hours, at $3	7.50
Transportation to pit	5.00
Drying mold after setting up, 1 man, 1 day, at 11.5 cents per hour	1.15
Wood or gas	1.50
Gate composed of bauxite, plumbago, etc., material	5.00
Labor, 1½ days, 1 man, at 20 cents	3.00
Repairs to ladle (dried with mold), drying, manufacture of stopper, etc.	5.00
Cost or charging:	
Heat of 125,000 pounds, 4 men and superintendent	5.00
Attendance of heater, at 25 cents, 12 hours	3.00
Attendance of heater at end of heat, 2 hours, at $5 per day	1.00
Various tests during course of heat	2.50
Stripping mold, 1 day, 8 men, at 15 cents per hour	4.50
Crane lift mold	5.00
Lift and transport ingot	5.50
Cleaning up pit, 2 men, at $1.15, 1 day	2.30
Additional cost of producing heavy ingots	126.45

Or, for a 20-ton plate, $6.33 per ton, or $4.33 per ton for labor and $2 per ton for material.

C[4].

From observation at the works the following labor charges are incurred in forging a 27-ton plate:

At gas producers, 1.5 men, 7 days, of 12 hours=10.05 men; at heating furnaces, 2 men, 7 days, of 12 hours=14 men; or $1.50 per diem for 24.5 men	$36.75
20 men at press and cranes, 2 shifts of 12 hours, at $2.50 per diem	100.00
12 men at boilers, 2 shifts, 12 hours each=24 men, at $1.50	36.00
2 men at engine, 2 shifts, 12 hours each=4 men, at $2.50	10.00
Additional for special shapes	7.06
Total	189.81

Or $7.03 per ton. (See Note A.)

C[5].

From observation at the works, the labor charges for bending a 27-ton plate are as follows:

9 men at boilers for 12 hours, at $1.50	$9.00
2 men at furnaces, 2 shifts of 12 hours each, at $1.50	6.00
10 men at press and cranes for 12 hours each, at $2.50	25.00
Total	40.00

Or $1.48 per ton of plate.

C[6].

From observation at the works, the cost for labor engaged in machining, operating cranes, handling, shipping, drilling and tapping bolt holes, marking, etc., is as follows:

Labor at saw, cutting off sides and ends of forging, 8 days, 2 shifts, at $1.50 per diem of 12 hours	$24.00
Labor at planer, planing sides, 6 days, 2 men, at $1.50	18.00
Labor at planer, planing ends, 6 days, 2 men, at $1.50 per diem	18.00
Finish planing after harveyizing and tempering, uncertain, but assumed as at least 5 days, 2 men, at $1.50, on each occasion	30.00
Fitting, chipping edges, etc., time uncertain, but taken at 6 days, 2 men, 12 hours, at $1.50	18.00
Drilling bolt holes, 2 men, 24 holes in all; 8 3.2-inch holes per diem of 2 shifts, at $1.50 per diem	18.00
Tapping bolt holes, 1 hole, 1½ hours, 36 hours altogether, 8 men, at 12½ cents per hour	36.00
Chipping bevels, rabbets, etc., 1 man, 2 days, 24 hours each, $1.50	6.00
Crane operators, uncertain pro rata share for 42 days in shop, 1 man, at $2.50, 2 shifts a day, $210, say 21 plates being worked	10.00
Shifting gang to assist placing plates on machine, assist cranes, assist men engaged in laying off, pro rata charge, 1 man at $2, helper at $1.15 each = for 42 days, $362, one-half time on plates, $181, or per plate	8.60
Total	180.60

Or $6.91 per ton.

Add 84 cents for increased expense of machining port plates, sponsons, etc., total equaling $7.75 per ton. It will be noted that wear and tear on machines, etc., is not included in above. (See Note A.)

C[7].

From observation at the works, the cost of labor for tempering is as follows:

Preparing heating furnace, 2 men, at $1.15	$2.30
2 men for 12 hours, 2 shifts, at $1.50, at furnace	6.00
Men at pumps	.50
Man at plate	1.15
Crane, 1 man, at $2.50 per diem, one-half day	1.25
Labor packing tank with ice and salt, rigging apparatus, etc., 1 man, at $2; 3, at $1.15	5.45
Total	16.65

Or per ton of plate, 62 cents.

C[8].

From observation at the works, the cost of labor in harveying a 27-ton plate is:

2 men for 12 hours, 2 shifts, at $1.50 per diem, 20 days, tending furnaces	$120.00
Stripping, 2 men, at $1.15, one day	2.30
Screen sand, clean tiles, 4 men, 1 day, at $1.15	4.60
Bagging carbon, 2 men, 1 day, at $1.15	2.30
Repairing, 2 bricklayers, at $2.50; 2 helpers, at $1.15, one-half day	3.65
Place sand, make bed, carry in carbon, place pipes, brick up, etc., 5 men, at $1.15, 1 day	5.75
Total	138.60

Or $5.13 per ton.

C[9].

From observation at the works, it is estimated that in the nine main operations of transportation of ingot, forging, and plate in various stages of manufacture from one building to another (see B[9]) the cost for labor is on each occasion at least $1.50; total, $13.50, or 50 cents per ton of plate. (See Note A.)

C[10].

From observation at the works, the cost of labor in annealing plates is as follows:

2 men, 2 shifts, at $1.50	$6.00
Crane	.75
Total	6.75

Or 25 cents per ton of plate.

C[11].

From observation at the works, the cost of labor in testing, scaling, analyses, etc., is as follows:

Scaling 3 times, 2 days each, 6 days, at $1.50	$9.00
Drilling 6 test specimens, 1½ days, 1 man, at $1.50 and 1 at $1.15	3.98
Drilling 3 carbon analyses, 1 man at $1.50 and 1 at $1.15, 2 days	7.30
Labor at testing machine, one-eighth day, at $1.50	.37
Total	20.65
Per ton of plate	.76

(See Note A.)

C[12].

From observation at the works, it is estimated that the labor expended on special prints, sketches, molds, and templates required in the various stages of manufacture amounts to 50 cents per ton. (See Note A.)

C[13].

From observation at the works, it is estimated that the cost in labor in laying off, marking, laying off bolt holes, and getting ready for machining, fitting, rectifying, etc., after the various operations of forging, rough machining, carburizing, second machining, tempering, final machining, and erection, will amount to four days' work of 1 man, at $3.

1 man, at $2.50	$22.00
Operating crane, help in blocking up, etc	3.50
Total	25.50
Or per ton	1.00

(See Note A.)

C[14].

From observation, the cost of labor in setting up finished structures for inspection is as follows:

Two $3 men, two $1.15 men, 2 days	$16.60
Crane operator, 5 hours, to set up a turret or section of side armor, one-half day, at $1.50 per diem	.75
Total	17.35
For structure from 5 to 6 plates	17.35
Or per 27-ton plate	3.50
Or per ton of plate	.13

(See Note A.)

C[15].

From observation at the works, the cost of labor in fitting 24 bolts to 1 plate is as follows: Two men, two-thirds of a day, one at $2.50 and the other at $1.50, $2.666, or 10 cents per ton of plate. (See Note A.)

The sums paid for information and advice in establishing plant are indeterminable.

Nothing is allowed for royalties for reforging.

The royalty for the processes of introducing nickel, if any is allowed, is indeterminable.

F[1].

It is assumed that the office expenses, contingencies, stationery, secretaries, postage, telegrams, fuel, light, furniture, traveling expenses, and miscellaneous supplies amount to 2½ per cent of the cost of labor and material combined, or $3.34. (See Note A.)

In explanation of this item attention is called to the closeness of inspection and the care with which the various processes must be followed and recorded. The question as to the acceptability of a plate may be raised a number of times at various stages in its manufacture instead of only once, as occurs under foreign contracts or commercial material. This involves a vast amount of correspondence and clerical work.

G[1].

It is assumed that the cost of experimental and original work done by the contractors in filling a contract is at least 1½ per cent of the combined labor and material on that contract, or $1.67. (See Note A.)

This item is due to the fact that certain novelties in shapes, dimensions, and other requirements of the plates are introduced in every contract.

H[1].

It is assumed that the salaries paid the various officials of the company, under the headings of administration, engineering, and superintendence, are

as follows, and estimating the output as 3,000 tons per year, the charge per ton is $21.40:

Administration.		Engineering.		Superintendence.	
Vice-president	$10,000	Chemist (one-half)	$2,000	Forge superintendent	$3,000
Purchasing agent (one-half)	1,000	Superintendent (one-half)	3,000	Assistant	1,200
Clerks, stock keeper, typewriters, 20 (one-half on Government, 900)	9,000	Ordnance engineer	5,000	Second assistant	1,800
Managing director (one-half)	6,000	Clerk	1,800	Superintendent of treatment	3,000
President (one-half)	4,000	Metallurgist	1,850	Assistant superintendent of treatment	1,000
Superintendent of transportation	1,000		13,650	Second assistant superintendent of treatment	1,200
Assistant, transportation	500			Machine shop	1,000
	31,500			Second machine shop	1,200
	13,650			Melting department	3,000
	18,900			Assistant	2,500
	64,050				18,900

$64,050÷3,000=$21.40.

In those cases where an official's duties also involve commercial matters only a proportionate charge is made. (See Note A.)

It will be noted that the importance and novelty of the various operations of armor manufacture are such as require a far more expensive superintending and engineering establishment than in the case of a purely commercial manufactory.

J¹.

The armor manufacturer is peculiarly liable to losses which can not be foreseen and guarded against, even though the most skilled labor and superintendence is employed. These losses are in each instance large, as the weight of each plate forms a very appreciable part of the entire weight in the contract. Frequently these plates do not show their defects until the last stages of the manufacture are reached, and fully 99 per cent of the cost to the manufacturer has been expended upon them. For example, in one instance early in the manufacture of armor in this country an entire group, comprising 150 tons, that of the *Monterey's* barbettes, proved defective on final test and was rejected. Later the same firm lost in four plates, viz, one *Indiana's* side, 35 tons; one *Massachusetts'* side, 35 tons; one *Iowa's* 12-inch turret, 35 tons; one *Oregon's* 13-inch turret, 25 tons; a total of finished armor of 130 tons, or 1.3 per cent of the total armor at that time contracted for by this firm. (See Note A.)

J².

This, however, does not include the numerous failures which have occurred at various stages in the manufacture; for example, losses in pouring, defects discovered in ingot in forging, defects discovered in slab in machining, defects manifested or produced in carburizing and tempering. It has, for example, been necessary to pass a number of the *Massachusetts'* side and *Oregon's* turret plates a second time through the carburizing process, while retempering is frequent. The losses arising in this manner have been considerable. As it is impossible, however, to form an exact estimate, it is deemed a fair assumption to place it at 6 per cent of the cost of the finished plate. This amounts to $31,161.60 per 3,000 tons of output, or $10.38 per ton of plate.

K¹.

With regard to the business profit, it is believed, judging from the periodical statements of corporations engaged in the manufacture of commercial products, that a semiannual dividend of 3 per cent is not excessive.

It is therefore regarded that an annual profit amounting to 6 per cent of the capital stock should be allowed to the stockholders. This amounts to $245,-251.30, or $81.75 per ton of plate.

L¹.

It is said to be customary in manufacturing concerns to charge as an expense 10 per cent of the cost of plant and working capital to cover taxes, insurance, repair to buildings, wear and tear of plant, and interest on the money invested in plant. This amounts to $353,700, or $117.90 per ton of plate.

M¹.

It will be remarked that the assumption is made in this estimate that 6,000 tons of armor will be purchased annually by the Government from the two firms. The Government is not committed to any such arrangement, and the uncertainty of its action constitutes a serious menace to the security of the money invested in armor plants. Should the works be closed for one year, the fixed charges for insurance, taxes, maintenance, repair, interest, and a mere care-taking administration would consume the profits of two working years. Should less than 3,000 tons be demanded for any year from either firm, the profit would be diminished far more than proportionately to the lesser tonnage of output, on account of the preponderance of fixed charges independent of the output. In fact, the most striking feature of the problem is the immense cost of the machinery and the comparatively small number of men required to work it. There is a great disproportion between the amount of capital invested in the plant and that required for the payment of labor. This is entirely due to the fact that the pieces of armor, even in a large contract, are few in number, owing to their great individual weight; there is, moreover, hardly anything of importance in their manufacture which it is possible to do by hand. Everything is done by machinery of the heaviest and most costly description.

M².

Considering the question of a continued demand for armor, opinions vary as to the number of battle ships necessary. A larger number than 20 has, however, never been suggested. If, then, it be assumed that the two armor-making firms will be given contracts for the armor of that number of vessels in such quantities and at such times as will enable them to work continuously, turning out 3,000 tons per annum, until those 20 ships are completed, it must be admitted that a most favorable view of their prospects is taken. Of the 20 ships, the armor for 6 has already been either delivered or contracted for. There then remain 14 battle ships to be provided for at 2,800 tons per ship, a total of 39,200 tons, or 19,600 tons for each plant.

The armor makers are fully capable of supplying all of this armor that will be required in six and one-half years. We know that great losses and expensive mistakes, due to errors in management and lack of skill and proper appliances for work, must be charged against the comparatively high price paid for armor in the past. Nevertheless, it is assumed that there should be, over and above a fair profit on the money invested, a sum which could be regarded as a sinking-fund charge per ton of output for the purpose of reimbursing the owners for the cost of the special plant, which can not be used for making commercial steel and which would lose its value as an investment on the completion of the last armor contract.

M³.

The armor per battle ship having been taken as 2,800 tons and the annual output as 3,000 tons, it is assumed, for the purpose of arriving at a per annum sinking-fund charge, that all the armor of the 20 ships will be delivered by the makers at the uniform rate of 3,000 tons per year in 9.13 years. This is not the case. The armor has been delivered in the past far less rapidly, so they have received a less sum of money per annum. Thus it appears necessary, by compounding, to have accumulated from the annual charge a sinking fund of $1,560,000 at the end of 9.13 years.

M⁴.

The sinking fund should closely approximate the value of the special plant 6.5 years after the completion of the six battle ships referred to. Should the armor makers fail to obtain contracts for a single year, however, the interest on the money invested and the fixed charges on this special plant would make a serious raid on the sinking fund, so that the conditions thereafter would be different, calling for a higher price for armor than if the output had been continuous. The special plant to be represented by this sinking fund, and which can not be utilized in manufacturing commercial steel, is exclusive of buildings, land, and stock, and is made up as follows:

Forging press, engines, furnaces, and double cranes	$500,000
Bending press, engines, furnaces, and cranes	200,000
Building containing the two presses, the foundations, etc	100,000
Harvey plant, carburizing and tempering furnaces, tempering apparatus, oil tank, and cranes	300,000
Building containing Harvey plant	60,000
Casting pit, its cranes, and the two 60-ton machine-shop cranes	350,000
Fifteen heavy armor machines, saws, planes, etc	150,000
Total	1,560,000

Or $133.211 per annum, or $44.40 per ton of plate.

It is agreed that upon completion of the armor contracts this special plant will still have a speculative value, in that if there should be war or preparations for war at any time thereafter, additional contracts for armor may be given, and that, having established themselves, the armor makers can compete in foreign countries for contracts. On the other hand, this plant will have been actively employed on the heaviest and roughest kind of work for a number of years. Its principal parts, therefore, will surely have suffered a deterioration such as has not been contemplated and could not be remedied by the moderate annual charges for wear and tear. This plant also already shows indications of being less economical of operation than would be the case in a new plant constructed with our present knowledge. At the future time considered, this feature will be more marked. It is believed in consequence that this plant will then undoubtedly have a value, but the cost of operating it will be relatively greater and impediments and breakdowns may be expected, so that the charges for wear and tear and use of machinery, in making up the cost of armor, would then be increased. On the other hand, this plant, so far as it is not entirely replaced by a fresh outlay of capital, should no longer have any value as an investment, and the Government in making new contracts should profit by the removal from the cost of manufacture of the items "Sinking fund" and "Interest on special plant." This diminution in cost would be about $70 per ton.

With regard to the cost of fuel employed in the manufacture of armor: A purer and more expensive quality of coal is required in the production of steel by the acid process at Bethlehem than at Homestead, where the basic process is used. There are also considerable differences in the freight and other charges arising from location, ownership or control of mines, etc. The prices taken are those believed to be paid by the Bethlehem Iron Company. We have been informed, however, that coal at the Homestead Steel Works costs but $1 a ton, and the following estimate is based upon that cost:

Operation.	Cost of coal per ton of plate for operation.		
	Bethlehem.	Carnegie.	Difference.
Harveying	$18.15	$5.50	$12.65
Forging	9.67	2.83	6.84
Machining	5.32	1.77	3.54
Bending	3.11	.89	2.22
Tempering	.89	.23	.66
Annealing	.59	.15	.44
Transportation	1.17	.39	.78
Handling in shops	.75	.25	.50
Total			27.63
Add 10 per cent for cost of maintaining plant in readiness for work			2.76
Total			30.39
Add 6 per cent to cover losses			1.82
Total			32.21
Add 6 per cent of capital invested for dividends			1.93
Total			34.14

EXHIBIT No. 5.

REPORT OF LIEUTENANT-COMMANDER RODGERS, INSPECTOR OF ORDNANCE AT BETHLEHEM IRON WORKS.

Determination of the cost of manufacture of armor.

ADMINISTRATION, INCLUDING SUPERINTENDENCE, OFFICE EXPENSES, ANALYSES, DRAFTING ROOM, AND TESTING.

President	$15,000
Vice-president	6,000
Second vice-president	10,000
Secretary	3,000
Treasurer	3,000
Purchasing agent	3,000
18 clerks	9,900
Total	49,900
One-fourth to armor	12,475

MILL OFFICE.

General superintendent, assistant superintendent, 4 heads of departments, and about 10 clerks	$35,000.00
Drafting room, 12 men	9,600.00
Testing room, 2 assistants, 1 mechanic	2,000.00
Chemical laboratory, 1 chief and 4 assistants, 20 helpers	14,500.00
Total	61,100.00
One-fourth to armor	15,275.00

TEMPERING DEPARTMENT.

Superintendent and two clerks	4,200.00
One-half to armor	2,100.00
Assistant to superintendent	1,500.00
	3,600.00

HAMMER DEPARTMENT.

Superintendent and assistant	4,500.00
6 clerks	1,500.00
Total, all to armor	6,000.00

OPEN-HEARTH DEPARTMENT.

Superintendent and assistant	5,500.00
3 clerks	1,500.00
Total	7,000.00
One-half to armor	3,500.00

OFFICE SUPPLIES (INCLUDING CHEMICALS).

For all	3,000.00
One-fourth to armor	750.00

MISCELLANEOUS.

Telephone	1,080.00
One-fourth to armor	270.00
Travel, all to armor	5,000.00
Telegraphing, long-distance telephone, postage, credited to armor	200.00
Total, miscellaneous	5,470.00

SUMMARY OF ADMINISTRATION.

Head office	12,475.00
Mill office	15,275.00
Tempering department	3,600.00
Hammer department	6,000.00
Open-hearth department	3,500.00
Office supplies	750.00
Miscellaneous	5,470.00
Total cost of administration for 3,000 tons	47,070.00
Cost per ton	15.69

OPEN-HEARTH DEPARTMENT—COST OF CHARGE.

Material.	Weight.		Cost.
	Pounds.		
Wash metal	47,993	$26 per ton	$557.06
Nickel scrap *	70,172	¼ cent per pound	526.29
Nickel oxide (76 per cent)	2,131	28 cents per pound (pure nickel).	453.48
Spiegel (10 per cent)	1,253	$35.50 per ton	18.74
Ferro manganese (80 per cent)	1,620	$49 per ton	35.63
SiMn	1,128	$49 per ton	24.68
Ore	1,001	$5 per ton	2.20
	125,307		1,618.08
Weight of ingot (52.1 tons)	116,700		
Weight of charge (55.94 tons)	125,307		
Weight of plate (18.234 tons)	40,845		
Total discard and loss	84,462		
Allowing 10 per cent loss in furnace, at forge and machine shop.	11,670		
	72,792		
Value of scrap, at ¼ cent per pound			545.94
True cost of charge			1,072.14
Cost of charge per ton of ingot			20.58
Cost of charge per ton of plate			58.80

* The cost of cutting up the scrap is given the head of "Forging." Discard obtained from average of plates.

OPEN-HEARTH DEPARTMENT.

Fuel (cost of fuel used in melting charge, running single turn):		
Weight of fuel used, 50 per cent of weight of charge melted.		
Weight of charge, (125,307 pounds)	tons	55.940
Weight of ingot (116,700 pounds)	do	52.100
Weight of plate (40,845 pounds)	do	18.234
Price of coal per ton		$3.25
Cost of fuel (one-half of 55.94 × $3.25)		$90.90
Cost per ton of plate		$4.98
Steam for running cranes given under head of "Motive power."		
Labor (for preparing furnaces, preparing charge, charging furnaces, melting and pouring charge):		
One head melter, at $5 per day, two shifts, one-half to armor		$5.00
Four melters, at $12 per day, two shifts, all to armor		24.00
Four pitmen, at $6 per day, two shifts, all to armor		12.00
Two ladle men, at $4 per day, two shifts, all to armor		8.00
Labor (for preparing furnaces, preparing charge, charging furnaces, melting and pouring charge)—Continued.		
Four crane men, at $6 per day, two shifts, all to armor		$12.00
Seven helpers, for getting up charge, etc		10.50
Twelve men at producers, at $18, two-thirds to armor, two shifts		24.00
Six coal passers for producers, at $9, two shifts, two-thirds to armor		12.00
One heater, two shifts, all to armor		4.00
One train man, two shifts, at $1.25		2.50
One head ladle man, at $3, one half to armor, two shifts		3.00
One weigher, at $3, all to armor		3.00
Cost of labor for melting for plate of 18.234 tons		120.00
Cost of labor per ton of plate		6.51
Preparing molds:		
One foreman, at $3, three shifts		9.00
Seven molders, at $14, three shifts		42.00
Two men, placing and bolting flask, one shift		4.00
Cost of labor for preparing molds		55.00
Material		15.00
Total cost of preparing molds for 18.234 tons plate		70.00
Cost per ton of plate		3.84
Repairing furnaces, bricks, nozzle troughs, relining and drying ladles, making flasks, stripping and getting out of pit and chipping ingot:		
From observation the cost per ton of ingot is		2.00
Therefore the cost per ton of plate is		5.71
Transportation, including transportation of ingot and plate to and from various places of manufacture, moving stock, coal, ashes, etc. (3 engines and 15 men during the day, 1 engine and 5 men at night):		
Coal used, 2 tons per engine, 8 tons, at $3.50 per ton		28.00
Four engineers, at $2.50 per day		10.00
Sixteen brakemen and trackmen, at $1.50 per day		24.00
Incidentals, 15 per cent of labor		5.10
Total		67.10
Manufacturing 10 tons per day, per ton		6.71

FORGING, REFORGING, AND CUTTING UP SCRAP.

Fuel for heating 12 producers, each estimated to use 3 tons of coal per day, at $3.25 per ton (12 × 3 × $3.25) equals		117.00
Labor:		
Foreman	$4.00	
Assistant foreman	3.00	
Press gang, sixteen, at $2.50	40.00	
Three heaters, at $2.50, 2 shifts	15.00	
Three helpers, at $1.20, $3.60, 2 shifts	7.20	
One engineer	4.00	
Two oilers	3.50	
One helper	1.00	
Two watchmen	3.00	
Nine men at producers, $13.50, 2 shifts	27.00	
One man in charge	2.00	
Four coal passers	5.00	
		114.70
		231.70
Add 15 per cent of labor for Sunday labor, tools, templets, carbon, sand, bricks, oil, waste, and incidentals		17.20
		248.90

In 29 working days of 10.5 hours 388 tons of plate were forged and scrap cut up; and it is estimated from observation of two plates that the same amount could be reforged and cut up in 67 hours; or that 11 tons of plate could be forged, reforged, and scrap cut up in one day. $248.90÷11=$22.63 per ton for forging, reforging, and cutting up scrap.

POWER.

Fifteen firemen, at $1.75, $26.25, 2 shifts	$52.50
Two water tenders, at $2, $4, 2 shifts	8.00
Five coal passers, at $1.25, $6.25, 2 shifts	12.50
	73.00
Add 10 per cent for tools, incidentals, and Sunday labor	7.30
	80.30

FUEL.

From observation, it is estimated that the expenditure of coal for the battery of boilers supplying steam to the armor plant amounts to 90 tons per day. It is further estimated that one-third of the steam from this battery is used for other purposes than the manufacture of armor, leaving 60 tons to be charged to armor: 60 tons, at $2	120.00
	200.30

Part of the steam being used for the presses producing 11 tons of armor per day, and part for other shops producing only 10 tons: 10| is taken as the average for power, which gives $200.30÷10.5=$19.08 per ton for power.

TEMPERING.

Coal for heating furnace, 6 tons, at $3.25		$19.50
Wood for heating furnace		5.00
Ice for tanks, 1 ton		5.00
Salt, 2 bags		1.50
Oil in tempering		5.00
Total, material		36.00
Repairing heating furnace	$2.00	
Two heaters, at $3, 2 shifts	6.00	
Men at pumps	.50	
Men at plate	1.50	
Taking plate from oil and washing	1.00	
		11.00
10 per cent of labor for incidentals		1.10
Cost of tempering 20-ton plate		48.10
Cost per ton		2.41

CARBONIZING.

A furnace charge for carbonizing consists either of one large or two small plates, and the average weight of charge is estimated to be 30 tons, and the cost as follows:

Sand, 2 tons, and placing	$20.00
Carbon, 1 ton	30.00
Repairing furnace	20.00
Coal,* 122 tons, at $3.25 per ton	396.50
Wood	2.00
Labor, 2 heaters, 2 shifts, $5, 22 days	132.00
Labor, 1 coal passer, 2 shifts, $2.50, 22 days	55.00
Labor for cranes and other general work, including foreman, $1 per day, 30 days	30.00
Scaling, 3 men, $1.50, 4 shifts, $18, 3 times	54.00
5 per cent of labor for shop expenses	13.55
Cost of carbonizing 30 tons	753.05
Cost per ton	25.10

MACHINING PREVIOUS TO HARVEYIZING. (SINGLE FORGED PLATE.)

Planer, 1 machinist, and 1 helper, 216 hours, at 32 cents per hour	$69.12
Allowing 6 cents per hour for shop expenses	12.96
Cost for 40 tons	82.08
Cost per ton	2.05

MACHINING OF IOWA'S FIRST TURRET.

[Labor: Pay for machinist, 21 cents per hour; for helper, 11 cents per hour.]

Machine.	Men.	Hours on machine.	Cost of labor.
Planer	1 machinist, 1 helper	451½	$144.48
Saw	1 machinist, 1 helper	130	41.60
Shaper	1 machinist, 1 helper	24	7.68
Laying off	1 machinist, 1 helper	5	1.60
Total (labor)		610½	195.36
Allowing 6 cents per hour for shop expenses, including use of crane, oil, waste, etc.			36.63
Total cost of machining, exclusive of bolt holes			231.99

Bolt holes.

From observation, 7 men working three days, 2 shifts, should be able to complete the 32 bolt holes required. Seven men paid 11 cents per hour for seventy-two hours	$54.44
Allowing 6 cents per hour shop expenses	4.32
Total cost of bolt holes	58.76
Total cost of machining, including bolt holes, 40-ton plate	290.75
Cost per ton of machining plain plates	7.27

Machining (additional for port plates).

Machine.	Men.	Hours on machine.	Cost of labor.
Drill press	1 machinist, 1 helper	1,008	$322.56
Allowing 6 cents per hour for shop expenses.			60.48
Chipping face	4 machinists	144	120.96
Allowing 6 cents per hour for shop expenses.			8.64
Drift chip and grind ports	3 machinists	720	453.60
Allowing 6 cents per hour for shop expenses.			43.20
Total additional for port plate of 40.0625 tons.			1,009.44
Additional per ton			25.19

NOTE.—The *Iowa*'s turret consists of 1 port plate, weighing 40.0625 tons, and 4 other plates weighing 156 tons, making a total of 196.0625 tons.

Cost of machining 196.0625 tons of plate, at $7.27 per ton	$1,425.37
Additional cost for port plate	1,009.44
Total cost of machining turret (exclusive of top)	2,434.81
Cost of machining, per ton (exclusive of tops and hoods)	12.42
Cost of machining, per ton, previous to harveyizing	2.05
Total cost, per ton, of machining	14.47

* *Coal used in carbonizing 3 plates—official record.*

Indiana turret, 5670 Bl, weight	65,154 pounds	= 120.02 tons
Massachusetts side armor, 5624 Bl, weight	75,500 pounds	= 132.00 tons
Massachusetts side armor, 5671 Bl, weight	75,500 pounds	= 140.32 tons
	216,154 pounds	= 392.34 tons
Coal per ton of armor		4.064 tons
Coal for 30 tons		121.92 tons

Machining top of Iowa's turret, including fitting sight hoods and butt straps.

[Pay of machinists, 21 cents per hour; helpers, 11 cents per hour. Allowing 6 cents per hour for 2 men for shop expenses.]

Work.	Men.	Hours.	Cost per hour.	Cost.
Fitting templates and timbering up	5 skilled men, 4 helpers	10½	$1.79	$18.80
Laying off	5 machinists, 5 helpers	10½	1.90	19.95
Portable drills	3 machinists	437	.73	314.64
Drill press	2 machinists, 2 helpers	214	.76	162.64
Work on blocking	1 skilled man, 1 helper	10½	.38	3.99
Chipping	4 machinists	360	.96	374.40
Fitting plates	2 machinists, 2 helpers	24	.76	18.24
Tapping holes	2 machinists, 2 helpers	58½	.76	44.46
Planers	2 machinists, 2 helpers	184	.76	139.84
Fitting holes for sight hoods	1 machinist	96	.24	23.04
Setting up	2 machinists	2	.48	.96
Fitting hoods	2 machinists	129½	.48	62.16
Total cost for machining 21.7375 tons.				1,183.12
Cost per ton				54.43

Machining two sight hoods, including tools.

Tools.	Men.	Hours.	Cost.
Turning, boring, and fitting	1 machinist, at 21 cents; 1 helper, at 11 cents; shop expenses, 6 cents; total, 38 cents per hour.	300	$114.00
Drilling	Same, at 38	412	156.56
Chipping, fitting, and inspection	2 machinists, at 21 cents; shop expenses, at 6 cents; total, 48.	220.5	105.84
Machining 4.52 tons (estimated weight).			376.40
Cost per ton			83.27
(Estimated weight of auxiliary sight hood, 1.65 tons.)			
Cost of machining auxiliary sight hood, at $83.27 per ton.			137.40
Cost of machining two main sight hoods.			376.40
Additional for welding, testing, fitting, and tapping sight-hood rings.			50.00
Total cost of machining 6.17 tons.			563.80
Cost per ton			91.38

Summary of Iowa's turret.

Cost of machining 196.0625 tons, at $14.47			$2,836.74
Cost of machining 21.7375 tons, at $54.43			1,183.12
Cost of machining 6.17 tons, at $91.38			563.80
Total	223.97	tons	4,583.66
Cost per ton			20.47

Machining of reforged plate of 6.6 tons.

Work.	Men.	Hours.	Cost.
Planing	1 machinist, 1 helper	250	$80.00
Sawing	1 machinist, 1 helper	260	83.20
Scaling	3 helpers	48	15.84
Measuring up	2 machinists	2	.84
Drill press	1 machinist, 1 helper	5	1.60
Planing	1 machinist, 1 helper	192	61.44
		757	242.92
Allowing 6 cents per hour for shop expenses			45.42
Total cost of machining 6.6 tons			288.34
Cost per ton			43.69

MACHINING.

Cost of machining turret top, per ton	$54.43
Cost of machining sighting hoods	91.38
Cost of machining single forged side plate of turret, including port plate	14.47
Cost of machining reforged triangular athwartship plate	43.69

It is estimated that the reforging of this plate doubled the cost of machining, but it is expected that the extra cost may, with experience, be reduced one-half.

We have, therefore, cost of machining	$14.47
Single-forged plate, 50 per cent additional	7.24
Cost of machining reforged turret plate	21.71

Which cost is taken as the average cost of machining face-hardened reforged armor plate.

BENDING, ANNEALING, AND STRAIGHTENING.

[Six tons of coal, at $3.25 per ton, used per furnace, 2 furnaces used; 10 men at press, 1 shift, at $2.50 per day; 1 foreman, $3; 2 heaters, at $2.50, 2 shifts.]

Coal used, 12 tons, at $3.25 per ton	$39.00
10 men at press and pumps, at $2.50 per day	25.00
1 foreman	3.00
2 heaters, 2 shifts, at $2.50	10.00
Cost for 10 tons (limit per day)	77.00
15 per cent of labor for tools, oil, waste, bricks, sand, carbon, and incidentals	5.70
Total	82.70
Cost per ton	8.27

FITTING PLATE, SETTING UP, AND FINAL INSPECTION.

[Four machinists and 4 helpers (2 shifts), for 9 days, allowing $1.50 per hour for wages and shop expenses.]

4 machinists and 4 helpers, at $1.50 per hour, 216 hours	$324.00

COST OF SETTING UP IOWA'S TURRET OF 224 TONS.

Cost per ton	$1.44

FINAL SCALING, DISMOUNTING AFTER INSPECTION.

Shipping, marking, stamping, painting, preparing cars for shipping—	
For a 20-ton plate	$20.00
Per ton	1.00

TESTING.

Drilling out test specimens, included in machining.

Labor of making tests, chemical and physical, included in mill office, under administration. Cost of chemicals included under office supplies.

Supplying blue prints, sketches, drawings, etc., keeping records, making reports of progress, included under mill office and office supplies.

YARDMEN.

It is estimated that about 15 men and 1 foreman are engaged as watchmen and in handling stock and ashes and caring for inspectors' offices that should be charged to armor.

1 foreman, at $3 per day	$3.00
15 laborers, at $1.50	22.50
Cost for 10 tons	25.50
Cost per ton	2.55

ELECTRIC LIGHTING.

1 machinist	per hour	$0.21
1 helper	do	.11
Oil, waste, etc	do	.06
Cost	do	.38
Cost per day		9.12
Carbons		1.00
Total per day		10.12
One-half to armor		5.06
At 10 tons per day gives, per ton		.51

SUMMARY.

Administration	$15.69
Charge	58.80
Fuel in open-hearth department	4.98
Labor in open-hearth department	6.51
Preparing molds	3.84
Repairing furnace, drying ladles, chipping ingot, etc	5.71
Transportation	0.71
Forging and reforging	22.63
Power	19.08
Tempering	2.41
Carbonizing	25.10
Bending, annealing, and straightening	8.27
Fitting and inspection	1.44
Final scaling and dismounting	1.00
Yard men	2.55
Electric lighting	.51
Cost, exclusive of machining, of 1 ton of reforged harveyized armor	185.23
Machining reforged armor	21.71
Cost of manufacture of 1 ton reforged armor	206.94
Allowing 10 per cent for rejections in course of manufacture, experiments, etc	20.69
Final cost of manufacture of reforged armor	227.63

Plant running 3,000 tons per year.

Under the head of forging, reforging, and cutting up scrap it was found that 388 tons were forged and scrap cut up in twenty-nine days, or 13.38 tons per day, at a cost of $248.90 per day, giving as cost of single forging and cutting up scrap $18.60 per ton, $4.03 less than reforging.

Cost of manufacture, exclusive of machining, of reforged armor	$185.23
Less	4.03
Cost of single-forged plate	181.20
Cost of machining, per ton, *Iowa* turret, exclusive of top and sight hoods	14.47
Cost of manufacture of 1 ton of single-forged harveyized armor	195.67
Allowing 10 per cent for rejections during process of manufacture, experiments, etc	19.57
Final cost of manufacture of 1 ton single-forged armor, plant running 3,000 tons per year	215.24
Cost of manufacture, reforged armor, output of 3,000 tons per year	206.94
Allowing 15 per cent for rebuilding fires, care of idle plant, hold men when unemployed, etc	31.04
Cost per ton of manufacture	237.98
Allowing 10 per cent for rejections, experiments, etc	23.80
Cost of manufacture of reforged armor when plant is running at 2,000 tons per year	261.78
Cost of manufacture, per ton, of single-forged armor, assuming output of 3,000 tons per year	$195.67
Allowing 15 per cent as before	29.35
Cost to manufacture	225.02
Allowing 10 per cent for rejections, experiments, etc	22.50
Cost of single-forged armor when plant is running at 2,000 tons per year	247.53

EXHIBIT No. 6.

REPORT OF ENSIGN C. B. M'VAY, INSPECTOR OF ORDNANCE AT THE CARNEGIE STEEL WORKS.

A.

OFFICE OF INSPECTOR OF ORDNANCE,
Homestead Steel Works, Munhall, Pa., August 4, 1896.

SIR: 1. In obedience to instructions, I have the honor of submitting the following estimate on the price of armor. In making this estimate, I have depended upon the prices given me by Pittsburg men in the steel business, and stock quotations.

2. The value given the plant is my estimate, and I do not think it to be unjust to the company.

3. Where possible, I have calculated the cost for a charge of about 125,000 pounds, the finished plate to weigh 15 tons. Where the individual steps were not distinguishable, I have taken the yearly output (average delivery from July 23, 1893, to March 8, 1886, 2,766 tons per year).

4. In calculating the cost of forging and similar processes, I have taken the yearly expenses into consideration. As the men are not employed throughout the year, this error will be in the company's favor.

Very respectfully,

CHAS. B. McVAY,
Ensign, United States Navy, Ordnance Inspector.

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

B.

1. Value of charge per ton	$99.86	
2. Preparing charge	.43	
3. Melting charge	4.62	
4. Preparing ladles, etc	6.20	
5. Forging, reforging, bending	19.00	
6. Carburizing	33.70	
7. Water tempering	2.20	
8. Chipping and scaling	2.10	
9. Power	10.34	
10. Machining	37.65	
11. Salaries	13.31	
Testing (chemical, physical)	5.00	
Total	204.41	$204.41
Allowance for carburizing	76.53	
Cost per ton	127.88	
Rejection, 10 per cent	12.79	20.44
Total	140.67	224.85
Deterioration of plant, 10 per cent	108.46	108.46
Dividend, 6 per cent on $3,000,000	65.08	65.08
Value per ton	314.21	398.39

Where there is no allowance for carburizing, the value per ton is that given in second column.

Prices of material, market value at Pittsburg.

Pig iron, per ton	$12.50
Metallic nickel, per pound	.34
Ferro-manganese, per ton	48.50
Silico spiegel, per ton:	
10 per cent	32.00
12 per cent	35.00
15 per cent	38.00
Natural gas in large quantities, per 1,000 cubic feet	.10
Iron ore, per ton	3.50
Slack coal, per ton	1.00
Coke, per ton	2.50
Limestone, per ton	1.15
Calcium, per ton	3.00
Nickel scrap (calculated as having nickel of the value of $15 per ton, and $15 per ton for cutting up)	30.00
Harvey mixture, per ton, assumed	30.00

1.

Value constituents of an average charge of about 125,000 pounds.

	Pounds.	Tons.	Price per ton.	Total cost.
Pig iron	46,000	20.535	$12.50	$256.69
Nickel scrap	74,000	33.035	30.00	991.05
Nickel oxide	1,240	.554	560.00	311.24
Ferro-manganese	1,950	.870	49.00	42.63
Manganese ore	300	.134	3.50	.47
Total	123,490	55.128		1,601.06
Coke	270	1.20	2.50	.30
Limestone	9,000	4,013	1.15	4.61
Total	132,760	59.261		1,605.99

PRODUCT.

36.3 tons of nickel scrap, at $15	$544.50
1.7 tons pit scrap, at $3	13.60
Total	558.10
15 tons value	1,047.89
Value per ton	69.86

2.

Preparing charge.

8 laborers 1 hour, at 14.3 cents	$1.14
1 weigher 1 hour, at 20 cents	.20
1 charger, at 8.62 cents (55 tons)	4.74
1 crane man, handling scrap, 1 hour	.33
Total	6.41
Cost per ton	.43

3.

Cost of melting charge.

Gas burned per hour, 20,000 cubic feet, at 10 cents per 1,000 cubic feet, for each furnace, 9 hours to melt charge, two furnaces		$36.00
Foreman melter, $150 per month and commissions, amounting to $25; looks after 6 furnaces		1.00
1 first helper, per 100 tons	$12.96	
1 second helper, per 100 tons	10.93	
1 boss pitman, per 100 tons	12.93	
1 ladleman, per 100 tons	12.93	
1 pitman, per 100 tons	8.62	
Total (55½ tons)	58.36	33.24
Total		69.24
Cost per ton		4.62

4.

Preparing and repairing ladles and preparing molds.

[After 13 or 14 charges (once a week), 2 masons, at $3.50 per day; 1 helper, at $1.32, 3 hours. Two ladles.]

2 masons, at $3.50 per day	$7.00	
1 helper, at $1.32	1.32	
Total	8.32	
	2	
	16.64	
3 hours, 3 days	4.99	
Material	5.00	
	10.00	
20 per cent use		$2.00
Preparing ladle		1.00
12 men, 2 days, preparing mold:		
10 molders, at $2.50 per day	25.00	
2 helpers, at $1.32 per day	2.64	
Total per day	27.64	
Two days		55.28
Material		20.00
Setting up, 5 men, 1 crane, 2 hours		5.00
Stripping, 2 men 1 day with crane		5.00
Transfers		5.00
Total		93.28
Cost per ton		6.20

5.

Forging—Ingot heating for forging, reforging, and shearing.

	Hours.
Forging	60
Reforging	20
Shearing	10
Bending	10
Total	100

6,000 cubic feet gas per hour, at 10 cents per 1,000 cubic feet	per ton	$4
Men employed, average per year:		
2 foremen, at $125 per month		$3,000
1 foreman large press, at $150		1,800
2 press drivers, at $70		1,680
2 foremen of gang, at $66		1,584
16 helpers, at $60		11,520
1 engineer of large press, at $100		1,200
7 heaters, at $110		9,240
4 cranemen, at $56		2,688
1 millwright, at $63		756
2 foremen small press, at $75		1,800
8 helpers, at $50		4,800
2 engineers, at $66		1,584
Total		41,652
Average output per year 2,766 tons.		
Cost per ton		15
Total		19

6.

Carburization.

Average time in furnace, 630 hours, 6,000 cubic feet per hour, at 10 cents per 1,000		$378.00
1 ton carbon		30.00
5 masons, at 35 cents; two helpers, at 15.3 cents:		
Building up	hours	8
Closing furnace	do	4
Filling gap	do	1
Total	do	13 26.20
4 men preparing bed, 5 hours, at 16.5 cents		8.30
Total		437.50
Cost per ton		29.16
4 heaters, at $110 per month	$5,280	
18 men in shifting gang, at $115	6,480	
1 foreman	900	
Yearly wages	12,660	
Cost per ton		4.54
Total		33.70

7.

Water tempering.

2 bags of salt	$5.00
1 ton of ice	10.00
Water	10.00
Incidentals	5.00
Gas, 5 hours, at 60 cents	3.00
Total	33.00
Cost per ton	2.20

No allowance for handling plate. Regular men, as allowed for in reforging, etc., perform this work.

8.

Chipping and scaling ingot.

Chipping ingot, 4 men, 2 days, at $1.43	$11.44
Scaling for carburization, 4 men, 1 day, at $1.43	5.73
Scaling for reforging, 4 men, 2 days, at $1.43	11.44
Scaling for shipping, 2 men, 1 day, at $1.43	2.86
Total	31.46
Cost per ton	2.10

9.

Power.

30 tons coal per day, at $1	$30.00
12 firemen, at $2.50	30.00
12 coal heavers, at $1.50	18.00
2 water tenders, at $1.70	3.40
Water	10.00
Total	91.40
Cost per ton	10.34

10.

Machining.

Results given below are judged from conversation regarding the cost of machining and the highest estimate taken.

	Per ton.
Oregon side armor (32½), $855	$26.50
Iowa barbette (30), $319 to $750	25.00
Iowa casemate (6½), $446 to $600	92.30
Oregon barbette (42½), $462 to $860	20.23
Olympia turret (22½), $400 to $550	24.44
Total	188.27
Average	37.65

11.

Allowance for carburization.

		Cents.
Plates up to 5 inches in thickness	per pound	4½
Plates up to 8 inches in thickness	do	3½
Plates above 8 inches in thickness	do	2½
Average allowance		3 4/9
Average per ton		$76.53

This to be deducted from the price of armor under contracts previous to June 1, 1896.

12.

Salaries and office expenses not included heretofore.

Assistant to president (assumed)	$6,000.00
Superintendent	2,500.00
Clerk for assistant to president	1,200.00
Stenographer, same	900.00
Bookkeeper, same	1,200.00
Stenographer for superintendent	1,200.00
3 messengers, at $20 per month	720.00
4 draftsmen, at $100, $75, $75, $70	3,840.00
1 foreman of shop	1,800.00
2 assistant foremen, at $125 per month	3,000.00
2 draftsmen helpers, at $50 per month	1,200.00
1 clerk for press shop	660.00
1 shipping clerk	1,000.00
Washington agent (not sure)	5,000.00
President, purchasing agent, treasurer (proportionate part of salaries)	6,000.00
Stationery	600.00
Total	36,820.00
Per ton (2,766 per year output)	13.31

13.

Value of plant.

1 Harvey building	$40,000	2 grinders	$2,000
7 Harvey furnaces	70,000	5 bolt machines	10,000
1 heating furnace	5,000	1 engine and accessories	50,000
1 water-tempering outfit	15,000	1 small planer	1,000
1 oil tank, oil, pipes	15,000	1 tool room, 7 tools	20,000
1 press shop building	100,000	1 carpenter shop	5,000
9 heating furnaces	45,000	1 drill	2,000
1 small press and engine	100,000	2 small engines	5,000
1 large press and engine	500,000	3 open-hearth furnaces	105,000
1 machine-shop building	150,000	1 transfer car	10,000
1 milling machine	5,000	8 cranes, tracks	240,000
1 turret machine	25,000	1 electric charger, track	30,000
1 drilling machine	3,000	2 small engines	5,000
2 saws	15,000	1 shifting engine	10,000
2 small planers	10,000	1 power house, etc	75,000
1 milling machine	2,000	1 pumping station, etc	75,000
4 planers	100,000	1 electric plant	75,000
2 drilling machines	50,000	1 office and laboratory	5,000
1 drilling machine	10,000	Land	550,000
1 scales, car, track	1,000	Stock on hand	300,000
2 drills	4,000		
4 cutting-off machines	120,000	Estimated value of plant	2,970,000
2 drilling machines	10,000		

Amendments to Ensign McVay's report of August 4, 1896, with corrections of items.

[Corrections marked *.]

1. Value charge	*$48.45
2. Preparing charge	.43
3. Melting charge	4.62
4. Preparing ladles, molds, etc.	6.20
5. Forging, reforging, bending	*18.57
6. Carburizing	*23.80
7. Tempering	*3.90
8. Chipping, scaling	2.10
9. Power	10.34
10. Machining	*20.57
11. Salaries	13.31
12. Testing, transfers	5.00
	157.29
Rejection and accidents, 10 per cent	15.73
Deterioration, sinking fund, 10 per cent, 3,000 tons per year	100.00
Dividend on $3,000,000, at 6 per cent, 3,000 tons per year	60.00
	333.02

CORRECTION TO 1—VALUE CHARGE.

In preparing charges for group 1 material was used as follows:

	Tons.	Price.	Value.
Pig iron	585.3	$12.50	$7,316.25
Nickel scrap	782.2	15.00	11,733.00
Silico spiegel	5.4	35.00	205.20
Ferro-manganese	15.0	48.50	727.50
Iron ore	11.0	3.50	38.50
Coke	20.8	2.50	52.00
Limestone	70.1	1.15	80.62
Nickel	25.1		
	1,514.9		20,153.07
Product:			
Pit scrap	28.9	13.60	387.60
Loss	63.4		
Plates	416.0		
Total	508.3		
Charged	1,514.9		
Nickel scrap	1,006.6		
Value 416 tons plate			20,153.07
Per ton			48.45

Company claims scrap costs as much as it is worth to cut it up, and this is allowed.

CORRECTION TO 5—FORGING, REFORGING, BENDING.

Total number of hours group 1 was heated for forging and reforging, 1,923, at 60 cents	$1,153.80
Per ton	2.77
Wages	15.00
	17.77
Bending, 540 hours, at 60 cents ($239.40 per ton)	.80
Total	18.57

CORRECTION TO 6—CARBURIZING.

Total number of hours group 1, heating for carburizing, 10,032 hours, at 60 cents	$6,397.20
Per ton	15.38
Wages	4.22
Carbon	2.20
Repairing furnaces	2.00
Total	23.80

CORRECTION TO 7—TEMPERING.

Total number of hours group 1 heated for tempering, 399 hours, at 60 cents	$239.00
Per ton	.58
Salt	.70
Ice	1.00
Water	1.00
Incidentals	.62
	3.90

CORRECTION TO 10—MACHINING.

Total number of hours group 1 on machines.

No. 1 planer, 768, at 47.35 cents	$362.69	No. 2 grinder, 453, at 55.05 cents	$204.08
No. 2 planer, 836, at 45.08 cents	376.62	Turret machine, 89, at 47.25 cents	42.05
No. 3 planer, 1091, at 45.08 cents	491.80	Test cutters, 576, at 24 cents	138.24
No. 4 planer, 731, at 47.15 cents	305.40	No. 1 drill press, 150, at 18 cents	28.02
No. 7 planer, 509, at 47.25 cents	240.50	416 tons	5,423.58
No. 5 cut-off, 1474, at 54.05 cents	664.04	Extras for doors, etc., 8 tons	389.44
No. 6 cut-off, 1773, at 55.05 cents	798.74	424 tons	5,812.97
No. 4 drill press, 904, at 42.8 cents	386.91	Per ton	13.71
No. 5 drill press, 1661, at 42.8 cents	719.47	Harder plates double this	27.42
Rotary saw, 929, at 55.05 cents	418.51		41.13
No. 1 grinder, 546, at 55.05 cents	245.97	Average	20.57

OFFICE OF INSPECTOR OF ORDNANCE,
HOMESTEAD STEEL WORKS,
Munhall, Pa., August 6, 1896.

SIR: I have the honor of submitting, in addition to the report on the cost of manufacture of armor, the following estimate on the reasonable price to pay for armor under future contracts. In my opinion, the price per ton should be $298.98.

This estimate is made from my own calculations, and I may find reasons for changing it after consultation with other inspectors and further investigation.

Very respectfully,

CHAS. B. McVAY, JR.,
Ensign, United States Navy, Ordnance Inspector.

CHIEF OF BUREAU OF ORDNANCE,
Navy Department, Washington, D. C.

—

From July 23, 1893, to the present time the Carnegie Company have delivered 7,260 tons of armor. There are still undelivered 41 tons, a total of 7,301 tons.

Omitting the profits made previous to July 23, 1893, and assuming the profit on oil-tempered and annealed plates to be the same as that on harveyed armor, and taking the value of the plant to be $3,000,000, we have the following calculations:

Profit from manufacture of 7,301 tons armor, at $260.79 per ton ($575—$314.21), which could go to pay for the plant, and is exclusive of allowance for dividends and deterioration	$1,904,027.79
Value of plant July 23, 1893	3,000,000.00
Present value of plant	1,095,972.21
Taking this new value of the plant, and proceeding on the same lines, we have the cost of armor per ton, harveyed	224.55
Deterioration of plant, 10 per cent (new value)	30.45
Dividend, 6 per cent on $3,000,000	59.86
Value per ton	321.16
Taking into consideration the present contract (June 1, 1896), the company will receive for the manufacture of 3,007 tons of armor	1,060,518.20
Cost of manufacture, at $321.16 per ton	965,728.13
Profit for sinking fund	604,790.08
Value of plant June 1, 1896	1,095,972.21
Value of plant on completion of present contract	491,182.13
Therefore, for further contracts—	
Cost of armor, harveyed, per ton	224.55
Deterioration of plant, 10 per cent (supposing 3,000 tons per year ordered)	13.37
Dividend, 6 per cent on $3,000,000	59.86
Value of armor for future contracts	298.08

—

EXHIBIT NO. 7.

The accompanying chart shows graphically the variations in prices from almost the inception of modern armor making, beginning with the compound armor furnished by Cammel for the turrets of the *Miantonomoh*.

It will be noted that the cost of armor supplied to foreign governments is in practically all cases less than that charged to the home Government. Comparison as to the relation between actual cost and profit of manufacture in different countries can be made only in a general way, many elements, such as the quality of the armor, difference in methods of manufacture, capacity of the plant, cost of labor and material, etc., being indeterminable.

With the development of harveyized or face-hardened armor, when the manufacture of such armor first became general there was a wide difference in prices. It is known that after the first Bethlehem contract with the Russian Government there was a meeting in Paris of representatives of nearly all, if not all, the armor makers of the world. Whether any definite arrangement was made as to the price to be paid for armor in the future is not known. It would seem, however, that some general arrangement was reached fixing the minimum price of nickel-steel face-hardened armor of superior quality at not less than about $520 per ton.

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EXHIBIT NO. 8.

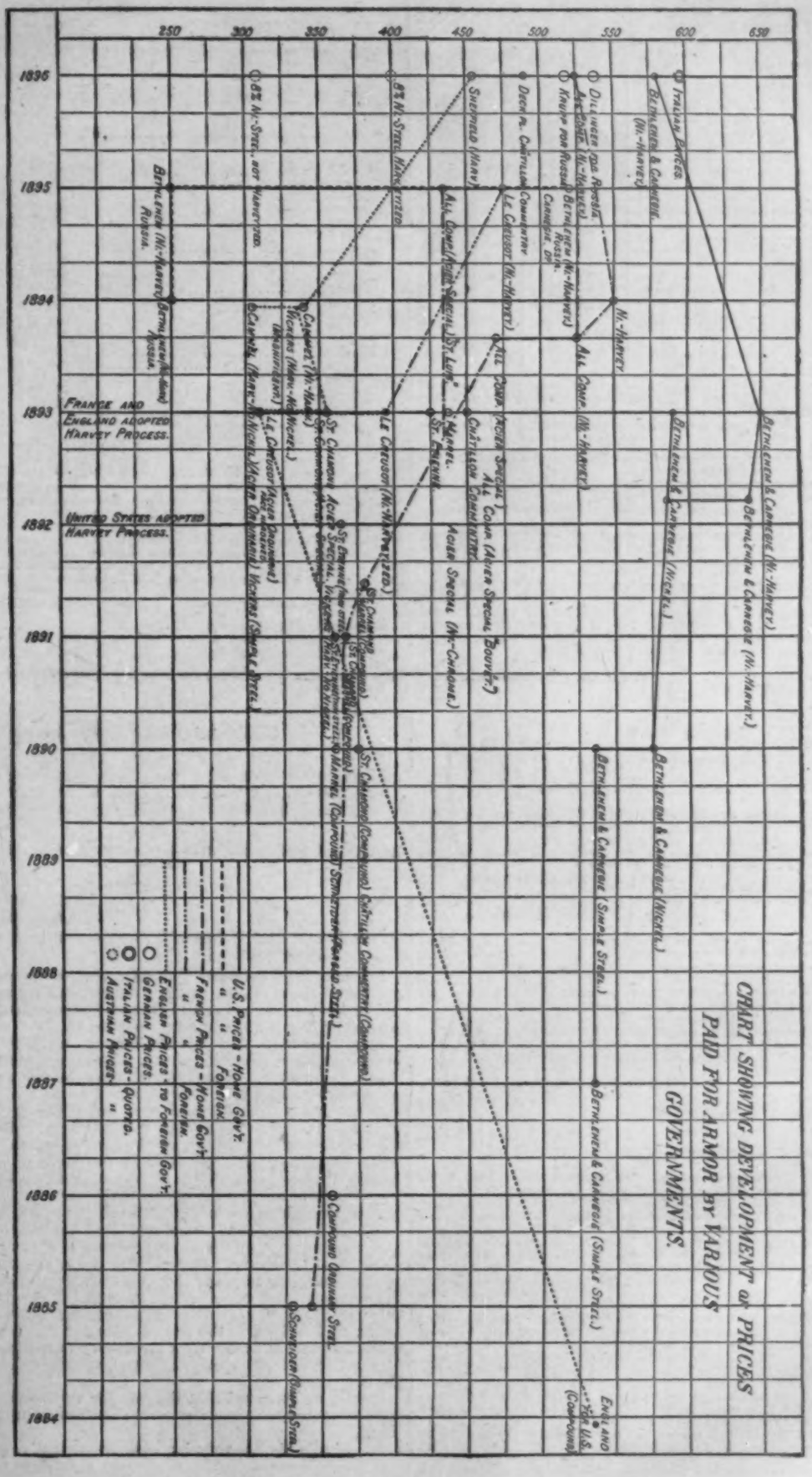
WASHINGTON, D. C., *December 4, 1896.*

SIR: In response to your oral questions, I have the honor to submit the following statement:

On my assuming the duties of inspector at the Bethlehem Iron Works in October, 1888, the establishment of the plant for the manufacture of gun forgings and armor under the contract with the Department of June, 1887, was in its earliest stages. One 12-ton open-hearth furnace was ready and a 25-ton furnace was nearly ready. One hydraulic forging press (25-inch cylinder) was ready, with its heating furnaces and cranes. Work was in progress on other and larger furnaces to be used for armor ingots, but was carried forward slowly, and the heavy hammer was not commenced.

Of the gun forging plant the most backward feature was the oil-tempering building and equipment, and the manufacture of ingots for gun forgings was not commenced until January, 1889.

In the meantime, however, the furnace and presses were employed in the manufacture of shafting for different naval ships under course of construction, the first made being that for the *Philadelphia*. This feature developed rapidly and was a source of considerable revenue at a time when the unfinished condition of the plant brought no returns for gun forgings and armor, especially armor. A weekly report of the progress of the work toward the establishment of the plant was sent to the Bureau of Ordnance.


CHART SHOWING DEVELOPMENT & PRICES
PAID FOR ARMOR BY VARIOUS
GOVERNMENTS.
250
300
350
400
450
500
550
600
650
1896
1895
1894
1893
1892
1891
1890
1889
1888
1887
1886
1885
1884
Bethlehem & Carnegie (Ni.-Harvey)
Bethlehem & Carnegie (Nickel)
Bethlehem & Carnegie (Simple Steel.)
Bethlehem & Carnegie (Simple Steel.)
England (Compound)
For U.S.
Italian Prices
Bethlehem & Carnegie (Ni.-Harvey)
Dillinger for Russia
Krupp for Russia
Bethlehem (Ni.-Harvey) Russia.
Decrn. Chatillon Commentry
Le Creusot (Ni.-Harvey)
Sheffield (Harv.)
All Comp. (Ni.-Harvey)
All Comp. (Ni.-Harvey)
Ni.-Harvey
Bethlehem & Carnegie (Nickel)
Bethlehem & Carnegie (Wickes.)
St. Ni.-Steel, Harveyized.
St. Ni.-Steel, not Harveyized.
Bethlehem (Ni.-Harvey) Russia.
France and England adopted Harvey Process.
United States adopted Harvey Process.
All Comp. (Moser Special Bourét)
Chatillon Commentry
Moser Special (Ni.-Chrome.)
Le Creusot (Ni.-Harveyized)
St. Chamond (Compound)
St. Chamond (Compound)
Chatillon Commentry (Chromium)
St. Chamond (Compound)
Bethlehem & Carnegie (Simple Steel.)
Compound Ordinary Steel.
Schneider (Simple Steel.)
U.S. Prices - Home Govt.
" " Foreign.
French Prices - Home Govt.
" " Foreign.
English Prices - to Foreign Govt.
German Prices.
Italian Prices - Quoted.
Austrian Prices. "

In the years 1889, 1890, 1891, and 1892 the revenue from shafting for the different naval vessels was about as follows:

Name of ship.	Weight.	Approximate price.
Philadelphia	144,539	$40,468.12
Newark	104,453	29,246.84
Monterey	62,325	17,451.00
San Francisco	113,472	31,772.11
New York	212,487	59,496.36
Concord	45,146	12,640.88
Bennington	45,427	12,719.56
Maine	88,160	24,687.32
Raleigh	a87,059.50	26,998.44
Cincinnati	a87,059.50	26,998.45
Columbia	263,406	73,770.48
Oregon	127,000	35,560.00
Indiana	b126,970	35,551.60
Minneapolis	270,180	75,650.40
Massachusetts	128,751	36,050.28
Katahdin	51,519	14,425.32
Olympia	159,302	44,629.76
Marblehead	51,172	14,328 16
Total	2,168,577	612,445.13

a The contract price for the finished shafting for the *Raleigh* and *Cincinnati* was 31 cents per pound. The prices of the shafting ordered by the ship contractors have been calculated on a basis of 28 cents per pound.

b The weight of the *Oregon's* shafting is taken as approximately that of the *Indiana* and *Massachusetts*.

In addition to the foregoing, a number of large forgings were made for the Calumet and Hecla Company for heavy pumps.

Shortly after the manufacture of shafting and gun forgings had been well established, there developed a considerable market for open-hearth billets, which gradually assumed such proportions that the 12-ton furnace was largely used for commercial product.

In the Bessemer department the manufacture of rails was not continuous, as the low price of rails did not warrant it, but there was a steady product in Bessemer billets, and this department of the works was almost in constant operation.

During 1880 the product of gun forgings under contracts for both the Navy and War Departments and shafting for new naval ships was well established and returns were steady. The capital stock of the company was increased considerably. The earnings of the company were largely used in increasing the plant. The gradual expansion was carried on by the company, and comparatively a small proportion of the cost was incurred outside.

Respectfully,

K. NILES, *Lieutenant, U. S. N.*

The SECRETARY OF THE NAVY.

EXHIBIT No. 9.

THE CARNEGIE STEEL COMPANY, LIMITED,
Pittsburg, Pa., June 23, 1896.

DEAR SIR: I make it my first duty upon my return to work to answer your letter of the 13th instant.

The duty imposed upon you by the resolution of Congress is indeed not only a delicate one, as you characterize it, but one of extraordinary difficulty, because after all our experience in the fabrication of armor, giving to the business the best intelligence we can command, we are still unable to compute its cost to us; and when we consider the enormous cost of plant, the limited production, the frequent modifications of machinery, processes, and requirements, the uncertainty of continuous business, and the certainty of interest and depreciation, whether the plant is in operation or idle, we are at a loss to find that basis for figuring costs that obtain in ordinary manufacturing.

Furthermore, in respect to so unusual a matter as this request to open the records of a private business, I could not, consistently with my understanding of the limitations upon my powers, comply without the express authority of my associates. The absence of several of these in Europe will necessarily delay a full meeting for several months. As Congress has wisely given you until January to report, I hope the delay will be no inconvenience to you.

In the meanwhile, I am more than anxious that you visit our plant for the purpose of forming your own independent judgment upon the question. It will be our pleasure to assist you in any way that will not commit us to an express or implied acquiescence in the conclusions you may reach.

Yours, very respectfully,

JNO. G. A. LEISHMAN, *President.*

Hon. H. A. HERBERT,
Secretary of Navy, Washington, D. C.

EXHIBIT No. 10.

The subjoined table furnishes the comparison between the prices paid by the Governments of England, France, and the United States for gun forgings. The prices paid in each country are compared with forgings of about the same size furnished to the other Governments. In England the forgings are furnished to the Government rough bored and turned, and without any treatment. After the forgings are received they are oil tempered and annealed. To determine the quality of the material in the forgings it has been customary to take a specimen from the forging, oil temper and anneal it, and then subject it to test, and it is assumed that the qualities shown by this specimen, separately oil tempered and annealed, fairly represents the constitution of the forging from which it was taken.

The fact that the English manufacturer is not required to treat the material which he furnishes to the Government greatly lessens the cost of manufacture; first, because the oil-tempering and annealing plants are not required to be furnished by the manufacturer; second, because the process of oil tempering and annealing has frequently to be repeated many times before the desired characteristics are obtained in the forging; third, because the manufacturer in furnishing the forgings is not required to turn or bore them so near finished dimensions as is required in this country, and much less near the finished dimensions than is required in France.

In both France and the United States the manufacturer is required to rough turn and bore the forging very close to finished dimensions, so that the quantity of metal paid for in a given forging is less in both France and the United States than in England. In France and the United States the manufacturer is required to oil temper and anneal the forgings, which must show the physical characteristics required in the specifications. All tests, as well as all treatment, are made at the expense of the manufacturer, while in England these expenses are borne entirely by the Government.

Comparative cost, per ton, gun forgings.

	English.	French.	American.
12-inch:			
A tube	$343.88	$772.80 to $960.96	$533.12
Inner tube	388.10		533.12
B tube	339.76		533.12
Jacket	309.71		533.12
C hoop	303.00		533.12
6-inch R. F.:			
A tube	216.60	$703.36 to $808.64	582.40
B tube	283.88		582.40
Do	295.23		582.40
Jacket	251.53		582.40
B hoop	291.99		582.40
12-pounder R. F. (12 cwt.):			
A tube	284.93	----------	----------
Jacket	275.76	----------	----------
B tube	264.17	----------	----------
C hoop	556.00	----------	----------
12-pounder (6 cwt.):			
A tube	336.88	----------	716.80
Jacket	306.81	----------	----------

EXHIBIT No. 11.

NAVY DEPARTMENT, *Washington, December 7, 1896.*

SIR: In the matter of the price of armor, I am considering among other things the returns made by your company to the auditor-general of Pennsylvania for the years 1889 to 1896, inclusive. Inasmuch as I have before me this evidence from your books, it has occurred to me that, although you have heretofore declined to produce evidence, you might desire now to offer other testimony from the same or other sources. If you wish to do so, I shall be glad to have it at once. I propose to complete this investigation during the present week and to make my report to Congress during the early part of next week.

Very respectfully,

H. A. HERBERT, *Secretary.*

ROBERT P. LINDERMAN, Esq.,
President Bethlehem Iron Company, South Bethlehem, Pa.

54TH CONGRESS, 2d Session. HOUSE OF REPRESENTATIVES. DOCUMENT 151, Part 2.

COST AND PRICE OF ARMOR.

LETTER FROM THE SECRETARY OF THE NAVY, FORWARDING A SUPPLEMENTARY REPORT IN THE MATTER OF COST AND PRICE OF ARMOR AND TRANSMITTING THEREWITH CERTAIN LETTERS.

JANUARY 25, 1897.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, January 23, 1897.

To the Senate and House of Representatives of the United States in Congress assembled:

I respectfully forward this as a supplementary report in the matter of the cost and price of armor, calling especial attention to the letters marked A and B, and the report of Prof. Philip R. Alger and Mr. A. S. Dunham, marked C.

It will be seen that Mr. Leishman, president of the Carnegie Steel Company, Limited, wrote, taking exception to certain comments made by me in said report upon the cost and price of armor upon the statements of that company as to the cost of its plant, and requested that I would send an officer to examine the company's books, in so far as they related to the cost of the plant. I replied to these comments, as the correspondence shows, and accepting the invitation extended by the company, sent Prof. P. R. Alger, U. S. N., and Mr. A. S. Dunham, an expert accountant, to Pittsburg to examine the books of the company. The results of such examination are embodied in their report, marked C.

It will be seen that these two gentlemen, who are competent and trustworthy, find from an inspection of the books of the Carnegie Steel Company, Limited, that the amount of the investment of that company in plant is over $3,000,000, the amount given by the company and commented upon in my report. The result of this investigation is gratifying, in that it sustains the conclusions at which I arrived in the report, namely, that the estimate made therein should proceed upon the theory that the cost of the plant of the Carnegie Company, Limited, was $3,000,000, as stated by the company.

It will be observed that the proffer of the Carnegie Company to exhibit its books was limited to the question of the cost of the plant.

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

THE CARNEGIE STEEL COMPANY, LIMITED,
Pittsburg, Pa., January 16, 1897.

MY DEAR SIR: In the reading of your report to our board this morning, we were greatly surprised at the following on page 16:

It seems to be very plain that no assistance in arriving at a correct conclusion in the premises can be derived from either of these letters, unless it shall be concluded that the cost of the plant is in the one case $4,000,000 and in the other $3,000,000, as insisted upon.

The amounts of these investments, as has heretofore been stated, is most material, and I have diligently sought to secure evidence that would enable me to estimate them correctly. In discussing the weight to be given to the statements made by the companies, consideration is to be given to the following facts:

1. These companies are testifying in their own interests.

2. They are in possession of evidence which would, if produced, satisfy Congress of the correctness of their statements. They have been requested to produce this evidence, and they refuse to do it.

The general ground upon which these companies refuse to show their books, or to explain otherwise the costs to them of the manufacture of armor, is that this would be to expose their business secrets to their competitors. It would appear that they might give evidence as to the value of their plants without exposing their business methods. Certainly the prices of such portions of these plants as were purchased might be proven by vouchers and details of the items constituting the remainder might be set forth, so as to enable Congress to see what had been included and to form for itself some opinion. It is not easy to see how this would be giving away business secrets. Nevertheless, all important as is the question of the cost of these plants, we have on that subject only a bare statement by each of these companies, neither of them going into any particulars or giving any such explanations as are usually required in courts and before committees when facts are to be established.

These statements, while both of them mentioning items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants. Both of these plants are connected with steel mills and the armor and steel plants are necessarily to some extent interdependent. If the figures in the books of these companies, when making up amounts chargeable to armor plant, proceed upon bases as incorrect as the methods suggested in each of these letters for calculating the cost of armor, and this would seem to be a reasonable presumption, then the statements as to the cost of these plants are to be taken with many grains of allowance.

It is also to be noted that if the plants of these two companies cost $3,000,000 and $4,000,000 each, proof of these figures in such manner as to satisfy Congress and the public would have a wholesome effect upon business competitors in deterring them from entering into competition in the manufacture of armor.

We confess that it did not occur to us that any statement of facts presented by us would not pass undoubted. We hasten to inform you that we shall be only too glad to expose our books to any agent of the Department you may please to send, or to furnish vouchers for payments made, and, in short, give you everything connected with the cost of the plant, which we have stated to be fully $3,000,000.

We never understood that details of this were desired. We assumed, of course, that our statements would be satisfactory; but since these have been viewed with suspicion, and your report as to the cost of armor, chiefly based on the cost of the plant, we have now to demand at your hands a prompt investigation of our books, so far as these relate to the cost of the plant.

We ask the favor at your hands of an immediate reply. Naturally we can not rest for a day under the implication you seem to make, that we have not told the truth.

You will add to the favor if you will kindly telegraph us tomorrow morning, acknowledging the receipt of this letter.

Always, sir, your obedient servants,
THE CARNEGIE STEEL COMPANY, LIMITED,
JOHN G. A. LEISHMAN, *President.*

Hon. H. A. HERBERT,
Secretary of the Navy, Washington, D. C.

—

NAVY DEPARTMENT,
Washington, D. C., January 18, 1897.

SIR: I am in receipt this morning of yours of the 16th instant, in which you express great surprise at a portion of my report on the cost and price of armor, which you quote from pages 16 and 17. You seem to have misinterpreted the purport of the language cited. So far as you quote, the report was simply such a comment upon your statement as it is usual for a lawyer or a judge to make who is analyzing and discussing the weight of evidence.

As I understand it, a Government official, charged by law with the duty of investigating questions which involve millions of dollars, is not properly chargeable with want of courtesy because he fails to take a bare statement by a company whose affairs are under investigation as absolutely correct when such statement is not only unaccompanied by vouchers but is absolutely wanting in all such details as would enable the investigating official to decide for himself upon its correctness. In the comments objected to by you I say:

These statements, while both of them mention items which are not included in the sums mentioned, do not either of them specify what items are comprised in the cost of their plants.

If I had taken such a statement as being absolutely correct, without even pointing out the fact to Congress that details had not been given and without calling attention to other evidence in my possession on the same point, Congress would undoubtedly have considered that my investigation as to that point was exceedingly perfunctory. My comments were, I insist, just such as would have been made by any court in the land discussing the evidence of yourself or any other credible and reputable witness, and they were legitimate, even if I had stopped with what you quote, but I did not. On page 19 I said:

I shall not, however, insist upon these figures in the calculations to be submitted, but will present tables in which the basis shall be the *cost of the plants as given in the letters of the two companies, as, after all, I prefer to rely on these figures.* I do not mean even to cast a doubt upon them. I take it that they came from the books of the companies. I have submitted and commented on proofs as to the cost of erecting a plant, as showing that one could now be erected for about $1,500,000, and these figures will serve as a guide for Congress in deciding whether to erect a plant, and also as a basis in calculating on future contracts.

The words above underscored were printed in italics in the report.

Again, on page 35, I say, speaking of your company:

As to the cost of the plant, I have taken, in the table most relied on, the figures given by the company itself—to wit, $3,000,000—although the testimony hereinbefore commented upon is very persuasive to show that this is a large estimate.

Then, in the table "most relied on," on page 36, the calculation is made upon the plant estimated at $3,000,000, the figures given by you. I can not understand how you could ask more, nor can I see how I could be expected to discard entirely estimates I had procured, or how I could have said less about them or have treated them otherwise than as I did. I assuredly did not mean to be unfair or discourteous.

I shall accept your invitation and send an officer and an accountant to examine your books and vouchers, as requested. Congress will undoubtedly be glad, as I shall be, to have the items in detail which make up the sum total of the amount you expended for plant; and if, when these figures come in, it shall appear that all the items which in your opinion go to make up the round sum of $3,000,000 are also in the opinion of Congress properly to be included in the estimate, the result will be to fully vindicate you in making and me in relying upon your statement.

I shall have a naval officer to report to you for the purposes indicated on Wednesday morning next at your office in Pittsburg, say, at 10 o'clock.

Very respectfully, H. A. HERBERT, *Secretary.*

JOHN G. A. LEISHMAN, Esq.,
President Carnegie Steel Company, Limited, Pittsburg, Pa.

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WASHINGTON, D. C., *January 22, 1897.*

DEAR SIR: In compliance with your instructions of the 19th instant, we immediately proceeded to Pittsburg, Pa., and at 10 o'clock a. m. of Wednesday, the 20th instant, met the president of the Carnegie Steel Company, Limited, at his office. At his suggestion we first visited the armor-plate works at Homestead, Pa., then returned to the office at Pittsburg and proceeded to make an examination of their account representing the cost of the armor plant.

We first examined into the manner of keeping their accounts, which we found to be very simple and easy to understand.

All expenditures, both for labor and material, are kept upon a large book of record, which shows each voucher, labor distribution, and storehouse report, the total of each entry, and the various accounts charged.

The record of all labor is kept by the timekeepers at the various works; from these records the distribution is made showing the various accounts upon which the labor was performed; these distribution sheets are then forwarded to the general office and entered upon the record referred to.

All material purchased for general use is charged to a storehouse account, and from the storehouse records of material used are made the charges to the various accounts of such material as may be taken from stock; these are compiled and returned monthly to the general office and entered upon the record referred to.

All material purchased for a specific purpose is charged upon the record referred to direct from the pay voucher. This record is balanced each month and the footings drawn off upon a balance sheet. From these balance sheets we compiled the figures as shown in Exhibit A, filed herewith and made a part of this report. We tested all the footings of charge to armor-plant cost upon these records and balance sheets and found them to be correct and as stated. From this record book we selected all vouchers of large amount and aggregating $1,361,865, or more than one-half the total amount charged to cost of armor plant. These vouchers we examined and found correct and proper charges against cost of armor plant.

Our conclusions are that the amount stated upon their books, $2,576,019.77, as being the cost of their armor plant, is correct and proper.

We also file herewith as a part of this report Exhibit B, which is a statement made by them of items aggregating $800,000 that they contributed to the plant and for which no charge has been made in their account of cost of the plant, all of which in our judgment are items of expense that would be necessarily incurred in the construction of such a plant. The cost of land named in

this statement we think is a fair figure, taking into consideration the cost of the entire tract purchased and the portion of same that is occupied by the plant.

Their method of dealing with the cost of armor plant has evidently been, and in fact was so stated by them, to charge nothing to its cost except such as was to be, or could only be, used for that purpose alone. The land and all but the latter two items in Exhibit B can, even in the event of abandonment of the armor plant, be utilized in other ways to a certain extent; therefore no direct charge was made to that plant.

The item of superintendence was drawn from their regular staff; therefore there was no direct expense to them on this account. Interest, they state, is never considered by them in the cost of erecting their plants or extensions thereof. Nevertheless, to anyone contracting to erect such a plant all of these items would be a direct expense, and would therefore constitute a part of the cost.

We would therefore estimate as the cost of the Carnegie plant, if located and built under other conditions than those surrounding the plant built by them:

Cost, as per Exhibit A	$2,576,019.77
Extras, as per Exhibit B	800,000.00
Total cost	3,376,000.00

In conclusion, we wish to say that every facility was afforded us for a full, free examination of this account.

Respectfully submitted.

PHILIP R. ALGER.
A. S. DUNHAM.

Hon. H. A. HERBERT,
Secretary of the Navy, Washington, D. C.

EXHIBIT A.

Statement of amount expended in construction of armor-plate department at Homestead Steel Works, as shown by books of the Carnegie Steel Company, Limited.

Reconstruction 32-inch armor mill		$78,414.33
Machine shop:		
Buildings and foundations	$153,337.46	
Machinery foundations	29,776.08	
Engines and boilers	46,171.40	
Hydraulic machinery	1,122.99	
Cranes	28,135.25	
Planers, slotters, and presses	349,919.99	
Tools	49,842.96	
Tracks	6,511.05	
Shafting, hangers, etc	10,983.39	
Sewer connections	814.37	
Total		676,614.94
Press shop:		
Buildings and foundations	231,111.51	
Machinery foundations	29,334.78	
Engines and boilers	87,610.16	
Hydraulic machinery	87,414.43	
Cranes	22,649.77	
Forging presses	570,809.77	
Tools	48,596.74	
Tracks	11,737.56	
Heating furnaces	207,514.67	
Sewer connections	6,452.52	
Tempering tank	23,882.10	
Gas-house connections	5,412.61	
Locomotives	4,707.65	
Total		1,357,294.27
Tempering, annealing, and harveyizing shop:		
Buildings and foundations	58,633.63	
Hydraulic machinery	9,830.68	
Cranes	25,144.94	
Furnaces	132,136.05	
Oil tanks	11,851.44	
Tools	2,974.70	
Tracks	2,744.19	
Sewer connections	1,999.39	
Gas-house connections	6,808.45	
Locomotives	1.37	
Engines and boilers	7,566.41	
Total		259,743.25
Total armor-plate department		2,372,066.79
Foundry:		
Buildings and foundations	21,444.66	
Cranes	9,768.90	
Drying ovens	2,855.07	
Tools	414.36	
Total		34,982.99
Armor bolt and nut shop		6,341.19
Open-hearth furnaces, plant No. 2:		
Changes to cast and handle large armor ingots, including large casting pit—		
Grading and filling	779.24	
Buildings and foundations	55,867.69	
Tools	605.03	
Tracks	1,653.59	
Casting pits	63,536.84	
Electric traveling cranes	54,286.99	
Ladle cars	5,956.55	
Electric mains and feeders	567.55	
Total		153,253.48
Water line from reservoir to armor-plate department		9,375.32
Grand total		2,576,019.77

SUMMARY.

Armor-plate department	$2,372,066.79
Armor-plate foundry	34,982.99
Armor bolt and nut shop	6,341.19
Open-hearth furnaces, plant No. 2, casting pits	153,253.48
Water line from reservoir to armor-plate department	9,375.32
Total	2,576,019.77

Summary showing years in which money was expended account armor-plate department, as exhibited in detail in attached statements.

Armor-plate department:		
Expended during—		
1890	$20,181.84	
1891	755,966.43	
1892	198,974.54	
1893	979,377.93	
1894	417,566.05	
Total		$2,372,066.79
Foundry: Expended during 1893		34,982.99
Open-hearth furnaces, plant No. 2, casting pits:		
Expended during—		
1893	74,924.62	
1894	78,328.86	
Total		153,253.48
Armor bolt and nut shop: Expended during 1892		6,341.19
Water line from reservoir to armor-plate department: Expended during 1892		9,375.32
Grand total		2,576,019.77

EXHIBIT B.

Contributed; not charged as part of cost of armor-plate department. (Estimated.)

30 acres of land, at $8,000	$240,000.00
General tracks, engines, and cars	15,000.00
Electric light and power plant	50,000.00
Hydraulic and sewer system	25,000.00
Melting furnace for sinking heads	25,000.00
4 furnaces, excluding buildings, etc	210,000.00
Complement of flasks	35,000.00
Superintendence, engineering, drafting, etc., 5 per cent	125,000.00
Interest on investment while building, say six months' average	75,000.00
Total	800,000.00

54TH CONGRESS, 2d Session. SENATE. REPORT No. 1453.

PRICES OF ARMOR FOR VESSELS OF THE NAVY.

FEBRUARY 11, 1897.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Naval Affairs, submitted the following report.

The inquiry made by the Committee on Naval Affairs was ordered by a resolution agreed to December 31, 1895, as follows:

Resolved, That the Committee on Naval Affairs be directed to inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also, whether any prices paid have been increased on account of patent processes used for the introduction of nickel, or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were, or have since been, interested in the patents or employed by the owners thereof, and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy.

The committee also had before them the bill (S. 1700) to provide for the erection of an armor-plate factory in the city of Washington, D. C., introduced on the 22d day of January, 1896, by Senator SMITH, of New Jersey.

The committee first met January 8, 1896, and decided to transmit a copy of the resolution of the Senate, with a memorandum making suggestions and putting specific questions, to the Secretary of the Navy. On January 18 the committee began the investigation by receiving a statement made in person by the Secretary of the Navy, Hon. Hilary A. Herbert.

Hon. Benjamin F. Tracy, the former Secretary of the Navy, having addressed a letter to the chairman of the committee, dated January 18, requesting that he be allowed to appear, he was heard on the 8th day of February, 1896. Testimony was taken from various sources and hearings were accorded to representatives of the Bethlehem Iron Company and of the Carnegie Steel Company on the following days: February 29, March 14, March 21, and April 7, 1896. Owing to the rapid progress of Congress in dispatching its business, it was found impossible to conclude the inquiry and make a written report prior to the close of the session, on the 11th of June, 1896. The testimony which had been taken was, however, printed, down to and including the last day of the hearing, April 7, 1896.

The only formal conclusion reached by the committee prior to the debate upon the annual naval appropriation bill for the year

ending June 30, 1897, was to propose for adoption upon that bill the following amendment:

And provided further, That no payment shall be made from the appropriations in this bill to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.—*Congressional Record*, April 27, 1896, page 4463.

After debate, the amendment was amended and agreed to, as follows:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government, and such employment is hereby made unlawful after said date.

The amendment to the amendment was made on Senator GORMAN'S motion, and the whole was agreed to April 28, 1896 (CONGRESSIONAL RECORD, page 4511); it was then agreed to by the House and became a law.

During the discussion on the same appropriation bill in the Senate, the committee further decided to recommend an amendment concerning the prices of armor for the new battle ships authorized by that bill. The amendment was offered by Senator BACON, and agreed to, as follows:

And provided further, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress.—*Record*, May 2, 1896, page 4731.

The House of Representatives nonconcurred in the amendment, and three conferences were had between the two Houses. The third committee of conference agreed upon and recommended an amendment increasing the limit of price from $350 to $425 per ton, and adding at the end of the clause as adopted by the Senate the following provision:

That if the Secretary of the Navy in any case shall decide to make a contract for the completed ship, including armor, and the lowest bid shall exceed a fair estimated price, allowing for the finished armor said average of $425 per ton, he shall accept none of the bids, but shall report the same to Congress on the first day of its next session: *And provided further*, That the Secretary of the Navy shall examine into the actual cost of armor plate and the price for the same that should equitably be paid to contractors therefor, and shall report the result of his investigation to Congress not later than January 1, 1897.—*Record*, page 6185, June 6, 1896.

After lengthy debate in the Senate the report of the committee of conference was nonconcurred in, and a further conference requested (page 6195). The fourth conference committee agreed upon and reported an amendment striking out the whole amendment put upon the bill by the Senate in the first instance, and inserting what follows:

And provided further, That the Secretary of the Navy is hereby directed to examine into the actual cost of armor plate and the price for the same which should be equitably paid, and shall report the result of his investigation to Congress at its next session, at a date not later than January 1, 1897, and no contract for armor plate for the vessels authorized by this act shall be made till after such report is made to Congress for its action.—*Record*, page 6336, June 9, 1896.

The report was concurred in by both Houses, and the last provision as it reads above became a part of the law of June 10, 1896, applicable to the three new battle ships authorized by that act.

During the recess of Congress several members of the committee conferred with the Secretary of the Navy while he was engaged in his effort to determine what is a fair price for armor, under the clause directing him to do so contained in the naval appropriation act.

The Secretary proceeded with diligence, in this country and during a trip abroad, to obtain the information and make the calculations necessary to enable him to form a deliberate opinion, and on the 5th day of January, 1897, made a report to Congress embodying his conclusions. (House Document No. 151, Fifty-fourth Congress, second session; part 3, same document, January 25, 1897.)

A synopsis of this report of the Secretary will be found later in this report, under the head, "What is a fair price for armor?"

EMPLOYMENT OF NAVAL OFFICERS BY GOVERNMENT CONTRACTORS.

The inquiry whether officers of the Government were interested in patent processes used in connection with armor for vessels of the Navy "or employed by the owners thereof" led at once to the discovery that it was the custom of the Navy Department to allow not only officers on the retired list but also officers on the active list on leave of absence to enter into any private employment which they might anywhere obtain; and moreover, to permit them to enter into the employment of contractors doing various kinds of business with the United States. The outcome of the inquiry on this point was the recommendation by the committee, and the adoption by Congress in the naval appropriation act of June 10, 1896, of the clause hereinbefore recited, prohibiting any officer of the Navy from entering into the employment of any person or company furnishing naval supplies or war material to the Government. Secretary Herbert (pages 42 and 43) and ex-Secretary Tracy (page 167) testify that the practice existed.

The committee had no hesitancy in reaching the conclusion that the above custom was a bad one and should be discontinued under all ordinary conditions; and especially that the employment of naval officers by contractors having large dealings with the Government should be peremptorily prohibited by law. The discussion in the Senate on April 27 and 28, 1896 (pages 4463 to 4474 and pages 4502 to 4511), indicates clearly the objections to the practice.

No man can well serve two masters, and if contractors having large dealings with a Department of the Government can take into their employment, with no limit as to compensation, officials of that Department, and through them can learn the secrets and the purposes of the Department, and, moreover, insidiously influence its action, great injury may result to the public service. The fundamental principle upon which all legitimate business is transacted—that each side shall be represented solely by persons wholly devoted to its own interests—is viciously violated by a custom which allows one side to take into its pecuniary employment a representative of the other side.

An effort was made in the debate to draw a distinction between officers on the active list and officers on the retired list. The committee deny that any well-founded distinction exists which ought to influence the decision of the question. Retired officers of the Navy remain officers to all intents and purposes with an important exception. Section 1462 of the Revised Statutes provides that "no officer on the retired list of the Navy shall be employed on active duty except in time of war."

But notwithstanding this statute exempts retired officers from all obligation to render any service for the liberal retired pay which they receive for life, amounting usually to three-fourths of their active-duty pay, yet they remain a part of the Navy of the United States, available in any emergency of war. They are entitled to wear their uniforms on public occasions and are allowed free access to every bureau of the Navy Department, on the theory that they are still ready to serve the interests of the Government by fidelity, sound advice, and an earnest spirit of devotion to public duty. It is quite enough to allow such officers to enter into ordinary private employment for compensation. To permit them to takes sides against the Government and to enter into the employ of contractors having dealings with the Government reaching to millions of dollars will certainly, if the custom continues, become most pernicious and injurious to the public interests. Proclaim that such officers may be so employed by repealing the clause which has now become a law, and a bold and wealthy contractor, willing to spend enough money to take into his employ a sufficient number of naval officers on the active and retired list, would be able thoroughly to weaken the Department in its dealings with such contractor and to put the Government at his mercy in making bargains, which would be substantially entered into with the representatives of one side alone conducting all the negotiations.

It must be borne in mind that there is a large number of naval officers retired at a comparatively early age.

In another part of this report, concerning the connection of naval officers with patent processes used by the Government, the evils of such a mixing of functions as takes place when a naval officer enters into the employment of private companies doing business with the Navy Department becomes obvious. Undoubtedly in some cases officers have been rushed upon the retired list in order that they might take private employment. A striking case of this character has come to the attention of the committee.

On July 31, 1889, a naval officer certified that to the best of his knowledge and belief he was physically qualified to perform all his duties at sea in the grade of commander, and was free from all bodily ailments except a small inguinal hernia, which had not interfered with the performance of duty. On the same day the board of medical examiners certified that the officer was physically qualified to perform all his duties at sea, and recommended him for promotion; and he was so promoted to the grade of commander from March 31, 1889, and commissioned on August 6, 1889. On November 20, 1895, while he was naval attaché at the United States legation in Japan, he was examined by a board, which found him suffering from inguinal hernia and chronic intestinal catarrh of long standing, aggravated by more recent service; and on December 23, 1895, he was placed on the retired list, and immediately in Japan entered into the service of the Carnegie Steel Company on a salary of $6,000 per year. To this officer, however, the clause in the law of June 10, 1896, will apply, and the armor contractors will soon lose his valuable services unless he surrenders his position as a retired naval officer and becomes a civilian.

NAVAL OFFICERS INTERESTED IN PATENTS USED BY THE GOVERNMENT.

Nearly as objectionable as the practice of allowing naval officers to enter into the employment of contractors with the Navy Department is the custom of permitting such officers to become interested in patent processes used by the Government. There are undoubtedly arguments on both sides of this question. In favor of the officers it may be said that if they bring great inventive talent

to the public service and succeed in making important discoveries beneficial to the Government, they ought to receive some recompense in addition to their ordinary pay, especially as by their inventions they may save the Government from the necessity of paying royalties to private parties for similar inventions. On the other hand, nothing is clearer than that not only as to naval officers entering private employment, but as to officers engaged in making inventions and taking out patents therefor, there is great danger of injury to the Government growing out of the tendency on the part of naval officers to reach out for the extra remuneration which comes to them in addition to their salaries, and arising from their desire to get rich by these means.

Not all the officers of the Navy can be allowed these opportunities for private employment and for making inventions while receiving the pay of the Government. How is the exercise of the privilege to be impartially regulated? Some officers would live all their lives rendering faithful service for their salaried compensation merely, while others would acquire fortunes from private employers and from inventions discovered and patented by them while drawing salaries from the Government. The extra stimulus of prize money from captures in war is allowed naval officers, but this is to induce bravery and enterprise in battle. No equivalent benefit is derived from allowing these opportunities of building up fortunes to naval officers in time of peace.

This subject is discussed by the naval Judge-Advocate-General in his report to the Secretary for the year 1895 (pages 16 and 17) and in his report for 1896 (pages 11 and 12); also by Secretary Herbert in his annual report of December, 1895 (pages 48 and 49). See the testimony accompanying this report (pages 48 and 49) and the rules of the British Government inclosed in a letter to the committee from Secretary Herbert, dated November 7, 1896, in which letter the Secretary recites his opinion that the right of naval officers to take out patents should be regulated and controlled by law. The conclusion reached by the committee is embodied in a proposition for the enactment of a law, a draft of which will be found on the closing page of this report.

The evil consequences likely to result from allowing naval officers to be interested in patents, or to be employed by the owners thereof, are well illustrated by the facts which appeared to the committee concerning Commander William M. Folger, late Chief of the Bureau of Ordnance, Navy Department, and his connection with what is known as the Harvey process for face hardening armor for naval vessels, and the various patents issued therefor.

THE HARVEY PATENT PROCESS AND COMMANDER FOLGER'S CONNECTION THEREWITH.

This officer entered the Navy September 20, 1861, thirty-five years ago. He has many times been in private employment. Beginning in 1874, he was employed by the Gatling Gun Company as their European agent for two years on a salary. He was employed by the Simonds Rolling Machine Company, of Fitchburg, Mass., in 1886, for about six months in London, his expenses being paid and an interest in the business being given to him in the shape of stock in the company and a percentage on the amounts received from the sales of the patents to an English company. The stock has been profitable, having paid regular dividends. He also became, in 1893, mechanical adviser, on a salary, for the American Projectile Company, of Lynn, Mass.

The original patent of Hayward A. Harvey, of June 10, 1888, in pursuance of an application of December 8, 1886, was for hardening steel by highly heating it in finely powdered charcoal for a considerable period of time, thereby imparting to steels of low grades the characteristic qualities of refined crucible steel, "whereby such steels are made capable of taking any prescribed temper and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind."

Efforts were made to sell steel thus treated to the Navy Department, and about $300 worth was so sold while Commander Folger was inspector of ordnance at the Washington Navy-Yard. The latter suggested to Mr. Harvey that his method of hardening steel might be applied to armor. (See testimony, page 355.) Mr. Harvey made a small plate 3 feet square and 4 inches in thickness, and treated it at Newark, N. J. He submitted it to Commander Folger, who became Chief of the Bureau of Ordnance in February, 1890. The latter ordered from the Creusot works in France a plate 6 feet by 8 feet by 10½ inches, and constructed at the Washington Navy-Yard a furnace for supercarburizing the plate, which was done under the direction of Mr. Harvey.

On April 1, 1891, Harvey applied for a patent for this process, and his claim was disallowed on several references, made in accordance with the law and practice of the Patent Office, and finally rejected by the primary examiner, Mr. Eugene A. Byrnes. The second rejection was made on June 11, 1891. On June 20, 1891, Secretary Tracy, on the recommendation of Commander Folger, requested the Commissioner of Patents to expedite the consideration of the case, and on June 23 the examiner again rejected the application on the following ground:

It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling, employed by Sperry and Howell (page 209).

But on July 14, 1891, two examiners in chief, Messrs. R. L. B. Clarke and S. W. Stocking, on appeal from the primary examiner, allowed the patent, which was issued September 29, 1891. On May 30, 1893, Mr. Harvey was allowed a further patent for an improvement in compositions for supercarburizing steel during the subjection of the same to high temperatures, by mixing finely powdered wood charcoal with animal charcoal.

On March 21, 1892, Secretary Tracy made a contract with the Harvey Steel Company, which had acquired Mr. Harvey's patents, for treating by the Harvey process armor plate for use in the construction of certain ships. The Harvey Company were to be paid nine-tenths of 1 cent per pound of the finished plate as royalty. This contract was negotiated by Commander Folger as Chief of the Bureau of Ordnance and adopted on his recommendation. Later, contracts were made by Secretary Tracy with the Bethlehem Iron Company and the Carnegie Steel Company for applying the Harvey process to armor plates, at a cost on an average of about $50 per ton.

On March 12, 1893, Secretary Herbert made an additional contract with the Harvey Steel Company for a further use of the Harvey process, by which the earlier contract was annulled, and it was agreed that the Harvey Company should be paid $96,056.46 as royalty on armor plates used up to July 19, 1892, and a royalty of half a cent per pound upon any additional plates which might be used.

Before this contract was formally executed by Secretary Herbert Commander Folger had resigned as Chief of the Bureau of Ordnance and had become an employee of the Harvey Steel Company. He left the Department in January, 1893. He had previously had conference with Mr. Harvey in reference to going into his employment, but had declined to take such employment until shortly before he left the Department, January 1, 1893. He then went abroad, partly, as he said, on account of his health, which had become impaired, and acted as engineer of the Harvey Steel Company only until June, 1893, receiving therefor salary at the rate of $5,000 per year and $20,000 of stock in the Harvey Steel Company. The stock paid 20 per cent dividends from the receipts from the United States, and since then has paid two annual dividends of 5 per cent each, making 30 per cent in three years, and the stock is shown to be worth par.

Commander Folger stated to the committee that he resigned from the Department on account of ill health, and ex-Secretary Tracy stated to the committee that he believed Commander Folger's health was impaired, that he suffered from "insomnia and nervousness," and that he gave him leave of absence, knowing that he was about to enter the employ of the Harvey Company.

How thoroughly the Harvey process is fastened upon the business of making armor for the Government is shown by the letter of Secretary Herbert to the committee, dated February 20, 1896 (page 193 of the testimony), where he specifies the patent processes required by the Department to be applied to armor for the Navy. One of the three processes is the Harvey process, described as follows:

The specifications require that the armor to be contracted for shall be face-hardened by a process called the Harvey process, which is patented. If this patent is good, the Department is pledged to pay a royalty of one-half cent per pound for all armor manufactured. The validity of the patent is now in question, and will probably soon be decided by the courts. If the patent is sustained, the Department will continue to pay the royalty; otherwise no further royalties will be paid.

Ex-Secretary Tracy has been employed by the Harvey Company to defend the patent for the process. The patents are now owned by the European syndicate formed by the various manufacturers of armor, who thus absorb to their own profit the royalties which foreign governments as well as our own are compelled to pay for the use of that process.

Attention is called to the fact appearing in the testimony (pages 88 to 121) that Mr. James R. Davies brought suit against the Harvey Company to recover for his services in securing the adoption of the Harvey process by the Navy Department. The case was tried by a jury in Brooklyn, N. Y., and ex-Secretary Tracy and Commander Folger testified that Mr. Davies had, to their knowledge, exercised no influence; yet the jury on November 13, 1895, found a verdict for Mr. Davies for $9,630, being 10 per cent upon the sum of $96,000, assumed to have been before that time paid by the Department to the Harvey Company for the use of the process, and upon the $300 worth of tool steel which had been sold to Commander Folger before he suggested to Mr. Harvey the application of his tool-steel process to naval armor; and this verdict has been paid by the Harvey Company.

COMMANDER FOLGER'S ACTION IN THE SEABURY-DASHIELL CONTROVERSY.

In striking contrast to the foregoing action of Commander Folger in suggesting to a private citizen, Mr. Harvey, the obtaining of a patent for the use of which the Government would be compelled to pay a large sum of money, is his action as stated in his testimony in the suit of Seabury *vs.* Dashiell, where, after Lieutenant Seabury had submitted to him a breech-closing mechanism, he promoted the invention of a similar device by Lieutenant Dashiell, for which the latter received a patent and is now paid $125 royalty on each gun on which it is used (page 413).

Commander Folger, as to the policy of encouraging the taking out of patents by naval officers, testified as follows:

I have done that in one or two cases. There was the instance of Mr. Fletcher, when the Government saved, I believe, a half million dollars in the cost of the mounts used for rapid-fire guns. Mr. Maxim claimed to have a patent that covered everything which we had developed, and I had fortunately taken advantage of that clause in the Patent Office regulations which permits an officer to take out a patent free of expense. I had Mr. Fletcher's device protected, and when Mr. Maxim came to Washington and almost persuaded Secretary Tracy that he was entitled to remuneration, I was enabled to present Mr. Fletcher's patent and modify Secretary Tracy's impression as to the claim of other inventors. (Page 358.)

When testifying in the Seabury-Dashiell lawsuit, Commander Folger stated what he had done in the following language:

Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances, Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device, and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We were making and have made hundreds of the Fletcher mechanisms precisely in the same way. (Page 359.)

Commander Folger also said:

I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. (Page 360.)

How Commander Folger, entertaining the foregoing views, which led him to "knock out" the projects of "Mr. Maxim, a great inventor," and the device of Lieutenant Seabury, could at the same time suggest and promote the patents of Mr. Harvey, "an outsider and free lance who comes in for the pelf alone, for mere money-making business," it is difficult to understand.

OTHER PATENT PROCESSES USED IN THE MANUFACTURE OF ARMOR.

The history of the Harvey patent above given leads to the consideration of the other patents which constitute a burden upon the business of making armor. The letter of the Navy Department to the committee, dated February 29, 1896 (on page 193 of the testimony), names three patents: First, the Harvey patent, already considered; second, the Corey patent; and third, the nickel-steel alloy patents. The statement of the letter as to the Corey process is as follows:

The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company. No royalty is to be charged the Department for the use of this process by either armor company.

THE COREY PATENT FOR THE REFORGING PROCESS.

The Corey patent is one granted June 25, 1895. The application was filed only twenty days previous, namely, on June 5, 1895, and was allowed the next day, June 6. It was issued to William Ellis Corey, assignor to the Carnegie Steel Company, Mr. Corey being an employee of that company. The patent was described to the committee by Mr. Charles C. Stauffer, examiner in the Patent Office (on page 219), as one for carburizing the face of metal previously treated for armor, where the body of the plate has been injured by the process of supercarburizing the face. The new process is that of reheating and subjecting the plate to extreme and forcible compression.

Then came questions and answers as follows:

Senator CHANDLER. You may state now when the application was filed on which the patent was granted.

Mr. STAUFFER. The application was filed June 5, 1895.

Senator CHANDLER. State whether there had been any previous application by Mr. Corey.

Mr. STAUFFER. None that I am aware of, and such are generally accessible to the public (page 220).

* * * * * * *

Senator CHANDLER. State now all the prior inventions or patents or claims for patents with which the application of Corey was compared. Were there any interferences of any sort?

Mr. STAUFFER. There were no interferences and there was no appeal. I can not give the other inventions with which it was compared.

Senator CHANDLER. You have no document here showing the other inventions?

Mr. STAUFFER. That can be obtained from the files, but I have not a complete copy of the files.

Senator CHANDLER. The record which you have hitherto examined does not show with what other inventions or claims for inventions it was compared?

Mr. STAUFFER. No, sir.

Senator CHANDLER. How can that be obtained?

Mr. STAUFFER. It can be obtained merely by a request for it or by a request upon the Commissioner for a complete copy of the files.

Senator CHANDLER. Then I will request you to furnish, with the permission of the Commissioner, a statement of all the patents, all the inventions, or all the claims for inventions with which the process disclosed in the application of W. E. Corey was compared. Let it be a concise historical statement.

Mr. STAUFFER. Do you simply wish the references themselves, or do you want the data?

Senator CHANDLER. I merely desire, in the first instance, a list of the claims or the supposed inventions with which, in the process of granting this patent, the Corey invention, or his supposed invention, was compared, so far as that can be ascertained.

Mr. STAUFFER. Very well. It can be ascertained, of course.

The statement referred to is as follows: United States, No. 89876, May 11, 1869, McDonald; United States, No. 442065, December 2, 1890, Low; United States, No. 518908, April 24, 1894, Ackerman; British, No. 3084, December 1, 1865, Dods; British, No. 3832, October 16, 1877, Browne. (Page 226.)

These statements of Mr. Stauffer seemed to the committee very strange, in view of the fact that by information already before them it appeared that as early as March 14, 1895, the Secretary of the Interior had been requested by Secretary Herbert to expedite the application of W. E. Corey for a patent on a method of manufacture of carbonized steel. The conviction that there was some mistake gaining ground in the minds of the committee, a letter, dated October 5, 1896, was written to the Commissioner of Patents, Hon. John S. Seymour, and a reply received from him, dated October 10, 1896, from which the following facts appeared:

On May 4, 1891, William H. Jaques applied for a patent on a process described as follows:

The process described consists in first working a steel ingot to approximately the form desired by means of rolling, hammering, or, preferably, by heavy hydraulic pressure, then supercarburizing it, and thereafter, either with or without intermediate tempering, subjecting it to a second working at a temperature varying from 1,200° to 1,832° F. by either rolling, hammering, or hydraulic pressure, in order to bring it to its finished form and proportions, and to toughen it, after which the final step of tempering is carried out.

On March 6, 1895, William E. Corey made an application (No. 540755) for a patent on a process thus described:

A steel ingot is rolled or forged to the desired shape, and supercarburized on one or more surfaces, as required; the article is then allowed to cool slowly in the supercarburizing furnace to a temperature of about 1,600° F. and not exceeding 2,000°, or it may be allowed to cool slowly to 100° F., to allow of tests being made as to degree of carburization, and then reheated to 1,600°. In either case the article, as an armor plate, is then subjected to great compression by means of a hydraulic press, which reduces the thickness, sometimes from 17 to 14 inches, without greatly increasing the length or breadth. The plate or other article is then annealed in the usual manner, machined to size, allowing for contraction in subsequent tempering, then tempered as usual, and ground or machined to size.

This application was abandoned April 11, 1895, in favor of a second application of Corey.

This second application, dated April 11, 1895, described the product and process comprised in the previous invention, but on May 17, 1895, was abandoned in favor of two succeeding applications of Corey.

His application No. 549696, dated May 17, 1895 described the invention claimed, as follows:

For an article of manufacture, made by the process described in application No. 540755, and comprising an armor plate of steel, having an extremely hard surface, more highly carburized than the interior of the plate, the face and body being in a highly compressed and compact state, and considerably denser than similar plates which have been shaped or worked at the usual forging temperature.

His application No. 549697, dated May 17, 1895, was for the process described in No. 540755.

On May 23, 1895, there was a declaration of interference with the invention of William H. Jaques of May 4, 1891, above described. This interference, on motion of Corey, was dissolved June 6, 1895.

On the same day Corey abandoned his two applications of May 17, 1895, and filed a new one, No. 551704, describing the process and product as follows (page 220):

My invention lies in a new method of treating steel plates, which consists broadly in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized, while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to an extreme compression while at a temperature below 2,000° F., and without producing more than a slight elongation, this compression being substantially uniform throughout the area of the plate.

It also consists in the product of said method.

No references were cited; the patent was allowed the next day, June 6, 1895; and on June 11, 1895, the Jaques application was rejected "on the ground that the claim as amended presented matter involving a departure from the original invention;" and there was no subsequent application by Mr. Jaques.

A very cursory reading of Mr. Corey's description in 1895 of the invention he claimed as his, and a comparison of it with Mr.

Jaques's description in 1891 of his invention will lead to a satisfactory answer to the question whether Mr. Corey's patent is valid. Mr. Jaques, in 1891 says: (1) Forge a steel ingot, preferably by hydraulic pressure, (2) supercarburize it, (3) subject it to a second working in a temperature from 1,200° to 1,832° F., and (4) give the final tempering. Mr. Corey in 1895 says: (1) A steel ingot is forged, (2) supercarburized, (3) cooled to a temperature between 1,600° and 2,000° F. and subjected to great compression by means of a hydraulic press, and (4) tempered as usual.

THE CREUSOT NICKEL-STEEL ALLOY PATENTS.

The third patent process, the use of which is required in manufacturing armor for the Navy Department, is mentioned in the Department's letter of February 29, 1896, as follows:

The specifications require the use of nickel steel in the manufacture of the armor. The contract will require the manufacturer to furnish nickel-steel armor, and he will have to pay any royalties if the patent is a valid one.

The Bethlehem Iron Company has obtained the right to manufacture nickel steel from the Creusot Company, who claim a patent upon the process. The Carnegie Steel Company is now contesting the validity of the patent in the courts.

The patents referred to are: Decrementally hardened armor plate, No. 460252, dated September 29, 1891; steel armor plate and process of making same, No. 541594, dated June 25, 1895; process of manufacturing the alloys of steel and nickel, No. 415655, dated November 19, 1889. (Page 193.)

The committee has investigated the history of these Creusot nickel-steel patent processes. The use of nickel in making armor for the purpose of giving special hardness to the plates appears to have been first practically tested by Messrs. Henri Schneider & Co., of Creusot, France. Before Secretary Whitney made his contract with the Bethlehem Company for the manufacture of armor, dated June 1, 1887, at his suggestion that it would be advisable to secure by friendly arrangement and purchase the right to use European processes, the Bethlehem Company made a contract with Schneider & Co. for the use of all their inventions applicable to armor, including not only their existing processes, but any which might thereafter be invented. The Bethlehem Company agreed to pay Schneider & Co. a large portion of their profits in making armor, which gave to Schneider & Co. about $500,000.

In the Whitney contract, therefore, there was no exception made to the provision contained in the seventh paragraph, which required the Bethlehem Company to indemnify the United States "on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances or any part thereof under this contract" (page 13).

When, however, Secretary Tracy made his contract of November 20, 1890, with the Carnegie Company for 6,000 tons of armor, which contract provided for the use of nickel in the armor plate, the clause making the contractors indemnify the United States against demands on account of patented inventions contained an exception of patents for using nickel steel in armor plates, and the nickel-steel patents are specially provided for in the fourth clause of the contract, as follows: Secretary Tracy declines to recognize the claims of the patentees of the nickel-steel processes, or to pay the royalty demanded by them of 2 cents a pound upon finished armor plates. He therefore, for the protection of the Carnegie Company, agreed to pay the sum of 2 cents per pound, to be deposited, to await the result of litigation concerning the validity of the patents. In case the patents are invalid, the amount returns to the Government, less counsel fees and expenses. In case of amicable settlement, the remainder, after paying expenses, returns to the Government. In case of a final judgment in favor of the patentees, the fund is to be used to pay the judgment, costs, and expenses; and in case it is all required to pay the judgment, then the United States is to pay the expenses of the Carnegie Company, including reasonable attorney fees in the defense of the suits.

The effect of the difference between the Whitney contract and the Tracy contract is that the prices for armor paid by the United States to the Bethlehem Company covered all their payments to Schneider & Co. for their right to use the nickel-steel-alloy patents, while, in addition to the same prices paid to the Carnegie Company, the United States agreed to pay, if needed, a sum equal to 2 cents per pound with which to contest the validity of those patents or to pay the royalties for their use if they were sustained, and therefore the Carnegie contract was to this extent better for them than the contract with the Bethlehem Company.

It seems that Secretary Tracy had doubts of the novelty of the Schneider inventions, and a conviction that the royalty of 2 cents a pound was excessive. He therefore determined to test the patents by litigation, and since he left the Navy Department has acted as counsel for the Carnegie Company to defeat the patents in the litigation which is going on between them and Schneider & Co. in our courts. Messrs. Schneider & Co. earnestly complain, not merely because the Navy Department does not pay them a royalty on their patents, but because it virtually makes the Government a party to a suit to destroy their patents for all purposes whatsoever. Their views on this point are stated in a letter annexed to this report, signed by their counsel, Messrs. Pollok and Mauro, dated December 5, 1896.

SUMMARY AS TO PATENTS USED IN MAKING ARMOR.

A partial summary of the facts above recited as to the patent processes used in making armor shows a condition of affairs which must be considered exceedingly disadvantageous to the Government.

The Bethlehem Iron Company's armor plant was called into existence, and a contract for making the first armor was, after advertisement and competition, awarded to that company by Secretary Whitney. At his suggestion an amicable arrangement was made by the contractors with Schneider & Co., of Creusot, France, for the use of all their inventions, present and future.

At a later period, for one presumable purpose of having competition with the Bethlehem Company, Secretary Tracy made a contract, without advertisement or competition, with Messrs. Carnegie, Phipps & Co. for an equal amount of armor at the same prices as those of the Bethlehem Company, but with a provision that at the Government's expense the validity of the patents on the Schneider processes should be disputed.

At the end of several years' transactions under the Whitney and Tracy contracts, when Secretary Herbert was compelled to make additional armor contracts, he found the Bethlehem Iron Company and the Carnegie Company not in competition, but in combination with each other, and was obliged to pay such prices for armor as the combination chose to impose. He also found the process of armor making hampered by the necessity, which he recognized in his specifications, of using three patented inventions:

First. The Harvey process for face-hardening steel by using a hot blast driven through charcoal, the patent on which, as applied to armor, was suggested to Mr. Harvey by Commander Folger, of the Navy, the issue of which patent was expedited at the request of Secretary Tracy, and the ownership of which patent has passed into the hands of the combined armor makers of Europe by their acquisition of four-fifths of the stock in the Harvey Company, whose service Commander Folger entered when he resigned from his Bureau in the Navy Department.

Second. The Corey patent process for reheating and reforging armor plates which have once been treated, but in which there may be defects. Corey is an employee of the Carnegie Company, who first applied for the patent on March 6, 1895, and a request for its expedition was made on March 14, 1895, by Secretary Herbert. An application for a patent substantially describing the same invention had been made by William H. Jaques almost four years before, on May 4, 1891, but on June 5, 1895, the day before the patent to Corey was issued, Mr. Jaques's application was rejected. Secretary Herbert, in his letter of February 29, 1896, says: "The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company."

Third. The above-named Schneider patent processes for compounding nickel steel. These were deemed indispensable by Secretary Tracy, and continue to be so considered by Secretary Herbert, but the plan adopted by Secretary Whitney of paying for their use was abandoned. A fund of $270,000 was provided by order of Secretary Tracy for contesting the validity of the patents, and the litigation is still pending.

The committee believe that Government officials ought not to promote a monopoly of the business of making armor through patents issued to the use of the combined manufacturers while using the power of the Government to destroy patents held by foreigners.

WHAT IS A FAIR PRICE FOR ARMOR?—QUANTITY LIKELY TO BE REQUIRED.

Coming now to the principal question raised by the resolution, Whether the prices of armor for vessels of the Navy have been fair and reasonable, and whether any legislation is necessary further to promote the manufacture and cheapen the price, it is to be remarked that it is one of great financial importance. Under the armor contracts the quantity of armor and amounts paid therefor in all are as follows:

Carnegie Steel Company	tons..	8,865.95
Bethlehem Iron Company	do....	10,086.37
		18,952.32
Cost to the Government:		
Payments to the Carnegie Company		$5,072,424.04
		281,000.25
Payments to the Bethlehem Company		5,857,105.55
		566,050.72
		11,776,670.56

Under contracts made by Secretary Herbert for the armor for the *Kearsarge* and the *Kentucky*, the Bethlehem Company is to supply 2,653 tons at a gross cost of $1,462,191.80, the prices varying from $515.40 up to $628.40 a ton, the average being about $551.15.

Carnegie & Co. are to furnish 3,007 tons at a total cost of $1,660,518.20, the prices varying from $515.40 to $575.80 a ton, the average being about $552.22.

Stated in tabular form, the quantity of armor furnished or under contract to be supplied, and the total cost, are as follows:

	Tons.	Cost.
Carnegie Steel Company	11,872.95	$7,014,082.49
Bethlehem Iron Company	12,739.37	7,885,348.07
Total	24,612.32	14,899,380.56

[NOTE.—The Bethlehem Company's bid for the *Kearsarge* was $1,573,390; for the *Kentucky*, $1,569,075. The Carnegie bid for the *Kearsarge* was $1,568,162.50; for the *Kentucky*, $1,572,477.50. The bids had been carefully arranged by the two companies in combination, so that if the Secretary awarded all the armor for each ship to one contractor, the Bethlehem Company would be entitled as the lowest bidder to the *Kentucky's* armor and the Carnegie Company would be entitled as the lowest bidder to the *Kearsarge's* armor; or, if the Secretary made the awards to the lowest bidders on each subdivision of the armor for each ship, each company would obtain a contract for about half the armor. Secretary Herbert adopted the latter course.]

If we estimate the price of the armor for the three new battle ships authorized by the act of June 10, 1896, at $1,500,000 each, the total will be $4,500,000. If we assume that two battle ships a year may be built for the next ten years, the cost for armor on each being about $1,500,000, the total expenditures at the end of the ten-year period will have amounted to $49,899,380.56, and each company, if the business is equally divided, will have received $24,699,690.28.

Reduced to tabular form, the above statement is as follows:

Amount paid for armor to date	$11,776,670.56
Cost of armor for *Kentucky* and *Kearsarge*	3,122,710.00
Cost of armor for the three battle ships authorized by act of June 10, 1896 (estimated)	4,500,000.00
Cost of armor for two battle ships a year for next ten years, at $1,500,000 each (estimated)	30,000,000.00
Total	49,399,380.56
If the business is equally divided, each company will have received	24,699,690.28

With these facts and probabilities in view, it is an imperative public duty imposed upon the Executive and Congress to pay no more than a fair profit upon armor furnished by private parties to the Government.

PRICES FOR ARMOR PAID BY SECRETARIES WHITNEY AND TRACY.

The first contract made by Secretary Whitney was awarded after receiving on March 22, 1887, the following bids, upon which the contract of June 1, 1887, was made with the Bethlehem Iron Company:

	Total for armor.
Bethlehem Iron Company, South Bethlehem, Pa	$3,610,707.50
Cleveland Rolling Mill Company, Cleveland, Ohio	4,021,560.00

Deliveries to commence October 1, 1889, and the rate of delivery to be 300 tons per month.

Through what investigations the bidders estimated the prices which they named is not known, but it is undoubtedly true that all the bidders expected to receive a profit sufficient to go a great way toward reimbursing them for the cost of their plant. Very little could have been known by the officers in the Navy Department concerning the cost of producing armor, and Secretary Whitney did not undertake to make, nor was it expected that he would make, a close bargain. On the contrary, it was expected that he would make a liberal contract which would result in the establishment, without fail, of a suitable armor plant within the United States. His contract with the Bethlehem Company was dated June 1, 1887. Secretary Tracy made his contract of November 20, 1890, with the Carnegie Steel Company for the same prices per ton which Secretary Whitney had agreed to pay the Bethlehem Company. The prices paid per ton for armor under these two contracts varied from $500 a ton for the lowest up to $600 a ton for the highest.

PRICES FOR ARMOR PAID BY SECRETARY HERBERT.

Before Secretary Herbert made his recent contracts, dated June 1, 1896, with the Bethlehem Iron Company and the Carnegie Steel Company for the armor for the *Kentucky* and *Kearsarge*, he negotiated with the representatives of those two companies with a view to securing a reduction in price. It had been one purpose of Secretary Tracy, in establishing a new armor plant through his contract with the Carnegie Steel Company, to secure, if possible, competition with the Bethlehem Company in the manufacture of armor. Secretary Herbert, however, was compelled to realize that there was no prospect of competition, because the two companies had come to an understanding that they would not compete with each other. He at last succeeded, nevertheless, in inducing them to agree to "come down from the basis of $520 a ton to $450 a ton" (page 25), not including the Harvey process (page 27), costing about $50 per ton; and Secretary Herbert made the above-mentioned contracts for the *Kentucky* and *Kearsarge* accordingly.

BETHLEHEM COMPANY'S PRICES TO FOREIGN GOVERNMENTS.

It appeared to the committee that the Bethlehem Company, seeking to sell armor abroad, took a contract for a foreign government at about $250 per ton (page 29). This transaction was explained, however, by the statement that the Bethlehem Company had been anxious to introduce American armor in competition with armor made abroad, and had taken the contract in question, amounting to only $600,000 in all, at less than cost. The only real evidence before the committee prior to June 10, 1896, as to the cost of armor abroad came from the following table, furnished the Senate on the 5th of February, 1895, in a statement (Fifty-third Congress, third session, Senate Executive Document No. 56) by the Chief of the Bureau of Ordnance, in relation to prices paid abroad for armor (page 83):

The following table of prices of armor is submitted with full reservation as to the accuracy of those asked by foreign makers:

Grade.	England.			France.		
	Plain.	Nickel.	Harvey-ized.	Plain.	Nickel.	Harvey-ized.
Lower limit	[1] $413				[2] $449.00	[2] $521.00
Upper limit	[1] 438				[2] 463.00	[2] 540.00
Special						
Foreign trade	[3] 312	[4] $358	[7] $302–$341	[5] $312	[6] 311.46	389.92

[1] Vickers, makers for H. M. S. *Centurion*.
[2] Acier special for the *Bouvet*.
[3] For the *Charlemagne* and *St. Louis*.
[4] Said to be $48 more than for plain steel; hence $301 to $320.
[5] Vickers bid.
[6] Cammell's bid for armor of Russian *Three Saints*.
[7] Cammell's bid.
[8] Le Creusot bid.
[9] Le Creusot bid for Russian *Three Saints*.

It was claimed by the manufacturers that the contract of the Bethlehem Company for $250 was entirely exceptional, and they asserted that the present price of armor in Europe, as shown by recent contracts, is about $500 per ton. On the other hand, a suggestion was made that this latter price continued to prevail only on account of a combination of foreign armor manufacturers, which has been joined by the Bethlehem and Carnegie companies. But on this point the committee had obtained no definite information prior to the recent investigations of Secretary Herbert.

The Bethlehem Company and the Carnegie Company did not submit to the committee any evidence as to the cost for labor and material of making the armor. The testimony before the committee, given by the principal naval officers representing the Government at the works, was as follows:

COMMANDER HORACE ELMER.

Senator SMITH. I ask you to state the cost approximately.

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway—that is, leaving out all interest in the plant, or how much the plant cost, or how much there is of wear and tear. I merely take the basis of the metal to begin with, and go through the whole process to the end.

Senator SMITH. Outside of the question of capital invested and the wear and tear of machinery?

Mr. ELMER. Outside the question of wear and tear.

Senator TILLMAN. To make that fuller, let me ask you, in the event of the Government establishing its own plant where there was another plant equally as well equipped in existence, do you think that the Government itself or the proprietors of the other plant could make for $250 a ton the armor for which we are now paying $500 a ton?

Mr. ELMER. Do you mean to exclude the idea of the cost of the plant?

Senator TILLMAN. I am speaking about a plant duplicating the one which now exists at Carnegie's works. Would the necessary skilled labor and the material and the supervision entail a cost in producing armor of more than $250 a ton?

Mr. ELMER. I do not think so.

Senator SMITH. Now let me ask you one question and I am through.

Mr. ELMER. May I modify that statement thus far? In order to make armor at such a rate it would be necessary to work continuously. You could not do it by working eight hours a day. You would have to work night and day.

Senator TILLMAN. It would be necessary to have relays of hands—shifts?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Working how long?

Mr. ELMER. Twelve hours on and twelve hours off.

Senator SMITH. Is there any other statement which you wish to make in this connection?

Mr. ELMER. No, sir. (Page 309.)

* * * * * * *

Senator CHANDLER. Can you tell me what is the commercial value of the large ingot which is taken to make the armor plate?

Mr. ELMER. I can tell you what simple steel is worth. Nickel steel is not on the market.

Senator CHANDLER. I understand.

Mr. ELMER. The nickel alloy contains 3½ per cent of nickel. That alloy has no value commercially; that is, it is not marketable except for armor. Simple steel is worth about $17 a ton.

Senator CHANDLER. So, if we establish a Government armor factory conveniently to steel works, we could get simple steel for about $17 a ton?

Mr. ELMER. Yes, sir. (Page 314.)

LIEUT. COMMANDER JOHN A. RODGERS.

I am of the opinion that the average cost of labor and material will not be more than $250 per ton of armor. (Page 325.)

Assuming that the cost of labor and material in making a ton of armor would not exceed $250 (which sum it now appears was excessive), the remaining point was what would be a fair allowance to cover use of the plant, interest on the investment, risk,

and a fair profit. In the absence of definite information, feeling compelled to act, the committee reached the conclusion that until further inquiry should be made, $350 per ton ought to be the limit above which prices for armor purchased by the United States ought not to be allowed to go; and this opinion found embodiment in the amendment proposed in behalf of the committee to the naval appropriation bill of May 2, 1896.

CONCLUSIONS OF SECRETARY HERBERT.

The conclusions subsequently reached by Secretary Herbert are contained in his report of January 5, 1897, heretofore alluded to. A synopsis of the report is as follows:

The Secretary sets forth at great length the methods and results of his investigation, which was conducted by himself personally with Capt. W. T. Sampson, Chief of the Bureau of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair, as advisers. Immediately after the passage of the act the Secretary called on the two contracting companies, the Bethlehem Iron Company, of South Bethlehem, Pa., and the Carnegie Steel Company, Limited, of Pittsburg, Pa., requesting them to aid him with the necessary information to enable him to perform the duties imposed upon him by the Congress. The two companies declined to give information, upon the ground that it was very unusual for Congress to inquire into the business of private corporations. They, however, in October, made statements as to the cost of their plants and furnished suggestions to the Secretary as to the methods which should be adopted by him in estimating the cost of armor and of their investments in the armor plants.

The Secretary called together a board, composed of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Company's iron works. The other, Lieutenant Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years and had been on duty in the Bureau of Ordnance, during which time he had spent several months at both the Bethlehem and Carnegie works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged into the furnace for casting the ingot preparatory to the forging process, and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged harveyed nickel-steel armor, the Government supplying the nickel, was $167.30.

Lieutenant-Commander Rodgers, who had been an inspector at the Bethlehem Iron Works, was also called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observation in the manufacture of armor, makes the cost of labor and material in a ton of single-forged harveyed nickel-steel armor $178.59.

The inspector of ordnance at the Carnegie Steel Company, Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged harvey nickel-steel armor is $161.54.

Adding 10 per cent to each of these estimates for loss due to rejections, makes the estimate of the board $184, the estimate of Lieutenant-Commander Rodgers $196.45, and of Ensign McVay $177.69. For reforged nickel-steel harveyed armor the estimate of Lieutenant-Commander Rodgers is $208.85, and of Ensign McVay $190.09.

The Secretary, in making his calculations, says, in order "to be just to both the manufacturers and the Government," he took an average of the estimates, which is $185.38 for single-forged and $197.78 for reforged armor, in making the calculations contained in the report.

Shortly after the passage of the act letters were written to the naval attaché at London and the naval attaché at Paris, instructing them to secure additional information as to the prices paid for armor to European manufacturers, and as to the cost of establishing armor plants like those possessed by the two American companies.

The question of the cost of establishing an armor plant being a material one, the Secretary personally visited Europe during the past summer for the purpose of prosecuting inquiries in this direction, and also to make further inquiries as to the prices of armor. While abroad he visited a number of armor plants and machine shops and secured two estimates—one made in France and the other in England—of the cost of erecting armor plants. The French estimate was for the erection of an armor plant at Guérigny, and was made by the French Government for the purpose of ascertaining the cost to erect an armor plant in connection with the works of the Government already at that place. This estimate, made by the Government of France for the erection in connection with its plant now making protective decks and equipment supplies, is $700,000, all told. The Secretary estimates that, allowing for duties and for higher-priced labor in building houses and in installing plant, an efficient armor plant based on the French figures could be erected in this country for $1,400,000.

The English estimate, made by a company of experience and reputation, and which is prepared to furnish the plant, puts the cost at £118,400. This estimate was referred to the Chief of the Bureau of Ordnance to be completed by adding the estimated cost of duties, buildings, installation, etc., and other items deemed necessary to make it equal the American plants. As thus completed, the estimate for putting up a plant equal to that of the Carnegie Company, said to have cost $3,000,000, is $1,590,000.

The Secretary sets forth at some length the fact that the Bethlehem Company, being the first to erect an armor plant in this country, necessarily made a number of costly experiments, chief among which was the erection of a hammer, said to have cost between $400,000 and $700,000. He therefore has allowed the Bethlehem Company in his calculations $1,000,000 more as the cost of their plant than is allowed the Carnegie Company. He estimates on the basis of the English plant, with additions by Captain Sampson, $1,590,000, and, allowing for the difference in prices between the present time and 1890, when the Carnegie Company's plant was erected, his estimate would show that the Carnegie Company should be allowed $2,500,000 for their plant. As the plant of the Bethlehem Company, owing to their costly experiments, cost considerably more, he makes an additional allowance to them of $1,000,000, and his estimate would be that their plant cost $3,500,000. But he takes the statements of the companies as showing what the plants cost.

The Secretary, upon his return from Europe, sent an officer to Harrisburg, Pa., where search was instituted for returns made by the two contracting companies to the auditor-general of the State under an act of the Pennsylvania legislature of 1889. He succeeded in securing copies of the returns from the Bethlehem Company, showing their capital authorized, capital paid in, and dividends from 1889 to November 1, 1895, inclusive. This information was supplemented, after request by the Secretary, by the Bethlehem Iron Company and by additional information secured from the Red Book of Pennsylvania, so that the Secretary had at hand the statements of the Bethlehem Company as to their gross receipts, net receipts, dividends paid, and surplus from 1889 to 1896, inclusive.

This information was all from the company itself, and therefore most important, and from it the Secretary prepared a statement showing that whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, or whatever may have been interest on working capital, all those and other charges have been paid from the gross earnings of the company, and the results show the company's investments in plant to make armor and gun steel for the Government have been returned with 23 per cent thereon.

The Secretary states in another form the account of the Bethlehem Company with the Government as a profit-and-loss account based on the reports to the auditor-general of Pennsylvania, which are from the company's statements from November 1, 1889, to November 1, 1896, in the following manner:

Net earnings, 1889 to 1896, inclusive		$6,769,553.95
DEDUCTIONS.		
Interest on original capital stock of $2,000,000 for 8 years at 10 per cent per annum	$1,600,000.00	
Repayment capital added in 1889	613,200.00	
Interest on same at 10 per cent for 7 years	429,240.00	
Repayment capital added in 1890	231,950.00	
Interest on same at 10 per cent for 6 years	139,110.00	
Repayment capital added in 1891	1,154,950.00	
Interest on same at 10 per cent for 5 years	577,475.00	
Repayment bonds shown on report for 1895	1,351,000.00	
		6,096,825.00
Balance of profit, 1889 to 1896, inclusive		672,728.95

This allows dividends annually on $2,000,000 at the rate of 10 per cent for eight years; it repays the $2,000,000 paid in, with 10 per cent from the dates when the capital was subscribed; it pays the bonds shown on the report for 1895 and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants, in addition to the 10 per cent already allowed on new stock.

The returns made by the Carnegie Company, however, were so indefinite as to be practically of no value, and it was necessary for the Secretary to resort to the best evidence obtainable for the purpose of showing: (1) The value of its plant; (2) the price of labor and material entering into a ton of armor; (3) the amount that should be allowed the company for maintenance, and the amount of the plant upon which maintenance should be allowed. The account of the Carnegie Company with the Government is stated in several ways—in one table allowing a valuation of $3,000,000 for the plant, another at $2,500,000, and a third at $2,000,000. On a $3,000,000 valuation of the plant, allowing 5 per cent for maintenance, the rate claimed by the company, and 5 per cent on a working capital of $750,000, and allowing a dividend to the company of 10 per cent per annum on outstanding capital, the Secretary shows that the entire cost of the plant is practically extinguished upon the completion of existing contracts.

Assuming the cost of plant at $2,000,000 and allowing 10 per cent thereon for maintenance, insurance, etc., and 5 per cent interest on working capital, and allowing 10½ per cent dividend on outstanding capital invested in plant, and applying the surplus of net earnings after deducting dividends for each period of six months to the extinguishment of cost of plant, the Secretary shows that the Carnegie Company will have been on the 1st day of July, 1897, repaid every dollar it claims to have expended on its plant, and after the allowances noted above will have made a profit on its investment up to the time when that investment was extinguished by the repayment of the money of 15 per cent.

The statute under which the report of the Secretary is made requires a report not only as to what is the actual cost of manufacturing armor, but also what sum ought equitably to be paid for armor hereafter. In dealing with this question the Secretary sets forth fully the great risk involved by these companies when their plants were erected of having work for only a short time, and that for many reasons their profits were necessarily expected to be large. He also shows that the Government having really created these plants ought to perpetuate them, as such industries are necessary in order to enable this country to be independent in the important matter of public defense. He is of opinion that the Government should pay for armor in the future a price sufficiently liberal to justify the contractors in keeping their plants in order and ready at all times to manufacture armor when occasion requires.

No ordinary profit, considering the great expense of maintaining the plants and the uncertainty of future orders, will be sufficient, but the Secretary shows that these companies have been reimbursed for their original investment and allowed handsome profits besides. The original cost of armor plants is not to be allowed for in the future, and maintenance is to be allowed, not on the basis of their orginal investment, but on the values of the plants, and these plants could now be erected, as has been heretofore shown, for $1,500,000.

Assuming, therefore, the present value of the plants to be $1,500,000, and allowing 10 per cent, or $150,000, per annum for maintenance, the Secretary makes the calculation on the basis of 2,500 tons of armor being manufactured per annum, which adds $60 per ton to the price of labor and material, making in round numbers $250. If 3,000 tons are manufactured the price of each ton would be ascertained by adding $50 for maintenance to the $196, cost of labor and material, making in round numbers $250 as the cost of a ton of armor.

The Secretary concludes that, in view of all the circumstances regarding the uncertainty of future contracts, it would not be inequitable to allow the contractors 50 per cent profit upon the cost of manufacturing armor for the three ships now under contract. Adding 50 per cent to $250 gives $375, but the Secretary recommends that as the nickel is now furnished by the Government, which makes an addition of $20 per ton in the price of armor, it would be better in the future to have the contractors furnish this material, which would bring the price up to $395 per ton; and, allowing something for keeping nickel on hand, he suggests that $400 per ton would be a fair and equitable price to pay for the armor for the *Wisconsin*, *Alabama*, and *Illinois*.

The Secretary ends his report by a recommendation that Congress give the Secretary of the Navy power to erect or buy an armor and gun plant should the contractors not be willing to accept the price for armor which the Congress in its discretion may enact shall be paid in the future.

While the committee can not too highly commend the pains taken by Secretary Herbert, in his report above summarized, to reach a correct and just conclusion, yet the committee is not prepared to accept his opinion that $400 per ton would be a fair and equitable price to pay for the armor for the three coming battle ships, which he appears to have decided to name the *Wisconsin*, the *Alabama*, and the *Illinois*.

In examining the details of the report of the Secretary, it is noticeable that in his efforts to be fair and just he resolves all

doubts in favor of the companies and gives to them liberal allowances where the facts are uncertain. His price of $400 is reached as follows:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196.00
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50.00
Making	246.00
Or in round numbers	250.00
He then adds for profit 50 per cent, or	125.00
Making	375.00
And then adds for nickel to be furnished hereafter by the contractors	20.00
Making	395.00
Or in round numbers	400.00

Certainly an allowance of $150,000 per year for maintaining an armor-making plant seems excessive; and in addition to the total cost of manufacture, which includes the materials in the ingot, the materials consumed in manufacture, the labor, the keeping of the plant ready for use, the shop expenses, the office expenses and contingencies, and the expenses of administration, superintendence, and engineering (see Secretary Herbert's report, page 25), to give an allowance of 50 per cent profit is too liberal.

After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168.00
Add for reforging	12.00
	180.00
Add for maintenance of plant	30.00
	210.00
Thirty-three and one-third per cent profit	70.00
	280.00
Add for nickel	20.00
Making the price for armor	300.00

While this question was under consideration by the committee, the Bethlehem Company and the Carnegie Company requested to be heard; and on the 2d day of February Mr. R. P. Linderman appeared for the former company and Mr. C. M. Schwab for the latter company, and for the first time since the investigation was ordered on December 31, 1895, the companies seemed willing to discuss some details concerning the actual cost of making armor, while still declining to permit an examination of their books on that point. They made criticisms of some of the details of Secretary Herbert's report, and the Secretary being present, he made reply thereto, and afterwards submitted a letter dated February 3, 1897. A report of this last hearing, including the Secretary's letter, will be found with the testimony accompanying this report.

The companies are entitled, even at this late day, to receive fair consideration of any facts and arguments which they choose to submit to Congress, and the committee therefore conclude to report that a fair average price of armor will be between $300 and $400 per ton, and, without fixing the exact amount, to leave the question to be further considered by the committees and to be determined as may appear to be just when the naval appropriation bill is under discussion in the two Houses of Congress.

LEGALITY OF MAKING CONTRACTS FOR ARMOR WITHOUT ADVERTISMENT AND COMPETITION.

In the course of the inquiry made by the committee the question was raised whether the contract with the Carnegie Company, entered into by Secretary Tracy without advertisement or competition, was lawfully made. The first contract for armor—that with the Bethlehem Company—was made after advertisement for proposals, dated June 1, 1887, and, as elsewhere appears in this report, there was actual competition, the bid of the Bethlehem Iron Company being $3,610,707.50 and that of the Cleveland (Ohio) Rolling Mill Company being $4,021,560. At that time the laws governing the procuring of naval supplies were embodied in sections 3709 and 3718 of the Revised Statutes. Section 3709 requires that "all purchases and contracts for supplies or services, in any one of the Departments of the Government except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service." Section 3718 enacts that "all provisions, clothing, hemp, and other materials of every name and nature for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract by the lowest bidder," etc.

The first contract with the Carnegie Company for armor was made by Secretary Tracy without advertisement, under date of November 20, 1890, while the above sections of the statute were in force.

It appears, however, that an exception existed to the rule requiring purchases from the lowest bidder after advertisement, to be found in a provision of the Revised Statutes. Section 3721 enacts that "the provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder after advertisement shall not apply to ordnance, gunpowder," etc.

In view of the foregoing statutory provisions, it seems clear that there existed in the statutes a requirement of competition in making purchases of armor for the Navy. Secretary Whitney so understood the law and conformed thereto, and he did not conceive that the exception in favor of ordnance in section 3721 could by any possibility apply to armor.

What reason, if any, Secretary Tracy has ever undertaken to give for making his contract with Carnegie & Co. without competition did not appear to the committee. Congress, however, took notice of his omission to comply with the law, and in the naval appropriation act of March 2, 1891, under the heading "Construction and steam machinery," provided "that no contract for the purchase of gun steel or armor for the Navy shall hereafter be made until the subject-matter of the same shall have been submitted to public competition by the Department by advertisement." This provision is still in force, as are also similar provisions to govern the construction of naval vessels contained in "An act to increase the naval establishment," approved August 3, 1886, and in each subsequent act authorizing an increase of the Navy.

EXPEDIENCY OF ESTABLISHING A GOVERNMENT ARMOR-PLATE FACTORY.

In connection with the bill for the establishment of a Government armor-plate factory introduced by Senator SMITH, and also in connection with the general inquiry as to the cost of producing armor, the committee endeavored to ascertain the cost of a plant sufficient for the manufacture of armor plate, but at first succeeded in obtaining no precise information. The statements made by the Bethlehem Company and Carnegie & Co. were general—by the Bethlehem Company that they had expended about $4,000,000; by Carnegie & Co. that they had expended about $2,500,000. The diminished expenditures of the latter grew out of the benefit derived by them from the previous experience of the Bethlehem Company, notably by Carnegie & Co.'s omission to provide a large hammer as well as a hydraulic press. The Bethlehem Company imported both a press and a hammer, the latter costing nearly $500,000 and not being really needed.

It seems to be conceded that a Government armor-plate factory, if established, must be located in close proximity to some steel works wherefrom the nickel-steel ingots can be easily procured. Assuming this course to be pursued, the committee believe that a suitable factory could be established, with buildings, furnaces, hydraulic press, and machinery for shaping and finishing the armor at a cost of not exceeding $1,500,000, which sum will be ample, as shown by the report of Secretary Herbert.

The Secretary of the Navy, in concluding his before-mentioned report (House Document No. 151, Fifty-fourth Congress, second session), recommends that if Congress shall by law determine upon any limit of price to be paid for armor "it shall also authorize the Department to erect or buy an armor plant and a gun plant, and if need be to lease such plant or plants until it can construct its own." The alternative authority in the Navy Department to establish an armor plant of its own in case the armor manufacturers shall decline to accept such prices as may be fixed by law the committee believe should be granted by Congress under suitable limitations, conditions, and restrictions.

RECOMMENDATIONS OF THE COMMITTEE.

The practical conclusions of the committee in brief are as follows:

I.

That the exclusion of naval officers from employment by contractors having large dealings with the Navy Department, which is now enforced by the clause in the law of June 10, 1896, should be kept upon the statute book.

II.

That the Government should have the right to use all patents for discoveries made by its naval officers while engaged in its service, upon paying therefor a reasonable compensation, to be determined in a manner provided by law, substantially as follows:

That whenever in the judgment of the Secretary of the Navy the public interests require the use in the naval service of any invention or discovery covered by letters patent hereafter issued to any officer of the Navy, whether retained in his ownership or assigned to others, said Secretary shall proceed to use said invention or discovery in the manner and to the extent required by such naval service; and such royalties and compensation as may be equitably due such officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by said officer in the Court of Claims. Said court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice in courts of equity, and all cases shall be determined within one year from the filing of the petition therein, unless in the discretion of the court, upon sufficient cause shown, the time is extended.

The Secretary of the Navy is hereby prohibited from making any contract or payment for the use of any patent hereafter taken out by any naval officer; and hereafter no patent shall be issued to any naval officer without the written approval of the Secretary of the Navy.

III.

That no further armor contracts should be made requiring the use of patented inventions until the inventors, upon fair and just terms, convey to the United States the right to use such inventions under such contracts and all future contracts.

IV.

That it should be provided by law where the head of a Department requests the Commissioner of Patents to expedite the consideration of an application for a patent, "that in every such case it shall be the duty of such head of a Department to be represented before the Commissioner of Patents in order to prevent the improper issue of a patent."

V.

That a Government armor factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law.

VI.

That a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, will be between $300 and $400 per ton of 2,240 pounds.

APPENDIX.

I.

Letter from Senator CHANDLER to Senator CAMERON, chairman, dated July 13, 1896, as to the course of the inquiry.

II.

Letter of Secretary Herbert and British Admiralty rules, relative to patents on inventions made by naval officers.

III.

The Corey patent for reforging armor. Letter of Commissioner of Patents.

IV.

The Schneider & Co. patents for making nickel-steel alloys. Letter of Messrs. Pollok & Mauro. Letter of Comptroller of the Treasury.

I.

Letter from Senator Chandler to Senator Cameron, chairman.

WASHINGTON, D. C., *July 13, 1896.*

DEAR SIR: After the recent naval appropriation bill had passed, in conversations with Senators BACON and SMITH, it was said by them to me that certain suggestions ought to be made in our behalf to Secretary Herbert in connection with the investigation into the prices of armor for battle ships, which investigation he was directed by the appropriation act to make according to the terms of the compromise clause adopted by the committee of conference of the two Houses. The views we entertained were not known to be those of the whole committee, and there was not time to have a meeting of the committee; but it was thought proper that these views should be presented to the Secretary in behalf of the two Senators named and myself, and I undertook to present them sensonably either by letter or orally.

Learning that Secretary Herbert was proceeding rapidly with the inquiry which he was directed to make by the appropriation act, I came to Washington, and on Friday last had an interview with him. The points which I had been requested to make were these:

I. That he ought not to feel at all embarrassed in reaching a conclusion that a fair price for armor would be lower than the prices hitherto paid, by reason of the fact that he had so recently made contracts for the armor for the *Kentucky* and *Kearsarge* at a reduction of only $50 a ton from the first prices paid the Bethlehem Company. Those contracts were made, so to speak, in invitum, after he had made contracts for the hulls of the ships, and when he knew that there was to be no competition between the Bethlehem Company and the Carnegie firm, but that the two firms had united in arbitrarily deciding that they would not reduce the price of armor more than $50 per ton. Under those circumstances the Secretary felt obliged to make the contract with them, and the committee had said to him that they had no desire by their investigation to prevent him from making the contract; but, on the contrary, believed that under the circumstances he ought to make it as the best bargain he could get in the present condition of affairs, which, however, would not prevent any later decision by him that the true price of armor should be much lower than the price under this contract from being entirely consistent with his past action.

II. It was thought desirable by Senators BACON and SMITH and by me that Secretary Herbert's inquiry should not be brief or perfunctory, furnishing to Congress merely his conclusion as to the fair price for armor, but that he should go fully into details, preserve the evidence upon which he might act, and be in a condition to submit the evidence to Congress and to the Naval Committee for use by the latter when it should resume its own inquiry in pursuance of the resolution of the Senate, which still remains in force. It was felt by us that if Congress and its committees were to be made responsible for contracts for armor for the three new ships already authorized, and perhaps for others to be authorized next winter, we ought to be furnished with all accessible data with which to justify our conclusions.

My interview with Secretary Herbert has been very satisfactory. He has called to his assistance the two chiefs of the Bureaus of Construction and Ordnance, and also several naval officers familiar with the subject and possessing suitable capacity for the inquiry. He is entering into details as far as possible, and is preserving in writing a record of the various steps of his work. He has also, as I understood him, given the manufacturers an opportunity to submit to him such evidence as they choose to lay before him, with their views on the whole subject, and he says that he shall use no data which will not be at the service of Congress. He also explicitly stated to me that he did not regard the fact that he had made the *Kentucky* and *Kearsarge* contracts at the price named in those contracts as likely to embarrass him in the least if he should be able to find that the true price of armor for future contracts should be less than the prices so named.

This is concisely a statement of what I have done. It occurs to me to further say that it seems to me at this time that it will be comparatively easy to ascertain the cost of labor and material entering into the production of any given quantity of armor; possibly, also, to ascertain the cost of an armor-producing plant. The great difficulty is in determining what profit should be allowed upon any specific armor contracts. That question depends necessarily upon the amount of armor to be manufactured, whether the plant is to be continuously employed for a series of years, or whether the work is to be only occasional. If there is to be no more than the contract for the armor for the three new battle ships, a high price would be justifiable. If it is certain that there are to be additional contracts, a lower price can justly be insisted upon. As to the quantity of future work, the committee will be as good a judge as the Secretary, and neither can probably venture upon any positive prediction. So far as figures are being made in the Secretary's inquiry bearing upon the question of price, he is, I understand, beginning with the first contract with the Bethlehem Company and ending with the *Kearsarge* and *Kentucky* contracts, assuming their full completion according to their terms.

It remains for me to say that I was very much gratified to notice the zeal and good judgment displayed by the Secretary in his efforts to reach a just conclusion in conformity with the instructions of Congress. Whether or not the committee shall agree with him as to the price to be paid for armor for the three ships lately authorized, we shall certainly be able to accord to him high credit for his industry and just intentions in connection with the subject.

I shall be glad to take any other action in this connection which you or any member of the committee may consider desirable.

Very respectfully,

WM. E. CHANDLER.

Hon. J. D. CAMERON,
Chairman Committee on Naval Affairs,
United States Senate, Washington, D. C.

II.

Letter of Secretary Herbert and British Admiralty rules relative to patents on inventions made by naval officers.

NAVY DEPARTMENT, *Washington, November 7, 1896.*

SIR: Referring to your letter of the 2d instant, in which you ask to be furnished with a full copy of an order of the British Government prescribing "the terms under which its navy shall acquire the use of inventions patented by persons in its naval service," I have the honor to inclose herewith a memorandum prepared in the Office of Naval Intelligence, in which is embodied the full text of the Queen's regulations on the subject, made in pursuance of section 27 of the "patents, designs, and trade-marks act, 1883."

With respect to the further request contained in your letter, to be advised of the exact terms of the law recommended by the Department, I inclose herewith a copy of a letter addressed to the chairman of the Committee on Naval Affairs, United States Senate, February 1, 1896, and a copy of a draft, therewith transmitted, of a bill to provide for the use by the United States of inventions covered by letters patent.

This draft embodies substantially my views in the matter. At the time it was drawn I did not have before me the full text of the British regulations, which, as you will observe, go further than the bill proposed by this Department, particularly in the requirement that patents may not be taken out by "officers or subordinates holding staff appointments" "without first obtaining the approval of the admiralty," and in the further requirement contained in the last paragraph of the Queen's regulations respecting inventions and improvements which may be suggested by officers conjointly with persons outside of the service.

For your further information, I also inclose a copy of the bill (H. R. 4148) introduced in the House of Representatives by Mr. HILBORN, and amended by the Committee on Patents, and a copy of the report of that committee on the bill (House Report No. 561, Fifty-fourth Congress, first session).

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. WILLIAM E. CHANDLER.

[Inclosed was the favorable report of Representative FAIRCHILD, from the Committee on Patents, of February 28, 1896, Fifty-fourth Congress, first session, House of Representatives, No. 561, and a copy of House bill of the same session, No. 4178.]

NAVY DEPARTMENT,
Washington, D. C., February 1, 1896.

SIR: In compliance with the request of the Naval Committee during my recent appearance before it, I have the honor to transmit herewith draft of a bill to provide for the use by the United States of inventions covered by letters patent.

For the reasons which prompted me to suggest the propriety of such legislation, I beg to refer to my annual report, submitted on the 27th of November, 1895, pages 48, 49, and 55. It will be seen by inspecting the bill that it is broader than the bill suggested in said report, inasmuch as it covers not only letters patent hereafter to be issued to officers of the Navy, but also letters patent to be issued to any other employee of the Government under such circumstances as would seem to justify its application.

I do not think I could, without undue elaboration, add anything to the reasons for such legislation submitted in the report above referred to.

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

A bill to provide for the use by Executive Departments of the Government of inventions covered by letters patent issued to officers or employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in the judgment of the head of any Department of the Government the public interest will be promoted by the use in any branch of the service, civil or military, of any invention or discovery covered by letters patent which may hereafter be issued to any person who, at the time such invention or discovery was made, was employed by the United States upon work requiring him to perform duties as a consequence of which such invention or discovery was made, or who may be presumed to have made such discovery or invention by reason of knowledge acquired by him in the service of the Government, the head of any Department in which such invention or discovery is to be used may acquire the right to use such invention or discovery in connection with any work, duty, or public business carried on by such Department, upon such terms or at such price or rate of compensation as may, by the head of the Department under whose direction the patentee was employed, be deemed just and equitable.

OFFICE OF NAVAL INTELLIGENCE, *November 4, 1896.*

Memorandum of information for judge-advocate-general—Queen's regulations.

307. By section 27 of the "patents, designs, and trade-marks act, 1883," it is enacted as follows:

"1. A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

"2. But the officers or authorities administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown, on terms to be before or after the use thereof agreed on, with the approval of the treasury, between those officers or authorities and the patentee, or, in default of such agreement on such terms as may be settled by the treasury, after hearing all parties interested."

2. All officers or subordinates holding staff appointments, or who may be now or hereafter employed in any administrative, instructional, manufacturing, or experimental department under the Admiralty, or appointed to any of Her Majesty's ships for service, either in such department or in any steam reserve, are to understand that one of the conditions subject to which they hold such appointment or employment is that they shall not take out a patent, nor seek for provisional protection for an invention, without first obtaining the approval of the Admiralty by application through their respective commanding officers or heads of their departments.

Each application must contain a general description of the invention for which protection is desired.

3. Permission to patent will not be granted as a matter of course, but each application will be dealt with according to the circumstances of the case. Should permission be granted, it will be subject to the following conditions, from which there shall be no appeal by the patentee, either to the treasury under the above-quoted section of the patents act, 1883, or otherwise:

(*a*) That if it be at any time desired by the Admiralty, the patent shall be absolutely assigned to the secretary of state for war, on such terms as the Admiralty may decide upon, after full consideration of all circumstances of the case.

(*b*) That the invention may be used by or for Her Majesty's service, and that the terms of payment, if any, for such use shall be decided by the Admiralty.

(*c*) In settling terms either for assignment or use, regard will be had by the Admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed by reason of his official position; and all payments will be subject to the approval of the treasury.

398. Whenever it happens in the course of a trial of the invention of any person outside of the service, or during discussion between officers and inventors, that improvements are suggested by officers conjointly, a careful record should be kept of the trial and of the suggestions made, which should at once be reported to the Admiralty, so that in case of an outside patent and a dispute as to price, the treasury may have before it all the circumstances, supposing appeal be made to it under the twenty-seventh section of the act of 1883. If it be discovered by any means that there is any intention on the part of inventors to apply for a patent for an invention to which officers have contributed, the Admiralty should at once be informed.

RICHARD WAINWRIGHT,
Chief Intelligence Officer.

III.

The Corey patent for reforging armor—Letter of Commissioner of Patents.

CONCORD, N. H., *October 5, 1896.*

SIR: By direction of the Senate Committee on Naval Affairs, I am gathering additional information under the resolution of the Senate of December 30, 1895.

By referring to page 220 of the printed testimony you will notice that while the patent granted to William E. Corey on his application of June 5, 1895, was being inquired into, the question was asked, "Whether there had been any previous application by Mr. Corey," to which Mr. Stauffer replied: "None that I am aware of, and such are generally accessible to the public."

You will further notice that Mr. Corey's patent was granted on June 25, 1895. This rapid work leads to the continued belief that the subject had been under consideration in the Patent Office before June 5.

Will you kindly reexamine the subject and inform me whether Mr. Stauffer's answer was correct? If it was not, will you furnish to me for the committee the same information about any prior applications that is given about that of June 5?

The committee wishes to know all about any patents granted and any applications denied covering the reforging of armor plates.

Very respectfully,

WM. E. CHANDLER.

The COMMISSIONER OF PATENTS.

The reply of the Commissioner is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., October 10, 1896.

DEAR SIR: Replying to your letter of October 5, 1896, requesting additional information under the resolution of the Senate of the United States of December 30, 1895, respecting the applications for patents filed by William E. Corey, I beg to inclose to you a copy of a digest furnished me this day by Examiner Byrnes, of this office, of the various applications received in this office for supercarbonizing and reforging armor plates, which embraces one application filed by William H. Jaques and five applications filed by William E. Corey, the last one of this number having matured into a patent on June 25, 1895. The digest prepared by Mr. Byrnes contains a list of the references cited in each case.

All the foregoing applications, except that in the patent, have become abandoned, and certified copies will be furnished to you if requested.

Respectfully, yours,

JOHN S. SEYMOUR, *Commissioner.*

Hon. W. E. CHANDLER, U. S. S.,
Concord, N. H.

UNITED STATES PATENT OFFICE, DIVISION 8,
October 10, 1896.

SIR: The following is a statement of the various applications for supercarburizing and reforging armor plates which have been filed in this division:

No. 391554, William H. Jaques, May 4, 1891.—The process described consists in first working a steel ingot to approximately the form desired by means of rolling, hammering, or preferably by heavy hydraulic pressure, then supercarburizing it, and thereafter either with or without intermediate tempering, subjecting it to a second working at a temperature varying from 1,200° to 1,832° F., by either rolling, hammering, or hydraulic pressure, in order to bring it to its finished form and proportions, and to toughen it, after which the final step of tempering is carried out.

References cited:
United States, 89876, May 11, 1869, McDonald (C. & C. H.);
United States, 442065, December 2, 1890, Low (Hard. Proc.);
United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
British, 3084, December 1, 1865, Dodds (C. & C. H.), page 4, lines 5-19;
British, 3246, November 30, 1871, Lake (C. & C. H.), page 4, lines 16-29;
British, 2935, February 25, 1887, Dickson (C. & C. H.), page 5, line 24;
British, 12272, September 10, 1887, Siddell (C. & C. H., Gas);
British, 1710, April 11, 1882, Ricci (C. & C. H., Gas);
German, 2185, December 7, 1877, Compagnie Anonyme des Forges (C. & C. H.);
German, 26942, February 18, 1883, Glaser (C. & C. H.);
French, 147010, January 23, 1882, Clemandot, III Ser., vol. 42, 8, c. 2, page 2.

Declaration of interference with William E. Corey, May 22, 1895, application No. 549697.

Interference dissolved on motion of Corey, June 6, 1895, on ground that Jaques, the senior party, had no right to draw any interfering claim within the scope of the issue, under rule 122. The case was rejected on June 11, 1895, on the ground that the claim as amended presented matter involving a departure from the original invention. There has been no subsequent action by applicant.

No. 540755, William E. Corey, filed March 6, 1895.—A steel ingot is rolled or forged to the desired shape, and supercarburized on one or more surfaces, as required. The article is then allowed to cool slowly in the supercarburizing furnace to a temperature of about 1,600° F., and not exceeding 2,000°, or it may be allowed to cool slowly to 100° F. to allow of tests being made as to degree of carburization, and then reheated to 1,600°. In either case the article, as an armor plate, is then subjected to great compression by means of a hydraulic press, which reduces the thickness, sometimes from 17 to 14 inches, without greatly increasing the length or breadth. The plate or other article is then annealed in the usual manner, machined to size, allowing for contraction in subsequent tempering, then tempered as usual, and ground or machined to size.

References cited:
United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
United States, 32546, June 11, 1861, Weston (A. & T., C. & C. H., Compounds);
United States, 86467, February 2, 1869, Sperry (A. & T., C. & C. H., Compounds);
United States, 143849, March 24, 1874, Robinson (A. & T., C. & C. H., Compounds);
British, 3084, December 1, 1865, Dodds (A. & T., C. & C. H., Compounds).

Application abandoned April 11, 1895, in favor of No. 545375.

No. 545375, William E. Corey, filed April 11, 1895.—This application describes and claims the process and product comprised in application No. 540755.

Allowed April 17, 1895, by acting examiner.

Withdrawn with issue April 25, 1895, and the following references cited:
United States, 89876, May 11, 1869, McDonald (A. & T., C. & C. H.);
United States, 442065, December 2, 1890, Low (Hard. Proc.);
United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
British, 3084, December 1, 1865, Dodds (C. & C. H.);
British, 3246, November 30, 1871, Lake (C. & C. H.);
French, 147010, January 23, 1882, Clemandot, III Ser., vol. 42, 8 c. 2, p. 2.

Abandoned May 17, 1895, in favor of applications Nos. 549696 and 549697, filed May 17, 1895.

No. 549696, William E. Corey, filed May 17, 1895.—This application is for an article of manufacture made by the process described in application No. 540755, and comprising an armor plate of steel, having an extremely hard surface, more highly carburized than the interior of the plate, the face and body being in a highly compressed and compact state, and considerably denser than similar plates which have been shaped or worked at the usual forging temperature.

References cited:
United States, 89876, May 11, 1869, McDonald (C. & C. H.);
United States, 442065, December 2, 1890, Low (A. & T., Hard. Proc.);
United States, 518908, April 24, 1894, Ackerman (C. & C. H.);
British, 3084, December 1, 1865, Dodds (C. & C. H.);
British, 3832, October 16, 1877, Browne (C. & C. H.).

Application abandoned June 5, 1895, in favor of application No. 551704.

No. 549697, William E. Corey, filed May 17, 1895.—This application is for the process described in application No. 540755.

No references cited.

Declaration of interference with application No. 391554, of William H. Jaques, May 22, 1895.

Interference dissolved on motion of Corey June 6, 1895, on the ground that no interference in fact existed.

Abandoned June 5 1895, in favor of application No. 551704.

No. 551704, William E. Corey, filed June 5, 1895.—This application comprises the matter contained in applications No. 540755 and No. 549686, of William E. Corey, having claims for both the process and product described therein.

No references cited.

Allowed June 6, 1895.

Patented June 25, 1895, patent No. 541594.

Respectfully submitted.

EUGENE BYRNES, *Examiner.*

The COMMISSIONER OF PATENTS.

IV.

The Schneider & Co. patents for making nickel-steel alloys—Letter of Messrs. Pollok & Mauro—Letter of Comptroller of Treasury.

UNITED STATES SENATE, *Washington, D. C., December 1, 1896.*

GENTLEMEN: There is herewith transmitted to you a printed copy of the testimony taken by the Senate Committee on Naval Affairs concerning the prices of armor for naval vessels, in which are various references to the patents for making nickel-steel alloys issued to Mr. Henri Schneider, of Creusot, France, and to the controversy relative thereto, which has arisen by reason of the provisions of the contract made by Secretary Tracy with Messrs. Carnegie, Phipps & Co., for contesting the validity of these patents. If you desire to be heard as counsel for Mr. Schneider, or to submit any communication on the subject, please so inform me.

Very respectfully, yours, WM. E. CHANDLER.

Messrs. POLLOK & MAURO,
Counselors at Law, 620 F Street NW., Washington, D. C.

WASHINGTON, D. C., *December 5, 1896.*

DEAR SIR: We have the honor to acknowledge receipt of your communication of the 1st instant, with printed copy of the testimony taken by the Senate Committee on Naval Affairs, in which are various references to the patents owned by our clients, Messrs. Schneider & Co., of Creusot, France, relating to nickel-steel alloys, and also references to a controversy in which those patents are involved, growing out of a contract between the Navy

Department and Messrs. Carnegie, Phipps & Co. In your communication you ask if we wish to be heard as counsel for Mr. Schneider, or to submit any communication on the subject.

Not deeming that the rights or interests of Messrs. Schneider & Co. are in any way involved in the pending investigation, or likely to be adversely affected by the result thereof, we will not avail ourselves of the opportunity which you have been good enough to offer us, of appearing as counsel before the committee. Believing, however, that the information may be useful to your committee in reaching just conclusions in the matter they are investigating, we herewith submit a brief statement showing the relations of our clients to the Government in the matter of nickel-steel armor.

It already sufficiently appears from the testimony that Messrs. Schneider & Co., having developed at their works the process of making nickel-steel armor, which has been used upon all the armored vessels of the United States Navy, communicated the same to the Secretary of the Navy, Mr. Tracy, in advance of any public disclosure thereof, and that our Government thus became possessed of the earliest information regarding this important invention. It is also known to your committee that a test plate of this new construction was furnished to this Government and tested at Annapolis in comparison with the all-steel and compound plates, the result of that test being the adoption of the nickel-steel plate for the United States Navy.

The effort and policy of Messrs. Schneider & Co. have been to make suitable business arrangements with the manufacturers in this country who might have occasion to employ their invention, and up to this time they have not asked any compensation from the Government for the enormous benefits conferred upon it. They believed that the manufacturers, particularly those favored by the Government with armor contracts, and who have derived large profits from the use of this invention, upon which the execution of their contracts absolutely depended, would readily agree to pay such reasonable royalty therefor as would compensate the patentees; or that, in the event of the unauthorized use of their invention, they could readily recover damages against the infringers.

Our clients are extremely desirous of maintaining friendly and cordial relations with this Government, and of avoiding any controversy or contention with any Department thereof. They were therefore unprepared for the antagonism of the Navy Department, resulting from the provisions of the contract with Messrs. Carnegie, Phipps & Co., dated November 20, 1890, and referred to in your communication to us. The position of our clients with respect to the incongruous alliance of the Government with an infringing contractor is stated in our communication to the Secretary of the Navy dated May 12, 1896. This is the first communication made by or on behalf of our clients to the Navy Department with reference to the use of their invention. It is as follows:

WASHINGTON, D. C., *May 12, 1896.*

SIR: We have the honor to address you on the subject of the claim of our clients, Messrs. Schneider & Co., for the use of their inventions relating to the fabrication of nickel-steel armor for the Government of the United States; and our object in addressing you is to secure such action by your Department as will lead to a just investigation and disposition of the claim of these patentees.

The only matter in question between Messrs. Schneider & Co. on the one hand, and the manufacturers of armor on the other, in which the Government of the United States is in any manner concerned, arises out of the first contract, dated November 20, 1890, between the Secretary of the Navy and Messrs. Carnegie, Phipps & Co.

For all the armor manufactured or hereafter to be manufactured by the Bethlehem Iron Company an arrangement has been made between that company and Messrs. Schneider & Co.; and in respect of armor made by the Carnegie Steel Company, except the 6,000 tons under the first contract aforesaid, we believe a settlement of royalties could readily be had, either by adjustment or through the courts, but for the situation brought about by the contract, and which virtually creates an alliance between the Government and a manufacturer charged with infringement of a patent.

The said contract of November 20, 1890, provides that to the price therein agreed to be paid for armor 2 cents per pound shall be added, the same to be paid into a Government depository to indemnify the manufacturers for any royalties they might be required to pay on account of the use of the patented invention.

The question of settlement of royalties due Messrs. Schneider & Co. by the Carnegie Steel Company has been a matter of protracted negotiation between the two concerns, but no definite results having been reached, a suit was begun on the 21st day of May, 1895, against the Carnegie Steel Company, which suit is now pending and undecided.

After instituting this suit it has come to our knowledge that, although not a party thereto and not by law liable to suit for infringement of patents, the Government of the United States has undertaken the defense, employing counsel and providing, or being responsible for, the expenses of the action.

It is against this situation that we now enter our protest and ask to be relieved. Our clients have taken no proceedings against this Government and do not wish to assume an attitude of hostility toward it, believing that for any demand or claim they may have directly against the Government they may rely upon its justice and fairness; or, if such claim can not be settled by negotiation between the parties concerned, it should be referred for settlement to the proper tribunal, and the only one having jurisdiction, to wit, the Court of Claims.

Furthermore, we protest against the use of a fund, set aside for the purpose of compensating our clients for the services they have rendered the Government, in the payment of counsel fees and in aiding a manufacturer in a dispute in which the Government has, and can have, no legitimate interest; and we protest none the less earnestly against the manifest injustice (and we may say illegality) of such proceeding because the prominent counsel now profitably engaged in resisting, at the expense of the Government, the demand of Messrs. Schneider & Co. is your predecessor in office, who, on behalf of the Government, made the contract above referred to.

Although by the aforesaid contract the Government agreed to become responsible for legal expenses in the case of a suit, this agreement was made only in respect of the armor covered by that contract. The pending suit is not for royalties on that armor, but for all armor and nickel steel generally made by Messrs. Carnegie & Co. The Government can not, by any interpretation of the contract, be held liable to bear the expense of this suit, and, as we will hereafter show, rather than be put in the position of attacking the Government in an infringement suit, we would eliminate therefrom the particular armor made under the contract of November 20, 1890, the Government not having made this indemnity agreement in any other of its armor contracts.

We assume that you are already fully informed of the facts touching the great benefit conferred upon the Government by Messrs. Schneider & Co., in inventing the nickel-steel armor, and in bringing the same to the knowledge of the Government at the time when the armor question was the subject of most anxious consideration. That the power of the new Navy is largely due to that circumstance is a matter of history, and was fully explained by ex-Secretary Tracy in his testimony, recently given before the investigating committee of the United States Senate. We do not here enter into this branch of the subject, it not being any part of our present object to demand remuneration from the Government, but simply to remove an obstacle which should not be permitted to stand in the way of a settlement of pending questions between Messrs. Schneider & Co. and one of the Government's contractors.

In view of the premises, we have the honor to ask your careful and favorable consideration of the following propositions:

(1) The contract of November 20, 1890, provides that an amicable settlement of the question of payment of royalties may be effected between the Secretary of the Navy, Messrs. Carnegie, Phipps & Co., and the patentees. We submit that this is the only way in which the terms of that contract can be carried out in a manner compatible with the dignity of the Government and the rights of parties who have rendered an important public service. On behalf of the patentees we hereby express their willingness to participate in an effort to effect such amicable settlement, in the belief that the result will be just to them and satisfactory to the Government, in that it will finally dispose of the question to which the Government by said contract has made itself a party, without the undesirable incidents and expense which a litigation of this nature would involve. All questions arising out of this contract would thus be speedily brought to an end, and the remaining questions left where they properly belong—between Messrs. Schneider & Co. and the Carnegie Steel Company. Under this head our request is that you take such action as will bring about a meeting of the parties concerned and exercise your good offices to settle the questions between them, so far as the Government is concerned therein, without litigation.

(2) In case you consider the Government liable to the extent of 2 cents per pound for the 6,000 tons of armor made under the aforesaid contract, or for any amount of royalty the patentees may recover by judgment upon said armor, and are unwilling to accept the suggestion of an amicable settlement and compromise in respect of said liability, we ask that the question thus found to exist between the Government and Messrs. Schneider & Co. be separated from the controversy between the latter and the Carnegie Steel Company; that these separate questions may be settled separately and each in its appropriate place. To that end we are willing and hereby propose to confine our demand against the Carnegie Company to the armor made under the second and subsequent contracts, and to deal directly with the Government in respect of its liability upon the first contract.

The object of this proposition is that the Government should withdraw entirely from the Carnegie suit, and refer to the Court of Claims the question between Schneider and the Government, in case the parties are unable to settle it themselves. We would ask you in this connection to consider in whose interest is this intervention of the Government in the Carnegie suit taken. Not in its own interest, for these are questions strictly between private concerns. Why should the Government, with its Treasury and its resources, intervene for one party and against another who is not hostile to this Government and has done nothing but confer a benefit upon it?

We address you in the sincere belief that these suggestions will meet with your approval, and, indeed, conceive that it could not be otherwise, since it can hardly be supposed that you would prefer to involve the Government in an infringement suit, not brought against it, and for which there is no sanction of law.

We have herein stated our views in a general way only, so as to learn your disposition in regard to them. In case in their general spirit they receive your approbation, we will address you more specifically touching the manner in which they may be carried into effect.

Requesting the honor and favor of an early reply, we are,

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE TREASURY.

The reply of the Secretary of the Navy, under date of June 15, 1896, is as follows:

NAVY DEPARTMENT, *Washington, June 15, 1896.*

GENTLEMEN: Referring to your letter of the 12th ultimo relating to the suit of your clients, Messrs. Schneider & Co., against the Carnegie Steel Company for the recovery of damages for use of the Schneider patents in the manufacture of nickel steel under all the latter-mentioned company's contracts for armor for naval vessels, in which you suggest that an amicable settlement may be made between the patentees and the Government so far as its interests in the matter are concerned, I have to inform you that the Department will give due consideration to any definite proposition you may make with a view to effecting a compromise upon this question. It would appear that the interests of the Government may be best subserved by defense against the suit of your clients and settlement of same in the courts, but if it shall be made clear that it is advantageous to the Government to make a compromise, it is probable that such compromise could be effected.

It is requested that you will give this matter your attention at as early a date as may be practicable.

Very respectfully,

H. A. HERBERT, *Secretary.*

Messrs. POLLOK & MAURO,
Counselors at Law, 630 F street NW., Washington, D. C.

On receipt of this communication our Mr. Mauro called at the Department and had an interview with Secretary Herbert, on June 17, for the purpose of discussing terms of settlement. In the course of that interview the Secretary informed Mr. Mauro that he had decided, after careful consideration, to settle by compromise the obligation of the Government incurred under the contract referred to, if satisfactory terms could be made, and that it was a mere question of price. Mr. Mauro stated to the Secretary that, in order to avoid even an appearance of antagonism toward the Government and to terminate speedily a situation that was extremely distasteful to our clients, they were prepared to make substantial concessions, and offered to accept 70 per cent of the royalty set aside under the contract. The Secretary replied that this concession would not suffice, and after some further discussion stated that a proposition from Messrs. Schneider & Co. to accept 50 per cent of the royalty claimed would be seriously and carefully considered.

Mr. Mauro informed the Secretary that he had gone to the limits of his authority in the offer made, and would have to refer to the principals for instructions. The interview closed with the suggestion of the Secretary that it would be advisable to obtain a cable authority to submit a better proposition, the impression conveyed being that an offer to accept one-half the claim would be immediately accepted. The result of this interview was, the same day, communicated by cable to the senior of our firm, Mr. Pollok, who was then in Paris. He immediately conferred with Messrs. Schneider & Co., and on the next day, June 18, sent by cable the following reply:

"In deference to Secretary, and to stop costly litigation, Schneider authorizes you to accept 1 cent pound."

On the same day (June 18) the following letter was addressed by us to the Secretary of the Navy:

WASHINGTON, D. C., *June 18, 1896.*

SIR: We have the honor to acknowledge receipt of your communication of the 15th instant (No. 2590-96) relating to the pending litigation between our clients, Messrs. Schneider & Co., and the Carnegie Steel Company, involving the use of the patented inventions of the former in the manufacture of nickel-steel armor for the Government of the United States, in which communication you say that due consideration will be given to any definite

proposition we may make with a view to effecting a compromise upon this question so far as the Government's interests are concerned in it.

In response to this communication, we stated to you yesterday that in order to avoid seeming antagonism with the Government and to reach prompt settlement we would take the responsibility of settling the claim of Messrs. Schneider & Co. upon the first Carnegie contract (of November 20, 1890) at a reduction of $75,000 (seventy-five thousand dollars) from the amount for which the Government became liable under that contract.

Upon your oral intimation that such proposition would not be favorably considered, and being without authority to make a larger concession, we cabled to Messrs. Schneider & Co. for instructions, advising them of your views so far as communicated to us.

We are now in receipt of this reply, in which they say that, in deference to the Secretary of the Navy, and to stop costly litigation, they authorize us to accept 1 cent per pound.

We believe that, in avoiding the usual methods of negotiation where money payments are involved, and stating at once the full extent of the concession our clients are prepared to make in their desire to meet your views, we will expedite progress; and we trust that this course, and the propositions hereby submitted, will meet your approval.

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE NAVY.

The matter remained under advisement until July 30. Under that date the Secretary replied as follows:

NAVY DEPARTMENT, *Washington, July 30, 1896.*

SIRS: Referring to the question of making a compromise of the suit of Messrs. Schneider & Co. against the Carnegie Steel Company for infringement of patents in the manufacture of nickel-steel armor, I have to inform you that, after carefully considering the matter, and after consultation with the attorney representing the Government in the case, the Department has concluded not to accept the proposition made in your letter of the 18th of June last, as attorneys for Messrs. Schneider & Co., that the Government pay your clients 1 cent a pound on all the nickel-steel armor plates manufactured by the Carnegie Steel Company under its contract of November 20, 1890.

Very respectfully,

H. A. HERBERT, *Secretary.*

Messrs. POLLOK & MAURO,
No. 620 F street NW., Washington, D. C.

On October 8, 1896, on the return of the Secretary from his trip abroad, we addressed to him the following letter:

WASHINGTON, D. C., *October 8, 1896.*

SIR: We have the honor to acknowledge receipt of your communication, No. 2906-96, under date of July 30, 1896, in reply to our letter of June 18, in which communication you reject a proposition for compromise of the pending controversy under the patents of Messrs. Schneider & Co., which we had submitted, evidently under a misapprehension regarding your views, and which would not have been made but for our belief that it would have been accepted, and the advantage of an immediate settlement secured.

We are now instructed by our clients to withdraw the proposition, and we beg you to consider the subject as if such proposition had never been made.

We are obliged, however, respectfully to direct your attention to the tenor of our letter of May 12 last, which resulted in the suggestion conveyed by your letter of June 15, that we should submit a "definite proposition," "with a view to effecting a compromise upon this question." In our said letter of May 12, 1896, the amicable settlement of the obligations which the Government had assumed under the Carnegie contract of November 20, 1890, was only incidentally suggested and advocated, our belief being that it was the most advantageous and honorable course for the Government to pursue, though well aware there might be reasons of expediency for not adopting that course, of which you, as the responsible head of the Department, are the best and only judge. We desire to emphasize the statement that the suggestion of compromise was made in the interests of the Government (not considering those of counsel) and we have used all our influence with our clients to obtain from them concessions which, we understood and believed, would make the settlement of the question acceptable to the Government.

The main object of our letter of May 12 was to show that, in the suit brought against the Carnegie Steel Company, the Government had but a small interest, and in defending it assumed much more than its share in the expense and responsibility for the defense, thus gratuitously attacking our clients in their vested rights, and lending its power and resources to aid a private corporation against persons to whom the Government is under obligations.

Therefore it was asked, as a matter of simple right and justice, that, should the Government persist in opposing the patents (a course somewhat inconsistent with that pursued in the case of other patentees and of less meritorious inventions) it would consent to transfer the trial of the controversy to the Court of Claims.

We believed, and still believe, that the identification of the Government of the United States in this litigation with the defendant contractors, who have committed themselves to the complainants in many ways, as set forth in the bill of complaint, is incompatible with both its dignity and its interests, besides being manifestly unfair to our clients. We therefore confidently believed that our request would be promptly granted.

To this prominent and important part of our letter we have received no reply, your consideration apparently having been given only to the suggestion of an amicable settlement. We now beg most respectfully and earnestly to urge this matter upon your attention.

In the light of the above explanation, you may, and doubtless will, wish to examine and consider the entire subject presented in our letter of May 12. We need not assure you that we have done and are desirous of doing everything—consistent with the duty we owe our clients—to aid the Government in reaching a safe and honorable solution of the questions growing out of the contract referred to. Since the specific proposition which we made, under a mistaken impression, did not meet your approval, we will not now submit another; but we shall be ready to act upon any suggestion you may see fit to make, or to submit the whole matter to arbitration.

With great respect, your obedient servants,

POLLOK & MAURO.

The SECRETARY OF THE NAVY.

To this letter no reply has been received up to the present time.

We have thus laid before you the entire correspondence between the representatives of Messrs. Schneider & Co. and the Government of the United States on the subject of their nickel-steel patents, and have stated the substance of the only interview had with the Secretary of the Navy on this subject.

If this correspondence suggests any specific questions which your committee would like to ask of us, we shall be happy to respond with such information as we are able to furnish.

Very respectfully,

POLLOK & MAURO.

Hon. WM. E. CHANDLER.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, D. C., January 11, 1897.

MY DEAR SENATOR: In reference to the amount claimed by Carnegie, Phipps & Co. for stipulated allowance as indemnity against alleged claims under patents for the manufacture of nickel-steel armor plates, as provided in section 4 of the contract with the Government of November 20, 1890, I find that the only record we have is contained in the bill presented for 871,232 pounds of nickel-steel armor plate, covering claims to include bill No. 40, approved March 17, 1893, which at 2 cents per pound amounted to $17,424.64. Payment of this bill was suspended by decision of Second Comptroller Mansur, of September 13, 1894, copy of which has been furnished you.

Since the suspension of this bill, no further claims under said section of the contract have been presented to the accounting officers. The contract, however, provides for the manufacture of 6,000 tons of armor plate and appurtenances, all or a part of which may be of the character for which the United States might become liable to pay the 2 cents per pound therein specified. Assuming that the tons referred to are long tons of 2,240 pounds, the liability, were the entire amount to be delivered by the contract to be of nickel steel, would be $268,800, or at the rate of $44.80 per ton. The Secretary of the Navy is by the contract vested with considerable discretion in the matter of substituting nickel-steel armor plate for ordinary steel, and I would suggest that you obtain a copy of the contract from the Navy Department.

Respectfully, yours,

EDW. A. BOWERS,
Assistant Comptroller.

Hon. WM. E. CHANDLER,
United States Senate.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., September 13, 1894.

Memorandum. Claim of Carnegie, Phipps & Co. for allowance as indemnity against claims under patents alleged by the owners thereof to cover the manufacture of nickel-steel armor plate, as provided by the fourth section of the contract of November 20, 1890.

"Whereas certain patentees claim by reason of their inventions to control the right to armor plates containing nickel; and

"Whereas the party of the second part declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being two (2) cents per pound upon the finished armor plates and appurtenances:

"Therefore, for the protection of the party of the first part, there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed aforesaid, the sum of two (2) cents per pound to cover said claims, which sum the party of the second part agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.

"Should it be finally decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement and payment of expenses as aforesaid which may have been necessarily incurred by the party of the first part shall be paid over to said Secretary of the Treasury.

"In case of a final judgment in favor of said patentees, the said sum shall be used, so far as necessary, for the payment of said judgment, and costs and expenses approved as aforesaid, including reasonable attorney's fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorney's fees in the defense of any such suits."

It is evident that this clause cited from the contract was intended to protect the contractors from loss in the manufacture of armor plate containing nickel. There is no evidence before me, nor has it been alleged, that any claim has been made against the company upon the ground that they are infringing upon the rights of any patentee in the manufacture of armor plates containing nickel, much less that any action has been brought or is even contemplated by any patentee for infringement of his process. The payment of this claim under the contract is suspended, as I am unable to see any reason why the money should be drawn from the United States Treasury, the first and greatest of all our depositories, and placed in some named depository by the Secretary of the Navy, but to be under the control of the company, thereby practically depriving the United States of any beneficial use of the money for the time being. If at any time claims shall be made and suit commenced against the company, then the question can again be brought to the consideration of the accounting officers, when the money, pursuant to said contract, can be placed in some designated depository of the Government to their credit.

C. H. MANSUR, *Comptroller.*

PRICES OF ARMOR FOR NAVAL VESSELS.

INVESTIGATION BY THE COMMITTEE ON NAVAL AFFAIRS OF THE UNITED STATES SENATE IN RELATION TO THE PRICES PAID FOR ARMOR FOR VESSELS OF THE NAVY.

WASHINGTON, D. C., *January 8, 1896.*

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, MCMILLAN, CHANDLER, BACON, and TILLMAN.

The CHAIRMAN. The committee is about to enter upon the inquiry which the Senate directed should be made by a resolution agreed to December 31, 1895. The resolution read as follows:

Resolved, That the Committee on Naval Affairs be directed to inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also whether any prices paid have been increased on account of patent processes used for the introduction of nickel or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers

of the Government were interested therein, or at the time when any contracts were made were, or have since been, interested in the patents or employed by the owners thereof, and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy.

It was ordered that the chairman transmit to the Secretary of the Navy the resolution of the Senate and the following memorandum, with the request to examine them and inform the committee whether it would be his pleasure to appear before the committee at some convenient time and give the information desired.

The memorandum transmitted in pursuance of the above order is as follows:

MEMORANDUM FOR SENATOR CAMERON, CHAIRMAN OF THE SENATE NAVAL COMMITTEE.

The following suggestions are made in reference to the investigation to be conducted by the committee under the resolution of the Senate adopted December 31, 1895:

1. That the inclosed memorandum be submitted to the Secretary of the Navy with the request that he will, if disposed to appear before the committee, prepare himself to give all available information within the Department or within his knowledge concerning the four points of the memorandum. The following particulars are suggested in connection with or addition to the points of the memorandum as to which it will be desirable to interrogate him when he comes before the committee.

2. What reason, if any, can be discovered why Secretary Tracy provided the fund of 2 cents per pound of armor made under the contract of the Carnegie Steel Company in addition to the prices paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?

3. How many requests have been made by the Navy Department since March 4, 1881, for the expediting of patent cases in the Patent Office, and in what cases and with what result?

4. How many contracts have been made by the Navy Department for the use of the Harvey patents? (Copies of all these should be produced.)

5. Does it appear that the Department, having requested that the Harvey patent case be made special, took any steps to ascertain whether or not the invention was novel, and to oppose its issue in case it could be proved to be nonpatentable?

6. When did the Department first have knowledge that Commander Folger was to be employed or had been employed by the Harvey Company or was to have an interest in the company? What contracts had been made for the Harvey process before Commander Folger ceased to be chief of the Bureau? What contracts were in process of arrangement while he was chief of the Bureau, and how soon after he left the Bureau were additional contracts made with the Harvey Company?

7. What has been the rule, if any, or the practice of the Navy Department with reference to patents in which officers of the Navy have been interested?

8. To what extent and in what cases have officers of the Navy been interested in patents which have been pressed upon or of which use has been made by the Department? (A particular list of all such cases should be furnished.)

9. What gross amounts have been paid by the Navy Department for armor for vessels of the Navy to the Bethlehem Iron Company and to the Carnegie Steel Company?

10. What are the additional amounts likely to be paid out to fulfill existing contracts, and to what amount is the Department now authorized to make further contracts for armor?

The Secretary should also be requested to furnish to the committee any facts within his knowledge, or of which he has heard in any way, which may tend to throw light upon the subject of the investigation, whether specifically asked about those facts or not, and he should also be requested to make any suggestions and to express any opinions which he may think wise.

WM. E. CHANDLER.

JANUARY 4, 1896.

STATEMENTS REQUIRING INVESTIGATION IN CONNECTION WITH THE ARMOR CONTRACTS OF THE NAVY DEPARTMENT.

I.

That the prices to be paid for armor under Secretary Whitney's contract with the Bethlehem Iron Company of June 1, 1887, were from $500 to $650 per ton; and the prices to be paid under Secretary Tracy's contract with the Carnegie Steel Company of November 20, 1890, were the same; and like prices were to be paid for armor under subsequent contracts made by Secretary Tracy with the Carnegie Steel Company on February 28, 1893, and with the Bethlehem Iron Company on March 1, 1893, and that these prices are too high, as proved by the fact that the Bethlehem Iron Company has recently made contracts with the Russian Government to furnish similar armor at a price understood to be about $300 a ton.

II.

That the contract of Secretary Whitney required the Bethlehem Iron Company to pay all royalties to patentees of processes necessary to be used in making the armor, and that the company did so pay large sums of money to patentees of the nickel-steel process, while in the contract of Secretary Tracy with the Carnegie Steel Company of November 20, 1890, it is provided that there shall be a fund amounting to the sum of 2 cents per pound of armor made with which to contest the legality of the nickel-steel patents or to pay any amount which the patentees may recover, but that Secretary Tracy agreed that the Government should pay this sum of 2 cents per pound in addition to the prices paid for the armor, although the Bethlehem Iron Company pay the royalties out of the prices received by them for the armor.

III.

That one Hayward A. Harvey had a patent issued on January 10, 1888, for hardening armor plate, and that on April 1, 1891, he filed an application for a patent on a modification of the process, which, on June 11, 1891, was rejected because prior patents covered "the well-known step of hardening by chilling." On June 17, 1891, the application of April 1 was canceled and a new one filed. On June 20 Secretary Tracy wrote the Secretary of the Interior requesting that the application be made special in the Patent Office. The new patent was issued September 29, 1891. In the summer of 1892 a contract was made by the Navy Department with Harvey for the use of his patent, and an additional contract was made with him in the spring of 1893, by which he was to be paid $11.50 per ton on armor treated by the process; and in the contracts of the Navy Department with the Bethlehem Iron Company of March 1, 1893, and the Carnegie Steel Company of February 28, 1893, the Government required the use of the Harvey process, agreed to pay the contractors $100, $78, and $50 per ton, according to the thickness of the armor, as an extra compensation for treating the armor by the process, and assumed all the expense for the royalties to be paid to the Harvey Company on the patents; the expediting of the issue of the Harvey patent, and the adoption of the process, having been, it is suggested, brought about by improper influences.

Specifically, it is stated that Commander William M. Folger, chief of the Ordnance Bureau in the Navy Department, induced the expediting of the Harvey patent and the adoption of the process in the manufacture of armor, by reason of an understanding that he should be employed by the company organized by Mr. Harvey and have an interest therein; that in January, 1893, after the first contract had been made with the company and after the second contract had been arranged, but before it had been actually executed, he resigned as chief of the Bureau, and while continuing to be a commander in the Navy he accepted employment from the Harvey Company for a salary of $5,000 per year and a bonus of 200 shares of stock in the company, and went abroad to negotiate contracts with foreign governments for the use of the Harvey process.

At 12 o'clock m. the committee adjourned.

COMMITTEE ON NAVAL AFFAIRS,
UNITED STATES SENATE,
Saturday, January 18, 1896.

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, MCMILLAN, CHANDLER, GIBSON, SMITH, BACON, and TILLMAN.

Hon. H. A. Herbert, Secretary of the Navy, appeared.

The CHAIRMAN. Mr. Secretary, we have sent you a memorandum of questions. If you desire to make a statement, we would be glad to hear you.

Secretary HERBERT. Shall I proceed to answer the questions furnished, or do the members of the committee prefer to ask questions?

The CHAIRMAN. It would be better to take up the questions in the order that they appear in the memorandum, and after a question has been answered any further questions can be asked that any member of the committee may desire.

STATEMENT OF HON. H. A. HERBERT, SECRETARY OF THE NAVY.

Secretary HERBERT. The memoradum sent to me proceeds as follows:

"The following suggestions are made in reference to the investigation to be conducted by the committee under the resolution of the Senate adopted December 31, 1895:

"(1) That the inclosed memorandum be submitted to the Secretary of the Navy, with the request that he will, if disposed to appear before the committee, prepare himself to give all available information within the Department or within his knowledge concerning the four points of the memorandum. The following particulars are suggested in connection with or addition to the points of the memorandum as to which it will be desirable to interrogate him when he comes before the committee.

"(2) What reason, if any, can be discovered why Secretary Tracy provided the fund of 2 cents per pound of armor made under the contract of the Carnegie Steel Company in addition to the prices paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?"

The records of the Department do not disclose any reason for the difference inquired about here. I find on investigation that the contract which was made by Secretary Whitney in 1887 with the Bethlehem Company for the manufacture of armor provided that the armor should be manufactured on what I may call, for the sake of convenience, the basis of $500 a ton. There were differences in the price of the armor according as it was more or less difficult to manufacture. Small and thin pieces like gun sponsons were allowed a higher price. Thick, heavy armor was at the rate of $500 a ton.

Senator HALE. Have you brought a copy of the contracts?

Secretary HERBERT. I have the contracts here. The first contract was made by Secretary Whitney. Afterwards, in 1890, Secretary Tracy made a contract with the Carnegie Company by which he agreed to pay to that company the same prices that were paid to the Bethlehem Company, with the exception of this point of 2 cents per pound additional inquired about. The Bethlehem Company is understood to have had some contract originally with the Schneider Company, at Creusot, France, for the right to use the processes that were used by that French company, and this patent is now claimed by that company, I think. The patent, however, was taken out, as I understand it, after 1887. When Secretary Tracy made the contract with the Carnegie Company, he agreed to indemnify it against damages that might be recovered from them for the use of this patent. He seems to have thought the patent invalid.

The CHAIRMAN. The French patent?

Secretary HERBERT. The French patent.

Senator SMITH. That was in addition to the amount paid to the Bethlehem Company?

Secretary HERBERT. Yes; the amount they were claiming was about 2 cents per pound, which would be some $48.80 a ton—a long ton. Long tons are always used in these contracts.

Senator BACON. You mean the amount the French company were claiming?

Secretary HERBERT. The amount the French people were claiming for the use of the patent right which they claimed, and which Secretary Tracy seems to have thought they did not have a right to. At any rate, whatever he thought about it, he agreed in this contract with the Carnegie Company to set aside 2 cents per pound as a fund to be drawn upon to indemnify them in case of any suit coming against them for this patent. His reasons do not appear in the record.

Senator SMITH. Was that 2 cents a pound taken off the price which was agreed upon under the contract?

Secretary HERBERT. No, sir.

Senator SMITH. That was additional?

Secretary HERBERT. It was additional.

Senator HALE. It was to indemnify them.

Secretary HERBERT. It was to indemnify them against a claim of that kind, which he asserted they had no right to, and he agreed to indemnify the Carnegie Company against any suit for infringement.

The fund, however, never was set aside. I think before I came into the office it was decided, in the preceding February, by the Treasury Department, that there was no power in the Secretary of the Navy to order that fund set aside. But the Government was nevertheless responsible under the contract. Secretary Tracy's idea of course was to get an additional plant for the manufacture of armor.

Senator CHANDLER. The amount claimed on the 2 cents per pound is about $300,000 for work done up to this time? The fund which the Comptroller declines to allow to be set aside and paid over is about $300,000, is it not?

Secretary HERBERT. I think so. The Comptroller has simply refused to allow it to be set aside. As to whether it is to be paid depends upon the result of the suit now pending.

Senator HALE. Has any order ever issued from the Department, or has any decision been made by any Secretary directing that sum to be paid?

Secretary HERBERT. No, sir.

Senator HALE. Of course it never has been paid?

Secretary HERBERT. Mr. Tracy refused to pay it, and I have refused to pay it. Suit has been finally brought against the Carnegie Company by the Schneider Company, and I have, through the Attorney-General, employed Mr. Wetmore, an attorney of New York, one of the first patent lawyers in the country, to aid the attorneys of the Carnegie Company in defending the suit.

Senator SMITH. Who are the attorneys of the Carnegie Company?

Secretary HERBERT. Their standing attorneys? I do not now remember their names. I have met them, but do not remember the names just now. But Mr. Wetmore is defending the Government in that suit.

Senator CHANDLER. Has the Government any other counsel employed?

Secretary HERBERT. None except Mr. Wetmore.

Senator CHANDLER. Is not ex-Secretary Tracy's firm employed?

Secretary HERBERT. Yes; by the Carnegie Company.

Senator CHANDLER. You have also employed Mr. Wetmore?

Secretary HERBERT. Yes, sir.

Senator HALE. To resist the suit?

Secretary HERBERT. To resist the suit. I did not know that ex-Secretary Tracy's firm had been employed by the Carnegie Company until recently. Before this investigation came up I wrote to ex-Secretary Tracy to ascertain from him the grounds upon which he had refused to admit the validity of the French patent, and then I learned that his firm was engaged by the Carnegie Company to defend this suit. The regular attorneys of the Carnegie Company—I do not now remember their names—are defending the suit, and Mr. Tracy's firm is also in the defense. Mr. Wetmore is the only counsel employed by the Government.

Senator HALE. What is there in the records of the Departments on which, if the suit is decided against the Carnegies, the foreign company can maintain and collect this royalty from them? What is there that would lead any Secretary or any Administration now to recognize the obligation to make this good?

Secretary HERBERT. The contract between the Carnegie Company and Mr. Tracy, the Secretary of the Navy.

Senator HALE. The contract recognizes that obligation?

Secretary HERBERT. It recognizes that obligation in these terms in the contract of November 20, 1890:

> Whereas certain patentees claim by reason of their inventions to control the right to make armor plate containing nickel; and
>
> Whereas the party of the second part (the Navy Department) declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being 2 cents per pound upon finished armored plates and appurtenances:
>
> Therefore, for the protection of the party of the first part (the Carnegie Steel Company), there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed as aforesaid, the sum of 2 cents per pound to cover said claims, which sum the party of the second part (the Navy Department) agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.
>
> Should it finally be decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement, and payment of expenses as aforesaid, which may have been necessarily incurred by the party of the first part, shall be paid over to said Secretary of the Treasury.
>
> In case of a final judgment in favor of said patentees, the said fund shall be used, so far as necessary, for the payment of said judgment, and costs and expenses approved as aforesaid, including reasonable attorneys' fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorneys' fees, in the defense of any such suits.

Then there are other provisions on the same subject, but these I have read sufficiently show, I suppose, the liability of the Government.

Senator CHANDLER. Then if 2 cents is not enough to pay the expenses and royalties the Government pays the rest?

Secretary HERBERT. Yes.

Senator HALE. It makes them good?

Secretary HERBERT. The Government is the guarantor in that case.

Senator HALE. That shows the Secretary contemplated litigation, and he provided, I understand, for the segregating of this fund, which has never been paid over by anybody, nor any portion of it, but is now locked up by the Comptroller, and the suit is now pending. That is the real situation, is it not?

Secretary HERBERT. The Comptroller refuses to set it aside, I understand. It has never been set aside and this contract simply stands.

Senator CHANDLER. Did the formal requisition for the payment of the 2 cents per pound go from the Navy Department to the Comptroller to pay the sum?

Secretary HERBERT. I think it did. I understand he refused to set it aside.

Senator CHANDLER. He could not make the refusal until the motion to pay had originated in the Navy Department?

Secretary HERBERT. I am not sure about what action was taken by the Department.

Senator CHANDLER. Therefore the Secretary of the Navy, for the time being, must have undertaken to pay 2 cents a pound?

Secretary HERBERT. Before saying that the formal requisition was made I would prefer to consult the records and see whether that was done; but my understanding is that either upon a formal requisition or upon an informal letter, which we sometimes send over from the Department to the Treasury to know whether a thing will be allowed or not, the Treasury Department refused, and therefore the fund has never been set aside.

Senator CHANDLER. I understand that to be the case. No money

is appropriated for naval services and none can be paid out except under the direction of the Secretary of the Navy?

Secretary HERBERT. No, sir.

Senator CHANDLER. Therefore, if the Comptroller stopped a requisition for this payment he must have stopped the request of the Secretary of the Navy that it should be paid?

Secretary HERBERT. Not necessarily. There might have been a letter written and sent over to know whether he could do it.

Senator HALE. A letter of inquiry?

Secretary HERBERT. A letter of inquiry.

Senator CHANDLER. You do not know how that was?

Secretary HERBERT. I do not know how that was.

Senator HALE. You will furnish that record?

Secretary HERBERT. I will furnish it.

Let me say here that a proposition to compromise this suit was made to me some time ago through Mr. Leishman, the manager of the Carnegie Company. He said a proposition had been made to the Carnegie Company to compromise, and wanted to know if I would accept it. The proposition was not very definite, but Mr. Leishman thought it could be accepted with advantage. I wrote to Mr. Wetmore and told him that I would make no compromise at all except upon his advice. The substance of my letter was the expression of a wish that he should examine the case very carefully before making any recommendation; that I was indisposed to make any compromise, but would hear from him on the subject. He has never advised any compromise, and the suit is pending.

Senator BACON. I wish to ask the Secretary if the two contracts, the one with the Carnegie Company and the one with the Bethlehem Company, were the same, except as to the 2 cents a pound provision?

Secretary HERBERT. I understand they were the same.

Senator BACON. They contemplated the same kind of armor and at the same prices?

Secretary HERBERT. Yes, sir.

Senator BACON. And the only difference was that in the case of the Carnegie Company there was a provision made to guarantee against loss by reason of this French claim, and in the case of the Bethlehem Company there was no such provision? In all other respects as to prices, materials, and everything else the contracts were the same?

Secretary HERBERT. Yes, sir; that is my understanding.

Senator MCMILLAN. How did the Bethlehem Company settle with the French people for this patent?

Secretary HERBERT. That is not known. They made some contract, which they have not made known to the Department, originally with the Schneider Company in France for the use of their processes. That contract must have had in it some prospective clause that looked to the use of any future invention that the Creusot Company might adopt; at least, I suppose so. There has never been any claim on the part of the Bethlehem Company, at least, against the Government for any indemnity of that kind. This incorporating of nickel with armor was adopted after the contract of 1887 and after the Schneider Company had made their contract with the Bethlehem Company.

Senator BACON. What was the difference in time, if any, in the making of those two contracts?

Secretary HERBERT. One was made in June, 1887, and the other in 1890. I have copies here that give the exact date.

Senator BACON. With whom was the first contract made?

Secretary HERBERT. With the Bethlehem Company, in 1887, and that was made by Secretary Whitney.

Senator BACON. The Bethlehem Company contract, in which this provision is not contained, was the first one made?

Secretary HERBERT. Yes, sir.

Senator HALE. Let copies of those contracts be inserted at this point.

The contracts referred to are as follows:

CONTRACT FOR STEEL ARMOR PLATES.

This contract, of two parts, made and concluded this 1st day of June, A. D. 1887, by and between The Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said State, represented by Alfred Hunt, president of said company, parties of the first part, and The United States, represented by William C. Whitney, Secretary of the Navy, party of the second part, witnesseth, That, for and in consideration of the payments hereinafter specified, the parties of the first part, for themselves and their successors, heirs and assigns, and their and each of their personal and legal representatives, do hereby jointly and severally covenant and agree to and with the United States as follows, that is to say:

First. That, within two and a half years from and after the date of this contract, the parties of the first part will, at their own risk and expense, provide and establish, at South Bethlehem, in the county of Northampton and State of Pennsylvania, a suitable "plant," with all necessary appliances and appurtenances, in all respects complete and adequate to the production of the steel armor plates and appurtenances required under this contract, and to deliveries thereof within the periods hereinafter prescribed; it being understood that the United States shall not, by reason of this contract or anything herein contained, acquire or possess any ownership or proprietary interest whatever of, in, or to such "plant," appliances, and appurtenances, or any part thereof; it being further expressly understood and agreed, by and between the parties to this contract, that the Secretary of the Navy may appoint suitable inspectors, who shall, at all times during the preparation of such "plant," be furnished by the contractors with full information respecting the character and progress of the work in the preparation of said "plant," and such access to the premises as shall enable the Department, from time to time, upon special order of the Chief of the Bureau of Ordnance, to verify the correctness of such information.

Second. The parties of the first part will, at their own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated August 21, 1886, inviting proposals for steel armor plates; the proposal of the parties of the first part under said advertisement; the printed circular (including the drawings appended to and forming part thereof), approved by the Secretary of the Navy February 12, 1887; the addenda thereto, approved by the Secretary of the Navy March 11, 1887, and the notice by the Secretary of the Navy, dated March 16, 1887; which advertisement, proposal, circular, addenda, and notice, hereto annexed, shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein; the steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Exhibit.	Kind of material.	Estimated number of tons in each exhibit.	Price per ton for each exhibit.	Price for each exhibit.
Column 1.	Column 2.	Column 3.	Column 4.	Col. 5 = col. 3 × 4.
K.	Side armor for Puritan.	734.7	$510.00	$374,697.00
L.	Side armor for Amphitrite and class	1,066.8	510.00	544,068.00
M.	Turrets and pilot houses for 4 monitors	835.8	575.00	480,585.00
N.	Smoke pipes and ventilators for 4 monitors	266.3	575.00	153,122.50
O.	Armor for breastworks for 2 armored vessels	680.0	575.00	391,000.00
P.	Armor for turrets, conning towers, and ammunition tubes for 2 armored vessels	485.0	575.00	278,875.00
Q.	Part of side armor for 2 armored vessels	364.0	500.00	182,000.00
R.	do	468.0	525.00	245,700.00
S.	Part of side armor for 2 armored vessels	272.0	600.00	163,200.00
T.	Part of side armor for 2 armored vessels	196.0	600.00	117,600.00
U.	Rolled plates, protective deck armor, and gun shields	1135.0	490.00	556,150.00
V.	Turret and side armor bolts and steel accessories	181.0	650.00	117,650.00
W.	Small armor bolts, steel.	6.0	650.00	3,900.00
X.	Tubing and washers, wrought iron	12.0	180.00	2,160.00
	Total price			3,610,707.50

The quantities and weights named in column 3 constitute the estimated weights which will be required by the party of the second part under this contract.

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular, addenda, and notice, relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several provisions and conditions relating thereto contained in the aforesaid circular, addenda, and notice; such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular, the addenda thereto, and notice; it being expressly understood, covenanted, and agreed, by and between the parties to this contract, that deliveries thereunder shall be commenced by the delivery of not less than (300) three hundred tons within two months from and after the expiration of the contract time for the completion of an adequate "plant," and shall be continued thereafter at the rate of not less than (300) three hundred tons per month, and shall be fully completed within two years from the date of such first delivery.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular, addenda, and notice hereinbefore referred to, and which form part of this contract, may be made by and with the mutual consent of the parties hereto; and if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation which the contractors shall be entitled to receive, if any, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or of a majority thereof, shall be binding upon the parties of the first part, who hereby expressly covenant and agree to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the contractors in case of unavoidable delay in the preparation of the "plant" or in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that they have assumed the obligations of this contract in good faith and that they are prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for the preparation of the "plant" or for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or any part thereof, or in case any question shall arise under the provisions hereof concerning premiums, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon all the parties to this contract.

Fifth. It is further mutually understood, covenanted, and agreed that if,

at any stage of the work prior to final completion, the Secretary of the Navy shall find that the contractors are unable to go forward with the work necessary to provide and establish a "plant" as aforesaid, and to make satisfactory progress toward the completion of the same within the period prescribed as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the contractors.

Sixth. It is further mutually understood, covenanted, and agreed that if, after the completion of the "plant" aforesaid, and at any stage of the work prior to the final completion of said armor plates and appurtenances, the Secretary of the Navy shall find that the contractors are unable to proceed with, and make satisfactory progress in, the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the contractors; and in case the Secretary of the Navy shall, under the provisions of this or of the next preceding clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover, for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Seventh. The parties of the first part, in consideration of the premises, hereby covenant and agree to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, by the parties of the first part, and to protect and discharge the Government from all liability on account thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, before final payment under this contract shall be made.

Eighth. It is mutually understood, covenanted, and agreed by and between the respective parties that this contract shall not, nor shall any interest therein, be transferred by the parties of the first part to any other person or persons, and that any such transfer shall cause the annulment of this contract so far as the United States are concerned; and that all rights of action to recover for any breach of this contract by the parties of the first part are reserved to the United States.

Ninth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, is not to be construed to extend to this contract, it being made with an incorporated company.

Tenth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the parties of the first part as follows:

1. The contract price to be paid by the United States to the said parties of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the second clause of this contract.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract, and in the circular, addenda, and notice aforesaid.

3. There shall be a reservation of 10 per cent on each payment made under this contract until the aggregate of such reservations shall reach the sum of $100,000, when such reservations, so far as subsequent payments are concerned, shall cease, and the sum last mentioned shall be held as a special reserve under the conditions hereinafter stated.

4. No payment shall be made except upon bills, in triplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the contractors or their order.

6. The special reserve aforesaid shall be retained until all the armor plates and appurtenances furnished under this contract shall have successfully met the requirements of paragraph 155 of the circular aforesaid; but for the purpose of such responsibility the party of the second part agrees that after eighteen months from the delivery of any plate, if notification of failure of such plate as referred to in said paragraph shall not have been served on the contractor, the responsibility of the contractor for defects shall cease as to such delivery, and no portion of said reserve shall thereafter be held for such delivery.

7. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the contractors, they shall be entitled, within ten days after the filing and acceptance of their claim, to receive the said special reserve or so much thereof as they may be entitled to, on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Eleventh. If any doubts or disputes arise as to the meaning of anything in the circular, addenda, or notice aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination, and the parties of the first part hereby bind themselves and their successors, heirs, and assigns, and their and each of their personal and legal representatives, to abide by his decision in the premises. If, however, the parties of the first part shall feel aggrieved at any decision of the Secretary of the Navy, they shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

_____ _____ [L. S.]
_____ _____ [L. S.]
_____ _____ [L. S.]
_____ _____ [L. S.]
_____ _____ [L. S.]
_____ _____ [L. S.]

CONTRACT FOR STEEL ARMOR PLATES AND APPURTENANCES.

This contract, of two parts, made and concluded this 20th day of November, A. D. 1890, by and between Carnegie, Phipps & Co., Limited, a limited partnership association, organized under the laws of the State of Pennsylvania, and doing business in the county of Allegheny, in said State, represented by William L. Abbott, chairman, and Henry M. Curry, a manager, and John G. A. Leishman, a manager, of said association, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, Witnesseth, That for, and in consideration of, the payments hereinafter specified, the party of the first part, for itself, and its successors heirs, and assigns, and its legal representatives, does hereby covenant and agree to and with the United States, as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner, within the periods prescribed, and according to the conditions stated herein and in the printed circular (including the drawings appended to and forming part thereof) approved by the Secretary of the Navy February 12, 1887, and the addenda thereto, approved by the Secretary of the Navy March 11, 1887, and November 20, 1890—which circular and addenda, hereto annexed, shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein, except as hereinafter provided—six thousand (6,000) tons of steel armor plates and appurtenances, the armor plates to be of thicknesses from 4 to 20 inches, both inclusive, at the prices per ton for the different exhibits as stated in the second clause of this contract, free on board cars at the works of the party of the first part.

Such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular and addenda thereto, except as hereinafter provided, it being expressly understood, covenanted, and agreed by and between the parties to this contract that deliveries there under shall be commenced by the delivery of not less than three hundred (300) tons on or before July 1, 1891, and shall be continued thereafter at the rate of not less than five hundred (500) tons per month until the delivery of the six thousand (6,000) tons aforementioned is completed, which shall be within eleven months and fifteen days from the date last above mentioned.

Second. It is further mutually understood, covenanted, and agreed that the party of the second part shall, from time to time, order from the party of the first part, and furnish such description and drawings thereof as may be necessary, such quantities of armor plates and appurtenances as shall be required, so that the aggregate of such orders shall equal the amount of armor plates and appurtenances herein contracted for, to wit, six thousand (6,000) tons, and such orders shall be given from time to time, but for each of such orders given after June 1, 1891, the party of the first part will be allowed ninety (90) days from the date of said order in which to commence deliveries thereunder.

The prices per ton to be paid to the party of the first part for the armor plates and appurtenances above mentioned shall be the different prices per ton that would be paid therefor under the provisions of a certain contract for armor plates and appurtenances made and concluded the 1st day of June, A. D. 1887, by and between the Bethlehem Iron Company, of South Bethlehem, Pa., and the Secretary of the Navy; and the prices per ton above mentioned, which shall be paid for the armor plates and appurtenances ordered under this contract, shall be determined as follows:

When an order is given to the party of the first part for armor plates or appurtenances, the Secretary of the Navy will cause a board of naval officers, appointed by the Secretary of the Navy, to determine under which exhibit or exhibits of the said contract with the Bethlehem Iron Company the articles thus ordered should be classed, and the said board shall assign the articles thus ordered to "Exhibits" in such a way that the prices per ton to be paid to the party of the first part by reason of such assignment shall be the prices per ton that would be paid therefor under the said contract with the Bethlehem Iron Company for the articles ordered as aforesaid. If any articles are ordered which, in the opinion of the board, can not be assigned as aforesaid, it will so state.

The prices per ton, determined as above mentioned, will be stated by the Department at the time of giving said orders to the party of the first part. If the party of the first part considers that the armor plates and appurtenances thus ordered have been incorrectly assigned to the different exhibits, and that consequently the prices as stated by the Department are incorrect, it will so inform the Department in writing, within ten days of the date of receipt of said order, and before the manufacture of the articles in question begins. In this case the matter will be promptly referred by the Secretary of the Navy to the board which made the assignment thus objected to by the party of the first part, or to another board, similarly constituted, which board will finally determine under which exhibit or exhibits the said armor plates and appurtenances shall be classed.

Third. It is further mutually understood, covenanted, and agreed, that the ballistic test for acceptance under this contract for armor plates under six (6) inches in thickness, and for those over thirteen (13) inches in thickness, shall be fixed and determined by a board of naval officers, to be appointed by the Secretary of the Navy, in such a manner that the ballistic test thus determined shall be, as far as practicable, of the same relative severity for the plates of the thicknesses above mentioned as is required in the aforesaid contract with the Bethlehem Iron Company for plates of thicknesses between six (6) and thirteen (13) inches, both inclusive.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that the Secretary of the Navy may require all or part of the armor plates and appurtenances herein contracted for to be made of ordinary steel or of nickel steel. If nickel-steel armor plates or appurtenances are thus furnished, the prices per ton that shall be paid therefor shall be the prices per ton before mentioned for similar articles of ordinary steel, made in accordance with the requirements of the circular and addenda thereto, which form part of this contract, said prices being increased or diminished by the greater or less cost of labor and materials only to the party of the first part in the production of the nickel-steel armor plates and appurtenances ordered, as compared with the cost of labor and materials only to the party of the first part in the production of similar articles made of ordinary steel, as above mentioned, the intention being that while the party of the second part shall have the fullest power to vary the requirements of this contract from ordinary steel armor plates and appurtenances, such as are herein specified, to nickel-steel armor plates and appurtenances, either in whole or in part, this contract shall, nevertheless, continue to exist on the basis of ordinary steel armor plates and appurtenances as aforementioned, modified only in this respect, viz, that additional cost and expense, as aforesaid, occasioned to the party of the first part by such modification, shall be paid to the party of the first part, and that any saving, as aforesaid, thereby occasioned, shall be deducted from the contract price, so that in the end the party of the first part shall be neither advantaged nor disadvantaged as aforesaid under this contract by the ordering of said nickel-steel armor plates or appurtenances, instead of said ordinary steel armor plates or appurtenances; but the cost above mentioned shall not be construed to include the cost of such armor plates and appurtenances as fail to pass the ballistic and other tests and inspections under the rules that may be established by the boards herein provided for, or that may not be presented for such tests and inspections.

The amount of increased or diminished compensation, as aforesaid, if any, that the party of the first part shall be entitled to receive for furnishing nickel-steel armor plates and appurtenances, as compared with that which would be paid for similar articles made of ordinary steel under the provisions of this contract, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy. Every facility will be given by the party of the first part to the aforesaid board, or to other persons appointed by the Secretary of the Navy for the purpose, in obtain-

ing all necessary information as to the comparative cost only above mentioned. All information thus obtained will be considered strictly confidential.

In case any charges on account of royalties, guaranties, etc., are included in the cost of manufacture of the nickel-steel armor plates and appurtenances aforementioned, the agreements of the party of the first part, in consequence of which the said charges are made, must be first approved by the Secretary of the Navy.

Whereas certain patentees claim by reason of their inventions to control the right to make armor plate containing nickel; and

Whereas the party of the second part declines to recognize the claims of said patentees, and to pay the royalty demanded by them, said royalty being 2 cents per pound upon finished armor plates and appurtenances:

Therefore, for the protection of the party of the first part, there shall be added to the cost of the said nickel-steel armor plates and appurtenances, when computed as aforesaid, the sum of 2 cents per pound to cover said claims, which sum the party of the second part agrees to pay from time to time, as the payments for said nickel-steel armor plates and appurtenances are made, according to this contract. Said sums as paid are to be deposited by the party of the first part in such depositories of the United States as the Secretary of the Navy may designate.

Should it finally be decided by the courts of competent jurisdiction that the said patents are invalid, or that there is no valid claim against either of the parties hereto, their agents, or employees, said fund shall be promptly paid over by the party of the first part to the Secretary of the Treasury, after deducting therefrom such reasonable counsel fees and expenses, if any, as may be approved by the Secretary of the Navy, incurred by the party of the first part in defense of such litigation; or in case of amicable settlement between the parties hereto and said patentees, the balance remaining after such settlement and payment of expenses as aforesaid which may have been necessarily incurred by the party of the first part shall be paid over to said Secretary of the Treasury.

In case of a final judgment in favor of said patentees, the said fund shall be used, so far as necessary, for the payment of said judgment, and costs and expenses approved as aforesaid, including reasonable attorneys' fees, but in case all of said fund shall be required for the payment of said judgment, then the party of the second part shall pay such expenses as shall have been properly incurred by the party of the first part, after approval as aforesaid, including reasonable attorneys' fees in the defense of any such suits.

It shall be the further duty of said board, or of a board similarly constituted, to determine and fix the physical, chemical, and other tests and requirements for said nickel-steel armor plates and appurtenances, and the preliminary and final ballistic tests for acceptance therefor, and also the rights to earn premiums for ballistic resistance in excess of that required by said ballistic tests for acceptance.

The party of the first part shall have the right to appeal from the finding of the said board with reference to the tests for acceptance of nickel-steel armor plates and appurtenances, and also with reference to the said premiums, to another board composed of three persons, and constituted as follows, viz: One member to be nominated by each of the parties to this contract, and the third member to be chosen by the two first mentioned.

The finding of the board last mentioned, or a majority thereof, shall govern, subject to appeal, as hereinafter provided.

Fifth. It is further mutually understood, covenated, and agreed by and between the parties to this contract, that in case the United States incurs expenses in the purchase, from the party of the first part, of plates and bolts, or either, for experimental purposes in connection with the development of said nickel-steel armor plates or appurtenances, that the cost of said plates and bolts shall be deducted from any premiums that the party of the first part may earn on nickel-steel armor plates, as stated in the preceding clause, for ballistic resistance.

Sixth. It is further mutually understood, covenanted, and agreed by and between the parties to this contract, that changes in the conditions or requirements of the circular and addenda hereinbefore referred to, and which form a part of this contract, may be made by and with the mutual consent of the parties hereto, and that if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation which the party of the first part shall be entitled to receive, if any, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy.

Seventh. Both the parties to this contract shall have the right to appear before the board or boards herein provided for, either in person or by representatives, and to make such statements, written or oral, as they may see fit concerning the matters with which said board or boards may be charged; and said board or boards will duly consider such statements. In each case a decision of a majority of the board shall govern, and both parties to this contract hereby expressly covenant and agree to abide by said decision, subject, however, to appeal to the President of the United States, and his decision shall control.

Eighth. It is further mutually understood, covenanted, and agreed by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part, in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that said party has assumed the obligations of this contract in good faith, and that it is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract or any part thereof, or in case any question shall arise under the provisions hereof concerning premiums, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract.

Ninth. It is further mutually understood, covenanted, and agreed that if at any stage of the work prior to the final completion of said armor plates and appurtenances the Secretary of the Navy shall find that the party of the first part is unable to proceed with and make satisfactory progress in the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed as aforesaid, including such extension or extensions thereof, if any, as may have been granted under the eighth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part; and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Tenth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance which has been or may be adopted or used in or about the manufacture or production of said armor plates or appurtenances, or any part thereof, under this contract, by the party of the first part, and to protect and discharge the United States from all liability on account thereof, or on account of the use thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, before final payment under this contract shall be made, except patents as to nickel-steel armor plates and appurtenances, which are specially provided for in the fourth clause of this contract.

Eleventh. It is further mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that any such transfer shall cause the annulment of this contract so far as the United States are concerned; and that all rights of action to recover for any breach of this contract by the party of the first part are reserved to the United States.

Twelfth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

Thirteenth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract prices to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the prices per ton determined as provided for in the second or in the fourth clause of this contract.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract and in the circular and addenda aforesaid.

3. There shall be a reservation of 10 per cent on each payment made under this contract, until the aggregate of such reservations shall reach the sum of $100,000, when such reservations, so far as subsequent payments are concerned, shall cease, and the sum last mentioned shall be held as a special reserve under the conditions hereinafter stated.

4. No payment shall be made except upon bills, in triplicate, certified by the inspector, in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. The special reserve aforesaid shall be retained until all the armor plates and appurtenances furnished under this contract shall have successfully met the requirements of paragraph 155 of the circular and addenda aforesaid and subsequent modifications thereof, if any; but for the purpose of such responsibility the party of the second part agrees that after eighteen months from the delivery of any plate, if notification of failure of such plate as referred to in said paragraph shall not have been served on the party of the first part, the responsibility of the party of the first part for defects shall cease as to such delivery, and no portion of said reserve shall thereafter be held for such delivery.

7. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part, said party shall be entitled, within ten days after the filing and acceptance of its claim, to receive the said special reserve, or so much thereof as it may be entitled to, on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Fourteenth. If any doubts or disputes arise as to the meaning of anything in the circular and addenda aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination; and the party of the first part hereby binds itself, and its successors, heirs, and assigns, and its legal representatives, to abide by his decision in the premises. If, however, the party of the first part shall feel aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

CARNEGIE, PHIPPS & CO., LIMITED,
By WM. L. ABBOTT, *Chairman.*
H. M. CURRY, *Manager.*
JOHN G. A. LEISHMAN, *Manager.*

OTIS H. CHILDS,
Secretary.

{SEAL OF CARNEGIE, PHIPPS & CO., LIMITED.}

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{SEAL OF NAVY DEPARTMENT.}

Senator PERKINS. Did I not understand you to say that the rate upon light armor was less than 2 cents a pound?

Secretary HERBERT. No.

Senator PERKINS. It is the same, regardless of weight of armor?

Secretary HERBERT. The price of armor is greater for small plates and plates that are more difficult to manufacture. There are certain plates the shapes of which it is very difficult to attain.

Senator PERKINS. The royalty was the same, in any event?

Secretary HERBERT. It was not the royalty. I was speaking about the price of armor in these original contracts, which are contracts for the manufacture of the armor. We have not come to the question of royalties yet, except that I have been speaking of the claim of 2 cents per pound royalty on the incorporation of nickel, in so far as it entered into the increased price of armor in the contract of 1890. The two contracts of 1887 and 1890 were contracts for the manufacture of armor, and the 2 cents a pound related to the royalty that is claimed by the Creusot Company for the use of a patent that it claimed for incorporating nickel with steel.

Senator CHANDLER. Let me see if I understand the case. The first contract in 1887 with the Bethlehem Company was to furnish a large quantity of armor at about $500 a ton?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. The Bethlehem Company agreed to indemnify the United States against all patent processes whatever?

Secretary HERBERT. That is right.

Senator CHANDLER. That included the Schneider patent for making nickel steel?

Secretary HERBERT. Yes. The Schneider process for the incorporation of nickel with steel had not been discovered, but still the provision of the contract seems to have been broad enough to cover it without further expense to the Government.

Senator CHANDLER. And when the nickel steel was introduced the Bethlehem Company were bound to compensate Schneider & Co. for the use of their patent? Do you not understand that the amount paid or to be paid by the Bethlehem Company was from $500,000 to $1,000,000 for the use of these patents?

Secretary HERBERT. I do not know how much they paid. There is nothing on record to show.

Senator CHANDLER. Have you any reason to doubt that there was a very large sum of money paid?

Secretary HERBERT. It was a large sum, I suppose. I do not know what the amount was.

Senator CHANDLER. They adopted it?

Secretary HERBERT. They adopted it and used it like the Carnegie Company.

Senator HALE. They are incorporating nickel?

Secretary HERBERT. They are incorporating nickel.

Senator CHANDLER. When Secretary Tracy, in 1890, made a contract with the Carnegie Company, instead of making the Carnegie Company agree to indemnify against all patent processes, he made an exception in the case of nickel and steel patents, and provided a fund of 2 cents a pound with which to litigate or to pay, as you have already stated?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Now, instead of deducting 2 cents a pound from the price of the armor, he provided the 2 cents a pound in addition?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Those are the facts, as you understand them?

Secretary HERBERT. Those are the facts, as I understand them.

Senator CHANDLER. Which would make the Carnegie Company, if the amount of royalty had to be paid, 2 cents a pound better off on all the armor than the Bethlehem Company?

Secretary HERBERT. Yes, sir; if the Bethlehem Company paid that much.

Senator PERKINS. That is, $44.80 a ton more.

Senator CHANDLER. If the 2 cents a pound had to be paid?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Do you understand that that was a provision insisted upon by the Department or by the Carnegie Company?

Secretary HERBERT. I do not know whether it was insisted upon by the Carnegie Company or not. I have understood in a general way that Secretary Tracy found it difficult to make the contract with the Carnegie Company; that they were indisposed to do it. But there is nothing on record to indicate that fact.

Senator CHANDLER. Do you understand that the contract made by the Carnegie Company to transfer to them the making of a large quantity of armor, previously contracted for by the Bethlehem Company, originated with the Carnegie Company or with the Department?

Secretary HERBERT. I do not know with whom it originated.

Senator CHANDLER. Do you see any reason on the face of the subject why the 2 cents a pound should have been provided by the Department instead of being furnished by the Carnegie Company?

Secretary HERBERT. I could see no reason, unless the Carnegie Company insisted on it and refused to make the contract in any other way. That is a mere supposition.

The CHAIRMAN. At the time the contract was made, was it not desirable to have some competitor in the making of armor plate? There was but one establishment, the Bethlehem Company, making armor plate. The Navy Department naturally desires competitors. The supposition to my mind is that they had to hold forth an inducement to any other corporation or any other individuals to enter into the business of making armor plate, so that they would do it. Is not that true?

Secretary HERBERT. I should say it was very desirable to have another company.

The CHAIRMAN. To have two companies instead of one?

Secretary HERBERT. A company that might compete with the Bethlehem Company, and to have two sources of armor supply.

Senator CHANDLER. Was that sufficiently desirable to lead Secretary Tracy to pay 2 cents a pound more for armor if the royalties had to be paid on the patents?

Secretary HERBERT. If it could not be done in any other way, I should say so.

Senator HALE. So I fancy that as the importance of this subject increased, and it was seen that we were to need large quantities of armor, the Navy Department was practically in the hands of the Bethlehem Company as to future contracts unless there was a competitor. Was not that the fact?

Secretary HERBERT. Yes.

Senator HALE. And that is what leads you to say it was very desirable that a competitor should be created?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Therefore it was wise to make the Bethlehem Company pay 2 cents a pound, and to have the Government pay it in the case of the Carnegie Company?

Secretary HERBERT. I do not like to speak about things of that kind, but if it could be done in no other way, and the Department could not get the contract made without an indemnity of that kind, I should say that in order to have two companies competing with each other, or to have two sources of armor supply, it was necessary.

The CHAIRMAN. Two companies equally responsible?

Senator SMITH. But as I understand it, you do not know that the Carnegie Company would have made a contract if such a provision had not been embodied in it?

Secretary HERBERT. I do not know. As I have stated, there is nothing on record to show. Hypothetical questions are put to me that ex-Secretary Tracy could better answer.

Senator PERKINS. But there is nothing in the contract to prevent the two companies from pooling issues. Therefore to have a competitor, if they agreed to pool issues, would not have availed very much?

Senator TILLMAN. What guaranty have we that they have not both formed a trust, and that they are both in collusion now against the Government?

Senator BACON. Is there anything in the records to show whether the contract given to the Carnegie Company was ever offered to the Bethlehem Company, or whether there was an opportunity given for any other company to compete?

Senator CHANDLER. I will state to the Senator from Georgia that it was a part of the Bethlehem contract. Secretary Whitney acted by the authority of the Government to get armor and made a contract with the Bethlehem Company. The Bethlehem Company were under no penalties about armor. They went on to furnish gun metal very rapidly, but the production of armor dragged, and therefore Secretary Tracy deemed it expedient to make a contract with the Carnegies, transferring a large portion of the Bethlehem contract to them at the same prices, but he made the Bethlehem Company guarantee against all patents, while he furnished to the Carnegie Company a fund of 2 cents a pound to protect both parties against this patent. Now, I should like to ask the Secretary a question in this connection.

The CHAIRMAN. Going further back, when the Secretary of the Navy made the contract with the Bethlehem Company for this very large amount, did he not give them extraordinary prices for the purpose of inducing them, in the first place, to engage in the manufacture of armor?

Senator CHANDLER. Yes; and he gave the same price to the Carnegie Company to secure a competitor.

Secretary HERBERT. I ought to state in this connection what has been suggested to me by what Senator CHANDLER said a moment since, that in the original contract with the Bethlehem Company there were no time penalties, and the manufacture did drag along very slowly for a great while.

Senator HALE. They were a great way behind?

Secretary HERBERT. They were a great way behind.

Senator HALE. That was an additional reason, I suppose, why a competitor was desirable?

Senator CHANDLER. It can not be said to be a competitor. It was another establishment. There had been no competition and was not likely to be. I should like to ask the Secretary whether the sum of 2 cents a pound on the armor already furnished by the Carnegie Company does not amount to about $300,000?

Secretary HERBERT. I have not footed it up. It amounted to a sum below that, I think.

Senator CHANDLER. Will you ascertain the exact amount that has been held up by the Comptroller?

Secretary HERBERT. Yes; I will give the amount that the 2 cents a pound would come to.

Senator CHANDLER. In this connection, I will ask you to give the quantities that are asked for, if you have them.

Secretary HERBERT. The gross amounts which have been paid by the Navy Department for armor for vessels of the Navy are, to the Bethlehem Company, $5,522,264.04, and to the Carnegie Steel Company, $4,657,331.53; aggregating $10,179,595.57. The amount still to be paid out to fulfill existing contracts is about $800,000.

Senator CHANDLER. To each?

Secretary HERBERT. No, sir; to fulfill the two contracts.

Senator TILLMAN. That means that after the $800,000 has been paid we are at liberty to make new contracts and start anew?

Secretary HERBERT. Yes; new contracts.

The CHAIRMAN. To what amount is the Department now farther authorized to make contracts for armor?

Secretary HERBERT. The Department is authorized by existing law to make further contracts for armor the quantity of which is estimated at 5,650 tons, which would cost something like $3,100,000.

Senator CHANDLER. Have you made those latter contracts? What is the condition in regard to them?

Secretary HERBERT. I have not made those contracts—that is, for the last battle ships—but have had negotiations with these two companies and a good deal of conversation with them. They finally agreed to come down from the basis of $500 a ton to $450 a ton, and they have agreed in letters to me that their bids should not be above that sum. I refused to pay the same amount that was paid before. I think it was too much.

Senator CHANDLER. Will that be nickel steel?

Secretary HERBERT. Nickel steel.

Senator CHANDLER. Will the Harvey process be used?

Secretary HERBERT. Yes, sir; and the Harvey process is in addition to the $450, and it is in addition to the $500 a ton. That answers the other question.

Senator CHANDLER. It is in addition to the $800,000?

Secretary HERBERT. No, the $500 a ton.

Senator CHANDLER. If you have the Harvey process?

Secretary HERBERT. If we have the Harvey process. This $500 a ton does not include that.

Senator CHANDLER. There is no possibility of competition in making this $3,000,000 of contracts for about 5,000 tons except between these two companies?

Secretary HERBERT. That is all.

Senator CHANDLER. And there is not likely to be competition between them?

Secretary HERBERT. I think not.

Senator CHANDLER. So the Government is to be protected by your judgment and discretion in making the contract?

Secretary HERBERT. By what I can do. I have succeeded in bringing them down about 10 per cent.

Senator HALE. You do not discover any indication of their bidding against each other?

Secretary HERBERT. None.

Senator HALE. In the conferences which you speak of, where you have got an agreement that they will not bid for over $450 a ton——

Secretary HERBERT. That they will make that the basis on condition that the tests are not more severe than heretofore prescribed.

Senator HALE. In those conferences did these companies join with you or act separately?

Secretary HERBERT. The representatives of both were present, and when I insisted that I ought not to be asked to pay and told them I should absolutely refuse to pay the old prices, and that they must come down to a lower basis, they insisted that the armor was worth what they had been getting. They had come in together and were together in my office when I had this conference with them.

Senator HALE. Have you made any effort with the representatives of either of these companies, separately, to induce them to make bids on their own account and as against the other company?

Secretary HERBERT. Yes, sir. About eighteen months ago, when I was investigating the question of the armor frauds committed at the works of the Carnegie Company, I was for a time in some doubt as to what course to pursue. I thought it might be better to abrogate the Carnegie contract entirely if I could get the Bethlehem Company to take the contract at a lower price. So, without letting the Bethlehem Company know that there was any investigation going on (in fact, the public did not know of it, for the investigation was carried on secretly, and I was especially anxious that the Bethlehem Company should not know it), I wrote a letter to the Bethlehem Company in which I stated that I was very anxious to get some more battle ships, and wanted to be able to state to Congress that I could make contracts for armor at lower prices than it had been furnished heretofore. Then I asked them the question broadly, whether, if I should give them a contract for more armor, they would be willing to take a less price than they were getting at that time. My purpose was to reduce the price of armor, if possible, and, secondly, to get information that would enable me to decide whether to annul the contract with the Carnegie Company. I intended, if I could, to make something by this investigation for the Government in the way of bringing down the price of armor. At least I was contemplating that. But Mr. Linderman replied that he could not make armor at any lower rates.

Senator HALE. He was the representative of the Bethlehem Company?

Secretary HERBERT. He was the president of the Bethlehem Company. He went on to say that the expenses were very great; that they had not yet paid for their plant, and that it was impossible to make the armor at a less price.

Senator HALE. So your effort to induce the Bethlehem Company to bid for itself as against the other company and furnish armor at lower prices was a failure?

Secretary HERBERT. Yes; it was a failure.

Senator MCMILLAN. Have you any idea what this armor may be bought for on the other side, say, in France?

Secretary HERBERT. I have some information which I would prefer not to give the source of, because the Department is making efforts in every direction, as it did when Secretary Chandler was there, to get information. I am told by the Carnegie Company that the last contract they made abroad was for £108 per ton.

Senator CHANDLER. The Bethlehem Company?

Secretary HERBERT. No; I think that is the Carnegie Company. That includes, as I understand, the armor plate harveyized and everything else. That would be about $585 a ton. I also understand from an outside source that the last contract made by the Bethlehem Company abroad was also for something over $500 a ton, and this that company also asserts. The other sources of my information I am inclined to credit, though I am saying that I discredit the statements made by the companies themselves on this point. But that is to be placed along by the side of the other fact that the first contract that was made by the Bethlehem Company abroad was at less than $300 a ton—a good deal less.

Senator CHANDLER. That contract in gross was about $600,000 worth of armor at less than $300 a ton?

Secretary HERBERT. Yes; I so understand.

Senator CHANDLER. Was that harveyized?

Secretary HERBERT. I think it was.

Senator CHANDLER. And the price included the harveyizing?

Secretary HERBERT. I think it did.

Senator CHANDLER. You spoke of this contract at $450 a ton. You said it did not include the Harvey process.

Secretary HERBERT. That is not included.

Senator CHANDLER. If you add $50, $75, or $100 a ton for harveyizing, that would be carried up as high as the existing rates?

Secretary HERBERT. It would not add that much.

Senator CHANDLER. Those are the rates given in the existing contracts for harveyizing plates.

Secretary HERBERT. Let me give you a statement about that, Senator. You see some of it is 4 and 4½ cents a pound.

Senator CHANDLER (exhibiting). Here are the prices for harveyizing.

Secretary HERBERT (examining). These are the prices for harveyizing: 4½ cents per pound on all plates under 5 inches in thickness; 3½ cents a pound on all plates the thickness of 5 inches and more up to and not including 8 inches; and 2½ cents per pound for all plates of the thickness of 8 inches and more. This armor for which 4½ cents a pound is paid is under 5 inches in thickness. There is very little of that class. Most of the armor comes under the 2½ cents a pound. The average of all of it is about 2.38 cents per pound.

Senator CHANDLER. Fifty dollars a ton?

Secretary HERBERT. You can call it $50 a ton—it would be about that.

Senator CHANDLER. That is in addition to any royalty?

Secretary HERBERT. Yes. I am going to give you the whole figures, as I understand them. About $50 a ton is to be added, taking the average for harveyizing, and half a cent a pound for the royalty.

Senator CHANDLER. That would be $11.80?

Secretary HERBERT. Eleven dollars and eighty cents, which would make $61.80. If you add $61.80, which I believe is all the cost, it would make, at $450 a ton, $511.80, about the price or a little less than the price that is being paid by a foreign government to one of these firms and about the same price that is being paid to the other firm.

Senator CHANDLER. But will not that be nearly the price that will be paid on the last contracts?

Secretary HERBERT. No; on the last contracts $50 for harveyizing and this royalty to the Harvey Company of $11.80 for the privilege of using the process have also been paid.

Senator CHANDLER. Making the average how much?

Secretary HERBERT. Making the basis $561.80. The average is a little over that. Those are the prices for the heavy armor.

Senator CHANDLER. Then your only expectation so far is that you can get a reduction of about $50 a ton?

Secretary HERBERT. About $50 a ton, and that will bring this armor down to the prices that I am informed they are now receiving from abroad.

Senator CHANDLER. Is that information in writing anywhere? Is it authentic?

Secretary HERBERT. Yes; I have it in writing. It does not come from the foreign government, but I have it. I also have it from these companies.

Senator CHANDLER. Have you record knowledge or authentic evidence as to the prices at which the Carnegie Company and the Bethlehem Company have agreed to make armor for foreign governments?

Secretary HERBERT. That is what I am telling you about. I have that information.

Senator CHANDLER. Is it in writing?

Secretary HERBERT. It is in writing. This is what I stated I did not care to give the sources of my information upon. I will say that it comes also from the Carnegie Company and the Bethlehem Company, and then I have the information outside of that.

Senator CHANDLER. I am not asking for the prices. You can state what the prices are more definitely than you have done. But I ask whether you have authentic information as to the prices agreed to be paid by any foreign government to the Carnegie Company and the Bethlehem Company for armor?

Secretary HERBERT. Yes; I have that information. As I said, I have it from them and then I have it from outside sources.

Senator HALE. Do you doubt that the contract made abroad, for the price of about $300 a ton, the first contract which they made, was largely a losing contract?

Secretary HERBERT. I have heard that it was. I have heard that the contract was made to get a foothold abroad.

Senator HALE. Have you any doubt that it was a losing contract?

Secretary HERBERT. It is a very difficult matter for me to say how much the plant cost. I wish to say that the claims of these companies are that they spent very large sums. Two or three million dollars, perhaps, the Bethlehem Company claims it spent in getting its plant ready. The Carnegie Company commenced after the Bethlehem Company and they have somewhat the same plant. I think the probabilities are that their plant is not quite so expensive and did not cost them so much. The Bethlehem Company, after getting the information from the Creusot Company, made their own hammer and their own machinery. They do not use the hammer process now, but the hydraulic process. They have that process and so has the Carnegie Company. That costs a great deal of money. I have not much means of judging as to how much the plant really did cost.

Senator HALE. That you take into account in estimating what they can do the work for.

Secretary HERBERT. Of course; that has to be taken into account. If I knew what the plant cost each of the companies, then I could form an estimate as to what the manufacture of the armor is really worth.

Senator CHANDLER. Have you any knowledge that the Bethlehem Company have so far made a profit on their contracts which has paid for their whole plant?

Secretary HERBERT. I do not know whether or not they have. It depends upon how much the plant cost. If I knew how much their plant cost, I could answer the question. They claim that it cost a great deal of money.

Senator CHANDLER. Senator HALE asked you whether you have any doubt that the company lost money on their first contract abroad.

Secretary HERBERT. I said in reply that I could not answer definitely, because I do not know what their plant cost them.

The CHAIRMAN. We shall have to get that information from some other source than the Secretary of the Navy.

Senator HALE. I doubt whether the companies could tell.

Secretary HERBERT. I suppose the companies could tell to a dollar.

Senator TILLMAN. I wish to know if there are not sources of information accessible to you by which you can ascertain the cost of armor of the same character to the British Government, the French Government, the German Government, and to other nations which make ironclads.

Secretary HERBERT. I have done everything I could to find out about it. The contracts recently made were obtained, I understand, in competition with foreign armor makers.

Senator MCMILLAN. The price paid is about the same that we are paying now.

Secretary HERBERT. Yes, sir.

Senator MCMILLAN. The contract made abroad some time ago was an exceptional contract.

Senator TILLMAN. It is the only one of the kind. There seems to be a contradiction here between the claim that the prices charged now are fair and the explanation of the chairman and of some other gentlemen of the committee the other day that we paid enormous prices at the start because it was a tentative business, and the men who entered upon it had to go to great expense to prepare their machinery and plant for doing the work. But are we expected now to pay the same price that we paid originally? It seems to me there ought to be a reduction somewhere, or else the Government will have paid for the construction of the works and then go on and pay the same price afterwards.

The CHAIRMAN. The Secretary says there has been a reduction.

Senator TILLMAN. A reduction of $50 a ton does not amount to anything, comparatively speaking.

Secretary HERBERT. I wish to say in response to Senator TILLMAN that I do not mean to be understood as saying that I know that the last contracts were let out to the lowest bidder. I do not know it. I know that the other armor makers, Armstrong & Co., the Englishmen, the French people, and probably the Germans, competed for the manufacture of the armor. The first contract which was made was given to the lowest bidder, and since that time it is said something over $500 a ton has been paid. Whether that contract was given to the lowest bidder after advertisement I do not know.

I think I can give the committee more information about the prices paid abroad. I have a general understanding that it is about the same price, but I can give you more accurate information as to what prices are paid abroad. It is not a question inquired into in the memorandum sent me, but I will furnish the committee, if it desires, with such information as I can get from the records of the Department with respect to the prices paid abroad.

Senator SMITH. You say you are informed, Mr. Secretary, that the bid of the Bethlehem Iron Company made abroad was $300 a ton?

Secretary HERBERT. It is a good deal less than that; something like $250 a ton.

Senator SMITH. The contract was awarded to them as the lowest bidders?

Secretary HERBERT. Yes, sir.

Senator SMITH. But you do not know that that was the case with the contract at $500 per ton?

Secretary HERBERT. No, sir; I do not know whether or not that contract was let out to the lowest bidder. I know that other people competed for the foreign contract.

The CHAIRMAN. I believe the law compels you to buy American-manufactured armor?

Secretary HERBERT. Yes, sir; it does.

Senator TILLMAN. We can change the law if we find that the American manufacturers are gouging the Government and stealing indirectly. I believe in having our naval ships made in America, out of American material, and by American workmen, but I want to have the Government pay an honest price for them, or the new Navy will cost us about twice as much as it ought to cost.

Senator MCMILLAN. Was this a large or small quantity of armor?

Secretary HERBERT. A small quantity.

Senator HALE. About $600,000 worth?

Secretary HERBERT. I do not remember the exact figures.

Senator BACON. Is there anything in the records to show that the transfer of a portion of the contract from the Bethlehem Company to the Carnegie Company was consented to by the Bethlehem Company?

Secretary HERBERT. There is nothing.

Senator BACON. I have not had time to examine the contract with any degree of care, but I notice that one section of it provides that in case the work shall lag unreasonably, etc., the Secretary of the Navy is authorized to declare the contract forfeited. Is there anything in the records to show that there was any declaration of a partial forfeiture?

Secretary HERBERT. No, sir.

Senator BACON. Is there anything in the records to show that the Bethlehem Company was communicated with in any way relative to the proposed transfer of the contract?

Secretary HERBERT. I know of nothing. If they were communicated with, I am sure the Bethlehem Company did not agree to it. I understood that they did not think it ought to be done.

Senator CHANDLER. Were they not themselves conscious of the fact that they were so far behind with the work that they were in no condition to resist the judgment of Secretary Tracy when another firm wanted to undertake to do a part of the work?

Secretary HERBERT. They did not make any active opposition that I know of, probably because they were fully three years behind with their contract.

Senator BACON. I merely wish to get on record facts which possibly are well understood. You say there is nothing in the records to show that the Bethlehem Company was ever communicated with and informed of the fact that the Government proposed to transfer a portion of the contract?

Secretary HERBERT. I ought not to answer the question without a little more thought. I do not know of anything. I have never examined to see whether or not there is, but it is my understanding that there is nothing. As I say, however, I have not examined to see.

Senator BACON. If upon investigation you should find that there is any communication of that kind, will you inform the committee of the fact?

Secretary HERBERT. Yes, sir.

Senator BACON. Was not the fact of the transfer of a portion of the contract to the Carnegie Company a matter of notoriety?

Secretary HERBERT. Oh, yes.

Senator BACON. The Bethlehem Company doubtless knew all about it?

Secretary HERBERT. Of course.

Senator BACON. Is there any communication at all from the Bethlehem Company to the Department on the subject, either agreeing to the transfer or objecting to it or making any protest against it?

Secretary HERBERT. I will look and see, and inform the committee.

Senator BACON. You do not know?

Secretary HERBERT. No, sir.

Senator BACON. In response to a question either by Senator CHANDLER or Senator HALE, I have forgotten which one asked the question, or probably in response to several questions from different Senators, you said, in effect, that you thought the payment of 2 cents a pound in addition to the regular price was a proper thing to do, provided competition could not be secured in any other way, even if it amounted to between $300,000 and $400,000. I understand that to be your statement.

Secretary HERBERT. I said that if we could not get an additional plant in any other way I thought it was a good thing to do; that we ought not to rely entirely on one plant.

Senator BACON. Your idea is not that it was for the purpose of procuring competition?

Secretary HERBERT. I suppose it was to get competition.

The CHAIRMAN. Partly, and partly to get the facilities.

Secretary HERBERT. Partly to get another plant, but I would say that we did not get much competition.

Senator BACON. Then to the extent of the failure to secure competition the additional payment was unavailing?

Secretary HERBERT. This is all hypothetical. I suppose that is the view Secretary Tracy took of it. He knows more about it than I do, and I think the committee ought to ask him.

The CHAIRMAN. Do you not think it desirable that there should be several plants in this country, so that in case of war, when we could not get armor abroad, we should be able to secure a supply here?

Secretary HERBERT. I do.

Senator SMITH. I wish to ask a question, and not being a lawyer I ask it merely for general information. Under the contract and under the law in pursuance of which the contract was originally made with the Bethlehem people, by what authority did Secretary Tracy have any right to make a contract with the Carnegie people?

Secretary HERBERT. At that time there was a general authority in the Secretary of the Navy to contract for ordnance and ordnance materials, which was supposed to include armor. He made the contract under that authority, I suppose.

Since that time Congress, probably with reference to this contract, although I do not know that that is the case, has passed a law providing that such contracts shall be made with the lowest bidder. This contract was made without any advertisement.

Senator SMITH. I mean, at the time when the contract was made with the Bethlehem people, by what authority of law had Mr. Tracy the right to make a contract with the Carnegie people?

Secretary HERBERT. He did so under the law I speak of, which gave authority to purchase ordnance, and I think it was construed to cover armor.

Senator SMITH. But practically it does not do it in law.

Secretary HERBERT. I have not examined it particularly.

Senator SMITH. I should like to ask some of the lawyers on the committee to inquire into this question.

Secretary HERBERT. I have not examined it particularly, because the contract was made before I came into office, and a law has since been passed which guides me.

Senator SMITH. A law has since been passed?

Secretary HERBERT. A law which has since been passed, by which I am bound to let out such contracts after advertisement. I want to say to Senator TILLMAN, because he spoke about the probability that Congress might take this matter into consideration, that that was one of the grounds upon which I put my demand, that these people should come down lower in their prices. I threatened to lay the matter before Congress.

Senator TILLMAN. You are now required to advertise for bids for armor plate?

Secretary HERBERT. I am required to advertise, but I made this negotiation beforehand. These people were not competing with each other.

Senator TILLMAN. You have not yet made any contracts?

Secretary HERBERT. No, sir.

Senator TILLMAN. And you have not yet advertised?

Secretary HERBERT. I have not, but am about to do it. I wish to state that before Congress met, and before I put out any advertisement, I wanted to know whether we were to get the armor any cheaper than before, and therefore asked these people if they would not reduce their prices. We had a good deal of controversy on the subject, I insisting that they should bid lower and that they should assure me beforehand that they would. They finally consented to a reduction of about 10 per cent in the price.

Senator CHANDLER. Is there any doubt that when Mr. Whitney made the original contract with the Bethlehem Company Congress had by law excepted contracts of that sort from the requirement that there should be competition, so that he had authority to make a private contract?

Secretary HERBERT. I think he had that power.

Senator CHANDLER. Did not that power remain when Secretary Tracy transferred a portion of the contract to the Carnegie Company?

Secretary HERBERT. It has been my understanding that Secretary Tracy had the power to make the contract as he did; but, as I said, I have not examined the matter particularly, because it is not a live question now.

Senator HALE. There is no doubt about it.

Senator CHANDLER. There is a new law now?

Secretary HERBERT. Yes, sir.

Senator TILLMAN. How many tons of armor do you propose to contract for?

Secretary HERBERT. Enough for the two battle ships which have been authorized. It will be about 5,650 tons.

Senator TILLMAN. It takes about 2,800 tons to a vessel?

Secretary HERBERT. Yes.

Senator PERKINS. At a cost of about $3,100,000.

Secretary HERBERT. Three million one hundred thousand dollars, estimated at the reduced price, for two vessels, making $1,550,000 each.

Senator CHANDLER. Have you any documents which you would like to put into the record explaining any points of the inquiry so far as it has gone?

Secretary HERBERT. Nothing except the contracts.

Senator CHANDLER. Mr. Chairman, shall I now ask the Secretary about another subject?

The CHAIRMAN. If you are through with this branch of the inquiry.

Senator CHANDLER. I will ask the Secretary to look at page 5 of our record.

Senator GIBSON. Why not follow the line which the resolution itself prescribes, rather than pursue what it strikes me is a desultory course of inquiry of the Secretary? The information which is desired under the resolution, as the resolution itself expresses it, is—

"To inquire whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable."

Let the Secretary answer that question, amplifying it as he pleases, and involved in the amplification of his answer all he desires to say, and then let us proceed with the other line indicated in the resolution itself.

Senator CHANDLER. What change would the Senator from Maryland suggest?

Senator GIBSON. I would ask the Secretary primarily, just as the resolution requires—

"Whether the prices paid, or agreed to be paid, for armor for vessels of the Navy have been fair and reasonable?"

Let him answer that question.

Senator CHANDLER. I suggest that the Senator from Maryland ask the Secretary that question now.

Senator TILLMAN. I should think the inquiry would be whether the prices are fair and reasonable with respect to the future. The past does not concern us. They were contracts made under exceptional conditions, and they have to be carried out. The question is whether it is fair and reasonable for the Government to enter into contracts for armor on the terms which are offered, if the Senator from Maryland will accept the modification.

Senator GIBSON. The other inquiry will present just the features suggested by the Senator from South Carolina.

Senator TILLMAN. You are talking about past occasions, and we are dealing with future occasions, unless we are going to undertake to investigate alleged frauds in the contracts, which are not charged.

The CHAIRMAN. The question which Senator Gibson asks is part of the resolution.

Senator TILLMAN. I have no objection to the Secretary's answering the question as to the past, but I want to ask him with respect to the future.

Senator CHANDLER. Practically the Secretary has said that, under all the circumstances, the prices are fair and reasonable; but I think the suggestion of the Senator from Maryland is a very proper one—to ask the Secretary to state whether, in his judgment, the prices paid in the past have, under the circumstances, been fair and reasonable.

Secretary HERBERT. I have said that I have no means of knowing what the cost of the plant was in either case, and my means of judging is by the price which has been paid abroad, or what I understand has been paid abroad. I have told the committee I would send it such information as I have. But I would state that, if the information I have is correct, as I believe it to be, compared with prices that are being paid abroad, $450 a ton would be about a reasonable price.

Senator CHANDLER. For past contracts?

Secretary HERBERT. No; for future contracts.

Senator CHANDLER. But the question of the Senator from Maryland relates to past contracts.

Secretary HERBERT. I would state that the past contracts were not unreasonable.

Senator GIBSON. That is the scope of the inquiry.

Secretary HERBERT. Until I learned more about what was being paid abroad, my impression was that those prices were very extravagant. I will state, however, that the reduction the two companies have promised to make is not so great as that in other contracts recently made by the Navy Department, where there was fair competition.

Senator TILLMAN. It seems to me, then, that you would hesitate to make that statement.

Secretary HERBERT. I simply desire to give you all the sources of information I have. The reduction in the price of the battle ships themselves has been about 28 or 30 per cent, the reduction in the price of gunboats has been about 26 per cent, and this reduction would be about 10 per cent. If it were not for what I understand has been paid abroad, I should say that $450 is too much. But if the prices paid abroad amount to over $500, as they seem to—the information that comes to me convinces me of it—as compared with them, $450 would not be an unreasonable price, because it would be about the same that the foreign governments are paying, although I can furnish the committee with more definite information.

Senator TILLMAN. I should prefer to get the figures of the British Government.

Secretary HERBERT. My information is not so definite about the British Government as the others, but I will give you such information as I have.

Senator PERKINS. I think the information which you have given us in relation to the cost of the plates here, and that which you propose to give us, answer pretty fully that question. If we want any further information, of course it can be obtained later.

I look upon questions 6, 7, and 8, on page 4, as more serious than anything else connected with this inquiry. I refer to charges there implied that officers of the Government who have been educated by the Government and placed in positions of trust, have been unfaithful to their duty. Those questions imply that at least, and I have a deeper feeling upon those three questions than I have upon anything else connected with the matter.

Senator CHANDLER. I have been anxious for ten minutes to go on with that branch of the inquiry.

Senator BACON. I want to ask one question in order to get it on the record. Mr. Secretary, I understand it to be a fact that after the making of the contract with the Carnegie Company, a portion of the contract previously made with the Bethlehem Company was proceeded with by the Bethlehem Company under that contract, so that at the same time the Government was having the same class of work done by the Bethlehem Company at 2 cents less per pound than by the Carnegie Company.

Secretary HERBERT. At 2 cents per pound less, if the suit by the patentees succeeds.

Senator BACON. There is an obligation in a certain contingency to pay 2 cents more?

Secretary HERBERT. The Government is obligated contingently to pay 2 cents more per pound.

Senator MCMILLAN. I understand from the Secretary that it was impossible to get the armor from the Bethlehem Company, and that the Department had to make a contract with the Carnegie Company.

Senator BACON. At the time when the Carnegie Company was making the armor plate, with the obligation on the part of the Government to pay 2 cents more per pound in a certain contingency, the Bethlehem Company was making the same armor plate at the same price without that additional obligation.

Senator CHANDLER. And paying the patentees their royalty?

Senator BACON. Yes. That is the fact, is it not, Mr. Secretary?

Secretary HERBERT. Yes, sir.

The CHAIRMAN. Before this branch of the subject is dismissed I should like to ask the Secretary whether the demand for armor plate by all the nations now is not so great as to occupy all the time of all the armor-plate manufacturers in the world, even should we not contract with our own people? Would they not find work outside from other nations, independent of us?

Secretary HERBERT. I should suppose not. These two companies are able to manufacture armor plate very much more rapidly than we need it.

The CHAIRMAN. That is the reason why they are taking additional contracts from abroad?

Secretary HERBERT. Yes. If a dozen battle ships were authorized, I suppose those two companies could furnish the armor plate for them within three years, or even less time.

The CHAIRMAN. Do you know anything about contracts made by manufacturers abroad, as to whether they are filled up with contracts or whether their works are idle?

Secretary HERBERT. I do not, except that they bid for these contracts and were in competition for them. I suppose from that that they would be able to manufacture the armor.

Senator CHANDLER. Will you look at page 5 of the record, wherein is embodied a memorandum about Mr. Harvey's patent, a copy of which has been furnished you, and make such statement as you are prepared to make on the subject of the third paragraph?

Secretary HERBERT. The Harvey process is for face-hardening armor. It consists of impregnating the face to be hardened with carbon made from wood charcoal, bone charcoal, and common coal. Harvey, who claims to be the inventor of the process, was in conference with Commander Folger, who was then chief of the Bureau. He was asking about its uses in the Navy, and it was suggested, possibly by Folger, that it be applied to the manufacture of armor. Commander Folger suggested that the process already invented by Mr. Harvey be applied to the manufacture of armor; and it was so applied. The Government made a contract for the application of the process to the face-hardening of armor, and it was under the direction of Folger. The first contract that was made with Harvey was at the rate of a half cent a pound for the armor for certain ships mentioned.

I have a copy of the contract, and will insert it in the record.

The contract referred to is as follows:

Memorandum of an agreement of two parts, made and entered into this 21st day of March, A. D. 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process, known as the "Harvey process," for the treatment of armor plate for use in the construction of vessels; and

Whereas the parties have agreed and do hereby agree that, upon the terms hereinafter stated, armor plate manufactured or treated under the said "Harvey process" shall, so far as possible, be supplied to such of the following-described naval vessels as the Department may from time to time designate, to wit:

Cruiser No. 6,	Gunboat No. 5,	Maine,
Cruiser No. 7,	Gunboat No. 6,	Monterey,
Cruiser No. 8,	Puritan,	New York,
Cruiser No. 9,	Amphitrite,	Indiana,
Cruiser No. 10,	Monadnock,	Massachusetts,
Cruiser No. 11,	Terror,	Oregon,
Cruiser No. 12,	Texas,	Ram.
Cruiser No. 13,		

Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by B. G. Clarke, president; H. A. Harvey, general manager, and Theo. Sturges, treasurer, agree to give the Navy Department the option of purchasing the right to use and employ the Harvey process for treating armor plates, as follows:

"We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891, on the following terms, viz:

"In the event of the process proving of value after further tests, and upon the demand by the Navy Department for its application to armor plating, the sum of $75,000 is to be paid by the latter to the Harvey Steel Company as royalty therefor, and as utilized, at the rate of one-half of 1 cent per pound of the weight of the finished plate. This royalty of one-half of 1 cent per pound is to cease when the said sum of $75,000 has been paid.

"The Navy Department is to have the right to use the process, should it so desire, without further compensation, upon all armor plating which is to be applied to vessels the construction of which is authorized by Congress at this date. In the event of the authorization by Congress of the construction of other vessels of war than those above mentioned, a new contract for the further application of the Harvey process of treating armor plates is to be made between the Naval Department and the latter, should the Department so desire.

"It is understood that the Naval Department will undertake to bear all the expense of the experimental development of the process as applied to armor plates, our Mr. Harvey to furnish, in consultation with the Bureau of Ordnance, all details at present in his possession in regard to the process or which he may personally develop, in the perfection of his methods of treatment as applied to armor plating."

Whereas the Navy Department, under date of March 3, 1891, in a communication signed by Wm. M. Folger, Chief of the Bureau of Ordnance, accepted the terms of the offer of the Harvey Steel Company, as stated in the communication above mentioned, and by this agreement does accept the option offered by the party of the first part in the first paragraph of said communication; and

Whereas the party of the second part has agreed and does hereby agree to also pay, as hereinafter set forth, the expense of applying said process in the manufacture or treatment of said armor plate:

Now, therefore, it is mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part, upon the terms herein stated, may use and employ in the treatment of armor plate manufactured or to be manufactured for naval vessels, as hereinbefore stated, the hereinbefore-mentioned process known as the "Harvey process."

The party of the first part, in consideration of the premises and provided the said process of treating said armor plate shall be conducted at the Bethlehem Iron Works, at South Bethlehem, Pa., or elsewhere, under the direction of the party of the first part, hereby guarantees that, in addition to the hereinbefore mentioned royalty of one-half of 1 cent per pound, to be paid by the party of the second part to the party of the first part, upon armor, for vessels which have been authorized by Congress up to March 3, 1891, the additional cost to the party of the second part applying the Harvey process, hereinbefore referred to, to the armor plate as aforesaid, shall, during the period of one year from the date hereof, be nine-tenths of 1 cent ($0.009) per pound of the finished plate, and that after the expiration of the period of one year from the date hereof, the said additional cost to the party of the second part shall not exceed nine-tenths of 1 cent per pound of the finished plate, and in case it shall be found that the actual cost of the application of the said process to the armor plate shall have been diminished during one year from the date hereof, then the said additional cost to the party of the

second part shall thereafter be equal to the said actual cost of the application of such treatment to the armor plate plus one-half (½) the difference between said actual cost of application and the sum of nine-tenths of 1 cent ($0.009) per pound of the finished plate.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and, at its own expense, defend the United States from and against all and every demand or demands for or on account of the use and employment of the "Harvey process" above mentioned in the manufacture or treatment of armor, and from all and every demand or demands which shall hereafter be made for the payment of any sum or sums of money in excess of the aforesaid cost for royalty and treatment of armor under said process to be paid as hereinbefore specified and provided for in this contract.

Finally, it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall render to the party of the first part quarterly reports of all armor plate manufactured or treated under the said Harvey process which the party of the second part shall have received during the three months next preceding the dates of such reports, respectively, and within a period of thirty days after the rendition of each of said quarterly reports the party of the second part shall pay to the party of the first part such sums of money as may be required to cover the said royalty of one-half of 1 cent per pound, and also the cost of treatment by the said Harvey process of the armor plate which shall have been received by the party of the second part during the three months next preceding the commencement of said period of thirty days, it being hereby understood and agreed that the first of the said quarterly reports shall be rendered on or before the 1st day May, 1893, and shall be thereafter rendered every three months until all the armor treated for vessels authorized by Congress to March 3, 1891, shall have been received by the party of the second part.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

{SEAL OF THE COMPANY.} THE HARVEY STEEL COMPANY,
By B. G. CLARKE, *Pres.*

Attest:
L. L. STURGES,
Sec'y pro tem.

THE UNITED STATES,
By B. F. TRACY,
Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{SEAL OF NAVY DEPARTMENT.}

Memorandum for the honorable the Secretary of the Navy of armor now under contract which may be harveyized.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, February 8, 1893.

UNDER CONTRACT WITH THE BETHLEHEM IRON COMPANY.

Vessel.	Nature of work.	Tons.
Maine	Side armor	492.22
	Turrets	135.28
	Conning tower	15.71
Texas	Side armor	281.45
Amphitrite	Barbettes	148.31
	Turrets	110.76
	Conning tower	17.66
Terror	All too far advanced	
Puritan	Conning tower	21.00
	Turrets	162.00
Monadnock	Turrets	91.13
	Conning tower	21.66
Indiana	Side armor	613.50
	Barbette (1 heavy)	378.40
	Conning tower	55.15
Massachusetts	Conning tower	55.15
Total with Bethlehem Iron Co		2,650.46

UNDER CONTRACT WITH THE CARNEGIE STEEL COMPANY.

Harbor-defense ram	Side and deck armor	708.71
	Conning tower	45.20
Amphitrite	Side armor	355.65
Puritan	do	114.90
Monadnock	do	342.15
	Barbettes	147.00
Oregon	Side armor	613.56
	Barbette (heavy)	774.80
	Barbette (light)	169.20
	Conning tower	52.09
Olympia	Con. tower and barbette	102.60
Total with Carnegie Steel Co		3,425.86
Total with Bethlehem Iron Co		2,650.46
Total with contractors		6,085.32

OF ARMOR UNDER NEW CONTRACT.

Indiana	Turret plates, 13-inch	287.36
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00
Massachusetts	Turret plates, 13-inch	287.36
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00
	Barbette plates, 13-inch	774.80
	Barbette plates, 8-inch	153.62
	Side armor	613.56
Oregon	Turret plates, 13-inch	287.36
	Sight hoods	6.25
	Turret plates, 8-inch	97.00
	Sight hoods	10.00

Memorandum for the honorable the Secretary of the Navy, etc.—Continued.

OF ARMOR UNDER NEW CONTRACT—continued.

Vessel.	Nature of work.	Tons.
Olympia	Turret plates, 8-inch	23.24
	Sight hoods	4.00
Total of that now under advertisement.		2,776.11
Total with Bethlehem Iron Co		2,650.46
Total with Carnegie Steel Co		3,425.86
Total of all armor that may be harveyized on ships, contracts for which were let prior to that for cruiser No. 13.		8,861.43

OF ARMOR WHICH MAY BE HARVEYIZED ON SHIPS FOR WHICH CONTRACTS HAVE BEEN LET SINCE THAT FOR CRUISER NO. 13.

Iowa	Turret plates, 12-inch	490.00
	Sight hoods	9.00
	Turret plates, 8-inch	96.00
	Sight hoods	10.50
	Barbette plates, 12-inch	521.00
	Barbette plates, 8-inch	148.40
	Side armor	630.60
	Diagonal armor plates	234.70
	Casemate armor plates	208.40
	Conning tower	27.30
	Conning-tower shield	9.40
	Conning-tower shield hood	1.50
Brooklyn	Turret plates, 8-inch	92.00
	Sight hoods	10.00
	Barbette plates, 8-inch	145.00
	Side armor	155.00
	Conning tower	20.00
	Conning tower shield	5.00
	Conning tower shield hood	1.00
Total		2,812.40
		8,861.43
Total amount of armor which may be harveyized.		11,673.83

Very respectfully,

W. T. SAMPSON, *Chief of Bureau.*

Secretary HERBERT. There is a guaranty in the contract that the Government should not have to pay more than nine-tenths of 1 cent a pound, which would be about $21 or $22 a ton, for the application of this process, provided Harvey was allowed to superintend it at the works of the armor makers. Application was made to the Bethlehem Company to allow Harvey to superintend it, and the company refused to grant it. They insisted that after being acquainted with the process they should apply it in their own way. They refused to allow Harvey to have anything to do with it, and demanded for applying it a very much larger sum than nine-tenths of a cent per pound. In the opinion of the officers of the Department at that time it would cost a good deal more than nine-tenths of a cent a pound. So Mr. Tracy made a contract with the Bethlehem Company to harveyize certain of the armor they were then making at the rates just indicated in the contract, which, on an average, amounted to about 2.88 cents per pound.

The contract with Harvey was considered as abrogated because it could not be carried out. It mentioned a half cent a pound as the price. Mr. Tracy then made another contract with the Carnegie Company for harveyizing armor at the same price he had given the Bethlehem Company for applying the process, in which the contract with Harvey was not considered, because I suppose Mr. Tracy thought they would no more consent than the Bethlehem Company had consented to have Harvey superintend the process, and because they probably contended that they could no do it for anything like that sum. They at first asked about 5 cents a pound for applying the process. This sum was for the application of the process, you understand.

When I came into office I found that negotiations had been pending between the Department and the Harvey Company for the use of this process—the royalty. Folger came to me. He had been the former chief of the Bureau.

Senator HALE. He was at that time chief of the Bureau?

Secretary HERBERT. No, he was not. He had resigned as chief of the Bureau in December, and he had already obtained leave to go abroad for two years. He came as the agent of that company, stating that since leaving the Bureau he had been employed by the company to negotiate with the Department for a fair price for the use of the Harvey process; and he claimed a good deal more than half a cent a pound.

Senator BACON. You say "that company." You have mentioned several companies, and in order to have the record correct will you not state to which company you refer?

The CHAIRMAN. The Harvey Company.

Secretary HERBERT. I refer to the Harvey Company. Folger came as the agent of the Harvey Company. As agent of that company he had been negotiating with Secretary Tracy about the matter, I understood.

Senator TILLMAN. An officer of the Navy negotiating, as the agent of a private corporation, with the head of the Navy?

Secretary HERBERT. Yes, sir. He was not then connected with the Bureau. He had ceased his connection.

Senator TILLMAN. He had resigned from the Bureau?

Secretary HERBERT. Yes, sir.

Senator TILLMAN. Had he resigned from the Navy?

Secretary HERBERT. No, sir.

Senator TILLMAN. Is he in the Navy now?

Secretary HERBERT. Yes, sir; he is.

Senator CHANDLER. The first contract with the Harvey Steel Company was made March 21, 1892, before Commander Folger resigned as chief of the Bureau, and the second contract was made April 12, 1893, after he had ceased to be chief of the Bureau?

Secretary HERBERT. Yes, sir; after he ceased to be chief. The first contract with the Harvey Company was made while he was chief of the Bureau.

Senator HALE. All the contracts are to be put in the record.

Secretary HERBERT. Yes, sir; I have copies of them to put in the record.

I understood at that time that Secretary Tracy had offered $120,000 for the harveyizing of the armor for the ships that were then authorized, and Folger insisted that I should pay at least $150,000; that if I put it in a lump sum I could get the right for $150,000. I looked into the price, and said, "No; I shall not pay it; I will pay the same rate that has been paid heretofore, a half cent a pound, on condition that the Government is allowed in the future to use the process at a half cent a pound provided it wants to use it on all armor hereafter manufactured."

The statement was made to me then that the price paid abroad for the Harvey process—the patent has been recorded abroad—is 2 cents a pound. It is, I understand, $40 a ton.

Senator CHANDLER. Who made that statement to you?

Secretary HERBERT. I have understood it from the Chief of the Bureau of Ordnance; Folger stated it to me; the present chief of the Bureau stated it to me, and I think it is a fact that $40 a ton is being paid abroad for the use of this process; possibly, however, the prices paid abroad may vary.

The amount that had been paid under the first contract was a half cent a pound, and it was stated in the contract that the company allowed the Government to use the process for half a cent a pound in consideration of the fact that it had been developed somewhat under the superintendency of the Bureau of Ordnance. I refused to pay more than a half cent a pound, and told him that I would use the process without paying anything; that I knew what it was; I could use it, anyway; and I would use it and let the company sue the Government before I would agree to more than half a cent a pound. Finally the company consented to take the price I offered.

I have here a letter from Mr. Frank Thomson, who is president of that company, which was written some time before that, from which it appears that the price that Secretary Tracy had offered at the time there referred to was not $120,000, but seems to have been $100,000. Here is a copy of the letter written by Mr. Frank Thomson, president of the Harvey Company, to Mr. Tracy, then head of the Navy Department:

PHILADELPHIA, *March 1, 1893.*

MY DEAR SIR: Referring to our conversation which took place on the car en route from Jersey City to Philadelphia, Wednesday, February 22, I understood you to say that you would be willing to allow the Harvey Company $60,000 on the old contract and 2 cents per pound on the new contract, amounting to 2,700 tons, at $40 per ton, or $108,000, making in all $168,000, and I suggested that Commodore Folger should negotiate with you on that basis.

That is, $168,000 for those ships.

I have always felt that the Harvey Company should receive 5 cents, but in consideration of the services of the Government in the development of the system, I was willing to agree to 3 cents; but after various consultations and your presentation of the case, I acceded to 2 cents, and am still of that mind.

That would be $40 a ton.

I am now informed by Commodore Folger that your last proposition to me as a total payment does not amount to more than $100,000, and in all candor I must say that we can not accept the proposition under any circumstances.

I regret extremely that you have not been able to see your way clear to deal more liberally with the owners of a patent which would bring such great results to the United States Government.

Very truly, yours,

FRANK THOMSON.

Hon. B. F. TRACY,
Secretary of Navy, Washington.

One hundred and sixty-eight thousand dollars is the price Mr. Thomson demanded there, and he also demanded 2 cents a pound as royalty for armor for ships to be thereafter authorized. I contracted on the basis of a half cent a pound, $96,000, and the Government was also to have the right to use the process in the future at a half cent a pound. In the contract I made with the company there was a provision that if at any time the courts should decide the patent to be invalid, the Government should pay nothing therefor.

Senator CHANDLER. Do you refer to the contract of April 19, 1893?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. Made within six weeks after you went into the Department?

Secretary HERBERT. Yes, sir; it seems to have been pending beforehand, as appears from the proposition of Mr. Thomson just read to you.

Senator CHANDLER. Based upon the data you have given?

Secretary HERBERT. Yes, sir. The Harvey Company was then asking $168,000 for that for which I paid $96,000. The contract was made on the basis of a half a cent a pound—about $11 a ton—instead of $40, which Mr. Thomson claimed. I made that contract by simply stating that I would not pay any more; that I would manufacture the armor, and the owners of the plant could bring suit for indemnity.

Commodore Folger had a two-year leave of absence to go abroad. I think it was understood that he intended to act as the agent of the Harvey Company abroad. Under the leave which he had he went abroad shortly after that. Not long after I came into office, however, I began to consider the question of leaves of absence and the practice of allowing officers of the Navy to take outside contracts in matters relating to the Navy, and I rescinded all the orders for long leaves and brought home every man who was doing business on his own account with any of the contractors for the Government, and indeed everybody else with the exception of Lieutenant Peary, who at that time was in the Arctic Ocean.

Senator SMITH. Were many officers on leave under such circumstances?

Secretary HERBERT. I suppose there were eight or ten. Among others was Professor Newcomb, who was going over to Baltimore two days out of a week to lecture at Johns Hopkins.

Senator CHANDLER. He was lecturing on astronomy?

Secretary HERBERT. Yes, sir; there was one officer at the works of the Carnegie Company, and there were others at other places and in other kinds of business, such as reducing nickel. That order included Commander Folger.

The CHAIRMAN. Was there anyone at the Bethlehem Works?

Secretary HERBERT. I am not sure whether there was or not?

Senator CHANDLER. Lieutenant Meigs, who is with the Bethlehem Company, has resigned from the Navy?

Secretary HERBERT. Yes, sir; he resigned and is out of the Navy, and the Bethlehem Company have a right to employ him. Lieutenant Stone was at the Carnegie Company's works, and after leaving there he for a while had a desk in the office of the Bureau of Ordnance, acting as the agent of the Carnegie Company after he had been retired from the Navy. I forbade that, too. I called these people home, and among others Commander Folger.

Senator HALE. When you say "called them home," you mean that you revoked their leaves of absence?

Secretary HERBERT. Yes, sir.

Senator HALE. They were not all abroad?

Secretary HERBERT. No, sir; Folger's resignation as Chief of the Bureau of Ordnance took effect January 2, 1893.

Senator CHANDLER. When was it tendered?

Secretary HERBERT. In December, and he was granted two years' leave of absence to go abroad. On the 1st of June, 1893, he informed the Department that his address was care of United States dispatch agent at London. His leave was revoked November 1, 1893, by letter dated October 4, 1893.

Senator TILLMAN. What was the salary received by Commander Folger while on leave of absence?

Secretary HERBERT. Waiting-orders pay. It is the lowest salary we pay. I can tell by looking at the Register.

Senator HALE. He received waiting-orders pay.

Senator CHANDLER. It is two-thirds of full pay?

Secretary HERBERT. Yes; but I do not remember what full pay is. I shall have it looked up. Then Folger was ordered abroad to take command of a ship.

I find by the Register here that his pay was $2,300 while on leave. His sea pay would be $3,500, shore pay $3,000, waiting-orders pay $2,300.

Senator TILLMAN. While he was doing nothing?

Senator PERKINS. Except to work for a private company.

Senator TILLMAN. I mean for the Government. He was working for a private concern. None of those leaves are now in existence. You have discontinued the system?

Secretary HERBERT. Yes, sir. There is one man detailed under a special law of Congress as instructor in a college, but I have discontinued the system and do not allow an officer to go into business with any contractor.

Senator TILLMAN. You have discontinued all personal interest on the part of an officer in any business in which he is engaged?

Secretary HERBERT. I have not undertaken to order that officers shall have no private interests in business outside.

Senator TILLMAN. But you do not allow them to devote their time, for which the Government pays, to the furtherance of their private business. Of course they have a right to invest their money in property anywhere they please, and to give it such attention as they can without neglecting their official work.

Secretary HERBERT. That is my position, Senator. You are right. Further than that, there comes the question of patents by officers.

Senator CHANDLER. Before you come to the question of patents issued to officers, I wish you would state to the committee when you first had knowledge, as asked on page 4, sixth item, that Commander Folger was to be employed or had been employed by the Harvey Company and was to have an interest in the company. Tell us what you know on that subject.

Secretary HERBERT. The first knowledge I had of his taking any interest in the company was when he came to me to make this negotiation with the Government.

Senator CHANDLER. Between the 4th of March, 1893, and April 12, 1893?

Secretary HERBERT. Yes, sir. He came to me and said that since he had got out of the Bureau of Ordnance he had been employed by the Harvey Company, and that he represented them to the extent of making that contract, and I did not know how much further. That was as far as I knew about it, and that was the first I knew of it. Commander Folger is here in the city and subject to the orders of the committee.

Senator CHANDLER. When did you learn what the contract made by the Harvey Company with him was?

Senator HALE. What Commander Folger's interest was?

Secretary HERBERT. I do not yet know definitely about it.

Senator CHANDLER. Do you know whether he was in negotiation to be employed by the company while he was chief of the Bureau?

Secretary HERBERT. No, sir; I do not.

Senator TILLMAN. It seems to me that that follows of itself; that it is self-evident.

Senator CHANDLER. Did you make any investigation as to whether the patent ought to have been granted to Harvey; whether it was a valid or a void patent?

Secretary HERBERT. No, sir; I did not.

Senator CHANDLER. You assumed that what your predecessor had done determined that question?

Secretary HERBERT. I assumed that he knew what he was doing and that he had concluded that the patent was a valid patent. I have some information here upon that question.

Senator CHANDLER. Is this [handing Secretary Herbert a letter] a copy of the letter of Secretary Tracy asking to have the patent expedited?

Secretary HERBERT (after examining copy of letter). He sent a letter, and I suppose this is a copy of it. He asked to have the patent expedited.

Senator CHANDLER. I will put the letter in the record. It is of date June 20, 1891.

The letter referred to is as follows:

NAVY DEPARTMENT, *June 20, 1891.*

SIR: Referring to Mr. H. A. Harvey's application, No. 387209, for patent for improvement in decrementally hardened plates and method of manufacturing the same, filed April 1, 1891:

It appears from the report of the Chief of Bureau of Ordnance that the invention referred to is of sufficient importance to the naval service to warrant early action, and I have to request that, in accordance with rule 62 of the Rules of Practice of the Patent Office, the application for letters patent upon said invention be made special in that office.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

The honorable the SECRETARY OF THE INTERIOR.

The letter is indorsed on the back as follows:

Under date of June 27, 1891, Com. C. E. Mitchell directed:
"The examiner is directed to make the application herein special."

Secretary HERBERT. There is a practice which has prevailed for a long time, dating back from your administration of the Navy Department, Senator CHANDLER, to ask for the expediting of patents which are presumed to be valuable to the Navy. You ask in your memorandum sent me for an abstract of letters from the Navy Department to the Secretary of the Interior, requesting special action on applications for patents from March 4, 1881, to January 15, 1896. There were none made in 1881, 1882, or 1883. In 1884 there were five requests made.

Senator CHANDLER. You have in your hand a list of such requests?

Secretary HERBERT. Yes, sir. I will read some of the names of the inventors and the articles on which patents were asked. In 1884 there were 5. They were N. S. White, electric lamps; William F. Gardner, time system; Powlet Electric Company, automatic-steering apparatus and gear; J. A. Powlet, machine gun carriage; Rex disinfecting process; J. A. Howell, automatic broadside torpedo.

In 1885 there were 4; in 1886, 4; in 1887, 7; 1888, 4; in 1889, 4; in 1890, 6; in 1891, 7; in 1892, 10; in 1893, 10; in 1894, 1; in 1895, 5.

Senator CHANDLER. Have you a table giving the details of these requests?

Secretary HERBERT. It does not give the details, but it contains a list of the requests.

Senator CHANDLER. It mentions the subject-matter?

Secretary HERBERT. Yes, sir; it mentions the subject-matter, showing what each patent was for.

The list referred to is as follows:

Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents from March 4, 1881, to January 15, 1896.

Date of letter.	Name of inventor.	Article on which patent was asked.	Bureau (if any) recommending special action.
1884.			
May 5	N. S. White	Electric lamps	
May 8	William F. Gardner.	Time system	Navigation.
July 30	Powlett Electric Co.	Automatic steering apparatus and gear.	
July 31	J. A. Powlett	Machine gun carriage	
Aug. 12		Rex disinfectant process	
Oct. 7	J. A. Howell	Automatic broadside torpedo.	
1885.			
Mar. 21	C. W. F. Simonds	Method of rolling articles of metal, and articles made by such method.	Ordnance.
May 20	William F. Gardner.	Time-ball system	
Oct. 27	Alex. Vogelgesang	Screw propeller	
Oct. 30	do	do	Steam Engineering.
1886.			
June 4	A. C. Dunn	Steering apparatus	
Aug. 24	P. A. Engr. Tobin	Improvement in cast steel compound armor.	
Sept. 27	G. M. Hathaway	Submarine boat	
Nov. 19	Robert M. Fryer	Armored vessel	Construction and Repair.
1887.			
Jan. 18	J. G. Hendrickson	Process of coating metal surfaces with lead.	Steam Engineering.
1892.			
Feb. 11	C. DeB. Shepard	Invention connected with submarine vessel.	
Feb. 26	W. H. Driggs	Improvement in breech-loading rapid-firing cannon.	
July 6	Daniel Wilde	Mechanical movement to take the place of belts.	Ordnance.
Aug. 31	A. C. Dunn	Pneumatic steering gear	
Nov. 14	William A. Baldwin.	Process of combining aluminum with other metals.	Do.
Nov. 23	George W. Gesner	Process of treating metals so as to render them noncorrodible.	Steam Engineering.
1888.			
Jan. 6	W. H. Driggs and Seaton Schroeder.	Improvement in breech-loading ordnance.	
Apr. 7	E. R. Gill	Electric combination lock, self-adjusting relay, automatic switch signal controlling apparatus, and a secret and novel telephone call system.	Ordnance.
Aug. 4	Tilford & Redeman	Improvement in manufacture of steel.	
Dec. 22	Bradley A. Fiske and Ivan Rapieff.	Range-finding instruments.	
1889.			
Mar. 2	W. F. M. McCarty	Improved process of manufacturing steel.	Do.
May 3	Dana Dudley, and Hotchkiss Ordnance Company.	Torpedoes and launching apparatus.	Do.
Sept. 27	Hotchkiss Ordnance Company.	Elwell's pneumatic launching gear.	Do.
Nov. 16	W. H. Driggs	Percussion fuse for projectiles.	Do.
1890.			
Jan. 7	William M. Wood	Projectiles	Do.
Mar. 13	Bradley A. Fiske	Method of range finding	Do.
Mar. 15	Ivan Rapieff	Range finder	Do.
May 28	S. W. B. Diehl and John Gibson.	Improved ship's compensating binnacle.	Equipment and recruiting.
Sept. 24	J. H. Brown	Improvement in manufacture of guns.	Ordnance.
Dec. 19	Julius Leede	Process of making fuel gas.	
1891.			
Jan. 16	Moses F. Walker	Dynamite shells	Do.
May 12	Ernest Huber and Fredk. J. Kneuper.	Nautical signals or sea telephones.	Equipment.
June 20	H. A. Harvey	Hardened plates	Ordnance.
Aug. 24	Charles E. Munroe	Explosive powder and gun cotton.	Do.
Sept. 2	George H. Gray	Process of manufacturing aluminum.	Steel Inspection Board and Construction and Repair.
Nov. 7	F. K. Irving	Storage-battery systems	Equipment.
Nov. 17	Wm. M. Wood	Improved projectile	Ordnance.
1892.			
Mar. 11	James McWade	Improvement in propellers.	Steam Engineering.
June 9	E. T. Thomas	Electrodeposition of copper.	

Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents, etc.—Continued.

Date of letter.	Name of inventor.	Article on which patent was asked.	Bureau (if any) recommending special action.
1892.			
July 7	L. M. Closs	Improvements in dynamo, lamps, etc.	
July 15	W. B. Keep	Pennington air ship	(Ordnance recommended adversely.)
Sept. 30	W. W. Griscom and R. McA. Lloyd.	Secondary batteries	
Oct. 4	John Milton	Smoke-consuming device.	Steam Engineering.
Oct. 31	Izak Samuels	Secondary electric battery.	
Dec. 3	F. F. Fletcher	Gun mountings	Ordnance.
Dec. 10	S. G. Brosius	Cylinders of marine and other engines.	
Dec. 20	L. S. Van Duzer	Electrical steering apparatus.	Construction and Repair.
1893.			
Jan. 7	John Milton	Smoke-consuming device.	Steam Engineering.
Feb. 6	L. Paget	Pyroxylin compounds	
Feb. 6	Joseph A. Eno	Improvements in steam boilers and in marine boilers.	
Feb. 24	H. L. Howe	Improvements in air valves.	
Mar. 3	L. Paget	Pyroxylin solvents	
Apr. 1	J. F. Drake	Torpedo-launching apparatus.	Ordnance.
Apr. 15	A. F. Kingsley	Improvements in smoke consumers.	Steam Engineering.
Aug. 5	J. G. McRoberts	Improvement in steel founding.	
Sept. 21	Mason E. Leonard	Gunpowder	Ordnance.
Dec. 27	John Milton	Smoke-consuming device.	Steam Engineering.
1894.			
Aug. 8	Herman Lemp	Method of producing locally annealed harveyized steel plates.	Ordnance.
1895.			
Mar. 14	W. E. Corey	Manufacture of carbonized steel.	Do.
July 19	James P. Lee	Improvements in firearms.	Do.
Oct. 5	G. A. Converse and J. B. Bernadou.	Manufacture of nitrocellulose, etc.	Do.
Oct. 14	C. Y. Wheeler and F. L. Slocum.	Manufacture of steel containing chromium.	Do.
Nov. 12	G. W. Littlehales	Border-shading machine	Navigation.

There is nothing on file in this office to show the action taken by the Patent Office in these cases.

SAM. C. LEMLY,
Judge-Advocate-General.

NAVY DEPARTMENT,
OFFICE OF JUDGE-ADVOCATE-GENERAL, *January 15, 1896.*

Secretary HERBERT. Before making a request of the Interior Department to expedite a patent, it has been the custom generally, but not always, to refer the matter to some expert in the Navy Department, in order to ascertain whether the invention is particularly valuable to the Navy. That has not always been done. In 1885, for instance, it does not seem to have been done, but if you look at the face of the inventions you will see that they are all articles which the Navy wants, and in which it would naturally be interested. But that course has been more generally pursued since that time. In every case where I have made such a request, with one exception, the records show that in the first place the matter was referred to the proper bureau to ascertain whether the Navy Department was interested in the article.

Senator PERKINS. That practice also obtains in the other Departments of the Government. I have been so apprised.

Secretary HERBERT. It does, I believe. I should like to make a statement somewhat connectedly about the patents. I made about the same number of requests that other Secretaries have made, and I referred every case to an expert in the proper bureau to know whether the Navy was especially interested in the article, except in one instance. I found out that in 1895 in some way or another I had made a request and didnot have in writing any recommendation from a bureau. I must have had it orally. At any rate, I have made one request without having referred the matter to the proper bureau. But the rule has been as I have stated it, and it is a very proper rule, and it has usually been followed.

One of the questions I am asked in the statement sent to the Department is about the Harvey process, in which it is said that Commander Folger is interested. That brings up the question of the interest of officers in patents. I have a list here of the officers to whom patents have been granted and shop licenses under patents given to the Department as far as they were known. I have had two or three controversies with naval officers about what amount ought to be paid them, or as to whether anything ought to be paid them at all for devices. The opinion of the Attorney-General, rendered a good long while ago, was that where a patent had been taken out by an officer for something invented by him while he was in the line of duty and pertaining to that line of duty, he was not entitled to any pay from the Government for its use, but that in other cases he was entitled to the same pay as other people; that although it might be something naval, and something that was suggested to him as a naval officer, still if he was not in that particular line of duty he was entitled to pay for it.

The question was brought before me in the case of Lieutenant Dashiell, a very bright and efficient officer. He invented a method of improving the controlling valves on the turning engines of the turret of the *New York*, an improvement that was really of great value and by the use of which the turrets worked very smoothly. He asked for an allowance for it. I refused to give it to him. Then there was another—the case of Fletcher. I had quite a controversy with him about the use of his patent for breech mechanism for ordnance, and finally made a contract with him for a somewhat less price than he asked, about $10 less. I thought that the Government ought to have the right in that case to fix the compensation.

It was very important to have that breech mechanism, and it seemed to be better than any other. So I made the contract. But that case suggested that we ought to have a change of the law, and I desire to call the attention of the committee especially to this point. In my last annual report, on pages 48 and 49, the question is discussed at some length, and Congress is asked to pass a law giving the right to the Secretary of the Navy in such cases, as under present rulings an officer is allowed compensation, to pay a fair price and only such fair price as the head of the Department may think he ought to allow. Perhaps I had better read that part of my report. It is not very long.

Inventions useful to the naval service are frequently patented by officers of the Navy. Officers have peculiar opportunities in the line of their duty for discovering the defects of naval appliances and devising remedies for the same. When they have been especially assigned to the duty of making experiments for the purpose of suggesting improvements in some particular direction, if the facilities for conducting the experiments have been furnished by the Department, and the expenses, including the procuring of patents, have been borne by the Department, the improvements or devices are the property of the United States.

When, however, an officer is not acting under authority of the Department, and the invention does not concern a matter the officer was especially assigned the duty of investigating, and when the expenses of making experiments and procuring the letters patent are borne by the officer, it has been held that the patent is the property of the officer and is valid as against the Government itself. In order to use these devices the United States must obtain the consent of the patentee and pay him such price for the use of the same as he may demand, and it has frequently been found difficult to adjust the rights of officers as against the Government in these cases.

The inventive genius of officers should not be suppressed, nor should they be unjustly deprived of the fruits of their labor, but, on the other hand, there ought to be no extraordinary pecuniary stimulus to turn to their own advantage knowledge acquired at the expense of the Government and tending to promote the interests of the service in which they are employed. Such a stimulus exists where the Government must do without improvements essential to its naval power or pay to persons whom it has educated and furnished the opportunities for developing such improvements such prices as they may insist upon for the same.

The British Government has recently found it expedient to prescribe the terms under which its navy shall acquire the use of inventions patented by persons in its naval service, and the following provisions appear to me to be particularly equitable and just: "The invention may be used by or for Her Majesty's service, and that the terms of payment, if any, shall be decided by the Admiralty," and "in settling terms, either for assignment or use, regard will be had by the Admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed by reason of his official position."

As naval officers receive their education at the expense of the Government, and their opportunities to make improvements in naval appliances result largely from such education and the facilities afforded them by the duties they perform under the Government, I have the honor to recommend that Congress be asked to enact legislation providing that the United States may at any time acquire the right to use devices covered by letters patent issued to officers of the Navy, whether retained in their ownership or assigned to others, upon such terms and at such rate of compensation as may, by the Secretary of the Navy, be deemed just and equitable.

I recommend the passage of some law like that. In the first place, if you deny to naval officers entirely the benefit of their inventions, the temptation would be very great to hand over an invention to some outsider and have him patent it. Even where an officer was disposed to be honest and not do that, it would perhaps repress his inventive genius to deny him any compensation whatever. Taking it altogether, it has seemed to me that a law about like what the British Admiralty has passed, giving to officers the right to a patent where the patent was not invented while they were particularly concerned in or employed in that line, would be very well; but at the same time, in cases of that kind, inasmuch as we educate our officers and give them at least all the education upon which they proceed, the Government ought to have the right to fix the royalty.

Senator PERKINS. In this connection I wish to state that Professor Monroe, now connected with the chair of chemistry in Columbia College, when in the Naval Academy filling the chair of chemistry there, discovered smokeless powder, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

Secretary HERBERT. I have a list here of nine or ten patents that have been taken out by officers of the Government. Here is the

case of Lieutenant Driggs, for breech-loading ordnance; Lieutenant Dashiell, for breech mechanism; Lieutenant Dashiell again, for breech mechanism for ordnance; Professor Monroe, for smokeless powder: Lieutenant Fletcher, a license granted under a patent for gun mounts.

Senator HALE. You will put that list in your statement?

Secretary HERBERT. I will insert it.

The list referred to is as follows:

Officers to whom patents have been granted and shop licenses under said patents given to the Department.

No.	Name of officer.	Article patented.
1	Lieut. W. H. Driggs, U. S. N.	Breech-loading ordnance; license granted May 28, 1890, under patents No. 360796 and No. 378828.
2	Lieut. R. B. Dashiell, U. S. N.	Breech mechanism for ordnance; license granted Sept. 15, 1890, for four (4) guns, under patent No. 438803.
3	Lieut. R. B. Dashiell, U. S. N.	Breech mechanism for ordnance; license granted Jan. 22, 1892, under patent No. 370819.
4	Chas. E. Monroe, chemist, torpedo station.	Smokeless powder; applications for patents Nos. 402345 and 402346. Right to manufacture under these patents granted Aug. 14, 1891.
5	Lieut. F. F. Fletcher, U. S. N.	Gun mounts; license granted Aug. 18, 1891, under patent No. 457641, for two mounts.
6	Lieut. F. F. Fletcher, U. S. N.	License granted Jan. 20, 1893; application for patent No. 457271, improvement in gun mounts; application for patent No. 452272, breech mechanism for ordnance; application for patent No. 452273, improvements in system of sighting guns.
7	Lieut. A. A. Ackerman, U. S. N.	Improvements in manufacture of hard-face armor; license granted Jan. 29, 1895; application for patent No. 530240.
8	Ensign Jos. Strauss, U. S. N.	Gun mounting; license granted Aug. 24, 1895; application for patent No. 553830.
9	Commander G. A. Converse, U. S. N.; Lieut. J. B. Bernadou, U. S. N.	Cellulose powder; license granted Nov. 29, 1895; patent No. 550172.
10	Commander G. A. Converse, U. S. N.; Lieut. J. B. Bernadou, U. S. N.	Apparatus for separating plastic powders; license granted Nov. 29, 1895; patent No. 551206.

With the exception of cases No. 1, No. 5, and No. 8, all of the devices were designed by the officer in line of duty, and, beyond the mere expense of taking out patents, do not cost the Government anything.

Secretary HERBERT. In all these cases, except those of Lieutenant Fletcher and Lieutenant Driggs, these officers discovered these things while they were in the line of their duty, and they had these patents taken out in their names, giving the Government the right to use them without royalty. The patents show on their face that they are in the interest of the Government in every case except one, and in that case the transfer was afterwards made in writing to the Government. They take out these patents for the purpose primarily of preventing anybody else from patenting them and demanding royalties of the Government.

Senator CHANDLER. The list which you have put in shows that it is a list of patents where license has been granted to the Department to use the patent?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. You have not a list of all patents issued to officers of the Navy Department?

Secretary HERBERT. No; I have not.

Senator CHANDLER. Who is your present Chief of the Bureau of Ordnance?

Secretary HERBERT. Commander Sampson.

Senator CHANDLER. What connection has Lieutenant Ackerman had with the Bureau?

Secretary HERBERT. He has been in the Bureau as an assistant; that is, he is an officer in the Bureau. He was not technically the assistant, but he has been there until recently. He has gone out and is now an inspector of the *Oregon* at San Francisco.

Senator CHANDLER. I will say that I had a telegram from him stating that he wished this investigation to go on. Now, I want to ask about Prof. Philip R. Alger. Is he in the Ordnance Bureau?

Secretary HERBERT. Yes, sir, he has been there for some time.

Senator CHANDLER. Is there a question pending in the Department, with reference to the rapid-fire guns, as to whether the Gatling gun or the Maxim gun is the best gun to be used?

Secretary HERBERT. Yes, sir.

Senator CHANDLER. [Exhibiting.] I wish you to look at these three patents, which are not down upon your list, and see whether this one, "Letters Patent No. 539010, dated May 7, 1895, application filed November 28, 1894, serial No. 530240 (no specimens)," is a patent issued to Capt. William T. Sampson and Lieutenant Ackerman for certain new and useful improvements in the manufacture of hard-faced armor. Is that upon your list?

Secretary HERBERT. It is.

Senator CHANDLER. Is Commander Sampson's name down against it?

Secretary HERBERT. No, sir.

Senator CHANDLER. Only Ackerman?

Secretary HERBERT. Only Ackerman; but that is one transferred to the Government and on record.

Senator CHANDLER. On the list the Bureau furnished you to bring here Sampson's name is omitted?

Secretary HERBERT. It is not there.

Senator CHANDLER. Is it on the specification of the patent granted which is before you?

Secretary HERBERT. It is.

Senator CHANDLER. Has Hiram Maxim, the inventor of the Maxim gun, a brother, Hudson Maxim?

Secretary HERBERT. I do not know, sir. I do not know Hudson Maxim.

Senator CHANDLER. I will say that he has. I have here a patent, "Specification of patent No. 549088, dated October 29, 1895, application filed April 13, 1895, serial No. 545610," a patent to Philip R. Alger, United States Navy, and Hudson Maxim, of New York, for certain new and useful improvements in detonating fuses. Look at that and see whether it is on your list.

Secretary HERBERT (examining). It is not. I wish to make a statement about that.

Senator CHANDLER. Let me first give you the third. "Patent No. 549072, dated October 29, 1895, application filed May 27, 1895, serial No. 550866," is a patent to Hudson Maxim and Philip R. Alger, again for certain new and useful improvements in detonating fuses. State whether that is on your list.

Secretary HERBERT (examining.) It is not.

Senator CHANDLER. Was that list furnished you from the Ordnance Bureau?

Secretary HERBERT. Yes. I was about to state, when you interrupted me, that I was told this list does not include everything that is shown in the Department, and Captain Sampson told me he thought his name was on the Ackerman patent. That is one of those patents that has been turned over to the Government, and it was turned over to the Government by an assignment on the face of it, so I am informed.

Senator CHANDLER. For some reason Commander Sampson kept his own name off the list in furnishing it?

Secretary HERBERT. But he referred to it in conversation with me.

I wish to state that since this investigation has started I have come to the conclusion that the Navy Department ought to issue, and I believe I will issue, an order providing that every officer who has a patent, or is interested in a patent, or is interested in any business that concerns the navy ordnance or machinery, or the construction of vessels, or anything of that kind, shall record it in the Department in the proper office where such details are kept, so as to enable the Secretary to know the status of officers. It may be that a contest might be referred to an officer who was interested in a patent, and of course that ought not to be the case. There has never been any such regulation, but this investigation suggests to me the necessity of making a regulation of that kind.

Senator CHANDLER. Do you not think it would be a good idea, before you make any contracts for armor, to reorganize the Ordnance Bureau and leave out of its management any naval officer who holds patents on armor?

Secretary HERBERT. I do not think there is anybody in it who has patents on armor. If there is, I do not know it. The patent you referred to is not on armor, is it?

Senator CHANDLER. One of them is.

Secretary HERBERT. It is for detonating fuses.

Senator TILLMAN. I understand that Sampson and Ackerman have a patent on hardening armor, but they have given all their right and title to the Government to use it. Therefore there could be no collusion in that case.

Secretary HERBERT. The patent was really taken out for the benefit of the Government.

Senator PERKINS. I was about to state that any interest Captain Sampson or Lieutenant Ackerman have in the patent for hardening armor plate, whether vested rights by invention or otherwise, they have waived their right in favor of the Government without any royalty.

Secretary HERBERT. Yes; that is the case.

Senator PERKINS. And I so understood the Secretary to state.

Secretary HERBERT. Practically that amounts to taking out a patent for the benefit of the Government.

Senator PERKINS. They have no interest whatever in it, at least so far as the Government is concerned.

Senator CHANDLER. Do you know whether foreign patents have been taken out?

Secretary HERBERT. I asked the chief of the Bureau whether anybody had taken out foreign patents. He said he thought Ackerman had taken out patents abroad on this invention of his, but he did not know of anybody else who had done so.

Senator PERKINS. The Secretary has said, and there is no question about it, that whatever discovery has been made by Captain

Sampson by reason of his connection with the Government he has given the Government the benefit of. Is not that the case, Mr. Secretary?

Secretary HERBERT. Yes, sir.

Senator HALE. During your administration have you discovered any attempt on the part of any officer in the Ordnance Bureau or any associate of his to force any invention upon the Government?

Secretary HERBERT. No, sir.

Senator HALE. Or any claim made for it?

Secretary HERBERT. No; I have not.

Senator HALE. Not in any case whatever?

Secretary HERBERT. The inventions of officers that I have passed on directly were the case of Fletcher and the case of Dashiell. Dashiell I denied entirely, because I did not think he had any right to compensation; Fletcher had a patent that apparently he had a right to control. I negotiated with him and gave him a less price than he claimed he ought to have. In addition to that, Fletcher had taken out other patents for the benefit of the Government, and he has one on mounts for which license was granted August 18, 1891. The Government is using those mounts, I understand. When negotiating for compensation for his breech mechanism, he insisted the Department should take into consideration the fact that the Government was using some inventions which he had not patented, and perhaps others he had patented and turned over to the Government. That was in his favor, and it was the consideration of the questions thus brought up that suggested the recommendation in my last annual report that the Government ought to have control over such matters. It occurs to me (if I may make a suggestion that is a little outside of the line of the Department with which I am immediately concerned) that it would be a very good thing to apply such a rule to all the Departments of the Government. There may be inventions in the Army as well, and in the revenue service, and the Geological Survey, etc.

The CHAIRMAN. You would recommend a general law?

Secretary HERBERT. I would suggest that Congress enact a general law on the subject.

Senator BACON. What were the particular facts which induced you to come to the conclusion that Fletcher was entitled to compensation in that particular case? You may have stated them, but it escaped me.

Secretary HERBERT. The invention was made while he was not in the Ordnance Bureau. He had gotten a patent for it and had also gotten a patent for other things which he had allowed the Government to use. The benefits received by the Government from inventions for which he had never secured or asked any pay he mentioned by way of inducement to me to give him the prices he insisted on for his breech mechanism. In this case he had power to say that the Government should not have it without paying. In cases like this it occurs to me the head of a Department ought to have the power to say, "You are an officer of the Government; you are entitled to only so much."

Senator CHANDLER. Then if an officer of the Government took out foreign patents he would be entitled to anything he made out of those?

Secretary HERBERT. To anything he made out of them.

Senator HALE. There is no objection to that, is there?

Secretary HERBERT. I do not see any.

Senator CHANDLER. I think if an officer of the Government can make an invention and secure its adoption by his own Government, giving the Government the use of it, and then on the strength of its adoption by our Government get it patented abroad, he has a very manifest advantage by getting it introduced and making money out of it.

Secretary HERBERT. There is another statement that I desire to make, and I think it is something the committee ought to know about. It is in connection with Captain Sampson. Captain Sampson recommended me in writing about two months ago to disregard the Harvey process and say that in future contracts the Department would not be governed by it, giving the opinion himself that Senator CHANDLER has given, that the Harvey patent was invalid and would be so decided.

Senator CHANDLER. If you know, will you state who is counsel for Harvey to defend the validity of that patent? Is it ex-Secretary Tracy's firm?

Secretary HERBERT. I am inclined to think his firm is.

Senator CHANDLER. His firm is counsel to defend the Harvey patent. It is counsel to defeat the nickel Carnegie patent?

Secretary HERBERT. Will you let me complete my statement, so as to make it connectedly? Captain Sampson made the recommendation to me in writing, and it was at some length, giving the reasons why he thought that patent ought to be disregarded. He wanted to continue to use the process, but thought the patent ought to be disregarded. I am about to make a contract for the manufacture of armor for the two battle ships just laid out. The advertisements are being prepared and they are ready to be put out. In those advertisements Sampson recommended to me to entirely disregard that patent, because in his opinion the patent was not a valid one.

Senator HALE. And you could use the process without paying anything?

Secretary HERBERT. Without paying anything. I considered that matter pretty carefully. Looking at the contract again which I had made in 1893 with those people I find that the provision is very broad, that if any court whatever decides the patent invalid the Government is to pay nothing at all. So I concluded not to expressly state that I would disregard it, but to let the contract stand and not to pay any money. If in the suit between the Bethlehem Company and the Harvey Company the patent is decided to be valid, then the Department has a contract by which it can use the process for half a cent a pound and pay no more, whereas they claim 2 cents a pound, or $40 a ton, and claim that that is what is paid abroad. So I go on without openly disregarding the contract, but giving an order in the Department that not a cent is ever to be paid until that question is decided.

Senator CHANDLER. You are on perfectly safe grounds as far as the right is concerned?

Secretary HERBERT. I am on safe grounds, because if the Bethlehem Company should be defeated and the patent be sustained then the Government will have the right to use the patent for half a cent a pound.

Senator HALE. You have a good contract, then?

Secretary HERBERT. I think so, and do not wish to abrogate it now. But, on the other hand, if the Bethlehem Company wins that suit and the patent is decided to be invalid, the Government will not have to pay a cent.

The CHAIRMAN. You are all right in either case?

Secretary HERBERT. That was my view of it.

Senator CHANDLER. There is one other subject. Is there any question pending whether there shall be used in making armor in the future a process of reforging the face of the armor after it is put through the Harvey process? Is there patented a process of that kind, and is the question pending whether that shall be adopted?

Secretary HERBERT. That is not pending just now. The patent of Sampson and Ackerman which has been granted by the Government is not a patent for harveying, but is an additional process to be used. As I understand the purpose of the harveying process, it is to impregnate the face of the steel with as much carbon as possible. In order to increase the surface of the plate to be hardened this patent proposes that it shall be corrugated-undulated. This gives an additional surface, you see, and on all that surface this composition is put; then when the plate is rolled down——

Senator HALE. Jammed together.

Secretary HERBERT. There is more carbon there, which has taken effect in the plate. That is the invention by Ackerman and Sampson, the patent they took out, and have given to the Government.

Senator CHANDLER. Is it to be in the next armor?

Secretary HERBERT. I think it will; it ought to be.

Senator CHANDLER. When one of the Bethlehem plates was used there was a slight crack developed on the face of it, and there is a plan devised for preventing cracks on the face of a plate after it has been harveyized by reforging the plates, and patents have been issued for that process. The one I call to your attention is the Corey patent, for which, March 14, 1895, a letter was written by the Department asking it to be expedited—W. B. Corey's patent for carbonized steel. Is there a question pending in the Department whether that process of reforging shall be used in future contracts for armor?

Secretary HERBERT. That question has not been brought to my notice. If it is pending there, it has not come before me.

Senator CHANDLER. I call it to your attention, and express my belief that the patent is invalid.

Secretary HERBERT. I will look into the matter. If it is pending in the Ordnance Bureau, it has not yet reached me.

The CHAIRMAN. Is there anything further you wish to say?

Secretary HERBERT. I do not think of anything else, Mr. Chairman.

Senator TILLMAN. I should like to call the Secretary's attention to the last paragraph of question 10, on page 4. I will read it:

> The Secretary should also be requested to furnish to the committee any facts within his knowledge, or of which he has heard in any way, which may tend to throw light upon the subject of the investigation, whether specifically asked about those facts or not, and he should also be requested to make any suggestions and to express any opinions which he may think wise.

You have given us one suggestion in regard to an act relating to inventions by officers.

Secretary HERBERT. And another statement I made a moment ago was about the recommendation that had been made to me by Captain Sampson. There seemed to be running in these papers somewhere an intimation that perhaps he was improperly concerned in the Harvey process. This recommendation by him that the Harvey process should be disregarded would seem to me to rebut any presumption that he has any interest in it.

Senator TILLMAN. I do not think anything has been brought out here that would implicate Commander Sampson in anything that is at all out of the line of duty and propriety.

Secretary HERBERT. I do not think there is, so far as I know. I do not remember anything else, only I wish to say in addition that Mr. Ackerman wrote me a letter from San Francisco, when he saw this matter in the newspapers, asking that it be investigated, and I replied that I would lay his letter before the committee which was investigating that matter. I will leave that letter here among the papers. I have stated what I know about Ackerman's patent.

Hereto appended are copies of agreement:

First, of date March 21, 1892, the first agreement with the Harvey Company, for the payment of royalties, marked Exhibit A.

Second, of date February 28, 1893, with the Carnegie Company, for armor plates and for harveyizing the same, marked Exhibit B.

Third, of date March 1, 1893, with the Bethlehem Company, for armor plate and for use thereon of the Harvey process, marked Exhibit C.

Fourth, of date March 2, 1893, with the Bethlehem Company, for the treatment of armor plates according to the Harvey process, marked Exhibit D.

Fifth, of date April 8, 1893, with the Carnegie Company, for the treatment of armor plates according to the Harvey process, marked Exhibit E.

Sixth, of date April 13, 1893, with the Harvey Company, for the payment of royalties on additional armor, etc., marked Exhibit F.

EXHIBIT A.

Memorandum of an agreement of two parts, made and entered into this 21st day of March, A. D. 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey, and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process known as the "Harvey process," for the treatment of armor plate for use in the construction of vessels; and

Whereas the parties have agreed, and do hereby agree, that upon the terms hereinafter stated, armor plate manufactured or treated under the said "Harvey process" shall, so far as possible, be supplied to such of the following-described naval vessels as the Department may from time to time designate, to wit:

Cruiser No. 6.	Gunboat No. 5.	Monterey.
Cruiser No. 7.	Gunboat No. 6.	New York.
Cruiser No. 8.	Puritan.	Indiana.
Cruiser No. 9.	Amphitrite.	Massachusetts.
Cruiser No. 10.	Monadnock.	Oregon.
Cruiser No. 11.	Terror.	Ram.
Cruiser No. 12.	Texas.	
Cruiser No. 13.	Maine.	

Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by B. G. Clark, president; H. A. Harvey, general manager, and Theodore Sturges, treasurer, agreed to give the Navy Department the option of purchasing the right to use and employ the "Harvey process" for treating armor plates, as follows:

"We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates, which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891, on the following terms, viz:

"In the event of the process proving of value, after further tests, and upon the demand by the Naval Department for its application to armor plating, the sum of $75,000 is to be paid by the latter to the Harvey Steel Company as royalty therefor, and as utilized, at the rate of one-half (½) of one (1) cent per pound of the weight of the finished plate. This royalty of one-half (½) of one (1) cent per pound is to cease when the said sum of $75,000 has been paid.

"The Navy Department is to have the right to use the process, should it so desire, without further compensation, upon all armor plating which is to be applied to vessels the construction of which is authorized by Congress at this date. In the event of the authorization by Congress of the construction of other vessels of war than those above mentioned, a new contract for the further application of the Harvey process of treating armor plates is to be made between the Naval Department and the latter, should the Department so desire.

"It is understood that the Naval Department will undertake to bear all the expense of the experimental development of the process as applied to armor plates, our Mr. Harvey to furnish, in consultation with the Bureau of Ordnance, all details at present in his possession in regard to the process, or which he may personally develop, in the perfection of his methods of treatment as applied to armor-plating."

Whereas the Navy Department, under date of March 3, 1891, in a communication signed by William M. Folger, Chief of the Bureau of Ordnance, accepted the terms of the offer of the Harvey Steel Company, as stated in the communication above mentioned; and by this agreement does accept the option offered by the party of the first part in the first paragraph of said communication; and

Whereas the party of the second part has agreed, and does hereby agree, to also pay, as hereinafter set forth, the expense of applying said process in the manufacture or treatment of said armor plate;

Now, therefore, it is mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part, upon the terms herein stated, may use and employ in the treatment of armor plate manufactured or to be manufactured for naval vessels, as hereinbefore stated, the hereinbefore-mentioned process known as the "Harvey process."

The party of the first part, in consideration of the premises, and provided the said process of treating said armor plate shall be conducted at the Bethlehem Iron Works, at South Bethlehem, Pa., or elsewhere, under the direction of the party of the first part, hereby guarantees that, in addition to the hereinbefore-mentioned royalty of one-half of 1 cent per pound, to be paid by the party of the second part to the party of the first part, upon armor for vessels which have been authorized by Congress up to March 3, 1891, the additional cost to the party of the second part of applying the Harvey process, hereinbefore referred to, to the armor plate, as aforesaid, shall, during the period of one year from the date hereof, be nine-tenths of 1 cent ($0.009) per pound of the finished plate, and that, after the expiration of the period of one year from the date hereof, the said additional cost to the party of the second part shall not exceed nine-tenths of 1 cent per pound of the finished plate, and in case it shall be found that the actual cost of the application of the said process to the armor plate shall have been diminished during one year from the date hereof, then the said additional cost to the party of the second part shall thereafter be equal to the said actual cost of the application of such treatment to the armor plate plus one-half (½) the difference between said actual cost of application and the sum of nine-tenths of 1 cent ($0.009) per pound of the finished plate.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and at its own expense defend the United States from and against all and every demand or demands for or on account of the use and employment of the "Harvey process" above mentioned in the manufacture or treatment of armor, and from all and every demand or demands which shall hereafter be made for the payment of any sum or sums of money in excess of the aforesaid cost for royalty and treatment of armor under said process, to be paid as hereinbefore specified and provided for in this contract.

Finally, it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall render to the party of the first part quarterly reports of all armor plate manufactured or treated under the said Harvey process, which the party of the second part shall have received during the three months next preceding the dates of such reports, respectively, and within a period of thirty days after the rendition of each of said quarterly reports the party of the second part shall pay to the party of the first part such sum of money as may be required to cover the said royalty of one-half of 1 cent per pound, and also the cost of treatment by the said Harvey process of the armor plate which shall have been received by the party of the second part during the three months next preceding the commencement of said period of thirty days; it being hereby understood and agreed that the first of the said quarterly reports shall be rendered on or before the 1st day of May, 1892, and shall be thereafter rendered every three months until all the armor treated for vessels authorized by Congress to March 3, 1891, shall have been received by the party of the second part.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in presence of—

{SEAL OF HARVEY STEEL COMPANY.}

THE HARVEY STEEL COMPANY,
By B. G. CLARK, *Pres.*

Attest:
L. L. STURGES,
Secretary pro tem.

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

WM. B. REMEY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{SEAL OF NAVY DEPARTMENT.}

EXHIBIT B.

CONTRACT FOR NICKEL-STEEL ARMOR PLATES AND APPURTENANCES, AND FOR HARVEYIZING.

This contract, of two parts, made and concluded this 28th day of February, A. D. 1893, by and between the Carnegie Steel Company, Limited, a limited partnership association organized under the laws of the State of Pennsylvania, and doing business in the county of Allegheny, in said State, represented by two members of the board of managers of said company, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, witnesseth, that, for and in consideration of the payments hereinafter specified, the party of the first part, for itself and its successors and assigns, and its legal representatives, does hereby covenant and agree to and with the United States as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated January 10, 1893, inviting proposals for nickel-steel armor plates, the proposal of the party of the first part under said advertisement, and the printed circular (including the drawings mentioned and described therein), approved by the Secretary of the Navy January 24, 1893, which advertisement, proposal, and circular hereto annexed shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein—the nickel-steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class A, Exhibit 3..	8-inch B. L. R. turrets for Indiana.	141.56	$575.00	$82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 4..	8-inch B. L. R. turrets for Massachusetts.	141.56	575.00	82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 6..	8-inch B. L. R. turrets for Oregon.	141.56	575.00	82,157.50
	Appurtenances	1.17	650.00	
Class A, Exhibit 8..	8-inch B. L. R. turrets for Iowa.	135.50	575.00	78,705.50
	Appurtenances	1.22	650.00	
Class A, Exhibit 9..	8-inch B. L. R. turrets for Brooklyn.	138.00	575.00	80,143.00
	Appurtenances	1.22	650.00	
Class A, Exhibit 10.	8 inch B. L. R. turrets for Olympia.	42.64	575.00	24,934.00
	Appurtenances	.64	650.00	
Class B, Exhibit 2..	8-inch B. L. R. barbettes for Masachusetts.	153.68	575.00	90,017.00
	Appurtenances	2.54	650.00	
Class B, Exhibit 3..	12-inch B. L. R. barbettes for Iowa.	521.00	575.00	311,145.00
	Appurtenances	13.72	650.00	
	Appurtenances	8.16	325.00	
Class B, Exhibit 4..	8-inch B. L. R. barbettes for Iowa.	148.40	575.00	86,834.00
	Appurtenances	2.36	650.00	

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class B, Exhibit 5 ..	8-inch B. L. R. barbettes for Brooklyn.	145.00	$575.00	$84,900.00
	Appurtenances	2.36	650.00	
Class C, Exhibit 2...	Side armor for Iowa	630.60	515.00	335,724.50
	Appurtenances	14.37	650.00	
	do	5.00	325.00	
Class C, Exhibit 4...	Side armor for Brooklyn..	155.00	515.00	81,151.00
	Appurtenances	2.04	650.00	
Class D, Exhibit 1 ..	Sponson armor	101.50	725.00	73,587.50
Class E, Exhibit 1 ..	Casemate armor for Iowa	203.40	525.00	107,792.50
	Appurtenances	1.55	650.00	
Class E, Exhibit 2 ..	Splinter bulkheads	69.50	500.00	34,750.00
				1,636,195.50

It being understood that the prices for the articles classed as appurtenances in the foregoing table shall be as follows:

Name.	Price per ton.
Bolts	$650.00
Tap bolts for top plating	650.00
Cups	650.00
Nuts	650.00
Washers	650.00
Wrought-iron tubes, split	650.00
Wrought-iron tubes	325.00
Cast-steel sleeves	325.00

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several conditions and provisions relating thereto contained in the aforesaid circular; such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular.

Second. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that the party of the second part shall place with the party of the first part orders for the treatment according to a process of super-carbonization known as the Harvey process, as provided for in the circular annexed to this contract, of twenty-four hundred and sixty-six and thirty-two hundredths (2,466.32) tons, approximately, of armor plates of the thicknesses and of the approximate weights as follows, viz: three hundred and eighty-six and sixty-four hundredths (386.64) tons of plates under 5 inches in thickness; five hundred and fifty-five and fifty-two hundredths (555.52) tons of plates of the thickness of 5 inches or more, up to but not including 8 inches, and fifteen hundred and twenty-four and sixteen hundredths (1,524.16) tons of plates of the thickness of 8 inches or more, and that the party of the second part may, if it so desire, require the party of the first part to treat according to said Harvey process, as aforesaid, any additional quantity of the plates to be manufactured under this contract, excepting appurtenances.

The price to be paid to the party of the first part for treating according to the Harvey process, as stipulated above, plates required under this contract shall be at the following rates, in addition to the prices for the plates as stated in the first clause hereof, viz: 4¼ cents per pound of all plates under 5 inches in thickness; 3¼ cents per pound of all plates of the thickness of 5 inches and more up to but not including 8 inches, and 2½ cents per pound of all plates of the thickness of 8 inches and more; the weights of the plates upon which the prices herein named are to be computed to be the weight of each plate as accepted in accordance with the provisions of this contract.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular hereinbefore referred to, and which forms part of this contract, may be made by and with the mutual consent of the parties hereto; and if changes are thus made, the actual cost thereof and the damage, if any, caused thereby, and the amount of the increased or diminished compensation, if any, which the party of the first part shall be entitled to receive, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or a majority thereof, shall be binding upon the party of the first part, and said party of the first part hereby expressly covenants and agrees to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that the party of the first part has assumed the obligations of this contract in good faith, and is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or in case any question shall arise under the provisions hereof concerning premiums or deductions, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract, except as provided for in the tenth clause hereof.

Fifth. It is further mutually understood, covenanted, and agreed, that if at any stage of the work prior to the final completion of said armor plates and appurtenances the Secretary of the Navy shall find that the party of the first part is unable to proceed with, and make satisfactory progress in, the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part, and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Sixth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance, excepting the use and employment of the said Harvey process, which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, and to protect and discharge the Government from all liability on account thereof, or on account of the use thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, it being expressly understood and agreed that the party of the second part shall hold and save the party of the first part harmless from and against all and every demand or demands on account of infringement of patented rights in using and employing said Harvey process in the treatment of armor plates under this contract.

Seventh. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons.

Eighth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom.

Ninth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract price to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the first clause of this contract, increased by the prices, as stipulated in the second clause hereof, for the treatment of armor plates according to the Harvey process.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract, and in the circular aforesaid.

3. There shall be a reservation of 10 per cent from the payment for each article delivered under this contract to be retained until the exhibit to which such article belongs shall have been completed.

4. No payment shall be made except upon bills in quadruplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part it shall be entitled, within ten days after the filing and acceptance of its claim, subject to the provisions of paragraph 76 of the circular hereinbefore mentioned relating to the replacing of rejected plates, to receive final payment under this contract on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Tenth. If any doubts or disputes arise as to the meaning of anything in the circular aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination, and the party of the first part hereby binds itself and its successors and assigns, and its legal representatives, to abide by his decision in the premises. If, however, the party of the first part shall feel aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

{ SEAL OF CARNEGIE STEEL CO., LIMITED. }

THE CARNEGIE STEEL CO., LIMITED,
By GEO. LAUDER, *Manager*,
And by F. T. F. LOVEJOY, *Manager*.

Attest:
F. T. F. LOVEJOY,
Secretary.

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{ SEAL OF NAVY DEPARTMENT. }

The words "it being understood that the delay in making final payments shall not exceed the period of six months after completion of deliveries under this contract" were added to the 6th paragraph of the ninth clause of this contract before execution.

F. T. F. L. G. L. B. F. T.

EXHIBIT C.

CONTRACT FOR NICKEL-STEEL ARMOR PLATES AND APPURTENANCES AND FOR HARVEYING.

This contract, of two parts, made and concluded this first day of March, A. D. 1893, by and between the Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said State, represented by the president of said company, party of the first part, and the United States, represented by the Secretary of the Navy, party of the second part, witnesseth, that, for and in consideration of the payments hereinafter specified, the party of the first part, for itself and its successors and assigns and its legal representatives, does hereby covenant and agree to and with the United States as follows, that is to say:

First. The party of the first part will, at its own risk and expense, manufacture and deliver to the Navy Department, in the manner and within the periods prescribed, and according to the conditions stated in the advertisement of the Secretary of the Navy, dated January 16, 1893, inviting proposals for nickel-steel armor plates, the proposal of the party of the first part under said advertisement, and the printed circular (including the drawings mentioned and described therein), approved by the Secretary of the Navy January 24, 1893, which advertisement, proposal, and circular, hereto annexed,

shall be deemed and taken as forming part of this contract, with the like operation and effect as if the same were incorporated herein, the nickel-steel armor plates and appurtenances therein described or referred to, and at the prices per ton for the different exhibits, and for the total price, as follows:

Class and exhibit.	Description.	Estimated number of tons.	Price per ton of each exhibit.	Total price for each exhibit, including appurtenances.
Class A, Exhibit 1..	13-inch B. L. R. turrets for Indiana.	358.21	$575.00	$212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 3..	13-inch B. L. R. turrets for Massachusetts.	358.21	575.00	212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 5..	13-inch B. L. R. turrets for Oregon.	358.21	575.30	212,048.25
	Appurtenances	9.35	650.00	
Class A, Exhibit 7..	12-inch B. L. R. turrets for Iowa.	543.50	575.00	321,976.00
	Appurtenances	12.79	650.00	
Class B, Exhibit 1..	13-inch B. L. R. barbettes for Massachusetts.	774.80	575.00	457,892.50
	Appurtenances	19.05	650.00	
Class C, Exhibit 1...	Side armor for Massachusetts.	613.56	550.00	907,351.95
	Appurtenances	24.21	650.00	
	do	7.80	325.00	
Class C, Exhibit 3...	Diagonal armor for Iowa..	234.70	525.00	
	Appurtenances	5.94	650.00	127,761.00
	do	2.10	325.00	
Class F, Exhibit 1...	Conning tower for Iowa...	54.80	575.00	31,744.00
	Appurtenances	.36	650.00	
Class F, Exhibit 2...	Conning tower for Brooklyn.	41.00	575.00	23,809.00
	Appurtenances	.36	650.00	
Class F, Exhibit 3...	Ammunition tubes	122.50	600.00	73,500.00
				2,010,179.20

It being understood that the prices for the articles classed as appurtenances in the foregoing table shall be as follows:

Name.	Price per ton.
Bolts	$650.00
Tap bolts for top plating	650.00
Cups	650.00
Nuts	650.00
Washers	650.00
Wrought-iron tubes, split	650.00
Wrought-iron tubes	325.00
Cast-steel sleeves	325.00

Subject, however, to such variations in said total price, and in the weights, and in the aggregate weight of said armor plates and appurtenances as may result from changes which may be made under provisions in the aforesaid circular relating to changes, or from the operation of other conditions therein contained which may affect the total price or weights or aggregate weight aforesaid: *Provided, however*, That the aggregate weight of the armor plates and appurtenances to be delivered under this contract shall be finally determined in accordance with the several conditions and provisions relating thereto contained in the aforesaid circular; such armor plates and appurtenances to be of domestic manufacture, and to conform to and with all the details, requirements, and stipulations relating to material, manufacture, tests, inspection, and delivery, and in all respects to the conditions stated in the aforesaid circular.

Second. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that the party of the second part shall place with the party of the first part orders for the treatment according to a process of super-carbonization known as the Harvey process, as provided for in the circular annexed to this contract, of twenty-nine hundred and seventy-five and fourteen-hundredths (2,975.14) tons, approximately, of armor plates of the thickness of eight inches or more, and that the party of the second part may, if it so desire, require the party of the first part to treat according to said Harvey process, as aforesaid, any additional quantity of the plates to be manufactured under this contract, except appurtenances and those plates included in Class F, Exhibits Nos. 1, 2, and 3, of the first clause of this contract.

The price to be paid to the party of the first part for treating according to the Harvey process, as stipulated above, plates required under this contract shall be at the following rates, in addition to the prices for plates as stated in the first clause hereof, viz, four and a half cents ($0.04½) per pound of all plates under five inches in thickness; three and a half cents ($0.03½) per pound of all plates of the thickness of five inches and more up to but not including eight inches, and two and a quarter cents ($0.02¼) per pound of all plates of the thickness of eight inches and more; the weights of the plates upon which the prices herein named are to be computed to be the weight of each plate as accepted in accordance with the provisions of this contract.

Third. It is mutually understood, covenanted, and agreed, by and between the parties to this contract, that changes in the conditions or requirements of the circular hereinbefore referred to, and which forms part of this contract, may be made by and with the mutual consent of the parties hereto; and, if changes are thus made, the actual cost thereof and damage, if any, caused thereby, and the amount of the increased or diminished compensation, if any, which the party of the first part shall be entitled to receive, in consequence of such change or changes, shall be ascertained, estimated, and determined by a board of naval officers to be appointed by the Secretary of the Navy, and the determination of such board, or a majority thereof, shall be binding upon the party of the first part, and said party of the first part hereby expressly covenants and agrees to accept and abide by such determination.

Fourth. It is further mutually understood, covenanted, and agreed, by and between the parties to this contract, that every reasonable consideration shall be extended to the party of the first part in case of unavoidable delay in the manufacture and delivery of the armor plates and appurtenances aforesaid, provided it shall appear that the party of the first part has assumed the obligations of this contract in good faith and is prosecuting the work under the same with due diligence, in which case reasonable extensions of the periods prescribed for deliveries of the armor plates and appurtenances required under this contract shall be granted. In case any delay shall arise in the prosecution of the work required under this contract, or in case any question shall arise under the provisions hereof concerning premiums or deductions, such questions, with all the facts relating thereto, shall be submitted to the Secretary of the Navy for consideration, and his decision thereon shall be conclusive and binding upon the parties to this contract, except as provided for in the tenth clause hereof.

Fifth. It is further mutually understood, covenanted, and agreed, that if, at any stage of the work prior to the final completion of said armor plates and appurtenances, the Secretary of the Navy shall find that the party of the first part is unable to proceed with and make satisfactory progress in the manufacture and delivery of the armor plates and appurtenances required, and within the periods prescribed, as aforesaid, including such extensions thereof, if any, as may have been granted under the fourth clause of this contract, then and in such case it shall be optional with the Secretary of the Navy to declare this contract forfeited on the part of the party of the first part, and in case the Secretary of the Navy shall, under the provisions of this clause, declare this contract forfeited, such forfeiture shall not affect the right of the United States to recover for defaults which may have occurred under this contract, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying the same.

Sixth. The party of the first part, in consideration of the premises, hereby covenants and agrees to hold and save the United States harmless from and against all and every demand or demands of any nature or kind for or on account of the adoption of any plan, model, design, or suggestion, or for or on account of the use of any patented invention, article, or appliance, excepting the use and employment of the said Harvey process, which has been or may be adopted or used in or about the manufacture or production of said armor plates and appurtenances, or any part thereof, under this contract, and to protect and discharge the Government from all liability on account thereof, or on account of the use thereof, by proper releases from patentees or otherwise, and to the satisfaction of the Secretary of the Navy, it being expressly understood and agreed that the party of the second part shall hold and save the party of the first part harmless from and against all and every demand or demands on account of infringement of patented rights in using and employing said Harvey process in the treatment of armor plates under this contract.

Seventh. It is mutually understood, covenanted, and agreed, by and between the respective parties hereto, that this contract shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons.

Eighth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Members of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract, or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, is not to be construed to extend to this contract, it being made with an incorporated company.

Ninth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the party of the first part as follows:

1. The contract price to be paid by the United States to the said party of the first part for armor plates and appurtenances manufactured and delivered under this contract shall be the price per ton for each exhibit as stated in the first clause of this contract, increased by the prices, as stipulated in the second clause hereof, for the treatment of armor plates according to the Harvey process.

2. Payments under this contract shall be regulated and made in accordance with the provisions contained in this contract and in the circular aforesaid.

3. There shall be a reservation of 10 per cent from the payment for each article delivered under this contract, to be retained until the exhibit to which such article belongs shall have been completed.

4. No payment shall be made except upon bills in quadruplicate, certified by the inspectors in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

5. All warrants for payments under this contract shall be made payable to the party of the first part or its order.

6. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the party of the first part, it shall be entitled, within ten days after the filing and acceptance of its claim, subject to the provisions of paragraph 76 of the circular hereinbefore mentioned, relating to the replacing of rejected plates, to receive final payment under this contract on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

Tenth. If any doubts or disputes arise as to the meaning of anything in the circular aforesaid, or if any discrepancy appear between the same and this contract, the matter shall be at once referred to the Secretary of the Navy for determination, and the party of the first part hereby binds itself and its successors and assigns, and its legal representatives, to abide by his decision in the premises. If, however, the party of the first part shall feel aggrieved at any decision of the Secretary of the Navy, it shall have the right to submit the same to the President of the United States, and his decision shall control.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed and sealed in the presence of—

{SEAL OF BETHLEHEM IRON CO.}

THE BETHLEHEM IRON CO.,
By ROBT. P. LINDERMAN,
President.

Attest:
ABRAHAM S. SCHROPP, *Secretary.*

THE UNITED STATES,
By B. F. TRACY,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to B. F. TRACY,
Secretary of the Navy.

{SEAL OF NAVY DEPARTMENT.}

The words "it being understood that the delay in making final payment shall not exceed the period of six months after completion of deliveries under this contract" were added to the sixth paragraph of the ninth clause of this contract before execution.

B. F. T. ROBT. P. L.

EXHIBIT D.

Memorandum of an agreement for the treatment according to the Harvey process of armor plates to be manufactured and delivered under the contract with the Bethlehem Iron Company, dated June 1, 1887.

Whereas under date of June 1, 1887, a contract was entered into by and between the Bethlehem Iron Company, a corporation created under the laws of the State of Pennsylvania, and doing business at South Bethlehem, in said

State, represented by the president of said company, as party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, for the manufacture and delivery of steel armor plates and appurtenances; and

Whereas the party of the second part to said contract desires that certain of the armor plates to be manufactured and delivered under said contract, as aforesaid, shall be treated during their manufacture according to a certain process known as the Harvey process; and

Whereas by a contract entered into under date of March 21, 1892, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey, and doing business in said State, represented by the president of said corporation, party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, the party of the second part to said contract acquired the right to use and employ, in the treatment of armor plates for certain vessels, the process known as the Harvey process hereinbefore mentioned,

Now, therefore, this agreement witnesseth that, in consideration of the premises, and for and in consideration of the payments hereinafter specified, the said Bethlehem Iron Company, hereinafter called the party of the first part, does hereby, for itself and its successors and assigns and its legal representatives, covenant and agree to and with the United States, hereinafter called the party of the second part, as follows, that is to say:

The party of the first part will, at its own risk and expense, use and employ the aforesaid Harvey process in the treatment of such armor plates to be manufactured and delivered in accordance with the terms, conditions, and requirements of its contract aforesaid, as the party of the second part may designate from time to time, it being expressly understood and agreed that armor plates to be treated according to the Harvey process as hereinbefore provided for shall be subject to the requirements and conditions regarding manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance and for premiums for increased ballistic resistance prescribed in the circular concerning armor plates and appurtenances required under the advertisement of the Secretary of the Navy dated January 16, 1893, approved January 24, 1893, for armor plates to be treated according to the Harvey process, which circular, in so far as its provisions relate to the manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance and for premiums for increased ballistic resistance of armor plates to be treated according to the Harvey process, shall be deemed and taken as forming part of this agreement in like manner as if the same were incorporated herein, provided that no plates for which ingots are already cast at the time of the execution of this agreement, and which are to be treated according to the Harvey process, as herein provided for, shall be subject to the physical tests specified in paragraph 25 of the above-named circular for plates to be treated by the Harvey process, but such plates shall be subject to the physical tests required under the aforesaid contract of June 1, 1887.

It is hereby further mutually understood and agreed by and between the respective parties hereto that this agreement shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that no Member or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, shall not be construed to extend to this agreement, it being made with an incorporated company.

The party of the second part, in consideration of the premises, does hereby promise and agree to and with the party of the first part as follows:

The price to be paid by the party of the second part to the party of the first part for treating armor plates according to the Harvey process, as hereinbefore provided for, shall be at the following rates, viz:

4½ cents per pound of all plates under five inches in thickness.

3½ cents per pound of all plates of the thickness of five inches and more, up to, but not including, eight inches, and

2½ cents per pound of all plates of the thickness of eight inches and upward—

it being understood that the weights of the plates upon which the prices herein named are to be computed shall be the weight of each plate as accepted in accordance with the provisions of the aforesaid contract of June 1, 1887.

The party of the second part will hold and save the party of the first part harmless from and against all and every demand or demands of any nature or kind, for or on account of infringement of patented rights in using and employing the aforesaid Harvey process in the treatment of armor plates in accordance with the terms of this agreement.

It is further understood and agreed that the plates designated to be treated by the Harvey process as aforesaid by the party of the second part shall only include any or all of the following plates, viz, those of the side armor for the "Puritan," the side armor for the "Maine," the turret plates for the "Maine," the side armor for the "Texas," the turret plates for the "Puritan," the turret plates for the "Monadnock," and the side armor for the "Indiana."

This agreement is made subject to all the covenants, conditions, and provisons of the aforesaid contract of June 1, 1887, so far as not repugnant thereto, and shall be deemed and taken as forming a part of said contract, with the like operation and effect as if incorporated therein.

In witness whereof, the respective parties hereto have hereunto set their hands and seals this second day of March, A. D. 1893.

Signed and sealed in presence of—

{SEAL OF CORPORATION.} THE BETHLEHEM IRON CO., By ROBT. P. LINDERMAN, *President.*

Attest:

ABRAHAM S. SCHROPP, *Secretary.*

THE UNITED STATES, By B. F. TRACY, *As Secretary of the Navy.*

SAM. C. LEMLY, *Judge-Advocate-General,* As to B. F. TRACY, *Secretary of the Navy.* {SEAL OF NAVY DEPARTMENT.}

The words "at its own risk and expense," in lines 17 and 18, on page 2, were stricken out before execution.

ROBT. P. L. B. F. T.

EXHIBIT E.

Memorandum of an agreement for the treatment, according to the Harvey process, of armor plates to be manufactured and delivered under the contract with Carnegie, Phipps & Co., Limited, dated November 20, 1890.

Whereas under date of November 20, 1890, a contract was entered into by and between Carnegie, Phipps & Co., Limited, a limited partnership association organized under the laws of the State of Pennsylvania and doing business in the county of Allegheny, in said State, represented by the chairman and two of the managers of said association, as party of the first part, and the United States, represented by the Secretary of the Navy, as party of the second part, for the manufacture and delivery of steel armor plates and appurtenances; and

Whereas all the obligations of Carnegie, Phipps & Co., Limited, under the contract aforesaid, and all the rights and interests of said company thereunder, have been assumed and acquired by the Carnegie Steel Company, Limited, a limited partnership association organized under the laws of the State of Pennsylvania and doing business in the county of Allegheny, in said State; and

Whereas the party of the second part to said contract desires that certain of the armor plates to be manufactured thereunder, as aforesaid, shall be treated during their manufacture according to a certain process known as the Harvey process; and

Whereas by an agreement between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, and the United States, the United States has acquired the right to use and employ, in the treatment of armor plates for certain vessels for the Navy, the process known as the Harvey process, hereinbefore mentioned.

Now, therefore, this agreement witnesseth that, in consideration of the premises, and for and in consideration of the payments to be made as hereinafter specified, the said Carnegie Steel Company, Limited, hereinafter called the party of the first part, does hereby, for itself and its successors, heirs, and assigns, and its legal representatives, covenant and agree to and with the United States, hereinafter called the party of the second part, as follows, that is to say:

The party of the first part will use and employ the aforesaid Harvey process in the treatment of such armor plates to be manufactured and delivered in accordance with the terms, conditions, and requirements of its contract aforesaid as the party of the second part may designate from time to time of the weight of about fourteen hundred tons, which shall include the side armor and the 17-inch B. L. R. barbette armor for the "Oregon," it being expressly understood and agreed that armor plates to be treated according to the Harvey process as hereinbefore provided for shall be subject to the requirements and conditions regarding manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance, and for premiums for increased ballistic resistance prescribed in the circular concerning armor plates and appurtenances required under the advertisement of the Secretary of the Navy, dated January 16, 1893, approved January 24, 1893, for armor plates to be treated according to the Harvey process, which circular, in so far as its provisions relate to the manufacture, tests, inspection, acceptance, and tolerances, and ballistic tests for acceptance, and for premiums for increased ballistic resistance of armor plates to be treated according to the Harvey process, shall be deemed and taken as forming a part of this agreement in like manner as if the same were incorporated herein; provided, that no plates for which ingots are already cast at the time of the execution of this agreement, and which are to be treated according to the Harvey process, as herein provided for, shall be subject to the physical tests specified in paragraph 25 of the above-named circular for plates to be treated by the Harvey process, but such plates shall be subject to the physical tests required under the aforesaid contract of November 20, 1890.

It is hereby further mutually understood and agreed by and between the respective parties hereto that this agreement shall not nor shall any interest herein be transferred by the party of the first part to any other person or persons, and that no Member of or Delegate to Congress, officer of the Navy, nor any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom.

The party of the second part, in consideration of the premises, does hereby promise and agree to and with the party of the first part as follows:

The price to be paid by the party of the second part to the party of the first part for treating armor plates according to the Harvey process, as hereinbefore provided for, shall be at the following rates, viz:

Four and one-half cents per pound of all plates under five inches in thickness;

Three and one-half cents per pound of all plates of the thickness of five inches and more, up to, but not including, eight inches; and

2½ cents per pound of all plates of the thickness of eight inches and upwards;

it being understood that the weights of the plates upon which the prices herein named are to be computed shall be the weight of each plate as accepted in accordance with the provisions of the aforesaid contract of November 20, 1890.

The party of the second part will hold and save the party of the first part harmless from and against all and every demand or demands, of any nature or kind, for or on account of infringement of patented rights in using and employing the aforesaid Harvey process in the treatment of armor plates in accordance with the terms of this agreement.

This agreement is made subject to all the covenants, conditions, and provisions of the aforesaid contract of November 20, 1890, so far as not repugnant thereto, and shall be deemed and taken as forming a part of said contract with the like operation and effect as if incorporated therein.

In witness whereof the respective parties hereto have hereunto set their hands and seals this eighth day of April, A. D. 1893.

Signed, sealed, and delivered in the presence of—

{SEAL OF THE CARNEGIE STEEL CO., LIMITED.} THE CARNEGIE STEEL CO., LIMITED, By JOHN G. A. LEISHMAN, *Vice-Chairman,* By H. N. CURRY, *Manager,* And by F. T. F. LOVEJOY, *Manager.*

Attest:

F. T. LOVEJOY, *Secretary.*

THE UNITED STATES, By HILARY A. HERBERT, *As Secretary of the Navy.*

SAM. C. LEMLY, *Judge-Advocate General,* As to HILARY A. HERBERT, *Secretary of the Navy.* {SEAL OF NAVY DEPARTMENT.}

EXHIBIT F.

Memorandum of an agreement of two parts made and entered into this 12th day of April, A. D. 1893, by and between the Harvey Steel Company, a corporation created under the laws of the State of New Jersey and doing business in said State, represented by the president of said corporation, of the one part (hereinafter called the party of the first part), and the United States, represented by the Secretary of the Navy, of the other part (hereinafter called the party of the second part).

Whereas the party of the first part is the owner of all and singular the patented rights in and to a certain process, known as the Harvey process, for the treatment of armor plates for use in the construction of vessels, and of the exclusive right to the use and employment of armor plates manufactured according to said process, as particularly set forth in letters patent of the United States, No. 460262, issued September 29, 1891, to Hayward A. Harvey, of Orange, N. J., for certain improvements in decrementally hardened armor plates and in the art of manufacturing the same; and

Whereas an agreement was made and entered into, under date of March 21, 1892, by and between the aforesaid parties hereto, whereby the party of the first part granted to the party of the second part the right to use and employ the Harvey process aforesaid in the manufacture of armor plates for certain vessels of the Navy therein named, for the sum of $75,000, to be paid by the party of the second part to the party of the first part as royalty therefor,

and as utilized, at the rate of one-half of 1 cent per pound of the finished plate, the party of the first part guaranteeing that the cost to the party of the second part of the application of said process to armor plates should not exceed nine-tenths of 1 cent per pound of the finished plate, provided the application of such process should be made under the direction of the party of the first part; and

Whereas the party of the second part has entered into an agreement with the Bethlehem Iron Company, of South Bethlehem, Pa., for the treatment, according to said Harvey process, of armor plates for certain of the vessels mentioned in the aforesaid agreement, at a price in excess of the limit guaranteed by the party of the first part hereto, as aforesaid, the application of such process not to be made under the direction of said party of the first part:

Now, therefore, the aforesaid agreement of March 21, 1892, is hereby cancelled and anulled, and it is hereby mutually understood, covenanted, and agreed by and between the parties hereto that for and in consideration of the premises, and in consideration of the sum of ninety-six thousand and fifty-six dollars and forty-six cents ($96,056.46), to be paid by the party of the second part to the party of the first part as royalty, the party of the second part may, upon the terms hereinafter stated, use and employ, in the treatment of armor plates manufactured or to be manufactured for all naval vessels the construction of which was authorized by Congress up to and including July 19, 1892, the aforesaid Harvey process, and may use and employ the armor plates for said vessels manufactured according to said process, it being understood, however, that ten per cent of said sum shall be withheld by the party of the second part until, upon the receipt of the formulæ for the compounds used and employed in the application of the Harvey process, said process shall have been tried and found to be efficient and, in the judgment of the Secretary of the Navy, of satisfactory value.

The party of the first part hereby further covenants and agrees that it will hold and save harmless, and at its own risk and expense defend, the United States from and against all and every demand or demands for the payment of any sum or sums of money in excess of the aforesaid sum of $96,056.46 as royalty for or on account of the use and employment of said process in the treatment of armor plates under this agreement, or of the armor plates manufactured in accordance therewith, and from and against all and every demand or demands for or on account of any infringement or alleged infringement of patented rights appertaining to said process or plates.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that the party of the second part shall have the right to use and employ the aforesaid Harvey process in the treatment of armor plates for vessels which have been since July 19, 1892, or which may hereafter be, authorized by Congress, and to use and employ armor plates for such vessels manufactured according to said process, paying therefor to the party of the first part a royalty of one-half of one cent per pound of the finished plate.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that the party of the first part shall furnish full and complete information regarding the composition of the compounds employed in the Harvey process, and the application of the same, and shall impart to the party of the second part all information concerning any and all improvements which said party of the first part may, at any time in the future, make in or upon said process as covered by the aforesaid letters patent, and that the party of the second part shall have the right to adopt and use and employ any or all of such improvements in said process, and to use the armor plates manufactured in accordance therewith under the terms of this agreement, without the payment of any compensation or royalty therefor to the party of the first part, in addition to that to be paid as hereinbefore stipulated.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that this agreement shall not, nor shall any interest herein, be transferred by the party of the first part to any other person or persons, and that no Member of or Delegate to Congress, officer of the Navy, or any person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this agreement or to any benefit to arise therefrom; but this stipulation, so far as it relates to Members of or Delegates to Congress, shall not be considered to extend to this agreement, it being made with an incorporated company.

It is hereby further mutually understood, covenanted, and agreed by and between the parties hereto that if, at any time, the party of the first part shall fail to comply with and fulfill the terms, conditions, and requirements of this agreement on its part, the party of the second part may demand and recover from the party of the first part, on account of such failure, and as liquidated damages, a sum of money equal to the penalty of the bond accompanying this agreement; and that in case it should at any time be judicially decided that the party of the first part is not legally entitled, under the letters patent aforesaid, to own and control the exclusive right to the use and employment of said process and the decrementally hardened armor plates produced thereunder, as set forth in the letters patent aforesaid, then the payment of royalty under the terms of this agreement shall cease, and all sums of money due the party of the first part from the party of the second part, as royalty for the use and employment of said process, and armor plates, as aforesaid, shall become the property of the party of the second part.

The party of the second part, in consideration of the premises, hereby covenants and agrees that all warrants for payments to be made in accordance with the terms of this agreement shall be made payable to the party of the first part or its order.

In witness whereof the respective parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of—

{SEAL OF HARVEY STEEL CO.}

HARVEY STEEL COMPANY,
By H. A. HARVEY, *President.*
GEORGE P. KINGSLEY.

Attest:
WM. ALLEN SMITH, *Secretary.*

{SEAL OF NAVY DEPARTMENT.}

THE UNITED STATES,
By HILARY A. HERBERT,
As Secretary of the Navy.

SAM. C. LEMLY,
Judge-Advocate-General,
As to HILARY A. HERBERT,
Secretary of the Navy.

LIEUT. A. A. ACKERMAN.

Secretary Herbert having placed in the hands of the committee the following letter, it was ordered to be printed, with the telegrams given below:

[Telegram.]

[The Western Union Telegraph Company—Received at Corcoran Bldg., SE. cor. 15th and F sts., Washington, D. C., December 31, 1895.]

(Dated) SAN FRANCISCO, CAL., 31.

To Senator W. E. CHANDLER,
Washington, D. C.:

Earnestly request you to press armor inquiry.

A. A. ACKERMAN.

[Telegram.]

(Dated) SAN FRANCISCO, CAL., *December 31, 1895.*

BUREAU OF NAVIGATION,
Navy Department, Washington, D. C.:

Press reports to-day from East state I have used my position to profit from armor contracts; also that I am interested in patent affecting ordnance stores, material, and armor plates selected at increased prices. Urgently request immediate and complete inquiry.

A. A. ACKERMAN, *Ordnance.*

ORDNANCE OFFICE, UNION IRON WORKS,
San Francisco, Cal., January 2, 1896.

SIR: 1. Confirming the telegram addressed by me to the Bureau of Navigation on the 31st ultimo, relating to certain charges against me which have appeared in a San Francisco paper, I inclose herewith a statement which appeared in the Examiner of December 31.

2. This article has undoubtedly been inspired by some malevolently inclined person who is fully aware of all the facts of the case, with the deliberate intention of injuring as much as possible the reputations of the officers named. It would be impossible for an innocent correspondent to so add to, suppress, and tincture the facts; that could only have been done by one acquainted fully with the details and operations of the Navy Department in the premises.

3. It is a fact that I have taken out armor patents. This is made the structure upon which a tissue of falsehood, distortion, and innuendo is hung. To dignify the whole malicious statement and give it an air of sincerity, it is stated that "Secretary Herbert is greatly exercised over the allegations made regarding his conduct of the Bureau of Ordnance while Folger was its chief."

4. I applied for a patent on an improved and cheaper method of manufacturing face-hardened armor in 1893. This is not a secret, as the article in the Examiner intimates. The process was fully described in the United States Naval Institute nearly a year ago, and has been commented upon by scientific journals both in this country and abroad.

This patent has never been offered by me to the Government, and has never to my knowledge been employed in the manufacture of armor paid for by this Government.

5. About one year ago it was found that an engineer in the employ of an English firm of armor makers had patented, both abroad and in this country, certain inventions necessary to the application of the Harvey process. These inventions had been developed by our armor makers at the suggestion and with the advice of the Bureau of Ordnance; by their aid the manufacture of face-hardened armor had been made a practical success. The Bureau of Ordnance had not patented them, however, and now found itself, in consequence, subject to a demand for royalties from foreign patentees.

6. It was therefore deemed necessary to protect the Government, and American armor makers as well, by patenting in the Government's interest certain other improvements then in use which had been suggested by Commodore Sampson and myself. These patents were obtained by the authority of the Secretary of the Navy, full right to use them being given to the Department, which paid the actual cost of procuring the patents.

7. The charges in the press can easily be proven baseless, and perhaps but few people would give them any consideration; they are wicked, however, and the person or persons who instigated them would evidently have no compunction in asserting that I shunned investigation. On the other hand, they would perhaps be satisfied if they impressed a few morbid minds with the idea that there was something that merited investigation.

8. Feeling that it is impossible to foresee in what form or at what critical time in my career these charges may be revived, I respectfully but urgently request that the Department will investigate this matter in such a manner as to place on record all the facts relating thereto.

9. I am now, after mature consideration, in doubt as to whether the circumstances are such as, under the Navy regulations, would justify my having telegraphed to the Bureau requesting an inquiry at the time it seemed most important and necessary. If my action was not warranted in the opinion of the Bureau, I hold myself responsible for the charges of transmitting the telegram.

Very respectfully,

A. A. ACKERMAN,
Lieutenant, United States Navy.

The CHIEF OF THE BUREAU OF NAVIGATION,
Navy Department, Washington, D. C.

COMMITTEE ON NAVAL AFFAIRS,
UNITED STATES SENATE,
Saturday, January 25, 1896.

The committee met at 11 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, CHANDLER, SMITH, BACON, and TILLMAN.

LETTER FROM EX-SECRETARY TRACY.

The chairman laid before the committee the following letter from Hon. B. F. Tracy, which was ordered to be printed in the record:

NEW YORK, *January 18, 1896.*

DEAR SIR: My attention has just been called to an article which appeared in the New York Press of yesterday, a copy of which I inclose herewith. From this it appears that Secretary Herbert is to be invited to testify to-day before your committee upon the points indicated in the article, which include the following:

"First. What reason, if any, can be discovered why Secretary Tracy provided a fund of 2 cents a pound for armor made under the contract of the Carnegie Steel Company in addition to the price paid for the armor, when the Bethlehem Iron Company paid the royalties out of the prices received by them for armor?

"Second. How many requests have been made by the Navy Department since March 4, 1881, for the expediting of patent cases in the Patent Office, and in what cases, and with what results?"

If the committee desire to be informed of the reasons which influenced the Department in any action taken by it during my administration, it would give me great pleasure to appear before the committee for that purpose, and I trust that it will give me an opportunity to do so.

In view of my numerous and pressing engagements in court I would ask that the committee give me as long a notice as possible of the date upon which it may desire my attendance, in order that I may make the necessary arrangements here.

As it will doubtless be necessary to refer to the official documents in reference to the matters of record in the Department, I would suggest that, in order to save time and facilitate the inquiry, the particular subject upon which the committee desires information may be indicated to me.

As I have seen no official copy of the resolution adopted by the Senate, will you kindly forward me a copy?

Sincerely, yours,

B. F. TRACY.

Hon. J. D. CAMERON,
Chairman of the Committee on Naval Affairs,
United States Senate, Washington, D. C.

COMMUNICATION FROM SECRETARY HERBERT.

The CHAIRMAN. I have received a communication from the Secretary of the Navy, which I lay before the committee, to be annexed as a part of his testimony.

The communication from the Secretary of the Navy is as follows:

NAVY DEPARTMENT, *Washington, January 23, 1896.*

SIR: Complying with the requests of your committee to furnish by letter certain information, in addition to the statements made by me when I had the honor to appear before you on Saturday, the 18th instant, I have to state:

First. It appears by reference to the records of this Department that on October 2, 1893, a letter was transmitted from the Navy Department to the Fourth Auditor of the Treasury, inclosing a voucher in favor of the Carnegie Steel Company for the sum of $17,424.64, and asking that in accordance with the same 2 cents a pound on certain nickel plates should be set aside in compliance with the provisions of the contract of November 20, 1890.

I had forgotten, during the examination on Saturday, that this letter had been transmitted since I came into office. A recurrence to the records, and conversation with the officials concerned, refreshed my memory, and I now find that the Second Comptroller, on September 15, 1894, suspended the claim for the reasons set forth in a memorandum made at the time.

Second. The amount of armor included in the Carnegie contract of 1890 was 6,000 tons. Two cents per pound on this armor would amount to $268,800.

Third. No portions of the armor contracted for by the Bethlehem Company was ever given to the Carnegie Company, except some small lots which, for the sake of convenience, were transferred from one company to the other by mutual consent after the contract of 1890 had been made with the Carnegie Company. But the armor included in the contract of 1890 with the Carnegie Company had never been legally obligated to the Bethlehem Company. The contract of June 1, 1887, with the Bethlehem Iron Company was for armor for six vessels only, viz, the *Maine* and *Texas*, and the four monitors, *Amphitrite*, *Terror*, *Monadnock*, and *Puritan*, amounting in all to about 6,700 tons of armor. The contract of November 20, 1890, with the Carnegie Steel Company was for an additional supply of 6,000 tons of armor for vessels whose construction had been authorized subsequent to the making of the Bethlehem contract.

It does not appear that the Bethlehem Company made any protest which is now of record against this Carnegie contract. The discontent of this company, of which I spoke on Saturday last and which was also assumed in the questions of certain members of your committee, arose doubtless from the fact that they supposed there was an implied obligation on the part of the Navy Department, arising out of the contract of 1887 with Secretary Whitney, to give to the Bethlehem Company contracts for all the armor thereafter to be manufactured, in consideration of the very heavy expense to which they claimed they had been put in creating the plant for armor manufacture. Such discontent did exist, as I personally know, and its expression, more or less public, doubtless gave rise to the impression which seems to exist in the minds of some of the members of the committee—that the contract with the Carnegie Company was for the manufacture of armor which had been previously obligated to the Bethlehem Company.

With regard to the contract of November 20, 1890, with the Carnegie Steel Company, I have thought proper to copy certain extracts from the reports of Hon. B. F. Tracy, as Secretary of the Navy, for the years 1890, 1891, and 1892, in which he speaks on this subject fully, and gives the reasons which prompted him to make that contract:

EXTRACT FROM THE REPORT OF THE SECRETARY OF THE NAVY FOR THE YEAR 1890.

"The Department during the past year has experienced great disappointment in reference to the armor contract of the Bethlehem Iron Company. This contract, which was justly considered the crowning triumph of my predecessor, was signed on June 1, 1887, and called for the completion of a plant for the manufacture of armor two and one-half years from the date of contract—that is, on December 1, 1890. It further provided for the delivery of 300 tons within two months from and after the expiration of the contract time for the completion of an adequate plant, delivery to be continued thereafter at the rate of 300 tons per month, and to be fully completed within two years from the date of such first delivery. On the date fixed by the contract the work of constructing the plant was far from completion.

"The Department has endeavored during the past year, by every means at its command, including remonstrance, solicitation, and urgent request, to hasten the performance of the work. Repeated assurances have been given by the company, fixing various prospective dates, only to be followed by new disappointments. When it is considered that this contract includes the side and turret armor for all the monitors and for the *Maine* and *Texas*, the serious consequences of the delay are manifest.

"In January, 1890, the company stated that they would be ready to begin manufacture within six months, and would be able to deliver from 1,500 to 2,000 tons this year; but this prospect ended like previous ones, in disappointment. In July the company said:

"'While the estimate, as stated in our letter of January 25, 1890, as to the time of beginning manufacture was at fault, we are still expecting to commence within the next two months the manufacture of certain armor, for which we have received drawings, and which we understand is now urgently needed, namely, the bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communication of the *Texas*. As to the amount of plates that we hoped to deliver at the time of your interview * * * we expected to be able to produce a considerable amount of thick plates with our present appliances, and added to this, if the protective deck plating covered by Exhibit U of our specifications were now needed by the Department, we could arrange to have a considerable portion of it rolled elsewhere and brought to our works for shaping, tempering, and fitting, and thus also in good part fulfill our statement as to the amount we could deliver during the present year.

"'We are fully aware, however, that the deliveries above referred to are of the nature of temporary expedients, and that the end so earnestly desired by all parties concerned, and of paramount importance, viz, the completion of our hammer plant and the regular deliveries of the hammered and tempered plates for side armor, has been and will be delayed beyond our expectations.

"'As is always the case in undertakings of such magnitude, the causes of delay have been numerous, and while no "unforeseen contingencies" have arisen of such a pronounced nature as to lead us at the time to formally draw the attention of the Department thereto, there have been several causes of serious delay which were beyond our control.'

"The date now fixed for the entire completion of the plant is July-September, 1891, nearly two years after the contract time.

"At the present time it seems probable that deliveries may be made for acceptance test as early as August, 1891, but under favorable circumstances the completed armor could hardly be ready before October 1, if then. This date may therefore be fixed as the earliest at which deliveries are likely to begin, and the completion of the *Maine*, the *Texas*, and the monitors is likely to be delayed accordingly. In the case of the *Maine* a slight change has already been necessary in the design to permit the work to go on notwithstanding the nondelivery of the armor.

"As early as July last it became evident that the first 300 tons of armor required by the Bethlehem contract would not be delivered prior to October 1, 1891, and that even after that date deliveries would be so slow as to postpone for many years the completion of the ships then authorized, if Bethlehem remained the sole reliance. To complete deliveries under the original contract at the prescribed rate requires two years; and though it is hoped that the company may be able to exceed this rate when fairly started, yet the fact is noted by the Department that 300 tons a month is the output of the largest manufactories of armor in England. At this rate the armor for ships now under construction, but not covered by the Bethlehem contract, amounting to about 14,000 tons, could not be fully delivered by this firm alone in less than six years from the present time, and the completion of ships would be delayed accordingly. It therefore became imperative for the Government to obtain the cooperation of another manufacturer and secure, as in the case of the gun forgings, the creation of a second plant for the manufacture of armor in the United States.

"Accordingly, negotiations were opened with Messrs. Carnegie, Phipps & Co., the largest steel manufacturers in the United States, if not in the world, with a view to the establishment of another plant; and an agreement has been concluded with this firm for the manufacture of 6,000 tons of armor, at the same price as in the contract of 1887 with Bethlehem, to be of all steel or nickel steel, at the option of the Department. The contract binds the firm to begin delivery of armor in June next, and to deliver 500 tons per month thereafter.

"If both companies deliver at the maximum rate called for by the contracts, it will require over two years from July, 1891, to complete the manufacture of the armor required for the ships now authorized, and some of them will be ready for it in advance of the time."

REPORT FOR THE YEAR 1891.

"By far the most momentous question which the Department has had to consider in connection with the construction of the new Navy is that of armor: First, to secure a supply of American manufacture; and secondly, to determine what kind of armor should be adopted, having reference both to its composition and mode of treatment.

"The more this subject is studied, the more remarkable appears the foresight and judgment with which the first contract of 1887 was effected, and the creation assured of the unequaled plant now in the last stages of completion at South Bethlehem. That difficulties and delays should attend a work of such magnitude is unavoidable, and the establishment of armor manufacture in the United States has been no exception to the rule.

"The report of last year described the unsatisfactory condition at that time of the work under the Bethlehem contract and the efforts that had been made by the Department to hasten it. The contract with the Bethlehem Iron Company was executed June 1, 1887, and called for the completion of the plant for the manufacture of armor by December 1, 1890. It included the armor for the *Puritan*, *Terror*, *Amphitrite*, *Monadnock*, *Maine*, and *Texas*. Three hundred tons were to be delivered by February 1, 1890, and delivery was to continue thereafter at the rate of 300 tons per month.

"In July, 1890, the company stated:

"'We are still expecting to commence within the next two months the manufacture of certain armor for which we have received drawings, and which we understand is now urgently needed, namely, the bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communications of the *Texas*.'

"As stated in the report of December, 1890, this promise, up to that time, showed no signs of fulfillment, and it was thought probable that deliveries of completed armor would hardly be ready before October 1 of the present year. The prediction proved to be correct, and the only deliveries that have thus far been made are the bulkhead plates of the *Maine*, mentioned in the letter above quoted, and other small lots, amounting altogether to about 100 tons. These were received a few weeks ago—nearly two years after the stipulated time and four and a half after the execution of the contract.

"It is understood that the heavy armor of the *Maine* and *Terror* is in course of manufacture, and the Department has now every reason to hope that substantial deliveries will shortly begin. The Bethlehem plant has been brought to a high state of efficiency, and the company are making still greater improvements.

"In views of the delays incident to the work under the Bethlehem contract, the Department, in the summer of 1890, endeavored to secure a second source of supply, and on November 20 of that year entered into a contract with Messrs. Carnegie, Phipps & Co. for 5,900 tons of armor plates at the same price as that stipulated in the Bethlehem contract. The time fixed for the deliveries to begin—July 1, 1891, seven months from the date of the contract—was too short to enable the company to complete the necessary extension of its plant. The work has, however, been vigorously pushed, and 150 tons of nickel-steel armor for the *Monterey* have been turned out and are now only awaiting the required ballistic tests prior to acceptance. If this contract had not been made, it is safe to say that the completion of many of the armored ships now under construction would have been postponed for an indefinite period.

"The balance of the armor not included in either contract, estimated at between 4,000 or 5,000 tons, will be opened to competition.

"The contract with Messrs. Carnegie, Phipps & Co. provided for utilizing nickel in connection with steel in the manufacture of armor. Negotiations have also been entered into with a view of substituting nickel steel in plate of all-steel armor for the vessels included in the Bethlehem contract. Under the appropriation made last year the Department has purchased 4,536 tons of nickel matte, containing about 900 tons of nickel, for this purpose.

REPORT FOR THE YEAR 1892.

"The contract for armor made by my predecessor June 1, 1887, with the Bethlehem Iron Company provided for the manufacture of about 6,700 tons of material; the plant for the manufacture to be completed two and a half years from the date of the contract, that is to say, December 1, 1889, and a delivery of 300 tons to be made within two months, or by February 1, 1890. Deliveries were to continue from that date at the rate of 300 tons per month, and the whole amount mentioned in the contract was to be delivered by February 1, 1892.

"The delays incident to the completion of the Bethlehem plant have been fully referred to in each of the annual reports of the Department. In January, 1890, the company stated that they would be ready to begin manufacturing within six months, and would be able to deliver from 1,500 to 2,000 tons in that year. The end of the year passed, however, without any deliveries under the contract. During the year 1891 some slight progress was made, and in the annual report of that year the Department was able to record the delivery of certain small lots of armor, amounting to about 100 tons. At the present time, December, 1892, ten months after the time for final delivery, and five years and six months after the signing of the contract, the total amount received from the Bethlehem Iron Company on its contract for 6,700 tons is 955.75 tons.

"Although the Department was disposed to make all possible allowance for

the difficulties of beginning the manufacture of armor, in the hope that the Bethlehem Company might be able to make an approximation to the fulfillment of its contract, it nevertheless foresaw during the course of the year 1890 that unless some step was taken to provide an additional supply the completion of all the armored ships then under construction would be delayed for an indefinite time. To prevent this a contract was made November 20 of that year with Carnegie, Phipps & Co. to make and deliver about 6,000 tons of armor at the price named in the Bethlehem contract. The time allowed for deliveries to begin, July 1, 1891, was too short to enable the company to complete the necessary extension of its plant. Up to the present date, however, it has delivered under its contract 783.93 tons of armor, or nearly the amount supplied by the Bethlehem Company under its contract of 1887.

"Neither company is at present making such progress in the work as the Department could desire, but both are increasing their output from month to month, and the Department is now preparing to advertise for proposals for the remainder of the armor required to complete the vessels now authorized.

"The condition of the armor contracts was referred to by the House Committee on Naval Affairs in the able report of Mr. Herbert, of Alabama, on March 10, 1892, in the following terms:

"'The difficulties to be surmounted by this company (Bethlehem) seem to have been much greater than were expected. They have only just now fairly begun the delivery of armor plates, and are not yet able to furnish the required amount monthly. But the plant they have established is said to be unequaled in the world, and we may confidently expect better results in the near future. The present Secretary of the Navy, Mr. Tracy, in his last report, says:

"'The more this subject is studied the more remarkable appears the foresight and judgment with which the first contract of 1887 was effected.'

"Your committee are gratified to be able to state that the present Secretary of the Navy, Mr. Tracy, 'in view of the delays incident to the work under the Bethlehem contract, * * * in the summer of 1890 endeavored to secure a second source of supply, and on November 20 of that year entered into a contract with Messrs. Carnegie, Phipps & Co. for 5,900 tons of armor plates at the same price as that stipulated in the Bethlehem contract.'"

The following statement as to the deliveries of the armor contracted for originally by the Bethlehem Iron Company sheds light upon the statements in Secretary Tracy's report:

Delivery of armor.

[Contract, June 1, 1887, Bethlehem Iron Company.]

Ship.	First delivery.	Last delivery.
Maine	August 28, 1891	January 10, 1895.
Texas	November 9, 1891	May 18, 1895.
Amphitrite	February 4, 1892	November 22, 1894.
Terror	August 12, 1892	October 11, 1894.
Puritan	October 1, 1892	January 9, 1896.
Monadnock	....do	April 17, 1895.

In my answers before the committee I omitted to speak of the nickel furnished by the Government to be incorporated into the armor, an item which increases the cost of the armor now under contract by about $31 per ton. Under existing contracts, and by reason of the decreased price of nickel, there will be added to the cost of armor to be hereafter contracted for about $19.60 per ton.

I should also have stated that in my opinion the prices charged for applying the Harvey process, to wit, an average of $0.0238 per pound, is not excessive, the basis of this opinion being the fact that after the Bethlehem Company had been using this process for some time its president endeavored to persuade the Department to cease using the process on the ground that in his opinion the highly tempered and annealed nickel-steel armor was sufficiently impenetrable. The hardening of the armor by the Harvey process frequently warps it out of shape, and always renders it more difficult to machine.

Fourth. Responding to the request to give more definite information as to prices paid abroad for armor, I have to state that on the 5th of February, 1895, the Department furnished to the Senate, in compliance with a resolution, a statement by the Chief of the Bureau of Ordnance, in relation to prices paid abroad for armor, a portion of which is here quoted:

"The prices paid abroad for armor can not be positively stated. The information which the Department possesses comes from a variety of sources, newspaper clippings, conversations, and confidential statements. All of these lack the official confirmation only conveyed in a properly executed contract, such as that to which the Department was a party in the purchase of compound armor for the *Miantonomoh*. The average cost of that armor was $595 a ton, and was purchased from Sheffield, England.

"It must be further remembered that foreign armor contractors furnish various grades of armor at different prices. In France, for example, under recent contracts, three different prices are paid for the same exhibit of armor, according to its quality. In the United States the contracts stipulate that the manufacturer shall make the most resisting and enduring armor that he can; he must furnish and maintain the most improved modern plant; finally, the requirements for acceptance are now in many respects far more severe than those abroad.

"The nickel-steel armor made in this country contains 3.25 per cent nickel; that made abroad contains from 2 to 2.5 per cent. It follows that not only is the actual cost of the nickel 40 per cent less, but the manufacture is less expensive, so far as the greater ease of machining is concerned. In England very little nickel-steel armor is made.

"The following table of prices of armor is submitted with full reservation as to the accuracy of those asked by foreign makers:

Grade.	England.			France.		
	Plain.	Nickel.	Harveyized.	Plain.	Nickel.	Harveyized.
Lower limit	[1] $413.00				[2] $449.00	[3] $521.00
Upper limit	[1] 433.00				[2] 463.00	[3] 540.00
Special						
Foreign trade	[4] 312.00	[5] $363.00	[7] $309-341.00	[8] $312.00	[9] 311.40	389.92

[1] Vickers, makers for H. M. S. *Centurion*.
[2] Acier special for the *Bouvet*.
[3] For the *Charlemagne* and *St. Louis*.
[4] Said to be $98 more than for plain steel; hence $501 to $520.
[5] Vickers's bid.
[6] Cammell's bid for armor of Russian *Three Saints*.
[7] Cammell's bid.
[8] Le Creusot bid.
[9] Le Creusot bid for Russian *Three Saints*.

From the above table, as furnished by the Chief of the Bureau of Ordnance, I have omitted the prices paid for armor in the United States, for the reason that I am now able to give you the actual average cost of all the armor for the *Indiana*, one of the new battle ships, and the estimated average cost of the armor for the *Kearsarge*, in the following table:

Cost of Indiana's armor.

HULL PROTECTION.

	Tons.	Cost per ton.	Total cost.
Diagonal, 14-inch	245.46	$575.00	$141,146.99
Belt, 18-inch	409.09	500.00	204,840.65
Belt, 18-inch	130.08	525.00	68,289.38
Belt, 18-inch	96.31	600.00	57,788.78
Conning tower, 10-inch	42.14	575.00	24,703.27
Conning-tower tube, 7-inch	11.80	575.00	6,785.53
Casemate, 4-inch	117.53	500.00	58,815.85
Diagonal casemate, 4-inch	60.09	500.00	30,085.94
Ammunition tube, 3-inch	56.21	600.00	33,722.16
Auxiliary hood	2.49	575.00	1,430.80
Total	1,171.79		627,604.37
Introduction of nickel in 113.09 tons			12,465.28
Harveyizing 18-inch belt armor, 636.09 tons			32,057.55
Royalties for use of Harvey process			7,157.81
Cost of nickel oxide in 1,171.79 tons			36,325.49
			715,611.04

GUN PROTECTION.

Barbettes, 17-inch	777.80	$575.00	$447,242.25
Barbettes, 6-inch	41.68	575.00	23,963.13
Barbettes, 8-inch	111.96	575.00	64,377.43
Sponsons, 4-inch	38.57	600.00	23,144.20
Turrets, 6-inch	141.86	575.00	81,595.78
Turrets, 15-inch	393.49	575.00	226,276.13
Sponsons, 2-inch	2.75	725.00	1,996.99
Total	1,507.59		868,296.89
Introduction of nickel in 999.99 tons			10,863.83
Harveyizing turrets, 6-inch, 96.06 tons			7,581.80
Harveyizing turrets, 15-inch, 321.23 tons			16,189.74
Royalties for use of Harvey process			4,673.65
Cost of nickel oxide in 1,507.59 tons			46,735.29
			954,290.75

SUMMARY.

	Tons.	Cost.
Hull protection	1,171.79	$715,611.04
Gun protection	1,507.59	954,290.75
Total	2,679.38	1,669,901.79

Average cost per ton, $623.

Estimated cost of armor for Kearsarge.

HULL PROTECTION.

	Tons.	Cost per ton.	Total cost.
Side, 4 to 16.5 inch	831	$470.00	$390,570.00
Armor bulkheads, 10 to 12 inch	30	525.00	15,750.00
Casemate, 5-inch	266	450.00	128,600.00
Conning tower, 10-inch	50	525.00	30,975.00
Conning-tower tubes, 7-inch	16	525.00	8,400.00
Total	1,244		584,295.00
Cost of nickel oxide			24,382.40
Harveyizing			67,176.00
Royalties for use of Harvey process (if paid)			13,928.80
			689,782.20

GUN PROTECTION.

Turrets, 9 to 17 inch	671	$535.00	$352,275.00
Barbettes, 12.5 to 15 inch	568	525.00	298,200.00
5-inch gun protection, 6 inches thick	214	450.00	96,300.00
Splinter bulkheads, 2-inch	81	450.00	36,450.00
	1,534		783,225.00
Cost of nickel oxide			30,066.40
Harveyizing			78,462.00
Royalties for use of Harvey process (if paid)			16,273.60
			908,027.00

SUMMARY.

	Tons.	Cost.
Hull protection	1,244	$689,782.20
Gun protection	1,534	908,027.00
	2,778	1,597,809.20

Average cost per ton, $575.

NOTE.—Of the 2,679.38 tons of armor for the *Indiana*, only 1,053.38 tons were harveyized, whereas with the *Kearsarge's* armor it is proposed to harveyize all but 81 tons; and yet the cost of the armor for this ship will be $48 per ton less than that for the *Indiana*.

From the foregoing table it will be seen that the actual average cost per ton of the armor for the *Indiana*, one of the new battle ships, is $623; and that the estimated average cost per ton of the armor for the *Kearsarge*, one of the new battle ships now under contract (and the other will be just the same), is $575. The latter estimate is based upon the bids which, as I explained to the committee, the two armor firms have heretofore indicated they would put in for the armor for these ships.

Additional information received since the report in compliance with the Senate resolution above quoted from is to the effect that one of the English armor-manufacturing firms delivered during 1894 6,000 tons of armor at about $550 per ton.

Later and additional information in regard to French contracts for latest battle-ship armor is that, although the contract price is not yet definitely settled, it will be from $540.40 to $550.05 per ton, the contracts to go to four different French firms.

The price paid by France to the owners of the Harvey patent, as published, was $28.90 per metric tonne ($29.36 per United States ton) for plates over 6.3 inches in thickness, and $14.50 per metric tonne ($14.73 per United States ton) for plates of, and less than, 6.3 inches (16 centimeters).

The French firm at Creusot received the contract for the armor of the Swedish coast defense vessel *Odin*. The appropriation was so low that first-class surface-hardened steel could not be secured, hence the contract was made for a lower quality equivalent in resistance to good ordinary Le Creusot steel. Price, $312 to $318 per ton.

Prices paid by a foreign government to—

Bethlehem Iron Company.—1894-95. One thousand seven hundred tons Harvey nickel steel for one ship and untreated nickel steel for another, at a cost of $340 for the former; the second, about 2 per cent less per ton.

December, 1895. Contract for about 1,200 to 1,500 tons Harvey armor for a new battle ship at $525.58 per ton.

Carnegie Company.—October, 1895. Contract for 1,000 to 1,000 tons Harvey armor at a cost of $535.52 per ton.

The officers of the Carnegie Company state that they received £105 11s. per ton for this armor, being manufactured for a foreign Government, and the officers of the Bethlehem Company state that they received £107 for the armor they are manufacturing for foreign governments.

From the above calculations, made very carefully by the Bureau of Ordnance, and averaging the prices of the armor for the *Kearsarge* and *Kentucky* at $575 per ton, it would appear that these firms are asking of the United States Government some $40 per ton more than they ask of a foreign Government for similar work. It is suggested, however, that an accurate conclusion as to whether the prices to be charged the United States Government are too high can not be arrived at without taking into consideration the nature of the tests to which the armor is to be subjected and the requirements of the several Governments. The officials of the Carnegie and Bethlehem companies might be called upon to state the nature of the requirements in the two cases. The effort of this Department has been from the beginning to secure the very best possible armor. Its requirements have therefore always been very rigid, the rules requiring in all cases certain discards, etc. The Department is not able to state what were the requirements under contracts made by these firms with foreign governments.

Fifth. As to the Corey patent, I was asked whether there was pending in the Bureau of Ordnance a question of the use of this patent for reforging armor. The statement was made by Senator CHANDLER that such a question was now pending in the Bureau of Ordnance, and attention was called to the fact that in his opinion this patent was void. I find, upon inquiry, that the proposition to use the process embraced in this patent is before the Bureau of Ordnance, and, further, that the matter of having the armor hereafter to be manufactured made according to this process has been heretofore brought to my attention by the Bureau of Ordnance, but in the conferences between the Chief of that Bureau and myself nothing was said about the process being covered by a patent in favor of Mr. Corey or of anyone else. I find that Captain Sampson did not mention the fact that this process was covered by a patent, because, first, in his opinion, the process is not really patentable, having been used before, and, second, no claim has ever been made for any royalty to be paid by the Government for the use of such process. The process claimed to be covered by the Corey patent is that alluded to during my answers to the committee on Saturday last, viz, the reheating and rerolling down to thinner shapes of armor already harveyed. Whatever rights Mr. Corey may hereafter claim in foreign countries by reason of his patent on this process is not a matter of importance to the United States Government, inasmuch as he has freely given to the Carnegie Company and also to the Bethlehem Company the right to use it in the manufacture of armor for this Government, and the armor is now and will hereafter be manufactured by these firms without royalty, provided the Government shall have this armor manufactured in future according to that method, as it now expects to do.

Sixth. Although not requested to do so, I have thought it proper to add a statement as to the reason why, in the memorandum furnished me from the Bureau of Ordnance and left with the committee containing a list of officers owning patents, etc., the name of Captain Sampson was not mentioned as a joint owner with Lieutenant Ackerman of certain improvements in the manufacture of face-hardening armor. Captain Sampson states that this memorandum was made out by his chief clerk for the purpose of giving the names of the owners of these patents. It appears that the patent was granted on the 28th of January, 1895, nearly a year since, and that on the next day, the 29th of January, Lieutenant Ackerman, to whom Captain Sampson had transferred all his interest, gave a license to the Government, upon paying $100, the cost of the patent, including attorneys' fees, to use the process without royalty, and this license was recorded on March 19, 1895, with the Commissioner of Patents. The license and the certificate of record, from which it will appear that Captain Sampson has not now, and did not have at the time the memorandum alluded to was made out, any interest whatever in this process, either at home or abroad, are as follows:

LICENSE.

Whereas William T. Sampson, captain, United States Navy, and Albert A. Ackerman, lieutenant, United States Navy, have jointly invented certain improvements in the manufacture of hard-faced armor, for which they have filed an application for letters patent of the United States, serially numbered 530240, filed November 28, 1894, which application was allowed January 28, 1895; and whereas the said Sampson has transferred all his right, title, and interest in and to the said invention, and in and to the letters patent to be obtained therefor to the said Ackerman; and whereas the Bureau of Ordnance of the Navy Department is or may be desirous of manufacturing armor plate in accordance with the said invention;

Now, therefore, to all whom it may concern be it known that for and in consideration of one hundred dollars ($100), the same being the actual cost of patenting the said invention, I, the said Albert A. Ackerman, do hereby grant to the Bureau of Ordnance of the Navy Department, and all the officers and employees connected therewith, the right to manufacture, sell, and use armor plates constructed in accordance with the said invention, as described in the specification forming part of the aforesaid application for letters patent.

Signed at Washington, D. C., this 29th day of January, 1895.

A. A. ACKERMAN.

In presence of—
PHILIP R. ALGER,
C. S. SPERRY,
Witnesses.

Received for record March 19, 1895, and recorded in Liber F 51, page 304, of transfers of patents.

In testimony whereof I have caused the seal of the Patent Office to be hereunto affixed.

JOHN S. SEYMOUR,
Commissioner of Patents.

(Exd. M. G. S.)

I have the honor to be, very respectfully,

H. A. HERBERT, *Secretary.*

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate, Washington, D. C.

NEW YORK SUPREME COURT EVIDENCE.

Senator CHANDLER. Mr. Chairman, I have procured a copy of the record in the case of James R. Davies *vs.* The Harvey Steel Company, tried in the New York supreme court for Kings County before Hon. William J. Gaynor and a jury November 12 and 13, 1895. I offer it in evidence as showing, first, Commander Folger's connection with the enlargement of the Harvey patent so as to include the hardening of armor plate, and also as showing his employment after he left the Bureau of Ordnance in January, 1893, by the Harvey Company, on a salary of $5,000 a year and $20,000 of stock, which the secretary of the company swears he considers worth par.

Senator HALE. You do not put in the papers from the Patent Office?

Senator CHANDLER. I have been unable to send for various records of the Patent Office and to ask that one of the examiners might come here, for the reason that I have not had access to the exhibits to Secretary Herbert's testimony so as to prepare a call for the evidence that would be pertinent.

Senator HALE. Secretary Herbert's testimony having just come in.

Senator CHANDLER. It having been returned this morning to the committee.

The record submitted by Senator CHANDLER is as follows:

New York supreme court, Kings County.

James R. Davies *vs.* The Harvey Steel Company, before Hon. William J. Gaynor and a jury.

BROOKLYN, N. Y., *November 12 and 13, 1895.*

Appearances: Messrs. Hess, Townsend & McClelland, for plaintiff; Messrs. Wilson & Wallis, for defendant.

Plaintiff offers in evidence a certificate of incorporation of the defendant, dated November, 1886.

(Marked Exhibit 1.)

It is admitted that in the year 1890 Hayward A. Harvey was the president of the defendant.

HERVEY C. CALKIN, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. Where do you reside?
A. New York City.
Q. What is your business?
A. Steam fitting, plumbing, etc.; connected with that business.
Q. You were at one time a member of the United States Congress?
A. Some years ago; yes, sir.
Q. During what years?
A. I was elected in 1888 and served one term in the Congress.
Q. Do you know the plaintiff in this action, Mr. James R. Davies?
A. I do.
Q. How long have you known him?
A. Thirty years.

Recess.

After recess.

Same witness:

Q. Did you know Mr. Hayward A. Harvey in his lifetime?
A. I did.
Q. How long had you known him?
A. Well, about twenty years; I suppose about twenty-six years ago since I knew him first.
Q. At one time did you have a conversation with him in regard to the Harvey process of hardening steel?
A. I did.
Q. And bringing that process to the attention of the Navy Department?

(Objected to as not binding upon the defendant, as incompetent and immaterial. Objection overruled. Exception. Not answered.)

Q. State when that conversation was.
A. In the early part of the year 1890.
Q. And where was it?
A. It was at the Astor House, in New York City.
Q. State what that conversation was.

(Same objection. Objection overruled. Exception.)

A. Mr. Harvey asked me if I would take hold of the matter for him and bring it before the Navy Department at Washington; that matter was his process of harveyized steel for plates and other uses; for hardening iron; and after quite a conversation with him I told him it would be impossible for me to do it. He said to me: "Mr. Calkin, I will compensate you liberally; I would like very much for you to take hold of the matter." I stated to him that I could not do so; that my business was such that I could not leave it; that the course of my own business was such that I could not afford to leave it to look after his matter, even if the compensation be very liberal. And then I said to him: "You know our friend Davies. He is acquainted in Washington, possibly as well as I am with the Department, and I think that he would attend to that matter for you probably as well as myself." "Well," he says

to me, "I had not thought of him before, because I had you in my mind, and I would like very much to have you do it." I declined taking any part in the matter, and from that we made an appointment. I made an appointment with him to meet him at Mr. Davies's office.

Mr. WALLIS. I move to strike out this testimony as incompetent against this defendant.

(Motion denied. Exception.)

Q. When was that appointment made for?

A. Either for the next day or the day after; within a day or two.

Q. Where was Mr. Davies's office at that time?

A. On Park Row, right opposite the Astor House.

Q. Did you see Mr. Harvey at Mr. Davies's office in pursuance of that appointment?

A. I did.

Q. Who were present at that time?

A. Mr. Harvey, Mr. Davies, and myself.

Q. State what was said between you and Mr. Harvey and Mr. Davies at that time.

(Objected to as immaterial and incompetent on the same ground. Objection overruled. Exception.)

A. I had previously told Mr. Davies that I had spoken to Mr. Harvey about the matter before meeting him there, and told him of the appointment.

(Objected to.)

Q. You met him there?

A. When we met we talked about the process, and about its great advantages, and if successful the great value it would be to his corporation, and also to the country; and he said that he was willing to pay liberally to anyone who would secure the introduction of it, or the trial of it before the Navy Department.

Q. Did he explain at that time the nature of the process?

A. Yes, sir.

Q. Did he have samples of the steel?

A. He had samples of the steel—small samples of it—at that time.

Q. They were exhibited and examined?

A. Yes, sir.

Q. Go on.

A. And then the compensation was talked about, and he said, as I stated, that it was to be a great advantage to his concern, and worth a great deal of money to have the Government adopt it, and he was willing to pay liberally; and we talked about the compensation, and I said that "I would not take hold of it for less than 10 per cent of the amount you receive from the Government and my expenses paid," and I said "Mr. Davies ought to receive the same amount." And he said in my presence that if Mr. Davies secured his introduction to the Navy Department he would compensate him at that rate.

Mr. WALLIS. I move to strike out this testimony as not in any way binding upon the company.

(Motion denied. Exception.)

Q. Was anything said in this conversation in reference to there being a corporation organized under this process?

(Objected to as leading. Objection overruled. Exception.)

(Not answered.)

Q. Go on and state if anything further was said in that conversation.

(Not answered.)

The COURT. Was not this corporation in existence at this time?

Q. Was anything further said in that conversation in regard to this process?

A. He stated to me emphatically that that corporation was formed, and that he was the president of it, and that they expected to make a great success of the harveyised steel. I do not remember any other conversation.

(Motion to strike out as incompetent and immaterial denied. Exception.)

Q. Did you subsequently see Mr. Harvey and have conversation with him in regard to the same matter?

A. I saw him afterwards in Mr. Davies's office.

Q. Can you state the time?

A. I can not. It was probably a month after that, or six weeks; I can not state the time.

Q. What then occurred?

A. He seemed satisfied.

(Stricken out by consent.)

Q. What was said?

(Objected to as incompetent and immaterial. Objection overruled. Exception.)

A. He said that he was satisfied with what Mr. Davies was doing. Of course I felt interested in the matter, and talked it over with him. He felt satisfied, and making good progress.

(Last part of answer stricken out by order of the court. Plaintiff excepts.)

Cross-examination by Mr. WALLIS:

Q. Mr. Calkin, you say that in this first conversation Mr. Harvey described this process. What process did he describe?

A. The process of hardening steel with a process of his own for making that steel impregnable.

Q. Tell us what he said on that subject.

A. I could not explain it to you; that is some years ago. I did not charge my mind with it; I did not see his patents and claims, and could not explain it.

Q. Did not it strike you as a process of considerable importance?

A. It did, decidedly.

Q. And still you have no recollection of anything said in relation to the process?

A. I could not explain to you at this moment anything about it, because I did not charge my mind with it.

Q. Have you any interest with Mr. Davies in this matter?

A. None whatever.

Q. Did it strike you that the Department to Mr. Davies was a more important matter than the development of this process that you have spoken of?

A. I had nothing to do with it; it was not my business, and I had enough of my own matters to charge my mind with without charging it with that.

Q. (Repeated.)

A. No, sir; it did not strike me.

HAYWARD A. HARVEY, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. What is your business?

A. I am connected with the Harvey Steel Company at present as general sales agent of the company.

Q. How long have you been connected with it?

A. Since 1891.

Q. You are a son of Hayward A. Harvey, to whom reference has been made, who was president of the company at one time, are you not?

A. I am.

Q. Were you connected with the company at the same time your father was?

A. I was.

Q. In what capacity in 1891?

A. I had charge of the experimental work of the company at that time.

Q. In what capacity were you connected with the company in 1890?

A. I was at home from college at that time, simply in the works learning the business of the company. My connection with the company is a practical one.

Q. Were you accustomed to write letters for your father in the year 1890 at his dictation?

A. At times; yes.

Q. I show you a letter dated July 4, 1890, and ask you if that is in the handwriting of your father, Hayward A. Harvey?

A. That is his writing.

(Marked Exhibit 1 for identification.)

Q. I show you a letter under date of August 6, 1890, and ask you if you know whose handwriting that letter is?

A. That letter is in the handwriting of Mr. Henry A. Bruge.

Q. What connection, if any, did he have with the Harvey Steel Company?

A. A salesman of the company.

Q. Do you know where he is now?

A. He is connected with D. J. Gautier, at No. 114 John street.

Q. Was he accustomed to write letters at the dictation of your father?

A. At times.

Q. How is that letter signed, will you state?

A. "Yours, truly, H. A. Harvey, H."

Q. That "H"——

A. Stands for Henry.

(Marked Exhibit 2 for identification.)

Q. I hand you the letter under date of August 28, 1890, and ask you in whose handwriting that letter is?

A. This letter is interlined; Capt. Charles Halsey.

Q. Who was he, and what was his connection with the company?

A. He is connected with the company, and looks after the books of the company.

Q. Is he at present connected with the company?

A. He is at present connected with the company.

Q. And was he in the year 1890 connected with the company at the date of that?

A. To the best of my knowledge.

Q. In what capacity?

A. Having charge of the books.

Q. By whom is the letter signed?

A. Joseph H. Dickinson, manager.

Q. Was he at that time manager of the company?

A. He was.

Q. Is he still connected with the company?

A. He is.

(Marked Exhibit 3 for identification.)

Q. I show you a letter under date of September 30, 1890, and ask you in whose handwriting that letter is?

A. That letter is in the handwriting of Mr. Bruge.

Q. And how is it signed?

A. "H. A. Harvey, dictated."

Q. Any initial?

A. No initial, but "dictated."

(Marked Exhibit 4 for identification.)

Q. That is the same man who signed one of the firm letters, is it not?

A. Yes, sir.

Q. I show you a letter under date of January 5, 1891, and ask you in whose handwriting that is, and how it is signed?

A. That is in Mr. Bruge's writing, signed "H. A. Harvey, H." meaning Henry.

(Marked Exhibit 5 for identification.)

Q. I also show you a letter under date of January 7, 1891.

A. That is the writing of the same gentleman and signed "H. A. Harvey, H."

(Marked Exhibit 6 for identification.)

Q. Also letter of January 31, 1891.

A. That is in the writing of Captain Halsey, and is signed "H. A. Harvey, per J. H. D." (Joseph H. Dickinson).

Q. Mr. Dickinson was the manager?

A. Yes, sir.

(Marked Exhibit 7 for identification.)

Q. Also the letter under date of March 19, 1891.

A. That is in the writing of Mr. Bruge, signed "H. A. Harvey, H."

(Marked Exhibit 8 for identification.)

Q. Also letter of April 19, 1891.

A. The writing of the same person, signed with the same initial.

(Marked Exhibit 9 for identification.)

Q. Also the letter of August 19, 1891.

A. That was written by Captain Halsey, signed "H. A. Harvey, per C. H." (Charles Hawley).

(Marked Exhibit 10 for identification.)

Q. A letter under date of December 28, 1891.

A. Signed "H. A. Harvey;" signed by himself.

(Marked Exhibit 11 for identification.)

Q. Was that letter dictated to you by your father?

A. Presumably it was.

Q. And signed by his instructions?

A. Signed by his instructions, on March 7, 1892. Probably dictated to Mr. Bruge, and signed "H."

Q. The second was in typewriting, was it not?

A. It was; nevertheless, Mr. Bruge was accustomed to sign that way.

(Marked Exhibit 12 for identification.)

Q. March 16, 1893.

A. I was instructed to write this letter and signed it myself. Father was ill at the time.

(Marked Exhibit 13 for identification.)

Q. And the letter of April 12, 1893.

A. I was instructed to write this letter, and signed it.

Q. You signed it yourself?

A. Yes, sir.

(Marked Exhibit 13 for identification.)

Q. All these letters which are shown to you are upon the letter heads of the Harvey Steel Company, are they not?

A. They are.

Q. They are written and signed by gentlemen who at that time were connected with the company either in its administrative capacity or as clerks?

A. They were.

Q. When did your father die?

A. August 28, 1893.

Q. Do you know a man by the name of Theodore Sturges?

A. I do.

Q. Do you know what his business was in 1890?

A. He was the secretary and treasurer of the Harvey Steel Company I know; also connected with several other corporations.

No cross-examination.

JAMES R. DAVIES, plaintiff, being called as a witness on his own behalf and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. You are the plaintiff in this action?
A. I am, sir.
Q. Did you know Mr. Hayward A. Harvey in his lifetime?
A. I did, sir.
Q. How long had you known him?
A. Between forty-five and fifty years.
Q. Had you been up to and prior to 1890, and including the year 1890, on intimate terms with him?
A. Almost like a brother.
Q. In the year 1890 did you have a conversation with him in regard to harveyized steel, and the introduction of that in the Navy Department?
A. I did.
Q. When?
A. I think it was the first week in January, 1890.
Q. Where?
A. The first interview I had with him was in Wall street, nearly opposite No. 152 Wall street. He met me in the street and asked where he could find Mr. Hervey C. Calkin. I told him No. 177 Christopher street, or, if he desired it, I would have him come down to my office, No. 13 Park Row.
Q. Did you have any conversation with him at that time in regard to this steel?
A. No.
Q. When did you have such a conversation with him?
A. In my office, after he had had an interview with Mr. Calkin.
Q. Who were present at that time?
A. Mr. Harvey, Mr. Calkin, and myself.
Q. State to the jury what was said at that time.
(Objected to on the same ground, as immaterial, irrelevant, and that Mr. Harvey had no authority to bind the company by any arrangement he might make with this witness. Objection overruled. Exception.)
A. Mr. Calkin had an interview with Mr. Hayward A. Harvey in my office in my presence, and the statements of Mr. Calkin I heard. Mr. Harvey then said to me, "James, will you go to Washington and represent our company? I am the president of a small company and I am anxious to have it presented to the Navy Department to have a trial of it; Mr. Calkin can not go." I told him that I would, and would do the best I could. He had then samples of the steel; he explained the process to me. I told him that I was not a mechanic and did not want to know anything about it, because I could not explain it when I got to Washington, or to people. He said that the company would pay me well for it; he talked about getting me 10 per cent. I said, "Hayward, I shall leave it to you; if I succeed, I have no doubt but that you will take care of my interest." I took samples of the steel and went to Washington the next day and called upon the Secretary——
Q. One moment; have you now stated all that you can remember in regard to that conversation?
A. So far as I recollect.
Mr. WALLIS. I move to strike out the evidence, as not binding on the defendant.
(Motion denied. Exception.)
Q. You say that Mr. Harvey brought there samples of the steel?
A. He did, sir.
Q. Were they left with you?
A. I took them to Washington with me.
Q. The next day you went to Washington, you said?
A. I think I went to Washington the next day, or within a day or two; I think the next day.
Q. State what you did in Washington in regard to bringing this steel and the process to the attention of the Navy Department.
(Objected to as immaterial. Objection overruled. Exception.)
A. I called upon Mr. Tracy, who was then Secretary of the Navy, and stated that I represented a new process for hardening steel.
(Objected to on the ground that the witness is not shown to have been employed by the defendant company, and that any conversation between General Tracy and the witness is not binding upon the defendant. Objection overruled. Exception.)
Mr. Tracey told me he had nothing to do with it; that I would have to go to the Chief of the Ordnance Bureau, and bring the matter before him. He asked me, "Are you acquainted with Commodore Folger?" I told him that I was not, but that I would get some of the heads of bureaus whom I did know to introduce me to Commodore Folger. I then called on Commodore Theodore Wilson, Chief of the Construction Bureau, an old friend of mine, who took me and introduced me to Commodore Folger and left me with him. I had a considerable conversation with Commodore Folger on the subject of it, and left him. I called upon him several times again—two, or three, or four, or five, I don't know how many—and asked him how he was getting along with it; and in the meantime he had connected with Mr. Harvey and talked with Mr. Harvey himself.
(Last part of answer objected to and stricken out by consent.)
Q. Whom last did you see, if anyone, in connection with the Navy Department?
A. In regard to the steel?
Q. In regard to the steel, yes?
A. Mr. Wilson, the naval constructor.
Q. Who was he?
A. Theodore Wilson, Commodore Wilson, the Chief of the Construction Bureau at that time.
Q. You had been acquainted with him for how long?
A. About thirty years; I knew him when he was an apprentice boy in the Brooklyn Navy-Yard.
Q. Whom last did you see?
A. Mr. Melville, Chief of the Bureau of Engineering.
Q. Had you known him prior to that time?
A. I had, but only a few years.
(Motion to strike out, as not included in the bill of particulars. Objection overruled. Exception.)
Q. Did you have a conversation with Commodore Wilson in regard to this steel and its adoption by the Navy Department?
A. I most assuredly did.
Q. What was that conversation?
(Same objection, ruling, and exception.)
A. General conversation; that if Mr. Harvey could get a trial by the Navy Department, and that steel would do what he said it would, that it would be of great benefit to the Navy, and I wanted his influence and wanted his help as chief constructor of the Navy.
Q. His help for what purpose, to accomplish what?
A. For plating a vessel, the armor of vessels, and as he was a member of the board of five, I think it is now five, where all new inventions are sent for their approval or disapproval.
Q. You called on Mr. Melville; what office did he hold?
A. Chief Engineer, Chief of the Bureau of Construction, engineering.
Q. What conversation did you have with him?
A. General conversation in regard to the usefulness of the steel.
(Same objection, ruling, and exception.)
Q. What officers connected with the Navy Department did you see?
A. I went to the navy-yard and saw Captain O'Neil afterwards, once or twice.
(Objected to as improper, immaterial, and not within the case. Objection overruled. Exception.)
Q. What conversation did you have with Mr. O'Neil?
A. He saw the Chief of the Ordnance Department, I think.
(Same objection, ruling, and exception.)
The COURT. Did this result in the Navy Department accepting this steel?
Mr. TOWNSEND. Yes, sir.
Mr. WALLIS. That is one of the points in the case.
Mr. TOWNSEND. We shall show that.
The COURT. I want to know what counsel claims?
Mr. TOWNSEND. Yes, sir; we do claim that.
Q. Go on and state the conversation with Captain O'Neil.
A. The object of my visit to him was——
(Objected to.)
Q. Don't state your object; state the conversation.
A. I wanted to use his influence to have the steel adopted for the manufacture of tools.
Q. Was anything said about a test being made of the steel?
A. With any of the officers?
Q. Yes.
A. Most assuredly.
Q. With whom?
A. With Commodore Folger in the first place.
Q. With whom else?
A. Nobody else; him alone; it was his province.
Q. With what other persons did you have conversation with regard to having a test made of the steel?
A. I don't remember now any particular one.
Q. Did you see anyone else in this matter connected with the Navy Department?
A. Besides the Secretary, Commodore Folger.
Q. I want all you saw.
A. Commodore Wilson, Commodore Melville, Captain O'Neil, and the Secretary; I don't know—I can not recall anybody else. They were the most important ones.
Q. Do you know whether a test was made of this steel?
A. Not from my own personal seeing. I know that there was a test there.
(Motion to strike out made and granted.)
Q. Do you know whether a furnace was built at the navy-yard for the purpose?
A. I do, for I saw it building, and was there while it was being built.
Q. What was that furnace for?
A. To test a plate that the Department bought in England and brought here to test.
Q. To test this process?
A. To test this process; yes, sir.
Q. And this process, known as the Harvey process, was applied to this plate?
A. It was, in the Washington Navy-Yard.
Q. In this furnace which was constructed for that purpose?
A. That is so, sir.
Q. Where was the factory or furnace of the company?
A. In Newark.
Q. Newark, N. J.?
A. Yes, sir.
Q. Did you at any time visit that factory?
A. I did.
Q. With whom?
A. I went over with and met Mr. Hayward A. Harvey.
Q. At the factory?
A. Yes, sir.
Q. When was that?
A. In January or February; I can not tell the day.
Q. What year was it?
A. 1890.
Q. State what took place there, and what was said by Mr. Harvey, if anything.
A. Mr. Harvey took me through the works——
(Objected to as incompetent, that no admission of an officer of the company after the fact is binding upon the company, and as after the alleged contract.)
Q. Did you at any time see Mr. Harvey in the city of Washington?
A. I did.
Q. Can you state on what occasion?
A. He came to see me there three or four times.
Q. Between what dates?
A. Between the 1st of January, 1890, and September 20.
Q. In regard to this——
(Objected to.)
The COURT. Is it the fact in this case that this corporation owned this patent?
Mr. TOWNSEND. Yes, sir.
Mr. WALLIS. Not at this time.
The COURT. It is not proved yet.

By the COURT:

Q. This conversation was where—in the navy-yard at Washington?
A. At the Arlington Hotel in Washington.
Q. I understood you it was at the furnace.
A. I was not at the furnace with Mr. Harvey.
(Objection overruled.)
Q. You went to the factory at Newark, N. J., with Mr. Harvey?
A. I did not go with him there; I met him there.
Q. State what occurred at the factory in regard to this matter with Mr. Harvey.
(Same objection. Objection overruled. Exception.)
A. He showed me through the factory, introduced me to his son, whom I had never seen before; introduced me to Mr. Halsey, whom I had known many years ago, and introduced me to Mr. Dickinson, who was then the manager; showed me the making of the rods of steel.
Q. Did you also have interviews with Mr. Harvey in regard to this matter in the city of Washington?
A. I did, sir.
Q. Between what dates?
A. During the year 1890; I can not tell the dates.
Q. About how many?
A. I should think three or four times with Mr. Harvey.
Q. Did you meet him there by appointment?

A. He generally wrote me that he was coming over, and I would meet him at the hotel in the evening on the arrival of the train.
Q. At these interviews with Mr. Harvey in the city of Washington did he state to you that he had had interviews with any of the officers of the Navy Department?
(Objected to as leading. Objection overruled. Exception.)
A. I think he did; I think he told me that he had met and was talking with Commodore Folger.
Q. You say that you knew Mr. Sturges, who was then the secretary and treasurer of the defendant?
A. I did know him; yes, sir.
Q. How long had you known him?
A. Well, when I was introduced to him, invited to the office by Mr. Harvey by letter, asking me to come down and be introduced to Mr. Clark or his people, as he states in the letter——
Q. Where did you see Mr. Sturges first?
A. At No. 52 Wall street, on the invitation of Mr. Harvey.
Q. Did you subsequently see him in the city of Washington?
A. I did, sir.
Q. In regard to the introduction of this steel?
A. I did, sir.
Q. How many times?
A. Twice with Mr. Harvey, I think, and once he was there with his daughters on a visit.
Q. What conversation did you have with Mr. Sturges?
(Objected to.)
Q. Can you tell when this meeting with Mr. Sturges in Washington was?
A. I can not.
Q. About what time?
A. During this summer, when he came over with Mr. Harvey. He came to see how we were getting along. It was general conversation.
Q. Can you state the conversation?
A. No; I can not state the conversation.
Q. I show you Exhibit 1 for identification, and ask you if you received that letter?
A. I received that letter on the morning of July 5; that is a letter written by Mr. Harvey himself.
(Offered in evidence. Objected to as only a personal letter six months after this alleged contract, as incompetent, immaterial, and not binding on this defendant. Objection overruled. Marked Exhibit 1.)
Q. I show you Exhibit 2 for identification, and ask you if you received that letter?
A. I received that, sir, at the Riggs House.
Q. When?
A. The next morning after it was mailed.
Q. What is the date of it?
A. August 6.
Q. 1890?
A. Yes, sir.
(Offered in evidence. Objected to on the same ground, and as irrelevant. Objection overruled. Marked Exhibit 2.)
Q. I show you Exhibit 3 for identification, and ask you if you received that letter?
The COURT. Put them all in.
A. I received these letters.
Q. Did you receive all the rest of the letters that have been marked for identification at or about the time they bear date?
A. I don't think there are any defective ones here; I received these letters, sir.
(Offered in evidence. Objected to on the same ground as before, and upon the additional ground that it does not refer to this subject-matter at all, and not involved in this suit.)
The COURT. Connect it in some way.
Q. Look at that letter No. 3 for identification, and state to what it refers.
A. This refers to steel for the purpose of making tools. Mr. Dickinson sent me this, gentlemen, to find out what they bid at the last opening of bids for steel in the Navy Department for the making of tools. As I had the samples there before the Department, he wanted to know what their process was, so as to arrange the process when he put in a bid, when I sent on the blanks.

By the COURT:

Q. Bid for what?
A. Bids for steel for use in the Navy Department throughout the country for making tools.

By Mr. TOWNSEND:

Q. This is the same steel?
A. Yes, sir; only made in rods for making cold chisels, etc.
(Objection. Overruled. Exception. Marked Exhibit No. 3. Exhibit No. 4 for identification offered in evidence. Same objection, ruling, and exception. Marked Exhibit No. 4, now Exhibit No. 6, for identification, offered in evidence. Same objection, and further, that the representation referred to in the last letter, Exhibit No. 4, had ceased.)
The COURT. I don't see that that has any relation to this case; it does not explain anything.
(Plaintiff excepts. Exhibit No. 7, for identification, offered in evidence, dated January 31, 1891. Same objection as before, that it is a personal letter of Mr. Harvey and written months after the termination of the relation, according to the witness's own testimony.)
Mr. TOWNSEND. I will not press that letter just at present.
Q. Did you ever make a request or demand for payment for your services?
A. I did.
Q. To whom?
A. Mr. Hayward A. Harvey.
Q. I show you Exhibit No. 11, for identification, and ask you if that has reference to a request made by you for payment?
(Objected to on the ground that the letter speaks for itself and should not be characterized by the witness; also as incompetent and immaterial. Objection overruled. Exception. Marked Exhibit No. 5.)
Q. Is this letter, Exhibit No. 12 for identification, in answer to a letter written by you?
A. It is, sir.
(Offered in evidence. Objected to as immaterial, incompetent, and written after the contract was made and after the alleged employment had ceased. Objection sustained.)
Q. Upon what matter did you write to Mr. Harvey in your letter of March 4, to which this letter refers?

By the COURT:

Q. By whom is the letter written?
A. By myself, sir.
Q. To whom?
A. To Hayward A. Harvey.
(Objection overruled. Notice to produce also offered in evidence. Marked Exhibits 6 and 7. Plaintiff now calls for the letter from the plaintiff to Hayward A. Harvey of March 4, 1892.)
Mr. WALLIS. It is not in our possession or under our control.
Q. Did you on March 4, 1892, write a letter to Hayward A. Harvey in reference to the matter in this suit?
(Objected to as calling for the contents of a written document.)
A. This is an answer to it.
Q. Will you state what were the contents of that letter?
(Objected to as incompetent and immaterial, as a personal letter to Mr. Harvey individually, and inadmissible.)
The COURT. These letters are all to Mr. Harvey individually. I think I will take it and see what the letter says.
(Defendant excepts.)
A. The letter to which it is an answer was asking to have our matter settled up and our account settled.

By Mr. TOWNSEND:

Q. Your claim for services?
A. That is right; that is it exactly.

By the COURT:

Q. To whom was your letter addressed?
A. All my business was with Mr. Hayward A. Harvey, addressed to him personally.
Mr. WALLIS. I move to exclude the letter on the ground that any statement of the witness is incompetent as against this defendant.
The COURT. I will allow it.
(Defendant excepts.)

By Mr. TOWNSEND:

Q. Have you ever received anything for your services in this matter?
A. Not a farthing.
Q. Did you incur expense in this matter?
A. I should say I did.
Q. In what way, for what purpose?
A. Traveling expenses, expenses incurred there in entertaining even Mr. Harvey and Mr. Sturges when they came to see me.
Q. In 1890 about how many times did you visit the city of Washington on this business?
A. About twenty, as near as I can recollect.
Q. And paid your own expenses every time?
A. I did; every cent.
Q. How much did that amount to?
A. $1,500, $1,600, or $1,700.
Q. State some amount which is within the amount expended by you, which you know was expended by you, whether $10, or $1,000, or $2,000; some amount.
A. $1,700, then.

By the COURT:

Q. Did that letter which you mentioned ask for an adjustment of your account?
A. Yes, sir.
Q. With whom?
A. With the company; he represented the company.
(Objected to.)
The COURT. Strike that out. You had better say what that letter contained as near as you can.
Q. State the contents of the letter as near as you can.
A. It was asking to have our accounts adjusted.

By Mr. TOWNSEND:

Q. State the language of it as near as you can.
A. That is an impossibility. The tenor of it is asking him to have our accounts settled.
Q. What account did you refer to?
(Objected to. Objection sustained.)
Q. At that time did you have any other business with Mr. Harvey than this business connected with the Harvey Steel Company?
A. Except the steel business?
Q. Yes.
A. No other business whatever.

Cross-examination by Mr. WALLIS:

Q. Now, Mr. Davies, you say that Mr. Harvey explained to you the process of manufacturing this steel?
A. He did.
Q. And that you went with him to the factory in Newark?
A. I did.
Q. Was this steel being made there at the time?
A. It was.
Q. Did you see it being made there?
A. I did.
Q. How did he explain the process of manufacturing of this steel?
A. He showed me when they took these bars the process of rolling them down, the different sizes.
Q. Was that all there was to it; that was all the process he showed you?
A. That was all I saw.
Q. That was all you saw?
A. That is all.
Q. That was the steel which you took samples of to Washington?
A. I presume so.
Q. Don't you know?
A. I don't know whether that was the steel I saw rolled through those rollers; he told me it was.
Q. Steel made in that way?
A. Yes.
Q. Describe the samples you took to Washington.
A. Three or 4 inches long.
Q. Bars?
A. Bars; yes, sir.
Q. To make tools with—these were the bars of steel that you showed to Captain O'Neil?
A. At the navy-yard?
Q. Yes.
A. I did, sir.
Q. And those were the bars of steel that you spoke to Commodore Folger about?
A. No, sir; it was a different matter I spoke to him about.
Q. You have made no distinction between them?
A. I have not been asked that—yes, sir.

Q. Did you understand from Mr. Harvey that this steel you have referred to was secured by a patent?
A. Most assuredly I did, sir.
Q. Do you know what patent it was?
A. I do not now recollect it.
Q. At this time in the early part of 1890, when this matter was discussed, this steel that you were interested in with Mr. Harvey was secured by a patent of the United States?
A. Yes, sir; I have his word for it.
Q. You say you had samples of the steel at the Navy Department?
A. Yes, sir.
Q. What were those?
A. The samples I referred to a few moments ago.
Q. The same samples?
A. Yes, sir.
Q. You spoke of having some process applied to some steel in the Washington Navy-Yard in the furnace. Did you see that?
A. I did not.
Mr. WALLIS. I move to strike out the witness's testimony in respect to that.
(Motion denied. Defendant excepts.)
Q. You say that you were acquainted with Commodore Folger?
A. I was when Commodore Wilson introduced me to him.
Q. When was that?
A. I think in January.
Q. Of what year?
A. 1890. I knew him by sight, but had no personal acquaintance with him.
Q. And you say you had no conversation with Commodore Folger in relation to the steel till the United States Government afterwards made a contract with this defendant?
A. I most assuredly did.
Q. Is that also true with reference to the Secretary of the Navy?
A. Yes, sir.
Q. Did you also have similar conversation with the Secretary of the Navy?
A. Using the same phraseology as with Commodore Folger?
Q. Yes.
A. I don't think I did.
Q. Did you have conversation with the Secretary of the Navy upon the same subject?
A. That is it; I did.
Q. And who was the Secretary of the Navy?
A. General Tracy.
Q. Benjamin F. Tracy?
A. That is his name.
Q. Did you have any conversation on the same subject with Commodore Wilson, do you say?
A. I did.
Q. All these conversations were on the same subject—the same steel?
A. Yes, sir.
Q. The steel that you had seen made in Newark?
A. No; I don't say that; don't put words in my mouth.
Q. The steel that you had samples of?
A. I don't say that.
Q. Is it true that the conversations which you say you had with Secretary Tracy, with Commodore Folger, and with Commodore Wilson—did these conversations refer to the steel of which you say you took samples to Washington?
A. Most assuredly, yes; but it was in different shapes; one is plate and the other is bar.

Redirect examination by Mr. TOWNSEND:

Q. Mr. Davies, were these conversations with these officers to which you have referred in reference to harveyized steel?
A. Yes, sir.

By the COURT:

Q. You say the latter was in the plate form?
A. The conversation I had with Commodore Folger and Secretary Tracy was in reference to plates to put on armored vessels.

By Mr. WALLIS:

Q. Two kinds you speak of now that you did not speak of in your direct examination; were they made under the same process?
A. I presume so; Mr. Harvey told me so.
Q. Do you know?
A. I don't know anything about it, for I did not see it.

WILLIAM ALLEN SMITH, being called as a witness on behalf of the plaintiff and duly sworn, testified as follows:

Direct examination by Mr. TOWNSEND:

Q. What is your business?
A. I am the secretary and treasurer of the Harvey Steel Company.
Q. And have been for how long a time?
A. Since early in 1893.
Q. You have charge of the finances of that company, have you?
A. I have.
Q. As treasurer?
A. Yes, sir.
Q. You know of a contract made between the company and the United States Government?
A. I do.
Q. Do you know how much money has been received by the Harvey Steel Company under that contract?
A. I do.
Q. How much?
(Objected to as incompetent, immaterial, and that no foundation has been laid for the question.)

By the COURT:

Q. When was the contract made?
A. April 12, 1893.
Q. Was that the first one?
A. No; there was a preceding one, which was abrogated by this one of April 12, 1893.
Q. When was the preceding one made?
A. I think in March, 1892. I don't remember the exact date; not quite a year before, if I remember rightly; it was about March, 1892.
Q. Were these contracts you have mentioned for steel?
A. No; they were not for steel.
Q. Was this money received as consideration for the use by the Government of the patents governing the harveyized steel?
(Objected to, and contracts called for.)
The COURT. Have you the contracts?
Mr. TOWNSEND. I have.
The COURT. Put them in.
Mr. TOWNSEND. I offer in evidence a certified copy of the contract between the United States Government and the Harvey Steel Company; also, a memorandum of the agreement between the Harvey Steel Company, represented by the president of said corporation, on the one part, and the United States Government, represented by the Secretary of the Navy on the other part, under date of April 12, 1893.
(Objected to as not referring at all on the face of it to anything to which this witness has testified, the contracts showing that it refers to an entirely different thing.)

By the COURT:

Q. Do these patents cover harveyized steel?
A. There are several patents, your honor; there are several processes. During the time when Mr. Davies had anything to do with this armor, plate matter was not under consideration; it was entirely subsequent to it, and our contract with the Government had nothing to do whatever with the steel which Mr. Davies says he introduced.
Mr. TOWNSEND. I move to strike out what the witness has just stated.
Q. Were there patents at that time?
A. Yes; what we call the low steel patent of January 10, 1888, a process for treating low steel.
Q. Where are these successive patents?
A. We have what we call this low steel patent, dated January 10, 1888, Mr. Harvey's first patent, and he pursued his investigations for his patent for rail for railroads, a patent for a carburizing mixture, and then the armor plate.
Q. What is the difference in making the steel for armor plates and this tool steel?
A. There is a marked difference; I don't understand that I am to give expert testimony, but there is a marked difference.
Q. What is it?
A. In the sequence of the processes, in the way the steel is treated, and the handling of large masses involves necessarily very different treatment from the handling of small masses.
Q. Is that all?
A. There are other differences which I am not competent to testify to. As I said a moment ago, I am not competent to give expert testimony on this.
Mr. TOWNSEND. Assuming that we have shown an agreement for compensation for services in regard to the introduction of this steel, I can not see how it makes any possible difference whether, after the making of this agreement for these services, it made any difference whether there was any improvement in it or not.

By the COURT:

Q. For the manufacture of what kind of steel were covered by this contract?
A. Which contract.
Q. The contract of 1893 and the one it superseded?
A. The patent of September 29, 1891, the Harvey armor-plate patent.
Q. What kind of steel is used in that; has it a name?
A. Harveyized steel, certainly; distinctly harveyized steel—that is, the distinction known as harveyized steel. Of course any steel made under the Harvey process is called harveyized.

By Mr. TOWNSEND:

Q. You said that the patents referred to in this contract under date of April 12, 1893, were for the manufacturing of armor plate?
A. Yes, sir, right; it was the process and patents in the manufacture of armor plate.
Q. And the process referred to covered the manufacture of armor plate?
A. Yes.
Q. Known as harveyized steel?
A. Yes, sir.
Q. The patent that was in existence in 1890 was also for covering the process of manufacturing armor plate, was it not?
A. We call that the low-steel patent—Mr. Harvey's original idea.
Q. Did not it cover the process of making armor plate?
A. I am not aware that a pound of armor plate was made under it.
Q. (Repeated.)
A. The word armor plate does not occur in the patent.
Q. Was it for the process of manufacturing armor plate?
A. No.
Q. Was it for the process of manufacturing what was then known as harveyized steel?
A. I don't know whether it was known as harveyized steel; it may have been so called at intervals.
Q. Was it known as harveyized steel at that time?
A. I don't know; I was not connected with the company at that time.

By the COURT:

Q. What is the patent, the process?
A. In this original patent?
Q. Yes.
A. It is a process of producing steel; we call it the low-steel process; I am not a technical expert. There is a great difference between——
Q. Is it an improvement—a development—of the original?
A. It covers a great deal more ground than the original patent could possibly have done.
Q. It might be an entirely distinct thing and cover more ground, but is it an improvement—a development—of the original process?
A. It certainly grew out of the original process. May I explain in two words? You could not take the original patent and make armor plate out of it, the original patent.
Mr. TOWNSEND. I introduce this patent in evidence.
(Objected to as immaterial and incompetent. Objection overruled. Exception. Marked Exhibit 7.)

By Mr. TOWNSEND:

Q. How much has been received by the defendant under this contract?
(Objected to as immaterial and incompetent.)
Q. Under this contract or its predecessor?
(Objection renewed and overruled.)
A. Ninety-six thousand and fifty-six dollars and forty-six cents, if I remember rightly.
Q. That was paid in one lump sum?
A. No, sir; it was not paid in one lump sum.
Q. Is that all the money that has been received by the defendant for harveyized steel, or for the use of the process of manufacturing harveyized steel?
A. Under that contract of April 12, 1893, it is all.
Q. And under any other arrangement or contract?
A. No; it is not all the money we have ever received from the Navy Department. We have sold them small lots of steel, or treated for the Navy Department certain articles of steel, for which we have charged them a price; but these other transactions will amount only to a few hundred dollars.

Q. And these few hundred dollars for the small lots of steel you have so sold or treated for the Navy Department and this $96,056.46 is all the money that has been received by the company from the United States Government?

A. With the exception of about $300, which the United States Government paid us for work done at the Bethlehem Iron Company's works.

Cross-examination by Mr. WALLIS:

Q. Mr. Smith, did the Harvey Steel Company ever enter into a contract with the United States Government or the Navy Department thereof for supplying it with tool steel?

(Objected to as incompetent. Objection overruled.)

A. Not to my knowledge.

Q. Did it at any time enter into any contract with the Government of the United States or its Navy Department for supplying any steel manufactured at Newark, N. J.?

A. I understand that before my connection with the company some steel was sold to the Navy Department, but I know of no contract relating to such steel.

Q. To what extent were such steels made?

A. A matter of a few hundred dollars.

Q. Those that you have already spoken of?

A. Yes, sir.

Q. These small articles that you say were supplied to the Navy Department, or treated by the defendant for the Navy Department, were they treated under the low steel patent?

A. They were.

Q. And not under the armor-plate patent?

A. Not under the armor-plate patent.

Q. And that is all you know of?

A. Yes, sir.

Q. And that was the patent taken out in 1888?

A. Yes.

Q. Has that patent ever been used in the manufacture of armor?

A. Never to my knowledge.

Q. And the armor is manufactured, as I understand you, under the patent of 1891?

A. September, 1891, is the armor-plate patent.

Q. Exclusively?

A. September, 1891, is the armor-plate patent exclusively.

Mr. TOWNSEND. I will read from the deposition of witnesses in Washington taken under a commission issued by this court October 2, 1894.

(Deposition of Col. Charles Hayward read to the jury by Mr. Townsend. Mr. Wallis objects to the question as to witness's knowledge concerning who first drew the attention of the officers of the Navy Department to the matter, as incompetent, immaterial, and calling for the conclusion of the witness. Objection overruled. Exception. Motion to strike out the answer to the first interrogatory as irresponsive and immaterial made and denied. Exception. The admission of the answer as to the negotiations with Captain O'Neil at the Ordnance Department objected to. Objection overruled. Exception. Defendant objects to the answer to the last interrogatory. Objection overruled. Exception. Mr. Wallis reads the cross-interrogatories. Mr. Townsend reads the deposition of Theodore G. Wilson, naval constructor. Fifth interrogatory objected to as calling for a conclusion of the witness. Objection overruled. Exception. Motion to strike out the answer made and denied. Exception. Mr. Wallis reads the cross-interrogatories. Mr. Townsend reads the deposition of Lieut. Samuel O. Lemly. Cross-interrogatories read by Mr. Wallis. Mr. Townsend reads the deposition of Phillip Hichborne, naval constructor; also the deposition of Thomas A. Coakley. The question "Do you know who first called the attention of the Naval Department to the harveyized steel" objected to as incompetent. Objection overruled. Exception. Answer to interrogatory relative to its introduction in the Navy Department objected to, and motion to strike out made and denied. Exception. Motion to strike out the answer to the last interrogatory as hearsay, not responsive, and incompetent made and granted. Plaintiff excepts. Plaintiff offers in evidence the further agreement. Objected to on the ground that it comes under an entirely different patent. Objection overruled. Exception. Marked Exhibit 8. Deposition just read offered in evidence and marked Exhibit 9.)

Plaintiff rests.

Mr. WALLIS. I move for a nonsuit. Whatever the arrangement was, it was absolutely terminated by the same person who commenced it in the following September, 1890. There was no contract shown to have been made of any kind with the Navy Department of the United States for this armor plate, which is the basis of this action, in the year 1892, and as a matter of fact the patents which are now shown to be the patent under which the armor plate is manufactured were not in existence at the time these negotiations were said to have taken place between Mr. Harvey and Mr. Davies; that the only possible connection that Mr. Davies is shown to have had with the getting of these contracts with the Navy Department, which were entered into under the second patent, not under the first, is that the contracts with the Navy Department were made about two years after this arrangement that is said to have been made between Mr. Harvey and Mr. Davies; that it is not shown that Mr. Davies had anything to do with any of the negotiations of the Navy Department; and, further, that it is not shown that Mr. Davies was the agent of the defendant; that it is not shown that anything ever came to the knowledge of the defendant that the directors ever authorized or knew of such a contract.

The COURT. What do you understand the contract between Mr. Davies and Mr. Harvey was?

Mr. WALLIS. The contract, as Mr. Davies states it, is that Mr. Davies undertook to go to Washington and to influence the Navy Department, if possible, to enter into contract relations with the defendant for the harveyized steel; that, of course, was the steel then manufactured as he states, which was under a patent then existing. He had samples of it which he took down to Washington.

The COURT. Did his compensation depend upon his success?

Mr. WALLIS. Certainly; there is no claim that he was entitled to compensation if he did not succeed.

(Motion denied. Exception.)

Mr. Wallis opens the case to the jury for the defendant.

Hon. BENJAMIN F. TRACY, being called as a witness on behalf of the defendant and duly sworn, testified as follows:

Direct examination by Mr. WALLIS:

Q. General Tracy, in 1890 did you have any connection with the Government of the United States?

A. I did.

Q. What was that?

A. Secretary of the Navy.

Q. And were you such Secretary during the whole of that year?

A. Yes.

Q. Do you know the plaintiff in this action, Mr. James R. Davies?

A. I do.

Q. Did he ever, at any time, have any interview with you in relation to the Harvey process, so called?

A. Well, I could not say that he did not, because Mr. Davies was at the Department from time to time. I remember seeing him at the Department. He may have possibly mentioned the subject to me at some time, but I do not recollect it, and I have no recollection of any such interview. I know that he was not the first person who called my attention to the Harvey steel.

Q. Who first called your attention to the Harvey steel?

A. Mr. Folger, who was then acting as inspector of ordnance at the Washington Navy-Yard, in charge of the tool shop and heavy guns.

Q. When did he cease to be inspector of ordnance?

A. I can not fix the date. I observed while sitting here that Commodore Wilson testified that he introduced Mr. Davies to Commodore Folger when he was Chief of the Bureau of Ordnance. The Harvey steel was known to the Department, and purchased by the Department, and used by the Department at least, I should say, a year before Mr. Folger became chief of the Bureau; while he was inspector of ordnance at the Washington Navy-Yard.

Q. Did Mr. Davies ever speak to you about Mr. Harvey?

A. I have no recollection of his so speaking to me, and I did not know that he knew Mr. Harvey. I have no recollection of knowing that he knew Mr. Harvey.

Q. Have you any recollection of Mr. Davies at any time appearing before you as Secretary of the Navy in relation to this Harvey process?

A. I have not.

Q. What is your best recollection on the subject?

A. Well, so many men appeared and casually talked that I can not say that Mr. Davies never mentioned the subject to me at any time during the time I was Secretary of the Navy. I am very sure that he never had anything that could be called a negotiation with me on the subject, or any talk that made any impression on my mind.

Q. And you say that the first person who called your attention officially to this process was Commodore Folger?

A. Commodore Folger himself.

Q. Or Inspector Folger at that time?

A. He was then Inspector Folger.

Q. When was that, do you remember?

A. I can not fix the dates; I could not fix the date when I appointed him chief of the Bureau; he was inspector of ordnance under Mr. Whitney when I came into office. Captain Siccard was chief of the Bureau and remained such, I should say, well on toward 1891, but I am not certain about that. I can not fix the date, and then Mr. Folger succeeded him. I know that the Department bought the Harvey steel and used it in the navy-yard as tool steel under Mr. Folger as inspector of ordnance, and I know that the suggestion of whether that process could be applied to armor had been made while he was Chief of Ordnance, and I am very confident that the Government had built a furnace in the navy-yard while he was Chief of Ordnance for the purpose of trying that experiment.

Q. What connection, so far as you know, did Mr. Davies have with the building of that furnace?

A. None.

Q. So far as you know, what connection had Mr. Davies with the introduction of this armor into the Navy Department?

A. None, so far as I know or ever heard till this litigation.

No cross-examination.

Mr. WALLIS. Now, I will read the deposition of William M. Folger.

(Original offered in evidence and marked Exhibit A.)

Also the decision of the supreme court of the State of New Jersey fixing the law of that State in regard to the power of the president of a corporation.

(Objected to on the ground that the contract, being in the State of New York, is controlled by the laws of the State of New York.)

The COURT. I will take the decision, subject to the motion to strike it out.

Mr. WALLIS. It is reported in the 8th of Roome, page 96; I read from page 102. [Reading the decision.]

(Counsel for plaintiff moves to strike out for the reasons stated, and that the law of the State is the law of this case.)

Adjourned to Wednesday, November 13, 1895.

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BROOKLYN, N. Y., *November 13, 1895.*

Hearing resumed. Same appearances.

WILLIAM ALLEN SMITH, recalled on behalf of defendant, testified further, as follows:

By Mr. WALLIS:

Q. Mr. Smith, I believe you stated that you were the secretary of the Harvey Steel Company?

A. I am.

Q. And as such have the custody of its books?

A. I have.

Q. What is this book?

A. The minute book of the Harvey Steel Company.

Q. It contains what?

A. It contains the minutes of the meetings of the board of directors and stockholders, kept from its inception to the present time.

Q. Have you examined that book carefully?

A. I have.

Q. From the beginning of the company to date?

A. I have.

Q. Is there any resolution contained in that book authorizing Mr. Hayward A. Harvey, president of that company, to employ agents to exploit the business of that company in Washington or elsewhere?

(Objected to as incompetent and irrelevant. Objection overruled. Exception.)

A. There is no such resolution.

Q. Is there any resolution contained in that book authorizing the employment of Mr. James R. Davies as an agent of that company?

(Objected to as incompetent, immaterial, and irrelevant. Objection overruled. Exception.)

A. There is no such resolution.

Q. Does the name of James R. Davies anywhere appear in that book?

(Same objection, ruling, and exception.)

A. The name of James R. Davies does not appear in this book.

Q. How long have you been the secretary of that company?

A. Since March, 1890.

Q. And I believe it is in evidence that Mr. Theodore Sturges was the secretary before you were?

A. Mr. L. L. Sturges was the secretary before myself.

Q. For how long?

A. For certainly six or seven months, and before that he was the acting secretary.

Q. During the time you were the secretary of this company did you ever hear of Mr. James R. Davies as representing this company anywhere?

A. Not in any way.

Q. When did the company first learn of any claim against it by Mr. James R. Davies?
(Objected to as incompetent and irrelevant. Objection sustained. Exception.)
Q. Who received the correspondence of the company during your incumbency of the secretaryship?
A. My impression is that I received all the correspondence from Mr. Davies.
Q. The correspondence of the company generally, to whom did it come?
A. It came partly to me and partly to the office in Newark.
Q. Who was in charge of the office in Newark?
A. I am in charge of both offices.
Q. Then it all reached you eventually?
A. It all reached me eventually.
Q. When did any claim first reach you as secretary of the company on behalf of Mr. Davies against the defendant here?
(Objected to as immaterial, irrelevant, and incompetent. Objection overruled. Exception.)
A. I can not give the precise date; it was about a month after Mr. Hayward A. Harvey died. Mr. Harvey died on the 28th of August, 1893, and it was about a month after that—possibly only three weeks after that—when Mr. Davies called to see me and informed me that he had a claim against the Harvey Steel Company for services rendered in Washington. This was the first I had ever heard of any such claim.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Smith, did you ever receive any letters from Mr. Davies?
A. I received one or two letters from Mr. Davies. With the exception—do you mean since I was secretary?
Q. Since you were secretary of the company?
A. One or two letters.
Q. You opened and read them?
A. Yes.
Q. Have you read those letters here?
A. They are here.
Q. Were they in relation to the matter of this suit?
A. There is one letter in relation to this suit.
Q. When was that received?
A. The original letter is here; it was shortly after Mr. Davies called upon me, possibly two weeks after.
Q. Then it was after the death of Mr. Harvey?
A. After the death of Mr. Harvey.
Q. Were you connected with the company in any way during the year 1890?
A. I was not.
Q. You, as secretary and treasurer of the company, have the custody of its books and papers?
A. I have.
Q. There were a quantity of letters produced here yesterday from Mr. Davies; did you bring those?
A. You do not mean those you presented yourself?
Q. No.
A. Those I had in my hands I brought.
Q. How many did you bring?
A. I do not know the precise number; possibly twelve or fifteen letters.
Q. You examined them, did you?
A. Yes.
Q. Running over what dates were those letters?
A. My impression is that the first of those letters was dated somewhere in 1891.
Q. And running from that time down through till shortly before this suit was commenced?
A. Yes.
Q. You brought those letters from the office of the defendant company?
A. I did.
Q. And found them among the papers of the company?
A. Some came from the papers of the company, others came from Mr. Harvey's house in Orange.
Q. Look at this letter under date of August 21, 1893, and state if that is one of the letters you produced.
A. That is one of the letters that I had with me yesterday.
Q. And you brought it from the office of the company?
A. I brought it from the office of the company.
Q. That is dated August 21?
A. August 21, 1893.
Q. Mr. Harvey you say died on August 20?
A. August 28.
(Offered in evidence; objected to as immaterial, having no possible bearing on this case.)
Q. I show you a letter addressed to Mr. William Allen Smith, dated September 18, 1893, and ask you if you received that letter?
A. Yes, sir; I received that letter.
Q. And inclosed in it was this bill under the same date?
A. This bill was inclosed with the letter.
(Bill and letter offered in evidence, and marked Exhibits 10 and 11, without objection.)
Q. You say that you have before you the book of the minutes of the directors?
A. I have.
Q. Can you refer to it and tell how many meetings of the directors were held in the year 1890 prior to September 30?
A. I can in a very few minutes' time.
Q. Please do so.
A. There was a meeting on February 1, February 3, March 25; that is three; April 8 is four. That is all. The next meeting was February 20, 1891. There were four meetings held in the year 1890; the last one was April 8.
Q. Have you read the minutes of those meetings?
A. I have.
Q. And do any of them have reference—is there in those minutes any reference to armor plate or the process of harveyizing steel?
A. I think not; I do not recall any such.
Q. Do I understand you that the name of Dr. Davies does not appear anywhere in that book?
A. Nowhere in that book; possibly it may occur in the minutes of the meetings after he brought suit, but I think not; certainly not before that.
Q. Prior to the death of Mr. Harvey had you heard the name of Mr. Davies mentioned in connection with the company?
A. No.
Q. Not at all?
A. Not at all.
Q. And you came in the company, you say, in 1893?
A. In 1893.
Q. What time in 1893?
A. I think it was March 29.
Q. Had the company letter books in which were kept copies of the letters written in the year 1890?
A. Yes, sir.
Q. Have you examined the letter books for that year, 1890?
A. I have; I can not say that I have read every letter written by the company in the year 1890, but I have made a general examination of the letter books.
Q. Have you made an examination of the letter book kept at the factory at Newark, N. J.?
A. I have with reference to this particular matter.
Q. Do you find in that letter book copies of any letter addressed to James R. Davies?
A. I do.
Q. During what years?
A. I think they began in 1890.
Q. And those are letters signed by Mr. Harvey in his personal name?
A. Chiefly, yes.

By the COURT:

Q. Is that in the company's letter book?
A. In the company's letter book.

By Mr. TOWNSEND:

Q. Have you the book here?
A. I have.

By the COURT:

Q. Do they embrace the letters which have been read here?
A. Some of them.

By Mr. TOWNSEND:

Q. Will you turn to one of those letters during the year 1890?
A. Here is a letter dated September 30, 1890.
Q. Will you read it, sir?
A. "James R. Davies, esq., Washington, D. C. My Dear Sir: Your favor of Sept. 27th is received. From some information I have received, which I am under obligations not to reveal, nor can I explain at present to you, I am under the necessity to ask you to withdraw for the time being from representing us before the Government. I hope you will not receive this as a personal matter from me, but as emanating from our company, as a matter of policy. I hope to be able after a short time to explain to you, and if matters are satisfactory at Washington we will again renew our joint efforts. Believe me, as ever, your friend, H. A. Harvey."
Q. That is a copy of this letter of September 30, marked Exhibit 4, is it not, read in evidence yesterday?
A. I heard a similar letter read yesterday.
Q. Are there any letters to Mr. Davies in that letter book prior to September 30?
A. Not in this letter book.
Q. Are there any subsequent to September 30?
A. There seems to be three here. Here is a letter of July 5, 1891.
Q. Please read it.
A. "James R. Davies, esq., Washington, D. C. Dear Sir: Your letters and telegrams received and contents noted. I am glad that you are meeting with such favor with the War Department. We have now gone as far as we can till we can see where we can have the plate made. They are too large for any furnace we have here. We are obliged to wait till we get through with the plate at the navy-yard before we do anything more, as Mr. Dickinson and I will be busy until after that plate is finished; so remain quiet till that is out of the way. I am afraid you were a little premature in inviting these officials till after we have had the test of the plate, when I intend to dine them. I will probably not be down till next week, and then only for a day or two," etc. Ending with "in the meantime I will see you in New York. Yours, truly, H. A. Harvey, H."
Q. What other letter do you find in 1890?
A. "Jan. 7th, 1891. James R. Davies, esq., Washington, D. C. Dear Sir; Yours of the 4th inst. to hand. The requisition from Captain O'Neil will not go through the Department which came directly to us, as already understood, and will be for a small quantity of our new steel adamantine. Yours, truly, H. A. Harvey. H."
Q. What steel does that "adamantine" refer to?
A. I suppose it was the steel the company was making at that time; I was not connected with the company and can not give an exact answer to that.
Q. Do you know of any steel of that name?
A. I do not.
Q. Have you any other letters during 1891 to James R. Davies; January 31?
A. "Jan. 31st, 1891. James R. Davies, esq., Washington, D. C. Dear Sir: Yours of the 29th at hand. I have not been in Washington since we took the plate out of the furnace. Our tests that we can make are very satisfactory. We are now waiting till the firing takes place, when I will call on you, if you are in Washington at the time. Yours, truly, H. A. Harvey, per J. H. D."
Q. Look under date of March 19.
A. There is no such letter in this book.
Q. In the year 1891?
A. There is no such letter in this book; this reaches to March 16, 1891.
Q. Have you subsequent letter books?
A. I have.
Q. "3, 19, '91." I will not take time to read the letter. Look under the date of April 19, 1891; see if you find a letter there.
A. "3, 19, '91. James R. Davies, esq., New York City. Dear Sir: Your letter came to hand while I was away, so I did not get it till it was too late to see you. Yours, truly, H. A. Harvey. H."
Q. April 13, 1891?
A. "April 13th, 1891, James R. Davies, esq., New York. Dear Sir: I have been unable to see you or answer your letters, as I have been sick in bed. The reason we did not bid on the last proposal was that most of the steel we could not manufacture. This also will prevent us bidding on the gun forgings, as we are not fitted up to do that kind of work. Yours, truly, H. A. Harvey. H."
Q. Who was the president of the company at that time?
A. I am unable to say whether Mr. Harvey was or Mr. B. G. Clark.
Q. Look at the letter and see if Mr. H. A. Clark's name is not erased and a name substituted as president?
A. I see that there is; yes.
Q. Who was president at that time as shown by the letter head?
(Letter objected to. Motion to strike out, it now appearing that Mr. Harvey was not then president of the company.)
The COURT. I will allow it to remain.
(Exception.)
Q. Was E. C. Clark president at that time, April 13, 1891?
A. I judge that he was from that letter head, but if I could consult the minute book a moment I could inform you.
Q. Look under date of August 19, 1891.
A. "Aug. 19th, 1891, James R. Davies, esq., No. 13 Park Row, New York."
(Objected to as simply a letter of Mr. Harvey, who it now appears was not at that time an officer of the company. Objection overruled. Exception.)

A. (Continued.) "James R. Davies, esq., No. 13 Park Row, New York: Dear Sir: Your favor is received. There is nothing you have done, but the difficulty is with me. I have been knocked out for repairs, and had to drop work, or I would soon have been beyond repairing, so I kept away from all work. I am now on the up grade. There is nothing to do with the Government till after the big test, which will come off about the 1st of October. We are treating large plates at Pittsburg and Bethlehem. It has taken a long time to build these large furnaces and appliances. Yours truly, H. A. Harvey, per C. H."

Q. Now, under date of December 28, 1891?

A. That is all that I have in this book.

Q. Turn, now, to the index of the book and see how many letters during the time of the use of that letter book appear upon that, addressed to Mr. James R. Davies.

A. Three.

Q. Only three?

A. Yes, sir.

Q. You have read more than that from it?

A. Only three letters in this book.

Q. Look at the book for December, 1891; look at the index, please, and then look at the last.

A. No. 6 letter book is the one following that I have just read from.

Q. All these letters that you have read are upon the letter book of the defendant company?

A. They are copied in that book.

Q. Do you bring that from the office of the company?

A. From the office of the company.

Q. Were you the secretary and treasurer of the company at the time referred to by Mr. Folger in his deposition, when he says that he was employed by the company?

A. What is the date of the deposition?

Q. Do you know of Commodore Folger being employed by the company?

A. I do.

Q. Was that during the time you were secretary and treasurer of the company?

A. His employment was during part of that time.

Q. Do you know when he was first employed?

A. It was early in 1893. I can not give the precise date.

Q. How long did he remain in the employ of the company?

A. It was about—I think he remained in the employment of the company till the fall of 1893. I can not give the precise date.

Q. During that time he went in behalf of the company to England and to Europe?

A. He went to England and to Europe, and was charged with a message on behalf of the company while on his visit to Europe.

Q. And was under pay from the company at that time?

A. Under the pay of the company.

Q. Look at the book of minutes and see if you can tell where the resolution employing him can be found.

A. I have found the resolution.

Q. Read it.

A. Under what date?

Q. January 10, 1893; minutes of the meeting of the board of directors; read it.

A. "The president reported that he had arranged with Commodore William M. Folger to be retained by this company as consulting engineer on a salary of $5,000 per annum from January 1, 1893, and on motion of Mr. Hine it was resolved that the action of the president in relation thereto be, and the same is hereby, approved and confirmed."

Q. Was that salary paid to him in money?

A. Paid to him in money.

Q. Have you the stock book of the company here?

A. I have not.

Q. Do you know when Commodore Folger became a stockholder of the company?

A. I can not give the precise date, but it was some time after I became secretary of the company.

Q. About when was that, then?

A. I became secretary, I think, March 20, 1893, and this may have been a month afterwards.

Q. He was not in the employ of the company at that time?

A. He was in the employ of the company at that time.

Q. Is he still in the employ of the company?

A. He is not.

Q. How long did that employment continue?

A. Till, I think, somewhere into the fall of 1893. I can not give the precise date.

Q. Now, a whole year then?

A. It was not quite a year.

Q. He is still a stockholder, is he?

A. He is.

Q. How much stock does he hold?

A. Two hundred shares.

Q. What is the par value of the stock?

A. One hundred dollars.

By Mr. WALLIS:

Q. Mr. Smith, will you look at the book I hand you, minutes of April 8, 1890? That is a minute of what?

A. A board of directors' meeting held April 8, 1890, read and approved.

Q. What is the date of that?

A. February 20, 1891.

Q. Does it appear by these minutes that an election of officers was held at that time?

A. It appears that Mr. Harvey resigned as president of the company February 20, 1891, and that Mr. B. G. Clark was elected president.

Q. How long did Mr. Clark continue to be president?

A. He was elected president again February 20, 1892, and retained the office of president till his death, which occurred——

Q. August 12, 1892, was it not?

A. Some time in August, 1892.

Q. And during that time Mr. Clark was president of that company?

A. During that time Mr. Clark was the president of the company.

Mr. WALLIS. I move to strike from the record all the personal letters of H. A. Harvey which have been put in between February 20, 1891, and August, 1892, because it now appears that at that time he was not the president of the company, and therefore his personal letters have no bearing upon this case, and can not bind the company.

Q. During this time was Mr. Harvey a director of the company?

A. He was.

Q. Was he intimately connected with the business of the company during this time?

A. Well, I was not secretary and treasurer at that time.

Q. Do you know?

A. I suppose that he was.

(Motion renewed.)

The COURT. What letters are they?

Q. Was he reelected president again?

A. In the later years, yes.

Q. What time was he reelected president of the company?

A. October 31, 1892.

By Mr. WALLIS:

Q. And continued president till when?

A. Till the time of his death.

Mr. WALLIS. August, 1893.

(Motion renewed.)

The COURT. I think I will allow them to stand.

(Exception.)

By Mr. TOWNSEND:

Q. Do you know what the relation of Mr. Harvey to the company was during the time when he was the president?

A. He may have been called general manager. He was at all events closely connected with the company.

Q. Did he attend to the correspondence for the company?

A. I judge that he did, to some extent.

Q. You have spoken of some stock issued to Commodore Folger; how was that stock paid for?

A. I don't know.

Q. If it had been paid for in cash, in money, you would have known it, would you not?

A. That stock was transferred by Mr. Harvey to Mr. Folger.

Q. Not directly from the company?

A. Not from the company.

Q. So that that stock was before its transfer the private stock of Mr. Harvey, you think?

A. Exactly.

Q. Then it was not given to him in consideration of his services to the company?

A. I don't know about that.

Q. What was the value of that stock at the time of its transfer to Mr. Folger?

A. I can not give that, sir.

Q. What is its present value?

A. It is very difficult to say.

Q. Worth par, is it not?

A. I should say about par, but it is a very difficult thing to tell that; there have been very few transfers of the stock.

EDWIN W. HINE, being called as a witness on behalf of the defendant and duly sworn, testified as follows:

Direct examination by Mr. WALLIS:

Q. Where do you reside?

A. Orange, N. J.

Q. Are you a director of the defendant, the Harvey Steel Company?

A. Yes, sir.

Q. How long have you been such?

A. Since its early history; I think about 1890; the records will show. Perhaps Mr. Smith can revive my memory; five or six years or more.

Q. You have attended the meetings of the board during that time?

A. I think the records will show that I have attended all of them.

Q. You have attended all the meetings of the board?

A. I think so.

Q. Was the question of the employment of Mr. Davies as an agent of the defendant ever brought before the board of directors while you were a member?

(Objected to as incompetent, immaterial, irrelevant, and not the best evidence. Objection overruled. Exception.)

A. Never.

Q. Did you, while you were a member of that board, ever hear of Mr. Davies in connection with the company at all?

(Same objection, ruling, and exception.)

A. Never in connection with the meetings of the board of directors of the company.

Q. Did you ever hear of him in any other way as an agent representing the company?

A. Never as representing the company; no, sir.

Q. Who were your associates on the board of directors in 1890, do you remember?

A. Mr. Clark and Mr. Sturges.

Q. Mr. Harvey?

A. Mr. Pine, Mr. Harvey, and myself; five of us.

Q. Where is Mr. Clark?

A. Dead.

Q. Where is Mr. Pine?

A. Dead.

Q. Where is Mr. Harvey?

A. Dead.

Q. And Mr. Sturges?

A. Dead.

Q. You are the only survivor of the board of 1890?

A. Yes, sir.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Hine, do you know Mr. Davies personally?

A. No, sir; I can not say that I do; I recognize him here; I met him in Washington, at the Arlington Hotel, in the year 1890, I think, and was introduced to him by Mr. Harvey.

Q. You were down there at that time with business connected with the company?

A. Yes, sir; Mr. Harvey and I were down at the navy-yard at the time the plate was being treated there.

Q. Mr. Harvey was there on the same business?

A. Yes, sir.

Q. You then met Mr. Davies and had conference with him?

A. Mr. Harvey had a consultation with him; I did not join in the conversation at all.

Q. But you did see him in consultation with Mr. Harvey?

A. Well, hypothetically, yes; I was not in the conversation at all; I saw Mr. Harvey and Mr. Davies in conversation.

Q. Did you go to the navy-yard with Mr. Harvey?

A. Yes, sir.

Q. Did Mr. Davies go with you?

A. No, sir.

Q. Had you ever heard of Mr. Davies before that time?

A. No.

Q. Never heard his name mentioned?
A. No, sir.
Q. What time in 1890 was that?
A. My memory does not serve me in the matter, but it was the time the first plate was treated at the navy-yard and taken out of the furnace; in the spring of 1890, I think.
Q. Did you see Mr. Davies in Washington after that?
A. No, sir.
Q. Did you hear his name mentioned after that in connection with the business of the company?
A. The day Mr. Harvey presented me——
Q. After that?
A. Not after that day; no.
Q. Did Mr. Harvey then say to you at that interview at Washington that Mr. Davies was trying to advance the interests of the company in the Navy Department?
A. He said he wanted to, but that he did not want his services; he did not require him.
Q. He said he would not do it?
A. Mr. Harvey said then that all Mr. Davies could do for him had already been done, and he did not require his services.
Q. I show you the letter, Exhibit 4, under date of September 30, 1890; did you ever see that letter or a copy of it before?
A. No, sir.
Q. Do you know anything about the circumstances under which that letter was written?
A. No, sir.
Q. Do you know who instigated the writing of it?
A. I do not.
Q. You have attended, you say, all the meetings of the company?
A. I think the records will show that I have attended all the meetings of the company; yes.
Q. Have you been connected with the business in any other way than simply attending the meetings of the directors?
A. That is all.
Q. Where?
A. In America, at our works at Newark; at the Bethlehem Iron Company, Pennsylvania; at the Homestead Works of Mr. Carnegie, the steel works at Homestead. In England, at the works of Messrs. Beardmore & Co., Glasgow, and in consultation at the works of John Brown & Co., Limited, Sheffield. In France, at the works of Chattilon and Commentry, at Montlecon; at the works of St. Chamond, St. Chamond; at the works of Marril Frères, at Rive-de-Gier. In Germany, I have been in consultation at the Dullengen Works, at Dullengen, and there met the engineers from Krupp. In Austria, I have done consultation work at the Witkowitz, at Witkowitz.
Q. You are thoroughly familiar with this process?
A. I feel that I am.
Q. The low-steel process, was that the first patent that was in operation?
A. The low-steel process, patent No. 370194, was patented in 1888 or 1889; I believe 1888.
(Paper shown witness.)
Q. What is that the patent of?
(Objected to as immaterial, incompetent, and irrelevant. Objection overruled. Exception.)
A. I recognize that as a certified copy of the low steel patent.
(Offered in evidence and marked Exhibit B.)
Q. Under this patent what kinds of steels are manufactured?
A. Under this patent, largely tool steel and file steel.
Q. Did you manufacture under that patent any armor steel?
A. Never.
Q. Have you ever examined any of the books of the company?
A. Oh, yes.
Q. Have you ever examined their letter books?
A. No; I think not. I don't think my business ever occasioned my looking at the letter books.
Q. Did you know before to-day of the writing of these letters which have been read in evidence and are found on the letter books of the company?
A. I think that after the suit was commenced Mr. Smith told me there was such a letter in existence; either I have heard it read before or saw it; I think Mr. Smith gave me the contents of it.
Q. You were a large stockholder in the company?
A. I can not consider myself a large stockholder in the company.
Q. Are you a relative of Mr. Harvey?
A. No, sir.

HAYWARD A. HARVEY, being recalled for defendant, testified further as follows:

By Mr. WALLIS:

Q. You have already been examined. How long have you been connected with the defendant, the Harvey Steel Company?
A. Permanently since 1891, but during the summer of 1889 and 1890 I was in their works, learning the business, gaining practical knowledge.
Q. Have you informed yourself as to the nature of these patented processes?
A. I have carefully read the patents, and think I am thoroughly informed on them.
Q. You have practically applied the patents?
A. I have.
Q. Frequently?
A. Frequently.
Q. Did you under that patent manufacture any steel for the United States Navy?
A. Tool steel.
Q. To the extent of $200 or $300, as already testified?
A. Exactly so.
Q. Could armor have been manufactured under that patent?
A. Not at all, sir.
Q. Was the invention secured by that patent, the one referred to in the contract with the United States Government which has been put in evidence?
A. In no sense at all, sir.
Q. When did your father first take out the patent on the armor?
A. That is patent No. 46282, bearing date 1891.
(Paper shown witness.)
Q. Is this that patent or a certified copy of it?
A. I recognize this as a certified copy of that patent.
(Offered in evidence and marked Exhibit C.)
Q. This is, I understand, the patent under which the contract was made with the Government of the United States?
A. It was, sir.
Q. Do you manufacture tool steel under that patent?
A. We could not.
Q. Or file steel?
A. We could not, sir.
Q. The patents, then, are of two radically different kinds?
A. Yes, sir.
Q. The only thing in common is that they both have reference to a——
A. In carburizing; that is all.
Q. From 1890 down, what was your official position in that company?
A. I first had charge of the experimental work, then acting superintendent, superintendent, and sales agent of the company.
Q. Were you intimate with the business affairs of the company?
A. As superintendent of the company I had charge of the correspondence relating to the works.
Q. Did you have anything to do with those negotiations in Washington?
A. No, sir.
Q. Did you ever, during your connection with the company, hear of Mr. Davies, the plaintiff, or his being in the employ of the company in any way?
A. No, sir.

Cross-examination by Mr. TOWNSEND:

Q. Mr. Harvey, you were connected with the company in 1890?
A. During the summer of 1890.
Q. In July, 1890?
A. Yes, sir.
Q. In the use of what you speak of as tool steel, or file steel, was there any process of firing necessary—experimental firing—in Washington?
A. Define your word, please.

By the COURT:

Q. They built a furnace there to test?
A. What?
Q. Could it have been used for this tool iron, file iron?
A. The furnace could have been for the purpose.

By Mr. TOWNSEND:

Q. Where?
A. Washington.
Q. I read you a sentence from Exhibit 1, a letter under date of July 4, 1890, which was signed by your father personally: "The firing was most satisfactory; no penetration or cracks; crushing projectiles all to atoms." Does that sentence refer to tool steel or file steel?
A. It does not; it refers to the ballistic test, one armor plate.
Q. Does that refer to the steel used for armor plate?
A. Yes.

By Mr. WALLIS:

Q. What do you say it refers to?
A. The ballistic test on armor plate at Annapolis.

By Mr. TOWNSEND:

Q. Do you know that in the year 1890 a furnace was erected in the navy-yard for the purpose of testing some steel?
A. A furnace was erected there for treating some steel.
Q. Treating steel for what purpose?
A. Some projectiles were treated in the furnace, and subsequently I believe the plate was treated in it—was harveyized in it, I should say.
Q. That was in the year 1890?
A. Late in 1890 and early in 1891.
Q. Before the issuing of this last patent which has been put in evidence?
A. A few months, probably.
Q. Then you were experimenting, or the company was experimenting, in making armor plate under the first patent which is put in evidence during the year 1890?
A. No, sir; never, sir.
Q. Never tried to make armor plate under that patent?
A. That would be absolutely impossible.
Q. Was the attempt ever made?
A. No, sir.
Q. How do you know it would be impossible, then?
A. As a practical man.
Q. Then, what was the purpose of the building of this furnace at the navy-yard in Washington?
A. To treat an armor plate in.
Q. Under the harveyized process?
A. As shown in patent No. 46282.
Q. You have said it was before the issuing of that patent.
The COURT. We all understand that. The idea existed before the patent.

By Mr. WALLIS:

Q. The trial at Annapolis was in anticipation of this last patent?
A. Yes, sir.
Q. And had nothing to do with the old low-steel patent?
A. Nothing at all.
Defendant rests.

JAMES R. DAVIES, plaintiff, recalled on his own behalf in rebuttal, testified further, as follows:

By Mr. TOWNSEND:

Q. I read to you the answer of Commodore Folger to the second cross-interrogatory: "I have no recollection about having any conversation, at any time, with Mr. Davies in regard to the Harvey process. The only conversation I had with Mr. Davies that I remember distinctly, and only its nature makes it distinct, was when he said that he knew Secretary Tracy very intimately, and if ever I wanted anything accomplished he could assist me with the Secretary." Did you make that statement to Commodore Folger?
A. Part of it; part of it is not true.
Q. What part was true?
A. That I knew Secretary Tracy.
Q. That is true?
A. That is true.
Q. You did know him at that time?
A. Certainly I did.
Q. Is it true that you stated to Commodore Folger that if ever he wanted anything accomplished, you could assist him with the Secretary?
A. I did.
Q. Did you have any other business with the Navy Department during the year 1890 than this connected with the Harvey Steel Company?
(Objected to as incompetent. Objection overruled. Exception.)
A. I did not.
Testimony closed.

Mr. WALLIS. I move, now, for the direction of a verdict for the defendant, on the ground that it appears now affirmatively upon the whole case that there was no employment of Mr. Davies by the defendant; that there was no authority in Mr. Harvey, the president, to make such employment, and upon the further ground that it appears affirmatively in the case that Mr. Davies

had nothing whatever to do with patenting this contract with the United States Government, which is the subject of this action.

(Motion denied. Exception.)

Mr. Wallis sums up for the defendant.

Mr. Townsend sums up for the plaintiff.

JUDGE'S CHARGE.

Gaynor, J.

GENTLEMEN OF THE JURY: The plaintiff claims that he was employed by the Harvey Steel Company to call the attention of the United States Government to their process of making steel, and he sues for services which he claims to have rendered under that contract.

In order that the plaintiff may recover, gentlemen, you must find upon the evidence that he was employed by the company. It is not enough that he was employed by Mr. Harvey, who happened at the time to be the president of the company; but that he may recover against the company you must find that the employment was by the company itself, and that the services were rendered for the company itself. Now, to ascertain what the fact is in that respect—whether he was employed by the company or not—you must resort to the acts proved here and to the correspondence. I charge you that it was not necessary that there should be a resolution of the board of directors of this company in order that the plaintiff might be legally employed by the company. A corporation has to act through agents.

The agents created by law for all purposes, I may say, are the directors of the company. They have power to do all that pertains to the company. But there are many things done by corporations not done by resolution of the company, but that nevertheless are in law done by and for the company, and for which the company is responsible. The president of the company, the general manager of the company, the officers of the company, by what they do from day to day, by what they are recognized by the company as doing and having authority to do, may have authority from the company for that purpose, or it may be by subsequent ratification by the company. It might be that the duties of the president and the power of the president and the power of the general manager were never defined by resolution of the board of directors, and yet, being the president, being the general manager, and doing the business of the company, and being recognized by the board of directors, and therefore by the company for that purpose, what such an officer does within the powers thus conferred upon him, by recognition or by practice, or by the course of business, what he does within those limits for the company are the acts of the company and bind the company. So you are to take all these things introduced here, the letters which have been read from the letter book of the company, and all the correspondence, coupled with the acts of all the parties concerned, and say whether this was an employment, if there was one, by Mr. Harvey individually, or whether he was doing this thing for the company, and whether he had the power to do it for the company.

You have had the letter book of the company produced, in which certain letters are found written by Mr. Harvey to the plaintiff. Now, I charge you that it was not necessary that he should have signed at the foot of the letter as president; it was not necessary that he should have referred to his official capacity; that if he was acting for the company, and acting within his powers for the company he would bind it. It also appears before you, or at all events there is some evidence before you, that Mr. Harvey himself was at Washington exploiting these processes, or this process, whichever it is, and calling the attention of the Government to it, or at all events dealing with the Government in some way in relation to this matter. Was he representing the company? Was it within his province to represent the company in that matter, and, if so, from the correspondence and from all the facts before you, was he competent to call in somebody to aid him at Washington, lawyer or layman? And if he so called in and employed this plaintiff on behalf of the company, from all the acts and from these transactions from beginning to end, you are to say whether he acted for the company and within his power. If you pass that point and find that the plaintiff was employed by the company, your next question is, Did he render any service for the company? If he did, what was it and what was the value of it?

There is a claim put forth by the defense which you must consider, and consider carefully whether the employment of the plaintiff, if there was an employment of the plaintiff by the company, extended beyond the process referred to or contained in the letters patent granted in 1888, or did his employment starting with that, and with the tool steel, also by the course of business and by natural development as they went on, embrace also the additional process or additions made to the original process, whichever it was, for the making of these armor plates out of steel, and did he serve the company in that respect? Was he employed to serve it? If confined to the tool steel, his compensation might amount to very little—would amount to very little, comparatively. If you find that it extended also to armor plate and find compensation for that, it would be more. But I leave that entirely to you upon the facts, to say whether it covered only the original process of tool steel and file steel, or whether it covered also the process for making armor plates.

The time of the patent for armor plate has been put in. It seems to have been taken out after the letter terminating the employment of the plaintiff was written. But still the question remains whether the process was being exploited at the time; whether they were calling the attention of the Government to it, and whether it was being exploited and used, or at least whether they were trying to utilize or exploit it before the letters patent were actually signed in the Patent Office. That would not make any material difference, if you so find that fact to be. That would bring you to the question, if you pass these points, of what the plaintiff is entitled to recover. Upon that I can only say that he would be entitled to recover what you find from the evidence his services were justly and conservatively worth to the company.

Counsel for defendant requests the court to charge the jury as follows:

1. The president of defendant had no power, simply by virtue of his office, to appoint the plaintiff its agent to introduce the Harvey steel to the Navy Department. Unless the jury find from the evidence that he was authorized to do so by the defendant's directors, or that they afterwards ratified the arrangement said to have been made between Mr. Harvey and the plaintiff, their verdict must be for the defendant.

(Charged.)

2. There being no evidence that the defendant's directors had any knowledge of the alleged arrangements between Harvey and Davies, the acceptance by defendant of the contract with the United States, even if such contract was the result of the plaintiff's efforts, would not give the plaintiff a right of action against the defendant, and the plaintiff can not, therefore, recover in this action.

(Refused other than as charged.)

3. If appearing that the contract with the Navy Department was made more than eighteen months after the plaintiff's alleged employment by Harvey had terminated, his recovery must be confined, if he is entitled to recovery at all, to 10 per cent on the $300 or $400 worth of tool or file steel sold to the Navy.

The COURT. Yes; if his employment did not embrace the other, that is so.

(Exception.)

4. That there is no evidence that the plaintiff was instrumental in bringing about the contract with the Navy Department, and he can not recover any compensation from the defendant measured by the amount paid on that contract.

(Refused. Exception.)

5. There being no evidence in the case of any employment of the plaintiff by the defendant, the plaintiff can not recover.

(Refused. Exception.)

6. That the plaintiff's employment, whatever it was, was confined to the period between January, 1890, and October 1, 1890, in exploiting the patents then existing in the Departments of the United States, or some of them. That he can not recover a commission for or upon moneys paid by the United States under the contract with the United States made in 1890, which was based entirely upon a patent not in existence in the year 1890.

(Refused. Exception.)

7. That the question of the plaintiff's employment is to be decided by the laws of New Jersey, where the defendant was incorporated, and under which laws its president, as such, has no power to employ agents to represent the corporation.

(Charged.)

Mr. WALLIS. I except to so much of the court's charge as charges in effect that it was not necessary that there should be a resolution of the board of directors of the defendant to prove the plaintiff's employment by the company.

Also to so much of the charge as charges in effect that the general manager or president of the defendant may have obtained by a course of business authority to employ the plaintiff, or by a subsequent ratification, upon the ground that no such authority or ratification has been shown.

Also to so much of the charge as charges in effect that what an officer of the corporation does by recognition or practice may bind the company, as there is no evidence in this case of any such recognition of the plaintiff's alleged employment or of any practice of the company in relation thereto.

Also to so much of the charge as charges in effect that if Harvey, in his alleged employment of the plaintiff, was acting within his powers it was the act of the company, upon the ground that it has no applicability in this case, there being no evidence as to what the powers of the president were.

Also to so much of the charge as leaves it to the jury to consider whether or no the employment extended beyond the time of September 30, 1890, upon the ground that by the pleadings in the case the plaintiff's alleged employment is confined to that date.

Also to so much of the charge as leaves it to the jury to determine whether the plaintiff was employed by the company in relation to armor plate, upon the ground that the pleadings of the plaintiff show to the contrary, and that under the pleadings the plaintiff's alleged employment was confined to the exploiting of patents in existence prior to September 30, 1890.

Also to so much of the charge as leaves it to the jury to determine whether the plaintiff's alleged employment included only tool and file steel, or whether it covered armor plate, upon the ground that the pleadings are to the contrary, and that under the pleadings and the facts as proven the employment of the plaintiff could not have applied to armor plate.

The COURT. I used the word "ratification" in my charge by way of illustration; not to charge that there is any evidence here by which any subsequent ratification can be found. I think there is none, and charge you that there is none. If there was any employment you must find it in the contract itself and not by any subsequent ratification by the company.

Jury retire.

Verdict for plaintiff for $9,630.

Counsel for plaintiff moves for an extra allowance.

The COURT. Two hundred and fifty dollars.

Counsel for defendant moves to set aside the verdict as excessive, as contrary to law, and on all the grounds mentioned in section 999 of the Code of Civil Procedure, and for a new trial.

(Motion denied. Exception.)

Thirty days' stay after the service of notice of entry of judgment.

WASHINGTON, D. C., *February 8, 1896.*

The committee met at 10.30 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, CHANDLER, DUBOIS, SMITH, BACON, and TILLMAN.

Hon. B. F. Tracy, ex-Secretary of the Navy, accompanied by Lieut. B. H. Buckingham, United States Navy, appeared before the committee.

The CHAIRMAN. Gentlemen; we have, as it were, two subjects before us to-day. One is the resolution of Mr. CHANDLER, and Mr. Tracy is here on that branch in response to a request. We will consider that matter first. Then afterwards we will take up the bill introduced by Mr. SMITH to provide for the erection of an armor-plate factory.

Senator HALE. In regard to the cost of the plants?

The CHAIRMAN. Yes. Mr. Tracy is here, and I suppose he is ready to answer any questions or to make any statement that may be desired of him. I, myself, have no questions to ask. Is there any other gentleman who wishes to interrogate Mr. Tracy?

Ex-Secretary TRACY. I have read the resolution under which you are acting, and I see that you are charged with the duty of ascertaining the reasons I had or which influenced me in certain action I took while Secretary of the Navy in the development of armor. It will give me great pleasure to make a statement to the committee.

Senator HALE. When you saw a notice of the resolution in the papers, General Tracy, you at once wrote to the committee, did you not, stating that you desired to be heard?

Ex-Secretary TRACY. I did.

The CHAIRMAN. I received your letter, and it has been presented to the committee.

Senator HALE. It was presented to the committee.

Ex-Secretary TRACY. And published in your proceedings.

Senator HALE. You have in your mind some form or method of statement that you propose to make, covering the subject?

Ex-Secretary TRACY. Yes, sir.

Senator HALE. I suggest, then, that General Tracy, having had

a copy of the resolution that started the investigation, and having expressed a desire to appear before the committee, shall go on and make his statement in such form as he chooses. Then the committee afterwards may examine or question him as they may deem advisable. Will that be satisfactory to you, Mr. CHANDLER, who are the author of the resolution?

Senator CHANDLER. Perfectly.

STATEMENT OF HON. B. F. TRACY, EX-SECRETARY OF THE NAVY.

Ex-Secretary TRACY. Mr. Chairman and gentlemen of the committee, during the years 1890 to 1893 there was developed by the Navy Department of the United States an armor which is now known as the nickel-steel harveyed armor. Within a year after its final adoption here it superseded all other armor in the world. No naval power now uses any other armor than that which was developed by the Department during the years I have stated, except in England, where they use the Harvey process without the nickel. Other nations, as I am informed, adhere to the American formula of nickel-steel harveyed.

I will state briefly the history of that development; I think I may call it a discovery. Very early in my administration—I think as early as May, 1889—my attention was called to the subject of armor, a matter of which I then knew nothing. But I think as early as May, 1889, Mr. Bispham, of William H. Wallace & Co., of New York, said he wanted to have a conversation with me on the subject of armor. He thought Mr. Whitney had made a mistake in selecting all-steel armor instead of what is known as the English compound armor. He was the agent of the English compound armor men in this country, and he wanted to have a rehearing on this subject.

The subject was very new to me, and I listened with interest. I told Mr. Bispham I would give him a day for a hearing in the Department, and that I would have the naval experts, under whose advice I assumed Mr. Whitney had acted in adopting all-steel armor, present to hear what he had to say. He came, and they were present. He discussed the subject fully, and he left with me a large book published by the English armor manufacturers, giving reports of a great variety of competitive tests between different manufactures of compound armor, but mainly of tests between all-steel armor and compound armor.

Senator HALE. What is compound armor?

Ex-Secretary TRACY. It is an armor manufactured in England, and it was then well-nigh in universal use. My memory may not be accurate, but I think 95 per cent of all the armor on the men-of-war of all the different nations of the world was compound armor, which I will explain in a moment. France was manufacturing all-steel armor, and it also had establishments which were manufacturing the English compound armor. But the preference of France seemed to be strongly in favor of the steel armor. Outside of France little or none of it was used. On studying carefully the reports of the tests that he brought to me, I was myself inclined to the opinion that the compound armor had the best of the tests.

Senator TILLMAN. Will you please state what is the difference between steel armor and compound armor?

Ex-Secretary TRACY. The difference between compound armor and steel armor is this: The all-steel plate is a homogeneous steel plate; the English compound armor is a steel hard-surface plate welded upon a softer back, the object being to present a hard surface, with the idea of breaking the projectile at the instant of contact, before it enters the plate at all. That was the merit claimed for the compound plate over the all-steel plate.

Senator TILLMAN. Would not the soft back, too, have a tendency to keep the plate from cracking or from being so brittle?

Ex-Secretary TRACY. It was supposed so. That was the merit claimed for it. I was strongly inclined to the opinion that Mr. Whitney had made a mistake, on my view of those competitive tests.

I remember to have spoken to Mr. Folger on the subject of armor soon after the hearing in the Navy Department. He was then inspector of ordnance in the Washington yard. He told me that the compound armor was better in this respect, that it had a harder surface, and was better calculated to break up the projectile at the point of impact; but he said it also had a very great weakness, and that was at the point of welding; that the steel was likely to break and to cleave off at that point and expose the soft back. He said to me then that the ideal plate would be a homogeneous substance with a hard surface without the line of welding, if that could be avoided, but he suggested no way as to how such a plate could be produced.

Studying the competitive tests, I discovered, or at least I thought I discovered, that the tests were very ingeniously planned to give the plate the victory over the gun; that no matter whether it was a steel plate or a compound plate, neither of them was destroyed; the plates were damaged, leaving each party to claim that his, on the whole, was the least damaged. If the compound plate was more fractured, it was still claimed that, having the harder surface, it would shut out more projectiles than the steel plate; and that is the great object of armor plate, to exclude the projectiles. But I thought that those tests did not determine the ultimate capacity of the plates, and I made up my mind very early that we would have a competitive test in this country. Indeed, at this hearing, Mr. Bispham offered on behalf of the compound-armor men to furnish a plate free, if the all-steel men would do the same, for a competitive test in this country.

Some time after that I saw Commander Barber, who represented in this country the Schneiders, whose armor works are at Creusot, in France. He was then a naval officer, and had long been on leave, representing the Schneiders, and in their employ. I saw him, and we had a conversation on the subject. I told him what the compound-armor men had suggested, and asked him to communicate with his people in France.

Soon after this and as early as July of that year there came into the Department a man who was an entire stranger to me. He said he had called to see me on business; that he was the largest owner, and I think he said president, of the largest nickel mine in the world. I think he said that it was larger than any of the mines in New Caledonia. His mine was in Canada. He wanted to talk with me about nickel in connection with ordnance. He told me that he knew that an alloy of nickel and steel made a much stronger metal than simple steel. He told me further that there was a call for his nickel matte in Europe which he did not exactly understand, and that he was going over to find out what use they were making of nickel in Europe. He lived in Akron, Ohio, and his name is Ritchie.

He said he was going to Europe very soon. He went home, and within a very few days he sent me a copy of an address that Professor Riley had delivered in Scotland in May, 1889.

The address was delivered, I think, in May, 1889, and Mr. Ritchie had received it and forwarded it to me in Washington. I read it. It was a discussion of experiments that he had made in the alloy of nickel and steel made in a very small way, but giving remarkable results of greatly increased tensile strength. I was very much interested in it and very much struck by it, because it occurred to me that that was exactly what we needed, a tough plate, one that would not crack and would not break.

I either wrote to Mr. Ritchie or telegraphed him, I do not know which, to come by the way of Washington on his way to Europe, as I wanted to see him. He came, calling at the Department.

He renewed his statement that he was going to Europe to find out what use was being made of nickel there. He did not know, but he suspected that it was being used for naval purposes. I said to him, "Would you not like some assistance in your investigation?" I said, "I think I have the means of aiding you very much in making your investigations." He said, "How?" I said, "I have a naval attaché, Lieutenant Buckingham, in London, who can have the entrée everywhere, and who has been there a long time and is well acquainted. I think he can be of assistance to you in ascertaining what you want to know."

Mr. Ritchie assented to the suggestion at once and was very glad to have this aid. On the 5th of August I issued an order to Lieutenant Buckingham to accompany Mr. Ritchie through Europe in his investigation to ascertain what uses were being made of nickel. He did so, and made two reports, which are now on file in the Navy Department.

In the meantime I had continued my conversation with Commander Barber, and I told him I wanted a competitive test; that I had been studying the reports of the competitive tests which had been published and that I was in doubt about it. I wanted one here, where we could see and know exactly which was the better plate. I wanted him to get his people at Creusot, France, to meet the compound-armor men and furnish a plate for the competitive test. He wrote to them, and they declined. They said their plate had been tested sufficiently and they did not care to go into any more competitive tests.

After long urging and many interviews, I finally said to Commander Barber: "Commander, you undoubtedly understand that I know the relations that exist between Creusot and Bethlehem. I know that your people are interested in the Bethlehem contract for armor. Now, I want to say to you, and I want you to say to your people, that there never will be a contract for a ton of armor let by me until I have had a competitive test. They can cooperate voluntarily with it or not. I should like to have them do so if they will, but the test will be made, and they may as well understand it."

He sent that statement to the Schneiders, and he finally came back to me and said, "My people inform me that they have been experimenting with nickel with very favorable results." I asked him to what extent they had experimented with nickel. It was a great surprise to me to find that they had done so. He said they had made a 6-inch plate, I think it was; either a 4 or 6 inch plate,

but I think a 6-inch plate. He said that they had tested it and were very favorably impressed with it, and that if they were going to furnish a plate to compete with compound armor they would prefer to furnish a nickel plate rather than an all-steel plate, but that they would not furnish it free of cost.

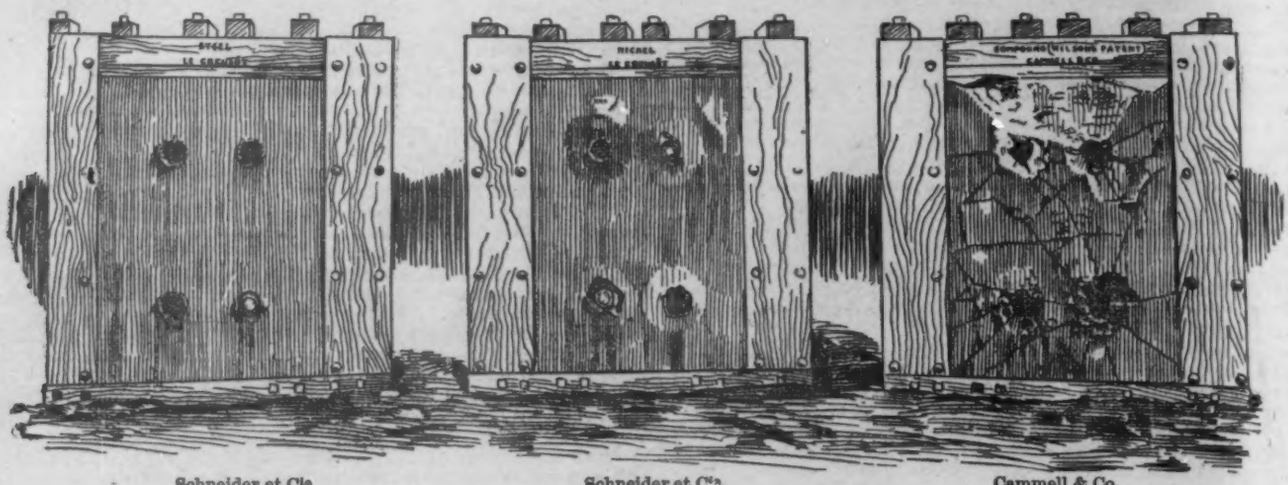
Senator TILLMAN. Were the people you speak of the Schneiders?

Ex-Secretary TRACY. The Schneiders. When I say Creusot or Schneider, I mean the same firm. The Schneiders are at Creusot, France; their establishment is located there.

Senator CHANDLER. Creusot is the place.

Ex-Secretary TRACY. After reflection and consideration, I determined to order a nickel-steel plate of the Schneiders, and I did so. I think I gave the order in November, 1889. They accepted the order, and after waiting a long time I was informed that they had spoiled the first plate and had to make a second one.

Time ran on until spring and summer, but finally the plate was furnished. The compound armor men, finding that Creusot would not furnish their plate free, refused to furnish a compound plate free. So the result was that the Department bought the compound plate and the nickel-steel plate. We were going to have the test between the two plates—the nickel-steel and the compound—but it turned out that the Department had an all-steel plate which had been procured from the Schneiders for another purpose. So, on consultation with Commodore Folger, we agreed to put all three in the test, to test the three plates. That test was had on the 18th and 22d of September, 1890.



NO. 18.—VIEW OF PLATES AFTER 4 SHOTS EACH.

Senator HALE. Where was it had?

Ex-Secretary TRACY. At Annapolis. Four shots were fired from a 6-inch gun, in the first instance, with the result that the compound plate of England was badly shattered.

Senator TILLMAN. At what distance?

Ex-Secretary TRACY. Thirty feet, I think, from the muzzle of the gun; a very short distance, anyway. I may not be accurate as to the precise distance.

The CHAIRMAN. At pretty close quarters?

Ex-Secretary TRACY. It was very close quarters.

Senator HALE. It was meant to be a destructive test?

Ex-Secretary TRACY. It was so intended. Here [exhibiting] is a photograph showing the effect of the first four shots. The plate that is badly shattered is the compound armor plate, the middle one is the nickel-steel plate, and the other one is the all-steel plate. The compound-armor men had taken great pains in sending over their plate. They not only sent their plate and had Mr. Bispham, their agent in this country, present, but they sent a special agent from England to superintend the trial.

Senator HALE. An expert?

Ex-Secretary TRACY. An expert. At the close of the four shots by the 6-inch gun the compound armor plate was badly shattered, while the all-steel and nickel-steel plates seemed to be about on an equality. There was no perceptible difference between them.

It was determined to try an 8-inch gun on the plates. Commander Barber urged very strongly that that should not be done. He said that neither of those plates could stand the 8-inch gun; that it would simply destroy both plates, and would only serve to convince the people that armor plate was not a protection; that guns could beat any armor plate. He therefore urged me not to do it.

I told him that they had compelled the Department to pay for those three plates, and that the object of the test was to ascertain which was the best plate.

Senator BACON. This [indicating on photograph] is the opposite side from that from which the shot was fired?

Ex-Secretary TRACY. No; that is the front of the plate.

Senator TILLMAN. The Schneider plate shows that the ball did not penetrate; it broke off.

Ex-Secretary TRACY. It broke off.

Senator TILLMAN. The plate shattered the ball instead of the ball penetrating or perforating the plate.

Ex-Secretary TRACY. It was insisted that the 8-inch gun should be tried. The 8-inch gun was fired at the center of each of those plates. I expected to have photographs of the plates, but the Department does not seem to have a photograph of the last shot here.

Senator TILLMAN. I am entirely ignorant on this matter, because I have not read anything on the subject. What is the difference between the initial velocity and the velocity of a ball and the penetration, say, at a mile off? I do not mean exactly, but is it greater or less?

Ex-Secretary TRACY. The velocity is less a mile away; but I do not know exactly.

Senator TILLMAN. I am merely trying to find out for my own information.

Ex-Secretary TRACY. The detail of the test gives the initial velocity. I think it was 1,900-odd feet to the second.

Senator HALE. I think that is about it.

Ex-Secretary TRACY. All the experimental tests vary from 1,400 feet to 2,100 and odd feet. I think those tests were about 1,900 feet to the second.

When we brought up the 8-inch gun and fired it, it broke the compound armor plate all to pieces; it absolutely destroyed it. It cracked the all-steel plate into four pieces, a wide crack going right down from corner to corner. The nickel-steel plate for all purposes of a plate on a ship was just as good after the 8-inch gun had been fired as it was before any gun had been fired at it at all. The projectile either had not perforated the plate and had been thrown out, or it had stuck tight to the plate, plugging the hole.

Senator HALE. Do you remember the thickness of the plate?

Ex-Secretary TRACY. Ten and a half inches. There was no crack in the nickel-steel plate in any way. It was absolutely as perfect for all practical purposes of an armor plate after the five shots had been fired into it as it was before. That experiment created a great sensation everywhere in the naval world.

Congress, seven days after that test, appropriated $1,000,000 for the purpose of purchasing nickel, to be expended in the discretion of the Secretary of the Navy.

Senator HALE. Congress passed the appropriation unanimously, did it not?

Ex-Secretary TRACY. Yes; a vote of confidence of which I was very proud.

A contract for a small quantity of nickel was made at first, the intention being not to rest on a single experiment, but to test it thoroughly. While this was going on, some time in 1890, the date of which I can not fix, although I can fix it as saying it was before a certain date, Folger, then inspector of ordnance, in charge of the navy-yard, came to me one day and said, "I am buying tool steel of a man who has a method of hardening the surface of the steel so that it will hold an edge most remarkably. I have been studying and thinking and looking into it, and I have asked him if he thinks he can apply the process to a larger mass of steel, and he says he could. I asked him if he would, and he said he would, and he is about to do it." Afterwards that was done.

Senator CHANDLER. Where was it done, Mr. Tracy?

Ex-Secretary TRACY. It was done in Newark. At least it was so reported to me. I have no personal knowledge of any of these matters.

Senator SMITH. Their plant is located at Newark.

Ex-Secretary TRACY. Their plant is located at Newark, and I suppose it was done at Newark. It was a thick square block, and the report to me was that the surface was so hard that no drill could penetrate it. The question came up of trying the experiment on plates, and we agreed that it was wise to undertake it, to follow the experiment in a small way, and to see what the effect would be on plates. Accordingly, there was ordered from the Linden Steel Company a 6-inch plate, and it was sent to Newark to be harveyized. One half of it was to be harveyized, and the other half was to be left untouched.

Senator HALE. This is the first time you have used the description or the name "harveyized." This is the process that has been referred to?

Ex-Secretary TRACY. That is the process I refer to. I thank you for the explanation.

Senator CHANDLER. Explain who the company was of whom you bought the plate.

Ex-Secretary TRACY. It was known as the Linden Steel Company. I do not know who are the members of the firm. I will state that I have seen their names recited in the contract with the Navy Department.

Senator CHANDLER. Located where?

Ex-Secretary TRACY. Located in Pittsburg, I think. I remember asking Mr. Folger, also, at one of the early interviews on this subject, whether the process was covered by a patent. He said it was; that the patentee was a Mr. Harvey, and that the man with whom he was dealing was Mr. Harvey.

This plate was taken to Newark and harveyized there and then brought over here for some treatment, I have forgotten what. They were afterwards tried at Annapolis.

Senator HALE. The two plates?

Ex-Secretary TRACY. The two plates; both of them, the one that was harveyized and the other that was not.

Senator HALE. Were they both nickelized plates?

Ex-Secretary TRACY. No; all steel.

Senator HALE. All steel?

Ex-Secretary TRACY. All steel. This was going on before we got very far in the nickel experiments. It was early in 1890.

The plates were tested at Annapolis, and the plate that was harveyized showed remarkable qualities of resistance. The plate was ordered from the Linden Company in the autumn of 1889, delivered in February, 1890, and tested at Annapolis June 27, 1890. It was so successful that the question arose at once as to further experimenting.

Senator BACON. Have you stated the size of those two plates?

Ex-Secretary TRACY. No; I have not stated the size of them. They were small 6-inch plates, each 24 by 30 inches. It was a long piece originally, a long slab, and it was cut in two, and one half of it harveyized and the other was not. They were tested to ascertain the additional resistance given by subjecting the plates to the Harvey process.

Senator BACON. Tested by gunshots?

Ex-Secretary TRACY. By shot. Six-pounders were fired against them.

Senator HALE. Six-pounders or 6-inch guns?

Ex-Secretary TRACY. Six-pounders against the thin plates. It was the first test of the harveyized plate that was ever made. The question then came up about further experiments, and about building a furnace at the yard to harveyize a large plate. After discussion it was deemed proper and wise to insist upon the right of the Government to use this process in case it proved successful. We insisted upon that as a preliminary, and we made a contract to that effect in 1891, which is recited in full in the Harvey contract of 1892. You will observe, in reading, that the first contract was made in 1891, not 1892, by which the Government secured the right to use the process, if it proved successful, for a half cent a pound, not to amount to more than $75,000, however. When the royalty amounted to $75,000 the half cent a pound was to cease.

That was for all the ships that were authorized at that time upon which we chose to use it. They agreed in case further ships were authorized to make a further contract, and they agreed not only to give us the benefit of the patent process they then had, but of any improvement that might be discovered in applying the process to the armor.

A furnace was built here in Washington, and a 10½-inch plate was harveyized with excellent success, so far as resisting power was concerned, but it warped in chilling. This plate was tested in February, 1891, and all the projectiles were broken up. It demonstrated the power of resistance given by the Harvey process. The first contract was made in March following—March 3, 1891.

Before this time the trial of the three plates at Annapolis had taken place, and when we discovered the toughness of the nickel plate, that you could not crack it, we said: "Now, if the Harvey process can be applied to nickel steel, we have the ideal armor."

Senator HALE. You would have them both?

Ex-Secretary TRACY. We would have them both. We had got the hard-surfaced plate upon a homogeneous mass of steel, and the problem from thenceforward was to unite those two processes and combine them in a single plate.

That went on from 1890 to 1891, step by step, until it was finally consummated, and after the experiments had ceased and we had demonstrated the invulnerability, or the comparative invulnerability, of that plate, we decided to adopt it in the Department, and to have all the armor made of nickel steel, harveyized.

The CHAIRMAN. This was was all prior to the appropriation by Congress for the purchase of nickel?

Ex-Secretary TRACY. Oh, no.

Senator CHANDLER. It was afterwards?

The CHAIRMAN. Afterwards?

Ex-Secretary TRACY. This was after the appropriation had been made.

The CHAIRMAN. You had taken care to get the nickel before making the tests?

Ex-Secretary TRACY. Yes.

Senator HALE. You had secured the nickel?

The CHAIRMAN. You had secured the nickel?

Ex-Secretary TRACY. I had secured the nickel.

Senator HALE. Under the appropriation?

Ex-Secretary TRACY. Under the appropriation. After several tests, the crowning test, which demonstrated absolutely and beyond all question the superiority of this armor over any other that had ever before been devised, was made at Bethlehem July 30, 1892, on a plate manufactured by the Bethlehem Company.

When I took office in 1889 the only provision for the manufacture of armor was that made by my predecessor with the Bethlehem Company, in which the Bethlehem people had undertaken to found a plant and to manufacture 6,700 tons of armor for the United States at the price agreed upon. They were to complete the plant in two years and a half from the date of the contract, which was in June, 1887, and within two months after the completion of the plant they were to deliver 300 tons of armor, and thereafter 300 tons per month until the whole 6,700 tons were completed.

Senator HALE. That was under the contract which was made by your predecessor?

Ex-Secretary TRACY. Under the contract made by my predecessor. Their first delivery——

Senator TILLMAN. How long was that before you came into office, General?

Ex-Secretary TRACY. I came into office in March, 1889, and the contract with Mr. Whitney was made in June, 1887.

Senator TILLMAN. So it was shortly after your induction into office that the deliveries were to begin?

Ex-Secretary TRACY. Their first delivery should have commenced on the 1st of February, 1890. Before I had been a year in office, in December, 1889, at the time when their plant should have been completed, I of course was aware that it was not completed. I had visited Bethlehem in the fall of 1889, and I knew their plant was not completed.

Senator CHANDLER. Wait a moment, Mr. Tracy. I should like to have a fact appear at this time, in justice to the Bethlehem Company, which I notice does not appear anywhere in Secretary Herbert's statement. That is, that there was a contemporaneous contract made by Mr. Whitney for the production of gun metal; and the deliveries of gun metal were made, were they not, Mr. Tracy, strictly in accordance with the contract?

Ex-Secretary TRACY. Yes; substantially.

Senator CHANDLER. Substantially.

Ex-Secretary TRACY. They were made substantially in accordance with the contract.

Senator CHANDLER. All this time the Bethlehem Company had been making metal for guns and delivering it?

Ex-Secretary TRACY. Yes.

Senator HALE. Aside from the armor plates?

Senator CHANDLER. It was an entirely separate contract. It did not appear the other day that the Bethlehem Company had this contract.

Ex-Secretary TRACY. There was such a separate contract, and they fulfilled it. But in respect to the armor contract, they did not comply with the contract as to the time for the completion of the plant. Now, in December, 1889, I wrote or telegraphed to the Bethlehem Company to state to me the time when they would be able to begin the delivery of armor, and the quantity of armor they could deliver in 1890 and in 1891.

I think it was in response to that telegram or letter that Mr. Wharton and Mr. Jacques came to the Department, and I questioned them as to when they could begin the delivery of armor; how much they could deliver in the year 1890, and what quantity

they could deliver in 1891. They told me that they would begin the delivery of armor within six months from that time.

The CHAIRMAN. In June, 1890?

Ex-Secretary TRACY. That would be in June or July, 1890; that they would deliver from 1,500 to 2,000 tons a year, and they would complete their contract in the year 1891. They said they would deliver from 8,000 to 10,000 tons, if necessary, in the year 1891.

Senator HALE. Their contract called for the commencement of the delivery on what day?

Ex-Secretary TRACY. On the 1st of February, 1890.

Senator HALE. And so much per month thereafter?

Ex-Secretary TRACY. Three hundred tons per month from that on.

Senator HALE. They had found that they could not, in the condition of the plant, begin delivering armor in February, but believed they could do so in June?

Ex-Secretary TRACY. Yes.

The CHAIRMAN. Or July.

Senator HALE. Or July?

Ex-Secretary TRACY. Yes. I said to those gentlemen: "I should like to have you go home and put your statement in writing."

Senator TILLMAN. Was there any forfeiture in the contract made by Secretary Whitney for failure to comply with it?

Ex-Secretary TRACY. No; there was no forfeiture. Those gentlemen went home, and they did put their oral statements to me in writing, repeating what they had stated orally at the Department.

Senator TILLMAN. General, will you give any information of which you were possessed or which you obtained when you came into the office as to whether the original contract contemplated giving a much higher price for armor by reason of the unusual and extraordinary expense these people would have to incur to get the necessary appliances and the plant?

Ex-Secretary TRACY. I always assumed that to be true.

Senator TILLMAN. Is there nothing existing in the archives of the Navy Department which would show that?

Ex-Secretary TRACY. Not that I am aware of; but I always had assumed that when the United States asked a firm to found a plant, without any guaranty of a specific amount of business to justify it, they would have to pay necessarily a larger price for that quantity than they would have to pay if they were giving a guaranty of continuous business from that time on.

Senator TILLMAN. Is there nothing in existence going to show what was claimed to be the necessary extraordinary expenditures to enable the manufacturers to make the armor?

Ex-Secretary TRACY. I do not think there is anything on file in that respect. I have an idea as to what the Bethlehem Company claim they expended.

Senator TILLMAN. Will you please state what it is?

Ex-Secretary TRACY. In founding the plant, from $3,000,000 to $5,000,000.

Senator CHANDLER. Were not there some previous reports to the Department as to the probable expense of a factory for armor plate?

Ex-Secretary TRACY. There may have been. Do you mean for the Government to build such a factory?

Senator CHANDLER. Yes.

Ex-Secretary TRACY. There may have been. If there is such a report on file in the Department, I did not know it.

Senator HALE. If there was such a report, it was before your day?

Ex-Secretary TRACY. Yes, sir; it was before my day. There was no such thing in my time.

I waited until May, 1890, when, finding that no armor had been delivered, and getting no prospect of any delivery, I ordered Commodore Sicard to proceed to Bethlehem and to inspect the works there and make a report as to when, in his judgment, the plant would be completed and they would be ready to begin to furnish armor.

Senator CHANDLER. Have you previously inserted your reply to their letter?

Ex-Secretary TRACY. No; their letter of assurance I do not think I replied to. My reply that I referred to comes in later.

Senator HALE. What about their letter of assurance which they submitted to you after they had the oral interview?

Ex-Secretary TRACY. They repeated in writing that they would deliver from 1,500 to 2,000 tons of armor in 1890, and a quantity of armor in 1891, which would more than complete their contract.

(See extract in letter of Secretary Tracy to the Bethlehem Iron Company of July 15, 1890, page 133.)

Senator HALE. That is the letter of the Bethlehem Company submitted to the Secretary of the Navy after the oral interview in December, 1889, stating the time at which they then believed they could deliver the armor?

Ex-Secretary TRACY. At which they would deliver it. It was in positive terms.

Senator BACON. And which was in itself an extension of time?

The CHAIRMAN. Yes.

Senator HALE. Commodore Sicard visited Bethlehem?

Ex-Secretary TRACY. He visited the place and made a thorough inspection and examination, and his report was to the effect that in his judgment they would not be able to deliver the armor yet for eighteen months from 1890; and he gives in great detail the reasons why. On the receipt of that report——

Senator HALE. When?

Ex-Secretary TRACY. In May, 1890; the last of May.

Senator BACON. About a month before the time they said they would begin?

Ex-Secretary TRACY. A little over a month. I have the date here. January 25, 1890, is the date of the Bethlehem Company's letter stating that they would begin the manufacture of armor in six months and manufacture from 1,500 to 2,000 tons that year. This is all set out in my report of 1890 fully and in great detail.

Senator HALE. In your report as Secretary of the Navy?

Ex-Secretary TRACY. As Secretary of the Navy, pages 17 and 18.

Senator CHANDLER. Which Mr. Secretary Herbert has put in?

Ex-Secretary TRACY. I think Mr. Herbert put in that extract.

Senator CHANDLER. It is in the record now.

Senator HALE. That was Commander Sicard's report, then, in May?

Ex-Secretary TRACY. Yes. May 14, 1890, Sicard reported upon his first visit to Bethlehem. I waited; nothing came. Then I wrote them the following letter:

JULY 15, 1890.

The BETHLEHEM IRON COMPANY,
South Bethlehem, Pa.

GENTLEMEN: On the 16th of December last I telegraphed you making inquiry as to when you would be able to commence the delivery of thick armor plates under your contract with the Government of July, 1887, and what quantity of armor you could deliver to the Government during the year 1891. Replying to this telegram under date of December 23, 1889, you say: "We beg to inform you that we expect to be able to deliver from 8,000 to 10,000 tons of armor during the year 1891."

On the 22d of January, 1890, I had an interview with your Mr. Wharton and Mr. Jacques at the Navy Department on the same subject, and requested them to put the assurances of your company to deliver the armor in writing. On January 26 I received the following letter from your company, dated January 25, 1890:

"SIR: In accordance with your request, we have the pleasure to confirm the oral statement made to you at the Navy Department on the 22d instant by our Mr. Wharton and Mr. Jacques that within six months we shall commence the manufacture of the thick armor plates under our contract of June 1, 1887; that we will be able to deliver from 1,500 to 2,000 tons this year, from 8,000 to 10,000 tons in 1891, and that our annual capacity thereafter will be not less than 10,000 tons."

Receiving on the 1st of May last information which led me to doubt whether your company would be able to comply with the assurances contained in your telegram and letter as above quoted, on the 2d of that month I directed Captain Sicard to visit your works for the purpose of ascertaining, by personal inspection and interview with your manager, the degree of progress which you had made toward the completion of your plant for producing thick armor, and to ascertain as near as practicable the time when you would be able to commence the deliveries of such armor to the Government. In his report, under date of May 14, 1890, Captain Sicard says:

* * * "This examination leads to the conclusion that the plant for the manufacture of thick armor is about one-half completed, and that, if the company conducts its work in the same general manner as heretofore, the plant will be ready to produce thick armor in about fifteen months from the present time."

He adds, however, that he is of opinion that if the work is pressed with vigor and the different branches are carried on simultaneously the plant might be completed in about one year, that is, by the 1st of May, 1891. He admits, however, that your general manager, Fritz, claimed that he would be ready to commence the manufacture of armor about October 1, 1890.

In June last I saw and had a long interview with your Mr. Jacques, and called his attention to the contents of Captain Sicard's report. He repeated the assurances given by Mr. Wharton and himself in the Department in January last, and insisted that Captain Sicard was entirely mistaken in his estimate of time as to when you would be ready to commence the delivery of armor.

The *Maine* will be launched at New York in September, and her thick side armor will be needed immediately thereafter. Any considerable postponement of the deliveries of armor after October 1 will seriously delay the completion of this ship. We shall need armor also by that time for the *Terror* and the *Puritan*.

On the 25th of this month the time will have expired when Mr. Jacques and Mr. Wharton assured me at the Department that your company would be ready to commence the delivery of armor plates. The lapse of time has clearly demonstrated the inaccuracy of the estimate of time by your Mr. Wharton and Mr. Jacques, and I greatly fear that it has also demonstrated the inaccuracy of the prediction made by your Mr. Fritz in his interview with Captain Sicard in May last.

The demands of the Department for thick armor are so pressing that it is necessary to know definitely whether you will be able to deliver any of such armor to the Government this year; and if so, in what quantities and at what times.

By the terms of your contract with the Government you were to commence the delivery of thick armor plates in February, 1890, and you were to deliver each month thereafter not less than 300 tons per month. There is now due to the Government upon your contract 1,800 tons of thick armor. The deliveries of this armor can not be delayed after the 1st of October without seriously embarrassing the operations of the Government. The Department fully realizes the magnitude of the work which your company undertook in the founding of this plant, and is willing to grant every reasonable consideration arising from unforeseen contingencies, but no such contingency has as yet arisen; at least, the attention of the Department has not been called to any such contingency by your company. The report of Captain Sicard leads me to infer that, in his opinion, the work has not been prosecuted on your part with that vigilance which the importance of the undertaking required.

The hammer necessary for the manufacture of this armor, which was well under way when I visited your place in the fall of 1889, is not yet completed,

and recent information leads me to believe that it will not be completed for six months. It is difficult to exaggerate the gravity of the situation under which the Government will be placed if there is to be any further delay after October 1 in the delivery of thick armor. I have, therefore, to request that you will in reply to this state definitely the time when such delivery will begin.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Under the date of July 24, 1890, they replied as follows:

THE BETHLEHEM IRON COMPANY,
South Bethlehem, Pa., July 24, 1890.

SIR: Replying to your communication of the 15th instant, relating to the delivery of armor plate under our contract with the Government of June 1, 1887—

While the estimate as stated in our letter of January 25, 1890, as to the time of beginning manufacture, was at fault, we are still expecting to commence within the next two months the manufacture of certain armor for which we have received drawings and which we understand is now urgently needed, namely: The bulkhead plates of the *Maine*, the conning tower of the *Terror*, and the conning tower communications of the *Texas*. As to the amount of plates that we hoped to deliver:

At the time of your interview with our Messrs. Wharton and Jacques we expected to be able to produce a considerable amount of thick plates with our present appliances, and added to this, if the protective deck plating covered by Exhibit U of our specifications were now needed by the Department, we could arrange to have a considerable portion of it rolled elsewhere and brought to our works for shaping, tempering, and fitting, and thus also in good part fulfill our statement as to the amount we could deliver during the present year.

We are fully aware, however, that the deliveries above referred to are of the nature of temporary expedients, and that the end so earnestly desired by all parties concerned, and of paramount importance, viz, the completion of our hammer plant and the regular deliveries of the hammered and tempered plates for side armor, has been and will be delayed beyond our expectations.

As is always the case in undertakings of such magnitude, the causes of delay have been numerous, and while no "unforeseen contingenies" have arisen of such a pronounced nature as to lead us at the time to formally draw the attention of the Department thereto, there have been several causes of serious delay which were beyond our control.

The establishment of our general forging plant, together with its accompanying machine shop and heavy tools, was of course of first importance; not only did the Department desire that the delivery of heavy gun forgings should begin at as early a date as possible (to say nothing of the shafting required by the larger cruisers then in the course of construction, and which could not be produced elsewhere in this country), but the tools and appliances forming part of this plant were necessary for the construction of a hammer, composed, as it would be, of parts of exceptional dimensions and weight, and some of these tools and appliances could only be made at our shops.

It is proper to state that before any contract was entered into with the Department this company had the buildings for the gun-forging plant well under way, and contracts made for tools and machinery for the same, aggregating in value about $600,000.

From that it appears that they had made their contract for gun forgings some time before they made that for armor plates and had expended $600,000 already before the making of the armor-plate contract with the Department.

The Department is aware that the forging presses and some of the large tools comprised in this plant were ordered from Sir Joseph Whitworth & Co., in England, to whom we had gone, at very large expense, in order to obtain what we believed, and what were generally admitted to be, the best appliances in existence for making heavy steel forgings, and of whose large experience we were thus able to avail ourselves.

The final delivery of these machines was delayed some eighteen months beyond the date agreed upon, and thus held back the completion of that portion of our work. This delay had a marked effect in postponing the beginning of the construction of the hammer. The opinion was then rapidly gaining ground that the hydraulic press was superior to the hammer as a forging machine, and we had hoped to obtain our largest press in time to make experiments with a view of ascertaining whether a press of sufficient power could be, with advantage, substituted for a hammer for the manufacture of armor plates.

The long delay in receiving the forging press from the English makers not only prevented such experiments being made in time, but postponed the taking of active steps in the construction of the hammer.

The construction of our fluid compression plant, a most important introduction into this country, and as essential to the best work and wants of the Government as any part of our plant, proved, from the difficulties that were met in putting in the foundations, a much more serious undertaking than was anticipated, and required, during a long period, almost the undivided attention of our engineering force.

As originally planned, the hammer was to be placed near the fluid-compression pit, but the excavations for the latter showed that the underlying rock strata was entirely unfit to support the foundation of a great hammer, and pits had to be sunk at points more or less removed to obtain information upon this all-important point. In these excavations large amounts of water were encountered, which proved beyond our power to control. A complete change in our plans as to the location of the hammer was therefore necessary, and it was only after the examination of three different sites, requiring tedious prospecting and the outlay of much labor and money, that suitable ground was found. Since that time the actual work of construction has certainly been pushed with unremitting energy and vigilance, and, although we have been much delayed in the outdoor work, and especially in putting in the foundations, by an unusual amount of rain and consequent high water in the river, the work has undoubtedly made rapid progress.

Besides the very extensive work accomplished in the construction of foundations and buildings, including excavations, pile driving, the putting in of large masses of masonry, and the erection of a building of exceptional height and strength, we have made within the last fifteen months some 25 or 30 castings, weighing from 70 to 110 tons each, most of which were of such dimension as to require for their machining those exceptionally large tools which, in order to expedite the work, we ourselves constructed, and which exceed in capacity any existing in the world.

We have also made a large number of forgings for use in the construction of the plant, and tools therefor, and our books show that the weight of these forgings had been, up to June 1 of this year, equal to 25 per cent of the total product of our forge.

In consideration of the foregoing, we do not think that the inference of the Department from information it has received, that "the work has not been prosecuted on our part with the vigilance that the importance of the work required" is a just one.

There was a misunderstanding, we think, on the part of Captain Sicard as to the time fixed by our Mr. Fritz of commencing the manufacture of armor. Mr. Fritz stated that he expected to have the hammer erected, though not complete, by October 1 of this year, and fully expected to have it running by January 1, 1891, and he sees no reason to change his views at this time. The accessories to the hammer, including preparations for casting ingots, the construction of a 6,000-ton bending press and of the tempering plant, together with their necessary furnaces, cranes, etc., represent an amount of work totally unappreciated by any but those engaged upon it. This is now all well in hand, and will make rapid progress.

Two representatives of the company have recently spent several weeks at the works of the Creusot Company in France, studying the practical details of the manufacture of armor plates, so that we are well informed in this regard, and ready to begin the manufacture with considerable certainty of success. Indeed, no effort is being spared by this company, either in unremitting work day and night or the expenditure of money, to push to completion what it has undertaken, and although deliveries will be delayed far beyond the time contemplated in the contract, it should be considered that a plant is being established comprising more powerful appliances than any now in existence, which, when completed, will insure to the Government a supply of material of equal quality and magnitude to any that can be produced in the world.

It may be said further, with entire frankness, that we have been much mortified at the error in estimates of time, and the unavoidable delays that have occurred in the armor-plate branch of our contract, but both branches of the work have been and are inseparably connected, and no better argument can be adduced of the earnest and energetic manner in which the whole has been pressed than that we have been in advance of the contract time for the delivery of gun forgings, and that we have expended on the plant for Government work, in buildings, machinery, and tools and appliances, between $2,500,000 and $3,000,000, and, it might be added, it will require at least another million to complete the work.

In conclusion, we may say, after a careful consideration of the condition of the work as it now stands, that we think that Captain Sicard's estimate of fifteen months from May, 1890, as the time at which the actual manufacture of hammered plates will begin, is more than ample, and that we have strong hopes of anticipating this date with actual deliveries, and when this manufacture is once begun we will have no difficulty in exceeding the rate of deliveries as fixed by our contract.

The writer will endeavor to see you at an early day in relation to this matter, and would ask you to appoint a place and time to suit your convenience.

Very respectfully,

THE BETHLEHEM IRON COMPANY,
ROBT. H. SAYRE, *General Manager.*

Hon. BENJAMIN F. TRACY,
Secretary of the Navy,
Navy Department, Washington, D. C.

Senator CHANDLER. There is no objection to Mr. Tracy putting into the record anything he likes, so far as I am concerned. I have not challenged the wisdom of making the second contract. The only point that I have raised was the reason why the 2 cents a pound was provided as a nickel-steel fund. However, I am conscious that the question of the wisdom of the whole contract has been raised, and I do not want to put any limit upon Mr. Tracy in the way of putting in anything he thinks will throw light upon the subject.

Senator HALE. I think we all understand that in tracing as briefly as you can this history of the carrying out of your policy, any letters or reports, or anything that you wish to put in to make the connection and demonstration, you can put in afterwards and not read now.

Ex-Secretary TRACY. All right.

Senator CHANDLER. Secretary Herbert has already put in extracts from Mr. Tracy's report.

Senator SMITH. The only question that came up on that subject was as to the authority of the Secretary to divide the contract, whether it only gave authority to make the contract with the Bethlehem Company.

Senator CHANDLER. Mr. Whitney's original authority Senator SMITH has asked about once or twice—the original legal authority of Mr. Whitney to make a private contract, which, continuing, gave you authority to make a second contract with the Carnegie Company.

Ex-Secretary TRACY. I see that some Senators fell into a misapprehension in supposing that I had taken from the armor that was contracted to Bethlehem and given it to Carnegie. That is a very great mistake; it is a misapprehension entirely.

Senator BACON. There was a question or two asked about that, but the answer to the replies fully showed that there was nothing of that kind.

Senator CHANDLER. That was done, as a matter of fact, was it not?

Ex-Secretary TRACY. No.

Senator PERKINS. The ex-Secretary denies it?

Ex-Secretary TRACY. It was not done, as a matter of fact.

Senator CHANDLER. You say that none of the armor that was included in the Bethlehem contract——

Ex-Secretary TRACY. Was given to Carnegie by contract?

Senator CHANDLER. Yes, sir.

Ex-Secretary TRACY. None.

Senator CHANDLER. Do you say that none of the drawings and specifications for making the armor for particular ships that had been furnished the Bethlehem Company were afterwards furnished to the Carnegie Company, and that they produced the armor?

Ex-Secretary TRACY. Only by mutual consent of the two companies and for the purpose of facilitating the delivery of the armor. I will come to that in a moment. The only armor that

I ever took from Bethlehem was from 800 to 1,000 tons of deck plating that was in their contract in Schedule U, for which the Department had agreed to pay $490 a ton. They were not able to deliver that in time, and I knew it was a most excessive price for it, not that I criticised Mr. Whitney for making it, for I do not; it was all a lump sum. It was given to them to induce them to found this plant. But knowing that we were to have further armor made, it occurred to me that the Government could save the excessive price that was to be paid for the deck armor, and as they were not in a condition to furnish it, I suggested to them that I should be permitted to supply that elsewhere and make up the quantity to them in heavier armor later on.

Senator HALE. Afterwards?

Ex-Secretary TRACY. Afterwards. They assented to that. That was done, and that contract was let to the Linden Steel Company at a saving of nearly $400,000 to the Government in that one transaction.

Senator HALE. Do you remember, instead of the $490 a ton for that deck armor, what the contract with the Linden Company was per ton?

Ex-Secretary TRACY. It is per pound: 6.9, 3, 3½, and 4 cents per pound.

Senator HALE. The contract with the Bethlehem Company had been at what per pound?

Ex-Secretary TRACY. Four hundred and ninety dollars per ton; and the contract was let to the Linden Company at from $75 to $80 and $140 a short ton.

Senator SMITH. Do I understand that the Linden Company's bid covered the same different grades of armor as the bid of the Bethlehem people?

Ex-Secretary TRACY. I will explain that to you. Yes; in a sense it did, and in a sense it did not. The contract of the Bethlehem Company required the deck plating to be 3 inches thick. The experts in the Navy said for deck plating three thicknesses of 1-inch plate were substantially as good as a plate 3 inches in thickness. So, acting upon their advice, I made the substitution. I substituted three thicknesses of 1-inch plating, as I understand it and remember it, for a single plate 3 inches thick.

The CHAIRMAN. Was not the 1-inch plating of three thicknesses more expensive than the 3-inch plating?

Ex-Secretary TRACY. No; the three thicknesses would be less expensive per ton.

Senator HALE. That is, it would cost less to furnish three 1-inch plates?

Ex-Secretary TRACY. I think so, beyond question.

The CHAIRMAN. No; I think not.

Ex-Secretary TRACY. I want it distinctly understood that I am making no reflection at all upon that previous contract. I should undoubtedly have made it myself under the circumstances. But finding that item in the contract where I thought a saving could be made to the Government, I negotiated with Bethlehem to have this deck plating made elsewhere.

Senator HALE. Can you not give us something of the difference between these two contracts per ton?

Ex-Secretary TRACY. Yes; I have it right here.

Senator HALE. State how much the difference was per ton, and then we will ask you how much difference was made by taking the three 1-inch plates.

The CHAIRMAN. We can get at those figures hereafter just as well.

Senator HALE. But if General Tracy has it before him——

Ex-Secretary TRACY. I can give you the aggregate difference. Those plates were let to the Linden Company at from $73 per ton, the lowest price, to $147 per ton, the highest price, and the aggregate as figured and given me by the Department was that under the first contract the cost of that lot of plate would have been $534,145. The actual cost of it was $137,224, making, as you will see, a saving of $397,000 to the Government. Subsequently I did give to Bethlehem a corresponding amount of thicker armor at the contract price of that thicker armor.

Senator BACON. Are we to understand that that is the difference between the cost of the single 3-inch plates and the three 1-inch plates?

Ex-Secretary TRACY. I do not know the actual cost. That is what it would have cost the Government.

Senator BACON. That is what I am speaking of.

Ex-Secretary TRACY. Yes.

Senator BACON. The only difference between the two is that in one case there are three 1-inch plates and in the other case there is a solid 3-inch plate, and there was a difference in cost of over $300,000.

Ex-Secretary TRACY. Of $397,000.

Senator PERKINS. How much a ton?

Ex-Secretary TRACY. One was $490 a ton, and the other was a price varying from $73 to $147 a ton.

Senator SMITH. How many different thicknesses of plate were included in the contract made by your predecessor with the Bethlehem people?

Ex-Secretary TRACY. All the way from 3-inch plate, and some even less than that, to 16 or 18 inches. Can you state, Lieutenant Buckingham?

Lieutenant BUCKINGHAM. I think it was 18 inches, the heaviest size.

Senator HALE. Deck plating is entirely distinct from side armor?

Ex-Secretary TRACY. It is entirely distinct. Do not make any confusion about that.

Senator SMITH. Was the price agreed upon by your predecessor based on a general average of all the different sizes of plate?

Ex-Secretary TRACY. No. There were different schedules made and different thicknesses. Different kinds of armor were scheduled under letter A, letter B, letter C, and letter D.

Senator SMITH. And each at different prices?

Ex-Secretary TRACY. Each at different prices. There was other armor also scheduled in Schedule U, and the whole of this schedule was $490 a ton. It may be and probably was true that the other armor scheduled was much more expensive than deck plate, and possibly much more expensive than $490 a ton.

Senator SMITH. That is the point I was trying to get at.

Ex-Secretary TRACY. That may be true. As I said before, I am making no criticism at all on that contract.

Senator SMITH. I understand.

Senator HALE. You have said that quite likely you would have made the same contract yourself?

Ex-Secretary TRACY. Yes; but what I say is that, finding this quantity of deck plating in the contract at that enormous price, I thought that if I could exchange high-priced armor with them and get it out and have it made cheaper I could make a large saving to the Government, which I did.

Senator CHANDLER. However, you agreed to make it up to them, but not in that kind of armor?

Ex-Secretary TRACY. Not in that kind of armor.

Senator HALE. You were in such a position then, the appropriations had been so started and the policy so fixed, that you knew you could count upon the future for other armor and a future supply?

Ex-Secretary TRACY. Yes; I assumed I could, and that turned out to be the case. But I did it to what I supposed was their satisfaction.

Senator BACON. If I understand you correctly, your point is that by getting a certain part of what was included in the former contract made at a cheaper rate you were enabled to put that difference upon a similar armor; that is, armor like that in the first contract, of the higher class, at a higher rate, so that the average would be about the same?

Ex-Secretary TRACY. No.

Senator BACON. Is that correct?

Ex-Secretary TRACY. No. Here was a special thing——

Senator BACON. You paid an increased price for the armor plate—2 cents a pound. Do I understand you to mean that that was compensated for by the decreased price on the deck plate?

Ex-Secretary TRACY. I mean to say, if I can make myself understood, that finding in one of the schedules of the Bethlehem contract nearly a thousand tons of plating for which the Government was to pay $490 a ton, and for which, on the advice of the experts of the Department, I could get what was equivalent to it and just as good for the Government for from $73 to $147 a ton, I got the permission of Bethlehem to take that out of their schedule and give it to another company, by which I made a saving to the Government of a trifle less than $400,000. Afterwards I gave the Bethlehem Company an equal quantity of armor at the schedule price of $525 a ton, I think; but that was a thick armor, and that was the price we paid for all such armor.

The CHAIRMAN. You would have had to pay that price anyway?

Ex-Secretary TRACY. We would have had to pay that price anyway, no matter who made it, whether Bethlehem made it or Carnegie made it. That kind of armor which they took in place of these plates was armor that the Government by all of its contracts had to pay $525 a ton for.

Senator HALE. But when you took away certain work from them you were able to give them the same amount of work in the other kind of armor?

Ex-Secretary TRACY. In the other kind of armor.

The CHAIRMAN. More expensive armor?

Ex-Secretary TRACY. More expensive armor.

Senator BACON. I understand, then, this reduced price on deck plate had nothing whatever to do with giving 2 cents a pound extra on the other armor?

Ex-Secretary TRACY. Oh, not on the other armor. I will come to that in a moment. The 2 cents a pound was a transaction with Carnegie.

Now, I was speaking of this correspondence. I will resume my narration of the story. Finding in the fall of 1890 that no armor

was being delivered, I again sent Commodore Sicard to Bethlehem. His report is as follows:

NAVY DEPARTMENT, STEEL INSPECTION BOARD,
Washington, November 22, 1890.

SIR: Agreeably to the Department's order of the 20th instant, I have visited the works of the Bethlehem Iron Company, at South Bethlehem, Pa., and, having observed the progress made in the construction of the company's plant for the manufacture of thick armor, I beg leave to report as follows:

My last report upon the progress made in the construction of the armor plant above mentioned was dated May 1, 1890, and since that time good progress has been made in the work, the hammer and its appendages being much advanced, and a large part of the smaller work pushed toward completion.

On the occasion of this last visit, for the purpose of estimating the progress made, I pursued the same course of observation and inquiry mentioned on pages 1, 2, and 3 of my report of May 1 last, as that plan seemed practical and simple. The information I have obtained leads me to the conclusion that the plant for the manufacture of thick armor is about three-quarters completed, and that it will be in working order about June 1, 1891.

On my arrival at Bethlehem I saw Mr. John Fritz, one of the directors of the company, and general superintendent of the works. He was stated to be the only member of the company present, and after stating to him the object of my visit, I asked his opinion on several points which will be hereinafter referred to.

Mr. Fritz expressed the opinion that the plant would be ready to produce thick armor about April 1, 1891, the date being governed by his estimate of the time of completion of the great hammer and its appendages. I think his date rather early, and prefer two months later, as before stated. Our estimates, however, agree much better than on the occasion of my former visit, when we differed seven months; my estimated time being the largest, as in this case.

After due reflection, I think that we should allow about four months after the completion of the plant for the delivery of the first 300 tons of thick armor under the contract. The difficulties surrounding the commencement of production are very great, and many failures will probably occur in striking the proper methods of treatment necessary for insuring the proper qualities in the plates; therefore, I fix upon October 1, 1891, as the probable date of the delivery of the first 300 tons of thick armor.

After the first delivery, I estimate that deliveries will continue during the remaining three months of the year at the rate of 300 tons per month, making the total estimated amount delivered in 1891 to be 1,200 tons.

I consider that in 1892 about 500 tons per month could be delivered, amounting during the year to 6,000 tons. At this rate, however, and not allowing for any delays or rejections, the pending contract with the Bethlehem Iron Company would be filled about July 31, 1892.

I understand from Mr. Fritz that when Mr. Bowvard (of Creusot) visited the Bethlehem works he stated that the works at Creusot turn out about 4,500 tons of armor per year when working at the usual rate of speed, but that when working at full capacity about 5,000 tons could be produced. Mr. Fritz further stated that Mr. Bowvard was of opinion that the Bethlehem works would be able to produce with considerably greater facility than Creusot, on account of the greater convenience of the arrangement of the plant and its greater capacity, and on account of the facility with which the work of the hammer could be disposed of. Therefore, 6,000 tons for 1892 does not seem to be an unreasonable estimate. Indeed, Mr. Fritz stated that if the firm had six months' notice of the requirements of the Department for a large amount of armor, by erecting "preheating" furnaces for the assistance of the regular heating furnaces (at the hammer), and by increasing the facilities of the plant by a few easily practicable extensions or additions, the annual output could, in his opinion, be increased to as high a figure as 10,000 tons per year.

If the plant was suddenly pressed to its greatest capacity, the point at which the "choke" would take place would probably be at the heating furnaces for the hammer, and to a less degree in the trimming and finishing shop—that is, the hammer could work faster than its appendages. Increasing the plate-heating capacity, preferably by erecting "preheating" furnaces, would enable the hammer to perform more work. The trimming shop could readily be made to dispose of all the work by increasing the number of machine tools there, a matter readily accomplished.

The oil-treatment plant at Bethlehem provides for artificial cooling of the oil after use and its return to the tempering tank speedily and regularly. I believe that the tank at Creusot is not so well arranged in this respect, and thus the Bethlehem works have a certain advantage in this respect. Still, as Creusot seems to consider its own output to be about 4,500 or 5,000 tons per year, I am of opinion that 6,000 tons per year is all that it would be safe to reckon upon from Bethlehem when in good running order; but on this point I can not, of course, speak positively at present.

Besides the hammer and its appendages, the Bethlehem Iron Works is building a heavy rolling mill, or "plate mill," as they call it, for the purpose of making thick armor by rolling. This mill is not in a very formal state, and as it is not necessary to the manufacture of armor, it is not allowed to interfere in any way with the work upon the rest of the plant. If, however, at any time the Department should wish the company to supply rolled armor, the "plate mill" can be hastened, and in that case Mr. Fritz estimates that it could be finished in about eight months, if pushed forward at the same time as the hammer; but if not hurried until after the hammer is completed, it could be finished in about six months from that time.

To sum up, I estimate as follows:

The plant in running order, June 1, 1891; first 300 tons delivered, October 1, 1891; total deliveries in 1891, 1,200 tons; total deliveries in 1892, 6,000 tons. Pending contract with the company could probably be filled by August 1, 1892.

I am, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Captain, United States Navy.

Hon. B. F. TRACY,
Secretary of the Navy.

Senator BACON. Will you pardon one question before you pass from the point we have been discussing?

Ex-Secretary TRACY. Certainly.

Senator BACON. Was the rate at which that 3-inch plate was put in the original contract made by Secretary Whitney a correct rate at that time?

Ex-Secretary TRACY. I do not know anything about that.

Senator BACON. I am speaking of the 3-inch plate for which you substituted the 1-inch plate of three thicknesses.

Ex-Secretary TRACY. I do not know anything on that point. I saw I could save the Government that much by substituting a different kind of plate.

Senator BACON. You are not prepared to state whether the price fixed in the original contract was the correct price for 3-inch plate or not?

Ex-Secretary TRACY. No; I am not prepared to say.

Senator SMITH. General Tracy only states in a general way that he would have made the same contract at that time.

Senator CHANDLER. As a whole.

Senator HALE (to ex-Secretary Tracy). The conditions were entirely different when you came in?

Ex-Secretary TRACY. Oh, yes; they were founding this plant; and I want to say here to this committee that in my judgment (and it is a judgment I expressed in my report and repeat here) the existence of these two plants in this country for the manufacture of armor is worth more to the country than all the armor the United States has paid for up to this time. Without them we could have done nothing.

The CHAIRMAN. If they had never received a ton?

Ex-Secretary TRACY. Yes; if they had never received a ton. Without them this country could do nothing, absolutely. We would have been as helpless in time of war as China, and we would have been very much in her position. Without the armor-plate establishments, and without the armor-piercing projectile establishments, and without the modern brown powder for heavy guns, a hundred ships would have done us no good; if we had had the most modern ships in the world, we would have been absolutely helpless.

Senator HALE. Do you not suppose that it was that large consideration which entered into or governed the mind of Secretary Whitney in making the original contracts?

Ex-Secretary TRACY. I have no doubt of it. Of course it entered into the mind of Congress, too.

Senator CHANDLER. If anybody else had said all this in the presence of yourself and Mr. Whitney, you would both have immediately admitted the truth of it, would you not?

Ex-Secretary TRACY. I have no doubt of it. I think every man who properly realizes the importance that these establishments have been to the country, and the capacity that it gives our Government to build its own ships of the highest class, absolutely independent of other nations, can not fail to appreciate it.

Senator CHANDLER. You do not make these remarks, however, by way of justifying the payment of more for anything than it was necessary to pay for it?

Ex-Secretary TRACY. Not at all.

The CHAIRMAN. That is another matter. That will come later on.

Senator HALE. What did you do next?

Ex-Secretary TRACY. After this report of Sicard's, in May, showing that they could not begin to deliver armor for eighteen months, and finding from examination in England that the largest armor establishments there did not turn out more than 300 tons a month, having the authorization to build three battle ships and three large cruisers which would require about 14,000 tons of additional armor, as estimated, I felt it necessary to found, if possible, a second armor plant, because at 300 tons a month for each establishment, both furnishing, they could only furnish armor enough to build about two battle ships a year. The *Indiana* has on it about 3,060 tons of armor. At that rate two establishments would furnish only a little more than enough to build two battle ships.

Senator HALE. About 7,000 tons a year?

Ex-Secretary TRACY. Yes; I had an interview with Mr. Abbott, of Carnegie, Phipps & Co., on the subject of their undertaking the manufacture of armor. We entered upon a negotiation for that purpose, and that negotiation ran along through the summer and into the fall of 1890. The contract with Carnegie is in November, 1890. We began in the summer of 1890 to negotiate with Carnegie.

Senator HALE. You did not begin to negotiate with Carnegie until after you had demonstrated these delays?

Ex-Secretary TRACY. No; I offered, in the first place, to give them a contract for 6,000 tons of armor, substantially what Mr. Whitney had given Bethlehem, if they would found a similar plant, but I wanted them to manufacure it at a less price. To my mind, of course, the price paid to Bethlehem seemed to be an excessive price, and I tried to make a better bargain. But Mr. Carnegie was positive and absolute that he would not make a different contract from that made with Bethlehem. He would not take it at one cent less price, and I found that I had to abandon it or make the same contract with him that Mr. Whitney had made with Bethlehem. I yielded that.

I finally consented that the prices and terms of the contract made with Carnegie should be the same as those made with Bethlehem, with one exception. I reserved the right to order the manufacture of nickel steel instead of all steel, if the Department should so elect, for by this time the development of nickel steel had progressed to such a point that it was exceedingly probable the Department would want to adopt nickel steel instead of all steel. I reserved the right to change to nickel steel, agreeing that

in case the Department did change to nickel steel the difference in cost of manufacturing nickel steel instead of all steel, whether it should be more or less, should be ascertained, adjusted, and determined. The contract was made on the basis that it was a contract for all-steel armor. If nickel steel was to be manufactured, then the difference in cost was to be ascertained and allowed.

Senator HALE. Which did you consider would be the most expensive?

Ex-Secretary TRACY. I supposed that nickel steel would be more expensive than all steel, because there would be substantially the addition of nickel, the cost of nickel, and something in the manipulation of it. How much we did not know; no one knew at that time; but that was to be ascertained, and it was provided for by the contract. That difference was to be ascertained and determined by a board of naval officers.

In the meantime, and before this contract was concluded, the trial at Annapolis had taken place, which had demonstrated the superiority of nickel steel; the appropriation of $1,000,000 to purchase nickel steel had been made, and I had made a contract for the purchase of a small quantity of nickel. I had also entered into negotiations with a Mr. Thomson, of the Orford Copper Company, for reducing nickel matte to an oxide of nickel for use. Mr. Carnegie said, "What about this patent for making nickel steel? They demand a royalty of 2 cents a pound, and if you are determined to make nickel steel, you must pay that royalty as a part of the increased cost of the manufacture." I said, "Mr. Carnegie, I can not pay a royalty of 2 cents a pound for nickel steel. It is absurd; I will not pay it." "Well," he says, "I can not undertake the contract unless you do."

There was a hitch in the negotiation, and finally it was agreed that the Department should indemnify Mr. Carnegie against the claim of the nickel patent. The arrangement specified in the contract was resorted to for the purpose of securing that indemnity, and you will see by it that the Government does not pay Mr. Carnegie anything unless he is sued and the patent is maintained and a recovery is had against him. Then he is to be indemnified to the extent of that recovery and the necessary cost of defense—nothing beyond that. If they sued him and recovered 1 cent a pound, the Government would have to pay that 1 cent a pound and the necessary cost of defense.

Senator PERKINS. But in the contract with the Bethlehem Company had they not agreed to protect the Government against this patent?

Ex-Secretary TRACY. I will come to that in a moment. That contract with Carnegie is simply a contract of indemnity; nothing more, nothing less. Information that I had received led me first to doubt the validity, the novelty, of that Schneider patent. In the second place, I was very sure that we were not to infringe it, because our process was something entirely different from the process pointed out in that patent. In the third place, I did not believe the royalty was worth anything like 2 cents a pound, and I would not submit to such an extortion; I would not allow a patentee to hold up the processes of the Government, situated as we were, to demand what I deemed to be an excessive royalty. Hence I made the contract.

I see it suggested that the Government made different terms with Carnegie from what they made with Bethlehem. Bethlehem's contract with my predecessor was to manufacture all-steel plates. They never had agreed to manufacture nickel-steel plates.

Senator HALE. Nickel was not among the possibilities then?

Ex-Secretary TRACY. Nickel was unknown for such purposes at that time. I could not compel them to manufacture nickel-steel plate if they refused to do it.

Senator BACON. You are speaking of Bethlehem now?

Ex-Secretary TRACY. Of Bethlehem. But I said to them, "If you will do it, I will do with you just as I do with Mr. Carnegie; I will pay you whatever additional expense you are subjected to in consequence of manufacturing nickel instead of all steel;" and that was arranged and determined by a board of naval officers for both of them.

Now, Bethlehem never suggested to me, and I never heard of the suggestion until I read it in the resolution in this connection, that they had to pay anything to Schneider for royalty for the use of nickel; and I should like to ask, if Senator CHANDLER will permit, upon what authority it is now assumed that Bethlehem ever paid a cent to Schneider as royalty under the nickel patent.

Senator CHANDLER. Do you want to interrogate me?

Ex-Secretary TRACY. Not unless you desire to give me an answer.

Senator CHANDLER. I am ready to be interrogated if you wish it.

Ex-Secretary TRACY. I say I should like to know upon what authority that is stated, because I never heard of such a thing until I read it in the resolution authorizing this investigation.

Senator CHANDLER. I have few secrets. Lieutenant Meigs told me they had paid a large sum, between $600,000 and $1,000,000, for the use of the same patents, which in the Carnegie contract you provided this fund of 2 cents a pound to indemnify them against.

Ex-Secretary TRACY. I will venture to say that that is entirely a misapprehension. Schneider was interested in the original contract with Bethlehem.

Senator HALE. For all steel?

Ex-Secretary TRACY. The contract for all-steel armor made in 1887 by Mr. Whitney. Schneider was the original manufacturer of all-steel armor at his plant in France. It was common knowledge in the Department, and I have never heard it disputed, and I have had it from Bethlehem itself, that before making this contract with Secretary Whitney they made an arrangement with the Schneiders by which the Schneiders were to contribute all their information, all their appliances, all their methods, to Bethlehem, to be used by it in performing this contract for the manufacture of armor.

The CHAIRMAN. Have you any knowledge as to whether Mr. Whitney, prior to making this contract with the Bethlehem Company, insisted that they should make an arrangement with Schneider?

Ex-Secretary TRACY. I do not know about that.

The CHAIRMAN. Did you ever hear that?

Ex-Secretary TRACY. No: I do not think I ever did, but that they did make that arrangement was common knowledge everywhere. As I say, it was that knowledge which led me to insist, with Commander Barber, that the Schneiders should furnish an all-steel plate for the competitive test. I said to him, "I know perfectly well that the Schneiders are interested in this contract, and doubtless they expect to be interested in other contracts that Bethlehem may make. I do not know the extent of their interest, whether it is limited to this particular contract or whether it applies to all contracts. That I do not know, but they are interested in this contract, and I say that no armor will be let until after there has been a competitive trial."

Senator HALE. Was it your understanding that the interest of the Schneiders in the contract was in the building of a plant, or in what way was it your understanding that the Schneiders had the interest you speak of in the Bethlehem plant?

Ex-Secretary TRACY. I never saw the contract, and I have no knowledge beyond the fact that it was always said and always understood that they were interested in the proceeds of that contract. I never supposed that they were the joint owners of the plant, but I assumed, without knowing it, that Bethlehem was to build the plant and they were to furnish Bethlehem with all their knowledge, experience, methods, appliances, etc., and in consideration of that Bethlehem was to pay them so much money.

Now, I want to repeat that when I was negotiating with Bethlehem for the making of nickel-steel armor no suggestion was ever made to me that they would be liable to the Schneiders for a royalty for their patent. I never heard of such a thing, and I always assumed that it was not so because of the obligation that the Schneiders were under in the original arrangement made in 1887, by which they were to furnish Bethlehem with everything they had. I am very sure that I have been told by the Bethlehem Company that the Schneiders were bound to furnish them everything that they had or knew on the subject of the manufacture of armor.

Senator CHANDLER. For nothing?

Ex-Secretary TRACY. No; but for what Bethleham had originally agreed to pay them as the consideration of the agreement of 1887. That was a part of their original agreement.

Senator CHANDLER. The details of that you know nothing about?

Ex-Secretary TRACY. I know nothing about the details.

Senator HALE. Do you not consider it likely that the large amount Lieutenant Meigs refers to, instead of being for royalty for the Schneider patent, was for information and valuable assistance derived from the Schneider Company?

Ex-Secretary TRACY. I have no doubt that is what he refers to, and I will venture to say——

Senator TILLMAN. Where is Lieutenant Meigs?

Ex-Secretary TRACY. Bethlehem will know the terms of the agreement. Fritz is here, and will know all about it. A more honest man does not live. You may take with absolute certainty anything he says about it.

The CHAIRMAN. That is true of John Fritz.

Ex-Secretary TRACY. But the suggestion that Bethlehem ever paid anything, or that anything was ever demanded of Bethlehem as a royalty for this patent, I never heard of until I heard it here.

Senator CHANDLER. Let me ask you a question, if you are willing to be interrogated on this point.

Ex-Secretary TRACY. Certainly.

Senator CHANDLER. They made a demand for royalty on Carnegie, Phipps & Co.?

Ex-Secretary TRACY. Oh, yes.

Senator CHANDLER. And have not made a demand upon the Bethlehem Company, as far as you know?

Ex-Secretary TRACY. Not as far as I know.

Senator CHANDLER. Can you tell the reason why they made no demand upon one company and did make a demand upon the other?

Ex-Secretary TRACY. Because Bethlehem claimed the right to manufacture under that patent, under and in pursuance of its original arrangement of 1887 with the Schneiders. I know nothing about it, but that has always been my assumption.

Senator CHANDLER. Then was not this the state of the case when you made a contract with Carnegie, Phipps & Co., that you paid them the same prices that were paid to the Bethlehem Company?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. And in addition provided this fund of 2 cents a pound?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. Assuming that the Bethlehem Company had already obtained the right to use this patent process from the Schneiders and had paid them for it?

Ex-Secretary TRACY. No.

Senator CHANDLER. Why not?

Ex-Secretary TRACY. Assuming that they already had the right to call upon Schneider not only for all he knew at the time of making the agreement of 1887, but for all of the improvements that he made from time to time in the manufacture of armor; and I assumed that they were to be put to no expense because of that royalty of the patent, for if they had they would have claimed it of me. If Bethlehem had said to me, as Mr. Carnegie did, "Here is this patent; we can not manufacture under that patent and subject ourselves to a royalty," and had said, "We will not manufacture nickel steel for you unless you will indemnify us against that patent," I should have been compelled to throw up the whole thing or do with them as I did with Carnegie, namely, agree to indemnify them. But no such claim was made by Bethlehem.

Senator HALE. You supposed that the larger arrangement they had made with the Schneiders, covering the interest of the Schneiders in the profit and in the contract, covered patents and everything else?

Ex-Secretary TRACY. Yes; everything that they had.

Senator HALE. And royalties?

Ex-Secretary TRACY. Yes; and I have not a particle of doubt about it to-day. I should be compelled to confess myself more mistaken than I have ever been if that is not the fact.

Senator TILLMAN. I was absent for a few minutes, having been called out of the room unavoidably, and you may have touched upon the point; but let me ask on what, in making your contracts with the Carnegies, you based your action as to price?

Ex-Secretary TRACY. You were out, Senator. I said when I came to negotiate with Mr. Carnegie the negotiation began with Mr. Abbott, the manager of their works; and when Mr. Carnegie came into it later I started by insisting that they should reduce the price that was paid to Bethlehem. I thought that was an excessive price, and I wanted them to reduce that price.

Senator TILLMAN. Did they mention as a reason why they could not reduce the price that they would be at a great expense?

Ex-Secretary TRACY. Of course.

Senator TILLMAN. Which would have to be considered in undertaking the contract?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Did they give you any estimates?

Ex-Secretary TRACY. Oh, yes; verbally. No estimates in detail.

Senator TILLMAN. Can you recall the amount roughly, generally?

Ex-Secretary TRACY. I think it was more than $2,000,000 that they would have to expend.

Senator TILLMAN. That they would have to expend over and above their existing outlay?

Ex-Secretary TRACY. Yes.

Senator TILLMAN. Before they could make the armor?

Ex-Secretary TRACY. Yes. I will not be positive about the precise figure. However, it was a very large sum.

Senator HALE. They had a large plant for other purposes?

Ex-Secretary TRACY. They had a large plant.

Senator TILLMAN. I knew they had a large plant. I am trying to get at what ought to be the present price of armor after the Government has practically paid for these plants in the original contracts. That is the point I want to strike.

Ex-Secretary TRACY. As I stated, Mr. Carnegie said flatly, "I will make no contract unless I can have the same terms that are accorded to Bethlehem, at the same prices and substantially the same quantity of armor. If you will give me that, I will found the plant; if you do not, I will not."

Senator TILLMAN. Did your experts, those who reported to you in regard to the delay in furnishing the armor and complying with the original contract of the Bethlehem Company, ever lead you to suppose that there was any intentional procrastination?

Ex-Secretary TRACY. No; not willful.

Senator TILLMAN. Was it necessary?

Ex-Secretary TRACY. Necessary in one sense. In the founding of that plant Bethlehem sought very largely to make its own tools instead of purchasing them. Then they had made great mistakes with their hammer. No; I am not willing to charge Bethlehem at all with any willful delay. The delay was very great; but I think the Senator was out when I stated that one of the controlling factors which led me to think it desirable to found a second plant was because the experience of the English armor makers is that in their largest establishments they turn out only about 300 tons a month each, and at 300 tons a month two establishments could manufacture armor for only about two battle ships a year the size of the *Indiana*.

Senator TILLMAN. This is merely a question as to your opinion; but let me ask you whether from your intimate knowledge of the matter you have any reason to believe that those two companies are in collusion or that they at that time had an understanding with each other?

Ex-Secretary TRACY. No; not at the time of making the contract, of course. I do not want to pass upon that question. I have no evidence sufficient to justify me in saying that they were in collusion. We were required to advertise for the materials.

Senator TILLMAN. Did any other steel makers make any propositions or come to you?

Ex-Secretary TRACY. There is no one else in the country who has a plant, and so others could not compete.

Senator TILLMAN. None except Carnegie and the Bethlehem Company.

Ex-Secretary TRACY. They are the only two plants in the country that can compete.

Senator TILLMAN. Are we then to-day practically forced to buy from those two or none?

Ex-Secretary TRACY. We are.

Senator HALE. Unless we build a plant of our own?

Senator TILLMAN. Or unless there are others who would go to the expense those firms have gone to?

Ex-Secretary TRACY. Yes, sir; that is it, unless you found another plant.

Senator TILLMAN. I just want to get the idea of a monopoly or of a combine between those companies brought out prominently in the investigation.

Senator CHANDLER. Without reference to a combine, it is admitted that those two companies are the only ones now that can compete?

Senator TILLMAN. I am not speaking of the present time.

Ex-Secretary TRACY. You do not understand me as saying that there is any combine?

Senator TILLMAN. I am trying to bring out the facts that will prove that, however.

Senator HALE. At the time when, under the circumstances you have stated, you made the arrangement which resulted in the establishment of the second plant, was there anything that indicated any collusion or sympathy or correspondence between the Carnegies and the Bethlehem Company, or do you believe now that there was anything of the kind?

Ex-Secretary TRACY. No; there was nothing at the time.

Senator HALE. On the other hand, was it not considered by you that you could create an additional and rival establishment to the Bethlehem Company?

Ex-Secretary TRACY. Yes, sir. I have assumed that if this Government had followed the practice of England and appropriated $100,000,000, or even $75,000,000, to a building scheme, to be expended so much per year during a series of years, the cost of our ships in every respect could have been greatly reduced, because more people would have gone into the business of furnishing the frames of ships, the plates of ships, the decking; more men would have gone into the projectile business; more armor men would have gone into the armor business. We could really have got up an active competition under a guaranty of constant and continuous employment for a series of years. But where you ask a man to found an expensive plant, costing millions of dollars, on a very small contract, with nothing more than a mere probability that something may afterwards follow, of course he is likely to exact a much higher price for that one contract.

Senator HALE. That is true.

Ex-Secretary TRACY. I assume now that if the present Congress should authorize the building of four more battle ships in addition to the two being built, the present Secretary of the Navy could negotiate a contract for armor at considerably less than the present prices.

But I started, allow me to say to Senator PERKINS, with the same impression he has. I knew what ordinary steel cost, and I could not reconcile my judgment to the fact that the armor was costing this amount of money. Of course, I recognized the cost of plant, interest, and depreciation of plant; but there is this fact which I learned very soon after, that a great deal of the cost of the armor plate is in the machining of it. The plates are exceedingly hard; it consumes a great deal of time, and the cost of machining, especially of the nickel-steel harveyized armor, is very great. All armor is expensive in that direction. One of the big items is the machining, and it makes it impossible to turn out any large quantity of armor——

The CHAIRMAN. By "machining," you mean the shaping and fitting together of the plates?

Ex-Secretary TRACY. Yes, sir. You can forge any amount of

armor you choose. You can forge it like you can forge anything else, but you can only put so many machines on a piece at a time.

Senator CHANDLER. Because there are hardly more than two pieces of the same kind and shape; one on one side of the ship and one on the other side.

Ex-Secretary TRACY. They have to shape them in all sorts of shapes.

Senator CHANDLER. Does the contract provide for shaping?

Ex-Secretary TRACY. Yes, sir; for shaping, bending, and twisting. One of the most expensive armors we have is what to the lay mind would seem to be the cheapest, and that is the gun shields, the bending and fitting of the thin, hard armor. It is much more expensive per ton than thick armor.

Senator HALE. So the prices of ordinary steel furnished for commercial purposes bear no relation to armor?

Ex-Secretary TRACY. Not at all. Yet, of course, I can not help but believe that if the armor makers could have constant and continuous employment for their plants and employ their men for any considerable length of time, they could afford, and the present Secretary would compel them, to reduce the cost of armor. But if it is only spasmodic, here and there, a battle ship now and a battle ship then, with their force scattered and having to be gathered together when a job comes, of course we must always expect to pay a much larger price, and our ships will cost much more than they would if what I deem would be an intelligent policy were adopted. If you declare your scheme in advance, say, "We will expend such a sum of money on building ships, not more than $10,000,000, $15,000,000, or $20,000,000 to be expended a year," it would be a building programme, and everybody would work to that programme, and everything would be greatly cheapened.

I never doubted that during my time I could have reduced the cost of the ordinary steel that goes into a ship 25 per cent if I could have given any assurance of permanent and extensive employment to people who would consent to go into the business.

Senator HALE. That would involve permanent and large appropriations.

Ex-Secretary TRACY. Yes.

There is another thing which you must bear in mind in connection with our Navy. The standard of steel that we use in the construction of ships is much higher than even England uses. It is far in advance of the mercantile steel. When some tugboats were ordered, I undertook to build them with the Navy inspection of steel; and I could not build them at all. Nobody would bid on them, and I was compelled to come down to the commercial standard of steel before I could get any bidders.

Senator HALE. It does very well for that kind of a vessel?

Ex-Secretary TRACY. It does very well; well enough. But I undertook to build them on the Navy standard. I could not get any competition; I could not get a bid, practically. Nobody would bid.

Senator HALE. You have gone on now and have talked about nickel steel. You have not touched upon the other subject yet.

Ex-Secretary TRACY. Let me complete my statement as to this matter, and then I will go to the other subject in a moment.

When this question was mooted to Mr. Carnegie, he refused to make the contract unless I would make this indemnity. I made it. I had a doubt as to the validity of the patent, and a moral certainty that we were not infringing and were not going to infringe the patent; and I knew that a royalty of 2 cents a pound was excessive anyway, and they could not recover 2 cents a pound even as the result of litigation.

I supposed the litigation would be instituted at once, but from the time I made the contract I never heard of a suggestion of litigation until about the time I was going out of office. I supposed they had abandoned it and had become perfectly satisfied that we were not infringing, for when I came to make the second contract with the Bethlehem Company and with Carnegie, in 1893, neither of them suggested any indemnity for the nickel patent. The second contract with Carnegie does not embrace the indemnity at all, nor does the contract with the Bethlehem Company.

Senator CHANDLER. The contract with the Bethlehem Company is dated March 1, 1893, and that with the Carnegie Company is dated February 28, 1893?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. There the usual indemnity clause is to be found, except as to the Harvey process?

Ex-Secretary TRACY. There Carnegie agreed to indemnify the Government against all patent processes except the Harvey process, which we had a right to use for a definite period.

Senator HALE. So that question had disappeared?

Ex-Secretary TRACY. It had disappeared and gone out of everybody's mind.

Senator CHANDLER. In the meantime the two-hundred-and-sixty-thousand-dollar fund under the first contract had accumulated?

Ex-Secretary TRACY. No. When I went out of office he had not delivered any great amount of armor.

Senator CHANDLER. It was provided for?

Ex-Secretary TRACY. Of course. But the fact that Mr. Carnegie made no mention of it in connection with the second contract led me to suppose that it was understood that no litigation was to be commenced at all under the contract, and none was commenced until last summer.

When I was in Europe last summer, I received word from my firm that suit had been brought against Carnegie; that Carnegie had brought the papers to our office to defend, and that the Government had employed a patent lawyer also to defend the suit.

Senator HALE. Who brought the suit—the Schneiders?

Ex-Secretary TRACY. Schneider brings the suit.

Senator HALE. Where did he bring it?

Ex-Secretary TRACY. In the circuit court of Pennsylvania, I assume. Yes; at Pittsburg.

Senator CHANDLER. Under American patents for these processes?

Ex-Secretary TRACY. Under American patents for these processes.

Senator CHANDLER. When were the patents taken out?

Ex-Secretary TRACY. They were taken out some time in 1890, I think; 1889 or 1890; 1889, is it not?

Senator CHANDLER. I do not know.

Ex-Secretary TRACY. I am not sure. Now let us go back to Harvey.

Senator HALE. You have made a most interesting statement in regard to all the transactions covering the introduction of nickel into armor. Now, will you give us an account, as briefly as you can as a lawyer, of the harveyizing process; how it came to the attention of the Department; the reasons that led to its adoption, and the importance and value of the process, in your judgment, which led you to do whatever was done in the way of adopting it and paying for it?

Senator CHANDLER. Mr. Tracy has already done that, Senator HALE, as to the Harvey process.

Ex-Secretary TRACY. I did that at the beginning of my statement. I alluded to Mr. Folger's calling my attention to it, and I have gone on to the time when we demonstrated its complete success at the last trial at Bethlehem.

Senator CHANDLER. Now, from that point go on.

Senator HALE. You have not stated of what importance you deemed that process to be, small or great; the novelty of it, so far as you are concerned, but not as a matter of patent, and the general reasons that led you to its adoption.

Ex-Secretary TRACY. The general reason that led to the adoption of it was that in the judgment of Mr. Folger and myself it was making the ideal armor plate, a hardened surface upon a homogeneous mass of steel, and the value of the patent was beyond computation, almost.

I hold in my hand now an address delivered by C. E. Ellis, associated with John Brown & Co., Limited, of London, and one of the large firms of compound-armor manufacturers in that country, delivered in 1894 before the institute, I think, in which——

Senator CHANDLER. Give the title page, the date, and everything.

Ex-Secretary TRACY. It was delivered before the Institution of Naval Architects. In the address, after discussing all sorts of armor and the improvements that had been made in it, coming down to the Harvey armor, he discusses that, and there is no more skilled person in the world on armor than Mr. Ellis. He estimates the superiority of the harveyed armor over the best armor in use previous to its adoption as 50 per cent.

With the above facts before us—

He says—

we are enabled to form some idea of the improvements that have recently been effected in armor-plate manufacture, and of the relative value of the various kinds of armor. Without disregarding the excellent qualities of the steel and nickel plates which I have alluded to earlier in this paper, I think I have shown that harveyed armor would be a more efficient defense to the vital parts of any ship of war, whether battle ship or cruiser, than any other type of plate. Opinions may differ as to the percentage of superiority it possesses, but I do not think I am overestimating its value when I place its resisting power at 50 per cent above the steel and compound plates of 1888, which I have chosen as a basis of comparison.

This advantage can be used by the naval architect in one of two ways; he can either clothe with armor a greater part of his ship, or he can obtain greater resistance, keeping the same thickness of armor. The new development is, therefore, of the greatest importance, and it will be a matter of satisfaction to this institution that the British Admiralty have been the first naval authority in Europe to realize the value of this new form of armor and to apply it to their most recent designs.

I think that is a fair estimate of the superiority of the Harvey armor over the best compound armor of England.

Senator PERKINS. Fifty per cent?

Ex-Secretary TRACY. Fifty per cent.

Speaking of armor, as illustrated in our own case, I may say that the thickness of the plates to be put upon the *Indiana* was determined before we had fully tested the harveyed armor, and it was fixed at 18 inches in thickness. We put it on that way. But after fully testing the harveyized armor, when we came to build the

Iowa we reduced the thickness of the armor, as we thought we safely might, to 14 inches.

Senator HALE. Fourteen inches instead of 18 inches?

Ex-Secretary TRACY. Fourteen inches instead of 18 inches. Mr. Herbert, I understand, has done the same thing as to the ships that are now authorized, and all Europe is doing the same thing, and even more than that.

Now, take 14 against 18, that is about 23½ per cent of saving in weight——

Senator PERKINS. There is a saving in weight to that extent?

Ex-Secretary TRACY. Yes. There are 3,060 tons of armor on the *Indiana*.

It would be difficult to compare the *Iowa* and the *Indiana*, owing to the fact that the former vessel is of about 1,000 tons greater displacement than the latter, and has a greater protected area.

A true comparison, however, may be obtained in the following manner:

The ballistic resistance of a harveyed armor plate is at least as great as that of a nickel-steel plate of 20 per cent greater thickness, and we know by actual tests that for any given protection we can save at least 20 per cent of armor weight by the use of the Harvey process.

The *Indiana* class having been designed to carry 2,679 tons of nickel-steel armor, the introduction of the Harvey process would have allowed giving them at least equal protection on a weight of 2,143 tons. The cost of the 2,679 tons of nickel-steel armor would have been $1,578,962, while the cost of 2,143 tons of harveyized armor, including royalty and every other expense, would have been $1,395,093, and the resulting saving would have been $183,869 on the armor alone.

But in reducing armor weights by 536 tons we can also reduce hull weights, still retaining all the offensive and defensive qualities, speed, coal endurance, etc., unchanged. This saving of hull weights would be at least 300 tons, costing about $140,000.

Consequently the introduction of the Harvey process enables us to save $323,869 on a single ship of the *Indiana* class.

We have reduced the weight of the armor on the *Iowa* to twenty-three hundred and some odd tons. We have saved six hundred and odd tons of armor on those two ships.

Senator HALE. You save the price of that much armor per ton simply on weight?

Ex-Secretary TRACY. On weight.

Senator PERKINS. On the reduction in weight?

Ex-Secretary TRACY. On the reduction in weight.

Senator PERKINS. And you have the same resisting power?

Ex-Secretary TRACY. We have the same resisting power.

Senator HALE. According to Mr. Ellis, you have a great deal more resisting power.

Ex-Secretary TRACY. Yes, sir. According to Mr. Ellis, we would still have 25 per cent greater resisting power than in 18 inches of ordinary armor. Now, if you will call the six hundred and odd tons of armor saved worth even $400 a ton, we have made a direct and actual saving of $260,000. But that is not all the saving. The six hundred and odd tons saved give so much additional weight to be used in the ships. If you do not use it otherwise, you can add 600 tons to the coal capacity of the ship. Your ship will then carry 600 tons more of coal. If you will estimate what the cost of adding 600 tons to the hull of a ship would be, you will see that you have another great saving, for by no possibility could you call this less than $250 a ton. Thus you have 250 times 600. The actual saving by the Harvey process in the production of such a ship is not less in value than $400,000.

Senator HALE. For each ship?

Ex-Secretary TRACY. For each ship.

Senator PERKINS. With about the same tonnage?

Ex-Secretary TRACY. Involving the same tonnage—taking a ship of the same tonnage, of the *Indiana's* class——

Senator PERKINS. And you have the same resisting power in armor plate 14 inches in thickness that you would have with armor plate 18 inches thick?

Ex-Secretary TRACY. Yes, sir. The 14-inch armor, harveyized, is equal to 18 inches of the compound plate.

Senator PERKINS. Yes; and according to Mr. Ellis it is even very much greater; it is 25 per cent more.

Ex-Secretary TRACY. Is even much greater, as you say.

Senator BACON. It would not be 25 per cent; it would not be that much.

Ex-Secretary TRACY. The great value of this armor can not be doubted, when within a year after its perfection here it was adopted everywhere, by every naval power in the world. No other sort of armor is used or is thought of being used to-day than the harveyized armor.

Senator HALE. Had it ever been thought of before?

Ex-Secretary TRACY. It was never heard of before.

Senator HALE. So it was an absolute novelty.

Senator TILLMAN. I wish to ask you a question which is not pertinent to the inquiry, but I ask you for my own information. On any of the old vessels in the British navy or in any other navy, that of France or Germany, for instance, which were constructed before the discovery of the value of nickel steel, has the inferior armor been replaced by nickel armor?

Ex-Secretary TRACY. Not to my knowledge. Both England and France, and I think you may say it is true of other naval powers, have been building ships with the new armor and have been using the utmost capacity of their establishments since it came into use.

Senator TILLMAN. I will state the object of the question: With the old armor, which is necessarily inferior, it naturally follows that those vessels are not the equal of the vessels built now——

Ex-Secretary TRACY. They are not, by any manner of means.

Senator TILLMAN. In power of resistance?

Ex-Secretary TRACY. Nothing like it.

Senator TILLMAN. Or ability to cope with vessels armored with nickel steel?

Ex-Secretary TRACY. Nothing like it.

In this desultory talk I have brought my remarks up to the point where the armor was adopted, and I have spoken of its value. I have never doubted its value. It was recognized the world over as an absolute novelty in armor.

Senator HALE. You are now referring to the harveyized process?

Ex-Secretary TRACY. Yes; the harveyized armor. It is so accepted. I regard and have always regarded the development of that armor as marking a new epoch in the history of naval development in this country.

Senator PERKINS. It was impressed upon us at the first meeting, when Secretary Herbert was present, that exorbitant prices had been paid to Carnegie and to the Bethlehem Company (at the rate of $500 per ton), for the reason, if no other, which was developed, that those companies had made a contract with a foreign government to furnish the same armor at less than $300 a ton.

Ex-Secretary TRACY. I have heard of that. I know nothing about it.

Senator PERKINS. It is hard for me to reconcile that fact with the statement that the firms have not formed a combination whereby they have taken advantage of the necessities of our Government.

The CHAIRMAN. That is another subject, and we may come to it later on.

Ex-Secretary TRACY. I shall be glad to answer any questions which members of the committee may desire to ask.

Senator HALE. When did Commodore Folger become Chief of the Bureau of Ordnance, having before that been in charge of inspection at the Washington Navy-Yard?

Ex-Secretary TRACY. In 1890.

Senator HALE. Was he in office when you left the Department?

Ex-Secretary TRACY. No; he resigned from the Bureau about the middle of December and asked a leave of absence for two years. He was absent on that leave of absence when I left the Department.

The CHAIRMAN. Do you mean December, 1893?

Ex-Secretary TRACY. December, 1892. He left the Bureau on the 1st of January, 1893.

Senator CHANDLER. That is right.

Ex-Secretary TRACY. December, 1892, is the date of his resignation, and he left on the 1st of January, 1893, I think.

Senator PERKINS. While on leave of absence he drew two-thirds pay?

Ex-Secretary TRACY. He drew leave-of-absence pay.

Senator CHANDLER. Mr. Tracy, you are now in private life?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. Engaged in the practice of law in New York City?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. State the name of your firm.

Ex-Secretary TRACY. It is Tracy, Boardman & Platt.

Senator CHANDLER. Is James R. Soley connected with your firm in any way?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. You accepted this employment from Carnegie, Phipps & Co. to oppose the validity of the Schneider patent?

Ex-Secretary TRACY. Not only to oppose its validity, Senator, but also to deny the fact that we had infringed their patent, and then to contest the value of the royalty if they were entitled to any.

Senator CHANDLER. You are counsel now in the whole question covered by the contract?

Ex-Secretary TRACY. Yes, sir; for Carnegie.

Senator CHANDLER. Are you also counsel for the Harvey Steel Company?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. What is your function in that case?

Ex-Secretary TRACY. The function of a lawyer, I suppose; to win my case if I can.

Senator CHANDLER. I mean, what is the point of litigation, and what side are you on?

Ex-Secretary TRACY. I understand it is litigation brought by the Harvey Steel Company to restrain the infringement of its patent by the Bethlehem Company.

Senator CHANDLER. Now, if you will be kind enough to state which side of that litigation you are on I shall be obliged to you.

Ex-Secretary TRACY. I am for the Harvey Company.

Senator CHANDLER. The address of Mr. Ellis, I see, is an exhibit in the case in the "United States circuit court, eastern district of Pennsylvania, Harvey Steel Company *vs.* The Bethlehem Iron Company. In equity No. 10; April session, 1895."

Ex-Secretary TRACY. Yes.

Senator CHANDLER. How long is it since you were employed as counsel for the Harvey Steel Company?

Ex-Secretary TRACY. I received my retainer in February a year ago, I should say. I was taken sick right after receiving it, and the last work I did before leaving for Europe in the March following, March of last year, was to sign the complaint. Then I had nothing to do with the matter until I returned this fall.

Senator CHANDLER. What did you sign?

Ex-Secretary TRACY. The bill for an injunction.

Senator CHANDLER. In the Harvey case?

Ex-Secretary TRACY. In the Harvey case, to enjoin the Bethlehem Company from infringing their patent.

Senator CHANDLER. Now, will you please go back to the Carnegie contract? With whom did the idea or the project of making the contract with Carnegie, Phipps & Co. for the establishment of an additional plant for the manufacture of armor originate, with the Department or with Carnegie, Phipps & Co.?

Ex-Secretary TRACY. I have myself been trying to recall that. I have not had access to the Department or to its documents, and I can not recall whether I wrote to the Carnegie Company or whether they called on me. The first thing that I remember distinctly about it is that Mr. Abbott, of their concern, was in the Department. There may be something in the Department which will show how that is, but I have not been to the Department since I left it, and it is a matter that I can not recall.

They may have known of the delays and have understood the situation and have voluntarily come to suggest the making of a contract, or I may have sent for them; I can not tell which.

Senator CHANDLER. Can you remember this? Is it in your mind whether they were pressing to have the contract made or you were following them to make the contract which you thought ought to be made?

Ex-Secretary TRACY. I think Mr. Abbott, who first negotiated with me, was quite disposed to make the contract, but when Mr. Carnegie, the head of the firm, came to be consulted, he was not disposed to make it at all. He fixed the terms, and beyond them he would not go. He controlled the negotiation from the time he came into it.

I wish to say at this point that I did not know anybody connected with that firm. I never had seen Mr. Carnegie until I saw him in the Department. It was the first time I saw him in my life. I knew nobody else in that firm. Therefore I think Mr. Abbott came to me voluntarily and suggested whether or not we would attempt to found another plant. But I will not say certainly about it, for my memory is at fault there.

Senator CHANDLER. As to Mr. Carnegie, do you desire to convey the impression that he was rather averse to making the contract after you had urged him to do so, or that you and he were each equally desirous of bringing it about?

Ex-Secretary TRACY. I did not urge him to make the contract. The terms that I was negotiating with Mr. Abbott, and which I hoped to secure, were vetoed by Mr. Carnegie. That related to the price. He would not consider at all the question of taking a contract upon any other terms than those of the Bethlehem Company.

Senator CHANDLER. That was his ultimatum from the start—as good a contract as the Bethlehem contract, with respect to price?

Ex-Secretary TRACY. That was the ultimatum when the negotiation passed into his hands.

Senator CHANDLER. Yes; I understand. Now, if you recollect, please state when the first conversation or negotiation in reference to indemnity against the nickel-steel patent first arose, and with whom.

Ex-Secretary TRACY. It arose, I should say, about the time the contract was concluded. It was about the last hitch, I remember, in the contract.

Senator CHANDLER. How did it come about, if you remember—did he come to you or did you mention it to him?

Ex-Secretary TRACY. He mentioned it to me. You remember that his contract is on the basis that it is a contract for all steel, with the right on the part of the Department, if it desired, to direct the manufacture of nickel steel. It was on the question of the option of the Government to exercise that right that he said, "But if you exercise that right, here is the nickel patent, and the patentee is demanding 2 cents a pound royalty. Now, if I am to pay the royalty I shall have to ask an increased price. If you will indemnify me against the royalty it is all right, or if you will pay the royalty it is all right."

Senator CHANDLER. You then consented, at his request, to insert this provision in the contract?

Ex-Secretary TRACY. I said to him, "I will not consent to pay you the 2 cents a pound royalty for the armor. I shall not consent that anybody shall pay a royalty of 2 cents a pound to that company. It is not worth it; it is too much." And after negotiation as to how it could be done I undertook to make the indemnity.

Senator CHANDLER. In this form?

Ex-Secretary TRACY. In this form.

Senator CHANDLER. Then you originated the idea of contesting the patent?

Ex-Secretary TRACY. Yes; I think so; that is, I originated the idea of refusing to pay 2 cents a pound royalty.

Senator CHANDLER. For the patent?

Ex-Secretary TRACY. For his patent.

Senator CHANDLER. And of providing this fund for the purpose of litigation?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. Will you state again, if you please, what knowledge you have as to the amount of the fund which this agreement provides for?

Ex-Secretary TRACY. My impression is that the value at 2 cents a pound would amount to about $240,000.

Senator CHANDLER. I am informed that it is about $260,000. Now, at that time, you knew, or supposed, that the Bethlehem Company had obtained the right to use those processes by their contract with the Schneiders?

Ex-Secretary TRACY. Yes; I did.

Senator CHANDLER. You supposed they had paid for it?

Ex-Secretary TRACY. No; I did not know that they had paid any specific sum for the right, because the patent was not in existence when they made their contract. I supposed, without knowing anything about the particulars of the contract, that the right to use the patent came from a general provision in the contract between Schneider and the Bethlehem Company, by which they were entitled to all the processes of the Schneiders and to any improvement and inventions that the latter might make from time to time.

Senator CHANDLER. Did you understand that the Schneiders were partners in the contract with the Government?

Ex-Secretary TRACY. I did not inquire, and I did not know whether the relation of partners existed between them. I do not know the details.

Senator CHANDLER. I am not asking you what the facts are, but I am asking you what your condition of mind was when you made the contract for the fund for litigation.

Ex-Secretary TRACY. The word "partnership" does not represent the relation that I supposed existed.

Senator CHANDLER. Did you have it distinctly in your mind that for a money consideration the Bethlehem Company had acquired from the Creusot people the right to everything that could aid them in this enterprise?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. Including the patent processes?

Ex-Secretary TRACY. Including, as I supposed, all patent processes.

Senator CHANDLER. Knowing that fact, did you, in making the arrangement with Mr. Carnegie, make any inquiry of the Bethlehem Company as to the amount that those rights had cost them?

Ex-Secretary TRACY. No; I was very sure that if it was not true they would make inquiry of me, and I was not seeking to indemnify people who were not asking it.

Senator CHANDLER. Exactly. The net result of it was, however, that you knew at the time that whatever the Bethlehem Company had paid for the right to use those processes, it would make the Carnegie contract, if you guaranteed against any such payment under his contract, a better contract to him to that extent?

Ex-Secretary TRACY. Not at all. I assumed, on the contrary, that if the Bethlehem Company were entitled under their contract with the Schneiders to have the benefit of all the processes and inventions, my indemnity of Carnegie would place him exactly on a par with the Bethlehem Company.

Senator CHANDLER. Without his paying anything?

Ex-Secretary TRACY. They did pay for it——

Senator CHANDLER. You assumed that they paid something for those processes?

Ex-Secretary TRACY. I repeat, Senator, that I did not assume that they had paid anything for the nickel patent——

Senator CHANDLER. Did you assume——

Ex-Secretary TRACY. For the nickel patent was not in existence

until more than two years after the contract with the Bethlehem Company was made. It was unknown at that time. But I did assume that by virtue of general words in the contract the Bethlehem Company were entitled to all the processes and improvements and inventions which might thereafter be made by Schneider, and that they were entitled to use them without compensation.

Senator CHANDLER. Then whether or not the right to use this process had cost the Bethlehem Company anything, leaving that in a state of uncertainty, you thought it expedient to indemnify Carnegie against it?

Ex-Secretary TRACY. I did not think that what the Bethlehem Company had paid or had not paid had anything at all to do with my contract with Carnegie.

Senator CHANDLER. You intended to make a similar contract?

Ex-Secretary TRACY. If the Bethlehem Company had paid anything, and claimed that amount as an extra cost for manufacturing the nickel plate, they would have said so to me, and the fact that they did not say so to me was conclusive evidence to my mind that they had not paid anything and did not pretend that they had paid for it.

Senator CHANDLER. Why should they so say to you? They had——

Ex-Secretary TRACY. Excuse me.

Senator CHANDLER. Let me put the whole question. They had already guaranteed you against all patent processes necessary to the manufacture of the armor?

Ex-Secretary TRACY. Yes, sir.

Senator CHANDLER. And you had the right, under your contract, to require armor of a certain kind. Why, then, did you assume that if they had paid anything for this process they would have mentioned it to you?

Ex-Secretary TRACY. For this reason: Their contract was for all-steel armor. I could not compel the Bethlehem Company to make nickel armor unless they consented to it. I agreed as a condition of their making nickel armor to pay for everything that it cost them beyond the making of steel armor.

Senator CHANDLER. In what contract?

Ex-Secretary TRACY. In the arrangement that was made by which nickel steel was substituted for——

Senator CHANDLER. At a later or earlier date than the Carnegie contract?

Ex-Secretary TRACY. Long after that.

Senator CHANDLER. I am speaking of the time when you made this contract.

Ex-Secretary TRACY. I know; but that was always understood. At the time of making the contract I talked with the Bethlehem people about the contingency of requiring nickel steel of them, and whether they would do it.

Senator CHANDLER. You knew they were paying large sums to Schneider for something?

Ex-Secretary TRACY. I supposed they were paying a sum. I do not use the word "large."

Senator CHANDLER. But you assumed that they were not paying anything for this process because they never said anything to you about it?

Ex-Secretary TRACY. No——

Senator CHANDLER. I am asking you to develop the reason why they——

Ex-Secretary TRACY. I stated to you, and I will repeat it, that I supposed they were not paying anything for the nickel process as such, because I supposed that in their contract made two years previous to that the Schneiders had by general words and language agreed to give to the Bethlehem Company the benefit not only of all their present processes, but of everything that they should have. I do not think that I am mistaken in having been so informed by Bethlehem.

I supposed that, therefore, the Bethlehem Company had a right to call upon the Schneiders to allow them to manufacture nickel-steel without charge. When I exercised the option provided in the Carnegie contract and called upon the contractor to deliver nickel-steel in place of all-steel armor, I at the same time made a similar agreement with Bethlehem by which that company was to deliver nickel-steel instead of all-steel armor, and to receive therefor the same additional compensation allowed in the Carnegie contract, namely, the actual difference in cost in the manufacture of the two kinds of armor. This was to be ascertained and determined in the same way in the case of both companies; that is, by a board of naval officers—and the sum so ascertained was to be paid.

Now, I assumed, and I had a right to assume, that if they were subjected to any extra expense in the manufacture of the nickel steel because of the patent, they would have presented that fact and claimed the amount as a part of the extra cost.

Senator HALE. Not to interrupt you, was not this the situation—if Senator CHANDLER will allow me?

Senator CHANDLER. I want a little chance myself, but I certainly will allow you to proceed.

Senator HALE. It happens to be appropriate at this point.

Senator CHANDLER. I desire that you shall ask the question. It will take me more time to get Mr. Tracy back to the line on which I was interrogating him, that is all.

Senator HALE. Is not this the fact: You supposed that under the general contract between the Bethlehem Company and the Schneiders before the nickel patent was known they had a right to use any subsequent inventions and improvements?

Ex-Secretary TRACY. That is what I have said.

Senator HALE. And that therefore the Schneiders could not compel them to pay anything for using this process?

Ex-Secretary TRACY. Certainly.

Senator HALE. But with anybody else outside, the Schneiders had a right to make them pay. Is not that it?

Ex-Secretary TRACY. That is the distinction which I supposed existed between the Bethlehem Company and the Carnegie Company.

Senator HALE. I ask Senator CHANDLER's pardon for the interruption.

Senator CHANDLER. I have no objection to being interrupted, but if the inquiry is to proceed on the line of debate we had better take the floor and go on with it as we do in the Senate. I desire to get some facts to reproduce the situation through ex-Secretary Tracy as well as I can. You did know, Mr. Tracy, that the Bethlehem Company had contracts with the Schneiders under which sums of money were to be paid to the Schneiders for all these things which you have described?

Ex-Secretary TRACY. It would not be technically correct to say that I knew it, because I had never seen the contract. It was common knowledge in the Department that a contractual relation existed between the Schneiders and the Bethlehem Company touching the Bethlehem contract, and that the former had an interest in it.

Senator CHANDLER. And that the Bethlehem Company had acquired practically the use of all the processes of the Schneiders, including patent rights, and had paid something therefor?

Ex-Secretary TRACY. I assumed so.

Senator CHANDLER. When you made the contract with Mr. Carnegie, you assumed that he was not to pay the Schneiders any money for anything, did you not; that he was to go on and make the armor under the contract with you regardless of the Schneiders in every particular?

Ex-Secretary TRACY. Yes. So long as they demanded 2 cents a pound royalty——

Senator CHANDLER. It included everything?

Ex-Secretary TRACY. I was about to say that so long as they demanded 2 cents a pound royalty I would not treat with them.

Senator CHANDLER. What knowledge had you that they did, except from Carnegie?

Ex-Secretary TRACY. I think I had it from Commander Barber.

Senator CHANDLER. Who was their agent?

Ex-Secretary TRACY. Yes, sir; I think so.

Senator CHANDLER. Commander Barber was then the agent of the Schneiders?

Ex-Secretary TRACY. I am not sure but that some other agent visited the Department. I had what I assumed was knowledge of the fact——

Senator CHANDLER. You heard it?

Ex-Secretary TRACY. That their royalty was 2 cents a pound.

Senator CHANDLER. By the way, do you know where Commander Barber is now?

Ex-Secretary TRACY. Is he not in Japan?

Senator CHANDLER. Do you know he has been placed on the retired list and is now the agent of Carnegie, Phipps & Co. in Japan?

Ex-Secretary TRACY. No; I do not. I never heard of it before.

Senator CHANDLER. I am so informed. You had heard in the way you have stated that the Schneiders claim was 2 cents a pound royalty on this process. You knew as a fact that the Bethlehem Company had contracts with the Schneider people. You contemplated that in going on with the new contract which you and Mr. Carnegie were negotiating together, Mr. Carnegie would ignore all the Creusot patents and processes, and have no contract with them? Was that a part of your understanding with him?

Ex-Secretary TRACY. No, sir; allow me to state that before the contract was concluded with Mr. Carnegie I had, through Mr. Thomson, of the Orford Copper Company, reached a conclusion as to how the nickel matte was to be reduced and used in the form of a nickel oxide, which satisfied me that no matter whether Mr. Schneider's patent was valid or invalid, we were not going to infringe it; and I am now satisfied of the fact that we did not.

Senator CHANDLER. Then why do you not say you did contemplate that Mr. Carnegie would ignore the Schneiders?

Ex-Secretary TRACY. I thought you asked as to the validity of this patent.

Senator CHANDLER. No; I asked as to ignoring all contracts with the Schneiders. Was it not distinctly understood between you and Mr. Carnegie that he was to go on and execute this

contract without the necessity of any arrangement with the Schneiders?

Ex-Secretary TRACY. He was to go on and execute the contract, and I was to indemnify him, or the Department was, against any royalties that might be recovered against him up to 2 cents a pound, not beyond it. But in doing that, I repeat, I had doubts of the novelty of the Schneider invention. I had a very firm conviction that we were not going to infringe the patent at all, and that, therefore, they would have no claim. I had further a very firm conviction that the royalty of 2 cents a pound was most excessive and absurd, and that I would not pay it anyhow.

Senator CHANDLER. And you communicated these views to Mr. Carnegie?

Ex-Secretary TRACY. I did.

Senator CHANDLER. And thereupon agreed to indemnify him to the extent of 2 cents a pound?

Ex-Secretary TRACY. That was the best we could do with him.

Senator CHANDLER. Then was it your understanding with him that he need not make any arrangement with the Schneiders of any kind?

Ex-Secretary TRACY. Of course it was my understanding that he need not make any arrangement with Schneider.

Senator CHANDLER. Then, if he did not make any arrangement, it would not cost him anything?

Ex-Secretary TRACY. It would not cost him anything, for if he was sued, and unfortunately beaten in the litigation, the Government had agreed to indemnify him to the extent of 2 cents a pound and the necessary costs.

Senator CHANDLER. Assuming that the 2 cents a pound was enough, then the Schneiders would cost him nothing under your contract?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. If the Bethlehem Company had paid any sum, large or small, to enable them to execute their contract, then Mr. Carnegie was so much better off under your contract with him than the Bethlehem Company, was he not?

Ex-Secretary TRACY. Yes; if Bethlehem had paid anything for the nickel patent.

Senator CHANDLER. Why did you not say so in the beginning?

Ex-Secretary TRACY. This is the first time you asked as to that point.

Senator CHANDLER. That is the first question I asked.

Ex-Secretary TRACY. No; it is not.

Senator CHANDLER. I asked you whether, if Mr. Carnegie did not have to pay anything and the Bethlehem Company did, this contract would not be a contract so much the better for him than the contract with the Bethlehem Company.

Ex-Secretary TRACY. Yes; if they had to pay. But I never assumed that they had to pay, and I do not believe they did have to pay. If they had had to pay, they would have asked me to indemnify them.

Senator CHANDLER. I will now come to the Harvey process. I will read two or three sentences from the article by Mr. Ellison, "Recent experiments in armor," in addition to what Mr. Tracy has read. I read on page 7:

> Of the value of the invention as a step in the development of armor there can be no doubt, but experience soon proved that its efficacy would be more strongly demonstrated by applying it to homogeneous steel plates, highly carburized on the face, armor which has now generally become known as harveyed armor.
>
> The late Mr. Harvey unfortunately died just at the time when the results of his plate had become known and acknowledged in Europe. Having successfully applied to smaller articles the system of cementation or conversion, followed by chilling, he directed his attention to the effect of similar treatment in the case of homogeneous steel armor plates. A series of experiments was made under the auspices of the United States Government, and the results were from the first of a very encouraging description.

You have alluded to these experiments. Did you first know of the Harvey process from conversation with Commander Folger?

Ex-Secretary TRACY. I did.

Senator CHANDLER. Were you informed at that time that the Harvey patent only extended to making tool steel?

Ex-Secretary TRACY. I was not. I asked him if the process was covered by a patent, and he told me that it was.

Senator CHANDLER. After a time you wrote the letter that is in the record requesting the expediting of the then pending application of Mr. Harvey?

Ex-Secretary TRACY. I assume that I did because it is there, but I have no recollection of it.

Senator CHANDLER. Now, did you know at that time that just before you wrote this letter Mr. Harvey's application for an improvement on his process of hardening tool steel by carbonization had been rejected at the Patent Office?

Ex-Secretary TRACY. No.

Senator CHANDLER. You did not know that?

Ex-Secretary TRACY. No.

Senator CHANDLER. Did you know that his patent as it existed, which he was endeavoring to utilize by selling steel to the Navy Department, had resulted in the purchase of only about $300 worth of tool steel by the Department?

Ex-Secretary TRACY. I supposed it was a small quantity, of course. I did not know the amount; I did not inquire as to the amount.

Senator CHANDLER. You had the impression that some steel treated by this process had been sold to the Department at that time?

Ex-Secretary TRACY. I assumed so.

Senator CHANDLER. You may state, if you please (because I criticise, and am disposed to criticise with some severity, the action of Commander Folger in connection with this patent in the beginning, when followed by his subsequent employment by the company), what you do recollect about the expediting of that patent and the adoption of that process.

Ex-Secretary TRACY. I do not recollect anything about it, as a matter of recollection. Seeing my letter there, I assume that it went through the Department as a matter of routine, like all other such applications. When that subject first came up, and I was first applied to, I asked what was the practice of the Department about forwarding a letter asking that a patent be hastened, and I was told.

I conformed my action, as I supposed, to the precedents of the Department. My general recollection is, without having any specific knowledge as to any one of those cases which went through my Department, that the matter was in charge of the judge-advocate of the Department and was presented to me in the routine of the Department and acted upon by me.

Senator CHANDLER. Do you understand that these suggestions about expediting patents on technical matters usually came from the chiefs of bureaus?

Ex-Secretary TRACY. Yes; I assume so.

Senator CHANDLER. And you have no recollection whatever of this particular case?

Ex-Secretary TRACY. No; I do not recollect it. Of course, I know I did it, for I have read that list. I do not think I recall one in the list. Let me go over that list again. [Examining.] I assumed always from the time my attention was first called to it that the policy of the Department was that, if there was any claim of a patent on file that was likely to interfere with the Government's business, the sooner the Department knew of it the better; and after the first consideration of the subject I do not know that I ever gave any attention to any special, particular case. I do not recollect any.

Senator CHANDLER. Take page 46 of the record, "Abstract of letters from the Navy Department to the Secretary of the Interior requesting special action on applications for patents," etc. Those for 1889 begin at the middle of that page.

Ex-Secretary TRACY. "March 2, 1889. McCarty. Improved process of manufacturing steel." I do not recollect it. "May 3, Dana Dudley, and Hotchkiss Ordnance Company. Torpedoes and launching apparatus." I think I do remember that. I remember the subject; and I think I remember, too, the subject of Elwell's pneumatic launching gear. I remember that such a subject was before us, and we talked about it. "November 16, Driggs." I remember he had patents. I do not remember distinctly the fact that I asked that any of his patents should be expedited.

Senator CHANDLER. You need not go over the whole list, unless you desire. You remember "Charles E. Munroe, explosive powder and gun cotton," do you not?

Ex-Secretary TRACY. No; I had forgotten that I expedited it. I knew he had a patent.

Senator CHANDLER. Very soon after the patent was granted—that is, the next spring—a contract was made for the use of the Harvey process with the Harvey Steel Company to pay them half a cent a pound?

Ex-Secretary TRACY. When was that patent granted?

Senator CHANDLER. Look on page 5 of the record in this case, under "III." There is the statement that Harvey's first patent for hardening armor plate was issued January 10, 1888. "April 1, 1891, he filed an application for a patent, on a modification of the process, which on June 11, 1891, was rejected because prior patents covered 'the well-known step of hardening by chilling.' On June 17, 1891, the application of April 1 was canceled and a new one filed. On June 20 Secretary Tracy wrote the Secretary of the Interior requesting that the application be made special in the Patent Office. The new patent was issued September 29, 1891."

Ex-Secretary TRACY. Yes.

Senator CHANDLER. Those figures are correct. In the summer of 1892 the first contract was made by Harvey for the use of that patent. Do you remember?

Ex-Secretary TRACY. That is incorrect. The first contract was made with Harvey in 1891, before the last patent was issued.

Senator CHANDLER. Not the first written contract?

Ex-Secretary TRACY. Yes, the first written contract. It is recited in the contract of 1892, with a whereas. If you turn to it in the record, you will see.

Senator HALE. Was not the Government to furnish a plant or something in that first contract?

Ex-Secretary TRACY. Certainly; that was agreed to.

The CHAIRMAN. You did that, did you not?

Ex-Secretary TRACY. We did. We agreed to defray some of the expenses of developing the patent in consideration of the Government having the right to use it for a certain sum of money.

Senator CHANDLER. Now, if you can turn to any earlier contract than that I should be glad to have you do so.

Ex-Secretary TRACY. Here in the record, at page 35, is the memorandum of an agreement made by and between the Harvey Steel Company, etc. It commences with a whereas, and the third whereas is as follows:

Whereas the said Harvey Steel Company, under date of March 3, 1891, in a communication signed by B. G. Clarke, president; H. A. Harvey, general manager, and Theo. Sturges, treasurer, agree to give the Navy Department the option of purchasing the right to use and employ the Harvey process for treating armor plates, as follows:

We hereby agree to give to the Naval Department an option for the purchase of the application of the Harvey process for treating armor plates, which was tested at the Naval Ordnance Proving Ground, Annapolis, Md., February 14, 1891—

You see this followed it in March—

on the following terms——

Senator HALE. There is no necessity for reading that.

Senator CHANDLER. It shows that there was this earlier contract.

Senator HALE. That was brought out in the other matter.

Ex-Secretary TRACY. But it seems to have escaped the attention of everybody.

Senator HALE. The original contract of 1891 did not escape my attention.

Ex-Secretary TRACY. Before incurring any considerable expense toward this Harvey business, I insisted upon the right to the process, and I would have it before I would do anything. That was secured in 1891.

Senator HALE. And that memorandum, which is a part of the record, shows just what the contract was?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. Then, it now appears that this Harvey patent, which was originally on tool steel, came to be extended to the hardening of armor plate?

Ex-Secretary TRACY. Yes.

Senator CHANDLER. And that you made this preliminary contract, then the contract of 1892, and subsequently in April, 1893, just after you had gone out, Secretary Herbert made the second contract?

Ex-Secretary TRACY. I have heard so.

Senator CHANDLER. I want to ask you what your recollection is, the whole of it as far as you have it, about the contracts which were made in the name of the Department for the use of the process.

Ex-Secretary TRACY. As I said, right after that experiment in February, 1891, at Annapolis, where the plates had, as we thought, demonstrated great capacity of resistance, it was considered wise to go on and pursue the development of that process. I was told that it was a patent process and that Mr. Harvey had a patent for it, and therefore I wanted to know whether if we expended money on it we would have the right to use it.

Senator CHANDLER. Who told you that?

Ex-Secretary TRACY. That it was a patent process?

Senator CHANDLER. Yes.

Ex-Secretary TRACY. Mr. Folger.

Senator CHANDLER. Your conferences were almost entirely with him?

Ex-Secretary TRACY. Well, in the beginning. But I made this contract with Harvey himself. He, with three men, came to the Department and I had an interview with them—the three officers who signed this second contract. No; that was afterwards. I think up to the time of this preliminary contract I may or may not have seen Harvey. I do not remember whether I had seen Harvey before the preliminary contract of 1891.

Senator CHANDLER. Did you have any other adviser? I am not now speaking about the adoption of the process as a useful process for armor because of the hardness it produced. I am dealing with the contract as to royalty. Did you have any other adviser on the subject than Commander Folger?

Ex-Secretary TRACY. No; I can not say that I had any other adviser.

Senator CHANDLER. Did he ever tell you that it was he who first suggested to Harvey the extension of the process from hardening tool steel to hardening armor?

Ex-Secretary TRACY. No; it was not exactly in that shape, as I remember it. I think he told me in the first interview I had with him on the subject that he had asked Harvey if it could be extended to armor, and Harvey told him yes. Then he asked him if he would apply it to a larger piece of metal, and Harvey said he would. Then we were awaiting that extension.

Senator CHANDLER. That was after the first experiment at Annapolis?

Ex-Secretary TRACY. The conversations took place before any experiments.

Senator CHANDLER. Then you went on with these experiments after you made this preliminary agreement?

Ex-Secretary TRACY. No; we went on with one experiment before we made the preliminary agreement. The trial at Annapolis was in February, 1891, and the preliminary agreement was made in March following.

Senator CHANDLER. As long as Commander Folger continued in the Department he had charge of all this business and you relied upon his judgment largely, did you not, both as to the novelty of the invention and the value of the patent?

Ex-Secretary TRACY. The question of the novelty of the patent was never suggested and never raised by anybody. I was told that it was covered by a patent process.

Senator CHANDLER. It did not occur to you?

Ex-Secretary TRACY. The thing was so novel to me that I never asked any question about it.

Senator CHANDLER. That is, the hardening of steel by burning charcoal was novel to you?

Ex-Secretary TRACY. It was.

Senator CHANDLER. Did you not know of that when you were a boy?

Ex-Secretary TRACY. No; I did not know that you could harden steel by burning charcoal.

Senator CHANDLER. You knew that you could make steel by hardening the iron by chilling it?

Ex-Secretary TRACY. I had possibly heard of it, but I am not a metallurgist. That has never been any part of my business, and I did not know about it.

Senator CHANDLER. I call your attention to the process. You now know what the process is?

Ex-Secretary TRACY. I know generally what it is.

Senator CHANDLER. Generally, what is it? The hardening of the face of armor by charcoal?

Ex-Secretary TRACY. Yes; and by subsequent treatment.

Senator CHANDLER. After you had gone on with this business in certain ways, and had gotten this contract, on June 11, 1891, the patent was rejected?

Ex-Secretary TRACY. I do not know.

Senator CHANDLER. It was rejected as covering "the well-known step of hardening by chilling." You did not know that fact?

Ex-Secretary TRACY. I did not. The first patent and the only patent I ever knew of up to the time of this application which I facilitated was the patent granted in 1888, which was in existence at the time, and to which Folger referred when I asked him if it was covered by a patent. He said yes.

Senator CHANDLER. You do not know whether the getting out of that patent was suggested by Commander Folger to Harvey or not?

Ex-Secretary TRACY. The 1888 patent?

Senator CHANDLER. Yes.

Ex-Secretary TRACY. I know nothing about it.

Senator CHANDLER. You do not know whether Folger suggested that or not?

Ex-Secretary TRACY. I had never heard of it.

Senator CHANDLER. Now, coming down to this preliminary arrangement that you made in March, 1891, it appearsafter you had made that preliminary arrangement and Harvey's modification of a patent was applied for, it was rejected "because prior patents covered the well-known step of hardening by chilling;" and nevertheless an amendment was then made again by Harvey of his application, you requested that it should be expedited, and then the patent was granted. The fact that the modification of his patent had been rejected on account of the well-known prior process of hardening by chilling you did not know anything about at the time, as far as you now remember?

Ex-Secretary TRACY. As far as I now remember, I never heard of it.

Senator CHANDLER. Did you know during all the year 1892 of any conferences between Commander Folger and the Harvey Steel Company in reference to his becoming employed by them?

Ex-Secretary TRACY. Never.

Senator CHANDLER. He did not tell you that there had been conferences with him on that subject?

Ex-Secretary TRACY. I never heard of his being employed by the steel company until after he had been granted his leave of absence.

Senator CHANDLER. How soon after that did you know it?

Ex-Secretary TRACY. I can not say, except I assume that it was before he went into their employment. He came to me and asked me if there could be any objection in my mind to his going into the employ of the Harvey Steel Company during his leave of absence; and as I supposed that all the naval officers did that, and it was no part of the business of the Department to inquire what he did, I said I did not see any objection to it.

Senator CHANDLER. Now, I want you to fix the time of that conversation, if you can.

Ex-Secretary TRACY. I can not.

Senator CHANDLER. As well as you can.

Ex-Secretary TRACY. When did he go into the employ of the company?

Senator CHANDLER. I want your memory as to about the time it was.

Ex-Secretary TRACY. I can not remember it. He went out of the Department the 1st of January.

Senator CHANDLER. In 1893?

Ex-Secretary TRACY. In 1893.

Senator CHANDLER. The two prior contracts had been made, and in April, 1893, Secretary Herbert concluded the last one. With reference to his going out of the Department January 1, 1893, do you remember when he consulted you as to whether it would be proper for him to take that step?

Ex-Secretary TRACY. It was after that some time; but I can not tell you, because I kept no track of the date.

Senator CHANDLER. In justice to him, may you not be mistaken; might it not have been prior to January 1?

Ex-Secretary TRACY. No, sir.

Senator CHANDLER. When he came to you and said, "Will it be proper for me, when I go out of the Department, to take this employment?"

Ex-Secretary TRACY. I am very sure that he never made any such suggestion to me, and I never had any information that he intended to do it until after he had tendered his resignation. He tendered his resignation about the middle of December, to take effect the 1st of January.

Senator CHANDLER. When did you say that you first knew he had any idea of going out of the Department?

Ex-Secretary TRACY. About that time was the first I had definite information of it.

Senator CHANDLER. We will take the 1st day of December. During the previous summer and fall had he ever intimated to you that he intended to go out of the Department?

Ex-Secretary TRACY. For six months or a year, I do not know how long, Commodore Folger was constantly complaining to me of ill health and insomnia and difficulties that beset him, and was saying that he wished he was rid of them, and he wished he was out of the Department. We had friction sometimes, and I have heard him make such a declaration at those times. But he never announced his intention to retire until about the time he tendered his resignation. That is the first that I ever had any definite knowledge that he intended to retire.

The CHAIRMAN. From your intercourse with him, did you consider him an ill man during that period previous to his retirement?

Ex-Secretary TRACY. I did.

Senator CHANDLER. What was the matter with him?

Ex-Secretary TRACY. Insomnia and nervousness.

Senator CHANDLER. Do you know his condition now?

Ex-Secretary TRACY. I do not know. I have seen him but twice since the spring of 1893.

Senator CHANDLER. You define his trouble as insomnia and nervousness?

Ex-Secretary TRACY. I take his word for it and his experience and action.

Senator CHANDLER. Do you call that a disease?

Ex-Secretary TRACY. I do. I know he used to come into the Department frequently and say, "I did not sleep two hours last night;" that he had been worrying about something on his mind that was annoying him.

Senator CHANDLER. You do not think that during all that period when he laid awake nights he had any understanding with the Harvey Steel Company to go into their employment when he went out of the Department?

Ex-Secretary TRACY. I do not believe he had. I do not believe for a moment that he had.

Senator CHANDLER. Having gone over this point in this way again, please state what your present recollection is as to when you first had knowledge that he meditated going into the employment of the Harvey Steel Company?

Ex-Secretary TRACY. My general recollection is that it was after he retired. If I was told positively that it was after he tendered his resignation and before the 1st of January, I could not positively, of my own recollection, deny it. I know it was after he tendered his resignation. My best recollection is that it was after the 1st of January and after he was out of the Department, and that I had never heard of it up to that time.

Senator CHANDLER. And as far as you could do so orally, you assented to the propriety of it?

Ex-Secretary TRACY. I said I knew no objection to his going into the employment of the Harvey Company if he chose to do it.

Senator CHANDLER. Do you know anything about the contracts made by the Harvey Company for the use of their processes abroad?

Ex-Secretary TRACY. Nothing except what I have heard.

Senator CHANDLER. You have heard that they have contracts with foreign governments?

Ex-Secretary TRACY. They have very extensive ones, very large ones, and very profitable ones.

Senator CHANDLER. Mr. Chairman, I have no further questions to ask Mr. TRACY.

Senator HALE. Let me ask generally, facing these conditions as you have and these contracts that were made, do you see anything now that leads you to say that if you were going over this road again you would not take the same course?

Ex-Secretary TRACY. I say no, most emphatically; but I should be only too happy to take a similar course in another direction that would confer equal benefit upon the Government.

Senator CHANDLER (to Senator HALE). How broad do you make that question?

Senator HALE. As to the contracts that were made and the course that General Tracy pursued, as he has outlined it to us.

Senator PERKINS. While Secretary of the Navy?

Senator HALE. While Secretary of the Navy.

Senator CHANDLER. Do you mean to include his opinion as to the propriety of Commander Folger taking employment with the Harvey Steel Company?

Senator PERKINS (to ex-Secretary Tracy). You refer only to your own action, I understand?

Ex-Secretary TRACY. The question called for my action.

PROPOSED ARMOR-PLATE FACTORY.

Joseph Wharton, R. W. Davenport, John Fritz, and George H. Myers, representatives of the Bethlehem Iron Company, and Andrew Carnegie, Millard Hunsicker, and Lieut. C. A. Stone, United States Navy, retired, representatives of the Carnegie Steel Company, appeared.

The CHAIRMAN. Gentlemen, you are aware that some time since a bill (S. 1700) to provide for the erection of an armor-plate factory in the city of Washington, D. C., was introduced in the Senate by Mr. SMITH of New Jersey. As you are practical men, engaged in this business, the committee desire to get your views as to the cost of the erection of such an armor-plate factory. Mr. Wharton will be kind enough to make a statement to the committee as to the cost of the plant at Bethlehem, stating in addition to its original cost the cost for the purpose of manufacturing armor plate.

Senator SMITH. And the quantity of armor plate it will produce.

The CHAIRMAN. Yes; and the capacity of the plant.

STATEMENT OF JOSEPH WHARTON.

Mr. WHARTON. In our establishment at Bethlehem we have one account for all that part of the work which is devoted to the Government service. It does not include any part at all of the original plant, but only the part devoted particularly and exclusively to the Government service. The cost comes to almost exactly $6,000,000. That includes something else besides the armor plate, because we make gun forgings and finished guns. I do not suppose that you care for the details, and I do not know that we ought to tell the details, because something like trade secrets is involved in this question.

The CHAIRMAN. No; I do not think we ought to ask you as to the details.

Mr. WHARTON. I do not think that you need more than a general statement.

The CHAIRMAN. Do I understand you to say that you could establish a plant capable of doing the work which you are now doing for the Government for the sum of $6,000,000, or is it in addition to your original plant that the $6,000,000 was expended?

Mr. WHARTON. It is in addition to our original plant.

The CHAIRMAN. Was the original plant in any way essential to this work?

Mr. WHARTON. Only in this way: By having the original plant there we were able to do a great deal of construction work much cheaper than any other person could get it done for. We have no manufacturing profit to pay on the construction of a great deal of our apparatus and our buildings.

The CHAIRMAN. And it is charged up in your account simply at the actual cost?

Mr. WHARTON. Simply at actual cost.

The CHAIRMAN. You did not give your establishment any credit of profit in that respect?

Mr. WHARTON. Not at all. It could not be repeated, therefore, by any other party that did not have the same facilities at the sum which it cost us. I do not know what that manufacturing profit would be; we never made an estimate; but it would be a very handsome sum. Neither do we reckon any interest, but simply the absolute cash paid out.

The CHAIRMAN. Do you think it would cost the Government to-day that amount of money to build a plant here equal in capacity to yours?

Mr. WHARTON. It would cost the Government more than that.

The CHAIRMAN. Why?

Mr. WHARTON. Because the Government would have to pay

somebody a manufacturing profit for things which we put in without any profit. Then there is no transportation charge. We made the things right on the spot and did not have any freight to pay.

The CHAIRMAN. But are not all prices much less now than they were then?

Mr. WHARTON. No; we did not go into the period of high prices. Starting with pig iron, for instance, we made the pig iron and from it made our own muck bars and from that the needful structural forms.

The CHAIRMAN. What did your pig iron cost you at the time you built your establishment?

Mr. WHARTON. I do not remember, and can not tell accurately.

The CHAIRMAN. You can tell about the cost?

Mr. WHARTON. I suppose approximately $15 a ton.

The CHAIRMAN. What is the cost to-day?

Mr. WHARTON. That depends on the quality of it. I suppose the same iron would be a dollar or two cheaper. Mr. Carnegie can answer that question better than I can.

Mr. CARNEGIE. I think you are just about right, but as to the amount of pig iron that enters into the construction of an armor plant, I do not think there are 2,000 tons.

Mr. WHARTON. It is not very great, but there is much work put upon it afterwards. We were able to make these things from the pig iron up; but the cost of pig iron, as Mr. Carnegie said, is not the controlling item. The labor and the collateral expenses of all sorts are, I think, just the same now as they were then.

Senator PERKINS. What is the capacity a month of your plant?

Mr. WHARTON. I suppose we could make about 400, 500, or possibly 600 tons a month.

Senator HALE. Have you ever done that?

Mr. WHARTON. I would rather ask Mr. Davenport as to what the capacity is.

Senator HALE. Before you come to that, let me ask if you have ever turned out, of Government armor plate, under contract from the Government, 500 tons a month?

Mr. WHARTON. Mr. Davenport is vice-president of the Bethlehem Iron Company and has charge of this branch, and therefore is better able than I to answer technical questions of this sort.

Mr. DAVENPORT. We have shipped a great deal more than that, but the manufacture spreads over such a great length of time that it is hard to state when it was commenced and when completed.

Senator HALE. Do you think you have ever turned out in your establishment more than 300 tons in any one month?

Mr. WHARTON. Do you mean manufactured from the beginning?

Senator HALE. Manufactured armor plate for the Government in one month. I do not ask what you have shipped. You may have shipped it all in one month, but I ask as to your actual product of finished armor plate for the Government?

Mr. WHARTON. We have forged a great deal more than that.

Senator HALE. I do not mean that; but turned out completed?

Mr. WHARTON. We have gone through one operation——

Senator HALE. I mean turned out completed in any one month. Have you turned out completed more than 300 tons in one month?

Mr. DAVENPORT. That is an extremely difficult question to answer directly in that way, because the manufacture spreads over such a length of time.

Senator BACON. Let me ask a question, if you will pardon me. Take as long a term as six months. Have you ever made an average of the amount turned out in that time?

Mr. CARNEGIE. That is it. Take a year. About 3,000 tons.

Mr. DAVENPORT. As it stands now it would be from 3,000 to 3,600 tons a year. That is hard-finished armor. But, of course, in certain operations they furnish more than that quantity.

Senator PERKINS. Working continuously during the year you have turned out only from 2,500 to 3,000 tons?

Senator HALE. Your capacity is about from 3,000 to 3,500 tons a year?

Mr. DAVENPORT. Yes; of hard-faced armor.

Mr. WHARTON. We have had some discussion lately in the board as to what could be done in taking contracts, and we have surely had a higher estimate than that of what we could do. I think on our estimate we could make 5,000 tons a year; 500 tons, possibly, a month. Am I mistaken in that?

Mr. DAVENPORT. We are not prepared to do that now with hard-faced armor, but the plant could be brought up to that.

Mr. WHARTON. There are so many processes in this thing, from one end to the other. It is not like putting a piece of wire in a pin machine and having it turned out a finished pin in a second, but there is one process following another. It is an old saying that a chain is no stronger than the weakest link, so that the quantity of armor plate now turned out is limited by the capacity of the weakest part of the plant. But when we were lately looking into the question as to what we could do, we took up the question as to what we could do if this weakest part were strengthened so as to bring the capacity of the whole plant up to the full capacity of its ablest parts.

My recollection of that is, and I now ask Mr. Davenport's confirmation or correction, that we thought we could go to 500 tons a month with those improvements on what I have called the weak parts. The harveying, as it is called, or the casehardening of armor is a very tedious business, and we have never been called upon to do more than a certain quantity of it. We have to begin with a choice of the iron, for it is a very critical matter to have exactly the right kind of iron. We make that iron to a great extent ourselves. Then follow the melting of the iron or of the mixture of irons, the conversion into steel, the casting of the ingot, the forging of the ingot, the rough shaping it under the hammer, the machining it, cutting it to exactly the right shape, and finally the tempering and the casehardening. You will see that a weak place limits the whole thing, and you will understand how by strengthening those weak places we can bring the works to their full capacity.

Senator HALE. As iron is constantly in demand, and these are not expensive, but general additions, why have you not already put your plant in a condition where you could turn out more than 3,000 ton in a year?

Mr. WHARTON. There has been no greater demand. Since the fashion of casehardening the armor has begun we have been able to do what we were required to do.

Senator HALE. You are not required now to furnish anything but that kind of armor?

Mr. WHARTON. I presume all the armor hereafter will be casehardened.

Senator HALE. What is called harveyizing?

Mr. WHARTON. Yes; harveyizing, which is an unsuitable term for casehardening, has long been applied to many objects, and casehardening of armor was first done by our company, the Bethlehem Iron Company.

Senator HALE. You state that about $6,000,000 was the cost of the addition to your plant for Government work?

Mr. WHARTON. Yes.

Senator HALE. How much of that was made necessary, not by your gun plant, your ordnance contracts, which we are not dealing with, but by the armor plate?

Mr. WHARTON. For the armor plate, about two-thirds of the whole.

Senator HALE. About $4,000,000?

Mr. WHARTON. About $4,000,000.

Senator HALE. You are entirely confident that in addition to all that you added for any work you have put $4,000,000 into the increase of plant to produce this armor plate?

Mr. WHARTON. Yes.

Senator HALE. How much of that could be properly charged to experiments and processes that you have attempted in the way of hammers which you have found to be useless and which, if you were to do it now, you would not repeat?

Mr. WHARTON. The hammer is the only thing of that nature, and we are not sure that that is useless. We have found, for instance, that to make a plate partly under the hammer and partly under the press is a very effective way of making a first-rate plate. It is a double process.

Senator HALE. If you were now, in the light of your experience, to begin again, would you spend the same amount of money upon the hammer that you did?

Mr. WHARTON. I doubt whether we should. I doubt whether we should put up a hammer at all.

Senator HALE. What was the cost of the hammer?

Mr. WHARTON. Something over $400,000. Let me say at this point—there is a good deal said about reforging nowadays—the reforging we can do with very good effect by one forging under the hammer and one under the press; thus in case of a large demand we would use both the hammer and the forging press.

Senator HALE. Is the reforging the Corey patent?

Mr. CARNEGIE. It is our own patent.

The CHAIRMAN. There was no other establishment of the kind in the country when you made your first contract with the Government?

Mr. WHARTON. There was not. The Government was in urgent need of such an establishment, and we were appealed to to undertake it. At that time there was no method of making these plates except under the hammer. There was no other process of making such plates anywhere.

The CHAIRMAN. Did the proposition come from the Government or from your company to enter into this business?

Mr. WHARTON. It came from the Government.

Senator HALE. Are you in a condition, or have you been for the last two or three years, of active and earnest and bona fide competition with the Carnegie Company?

Mr. WHARTON. Well, we are in such competition with them that every time there is an invitation for bids—well, I do not want to say anything that would hurt my friend Carnegie's feelings. However, there is about as much jealousy between the two companies, I think, as is wholesome.

Senator HALE. Do you have the benefit of any processes or inventions that come from the Carnegie establishment or any person connected with them?

Mr. WHARTON. No; we do not.

Senator CHANDLER. What was said about the Corey patent, which was referred to as I came into the room?

Senator HALE. Mr. Wharton was speaking of reforging, and I asked him if it was done under the Corey patent.

Mr. WHARTON. We do our reforging not under any Corey patent or anybody else's patent; when needful we do it ourselves in our own way.

Senator HALE. Has any interference been attempted with you by the owners of the Corey patent in the nature of complaint for infringement?

Mr. WHARTON. Not that I have heard of. How is that, Mr. Davenport?

Mr. DAVENPORT. None.

Mr. WHARTON. I have never heard of any.

Senator HALE. Mr. Wharton has just stated, when I asked if his company had any rights granted from Carnegie, that there were none. You have no arrangement of that kind, I understand.

Mr. WHARTON. We have no arrangement, and I never heard of any attempt to prevent us from using a patent of theirs. Mr. Davenport, to whom I refer for confirmation, also has not heard of any.

Senator HALE. You are not permitted by any contract or agreement or understanding with the Carnegie Works to have the benefit of any of their processes or their inventions whatever?

Mr. WHARTON. Not that I know of.

Senator HALE. If such is the fact, it is unknown to you?

Mr. WHARTON. Yes. At the same time I will say that if Carnegie had anything that we did not have we would try to get up to him.

Senator HALE. Have there been any bids put in by either concern in the last three years upon which contracts have been awarded in which the bids of the other company were larger?

Mr. WHARTON. I do not think I catch your meaning, sir.

Senator HALE. Has there been any case of competition where either concern has secured a contract because it bid lower than the other?

Mr. WHARTON. I suppose that has been the case every time?

Senator SMITH. To bid on armor plate, of course, Mr. HALE is referring?

Mr. WHARTON. On armor plate. As to that also I refer to Mr. Davenport. It is in his line more than in mine. I am simply a stockholder and director in the company, and I do not take an active part in the daily conduct of the business.

Senator HALE. What are you receiving now in that company per ton for armor plate furnished the Government?

Mr. WHARTON. On that point, again, I would rather you would ask Mr. Davenport. I do not keep those figures in mind.

Senator HALE. You understand that it is the same the Carnegie Company are receiving for theirs?

Mr. WHARTON. That, again, I do not know; but Mr. Davenport, I think, does. I know that the prices can not have been very widely different at any time between us and Carnegies. There is a kind of general price for these things all over the world, and we know in a general way what all our competitors in this and other countries are doing. The market price, you may call it, of armor plate is something like the market price of wheat. It is the market price here and the market price there, and it is known to people who are in that business, and they make their prices accordingly.

Senator HALE. Not having knowledge of the details, you have a pretty good knowledge, I take it, of the financial condition of the Bethlehem establishment, have you not?

Mr. WHARTON. Yes; I hope so.

Senator HALE. You know whether it is making money or losing money, from time to time?

Mr. WHARTON. Yes.

Senator HALE. You speak of these contracts as being naturally about alike because there is a fixed rate?

Mr. WHARTON. No; I do not say a fixed rate. That conveys another idea.

Senator HALE. I do not mean a fixed rate, but a general rate.

Mr. WHARTON. There is a general rate, what may be called the market price, for such things as armor plate.

Senator HALE. Do you know, representing the financial management of this concern, the profit upon each ton of armor plate that is furnished to the Government?

Mr. WHARTON. No, I do not know. If I did, I do not think I would tell you. I think that is something you have no right to expect me to tell.

Senator CHANDLER. You were not asked how much is the profit.

Senator HALE. I did not ask how much, but I asked if you know.

Mr. WHARTON. I know approximately, but I do not know accurately. I know, for instance, that we make certain dividends. A part of my business as one of the directors at the sittings of the board is to settle upon the dividends.

Senator HALE. The dividends are public. It is well known what your dividends are?

Mr. WHARTON. Of course the dividends are well known to the stockholders, but not known to the public generally. However, there is no particular objection that I am aware of to having the dividends known.

The CHAIRMAN. How do the prices of armor plate in this country compare with the prices in England and Germany?

Mr. WHARTON. They are almost exactly the same.

Senator HALE. Made by private establishments?

Mr. WHARTON. Yes. I will not say they are exactly the same, for they are not, but they are approximately the same. In entering into this business we had to meet what was the uniformly established price abroad. That price was well known to the Government and to ourselves, and if we could go into the business on about those terms the Government would like very well to have us go in.

The CHAIRMAN. You are speaking of the original contracts?

Mr. WHARTON. Of the original contracts, which I think are not yet entirely fulfilled.

The CHAIRMAN. The original contracts that were made between the Government and Bethlehem were based on the prices then existing abroad?

Mr. WHARTON. Yes, sir; they were.

The CHAIRMAN. And no additional price?

Mr. WHARTON. I think the price was about as much more than the foreign price as the freight would amount to.

The CHAIRMAN. Is that all?

Mr. WHARTON. Again I would ask Mr. Davenport's view on that point.

Senator HALE. Did you not understand when these first contracts were made that they were made very liberal because you had to run the risk of creating a plant, and run the risk of not getting continuous work, owing to the failure of appropriations? Did you not understand that by reason of that you, rather naturally, got an exceedingly good contract?

Mr. WHARTON. The contract was not exceedingly good. It was a contract that nobody else in America would take. There was no other establishment in America that would venture to do the thing which we did.

As I said awhile ago, we did that, not because we wished to do it, but because the Government besought us to do it. We planted our money there. We did not in the beginning get any profit at all, and the company was reduced to considerable embarrassment, and if it had not been for strong backers it would have broken down. But it had strong backers and did not break down. It was carried through and has paid dividends, I think, for the last three years; and if you care to know, I will tell you what those dividends are.

The CHAIRMAN. I do not think that is necessary.

Mr. WHARTON. It is not necessary, and it is not strictly in the line of the investigation, but I have no disposition to conceal that from you.

Senator SMITH. I do not think we want that.

The CHAIRMAN. What we want, and all we want to ascertain, is the probable cost of erecting a plant here.

Mr. WHARTON. It will cost the Government more than it cost us. You could not expect to get a plant put up without having to pay the contractors' profits, and the manufacturers' profits, and dear knows what. Government work always costs more than private work.

Senator HALE. If this part of it cost you $4,000,000, what would you say would be the cost in this case, taking into consideration the fact that the Government must build under the eight-hour system, which you have not in your establishment?

Mr. WHARTON. No; we have not.

Senator HALE. The Government has. Taking all things into consideration, if it cost you $4,000,000 what do you think it would cost the Government to put up a plant that would furnish 300 tons a month, and, by small additions, 500 tons a month?

Mr. WHARTON. The Government would have to expend considerably more than we did. I think it is germane to the subject to say here that we have a remarkably good class of labor around us at Bethlehem. We have what are usually called the Pennsylvania Dutch—sturdy, patient, toiling men, trained to work in iron, and both diligent and faithful. The Government could not expect, and it would be quite impossible, in my judgment, for the Government to get, as much work in the same number of hours, independent of the difference between ten hours a day and eight hours a day, out of any people whom it would employ as we get out of the people we employ. That is an element of additional cost to the Government.

Senator HALE. You do not think that the Government would get in eight hours as much work as you would get in eight hours?

Mr. WHARTON. I feel sure it would not.

Senator CHANDLER. That is, in the running department?

Mr. WHARTON. No; in the construction and also in the running.

Senator SMITH. Is most of your work done by day work or by piece work?

Mr. WHARTON. The most of it by day work.

Senator HALE. How many men have you in your employ now?

Mr. WHARTON. I will ask Mr. Davenport to state the number.

Mr. DAVENPORT. Considerably more than 4,000 in the whole plant.

Senator HALE. What do you think is generally the proportion of your work going on now, of ironwork and other work?

Mr. WHARTON. Do you mean in money or in pounds?

Senator HALE. The general product; the value of the product?

Mr. WHARTON. That is constantly varying. Sometimes we are doing Government work and sometimes not. Sometimes we have good railroad orders for rails and sometimes not. I suppose, taking the years through——

Senator HALE. Taking it year by year?

Mr. WHARTON. If that is an important question, I would rather answer it after getting the statistics. I am afraid that I could not do much better than make a reasonably good guess at that.

Senator HALE. It only goes to show the extent of the general business there, and bears somewhat upon the cost.

Mr. WHARTON. As I said, I can get that with some accuracy if you think it is desirable.

Senator HALE. No; I do not think it is important.

Mr. WHARTON. I am a little afraid to make an estimate.

Senator HALE. Do you think you are doing as much work outside as you are doing for the Government?

Mr. WHARTON. In the normal condition of things I suppose our output of tonnage would be ten times as much, or it may be twenty times as much, for private parties as for the Government.

Senator HALE. But in valuation?

Mr. WHARTON. Again I come to a point where really I do not like to make a crude guess. It would be a discredit to me if I came far wrong in a business I ought to know about, and a guess would not do you any good.

Senator HALE. The armor is a thin product; it does not take up as much bulk and weight as a good deal of other work.

Senator PERKINS. I should like to ask a hypothetical question which suggests itself to me as a principal question for this committee to consider. Of course you are not obliged to answer it unless you feel at liberty to do so. If the Government should deem it expedient to erect a plant costing, as you have stated, not less than $4,000,000, that is capable of turning out 4,000 tons of armor plate per annum, do you believe that private corporations like your own would compete with the Government for the construction of armor plate? Would they take it for 25 per cent less than the Government is now paying?

Mr. WHARTON. No; I think not. I think the Government is the best competitor we could possibly have. We could beat the Government more easily than we could beat any private competitor.

Senator HALE. In other words, the Government could not furnish it as cheaply as you could, you think?

Senator PERKINS. That is not the idea.

Mr. WHARTON. I get your idea, I think. It is whether we could reduce our profit enough to furnish our plates 25 per cent cheaper.

Senator PERKINS. It has worked that way, you know, upon the building of the battle ships. I am from the Pacific Coast, and familiar with the work you are doing for our concern there. You are familiar, of course, with the fact that we have given the contract for building the last two battle ships at fully 20 per cent less than the Government paid for the work two years ago. Owing to the fact that private competitors were competing for the construction of these ships, the Government had the advantage of it by the last bid from the Newport News Company.

Senator HALE. It brought the price down?

Senator PERKINS. It brought the price down.

Mr. WHARTON. If I may be allowed to throw a little side light on that transaction, I can do so. I happen to know, because I had a conversation with Mr. Huntington, that the Newport News people were quite determined to get this business. I had occasion to offer to the Newport News establishment the building of a ship that was wanted in a foreign country. One of our agents in that part of the world had an opportunity given to him to take the contract if he would take it at a certain price, the price, I believe, at which they could get the ship for in England. I had occasion to speak to the Newport News people about that, and it was obvious that they were hungry for work, and were determined to get into that kind of work, that is, the building of steel steamships. I believe that the contract which Mr. Huntington has taken is going to be a pretty difficult one to fill.

Senator PERKINS. That is interesting to the Naval Committee, because we are considering the question in connection with matters before the committee; but the point I wish to bring out is this: If the Government had this plant, and never used it, would it be a good investment for the Government by stimulating competition among your own good company, Mr. Carnegie's, and perhaps others who might undertake the making of armor plate?

Mr. WHARTON. I may say in the first place that the other parties of whom you speak will never go into the business. There is not business enough at present or apparent to justify the existence of even two plants. No private competitor will rise, therefore. If the Government should compete by setting up a plant, I think human nature is such that the establishments now existing would try to see that they were not going to be injured by the construction of the Government plant.

I think that Mr. Carnegie and somebody up at Bethlehem might begin to compare notes and see how to prevent what I might almost call plunder. We have put a vast amount of money into this business to do Government work. If the Government deliberately should turn around and deprive us of the work after we have spent our money and our time, or should attempt to do so, it would then be in order, in my judgment, to see how we could get even with the Government. I do not think it would work to the Government's advantage in that respect.

Senator PERKINS. That is a question which we, as your representatives, are going to consider at this time.

It has been stated that there must be a very handsome margin of profit in the manufacture of armor plate from the fact that you first demanded almost enough, so it has been charged, for the construction of your plant to leave your first contract with the Government a profit. That, of course, in a measure is corroborated if the reports are true that you have taken contracts from foreign governments to manufacture the same armor plate for less than $300 a ton that our Government has been paying you $500 a ton for.

Mr. WHARTON. On that point I will say that seeking for a contract in Russia was largely my individual act. Our company had an agent in Europe, and I recommended to our people that he should be sent to Russia to see what business was in existence or in prospect there. He went there. He is Lieutenant Meigs, formerly of the Navy. He found that there was nothing then wanted by the Russian Government. But he showed such sufficient evidence of our capacity to make armor plates here that he received from the Russian Government the assurance that when they next needed armor plates the Bethlehem Company should be invited to bid for those armor plates.

The time came within a year when they did want some armor plates. We were invited to bid, and we sent Meigs there to investigate and to represent us. We told him to take the work. It was not a question whether we were going to make money or lose money; we were to get the work. All Europe was there competing against us.

The impression had spread through Europe, carefully inculcated by the European armor-plate makers, that nobody knew how to make armor plate except the few over there; that America was not of any account in trying to make armor plate; that it did not know how. We simply were determined to break up that prejudice and that notion. We took that order without any regard to its cost. We no doubt will lose money by it, but we do not care if we do. We were determined to do it.

Now, what is the effect of that action? Before that was done I do not think that there was anybody in the marine department of any of the European governments who had much respect for American armor plate or American ships armored with American armor plate. They poohpoohed the whole thing. It was an untried thing; an unknown quantity. But after we had made those plates, and after they had undergone the very rigid inspection and trial of a ballistic test, to which the Russian Government subjected those plates, it was then perfectly apparent that our plates were quite as good as, and I feel certain they were better than, any made in Europe.

That fact being established, led to the Government of Russia giving to American establishments, both to ourselves and to Carnegie, other contracts for making armor plate for Russian ships. The net result of the whole business is that while we at Bethlehem lose a little money the American Navy has now the prestige of having armor plate that is absolutely good. The moral advantage gained by the American Navy through that little exploit of ours is something that you can hardly calculate.

The CHAIRMAN. Do I understand you to say that since the original contract with the Russian Government at the low price additional contracts have been awarded to our manufacturers?

Mr. WHARTON. Yes.

Senator CHANDLER. At the same rate or at a higher rate?

Mr. WHARTON. It is about double. They have made the new contract at just about what I called awhile ago the market price.

Senator HALE. About the same prices that you get here?

Mr. WHARTON. Just about the same prices that our Government is paying. I can not tell within a dollar or so a ton.

The CHAIRMAN. That is immaterial, but it is about the same?

Mr. WHARTON. The price is just about the same that our

Government is paying. The Russian Government did not hesitate to pay what I again call the market price for American armor so soon as it was convinced that the American armor was as good as any it could get anywhere else.

The CHAIRMAN. Until the Russian Government were convinced of that fact you had to take the contract at a lower price?

Mr. WHARTON. Yes, sir. We were determined to break in.

Senator HALE. Do you remember whether you were bid down to that very low price or whether you were way below other bidders?

Mr. WHARTON. We were the lowest bidders, but the other manufacturers, the European manufacturers, were as determined to keep us out as we were determined to get in, and there was a remarkably lively time there for some weeks.

Senator HALE. The foreigners chased you on the bids as long as they could?

Mr. WHARTON. They did.

Senator PERKINS. Do the Governments of England and France manufacture their own armor plates?

Mr. WHARTON. They do.

Mr. CARNEGIE. Oh, no; not at all. The countries do.

Mr. WHARTON. I misunderstood the Senator. The Governments do not. I took the word "Government" in the sense of country.

Senator PERKINS. I mean the Governments of those countries?

Mr. WHARTON. None of the Governments do any such thing.

Senator PERKINS. Does Germany manufacture her own armor plate? There is the Krupp Company in that country.

Mr. WHARTON. No; there is no government armor-plate establishment in the world.

Senator PERKINS. There is not?

Mr. WHARTON. No.

Senator PERKINS. Neither England nor any other government has a governmental armor-plate establishment?

Mr. WHARTON. No. Is not that so, Mr. Davenport?

Mr. DAVENPORT. The only possible exception is Italy, where the Government for a time aided with capital an armor-plate establishment.

The CHAIRMAN. If we attempted it, it would be an experiment?

Mr. WHARTON. Yes; an experiment which has been condemned by every other country.

I wish to say one thing more. You have asked me about the cost of the plant. You have not asked me about another additional item which is just as necessary as the ground, or the hammer, or the press, or the furnace, or anything else. That is the working capital. If you build an establishment; spending four or five or six million dollars, whatever it may be, you then will have to invest, I should say, from $2,000,000 to $3,000,000 in working capital.

The process is very tedious. You have to have the choicest material in the beginning. It has to be worked with extreme care, without haste. At all stages you have to have a great quantity of stuff in process. Compared with your final output, if you are going to make 3,000 tons a year, you will have to have nearly so much stuff probably in the works at different stages. At one time I think we have had as much as two millions and a half, at least, of stuff in process.

The CHAIRMAN. Material on hand?

Mr. WHARTON. Working capital, in other words.

Senator HALE. And that is not reckoned in the $4,000,000?

Mr. WHARTON. No.

The CHAIRMAN. That is in addition.

Mr. CARNEGIE. You have not spoken of the half million dollars paid to Creusot.

Mr. WHARTON. Mr. Carnegie reminds me that we paid a half million dollars to Creusot. It was almost made a condition by Secretary Whitney. The whole business was such a formidable task that nobody in this country was ready to believe it could be accomplished. I went myself to France in 1885, with the knowledge and approbation of the Navy Department, to endeavor to make an arrangement by which we at Bethlehem would come into possession of all the information and experience that Creusot had acquired, the Creusot establishment being the leading one in the world and making far better armor than anybody else. That resulted in our being obliged to make a deal with them, which cost us, I think it was, exactly a half million dollars.

The CHAIRMAN. To what company was that paid?

Mr. WHARTON. A company called Le Creusot (Schneider & Co.), at Creusot.

Senator CHANDLER. The firm we have been talking about?

Mr. WHARTON. I think Mr. CHANDLER was aware of that at the time.

Senator CHANDLER. I thought I was, but Mr. Tracy convinced me that I did not know anything about it.

Ex-Secretary TRACY. Oh, no. I said you were under contract with them. The question arose between Senator CHANDLER and myself whether the price was at all increased by the use of the nickel process that was invented in 1889, two years after the contract was made.

Mr. WHARTON. No, sir; it was not.

Ex-Secretary TRACY. That is what I supposed.

Mr. WHARTON. I am glad you mentioned the nickel patent, because when I was in France, at the time I speak of, I was invited, as an expert in—nickel (and here I must mention the fact, because all the gentlemen may not know it, that I am the original nickel maker of America, and have been in the business for many years)—by the great French company called Le Nickel, to investigate some inventions which had been made by a man named Henry Marbeau, who was one of Le Nickel Company—Harry Marbeau, as they called him there.

He had been investigating as to the properties which would be acquired by iron and steel if alloyed with nickel. Le Nickel Company were not inclined to believe that there was anything in it; but one of them asked me if I would not spend an hour with Marbeau and look into the matter, which I did. Marbeau in a very emphatic French way explained these things to me with some vehemence and gesture, calling me occasionally "mon maitre"—calling me his master, as knowing more about nickel, he thought, than he did.

The whole thing was put before me in that way, and I soon after mentioned to Schneider & Co. that there was a thing which they could not afford to be debarred from. I believed from what I saw then that nickel was going to come into use as an element of armor plate, and I thought that they, as the principal armor makers of the world, making the best armor plate, could not afford to be debarred by a patent from the use of nickel for armor plate. My impression is that up to that time Schneider & Co. had not thought of making nickel-steel armor plates. Afterwards the same concern undertook to take out a patent for themselves, as if they had invented it.

Senator SMITH. Who took out the patent? You say "they" took it out.

Mr. WHARTON. I think one of the Schneiders took out the patent.

Senator CHANDLER. After your conversation with him?

Mr. WHARTON. Certainly. People do not always remember, perhaps, where they get a hint from. I do not claim anything from it.

Senator CHANDLER. Do you think you communicated a patentable invention to him in the conversation you speak of?

Mr. WHARTON. No; I doubt whether the whole idea of alloying nickel with steel was patentable. It had been done and tried by several people. I afterwards had occasion to investigate the matter, and I was surprised at the number of people who had done it.

Senator CHANDLER. What did you pay the half million dollars for?

Mr. WHARTON. For their alleged superiority in the way of making armor plates. It was not supposed that we would succeed in this formidable task unless we started on the foundation of all the best knowledge that the world up to that time possessed; and that knowledge was concentrated, it was supposed, in the hands of the Creusot Company.

Senator CHANDLER. How did Carnegie & Co. get it?

Mr. WHARTON. The thing was comparatively open. We had been at it for some years, and there was no patent about it at all. I do not think that what we got from Creusot was necessary to us.

Senator CHANDLER. Did Mr. Carnegie, when he was starting his plant, have access to your plant for the purpose of seeing how the armor was made?

Mr. WHARTON. He might have come to it if he wished to, but in point of fact he did not. The Government inspectors were thoroughly acquainted with everything we did, and those inspectors were able to carry information to any extent they liked.

I do not know whether it would be interesting to you, but I am disposed to say one more thing in regard to armor plate to show you our improvements. When we started in this business there was a question as to whether solid armor of homogeneous steel, or compound armor, namely, a soft iron backing with a steel facing, was the better. That question was an open one. Nobody was able to give an authoritative opinion upon it. I looked into it. When I was in England asking opinions, among other persons I asked of Sir Thomas Brassey, since Lord Brassey, but he did not know or would not tell. What this country did—and it is worth while for you to consider this—was to settle that question. I think you [to ex-Secretary Tracy] had some experiments made at Indian Head.

Ex-Secretary TRACY. I beg pardon; I did not hear the statement.

Mr. WHARTON. Did you not have some experiments made at Indian Head with compound armor, nickel-steel armor, and plain steel armor?

Ex-Secretary TRACY. The experiments were at Annapolis.

Mr. WHARTON. Up to that moment the battle had not been fought out, and it was an open question which was the better style of armor. There was nobody in Europe who could give an

authoritative opinion. The Creusot people said theirs was the best. It was the best, but before demonstration their opinion had to be taken as possibly an interested opinion, because they were the only makers of that kind of armor plate at that time. The English would not tell if they knew, because their ships were armored to a great extent with compound armor. If compound armor was a humbug, and would not stand the impact of shot, then a great portion of their fleet was useless against modern guns. So they would not tell, or they could not.

But when our own Government made those experiments, then there was an absolute fact, and it turned out that we had taken the proper course. We had not meddled with compound armor from the beginning, but we had taken what was apparently the best course, namely, to go to headquarters, to the people who made the best armor, and get from them everything they knew.

All those things the Government would not have to do over again, because the art is now established in this country; but the Government could not escape paying the full value of an armor-plate plant; they could not build that armor-plate plant so cheaply as we could or did; they could not escape having the working capital to run the business; they could not, after they had got the plant, make plates as good as ours, and that, I say (and I think perhaps you will bear me out in the statement), is almost the inevitable consequence of the Government trying to do things without the kind of sharp scrutiny which private persons have to submit to. We have inspectors in our place, and any kind of a blemish is detected; but if you had a Government establishment I do not think you would get the same kind of sharp inspection. I think plates would pass through a Government establishment that would not pass through the Bethlehem Company's or Carnegie's.

Senator SMITH. Were you familiar with or were you connected directly with the making of the contract with the Bethlehem Company for furnishing armor plate at the time it was made?

Mr. WHARTON. For the United States Government?

Senator SMITH. Yes, sir; made with Mr. Whitney.

Mr. WHARTON. I was not, because I told Mr. Whitney that when it got to that point "my function is done; I am going to retire. I will not come down to attend the opening of bids. I will not take any more part; you will not see me any more. The matter is in the hands of the Bethlehem Company."

Senator SMITH. Up to that point you were in communication with Mr. Whitney and talked with him on the subject?

Mr. WHARTON. I was in communication with him on several occasions; not exactly frequently, but on several occasions, and with a good deal of closeness.

Senator SMITH. Was there ever any question, or did you have any understanding, either implied or expressed, that after the contract which you were then taking was completed the price to the Government for its armor plate could be or would be less?

Mr. WHARTON. No; there never was such an understanding. On the contrary, not exactly in controversion of that theory, but it leads the other way, Mr. Whitney stated to me that he was perfectly aware that the contract which he then had to give out was not a sufficient inducement for the erection of such works as this country needed. He had been able to get appropriations, I think, for something over $4,000,000, or about $4,000,000, I do not remember the figures exactly. That included armor plates and gun forgings. He said, "So much I can give over to an establishment that can do the work."

When the time came, there was another bidder. We were not the only bidders, but the other establishment had not gone to the practical point. It would have been experimental with them. However, they did bid. But Secretary Whitney was perfectly aware that the contract he had to offer was not a sufficient inducement, and he said so to me in a very emphatic manner. "But," he said, "you will get other work." There was no implication that it would be at lower prices, but, on the contrary, the implication was that we would get other work at the same price. There was no obligation; it was an implication, not an understanding.

Senator SMITH. Before we go any further with Mr. Wharton, I owe it to the gentlemen present to explain why this bill was introduced. I did so, first, because the impression I received as a member of the Naval Affairs Committee was to the effect that in the price given to you and Mr. Carnegie for the armor which you have furnished the Government up to this time there was practically a subsidy to an extent that almost paid for the erection of your plants.

The Government having done that, and you gentlemen still owning the plants, we felt that the time had now come when, if you could afford to give other governments a better figure on the armor plate furnished to them than you gave to this Government, which had practically furnished the money for the erection of the plants, and did not own them, our Government was entitled, at least, to as good consideration at your hands as foreign governments. If we were not going to receive that consideration, as we believed we were not (and that was assured us by Secretary Herbert, who said that he had asked for some bids from both of you gentlemen, and the price had been reduced only about $50 a ton), I think the committee felt pretty generally, as I did myself, that we owed it to the people to erect armor-plate works of our own, so that at least we would get a portion of the armor plate at a fair cost to our Government, and would have some basis to go on as to what would be fair and right to pay. That is what brought about the introduction of the bill.

In connection with it, most of us, I think, from the fact that there were only two concerns in this country manufacturing armor plate and that the bids of both were the same, naturally came to the conclusion that there was an understanding between the two companies as to what prices they would bid for this Government's work. On that theory and on that basis, believing it was not for the best interest of the Government to have its armor plate furnished under such conditions, I introduced the bill. We can not expect business men to give us their secrets. That, of course, is something we all know too well would be unfair; but at the same time we would like to know, if we can, whether there was not some indirect understanding when these contracts were made that there would be a reduction in price thereafter; and secondly, whether we are not entitled to some consideration because of the fact, if it be a fact, that we helped by an indirect subsidy toward paying for the erection of the plants.

Mr. WHARTON. All that line of thought is a very natural one. I do not wonder that you took it up. I do not wonder that you feel that the country ought to have some light upon this subject, and I think it is in the way of getting it at this moment.

The contracts that we took from the Government amounted, approximately, to the amount of money we have spent; that is, we got about $4,000,000 and we spent $4,000,000 in the plant. How can anybody draw from the situation the conclusion that the Government paid for the plant when it paid merely the market price for the products of the plant, and when the total gross amount which the Government paid is no more than the works cost? I think it would require some ingenuity to show where the subsidy comes in.

Then, as to reduction in price, the Government does virtually get a reduction in price of a most important nature; that is to say, it gets a much higher quality of armor than it did at the beginning. We in this country have advanced the art. We have led all other countries in the world in the manufacture of armor plates, and we are now at the head. We did that. The Government did not do that. But we are giving the Government the advantage and benefit of all the progress that has been made.

We are getting now (I speak again with some diffidence because I do not carry the figures in my mind) practically the same price for an article which is so much better that we can hardly express it in percentages.

The actual cost of adding nickel, the actual cost of casehardening, is somewhere between 15 and 20 per cent of the original cost per ton of our armor plate. Now, if we give to the Government these plates, that cost 15 or 20 per cent more, at somewhere near the same price that it paid for the plain steel uncasehardened armor, the Government is getting that advantage; it is getting that diminution in price.

Senator BACON. In the original contract which you made with the Government there was an item for 8-inch deck plate at $490 a ton. Do you recollect that item?

Mr. WHARTON. Yes.

Senator BACON. Was that a correct price?

Mr. WHARTON. I do not remember the price. We will assume it was right.

Senator BACON. I ask you whether that item was at a price which was proper and the market price at the time for plates of that kind?

Mr. WHARTON. I presume it was. I do not remember the price, and I can not answer your question, therefore, with the sharpness it deserves.

Senator BACON. You may say approximately. It has been developed that in place of the 8-inch plate there were substituted three thicknesses of inch plate, at a saving of over $300 per ton. How do you account for the difference between the price of $490 a ton for the 8-inch plates and the price of the three thicknesses of inch plate?

Mr. WHARTON. The Bethlehem Company did not make those plates. We were not fitted up for making those plates, and therefore by an understanding with the Department those thin plates were transferred.

Senator BACON. I am not asking as to the cause of the change.

Mr. WHARTON. I am pointing out to you, however, that the Bethlehem Company did not make the plates, and therefore we are not the proper persons to ask.

Senator BACON. Still, you are in the business, and would at least know the approximate cost of plates of that kind. It has been developed here that those plates were substituted for the 8-inch plates, which were originally designed, and that they cost

from forty-odd dollars per ton up to $140 per ton, according to shape and bending, etc.

Senator SMITH. At a saving of $400,000.

Senator BACON. At a saving of about $400,000 on that item.

Mr. WHARTON. I am not the proper person to ask about that matter, because I was not a party to it.

Senator BACON. You know the market value of such material?

Mr. WHARTON. I do not think it is my place or that it would be becoming in me to say anything about it.

Senator BACON. If I were asking you to tell me whether or not the inch plate had been sold to the Government at an excessive price, you might feel some delicacy in replying. But I ask you as an expert to explain to the committee the difference between the cost of the inch plates and the 3-inch plates, where the difference was so great that in the substitution of one for the other about $300 per ton was saved.

Mr. WHARTON. We did not save anything in that way. I repeat that it would not be becoming in me to speak on that subject.

Senator BACON. I am not asking you for the purpose of trying to show that the charge was too great. I am merely asking the question for the purpose of getting an explanation.

Mr. WHARTON. We did not supply those plates. I do not know what they cost. We never made plates of that kind. We were not in a position at Bethlehem to do so.

Senator BACON. I believe the cost of plates is determined by the bending, etc.?

Mr. WHARTON. It is not so much the bending. The bending is insignificant. It is the shaping.

Senator BACON. Then the bending and shaping. Is that operation more expensive in a thick plate than in a thin plate?

Mr. WHARTON. Yes, sir. The shaping of the thick plate is done by machine work; that is, the superfluous material is cut off by machines built especially for that purpose.

Senator BACON. You can not state whether the difference between the cost of manipulating in that way a thin plate and the cost of so manipulating a thick plate would be sufficient to account for that great difference in price?

Mr. WHARTON. You may have noticed on one or two occasions that I dislike to make estimates or guesses in the absence of proper information. I am not informed on that subject, because we never made those plates; but there is no doubt that they could be produced at a lower price than thick plates, which have a great deal of machine work upon them. But when you come to a large job like this, you take the fat and the lean together. In a large contract, comprising several sorts of work, you take the whole thing together at a certain range of prices, so much for this and so much for that, composing a satisfactory and reasonable price for the whole. That is the way in which contracts are made.

Senator BACON. In other words, the high price of one article is offset against the low price of another?

Mr. WHARTON. We try to make the contract so that the prices will average right.

Ex-Secretary TRACY. If the Senator will permit me, you remember I stated that in this same schedule there was some other armor, the price of which I did not know and could not tell, but that the average price of the whole schedule was $490 per ton.

STATEMENT OF MR. ANDREW CARNEGIE.

The CHAIRMAN. Mr. Carnegie, we desire generally the same information from you as to your works that Mr. Wharton has given us in respect to Bethlehem.

Mr. CARNEGIE. Mr. Chairman and gentlemen, then I can only corroborate what Mr. Wharton has said. Our own experience in the manufacture of armor corresponds exactly with his. We were nearer toward making armor than the Bethlehem Iron Company, having very powerful machinery for our own business, but we declined to go into its manufacture when invited by Secretary Whitney. We declined to Secretary Tracy, his successor. My judgment never was in favor of going into the armor business. I knew it could never be a safe, permanent, and profitable business. It has not been as profitable as several departments of our own business, even in proportion to capital invested, and it requires infinite care, skill, and constant attention. That gentleman [pointing to Mr. Tracy] and the President of the United States are responsible for forcing us into the making of armor. If it had not been for a telegram received when I was abroad, stating that Secretary Tracy had requested us to do so, as our duty, to help the United States Government out of its difficulty when its ships were standing in the stocks and it could not get armor, you would never have found the Carnegie Steel Company engaged in the manufacture of armor.

The CHAIRMAN. You did so because of the failure of the Bethlehem Company to fulfill their contract?

Mr. CARNEGIE. It was only a delay, not a failure.

The CHAIRMAN. It was an inability.

Mr. CARNEGIE. No; the Bethlehem Company were too sanguine. They did not know so much about armor making as I think I did. I had often visited the European works, and nothing could have induced me to go into the manufacture of armor plate as a money-making business. If we had put the money we have in the armor plant to-day and the time and skill into our own regular business, we could have made much more money than we have made, and we would have had no trouble.

We sometimes make 150,000 tons of steel per month, and the petty 300 tons of armor that we make give us more trouble than all the 150,000 tons. It takes the best brains and the unremitting attention of the staff away from our business, and I have never ceased to regret the day that we were called upon to undertake the task.

Senator HALE. Why did you go into it?

Mr. CARNEGIE. Because the President of the United States and the Secretary of the Navy had told us that the United States Government was in a difficulty, and if the President of the United States were to ask me to-day to double our armor plant I would do it. If he were to ask me to go to Kamchatka for the United States, I would do it. I never went into this business for money, I knew better.

Senator HALE. It was because of your patriotism?

Mr. CARNEGIE. Yes, sir; just, Mr. Senator, as you would obey the wish of the Commander-in-Chief of the United States, the President, if he told you that you were the only person that could serve your country. Mr. Tracy can tell you how often we declined. Secretary Whitney can tell you also. But when we did go into it I personally took up the matter with our partner, Mr. Lander. We visited the tool makers of Europe, contracted for tools nearly completed, paying a bonus to those entitled to get them. Three sets of men began work at our works, eight hours each, never stopping even Sundays or Sunday nights. We rushed everything, and in twelve months—November to November—after the contract was signed we delivered the armor. Had we done what we did for any European Government, a peerage or the Legion of Honor would have been offered to us.

Ex-Secretary TRACY. I have said, Mr. Carnegie, that I did not recall how the first interview between Mr. Abbott and myself came about. Have you any information on the subject? If you have, I wish you would give it to the committee. You know what occurred at the Department.

Senator HALE. What brought you to Washington?

Ex-Secretary TRACY. Do you recollect?

Mr. CARNEGIE. I remember the first time Mr. Secretary Tracy spoke to me in Washington about the matter. You said, "How is it, Carnegie, that we can not get steel that will stand our specifications except from you?" I said, "Mr. Secretary, because nobody in the world has machinery powerful enough to make it except ourselves. We have the most powerful mill in the world."

Ex-Secretary TRACY. I remember that statement.

Mr. CARNEGIE. You then said to me, "We are getting into a hole about armor. I can not get it. If we can not get it, you will have to do the best you can to get the Government of the United States out of trouble." Did you not, Mr. Tracy? I left you, and when I was abroad I got a telegram from Mr. Abbott advising me that you had sent for him—he was then our chairman—and wanted us to help the Government out of its trouble and go into the manufacture of armor. Mr. Blaine also spoke to me about it, and said it was feared there would not be a ship finished during the Administration of President Harrison. I believe the Cabinet congratulated Secretary Tracy upon the bargain that he had made which brought us into the armor business.

Mr. Chairman, one reason why armor making is not profitable is that we get only about 3,000 tons a year. We have $3,000,000 invested in the plant. We have to stop that plant every now and then for five or six months, but interest and maintenance run on, and some of our best men we must keep. Our men have just been scattered for six months now. We took a contract from the Russian Government for 1,000 tons of armor, and that has kept them running a few months, but in three weeks from now part of them will be out of work, and all of them will be idle again three months, for it will be three months before we get a chance to make armor plate for any of the new battle ships, and no concern—Senator SMITH, you are a manufacturer, and know that this is true—can be successful or make money under such circumstances.

When Secretary Tracy asked us to go into the making of armor, and we had reluctantly consented, it was a question of price, and we said that we could take no advantage of the Government's necessities. Whatever was the price paid the Bethlehem Company, which was the lowest bidder in competition, there being three parties in all, was our price. It was exactly the English price, as near as I could figure it.

I was amazed that the Bethlehem Iron Company bid at such a price, for armor making is largely a question of labor, and we ought to have 30 per cent more for armor in this country than they get in England, as skilled labor costs so much more. I think if the Government of the United States gets its armor at the same price as England pays, it is to be congratulated. Our armor is

superior to any. However, we went on. Requirement after requirement was made by the Government of the United States. The armor we are making at present costs us $105 a ton more than the armor we contracted for; not that the Government does not pay the extra cost, for it does pay it, but it costs us that much more. This causes the cost per ton to seem high, but the armor now furnished is really cheaper than the first, as its resistance is so much greater. I will just give you the items.

We contracted with Secretary Tracy to make common steel, such as Great Britain and France and Germany were getting made. It was afterwards changed to nickel. Nickel is harder. I once heard that the President said Mr. Tracy could make good bargains. He did make a good bargain with us. He allowed us only $10 a ton more to make nickel steel.

Then we go on to the Harvey process. The Secretary of the Navy wanted harveyized armor. He required us to build the furnaces for Harvey armor, which are good for nothing else in the world. We spent over $200,000 on them. Anybody else would have spent $300,000, because we had the ground, the connections, the heat, and the water, and we had our staff. We have harveyized only about 4,000 tons of armor, and if the Government adopts some other process to-morrow, the Harvey furnaces are a complete loss to us; they are specially constructed for this process and are good for nothing else. The Secretary allows us $50.80 a ton for that, while the British Government allows $100 a ton for the same.

The CHAIRMAN. Just double.

Mr. CARNEGIE. Yes. They allow it in this manner: The manufacturer divides it. He says, "There is $60 a ton for the armor," for which we get $50.80. Then he charges 2 cents a pound royalty for the Harvey process; that is $40. Secretary Tracy bought the right to use the Harvey process for $100,000, and of course it does not cost the Government the royalty. But in England the manufacturers own five-sixths of the Harvey patent, and, therefore, by my figuring, they get $93 net for harveyizing and we get $60. The other $7 goes to the American shareholders in Harvey patents. The British Government pays, as I have said, $100 per ton. They do not harveyize thin plates. They have not been able to do it. We are compelled to do it, and it is very difficult and costly.

Senator HALE. Deck plates, etc.?

Mr. CARNEGIE. Turret plates. It is very hard to do. Now, under the Harvey process, it takes a month to harveyize every plate.

Senator HALE. Thirty days?

Mr. CARNEGIE. Yes, sir; it takes a week to heat it in a great furnace up to the necessary temperature. It takes two weeks to harden it. It takes a week for it to cool. All our operations are delayed one month for every plate we harveyize. We are not paid fairly for this work. Thus nickel costs $10 to work over plain steel; there is $45 per ton patent royalty; total $55. Harvey costs $50; that is $105. Then we are now required to reforge armor under our own patent. I have just received the London Engineer, which gives its annual review of naval affairs. This is the highest authority. I will not read it all, but I quote its concluding words: "Double forging has come in the United States, and the recent 'record breakers,' as they call them, have chiefly been double-forged plates of Carnegie." That is our record.

Senator HALE. You have a patent upon that process?

Mr. CARNEGIE. Yes, sir.

Senator HALE. The Corey patent?

Mr. CARNEGIE. Yes, sir; but we do not charge the Government any royalty for it. If the Government of the United States would give us what the British Government gives its armor-making plants, steady work, we should be all right. For instance, to-day you see in the papers that it has ordered five more battle ships. The British armor-plate establishments have never been out of work for I do not know how many years; I should say ten. They work night and day. One of them made 6,000 tons last year. What do we get? Scarcely anything this year.

If the Government would keep us in work, 6,000 tons a year, it would be a highly profitable business; but as it is now, gentlemen, I assure you that many departments of our work are making more money and have made more money on the capital. Note Mr. Wharton's figures: Six millions invested means annual interest $360,000. Upon 3,600 tons of armor this means $100 per ton interest cost. Assume that the Government orders armor for ten years and then its Navy is finished; this means that $400,000 per year depreciation upon plant has to be charged—more than a second hundred dollars per ton. Because some uninformed people only see the high price per ton, and do not calculate properly, they think armor plants are extremely profitable. They are not so. Take the $3,000,000 which we are just now spending for blast furnaces. I know that investment will make more profit than the armor-plate plant, and it costs about the same. It will involve no special care, have few if any stoppages, and be in use as long as we can look ahead. It is a far more desirable investment of capital.

Senator SMITH. What is the capacity of your armor-plate establishment?

Mr. CARNEGIE. It is about the same as that of Bethlehem. The present Secretary of the Navy recently asked me how much we could do. I replied, "It is a question of money." If the Government of the United States give us 20,000 tons of armor to make, we can double the plant and furnish it before they are ready for the plate. Some one has asked to-day, I think it was Senator HALE, why we did not increase the capacity of our plants to fill the Government wants. I will take a contract to deliver all the armor that the Government wants—Bethlehem could close, or Bethlehem could continue and we shut up—and make all the armor. Neither establishment can be kept more than half employed at the present rate. Another gentleman asked about the Government erecting an armor plant. Gentlemen, you can not make armor without making steel, can you?

Senator SMITH. Not very well.

Mr. CARNEGIE. I wish the committee would come with me and visit the armor plant and let us show you what we have. In order to make armor plate we sometimes have an ingot weighing 150 tons; that is for the big plates we have to make. We cut off one-third from the top and one-third from the bottom of this ingot. We are not required by the contract to do it; one-third is what we are required to cut off by the contract, but we find we can not make armor plate that will break records without throwing away one-third at bottom and top. The pure, solid steel is in the center of the ingot.

We get five or six of our steel-melting furnaces running into a great pit until 150 tons are there. By an electric crane we lift 150 tons right up. That is all the Government business for two days that the plant will have to do, as a rule. If it is a 40-ton plate, we would not cast another until the third day. If you have other work for the heating furnaces, where you are making steel, it would be all right. As it is with us, we keep the furnaces and the forces busy upon general work and only cast an ingot for armor once in two or three days. That is one reason why no Government has attempted to make armor. It would have to go into the steel business. Armor making is an adjunct to a great steel-making concern. The tonnage for armor is so small, 3,000 tons in a whole year, when we make sometimes in one month 150,000 tons of steel.

The CHAIRMAN. What amount have you estimated that you have spent for this purpose to compare with Bethlehem?

Mr. CARNEGIE. About $3,000,000 for such additions as were necessary to our preexisting steel-making plant; we had nothing to spend for making the steel for armor. Our books show $2,500,000 and something over, I think, but we charged nothing for the land, nothing for the connections; we charged nothing for water, for light, or for superintendence, or for anything like that, because we had all those things. Half a million would not cover what we supplied beyond the $2,500,000.

The CHAIRMAN. The actual cost was about $2,500,000?

Mr. CARNEGIE. The actual cash expenditure, and what we ourselves contributed, as just explained, making three millions. Mr. Wharton's figures, in my opinion, are right. The Government would spend about $5,000,000 certainly to make a steel-making plant and an armor-plate plant for the Government. We should have to do so if we had to start de novo and were not in the steel-making business.

Senator PERKINS. It would require another million for stock.

Mr. CARNEGIE. You can not do it for $1,000,000. We have to-day in one group nearly half a million of dollars' worth of finished armor waiting test and acceptance by the Government. It takes much more capital now since everything takes one month longer for the Harvey process.

The CHAIRMAN. In your judgment, then, to start an establishment for this purpose equal to yours—I do not mean the entire establishment, but simply the armor-plate plant—it would require about $10,000,000 of capital?

Mr. CARNEGIE. Five million dollars.

The CHAIRMAN. For capital and all?

Mr. CARNEGIE. Five million plant and two million capital, as Mr. Wharton says—$7,000,000.

Senator CHANDLER. What did you say about the foreign armor makers having an interest in the Harvey patent?

Mr. CARNEGIE. The continental manufacturers purchased the Harvey patent. They purchased it for $100,000 cash for Great Britain, and a sixth of the stock. Therefore the British manufacturers have five-sixths of that stock. One hundred thousand dollars for Great Britain in proportion to the armor it makes would be equal to about $15,000 for the patent right for the United States.

Senator CHANDLER. That is the way they disposed of the Harvey patent?

Mr. CARNEGIE. Yes, sir. It is a profit to the manufacturers. They charge the British Government $40 per ton royalty and $60 as cost of the process.

Senator CHANDLER. That is about 2 cents a pound?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. The United States, having made a contract at a half a cent a pound, may be said to have bought out the patent right?

Mr. CARNEGIE. Yes, sir; the foreign manufacturers bought the patent and the United States Government bought the patent. The United States Government, I think, paid $5, or something, per ton.

Ex-Secretary TRACY. A half cent a pound.

Mr. CARNEGIE. Very well. The British Government pays 2 cents a pound to the manufacturers. We have not anything.

Senator CHANDLER. And they own five-sixths of the stock.

Mr. CARNEGIE. Yes, sir. They pay themselves back. We have no patent for which we charge the Government. We are not interested in the nickel process, or in any other patent other than our own Corey patent, which was invented in our own works.

Senator CHANDLER. How many patents have you?

Mr. CARNEGIE. Only our own patent—the Corey—as far as armor is concerned, and one for nickel.

Senator CHANDLER. How many patents are there, your own and other people's patents, on the armor that you are going to bid for, or have already bid for, to the Secretary of the Navy?

Mr. CARNEGIE. There would be the nickel patent and the Harvey patent.

Senator CHANDLER. What do you mean by nickel reforging?

Mr. CARNEGIE. No; the introduction of nickel into steel.

Senator CHANDLER. What are those patents?

Mr. CARNEGIE. The Schneider patents.

Senator CHANDLER. Then there is the Harvey process, the nickel, and the process of reforging?

Mr. CARNEGIE. Yes, sir.

Senator CHANDLER. What else is patentable, or what other patent do you use or will you use to carry out the new contract with Secretary Herbert, if one is made?

Mr. CARNEGIE. I can not recall any other important patents.

Senator CHANDLER. Those are all the patents that now occur to you?

Mr. CARNEGIE. Yes, sir.

At 3 o'clock and 50 minutes p. m. the committee adjourned.

PRICES OF ARMOR FOR NAVAL VESSELS.

WASHINGTON, D. C., *February 29, 1896.*

The committee met at 12 o'clock.

Present: Senators HALE, CHANDLER, PERKINS, and SMITH.

Mr. Charles C. Stauffer appeared before the committee.

Senator CHANDLER submitted correspondence to be placed in the record, as follows:

UNITED STATES SENATE, *Washington, D. C., February 8, 1896.*

SIR: It seems to me that it will be wise in any future contracts for armor to require, as to all patents used in its manufacture, that the Government shall be given the right to use those patents and any improvements thereon in any additional manufacturing of armor, whether directly by the Government itself or by any contracting manufacturers whatever.

This requirement will obviate, to some extent, the argument that the Government is building up two armor factories which do not compete but combine with each other, and which, by multiplying patents upon the modes of manufacturing armor, are accumulating restrictions upon the processes used so as to make it difficult, if not impossible, for the Government either to establish its own factory or to encourage the opening of a third factory, if future events should make it for the public interest to pursue this course.

Very respectfully,

WM. E. CHANDLER.

Hon. H. A. HERBERT,
Secretary of the Navy.

NAVY DEPARTMENT, *Washington, February 10, 1896.*

MY DEAR SENATOR: Answering yours of February 8, in which you suggest that in future contracts for armor it would be wise to require, as to all patents used in its manufacture, that the Government shall be given the right to use those patents and any improvements thereon in any additional manufacturing of armor, whether directly by the Government itself or by any contracting manufacturers whatever. I agree with you that it would be well to put in such provision if the armor manufacturers would consent, but, in my opinion, they would not. They would, of course, see the purpose of such a provision and would refuse to consent to it. What then would be the condition of the Government? I could simply refuse to make a contract, and they would hardly believe that I would take this step.

I told you about the warm controversy I had with these people and the threat I made to induce them to make a reduction of $50 per ton. The threat was that I would appeal to Congress.

If Congress, considering this matter now, does nothing, but leaves the Department where it has been, then you will observe that the Department will be left in the hands of these people. If I am to have any power in the premises to dictate terms, Congress must give it to me now. This can be done in two ways: One is to authorize the Department to establish works of its own, and I do not think this is practicable. When we take into consideration the cost of the plant and the cost of operating and keeping it in condition, it does not seem to me that the experiment would pay. However, if Congress authorizes the conditional establishment of such a plant, I will use the power for all it is worth. The other method would be to authorize the Government, in case of a combination against it by its own manufacturers, to contract for armor abroad. I am not in favor of getting our armor from abroad and I do not think the country is, and if I had the power to resort to foreign contractors I should only do it in case I was furnished with the plainest evidence, not only of combination, but extortion. A law which would give this power to the Department would be, if wisely administered, an efficient check upon extortion, but it is not my opinion that Congress would pass it. Such a law would be the simplest remedy.

Very respectfully, yours,

H. A. HERBERT, *Secretary.*

Hon. W. E. CHANDLER,
United States Senate, Washington, D. C.

UNITED STATES SENATE, *Washington, D. C., February 21, 1896.*

SIR: Will you kindly give me a memorandum specifying all the patents or patent processes which will be used either by requirement of the Department through the specifications which it prescribes, or by the contractors of their own motion, in manufacturing the 5,650 tons of armor plate for which the Department is now authorized to make contracts, the information asked for to be laid before the committee in the course of its pending inquiry?

Very respectfully,

W. E. CHANDLER.

Hon. H. A. HERBERT,
Secretary of the Navy.

NAVY DEPARTMENT, *Washington, February 24, 1896.*

SIR: The Department has the honor to acknowledge the receipt of your communication of the 21st instant, in which you request a memorandum specifying all the patents or patent processes which will be used either by the requirements of the specifications which it prescribes or by the contractors of their own motion in manufacturing the 5,650 tons of armor plate for which the Department is about to make contract, and to state that such communication has been referred to the Bureau of Ordnance for the information requested, and that as soon as it has been received the same will be furnished you.

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. WILLIAM E. CHANDLER,
United States Senate.

NAVY DEPARTMENT, *Washington, February 29, 1896.*

SIR: Referring to your communication of the 21st instant, relative to processes to be used in manufacturing the 5,650 tons of armor plate for which the Department is now authorized to make contracts, I have the honor to state that the Bureau of Ordnance, which has immediate cognisance of the matter of armor for naval vessels, and to which said letter was referred, has reported thereon as follows:

The specifications require that the armor to be contracted for shall be face hardened by a process called the Harvey process, which is patented. If this patent is good, the Department is pledged to pay a royalty of one-half cent per pound for all armor manufactured. The validity of the patent is now in question, and will probably soon be decided by the courts. If the patent is sustained, the Department will continue to pay the royalty; otherwise no further royalties will be paid.

The specifications also require that the armor shall be reforged or double forged, which is a process patented by Mr. Corey, of the Carnegie Steel Company. No royalty is to be charged the Department for the use of this process by either armor company.

The specifications require the use of nickel steel in the manufacture of the armor.

The contract will require the manufacturer to furnish nickel-steel armor, and he will have to pay any royalties if the patent is a valid one.

The Bethlehem Iron Company has obtained the right to manufacture nickel steel from the Creusot Company, who claim a patent upon the process. The Carnegie Steel Company is now contesting the validity of the patents in the courts.

The patents referred to are: Decrementally hardened armor plate, No. 460252, dated September 29, 1891; steel armor plate and process of making same, No. 541594, dated June 25, 1895; process of manufacturing the alloys of steel and nickel, No. 415655, dated November 19, 1889. No other patents are involved.

I have the honor to be, very respectfully,

W. MCADOO, *Acting Secretary.*

Hon. WILLIAM E. CHANDLER,
United States Senate.

STATEMENT OF CHARLES C. STAUFFER.

Senator CHANDLER. What is your official connection with the Interior Department?

Mr. STAUFFER. I am at present first assistant examiner in the division of metallurgy in the Patent Office.

Senator CHANDLER. Who is the principal examiner of that division?

Mr. STAUFFER. Eugene A. Byrnes.

Senator CHANDLER. Have you been shown the letter from me to the Commissioner of Patents, dated February 21, asking for information in reference to certain patents?

Mr. STAUFFER. I have.

THE HARVEY PATENTS.

Senator CHANDLER. Will you please take up first the Harvey patents, giving the information desired in reference to those patents?

Mr. STAUFFER. The patents in question are three in number.

Senator CHANDLER. Will you describe each one?

Mr. STAUFFER. The first one is a patent, No. 376194, dated January 10, 1888, and is for the process of treating low steel.

Senator CHANDLER. To whom was it issued?

Mr. STAUFFER. To Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company of New Jersey.

Senator CHANDLER. State now, if you please, in reference to that patent—which you say is the first one to Harvey—what is patented?

Mr. STAUFFER. I will read certain paragraphs:

This invention relates to a method of treatment by which the characteristic qualities of refined crucible steel are imparted to steels of low grades—such as Bessemer steel, basic steel, etc.—whereby such steels are made capable of taking any prescribed temper, and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind, and by which such low steels are given increased tensile

strength and are rendered weldable, so that they can be piled and reworked without difficulty.

Then he goes on to say:

The essential conditions of the method of treatment to which the ingot or other body of steel is subjected are the presence of carbon, the absence of oxygen, and high temperature—i. e., a temperature above 1,500° F.—the degree of temperature being varied according to the degree of hardness which the product is required to be capable of taking in the subsequent process of tempering.

The absence of oxygen is effected by keeping the steel while subjected to this high temperature in contact with carbon. The carbon acts as a seal to exclude oxygen from the metal. The carbon which he uses is preferably wood charcoal granulated or powdered.

Senator CHANDLER. Is that a substantial statement of what was patented to Mr. Harvey in that patent?

Mr. STAUFFER. I think so.

Senator CHANDLER. What do you regard as the novelty which was there patented?

Mr. STAUFFER. The novel feature was the exclusion of the air in combination with a high temperature, a temperature above 1,500° F., or, as defined in the claim, a temperature above that at which cast steel will melt, which would be from 500° to 600° higher than 1,500°. The fifteen hundredth degree is the lowest limit, beneath which it would not be practicable to go. The working limit is considerably higher.

Senator CHANDLER. What does the patent state to be the effect upon the steel; merely that of making it harder for the purpose of tool steel?

Mr. STAUFFER. Yes; that is, the immediate effect of it is to render it capable of being hardened, rather than directly hardening it. It supplies to the surface of the iron or steel an increased quantity of carbon, and the effect of that carbon, when the plate is afterwards tempered, is to make it harder. The presence of a considerable quantity of carbon in steel has that effect. If a smaller quantity of carbon is present, as in Bessemer steel, the steel is not capable of becoming quite so hard.

Senator CHANDLER. Then, strictly speaking, the patent process resulted in carbonizing steel, and not in hardening it as a part of the same process.

Mr. STAUFFER. That is correct.

Senator CHANDLER. Does the patent cover any method of afterwards hardening the carbonized steel?

Mr. STAUFFER. I do not think this one does.

The patent referred to is as follows:

[United States Patent Office. Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company, of New Jersey. Process of treating low steel. Specification forming part of Letters Patent No. 376194, dated January 10, 1888. Application filed December 8, 1886. Serial No. 221026. Specimens.]

To all whom it may concern:

Be it known that I, Hayward A. Harvey, of Orange, N. J., have invented a certain improvement in the treatment of low steel, of which the following is a specification:

"This invention relates to a method of treatment by which the characteristic qualities of refined crucible steel are imparted to steels of low grades—such as Bessemer steel, basic steel, etc.—whereby such steels are made capable of taking any prescribed temper, and are adapted to be manufactured into machinists' tools, axes, knives, fine cutlery, or cutting or abrading instruments of any kind, and by which such low steels are given increased tensile strength and are rendered weldable, so that they can be piled and reworked without difficulty."

"The essential conditions of the method of treatment to which the ingot or other body of steel is subjected are the presence of carbon, the absence of oxygen, and high temperature—i. e., a temperature above 1,500° F.—the degree of temperature being varied according to the degree of hardness which the product is required to be capable of taking in the subsequent process of tempering." The higher the temperature is the higher is the temper which the product is rendered capable of taking.

In carrying out the treatment the ingots or other bodies of steel which are to be treated are embedded in a finely powered carbonaceous material, preferably hard-wood charcoal, contained in crucibles, boxes, or receptacles made of plumbago or some other refractory material, and provided with covers to prevent the charcoal from being consumed.

No special kind of furnace is required; but in practice a furnace of the regenerative type may be preferred, both for the sake of economy in fuel and because of the rapidity with which the heating operation can be performed.

The shape and dimensions of the furnace chamber will of course be governed by the shapes and sizes of the ingots or other bodies of steel which are to be treated. For example, ingots, say, 2 inches by 3 and 18 inches long may be treated in receptacles 9 inches by 10 inside, and, say, 24 inches long. Such a receptacle will serve to contain six ingots separated from each other and from the walls of the receptacle by thicknesses of 1 inch of powdered charcoal, and separated from the bottom of the receptacle by a layer of 1 inch of powdered charcoal, and from the cover by a layer of, say, 3 inches or more of powdered charcoal.

The fire chamber or heating chamber may be proportioned with reference to containing any desired number of boxes or other receptacles for the charcoal. The boxes or other receptacles for the charcoal may be heated by direct contact with a body of incandescent fuel, in which they are embedded; or they may be deposited in a heating chamber and be heated by contact with or radiation from the flames conducted through such heating chamber. The time required for the heating operation will depend, of course, upon the dimensions of the body or bodies of steel under treatment, and also upon the efficiency of the furnace employed. The object to be accomplished is the uniform heating throughout of the body of material under treatment, which, for present convenience, may be called "raw steel."

If the raw steel is in a large mass or masses, the heating operation will have to be conducted more slowly in order that the interior of the mass of raw steel may be raised to the required temperature without melting the crucible or box in which the raw steel is packed. When the raw steel is embedded in powdered charcoal contained in a covered crucible, it may be raised above its ordinary melting point without being melted, and certain excellent results are produced by raising the raw steel to upward of 3,000° F. When the desired temperature has been reached and the heating operation has been so conducted or prolonged as to have insured the uniform heating through of the material under treatment, the receptacle containing such material is at once allowed to cool off, and, if desired, may be removed from the furnace to hasten its cooling. By this treatment raw steel, which previously could not be welded or tempered, becomes weldable and undergoes a transformation by which its tensile strength is increased, and by which it acquires the characteristics of refined crucible steel, or so-called "tool steel" of the higher grades.

There are a great variety of existing furnaces in which the process can be conducted. Such furnaces of course vary in their efficiency; but a few trials by an operator skilled in the management of any particular form of furnace will suffice to determine the time required for conducting the process in such furnace, and also for varying the process with reference to the qualities which it is desired the product shall possess. Thus, for example, if a product capable of taking a temper of a very high degree of hardness be required, the material under treatment will be raised to a temperature, say, of about 3,000° F. The product, which has been raised to about this temperature and allowed to cool off to a temperature of, say, 200° or 300° F. before being removed from the powdered charcoal in which it has been embedded, will on removal be found very soft, will exhibit a clean surface of a dull gray or zinc color, and will be capable of taking a temper so high that tools made from it and hardened will cut chilled iron, and may be successfully used for turning chilled-iron rolls.

By so varying the process as to lower the extreme limit of temperature to which the material under treatment is raised, the product when cooled off will exhibit a clean surface of a slightly golden tint, and will be capable of taking a temper nearly as high as that which the gray-colored product is capable of taking. By further lowering the limit of temperature to which the material under treatment is raised, the product when cooled will exhibit a surface of a pale-blue tint, and will be capable of taking a temper somewhat lower than that which the golden-tinted product is capable of taking. By still further lowering the limit of temperature to which the material under treatment is raised—say, for example, to a temperature of about 1,500° F.—the product when cooled will exhibit a surface of dark-purple color, but will be capable of taking a low temper.

The tints referred to are similar to those which are exhibited upon the surface of a piece of ordinary tool steel after it has been heated and while its temper is being drawn. In the case of such a tool the color which it finally exhibits after the tempering operation has been completed indicates the degree of hardness which it then possesses, different colors indicating different degrees of hardness. If the tool is very hard, its surface may have a gray color; if it is slightly less hard, its surface may have a straw color or golden tint, and if still less hard its surface exhibits a blue tint, and if it possesses only a moderate degree of hardness its surface may have a dark-purple tint. In the case of such tool steel these colors are respectively the invariable accompaniments of various degrees of hardness. On the contrary, in the present process the several colors exhibited, respectively, by a number of objects which have been heated to different degrees of temperature and allowed to cool before being removed from their charcoal beds do not indicate like differences in hardness then possessed by those objects, the fact being that they are all of them comparatively soft. What their colors do indicate is the extreme limit of hardness to which they can be respectively brought in the operation of tempering them subsequently. Thus a product of pale-blue tint can in the process of tempering be brought to the condition of hardness which is ordinarily accompanied by the appearance of the blue tint upon the surface, but can not be made any harder. Its temper, however, can be drawn down so that it will be that indicated by a dark-purple tint upon the surface. Similarly, a product of the present process exhibiting a golden tint, or straw color, can in tempering be hardened to straw color, but no higher, and its temper can be drawn down to a pale blue or to a dark purple. The same principle holds good as to the product having the gray tint, which, in tempering, may be given the extreme hardness indicated by the gray tint, and may have its temper drawn so that it will exhibit in succession all the ordinary variations in color down to the dark-purple tint. It will therefore be perceived that in practicing the process herein described the color exhibited by the product upon its being removed from the charcoal, after having been allowed to cool off therein, affords a reliable indication of the character of the product as to its capacity for tempering, so that it will not be necessary to actually test the product before hardening it to find what its qualities are.

In practice it will not be necessary that the products which have been treated shall remain in the charcoal bed until perfectly cool. They may be removed as soon as they are cool enough to be handled.

If removed while hot, their surfaces will of course be more or less oxidized by exposure to the air, and they will be slightly harder. Such oxidation will to some extent obscure their colors, but will do no material harm. The principal useful effects produced result from the high temperature to which the objects under treatment are subjected, and do not depend upon the method of cooling. As the products of the treatment exhibit different colors according to the temperature employed, so different parts of the same ingot or bar may be made to exhibit different colors by subjecting such parts to different temperatures. For example, the ingots or bars under treatment may, if desired, be subjected to intense heat at one end and to a lower heat at the other end, so that they will exhibit when removed from the charcoal a gray color at the ends which have been most intensely heated and a blue or purple color at the other ends, and the regular series of intermediate colors between their gray and purple portions. All parts of them, however, will be found to have acquired the property of weldability, so that they can be readily piled and reworked. After a furnace has been tested by trial and the colors exhibited by the products under different conditions of treatment have been observed, the character of the results which will be produced by a prescribed duration of treatment in that furnace will be known; hence all that is required is to carefully reproduce in repetitions of the treatment the conditions as to heat and duration which have previously been noted as those which result in the yield of products having the required color—that is, products having the capacity to take in tempering the degree of hardness desired.

It is difficult, and in the case of ordinary furnaces impossible, to accurately measure such high temperatures, and in view of this fact, and also in consideration of the varying efficiency of different furnaces and of different fuels, the more practical method of conducting the process will be by regulating the duration of the heating operation, after having first ascertained by trial what length of time is taken in the particular furnace and with the particular fuel employed, whether solid or gaseous, to heat the material under treatment to such a temperature as will produce a product of the desired color.

The temperatures herein mentioned are to be regarded simply as approximations to the actual temperatures employed in practice. It is not necessary that these temperatures, which can not easily be measured, shall be herein accurately prescribed, because the observation of the periods of time occupied in the particular furnace and the observation of the colors which the treated ingots respectively exhibit, with the particular fuel which may be employed, affords all the information required for the subsequent successful

production of ingots having like colors by the use of similar fuel in the same furnace.

A single ingot, say, 2 by 3 inches and 18 inches long, deposited in powdered charcoal in a crucible, say, 5 inches in diameter and 24 inches long, can be successfully treated by keeping such crucible embedded in a free-burning coke fire for a period of from four to six hours. A larger ingot or a number of ingots contained in a larger crucible may require a longer time—as, say, fifteen or twenty hours—to insure uniform heating throughout to the required temperature.

The product produced by this mode of treatment will be found to be free from scale and without blisters upon its surface. As there is no oxidation upon its surface, finished articles—such as knives, cutlery, files, and other cutting or abrading instruments made of low steel—may be subjected to the treatment without injury, and the material of which they are composed be thereby transformed into steel of fine quality.

It is to be remembered that the smaller the area in cross section of the articles under treatment the less will be the time required for their treatment under the high temperature herein prescribed, and the duration of the treatment will therefore be varied as found to be necessary in view of the sizes of the articles to be treated, as well as in view of the efficiency of the furnace and of the fuel which may be employed.

It has long been known that iron could be transformed into steel by depositing it in a bed of carbonaceous material and subjecting it to a high temperature for several days. The bars of steel so produced have their surfaces covered with blisters, and the product is hence known as "blister steel." It is also well known that such steel is not adapted for making tools for working wood or metal.

A costly product, known as "Mushet steel," has also been made by fusing malleable iron with carbonaceous matters in crucibles. The Mushet steel is of extraordinary hardness, and has hence been employed for turning chilled-iron rolls and other analogous purposes.

It will be found not only that tools made from the gray-colored product produced by the process herein described will do perfectly well all the kinds of work which tools made from Mushet steel are capable of doing, but that they are superior to tools made from any other steel whatever for certain purposes—such, for example, as boring deep holes in chilled iron or steel or turning or planing the surfaces of thin-shelled chilled iron or steel castings, which, by reason of their shape, can not be supported directly opposite the tool, and are hence liable to spring when the point of the tool is pressed hard against them.

What is claimed as the invention is—

1. The herein-described process of treating ingots or other objects composed of low steel—such as Bessemer steel—for the purpose of imparting to the metal of which such objects are composed the qualities of refined crucible steel, which consists, essentially, in embedding the object or objects to be treated in a body of granulated or powdered carbonaceous substance, such as wood charcoal, deposited in a crucible or receptacle made of plumbago or any other suitable refractory material and provided with a cover to prevent the combustion of the charcoal, and in heating such receptacle and its contents in a furnace or heating chamber the temperature of which is above the melting point of cast iron for such length of time that the objects treated when removed from the charcoal will exhibit clean unblistered surfaces of a prescribed color or colors, as herein set forth, and will possess the capacity of taking in tempering the degree or degrees of hardness ordinarily indicated by such color or colors.

2. The herein-described process for treating ingots or other objects composed of low steel—such as Bessemer steel—for the purpose of increasing the tensile strength of the metal of which such objects are composed and giving it the quality of weldability, so that it can be plied and reworked in the ordinary manner, which consists, essentially, in embedding the object or objects to be treated in a body of granulated or powdered carbonaceous substance, such as wood charcoal, deposited in a crucible or receptacle made of plumbago or other suitable refractory material and provided with a cover to prevent the combustion of the charcoal, and in then heating such receptacle and its contents in a furnace or heating chamber the temperature of which is above the melting point of cast iron for such length of time that the objects treated will on removal from the charcoal exhibit clean unblistered surfaces of a prescribed color or colors, as herein set forth.

H. A. HARVEY.

Witnesses:
R. C. HOWES,
M. L. ADAMS.

Senator CHANDLER. Now, in reference to this patent, state, if you please, historically, the course of proceeding—whether there was a contest over it; whether there were what are called interferences, and whether other inventions, prior inventions, were examined in that connection. However, before you do that, state, if you please, who was the examiner who made the decision that the invention was patentable and that the patent should issue.

Mr. STAUFFER. This patent was not in interference and was not appealed. The claims in this patent are two in number, and are very limited. The examiner who signed the file is F. P. MacLean.

Senator CHANDLER. There is nothing of record, then, to show that any prior or conflicting inventions were examined by Mr. MacLean at the time he recommended the issuance of this patent?

Mr. STAUFFER. There is no record of any such conflicting applications.

Senator CHANDLER. Is it or is it not to be presumed, however, that Mr. MacLean examined to see whether there were any?

Mr. STAUFFER. It was his duty to do it, and the presumption is that he did.

Senator CHANDLER. So the issue of this patent, the records showing no conflict or interference with other inventions, accordnone which conflicted?

ing to the custom and practice of the office, presumes an examination as to prior inventions and the ascertainment that there were

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. But what, if any, inventions there were which it was supposed might conflict the record does not show.

Mr. STAUFFER. The record does not show any.

Senator CHANDLER. Have you stated, then, the complete record history of that patent up to this time?

Mr. STAUFFER. I believe so. I have here an abstract of the assignment. The date of the assignment was June 17, 1887, recorded in the Patent Office July 2, 1887.

Senator CHANDLER. Please hand the copy of the abstract of title to the foregoing patent to the reporter, and it will be inserted in the record.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 28, 1896, under or relating to letters patents granted to Hayward A. Harvey, Orange, N. J., assignor to the Harvey Steel Company of New Jersey, January 10, 1888, No. 376194, "process of treating low steel."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, A. D. 1896, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignor.	Assignee.	Date of assignment.	Date of record.
H. A. Harvey.	Harvey Steel Co., a corporation under the laws of New Jersey.	June 17, 1887	July 2, 1887

Invention.	Territory assigned.	Liber.	Page.
Treatment of low steel. Appln. filed Dec. 8, '86. Ser. No. 221026. Jan. 10, '88. 376194.	Exclusive right to said invention. Patent to issue to said assignee. $1 and other considerations.	G 36 ..	394

Senator CHANDLER. Does your statement now made, with the two papers submitted, constitute the full history of the 1888 Harvey patent, so far as you know?

Mr. STAUFFER. It does; and up until the 28th of February, 1896, to which date the records were examined for the Senate committee.

Senator CHANDLER. Now, please go on with the history of the other Harvey patents.

Mr. STAUFFER. The next is patent No. 460262, granted to Hayward A. Harvey, of Orange, N. J., dated September 29, 1891. It is a patent for decrementally hardened armor plate, by which is meant armor plate whose hardness varies from the surface to the interior, the hardest part or portion being at the surface.

I should say that the title is somewhat misleading, because one of the claims is for the method of producing such a plate and the other is for the plate as produced, so that the full title should be "method of."

Senator CHANDLER. Method of what?

Mr. STAUFFER. "Method of producing decrementally hardened armor plate and decrementally hardened armor plate."

Senator CHANDLER. The patent is intended to cover both the process and the product?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. And that is allowable in one patent?

Mr. STAUFFER. Yes, sir; it is allowable, but the title fails to state it. This specification says:

This invention embraces a method of facilitating the transformation of homogeneous low-steel armor plates into plates which present upon the side intended to receive the impact of projectiles a stratum of tenacious steel of heterogeneous crystalline structure highly and uniformly carburized and excessively hard upon its exposed surface and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

This gives a brief account of what the invention is:

The required transformation is effected by inclosing the low-steel plate between a mass of noncarbonaceous granular material on one side and a mass of granular carbonaceous material packed firmly against the other side in a compartment erected within the heating chamber of a suitable furnace and in then raising the heat of said heating chamber and maintaining it at a temperature above the melting point of cast iron for a period of time sufficient to effect the desired increase in the tenacity of the steel and the supercarburization to the desired extent and depth of the side of the plate against which the granular carbonaceous material is being constantly pressed. The plate is subsequently removed from the furnace and chilled.

The patent gives the detail of the apparatus for carrying out this process, which I can explain in detail if you wish me to do so.

Senator CHANDLER. We can get that from the specification.

The patent referred to is as follows:

[United States Patent Office. Hayward A. Harvey, of Orange, N. J. Decrementally hardened armor plate. Specification forming part of Letters Patent No. 460262, dated September 29, 1891. Application filed April 1, 1891. Serial No. 387209. No model.]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Hayward A. Harvey, of Orange, N. J., have invented certain improvements in decrementally hardened armor plates, and in the art of manufacturing the same, of which the following is a specification.

This invention embraces a method of facilitating the transformation of homogeneous low steel armor plates into plates which present, upon the side intended to receive the impact of projectiles, a stratum of tenacious steel of heterogeneous crystalline structure highly and uniformly carburized and

excessively hard upon its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases. The required transformation is effected by inclosing the low steel plate between a mass of noncarbonaceous granular material on one side and a mass of granular carbonaceous material packed firmly against the other side in a compartment erected within the heating chamber of a suitable furnace, and in then raising the heat of said heating chamber and maintaining it at a temperature above the melting point of cast iron for a period of time sufficient to effect the desired increase in the tenacity of the steel and the supercarburization to the desired extent and depth of the side of the plate against which the granular carbonaceous material is being constantly pressed. The plate is subsequently removed from the furnace and chilled by immersion in a cold bath or otherwise, as hereinafter set forth, whereby its supercarburized side is hardened. The heat to which the plate is subjected during the described treatment is so intense that the plate would be melted but for the granular materials surrounding it, by which all parts of it are protected from the air. The continuous firm compression of the carbonaceous material against the plate during the entire treatment secures the perfect contact of the carbonaceous material with all portions of the adjacent side of the plate and promotes the rapid and uniform supercarburization thereof.

The product of the described treatment, except in respect of its crystalline structure, is a homogeneous armor plate of highly tenacious steel, which upon the side intended to receive the impact of projectiles presents a stratum of prescribed thickness which is decrementally carburized, and consequently has an ununiform crystalline structure, and is excessively hard at its exposed surface, and gradually diminishes in hardness as the distance inward from its exposed surface increases. The differences in granulation or crystalline structure are those which are respectively incident to the different percentages of carbon present at different depths beneath the surface. The said product is herein designated as a "decrementally hardened armor plate," because the hardening process is the final step in its production, and because decremental hardening is dependent upon previous decremental carburization, and involves the presence in the finished product of a heterogeneous crystalline structure, which increases its resistance to cleavage.

The treatment is analagous to that described in letters patent of the United States No. 376194, issued to H. A. Harvey January 10, 1888.

As modified for the present purpose, the process is conducted as follows: The armor plate having been formed of the desired size and shape from a comparatively low steel, such as Bessemer steel or open-hearth steel, containing, say, 0.10 to 0.35 per cent of carbon, is laid, preferably, flatwise upon a bed of finely powdered dry clay or sand deposited upon the bottom of a fire-brick cell or compartment erected within the heating chamber of a suitable furnace. The plate may be so embedded that its upper surface is in the same plane with the upper surface of those portions of the bed of clay or sand which adjoin the sides and ends of the plate, or the plate may, if desired, be allowed to project to a greater or less distance above the surface of the clay or sand. In either case the treating compartment is then partially filled up with granular carbonaceous material, which, having been rammed down upon the plate, is covered with a stratum of sand, upon which there is laid a covering of heavy fire bricks. The furnace is then raised to an intense heat, which is kept up for such period of time as may be required for the absorption by the metal adjoining the upper surface of the plate of, say, an additional 1 per cent (more or less) of carbon, or, in other words, the quantity of carbon, in addition to that originally present, which may be necessary to enable the said metal to acquire the capacity of hardening to the desired degree. The temperature of the heating chamber outside of the treating compartment is brought up to a height equal to or above that required to melt cast iron, and is kept up for a greater or less length of time, according to the depth of the stratum of steel which it is intended to charge with an excess of carbon. This period, however, will of course vary according to the efficiency of the furnace.

The degrees of efficiency possessed by different furnaces can only be satisfactorily ascertained by actual trial. When ascertained, the reproduction of given results merely requires the reestablishment of the conditions as to time and temperature under which said results have been previously observed to be obtained. This involves merely the maintenance of the furnace at a heat sufficient to melt cast iron for the period which by previous observation has been ascertained to be the period required for adding to the tenacity of the steel and for the supercarburization of the plate to the prescribed extent and depth. For example, a plate, say, 10½ inches in thickness, composed of a comparatively low steel containing, say, thirty-five hundredths of 1 per cent of carbon, may be charged with additional quantities of carbon, gradually varying in amount from, say, one-tenth of 1 per cent at a depth of 3 inches beneath the surface of the exposed side of the plate to 1 per cent at the surface thereof by a continuance of the treatment for a period of, say, one hundred and twenty hours after the furnace has been raised to the required temperature.

The statement that the heat at which the furnace is maintained is sufficient to melt cast iron is to be regarded as approximate merely. The more intense the heat the better, and while it will of course be understood that the longer the treatment is continued the greater will be the depth to which the carbon penetrates beneath the surface against which the carbonaceous material is packed, it is also to be remarked that the penetration of the carbon is greatly facilitated by the continuous firm compression of the carbonaceous material against the plate. As a general rule the thicker the armor plate the greater will be the permissible depth of supercarburization. A 10½-inch plate and a depth of supercarburization of 3 inches are herein referred to merely for the purpose of illustration. After the conclusion of the carburizing treatment the plate is taken out of the furnace, and without removal of the carbonaceous material from its surface is allowed to cool down to the proper temperature for chilling. During the cooling operation the carbonaceous material protects the hot supercarburized surface from the air, and thus prevents the formation of scale, which, if present, would interfere with the subsequent hardening of the metal beneath it. The carbonaceous material, however, may without injurious consequences be temporarily removed from and quickly replaced upon small portions of the supercarburized surface for the purpose of exposing them for observation. When it is seen that the supercarburized surface is so far cooled down as to have a dull cherry-red color, the carbonaceous material is quickly removed, and the plate is then chilled by being sprayed with torrents of cold fluid or by being submerged and kept in motion until cold in a large body of cooling fluid—as, for example, a more or less rapidly running stream or river of fresh water or a tidal current of salt water. The exercise of this precaution insures the subsequent uniform hardening of the supercarburized surface of the plate.

The accompanying drawings, symbolically illustrating a furnace suitable for the described treatment and mechanical appliances for handling the plate and for facilitating the chilling operation, are as follows:

Figure 1 is a top view of a furnace provided with a removable cover, erected upon the bank of a river or other body of water in suitable proximity to a crane and to a car-track extending down the bank along the bottom of the stream or body of water, showing a car upon which the treated plate is deposited by means of the crane, a windlass-chain connected with the car, and an engine for operating the windlass, and thereby controlling the movements of the car up and down the inclined track. Fig. 2 is a side elevation, partly in section, of the plant represented in Fig. 1. Fig. 3 is a transverse vertical section of the furnace, showing the armor-plate and the cell or compartment containing the bodies of material in which the armor-plate is inclosed. Fig. 4 is a transverse section of a portion of an armor-plate shaded to symbolically represent variable degrees of supercarburization at different depths beneath the surface upon the side intended for exposure to the impact of projectiles. Fig. 5 is an elevation of a treating-furnace illustrating a mode of arranging the track so that the armor-plate can be taken out of one end of the furnace directly onto the car upon which it is supported during the chilling operation. Fig. 6 illustrates a provision for chilling the plate by spraying it with torrents of cooling fluid, and shows a stationary platform extending from one end of the furnace to a position beneath the spraying-tank.

The drawings represent a furnace A, which may be provided with a movable cover A′, as symbolically represented in Figs. 1, 2, and 3, or which may be constructed with reference to having one or both of its end walls removed to facilitate the removal of the plate in a horizontal direction, as illustrated in Fig. 6. Within the heating-chamber A^3 of the furnace is the treating cell or compartment B, which is preferably provided at the bottom with a series *b* of parallel rails, which are embedded in a stratum of sand C of the same height as the rails, and are intended for the support of the armor-plate D. The space around the ends and sides of the armor-plate is also filled with sand C′ nearly or quite to the top of the plate. A stratum of granular carbonaceous material E, rising to a height of, say, eight inches above the upper surface of the plate D, is tightly rammed down onto the top of the plate and is surmounted by a stratum of, say, two inches of sand F, covered by a layer G of heavy fire-brick. The stratum of sand F and the layer of fire-brick G not only protect the carbonaceous material from the fire, but serve to weight the carbonaceous material down upon the plate.

The treating-compartment B is heated by the flames and hot products of combustion from the fire-chamber H, which are led upward through the flues H′ and directed inward over the tops of the treating-compartment and finally discharged into the chimney or smoke-stack H^3.

In Fig. 1 the furnace is represented as erected upon the sloping bank I of a river or body of water J in suitable proximity to a crane K and a car track L, extending down the bank and along the bottom of the body of water J. When the carburizing treatment is completed, if the furnace shown in Fig. 1 is employed, the cover A′ is removed, the fire is drawn, and the furnace allowed to cool off preparatory to the removal of the superincumbent materials from the plate D and the lifting of the plate D by means of the crane out of the treating compartment and its deposit upon the car M. The track L is so inclined that the car when freed to the influence of gravity will run down into the water and a greater or less distance along the submerged portion L′ of the track. The car is hauled up the inclined portion L^3 of the track by means of a windlass chain N, fastened to the shore end of the car M and wound around the drum of the windlass O, which is operated by the engine O′. The chilling of the plate is effected by alternately hauling the car up the inclined portion L^3 of the track and allowing it to run backward by its own gravity.

In dealing with a heavy plate it will usually be found more convenient to construct the furnace with reference to the removal of one or both of its end walls to facilitate the removal of the plate from the treating furnace by sliding it in a horizontal path onto a car, as indicated in Fig. 5, or onto a platform P, which is on a level with the top of the rails *b* at the bottom of the treating compartment, as indicated in Fig. 6. The plate having been thus deposited upon the car, the latter can be run down into the water, as already described, or can be run under a spraying tank Q, or the platform P may be prolonged sufficiently to reach from the end of the furnace to a position beneath the spraying tank, as illustrated in Fig. 6. The spraying tank has a perforated bottom *q*, which is elevated, say, 10 feet above the platform on which the plate is supported. The tank is supplied with water or other liquid by a service pipe or pipes Q′ of sufficient capacity to supply a quantity greater than the quantity discharged by the apertures in bottom *q* thereof. After the carbonaceous material has been removed from the top of the plate and when the plate, having been placed beneath the spraying tank, has so far cooled down as to have a dull-red color, the tank is supplied with the cooling fluid, which is discharged therefrom in jets from the perforated bottom directly upon the plate.

With a furnace of the character shown in the drawings, a period of about forty-eight hours will be required to bring up the heat to the required point, and such heat will be required to be kept up about one hundred and twenty hours. A further period of four or five hours will ordinarily be required after the fire has been drawn to remove the plate from the furnace and have it cool down to the desired dull-red color. The spraying operation will be required to be continuously kept up for a period of about four hours, in order to effect and preserve the chilling of the supercarburized surface until the remainder of the plate has become completely cool. A plate of 10½ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second will be shivered to fragments without deeply penetrating the plate. The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.

Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homogeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum and no complete piercing of the plate by the projectile. In these particulars the plate will be found to differ in a marked degree from all armor plates heretofore known.

What is claimed as the invention is—

1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side contained in a compartment formed within the heating chamber of a suitable furnace and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure and a condition of excessive hardness upon its exposed surface and a condition of gradually diminishing hardness as the depth from said surface increases.

2. As a product of the herein-described process, the decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness of ununiform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

HAYWARD A. HARVEY.

Witnesses:
A. M. JONES.
J. E. BURNS.

Senator CHANDLER. Have you an abstract of title to this patent?

Mr. STAUFFER. I have.

Senator CHANDLER. What does the abstract show as to the ownership of the patent?

Mr. STAUFFER. It shows that the patent was assigned October 7, 1891, and recorded October 9, 1891. It was assigned to the Harvey Steel Company, of Newark, N. J., by Hayward A. Harvey, the inventor.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 26, 1890, under or relating to letters patent granted to Hayward A. Harvey, Orange, N. J., September 29, 1891, No. 460262, "decrementally hardened armor plate."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, A. D. 1890, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1890.]

Assignor.	Assignee.	Date of assignment.	Date of record.
Hayward A. Harvey	Harvey Steel Co., Newark, N.J.	Oct. 7, 1891	Oct. 9, 1891

Invention.	Territory assigned.	Liber.	Page.
Decrementally hardened armor plate, Sept. 29, 1891, 460262.	The whole right, title, and interest in said improvement and letters patent to the end of the term for which they are or may be granted, $1 and other considerations.	C 45 ..	291

Senator CHANDLER. Now, state the history of that patent, beginning with the date of application, and all the material facts that appear.

Mr. STAUFFER. The application was filed April 1, 1891, serial No. 387209.

The claims of this application were rejected upon several references, and in accordance with the law and the practice of the office that rejection was repeated. The said claims were then what is called "finally" rejected.

The claims were appealed by the applicant to the board of examiners in chief in the manner prescribed by law, and were allowed on such appeal by the board.

I have a copy of the examiner's statement and of the decision of the board of examiners in chief on appeal.

Senator CHANDLER. What were the various stages of that proceeding and what was the final result?

Mr. STAUFFER. There was only one stage as to the appeal itself. The case was simply appealed to the board of examiners in chief, and the claims were allowed by them on appeal. The application was then passed to issue by the examiner in charge.

Senator CHANDLER. State what was appealed from.

Mr. STAUFFER. The final rejection of the claims by the primary examiner.

Senator CHANDLER. State historically what those rejections were.

Mr. STAUFFER. The rejections historically in order would be, first, a rejection——

Senator CHANDLER. I should like to know who made the rejection.

Mr. STAUFFER. The rejection was made by the primary examiner.

Senator CHANDLER. Is his name given in the copy of the papers which you have?

Mr. STAUFFER. It is not. But the examiner at that time was Mr. Eugene Byrnes.

Senator CHANDLER. The claims were rejected by Mr. Byrnes and they were appealed to what board?

Mr. STAUFFER. The application was first rejected by Mr. Byrnes, then it was reconsidered on request by the applicant and again rejected, the second rejection being what is technically termed in the office a final rejection. Then an appeal was taken to the board of examiners in chief.

Senator CHANDLER. State who they were.

Mr. STAUFFER. The board of examiners in chief at that time consisted of three members, Mr. R. L. B. Clarke, Mr. S. W. Stocking, and Mr. H. H. Bates. However, but two members of the board were present at the hearing, Messrs. Clarke and Stocking.

Senator CHANDLER. Have you a paper prepared which shows the details of those proceedings?

Mr. STAUFFER. I have a paper here which shows the brief of the applicant on appeal, the examiner's statement of his reasons for rejection, and the decision of the board on the claims.

Senator CHANDLER. Which resulted in the issue of the patent by the Commissioner?

Mr. STAUFFER. Yes, sir; which resulted in the issuance of the patent by the Commissioner.

The paper referred to is as follows:

No. 14624. UNITED STATES PATENT OFFICE, *July 14, 1891.*

Before the examiners in chief, on appeal.

Application of Hayward A. Harvey for a patent for an improvement in decrementally hardened armor plates and method of manufacturing the same, filed April 1, 1891. Serial No. 387209.

Mr. E. E. Quimby for appellant.

The claims appealed are:

"1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of a prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

"2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness of uniform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases."

The references are patents to Sperry, February 2, 1869, No. 86467; MacDonald, May 11, 1869, No. 89876; Harvey, January 10, 1888, No. 376194; British patents, Nos. 1026, of 1877; 14473, of 1889.

The process is not anticipated.

Applicant's own patent is for a process of treating ingots, etc., of low steel for the purpose of rendering the steel suitable for tempering for tools and cutlery, etc. He has now been experimenting on steel armor plates, and sets forth that though his mode of treatment is analogous, yet he has varied it by adding the features of noncarbonaceous material on one side of the plate and packing the granular carbonaceous material on the other, etc., and other steps set forth and peculiarly adapted to the material to be operated upon and produced.

By following out this clearly defined process set forth in his first claim he sets forth in this specification that he secures the product covered by the second claim, and that—

"A plate of 10¼ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface, and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second will be shivered to fragments without deeply penetrating the plate.

"The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.

"Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homegeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum, and no complete piercing of the plate by the projectile. In these particulars the plate will be found to differ in a marked degree from all armor plates heretofore known."

This is not questioned, and, indeed, the fact that applicant has accomplished this very desirable result by and through this process is satisfactorily established by other proofs submitted outside this record.

We can not say that an equally good result could be secured by deviating from the steps and proceedings set forth in the first claim, either in changing temperature or omitting the noncarbonaceous material on one side of the plate, or the packing of the carbon on the other, or changing the method in any other particular.

If it can, it is open to the public, and this claim, if patented, would be no embarrassment in the art.

As to the second claim, the words "as a product of above process" should be inserted as a commencement.

We observe that a clerical error appears in the fourth line of this claim, as stated by the examiner; the word "aniform" should be "ununiform."

With above suggestions as to the second claim, the decision is reversed.

R. L. B. CLARKE,
S. W. STOCKING,
Examiners in Chief.

(Third member absent.)

(Indorsed:) No. 14624. Serial No. 387209. Paper No. 4. Decision filed July 14, 1891. H. A. Harvey. Examiners-in-chief, July 14, 1891, U. S. Patent Office. Recorded vol. 41, p. 483.

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UNITED STATES PATENT OFFICE.

In re application serial No. 387209. Hayward A. Harvey, decrementally hardened armor plates and method of manufacturing the same. Filed April 1, 1891. Before the examiners in chief by appeal.

EXAMINER'S STATEMENT.

DIVISION 3, *June 22, 1891.*

The claims a second time rejected are:

"1. The herein-described method of producing a decrementally hardened, tenacious armor plate, which consists in inclosing a low-steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber of a suitable furnace and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogenous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

"2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum of prescribed thickness, of uniform crystalline structure, uniformly and highly super-carburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases."

The references cited are: United States patents, 86467, February 2, 1869, Sperry (C. & C. H. compounds); 89876, May 11, 1869, MacDonald (C. & C. H. compounds); 376194, January 10, Harvey (C. & C. H. compounds).

British patents: Howell, 14473 of 1889 (C. & C. H., Has); Wilson, 1026 of 1877 (A. & T., decarbonizing).

It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling, employed by Sperry and Howell.

As to the limitation of claim 1, that the temperature shall be maintained at a temperature above the melting point of cast iron, it is held that the use of the proper temperature to effect the desired depth of carburization is merely the exercise of the expected skill of the metal worker. It is well known that an increased temperature causes carbon to penetrate to a greater depth, and a greater percentage thereof to be taken up by the iron. Furthermore, this applicant, in patent No. 376194, referred to in this application, describes and claims a process in which a temperature above that of molten cast iron is employed.

EUGENE BYRNES,
Examiner, Division 3.

(Indorsed:) No. 14624. Serial No. 387200. Paper No. 2. Examiner's statement filed June 24, 1891. H. A. Harvey. Examiners in chief, June 24, 1891, United States Patent Office.

Hon. C. E. MITCHELL,
Commissioner of Patents.

DEAR SIR: I hereby appeal to the examiners in chief from the decision of the principal examiner in the matter of H. A. Harvey's application for letters patent for certain improvements in decrementally hardened armor plate and in the art of manufacturing the same, serially numbered 387200, filed April 1, 1891, and formally rejected a second time on June 11, 1891.

In his final letter the primary examiner suggested a slight formal amendment of the first claim, which suggestion is not adopted, because there does not seem to be any necessity for it.

I file herewith, for the convenience of the board, an amendment in the form of a substitute specification, which is simply a copy of the specification as it stands after the proper insertions of the amendments heretofore made.

Upon this appeal I desire to be heard in person, and at as early a date as circumstances may render possible.

The claims are as follows:

1. The herein-described method of producing a decrementally hardened tenacious armor plate, which consists in inclosing a low-steel plate between a mass of noncarbonaceous material on one side and a mass of granular carbonaceous material firmly packed upon the other side, contained in a compartment formed within the heating chamber of a suitable furnace, and in maintaining the said heating chamber for a predetermined period of time at a temperature above the melting point of cast iron, and in subsequently chilling said plate, whereby a stratum of steel of prescribed thickness upon the side of the plate against which said carbonaceous material has been pressed is made to acquire a heterogeneous crystalline structure, and a condition of excessive hardness upon its exposed surface, and a condition of gradually diminishing hardness as the depth from said surface increases.

2. The decrementally hardened steel armor plate herein described, consisting of a plate of tenacious steel presenting upon the side intended for receiving the impact of projectiles a stratum or prescribed thickness, of ununiform crystalline structure uniformly and highly supercarburized and excessively hard at its exposed surface, and less and less carburized and gradually diminishing in hardness as the depth from said surface increases.

This appeal is based upon the ground that upon the record as it stands applicant is entitled to have the above set forth claims allowed. The facts in support of this contention are as follows:

In his letter of May 14, 1891, the primary examiner first criticised a novel form of expression employed in the specification and suggested the substitution of some other expression therefor, which suggestion was subsequently replied to on behalf of applicant; secondly, the examiner required an amendment of the first claim, which amendment was subsequently made; thirdly, he rejected the claims on "each of" five prior patents, relating respectively to different subjects.

And after reciting those patents the examiner then concluded his letter with the following sentence:

"There is no invention in adding to the carburizing process disclosed by Harvey and McDonald the well-known step of hardening by chilling employed by Sperry and Howell."

On May 21, 1891, some amendments, including that required by the office, were duly filed, and accompanying these amendments there was filed the argument of May 21, 1891.

In the said argument the examiner's criticism of the expression "decrementally hardened armor plate" was discussed, and the reasons for the use of that expression fully explained.

The examiner's letter was analyzed, some inconsistencies in it were pointed out, and the conclusion was drawn that the examiner's position was not that applicant's invention is anticipated by each of the recited prior patents, but that the prior patents taken together disclose all that applicant's specification discloses.

Practically, the examiner was challenged to point out, if he could, any one prior patent in which the invention is fully disclosed. In the said argument every one of the prior patents cited was discussed in detail, and it was pointed out that the total information contained in the patents cited is not sufficient to enable the public to practice applicant's invention.

It was pointed out that judicial notice may be taken of the fact that for many years all the principal civilized nations of the world, with the aid of practically unlimited means and under the spur of intense rivalry, have been engaged in the endeavor to produce impierceable armor plate, and that such plates never were produced until applicant's invention was put into practice.

The argument also embraced the offer of proof of the assertions made in it.

The examiner's only reply to the argument of May 21, 1891, is contained in the following sentence of his letter of June 11, 1891, which is as follows, to wit:

"The claims are a second time rejected on the references of record."

That is to say, the examiner does not take up the challenge which was given him in the argument of May 21, to cite any one prior patent disclosing applicant's invention; he makes no reply to the discussion in detail of the prior patents by which it is shown that, taken all together, they do not disclose applicant's invention; he takes no notice of the salient fact that applicant's invention has effected a startling revolution in the art which has attracted the interest of the civilized world, and he has no reply to make to the comment that he has "viewed the prior patents in the light afforded by the present application," and that, in the absence of that light, the total information contained in them did not, as a matter of fact, lead to the production by the public of applicant's decrementally hardened and consequently impierceable armor plate, notwithstanding the eager efforts of rival nations and governments to accomplish the result which applicant has now accomplished.

Upon this state of facts, uncontroverted by the examiner, I contend that the application should be allowed.

EDW. E. QUIMBY, *Attorney.*

NEW YORK, *June 16, 1891.*

(Indorsed:) No. 14624, serial No. 387200, paper No. 1. Reasons of appeal filed June 17, 1891. H. A. Harvey. United States Patent Office, June 17, 1891, chief clerk. Examiners in chief, June 24, 1891, United States Patent Office.

Senator CHANDLER. Summarize briefly the reasons which were given for the rejection and those which were given for finally allowing the patent.

Mr. STAUFFER. Those reasons are more a matter of opinion than of fact. The circumstances to be considered in each case were the same. The references upon which the primary examiner rejected the claims of the application and the references in view of which the board allowed the claims are the same. It is merely a difference of opinion, the board holding them allowable and the primary examiner holding that they were not allowable.

Senator CHANDLER. State succinctly what the controversy was; as to whether it was a novel invention, whether prior inventions were considered, and, if so, what inventions. And give us, as well as you can in a few words, a statement of the differences which, however, finally resulted in the issue of the patent.

Mr. STAUFFER. I can hardly do that in a very few words without reading the paper.

Senator CHANDLER. Read as much as it is necessary to give your own view. First state, if you please, whether other specific patented inventions were examined and are treated of in the discussion.

Mr. STAUFFER. That is the fact.

Senator CHANDLER. State whose patents they were.

Mr. STAUFFER. The references are patents as follows: Sperry, February 2, 1869; MacDonald, May 11, 1869, and Harvey, January 10, 1888, the Harvey patent being the one we have just considered, and certain British patents—one to Howell and one to Wilson. The British references are, in brief, as follows:

[British, 14473. September 13, 1889. Howell, jr., "Improvements in and apparatus for the manufacture of soft-back steel."]

Howell takes plates or flat bars of low carbon or soft steel in pairs of equal size and places them back to back, with a film of clay or other refractory material interlaid between them. He clamps the two plates or bars together and places them, surrounded on all sides by granulated charcoal, in an air-tight receptacle within the muffle of a furnace. The receptacle is provided with an inlet and outlet connection, to allow the full circulation of the hydrocarbon gases, which are caused to circulate through the receptacle. The heat is then kept up to a cherry red until the metal has taken up sufficient carbon, when the receptacle is allowed to cool down. When cooled, the plates are taken out and forged, hardened, and tempered in the usual known way.

[British, 1026. March 14, 1877. Wilson, "Armour plates."]

Wilson takes an armor plate either cast or wrought, and containing any desired proportion of carbon, and decarbonizes one face of a plate, say 20 inches thick, to a depth of 8 inches, leaving the remaining 12 inches unchanged.

He takes a cast-iron box and covers the bottom with charcoal and on this places the steel plate which has been previously coated with black lead on its underside and up its edges to a height of 12 inches, or the depth he desires to keep the plate unchanged.

On the top of the plate and around its edges to a depth of 8 inches he applies oxide of iron or other decarbonizing agent. A cover is then put on the box and the whole run into a furnace and kept at the desired temperature for the required length of time to decarbonize the upper face to the required 8 inches.

He then allows the oven to cool down gradually and then removes the armor plate.

Senator CHANDLER. How many patents, other than the Harvey patent, were considered?

Mr. STAUFFER. Four patents besides the one to Harvey himself were considered.

It is held that there is no invention in adding to the carburizing process disclosed by Harvey and MacDonald the well-known step of hardening by chilling employed by Sperry and Howell.

As to the limitation of claim 1, that the temperature shall be maintained at a temperature above the melting point of cast iron, it is held that the use of the proper temperature to effect the desired depth of carburization is merely the exercise of the expected skill of the metal worker. It is well known that an increased temperature causes carbon to penetrate to a greater depth, and a greater percentage thereof to be taken up by the iron. Furthermore, this applicant, in patent No. 376194——

Being the patent of which we have been speaking—

referred to in this application, describes and claims a process in which a temperature above that of molten cast iron is employed.

Senator CHANDLER. From what have you been reading?

Mr. STAUFFER. From Mr. Byrnes.

Senator CHANDLER. The primary examiner who disallowed the claims?

Mr. STAUFFER. The primary examiner who rejected the claims. Then follows a brief of the argument of the attorney in the case, Mr. E. E. Quimby.

Senator CHANDLER. Now give, if you can, the point of the decision overruling Mr. Byrne's rejection and recommending the issuance of the patent.

Mr. STAUFFER. The board in overruling the action of the examiner said:

Applicant's own patent is for a process of treating ingots, etc., of low steel for the purpose of rendering the steel suitable for tempering for tools and cutlery, etc. He has now been experimenting on steel armor plates, and sets

forth that though his mode of treatment is analogous, yet he has varied it by adding the features of noncarbonaceous material on one side of the plate and packing the granular carbonaceous material on the other, etc., and other steps set forth and peculiarly adapted to the material to be operated upon and produced.

By following out this clearly defined process set forth in his first claim, he sets forth in this specification that he secures the product covered by the second claim.

And that materially improved results follow as to the depth of penetration of the carbon and as to the completeness of the hardening itself.

We can not say that an equally good result could be secured by deviating from the steps and proceedings set forth in the first claim, either in changing temperature or omitting the noncarbonaceous material on one side of the plate, or the packing of the carbon on the other, or changing the method in any other particular.

If it can—

That is, if this series of steps can be changed—

it is open to the public, and this claim, if patented, would be no embarrassment in the art.

That is the consideration of the first claim, and the second claim goes with the first.

Senator CHANDLER. State in a word, if you can, for what novelty or new process the patent was finally granted. Was it for the particular method of hardening described, a particular metallurgical process adopted in hardening steel?

Mr. STAUFFER. A particular set of steps; a particular succession of steps would be a better way to term it. Those steps themselves were known before, but the board allowed the patent on the ground that that particular sequence or succession had not been known before, and apparently resulted in an improved product.

Senator CHANDLER. A useful invention?

Mr. STAUFFER. A useful invention.

Senator CHANDLER. And that, you think, is as briefly as can be stated the reason why the patent was granted?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What evidence was on file in the Patent Office at that time, or is now there, upon which those various arguments were made?

Mr. STAUFFER. The appeal file in the case.

Senator CHANDLER. There was the original application.

Mr. STAUFFER. There was the original application, but what I last read is taken from the appeal file.

Senator CHANDLER. What does the appeal file contain in the way of evidence?

Mr. STAUFFER. It contains the reasons for the appeal, the examiner's statement of his grounds for rejection, the attorney's brief on appeal, and the decision of the board of examiners in chief.

Senator CHANDLER. What was the evidence before the examiner as to what had been invented?

Mr. STAUFFER. The evidence is found——

Senator CHANDLER. Was it in machines or was everything on paper?

Mr. STAUFFER. Everything was on paper. The patents I have referred to constitute the only evidence.

Senator CHANDLER. Descriptions of processes in connection with prior patents?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What evidence was there that Harvey had made the invention?

Mr. STAUFFER. None.

Senator CHANDLER. None except his own statement?

Mr. STAUFFER. None save his own statement.

Senator CHANDLER. Taking in connection other patents with which his application was compared?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Did it appear, so far as the record shows, that any experiments had been made by Harvey at that time?

Mr. STAUFFER. There is nothing in the record to show that.

Senator CHANDLER. Do you find in the record evidence that while the appeal was pending or before——

Mr. STAUFFER. I beg pardon, Senator. It was a mistake on my part to say that there is nothing in the record to show that experiments had been made. There were filed during the appeal certain statements of which I have a brief here. Shall I read it?

Senator CHANDLER. If you have a short statement.

Mr. STAUFFER. The statement is as follows:

A plate of 10¼ inches in thickness thus treated will be found to be excessively hardened upon its supercarburized surface and at the same time to be remarkably tenacious, so that a hardened projectile of, say, 6 inches diameter, weighing 100 pounds, fired at it with a striking velocity of 2,000 feet per second, will be shivered to fragments without deeply penetrating the plate.

And in another paragraph it is said:

The extreme point of the projectile, which may slightly penetrate the plate, will be found to be welded thereto by the great heat resulting from the sudden stoppage of the projectile in its flight.

Owing to the great tenacity and the heterogeneous crystalline structure of the supercarburized and hardened stratum, its tough backing, and the entire homogeneity of the plate from one surface to the other, except as to its crystalline structure, there will be no cracking off of the hardened exterior stratum, and no complete piercing of the plate by the projectile.

Senator CHANDLER. Did it appear that those experiments had actually been made?

Mr. STAUFFER. I can not say positively as to that point. I can merely infer from that statement.

Senator CHANDLER. Would you infer from that statement, as to what would be the result under certain conditions, that the experiment had been actually made; that it was a fact and not a theory?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. At what stage in the proceedings which you have been narrating was a letter received from the Secretary of the Navy requesting that the patent be expedited under the rule?

Mr. STAUFFER. That I can not say. I am instructed by the Commissioner of Patents to say that these are not complete records of the files, but that if the committee wish complete records they can be furnished, although there is a mass of papers which probably would not be at all useful, and the Commissioner thought it better simply to send what I have brought with me.

Senator CHANDLER. The course which the Commissioner has pursued is preferable, because we can ask for anything additional if we want it.

Mr. STAUFFER. The question with regard to the Secretary of the Navy would, of course, be evident from an inspection of the files.

Senator CHANDLER. Now, please proceed with the history of the Harvey patents.

Mr. STAUFFER. The next is a patent granted by the United States to Hayward A. Harvey, of Orange, N. J., assignor to the Harvey Steel Company, of New York City and Newark, N. J., for a composition for supercarburizing steel, etc., being patent No. 498390, dated May 30, 1893, granted upon application filed January 28, 1893, serial No. 460155. This patent was granted for the use of the particular composition in treating steel during the process of carburizing, the particular composition being wood charcoal and animal charcoal finely ground and mixed.

Senator CHANDLER. Have you a copy of the patent?

Mr. STAUFFER. I have an official copy of the patent, but I am instructed to say that arrangements have been made to send a copy. When I left this morning I was not able to procure any but the official copy, and the Commissioner desires to have it returned.

Senator CHANDLER. Then you will furnish a copy?

Mr. STAUFFER. Yes, sir.

The patent referred to is as follows:

Hayward A. Harvey, assor. to the Harvey Steel Company, of New York, N. Y., and of Newark, N. J. Improvement in composition for supercarbonizing steel, &c. Specification forming part of Letters Patent No. 498390. Dated May 30th, 1893.

SPECIFICATION.

To all whom it may concern:

Be it known that Hayward A. Harvey, of Orange, New Jersey, has invented a certain improvement in compositions for supercarburizing steel during the subjection of the same to high temperatures, of which the following is a specification:

This improvement relates to the composition of the body of carbonaceous material employed for supercarburizing steel in the process of treating low steel, described in United States Letters Patent No. 376194, issued to Hayward A. Harvey January 10, 1888, and also during the process of manufacturing decrementally hardened armor plate, described in United States Letters Patent No. 460282, issued to Hayward A. Harvey September 29, 1891. In said processes, in which the steel under treatment is subjected to intense heat, it is essential to completely exclude oxygen from the heated metal, and charcoal in the form of fine powder is the best material for the carbonaceous body.

Several objections have heretofore been experienced in such use of finely powdered charcoal. It has been found necessary to deeply embed in the powdered charcoal the metal to be treated because of the tendency of masses of powdered charcoal to subsidence when heated. This has involved the employment of treating chambers of undesirably large vertical dimensions and a corresponding increase in the height of the furnace chambers. Another difficulty has arisen from the tendency of the finely powdered charcoal to fly off in dust when stirred or moved from place to place, as it has to be when loading and unloading the treating chamber.

It is also the fact that for some reason, the nature of which is not fully understood, when fine wood charcoal alone is used and is subjected to high heat, explosions occasionally occur. These explosions are forcible enough to blow off the cover of a closed receptacle, or, if the receptacle containing the fine charcoal is not closed and the charcoal is covered with a layer of sand and a superposed layer of fire brick, as described in letters patent of the United States No. 460282, a species of ebullition is observed to take place in the granular mass by which the mass is loosened so as to diminish the firmness of its compression against the steel which is to be supercarburized.

These difficulties are practically overcome by the present invention, which consists in forming the carbonaceous body, which for present convenience may be called the treating bed, partly of finely powdered wood charcoal and partly of animal charcoal, preferably the so-called "spent char" from sugar refineries. The specific gravity of animal charcoal is nearly four times that of wood charcoal, and it is found that the presence of the animal charcoal lessens the extent of subsidence of the compressed mass of carbonaceous material when heated, diminishes the tendency of the finely powdered wood charcoal to fly off in dust when the mixture is handled, either in the act of filling the chamber in which the heating operation is carried on, or in the act of emptying the said chamber preparatory to, or in connection with, the removal of the metal from the treating bed, and prevents the occurrence of the explosions referred to, by which the mass of treating material is mechanically disturbed.

The proportion of animal charcoal employed is not absolute. Ten or 15 per cent causes an observable diminution in the quantity of dust arising under the circumstances referred to, and 40 to 50 per cent almost entirely prevents the escape of dust.

The finely powdered wood charcoal occupies the interstices between the particles of animal charcoal. During the handling of the mixture the animal charcoal acts as a carrier for the finely powdered wood charcoal, and also acts as a shield, which to a greater or less extent prevents the finely powdered wood charcoal or charcoal dust from escaping into the atmosphere.

Owing to the inclusion in it of animal charcoal, the material of the treating bed is valuable for manufacture into fertilizers, for which purpose it can be readily sold after repeated use has caused it to part with its carbon to such an extent as to impair its effectiveness for the purposes herein mentioned.

What is claimed as the invention is—

The herein-described treating bed for effecting the supercarburization of steel during the subjection of the same to high temperature, the same consisting of a mixture of finely powdered wood charcoal with animal charcoal, as and for the purposes set forth.

HAYWARD A. HARVEY.

Witnesses:
E. GATTERER.
A. M. JONES.

Senator CHANDLER. Have you a copy of the abstract of title to that patent, showing the transfer?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. What does it show?

Mr. STAUFFER. The application upon which the patent was granted was assigned, before the patent was granted, to the Harvey Steel Company, a corporation of Newark, N. J., and New York City, N. Y., April 6, 1893, recorded April 11, 1893, for the exclusive right to said invention, to issue to said assignee, the consideration being $1 and other considerations.

Senator CHANDLER. And the present title appears to be in the Harvey Steel Company?

Mr. STAUFFER. Yes, sir.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing, found of record up to and including February 28, 1896, under or relating to letters patent granted to Hayward A. Harvey, Orange, N. J., assignor to the Harvey Steel Company, New York, N. Y., and Newark, N. J., May 30, 1893. No. 498590. "Composition for supercarburizing steel," etc.

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this 28th day of February, in the year of our Lord 1896, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignors.	Assignees.	Date of assignment.	Date of record.
Hayward A. Harvey.	Harvey Steel Company, corporation of New Jersey, Newark, N. J., and New York, N. Y.	Apr. 6, 1893	Apr. 11, 1893

Assignors.	Invention.	Territory assigned.	Liber.	Page.
Hayward A. Harvey.	Compositions for supercarburizing steel during the subjection of the same to high temperatures; filed Jan. 28, '93. S. No. 460155. May 30, '93, 498590.	Exclusive right to said invention. Patent to issue to said assignee. $1 and other considerations.	C47...	464

Senator CHANDLER. Were there any interferences in the case of this patent, or any comparison of the invention with other prior inventions?

Mr. STAUFFER. No, sir; it does not so appear.

Senator CHANDLER. Have you any further patents to Harvey?

Mr. STAUFFER. No, sir.

Senator CHANDLER. This completes, then, as far as you are prepared to reply, the history of the patents for the Harvey processes?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. I understand from you that there are a mass of papers connected with the case?

Mr. STAUFFER. There are quite a number.

Senator CHANDLER. They are on the files of the Patent Office?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Have you any knowledge, from the records of the Department, I mean, of any litigation in connection with these patents?

Mr. STAUFFER. No, sir.

Senator CHANDLER. Is there anything in the records of the Patent Office, to your knowledge, placed there since the patents were granted, to impeach their validity?

Mr. STAUFFER. Nothing that I know of.

Senator CHANDLER. If there are proceedings in court they do not naturally come upon the records of the Patent Office in any form?

Mr. STAUFFER. No, sir; only to the extent of sometimes requiring a transcript of the record in a particular case, and that would not be known to the examiners.

Senator CHANDLER. So far as you know, you have given everything material to be known in this connection?

Mr. STAUFFER. So far as I know.

Senator CHANDLER. Relating to the history of the Harvey patents?

Mr. STAUFFER. Yes, sir.

THE COREY PATENTS.

Senator CHANDLER. Next you may take up the patents for reforging armor plate after it has been harveyized.

Mr. STAUFFER. I have no such patents. I have some other patents here which relate to the alloys of steel and nickel, but I have not any patents for reforging.

Senator CHANDLER. The patent to which I refer especially was issued to W. E. Corey for the manufacture of carbonized steel.

Mr. STAUFFER. I have that patent.

This is a patent granted to William Ellis Corey, of Munhall, Pa., assignor to the Carnegie Seeel Company, Limited, of Allegheny County, Pa. The patent is for steel armor plate and process of making same, being Letters Patent No. 541594, dated June 25, 1895, upon application filed June 5, 1895, the serial number being 551704.

Senator CHANDLER. Describe the process briefly and give the assignments of the patent, if any have been made beside the one you have named.

Mr. STAUFFER. The invention consists in carburizing the face of the plate at such a temperature that the surface of the plate becomes supercarburized, while the body of the plate is converted into a coarse crystalline and somewhat brittle condition. The temperature referred to is at first about 1,950° F. This is gradually raised during a period of ten days to about 2,175° F. The temperature is then gradually lowered to about 1,600° F., when the plate is subjected to extreme and forcible compression, thereby compacting the metal without substantially elongating or spreading it. The plate is afterwards annealed and shaped.

Senator CHANDLER. State, if you can, please, the novelty that was patented.

Mr. STAUFFER. The novelty consists in carburizing the face of the plate, during which operation the body of the plate becomes coarsely crystallized, and then, at a temperature not high enough to permit elongation of the plate, compressing it.

Senator CHANDLER. Is it, then, a patent for compressing, by hydraulic pressure, a plate at a particular degree of temperature—is that the novelty?

Mr. STAUFFER. Yes, sir; a plate between certain particular degrees of temperature.

Senator CHANDLER. Do you regard as the novelty for which the patent is granted the maintenance of that temperature between those two limits?

Mr. STAUFFER. I regard it as a patent for the treatment of a plate which, during carburizing, has been made to certain crystalline characteristics, which consists in compacting or compressing such plate at or between certain temperatures.

Senator CHANDLER. But compressing soft steel is not a novelty?

Mr. STAUFFER. No, sir.

Senator CHANDLER. Then, was this patent merely granted for the novelty of compressing the metal when it is of a heat between these two degrees of temperature?

Mr. STAUFFER. Yes, sir; when the body of the plate has been injured by the process of supercarburizing the face.

Senator CHANDLER. Is that patentable?

Mr. STAUFFER. We regarded it as patentable.

Senator CHANDLER. Will you state what was the useful purpose, the utility to be accomplished, according to the patent?

Mr. STAUFFER. I can do that best by reading from the patent.

By the use of my invention I produce steel having an unusual degree of toughness and strength, combined with extreme hardness, which is specially adapted to the manufacture of armor plates for vessels, and to other purposes for which the characteristics of great toughness and strength with extreme hardness are desired.

Senator CHANDLER. Is there any reference in the patent to armor especially?

Mr. STAUFFER. It says, "which is specially adapted to the manufacture of armor plates for vessels."

Senator CHANDLER. Is there any reference to the prior treatment of such armor before being subjected to the new process? Is the patent process applicable to all metals, or only to metals previously treated for armor?

Mr. STAUFFER. I think it applies only to metals previously treated for armor. I arrive at that opinion from this paragraph:

Armor plates are usually of an average size of 16 feet in length, 8 feet in width, and from 14 to 18 inches in thickness, and supercarbonized or hardened on one side or surface only; the hardening effect in such case gradually decreasing from the supercarbonized surface toward the other side, as the necessary result of applying the carbon to one side only. My invention, however, applies to plates, slabs, or ingots of steel hardened on both or all sides. I have stated the dimensions for the reason that, in describing the process so

as to be intelligible to others skilled in the art, it is desirable to indicate the size of the articles to the treatment of which the temperatures and length of time used in the several steps are applicable.

Senator CHANDLER. Is the patent confined to a process to be applied to armor already hardened? Is it in any way limited to such previously hardened armor?

Mr. STAUFFER. No, sir; the claims are not limited in that way. They are limited to the treatment of steel plates, but not necessarily previously hardened steel plates.

Senator CHANDLER. So you understand the full substance of the patent to be the application of hydraulic pressure to armor plates at a temperature between the two limits specified?

Mr. STAUFFER. Yes, sir; the face of plate having been previously supercarbonized?

Senator CHANDLER. Do you think that is the full scope of the patent?

Mr. STAUFFER. I think it is, as I recollect it. I was familiar with the patent at the time it was pending. That is all there is in it.

Senator CHANDLER. You may state now when the application was filed on which the patent was granted.

Mr. STAUFFER. The application was filed June 5, 1895.

Senator CHANDLER. State whether there had been any previous application by Mr. Corey.

Mr. STAUFFER. None that I am aware of, and such are generally accessible to the public.

Senator CHANDLER. Have you a copy of Mr. Corey's patent of which we have been speaking?

Mr. STAUFFER. I have.

The patent referred to is as follows:

[United States Patent Office. William Ellis Corey, of Munhall, assignor to the Carnegie Steel Company, Limited, of Allegheny County, Pa. Steel armor plate and process of making same. Specification forming part of Letters Patent No. 541594, dated June 25, 1895. Application filed June 5, 1895. Serial No. 551704. (No model.)]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, William Ellis Corey, of Munhall, in the county of Allegheny and State of Pennsylvania, have invented a new and useful improvement in steel armor plates and processes of making the same, of which the following is a full, clear, and exact description:

The accompanying drawing shows in side elevation, partly in longitudinal section, a furnace suitable for effecting the supercarbonization of the steel plates.

By use of my invention I produce steel having an unusual degree of toughness and strength, combined with extreme hardness, which is specially adapted to the manufacture of armor plates for vessels, and to other purposes for which the characteristics of great toughness and strength with extreme hardness are desired.

My invention lies in a new method of treating steel plates, which consists broadly in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized, while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to an extreme compression while at a temperature below 2,000° F., and without producing more than a slight elongation, this compression being substantially uniform throughout the area of the plate.

It also consists in the product of said method.

In order to enable those skilled in the art to practice my invention, I will now describe my method as applied to the manufacture of armor plate, and similar large and thick bodies of steel.

Armor plates are usually of an average size of 16 feet in length, 8 feet in width, and from 14 to 18 inches in thickness, and supercarbonized or hardened on one side or surface only; the hardening effect in such case gradually decreasing from the supercarbonized surface toward the other side, as the necessary result of applying the carbon to one side only. My invention, however, applies to plates, slabs, or ingots of steel hardened on both or all sides. I have stated the dimensions for the reason that in describing the process, so as to be intelligible to others skilled in the art, it is desirable to indicate the size of the articles to the treatment of which the temperatures and length of time used in the several steps are applicable; these features of my process being necessarily subject to modification, as the larger the size of the piece of steel under treatment the greater will be the heat, and to some extent the time of exposure thereto, which will produce the best results.

By the term "steel plate," as used in this specification, I mean plates made by any process of conversion of iron into steel, and whether the steel be or be not alloyed or mixed with nickel, aluminum, or other metal or alloy.

The plate, having been made of steel of the desired quality, cast into ingots and forged or rolled to the desired thickness and surface shape, is placed in the supercarbonizing furnace, in a receptacle or hearth of refractory material which may be removable to and from the furnace. The bottom of this receptacle is covered with a layer of comminuted carbonaceous material, being of uniform thickness, preferably laid upon a layer of sand, and so placed as to be in close contact with the surface of the steel plate to be treated, which may be of plane, or curved, or irregular shape. The carbonaceous material used for this purpose may be such as animal or vegetable charcoal or coke, or a mixture of any or all of these.

The advantage of placing the steel plate on top of the carbon is that the plate and carbon are thus brought into close surface contact, and when two or more plates are to be treated, they should be placed one above the other with the steel surfaces to be supercarbonized turned toward, and in contact with, the carbon, thus having one layer of carbon between two plates. If, as is usual in armor plates, they are to be supercarbonized on one side only, the surface not requiring treatment is covered with some refractory material; or the access of the external air is otherwise excluded, so as to prevent the oxidation of the carbonaceous matter and of the steel.

The furnace containing the steel plates in the receptacle, as above stated, and used for heating the plates, may be a regenerative gas furnace, or one otherwise suitable. The furnace is heated to a comparatively low heat, say about 1950° Fahrenheit and the temperature is gradually raised, during a period of about ten days, until the steel is heated up to about 2175° Fahrenheit. The gas is then shut off and the furnace is banked for about a week's time, during which a gradual cooling takes place, until the plates are reduced in temperature to about 1600° Fahrenheit.

A furnace of suitable form for effecting the supercarbonizing of the steel plate is shown in the drawing, in which 2 is the heating chamber, and 3 a movable hearth or receptacle carried by a truck mounted upon wheels 4, and adapted to be moved into and from the furnace by a motor cylinder 5.

6 is the layer of carbon beneath the armor plate 7.

8 is the sand layer under the carbon, and 9 is a protecting covering of sand.

The result of subjecting the plate to the above treatment is to change the semifibrous character of the body of the plate produced by the previous working and convert it into a coarse crystalline condition, thus impairing the main mass while hardening its surface. This weakened condition of the plate, which has heretofore been inherent in supercarbonized steel plates, is entirely removed by the next step of my process, which consists in compressing and compacting the plate at a low heat. The compressing operation not only restores to the metal its forged character, but also adds increased strength, density, and toughness by reason of the low heat employed therein. As, however, it is important to ascertain the condition of the steel plates as to the degree of carbonization and the depth to which it has extended, it is preferable to postpone the compression of the plates until they have been tested. In this case they are allowed to remain in the furnace until reduced in temperature to about 1100° Fahrenheit, so as to avoid air hardening, which might occur at a higher temperature, and also to aid in annealing. When thus reduced in temperature, the plates are removed from the furnace and receptacle in which they were heated and are allowed to cool gradually in the air to a suitable heat, say 100° Fahrenheit, when the faces which have been covered with refractory material are cleaned off with brushes or otherwise, and a few holes are drilled in each plate from the supercarbonized surface, and samples of the drilling at different depths are taken and analyzed to ascertain the depth and degree of carbonization. These plates, if they have been cooled for the purpose of testing, have to be reheated sufficiently for compression, up to about 1600° Fahrenheit, which reheating is, of course, not necessary when the plates are removed from the furnace at that temperature. Before replacing the plates in the furnace to reheat them sufficiently for compression, I cover the carbonized surface or surfaces with a coating of about three inches of pulverized carbonaceous matter, which may be protected in some suitable manner to guard against oxidation of the carbon or of the surface of the steel.

I have stated the degree of heat at which the plates are to be removed from the furnace for compression, or to which they are to be reheated for that purpose, to be about 1,600° Fahrenheit, the purpose being to have the plates at as low a heat as will enable them to be compressed as hereinafter described; but the heat should not exceed 2,000° Fahrenheit, the temperature required being a heat sufficiently high to permit the metal to be compressed, but below that proper for ordinary elongation and reduction of the metal in rolling. This reheating should be done slowly, so as to secure an even heat throughout the plate, and should take from ten to twenty hours, according to the size of the plate. The plate is then taken to the compressing machine—a hydraulic press or a hammer adapted to impart a strong compression to the metal and to compact it throughout. I have found that the use of rolls is not desirable, as the metal will elongate and its body will not become compressed and condensed as when the press is employed. It is much preferable to use a hydraulic press, and I make the dies of the press (upper and lower) as long as the plate of steel is wide, and with comparatively narrow faces, say from ten to twelve inches. If the faces of the dies are too wide, the plate will have to be at a higher temperature, in order to secure the desired degree of compression; and a temperature as low as is compatible with that result is desired, as already stated, in order to prevent decarbonization of the plate, and also to secure the condensing and compacting effect of the pressure applied, instead of a spreading or elongating of the steel, which would be the consequence if the metal was too hot.

When a hydraulic press is used which is capable of exerting a pressure of about ten and a half tons to the square inch of surface, an armor plate of the dimensions before stated may be readily reduced an inch in thickness by each first stroke of the upper compressing die. The plate is moved forward between the dies after each stroke until the entire surface has been acted on. This operation is repeated, moving the plate back and forth, until sufficient compression is secured. By this means I have succeeded in reducing a plate of seventeen inches thick to a thickness of fourteen inches, with the effect of giving greatly increased toughness and strength to the steel. As the object is not to roll out the plate, and thus increase its length or width, but to effect an actual compression of the metal (although some increase in those dimensions will occur, as the plate need not be confined in any way), it is obviously desirable to subject the metal to great pressure at as low a temperature as is compatible with the actual compression of the plate. In practice I find that when I thus compress a nickel steel armor plate sixteen feet long, eight feet wide, and seventeen inches thick, with a hydraulic press capable of exerting a compression of about ten tons per square inch, so as to reduce the plate to a thickness of fourteen inches, the plate elongates only about thirty inches more or less, and does not perceptibly expand laterally. After the plate has thus been toughened and compacted by pressure, it is annealed. For this purpose, it is reheated in the furnace during a period of about twelve hours, up to about 1,350° Fahrenheit. The heat is then withdrawn, the plate remaining in the furnace for about forty-eight hours while slowly cooling.

During the reheating for annealing the supercarbonized portion of the plate is protected from oxidation by a light covering of carbonaceous matter, which may be protected by some suitable refractory substance, as before described.

When sufficiently cool, after annealing and before tempering, the plate may, if desired, be again tested to ascertain whether it is sufficiently carbonized, and it is straightened by a forging press, or otherwise, and is machined to the required dimensions, the necessary allowance being made for contraction during the subsequent tempering, which is the last step of the process. In order to do this, the plate is again slowly heated in the furnace to about 1,350° Fahrenheit, the precautions before employed to prevent oxidation of the surface being repeated, and any scale or other matter adhering to the carbonized surface of the plate is carefully removed, before and after reheating, by wire brooms, or if necessary by hand hammering. The reheated plate is hardened by means of cold water, which may be conveniently applied to the plate in a horizontal position on an open framework, between a series of nozzles above and below the plate, which spray copious jets of cold water on the plate. This is continued until the plate is sufficiently cold, say at a temperature of 100° Fahrenheit. This completes the operation, excepting that if the plate has become misshapen by the water cooling it is reheated to a low temperature, say 200° Fahrenheit, sufficient to permit of its being rectified in shape by the hydraulic press or otherwise, and that it has to be machined or ground by an emery wheel to the exact size required.

In describing my operation I have thought it necessary to state the degrees of temperatures which I have found it advisable to use in the various steps of my process; but I do not desire to confine myself to the exact temperatures described. I deem it important, however, to conduct the various steps of my process in which heat is applied at as low a degree of heat as is consistent with successful operation, and especially is this the case when the steel is being compressed, as the object is to produce homogeneous compression or compression throughout the entire mass, and to as great a degree as possible, so that the heat should be as low as will permit of the actual compression and compacting of the steel. I also desire to have it understood

that it may not be necessary in all cases to observe the exact order of operation, or to perform all the steps desired, as, for example, it is not necessary to allow the steel plates to cool and then to reheat them before subjecting them to compression, although, as before stated, it is desirable previously to test the carbonization of the plates, for which purpose they should be cold enough to handle, and would then require reheating.

In this specification I have referred to the protecting of the plates, while being reheated, with a coating of carbonaceous matter, and a superimposed layer of finely comminuted refractory substance. This is specially important where nickel steel (by which I mean steel to which nickel in any proportion has been added) is being treated for carbonization, or in any case where nickel steel requires to be subjected to heat owing to the excessive scaling or surface oxidation to which nickel steel is subject. In order to obviate this, I carefully remove any scabs or loose scale from the nickel steel before reheating it, and cover its carbonized surface with a layer of from 2 to 4 inches in thickness of dry carbonaceous matter of any description, such, for example, as coke dust or charcoal, and protect this carbonaceous matter from oxidation in any suitable manner.

In reciting in my claims the first or supercarbonizing step of my process, I wish to be understood as covering not only the specific step recited above in my specification, but also any step of supercarbonizing wherein the metal is heated and exposed to carbon in any form, such as the well-known method by the use of gas, which is passed over the heated plate.

The advantages of my invention are apparent, since the metal which has been impaired by the supercarbonizing step is not only restored to its former texture, but is condensed and its strength materially increased, thus combining the advantages of a plate having a carbonized face with those of a noncarbonized but forged plate having the stronger character peculiar to forged metal.

The characteristics of the steel plates treated as described above, which constitute an improved article of manufacture, and by which they may be distinguished from plates treated by heretofore known processes, are an extremely hard face of condensed steel, with a higher degree of carbonization at the surface than in the interior, showing on fracture a texture approaching the fibrous as distinguished from crystalline; the grain of the metal being fine as distinguished from the coarse grain appearance of cast steel, yielding a much higher ballistic test, say from 12 to 14 per cent higher, of a tensile strength of about 12 per cent greater, an elongation of about 15 per cent greater, and a much greater resistance than plates made by processes known and used prior to my invention.

I claim—

1. The herein-described method of treating a steel plate containing carbon, consisting in heating the plate, while one of its surfaces is in contact with a carbonaceous material, to such a temperature that the surface portion becomes supercarbonized while the body of the plate is converted into a coarse crystalline and more brittle condition, and then subjecting the plate to extreme compression while at a temperature sufficient for compression, but below that proper for the ordinary elongation and reduction of such steel by rolling, producing by such compression a compacting of the plate without more than a slight elongation, said compression being substantially uniform throughout the area of the plate, whereby the thickness of the supercarbonized surface portion as well as of the body of the plate is materially decreased and the structure of the steel is brought throughout into a fine-grained, tough, dense condition.

2. The method of treating a steel plate consisting in supercarbonizing the surface portion of the plate and then subjecting it to a succession of step-by-step compressions, each operating over a small portion only of the surface while at a temperature below 2,000° F. until the desired degree of reduction is attained, substantially as described.

3. The method hereinbefore described of producing compressed carbonized steel, consisting of carbonizing the plate, slab, or other article of steel, by applying to the side or sides, surface or surfaces to be carbonized, comminuted carbonaceous matter, protected from oxidation by suitable covering; exposing the same to the heat of a furnace, and therein heating the same to effect carbonization, and afterwards, when the plate is at a temperature sufficient for compression, but below that proper for the ordinary elongation and reduction of such steel by rolling, subjecting the plate, at the low heat indicated, to sufficient pressure to effect the compression of the metal without producing more than a slight elongation, and subsequently annealing and hardening the same substantially in the manner and for the purpose described.

4. The process hereinbefore described of preparing hardened steel plates for armor plate, consisting of the following steps: Carbonizing the plate previously formed to substantially the required shape, by covering the same, or the surface to be hardened, with comminuted carbonaceous matter placed in close surface contact with the plate, protecting from the access of air the carbonaceous matter as well as the portions of the plate not requiring carbonization, with refractory material, or in other suitable manner; placing the same in a suitable furnace, heated to about 1950° Fahrenheit, gradually raising the heat during a period of about ten days, until the steel is heated to about 2175° Fahrenheit, then gradually cooling down until the steel is reduced to about 1600° Fahrenheit, subjecting the plate, at that heat or thereabout, to forcible compression, thereby compacting the metal; then annealing the plate by reheating it (the carbonized surface being protected from oxidation) and slow cooling; and, after straightening, testing, and machining the plate to the exact shape required, hardening the plate by slowly reheating in a furnace to about 1350° Fahrenheit and then cooling by the application of cold, substantially as and for the purpose described.

5. As a new article of manufacture, an armor plate composed throughout of steel, having an extremely hard face more highly carbonized than the interior of the plate, said face and body being in a highly compressed and compact condition and considerably denser than similar plates which have been shaped or reworked at the usual forging temperature, and the body being composed of noncrystalline steel of a forged or semifibrous nature, showing in fracture throughout its mass a fine-grained, dense condition in contradistinction to the coarse, crystalline appearance of cast steel, and giving a much higher ballistic test than ordinary noncompressed supercarbonized or surface-hardened steel of the same dimensions, substantially as described.

In testimony whereof I have hereunto set my hand June 4, 1895.

WILLIAM ELLIS COREY.

Witnesses:
H. M. CORWIN.
C. BYRNES.

Senator CHANDLER. State now all the prior inventions or patents or claims for patents with which the application of Corey was compared. Were there any interferences of any sort?

Mr. STAUFFER. There were no interferences and there was no appeal. I can not give the other inventions with which it was compared.

Senator CHANDLER. You have no document here showing the other inventions?

Mr. STAUFFER. That can be obtained from the files, but I have not a complete copy of the files.

Senator CHANDLER. The record which you have hitherto examined does not show with what other inventions or claims for inventions it was compared?

Mr. STAUFFER. No, sir.

Senator CHANDLER. How can that be obtained?

Mr. STAUFFER. It can be obtained merely by a request for it or by a request upon the Commissioner for a complete copy of the files.

Senator CHANDLER. Then I will request you to furnish, with the permission of the Commissioner, a statement of all the patents, all the inventions, or all the claims for inventions with which the process disclosed in the application of W. E. Corey was compared. Let it be a concise historical statement.

Mr. STAUFFER. Do you simply wish the references themselves, or do you want the data?

Senator CHANDLER. I merely desire, in the first instance, a list of the claims or the supposed inventions with which, in the process of granting this patent, the Corey invention, or his supposed invention, was compared, so far as that can be ascertained.

Mr. STAUFFER. Very well. It can be ascertained, of course.

The statement referred to is as follows: United States, No. 89876, May 11, 1869, McDonald; United States, No. 442065, December 2, 1890, Low; United States, No. 518908, April 24, 1894, Ackerman; British, No. 3084, December 1, 1885, Dods; British, No. 3832, October 16, 1877, Browne.

Copies of these references are hereunto annexed.

[United States Patent Office. Hugh McDonald, of Pittsburg, Pa. Letters Patent No. 89876, dated May 11, 1869. Improvement in the manufacture of steel-faced iron plates. The schedule referred to in these letters patent and making part of the same.]

To all whom it may concern:

Be it known that I, Hugh McDonald, of the city of Pittsburg, in the county of Allegheny and State of Pennsylvania, have invented a new and useful improvement in manufacture of steel-faced iron plates; and I do hereby declare the following to be a full, clear, and exact description thereof.

For many purposes, in the arts, metallic plates are required which shall possess great strength, toughness, and tenacity of fiber, and at the same time have a hard, smooth face, and capable of receiving a high finish.

Such a combination of qualities is especially desirable in plow plates.

To secure such a combination, plates have been made with an iron center and steel face on one or both sides, by welding iron and steel plates together, also by casting a steel face on a previously heated iron slab, in a suitably constructed mold, and also by subjecting one or both faces of a homogeneous iron slab or ingot to the process of cementation, thereby converting such face or faces into steel.

My invention relates to the production of such plates, but of a greatly improved quality, and differs, in the mode of accomplishing the object, from all those above referred to; and

The nature of it consists in the manufacture of such plates by combining the processes of welding and cementation, so as to secure a center or back, as the case may be, of tough fibrous iron, and a face or faces of a high quality of steel, each layer of iron or steel being almost entirely homogeneous in its character, but all securely united together into a single plate.

My invention is applicable to the production of plates of any required number of layers of iron or steel, but I propose to apply it chiefly in making plates of two or three layers, one or both faces being of steel, and the back or center being of iron; and to enable others skilled in the art to make and use my invention, I will proceed to describe the same, first, as applied in making plates with steel faces and iron center.

For the iron center, I take a plate, bar, slab, or ingot of wrought iron, which has but little affinity for carbon, or which possesses but a small amount of carbon, since I find that the less carbon a wrought-iron plate contains, the more slowly will it be converted into steel by cementation.

For the outside surfaces, I take plates, bars, slabs, or ingots of wrought iron, or a low quality of steel, such as possess a larger proportion of carbon, or have a greater affinity therefor, so that when subjected to the process of cementation they will be readily and rapidly converted into steel of a high quality.

These plates, of any desirable size or thickness, I bring to a welding heat, and weld together, either under the hammer or by passing them through between rolls, using, if necessary, any of the ordinary fluxes to facilitate the welding. After they are thus welded, they may be drawn out between rolls in the usual way, either before or after cementation, or partly before and partly after.

In order to secure a steel surface of a high quality in such compound plates, I subject them to the process of cementation in any suitably constructed furnace, covering with clay or otherwise protecting, if necessary, the parts of the plate not to be converted.

The iron or low quality of steel, which forms the outer layers as described, is of such quality as is readily and rapidly converted into steel, while the center, being of a quality of iron that has but little affinity for carbon, will be affected but little, or not at all, by the converting of the outer layers. Hence, the surfaces of the compound plate may be converted as perfectly as may be desired into the steel of the hardest quality, and capable of receiving a high polish, while the center is almost wholly, if not entirely, unaffected by the cementing process, and retains all its qualities of toughness, strength, and flexibility.

The same process may be applied to making plates having a steel face and iron back, the steel face only being converted.

Two or more layers of iron, or of iron and steel, may be used for the center or back, provided the layer or layers of iron next the face plate or plates be of a quality not so readily converted into steel as the face plates themselves are.

When the plates are finished by cementation and rolling, they are ready for market, or to be cut up into plow plates or other useful articles.

What I claim as my invention, and desire to secure by letters patent, is—

The hereinbefore-described mode of making compound metallic plates, by welding together two or more plates, slabs, bars, or ingots of iron of different relative capacities for taking carbon, or of iron and a low quality of steel,

and then subjecting the face or faces of such compound plates to the process of cementation, substantially as described.

In testimony whereof, I, the said Hugh McDonald, have hereunto set my hand.

HUGH McDONALD.

Witnesses:
G. H. CHRISTY.
JOHN GLENN.

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[United States Patent Office. Robert Low, of Woolwich, England. Process of hardening or tempering steel projectiles. Specification forming part of Letters Patent No. 442065, dated December 2, 1890. Application filed November 16, 1888. Serial No. 291060. (No model.) Patented in England April 23, 1887, No. 5954; in Belgium February 29, 1888, No. 80724, and in France April 25, 1888, No. 188799.]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Robert Low, engineer, a subject of the Queen of Great Britain, and a resident of Woolwich, England, have invented a new and useful improved process of hardening or tempering steel projectiles (for which I have obtained patents in the following countries: In Great Britain, No. 5954, dated April 23, 1887; in France, No. 188799, dated April 25, 1888, and in Belgium, No. 80724, dated February 29, 1888), of which the following is a specification, reference being had to the accompanying drawings.

My invention relates to steel projectiles, and comprises an improved process or method of hardening or tempering the same, so that their strength and penetrativeness are greatly increased as compared with those hardened or tempered by the methods hitherto adopted.

The hardening or tempering of armor-piercing projectiles has heretofore been usually affected by heating them to the required temperature, and then wholly or partially immersing them in oil or other liquid. It has been found, however, that this method of hardening or tempering such articles as projectiles, though efficient in respect of imparting the required hardness to the steel at or near the surface of the projectile, is attended with the serious disadvantage of liability to splitting or cracking of the metal and consequent destruction of the projectile after the entire cost of its manufacture has been incurred.

My invention affords the means for effectually hardening or tempering the projectiles without the use of water or other liquid, and, moreover, it obviates the risk of injuring or destroying the projectiles in the manner above described.

In hardening or tempering a projectile according to my said invention, I proceed as follows, that is to say: I heat the said projectile to the required temperature and place the same (preferably in a vertical position, with its conical, conoidal, or ogival end downward) in a supporting die or mold of cast-iron, or other suitable material, the cavity in which is of the same or approximately the same dimensions and shape or configuration as the projectile or portion thereof. When commencing operations, the mold is preferably heated (say to a temperature of from 200° to 300° Fahrenheit) before a projectile is inserted, in order to avoid chilling of the surface of the said projectile. In continuing the operations sufficient heat is imparted to the mold by each projectile to prevent chilling of the next projectile inserted. While the projectile is in this mold I subject it to pressure by means of hydraulic or other power for the purpose of keeping the surface of the projectile in intimate contact with the interior of the mold, and thus insuring the conduction of the heat away from the projectile through the metal of the mold. This pressure is maintained until the projectile is sufficiently cooled and hardened, and the projectile is then removed from the mold. If the projectile to be tempered by the above-described process is made from steel rich in carbon and containing about four per cent of chromium, I find that very good results are obtained by heating the said projectile before placing it in the die or mold to a temperature of from 1,400° to 1,600° Fahrenheit, according to its size, and then allowing the said projectile to cool down to a temperature of about 200° Fahrenheit before removing it from the mold. The temperatures to which the projectiles are heated and allowed to cool will, however, necessarily vary with different compositions of steel, and, as in tempering by the well-known methods with water or oil, the operator must to a great extent be guided by his experience of the steel with which he is dealing. I find it advantageous to use a mold having a central hole or recess into which the point of the projectile will enter. I thus avoid liabil'ty to excessive hardening of the point of the projectile and injury of the point in the operation of placing the projectile in the mold. Moreover, the said hole permits the escape of any scale, dust, or the like which may be introduced into the mold with the projectile or otherwise. The mold must be of greater or less depth, according to the length of the portion of the projectile which it is desired to harden or temper. If the entire surface of the projectile is to be hardened, the cavity in the mold should be of the same, or nearly the same, depth or length as the projectile.

In the accompanying drawings, fig. 1 is a vertical central section of apparatus for holding a projectile while subjected to pressure and at the same time cooling it, a part of the hydraulic ram for applying the pressure being shown in elevation. Fig. 2 is a similar view showing a modified form of the said apparatus.

The remaining figures are hereinafter referred to.

a is the mold; *b*, the projectile; *c*, the hydraulic ram. The mold *a* is made with a central hole *a'* for the purpose above specified, and its cavity is of such dimensions and shape or configuration that the conical or conoidal end of the projectile will fit accurately therein. A ring or annular piece *d* is placed upon the mold *a* and has fitted therein paper segments *e*, so formed that they will fit accurately within the said ring or annular piece and closely around the cylindrical portion of the projectile. These segments can be readily withdrawn from the ring or annular piece *d* to facilitate the removal of the projectile from the mold *a*.

A plug, mandrel, or core piece *f* is inserted in the chamber or cavity of the projectile to prevent upsetting of its walls or deformation of the said chamber or cavity. This mandrel receives pressure from the ram and transmits it to the interior of the shell.

The apparatus shown in fig. 1 is designed for use when the entire mass of the projectile is to be condensed and hardened.

If the conical, conoidal, or ogival end only of the projectile is to be condensed and hardened, I dispense with the said ring or annular piece and segments and also with the said core piece, and, as shown in fig. 2, simply place a ring *g*, of metal or other suitable material, upon the mold *a* to conduct away some of the heat from the projectile, and thus insure a gradual diminution of the hardness of the metal of the projectile at the top of the mold *a*. I prefer, moreover, to place a disk or pad *h*, of asbestus or other suitable nonconductor or slow conductor of heat, between the base of the projectile and the ram *c* to prevent cooling of the said base by the ram.

By applying the pressure in the manner illustrated in Figs. 1 and 2 the particles or molecules are compelled to assume under the contraction due to the cooling such a condition or arrangement that they will offer the greatest resistance to endwise compression, and this result is effected without inducing the state of tension which would be induced by cooling in liquids. Consequently the stress to which the projectile is subjected in the act of penetration is a repetition of that to which it has already been subjected when in the mold. In some instances I employ a mold in which the projectile lies horizontally. This mold is made in two parts or halves, in one of which the projectile is to be laid and the other of which is to be placed over the said projectile, and I apply pressure either continuously or intermittently to the projectile while in the said mold in a direction at right angles to its axis; or I may form the mold of three, four, or more segments provided with means for adjusting them, so as to apply the pressure equally all round the projectile.

Figs. 3 and 4 are sectional elevations showing different forms of apparatus in which the projectile is to be placed horizontally. This apparatus comprises lower and upper dies or molds a a^2. The lower die or mold a is supported upon a base plate j, formed with lugs or bearing pieces j'. The upper die or mold a^2 may be firmly attached to the ram c. The base plate j is provided with a standard k, through which is passed a screw l. In some instances a mandrel or plug f is inserted in the cavity of the projectile or shell, as in Fig. 3. In some instances the screw l is provided with a plug l', as in Fig. 4, which fits into the cavity of the projectile or shell. This screw prevents the displacement of the projectile from the mold when subjected to the pressure of the ram. If the pressure is to be applied intermittently, the said screw may be slackened from time to time and the projectile partially rotated. Whatever may be the construction of the mold it should be made to conform to or fit the exterior of the projectile or a portion thereof, and the projectile while in the mold should be kept under pressure, so that there may be close contact between all parts of the surface to be hardened and the mold, and the heat of the red-hot mass of metal may be conducted freely away through the body of the said mold.

Having now fully described and ascertained the nature of my said invention and the manner in which it is to be performed, I wish it understood that I do not claim generally or irrespectively of my improvements herein set forth the treatment of steel by heating the same and subjecting it to pressure in a mold, as I am aware that such treatment of steel has been described in the specification of the British patent No. 3002, of 1874, granted to Sir Joseph Whitworth, and also in the specification of the French patent No. 147010, granted to M. Clemandot; nor do I claim the methods of treatment described in the specifications of the United States patents Nos. 178044 and 407530.

What I claim is—

1. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to insure intimate contact of the surface of the projectile with that of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, substantially as and for the purposes set forth.

2. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to keep its surface in intimate contact with the interior of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, such pressure being caused to act from the base toward the point of the projectile, substantially as and for the purposes set forth.

3. The method of hardening or tempering a projectile or shell, consisting in heating the said projectile, placing it in a metal mold the internal shape of which exactly corresponds to the external shape of the projectile or of the part thereof to be hardened, and which has been previously warmed to prevent chilling of the surface of the projectile, and then subjecting the projectile to pressure in the mold to keep its surface in intimate contact with the interior of the mold until the said projectile is cooled sufficiently to impart to it the desired degree of hardness, the said mold having a cavity or opening through which the extreme point of the shell will project and through which the gases and scoriæ may escape, substantially as and for the purposes set forth.

In testimony whereof I have hereunto signed my name in the presence of two subscribing witnesses.

ROBERT LOW.

Witnesses:
WM. ROBT. LAKE.
DAVID YOUNG.

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[United States Patent Office. Albert A. Ackerman, of the United States Navy, assignor of one-half to Thomas T. Crittenden, of Washington, District of Columbia. Manufacture of armor plate. Specification forming part of Letters Patent No. 518908, dated April 24, 1894. Application filed October 20, 1893. Serial No. 489195. (No model.)]

[Diagrams are omitted.]

To all whom it may concern:

Be it known that I, Albert A. Ackerman, a lieutenant in the United States Navy, attached to the Bureau of Ordnance, Navy Department, Washington, in the District of Columbia, have invented certain new and useful improvements in the manufacture of armor plates; and I do hereby declare the following to be a full, clear, and exact description of the invention, such as will enable others skilled in the art to which it appertains to make and use the same.

My invention relates to improvements in the manufacture of armor plates or other like castings or forgings, and is especially adapted for use in hardening and toughening the surface of such plates.

It is well known that, other things being equal, the loss of heat of a solid body through radiation, varies with the area of the radiating surface; and also that the increase of heat through absorption varies with the area of the surface exposed to the heat rays; from this it follows that where two sides or faces of a plate are of unequal surface, then the side having the greater surface is capable of being more rapidly heated or cooled than the opposite side; thus where one side of a plate is corrugated and the other side smooth, or comparatively smooth, the corrugated side will absorb and radiate heat more rapidly than the smooth side and hence a desired temperature may be reached on that side, and in these corrugations and enlargements earlier and with less expense for fuel and labor than when, as is the case on the smooth side, the receiving surface is smaller, and the section through which heat flows away into the body of the plate is greater.

Again, where heated plates having parallel smooth faces are cooled, in hardening or toughening the outer edges and corners of the plate cool more rapidly than the central portion, producing an initial "set" of the outer portions and causing the central portion as it cools to assume a stress due to its contraction within the fixed bounds of the outer and colder portions. This produces inequalities in structural strength in the plate and weakness in

places. This may be avoided by so increasing the area of radiating surface near the center of the plate that the loss of heat may be approximately uniform all over the area of the surface of the plate.

Again, it has been found, where armor plates have been heated to a high temperature and then gradually cooled, the one face being cooled more rapidly than the other, that the face cooling faster first assumes a "set" to which the entire mass of material adapts itself; and that when the slower cooling portion becomes rigid, the plate is "buckled" toward the side last cooling. This may be avoided by constructing the plate with radiating surfaces so arranged that, although the media into which the radiation takes place may differ, the amount of heat radiated from each side of the plate may be practically the same; and thus there may be no tendency of the plate to "buckle." Or this tendency to "buckle" may be regulated by varying the surfaces of the two sides of the plate. Since the effect of these variations in the surface giving out or absorbing heat will depend upon so many things in or around the furnace, it will be impossible, at present, to lay down any fixed rule, but the variations will probably have to be determined by experiment in each particular furnace.

Again, in the Harvey and kindred processes, where elements or compounds are caused by means of heat to impregnate the surface of armor plates, the penetration of these foreign substances extends only to a limited distance from the surface, and varies to a certain extent inversely as the depth therefrom. Now, if by deep cuts or currugations or pockets the area of the surface is increased, then the amount of material affected by these hardening and toughening agents is increased; and if these projections or corrugations be rolled or pressed down afterward to form a smooth surface, then the depth of harveyized material under that surface will be increased approximately in proportion to the comparative areas of the surfaces before and after rolling. Moreover, where a given thickness of impregnated material is desired, the time necessary for carrying out the process will be shortened in proportion to the increased area of exposed surface. This is very important, as the time required for treating an armor plate under the Harvey process is ordinarily from ten days to three weeks, entailing great expense in maintaining the amount of heat required.

My process also diminishes the serious scaling in such processes of cementation or conversion both by decreasing the time and by permitting the same effects to be obtained at a lower temperature, thus, in the latter case, extending the life of the furnace. Since the higher percentage of graphitic carbon renders that part of the plate softer at the same high temperature, these carburized corrugations or projections are readily rolled or pressed down into a smooth surface without danger of overheating the plate. In addition, work done on the plate will be concentrated on this corrugated surface due to its greater softness, thus improving that surface which is exposed to greatest strains and which in the unworked surfaces of other processes is known to be lowered in quality and toughness by the heterogeneous mixture of graphitic carbon. Moreover, by this means, the percentage and extent of carburization may be controlled by the shape and dimensions of ridges or corrugations; that is, when these ridges are made narrow and deep, the percentage of carbon will be high, while the depth of its penetration will be comparatively slight. By introducing other shapes, the gradation of carbon from the carburized to the uncarburized portion of the plate may be made more or less abrupt, superficial, or deep, and in this way a high carbonizing and hence great hardening effect may be extended deeply into the plate, without permitting the loss of toughness to lower the quality of a large depth of plate. This applies particularly to the case where carburizing is applied directly to the ingot on which these ridges are provided, the metal in this case being subjected to an annealing process, as it were, while the carburizing is being carried on. The ingot will not only be benefited by the annealing process, but, the specific gravity of the metal being less than in the forged metal, the process will be more rapid. And by means of the enlargements of surface as herein described, the carburizing in any form may be carried to any desired depth without rendering the back of the plate brittle or too high in carbon.

Figures 1 and 2 represent cross sections of plates having one side or face smooth and the other face corrugated or dentated as at *a*. Fig. 3 represents a cross section of an armor plate that has its front face indented with compound corrugations as at *a*. The shaded portion *b* of the said plate indicates the depth to which the carburizing of said plate would extend. Fig. 3ª represents a cross section of the same plate shown in Fig. 3 after the corrugations are rolled down, the carburized portion *b* of the plate being represented by shade lines. Fig. 4 represents a cross section of a carburized indented plate, the carburization being shown in shaded lines as at *b*. When rolled out flat this plate would resemble that shown in Fig. 3ª. Fig. 5 represents a front view of a plate having its radiating or absorbing surface increased by a plurality of hatchings *a* crossing each other in the face of the plate. Fig. 6 represents a front view of a plate provided with a number of elliptical grooves *a* in the face thereof, the said grooves being spaced farther apart toward the outer edges of the plate, whereby the radiating surface of the center of the plate may be increased and the plate may be caused to cool more uniformly. Fig. 7 is similar in every respect to Fig. 6, except that the elliptical grooves are replaced by coarse indentations or chiselings *a*, which are deeper and more frequent near the center of the plate than toward the edges thereof, whereby greater uniformity in the cooling of the plate is obtained. Figs. 8 and 9 represent cross sections of hollow cylindrical bodies having their radiating interior surfaces largely increased by indentations such as are shown at *a*. The tendency of hollow cylinders constructed in these shapes would be to facilitate the transmission of heat from without and to retard the transmission of heat from within. This construction would rather be of advantage for water tubes for boilers than for armor, however. It will be evident that forgings or castings of this shape might be carburized from both sides and thus completely through. Fig. 10 represents a cross section of a stellated body indented as at *a* and inclosing a cylindrical chamber. Armor for conning towers, smoke stacks, and the like might be readily carburized while in this shape and then forged down to a cylindrical exterior, thus giving greater depth to the carburized surface than where cylindrical bodies are so treated. Fig. 11 illustrates a combination of the types shown in Figs. 9 and 10 and represents a steel casting or forging readily adapted for carburizing from both sides or all the way through. Fig. 12 represents a cross section of a steel plate corrugated as at *a* on both sides, and adapted to be carburized on either or both sides, and to radiate heat as readily from one side as from the other; and Figs. 13 and 14 represent cross-sections of plates unevenly indented as at *a* upon opposite sides and adapted to radiate heat faster from one side than from the other. These various figures represent types of either castings or forgings on which these increased surfaces have been provided in any convenient way. These castings or forgings are treated by any of the herein described processes, and may be then either left with the ridges intact or may be forged an approximately smooth surface.

The depth of the indentations *a* may not be nearly so deep, relatively, as is shown in the drawings, but the larger the increase of surface the more pronounced will be the effect.

It will be evident, while I have particularly described the advantages of my invention with regard to the carburization, that it is equally applicable to those processes wherein chromium, nickel, nitrogen, and other elements or compounds are introduced into the metal and it is also applicable to all processes of cementation, conversion, casehardening, tempering, and annealing.

From the foregoing it will be seen that my invention consists in so varying the area of surface on one or both sides of the plate or mass of material to be subjected to heat or chemical treatment that the mass may be more readily affected by thermal or chemical agents.

Having thus described my invention, what I claim, and desire to secure by letters patent of the United States, is—

In the manufacture of armor plates, the method of treating the plate or ingot which consists in providing on one of the faces thereof a plurality of grooves or corrugations, in heating the surface so increased in contact with a carburizing agent, in removing the unabsorbed portion of the carburizing agent from the plate, and in forging the projections down to an approximately smooth surface, substantially as and for the purposes described.

In testimony whereof I affix my signature in presence of two witnesses.

ALBERT A. ACKERMAN.

Witnesses:
JOHN C. WILSON.
PERCY C. BOWEN.

[No. 3246 of 1871. Nov. 30. English patent to William Robert Lake, for improvements in the cementation or conversion into steel of wrought iron or articles first made thereof.]

Now, know ye that I, the said William Robert Lake, do hereby declare the nature of the said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

This invention relates to the manufacture of axes, chisels, hammers, saws, augers, and other tools and instruments which are usually made of steel or of malleable iron, or partly of both by welding, and also to the manufacture of rails, axles, and parts of machinery where steel may be substituted for malleable iron, or be usefully combined with malleable iron by welding.

The articles to be treated are made of and with wrought iron first, without, however, finishing them completely, and then converted wholly or partially into steel by immersing them in a bath of molten cast iron free from sulphur or phosphorus and carburized to its utmost capacity. The best cast iron for this purpose is spiegeleisen, but in default thereof such cast iron may be made by melting good malleable iron or blister steel in a cupola furnace with the purest fuel available, that is, as free from sulphur as possible.

The articles are left in this bath a space of time which must vary with the degree of hardness desired to be imparted to the metal and with the size of the articles, and also according to the intention of converting the whole mass into steel or of converting simply the surface so as to retain a core of malleable iron.

Crucibles may be used for treating small objects, but for larger articles, or when large quantities are to be converted, the ordinary reverberatory, furnaces may be used, the bottom of which I build with silicious sand.

After a number of operations with the same bath the cast iron would not be rich enough in carbon, and consequently the heat required to maintain it in a molten condition would be too high, which circumstance might cause the fusion of the parts sufficiently carburized before the underlying layers had attained the proper degree of conversion. To obviate this difficulty, I line the crucibles and the bottom of the furnaces with a brasque of charcoal powder or of plumbago, with which I may incorporate nitrogenous matters, such as cyanides, or animal matters, as leather or horn pulverized, and also black oxide of manganese. This brasque is intended to restore to the bath of cast iron the carbon which may be abstracted from it by the metal during cementation, and to supply the manganese and nitrogen, which may be useful to the steel, but it is not indispensable to the process.

The bath of cast iron may be renewed after each operation by using fresh cast iron or by remelting and recarburizing the same in a cupola furnace in contact with fuel as pure as possible and running it directly from the cupola into the converting furnace over the objects to be cemented. The converting bath may also be covered during the operation with a glass or slag covering to prevent the loss of carbon by contact with the gas of the furnace.

After remaining in the converting bath the time required for the degree of conversion sought for, the converted articles are taken out—or better still, the cast iron is tapped and run off—and the heat in the furnace increased to free the objects from any portion of cast iron which might adhere to them, when it will be found that they are, according as the operation has been conducted, partly or totally converted into steel, the quality of which will depend upon that of the iron used. The articles are then finished by rolling or hammering.

Having thus fully described the said invention as communicated to me by my foreign correspondent, I wish it understood that I do not claim the principle of cementing malleable iron by immersion in molten cast iron, as this was to a certain extent practiced anciently upon lumps of wrought iron; but I claim—

First. The cementation or conversion into steel of articles made of wrought iron by immersing them in a bath of molten cast iron after they have been totally or partially worked into their respective shapes, whereby the heaviest part of the work or the whole of it is accomplished upon wrought iron and not upon steel, and the operation of welding steel upon iron is dispensed with.

Second. The cementation or conversion into steel of articles made of wrought iron by immersing them in a bath of cast iron in fusion in such a way as to convert only the surface of such articles to the required depth, leaving the interior in its original state of malleable iron, thereby producing articles externally as hard as those made of pure steel, with the toughness dependent upon that part of their substance retaining the nature of malleable iron, and free from the inconvenience of imperfect welding.

Third. The use of furnaces to effect such conversion on a large scale.

Fourth. Lining crucibles or furnaces with a brasque of pure carbonaceous matter and nitrogenous substance and oxide of manganese to keep the bath of cast iron to its normal degree of carburization and to supply nitrogen and manganese to the steel.

Fifth. Composing the bath of pure cast iron necessary for such conversion by melting wrought iron or blister steel in a cupola furnace with pure fuel and recarburizing the bath by returning the cast iron to the said cupola furnace whenever required, the whole as above described and for the purposes set forth.

[No. 3064 of 1865. Dec. 1. English patent to Thomas Weatherburn Dodds. Improvements in the manufacture and treatment of railway bars, tyres, and axles, also in the construction of furnaces, machinery, and apparatus connected therewith.]

[Diagrams referred to are omitted.]

Now, know ye, that I, the said Thomas Weatherburn Dodds, do hereby declare the nature of my said invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement, reference being had to the drawings hereunto annexed, and to the letters and figures marked thereon (that is to say):

My invention of "Improvements in the manufacture and treatment of railway bars, tyres, and axles, also in the construction of furnaces, machin-

ery, and apparatus connected therewith," consists in the construction of the cementing or converting furnaces used in steeling the wearing surfaces of railway bars or other material to be operated upon in such a manner that uniformity of heat will be obtained, or the heat can be increased or diminished at any required portion of the furnaces, as may be found desirable, and the railway bars or other material operated upon may be withdrawn when the required depth of steeling has been obtained.

For the purpose of obtaining uniformity of heat in the cementing chambers, chimneys and dampers are applied to each side of the furnace in connection with the side flues, the communication with which chimneys may be separately opened or closed as required, thereby giving facilities for the regulation of the heat not obtained by the use of a single chimney, as usual. Also for the purpose of increasing or diminishing the heat at any required portion of the furnace a series of adjustable flue valves or regulators are applied to openings leading into the side flues.

By another arrangement the cementing furnaces are heated by the waste heat from coke ovens, or the gases generated therein, or from the waste heat of other furnaces, to which coke ovens or furnaces the cementing furnaces are connected by means of communicating flues.

For the cementation of endless tyres the cementing chambers are circular and constructed so that the upper portion or dome thereof can be removed or lifted off its seat and the tyres taken out without letting out the furnace fires or cutting off the connection with the source from which they are heated. The railway bars (or metal in other forms) after undergoing the process of cementation are to be drawn from the cementing furnaces in a heated state, and are then to be passed at once, without reheating, through rolls or under hammers for the purpose of condensing or closing the fibres or crystals of the said bars or other material. The rolls are specially arranged to condense those portions of the railway bars, tyres, or axles where the process of cementation has been applied. For this purpose two, three, or more rolls are or may be employed, and they are arranged as required to suit the form of the railway bar or other article to be operated upon, some of the rolls being adapted for holding the said bar or other article and the other roll or rolls being adapted to condense the cemented surface or surfaces thereof.

Having thus stated the nature of the said invention, I will proceed to describe more particularly in what manner the same is to be performed by reference to the accompanying drawings, in which are represented cementing furnaces and condensing rolls of the construction and arrangement referred to.

DESCRIPTION OF DRAWINGS.

Figures 1 to 8 represent a cementing furnace for railway bars and axles. Fig. 1 is a vertical section taken through the centre of the furnace in the line C D of fig. 3, shewing one end of the furnace; fig. 2 is a similar section taken in the line A B, of the same figure, shewing the other end of the furnace; fig. 3 is a transverse section on an irregular line; fig. 4 is a horizontal section taken on the line L M; figs. 5 and 6 are similar sections taken, respectively, on the lines F G and H I of fig. 3, and fig. 7 is an end view of the furnace. In these several figures the same letters of reference indicate corresponding parts.

a a are the walls and main brickwork of the furnace; *b* is the fireplace; *c c* are the cementing chambers, which extend from end to end of the furnace, and are closed only by doors at each end, being otherwise open to admit of the railway bars or other articles being withdrawn after the process of cementation has been completed; *d d* are flues, which it will be seen, on reference to fig. 3, surround the cementing chambers and communicate with slide flues *e e* leading to the chimneys *f f*. These chimneys *f f* are arranged on each side of the furnace, as shown in the horizontal sections, figs. 4, 5, and 6, and they are provided with dampers *g g* as shown in fig. 7, for the purpose of regulating the draft and the heat in different parts of the furnace as required. By this means uniformity of heat in the cementing chambers may be obtained. *h h* are adjustable flue valves, which are applied to the openings leading into the slide flues. One of these valves is shown detached in fig. 8, and is represented as capable of the required adjustment by means of a curved rack; *k k* are iron binders, by which the brickwork *a a* is bound together in order to resist expansion. In other respects besides those above referred to the construction of these cementing furnaces is well known, and needs no further description, except to state that in some cases the furnaces may be heated by the waste heat of coke ovens, or the gases generated therein, or by the waste heat of other furnaces. In such cases the heat may be conveyed from the coke ovens or other furnaces by means of flues passing into the fireplace or chamber underneath the flues of the cementing furnace.

Figures 9 to 14 represent a cementing furnace for the cementation of endless tyers. Fig. 9 is a longitudinal section of the furnace showing a series of cementing chambers *c c* with a number of endless tyers and cementing material contained in one of them; fig. 10 is a horizontal section on the line A B of fig. 9; fig. 11 is a similar section on the line C D, and fig. 12 is a similar section on the line E F, on the same figure; fig. 13 is a plan view showing the top of one of the cementing chambers; and fig. 14 is a transverse section of the furnace on the line G H of fig. 9. The mode of inserting the tyers in the cementing chambers *c c* will be seen on reference to figures 9 and 12, and also the arrangements of the flues. *d d* are flues surrounding the cementing chambers, which flues receive the heat from the horizontal flues *e e*, leading from the fireplaces, and both the flues *d d* and *e e* lead into a circular flue c^1 (see fig. 12), and thence into the general flue c^2, leading to the chimney *f*. The cementing chambers *c c* in these furnaces are circular, and are fitted with movable tops *l l*, as shown. These tops may be lifted off their seats, when required, by means of a crane or hoist by inserting a hook in the ring *m*. The working and heating of these furnaces are similar to those previously described.

I will now proceed to describe the arrangements of rolls for condensing and hardening the wearing surfaces of railway bars or other articles after they have been withdrawn from the cementing furnaces.

Figures 15 to 17 represent an arrangement of rolls for condensing and hardening the wearing surfaces of railway bars. Fig. 15 is an end elevation, fig. 16 is a plan view, and fig. 17 a side elevation of a suitable frame in which are mounted a pair of vertical rolls, A A, and a pair of horizontal rolls, B B. The upper vertical roll and the two horizontal rolls are adjustable by means of screws, as shewn. In the arrangement shewn the two horizontal rolls and the bottom vertical roll are caused to act as holding and supporting rolls, and the vertical roll alone is adapted for condensing the upper wearing surface of the railway bar C, which is represented as being passed through the rolls after having been drawn from the cementing furnace. It will be seen, on reference to fig. 15, that the upper roll A is capable of being adjusted by means of the screws D D, so as to regulate the degree of pressure to be applied to the surface of the bar C, in order to condense the cemented portion of the bar and produce the required density of the same.

The object of this arrangement of rolls is not to give the required sectional form to the railway bars which are passed through them, but only to condense and harden the cemented or steeled surfaces of such bars by the action of the upper vertical roll A, the arrangement of the remaining rolls being adapted for holding and supporting the bar under operation in such a manner as to secure the bar against alteration in its sectional form by the condensing action of the upper roll.

From the foregoing description of my invention it will be readily understood that the operation of steeling and hardening the wearing surfaces of railway bars, tyres, and axles consists in first placing these articles in the cementing chambers of the furnaces containing a mixture of any carbonaceous matter, as charcoal, by preference, potash, or other alkaline matter, and carbonate or bicarbonate of lime, or matter containing lime. The proportions in which I prefer to use these ingredients are ninety-six parts of charcoal, one part and a half of alkaline matter, and two parts and a half of lime by admeasurement, but I do not confine myself to these exact proportions. Then, after the railway bars or other articles have been treated so as to receive the required depth of steel on their surface, they are withdrawn without letting down the heat to any great degree, while the operation of charging and discharging the furnaces is going on, and are introduced without reheating between the sets of rolls A and B, by the action of which rolls the wearing surfaces become condensed and hardened as required.

Instead of using rolls as described, the said wearing surfaces may, if preferred, be condensed by hammering with any convenient arrangement of hammers. Also in some cases it may be necessary to have recourse to reheating the railway bars or other articles after they are withdrawn from the cementing furnaces. I mention this in order to show that while the said furnaces, according to my invention, are constructed so as to admit of the railway bars or other articles being withdrawn and condensed without reheating, these articles may, when necessary, be reheated.

Having thus described the nature of the said invention, and in what manner the same is to be performed, I hereby declare that what I claim as of my invention is—

First. The manufacture and treatment of railway bars, tyres, and axles so as to produce the steeling and hardening of the wearing surfaces by the combined use of the cementing process and the condensing rolls or hammering, as hereinbefore described.

Secondly. The use of cementing surfaces for railway bars and axles, with an arrangement of chimneys, dampers, and adjustable flue valves as hereinbefore described.

Thirdly. The use of cementing furnaces for tyres constructed as hereinbefore described.

Fourthly. The use of cementing furnaces as described, whether heated by their own fireplaces or by the waste of coke ovens or of other furnaces.

And, lastly, the arrangement of rolls for condensing the railway bars or other material without reheating, after having been previously treated in the cementing furnaces, as hereinbefore described.

Senator CHANDLER. Have you now given us all the information you are able to give as to the Corey patent?

Mr. STAUFFER. The Corey application was assigned to the Carnegie Steel Company, Limited, of Allegheny County, Pa., June 4, 1895, and recorded June 5, 1895.

Senator CHANDLER. You will insert a copy of the abstract of title.

Mr. STAUFFER. Yes, sir.

The abstract of title referred to is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing, found of record up to and including February 26, 1896, under or relating to letters patent granted to William E. Corey, Munhall, Pa., assignor to the Carnegie Steel Company, Limited, June 25, 1895, No. 541594. "Steel armor plate and process of making same."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignor.	Assignee.	Date of assignment.	Date of record.
William E. Corey.	The Carnegie Steel Company, Limited, Allegheny Co., Pa.	June 4, 1895	June 5, 1895

Invention.	Territory assigned.	Liber.	Page.
Steel armor plates and process of making the same. Application executed June 4, '95. June 25, '95; 541594.	Exclusive right, title, and interest in said invention. Patent to issue to said assignee. Agrees to execute reissue papers; $1 and other considerations.	Y 51 ..	219

THE SCHNEIDER PATENTS.

Senator CHANDLER. Are you able to give us any information as to the patents of Henri Schneider?

Mr. STAUFFER. I have copies of two patents to Henri Schneider, of Creusot, France, the first one, No. 415655, dated November 19, 1895, being a process for manufacturing the alloys of steel and nickel.

This invention relates to the manufacture on the hearth or bed of a furnace, as hereinafter described, of steel alloyed with nickel, whereby a product is obtained which is employed in the construction of ordnance, armor plates, gun barrels, projectiles, and other articles for military or other like purposes—commercial sheets or bars, for example. In order to manufacture this combination or alloy of steel and nickel upon a bed or hearth in such a manner as to obtain a homogeneous steel free from flaws or hollows, it is necessary, on the one hand, to avoid oxidizing the nickel before it forms the alloy with the iron, and, on the other hand, it is necessary to cause the incorporation to take place at as early a stage as possible in the operation, or immediately on the commencement of the fusion or liquefaction.

Then he goes on to state—

This alloy may be used in the production of an alloy of steel and nickel either while yet in the molten condition or after cooling and hardening. The alloy of cast iron and nickel, instead of being formed separately, may be

formed in the furnace before proceeding with the subsequent operations, though it is preferred to form it separately. In case it is formed in the furnace itself a bed of anthracite is first prepared in the furnace, and the nickel is placed thereon with the requisite proportion of iron or steel. The whole is then covered with anthracite in order to protect the metal from contact with the air during the fusion. When the charge is melted, the excess of anthracite is removed and charges of iron or scrap are added in succession.

Senator CHANDLER. Please insert a copy of the patent. The patent referred to is as follows:

[United States Patent Office. Henri Schneider, of Le Creuzot, France. Process of manufacturing the alloys of steel and nickel. Specification forming part of Letters Patent No. 415655, dated November 19, 1889. Application filed December 3, 1888. Serial No. 292518. (No specimens.)]

To all whom it may concern:

Be it known that I, Henri Schneider, manager of the firm Schneider & Cie. of Le Creuzot (Saône-et-Loire), in the Republic of France, manufacturers, have invented improvements in the process of manufacturing the alloys of steel and nickel, of which the following is a specification.

This invention relates to the manufacture on the hearth or bed of a furnace, as hereinafter described, of steel alloyed with nickel, whereby a product is obtained which is employed in the construction of ordnance, armor-plates, gun-barrels, projectiles, and other articles for military or other like purposes—commercial sheets or bars, for example. In order to manufacture this combination or alloy of steel and nickel upon a bed or hearth in such a manner as to obtain a homogeneous steel free from flaws or hollows, it is necessary, on the one hand, to avoid oxidizing the nickel before it forms the alloy with the iron, and, on the other hand, it is necessary to cause the incorporation to take place at as early a stage as possible in the operation, or immediately on the commencement of the fusion or liquefaction. This result is attained, according to this invention, by introducing the nickel by the aid of a preliminary melt or mixture in fusion, containing, say, for example, about thirty per cent of nickel, sixty-three per cent of iron, three per cent of carbon, and two of manganese and silicon, this melt being placed on the hearth or bed of the furnace together with a suitable proportion of iron or scrap-steel.

In my concurrent application of even date, serial No. 292520, I have described the production of an alloy of cast-iron and nickel. "This alloy may be used in the production of an alloy of steel and nickel, either while yet in the molten condition or after cooling and hardening. The alloy of cast iron and nickel, instead of being formed separately, may be formed in the furnace before proceeding with the subsequent operations, though it is preferred to form it separately. In case it is formed in the furnace itself, a bed of anthracite is first prepared in the furnace and the nickel is placed thereon with the requisite proportion of iron or steel. The whole is then covered with anthracite in order to protect the metal from contact with the air during the fusion. When the charge is melted, the excess of anthracite is removed and charges of iron or scrap are added in succession." Waste or scrap steel alloyed with nickel obtained by preceding operations is to be employed in these charges, preferably in the first. From this time the operation is conducted on the hearth or open furnace in the same way as in making ordinary steel, care being at the same time taken to continually protect the bath from oxidation by means of a layer of slag or cinder, which is renewed as required, and also to take precautions to prevent redshortness in the metal before the final introduction of the recarbonizing and manganiferous silico-spiegel iron or ferro-manganese.

The steel manufactured according to this invention usually contains about 5 per cent of nickel—a quantity sufficient to impart a remarkable degree of strength to the product; but the invention is not limited to this proportion.

Steel alloyed with nickel according to this invention is especially adapted or suitable for use in the construction of ordnance, armor-plates, gun-barrels, projectiles, and other articles employed for military or other like purposes, or the manufacture of commercial sheets, bars, and the like. The percentages of carbon, silicon, and manganese can be regulated according to the degree of hardness required; but in all cases, in order to obtain the best result possible, the product must invariably be tempered in an oil or other bath.

I claim as my invention—

The herein-described process of manufacturing a homogeneous alloy of steel and nickel by first forming an alloy of cast iron and nickel rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, and continuing the operation in the ordinary way; as set forth.

In testimony whereof I have signed my name to this specification in the presence of two subscribing witnesses.

HENRI SCHNEIDER.

Witnesses:
CHARLES BRÉNOY,
LÉON FRANCKEN.

Mr. STAUFFER. The abstract of title is also submitted. The abstract of title is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 26, 1896, under or relating to letters patent granted to Henri Schneider, Le Creuzot, France, November 19, 1889, No. 415655, "Process of manufacturing the alloys of steel and nickel."

In testimony whereof, I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

Assignors.	Assignees.	Date of assignment.	Date of record.
Henri Schneider..	Nickel Steel Syndicate, Limited, London, England.	Mar. 26, 1891	Apr. 13, 1891
The Nickel Steel Syndicate, Limited.	Schneider et Cie., "Société en commandite, sous la dite raison sociale," of Le Creuzot (Saône-et-Loire), France.	Aug. 18, 1892	Dec. 27, 1892

Invention.	Territory assigned.	Liber.	Page.
Process of manufacturing the alloys of steel and nickel, Nov. 19, 1889, 415655.	All the right, title, and interest in said letters patent. Consideration, $5.	T44	88
Process of manufacturing alloys of steel and nickel, Nov. 19, 1889, 415655, and other patents.	Entire right, title, and interest in said inventions and letters patent, with all of said assignor's claims for royalties, profits, or damages from past use or infringement, $5 and other considerations.	F47	393

Mr. STAUFFER. The second Schneider patent, No. 415657, is for a process of manufacturing the alloys of cast iron and nickel. The patent referred to is as follows:

[United States Patent Office. Henri Schneider, of Le Creuzot, France. Process of manufacturing the alloys of cast iron and nickel. Specification forming part of Letters Patent No. 415657, dated November 19, 1889. Application filed December 3, 1888. Serial No. 292520. (Specimens.)]

To all whom it may concern:

Be it known that I, Henri Schneider, manager of the firm Schneider & Cie., of Le Creuzot (Saône-et-Loire), in the Republic of France, manufacturers, having invented improvements in manufacturing the alloys of cast iron and nickel, of which the following is a specification:

This invention has reference to the manufacture on a commercial scale of cast or pig iron alloyed with nickel.

Many experiments have heretofore been made with alloys of iron or steel and nickel, and it is known that the addition of a small proportion of the latter metal to the former imparts thereto properties very valuable for certain uses. It is, however, extremely difficult to incorporate nickel with iron and steel, particularly when it is attempted to produce these alloys on a commercial scale. I have discovered that such alloys can be produced by making, as a preliminary product, an alloy or compound of cast-iron and nickel in a crucible, cupola, or open-hearth furnace. This product or alloy, while specially useful for the manufacture of iron and nickel and steel and nickel alloys, may be used for castings for a variety of purposes, and the present application is confined to the production of the cast-iron alloy.

The manufacture of alloys of nickel and steel forms the subject-matter of another application filed December 3, 1888, Serial No. 292518.

In carrying out my invention I charge a suitable furnace with nickel filings or scrap or waste nickel and ordinary cast or pig iron with carbonaceous matter; or the nickel may be in the form of nickelized compounds or coke. The operation may advantageously be carried on in a reverberatory furnace under a layer of anthracite to avoid oxidation. The alloy, which issues as a direct product of the furnace, contains from five to thirty per cent of nickel, (though the invention is not limited to these proportions,) and is remarkable for its great elasticity and strength, and also for a true tenacity and malleability—properties which may be still further developed by chilling or tempering in well-known ways. The alloys are consequently suitable for use in the manufacture of castings of all descriptions, and to the production of armor-plates, projectiles, and the like.

I claim as my invention—

1. The herein-described process of manufacturing alloys of cast-iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a composition containing nickel, and melting together, as set forth.

2. The herein-described process of manufacturing alloys of cast-iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound, and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.

3. The herein-described alloy of cast-iron and nickel rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth.

In testimony whereof I have signed my name to this specification in the presence of two subscribing witnesses.

HENRI SCHNEIDER.

Witnesses:
CHARLES BRÉNOY,
LÉON FRANCKEN.

Mr. STAUFFER. The abstract of title of the second Schneider patent is also submitted. The abstract of title is as follows:

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the digest of this office of all assignments, agreements, licenses, powers of attorney, and other instruments of writing found of record up to and including February 26, 1896, under or relating to letters patent granted to Henri Schneider, Le Creuzot, France, November 19, 1889, No. 415657, "process of manufacturing the alloys of cast iron and nickel."

In testimony whereof I, John S. Seymour, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-six, and of the independence of the United States of America the one hundred and twentieth.

[SEAL.] JOHN S. SEYMOUR, *Commissioner.*

[United States Patent Office. Copy made February 28, 1896.]

Assignors.	Assignees.	Date of assignment.	Date of record.
Henri Schneider..	Nickel Steel Syndicate, Limited, London, England.	Mar. 26, 1891	Apr. 13, 1891
The Nickel Steel Syndicate, Limited.	Schneider et Cie "Société en commandite, sous la dite raison sociale," of Creuzot (Saône-et-Loire), France.	Aug. 18, 1892	Dec. 27, 1892

Invention.	Territory assigned.	Liber.	Page.
Process of manufacturing the alloys of cast iron and nickel. Nov. 19, 1889. 415657.	All the right, title, and interest in said letters patent. Consideration, $5.	T44...	84
Process of manufacturing alloys of cast iron and nickel. Nov. 19, 1889. 415657 and other patents.	Entire right, title, and interest in said inventions and letters patent, with all of said assignor's claims for royalties, profits, or damages from past use or infringement; $5 and other considerations.	F47...	338

Senator CHANDLER. Wherein does the second Schneider patent differ from the first one?

Mr. STAUFFER. The second patent, as I have said, is also for a process of manufacturing the alloys of cast iron and nickel. The difference, as I see it, is that in the second one the iron and steel are charged into the furnace with carbonaceous material. In the first patent that is omitted.

Senator CHANDLER. And the different process was deemed the proper subject of a new patent?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. There is only one point in reference to these processes about which I wish to be informed. Does the nickel which enters into the armor plate, when these processes are used for making armor, go through the whole plate, or is it merely introduced into the surface of the plate? Is there a homogeneous mass of nickel and steel, or is there a heavy steel armor plate into the surface of which for some depth nickel is introduced so as to harden the surface?

Mr. STAUFFER. This alloy would be a uniform product—that is, the nickel and steel would be uniformly distributed, or it should be if the alloy is complete.

Senator CHANDLER. Throughout the whole mass of armor plate?

Mr. STAUFFER. Yes, sir.

Senator CHANDLER. Do you understand that to be the fact from an examination of the patents?

Mr. STAUFFER. These patents are not so much for the production of armor plates as for the alloy that may be used therein.

Senator CHANDLER. Is there any description of the use of these processes as applicable to armor?

Mr. STAUFFER. Not particularly.

Senator CHANDLER. So you do not discover from the patents whether or not, if the alloys were to be used in making armor, the whole plate would be made of alloy or only the surface of it?

Mr. STAUFFER. I believe there is nothing to show as to that point.

Senator CHANDLER. You may state whether there was any contest over the issue of the Schneider patents.

Mr. STAUFFER. There was over the first one. I have here copies of the examiner's statement of his ground of rejection, the attorney's brief on appeal, and the decision of the examiners in chief.

Senator CHANDLER. Please annex those to your statement.

The papers referred to are as follows:

No. 12815.] UNITED STATES PATENT OFFICE, *October 26, 1889.*

Before the examiners in chief, on appeal.

Application of Henri Schneider for a patient for an improvement in the manufacture of alloys of steel and nickel, filed December 3, 1888. Serial No. 292518.

Mr. A. Pollok for appellant.

The claim appealed is:

"The herein-described process of manufacturing an homogeneous alloy of steel and nickel, by first forming an alloy of cast iron and nickel, rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, continuing the operation in the ordinary way, as set forth."

The references are British patents Nos. 1863, 1861; 3268, 1873; 1194, 1876.

This application is based upon application serial No. 292520, filed concurrently therewith, also on appeal, for a process of manufacturing a homogeneous, tenacious, and temperable alloy of cast iron with a considerable proportion of nickel by charging a suitable furnace with pig iron, nickel, or a nickel compound, and carbonaceous matter, and melting together. This alloy is an ingredient in the present compound, and its formation constitutes the first step of the present process. Having obtained this basis, the next step is to place the alloy upon the hearth or bed of an open-hearth furnace, together with a suitable proportion of iron or scrap steel; or, in case the alloy is formed in the furnace itself, a bed of anthracite is first prepared in the furnace and the nickel is placed thereon with the requisite proportion of iron or steel, when the whole is covered with anthracite to protect the metal from oxidation during the fusion. When the charge is melted, the excess of anthracite is removed and charges of scrap iron or scrap steel are added in succession, preferably nickeliferous scrap steel derived from previous operations. Thenceforward the procedure is the same as ordinarily pursued in making steel by the open-hearth process, care being taken to prevent oxidation by the usual means. The product has been found to possess remarkable and novel fitness for military and naval purposes by reason of its unusual strength, toughness, and durability.

We do not find this process fully set out in either of the references relied on. In the British patent of 1861 the patentee aims only to produce a refined or puddled iron with an infinitesimal proportion of nickel. The metals which he introduces he says "are applied when the iron is in a state of fusion when refining or puddling iron." The provisional specification of 1873 proposes to add about 1 per cent of nickel to iron when in a state of fusion, and he says this cast iron can be afterwards converted into wrought iron and steel by any of the known processes. We do not find in this such a complete and full disclosure of appellant's process, either as a patent or a printed publication, as can defeat an application for patent for a completely disclosed invention fully reduced to practice.

The British patent of 1876 (Garnier's process), page 11, line 20, is referred to. The patentee says:

"To obtain these alloys of iron and nickel it is sufficient to combine the cast nickel and iron in suitable proportions in the various operations of transformation of the cast iron and wrought iron, cast malleable iron and steel."

He mentions the utility of such alloys for military purposes, but he does not disclose a clear and practical formula of procedure for their manufacture, much less appellant's specific process herein claimed.

We think appellant can take a valid patent in view of either of these citations. The invention is a very valuable one, not patented, known, or used in this country, and its great utility, of which there is ample evidence, forms a very strong presumption of novelty in appellant's favor. The examiner's decision is reversed.

H. H. BATES,
R. L. B. CLARKE,
Examiners in Chief.

(Third member absent.)

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[United States Patent Office. In re application Serial No. 292518. Henri Schneider, "manufacturer of alloys of steel and nickel." Filed December 3, 1888. Before the board of examiners in chief on appeal.]

EXAMINER'S STATEMENT.

OCTOBER 11, 1889.

The claim is:

"The herein-described process of manufacturing an homogeneous alloy of steel and nickel, by first forming an alloy of cast iron and nickel, rich in the latter metal, as specified, and charging such alloy into a furnace of the character indicated, with the usual ingredients for the production of steel, continuing the operation in the ordinary way, as set forth."

The references are: British patents No. 1863, July 24, 1861, Longmaid (treating molten iron, alloys), page 4, lines 23 to 30; No. 3268, October 9, 1873, Delalot (alloys), page 2, lines 4 to 10; No. 1194, March 20, 1876, Lake (reducing and separating, nickel), page 11, line 20.

All these references describe forming alloys of cast iron and nickel, which alloys are subsequently used instead of ordinary cast iron in the manufacture of wrought iron and steel in the usual manner.

Respectfully submitted.

F. P. MACLEAN,
Examiner, Division III.

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[Amount received, $10, chief clerk. Henri Schneider, alloys of steel and nickel, filed December 3, 1888. No. 292518.]

WASHINGTON, *October 3, 1889.*

SIR: Appeal is hereby taken to the board of examiners in chief from the decision of the primary examiner rejecting the above-entitled application.

The ground of the appeal is that the references cited by the examiner are insufficient in law to constitute an anticipation of applicant's process.

Respectfully submitted.

A. POLLOK, *Attorney.*

Hon. COMMISSIONER OF PATENTS.

(Indorsed:) No. 12815. Serial No. 292518. Paper No. 1. Reasons of appeal, Filed October 3, 1889, Henri Schneider. Examiners in chief, October 12, 1889. U. S. Patent Office.

Senator CHANDLER. State for our immediate information with what inventions, whether American or foreign, the Schneider processes were compared.

Mr. STAUFFER. With several British patents numbered, respectively, 1863 of the year 1861, 3268 of the year 1873, and 1194 of the year 1876.

Senator CHANDLER. Who was the examiner who passed upon the applications?

Mr. STAUFFER. F. P. MacLean. I here file briefs of these British patents.

[British, No. 1863, July 24, 1861. Longmaid, "Manufacture of iron."]

This invention has for its object improvements in the manufacture of iron and is peculiarly applicable when refining or puddling iron.

The invention consists in adding either silver, aluminium, copper, tin, nickel, or magnesium, or compounds of these metals, in very small quantities to iron when it is in a state of fusion while being refined or puddled. If silver or tin or nickel be used, then it is first made into an alloy by melting it with iron or with copper, and the proper proportion of such alloy is introduced into the melted iron when being refined or puddled, or otherwise. When copper is used it is first melted with iron, and the proportion of the alloy is introduced into the iron when it is in a state of fusion. I have found that when an exceedingly small quantity of silver or copper or tin or nickel is introduced into iron when it is in a state of fusion a very marked improvement in the wrought iron thus manufactured is produced, and the quantity of silver should not exceed 10 ounces to the ton of iron, the quantity of copper should not exceed 20 pounds to the ton of iron, the quantity of tin should not exceed 4 pounds to the ton of iron, and the quantity of nickel should not exceed 4 ounces to the ton of iron; and I have reason to believe from the experiments I have made that in all cases the most beneficial results are to be obtained by using these metals in much less quantities than what are above given.

I am also aware that nickel has been used to alloy iron for special purposes, but in very much larger proportions than I have found useful when alloying iron with nickel for general purposes.

When I employ nickel in alloying iron, I in no case exceed four ounces of this metal to one ton of iron, and I mix oxide of nickel with a few pounds of iron, in a divided or granular condition (or oxide of iron may be used), with carbon, and fuse the mixture in a crucible, and pour it into an ingot mould; the result will be an alloy of nickel and iron. The ingot thus produced, containing a quantity of nickel sufficient for a charge in the furnace, is introduced into the furnace in contact with the iron when in a state of incipient fusion; the manufacture then proceeds in the ordinary manner of refining or puddling iron. The alloyed iron thus produced will be greatly improved in quality.

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[British, No. 3268, October 9, 1873. Delalot, "Manufacture of iron and steel."]

The object and intention of this invention is to render iron and steel proof against rust when exposed to the action of the atmosphere, water, or other natural oxidizing agent.

The means by which I propose to accomplish the above object are as follows: I take iron or steel, and having placed it in a suitable vessel or cupola,

proceed to melt it to a liquid or semifluid state by subjecting it to that point of fusion commonly practiced for casting into moulds or ingots. I then add thereto nickel in the following proportions of the nickel to the iron or steel: To every 220 pounds 6 ounces of iron or steel I add 2 pounds 3 ounces and 3 drachms of nickel, or as near as may be 1 part, by weight, of nickel to every 100 parts, by weight, of iron or steel. After these two metals have been in contact for ten or fifteen minutes they will have become thoroughly mixed and incorporated, when the molten mass can then be run into moulds or ingots.

Cast iron treated in the above manner can afterwards be converted into wrought iron and steel by any of the known processes, and will be found equal in quality to iron and steel as heretofore manufactured by the most approved processes, and will only differ therefrom by having acquired the novel and peculiar property of being perfectly inoxydizable or not capable of being injuriously affected by the action of the atmosphere, water, or other of the common oxydizing agents or influences which now oxydize iron and steel as heretofore manufactured.

I would here observe that instead of employing nickel only, the nickel may be mixed with cobalt in about equal proportions by weight of each of these ingredients, or cobalt only may be employed instead of the aforesaid mixture of nickel and cobalt, in which latter case I use the cobalt in the same proportion to the iron or steel as when using nickel or nickel mixed with cobalt, namely, about 1 part of cobalt to every 100 parts of iron or steel.

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[British, 1194, March 20, 1876. Lake, "Manufacture of nickel from its oxides, etc."]

The first part of the specification relates to obtaining pure nickel.

The nickel ore is sorted, washed, ground fine, mixed with a flux, such as calcium carbonate, fluorspar, borax, white glass, etc., and with coal dust, lampblack, or other reducing substance. The mixture is then agglomerated with some binding material, as tar, resin, oil, etc., reduced in crucibles, blast furnace, muffle furnace, or reverberatory furnace, and then cast into ingots.

The manufacture of ferro-nickel or the introduction of nickel in the condition of an alloy of iron in the metallurgy of iron is as follows: There have been several reasons up to the present time against employing alloys of iron and nickel, the principal one being that nickel was too rare and too costly to enter into commercial metallurgy of iron; moreover, the nickel of commerce being always mixed with copper, sulphur, arsenic, and like matters, which, it is well known, when in the presence of iron, render the latter brittle, and the alloy also, of which it forms a part. This difficulty explains the divergence of opinions held and the rare attempts which have been made to alloy nickel with iron for manufacturing purposes. But with "garnierite" these inconveniences no longer exist; the abundance of the ore and its purity certainly remove the obstacles which I have pointed out as regards the production of alloys of iron and nickel. Moreover, instead of trying to remove the iron from the nickel ores as heretofore, I allow it to remain in these ores, and I add some as above described, but only in cases where I have not to produce an alloy containing metals which mix badly with iron, such as copper.

The employment of cast iron, melted iron, and steel alloyed to a proportion of nickel variable according to circumstances forms an important feature of this invention. The nickel which I add improves the qualities of the iron, whether with regard to resistance, malleability, or inoxidability. To obtain these alloys of iron and nickel it is sufficient to combine the cast nickel and iron in suitable proportions in the various operations of transformation of the cast iron and wrought iron, cast malleable iron, and steel. I employ this cast iron and nickel for art castings. The wrought iron, malleable cast iron, and steel with nickel, which I call ferro-nickel, serve advantageously for the manufacture of barrels of firearms, ordnance, knife blades, swords, and the like, chain cables, cables but slightly subject to oxidation for coal mines, nails for ships, and like purposes, it being understood that in these various cases the yield in nickel of the ferro-nickel will vary according to the desirability of more or less high degree of tenacity, malleability, and inoxidability.

With regard to plates for boilers I would remark that the plates which are now used of cast iron or steel, and even those of puddled iron, deteriorate rapidly; inside of the boiler they become oxidized under the influence of the pressure of heat and of contact with water, especially when they contain manganese. With the ferro-nickels these deteriorations will be much less rapid.

Castings with a base of nickel and iron will also be necessary for my various alloys, with a base principally of nickel and iron, and the said invention comprises the manufacture of this casting or melting by a simple addition, either in blocks or otherwise, of New Caledonian nickel ore in the fusion bed of blast furnaces such as now used. Through these blast furnaces, also, the scoria and dross may be passed.

Mr. STAUFFER. I also furnish a similar statement as to the second case. It was appealed, and I have a copy of the examiners' statement, the attorney's brief on appeal, and the examiners' ground of decision.

Senator CHANDLER. That is exactly what we want.

Mr. STAUFFER. I will hand the papers to the reporter. Some of the references are the same in each case.

The papers referred to are as follows:

No. 12817.] UNITED STATES PATENT OFFICE, *October 26, 1889.*

Before the examiners in chief, on appeal.

Application of Henri Schneider for a patent for an improvement in the manufacture of alloys, etc., filed December 3, 1888. Serial No. 292520.

Mr. A. Pollok for appellant.

The claims appealed are:

"1. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a composition containing nickel, and melting together, as set forth.

"2. The herein-described process of manufacutring alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound, and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.

"3. The herein-described alloy of cast iron and nickel, rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth."

The references are: British patents Nos. 2296 of 1799; 10071 of 1845; 163, 1861; 3268, 1873; 1194, 1876; German patent No. 28924 of 1884.

The applicant sets out with the admission that many experiments have heretofore been made with alloys of iron and steel with nickel, which have been so far successful as to indicate the high value which such alloys would have for many purposes in the arts. He denies, however, that such experiments have ever been carried forward to completeness in practical form so as to afford to the public either a useful commercial product or the information requisite to put such a product on the market. He claims to have for the first time reduced such invention to practical form, and those who have seen the product and its tests at the Creuot works in France, among whom is the officer of the United States Navy through whom the Government derived its information, bear witness to its extreme value and practical novelty. Appellant having thus fully reduced his invention to practice, would occupy the same position, as prior inventor in the patentable sense, against mere former scientific theories or laboratory experiments, as though he were contestant in an interference proceeding to determine priority of invention under the same state of facts.

The present application for making a homogeneous temperable alloy of iron rich in nickel is subsidiary to the final process for making a steel and nickel alloy suitable for armor plates of vessels, but none the less important on that account. The success of appellant's results on the large scale pursued by him are no doubt attributable to the peculiarity of his mode of procedure, in which lies the main patentable feature. He specifies that he charges into a suitable furnace, cupola, open-hearth, crucible, scrap or waste nickel or nickeliferous compounds with pig iron and carbonaceous matter. The metals are fused together in the presence of the carbonaceous matter, and flow as a direct product of the furnace in the form of a homogeneous alloy while melted. The most important use so far discovered of this product is as an element in the formation of nickeliferous steel, analogous to the use of spiegeleisen, for the production of armor plates for vessels of very high resistant quality.

A number of references are cited against both the process and the product. The first is the British patent No. 2296, 1799. This patent proposes to fuse together cast iron and nickel in certain varying proportions to cast culinary vessels from. No process except this hint of fusion is disclosed, and it is denied that the resulting mixture would be an alloy.

The British patent No. 10071, 1845, proposes to add copper, tin, nickel, or antimony to cast iron "while fluxing," to hinder its oxidation and render it less brittle. No other process is described.

The British patent No. 1863, 1861, proposes to add various metals in homeopathic quantities to iron, among which nickel is mentioned. The nickel is to be introduced into the iron when it is in a state of fusion (different process), and the amount is specified not to exceed 4 ounces to the ton of iron—an inappreciable quantity as an alloying substance.

The British patent No. 3268, 1873, received provisional protection only, and proposed to reduce the tendency of iron to rust by introducing into it, when in a state of fusion, about 1 per cent of nickel. The process is not appellant's process, and the product is not "rich in nickel," nor distinguished by the properties claimed for appellant's alloy.

The British patent, No. 1194, 1876, relates to the manufacture of nickel and its alloys from its oxides, or silicates, or other salts (Garnier's process). When the alloy of iron with nickel is the subject of treatment, he fuses together the oxides of the said metals, or he adds to a bath of metallic nickel on a hearth solid ingots of iron, either cold or heated, or iron in a melted condition, in ladles. These alloys, called ferro-nickel, are undoubtedly rich in nickel, and they are described as being valuable for many useful purposes, but it is not clear that they possess all the distinctive properties of appellant's product, and, being derived by a different process, the benefit of the doubt as to identity of product should be given to appellant.

The German patent, No. 28924, 1884, relates to a mixture of iron or steel and nickel, said to be adapted as an anode for the electroplating of metals, but it is not necessarily an alloy.

The most pertinent reference is undoubtedly the Garnier patent of 1876, which deals primarily with ores of nickel very rich in the metal, and contains many suggestions regarding the preparation of its alloys, but these alloys do not appear to have ever become practically known and used on a scale at all commensurate with their vast utility, had they ever been actually produced. In view of the great practical results already achieved by appellant, and their importance in national defense, now for the first time disclosed, we think that the benefit of every doubt should be given him in respect to the grant of letters patent "ut res magis valeat quam pereat." We therefore reverse the examiner's decision.

H. H. BATES,
R. L. B. CLARKE,
Examiners in Chief.

Third member absent.

(Indorsed:) No. 12817. Serial No. 292520. Paper No. 4. Decision filed October 26, 1889. Henri Schneider. Examiners in chief, October 26, 1889, U. S. Patent Office. Recorded, vol. 36, p. 301.

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[United States Patent Office. In re application, serial No. 292520, Henri Schneider. "Manufacture of alloys of iron and nickel." Filed December 3, 1888. Before the board of examiners in chief on appeal.]

EXAMINER'S STATEMENT.

The claims rejected are:

"1. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a composition containing nickel, and melting together, as set forth.

"2. The herein-described process of manufacturing alloys of cast iron and nickel by charging a suitable furnace with cast or pig iron, nickel, or a nickel compound and carbonaceous matter, with a superposed layer of anthracite, and melting together, as set forth.

"The herein-described alloy of cast iron and nickel, rich in the latter metal, said alloy being distinguished by homogeneity, tenacity, capacity for tempering, and by the other characteristics set forth."

The references upon which the rejection is based are, against claims 1 and 2: British patents No. 2296, February 28, 1799, Hickling (treating molten iron, alloys); No. 1194, March 20, Lake, 1876 (reducing and separating nickel); No. 1863, July 24, 1861, Longmaid (treating molten iron, alloys), and No. 3268, October 9, 1873, Delatot (alloys).

Against claim 3: German patent No. 28924, September 18, 1884, Fleitmann (reducing and separating), and British patent No. 10071, November 27, 1845, Poole (cementation and casehardening).

The patent to Hickling describes fusing cast iron and nickel together (page 3, lines 30 to 35). Longmaid's patent describes forming an alloy of cast iron and nickel, which is subsequently used in the manufacture of wrought iron (see page 4, lines 23 to 31).

The patent 1194 of 1876 also describes such alloys (see page 11, lines 1 to 34), as do 10071 of 1845 (page 2, lines 10 to 14, lines 27 to 32), and 3268 of 1873.

The German patent 28924 describes an alloy of iron or steel and nickel, which it expressly states is perfectly adapted for plating metal.

In view of these references, there seems to be no patentability in either the process or the product.

Respectfully submitted.

F. P. MACLEAN,
Examiner, Division III.

(Indorsed:) Serial No. 292520. Paper No. 2. Examiner's statement filed Oct. 12, 1889. No. 12817, Henri Schneider. Examiners in chief, Oct. 12, 1889, U. S. Patent Office.

[Amount received, $10. Chief clerk. Henry Schneider, alloys of cast iron and nickel, filed December 3, 1889. No. 292520.]

WASHINGTON, *October 3, 1889.*

HON. COMMISSIONER OF PATENTS.

SIR: Appeal is hereby taken to the board of examiners in chief from the decision of the primary examiner finally rejecting the above application.

The ground of appeal is that the references cited by the examiner are insufficient in law to constitute an anticipation of applicant's invention, and that applicant's process and the alloy resulting therefrom are novel and patentable.

Respectfully submitted.

A. POLLOK, *Attorney.*

(Indorsed:) No. 12817. Serial No. 292520. Paper No. 1. Reasons of appeal filed October 3, 1889. Henri Schneider. United States Patent Office, October 3, 1889, chief clerk. Examiners in chief, October 12, 1889, United States Patent Office.

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[British No. 103, Jan. 21, 1801. "Manufacture of cast steel." Mushet.]

"My present invention consists in improving cast steel by adding to the said cast steel in the melting pot or crucible granulated pig iron, cast iron, or refined iron, mixed with pulverized titanium ore, or titanic acid, or oxide of titanium, and melting the said cast steel and the said mixture of pulverized titanium ore or titanic acid, or oxide of titanium and granulated pig iron, cast iron, or refined iron together in a melting pot or crucible, or adding the said mixture of pulverized titanium ore or titanic acid, or oxide of titanium and granulated pig iron, cast iron, or refined iron together in a melting pot or crucible, or adding the said mixture of granulated pig iron, or refined iron and pulverized titanium ore or titanic acid or oxide of titanium to and melting it with any mixture of materials which when melted produces cast steel. Instead of using titanium in an oxidized state, the said titanium may be employed in a reduced or metallic state, as hereinafter more fully explained.

"The ores of titanium I prefer to employ for my process are iserine and ilmenite, and which are also termed titaniferous iron ores, as these ores are found in great abundance, can be cheaply procured, and afford excellent results; but other ores of titanium and titanic acid or oxide of titanium may nevertheless be used for my process. Iserine contains from eight to twelve per centum of titanic acid, the residue being chiefly oxide of iron. Ilmenite contains from twenty to fifty per centum of titanic acid, the residue being principally oxide of iron.

"I prepare the ores of titanium for my process by pulverizing them so as to pass through a sieve of from 1,600 to 4,900 meshes per square inch, observing that the finer the said ores are pulverized the better are they adapted for my purpose, but I do not confine myself to any specific degree of pulverization of the said ores.

"I prepare the pig iron or refined iron for my process by granulating the said iron in any convenient manner.

"To one pound of pulverized ilmenite or iserine I add from five to fifteen pounds of the granulated pig iron or cast iron, or from ten to twenty-five pounds of the granulated refined iron, and I mix the pulverized titanium ore and the granulated ore thoroughly. I do not, however, confine myself to the relative proportions of pulverized ore of titanium to granulated pig, cast, or refined iron herein set down, for these may be varied without departing from the nature of my invention, but I have found in practice that these proportions afford excellent results.

"When pig iron or cast iron granulated is mixed with pulverized ilmenite or iserine, as herein described, I call the mixture No. 1; and when granulated refined iron is mixed with pulverized ilmenite or iserine in the manner I have herein described, I call the mixture No. 2; and these mixtures, namely, No. 1 and No. 2, are ready for use in my process.

"When in carrying my invention into effect I operate upon steel or upon any mixtures of steel of various descriptions, I take the said steel or mixtures of various steels when they are about to undergo the process of melting into cast steel and I treat them in the following manner: When blister steel, bar steel, scrap steel, puddled steel, or cast steel of any description cut or broken up for the purpose of remelting, or any mixtures of the said varieties of steel with each other, or with malleable iron, or with carbonaceous matter, or with both malleable iron and carbonaceous matter in such proportions as to produce, when melted, cast steel, are intended to be melted in a melting pot or crucible placed in a suitable melting furnace and heated therein, in each case I introduce into the melting pot or crucible a quantity of mixture No. 1 or of mixture No. 2 along with the steel, or mixtures of steel with each other, or with malleable iron, or with carbonaceous matter, or with both malleable iron and carbonaceous matter, and I heat the said substances in the melting pot placed in a suitable melting furnace until the mixture No. 1 or No. 2, as the case may be, and the steel in the melting pot are melted and combined. I then withdraw the melting pot from the furnace and pour the steel into an ingot mould or other suitable mould.

"The quantity of the mixture No. 1, or of the mixture No. 2, which I add to 40 pounds of steel, or of any such mixture of materials as when melted produces cast steel, may be varied; but in practice I have found that from 5 pounds to 15 pounds of No. 1 mixture and from 10 pounds to 25 pounds of No. 2 mixture when added to 40 pounds of steel, or of any such mixture of materials as when melted produce cast steel, afford very excellent results; but I do not limit myself to these proportions, which may be varied without departing from the nature of my invention. Reduced or deoxidized titanium ores or compounds containing titanium in a metallic or partially metallic state may be used for the titanium ores.

"Having thus described the nature of my invention and the manner in which I prefer to carry my said invention into effect, I declare that my invention consists, firstly, in adding in the melting pot or crucible, to steel or to any mixture of materials which when melted produce cast steel, a mixture of granulated pig iron, cast iron, or refined iron and pulverized titanium ore, titaniferous iron ore, titanic acid, or oxide of titanium, and melting the said cast steel or steel-producing materials and the said mixture of granulated pig, cast, or refined iron and pulverized titanium ore, acid, or oxide together in the said melting pot or crucible, in order to alloy the titanium or a portion of the titanium contained in the said titanium ore, acid, or oxide with the cast steel melted from the steel or mixtures of steel-producing materials operated upon, so as to produce thereby an improved quality or qualities of cast steel.

"My invention consists, secondly, in adding to steel or any mixture of materials which when melted produce cast steel, a mixture of granular pig, cast, or refined iron, and metallized deoxidized ilmenite, or compound ore of titanium and iron, and melting the said steel or the said steel-producing materials and the said mixture of metallized deoxidized ilmenite, or compound ore of titanium and iron and granular pig, cast, or refined iron together in a melting pot or crucible, in order to improve the quality of the cast steel obtained."

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[British, No. 10971, November 27, 1845, Poole, "Combining iron with other metals, to prevent oxydation and rendering malleable iron more hard and durable."]

The processes described are as follows:

"First, the mixture of copper, tin, nickel, or antimony may be added in any form or manner to cast metal whilst fluxing, so as to get it mixed evenly through the molten mass, and the proportion of two to ten per cent of the said metal or metals may be varied to suit the various purposes for which the said cast metal may be applied; the more of these metals, up to ten per cent, that is added, the less oxidizable and less brittle the compound will be.

"My second improvement consists in the coating of malleable or wrought iron with steel, or with the above-named mixture of metals, which will be found particularly useful for axles of wheels or other forms of iron subject in their use to great friction. A furnace may be employed of any form capable of melting cast metal; but if the fire plays over the surface of the metal, a flux composed of lime, alumina, sand, or any other substance generally used for such purposes, is to be used with the metal, to prevent the action of the fire on the metal; but a more convenient mode (where the form of the piece of iron to be coated will allow it) to be employed is to melt the metal in a crucible placed in a furnace with coke, the same as is used by the makers of cast steel and by brass founders; and for an axle or any other form of iron requiring a particular form or thickness of the harder metal to be cast upon it, a crucible may be used of the particular form and size so required, and made so as only to allow the particular thickness of metal required to be cast round it, and which, when properly melted and finished as hereinafter to be described, it may be left to cool without removing the crucible, which when cool may be broken off, leaving the iron with its covering of the form and thickness of coating required. The furnace and vessel to contain the molten metal being prepared, a description of steel is to be made in the following manner:

"Common pig metal or any form of carburetted iron is put in and melted, a portion from time to time of malleable or scrap iron is added, until, by dipping (into the molten mass) a rod of malleable iron no action or corrosive effect on the rod is observed; a little oxide of manganese may be added with the scrap iron, as it is known to have a good effect in making common steel. With some sorts of cast metal this corrosive effect is so great as even to dissolve quickly (to a fine point) the rod of iron introduced. Or the said molten metal may be formed of common blister steel and pig metal; the proportion of one-half to double the quantity of cast steel to that of pig metal may be used, according to the hardness of the steel coating required; or indeed any composition of steel now known may be used, the invention consisting in these instances not of the mixture of metal forming the steel, but to the application of it in covering malleable or wrought iron, and to the manner of doing it. Any addition of tin, copper, nickel, or antimony, varying from two to ten per cent, may be used with the above, and in most cases two per cent is sufficient. It is indeed impossible to advise or describe one best mixture of the coating metal, because it depends upon the use the coating is to be applied to. Thus, for axles of railway carriages subject to violent concussions, a mixture of tin or copper, &c., with the steel will be found highly useful; but where the effect of friction alone is to be prevented, as in a stationary engine, the hardest steel will be best in all these mixtures. However, the molten mass must be tried by an iron rod to see if any corrosion of the rod takes place (which will almost always be found to be the case with common cast metal); otherwise the coating will never adhere as one mass with the coated metal; and in case corrosion is observed pieces of scrap iron must be added as before named.

"The molten mass being thus prepared, the piece of iron to be coated must be dipped into the mass and left to remain until it becomes of the same high heat as the molten metal, or it may be heated previous to dipping it in, but in case a crucible is used only containing a small quantity of the coating metal, the piece of wrought iron, when introduced cold will harden and cool the mass, but the heat must be continued until the metal again becomes fluid, by which means the two metals will unite as in one mass, and which, if well done, can not be detached when cold, although the piece of iron be hammered nearly flat.

"After the steel coating is cast on over the iron it may be gradually cooled, turned, and polished, and again hardened up by heating and rapidly cooling the same, as in the working steel, with this precaution, that if the coating is thick, from the steel and iron having different degrees of dilation in cooling, if plunged at once red hot into cold water, it is apt to crack; it must be more gradually cooled. In the case of an iron axle, only coated at the end, the iron may be plunged hot into water up to where the coating commences, leaving it out of the water, the conducting power of the iron will cool the coated part sufficiently rapid to give the necessary hardness."

The remainder of the patent relates to the ordinary method of casehardening iron.

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[Translation, German patent. E. Sz. 2, 29, '96. Published September 18, 1884.]

Imperial Patent Office. Specification No. 28924. Class 40, metallurgy. Dr. Th. Fleitmann in Iserlohn. Improvement in the process patented under numbers 7569, 13304, and 14172 for welding iron, steel, copper, and the alloys of the latter with nickel, cobalt, and their alloys. Fourth addition to patent No. 7569, of December 15th, 1878. Patented in the German Empire January 6th, 1884. Longest duration, December 14th, 1893.

The inventor has observed that pure nickel, as well as the alloys of the same with copper, cobalt, and iron, that form the subject of his patents Nos. 7569, 13304, and 14172, may receive the most varied additions of other metals without thereby losing its capacity for welding, on which his process of plating rests. He has discovered, namely, that zinc, tin, lead, cadmium, iron, and manganese up to 10 per cent and over, and silver in any proportion, can be added to the alloys of copper and nickel without the applicability to the process of plating being entirely lost. Similarly he has found that pure nickel can stand these additions, with the exception of the very volatile cadmium, up to the above proportions, without losing its capacity for welding. The alloys of nickel and cobalt with iron and also steel can even be made in any proportion without losing their capacity for being plated on iron and steel.

All the above-mentioned additions are, as I know, of no practical value and even decrease the welding capacity of the plating metals; that is, render more difficult the process of plating with the exception of the addition of silver to the nickel copper alloy and of iron to pure nickel, which latter metal, having by nature great welding capacity, in no wise diminishes the welding capacity of nickel and possesses the great advantage of making the plating metal considerably cheaper. Even the alloy of 25 per cent nickel and 75 per cent iron shows a white color very different from the iron and offers much greater resistance to atmospheric influences than pure iron.

CLAIMS.

1. The addition of tin, lead, cadmium, iron, and manganese up to 10 per cent and silver in any proportion to plating metals hitherto used, as designated in patents Nos. 7569, 13304, and 14172.

2. The use of alloys of nickel and cobalt with iron and steel in all proportions down to 5 per cent of nickel and cobalt for plating by the welding process.

At 1.30 o'clock p. m. the committee adjourned.

SATURDAY, *March 14, 1896.*

The committee met at 10.30 a. m., with Senator HALE as acting chairman.

Commodore Philip Hichborn, Chief of Bureau of Construction and Repair, Navy Department; J. F. Meigs, lieutenant, United States Navy, retired, and C. A. Stone, lieutenant, United States Navy, retired, appeared.

STATEMENT OF PHILIP HICHBORN, CHIEF CONSTRUCTOR, UNITED STATES NAVY.

Senator CHANDLER. Mr. Hichborn, what is your rank and position in the Navy and in the Navy Department?

Mr. HICHBORN. Chief constructor, with the rank of commodore.

Senator CHANDLER. The chief constructor is at the head of what bureau of the Department?

Mr. HICHBORN. Chief of the Bureau of Construction and Repair.

Senator CHANDLER. How long have you held that office?

Mr. HICHBORN. It will be three years next July.

Senator CHANDLER. What was your connection with the Bureau before you became the chief?

Mr. HICHBORN. I was assistant to the chief constructor.

Senator CHANDLER. And had been for how long a period?

Mr. HICHBORN. For about ten years previous to being appointed chief constructor.

Senator CHANDLER. How long have you been in the naval service?

Mr. HICHBORN. Since I first entered as an apprentice boy, forty-one years ago.

Senator CHANDLER. What have been your successive promotions since that time?

Mr. HICHBORN. I passed through the grades of apprentice boy——

Senator CHANDLER. In the construction department?

Mr. HICHBORN. In the construction department entirely. I passed from the grade of apprentice boy to a draftsman; from draftsman to master shipwright; from master shipwright to assistant naval constructor; from assistant naval constructor to naval constructor; from naval constructor to chief constructor.

Senator HALE. Chief of the Bureau?

Mr. HICHBORN. Chief of the Bureau of Construction and Repair.

Senator CHANDLER. And ceasing to be chief of the Bureau, you would continue to hold your rank as naval constructor?

Mr. HICHBORN. As naval constructor. I have about five years more before reaching the age limit of 62.

Senator CHANDLER. State, with reference to the battle ships of the Navy which have been built under contract, in how many cases has the contractor furnished the armor, and in what cases has the Department furnished the armor to the contractor to be placed upon the ship.

Mr. HICHBORN. I do not know of any exception. The Government has always supplied the armor for the new ships.

Senator CHANDLER. The contracts, then, for the battle ships have been, first, a contract with the builder for the hull of the ship, without the armor?

Mr. HICHBORN. Independent of the armor.

Senator CHANDLER. Then the Government has made a contract for the armor?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. And has caused that armor to be delivered to the contractor, to be put in position on the hull of the ship? Is that the way?

Mr. HICHBORN. It is the contractor's duty to furnish the plans and templates to the armor men. Then, after the armor is delivered, he has to fit it and place it and secure it in position. The Government has to deliver it at such place in the shipyard as the shipbuilder may designate. That is about the way the contract reads. A copy of the contract for the *Kentucky* is submitted, in which I have marked for quotation the following:

Third. The party of the first part will, as rapidly as possible, furnish all working drawings and templates necessary to show the dimensions and shape of each and every armor plate required for use in the construction of the vessel, including those to be used in the construction of the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, and the position and sizes of the bolt holes therein, the spacing and dimensions of said bolt holes to be in accordance with the specifications and subject to the approval of the Secretary of the Navy; it being expressly understood and agreed that the party of the first part shall furnish all the armor, armor bolts, and their accessories required in the construction of the protective deck; that the party of the second part shall furnish all other armor, armor bolts, and their accessories to be used in the construction of the vessel, including such as may be required in the construction of the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, trim such armor plates to the drawing or template sizes and shapes, within reasonable manufacturing limits, as set forth in the specifications, and drill and tap all armor bolt holes therein, as shown by said approved drawings and templates, and deliver said armor, armor bolts, and their accessories at the shipyard of the party of the first part, and within the times and in the order required to carry on the work properly; and that the party of the first part shall, at its own risk and expense, furnish all rivets and other fastenings, and drill, tap, and fit all holes for rivets and other fastening used to connect any part of the hull framing to the armor for constructive purposes, except as hereinbefore mentioned, and properly fit, fix, place, and secure to the vessel all the armor, including the side and diagonal belts, turrets, barbettes, casemates, conning towers, ammunition tubes, and protection for the guns and loading positions, as required by the aforesaid drawings, plans, and specifications; and it is expressly understood, covenanted, and agreed that if, upon the completion of the vessel, except the fitting, fixing, placing, and securing of the armor for her side and diagonal belts, turrets, barbettes, casemates, and conning towers, the party of the second part shall not have commenced the delivery of such armor to the party of the first part, then and in such case the vessel shall be subjected to the trial provided for in the tenth clause of this contract, and if, at and upon such trial, all the conditions and requirements relating thereto, except as to the fitting, fixing, placing, and securing of the armor for the side and diagonal belts, turrets, barbettes, casemates, and conning towers, shall be fulfilled, the vessel shall be accepted as provided for in the eleventh clause of this contract; and if the party of the second part shall not have commenced the delivery of the armor for the side and diagonal belts, turrets, barbettes, casemates, or conning towers when the vessel is ready for her final trial, or within five months after either a preliminary or a conditional acceptance of the vessel, said vessel shall be finally accepted, subject to the conditions and requirements of this contract, and the cost of fitting, fixing, placing, and securing the armor for the side and diagonal belts, turrets, barbettes, casemates, and conning towers shall be ascertained, estimated, and determined by a board of naval officers appointed by the Secretary of the Navy; the party of the first part shall be bound by the determination of said board, and such cost shall be deducted from the price of the vessel in the final settlement under this contract; but if the party of the second part shall commence and continue with reasonable diligence the delivery of the armor for the side or diagonal belts, turrets, barbettes, casemates, or conning towers of the vessel prior to her final trial, or within five months after either a preliminary or a conditional acceptance of the vessel, the party of the first part shall fit, fix, place, and secure all the armor to the vessel in accordance with the requirements of this contract and the drawings, plans, and specifications hereto annexed.

Senator CHANDLER. Has the question recently arisen at the Department whether this method is better than to have the contractor with the Government build the ship and furnish the ship fully armored, he making his purchases of armor from the armor manufacturers? Has that question arisen and been discussed at the Department?

Mr. HICHBORN. Yes, sir; it came up on the last two ships, the *Kearsarge* and the *Kentucky*. The Bureau raised that question.

Senator CHANDLER. State what Bureau.

Mr. HICHBORN. The Bureau of Construction. I am speaking of that Bureau. The Bureau of Construction raised that question.

Senator CHANDLER. In what way was it raised?

Mr. HICHBORN. By a letter to the Secretary of the Navy, a copy of which I have with me.

Senator CHANDLER. You may state, in the first place, by way of narration, what has taken place, and after that you may hand the reporter any copies you have from the records showing the transactions.

Mr. HICHBORN. The idea of the Bureau in suggesting that the contractor be called upon to supply the armor with the ship originated from the belief that a ship could be built more quickly if the contractor had the entire control of the armor or the supplying of the armor the same as he supplies the rest of the vessel. The armor is a part of the ship, and we had in view the fact that if private builders were going to build ships for foreign countries, they would have to make some arrangement by which they could supply the armor for those ships. I gave the question the first thought when it came up for building ships for China, Japan, or any other nation. It would save time, because the shipbuilder would deal directly with the armor maker instead of having the matter travel all around through two or three different bureaus, as it does at the present time.

Now, I will give you an illustration of how we have to deal with the armor question. The contract is made for the ship and the machinery, the contract requiring that the plans for the armor shall be supplied to the armor maker by the ship contractor. The Government enters into the contract with the armor maker for the armor, and then awards or orders that the Bureau of Ordnance, a bureau entirely different from the shipbuilding department, shall have control of the inspection and reception of the armor.

The notice that I received from the committee said something in regard to an armor plant. Had I known the questions were going to be so general, I would have become a little more familiar with these points, but at the same time I will try and make myself understood.

Senator CHANDLER. Go on, if you desire to elaborate your argument in favor of having the contractor for the ship furnish the armor.

Mr. HICHBORN. We will say that the contracts are all made for the ships and for their armor, and we start out to supply both the ship and the armor. In the first place, the shipbuilder must supply the drawings for the armor. After he prepares his drawings he sends them to the superintending constructor, who is under the Bureau of Construction and Repair. The superintending constructor sends those plans to the Bureau of Construction and Repair. The Bureau of Construction and Repair goes over them, examines them carefully, and sees if there is any discrepancy in the measurements, and then makes four blue prints of those tracings. After doing that, we send them to the Bureau of Ordnance. The Bureau of Ordnance sends them to the armor contractor. All

at once it is discovered that there is some little irregularity in the drawing, or something that needs changing, and they travel all the way back again from the armor maker to the Chief of Ordnance, from the Chief or Ordnance to the chief constructor, from the chief constructor to the superintending constructor, and from the superintending constructor to the shipbuilder.

Senator HALE. The contractor?

Mr. HICHBORN. Yes; the contractor. Sometimes it is only a few figures that have to be changed, or something that, if the shipbuilders were right on the ground, they could fix themselves. I have known, in the case of the *Oregon*, months to be occupied in correspondence on a small matter.

Senator CHANDLER. This was one of your objections? Do you wish to state the others, or do they appear from the correspondence?

Mr. HICHBORN. My letter to the Secretary of the Navy will explain it, I think, a little better.

Senator CHANDLER. Before putting in your letter, state historically what has happened in the Department, how the question has been raised, by whom it has been discussed, and how it was settled.

Mr. HICHBORN. After the letter was sent to the Secretary, as I understand the case, the Department started to get out proposals in two ways, one to have the Government furnish the armor, and the other to have the contractor furnish the armor and complete the ship with the armor all in place.

Senator CHANDLER. As you had recommended?

Mr. HICHBORN. As I had recommended. That went on for a time, probably for a month or so. I understood there was a conference between the armor makers and the Secretary of the Navy in regard to the question, and I afterwards learned from the printed proposals that they reverted to the old method.

Senator CHANDLER. Were the proposals printed in both ways, or in only one way?

Mr. HICHBORN. It was proposed to have them both ways, so that the shipbuilder could bid under either the old method or the new.

Senator HALE. You use the word "shipbuilder" for contractor?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. So that the contractor could bid for the whole ship, or the ship without the armor?

Mr. HICHBORN. For the whole ship, or the ship without the armor.

Senator CHANDLER. And the proposals were drawn up in that way?

Mr. HICHBORN. They were prepared in that way, but they were never issued.

Senator CHANDLER. They were put in order at the Navy Department in that way?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. While this question was pending?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. Had a decision been made by the Secretary to have them drawn up in that way or were they only drawn up tentatively?

Mr. HICHBORN. They were drawn up by his direction.

Senator CHANDLER. And decision?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. Then you understand the decision was made to advertise that way, and it was reversed afterwards?

Mr. HICHBORN. Yes, sir; it was reversed afterwards.

Senator CHANDLER. And the advertisements were sent out requiring the contractor to bid for the ship without the armor, and it authorized armor manufacturers to bid for the armor? Those were the advertisements upon which proposals have been made and are now pending in the Department?

Mr. HICHBORN. Yes, sir; they are now pending.

Senator HALE. So that no contractor was ever called upon to bid for the entire ship with the armor? It never went so far as that?

Mr. HICHBORN. No, sir.

Senator HALE. That was stopped?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. The suggestions that were made by the Bureau of Construction for a new method of building did not prevail, and the old method prevailed?

Mr. HICHBORN. No, sir; the new method did not prevail.

Senator CHANDLER. And you understand that if the Secretary now awards a contract on existing proposals he will award a contract for the ships and for the armor separately?

Mr. HICHBORN. I take it he will.

Senator CHANDLER. How long have these proposals been before the Department? When did the time expire for making them? I refer to the proposals for the two ships, the *Kearsarge* and the *Kentucky*.

Mr. HICHBORN. The contracts are awarded for both of the ships, but no contract has been made yet for the armor.

Senator CHANDLER. The contracts for the two ships have been awarded?

Mr. HICHBORN. Oh, yes.

Senator CHANDLER. To whom?

Mr. HICHBORN. To the Newport News Company.

Senator CHANDLER. Both of them?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. The armor contracts have not been awarded?

Mr. HICHBORN. No, sir; they have not been put out yet.

Senator CHANDLER. The advertisements have been put out?

Mr. HICHBORN. No, sir.

Senator CHANDLER. I understood the Secretary to state that he had put them out.

Mr. STONE. No, sir; they have never been issued.

Senator CHANDLER. You say that the Secretary of the Navy has not yet advertised for proposals for armor for the *Kearsarge* and the *Kentucky*?

Mr. HICHBORN. Yes, sir; that is what I say.

Senator CHANDLER. Then I was mistaken. I understood that after certain conferences with the representatives of Carnegie, Phipps & Co. and the Bethlehem Company he had issued the proposals.

Mr. HICHBORN. Those were proposals for building the ships. He had to make a decision in that case in order to give the contractor full information as to how he was to bid. He had to make that decision ahead.

Senator CHANDLER. I understand that, but I also understood that he called for proposals for armor.

Mr. HICHBORN. He is at work at that now.

Senator HALE. Let me see if I understand the fact in reference to the building of these two ships. All the progress that has been made is that the proposals have been issued, the bids have been made for the building of the ships by the contractors, the contract awarded, after it was decided by the Department that the contracts should be separate, that the contractor should furnish the ship and the Government the armor, and up to the present time there have been no proposals issued with reference to the furnishing of the armor on the ships?

Mr. HICHBORN. You are correct, sir.

Senator HALE. When was the contract made for the building of the hulls of the ships with the Newport News Company?

Mr. HICHBORN. In January last, I think. If you are particular about the date, I guess I can tell you very quickly. [Examining memorandum.] It was January 2, 1896.

Senator HALE. What was the date of your letter to the Department suggesting the making of one contract for the entire ship, including the armor.

Mr. HICHBORN. September 6, 1895.

Senator CHANDLER. You will furnish a copy of that letter to the reporter.

Mr. HICHBORN. I think it would interest the committee if the letter was read.

Senator CHANDLER. I will have it read after we get all the documents in.

Mr. HICHBORN. Perhaps it might save some questions—that is all.

Senator CHANDLER. Very well; then I will not put the rest of the questions until we get the rest of the documents. Have you a copy of any written argument on the subject, either by the Bureau of Ordnance or the armor manufacturers, or of any decision by the Secretary?

Mr. HICHBORN. I have no knowledge as to what anyone else said, but only as to what I said myself.

Senator CHANDLER. Did the Chief of the Bureau of Ordnance, Commodore Sampson, argue the question in his report in favor of having the contracts separately?

Mr. HICHBORN. Oh, yes; quite extensively.

Senator CHANDLER. Will you refer to the report where Commodore Sampson made what may be considered an argument against your views as expressed in your letter of September 6, 1895?

Mr. HICHBORN. It commences on page 12 of the report of the Chief of the Bureau of Ordnance.

Senator CHANDLER. Will you point out to the reporter all the extracts from that report which bear upon this question?

Mr. HICHBORN. Pages 12, 13, 14, 15, 16, and 17:

ARMOR CONTRACTS.

Since the date of the last report 5,171.89 tons of armor have been delivered, of which 4,861.73 tons were harveyized. The harveyized armor includes the remainder of the 18-inch side armor of the *Indiana;* all that of the *Oregon* and *Massachusetts* except the shutter plates of the latter vessel; the 14-inch side armor, except shutter plates, and 12-inch diagonal armor of the *Iowa;* the 12 inch side of the *Texas;* the 13-inch B. L. R. turrets of the *Indiana;* the 12-inch B. L. R. turrets of the *Puritan;* the 10-inch B. L. R. turrets of the *Monadnock* and *Maine;* two of the 8-inch B. L. R. turrets of the *Indiana*, and all of those of the *Massachusetts, Oregon*, and *Brooklyn;* the 13-inch B. L. R. barbettes of the *Oregon;* the 8-inch B. L. R. barbettes of the *Brooklyn* and *Iowa*. The unharveyized armor includes the conning towers and tubes of the *Katahdin, Texas, Massachusetts*, and *Indiana*, and a part of the *Puritan's* side armor.

The contracts of June 1, 1887, with the Bethlehem Iron Company, and of November 20, 1890, with the Carnegie Steel Company, have been completed,

while the armor which remains to be delivered on the contracts of February 28, 1893, and March 1, 1893, consisting as it does of the classes most difficult and tedious to manufacture, will assuredly be delivered in the case of the Carnegie contract before February 1, 1896, and in the case of the Bethlehem contract early the following July. This delivery is dependent, however, in certain cases upon the promptness with which the necessary detail plans of this armor are supplied by the constructors of the hull of the *Iowa*.

The past year's output of armor by no means represents the capacity of the plants, for important departments in both establishments have been practically shut down for considerable periods while awaiting the plans. In addition, the Bethlehem Iron Company has an armor-rolling mill nearing completion which will greatly increase the forging capacity of that establishment. As it has been decided to reduce somewhat the thickness of the heaviest armor carried by the new battle ships, while experience has indicated how its manufacture may be simplified, it is believed that the entire amount required for battle ships 5 and 6, estimated at 7,800 tons, can easily be supplied in less than one year after the receipt of the plans. Doubtless economy in manufacture will require a somewhat longer time, unless armor orders are received in sufficient amount to keep the shops working full. In fact, at the present time, in spite of delays in the receipt of the armor plans, all of the structural armor for the *Iowa* will be delivered months before that vessel is launched.

While, however, the number and capacity of the works capable of building the hulls and engines of vessels of war in this country is now quite large, and can be rapidly extended to meet increased demands, this is not the case with regard to the armor plants. Skilled labor of the character employed by the latter is limited to that actually engaged on Government contracts, which is not the case with regard to the building of hulls and engines. Once the armor maker's labor is scattered, new men must be trained at great expense and delay. It is apparent, therefore, that while in case of a sudden and large increase in the demand for war ships the hull and engine builders would be able to respond, the simultaneous demands for armor of the same character and position on the ships as the building of the hulls progressed would assuredly cause great delays. It is therefore regarded as most important, so long as the programme for the increase of the Navy remains uncompleted, that the authorization of additional armored ships be regular and continuous, and in this respect it is believed that the extensive armor experimentation carried on in this country has clearly indicated the direction in which development and improvement in resistance is to be expected, so that nothing in this respect will be gained by delaying the authorization of additional ships, especially as it will require nearly a year to formulate and place new armor contracts.

The proposition to contract with the shipbuilder for the armor as well as for hull and machinery of ships does not meet with the Bureau's approval. While not intending to advocate anything that savors of paternalism, the Bureau feels that the Government has an interest in the two armor plants. In the report of the Secretary of the Navy for 1887 the statement is made that "the contracts for armor and gun steel are made at prices within 25 per cent of the European price for the similar article, not greater than the difference in labor between the two countries, notwithstanding the heavy outlay for plant (estimated at $2,500,000) necessary to be made to undertake the contract."

It is evident, therefore, that for the purpose of establishing these great industries and widening the field in this country for skilled labor, more money has been paid for the armor of our battle ships than would have been necessary had the alternative of securing it abroad been considered. The view that should be taken is still wider than here represented, quoting again from the report of the Secretary of the Navy for 1887: "My attention was early called to the fact that our shipbuilders were shut out from building for any foreign government by reason of the fact that neither armor nor gun steel nor secondary batteries could be supplied in this country." The maintenance of the armor plants is therefore a necessary condition of the employment of American labor and material on contracts for foreign men-of-war.

While not desiring to insinuate that the shipbuilders would fail to hold the interests both of labor and material which have been gathered around the great armor plants as kindly as the Government, the Bureau is impressed with the idea that the transfer of over $3,500,000 of Government money, with all the power it conveys over these institutions, to the hands of a private corporation can not but be regarded with alarm.

It is moreover believed that the Department will have no difficulty in forcing the price of armor down to a point allowing no more than a reasonable profit to the maker without jeopardizing the maintenance of both establishments.

The following table summarizes the present condition of the contracts for the armor of the different ships at Bethlehem and Carnegie:

Armor still to be delivered October, 1, 1895.

Vessel.	Description.	Amount to be delivered.				Remarks.
		Carnegie.		Bethlehem.		
		Number of plates.	Weight.	Number of plates.	Weight.	
			Tons.		Tons.	
Puritan	Conning tower			1	22.72	Ready Dec. 1, 1895.
Iowa	8-inch turrets	12	154.13			Plans received July 16, 1895.
	8-inch turret tops		10.50			Awaiting final plans; preliminary plans received July 16, 1895.
	12-inch barbettes	14	430.55			Awaiting final plans. Preliminary plans: Forward barbette received July 5, 1895; after barbette Aug. 13, 1895.
	12-inch turrets			10	448.51	Awaiting final plans; preliminary forging plans received July 26, 1895.
	Ammunition tubes			4	50	Ready Nov. 1, 1895.
	Conning tower			1	28.70	Do.
	4-inch casemate	4	16			Plans received Aug. 12, 1895.
	Side armor	2	54			Shutter plates awaiting final dimensions.
Oregon	13-inch turrets			12	287.36	6 ready October, 1895; 6 ready December, 1895.
Massachusetts	do			12	287.36	6 ready Jan. 1, 1896; 6 ready March, 1896.
	Side armor			2	72	Shutter plates awaiting final dimensions.
Brooklyn	Conning tower			1	20	Ready Nov. 1, 1895.
	Ammunition tubes			4	50	Ready Dec. 31, 1895.
Total			665.18		1,266.65	

Summary of armor deliveries to October 1, 1895.

	Carnegie Steel Company.	Bethlehem Iron Company.	Total.
	Tons.	Tons.	Tons.
Armor delivered to Oct. 1, 1894	5,315.32	6,533.28	11,848.60
Armor delivered since Oct. 1, 1894	2,885.45	2,286.44	5,171.89
Armor still to be delivered	665.18	1,266.65	1,931.83
Total	8,865.95	10,086.37	18,952.32

ARMOR DELAYS.

Serious delays in the completion of the ships have been ascribed to the slow delivery of armor in the past. When it is understood that the effort has been made to satisfy the almost simultaneous demands for the armor of fifteen ships whose authorization by Congress covered a period of ten years, and that this has been practically accomplished in a little over four years, even while the plants were being erected and labor trained, the enterprise and vigor of the manufacturers is worthy of praise rather than censure.

Their difficulties have been exceptional. The material employed is one with which no previous experience had been elsewhere obtained; and despite the fact that the dimensions and weight of the heaviest plates exceed considerably those manufactured for any other navy in the world, a process surrounded by difficulties pronounced insurmountable by many of the most prominent engineers in this and other countries has been successfully developed and applied. It may now be stated with conviction that the time of the delivery of the armor for any probable number of ships authorized at one time in the future will rest in the hands of the contractors for the hull and be dependent solely upon the promptness with which they supply the necessary details for the fit and securing of the individual plates. Even now the armor makers, with reason, complain of losses they have suffered through enforced idleness while awaiting the detailed drawings of about 1,350 tons of armor for the *Iowa* and *Brooklyn*. These drawings were issued in 1893 and 1894, but owing to a contemplated change in the design of the turrets and barbettes were withdrawn and the work stopped for over one year. Nevertheless, all the armor of the *Iowa* has been delivered with the exception of that thus delayed and about 45 tons of the diagonal armor finished some months ago but awaiting the correction of errors in the original plans.

It is but fair to state that although the altered designs referred to call for plates of greater dimensions and difficulty of manufacture than those described in the original contract, while the aggregate weight and corresponding compensation is less, the manufacturers have accepted the modifications without demur other than that the size and weight of individual plates should not exceed the capabilities of their plants.

The manufacture of modern armor is necessarily a slow process, and if the Government is to have its interests safeguarded, the detail plans should be furnished in time to permit its careful manufacture, thorough inspection, and replacement if rejected, without delaying the construction of the ship itself. For this reason changes in design affecting the armor are to be deprecated, and their necessity should be plainly apparent before the proposition is allowed serious consideration. The allowance of sufficient time for the manufacture is one of the most essential conditions toward insuring that the Government will get just as good armor as it pays for; otherwise pressure will inevitably be brought to bear upon the Department by the shipbuilders, who will complain of enforced delays and the resulting penalties through delay in supplying armor.

On the other hand, the Government has immediate need of the ships. The tendency would therefore be, when pressed for time, to allow the incorporation of armor which, however conscientiously made, could not be proved to be fully up to the required standard without exhaustive tests and carefully considered experimentation. In such cases the duty of this Bureau has required great firmness and the exercise of most careful judgment in order to avoid working hardship both upon the manufacturers, by rejecting suitable material for purely technical reasons, and upon shipbuilders, by causing them delay through holding back armor of doubtful quality. It is therefore recommended that in future contracts for the hull the shipbuilders be required to supply final detail plans of the armor in sufficient quantity and time to permit its proper and economical manufacture before being required on the ship.

The high temperature required in the application of the Harvey process has in itself caused considerable loss to all of the manufacturers as well as most vexatious delays in delivery of armor. Portions of the 13-inch B. L. R. turret plates for the *Oregon* and *Massachusetts* and several side-armor plates for the latter ship were oxidized over considerable areas through the admission of air while in the Harvey furnace, this defect not being discovered until the plates were practically completed and the attempt made to harden them. This has been the cause of several months' delay. Certain plates for one turret have had the defects removed, the plates being shortened and the length thus lost being made up by adding an extra plate to the turret. This proceeding, although reducing the inertia with which individual plates resisted impact, was unanimously approved of by the board of construction as

in the Government's interests, through avoiding the great delay which would have resulted from the manufacture of new plates. In the case of two other large plates, the defects were such as necessitated their rejection.

FITTING FRAMES TO ARMOR.

The irregular distortion of face-hardened armor can not invariably be foreseen and provided against. However, by increased care and skill in manufacture it has been brought to a minimum; in fact, the builders of the *Oregon* have expressed gratification at the neatness of fit and ease with which the side armor of that ship was fitted into place, while that of the *Indiana* now presents as good a surface as oil-tempered armor.

It is in the interest of the contractors for the hulls to insist that the armor should conform in shape to a certain limited tolerance in order to permit the various structures and frames to be constructed before the armor is made.

The armor most difficult to shape, since the curvature is large and in the latest designs variable, is that for the turrets, the structures of which are built apart from the ship and need in no wise affect its completion. The Bureau has represented to the Department the impossibility of fixing a narrow tolerance for the shape of such armor, since a good plate but slightly exceeding such a tolerance might have its resistance impaired by softening or straining it in the attempt at rectification. It has been deemed advisable, therefore, to consider each individual plate on its own deviations and requirements, firmly believing that in the interests of expedition and improved resistance all turret structures should be built to conform to the shape of the completed armor, the butts of the latter being of course faced and well fitted. This may be claimed to inflict hardship upon the contractors for the hull, since the turret structures might otherwise be completed in their yards and partial payments made upon them long before the ship is sufficiently advanced to receive them.

The building of these structures, however, is not at the time necessary to advance the work on the ship, and in fact the ship is completed no earlier in consequence, for when the structure is not made to conform to the shape of the armor the irregularities in the latter necessitate a similar variation in the length of the bolts which secure it, a special bolt being necessary for each location. The lengths of these bolts can not be determined before the armor is fitted into its position on the ship, and there then ensues a vexatious delay of some weeks, during which time special drawings and schedules are prepared from which the required bolts can be made. This is all the more annoying as it occurs at the time when the ship is practically completed and affords the shipbuilder an opportunity to account for delays by the non-receipt of armor bolts. As the experimental 13-inch B. L. R. turret structure of the *Massachusetts* was contracted to be completed in one month, at a time when it was difficult to place small orders for the necessary material, and as the fit and shape of the armor affects only a portion of the turret structure, it is believed that just as much time is lost in obtaining the special bolts required as is gained by the completion of the turret structure before the arrival of the armor. The great advantage of having all armor bolts in the turret of a uniform type and dimension and delivered with the armor is obvious. The ease and rapidity with which bolts damaged in action could then be replaced is also a very important reason.

As the armor plate, however, costs the Government many times as much as the structure to which it is secured, and the resistance of this most important of all protection depends upon the soundness of the individual plates and the solidarity of the armor butts rather than the relatively flimsy frames to which it is secured, it is strongly recommended that in future contracts it be expressly stipulated that the frames of turrets and barbettes be constructed to fit the armor after it shall have been received.

In the case of side and diagonal armor, where the resistance of the entire structure of frames, beams, and protective deck supports the flat plate rather than its abutment upon the adjacent plates, as in circular structures, a considerable variation in shape from that required may be taken up by fitting the wooden backing to conform to the plates. It has been proposed, much on the same plan, to fit a very thin wooden backing to all turrets in order to permit a bearing to be easily obtained over the entire inner surface of the armor plates.

This wood of itself has no measurable resistance, while its weight, as well as that due to the increased circumference of enveloping armor, is wholly objectionable, and can be avoided by making the frames fit the armor, thus reducing the cost, weight, and size of these most expensive structures. For example, by increasing the diameter of the original design of the *Iowa's* 12-inch B. L. R. turrets 5 inches in this manner, the actual weight of armor added would be about 3 tons, without counting the additional row of armor bolts and numerous rivets thus made necessary. The weight of the teak backing itself, without counting the backing bolts, would be 3.5 tons, so that, including the increased size of frames, the actual weight thus added to the structure would be about 7 tons, and the cost to the Government of the additional armor and bolts required fully $3,000. The actual cost of the frames fitted to the armor in the most aggravated cases of distortion should not greatly exceed this.

Senator CHANDLER. Can you give us any other record evidence on the question?

Mr. HICHBORN. No, sir; that is all I know. Any other discussion went on without my knowledge.

Senator CHANDLER. Is there any written decision of the Secretary on the subject?

Mr. HICHBORN. No, sir; not to my knowledge.

Senator CHANDLER. All the decision, then, was in regard to the change that took place in the proposals?

Mr. HICHBORN. That is all.

Senator CHANDLER. Have you any copies of the proposals as they were first drawn and as they were finally issued?

Mr. HICHBORN. No, sir: I have them only as they were finally issued. I knew of the first from a conversation with the judge-advocate who got up the proposal.

Senator CHANDLER. Have you copies of the proposals that were finally issued?

Mr. HICHBORN. No, sir; but I can furnish them to you if you wish.

Senator CHANDLER. Please insert them in the record.

The proposals referred to are as follows:

PROPOSALS FOR THE CONSTRUCTION OF TWO BATTLE SHIPS FOR THE UNITED STATES NAVY.

NAVY DEPARTMENT, *Washington, D. C., September 14, 1895.*

Under authority conferred by the act of Congress making appropriations for the naval service approved March 2, 1895, sealed proposals are hereby invited and will be received at this Department until 12 o'clock noon on Saturday, the 30th day of November, 1895, at which time and place they will be opened in the presence of attending bidders, for the construction, by contract, for the United States Navy, of two vessels, exclusive of armament, which vessels are, for the purposes of this advertisement, designated as—

BATTLE SHIPS NOS. 5 AND 6.

Two seagoing coast-line battle ships of about 10,000 tons displacement each.

As required by the aforesaid act of March 2, 1895, in the construction of said vessels, "All of the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of any proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture."

All armor, armor bolts, and their accessories, required for use in the construction of said vessels, excepting such as may be required for the protective decks, are to be furnished by the Government, but the contractor is to furnish all rivets and other fastenings, and drill, tap, and fit all holes for rivets and other fastenings used to connect any part of the hull framing to the armor for constructive purposes, and fit, fix, place, and secure to the vessels, in accordance with the plans and specifications, all of the armor, including that used in the construction of the turrets, barbettes, conning towers, and ammunition tubes, and protection for the guns and loading positions.

The contracts for the construction of said battle ships will contain provisions to the effect that the contractor guarantees that when completed and tested for speed in the open sea, under conditions to be prescribed by the Navy Department, the speed developed by the vessel upon such trial shall be not less than an average of 16 knots an hour, maintained successfully for four consecutive hours, during which period the air pressure in the fire room shall not exceed an average of 1 inch of water. If on trial the vessels develop and maintain, as aforesaid, an average speed of 16 knots an hour or more, they will be accepted, so far as speed is concerned. If the vessels fail to develop and maintain as aforesaid said guaranteed speed (16 knots), but exhibit an average speed of not less than 15 knots an hour, they will be accepted, so far as speed is concerned, at a reduced price, the reduction being at the rate of $100,000 a knot. If the speed falls below an average of 15 knots an hour, it shall be optional with the Secretary of the Navy to reject the vessels or to accept them at a reduced price, to be agreed upon between the Secretary and the contractors. The contracts will provide that all the expenses of all trials prior to preliminary or conditional acceptance shall be borne by the contractor.

Said vessels are to be constructed in accordance with plans and specifications provided or adopted by the Secretary of the Navy. A circular defining the chief characteristics of said vessels and their machinery, and enumerating the requirements with which the plans and specifications therefor provided by bidders should comply has been prepared, and copies of the same may be obtained upon application to the Bureaus of Construction and Repair and Steam Engineering. Plans and specifications for the construction of said vessels may be seen and examined at the Department on and after October 30, 1895, and forms of proposals embracing a general statement of provisions to be included in the contract for each vessel will be prepared, and may be obtained at any time after said date on application to the Department, where all information essential to bidders can also be obtained.

Said vessels must be completed within three years from the dates of the respective contracts, and payments on each vessel will be made in thirty equal installments as the work progresses, upon bills duly certified, from which 10 per cent will be reserved to be paid on the full and final completion of the respective contracts.

The aforesaid act of March 2, 1895, further provides that one of said vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith, and that if it shall appear to the satisfaction of the President of the United States, from the biddings for the contract, that said vessel can not be constructed at a fair cost on or near the coast of the Pacific Ocean, he may authorize the construction of said vessel elsewhere in the United States. It is therefore required that each bidder shall state explicitly in his proposal the place where the vessel upon which he bids is to be constructed. In view of the fact that the Department may find it necessary to award the contracts for both vessels to one builder, it is desired that each bidder will state the price for which he will undertake to build both.

Proposals for the construction of said vessels will be received "from every American shipbuilder and other person who shall show, to the satisfaction of the Secretary of the Navy, that within three months from the date of the contract he will be possessed of the necessary plant for the performance of the work in the United States which he shall offer to undertake." The evidence thus required must accompany the proposals or be submitted to the Department in advance.

Each proposal must include the construction of both the vessel and her machinery, complete in all respects, as required by the plans and specifications, and contract will be made separately for each vessel, including hull and machinery.

Proposals are divided in two classes, as follows:

PROPOSALS FOR HULL AND MACHINERY—CLASS 1.

For the construction of hull and machinery, including engines, boilers, and appurtenances, equipment (except anchors and chains), and the installation of ordnance and ordnance outfit, complete in all respects, in accordance with plans and specifications provided by the Secretary of the Navy.

PROPOSALS FOR HULL AND MACHINERY—CLASS 2.

For the construction of hull and machinery, including engines, boilers, and appurtenances, equipment, except anchors and chains, and the installation of ordnance and ordnance outfit, complete in all respects, in accordance with plans and specifications provided by the bidder. But no such proposal will be considered unless accompanied by full and complete specifications of the hull and machinery, by such plans as may be necessary for a thorough interpretation of the design thereof, and by a satisfactory guaranty of the results of the same if adopted.

Bidders may, if they so desire, adopt the plans and specifications of the Department for the hull or machinery, or any part thereof, and embody them in their plans and specifications to be submitted with their proposals.

Bidders who may desire to offer to construct both of said vessels may embrace both in one proposal, the price of each being given separately, and may propose separately for one or both under one or both of the two classes of proposals as above specified.

Each proposal must be accompanied by a satisfactory certified check, payable to the order of the Secretary of the Navy, and the check of each successful bidder shall become the property of the United States in case he shall fail to enter into the requisite contract and to furnish the requisite security on the acceptance of his proposal. The amount of such check must be at least $80,000 with a proposal for one vessel, or $100,000 with a proposal for both vessels. All checks of bidders whose proposals shall not be accepted will, on the award of the contracts, be returned to them; the check of each successful bidder will be returned to him when his contract has been duly entered into

and the requisite security furnished. Every successful bidder will be required, within twenty days after the acceptance of his proposal, to enter into a formal contract for the faithful performance of the work and to give a satisfactory bond for such performance in a penal sum equal to 15 per cent of the amount of his bid.

Proposals must be made, in duplicate, in accordance with forms which will be furnished on application to the Department, inclosed in sealed envelopes addressed to the Secretary of the Navy, Navy Department, Washington, D. C., and marked "Proposals for the construction of battle ships." The Secretary of the Navy reserves the right to reject any or all bids, as, in his judgment, the interests of the Government may require.

H. A. HERBERT,
Secretary of the Navy.

Senator CHANDLER. Will you now read your letter of September 6, 1895?

Mr. HICHBORN. It is as follows:

WASHINGTON, D. C., *September 6, 1895.*

SIR: 1. In all armored ships heretofore constructed under contract the Government has furnished all armor, armor bolts, and accessories. The reasons which existed for this course at the beginning have now ceased to exist, and it carries with it so many disadvantages that the Bureau is of the opinion that the practice should be discontinued, and that all armor, armor bolts, and accessories should hereafter be furnished by the contractors for the vessel.

2. The specifications relative to armor in case of battle ships Nos. 1, 2, and 3 read as follows:

"Except the protective deck, the Government shall furnish all other armor, armor bolts, and their accessories to be used in the construction of the vessel, including such as may be required in the construction of the armor belt, casemate, turrets, barbettes, gun shields, ammunition tubes, and in the protection for the guns and loading positions; to trim such armor plates to the drawings or template sizes and shapes within reasonable manufacturing limits, as set forth in the specifications that may be approved for them, and drill and tap all necessary holes therein, as shown by said approved drawings and templates, and to deliver said armor, armor bolts, and their accessories at such reasonable place or places in the contractors' shipyard as may be designated by the contractors, and within the time and in the order required to carry on the work properly."

3. Under this specification the armor, with its bolts and accessories, has been manufactured by certain armor contractors under contract with the Navy Department and under the immediate inspection of the Bureau of Ordnance. That Bureau has stationed inspectors at the works of the armor contractors, whose duty it has been to see that the manufacture of the armor was conducted properly and that the quality of the completed material complied in all respects with the specifications, as well as that its shape and dimensions were correct according to the approved plans and schedules. After the completion of each group of armor the Ordnance Bureau subjected a representative portion of the same to certain ballistic tests before final acceptance. The method just outlined of insuring the faithful performance of their contract by the armor contractors is a good one, and this Bureau has no desire to suggest a change therein, but considers that the same method of inspection by the Bureau of Ordnance should be followed out in future ships.

4. The difficulties that have been encountered with the ship contractors relative to armor are entirely independent of the above system of inspection, and are due wholly to the method of contracting for the armor. Instead of the armor being included in the general contract for the ship, whereby the Department could hold the ship contractors directly responsible for all delay, as well as for any increased expense of fitting due to errors in plans or in manufactured armor, the Department is under contract to furnish the armor to the ship contractor, properly fitted, drilled, and tapped, and to carry out this agreement the Department makes a separate contract with the armor contractors for the armor.

5. The practical result has been that the Department has acted as a buffer between the ship contractors and the armor contractors. Much annoyance has been caused and considerable extra expense incurred by delay in furnishing armor. Not only has it been necessary to allow the ship contractors long extensions of time, but they have actually been paid for taking care of vessels during such time. Endless correspondence has been caused, the ship contractors on the one hand continually writing for armor, and urging that it be delivered more promptly, and the Department on the other hand endeavoring to comply with their not unwarranted demands. While much of the difficulty due to this source would probably be avoided in future ships, owing to the more rapid delivery of armor which may reasonably be expected hereafter, yet there are many other reasons which make the change above suggested desirable.

6. Even supposing that there is absolutely no delay in the manufacture and delivery of armor, there are many other sources of complex correspondence and of increased expense. Under the present system the plans and schedules for each plate are prepared by the ship contractors, and are by them submitted to the superintending naval constructor. After careful examination the latter forwards the plans to this Bureau, when they are again examined. This Bureau then forwards the plans, etc., to the Bureau of Ordnance. After approval by the Bureau of Ordnance, that Bureau sends the plans to the armor contractors and notifies this Bureau of its action. This Bureau then similarly informs the superintending naval constructor, and he in turn informs the ship contractors. This is all on the assumption that the plans are found to be correct and acceptable to the armor contractors. With the slightest discrepancy in any of the figures, or any difference of opinion relative to any point, an enormous mass of correspondence at once ensues, as every letter and plan must make the lengthy circuit above outlined. With a place as far distant as San Francisco, it has been no unusual thing to have months elapse between the preparation of a plan and its final acceptance. And what is the cause of all this complicated correspondence? Simply the fact that the Government is responsible for the shape and dimensions of all armor, and that any final discrepancy (which with harveyed armor it is almost impossible to wholly avoid) at once brings from the ship contractors demands for extra compensation for correcting such discrepancy. What has been said above relative to armor is even more true of the armor bolts and accessories, whose minutiæ lead to an amount of correspondence and delay that would seem incredible were it not so real. In addition to all the above, there are unceasing demands from the armor contractors for plans and schedules, all of which are made on the Department, the latter having the thankless task of hurrying up the delinquent ship contractors, while under the new system proposed all such friction would be confined between the armor contractors and ship contractors, where it properly belongs.

7. All this would be obviated by making the furnishings of all armor a part of the contract for the vessel. Instead of the ship contractors holding the Department responsible for prompt delivery as well as for correct shape and dimensions, the respective positions of the parties would be reversed. Nine-tenths of the correspondence would cease; the ship contractor would deal direct with the armor contractor, holding him directly responsible for accurate work, and being himself directly responsible to the latter for early and correct plans. The Department would be saved much annoyance and expense, and could hold the ship contractor to a prompt fulfillment of his contract without being continually met by counterclaims relative to delay in furnishing armor.

8. For the above reasons, the Bureau recommends that all armor, armor bolts, and accessories be hereafter included in contracts for naval vessels, but that the present method of inspection and acceptance by the Bureau of Ordnance be continued. That Bureau would thus occupy the same position relative to armor as the steel inspection board does to other ship material. For the latter, the ship contractors make their own contracts with the steel manufacturers, but all material must be inspected and accepted by the steel inspection board. This arrangement has worked well in practice, and the time has now come when, in the opinion of this Bureau, a similar method should be applied to armor.

It is believed that an immediate result of the method recommended would be a material reduction for the future in the price of armor, resulting in a saving in total cost of our ships.

9. The Bureau of Ordnance has been furnished with a copy of this communication.

Very respectfully,

PHILIP HICHBORN,
Chief Constructor, U. S. N., Chief of Bureau.

THE SECRETARY OF THE NAVY.

Senator CHANDLER. Referring to your letter of September 6, 1895, and also to the $80,000 now claimed by the Richmond Locomotive Works, which built the machinery of the *Texas*, did the question of armor have anything to do with that delay?

Mr. HICHBORN. Yes, sir; I think it did.

Senator CHANDLER. Was not the contract of the Richmond Locomotive Works only for machinery?

Mr. HICHBORN. It was only for machinery, but they could not have a trial of their machinery until the ship was completed.

Senator CHANDLER. Did the delay in furnishing armor have anything to do with the amount of $80,000 that we are called upon to pay?

Mr. HICHBORN. The records of the Department will, I think, show that in full.

Senator CHANDLER. That the delay in furnishing the armor had something to do with it?

Mr. HICHBORN. Yes, sir.

Senator HALE. The delay in furnishing armor under the armor contracts troubled the Department greatly for years and led to delays in the general construction and finishing of the ships. Has that feature comparatively disappeared lately? Has it been within the last two years as bad as it was before? How is that?

Mr. HICHBORN. The delivery of armor has been made more rapidly, but we have no illustration of delay in delivery having disappeared. We have the case of the *Massachusetts* and the *Oregon* on our hands to-day.

Senator HALE. And they are delayed?

Mr. HICHBORN. Well, all the armor has been delivered for those two ships now, but it has kept them back up to the present time. It is only within a short time that the full amount has been delivered.

Senator HALE. Has that cause delayed the completion of the ships beyond what would have been the time of finishing them if the armor plate had not been delayed. In other words, could the Department have finished the ships and gotten them ready sooner if the armor on those two ships had been furnished?

Mr. HICHBORN. There is no question but that they would have been finished if only we could have gotten the armor, but the armor has not been altogether the cause of delay. It has been the armament equally with the armor.

Senator HALE. Both?

Mr. HICHBORN. Yes, sir; both have caused delay. The *Massachusetts* has not got all her guns; she has all her armor. Of course the contractor can not finish his ship until he can get the guns in place. For instance, the heavy 13-inch gun is not in the turret. When he gets the gun, which he has not gotten yet, he will put it in the turret, and after he puts it in the turret and gets things all right he tries the turret and sees that everything works satisfactorily, and then he puts on the top of the turret. After the delivery of the gun there is considerable work, for three weeks is required for the contractor to close up.

Senator CHANDLER. Many of these delays and troubles would occur under the new system?

Mr. HICHBORN. Yes, sir; some of them would.

Senator CHANDLER. All the difficulties in adjusting the armor to the ship and putting it on her are not caused by having two contracts?

Mr. HICHBORN. No, sir; difficulties of mechanical construction are bound to occur under any system.

Senator HALE. Do you think that the contractor would be able to drive up the armor-plate manufacturers to more speedy work in delivery than the Government?

Mr. HICHBORN. Yes, sir. He could make a contract with the armor people in which there would be heavy penalties by which he would protect himself.

Senator HALE. You think the result would be that the contractor would exercise more power and influence in expediting the work of the armor manufacturers than the Government can now exercise?

Mr. HICHBORN. I think so, because there would be only two people to deal with the subject; they could come right together; when there is any little adjustment to be made they would fix it right up between themselves. All the Government wants is results. The Government does not care so much about the small details, as to which no one takes the responsibility.

Senator TILLMAN. You mentioned a moment ago something about a steel inspection board. What is that board?

Mr. HICHBORN. It is a board of officers appointed by the Navy Department who inspect all the material that enters into the construction of a ship, and pass upon its qualifications—the steel material, the beams, angles, plating, rivets, castings, and such like.

Senator TILLMAN. Is that under your control?

Mr. HICHBORN. No, sir; it is under the Secretary of the Navy.

Senator TILLMAN. It is an independent branch of the Department?

Mr. HICHBORN. It is an independent branch entirely, under the orders of the Secretary of the Navy.

Senator TILLMAN. Then you have the Ordnance Board, whose duties are confined to the construction and inspection of arms, I understand. Will you state what are their duties?

Mr. HICHBORN. The Ordnance Bureau is engaged in the manufacture of guns and mounts. The duty of testing armor and the reception of armor also comes under that Bureau.

Senator TILLMAN. It has nothing to do with the construction of vessels except in that particular?

Mr. HICHBORN. Nothing excepting the guns, mounts, and armor.

Senator TILLMAN. Your Bureau furnishes the plans for the vessels?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Do you have anything else to do with them?

Mr. HICHBORN. We have the superintendence of the building of the ship and the charge of the ship as a whole when she is finished.

Senator TILLMAN. Is this steel inspection board part of the machinery through which you work?

Mr. HICHBORN. It is a part of the machinery through which we work.

Senator TILLMAN. You have to depend on it, however, and yet it is not responsible to you?

Mr. HICHBORN. Oh, no, sir; it is not responsible to me.

Senator TILLMAN. This system appears somewhat roundabout, according to your own judgment, from the letter which you have just read. It is a kind of circumlocution, a scheme how not to do it. Who is responsible for that? Is it the Secretary of the Navy or Congress? Is it according to law or according to regulation?

Mr. HICHBORN. According to regulation.

Senator TILLMAN. It is, then, left with the Secretary of the Navy to change the system if he sees proper?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Do I understand you to say that the different bureaus are not matters of law, but of regulation?

Mr. HICHBORN. The bureaus are matters of law; but I was speaking of the inspection board, which was all very well when it first started.

Senator TILLMAN. You said a while ago, I believe, that you have been connected with the Bureau of Construction, I mean at the top of it, about thirteen years; that you were assistant constructor for ten years, and that you have been chief constructor for three years?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. So you have been perfectly familiar with and in some measure responsible during that length of time for all the plans and the general construction of vessels?

Mr. HICHBORN. All except the *Texas*. I want that exception made.

Senator TILLMAN. In what way or why was that vessel put in somebody else's charge rather than yours?

Mr. HICHBORN. The Department advertised for plans in Europe for the building of an armored cruiser and battle ship, and those plans were prepared by an English firm and sent here to the Navy Department. The Navy Department appointed a board of officers and civilians, a mixed board, I think as many as nine people. One of the members of the board was Mr. Burgess, a celebrated yacht builder, who died some years ago. I do not suppose he ever had anything to do with a man-of-war in his life. They passed on the *Texas* plans and pronounced them all right, and recommended to Secretary Whitney that the plans be purchased. The Government purchased them and ordered the ship to be built according to the plans and specifications.

Senator CHANDLER. At what price were the plans purchased?

Mr. HICHBORN. I think it cost the Government about $20,000 for the plans.

Senator HALE. And ordered the ship built not by contract but in the navy-yard at Norfolk?

Mr. HICHBORN. Yes; at the Norfolk Navy-Yard.

Senator BACON. What is the explanation of the fact that the plans were asked for in Europe instead of here?

Mr. HICHBORN. The Secretary was no doubt told by many people that the American constructors had had only a little experience in the building of these new ironclads, and if they got plans from Europe they would probably get the advantage of foreign skill as well as American skill, and that it would be a sort of object lesson to the constructors of the American Navy.

Senator BACON. Prior to that time had there not been plans received by the Department from American designers?

Mr. HICHBORN. Oh, yes.

Senator BACON. Which had proved satisfactory?

Mr. HICHBORN. Yes, sir.

Senator BACON. Was there any such practical defect in those which had been previously constructed as would suggest the propriety of looking elsewhere for plans?

Mr. HICHBORN. To my mind none whatever. Of course it was a very touchy point with an American constructor to have anyone go abroad and gather plans to build American ships; although the *Texas* is not the only case. We had the *Baltimore* and the *Charleston* built from English plans purchased by the Government.

Senator BACON. Which of the armored ships had been previously built or in process of construction under American designs prior to that time?

Mr. HICHBORN. No armored ships. The *Maine* and the *Texas* were the first to start. The *Maine* was built at New York, and the *Texas* at Norfolk. After that followed the battle ships.

Senator BACON. Was the *Maine* by American design?

Mr. HICHBORN. Yes; it was designed by the Bureau of Construction.

Senator BACON. In the Department here?

Mr. HICHBORN. Yes, sir.

Senator HALE. You made all the designs for the *Maine* in the Department?

Mr. HICHBORN. Yes, sir; in the Department.

Senator CHANDLER. How much is she like the *Texas*?

Mr. HICHBORN. She is not like her in any particular.

Senator CHANDLER. Is she not of about the same size and the same general character of battle ship?

Mr. HICHBORN. Her battery is different, and she is different in many ways. About the only similarity she has is in the arrangement of her turrets. The turrets of the *Maine* are arranged in echelon form, one on each side, and the *Texas's* turrets are arranged in that way, which is an obsolete method at the present time, because they are now arranged on the center line.

Senator CHANDLER. So that although the *Maine* and the *Texas* were authorized at the same time and are sometimes spoken of as sister ships, there are more points in which they do not resemble than in which they do resemble each other?

Mr. HICHBORN. The one I have described is the only point in which they do resemble each other. The *Texas* has only one gun in her turret, while the *Maine* has two guns in her turret.

Senator TILLMAN. How is the armor or the steel contracted for by the Government paid for and delivered? Who watches?

Mr. HICHBORN. The armor is contracted for by the Government, and then it furnishes officers to inspect it.

Senator TILLMAN. You just stated that the steel board is supposed to watch it. Who pays for it, and who is responsible in case the Government is swindled or cheated?

Mr. HICHBORN. The Bureau of Ordnance.

Senator TILLMAN. Not the steel inspection board?

Mr. HICHBORN. The steel inspection board has nothing to do with the armor. There are two distinct methods of inspection—two different boards.

Senator TILLMAN. That is what I have been trying to get at. It is just beginning to dawn upon me that the board of ordnance has the control of the protection of the vessel, or its iron-cladding, so to speak.

Mr. HICHBORN. The armor.

Senator TILLMAN. Whereas the steel inspection board has control of the material for construction of the hull and the skeleton. Is that the case?

Mr. HICHBORN. Yes, sir.

Senator TILLMAN. Then the steel inspection board is not responsible in any degree for any defects in the outside plating and the protective part of the vessel?

Mr. HICHBORN. The steel inspection board is responsible for the quality of any material that enters into the construction of the hull.

Senator TILLMAN. Of the inside of the vessel?

Mr. HICHBORN. The inside and the outside.

Senator TILLMAN. The framework?

Mr. HICHBORN. Yes; the hull of the vessel, the structure.

Senator TILLMAN. And that only?

Mr. HICHBORN. Yes, sir; and that only.

Senator TILLMAN. I am just trying to get around to the practical working of the system.

Mr. HICHBORN. You are all right. I will try to make it as plain as I can to you.

Senator TILLMAN. You said a moment ago, as I understood you,

that your Bureau has control of the entire structure. That is, you have general supervision not only of the hull, but of the completed vessel?

Mr. HICHBORN. Yes; I stated that. For instance, if, after the ship is completed, there is anything wrong in regard to the ship, if she is one-sided, or if she is weak in her structure, if she is improperly constructed in any way or form, if there are any complaints about the vessel, that subject is referred to me for explanation. In other words, the Secretary places under me the design, the stability, and the structural strength of the vessel.

Senator TILLMAN. What about any defects in armor?

Mr. HICHBORN. I would not hold myself responsible for that at all. The question of armor is entirely outside of the Bureau of Construction.

Senator TILLMAN. Have all the vessels which we have, of what we call the modern Navy, been built by contract, or have some of them been built in Government navy-yards?

Mr. HICHBORN. Four vessels altogether of the new Navy have been built in the navy-yards.

Senator TILLMAN. By the Government artisans?

Mr. HICHBORN. By the Government artisans. The *Maine* and the *Cincinnati* were built at the New York Navy-Yard; the *Texas* and the *Raleigh* were built at the Norfolk Navy-Yard.

Senator TILLMAN. In the protecting of the Government by the inspection of the armor for all four of those vessels, was it to the same degree inspected by the ordnance board as in the case of the vessels contracted for?

Mr. HICHBORN. By the same people.

Senator TILLMAN. Under the same system?

Mr. HICHBORN. Under the same system.

Senator TILLMAN. The same system of supervision and inspection obtained in regard to all of them?

Mr. HICHBORN. Yes, sir; the same system, but very often there has been a change of officers. They were not the same people doing the duty. The officers who do this duty are seagoing officers.

Senator TILLMAN. Would it ever come to your knowledge that this system of inspection has been defective in any particular? Have you any facts or do you know of anything in regard to the structure and the armor plating of these vessels which would indicate that there has been neglect on the part of some officers or a cheating of the Government by the contractors?

Mr. HICHBORN. No, sir; nothing of that kind would come to me.

Senator TILLMAN. Who would it come to?

Mr. HICHBORN. Occasionally complaints would come from the constructors that the armor did not follow the shape correctly.

Senator TILLMAN. If such a thing would happen, who would know?

Mr. HICHBORN. The Chief of Ordnance would know that, because he is entirely in charge of the work of supplying the armor.

Senator TILLMAN. You would not know it?

Mr. HICHBORN. No, sir; I would not know it.

Senator TILLMAN. Is there nothing which would make it come to you in some way or be known to you that such things had happened?

Mr. HICHBORN. No, sir; I do not know of any way. I might read in the papers of some complaint made, but I would have nothing officially coming before me.

Senator CHANDLER. You knew of the investigation as to the Carnegie plates?

Mr. HICHBORN. I knew it the same as every citizen knows, and it interests me, of course.

Senator CHANDLER. None of the facts transpired in or through your Bureau?

Mr. HICHBORN. No, sir; and no question was asked me in regard to it, as far as that is concerned. Nothing of an official character of that kind as to the quality of armor ever comes before me.

Senator TILLMAN. Now, I am going to ask you a right frank, square question, and, of course, I judge by your character and general appearance that you will give me a frank answer. Has the Government ever been cheated by imperfect steel that was not harveyized being put on just simple, common steel put on sponsons or protective deck plates in any of these vessels?

Mr. HICHBORN. Not to my knowledge.

Senator TILLMAN. Have you ever inspected them?

Mr. HICHBORN. No, sir.

Senator TILLMAN. Would you know if you were to inspect them?

Mr. HICHBORN. I do not think I could tell after they were worked in place. From general observation I do not think a man could tell.

Senator TILLMAN. How would it be discovered?

Mr. HICHBORN. It would be discovered in the ballistic test that takes place at Indian Head.

Senator TILLMAN. You could not tell it otherwise?

Mr. HICHBORN. I do not think one could.

Senator TILLMAN. In other words, there is nothing in the way of drilling which would show whether the process of hardening and, therefore, the protective qualities of the armor were up to the standard in any other way than by simply putting a plate up and shooting at it?

Mr. HICHBORN. That would be the only way. That would test the quality of it. You might see a slight crack, or there might be some slight imperfection that the eye would discover, but that might not indicate that the armor was defective. I do not know anything about the defects of armor, except what I read in the papers as to complaints.

Senator TILLMAN. Have you read anything in the papers along that line other than what you have just mentioned in regard to Carnegie?

Mr. HICHBORN. At the time the investigation was going on by the House Naval Committee there was a great deal published, and a pamphlet was published that gave the result of their deliberations, in which they complained of defective armor being put on some of the vessels.

Senator TILLMAN. That would emphasize the necessity, it appears to me, of having men of the strictest integrity as well as of the greatest industry as inspectors at the armor manufactories, would it not?

Mr. HICHBORN. It would require that they should also have a necessary mechanical skill.

Senator TILLMAN. Do you believe that the line officers, or those who are supposed to be taught the duty of a naval officer to command a vessel, but not to build one, are the proper men to have charge of this important and, I might say, vital department?

Mr. HICHBORN. They are not the people whom I should pick out for that duty if I had the selection.

Senator TILLMAN. For instance, if we get into a war, and find when our vessels which have cost us so much get in battle that their armor which ought to protect them against ordnance of certain size will not do so, and that it has been shoddy, so to speak, it will be too late to then remedy the defect, and the Government will have paid an enormous sum for vessels supposedly first class, according to present naval architecture and construction, but the material, the vital part of the matter, is defective.

Mr. HICHBORN. That would be a very vital thing to happen; but I do not think there is danger of any such occurrence as that.

Senator CHANDLER. You stated, in answer to Senator TILLMAN, that you did not know yourself of any defective armor outside of the investigations that have been made and that have been published. Have you heard of any defective armor, or armor not sufficiently hardened, so that you could suggest to the committee where it could learn any additional facts on the subject?

Mr. HICHBORN. No, sir.

Senator CHANDLER. You have no knowledge, even by hearsay?

Mr. HICHBORN. No, sir.

Senator CHANDLER. As to defective armor having been used?

Mr. HICHBORN. No, sir.

Senator HALE. Have you any doubt, from your general knowledge and interest in the Department and your observation, that the armor upon these ships is remarkably good armor?

Mr. HICHBORN. None whatever; I believe it is remarkably good armor.

Senator HALE. Remarkably good?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. You may state, if you please, what you once stated to me about the extreme hardness of the harveyized plates and the difficulty of attaching them by rivets and bolts to the hull of the ship.

Mr. HICHBORN. When the question of using harveyed armor first came up, it was a subject that naturally interested the Bureau of Construction, as it had to place the armor in position. The armor in many places has to have holes drilled in it—the harveyed armor, for instance. One of the first intimations we had that the harveyed armor was being introduced was a notice from the Bureau of Ordnance that under no circumstances was the Bureau of Construction to drill a hole in the armor. The question naturally arose with the chief constructor and all the members of the Bureau, how in the world are we going to build a ship and carry around all this armor and not drill a hole into it—that is, into the outside surface?

After a correspondence extending over a period of about a year, as that was put upon me as the chief constructor when I first entered upon my duties, I did not feel as though I was competent entirely to settle the question how to carry around turrets that weighed 500 and 600 tons without being allowed to attach the deck of the ship to them in any way at all. So I put that responsibility on each one of the shipbuilders, Mr. Cramp and the Union Iron Works, and I notified them in a diplomatic way that under no circumstances were they to drill any holes in this armor, because I had been so notified by the Bureau of Ordnance. They had a contract to do certain things with their ships, and this was all brand new to them. Consequently, they came back to the Navy Department in the most vigorous kind of a way, and after spending a period of about a year in trying all kinds of methods,

drills of every character—a diamond drill would not touch it—the Department found in the General Electric Light Company a skillful man who devised a means by which they could get up a machine and by the application of electricity on the outside of the armor, where he wanted to put a hole in it, they could so soften the spot without interfering with the rest that we were able to drill a hole in it.

Senator CHANDLER. Softened by electric current?

Mr. HICHBORN. Softened by electric current.

Senator HALE. And that is the way you fasten the plates?

Mr. HICHBORN. That is the way we get along first-rate now; but we had this matter under consideration for about a year before reaching a solution.

Senator CHANDLER. Is there no way you can fasten the armor to the side of a ship without boring holes on the outside?

Mr. HICHBORN. We do not under any circumstances secure side armor from the outside. We go inside and come out to it.

Senator CHANDLER. If the plate is only harveyized on the outside, you have no difficulty in boring in the inside?

Mr. HICHBORN. We have not.

Senator CHANDLER. What would be the objection to boring in the hardened harveyized surface on the outside?

Mr. HICHBORN. The heavy barbettes that hold the heavy guns are arranged on the deck of the ship resting on one deck and extending up through one or more, and we have to fasten the deck plating and big beams and everything that would hold the structure as the ship rolls. We have to fasten everything of that kind to that barbette, and that is why we have to make holes in the outside.

Senator CHANDLER. And you found it impossible to bore these holes until the electric current was applied?

Mr. HICHEORN. Until this device was gotten out.

Senator CHANDLER. To soften the plate where you wanted to bore?

Mr. HICHBORN. Yes.

Senator CHANDLER. Does not this prove the extreme hardness of the harveyized surface?

Mr. HICHBORN. Oh, yes; it demonstrates that fully.

Senator CHANDLER. In fact, then, the process was so successful that it made the plates apparently too hard to be properly worked to put them into the ship in some cases until this method of softening was invented?

Mr. HICHBORN. It left the problem open as to how we were going to complete the ship until they devised this machine.

Senator CHANDLER. This trouble that you found only made the ship, when constructed, much more impervious to projectiles, did it not?

Mr. HICHBORN. The ship is that much better for it.

Senator HALE. It showed that it was exceedingly good armor?

Mr. HICHBORN. Oh, yes; there is no question about that.

Senator CHANDLER. I did not mean to interrupt you, Senator TILLMAN, but I thought I would bring out that fact. You are entitled to ask Mr. Hichborn not only what he may know, but whether he has heard anything so that he can put us on the track of it.

Senator TILLMAN. I had heard that such things had happened and I wanted to know whether there was any foundation for it.

Senator CHANDLER. Senator TILLMAN heard that you had some knowledge, either from your own observation or from hearsay, to the effect that improperly constructed armor plate had been furnished the Government other than that already investigated.

Mr. HICHBORN. That information could never have come from any remark that I made. I am a pretty busy man in my own duties.

Senator TILLMAN. It is not worth while to go back to the source of my information, but I have simply heard that ordinary steel, worth 3 or 4 cents a pound or 2 cents a pound, had been used on the sponsons and on the protective deck plates on some of our vessels, and that this matter had come to your knowledge.

Mr. HICHBORN. I have a subject of that kind referred to me by the Secretary of the Navy at the present time.

Senator TILLMAN. You mean that you have a matter of that kind under investigation now, to test and find out?

Mr. HICHBORN. Yes, sir; to find out.

Senator TILLMAN. Possibly that is just where the whole thing came from. Of course, being charged with the duty of discovering whether the Government has been cheated, we know very well if you find it has been cheated you will make the fact known.

Mr. HICHBORN. That is a matter that I will now take up. It is under consideration.

Senator HALE. That is not as to armor plate? That comes through the Bureau of Ordnance.

Senator TILLMAN. It is armor for sponsons.

Mr. HICHBORN. The question before the Bureau to-day is a letter from the Secretary of the Navy referred to it that has been answered by the Bureau of Ordnance to a certain extent. The statement is made that plates of steel, some of them 1 inch thick, some of them as thick as 2½ inches, I think—I did not read it very carefully—have been supplied at the rate of 30 cents a pound, and the Department calls for a report from the Bureau of Construction as to where these plates are located and their use, and as to the opinion of the Bureau as to what would be a proper price at which to supply those plates.

Senator TILLMAN. If such a thing has happened, an ordinary steel drill would very soon tell you; whereas, if it is not true, you would have to have an electrical contrivance in order to penetrate it?

Mr. HICHBORN. It is nothing that requires any electrical arrangement. It is just a plain nickel-steel plate.

Senator HALE. These are the light plates, not the harveyized plates?

Mr. HICHBORN. I make the distinction, 1 inch and 2 inches thick, while the armor, as we talk about it, is, we will say, 15 inches thick.

Senator CHANDLER. Does the case you are now investigating grow out of a request from this committee?

Mr. HICHBORN. I think it does. There is a paper attached to it, I think.

Senator CHANDLER. Sent from this committee?

Mr. HICHBORN. I think, perhaps, your name is attached to it.

Senator CHANDLER. That is the case.

Senator HALE. That came up in the committee. It does not apply to heavy harveyized plating outside, but applies to the light plating which is used on decks and sponsons.

Senator BACON. In the testimony which we have previously taken here, from different witnesses, the fact was developed, as I recollect, that under a contract made by Secretary Whitney there was an item for deck plates 3 inches thick, and that before the contract was performed Secretary Tracy came into office and made another contract, by which, in place of the 3-inch deck plating, there was substituted inch plates.

Senator SMITH. Three 1-inch plates.

Senator BACON. Three in number, but each an inch thick, of the same material, and equally as effective for the purpose designed; and it was stated, if I recollect aright, that there was a saving of something over $300 per ton in the difference between those materials. Am I correct in my recollection?

Senator CHANDLER. Substantially.

Senator SMITH. I think the saving was $40,000 on the contract. The Linden people furnished it.

Senator BACON. I have forgotten the names of the parties: I simply recollect the fact that the original contract was under Secretary Whitney, for 3-inch plates.

Mr. HICHBORN. Do you recollect what shape it was?

Senator CHANDLER. It is in Secretary Whitney's original armor contract with the Bethlehem Company. It did not specify the shape.

Senator BACON. And before the contract was completed Secretary Tracy made a modification of it.

Mr. HICHBORN. The shape is always designated in the contract.

Senator CHANDLER. I do not remember as to the shape, but the deck plating that had been put in at armor prices was afterwards withdrawn.

Senator BACON. That is the point. It was a part of the contract in which there was an undertaking to supply not simply deck plate, but the side armor, at the rate of $500 a ton, I believe, and this was put in as a part of the general contract and at the same price. Subsequently thereto Secretary Tracy made a contract by which the 3-inch plates were done away with, and in their place three plates of 1 inch thickness were substituted, and in place of $500 per ton, if that was the price of the 3-inch plates, the 1-inch plates were procured at certainly less than $100 a ton, I think somewhere about $40 or $50 a ton. We would like to know, if possible, even if you have no particular knowledge of those facts, what explanation can be given of that difference in prices. If the original price, $500 per ton, for 3-inch plates was a correct price, how could the inch plates of the same material be furnished at a very much reduced rate, at $40, $50, or $60 per ton? I do not recollect exactly the figure. The record in this investigation will show.

Mr. HICHBORN. I do not carry in my mind any such thing as that ever happening. The records of the Department would show.

Senator BACON. Ex-Secretary Tracy himself testified about it here.

Mr. HICHBORN. That he substituted inch plates in place of 3-inch plates?

Senator BACON. Yes, sir. That was stated by ex-Secretary Tracy in his testimony, was it not, Senator CHANDLER?

Senator CHANDLER. Yes; but this is the fact, that included in the large armor contract of Mr. Whitney's, amounting to something over $3,000,000, made in order to induce the Bethlehem Company to establish their plant, there was a lot of thin steel plate at armor-plate prices, perhaps heedlessly, thoughtlessly. As a matter of fact, it never was furnished at those prices, because it being discovered that it was a very high price for thin plate

the specifications never were furnished to the Bethlehem Company. They were withdrawn, and Secretary Tracy made a contract somewhere else. I understand that the Bethlehem Company never have furnished any plates less than 8 inches thick.

Senator BACON. I understand that this deck plating was not at all of the same material as armor plating.

Senator CHANDLER. If Senator BACON will allow me to explain, the point that anything was wrong or any fraud intended is worthy of inquiry. In my belief it was not, and any inclusion of this kind of plate in that contract was accidental. At any rate, it never was carried out. Secretary Tracy stated that he very promptly withdrew that portion of the contract.

Senator BACON. I will state my reason for making the inquiry. As the record now stands, it looks very bad. I do not believe that there was anything wrong in it. I asked the representative of the Bethlehem Company, when he was before the committee, to explain it, and he declined to do so.

Senator CHANDLER. Captain Meigs, who is now here, will be able to explain it, I have no doubt.

Senator BACON. I wanted it explained for the purpose of clearing the matter up.

Senator CHANDLER. Mr. Hichborn, I suppose you know nothing about it?

Mr. HICHBORN. I have only a faint knowledge of it. It occurred about ten years ago.

Senator BACON. Pardon me a moment; I want to complete my statement. I do not wish it to appear that I am asking these questions for the purpose of convicting anybody of impropriety. My purpose is that the record, if it can be made to show that there has been no impropriety, shall so show. As it now stands, without an explanation, it would appear to be otherwise.

Senator CHANDLER. I think "impropriety" is the proper word to be applied to the transaction. I do not want to prevent Senator BACON from getting from Mr. Hichborn anything that his memory may enable him to state about it. Therefore I should like him to state what recollection he has on the subject.

Mr. HICHBORN. I have only the slightest recollection of it. I know there was some modification of the contract. The question, I think, that came up was as to the high price they were to pay for this very thin material that could be supplied by the ordinary steel maker; that they were paying the same price for these thin plates that they were paying for thick material.

Senator CHANDLER. Can you throw any light upon the question why that happened to be included in the contract by Mr. Whitney?

Mr. HICHBORN. No, sir; not from memory. I could probably do so by searching the records and seeing the correspondence there was on it. I think there was some little correspondence with the Bureau in regard to it, although I am not quite certain about that. That could be brought out by a letter to the Navy Department.[1]

Senator BACON. You spoke just now of the ballistic test. I suppose you mean by that the test of firing a ball against the plate?

Mr. HICHBORN. Yes, sir.

Senator BACON. You spoke, in answer to a question by Senator TILLMAN, of that as the only test that could be made as to the perfection of a plate, or as to its quality. Am I correct?

Mr. HICHBORN. There would be other tests.

Senator BACON. But that is the controlling test?

Mr. HICHBORN. That is what is controlling, sir.

Senator BACON. Of course, every plate is not so tested?

Mr. HICHBORN. No, sir?

Senator TILLMAN. There is one in a thousand tested——

Senator BACON. Wait a moment, please. There is simply one plate selected as an average specimen plate?

Mr. HICHBORN. Selected from a group.

Senator BACON. Selected from a group, at hazard?

Mr. HICHBORN. Yes, sir.

Senator BACON. They do not permit them to prepare a special plate for a test?

Mr. HICHBORN. No, sir.

Senator BACON. The idea is that all of them being made under the same process, one of them, selected at hazard, would be a pretty fair average specimen of the others, and what that would endure the others may be depended upon to endure?

Mr. HICHBORN. You understand that there are other tests being made of the quality of the material before its manufacture. The ingot is tested as to its quality before it is manufactured into the plate itself, and every precaution is taken to insure success.

Senator BACON. Is that ingot manufactured under the inspection of a Government officer?

Mr. HICHBORN. Oh, yes; there are officers at the mill all the time, and they make reports to the Department.

Senator CHANDLER. Are not the cuttings of the plates also tested?

Mr. HICHBORN. Yes, sir.

Senator CHANDLER. And that is done as to all the plates?

Mr. HICHBORN. Yes, sir.

Senator HALE. There is a very careful inspection all through, is there not?

Mr. HICHBORN. There is a very careful inspection as to that, more so than ever, I guess, nowadays.

Senator BACON. The inspection, I understand, is very careful, and all practical experience so far has demonstrated that those tests have been efficiently made?

Mr. HICHBORN. Yes, sir.

Senator BACON. And there is no reason to suppose that they have not been thorough?

Mr. HICHBORN. I do not think there is any doubt about the tests being properly made and about the armor being good and perfect at the present time.

Senator SMITH. Since you have held your present position you have drawn the plans for the construction of some of our armored vessels in the navy-yard both at New York and at Norfolk?

Mr. HICHBORN. Yes, sir.

Senator SMITH. They have been constructed by the Government?

Mr. HICHBORN. Yes, sir.

Senator SMITH. You have also had something to do with drawing the plans for similar vessels that were constructed under the contract system?

Mr. HICHBORN. Yes, sir.

Senator SMITH. Will you please state your opinion and judgment as to what is for the best interests of the Government upon the question of building their own ships or having them built by contract?

Mr. HICHBORN. That question is one that often comes up. In my opinion it would be for the interest of the Government to build some vessels in the navy-yards and some vessels by contract. I make that statement very full in my report, if you will care to read it at any time. I go into the details of that, as to why it is for the interest of the Government to keep skilled men and a reliable plant, so that in case of an emergency the Government could also build ships as well as have an efficient force for repairing vessels. I believe that is the custom adopted almost universally by other Governments; at least it was so when I visited the European dockyards. I was sent abroad by Secretary Chandler, and I made that study and submitted the results of my observation in a report, which was printed. I found that although the English, French, Germans, and Russians built some vessels by contract, they always had a certain number building in each of their large yards. I think the principle is a good one. I will submit an extract from the report, pages 27 and 28:

EFFICIENCY OF NAVY-YARD PLANTS.

In previous reports the Bureau has called attention to the difficulties which would arise from the completion of certain vessels which had been in course of construction for some years past at the three principal navy-yards. This difficulty now confronts the Department, since the completion of the vessels building at the New York and Norfolk navy-yards has necessitated the discharge of a large proportion of the skilled force hitherto employed at those stations, and it will be exceedingly difficult to maintain the efficiency of the construction and repair plants at those yards unless early measures are taken to give regular employment to a small force of skilled mechanics in each of the principal branches of that department in the above-mentioned yards.

The most economical and efficient way of maintaining at a navy-yard a force competent to make all the necessary repairs and alterations on ships fitting out is to have some vessel building at such yards, so that when there are no vessels under repair the permanent force can be employed on the new constructions.

The machinery plants at New York and Norfolk have been installed at great labor and expense, and the present and prospective diminution in the force of mechanics must necessarily result in the partial deterioration of those plants. Other things being equal, the greater the amount of work which is being done at a yard the cheaper the rate of production, since there are certain large fixed charges for maintenance and supervision, these charges continuing quite regardless of the amount of work. The foreman and certain leading men must always be retained, even if there is no work going on, in order that the nucleus of the organization may be maintained. But even under these conditions it is difficult to organize an efficient force of mechanics at short notice, since the best men, when discharged by the Government, will assuredly seek positions elsewhere, and if possible will make arrangements for work where there is some chance of permanency.

[1] NOTE.—Mr. Hichborn subsequently furnished the following explanation: There appears to be some misunderstanding on this subject, so I will give a brief statement of the facts.

The proposal for armor issued by Secretary Whitney February 12, 1887, called for 1,071 tons of protective deck "armor," it apparently being considered at that time that such material could best be made in connection with the armor proper. The contract for this material was awarded to the Bethlehem Iron Company at $490 per ton. These proposals covered the protective decks for the *Maine* and *Texas*, which were the only ships included under the proposal requiring protective deck plating. The designs of the *Maine* and *Texas* required 1,051 tons of protective deck plating, 65 (estimated) tons only of which was 3 inches thick, the remainder being made up entirely of 2 and 1 inch plating.

It became evident as the work progressed that it was an inadvertence to include this material as armor, since it was not worth anything like $490 per ton, and it is understood that Secretary Tracy made arrangements with the Bethlehem Iron Company by which they delivered instead of it a certain quantity of thick armor proper for other ships at the same price per ton. New advertisements were issued for the thin plating, and the contract was awarded to the Linden Steel Company at an average price for the two ships of 5.616 cents per pound, or $125.66 per ton.

The 3-inch plating, amounting to about 50 tons, was, however, supplied by Bethlehem under the original contract, and is now on the *Maine*.

There was no change in the designed thickness of plating on any of the ships. The only change was the change by which the Bethlehem Company agreed to substitute thick armor for the thin protective deck plates originally contracted for and withdrawn.

It is thus readily seen that the excessive diminution of the present well-trained forces at the Norfolk and New York navy-yards would result in direct injury to the Government, depriving it eventually of some of its best mechanics, while sensibly increasing the cost of repair work.

For the above reasons, and in order that the plants at our principal naval stations may always be kept in a high state of efficiency for the performance of the general work of repairing and fitting out, it is earnestly recommended that in future appropriations provision be made for having at least one vessel in course of construction at each of the three principal navy-yards.

Senator SMITH. What important part of the vessel constructed by the Government, outside of the armor plate, is not constructed by them?

Mr. HICHBORN. Almost all of the large castings we have to get from private concerns, and the shaftings, and such things as that. We have not the facilities for forging shaftings or making large castings, but that is only a very small portion of the material required.

Senator SMITH. Nor is it an important portion, in a sense?

Mr. HICHBORN. Ninety-five per cent of the vessel, leaving out the armor and the guns, we could build in one of our navy-yards like Norfolk or New York.

Senator SMITH. We do now construct some of our guns, do we not?

Mr. HICHBORN. Nearly all of the guns for the Navy are made at the Washington Navy-Yard.

Senator SMITH. That is what I supposed. I understood you to except the guns and the armor plate.

Mr. HICHBORN. I should not have done that. I had in view a shipbuilding yard rather than anything else, and at the instant I lost sight of that point.

Senator TILLMAN. Do you believe it practicable or desirable for the Government to undertake the manufacture of its own armor?

Mr. HICHBORN. No, sir; I do not.

Senator TILLMAN. Do you know what the Governments of France, Russia, Germany, and England are now paying for armor, or have you any reports coming from them indicating what it costs those Governments to get their armor?

Mr. HICHBORN. I have no information about it except what is given by the Chief of Ordnance in his reports from year to year. This he occasionally mentions; and he made a separate report to the House Naval Committee as to the prices paid abroad for armor. I prepared a short statement on the armor-plant question, which I shall leave with the committee. I understood that was the question on which I was to come before the committee, so I took the liberty to prepare the following:

NOTES ON AN ARMOR PLANT TO BE ESTABLISHED IN WASHINGTON CITY.

The proper location for such a plant would naturally be on water communication, as well as accessible from railroads, since most of the supplies of coal, ore, etc., needed would have to come by rail, while the water frontage and facilities would be necessary to allow of ready shipment to the proving ground.

There is no such suitable locality in this city, as all the water frontage is on alluvial or quicksand soil, which would make it impossible to install some of the machinery without great expense. It is possible, however, that a site might be found on higher ground and away from the water, so that the railroad joining the plant with the water would be short, and the higher ground would make it possible to install all the machinery.

The exact cost of an installation would depend largely upon the location selected, but as a rough estimate I should say that $2,000,000 would probably cover the cost of an armor plant upon a good site, having a maximum capacity of some 350 tons per month. The cost would depend a good deal, too, upon the knowledge and ability of the people in charge of the work.

There is no question that great difficulty would be found in obtaining skilled men to handle such a plant, because they would not feel sure of continued or permanent employment in a factory where there would be periods of great activity, followed by periods of idleness, dependent on appropriations for ships, etc.

A Government armor plant would also not have the financial responsibilities, so to speak, that a private plant has for the delivery of good plates, since armor made by the Government would be tested and passed upon by the Government, and this does not tend to produce good results.

So far from believing a Government armor plant necessary or desirable, I am of the opinion that the present direct relations between the Department and private armor plants are undesirable, and that equally good armor at much cheaper rates would be obtained if the shipbuilder purchased his armor from the manufacturer under Government tests and supervision as he now purchases his structural steel.

STATEMENT OF LIEUT. J. F. MEIGS (RETIRED).

Senator SMITH. Where are you now located?

Mr. MEIGS. I am located at Bethlehem.

Senator SMITH. What are your duties?

Mr. MEIGS. I am the ordnance engineer of the Bethlehem Iron Company, and have been for the past two or three years. I have been at Bethlehem now for about five years.

Senator HALE. Are you in the Navy?

Mr. MEIGS. I was retired from the Navy for color blindness when I came up for promotion to the grade of lieutenant-commander in 1891.

Senator HALE. You are on the retired list?

Mr. MEIGS. I am, sir.

Senator SMITH. The Government has been contemplating the establishment of an armor-plate works. If it should conclude to do so, have you any objection to giving your opinion and judgment as to where the best place would be to locate it, and what would be the probable cost of constructing a plant that would manufacture, say, about the quantity that is manufactured now at the Bethlehem works?

Mr. MEIGS. I have none, sir. But as regards the locality, I have never given the matter any thought, and I fear that my opinion would not be worth very much. As regards the cost, I can only speak from knowledge obtained from the officers of the Bethlehem Iron Company, and I submit that that matter has been better presented to you already by Mr. Wharton than I can present it, and my knowledge must come from the same sources as his was derived from.

Senator SMITH. How many tons do they put in their furnaces at a time now when constructing armor plates, and what do they manufacture their armor plates from?

Mr. MEIGS. Our largest furnace has a capacity of 50 tons, but we have to use a number of them, as the ingots at times weigh as much as 150 tons, or close to that figure. I beg your pardon, I do not think I have fully answered your question.

Senator SMITH. I want to know what you use in making the steel for the armor.

Mr. MEIGS. As regards the stock?

Senator SMITH. Yes.

Mr. MEIGS. I can not speak fully on that matter. It varies a good deal from time to time.

Senator SMITH. I did not mean the quantity, but just the material.

Mr. MEIGS. I understand you. It varies a good deal from time to time.

Senator SMITH. I may ask you at this point why does it or why should it vary?

Mr. MEIGS. It has varied, for example, from the fact that in the case of a Russian contract which we had to execute, and which I have in my mind more than anything else, the limits of the composition were not the same as the United States Government had required. We were obliged to change the mixture, and we got into a good deal of trouble about it.

Senator SMITH. In regard to the Russian mixture?

Mr. MEIGS. I do not know that I ought to say we got into trouble. We came into it, sir, in the way that the phosphorus limit was very low, and we were obliged to use for that reason a great deal of muck bar, which, as you know, is an expensive product; and it changed the ballistic resistance of the plate, in my judgment, and the plate did not do quite as well as we hoped it would do, though it passed without difficulty the test required of it in Russia.

Senator SMITH. The muck bar is very expensive, is it not?

Mr. MEIGS. Yes, sir.

Senator SMITH. You had to use more of it in that contract than you use when you supply our Government?

Mr. MEIGS. Yes, sir; but we did not make as good a plate.

Senator SMITH. What is muck bar?

Mr. MEIGS. It is puddled bar. I say we did not make as good a plate, because I have full knowledge in that respect. I drew the ballistic tests that we were required to meet in Russia, and I drew them, of course, from our knowledge of what we had done in the case of the tests of the United States plates. Yet, as I have said, for the reason that the phosphorus limit was low we were obliged to change the mixture, and though our plate was made more expensive, it did not do as well as the United States plate. That was the principal cause of the change of mixture.

Senator SMITH. In your judgment, what constitutes the best mixture for manufacturing armor?

Mr. MEIGS. I could not say, sir; it is a matter so very difficult.

Senator SMITH. Let me ask another question. Can you not take your pig iron, for instance, and scrap iron with it, and manufacture an armor plate cheaper by that process than by using the two irons?

Mr. MEIGS. I do not think that it is well to try to cheapen those things. It is a very difficult thing to determine in advance. The losses entailed would be very great, and I do not think the promise of success is sufficient to warrant the risk.

Senator SMITH. Have you any objection to stating what is used in the manufacture?

Mr. MEIGS. I do not know, Senator.

Senator SMITH. You do not know?

Mr. MEIGS. Not in a way that would be of any use to you.

Senator SMITH. Now, I should like to ask one other question, and then I will be through. Have you had enough practical knowledge and experience to give the committee an opinion as to whether it is possible or practicable, or is it so considered by experts in the manufacture, that 50 tons of steel in armor plate in one furnace can be manufactured of as good a quality as 10 or 15 or 20 tons?

Mr. MEIGS. Do you mean whether a large furnace or a small furnace is better?

Senator SMITH. Yes, sir. What is the general opinion among experts in manufacturing as to whether a 50-ton furnace can produce as good steel as a 10 or 15 ton furnace?

Mr. MEIGS. The general judgment would be that in a large ingot large furnaces and a small number of them would do better than a very large number of smaller furnaces. That would be the judgment, sir.

Senator SMITH. Then your judgment would be that a 50-ton ingot could be turned out and produced equally as good as a 10-ton ingot?

Mr. MEIGS. Oh, yes. I understood you to say that in making these very large ingots the question which was in your mind was whether it was best to make them in small furnaces.

Senator SMITH. My information from the steel men whom I have consulted in regard to the question is that it is generally acknowledged by all experts that the smaller quantity will produce a much better steel than the larger quantity, and I wanted to get your judgment on that question.

Mr. MEIGS. All the tendency is now to make the furnaces larger.

Senator SMITH. That is, to cheapen the cost of production, of course. I am talking now about the question of quality, not the question of price.

Mr. MEIGS. I should think it would be very dangerous. To begin at the 10-ton furnaces, you would have to have fifteen of them, and if anything goes wrong in any of them, if anything goes to pieces, there would be infinite difficulty in such cases. Then there is always trouble about tapping the furnaces and running the metal up to a point to pour it in the mold, and if the furnaces do not succeed each other in proper order, and one gets a little low or has a point of weakness, the defect in the ingot might not be developed, perhaps, until after it took its shape. I think the judgment is all in favor of large furnaces. But, on the other hand, Krupp makes his guns weighing 50 tons and upward with 100-pound crucibles and his armor plates in big open-hearth furnaces.

Senator SMITH. But not so large as ours?

Mr. MEIGS. Yes, sir; quite as large. My impression is that the furnaces are quite as large as any we have. That is my impression from just seeing them as I passed by.

Senator CHANDLER. On the subject of the delivery of steel ingots of sufficient size to make armor plates and a site for a Government armor factory, will you state what would be necessary for the plant for such a factory upon the site to take steel ingots of sufficient size and make armor of them? What would the plant consist of?

Mr. MEIGS. The plant would consist, probably, of a large forging press, with the necessary appurtenances, and cranes, and gas producers, engines and boiler houses, and a machine shop suitably erected, together with the apparatus necessary for bending the the plates, which would include a hydraulic press of large capacity, together with its cranes, heating furnaces, and other accessories. It would also include, as armor is now made, an extensive plant for harveyizing armor, and cementing.

Senator CHANDLER. Differentiate the plant for the armor process from the ordinary plant which you have described.

Mr. MEIGS. Yes, sir; I will leave that out.

Senator CHANDLER. What do you require for harveyizing in addition to the other plant?

Mr. MEIGS. You require the furnaces.

Senator BACON. Different from the other furnaces?

Mr. MEIGS. Entirely different.

Senator CHANDLER. And what else?

Mr. MEIGS. The furnaces and the accessories of the building in which they stand, which amount includes expensive cranes and other appliances necessary for moving the heavy weights, and the apparatus for tempering the plates, and other minor accessories.

Senator CHANDLER. You have described very rapidly——

Mr. MEIGS. Of course, in addition to that, you would require a machine shop.

Senator CHANDLER. I want you to describe everything you can think of.

Mr. MEIGS. You would require a machine shop for finishing the plates, an extensive smith shop for making the armor bolts, all the tools necessary for doing that, and for tempering them.

Senator CHANDLER. Is there anything else that you think of?

Mr. MEIGS. I am only mentioning, of course, the principal things. There would have to be a large building, including considerable floor space, in which to erect the armor-plate structure, and this, of course, must be commanded by a crane. I think those are pretty much all the principal points.

Senator CHANDLER. How about a testing apparatus, a building for chemical tests? Are chemical tests not required?

Mr. MEIGS? An enormous number of them.

Senator CHANDLER. Describe the extent to which it would be necessary to have apparatus for chemical tests.

Mr. MEIGS. I could not say anything very definite about that, but as a matter of estimation I should say that the number of chemical tests involved in making a single armor plate are about thirty.

Senator CHANDLER. Chemical tests outside of mechanical tests?

Mr. MEIGS. Yes, sir; some of them are what the chemists call, I believe, complete tests, and others are tests more or less partial for certain elements only. I did not mention the physical laboratory. Of course the Government has one or two machines for testing steels physically. They are, however, inferior to the machines now ordinarily in use—at least I believe they are—unless they have bought some recently.

Senator CHANDLER. Your testimony will be furnished you for revision, and I request you, having taking a bird's-eye view of an armor-plate factory, to add anything that would be needed to make a complete armor-plate factory.

Mr. MEIGS. Yes, sir; I will do so.

Senator CHANDLER. Now, I will ask you to what extent at Bethlehem the armor-plate factory and its various appurtenances are also used for other purposes; for instance, the handling of gun metal, the treating of gun metal, and the making of guns?

Mr. MEIGS. It is used practically for no other purpose.

Senator CHANDLER. The armor-plate plant, then, and all the paraphernalia belonging to it is alone, by itself?

Mr. MEIGS. Purely; it is made special.

Senator BACON. Could it be used for the purposes indicated by Senator CHANDLER?

Mr. MEIGS. No, sir. We would be very glad to use it, sir. We have the big hammer at Bethlehem, and the big press, both of which are extremely powerful forging tools. The hammer has been standing about six years and the press three or four years. During all that time under those two machines we have made two big rings for the Cataract Construction Company, and that is absolutely all.

Senator CHANDLER. All of the work outside of the armor plate?

Mr. MEIGS. All of the work outside of the armor plate.

Senator CHANDLER. And you have made no use of the plant for handling gun metal?

Mr. MEIGS. None except in the melting department.

Senator CHANDLER. I include the melting.

Senator BACON. I simply wish to know whether or not the failure to utilize this plant for the purpose indicated by Senator CHANDLER has been due to the fact that you have been otherwise occupied, or whether it is not adapted to the purpose.

Mr. MEIGS. Oh, no; we could make at Bethlehem, as far as forging capacity goes, five times the tonnage of armor plate that we now turn out.

Senator BACON. I understand, then, that this plant is not adapted to the purpose.

Mr. MEIGS. There is no demand for the class of material which it can make. If you have a small forging to make, you make it under a small hammer and a small tool. This press is so large that it will tear a small piece of metal all to pieces, and you can not forge it right. According to the size of the material you have to make, you make your forging machinery.

Senator BACON. It would not be adapted to larger sized guns?

Mr. MEIGS. We have other presses that we make the guns under.

Senator CHANDLER. You have made no practical use of the armor plant for any other purpose?

Mr. MEIGS. We have been unable to make any other practical use of it.

Senator CHANDLER. You spoke of melting pots, but I assumed that you had the steel ingot from a steel-producing plant?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. You do not put the steel ingot into a melting pot for any purpose in making armor?

Mr. MEIGS. We put it into the furnaces for heating for forging.

Senator CHANDLER. You take the cold ingot and you heat it to forge the armor plate either by the hammer or the press?

Mr. MEIGS. Yes.

Senator CHANDLER. But you do not put it into the melting pot?

Mr. MEIGS. Oh, no.

Senator CHANDLER. When you said that the melting pot would be used, it was a mistake?

Mr. MEIGS. I mean its use outside of that purpose.

Senator CHANDLER. There is no melting pot used?

Mr. MEIGS. Oh, no, sir; not with the ingot after the ingot is made.

Senator CHANDLER. My question was wholly upon the hypothesis that you took the steel ingot from the steel cuttings.

Mr. MEIGS. Yes, sir.

Senator CHANDLER. Is there any difficulty in a competent constructing engineer looking at your plant, just as it stands there by itself, for the purpose of making armor and estimating what it would cost for the Government to reproduce that plant?

Mr. MEIGS. I suppose an estimate could be formed by a person who is acquainted with such matters.

Senator CHANDLER. I mean a skilled constructing engineer, or an engineer used to making machinery. You could yourself look at it and make an estimate of its cost, could you not?

Mr. MEIGS. I do not think my estimate would be worth much, Senator, made in that kind of a way.

Senator CHANDLER. It is all visible?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. The manufacture is purely physical? There is no spiritual work that goes into it except the brains of the manager?

Mr. MEIGS. That is all, sir.

Senator CHANDLER. Now, a sufficiently skillful engineer can look at that and see what it is and estimate its cost?

Mr. MEIGS. Yes, sir. There is a good deal of skill required in running such a plant after it is built, and there is a good deal of technical special knowledge, too.

Senator CHANDLER. I am not dealing with that point; I am dealing with the cost of the plant, assuming that it could be used.

Mr. MEIGS. Yes, sir.

Senator CHANDLER. You prefer not to make any statement about the cost of the Bethlehem plant?

Mr. MEIGS. I shall be very glad to repeat what I know from the same sources that Mr. Wharton got his facts from, but mine would come from the same source.

Senator CHANDLER. The cost is all upon their books and it is for them to furnish it, if it is to be furnished?

Mr. MEIGS. Yes, sir. I could furnish it from the same sources as Mr. Wharton.

Senator CHANDLER. You have in a general way described, or will do so, of what the plant consists?

Mr. MEIGS. Yes, sir.

Senator HALE. You do not represent the Government there?

Mr. MEIGS. No, sir.

Senator HALE. Not at all?

Mr. MEIGS. No, sir.

Senator HALE. But you work there in the employment of the Bethlehem Company?

Mr. MEIGS. I am in the employment of the Bethlehem Company.

Senator HALE. Who has the Government there on the duty of inspecting and examining from time to time the work upon the armor plate done by the company?

Mr. MEIGS. Lieutenant-Commander Rodgers.

Senator HALE. Where is he?

Mr. MEIGS. He is at Bethlehem.

Senator HALE. Who else besides Lieutenant-Commander Rodgers?

Mr. MEIGS. Until within a few days Ensign Faust has been there, but he has just left.

Senator HALE. Where is he?

Mr. MEIGS. I do not know, sir. He was ordered to California. I fancy he is on his way by this time.

Senator HALE. How long has Lieutenant-Commander Rodgers been there?

Mr. MEIGS. Lieutenant-Commander Rodgers has been there about a year.

Senator HALE. What is his full name?

Mr. MEIGS. Lieut. Commander John A. Rodgers.

Senator HALE. He is there now?

Mr. MEIGS. He is there now.

Senator HALE. Representing the Government?

Mr. MEIGS. Yes, sir.

Senator TILLMAN. Is he the only Government officer there?

Mr. MEIGS. No, sir; there are two officers of the Army there as well.

Senator TILLMAN. I mean of the Navy. We are not dealing with the Army.

Mr. MEIGS. I have just stated that Mr. Faust, who has been there also, has just gone away.

Senator HALE. The Navy Department usually has two officers there?

Mr. MEIGS. It always has had two officers there until in the last few days.

Senator CHANDLER. Have they no assistants—no inspectors?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. Senator HALE speaks of only two officers, but they have the assistants necessary to make tests?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. Do they employ a Government force, or do they utilize your force?

Mr. MEIGS. The companies by contract are obliged to give the inspectors all the assistance they call for, and such assistance is always given. Mr. Rodgers has one clerk.

Senator CHANDLER. Suppose one of these officers sees some steel cuttings from one of the armor plates and says, "I want those cuttings as they have been shaved off there in this machine taken to the laboratory and chemically analyzed;" you furnish the force to do it?

Mr. MEIGS. Yes, sir.

Senator CHANDLER. And suppose he wants a physical test applied by a hammer or by a pressure machine; you are bound by contract to make all the tests which may be required by Government inspectors, are you not?

Mr. MEIGS. Yes, sir.

Senator TILLMAN. Do you mean that the chemical tests are made by their employees?

Mr. MEIGS. Or they would be made here. They have been sent here occasionally. We have rather a complicated system in that respect. I may mention it; I can describe it in a few words. The Government guaranty in that case is the fact that it sends physical bars, as they are called, bars that can be pulled from time to time to the Watertown Arsenal, near Boston.

Senator CHANDLER. Where there is an Emery machine?

Mr. MEIGS. Yes, sir. We have an Emery machine at Bethlehem.

Senator CHANDLER. Your own or the Government's?

Mr. MEIGS. Our own. It is as good as the one at Watertown, but not so large. Its story is checked from time to time by the machine at Watertown. It has also been the custom of the Government occasionally to make chemical tests, but the ordinary run of chemical tests and physical tests are made by employees of the contractors in the presence of Government officers.

Senator CHANDLER. The Government officer looks on and sees the tests applied?

Mr. MEIGS. He sees whatever he chooses to look at.

Senator CHANDLER. There can be no possibility of deceiving him while those tests are going on?

Mr. MEIGS. No; none.

Senator HALE. The officers attend constantly to the duty of inspection?

Mr. MEIGS. Yes, sir. I think their custom is always to be in the room when the bars are broken.

Senator HALE. And they report from time to time to the Department?

Mr. MEIGS. Yes, sir.

Senator BACON. Are the Army officers engaged on the same thing?

Mr. MEIGS. In making guns. The Bethlehem Company is making 100 finished guns for the Government.

Senator BACON. They are in a separate department?

Mr. MEIGS. They are in quite a separate department; they have nothing to do with the armor plate.

Senator HALE. The Army has officers there as well as the Navy?

Mr. MEIGS. Yes, sir.

Senator HALE. On this work of inspection?

Mr. MEIGS. Yes, sir; the Army has two officers there, and those officers have a couple of clerks.

STATEMENT OF LIEUT. C. A. STONE (RETIRED).

Senator HALE. What is your relation to the Carnegie works?

Mr. STONE. I am in the employment of the Carnegie Steel Company; I am their ordnance officer.

Senator HALE. Are you in the Navy?

Mr. STONE. I am a retired lieutenant in the Navy.

Senator HALE. When were you retired?

Mr. STONE. I was retired in 1893 for physical disability when I was about to come up for promotion to lieutenant-commander.

Senator HALE. When did you begin work in the employment of the Carnegie Company?

Mr. STONE. I was sent there by Secretary Tracy in 1891.

Senator HALE. That was before your retirement?

Mr. STONE. Yes, sir.

Senator HALE. What were you sent there for?

Mr. STONE. The Secretary wished me to go there to assist them in the manufacture of armor; to establish it.

Senator HALE. On inspection duty?

Mr. STONE. No, sir; but I had been on ordnance duty when I was sent there. Of course, I was not sent there officially, but he told me he wished me to go.

Senator HALE. That was while you were on the active list?

Mr. STONE. Yes, sir.

Senator HALE. And they were developing this work?

Mr. STONE. Yes, sir; they had just made their contract with the Government, and the Secretary thought it would be to the interest of the Government, as he told me, if they should have an ordnance officer there.

Senator HALE. How long did you continue to represent the Government? You reported from time to time to the Secretary?

Mr. STONE. I was on leave of absence then, and did not represent the Government any more than I do now.

Senator HALE. I understood you to say that you went there at the request of the Secretary?

Mr. STONE. I did; but I did not represent the Government as an inspector, or anything of that sort. I went at the request of the Secretary to go into their employment, to aid them. He considered that it would be to the interest of the Government that they should be aided.

Senator HALE. Then you went into the employment of the Carnegie Company for some time while you were on leave?

Mr. STONE. Yes, sir; the Secretary gave me a leave of absence.

Senator SMITH. How long a leave of absence did you have?

Mr. STONE. He gave me two years. This was afterwards extended for another year, but I was retired before the expiration of this extension.

Senator SMITH. During that time you were employed by them?

Mr. STONE. I was employed by them.

Senator HALE. Then, when were you retired?

Mr. STONE. I was retired in 1893.

Senator HALE. On what account?

Mr. STONE. On account of physical disability—hernia.

Senator HALE. Were you able to continue your work there during the years before your retirement?

Mr. STONE. Yes, sir.

Senator HALE. Were you in such condition that you could continue in the employment of the company in active duty, and at the same time request and procure retirement?

Mr. STONE. I did not procure it. The doctors found me physically disqualified for promotion, and retired me.

Senator CHANDLER. The examination was not made until the time came for your promotion?

Mr. STONE. No; not until my promotion was nearly due. I had no suspicion of any disability when I went there, and no intention or idea of going on the retired list. That came up afterwards.

Senator HALE. You did not make application for retirement?

Mr. STONE. No, sir; not at all.

Senator HALE. It was the result of a physical examination to which you were obliged to submit when your time for promotion came?

Mr. STONE. Yes, sir; I asked to be physically examined probably a month or so before I would have been examined anyway.

Senator HALE. Expecting to be promoted?

Mr. STONE. Hoping to be promoted, but I hardly expected it at that time.

Senator HALE. Then when you were transferred to the retired list you continued in the employment of the company?

Mr. STONE. I continued in the employment of the company.

Senator HALE. So that you did not in any way represent the Government?

Mr. STONE. No, sir.

Senator HALE. You represented entirely the Carnegie works, and you were paid by them?

Mr. STONE. Yes, sir.

Senator HALE. You have continued in that employment ever since?

Mr. STONE. Yes, sir.

Senator HALE. I merely wished to bring out the relation of the witness to the Government and the company.

Mr. STONE. Of course, if I had been promoted I should have left the employment of the company and gone to sea.

Senator CHANDLER. Have you seen the armor-making plant of the Bethlehem Company?

Mr. STONE. No, sir; not for many years.

Senator CHANDLER. You heard Lieutenant Meigs state that they have a large hammer, and also a hydraulic press?

Mr. STONE. Yes, sir.

Senator CHANDLER. What have you at the works of Carnegie, Phipps & Co.?

Mr. STONE. We have a large press of about the same size and capacity as the one at Bethlehem. We have no hammer.

Senator CHANDLER. Are you expecting to have a hammer?

Mr. STONE. No, sir; we would not consider it necessary to build one.

Senator CHANDLER. The hydraulic press is sufficient?

Mr. STONE. Yes, sir; we think it is a better forging appliance than a hammer.

Senator HALE. Whom has the Government there at the works now?

Mr. STONE. They have a number of officers. The chief ordnance inspector is Commander Horace Elmer.

Senator HALE. Inspector of ordnance?

Mr. STONE. Yes, sir; he is the chief ordnance inspector, and has to do with the armor, and so on.

Senator HALE. Who else?

Mr. STONE. He has an assistant, who has gone there lately, named, I think, McVay, but I am not certain. I can verify that by the time my statement is furnished to me.

Senator HALE. What other officers are there?

Mr. STONE. Besides that, officers under the steel inspection board, the chief of which is Lieutenant-Commander Forse, and a number of others—I do not know who they are.

Senator HALE. A number of other officers?

Mr. STONE. Yes, sir.

Senator HALE. Then the Navy Department has several officers there?

Mr. STONE. It has several officers there.

Senator HALE. Constantly on inspection duty?

Mr. STONE. Yes, sir. The steel inspection board, as you know, have to do with what we call ship material, that is, plates, angles, and so on, for the hull of the ship. The ordnance inspectors have to do with the armor. They are separate.

Senator HALE. Has the ordnance inspector, in dealing with this matter of plate, any other officers there except the first one you mentioned?

Mr. STONE. Yes, sir; he has an assistant, Ensign McVay.

Senator HALE. He is an officer?

Mr. STONE. Yes, sir; an ensign. There is a commander and an ensign. We have had as many as three or four at times, but we are nearly out of the armor work now, and consequently there is no necessity for so many.

Senator BACON. Is there any one of the officers there on duty whose physical disabilities would make him incompetent to discharge the duty?

Mr. STONE. I do not know that I could answer that. I do not think that I would be as efficient an inspector as if I did not have the physical disability. That is, I am not as active and as able to be about on my feet as much as if I did not have the physical disability.

Senator BACON. Do you not have to look after the interests of the Carnegie Company with as much physical activity as they have to look after the interests of the Government?

Mr. STONE. I suppose the doctors in retiring me——

Senator BACON. The doctors in retiring you had reference to your ability to serve as an officer on board ship?

Mr. STONE. Yes, sir; as I was going to say.

Senator BACON. Of course, it is no reflection upon you, but simply a reflection upon the policy of the Government in retiring officers physically able to discharge certain duties to which other officers are assigned.

Mr. STONE. I must say, and I think I can say without vanity, that the Government could find work for me to do if it wanted to do so.

Senator BACON. You have not reached the age when you would be retired on that account?

Mr. STONE. Not at all. I am only 48 years old, and I would not be retired until 62. But the Government must and does go by system in regard to such matters.

Senator BACON. You mean it is the present system that it retires an officer by reason of his inability to discharge duties on board ship, when, in fact, there are other duties to which it does assign officers which he would be entirely competent to perform?

Mr. STONE. Certainly, quite well; and even with a little tolerance with reference to his duties on board ship he might very well be employed there too. Lieutenant Meigs was retired for color blindness. He went through all the grades where this was most important, but when he came up for executive officer or for commander he was retired.

Senator BACON. Of course the retirement was entirely proper under the present law. The question is whether the law is right.

Mr. STONE. Certainly; I understand.

Senator SMITH. What is your opinion or knowledge as to the question of your company being able to produce, or anybody else being able to produce, as good a quality of armor plate in a 50-ton furnace as in a 10 or 20 ton furnace?

Mr. STONE. I listened to what Lieutenant Meigs said about that, and I agree with him. I am not a steel expert, and I only know about the practice with reference to armor. On the one hand, there is a very great disadvantage in having so many furnace charges in one ingot. You have to arrange so as to pour them continuously, and the more furnaces you have to arrange for of course the greater the difficulty. I think, in that way, the difficulty due to having a number of furnace charges would far outweigh any slight possible advantage in the quality of the steel in the smaller furnaces. For that reason the tendency is to make the furnaces larger, so that you can cast a 50-ton ingot from one furnace. If you have a 100-ton ingot, or anything between 50 and 100 tons, you must have two furnaces, but you want as few

furnaces as possible. I think the consideration in regard to that is weightier than any quality of the steel due to the size of the furnace.

I should like to say one word which came into my mind when Lieutenant Meigs was being examined in reference to establishing an armor plant and making armor from ingots furnished from elsewhere. We are strongly of the opinion that an ingot should never get cold; that it should never be allowed to get cold until the plate is forged. The only time, and even that we cut as short as possible, is after the cementation process and before the tempering, when they have to take specimens from the face for the carbon analysis; but, with that exception (and we would not have that exception if we could help it), the ingot is never cold from the time it is cast until the plate is finished. How much there may be in that I do not know, but it would be a matter to consider in case you got ingots from elsewhere, when of course you would get them cold.

Senator SMITH. What, in your judgment, makes the best mixture for armor plate?

Mr. STONE. This hardly comes under the head of mixture, but we have tried basic open-hearth steel and acid open-hearth steel, and we consider that we have gotten much the better results from the basic. It is a mere question of the character of the lining of the open-hearth furnace. It must be open-hearth steel by the requirements of the contract, but it may be either basic or acid. We prefer the basic. We have tried both, and we have gotten better results from it. All armor is nickel steel, and you must consider that. To make the nickel steel in the open-hearth furnace we use a certain amount of nickel-steel scrap, as it is called; that is, the cut-off parts, the discard, and so on, from other ingots, from plates made before.

Senator SMITH. Known as scrap steel?

Mr. STONE. Yes, sir; but these are very large pieces, some of them as long as from here to that window [indicating a space of 12 or 15 feet] and this wide [indicating 4 or 5 feet]. We have a large furnace in which those are melted up. The nickel-scrap steel has only a percentage of nickel of about 3½ per cent. So you must introduce more nickel oxide. That has been done in different ways, generally by melting up the nickel scrap with additional oxide, so as to make it richer in nickel. Then it is charged in the open-hearth furnace with pig iron and manganese and other lesser ingredients, and lime, to make the necessary charge.

Senator SMITH. Does not the use of scrap iron instead of using the pig iron and manganese cheapen the cost of the manufacture?

Mr. STONE. No; the nickel scrap is worth as much. I will state the reason why it must be used. The ingot that you cast weighs more than twice the weight of the finished plate. That is required to be so. If you furnished new material every time, you would have to furnish double the amount and more of oxide necessary to alloy that new material, and you would be continually accumulating your nickel scrap, which would weigh more than your finished plates. I do not think there is any reason to suppose that nickel steel made entirely from oxide and pig iron, and so on, is any better than that made with a proper amount of scrap. But you can not go too high with the scrap. You can use only a certain percentage of it. That we have tried to use as much as we could, while on the other hand making the best plates possible. We dare not slack up any upon the quality because of the ballistic test and other requirements, yet we try to use as much scrap as possible.

Senator SMITH. Why do you use as much scrap as possible?

Mr. STONE. To begin with, the Government supplies us with the oxide. It would not supply us the oxide to waste, and it would consider making new material all the time a perfectly unwarranted waste of oxide.

Senator SMITH. And it would cost more?

Mr. STONE. It would cost more. The Government furnishes us the oxide necessary. We are obligated for an accounting for it and for a careful use of it. The tendency always is to make us use more scrap.

Senator SMITH. The tendency of the Government is to have you use more scrap?

Mr. STONE. Yes, on the one hand, while on the other they hold the requirements over us which we must meet. We can not use all scrap or else the armor would fail. We can not use less scrap than we ought, otherwise we waste the oxide. So between the two forces we are held to a certain course which has been developed in the matter.

The committee, after spending some time in secret session, adjourned.

SATURDAY, *March 21, 1896.*

The committee met at 10.30 a. m., with Senator PERKINS as acting chairman.

Horace Elmer, commander, United States Navy, and John A. Rodgers, lieutenant-commander, United States Navy, appeared.

STATEMENT OF COMMANDER HORACE ELMER.

Senator CHANDLER. State your rank in the Navy, your residence, and present duty.

Mr. ELMER. I am commander in charge of steel inspection at the Carnegie Steel Works, Munhall, Pa.

Senator CHANDLER. State, if you please, all your functions at the Carnegie Works.

Mr. ELMER. I have charge simply of the inspection of the armor plate which is being made under the contract of February, 1893. I believe that is the date of the contract; anyway it is just about finished now.

Senator CHANDLER. Is that all the work for the Government which the Carnegie people are doing?

Mr. ELMER. No, sir; but I have nothing to do with the structural steel. That is under the steel board. The work I have charge of is Bureau of Ordnance inspection work.

Senator CHANDLER. State, if you please, what the other work is which is being done for the Government, and who has charge of inspecting that work for the Government at Munhall.

Mr. ELMER. Lieutenant-Commander Forse and his assistants. He has two or three assistants, and they have charge of the inspection of the structural steel being made by the Carnegie Company, which is under the control of the steel board—boiler plate, outside plate, bottom plate, and various kinds of structural work.

Senator CHANDLER. The steel which they furnish which goes into the hulls of Government ships?

Mr. ELMER. That is under Forse and his assistants. It is under the steel board, and he is their representative.

Senator CHANDLER. Is there any gun metal included in that contract?

Mr. ELMER. No, sir.

Senator CHANDLER. The Carnegie works are not furnishing any gun metal?

Mr. ELMER. They have been figuring on it, but they are not furnishing any. I have charge of all the ordnance work.

Senator CHANDLER. State, if you please, how much armor you have inspected and whether the present contract work is done or about done.

Mr. ELMER. The present contract is nearly done. I have been on duty there just six months. The present contract was made in February, 1893. So it is only the last end of it that I have had charge of.

Senator TILLMAN. Who was your predecessor?

Mr. ELMER. My immediate predecessor was Lieutenant Wilner, and before him, Commander Courtis.

Senator TILLMAN. How long did those two stay, respectively?

Mr. ELMER. I do not remember exactly, but I think Commander Courtis was there over a year and Wilner was there as an assistant and afterwards in charge temporarily for perhaps two years. The armor plant delivered in the last month, February, more than 650 tons, which was the largest delivery, I think, that they have ever made there of armor manufactured.

Senator CHANDLER. And, in round numbers, you have inspected how many tons?

Mr. ELMER. Not more than a thousand, I think. Still, I have not looked at that carefully.

Senator CHANDLER. A thousand, more or less?

Mr. ELMER. A thousand, more or less.

Senator CHANDLER. State, if you please, what assistance you have in the inspection. What constitutes your inspection force?

Mr. ELMER. I have one ensign as an assistant.

Senator CHANDLER. What is his name?

Mr. ELMER. Ensign McVay—C. B. McVay, and one writer.

Senator CHANDLER. Is the writer paid by the United States?

Mr. ELMER. Paid by the day by the United States.

Senator CHANDLER. Is that all the force you have that is paid by the United States?

Mr. ELMER. Yes, sir.

Senator CHANDLER. What force, if any, is furnished you by the Carnegie Company?

Mr. ELMER. A young woman typewriter, who copies the letters. The mail goes through me, and she copies the communications on both sides for their files and mine.

Senator CHANDLER. That is your whole force?

Mr. ELMER. That is all, sir.

Senator CHANDLER. If any chemical or mechanical tests are applied, the necessary additional assistance for those tests is furnished by the Carnegie Company, is it not?

Mr. ELMER. All chemical tests in our inspection in ordnance are made by the Carnegie Company. The physical tests we make ourselves; that is, my assistant pulls the test himself.

Senator CHANDLER. What inspection do you give of the chemical tests? How much do you see of those tests except the reported result?

Mr. ELMER. Nothing of any practical importance. We take their results.

Senator CHANDLER. You take the paper report?
Mr. ELMER. We take the paper report.
Senator CHANDLER. You have access to the laboratory?
Mr. ELMER. Certainly; and I go in and look at it occasionally.
Senator CHANDLER. You could see it from beginning to end, if you chose?
Mr. ELMER. I could, but really you have to do it yourself to make it of any value.
Senator TILLMAN. You consider the chemical test, then, as worthless?
Mr. ELMER. No, sir.
Senator TILLMAN. It is worthless so far as you are concerned?
Mr. ELMER. It is instructive. It is for information.
Senator TILLMAN. But so far as affording you the means of judging of the value of the product, so as to catch people on the contract, it is worthless to you?
Mr. ELMER. It is worthless as far as judging whether they are deceiving us or not. As far as telling the condition of the metal, of course it is——
Senator TILLMAN. It is for their own use and benefit. In knowing what is the condition of the iron, and what are the ingredients, and all that kind of thing, of course I can see that it is valuable to them, and if they are trying to act honestly it is all very well; but unless there is some check, some safeguard, by which you can decide in behalf of the Government whether the steel is in compliance with the contract and meets the requirement, of course the test is a mere humbug.
Mr. ELMER. Yes, sir; as far as any such purpose as that is concerned. Of course we have other ways of seeing whether they make us good steel or not, The final one is the ballistic test, which, of course, is the important one. But the chemical test is instructive to them, and also to me. The moment that an ingot is cast and they take the analysis they furnish me with a copy of it.
Senator PERKINS. Do you take a sample of each ingot and try its tensile strength?
Mr. ELMER. Oh, yes; each plate three or four times during the process of manufacture; because there are apt to be alterations.
Senator CHANDLER. As a matter of fact, you know there is a chemical laboratory there?
Mr. ELMER. Yes, sir.
Senator CHANDLER. And you have no reason to doubt that the chemical tests are made as stated?
Mr. ELMER. No, sir. I go in there and see them made at times.
Senator CHANDLER. But you rely entirely for the accuracy of those tests upon the officials of the Carnegie Company?
Mr. ELMER. Yes, sir.
Senator CHANDLER. It is suggested by Senator PERKINS that you shall be asked to describe what chemical tests are made.
Mr. ELMER. They are made in accordance with specifications that the Department has required. After the ingot is cast——
Senator CHANDLER. State the weight of the ingot.
Mr. ELMER. That would depend on the final weight. The ingots they cast run as high as 200,000 pounds, but that would be for one of the large barbette plates that would weigh probably 40 tons when finished. They make the ingots according to the weight of the plates.
Senator CHANDLER. Assume that a great steel ingot from which a large plate is to be made is ready to be converted into an armor plate, when do you begin to apply mechanical tests to it and when do those tests end?
Mr. ELMER. We begin the moment that we are notified it is going to be cast. Then we go and look at the casting, etc., and watch its process. Then as the ingot is cooled, if a small one, it will go to the roller merely, but being a large one it will go to the press shop to be forged down into what they call a slab, approximating a plate, but not of the exact dimensions. After that has been forged down under the press to that condition we take what is called the first grading test. We bore in at the place prescribed by the Bureau of Ordnance both at the bottom and the top of the plate, because a great deal of the top of the plate has to be discarded anyway. About 60 per cent on an average is discarded from every ingot. We take the physical specimens from the bottom and top according to what is prescribed in the specifications, and they are tested for their tensile strength and their elongation. That is done in this case by my assistant, Mr. McVay. He always pulls those tests himself, or if he is not there I do it. The specifications prescribe limits below which the tensile strength can not go and below which the elongation can not go. We get that, and that is the first, the grading test.
Senator CHANDLER. State the machine by which that is done.
Mr. ELMER. I do not think I can give you the name of it.
Senator CHANDLER. It is a particular machine?
Mr. ELMER. Oh, yes, sir; it is a machine of a perfectly good and established character.
Senator CHANDLER. Belonging to the company?
Mr. ELMER. Belonging to the Carnegie Company. They are required to provide that by the contract.
Senator CHANDLER. That is a complete and satisfactory machine?
Mr. ELMER. Entirely so.
Senator CHANDLER. And it gives you with mathematical accuracy the tensile strength?
Mr. ELMER. Yes, sir. I really think there is much in having one person make all these tests, because there is a little personal equation about all of it.
Senator CHANDLER. You pull it until it gives way; and what else? Do you bend it until it gives way?
Mr. ELMER. No; we pull it simply, and that gives us the tensile strength, and, besides, it also gives us the elongation. The elongation is quite as important as the tensile strength.
Senator CHANDLER. That is for the shaftings. The number of inches to which it stretches before it gives way?
Mr. ELMER. The percentage of the entire length which it stretches. For instance, in armor we will not accept anything less than 12 per cent elongation. It must stretch 12 per cent of a given length.
Senator TILLMAN. You mean that it must stretch before breaking?
Mr. ELMER. Before breaking.
Senator CHANDLER. Have you described the whole of the first test?
Mr. ELMER. That is the first, what is called the grading test. That tells us the quality of the steel. Before that we have had the physical analysis which they have made from the ladle; the hot steel is taken out as it is poured into the flask to make the ingot. They take out a ladleful and make what they call a ladle analysis to tell whether they have enough carbon, manganese, or the different ingredients of steel. So we know, so far as their chemical analysis will tell us, something of the character of the steel. Then comes the physical test, which we make ourselves, and then, after the grading test, the plate is sent into the machine shop and cut down to the approximate measure.
Senator CHANDLER. Describe how the ingot is cut down.
Mr. ELMER. It has been first elongated under the press and it has been made into a slab.
Senator CHANDLER. How is it cut down to the approximate size of the plate?
Mr. ELMER. You take this great press, with a knife edge, and shear it right through the steel. You cut it up, and then take it over to the machine shop.
Senator CHANDLER. Is that done cold?
Mr. ELMER. It has to be done hot. Then it is taken over to the machine shop and put on a machine by which it is cut off to an approximate size—not exactly the size; the exact size is final work, but the approximate size—before it is carbonized. Then comes the carbonization.
Senator CHANDLER. Take each step, but not at great length. It is first approximately cut down, and then how is it handled?
Mr. ELMER. It is then taken to be carbonized for the Harvey process.
Senator CHANDLER. At that stage?
Mr. ELMER. It is approximately of the size, approximately of the thickness, and it is afterwards forged down.
Senator CHANDLER. The harveyizing is done before the plate is exactly cut to shape?
Mr. ELMER. Yes, sir.
Senator PERKINS. Did you state that about 60 per cent of the ingot is available for the purposes for which it is intended?
Mr. ELMER. Sixty per cent is discarded and only about 40 per cent is available.
Senator PERKINS. From what part of the ingot do you take the 40 per cent?
Mr. ELMER. We take it from the bottom. The top is where the poorest steel always is, and the fact is it is the great trouble to get them to cut off enough. The bottom is always better.
Senator PERKINS. Do you cut off the ends of the ingot?
Mr. ELMER. Always a little off of the bottom end and the larger part off the top end. The top end is always the poorest steel.
Senator CHANDLER. As the ingot comes out of the furnace, is it longer vertically than it is horizontally?
Mr. ELMER. They make the flask, of course, as they please, but it is according to the weight of the ingot which is made.
Senator TILLMAN. It is something like a barrel?
Mr. ELMER. Except that it is not round. It is generally square or rectangular.
Senator CHANDLER. Twice as long as thick?
Mr. ELMER. As a rule.
Senator CHANDLER. I made this inquiry because you spoke of the top.
Senator PERKINS. The top is the poorest.
Senator CHANDLER. As it is in the furnace?

Mr. ELMER. No, sir; that is after it goes into the flask. It cools off in the flask. The steel is poured out of the furnace into great ladles, and the ladles are poured into the flask.

Senator CHANDLER. And the poorest is the top of the flask?

Mr. ELMER. The top of the flask.

Senator CHANDLER. The top of the molding?

Mr. ELMER. Yes, sir; the impurities of the metal gather in the top.

Senator CHANDLER. And the bottom is the best?

Mr. ELMER. The bottom is the best.

Senator PERKINS. It is the 40 per cent taken from the lower end that you utilize?

Mr. ELMER. Forty per cent of the lower part of the ingot.

Senator TILLMAN. Less than the lower half?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Have you described all the tests that are applied to the armor?

Mr. ELMER. No, sir; only the first.

Senator CHANDLER. So I understood, Now go on. You have described it to the point where it is ready to have the Harvey process.

Mr. ELMER. And you do not care to have that process described. The plate is sent to be forged, so that it is all brought down to its measurement and thickness. After that the second physical test is taken. It is cut off then nearly to the measurement, leaving only a strip around the edge in excess of the final dimensions. The determining test of its physical characteristics is then taken; that is, we take the determining test as to tensile strength and elongation. There is a third test taken finally, after all the work is done, called the uniformity test, but that is only for the purpose of information, the hardening and tempering coming before that.

Senator PERKINS. You have no voice in the first ingredients of the steel?

Mr. ELMER. Not at all.

Senator PERKINS. All you ask for is results?

Mr. ELMER. All that we ask for is results, and they must make the steel to give those results.

Senator CHANDLER. Have you described all the tests applied by the Government at present?

Mr. ELMER. Yes, sir; all the physical tests. Then we have the measurements. Of course every plate is exactly according to the length, breadth, and thickness required; and then, finally, we have the ballistic test.

Senator CHANDLER. So far as the strength of the armor is concerned, you have described everything that takes place at the works?

Mr. ELMER. Everything at the works.

Senator CHANDLER. There is nothing left by way of test of the armor before it is delivered by the contractor except the ballistic tests?

Mr. ELMER. No, sir.

Senator CHANDLER. Now state what plates are selected and how they are selected for ballistic tests.

Mr. ELMER. The inspector keeps a record of the plate from the beginning when it is cast until the end. He has a sheet in which he puts down the chemical character and the physical tests of the plate and everything about its history and its carbonization, and all that sort of thing. It is an absolute history of it. As the time approaches for the ballistic test the inspector looks through this carefully and selects out a plate which he thinks to be the poorest and sends that on for the ballistic test.

Senator CHANDLER. What is the proportion of plates selected for tests? What is the rule?

Mr. ELMER. One out of every lot, and the lot generally is from 200 to 300 tons.

Senator TILLMAN. How many tons are there in a plate.

Mr. ELMER. In the larger plates about 40 tons; in the smaller plates about 10 or 15 tons.

Senator TILLMAN. What are their dimensions?

Mr. ELMER. The plate of 40 tons would be a barbette plate for one of the battle ships, about 15 or 17 inches thick.

Senator TILLMAN. And it would be of what length and width?

Mr. ELMER. It would be 8 feet or 8½ feet wide, perhaps. I do not remember the dimensions. Of course, I have not all the figures, but I should say 18 feet long and 8½ feet wide; but we never give those dimensions in speaking of them; we would speak of it as a plate 17 inches thick. The plates such as I have recently sent out for the barbette of the *Iowa* would weigh about 40 tons. Seven-inch turret plates would weigh perhaps 10 to 12 tons. So the plates are of varying thickness and varying width, and they are grouped together by order of the Bureau, so many hundred tons of a similar character.

Senator TILLMAN. When you take a large plate like that to test it for the ballistic test it costs $20,000. Who loses it?

Mr. ELMER. If the plate passes and is accepted, the Government pays for it. If it fails, the contractor loses.

Senator TILLMAN. If the Government chooses to ruin a plate by boring a hole through it with cannon, if it was good, it is then of no further service?

Mr. ELMER. That is the only way in which you can find out whether it is really good.

Senator BACON. What is done with the plates that are ruined after the test?

Mr. ELMER. There are two things we do with those plates. First, that plate makes us sure of all others of a similar character. Then again we use that plate for testing shells. You have got to test the shells, and when a man makes an armor-piercing shell, you want to know whether the shell will go through the armor. Therefore the plate is useful for such purposes and it is useful for other purposes.

Senator BACON. After you have practically destroyed the plate, is not the material valuable? Can it be recast?

Mr. ELMER. Yes; it can be used as nickel scrap.

Senator BACON. Whose property is that? What becomes of it? If the Government pays for the plates, it is the Government's property. What does it do with it?

Mr. ELMER. It will probably sell it back to Carnegie. However, I do not know that that has been done.

Senator BACON. I am not asking for probabilities; I am asking you if you know.

Mr. ELMER. It has not been done, because the Carnegie Company has more nickel scrap than it knows what to do with. It is all around the place. So I do not know that anybody is buying it, but they can buy it. That would be the only possible disposition that could be made of it.

Senator BACON. This, I understand, is nickel steel?

Mr. ELMER. Yes, sir.

Senator BACON. After it has had the nickel combination, it is still available to be put in the furnace and remelted and recast?

Mr. ELMER. Yes, sir.

Senator BACON. Is not the expensive process in combining the nickel with it and the harveyizing it that which constitutes a very large part of this expense?

Mr. ELMER. The Harvey feature does not affect its value as scrap; that is, you can draw the temper from it.

Senator BACON. You do not comprehend my question. We have paid $500 a ton for the material for these plates. A part of that cost, of course, is in forging; but what I want to know is if it is not true that a material part of that cost has been incurred in making the nickel combination and in harveyizing it?

Mr. ELMER. Yes, sir.

Senator BACON. What cost would you say is embraced in those two processes?

Mr. ELMER. I am afraid that would be very difficult for me to answer.

Senator BACON. Approximately. You can tell whether it would be one-fourth, one-third, or three-fifths. Of course I do not ask you to state it accurately, because I suppose you have never figured it out, but you must have some idea on the subject. Here is steel worth probably $40 a ton, which, by virtue of these various processes, has been converted into a material worth $500 a ton. The question I ask is, What approximate proportion to the entire cost is represented by the two processes of the nickel combination and the harveyizing?

Mr. ELMER. That is due to the alloy of nickel and the harveyizing?

Senator BACON. Yes, sir.

Mr. ELMER. For instance, for harveyizing we have been paying an average of 3 cents per pound.

Senator TILLMAN. That is $60 a ton.

Mr. ELMER. Sixty dollars a ton.

Senator BACON. I want to know if you can give me the approximate cost, or near the approximate proportion of cost, represented by these two processes. I want to find out, if I can, the value of this material after it has been ruined as a plate when it is still available for other uses.

Mr. ELMER. That I can tell you. It is not of any value except to melt up again.

Senator BACON. I can understand that.

Mr. ELMER. In regard to the other point, I am quite sure that they cover fully a third.

Senator BACON. The two together?

Mr. ELMER. The nickel and the harveyizing. They do not cover a half, but I should think that they cover possibly a third of the expense of making the plate. For the harveyizing process we have been paying $60 a ton. The nickel oxide is worth 40 cents a pound. You can make the calculation. I have not done it. In my business in inspecting there I have had no particular reasons to know about the value of the ingredients, except such as I have informed myself upon, but the nickel alloy that we use is 3½ per cent.

Senator BACON. I understand you to estimate the proportion of the entire cost of these two processes to be about one-third?

Mr. ELMER. Yes, sir; I think about a third.

Senator BACON. And after it has been ruined as a plate by the

ballistic test, that metal, then, is still worth between $100 and $200 per ton?

Mr. ELMER. No, sir.

Senator BACON. It is still available to be remelted, is it not?

Mr. ELMER. Yes, sir.

Senator BACON. And it has already gone through these expensive processes, which will not have to be repeated if it is again converted into plate?

Mr. ELMER. The Harvey process has to be entirely repeated.

Senator BACON. Because that is a surface process.

Mr. ELMER. In every cast that is made there is a certain proportion of nickel scrap. If you like, I can point out just the proportion of nickel scrap.

Senator BACON. No; that is a detail which it is not necessary to give. I want to get at something specific and definite that can be put into a much smaller compass. The process of combining the nickel with the steel does not have to be repeated if the scrap steel is again melted?

Mr. ELMER. No; that furnishes a portion of the nickel.

Senator BACON. What I want to know is the value of that ingot of steel with the combination of nickel. I do not know by what name you call it. Is it the nickelizing process?

Mr. ELMER. It is nickel alloy.

Senator BACON. What is the value as crude material of that combination of steel and nickel?

Mr. ELMER. I am unable to give it to you from memory. I have the data somewhere, as I stated, and I have been looking for it, but I do not find it here.

Senator BACON. But the fact exists that as a material it is just as good as if it had never been used. The only part of the process which has cost money which is no longer of value is the harveyizing process. That being a surface process, of course it would have to be gone over again. Is that correct?

Mr. ELMER. That is, of course, entirely useless, and so, of course, as to all the machining and all those other features.

Senator BACON. But I am speaking of it as material.

Mr. ELMER. The material can be used as a portion of the heat in making another cast.

Senator BACON. So far as you know, no disposition in the way of sale is made of the large amount of material which is destroyed in the ballistic tests?

Mr. ELMER. Oh, I think there is, sir; but that I do not know.

Senator BACON. Is there any representative of the Government there besides yourself?

Mr. ELMER. I have not anything to do with that. That is done at Indian Head, and it never comes back to Carnegie.

Senator BACON. You have made no ballistic tests at Carnegie's?

Mr. ELMER. The ballistic tests are made at Indian Head; none are made at Carnegie's.

Senator BACON. Do you select the plate that goes to Indian Head?

Mr. ELMER. Yes, sir.

Senator BACON. The only plate that goes there which is used for that purpose?

Mr. ELMER. Yes, sir.

Senator BACON. You were describing the processes, and I supposed you were describing the processes which were under your immediate supervision.

Mr. ELMER. It is all under my supervision up to the time the ballistic plate goes to Indian Head.

Senator BACON. I understand that the chemical test is not under your supervision?

Mr. ELMER. No; they make it and report to me. The result is sent to me; but it is not under my supervision in that sense.

Senator BACON. It is not under your supervision?

Mr. ELMER. No, sir; it is not.

Senator BACON. And the tensile test is made by your assistant?

Mr. ELMER. Yes, sir; or by me, as the case may be.

Senator BACON. What is the part of the inspection of this material which is under your personal supervision?

Mr. ELMER. We watch the plate from its casting until the time it leaves the works, through all its processes.

Senator BACON. That is what you give personal attention to?

Mr. ELMER. Yes, sir; what is called the physical test is the test which gives the tensile strength and the elongation, and that is done by my assistant.

Senator BACON. In your department?

Mr. ELMER. Yes, sir.

Senator BACON. That is the only direct test which you make yourself?

Mr. ELMER. Yes, sir; it is the only test of the metal. The chemical test is made by the company, and the ballistic test is made by the Government at Indian Head.

Senator CHANDLER. You have stated that of the steel ingot that comes out of the flask probably 60 per cent is rejected from the plate.

Mr. ELMER. Yes, sir.

Senator CHANDLER. Will you state what knowledge you have, if you have any, as to the disposition that is made of the 60 per cent that is cut off from the ingot? Is that cut up and put into the melting furnace again?

Mr. ELMER. Yes, sir; a portion of it, as I said. There is still a lot of it on hand there. The question is now in adjudication between the Bureau of Ordnance and the Carnegie Company as to its disposition.

Senator CHANDLER. That being near the steel works, the only reason why it can not be used profitably is the expense of cutting it to pieces?

Mr. ELMER. It is used. It is cut up. I have the exact figures here showing that in a cast of 100,000 pounds there would be perhaps 60,000 pounds of scrap.

Senator CHANDLER. And that comes from cutting up the large pieces?

Mr. ELMER. Yes, sir; cutting up the scrap.

Senator CHANDLER. I understand that you not only superintend the work on the ingot after it is taken in hand by the armor-plate makers, but from the platform of the furnace you observe the making up of the charge into which are put the ores of such kind, and the iron of such kind, and so much scrap steel, and so much nickel, making the charge. You observe that?

Mr. ELMER. We follow, as far as possible, all the processes, but we have no control whatever over that portion.

Senator CHANDLER. It is not a part of your duty, under your instructions, to do that?

Mr. ELMER. No, sir.

Senator CHANDLER. But, as a matter of fact, you do follow the processes?

Mr. ELMER. As a matter of fact, we try to follow all the processes.

Senator CHANDLER. The steel works being at the armor-plate works, you notice the way the furnaces are charged?

Mr. ELMER. Not so much the way they are charged as the way they are drawn. We try to be there to see them draw the steel when the ingots are cast.

Senator CHANDLER. When they pour it into the flask, you observe it?

Mr. ELMER. Yes, sir. The charging part we do not often see. It is not, in fact, under our control.

Senator SMITH. What would it cost the Government to establish a complete plant adjoining the Cambria Works?

Mr. ELMER. I have never been to Cambria, and do not know the locality, if there is anything depending on that.

Senator SMITH. If you wanted to erect an establishment for the harveyizing process, taking the ingot from the steel works such as at Cambria, who, I understand, are now in a position to make light armor, from your experience can you give some idea as to what it would cost to add to that establishment, in order to make the harveyizing process complete, or what it would cost to put up a plant for harveyizing if the steel were ready to be harveyized?

Mr. ELMER. I am afraid there is nothing at all in my experience that would warrant me in more than guessing. I have nothing to do with the cost of the works.

Senator SMITH. You do not know what the furnaces would be apt to cost?

Mr. ELMER. No; I do not know what the probable cost would be.

Senator SMITH. You then have practically no knowledge of the cost of the machinery necessary to make an armor plate?

Mr. ELMER. No, sir.

Senator SMITH. You have no general idea as to what the cost is to the Carnegie people for the armor plate furnished the Government?

Mr. ELMER. Yes, sir; I have some idea.

Senator SMITH. Will you state what it is?

Mr. ELMER. I should like to say that my duties there have nothing to do with the charge and the cost of the works. I can give merely my approximate judgment.

Senator SMITH. I ask you to state the cost approximately.

Mr. ELMER. I can not see how that armor can cost the Carnegie Steel Company more than $250 a ton anyway—that is, leaving out all interest on the plant, or how much the plant cost, or how much there is of wear and tear. I merely take the basis of the metal to begin with, and go through the whole process to the end.

Senator SMITH. Outside of the question of capital invested and the wear and tear of machinery?

Mr. ELMER. Outside the question of wear and tear.

Senator TILLMAN. To make that fuller, let me ask you, in the event of the Government establishing its own plant where there was another plant equally as well eqnipped in existence, do you think that the Government itself or the proprietors of the other plant could make for $250 a ton the armor for which we are now paying $500 a ton?

Mr. ELMER. Do you mean to exclude the idea of the cost of the plant?

Senator TILLMAN. I am speaking about a plant duplicating the

one which now exists at Carnegie's works. Would the necessary skilled labor and the material and the supervision entail a cost in producing armor of more than $250 a ton?

Mr. ELMER. I do not think so.

Senator SMITH. Now, let me ask you one question and I am through.

Mr. ELMER. May I modify that statement thus far? In order to make armor at such a rate it would be necessary to work continuously. You could not do it by working eight hours a day. You would have to work night and day.

Senator TILLMAN. It would be necessary to have relays of hands—shifts?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Working how long?

Mr. ELMER. Twelve hours on and twelve hours off.

Senator SMITH. Is there any other statement which you wish to make in this connection?

Mr. ELMER. No, sir.

Senator SMITH. Have you ever heard it suggested, or have you ever heard from any reliable source, that the manufacture of armor plate is a monopoly which extends not only to this country, but includes all of Europe?

Mr. ELMER. No; I never heard that stated. In fact, I do not think I ever heard the matter discussed.

Senator SMITH. You never heard it discussed?

Mr. ELMER. No, sir.

Senator SMITH. You never heard that in Europe the armor-plate manufacturers have a combination, or, in other words, that they have an association of any kind or character whereby uniformity of prices is maintained?

Mr. ELMER. No; as I say, I have never heard that discussed.

Senator SMITH. You never heard the question discussed as to why on the second contract with the Russian Government our people got such a large advance in the price over the price of the original contract that they took?

Mr. ELMER. I do not know anything about that matter. I have never said a word to Carnegie officials about the Russian prices. I do not know a thing about it. I have carefully avoided any talk with the Carnegie people about prices.

Senator SMITH. You have not even heard anything of that kind intimated?

Mr. ELMER. I have not.

Senator CHANDLER. When Lieutenant Meigs was here last Saturday, at the request of the committee he described the plant of an armor-plate factory—the furnaces, the cranes, the hammer, the press, the harveyizing furnaces, and everything he could think of as constituting a plant which would be necessary to deal with a steel ingot taken from the steel works in order to make it into armor plate. Is there any difficulty, in your judgment, in looking at such a plant, taking measurements of it, and making an estimate as to what it would cost to reproduce it for the Government if the Government desired such a plant?

Mr. ELMER. I do not see why there should be any difficulty.

Senator CHANDLER. Could competent persons make such an estimate?

Mr. ELMER. You have the estimate of the Bureau of Ordnance, you know, Senator.

Senator TILLMAN. On that special line?

Mr. ELMER. Yes, sir.

Senator CHANDLER. As to the cost of the plant?

Mr. ELMER. Yes, sir.

Senator CHANDLER. I am not familiar with that.

Mr. ELMER. Captain Sampson made such an estimate.

Senator CHANDLER. In what detail is it?

Senator SMITH. We have it before the committee.

Senator CHANDLER. It is an estimate giving the gross amount.

Mr. ELMER. It gives a portion for press, a portion for the machine shop, a portion for the harveyizing furnaces, a portion for open-hearth furnaces.

Senator CHANDLER. There would be no difficulty in making such an estimate?

Mr. ELMER. No, sir.

Senator CHANDLER. Could you either alone or with other naval officers make a reasonably reliable estimate of what it would cost to put up an armor plant for the United States?

Mr. ELMER. I think it could be done. The great difficulty would be that those who know best are the ones who have put up the plants, and they might not choose to give the information. I think we could come close to it.

Senator CHANDLER. Can not you tell by looking? You can go into a machine shop, and, looking at a large lathe, from what you know of machinery as a line officer in the Navy, could you not make an estimate of what it would cost to reproduce that lathe?

Mr. ELMER. I could make an approximate estimate.

Senator CHANDLER. Could you not look at the steam press and the steam hammer and see what their physical parts are, and then make an estimate of what it would cost to reproduce them?

Mr. ELMER. The press was made by Whitworth in England. I do not think any of them have been made in this country. (To Mr. Rodgers:) I do not know whether your press was made in this country.

Mr. RODGERS. The big one was.

Senator TILLMAN. You can get the price of the hammer by writing to the factory?

Mr. ELMER. Yes, sir.

Mr. RODGERS. The big press was made at the works. They bought two from Whitworth.

Senator CHANDLER. You can look at the large castings and estimate what those cost, and you can look at the smaller parts of the machines and estimate what they would cost, and then you can make an estimate of what it would cost to put them up. Is not all that feasible?

Mr. ELMER. The estimate would be approximate. We could not make anything like an accurate estimate.

Senator CHANDLER. I understand that. Assume that Congress desired to provide for a Government plant; would there be any serious difficulty in having a board of naval officers make an investigation and submit a reasonably safe and judicious estimate of what the plant would cost the Government?

Mr. ELMER. I think none whatever.

Senator CHANDLER. Is there anything now secret or mysterious about the plant, so that the estimate could not be made?

Mr. ELMER. No, sir.

Senator CHANDLER. Have you ever participated in making an estimate of that kind?

Mr. ELMER. No, sir; nothing beyond the merest guessing.

Senator CHANDLER. You know of no estimate except that which was made by Commodore Sampson, Chief of the Bureau?

Mr. ELMER. No, sir.

Senator CHANDLER. You had nothing to do with making that estimate?

Mr. ELMER. No, sir; I had nothing to do with making it.

Senator CHANDLER. Do you know whether he made his estimate as the result of an inspection either of the Bethlehem plant or of the Carnegie plant?

Mr. ELMER. He is quite well acquainted with both.

Senator CHANDLER. Do you know whether he had any drawings or descriptions of the different parts of those plants in making the estimates?

Mr. ELMER. I do not.

Senator BACON. From the fact that you ship the specimen plate for the ballistic test, I will ask you whether you have any information as to the cost of transportation between the works and Indian Head?

Mr. ELMER. I can not give you the rate now, but the bills all pass through my hands and are certified to by me. I have all of that information, of course, at my office.

Senator BACON. You have no recollection, even approximately, of what the cost is?

Mr. ELMER. I do not remember.

Senator TILLMAN. I should like to ask you whether, in getting up an estimate, provided you were placed on a board of that kind, detailed for that duty, you would naturally desire to have the assistance, either voluntarily or at Government expense, of some large iron or steel manufacturer whose familiarity with all the details and technique and experience also in the expense of cupolas and furnaces and cranes and all that sort of thing would come in to supplement your guessing? Would not that be a necessary and valuable adjunct?

Mr. ELMER. It would be very valuable.

Senator TILLMAN. I suppose there are other steel plants in the country approximately as large as Carnegie's and that at Bethlehem.

Mr. ELMER. There are no armor-plate manufactories except at those places.

Senator TILLMAN. Those are the only two plants that have been especially equipped for this class of work?

Mr. ELMER. Yes, sir.

Senator TILLMAN. The question I am about to ask involves a pure guess, and you need not answer it if you do not want to. Have you any data, or could you give an idea or an estimate as to the additional expense—over and above what they were required to have in order to perform the work which they used to engage in before they made the Government contract—these people incurred in providing the extra large plant to handle the manufacture of armor?

Mr. ELMER. I do not know, sir.

Senator TILLMAN. You do not know; but can you not even give a guess? You guessed a little while ago that $250 a ton would be the ultimate cost of armor plate over and above the plant; and you felt safe in making that estimate, of course, or you would not have offered it. Now, can you give an estimate, in which you would feel safe, as to the extra cost to those people for what I have mentioned?

Mr. ELMER. I have heard it said that it cost them $4,000,000. I can not exactly see how, but then——

Senator TILLMAN. Do you believe it?

Mr. ELMER. No; I really do not; but then I do not know enough about it to express an opinion beyond what is the purest guess.

Senator TILLMAN. Not being engaged in that line of work and being there merely as an inspector, you may feel a delicacy in making such an estimate.

Mr. ELMER. I do not feel that such an estimate would be valuable.

Senator TILLMAN. You might miss it so far that those who are practically familiar with the expenses of such articles would feel some little disrespect for your judgment?

Mr. ELMER. Yes, sir.

Senator TILLMAN. Therefore I will not press the question at all.

Senator PERKINS. I understand the object of the committee in inquiring into this matter is to ascertain the practicability and the expediency of the Government erecting works for the manufacture of its own armor plate. It has suggested itself to me in this way. You state that armor can be manufactured for $250 per ton, in your opinion?

Mr. ELMER. That is the approximate cost.

Senator PERKINS. Yes. Is not that estimate based upon the fact that the Bethlehem works and the Carnegie works treat iron ore, make their own pig iron, make their own steel, and that the 60 per cent waste of the steel ingots can be used for rails and for fifty other purposes in the line of business in which they are engaged?

Mr. ELMER. They do not use the discard from the armor for steel rails.

Senator TILLMAN. They can not use nickel steel for steel rails.

Mr. ELMER. They only use it in melting up for armor plates.

Senator PERKINS. It is waste?

Mr. ELMER. No, sir; they keep on using it in making armor.

Senator PERKINS. The thought has suggested itself to me that your estimate, that we can make armor for $250 a ton, must be based upon the theory that the conditions will exist which apply as to those companies. Do you believe that if a plant belonging to the Government were established in Philadelphia, Baltimore, or Washington we could engage in this particular line alone and make armor plate for $250 a ton?

Senator CHANDLER. I suggest, Senator PERKINS, that you modify the question, so as to ask whether it could be done alongside of steel works.

Senator PERKINS. I will modify my question to that extent.

Mr. ELMER. The question which I answered was how much I thought it cost the Carnegies to make armor. For the Government to make it as cheaply as the Carnegies can make it would require the Government to work in the same way, to pay the same prices for labor, to work continuously, without extra price for overhours. With all those things included, I think the Government could make it for the same price.

Senator PERKINS. Did your estimate allow for any interest on the plant?

Mr. ELMER. None whatever. My idea was simply the cost of material and labor.

Senator TILLMAN. Have you any idea of the proportionate cost of labor and material? For instance, if a ton of armor plate costs $250, how much of it is labor?

Mr. ELMER. I could not divide it without very considerable work and calculation.

Senator TILLMAN. Could you, by observation specifically in that direction when you return, by keeping a little memorandum, analyze the cost? Could you give us an estimate?

Mr. ELMER. I might make an approximate estimate in that way of the comparative cost of labor and materials. Of course I do not know exactly what the Carnegie people pay for their labor.

Senator TILLMAN. It would not be just to you to undertake to bind you down to any specific or exact estimate, but exercising your best judgment and the knowledge you have obtained by your residence there and observation, could you not particularize as to the cost? For instance, you can begin on a Monday morning, or some day when they start, and take an account of the coal and the materials as they go along, what the materials are worth when the work starts, the amount of labor applied until the plate is completed, the residue or surplus or waste, and all that, and then give us an estimate of it, which would be a much more correct idea than you have now yourself, even.

Mr. ELMER. I think I could make an approximate estimate.

Senator TILLMAN. That is what I am speaking of.

Mr. ELMER. I think I could give the approximate percentage. It would not be practicable for me, with my facilities for obtaining knowledge, to get anything like an accurate estimate.

Senator CHANDLER. About how large, ordinarily, is the test plate that you send to Indian Head?

Mr. ELMER. It depends upon the character of the group. For instance, if it is a group of the battle-ship barbettes, the plate perhaps would be a 40-ton plate. If it is an 8-inch turret group, it would be one of those which would weigh perhaps 10 to 15 tons.

Senator CHANDLER. That represents about the average—from 15 to 40 tons?

Mr. ELMER. It is a representative plate of the group of armor.

Senator CHANDLER. A test plate is not supposed to go into a ship; it is not likely to go into a ship?

Mr. ELMER. No, sir; it can not go into a ship.

Senator CHANDLER. Is the expense of the test plate charged to the contractor or to the Government?

Mr. ELMER. If the plate passes successfully the Government pays for it, and if it fails the contractor loses it.

Senator TILLMAN. Does he lose the whole group?

Mr. ELMER. He has a second chance.

Senator CHANDLER. There is a question of a second chance, a retest. Can you tell me what is the commercial value of the large ingot which is taken to make the armor plate?

Mr. ELMER. I can tell you what simple steel is worth. Nickel steel is not on the market.

Senator CHANDLER. I understand.

Mr. ELMER. The nickel alloy contains 3½ per cent of nickel. That alloy has no value commercially; that is, it is not marketable except for armor. Simple steel is worth about $17 a ton.

Senator CHANDLER. So, if we establish a Government armor factory convenient to steel works, we could get simple steel for about $17 a ton?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Can you give the committee an idea of what, under the same conditions, would be the cost of nickel-steel ingots, without regard to paying royalties on patents or anything of that kind? How much per ton, in your judgment, would be added to the cost of the ingot?

Mr. ELMER. The absolutely correct information can be got from the Bureau of Ordnance, Senator. I should have to guess. It is about $90 a ton additional. Perhaps Mr. Rodgers can correct me.

Senator CHANDLER. If Mr. Rodgers can give the information, he may do so hereafter. Would you risk an opinion?

Mr. ELMER. No, sir; I would rather not, because the accurate information can be obtained. I can get it from my own office.

Senator CHANDLER. It would be the additional cost of the nickel which goes in, and that is all?

Mr. ELMER. That is all.

Senator CHANDLER. How much nickel goes in per ton?

Mr. ELMER. I can give you the record I have in my pocket of some of the casts for armor plate.

Senator CHANDLER. Can you tell me how much pure nickel goes into a ton of armor plate?

Mr. ELMER. I think about 106 pounds of nickel oxide goes into a ton of armor plate. I think that is it.

Senator CHANDLER. That is 5 per cent?

Mr. ELMER. About 3½ per cent nickel.

Senator CHANDLER. Three and one-quarter per cent?

Mr. ELMER. Yes, sir; that is what we require in the finished plate.

Senator CHANDLER. And the nickel goes into the whole mass of the ingot?

Mr. ELMER. Yes, sir; it is melted in the heat?

Senator CHANDLER. The nickel goes into the whole mass, while the harveyizing is of the surface?

Mr. ELMER. It is a process like machining.

Senator CHANDLER. In order to utilize a plate which has been rejected at Indian Head it would be necessary to send it back to the works?

Mr. ELMER. Yes, sir.

Senator CHANDLER. And cut it up?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Is it an expensive process to plane or cut up a rejected plate in order to make scrap steel of it?

Mr. ELMER. No, sir.

Senator CHANDLER. It can not be done at Indian Head?

Mr. ELMER. No, sir; it has to be done by their big press.

Senator CHANDLER. Disregarding the question of freight and the question of the cost of cutting up the plate, the nickel in a rejected plate is worth just as much as the nickel which originally went into the plate?

Mr. ELMER. It is worth as much as that amount of nickel originally. If you want to look at one of these charges, so as to see the character of the materials which go in; I will give it to you.

Senator CHANDLER. It would be well for you to give one of the charges.

Mr. ELMER. I have here a cast.

Senator PERKINS. It will be valuable information.

Mr. ELMER. It merely shows the elements that go into the heat.

Senator CHANDLER. Here is a big platform near the furnace, and around at different places are the various ingredients that make up the charge. Can you give one of those charges?

Mr. ELMER. This is the amount of material that went into the

heat for one of the plates of the *Iowa's* barbette, and it will give you the proportion which they use. There were 85,000 pounds of pig iron; 176,500 pounds of nickel scrap (you see that is where the nickel scrap comes in, the discard); nickel oxide, 828 pounds—that is to make up for the deficiency in nickel which is not quite supplied by the nickel scrap; ferro-manganese, 2,935 pounds; ferro-silicon, 1,075 pounds; manganese ore, 3,855 pounds; coke, 450 pounds; limestone, 18,500 pounds. Those are the materials which went into the heat to make a plate which finally, in the end, weighed about 40 tons.

Senator TILLMAN. They go in first to make an ingot?

Mr. ELMER. Yes, sir; into the furnace.

Senator TILLMAN. And after the ingot comes out you shave off 60 per cent and take the residue, and that makes the 40-ton plate?

Mr. ELMER. Yes, sir.

Senator CHANDLER. The 176,500 pounds of nickel scrap is supposed to have in it 3½ per cent of pure nickel.

Mr. ELMER. Yes, sir.

Senator CHANDLER. Where did the 176,500 pounds come from? Had it been melted previously?

Mr. ELMER. It was discarded from other ingots.

Senator CHANDLER. A portion of the 60 per cent that is cut off?

Mr. ELMER. Yes, sir.

Senator CHANDLER. So that the process is carried on by melting over and over again the rejected pieces?

Mr. ELMER. Yes, sir.

Senator CHANDLER. Suppose that a Government armor-plate plant was located at any distance from steel works, would it be necessary to carry the nickel scrap back to the furnace in every case?

Mr. ELMER. Yes, sir.

Senator CHANDLER. So it would be very unprofitable for the Government to have armor-plate works except in close proximity to steel works?

Mr. ELMER. They should be in immediate proximity, for economy.

Senator CHANDLER. In order that this process of remelting can go on?

Mr. ELMER. Yes, sir. Your ingot should come directly to you from the flask.

Senator CHANDLER. Under heat?

Mr. ELMER. It can be heated afterwards. You have your heating furnace—annealing furnaces.

Senator TILLMAN. They take a hot ingot and proceed to manufacture the armor? They do not let it cool?

Mr. ELMER. They do not press it at the heat at which it comes, of course; it solidifies; but they take it under the press at a given temperature of several hundred degrees.

Senator TILLMAN. That is what I mean. Of course that process of working steel while it is still warm saves the expense of reheating. If the Government, for instance, were to take the shaved ingot after you have cut off the dross at the top, or that which is not of sufficient purity to be satisfactory, and it was cold, then the Government would have to warm the ingot in order to go to work to make the armor plate, and that would add to the cost?

Mr. ELMER. That is very commonly done. They put the ingot into what they call an annealing furnace, right by the press, and get it at the temperature they desire. Otherwise it would be difficult to get just the temperature that is wanted for shearing or pressing.

Senator TILLMAN. It is not essential that the ingot should be taken when it is hot? Frequently at Carnegie's they take an ingot when it is cold and then rewarm it.

Mr. ELMER. Yes, sir; it is not essential.

Senator TILLMAN. I would suggest that the committee ask you when you return, as throwing light on our work hereafter, to prepare and submit in writing an estimate such as I suggested a moment ago as to the proportionate cost of the labor, materials, etc., which would enter into the construction of such a plant.

Senator CHANDLER. I suggest that we defer doing that, and if we decide to ask for particular information of that sort we can communicate with Mr. Elmer hereafter. We can easily do that.

Senator TILLMAN. All right. I wanted to have Mr. Elmer make a statement about it.

Senator PERKINS. We will formulate it in a written communication, if we desire it.

STATEMENT OF LIEUT. COMMANDER JOHN A. RODGERS.

Senator CHANDLER. State your rank and present duty.

Mr. RODGERS. I am a lieutenant-commander, United States Navy, and am inspector of ordnance and steel at the Bethlehem Iron Works, South Bethlehem, Pa.

Senator CHANDLER. State, if you please, what Government work is now being done at South Bethlehem and the Government inspection force which is there employed

Mr. RODGERS. The force consists of myself and a writer at present.

Senator CHANDLER. Is there no other naval officer?

Mr. RODGERS. Not at present. There was one, but he has been detached.

Senator CHANDLER. What Government work is there done?

Mr. RODGERS. The Government work is the armor inspection and various items of gun work.

Senator CHANDLER. Generally, what work are the Bethlehem people doing for the Government outside of the manufacture of armor plates?

Mr. RODGERS. They are making small-arm gun barrels.

Senator CHANDLER. For the Army and Navy?

Mr. RODGERS. For the Navy. They are making the forgings only.

Senator CHANDLER. The forgings for small guns?

Mr. RODGERS. For ten thousand new guns, caliber .236. They are making forgings for 3-inch, 4-inch, 5-inch, and 13-inch guns and castings for gun carriages.

Senator CHANDLER. Under contract with the Navy Department?

Mr. RODGERS. Yes, sir; except the small-arm gun barrels.

Senator CHANDLER. Are they doing any work for the Army?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Of what general character?

Mr. RODGERS. They are making 100 guns, of various calibers, I understand, for the Army, from 8 to 12 inch—8, 10, and 12 inch. I have also the inspection under the steel board.

Senator CHANDLER. You do the inspecting in both of those branches?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Are they making any structural steel for naval vessels?

Mr. RODGERS. They are making engine forgings.

Senator CHANDLER. For what vessels?

Mr. RODGERS. They are making them for three gunboats and three torpedo boats.

Senator CHANDLER. For what contractors?

Mr. RODGERS. For the Herreshoffs, for Moran, for Nixon, and also for the Union Iron Works at San Francisco.

Senator CHANDLER. You inspect all that work for the Government?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Before it is furnished to the contractor?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. You have heard the statement of Commander Elmer as to the methods employed for inspecting armor plate at the Carnegie works?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Are the same methods substantially pursued at Bethlehem?

Mr. RODGERS. Pretty much. We have no rolling mill there for rolling light armor plates. They make all their armor under a press now.

Senator CHANDLER. They have at Bethlehem a large hammer and a hydraulic press?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. While at the Carnegie works they have only the press?

Mr. RODGERS. They roll some of their armor, I understand.

Senator CHANDLER. And they have a hydraulic press?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. To what extent in the making of the armor which the Bethlehem Company have furnished the United States has the hammer been used, and to what extent has the press been used?

Mr. RODGERS. I have never seen the hammer move since I have been there.

Senator CHANDLER. It was used only in the early part of the work?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. They do it all by hydraulic press?

Mr. RODGERS. Yes, sir. The hydraulic press is considerably beyond the capacity of the other part of the work, the carbonizing and machining.

Senator CHANDLER. There is no occasion to use the hammer?

Mr. RODGERS. There is no occasion, unless they mean to get out a larger amount of forgings than their tools will machine.

Senator CHANDLER. If you were to superintend in the erection of armor-plate works for the Government, should you want anything more than a press? Should you wish a hammer?

Mr. RODGERS. No, sir.

Senator CHANDLER. So that you consider works as complete which are supplied with a suitable hydraulic press?

Mr. RODGERS. I think it would probably be necessary to have a rolling mill for the lighter armor.

Senator CHANDLER. Would a hammer take the place of a rolling mill?

Mr. RODGERS. Oh, no, sir.

Senator CHANDLER. Do I understand that you would reject a hammer in either instance as needless?

Mr. RODGERS. Yes, sir. If there was any advantage in using the hammer, it has been lost since they have carbonized the plates.

Senator CHANDLER. Since they carbonize plates by the Harvey process, there is no need of the hammer?

Mr. RODGERS. No, sir. If there was any advantage in using a hammer, it has been taken away by the harveyizing process; that is, any advantage in the grain of the steel. There is some question about it.

Senator CHANDLER. And the proper method now, you think, is, after the harveyizing, to reforge under a hydraulic press?

Mr. RODGERS. You misunderstand me, Senator, I think. They do not reforge at Bethlehem.

Senator CHANDLER. Do they not reforge the armor plate?

Mr. RODGERS. They do not have what is called the double forging.

Senator CHANDLER. Is not reforging done under the Corey patents at the Bethlehem works?

Mr. RODGERS. No, sir.

Senator CHANDLER. The armor that is now being made at the Carnegie works is reforged under the Corey patent, is it not?

Mr. RODGERS. I have so understood.

Mr. ELMER. Yes, sir; it is.

Senator CHANDLER. That is not done at Bethlehem?

Mr. RODGERS. No, sir.

Senator CHANDLER. How near to completion is the present Bethlehem contract?

Mr. RODGERS. The contract for armor is practically complete, with the exception of the *Iowa's* turrets. They will be done probably in September.

Senator CHANDLER. How many tons remain to be completed?

Mr. RODGERS. I should say, roughly, 600 tons.

Senator CHANDLER. Are you aware of the fact that the specifications issued by the Department for armor plate for the two new ships, the *Kearsarge* and the *Kentucky*, require reforging after the harveyizing process?

Mr. RODGERS. No, sir; I am not aware of it.

Senator CHANDLER. You are not informed as to that matter?

Mr. RODGERS. No, sir.

Senator CHANDLER. If that were to be done, could it be done any better by a hammer than by a press, or by a press any better than by a hammer, the plate being reheated and again subjected to pressure?

Mr. RODGERS. I do not think there would be any advantage in doing it with a hammer.

Senator CHANDLER. Will you state whether or not the process of manufacture is, comparatively speaking, perfect now, so far as defects in the armor are concerned, as compared with the earlier work?

Mr. RODGERS. Yes, sir; it is.

Senator CHANDLER. Are there many spoiled plates?

Mr. RODGERS. Not if the plates are limited in size; but the tendency has been to increase the size of the plates, and therefore it keeps the art more in an experimental stage.

Senator CHANDLER. Can you give us any information about spoiled plates since you have been at Bethlehem? I refer to plates spoiled before they were delivered to the Government, so that they were not turned over to the Government.

Mr. RODGERS. When I went to Bethlehem there were a number of plates that were partially injured in the carbonizing furnace. They had to remachine them, and lost a good deal of time.

Senator CHANDLER. At what time did you go to Bethlehem?

Mr. RODGERS. I went there in March, a year ago.

Senator CHANDLER. How has it been since you have been there; have they lost any plates?

Mr. RODGERS. They have apparently overcome that defect in the Harvey process, but we have had another plate which was found to contain cavities. It was a very large plate for the *Iowa's* turrets.

Senator CHANDLER. Was it discarded?

Mr. RODGERS. It has not yet been discarded.

Senator CHANDLER. What is the expectation about it?

Mr. RODGERS. I do not know, sir.

Senator CHANDLER. What is the status of the plate so far as you are concerned?

Mr. RODGERS. It is rejected.

Senator CHANDLER. By you?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Has an appeal been made to the Department to accept it?

Mr. RODGERS. They wish to use it as a ballistic plate.

Senator CHANDLER. For test? How many tons does it weigh?

Mr. RODGERS. Roughly, 40 tons.

Senator CHANDLER. Believing it to be just as strong as if it did not have those defects, they propose it as a test for a certain lot of armor?

Mr. RODGERS. Yes, sir. They claim that it is a good plate ballistically; that this is an apparent defect.

Senator CHANDLER. Describe the apparent defect.

Mr. RODGERS. When the metal shrinks, it leaves a hole or pipe in the center. By putting a large head on the ingot this is carried up to the top. Commander Elmer told you that there was a large surplus of metal at the top. In this case the pipe seemed to drop down lower than usual and left a hole that I could run a wire into about 5½ inches.

Senator CHANDLER. At the top of the flask?

Mr. ELMER. No, sir; on the top end of the plate.

Senator CHANDLER. After the plate was made?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. That arose from the fact that this portion of the plate had been at the top of the furnace during the heating?

Mr. RODGERS. No, sir.

Senator CHANDLER. How did it arise?

Mr. RODGERS. It came in the wrong place, unexpectedly. They were very much surprised to find it there.

Senator CHANDLER. Was there only one of those holes in the whole plate?

Mr. RODGERS. Originally, I suppose it was only one hole, but it had flattened out into a series of holes which, my recollection is, were about a foot long.

Senator CHANDLER. Take this as the plate [exhibiting]. Was there only one of those defects on the face of the plate?

Mr. RODGERS. It was not on the face of the plate. It was on the end of the plate after it was sawed off—a cross section.

Senator CHANDLER. Suppose this table to be the plate. You mean that it was in the end here [indicating]?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. And not on the face of the plate at all?

Mr. RODGERS. No, sir.

Senator CHANDLER. Was there only one place where you found defects?

Mr. RODGERS. There was a series of small holes.

Senator CHANDLER. But in the same general locality?

Mr. RODGERS. It evidently had come from one big defect, but the plate, being spread out, elongated the defect.

Senator CHANDLER. We understand that. Nowhere else around the plate was there any defect?

Mr. RODGERS. No, sir.

Senator CHANDLER. You do not regard that as a serious defect in the plate?

Mr. RODGERS. No, sir.

Senator CHANDLER. For purposes of usefulness?

Mr. RODGERS. I do not believe it hurts it much.

Senator CHANDLER. Does it affect the surface of the plate at all, apparently?

Mr. RODGERS. It does not affect the surface.

Senator CHANDLER. It is not visible on the plate?

Mr. RODGERS. The same plate was somewhat injured in carbonizing.

Senator CHANDLER. On the face?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Describe that defect.

Mr. RODGERS. There was a series of small pits where the metal in melting had run away from the face of the plate.

Senator CHANDLER. What portion of the plate was affected in that way; what percentage of the surface?

Mr. RODGERS. I suppose half of the plate was sort of small-poxed.

Senator CHANDLER. And that, the Bethlehem people contend, indicates no weakness in the plate?

Mr. RODGERS. Yes, sir; I think it amounts to very little.

Senator CHANDLER. This plate, at a cost of $500 a ton—a 40-ton plate, was it?

Mr. RODGERS. Yes, sir.

Senator PERKINS. That would be $20,000?

Mr. RODGERS. It is at the rate of $575 a ton, being a turret plate, to which should be added the cost of the Harvey process. The rule is to select the worst plate of the group.

Senator CHANDLER. For a test?

Mr. ELMER. Yes, sir; for a test. This being an imperfect plate, I believe the Department had authority to reduce the price of it.

Senator CHANDLER. In round numbers, the value of that plate is about $25,000?

Mr. RODGERS. I should put it in that neighborhood.

Senator CHANDLER. And the Bethlehem Company are so confident of its strength that they propose it for a test plate?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. Knowing that the test is to determine whether that group of plates is to be selected?

Mr. RODGERS. Yes, sir.

Senator CHANDLER. What is the size of the surface of that plate; how long and how wide do you think it is?

Mr. RODGERS. I think that plate is about 17½ feet long.

Senator CHANDLER. And about what is its width?

Mr. RODGERS. I have forgotten the width, but I think it is something like 9 feet.

Senator CHANDLER. In the vicinity of 9 by 17, and worth $25,000?

Mr. RODGERS. Yes, sir.

Senator SMITH. How long have you been at the Bethlehem Iron Works?

Mr. RODGERS. I went there last March. I have been there about a year.

Senator SMITH. Have you ever made an approximate estimate of what armor plate can be produced for?

Mr. RODGERS. I never made what you would call an estimate. I have made an attempt at it, but nothing in which I have felt any confidence.

Senator SMITH. What, in your opinion, from the facts you have gathered, does it cost the Bethlehem people to manufacture armor plates?

Mr. RODGERS. I never arrived at any sufficiently satisfactory conclusion in my own mind to make a statement about it.

Senator SMITH. Have you not some opinion as to the probable cost?

Mr. RODGERS. My opinion is not sufficiently well established in my own mind to fix the cost at any figure.

Senator SMITH. Not even to approximate it?

Mr. RODGERS. No, sir; there are so many things which enter into the consideration that there is nothing I would be willing to stand by in making a statement to that effect.

Senator SMITH. Give us the benefit of your judgment and your best opinion now as to what the cost is.

Mr. RODGERS. I could not set a figure that would be of any value. I do not think it would be of any value.

Senator SMITH. You have given it some consideration?

Mr. RODGERS. Yes, sir; some consideration. But in making such a statement I would have to have some value attached to it in my own mind before making an estimate.

Senator TILLMAN. You would not be willing to give a maximun estimate; in other words, giving yourself a large margin of safety?

Mr. RODGERS. I could give a maximum estimate, but it would be so large that I do not think it would be of any value. There is a very great difference in the cost of each article. There is a difference in the contract price, and there is a difference in the cost.

Senator SMITH. What do you mean by that statement? Explain just what you mean.

Mr. RODGERS. I mean as to each variety. For instance, making what they call a hollow armor forging—a conning tower, which is all one piece—is very different from making an armor plate. Then, again, the difference in size makes a very great difference in the cost. I should assume that where they were not making many plates of the same size it would make a difference.

Senator TILLMAN. Would a 40-ton plate cost more than a 15-ton plate relatively, per ton?

Mr. RODGERS. I think it would. I think they would rather make about 20-ton plates, probably.

Senator SMITH. You are not prepared, then, to give any approximate idea or opinion as to the cost of armor plates?

Mr. RODGERS. No, sir; I do not think I could. I could not give an estimate that would be of any value.

Senator SMITH. Can you now furnish the committee with any figures which would give an approximate estimate of the cost of the erection of a plant for the manufacture of armor plate?

Mr. RODGERS. No, sir; I can not, except what I have heard of the cost of the plant, which is merely hearsay.

Senator SMITH. What did you hear about it?

Mr. RODGERS. I have heard it stated at $3,500,000, and then again at nearly $4,000,000. That is including the plant and including what it cost them to get information. I understand from general talk that they paid a great deal to Creusot and Whitworth. That would have to come out of the estimate of nearly $4,000,000.

Senator SMITH. You neither know the approximate cost of producing armor plate, nor do you know the cost of armor-plate works such as they have now?

Mr. RODGERS. No, sir; I do not know the cost of the works.

Senator BACON. You were speaking of your inability to make an estimate as to the cost of armor plate. You know the cost (approximately speaking always, of course) of the steel before it is combined with the nickel?

Mr. RODGERS. I do not.

Senator BACON. You do not?

Mr. RODGERS. No, sir; because I am not in that. That is not a manufacturing center at all. I do not see any of it.

Senator BACON. Could you tell, approximately, whether the steel would cost $17 a ton, or whether it would cost $50 a ton?

Mr. RODGERS. Yes.

Senator BACON. Very well. I want to see if I can not assist you in coming to some reasonable approximation of the cost of armor. What do you say, approximately, is the commercial value of the steel which is used?

Mr. RODGERS. Do you mean the charge of the furnace?

Senator BACON. The steel that Commander Elmer testifies is worth $17 a ton. Is his estimate correct?

Mr. ELMER. That is plain steel.

Senator BACON. Plain steel.

Mr. RODGERS. I understood that that was commercial steel.

Senator BACON. Yes, sir; that is what I am talking about; the same steel he testifies as being worth $17 a ton—the plain steel. Is that about a correct estimate?

Mr. RODGERS. I expect it is, because he——

Senator BACON. Very well. Now, I am asking you to state approximately, not accurately, what does it cost approximately per ton to combine with that the 3½ per cent of nickel?

Mr. RODGERS. Do I understand you to mean to make another ingot?

Senator BACON. I understand that these various materials are taken and combined. You make the nickel alloy, do you not, by combining the nickel and steel?

Mr. RODGERS. The way they do there is the same as Commander Elmer stated. There is so much scrap and so much of what they call wash metal that goes into the charge. The scrap they have from the——

Senator BACON. Now, Lieutenant-Commander, will you kindly answer the question I asked without going in another direction? Take it as an original process where there is no scrap.

Mr. RODGERS. Still, I do not understand the question, sir.

Senator BACON. Well.

Mr. RODGERS. As I understand it, the ordinary open-hearth steel costs $17 a ton; that is after it is melted.

Senator BACON. Very well, sir.

Mr. RODGERS. The ingot steel——

Senator BACON. Then what is next put into it?

Mr. RODGERS. There is not anything put into that.

Senator BACON. What I want to know is this: The material out of which the armor plate is finally fashioned is made up of certain ingredients?

Mr. RODGERS. Yes, sir.

Senator BACON. You know what each one of those ingredients is, do you not?

Mr. RODGERS. Well, yes, sir; in a general way.

Senator BACON. The basis of them all is the plain steel. Then, take the next ingredient; select it at your pleasure; what is it?

Mr. RODGERS. I suppose you mean nickel, then, from what you say.

Senator BACON. You know the various ingredients. I am merely asking you to take up each one of the ingredients and state what it costs. I am trying to see if I can not assist you in forming an approximate idea of the cost of one of the plates. If you know the ingredients, you can select them in the order you prefer in telling the committee as to each one. Plain steel is the first. Now, select the next one at pleasure.

Mr. RODGERS. The scrap is the first that goes into the open hearth.

Senator BACON. I do not want any scrap in this at all. I want it just as the original process stands, because the scrap has other ingredients in it.

Mr. RODGERS. I do not understand you, sir.

Senator BACON. Very well; I will not press it.

Senator SMITH. The steel costs $17 a ton, approximately. What does it cost to nickel that steel?

Mr. RODGERS. It does not cost the company anything, as I understand it. The nickel is supplied by the Government to the works, and is put in by the company, and it does not cost them anything. Practically they just throw it in the furnace.

Senator SMITH. Will you tell us, then, approximately? The cost is $250 a ton to manufacture it. What makes up the difference between $17 a ton and $250 a ton?

Mr. RODGERS. In making the armor?

Senator SMITH. Yes, sir.

Mr. RODGERS. Well, in making the ingot for the armor it is entirely different from the commercial way of making a small ingot. How much more it costs to make that ingot I do not know; but it costs something more, I presume. Then the armor has to go to the forge. It is forged. It will take two days to forge a good-sized plate, perhaps three days, varying a good deal in the way the plate works; but, generally speaking, a large plate will take two days. The plate is then annealed. It is then partially machined, carbonized, bent, finished, machined, water hardened, rectified, bolt holes made, fitted, and set up, so that by the time the ingot is manufactured there is a very considerable expense.

Senator SMITH. What would you think that expense would be?

Mr. RODGERS. The expense of which process, sir?

Senator SMITH. After the ingot is made up to the time it is ready to be harveyized.

Mr. RODGERS. I understand you to mean until ready to be shipped.

Senator SMITH. Yes, sir; of all characters.

Mr. RODGERS. It would vary from $100 to $200 a ton, I should think.

Senator SMITH. Would $150 a ton be about an average?

Mr. RODGERS. It might be, but I could not say definitely, because, as I said, it will vary. I can give you an instance, if you would like to hear it. I have seen very few of these plates manufactured from the commencement to the end. In the case of the *Puritan's* conning tower, however, they sent it to the forging shop June 6 and they cold-chipped it to July 24. Then they commenced to heat it.

Senator PERKINS. They put it in the annealing furnace?

Mr. RODGERS. Yes, sir; the heating furnace. They hot chipped it for 35 heats and forged for 6 heats. They ended the forging August 17. They commenced July 24 and finished August 17. If it had been a small ingot or under favorable circumstances, they might have done the whole thing in a week.

Senator SMITH. That is a very exceptional case, is it not?

Mr. RODGERS. Very, sir. Besides that, when I went there in March, there was an ingot in the lathe being bored, and it was rejected. Then they cast this other ingot and got it ready to send to the forge June 6. They were in a great hurry for it and they got it off, I think, early in January. Yes, sir; that is exceptional, and that is the reason why I think it is very difficult, unless you have books, to make a clear statement.

Senator SMITH. Of course exceptional things happen in every manufacturing business. At the same time the manufacturer must be able to get a general average as to the cost of any article that he produces.

Mr. RODGERS. Of course they must have the books?

Senator SMITH. Of course. I supposed that you, being there on the ground and looking at the different processes, could form some idea of the probable cost of manufacture, and come perhaps within 10 per cent of the cost.

Mr. RODGERS. I could not come anywhere near 10 per cent of it.

Senator SMITH. Could you come within 20 per cent?

Mr. RODGERS. I am very uncertain about that, because I have no guide to go by at all. I do not know the cost of the coal, and there are no other people around there to ask about it.

Senator PERKINS. I understand that Lieutenant-Commander Rodgers has stated that it is his specific duty to ascertain the physical and chemical properties of the plates and that is all that he knows and does for the Government. Is not that the case? As to the cost of manufacture you know nothing except by hearsay?

Mr. RODGERS. I have no knowledge about the cost of manufacture of the armor, hearsay or otherwise, except from estimates I have made of the cost of labor and material. These estimates were made from a slight amount of information received from sources outside of the Bethlehem Iron Company's works, from the records of my office, from personal observation, and guesswork. The estimates probably lack accuracy in nearly every essential feature, and I am unable to make up my mind as to the probable error; but assuming that my estimates are correct, I am of the opinion that the average cost of labor and material will not be more than $250 per ton of armor.

My duty is to see that the material is made according to contract and specifications. The obligation is upon the company to satisfy the inspector of the correctness of everything, and its accordance with the terms of the contract; but this does not include the question of cost.

Senator PERKINS. All you need to know is the condition and the results?

Mr. RODGERS. Yes, sir; at the same time I did endeavor to ascertain the price.

Senator PERKINS. But you look upon it as your specific line of duty to have the plates come up to the standard fixed by the Government?

Mr. RODGERS. Yes, sir.

Senator SMITH. I appreciate all of that, and I also appreciate the fact that we sometimes have very inquiring minds.

Senator PERKINS. If the lieutenant-commander has ascertained it, he does not want to tell us. That is very evident.

Senator SMITH. The lieutenant-commander has been there only a short time; they are large works, and it takes some time to familiarize one's self with them.

Mr. RODGERS. If I knew, of course I would tell you; but I would not like to make a specific statement, because, as I said, I did make an attempt, and tried it in different ways, and the figures came out differently.

Senator PERKINS. You did not state the weight of the *Puritan* conning tower.

Mr. RODGERS. Thirty-six and eight-tenths tons.

Senator PERKINS. One-third the circumference of the tower, the plate reaching one-third around?

Mr. RODGERS. The forging is what is called hollow-armored forging. There is no butt in it. It is just made from an ingot that is bored out and then enlarged on a mandrel.

Senator BACON. I wish to ask one question, to see if I understand you correctly. The Government, you say, furnishes the nickel?

Mr. RODGERS. Yes, sir; the Government furnishes the nickel.

Senator BACON. And no credit is made on the $500 per ton for the cost of the nickel? I will ask the question in another way, if you do not understand it. The Government has been paying $500 a ton for armor plate?

Mr. RODGERS. It pays more than that.

Senator BACON. It did pay $500 per ton, say. That is not credited with the cost of the nickel that enters into it and which was paid for by the Government?

Mr. RODGERS. I think not, sir.

Senator BACON. In other words, the cost of the nickel is additional?

Mr. RODGERS. I do not know; that does not come under my supervision, but I understand that Congress appropriated a certain sum, I think $2,000,000, for nickel.

Senator SMITH. For the purchase of nickel?

Mr. RODGERS. For the purchase of nickel; and that is not quite all used up yet.

Senator PERKINS. I will ask Commander Elmer if he does not understand that that is charged to the contractors?

Mr. ELMER. No, sir; it is supplied.

Mr. RODGERS. It is supplied to the works, and they put it in.

Senator PERKINS. It is an additional cost, then, to the contract price?

Mr. RODGERS. It makes an addition to the cost. I understand that the average cost is about $617 a ton.

Senator BACON. Where did you get the idea that it cost $617 a ton?

Mr. RODGERS. I got it from the Bureau. I did not make it up myself.

Senator BACON. Do you mean that you got it as definite information or just as an understanding on your part?

Mr. RODGERS. I understood that they had figured it up.

Senator BACON. And that was the cost, including the cost of the nickel?

Mr. RODGERS. That was what they considered to be the cost, including the cost of the nickel. That is the way I understood it. Harveyizing is a separate item, too.

Senator BACON. I understood that the harveyizing process was performed by the Carnegie works and the Bethlehem works, and that the cost of that process was included in the $500 a ton paid to them. Do you mean to say that the Government pays extra for that?

Mr. ELMER. The Government pays from 2¼ cents to 4¼ cents a pound for all plates harveyized.

Senator BACON. In addition to the $500 per ton?

Mr. ELMER. It is not $500. It is not a fixed sum. It varies according to the thickness of the plates. It pays in addition to the contract price 2¼ cents for anything thicker than 8 inches and 4¼ cents for less than 8 inches. That is specified in the contract. If you have a copy of the contract, it will show.

The committee, after spending some time in secret session, adjourned.

AMOUNTS PAID FOR ARMOR,

The following letter from the Secretary of the Navy was made a part of the record:

NAVY DEPARTMENT, *Washington, March 23, 1896.*

SIR: In reply to your letter of the 16th instant, requesting to be furnished with a statement of the amounts thus far paid to the Carnegie Steel Company and to the Bethlehem Iron Company for armor, with estimates of the balance which may have to be paid to fulfill existing contracts, I have the honor to report that the following are the amounts that have been paid the companies named during the period covered by your inquiry, viz:

Date.	Bethlehem Iron Company.	Carnegie Steel Company.	Date.	Bethlehem Iron Company.	Carnegie Steel Company.
1895.			1895		
June 30	$4,734,390.24	$4,144,475.09	Aug. 6	$12,491.15	
July 8	35,905.64		Aug. 6	1,094.88	
July 11		17,047.61	Aug. 16		$17,553.74
July 11		1,690.75	Aug. 16		1,671.75
July 13	6,338.21		Aug. 16		12,324.55
July 13	52,716.26		Aug. 16		1,671.75
July 13	5,060.76		Aug. 16		34,966.85
July 13	17,104.73		Aug. 16		3,410.82
July 15		10,868.20	Aug. 19		5,152.39
July 26	71,862.25		Sept. 3	42,827.85	
July 26	6,192.21		Sept. 3	4,151.01	
July 30		2,757.48	Sept. 9	15,736.50	3,437.60
July 30		35,106.46	Sept. 9	1,525.23	450.76
July 30		3,430.03	Sept. 9	17,152.43	9,071.20
Aug. 6	10,901.07		Sept. 9	1,184.62	9,053.36

Date.	Bethlehem Iron Company.	Carnegie Steel Company.	Date.	Bethlehem Iron Company.	Carnegie Steel Company.
1895.			1896.		
Sept. 10		$5,600.32	Jan. 15	$26,687.29	
Sept. 10		851.34	Jan. 18	53,710.03	
Sept. 19		202,466.14	Jan. 18	4,707.80	
Sept. 18		9,564.08	Jan. 18	7,203.97	
Sept. 24	$15,754.05		Jan. 18	13,914.28	
Sept. 24	1,526.93		Jan. 18	1,219.62	
Sept. 27		16,115.96	Jan. 20	1,483.68	
Oct. 4		12,214.79	Jan. 20	15,324.47	
Oct. 4		1,180.57	Jan. 20	1,343.22	
Oct. 5	72,019.35		Jan. 20	22,407.22	
Oct. 5	6,980.34		Jan. 28	15,835.95	
Oct. 5	1,123.50		Jan. 28	1,534.87	
Oct. 8	32,640.91		Feb. 6	7,315.54	
Oct. 8	3,133.53		Feb. 11	1,097.93	
Oct. 15	3,570.07		Feb. 11	19,445.95	
Oct. 18	324.62		Feb. 11	17,105.40	
Oct. 18	51.43		Feb. 11	1,657.91	
Oct. 30	3,468.46		Feb. 15	24,867.20	$9,934.90
Nov. 16	2,030.67		Feb. 17		1,891.76
Nov. 21	22,715.33		Feb. 28	749.98	
Nov. 6	24,302.82		Feb. 28	71,284.47	
Nov. 6	2,341.71		Feb. 28	6,161.02	
Nov. 19	1,287.75		Mar. 2	599.10	
Nov. 21	14,428.90		Mar. 2	81.29	
Nov. 19	85,081.69		Mar. 2	12,290.62	
Nov. 19	7,293.32		Mar. 2	1,077.30	
Nov. 27	9,019.46		Mar. 3		667.53
Dec. 3	11,732.96		Mar. 3		331.42
Dec. 3		182.70	Mar. 3		5,831.32
Dec. 3		8,998.15	Mar. 3		809.55
Dec. 13	72,795.62		Mar. 4		64,027.19
Dec. 13	6,206.95		Mar. 4		5,914.60
Dec. 18	10,265.78		Mar. 9	2,344.29	
Dec. 30	1,748.74		Mar. 9	3,383.56	
1896.			Mar. 13		13,433.40
Jan. 4	21,764.45		Mar. 13		1,141.70
Jan. 4	12,381.19		Mar. 13		189,938.68
Jan. 4	1,085.24		Mar. 13		16,648.54
Jan. 4	7,290.97		Mar. 13		114,184.99
Jan. 11	19,435.14		Mar. 13		10,008.56
Jan. 11	1,943.84		Mar. 17		328.28
Jan. 11	7,328.07		Total.	5,857,105.55	5,072,424.04
Jan. 11	2,424.89				

The following amounts are still to be paid, viz:

For—	Bethlehem Iron Company.	Carnegie Steel Company.
12-inch turrets, Iowa	$308,505.58	
8-inch turrets, Iowa		$26,989.40
Side plates, Iowa		30,931.60
Casemate plates, Iowa		12,616.00
Ammunition tube, Brooklyn	11,400.00	
Amounts still to be paid on account of reservations under the several contracts	246,145.14	210,553.25
Total	566,050.72	281,090.25

The differences between the statement herein made of the amounts still to be paid to fulfill existing contracts and the statement previously furnished and quoted in your letter (after making allowances for payments made during the period between the dates of the two statements) is due to a necessary revision of the weights of armor embraced in the schedule printed on page 14 of the Report of the Bureau of Ordnance for the year 1895, and to the omission in the first instance of the reservations which had accumulated under the contracts of 1893 with these two companies.

Neither the statement of the amounts thus far paid nor the statement of the amounts still to be paid includes anything on account of the fund of 2 cents per pound, provided for in the fourth clause of the contract of November 28, 1890, with the Carnegie Steel Company for contesting the so-called nickel-steel patents. The Department explained the status of this matter in its communication of January 23, 1896, addressed to the chairman of the Committee on Naval Affairs of the Senate. No payments have been made, nor does the Department at present anticipate making any under the provisions of the fourth clause of the contract in question. One voucher covering a portion of the amount involved was submitted to the accounting officers of the Treasury Department for settlement and was disallowed by the Comptroller.

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. W. E. CHANDLER,
United States Senate, Washington, D. C.

TUESDAY, *April 7, 1896.*

The committee met at 11 a. m., with Senator HALE as acting chairman.

William M. Folger, commander, United States Navy, appeared.

Senator HALE (acting chairman). Last Saturday was set as the day when Commander Folger should be heard, who desires to give his testimony on the subject of the resolution under which the investigation is proceeding, and we were going on with the hearing when I received a dispatch from Mr. CHANDLER stating that he could not be here on Saturday, and he wished to be present, of course, at the hearing, upon which the chairman made an arrangement that Commander Folger should come here to-day, and we would give the day to him. You are ready, Commander, to go on with your testimony?

STATEMENT OF COMMANDER WILLIAM M. FOLGER.

Mr. FOLGER. I saw the chairman, Senator CAMERON, the other day and asked permission to read, in the first place, a statement which contains in a form as condensed as I could put it the narrative of my connection with the harveyed plate development. If you please, I should like to read that statement. It is not very long.

Senator HALE. Very well. Does that paper state your present relation to the Department?

Mr. FOLGER. My present relation?

Senator HALE. You are at present on waiting orders?

Mr. FOLGER. I am on "waiting orders."

Senator HALE. At what time were you Chief of the Bureau of Ordnance?

Mr. FOLGER. From February, 1890, until January 1, 1893.

Senator HALE. Under Secretary Tracy?

Mr. FOLGER. Under Secretary Tracy the whole time.

Senator HALE. With this preliminary, you can go on and read your statement, and the examination will be taken up by members of the committee afterwards.

Mr. FOLGER. I beg to submit the following statement in regard to my connection with the development of the "Harvey armor plate:"

Ex-Secretary Tracy will tell you, if he is asked the question, that I described to him as a possibility and as an ideal armor—if it could be produced, although I did not know then how to do it—what is now known as the "harveyized plate." This was some time—perhaps a year—before the appearance of Mr. Harvey in Washington with his process.

Thus when, in the early part of 1889, Mr. Harvey presented himself to me at the Washington Navy-Yard with some specimens of tool steel, in which, as shown in a new fracture, carbon had apparently penetrated to a greater depth than is usual in the cementation process, I was interested at once, and asked, "Can you, in this manner, drive carbon into a larger mass of steel?" He replied he could do so, and I asked him to bring me a 3-inch cube of steel that had been treated by his process. He brought me a larger mass—perhaps a fragment 4 inches thick—and I then obtained from the Bureau of Ordnance (Captain Sicard was then Chief of Bureau) permission to have a small plate made some 3 feet square and 4 inches in thickness, which was sent to Mr. Harvey's establishment in Newark, N. J., and treated.

This small plate was tested ballistically by firing a 6-pounder projectile against it with sufficient force to nearly perforate a similar plate of steel which had not been treated. The projectile broke up on the face of the plate, making scarcely any penetration—perhaps one-eighth of an inch—leaving the plate quite unharmed. I felt that a new feature in armor had been reached, and reported the facts to the Bureau of Ordnance. It was quite close to the end of the tour of duty of the then incumbent in the Bureau of Ordnance, and the matter was allowed to drop until I became Chief of the Bureau in February, 1890, when I immediately took steps to thoroughly test the process. As there were no means of obtaining a plate of sufficient size in the United States at this time, an order was given to the agent of the Creusot works in France for a target plate 6 feet by 8 feet by 10½ inches, which in due time (several months were required) arrived in this country. In the meantime a small furnace for treating—supercarbonizing—this plate was erected in the Washington Navy-Yard. This furnace was erected under the supervision of Mr. Harvey, and the Creusot plate was supercarburized on one face under the direction of Mr. Harvey and subsequently chilled under his direction, and these operations resulted in the production of a plate of very remarkable properties, as fully appears in the official reports of the time.

It is probable at this time also—for I do not recollect the date, and it may have been after the plate was tested—that I recommended to Secretary Tracy that the Department request the Department of the Interior to give precedence to the consideration by the examiners of the Harvey patent upon a supercarbonized face-hardened armor plate. Since, in case the claim of invulnerability in the plate became justified by proper ballistic tests, the Government would probably make some arrangement with the inventor, I based my recommendation to the Secretary upon the expediency of having the soundness of the patent decided as soon as practicable. I will call the attention of the committee to the fact in the history of the plate patent that it was not allowed at first, and was sent up on appeal to a superior board of examiners. This is noted as evidence that the request by the Department that the patent be "expedited" was at least not effective in securing its issue. I am informed since my recent return from sea, by Mr. E. E. Quimby, the patent agent of the Harvey Steel Company, in New York, that the issue was in fact not expedited. He at first said that no request for giving precedence had been made, but upon inquiry in Washington he learned that Mr. Harvey had obtained and utilized such a request from the Navy Department

without his (Quimby's) knowledge. I do not think that the request from the head of a Department that the consideration of a patent claim be given precedence entails in the slightest degree the idea that the official making the request desires a favorable consideration. Such an idea never occurred to Secretary Tracy or myself in the case of the Harvey plate patent. (It will be understood, of course, that the process was already patented before Mr. Harvey came to me at the Washington Navy-Yard.)

If the subject of the expediting of the patent is not entirely clear to the committee, I request that Mr. E. E. Quimby, No. 59 Liberty street, New York, may be called as a witness.

After the successful test of the Schneider (Creusot) plate, the first contract was made with the Harvey Steel Company, by which the Government agreed to bear the expense of the experimental development of the plate, the company accepting as royalty the sum of one-half of 1 cent per pound of the finished plate until the sum of $75,000 was reached, specifying the armor of vessels then authorized by Congress; after which, for the armor of later vessels, a new contract was to be made. The Harvey Company undoubtedly hoped at this time—a fact which I recollect with great distinctness—that they would receive a larger price per pound in the second contract for later vessels, as the Government would then have completed the experimental development of the plate, and thus be at no such expense. No such promise was, however, made to the company.

It is to be noted here that, barring the cost of the experimental plates and recollecting that similar experimental plates would have had to be tested by firing against them had we taken any any other system or method of armor manufacture than that of the harveyed plate, the cost to the Government of developing the plate did not exceed $10,000 over and above what would have been the cost to the Government of experimenting with other plates. I speak from memory only, and the figures may be less than that amount, but not greater. I refer to the development, the building of a furnace, and special experimentation at the Washington yard.

The first contract was the only one with the Harvey Company with which I had to do as Chief of the naval Bureau of Ordnance.

THE SECOND CONTRACT.

The second contract is dated March, 1893, about three months after I left the Department and while I was on leave of absence. I had nothing to do with its inception or preparation beyond a limited discussion with the officials of the Navy Department while acting as a representative of the Harvey Steel Company. (The idea of abrogating the old contract and making a new one was, I think, suggested by the law officers of the Navy Department.)

In spite of the expectation of the Harvey Steel Company that a larger price would be paid by the second contract, the same figures were inserted—one-half of 1 cent per pound.

The contract was completed in Secretary Herbert's time, as the committee is doubtless aware.

EMPLOYMENT BY THE HARVEY STEEL COMPANY.

The Harvey Steel Company, as such, made but one offer to me to leave the Department and enter their employ as a technical expert. This was under the following circumstances:

On an occasion of my being in New York—as nearly as I can remember, some eighteen months before I left the Department—I was asked to meet the board of directors at their office. I went down town and the then president of the company, a Mr. Benjamin Clarke, asked me if I would consider a proposition to leave the Department and enter their employ.

I replied that I could not do such a thing at that time, as I had a great mass of unfinished work on hand, and that I could not even discuss the matter with them. If for any reason I left the Department (and I was several times near resigning my position, the task given me of building up all our manufacturing resources for naval war material being a very difficult one), I would then consider such a proposition from them. There was no mention of terms or of services rendered or to be rendered. The board thanked me for coming to see them, and I left the office, the interview having lasted perhaps fifteen minutes. (Mr. S. S. Palmer, at present president of the Harvey Steel Company, whom I have requested may be called as a witness, will corroborate this statement.) I saw Mr. Harvey frequently in Washington, as was to be expected, since measures to be taken in the experimental development of the plate were agreed upon after discussion with him. No person outside the Department, and the officials of the Bethlehem Iron Company in the later stages, ever assisted or was present during these discussions.

Mr. Harvey never made me any proposition or offer of any description of shares or other remuneration in contemplation of my joining them prior to my leaving the Department on January 1, 1893, nor did any other person in or out of the Harvey Steel Company ever make me any offer of terms of any description or amount, either shares or money, before the date of my leaving the Department. Mr. Harvey was not in a position, financially, to make such an offer, being entirely dependent upon the wealthier members of his company, resident in New York, in all company matters. He might have offered me some of his shares, it is true, but he did not do so, and no question or discussion of what remuneration I should receive in the event of my leaving the Department ever arose between us, or between myself and any other member of the Harvey Steel Company.

I make this explicit statement, as in an interview with a member of the committee prior to the introduction of the Senate resolution calling for this investigation the member referred to said I might be accused of having made such prior arrangement. Such accusations have likewise been intimated in the press and in the Davies trial.

The next proposition which I received from the Harvey Steel Company is contained in the letter from Mr. Harvey, now deceased, as follows (the original letter is at the service of the committee), dated, it will be observed, some weeks after I had resigned my position as chief of Bureau and after acceptance of my resignation had been published in perhaps half the newspapers in the country:

HARVEY STEEL COMPANY,
No. 52 Wall street, New York, December 28, 1892.

MY DEAR SIR: I am instructed by the board of directors of this company to invite you to accept the office of consulting engineer to our company on ordnance and armor plate, and such other matters as may come under our patents, whenever you are at liberty to so act.

We shall be happy to meet you then and arrange the terms with you.

Yours, very truly,

H. A. HARVEY,
President of the Harvey Steel Company.

Commander WM. M. FOLGER.

Senator HALE. Was that letter written in 1892?

Mr. FOLGER. December 28, 1892.

Senator CHANDLER. Three days before he left the Department.

Mr. FOLGER. This was after my resignation had been published far and wide and accepted, and I had received a letter from President Harrison in regard to my leaving. About the 8th of January, 1893, three members of the Harvey Steel Company and myself met in the Arlington Hotel, in Washington—I then being on leave of absence—and the formal offer was made to me to enter the employ of the Harvey Company as consulting engineer. Mr. S. S. Palmer will testify as to this. Later, I think in March, I was made general manager, and assumed executive charge of all the technical affairs of the company. The remuneration offered me was a salary of $5,000 per annum and 200 shares of stock. I received the shares in the following June. The shares were offered me as coming from the company, and were not given me by Mr. Harvey, as stated by Mr. Allen Smith in his testimony in the Davies case. Until seeing this testimony I did not know, and do not know now, that these shares may have been contributed to the company by Mr. Harvey.

At the time they were offered me and at the time I left the employ of the company in June (not November) they had no selling value. They could not have brought any price at auction. Mr. Smith, who says in the Davies case their value was par, did not enter the employ of the company until some two months after my own entry, and he did not know their value. I refer to Mr. Smith's testimony in the Davies case. These shares did not really attain any selling value until after the Harvey plate was generally adopted in Europe, or perhaps two years subsequent to the date of my receiving them. At the time I entered the employ of this corporation it was $100,000 in debt, and immediately afterwards some of its moneyed men had to furnish funds to pay my salary and continue operations. I was fully aware of this fact at the time. In April, at my instance, all work in the shop in Newark was suspended to avoid expense until the result of the European tests and business operations would warrant a further outlay.

On June 1 money was scarce and I informed the company I intended to resign as consulting engineer and go to Europe, in order to consult a physician at Gastein, in Austria, a specialist for diseases consequent upon overwork. At this date the company was in a controversy with its European agent, and after a full discussion of the subject I was empowered to settle the matter with the European agent, and sailed, being paid my last month's salary in June (not November, as stated by Mr. Smith in his testimony in the Davies case).

I did not go to Europe to arrange contracts with foreign governments, as stated in the Senate resolution. I had absolutely nothing to do but to arrange the matter in controversy referred to. I did not see any foreign parties or persons or others besides the agent mentioned while in Europe, and I remained with him but ten days in London, two days in Paris, and then went to Austria. I sent one cable message to the company from London, arranging the subject in controversy, and this I supplemented by the usual written report. No Harvey business whatever was transacted by me in Paris. I will state that my suggestions from London as to a settlement with the European agent are considered to have been of great value to the company and to have smoothed the way to the subsequent successful conclusion which has been

reached. (The whole of this will be substantiated by Mr. S. S. Palmer, whom I have requested may be called as a witness.)

In October of 1893—the same year—I returned from Europe and applied to the Navy Department for service at sea, which in January, 1894, was approved in my orders to the Bering Sea fleet.

Upon my return in December last I was met by the news of the publication in a New York paper of the attack upon my reputation as a development of the Davies case. I came to Washington and personally asked the Secretary of the Navy for an investigation of the matter. He informed me that such action was not called for, and intimated that in his opinion the newspaper attack was unworthy of notice. I then considered it proper in me to call upon a member of the House of Representatives and one of the Senate, to inform them that I had done all I could at this time to rehabilitate my character. I purposely selected gentlemen who had been friendly to me in the past and whom I felt would be interested in my affairs. The member of the House expressed a cordial sympathy. The member of the Senate informed me that he intended to introduce the resolution under which this investigation is being made. To this I replied that I believed the armor-contracts feature would develop nothing but credit for Secretary Tracy's administration, and as for myself I was quite prepared to be questioned.

THE DAVIES CASE.

Soon after my return from Europe, in October, 1893, while in Boston, I received the following letter from the Harvey Steel Company:

THE HARVEY STEEL COMPANY, *New York, October 6, 1893.*

MY DEAR SIR: Mr. James R. Davies has put in a claim against this company for services in securing the adoption of the Harvey process by the United States Navy Department. He stated to me in conversation that he first introduced Mr. Harvey to you when you were Chief of the Bureau of Ordnance. Will you kindly write me in full your recollection of these matters, and what services, if any, Mr. Davies rendered which would entitle him to remuneration from this company in the above-named connection?

Very truly, yours,

WM. ALLEN SMITH, *Secretary.*

Commander WM. M. FOLGER,
Algonquin Club, Boston.

To which I replied:

BOSTON, *October 7, 1893.*

DEAR SIR: I received your favor of October 6, informing me that Mr. J. R. Davies has made claim against the Harvey Steel Company, since the death of Mr. H. A. Harvey, for $10,000, for alleged services to Mr. H. A. Harvey in promoting at the United States Navy Department the adoption of the Harvey process as applied to armor plating for ships of war. You further state that Mr. Davies informed you in conversation that he first introduced Mr. Harvey to me as Chief of the Bureau Naval Ordnance.

In reply to the above, I beg to state that I first knew Mr. H. A. Harvey, the inventor of the "Harvey process," while on duty as inspector of ordnance at the navy-yard, Washington, D. C., more than one year before I was appointed Chief of the Bureau of Ordnance; that Mr. Harvey presented himself, as I recollect, quite unaccompanied by any person whatsoever; that he offered for sale to the Government, or its representative in charge of the machine shops, some samples of tool steel treated by his then new process; that in conversation on this subject and method of treating steel I asked him if it (the process) could be applied with success to large masses, etc., having reference to armor plates. From this conversation alone, and without any person's influence or promotion, grew the application of the Harvey process to armor plating.

I did not make Mr. Davies's acquaintance until after I became Chief of Ordnance, and then in no manner connected with the Harvey process. I only recollect Mr. Davies in connection with an extraordinary remark he once made to me as to his intimacy with Gen. B. F. Tracy, then Secretary of the Navy. I do not think I saw Mr. Davies three times during the development of the Harvey plate, a period extending over four years. I never had any conversation with him in regard to Harvey armor, and I alone was charged with this development.

Mr. Harvey once asked me if it would facilitate matters if he had an agent in Washington to urge the sale of tool steel, and mentioned Mr. Davies's name. I replied—and your letter recalls this circumstance, which I had forgotten—that such an agent would be a disadvantage to him, as I preferred to talk with the principals on technical matters.

In conclusion, therefore, I beg to assure you that Mr. J. B. Davies rendered Mr. Harvey no assistance in Washington in any matter where the Bureau of Ordnance of the Navy Department was concerned.

I request the committee to consider my letter to the Harvey Steel Company, in regard to its indicating a total ignorance on my part of any relation or connection between Messrs. Harvey and Davies, and that this ignorance is evidence that Mr. Harvey and myself were not on particularly intimate terms. This statement is made as a correspondence between Harvey and Davies, and was developed in the Davies trial, of which everybody in the Harvey Steel Company apparently was in profound ignorance.

THE MEASURES TAKEN TO ASCERTAIN WHETHER THE PROPOSED ARMOR-PLATE PATENT WAS VALID.

Secretary Tracy and myself had much discussion on this subject before he consented to apply for precedence in examination by the Interior Department. It will be remembered as very important to me that the process patent, in regard to which I understand reference is principally made by the committee in its resolution, was granted in January, 1888, more than a year before Mr. Harvey presented himself to me at the Washington Navy-Yard. We thus did not have this feature to contend with specifically. The armor-plate patent is quite another matter. This, I admit, is not the place to present an argument on the validity of the instrument, particularly as the matter is now before the courts. I may, however, remark, very briefly, what principally influenced Secretary Tracy and myself in the matter of the request to expedite.

The armor-plate claims go far beyond the simple process feature of the patent of January, 1888. A new object is produced, in the manufacture of which there are a number of operations in novel combination. There is the carburizing feature under conditions not before utilized, producing an effect in depth of penetration of the carbon not before attained. A special furnace is demanded for this treatment under specifically described conditions of temperature not previously employed—the plate is chilled by cooling fluid in a manner and with apparatus specially described and enumerated. The result is an object not previously known or heard of, except as an ideal to be hoped for.

The plate differs principally from all of those which preceded it in a particular which I believe has not been observed thus far, but which had great weight with Secretary Tracy and myself. Heretofore all metal armor, in cooling after forging, acquired a uniform molecular crystalline structure which facilitates fracture—cracking—as the result of the impact of a projectile. Thus ice which is clear and transparent has a uniform crystalline molecular structure; a slight blow with a pointed instrument will develop the favoring lines of cleavage. But let clear ice be snowed upon and then the snow be melted, and then the whole subsequently frozen, and you have an ununiform crystalline structure and the blows of a sledge hammer will not induce fracture.

Now, this is the case with the Harvey plate and with no other armor plate. The vibratory shock at impact, which induces fracture, is interrupted at each infinitesimally thin plane parallel to the surface of the plate. Its energy is absorbed in heat, which is even visible in the great flash of white light when the plate is struck; the projectile, abruptly arrested in its course, crushes its own point and goes into minute fragments, thus annihilating its own energy and leaving the plate intact.

No other armor plate presents such effects at impact.

We thus felt that the Department was in possession of as much knowledge as the Patent Office examiners regarding the history of armor. We believed the plate to be novel, and we therefore asked that the patent be given precedence that a legal contract with the owners might be consummated.

The saving to the United States through the adoption of the Harvey process is worthy the interest of the committee. The thickness of the armor has been universally reduced in all ships.

The saving in weight of armor through the changes thus rendered practicable in, for example, the designs of the battle ship *Iowa*, a larger ship than the *Indiana*, and carrying with this the protection of nearly 400 square feet more area, is about 660 tons. At $550 a ton, the average price paid, there is a saving of $350,000, a greater sum than will ever be paid to the Harvey Steel Company by the United States Government. I do not need to enumerate the consequent advantages in coal endurance, engine power, and a hundred other features.

There is another statement in regard to this saving prepared by Professor Alger, of the Bureau of Ordnance. It was prepared for Secretary Tracy. I do not know whether he used it or not. I will ask permission to read it. I asked him to make a comparison of the *Iowa* and *Indiana*. The *Iowa* was the first ship to which we applied the Harvey process, the first in which we noted the marked saving to the Government due to the Harvey process.

It would be difficult to compare the *Iowa* and the *Indiana* on the basis suggested, owing to the fact that the former vessel is about 1,000 tons greater displacement than the latter and has a greater protected area.

A true comparison, however, may be obtained in the following manner:

The ballistic resistance of a harveyed armor plate is at least as great as that of a nickel-steel plate of 20 per cent greater thickness, and we know by actual tests that for any given protection we can save at least 20 per cent of armor weight by the use of the Harvey process.

I should like to say here that this 20 per cent estimate that Mr. Alger has made is the allowance which the Bureau of Ordnance makes in order to augment the severity of the ballistic tests. The contractors would not admit any greater estimate than that to be made. In their interest they felt that they should not do so; but a celebrated English expert has stated recently that the increase of invulnerability, or the increase of resistance due to surface hardening, is greater than 20 per cent, and has reached 50 per cent. Thus, this is a very small estimate, in my opinion and in the opinion of the present Chief of the Bureau of Ordnance. Now I will proceed with Professor Alger's statement.

The *Indiana* class having been designed to carry 2,679 tons of nickel-steel armor, the introduction of the Harvey process would have allowed giving them at least equal protection on a weight of 2,143 tons. The cost of the 2,679 tons of nickel-steel armor would have been $1,578,962, while the cost of 2,143 tons of harveyed armor, including royalty and every other expense, would have been $1,395,093, and the resulting saving would have been $183,869 on the armor alone.

But in reducing armor weights by 530 tons we can also reduce hull weights, still retaining all the offensive and defensive qualities, speed, coal endurance, etc., unchanged. This saving of hull weights would be at least 300 tons, costing about $140,000.

Consequently the introduction of the Harvey process enables us to save $323,869 on a single ship of the *Indiana* class.

That is Mr. Alger's comparison. I have only one more paragraph of my own statement to read.

It is not for me to more than refer to the magnitude of the task of creating a revolution in the method and principle of the manufacture of armor plate against the united technical arguments and unlimited capital of the steel and armor firms of the world. No one believed there was anything in Mr. Harvey's process. No person at Carnegie's or at Bethlehem would listen to it. It was opposed from the start. It has been fought by every armor firm in Europe, and the merit of the invention was decided on technical grounds and settled by the gun alone. I could bring you many witnesses who would tell you that I have done this thing, carrying this struggling inventor along with me and guarding the interests of the United States at the same time, as the terms of the contracts must convince you. I feel that at least I have not earned the censure of the United States.

That ends my statement, in so far as it was prepared by me before coming here.

Senator HALE. I did not get the dates exactly as you went along. You left the Department in January, 1893?

Mr. FOLGER. January 1, 1893.

Senator HALE. The letter from Mr. Harvey was written a few days before, in December?

Mr. FOLGER. Yes, sir; it was written three days before, in December.

Senator HALE. You left on leave?

Mr. FOLGER. I was granted two years' leave of absence. I remained on leave of absence something like eight months, and then gave up my leave of absence and applied to go to sea. [Exhibiting.] Here is the original letter of Mr. Harvey.

Senator HALE. When did you, then, enter into the employment of the Harvey Steel Company?

Mr. FOLGER. January 1. It dated back, although I did not make the arrangement until some ten days after I left.

Senator HALE. Was it a year from the following June that your service in this company expired?

Mr. FOLGER. The following June only.

Senator HALE. How long, then, were you in this employment?

Mr. FOLGER. Five months.

Senator HALE. How long did you receive a salary?

Mr. FOLGER. Five months.

Senator HALE. Where were you engaged then?

Mr. FOLGER. I was engaged entirely in the United States.

Senator HALE. That was before you went abroad?

Mr. FOLGER. Yes, sir.

Senator HALE. Some allusion has been made to the fact that before you technically left the Department you had determined to leave it, and that that was known. Will you not bring out what the facts were in relation to that point more fully than you have done?

Mr. FOLGER. As a matter of fact, it was generally believed that I left on account of the financial benefits from the Harvey Company. That is not true. I left and joined myself with the Harvey Company because I was certain that this plate would become a great feature in armor. I wished to remain connected with it. I knew that my professional reputation would gain and increase through any connection I might have with harveyed armor plate.

As a matter of fact, however, there were two motives for my leaving the Department. In the first place, I was completely run down. I had a great deal of work to do, as you may perhaps remember; perhaps more than you know about. I do not like to speak of my services, but I believe it is generally admitted that I am somewhat prominently connected with the development of the ordnance-producing resources in the United States. In 1892 I was quite run down with overwork.

Then, again, you may recollect that in the summer of 1892 a New York paper began an attack upon me in regard to my having insisted on having the turrets of our battle ships upright instead of inclined. I was criticised by this New York paper in such a manner as made me determined to leave the Department. I received the news of this criticism in Montreal when on leave of absence in the summer of 1892, and I determined to then quit ordnance duty if the Department did not defend me against such attacks. The Department did not pay any attention to the matter, and I resigned my appointment as Chief of Ordnance.

That consideration, the desire to connect myself with this invention for the sake of my reputation (for at that time the Harvey Company had no money, and its stock was not worth anything), and the condition of my health induced me to leave the Bureau of Ordnance.

Senator HALE. Had you determined to resign your position as Chief of the Bureau of Ordnance at any time before you did so resign; and if so, about what time, and was it known and discussed in the Department?

Mr. FOLGER. Oh, yes; it was known that I intended to resign. I told Secretary Tracy that I intended to resign fully a month before. I myself intended to resign about the first of the year, and three months before the end of the year I had that intention, but it was not generally known.

Senator HALE. Under your conditions would you have resigned, looking back now in your mind, if there had been nothing whatever to do with the Harvey patents—if that consideration had not existed?

Mr. FOLGER. I was so worn out that I would have been obliged to resign, or I should have been seriously ill. I could not have gone on with such a volume of work, Harvey plate or not.

Senator HALE. So you do not think now, looking back, that that was what controlled you?

Mr. FOLGER. I do not think so. I will recall to you that I quit the Harvey Company after five months, having a leave of absence of two years.

Senator HALE. You have been in the employment of the company since?

Mr. FOLGER. No, sir.

Senator HALE. You have received your regular salary since the five months?

Mr. FOLGER. I have received no salary from the Harvey Steel Company since I resigned in June, 1893.

Senator HALE. Except compensation for the work which you effected in England in reconciling matters with the agent.

Mr. FOLGER. No; nothing but the salary the last month. The salary was paid for June, and I received nothing after that. At that time I quit definitely.

Senator HALE. You paid your own bills abroad?

Mr. FOLGER. I paid my own bills abroad. They paid my expenses to go over there. After that I paid my own bills.

Senator HALE. They paid nothing more?

Mr. FOLGER. Nothing more.

Senator HALE. You have received nothing since?

Mr. FOLGER. I have received nothing since.

Senator HALE. Looking back over this record, Commander Folger, do you now see and recognize any mistake that you made, or do you think that in your present light you should have taken any other course?

Mr. FOLGER. With my present light and the notoriety of the thing, I believe I should not have gone into the Harvey matter. I do not, however, consider I did any wrong.

Senator BACON. I did not hear the Commander's response to the first part of the question.

Senator HALE. He said beyond the notoriety——

Mr. FOLGER. And newspaper comment, etc., I should not do it again with my present light. At the same time, I do not think I have done anything wrong, as I made no arrangement and received no remuneration prior to leaving duty.

Senator HALE. Was any act of yours in this connection while in the Department in any way controlled or influenced by any consideration in relation to the Harvey patent and any possible connection which you might have with it?

Mr. FOLGER. I think not, the terms that were made for the Harvey plate being about one-fourth what any other country pays for it. The fact that I had perhaps more to do with arranging those terms than anyone else, except the Secretary of the Navy, bears out my statement. The company itself thought it was very badly treated.

Senator HALE. Were you influenced in any official act which you did by any consideration that you might enter the employment of the company?

Mr. FOLGER. On the contrary, I think I was rather more severe, if anything, as to the terms.

Senator HALE. You think from the fact that it had been mentioned to you and you had rejected the offer you were more severe in your terms?

Mr. FOLGER. I think that I guarded my reputation in the terms, and that if anything I was more severe with them.

Senator HALE. I do not know that I have any further questions to ask Commander Folger.

Senator MCMILLAN. Was it not and is it not customary in the Navy for officers to obtain leave of absence and to take employment from companies outside?

Mr. FOLGER. Very generally so.

Senator MCMILLAN. And so it is in the Army.

Mr. FOLGER. So it has been in the Army.

Senator MCMILLAN. I have known several cases of that kind.

Mr. FOLGER. They are so employed very often.

Senator MCMILLAN. So there could be no impropriety on your part in making the arrangement after you had obtained your leave of absence?

Mr. FOLGER. I did not dream at the time of any impropriety. It used to be encouraged rather than otherwise.

Senator MCMILLAN. After the five months you left of your own accord?

Mr. FOLGER. I left of my own accord. I surprised the company by leaving them, I may say.

Senator MCMILLAN. What was your reason for leaving them?

Mr. FOLGER. Principally because they were not in a satisfactory financial condition.

Senator MCMILLAN. And you were poor?

Mr. FOLGER. I do not understand. I was tired out, and I went immediately to Gastein, in Austria, and remained under the care of a physician until I returned home. I had believed that leaving the Department and taking up a single subject, I could remain active. It had been the multiplicity of affairs in the Navy Department which had broken me down. I had suffered from insomnia in 1886, and I was therefore susceptible to it.

Senator CHANDLER. What have been the dividends on Harvey Company stock?

Mr. FOLGER. In this country they have paid three dividends, one of which, of 20 per cent, was paid immediately after the United States payment. There have been paid since then two annual dividends of 5 per cent each.

Senator CHANDLER. Making 30 per cent in all?

Mr. FOLGER. Thirty per cent in three years.

Senator CHANDLER. Have any dividends been paid from the receipts abroad?

Mr. FOLGER. The last two have been entirely paid from that source.

Senator CHANDLER. The two 5 per cent dividends?

Mr. FOLGER. Yes.

Senator CHANDLER. That is all the money you have received except the six months' salary and the 200 shares of stock?

Mr. FOLGER. Five months' salary.

Senator CHANDLER. Five months' salary and 30 per cent dividends on stock.

Mr. FOLGER. That is all.

Senator CHANDLER. What is the market value of the stock now?

Mr. FOLGER. It is not quoted on the market. It has not been offered for sale. I have heard of a few shares being transferred in New York at par.

Senator CHANDLER. You continue to hold your shares?

Mr. FOLGER. I do.

Senator CHANDLER. Do you hold any more?

Mr. FOLGER. No, sir.

Senator HALE. Are they hundred-dollar shares?

Mr. FOLGER. Yes, sir; hundred-dollar shares.

Senator CHANDLER. Has four-fifths of the stock of the company been purchased by foreign armor manufacturers?

Mr. FOLGER. Of the American company?

Senator CHANDLER. Yes.

Mr. FOLGER. No, sir.

Senator CHANDLER. Who holds the stock of the American company?

Mr. FOLGER. So far as I know, with the exception of a very small amount, it is owned by the same people or their heirs who owned it when I joined the company in 1893.

Senator CHANDLER. You spoke of the foreign company; is there a separate foreign company abroad?

Mr. FOLGER. There is an English Harvey Company and there is a Harvey Company on the Continent.

Senator CHANDLER. Do you own any stock in either of those companies?

Mr. FOLGER. No, sir.

Senator CHANDLER. Who organized those companies and who owns the stock therein?

Mr. FOLGER. The work was done entirely by the agent of whom I have spoken, a Mr. Fox.

Senator CHANDLER. Who owns and controls the stock in those two foreign companies?

Mr. FOLGER. It is controlled entirely, so far as concerns the English company, I believe, by the armor manufacturers in England. There is a certain amount of stock owned by the American company.

Senator CHANDLER. So that the American company by its contract with the English company receives a certain portion of the profits made abroad?

Mr. FOLGER. Yes, sir.

Senator HALE. I suppose this is what is called the parent company?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. I suppose so. Is there also a continental company?

Mr. FOLGER. Yes, sir; also organized by this agent, and the principal owners of it apparently are the armor manufacturers on the Continent.

Senator CHANDLER. So you do know that the foreign companies which are receiving the royalty for the Harvey patent abroad are controlled by the armor manufacturers abroad?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And the Harvey Company here receives a certain portion of their profits?

Mr. FOLGER. Owning a certain amount of stock in each of them.

Senator CHANDLER. Being the dividends on the stock which the parent company, to use Senator HALE's expression, own in the foreign companies?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. From what sources are the receipts of the foreign companies derived; purely from royalties?

Mr. FOLGER. Purely from royalties, I believe.

Senator CHANDLER. You say you helped to arrange the prices that should be paid by foreign governments to the foreign companies for the use of this patent?

Mr. FOLGER. Mr. Harvey and I had a conversation when I entered the Harvey Company, in which I remarked, "I will enter your concern if foreign governments are charged more for their armor than is the United States." Beyond that I did not influence the price except in general consultation in New York after I entered the employ of the company.

Senator CHANDLER. You insisted, in fact, that the foreign price for the royalty should be larger than the home price?

Mr. FOLGER. I did.

Senator CHANDLER. And the royalty was arranged at how much a pound?

Mr. FOLGER. £8, I think it is, abroad.

Senator CHANDLER. £8 a ton?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. About 2 cents a pound?

Mr. FOLGER. About 2 cents a pound?

Senator CHANDLER. About four times what is paid here?

Mr. FOLGER. About four times what the royalty is in the United States.

Senator HALE. Has the Harvey process been generally adopted?

Mr. FOLGER. It has been adopted everywhere.

Senator CHANDLER. When did you know of the letter of December 28, 1892, asking you to become——

Mr. FOLGER. It is dated December 28, and I received it within the time it takes the mail to bring a letter here, the 29th of December, perhaps.

Senator HALE. Is this the original letter?

Mr. FOLGER. Yes, sir; it is the original letter from Mr. Harvey.

Senator CHANDLER. Was that letter written in pursuance of a previous understanding with you that you should be employed?

Mr. FOLGER. It was probably written after Mr. Harvey had said something to me with regard to my leaving. I said, "Then you can write me a letter making a proposition to me."

Senator CHANDLER. How long before December 28, 1892, did you have this conversation with him?

Mr. FOLGER. I do not know positively that I had such a conversation. From there being such a letter, I should say it was probably written after there was such a conversation.

Senator CHANDLER. You have stated the first talk which they had with you about employing you, which suggestion you rejected, as being about eighteen months prior to the 1st day of January, 1893, when you actually left the Department.

Mr. FOLGER. I should so imagine, because all the then heads of the concern, Mr. Percy Pyne, Mr. Clark, Mr. Sturges, and Mr. Harvey, who are now dead, were living. I remember I had such a meeting. I do not remember when it was. I stated it at about eighteen months prior.

Senator CHANDLER. From that time down to the 28th day of December, 1892, state all that took place between you and any representative of the company in reference to your employment after you should leave the Bureau.

Mr. FOLGER. There was probably a frequent request by Mr. Harvey for me to leave, but there was no talk on my part or promise on my part to enter their employ; and apart from my disinclination to discuss the subject, I knew that Mr. Harvey was not in a position to make any arrangement.

Senator CHANDLER. Was he continually talking to you about it?

Mr. FOLGER. Yes; I think it is probable that he asked me to leave many times.

Senator CHANDLER. And although he was in no condition to make any contract with you, the letter which he finally sent you on the 28th of December was signed by him?

Mr. FOLGER. Yes; as president of the company. He was president of the company.

Senator CHANDLER. The arrangement you made was for $5,000 a year salary and $20,000 of stock?

Mr. FOLGER. Yes, sir; and no other terms were ever mentioned before I left the Department.

Senator CHANDLER. You have spoken about the controversy that the newspapers made with you in the summer of 1892?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. There were attacks in the New York Herald?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. The attacks were made on account of some recommendations of yours about the turrets?

Mr. FOLGER. It was in regard to the turrets. Not having room properly to maneuver the guns, and foreseeing trouble ahead with

increased velocities, and the Bureau of Construction not permitting me at that time to make the barbette diameter any larger, I insisted on the turrets being upright instead of inclined. Had I yielded to the recommendation of the Bureau of Construction, we could not now safely fire our guns.

Senator CHANDLER. That controversy arose in the newspapers how early?

Mr. FOLGER. The first article that I recollect seeing was in August or September, 1892.

Senator CHANDLER. You say you had made up your mind that on account of the bitter attacks which were made upon you in that connection you would leave the Department?

Mr. FOLGER. If the Department did not defend me against such attacks.

Senator CHANDLER. You say they did not defend you. Do you mean in decision or in omission?

Mr. FOLGER. In omission. I considered that one who had worked as hard as I had should receive some protection at the hands of the Department when vilified by the press. The Department did not see fit to do so, and I——

Senator CHANDLER. Were not those attacks made upon you before the Department had adopted your plans of vertical turrets?

Mr. FOLGER. They were made before and afterwards.

Senator CHANDLER. Were not those attacks made while certain plans of yours were under consideration?

Mr. FOLGER. Yes.

Senator CHANDLER. Your plans were adopted by the Department?

Mr. FOLGER. Eventually.

Senator CHANDLER. They were all approved by the Department?

Mr. FOLGER. Yes, sir; eventually.

Senator CHANDLER. Then there was no occasion for you to feel hurt and to resign on account of that controversy if the newspapers had attacked you, as they always do——

Mr. FOLGER. I was new to it——

Senator CHANDLER. And the Department had sustained you. Then you had no reason to resign on that account.

Mr. FOLGER. I thought the Department, having approved my course, should have said so.

Senator CHANDLER. The New York Herald of December 12, 1892, in a communication from Washington, December 11, 1892, says that you have "finally succeeded in inducing Secretary Tracy to approve plans for vertical instead of conical-shaped turrets for the two new vessels authorized by the last Congress. This he considers a vindication of his course." I will leave out some of the adjectives here. Did you get the approval of the Secretary therein referred to about that time, December 11?

Mr. FOLGER. With regard to those turrets?

Senator CHANDLER. Yes.

Mr. FOLGER. There was one board meeting after another. There would be a board meeting upon each ship, the constructors having opposed each case very strongly. The inclined turret was a suggestion of Mr. Hichborn.

Senator CHANDLER. I wish you would answer my question. [To the reporter.] Read the question.

The reporter read the question.

Mr. FOLGER. Of the upright turret?

Senator CHANDLER. Yes.

Mr. FOLGER. There were several decisions with regard to upright turrets, all of which were approved by the Secretary of the Navy.

Senator CHANDLER. Were they made before or about December 11?

Mr. FOLGER. That I do not remember.

Senator CHANDLER. Had all of the issue between vertical and conical turrets, which had caused you to think of leaving the Department, or which was one reason for leaving the Department, been disposed of before you left?

Mr. FOLGER. Yes, sir; I believe for all cases then under consideration.

Senator CHANDLER. And to your vindication?

Mr. FOLGER. To my vindication. But the matter came up again soon after I left.

Senator CHANDLER. What was the result of the final decision?

Mr. FOLGER. The turrets have still remained cylindrical.

Senator CHANDLER. With vertical sides?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. How long before December 28 was it publicly known that you were going out of the Department on the 1st day of January?

Mr. FOLGER. I think it was known in the early days of December.

Senator CHANDLER. How soon was it known and generally believed that you were going into the employment of the Harvey Company?

Mr. FOLGER. Oh, that was never positively known even by myself until after the 1st of January.

Senator CHANDLER. I understand that, but I wish to know how soon it was generally believed, a matter of public belief, in connection with the controversy about the turrets, that you would leave on the 1st of January and would go into the employ of the Harvey Company?

Mr. FOLGER. I do not know, sir. I do not know that it was believed at all before the 1st of January.

Senator CHANDLER. You would not infer that it was so believed because the newspapers so stated?

Mr. FOLGER. No. There were many surmises. They said I was going into all sorts of employment.

Senator CHANDLER. I will read from the New York Herald of November 16, 1892—Washington correspondence of November 15, 1892:

Commander W. M. Folger, Chief of the Navy Bureau of Ordnance, intends to resign. January 1 is the date fixed for the resignation to go into effect.

Mr. FOLGER. What is the date of that article?

Senator CHANDLER. November 15, 1892. It proceeds:

This information Commander Folger has conveyed to some of his intimate friends, and it would appear that he has also notified the Secretary of the Navy. * * * The resignation, however, has not been formally tendered, according to a statement made by Commander Folger to a brother officer to-day, but he would neither deny nor confirm the report that he intended to leave on January 1.

As a matter of fact, now, was that statement correct?

Mr. FOLGER. Since it is published there, it possibly or probably was correct. I really do not remember, however. I did not fix any dates in my mind. I do not know how long it was before I left that it became notorious.

Senator CHANDLER. You would not undertake to say that this is incorrect?

Mr. FOLGER. Oh, no; I would not undertake to say that at all.

Senator CHANDLER. I continue to read:

Rumor has it that he will obtain a year's leave, during which he will act as an agent for the harveyized armor plate, and if successful, at the expiration of his leave he will resign his commission as a commander in the Navy. It is reported that the Harvey people have offered him a salary of $12,000 a year, and that he has the opportunity of adding considerable to this sum by acting also as the agent for the Carpenter Projectile Company.

Do you remember seeing that statement?

Mr. FOLGER. I probably saw it at the time. I do not remember it now.

Senator CHANDLER. What do you say as to whether or not the Harvey Company offer had been made to you as early as November 15, 1892?

Mr. FOLGER. That is untrue.

Senator CHANDLER. That was not true?

Mr. FOLGER. No, sir.

Senator CHANDLER. The Chicago Evening Post of November 26, 1892, under date line "Washington, November 26," says:

It is understood to be definitely settled that Capt. W. T. Sampson will be appointed Chief of the Bureau of Ordnance, to succeed Commander W. M. Folger, who is going abroad early in the coming year in the interest of the Harvey plate and other ordnance matters.

Is that a statement of fact or a mere surmise?

Mr. FOLGER. It is a mere surmise. The newspaper reporters, you know, make up that sort of thing.

Senator CHANDLER. The New York Herald of November 17, 1892, in a telegram from Washington dated November 16, 1892, says:

Commander Folger's contemplated resignation, exclusively announced in this morning's Herald, was a very interesting bit of news to the naval colony in this city.

Mr. FOLGER. That is in New York?

Senator CHANDLER. No, Washington.

Commander Folger tells some of those who have asked him about the report that he has no intention of "resigning from the Navy." He probably means to hold on to his commission as a commander in the Navy. It was the resignation of his position as Chief of the Bureau of Ordnance that the Herald referred to. His intimate friends say there is no doubt of this. The only doubt they have is as to what he will do after he resigns and gets his year's leave of absence on January 1. So many big salaries have been offered him by various firms that they are not sure which one he will accept.

Now, does this article indicate that substantially what took place January 1 was known publicly November 16, 1892?

Mr. FOLGER. It indicates that it was talked about.

Senator CHANDLER. It does not indicate that it was known?

Mr. FOLGER. It was not known.

Senator CHANDLER. And as a matter of fact you continue to insist that you did not have any understanding——

Mr. FOLGER. I did not.

Senator CHANDLER. That you did not have any understanding with the Harvey people until after the 1st of January?

Mr. FOLGER. I did not, notwithstanding the fact that you find it so stated in the newspapers.

Senator CHANDLER. So that was all surmise?

Mr. FOLGER. Yes, sir; it was all surmise.

Senator CHANDLER. The New York Times of November 17, 1892, has a communication dated Washington, November 16, from which I read this extract:

There is some talk to-day of Sampson becoming the Chief of the Bureau of Ordnance, should Commodore Folger resign from the chiefship and go on

leave. Folger denies that he intends to leave the service, but his friends in and out of the Department are authority for the statement that he has formed an alliance with domestic projectile manufacturers and will act as their agent in Europe.

Did you deny at that time that you intended to leave the Bureau?

Mr. FOLGER. Did I deny what?

Senator CHANDLER. Did you deny, November 16, that you were going to leave the Bureau?

Mr. FOLGER. No; probably not. I did not probably deny it. I very rarely spoke to newspaper men. You perceive they say Commander Folger's friends say so and so.

Senator CHANDLER. Did you have any negotiations at that time with any parties other than the Harvey Steel Company for employment during your year's leave of absence?

Mr. FOLGER. I declined to have any negotiations with any persons.

Senator CHANDLER. Were you receiving the large offers which the newspapers suggest?

Mr. FOLGER. I did not receive any offers from anybody. No terms were mentioned to me.

Senator CHANDLER. Was anybody negotiating with you for your services after you should leave the Department?

Mr. FOLGER. A number of persons asked me to go with them after I left, but I declined to discuss the subject until after I had left.

Senator CHANDLER. Who were asking you to serve them?

Mr. FOLGER. The Bethlehem Iron Company and the Carnegies were two, especially.

Senator CHANDLER. Any projectile companies?

Mr. FOLGER. Both the Carpenter Projectile Company and the Sterling Projectile Company.

Senator CHANDLER. The Herald of December 24, 1892, in a communication from Washington, December 22, 1892, gives the letter, or what purports to be the terms of President Harrison's letter to you. As it is complimentary to you, I will read it.

President Harrison, in accepting his resignation, to take effect January 2 next, says: "It is due to you that I should say further that your achievements in the Washington gun shop and as Chief of the Bureau of Ordnance in the Navy Department have been most notable and creditable. You have done a very great work for the Navy, and I beg to express the hope that with restored health you may yet further contribute to the renown of a distinguished profession."

When did you first know of that letter?

Senator HALE. Who is that letter by?

Senator CHANDLER. It is President Harrison's letter accepting the resignation.

Mr. FOLGER. What is the date of it?

Senator CHANDLER. It is quoted in the Herald of December 24, 1892. It does not give the date of President Harrison's letter, but it says that President Harrison, in accepting your resignation to take effect January 2 next, says so and so. When did you first know of that letter?

Mr. FOLGER. Secretary Tracy told me that the President had written me a letter, and I received it next day, but as to the date——

Senator CHANDLER. Was it some time in December?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What was the date of your resignation?

Mr. FOLGER. January 1 was the date of my resignation.

Senator CHANDLER. What was the date of the tender of your resignation?

Mr. FOLGER. December; between the 1st and the middle of December some time; I do not remember exactly.

Senator HALE. To take effect January 1?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. You knew nothing of this letter until Secretary Tracy told you?

Mr. FOLGER. No. The Secretary was to write me a letter; he offered to write me a letter, and then he learned of what the President intended to do. The President not only did that, but he sent for me and told me——

Senator CHANDLER. That he regretted to have you leave?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That was a mark of distinction. Did you ever know any other of your officers to be so treated?

Mr. FOLGER. I do not know of any such case.

Senator CHANDLER. To come to a different subject, how long have you been a Navy officer?

Mr. FOLGER. Since the 20th of September, 1861.

Senator CHANDLER. Thirty-five years. During that period by how many different companies or associations have you been employed who were doing business in any way with the Government?

Mr. FOLGER. Previous to the occasion as to which you are investigating I was employed by the Gatling Gun Company and the Simonds Rolling Machine Company, of Fitchburg, Mass.; by the Gatling Gun Company in 1874, and by the Simonds Rolling Machine Company in 1886.

Senator CHANDLER. How long were you employed by the Gatling Company, and what were then your existing orders from the Navy Department?

Mr. FOLGER. I was employed by the Gatling Company two years.

Senator CHANDLER. On leave of absence for that purpose?

Mr. FOLGER. Yes, sir. I was their European agent for two years.

Senator CHANDLER. Were you paid a salary or a share of the profits?

Mr. FOLGER. I was paid a salary.

Senator CHANDLER. And not by any share in the profits?

Mr. FOLGER. I had no shares in the company.

Senator CHANDLER. How long was your connection with the Simonds Company? It is the Simonds Rolling Machine Company?

Mr. FOLGER. Yes, sir; of Fitchburg, Mass.

Senator CHANDLER. How long were you connected with them?

Mr. FOLGER. I was connected with them about five months.

Senator CHANDLER. How long?

Mr. FOLGER. About five or six months, as I recollect; five months.

Senator CHANDLER. You were on leave of absence for that purpose?

Mr. FOLGER. I was on leave of absence at the time.

Senator CHANDLER. And that employment, as well as the employment with the Gatling Gun Company, was with the knowledge of the Navy Department?

Mr. FOLGER. Yes, sir. They knew when I had gone, they knew when I came back, and they knew what I was doing while I was away, and it was with their approval.

Senator HALE. Let me ask you whether your employment by the different companies in work of that character was not in the line of your professional duty, tending all the time to enlarge your knowledge of ordnance?

Mr. FOLGER. Yes, sir; especially with the Gatling Company. It was of great advantage to me. It gave me two years' experience with ordnance stations in Europe, and when I came back to my duty in the Ordnance Department I was better equipped as to foreign developments than perhaps many others. As to the other employment, although it did not develop in this country to ordnance matters, it did somewhat in England. The Simonds plan did not develop into making many projectiles. They have now degenerated into making bicycle balls.

Senator HALE. What?

Mr. FOLGER. Bearing balls for bicycles.

Senator CHANDLER. You rendered no service to the Gatling Company in this country?

Mr. FOLGER. No, sir.

Senator CHANDLER. And you had nothing to do with any sales of Gatling guns in the United States?

Mr. FOLGER. Never since my employment by them.

Senator CHANDLER. Has the Navy Department ever purchased Gatling guns?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What number?

Mr. FOLGER. I do not know. It never purchased any in my time.

Senator CHANDLER. When you were chief of the Bureau it never purchased any?

Mr. FOLGER. It did not.

Senator CHANDLER. You had nothing to do officially with promoting Gatling guns in this country?

Mr. FOLGER. No, sir.

Senator CHANDLER. Now, about the Simonds Rolling Machine Company; what was the nature of your employment with them?

Mr. FOLGER. I found Mr. Simonds in London ill and unable to attend to his affairs, and he turned over to me the development of the company in London.

Senator CHANDLER. What was the name of the company?

Mr. FOLGER. The Simonds Round Forging Company, I think. Have you it there?

Senator CHANDLER. I do not think I have the name; I have only the name of the Fitchburg company—the home company.

Mr. FOLGER. I think the company in London was called the Simonds Round Forging Company; but I really do not remember.

Senator CHANDLER. There was organized in London a company in addition to the home company in Fitchburg?

Mr. FOLGER. It was before the Fitchburg company. The London company was organized first.

Senator CHANDLER. I have here the Simonds patents—two in 1885 and one in 1886.

Mr. FOLGER. It was in 1886 that I went abroad.

Senator CHANDLER. State here what your financial arrangement with the Simonds Company was; whether it was for a salary or an interest in the business?

Mr. FOLGER. In London my expenses were paid and I was given an interest in the business.

Senator CHANDLER. In the shape of stock in the company?

Mr. FOLGER. In the shape of stock and a cash consideration on the terms of the sales.

Senator CHANDLER. That is the arrangement which was made there?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. For a specific sum?

Mr. FOLGER. I think it was for a percentage.

Senator CHANDLER. On the sales?

Mr. FOLGER. Yes.

Senator CHANDLER. On the sales of what?

Mr. FOLGER. On the sales of the patents to an English company.

Senator CHANDLER. The patent was for making what?

Mr. FOLGER. The patent at that time was for making all sorts of elongated objects that could be rolled out between two dies.

Senator CHANDLER. Was that covered by those patents?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did this arrangement cease after five months?

Mr. FOLGER. My connection with the company ceased, with the exception of the stock, which I still own.

Senator CHANDLER. What did you do then?

Mr. FOLGER. I came home and went to sea.

Senator CHANDLER. How long did you remain at sea?

Mr. FOLGER. I stayed in the Department a few months, I think, and then I went out in command of the *Quinnebaug*. That was another occasion of my giving up part of my leave.

Senator CHANDLER. You came back and went into the Department?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Where were you in the Department after giving up the contract with the Simonds people?

Mr. FOLGER. In the Bureau of Ordnance.

Senator CHANDLER. Did the Bureau of Ordnance have occasion to use any of the Simonds patents?

Mr. FOLGER. No, sir.

Senator CHANDLER. While you were there?

Mr. FOLGER. No, sir.

Senator CHANDLER. At the end of how many months did you say you went to sea?

Mr. FOLGER. I was detached after three or four months, or four or five months.

Senator CHANDLER. What became of your stock in the Simonds Company; do you still hold it?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Has the company been merged into any other company?

Mr. FOLGER. Do you mean the English stock? I sold my English stock in London. I did not own any after I left, but the greater part of the stock in the American company I still own.

Senator CHANDLER. You have it now?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Is that company in existence now? Do you hold the same stock, or has it been merged into some other company?

Mr. FOLGER. It is still in existence.

Senator CHANDLER. Is it a live company, doing business?

Mr. FOLGER. Yes, sir; they made 39,000,000 bicycle balls last year.

Senator CHANDLER. That stock you say you still hold?

Mr. FOLGER. Yes, sir; I hold it.

Senator CHANDLER. You hold it, and it has been profitable?

Mr. FOLGER. It has been profitable. They have paid a dividend every year except two since I have owned the stock.

Senator CHANDLER. Were any of the Simonds patents transferred to any other company?

Mr. FOLGER. Not that I remember at present.

Senator CHANDLER. How about the Cayley and Courtman patent?

Mr. FOLGER. That is another patent which has been transferred to the E. W. Bliss Company, of Brooklyn. Simonds has not anything to do with that.

Senator CHANDLER. Certain original Simonds patents I find were made the basis of the Cayley and Courtman English patent. You are aware of that fact, are you not?

Mr. FOLGER. No. I knew that Cayley had business arrangements with Mr. Simonds. I happen to know historically that Cayley transferred some patents to E. W. Bliss, of Brooklyn. Beyond that there is no Simonds connection.

Senator CHANDLER. Those are patents for hollow projectiles and shells, and for apparatus used in their manufacture.

Mr. FOLGER. That is true. The right to the Simonds devices in England was transferred to what was called the Projectile Company, which owns the Cayley and Courtman devices in London. That is true.

Senator CHANDLER. Did they acquire the Simonds patent?

Mr. FOLGER. Yes; in Europe.

Senator CHANDLER. Did you have anything to do with that business?

Mr. FOLGER. I had nothing whatever to do with that transaction. It was long after I left it.

Senator CHANDLER. You have knowledge of the fact that the Cayley-Courtman people obtained the patents in this country for hollow projectiles and shells forged from a solid piece of iron, based upon the Simonds process?

Mr. FOLGER. The Cayley and Courtman patents were not based on the Simonds process. The Simonds process was a method which rolled an object between dies like that [exhibiting], and in the Cayley-Courtman method they took a block of metal and punched it out endwise.

Senator CHANDLER. Did Cayley and Courtman acquire Simonds's patent for the manufacture of hollow projectiles?

Mr. FOLGER. In England, yes; but the Cayley-Courtman method of making projectiles, which is quite separate from the Simonds device, was a patent acquired, I think, before Simonds went to Europe, and has since been transferred to the Brooklyn concern, the United States Projectile Company.

Senator CHANDLER. To the Bliss Company. Then you undertake to say, or your impression is, that the English patent for the manufacture of hollow projectiles and shells, and improved apparatus to be used in such manufacture, which includes the three Simonds patents, is not for the invention which was patented in this country February 24, 1891, and which reads, "Hollow projectiles and shells for ordnance forged from a solid piece of iron or steel in contradistinction to being hollowed out by means of boring tools." You say those were separate things?

Mr. FOLGER (examining patents). This is the Cayley-Courtman patent, and Simonds had nothing to do with it.

Senator CHANDLER. The patent expressly recites that the process used is the Simonds process. There is the recital; look at it.

Mr. FOLGER. I do not see the point.

Senator CHANDLER. The point I wished to get at is that Cayley-Courtman acquired in England certain Simonds patents for making hollow projectiles, and that they afterwards patented the same thing in the United States.

Mr. FOLGER. It is possible that that occurred. We may confuse terms. The Simonds process, properly so known, could not be applied to the Cayley-Courtman principle. Mr. Simonds, however, as I recollect, took out a number of patents by which he expected to affect the shape of hollow projectiles that had been previously rendered hollow from a block on the Cayley-Courtman process. It is possible that this patent refers to that. Nothing ever came of it. The world has never made any projectiles in that way. It was tried, and it could not be done.

Senator CHANDLER. Did all of the processes which you see described here go into the hands of the Bliss Company?

Mr. FOLGER. I do not know whether the Simonds connection went into the Bliss Company. The Cayley-Courtman matter did. I never heard about the other. I am quite certain that Bliss never used any of Simonds's ideas.

Senator CHANDLER. Did you have anything to do with the Simonds patents and the Cayley-Courtman matter that were transferred to Bliss & Co.?

Mr. FOLGER. No; not in the slightest degree.

Senator CHANDLER. Did you ever have any stock in the Cayley-Courtman Company?

Mr. FOLGER. Never.

Senator CHANDLER. Or in the Bliss Company?

Mr. FOLGER. Never; nor in the Bliss Company.

Senator CHANDLER. You never have been pecuniarily connected in any way with the work of the Bliss Company?

Mr. FOLGER. Not in the most remote degree.

Senator CHANDLER. Do you know who the stockholders are in that company?

Mr. FOLGER. I do not know one of them.

Senator CHANDLER. As a matter of fact, the Bliss Company was organized, the company which is called the——

Mr. FOLGER. The United States Projectile Company.

Senator CHANDLER. The United States Projectile Company, and which was called the E. W. Bliss Manufacturing Company——

Mr. FOLGER. I think that last-named company still exists.

Senator CHANDLER. The E. W. Bliss Company was a later company which acquired the Cayley-Courtman patents, did it not?

Mr. FOLGER. I think it way the Bliss Company which acquired these patents.

Senator CHANDLER. You had no financial connection with it at all?

Mr. FOLGER. Absolutely no connection whatever.

Senator CHANDLER. Was the United States Projectile Company one of the Bliss organizations?

Mr. FOLGER. It is, I believe, the organization made on the Cayley-Courtman process and patents.

Senator CHANDLER. Let us be accurate about it if we can. Was

there the E. W. Bliss Manufacturing Company and also the United States Projectile Company, two companies?

Mr. FOLGER. I believe the first is his older and general manufacturing company. He makes dies and taps and all sorts of commercial articles.

Senator CHANDLER. While the Projectile Company was organized principally with reference to this Government work?

Mr. FOLGER. Yes.

Senator CHANDLER. You had no interest directly or indirectly in either of them?

Mr. FOLGER. No; I had no interest whatever in either of them.

Senator CHANDLER. You may state, if you have knowledge, what kind of contracts and what amount of contracts the Navy Department has placed with the E. W. Bliss Company?

Mr. FOLGER. I could not tell you, Mr. CHANDLER.

Senator CHANDLER. Were orders—I do not speak——

Mr. FOLGER. Orders were given during the whole of my time.

Senator CHANDLER. Were orders given them during your time in the Bureau?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Were large orders given to the Bliss Company?

Mr. FOLGER. Orders were given to the Projectile Company. I do not remember the size.

Senator CHANDLER. I speak not now of the Whitehead torpedo, but orders were given them?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. For what?

Mr. FOLGER. For projectiles.

Senator CHANDLER. You say that none of those projectiles was made, according to your belief, under the Cayley-Courtman or Simonds patents?

Mr. FOLGER. They were made under the Cayley-Courtman patents, but not under the Simonds patents.

Senator CHANDLER. You do not consider that the Cayley-Courtman patents were a development of the Simonds process?

Mr. FOLGER. The Cayley-Courtman patents were not at all a result of what is called the Simonds process. The Cayley-Courtman process was the evolution of a shell by a straight ramming in one direction of a plunger. The Simonds process is the rolling out between two dies.

Senator CHANDLER. With a mandrel inside?

Mr. FOLGER. There is no mandrel inside.

Senator CHANDLER. Not in the Simonds process?

Mr. FOLGER. I believe an attempt was made to put a mandrel inside the shell in the rolling process, but the idea was not a success.

Senator CHANDLER. Were orders given to the United States Projectile Company or the E. W. Bliss Company for Whitehead torpedoes while you were in the Department?

Mr. FOLGER. Yes, sir; to the Bliss Company. That was developed in my time.

Senator CHANDLER. What was the arrangement made by the Navy Department with the English owners of the Whitehead torpedo patent?

Mr. FOLGER. The Austrian owners?

Senator CHANDLER. I will say the foreign owners.

Mr. FOLGER. We sent an officer, Lieutenant McLean, and an expert, a mechanical engineer from Bliss, over to Fiume, in Austria, to learn the method of manufacture. Bliss offered to the Secretary of the Navy to take up the manufacture of the Whitehead torpedo in this country.

Mr. CHANDLER. And we acquired the right to manufacture?

Mr. FOLGER. The Bliss Company bought the right and paid the royalty.

Senator CHANDLER. Did the Bliss Company purchase any torpedoes abroad?

Mr. FOLGER. I think they purchased two as models.

Senator CHANDLER. Only two? Has the United States ever bought any service Whitehead torpedoes abroad?

Mr. FOLGER. No, sir.

Senator CHANDLER. All our Whitehead torpedoes have been made by the Bliss Company after they made the purchase of the right to manufacture the Whitehead torpedo in this country?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Those orders were given while you were Chief of the Bureau of Ordnance?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. You had no pecuniary interest whatever in any of those contracts?

Mr. FOLGER. No, sir.

Senator CHANDLER. Now, I will ask you about the Carpenter Steel Company, of Reading. Have you ever had any interest in that company?

Mr. FOLGER. Never.

Senator CHANDLER. Have you stated all the companies or associations that have had dealings with the Government with which you have been connected pecuniarily?

Mr. FOLGER. After I left I was connected for five months with the American Projectile Company, which is in Lynn, Mass.

Senator CHANDLER. State the history of that company, what it was formed to do, and what it has done.

Mr. FOLGER. The company made what is called the electric welded shell. They would weld a point of steel——

Senator CHANDLER. On the end of the projectile?

Mr. FOLGER. Yes, sir. I was their mechanical adviser during five months, and I hoped to connect them with the Harvey process. I endeavored to have their shells treated superficially by the Harvey process, and believed they would become better by reason thereof. They were the competitors and rivals of the Bliss Company, of which you have been speaking. I was their mechanical adviser and engineer during the time after I left the Department until I went to Europe.

Senator CHANDLER. In 1893?

Mr. FOLGER. Yes, sir; 1893. I endeavored to prevail upon the Harvey agent to take up the sale of the American Projectile Company's wares. He tried to do so, but failed. He had firing tests after I left him and went to Austria. I simply turned the business over to him. I did not desire, in the then state of my health, to have anything to do with it personally.

Senator CHANDLER. Was that the last you had to do with the matter?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. What sort of pecuniary arrangement did you make? I do not mean as to the amount, but whether you were employed on a salary or were to receive an interest in the concern.

Mr. FOLGER. On a salary and some shares. The agent having failed in Europe, I returned the shares, and do not possess them at present.

Senator CHANDLER. You never really accepted them?

Mr. FOLGER. Or, rather, I returned them.

Senator CHANDLER. Were you paid for your services?

Mr. FOLGER. I was paid a salary for my services while acting as their engineer.

Senator CHANDLER. So now, the salary having ended and the shares having been returned, you have no connection with the company?

Mr. FOLGER. Absolutely no connection.

Senator CHANDLER. That is the American Projectile Company, of Lynn, Mass.

Mr. FOLGER. Yes.

Senator CHANDLER. Were you familiar with the Ritchie processes for treating nickel?

Mr. FOLGER. Yes; and I had something to do with the nickel contract. I think that and the Harvey contracts are among the best bargains the Navy has ever made.

Senator CHANDLER. The purchase of nickel was made under a special appropriation. Of whom was it purchased?

Mr. FOLGER. It was purchased from the Canadian Copper Company.

Senator CHANDLER. What was the total amount of the purchase from that company, or what has been the amount up to this time?

Mr. FOLGER. I think about $400,000 of the million dollars was not expended for nickel. Year after year we would ask to have a hundred thousand dollars of the nickel million to be given to us for experimental purposes. The first purchase amounted to—you probably have it there more definitely than I can remember.

Senator CHANDLER. There is some information here, but I wish your memory in a general way as to how much of the million dollars has been expended.

Mr. FOLGER. I think six hundred and some odd thousand dollars. I do not remember, Mr. CHANDLER. I only know——

Senator CHANDLER. The Government furnishes the nickel in all its armor contracts?

Mr. FOLGER. Yes, sir; the Government believed that if it allowed the companies to buy the nickel it would be at a disadvantage pecuniarily, and for that reason it made its own bargains for nickel and for the Harvey process. The Government was charged $1 a pound by the only other available source of nickel at the time we made the contract. We, however, purchased nickel for something like twenty-odd cents.

Senator CHANDLER. Now, I wish, leaving these subjects, to ask you about the armor contract made with the Carnegie Company. Did you have anything to do with it?

Mr. FOLGER. I did not have much to do with it. It was arranged by the Secretary of the Navy, and as I recollect it, he gave them the same terms that the Bethlehem Company had received. I played a very small part in that transaction.

Senator CHANDLER. Will you state whether you did or did not assist Secretary Tracy in his negotiations with the Carnegie Company?

Mr. FOLGER. I practically had nothing to do with it.

Senator CHANDLER. Were you consulted as to the legality of making a private contract for $5,000,000 worth of armor?

Mr. FOLGER. No; he would not consult me——

Senator CHANDLER. On a legal question?

Mr. FOLGER. No.

Senator CHANDLER. You knew, as a matter of fact, that the Bethlehem contract had been made after advertisement and competition?

Mr. FOLGER. Oh, yes, sir; I knew that.

Senator CHANDLER. You know that Secretary Tracy was making this contract with the Carnegie Company without any advertisement?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And you did not call his attention to that fact?

Mr. FOLGER. He was quite aware of it.

Senator CHANDLER. Do you know, as a matter of fact, of any legal authority to make a contract of that kind without advertising and competition?

Mr. FOLGER. I did not know of any authority which prevented it.

Senator CHANDLER. At any rate, you knew that the Secretary took the responsibility of it. Did you have any knowledge that it was intended to keep those negotiations secret from the Bethlehem Company until they were made?

Mr. FOLGER. I do not remember that that was the case.

Senator CHANDLER. Can you give any opinion one way or the other as to whether they were kept from them?

Mr. FOLGER. I think they knew all about it.

Senator CHANDLER. How soon? You think they knew all about the negotiations?

Mr. FOLGER. Yes, sir; I think so.

Senator CHANDLER. From the time the Secretary commenced them with Mr. Carnegie?

Mr. FOLGER. I think they knew all about it. They were very much cut up about it.

Senator CHANDLER. Were they cut up about it while the negotiations were going on, or after they found out about it?

Mr. FOLGER. They were cut up after the negotiation was going on.

Senator CHANDLER. How do you know that fact?

Mr. FOLGER. I seem to recollect that such impression was made upon me.

Senator SMITH. What were the reasons given at the time for taking away the contract with the Bethlehem Company and giving it to the Carnegie people?

Mr. FOLGER. At one time it was found that the Carnegie people could not make the heavy armor, and I think they exchanged for light armor. After the contracts were given out it was found that the heavy plates could not be produced by Carnegie by his then plant. At any rate they made a transfer from one firm to the other, giving the heavy armor to Bethlehem, as I recollect.

Senator SMITH. I understand the Bethlehem Company originally had the whole of the contract for armor.

Mr. FOLGER. Yes.

Senator SMITH. Did you ever hear that any part of the contract, or half of it, was taken from the Bethlehem people and given to the Carnegie people?

Mr. FOLGER. I do not think any armor was given under the contract without an exchange of other plates. I do not think there ever was anything taken away from one and given to another without an exchange of an equal amount. The original Bethlehem contract was made, and then other ships were authorized by Congress, and a contract was made with the Carnegie people for armor for these later [illegible].

Senator SMITH. Are you aware of the fact that Secretary Tracy took from the Bethlehem people the furnishing of 3-inch plates and substituted therefor three 1-inch plates, and had the Linden Steel Works furnish them?

Mr. FOLGER. I remember there was a transaction of that description, where for armor, for plates for which the price of armor was paid (a higher price), cheaper plates, called construction plates, were substituted and the contract was given to one of the manufacturing firms which could make such plates. I recollect that there was a sum of money saved by the transaction. I do not remember the details of it. Those are all on record, and Mr. CHANDLER probably has them all there in his file.

Senator CHANDLER. No; I have not the memorandum about that matter. I have a memorandum to ask you about the substitution by Secretary Tracy of three separate plates of 1 inch each for 3-inch armor.

Mr. FOLGER. It was the other way.

Senator SMITH. That is the point I was asking about.

Mr. FOLGER. Was it not the substitution of 1-inch plates for 3-inch plates?

Senator CHANDLER. It was the substitution of three 1-inch plates for solid 3-inch plates. Was your professional opinion asked about that matter?

Mr. FOLGER. I do not remember about that case.

Senator CHANDLER. As a matter of opinion, would three 1-inch plates put over each other have the strength of one solid 3-inch plate?

Mr. FOLGER. No, sir; not by perhaps 25 per cent.

Senator CHANDLER. You do not remember advising Secretary Tracy on any point of that sort?

Mr. FOLGER. I do not remember the details of it.

Senator CHANDLER. Now, I am going to ask you about the Harvey patents. Harvey had been pressing the Department to buy tool steel made by his process?

Mr. FOLGER. Harvey came to me originally, as I recollect now, with some tool steel, in which I saw that the carbon had penetrated to a greater depth than I had ever before been aware of. It was something in which for ten or fifteen years I had been deeply interested, having myself tried to produce such an armor plate. I was immediately struck with the depth of carburization, and asked him if he could obtain this result with a larger mass.

Senator CHANDLER. He thought he could?

Mr. FOLGER. He thought he could.

Senator CHANDLER. And the testimony somewhere, either before this committee directly or in the testimony taken in the Davies suit, shows that you suggested the extension of the Harvey process from tools to armor plate?

Mr. FOLGER. I do not claim to have invented the Harvey process.

Senator CHANDLER. How much short of it are you when you found that Harvey, by carbonizing steel and chilling it, had made an exceedingly hard surface on tool steel (a few hundred dollars' worth of material so treated he was trying to sell to the Government), and you suggested to him to apply the process to armor plate, and proceeded to arrange with him to experiment with it and to take out a patent for it? If there was any novelty in transferring the process from tool steel to armor plate, how much short are you of being the inventor thereof?

Mr. FOLGER. I venture to observe that Harvey presented a novel feature in the depth obtained by a patented process. I did not know at the time anything about the method by which it had been accomplished. I had endeavored a number of times to get carbon to the depth that Mr. Harvey presented to me and had failed. His process was to me at that time entirely an unknown method. I considered it to be one of the most important developments that had been made in the arts—this changing the character of iron by a novel method in the application of carbon, judging by the results. It did not occur to me at all that I was inventing anything in the way of a plate, because this man offered to me the process, for which he had already a patent, by which he was enabled to supercarbonize iron or steel.

Senator CHANDLER. You bought of him for the Government $300 worth of tool steel, as the record shows.

Mr. FOLGER. I do not know what the amount was.

Senator CHANDLER. Assume that it was about $300 worth. You made this suggestion to him. He readily acceded to it, and thereupon the various steps that appear in the record were taken. First, a small experiment was made by him at Newark on armor plate?

Mr. FOLGER. Yes.

Senator CHANDLER. Then a larger experiment was made by you at the navy-yard. Then the contract was made, and pending those proceedings his application for an extension of the patent to armor plate was rejected by the Patent Office?

Mr. FOLGER. I did not know about that. You have developed that fact.

Senator CHANDLER. You say you did not know that?

Mr. FOLGER. Yes; I did not know it.

Senator CHANDLER. You did not ascertain that the application was rejected at the Patent Office as being the well-known process of hardening by chilling. You did not know that fact?

Mr. FOLGER. It was not a patent for hardening by chilling.

Senator CHANDLER. I speak of the ground of rejection.

Mr. FOLGER. Oh, I beg your pardon.

Senator CHANDLER. I speak of the ground of rejection, whether erroneous or not. The process having previously been applied only to tool steel, and you having suggested its application to armor plate, his application for a patent on its application to armor plate was rejected; and you say you did not know that fact?

Mr. FOLGER. I did not know it at the time. I know it only since you have developed it in this investigation.

Senator CHANDLER. You did not know that fact. Your negotiations with him went on and the Secretary wrote a letter on your recommendation asking that a new application which he had made be expedited?

Mr. FOLGER. I do not think our letter or the Secretary's letter said anything about a new application, but the request was that the application for the patent should be expedited.

Senator CHANDLER. As a matter of fact, it was, as the records show, a new application, made after this rejection of which I am speaking?

Mr. FOLGER. But I have not the faintest recollection of anything of the sort.

Senator CHANDLER. Assume that to be the fact. Then you were asking the Secretary to procure the expedition of a new application of Harvey for his process in connection with armor plate, following a rejection of an application of that kind, if the facts as I state them are correct.

Mr. FOLGER. Yes; but I did not know it.

Senator CHANDLER. Then the process went on, as appears in the record, and you did arrange the experiments that were made, and agreed that the Government should pay the expense of the experiments, and you arranged the price that should be paid.

Mr. FOLGER. Yes; largely.

Senator CHANDLER. Under the first contract?

Mr. FOLGER. Largely. Secretary Tracy and I arranged it together.

Senator CHANDLER. Did not the first contract provide that the application of the Harvey process to plates should be supervised by the inventor himself at the Bethlehem works?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did the Bethlehem Company refuse to allow him so to supervise?

Mr. FOLGER. They would not allow him or his agents to be present during the treatment of contract plates. They would allow him to visit the works, but they would not allow him to keep his men there.

Senator CHANDLER. They absolutely refused to allow the process to be applied under his direction?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That made a new contract necessary?

Mr. FOLGER. That made a new contract necessary.

Senator CHANDLER. Did you not arrange the details of the new contract?

Mr. FOLGER. The new contract was the abrogation of the old one, which took place after I left the Department.

Senator CHANDLER. Did you not have anything to do with the terms of the contract that was executed by Secretary Herbert in April, shortly after he came into the Department?

Mr. FOLGER. I had absolutely nothing to do with it.

Senator CHANDLER. You had nothing to do with arranging that contract?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Did you not explain the terms to Mr. Secretary Tracy and Secretary Herbert?

Mr. FOLGER. I probably talked to them about it, and they said what they would do, but I had nothing to do with arranging the terms or making out the scheme of procedure.

Senator CHANDLER. Who explained to Secretary Herbert the second contract?

Mr. FOLGER. I think more than likely Captain Sampson did. He was then Chief of Ordnance.

Senator CHANDLER. You were then in the employ of the company?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. When did you go abroad?

Mr. FOLGER. On the 3d of June.

Senator CHANDLER. During the period when the second contract was being arranged and executed by Secretary Herbert, one of the first things he did after he went into office, you were in this country and employed by the Harvey Steel Company, but you had nothing to do with explaining the contract to the Secretary of the Navy; did you confer with Commander Sampson about it?

Mr. FOLGER. Yes, sir; at least I probably did; but the Department had determined already what terms it would make.

Senator CHANDLER. Have you any doubt that on the 1st day of January, 1893, or shortly thereafter, you went into conference with Commander Sampson and Secretary Tracy in reference to the new Harvey contract?

Mr. FOLGER. No; there is not much doubt about it—within ten days after the 1st. We had more or less talk about it, but Secretary Tracy had made up his mind at that time as to what he proposed to do.

Senator CHANDLER. As to the nature of the contract he would make?

Mr. FOLGER. As to the terms he proposed to allow them.

Senator CHANDLER. I wish to ask you to state—for it is material to this inquiry—what your general policy has been in reference to patents upon processes which would be useful to the Government.

Mr. FOLGER. Where it is likely that the Government may make a contract with the owner of the patent, I have always considered (although I do not remember requesting the expedition of any but this one patent; I may have asked for others, although I do not remember it; you may have a record of some others whose expedition I asked for, but I do not remember any others just at this moment) that it was wise for the Government to clear up any doubt as to the validity of a patent as early as possible, as the fact of validity influences the character of the terms which the Government will make with the inventor.

Senator CHANDLER. I can understand that part of your policy, but now as to the policy of encouraging the taking out of patents by Government officers.

Mr. FOLGER. I have done that in one or two cases. There was the instance of Mr. Fletcher, when the Government saved, I believe, a half million dollars in the cost of the mounts used for rapid-fire guns. Mr. Maxim claimed to have a patent that covered everything which we had developed, and I had fortunately taken advantage of that clause in the Patent Office regulations which permits an officer to take out a patent free of expense. I had Mr. Fletcher's device protected, and when Mr. Maxim came to Washington and almost persuaded Secretary Tracy that he was entitled to remuneration, I was enabled to present Mr. Fletcher's patent, and modify Secretary Tracy's impression as to the claim of other inventors.

Senator CHANDLER. You had encouraged Mr. Fletcher, who was then a naval officer connected with the Ordnance Bureau, to take out a patent in advance of Maxim?

Mr. FOLGER. Yes; in advance, however, of any knowledge of Mr. Maxim's patent, for the purpose of protecting the Government. Mr. Fletcher received no royalty for that.

Senator HALE. The design or invention or thought was really Fletcher's?

Mr. FOLGER. It was entirely Fletcher's.

Senator CHANDLER. What was the interest of other inventors if it was Fletcher's?

Mr. FOLGER. You know inventors differ as to whether each other's ideas are novel. The Government has been unfortunate in more cases than one of this kind. Men go down to the Washington Navy-Yard, notice a little device which we have used there for years, and return and take a patent out and present a claim, and secure the services of influential friends to advocate it.

Senator CHANDLER. Your policy was to have some Government officer take out the patent and give a license to the Government?

Mr. FOLGER. Yes.

Senator CHANDLER. Was that the case with Fletcher's patent?

Mr. FOLGER. That was the case with Fletcher's patent?

Senator CHANDLER. Give Fletcher's full name and state what his invention was.

Mr. FOLGER. F. F. Fletcher; improved mount for rapid-fire guns. I think that is the only patent he took out.

Senator CHANDLER. Did you make an arrangement with him that the Government should pay him something?

Mr. FOLGER. No, sir.

Senator CHANDLER. Has Secretary Herbert agreed to pay Fletcher anything for any patent?

Mr. FOLGER. No, sir.

Senator CHANDLER. Nothing whatever?

Mr. FOLGER. Nothing whatever. You may refer to the Dashiell patent.

Senator CHANDLER. No; I refer to the Fletcher patent.

Mr. FOLGER. Where the officers who made discoveries and inventions that were useful to the Government were employed in the Bureau, I did not consider that they were entitled to any remuneration.

Senator HALE. You caused patents to be taken out for their inventions?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. I have here, and intend to put into the record hereafter, the testimony of Mr. Samuel Seabury and of yourself in the suit of Seabury et al. *vs.* Dashiell. On page 88 of the record of that case on appeal I read from your testimony a statement like that which you have already made here:

> Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances, Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device, and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We were making and have made hundreds of the Fletcher mechanisms precisely in the same way.

That statement you then made expresses your policy in the Department?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Was that the policy that you carried out in this case in inducing Dashiell to procure a patent that should, to use your own expression, knock out the Seabury patent?

Mr. FOLGER. The cases were different. Mr. Dashiell at that time was not in the Ordnance Bureau, but was stationed at the proving ground at Annapolis. He had not received from me any instructions to get up a breech mechanism. I was at a loss at that time to secure an efficient breech mechanism for rapid-fire guns.

I did not know at that time that he was working upon such a device at the proving ground, but it seems that he had had made a small model of a breech mechanism for a rapid-fire gun, and he brought it to me at the Department. He had done this without having been instructed to do so by me, and he was not employed at that time under instructions by the Department for the development of machinery for ordnance. So he was in a different position from Mr. Fletcher, who has constantly given directions and engaged in discussions concerning and employed in such work. I was so much pleased, however, with his (Dashiell's) mechanism, and with the fact that we would attain what we wanted for half the sum mentioned in the original Seabury negotiations, that I was willing that he should take out a patent in his own name, he paying the expenses therefor himself.

Senator CHANDLER. Did you ever suggest to Dashiell to go in and endeavor to anticipate the Seabury device?

Mr. FOLGER. Not at all. I never saw the Seabury device or drawing but during an interview of perhaps a half hour. When Dashiell came to me and presented his mechanism some time later I could not have described the Seabury mechanism; I had forgotten it entirely. I did not dream that it was any infringement. The idea I had was that it was very much more simple, and apparently very much more effective, than the invention produced by Seabury some months previous. I did not imagine that the two were in conflict, and I did not urge him to take out a patent for any such reason.

Senator CHANDLER. You continue the statement that you made in the lawsuit referred to, that you did not encourage Dashiell to make his invention of a breech mechanism in order to anticipate Seabury?

Mr. FOLGER. Yes.

Senator CHANDLER. I now read from page 71 of this same record.

Q. If you had already seen the Dashiell device, you did not mention that fact to Seabury?

A. I would not have been apt to mention it. I will tell you one thing which may be of interest to you. Mr. Seabury has taken out a great many patents and has been several times offered duty in the Bureau of Ordnance. He has always declined it. If some other device had come before me as chief of bureau, my sympathetic consideration would be with the other, naturally, if the merits of the other device at all made such a decision justifiable, on account of Mr. Seabury never having been willing to work in the Bureau of Ordnance.

You made that statement?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. That represents your policy?

Mr. FOLGER. Yes.

Senator CHANDLER. On pages 72 and 73 I read a few questions and answers:

Q. You recommended him to do it?

A. I told him I hoped he would take out a patent.

Q. You think he was wise and right in taking such a course?

A. Yes, sir: I say that certain officers have served the Government of the United States to such an extent that the Government should pay them in one way or another. Their pay is not sufficient, and they can not make any money in the service. When this officer, without order or instruction from me as to the evolution and development of a device, produces a thing which the Patent Office states is original in idea, and which is, in my opinion, different from and better than anything that has been presented to me, I say to that officer, "Take out a patent, because your services have been so good that you should receive some remuneration for them." That is the case here, and that is why this officer had my sympathetic consideration all through; but he has had only that, however.

Q. On principle, you are ordinarily prejudiced against an officer who takes out a patent for his invention?

A. On general principle, in the case of an officer who has not given services to the United States, I am opposed to their taking out a patent. I myself have never taken out a patent of any description, and I have probably been connected with the Ordnance Department more intimately than any other person in the Navy at the present time, not excluding my predecessor. When an officer is not on duty it is quite another matter. When an officer is on duty, I deprecate his taking out a patent; but there are certain cases where an officer's services have been of such a nature that the Government can not reward him. When his services have been very great and of a meritorious character, then I want to see him receive some remuneration, on general principles of equity. I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. I am thoroughly convinced Dashiell's is a better device.

Does that represent your views?

Mr. FOLGER. That represents my views at the present time.

Senator CHANDLER. In this case Dashiell went on and got his patent?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And Seabury brought suit against him for infringement. It was decided by a single judge, Judge Morris, in Maryland, that Dashiell's device was a mere variation from Seabury's device, and he issued an injunction. On appeal to the circuit court of appeals that decision was reversed on two grounds, first, that the Government ought not to be enjoined when engaged in making war material on account of any patent whatever, whether valid or not; and secondly, on the ground that the original bill had charged fraud, and no fraud had been proved. Is that the case as you understand it?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. And the case is appealed to the Supreme Court of the United States?

Mr. FOLGER. Yes, sir. I believe the decision has not been handed down by the Supreme Court.

Senator CHANDLER. Has the case been argued and submitted?

Mr. FOLGER. It has been argued and submitted.

Senator CHANDLER. Following out this policy, what was the result of Mr. Dashiell's invention, so far as the Navy Department was concerned? Did he give the device to the Navy Department?

Mr. FOLGER. No; he contracted with the Navy Department to receive $100 per mechanism.

Senator CHANDLER. It was $125.

Mr. FOLGER. Then it was one-half of $250, as provided in the case of Seabury?

Senator CHANDLER. It was $125 per mount. Who made that contract with Dashiell?

Mr. FOLGER. I believe the Bureau of Ordnance made it, with the approval of the Secretary of the Navy.

Senator CHANDLER. When you were there?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. So that this invention by Dashiell, which had been based on Seabury's, if it was anything like that, resulted in a contract with Dashiell for $125 a mount?

Mr. FOLGER. Yes; but it was not based upon Seabury's.

Senator CHANDLER. I want to contrast your action in this case, where you desired to protect the Government, and yet where Dashiell got a contract for $125 a mount, with your action in the Harvey case, where you encouraged Harvey, who was an outsider, to go on and apply his process, and aided him in getting a patent, and helped him to make a contract with the United States for compensation for the use of that patent. Was your action consistent in the two cases?

Mr. FOLGER. I think it was entirely so.

Senator CHANDLER. Explain.

Mr. FOLGER. There are good inventors and bad inventors. When I took up the Harvey-plate matter, I did not know the process by which he attained what was to me a new and entirely surprising result. It was a bona fide case of American invention. We are generally accused of not permitting inventors to have any consideration by the Department. The old complaint has no doubt been frequently brought to your ears that no one can secure the adoption of a device by any of the Government Departments unless the inventor be an officer of the Army or Navy; that the devices of military officers receive more consideration than those of others. There are, however, exceptions to this rule. Mr. Harvey seemed to me to have a bona fide meritorious invention.

Senator CHANDLER. Do you not not think it would have been more consistent with your line of action in the Seabury-Dashiell case, if you thought the Harvey hardening process could be applied to armor plate, to suggest to him that you did not want to take out a patent than to suggest to some naval officer to make an investigation and take out this patent for the protection of the Government, as you claim was your motive in the Seabury-Dashiell case?

Mr. FOLGER. I want to recall to you that I make a distinction. Harvey already had a patent on a process for carburization which was to me new and surprising, and I, not knowing the terms of his armor-plate patent or the method of his process, believed that this was a meritorious novelty discovered by an outsider.

Senator HALE. Was it not an absolutely new invention, one of such novelty and vast importance that nobody in the Department had experimented with anything of the kind?

Mr. FOLGER. I took the thing to Commodore Sicard, who——

Senator HALE. Was it not so new that the officials of the Department would have refused to have anything to do with it?

Mr. FOLGER. As a matter of fact, I think nobody would have touched it in the manner you imply.

Senator HALE. I do not understand you to say that when a new invention was presented to you, you went out and hunted up naval officers to procure a patent upon it?

Mr. FOLGER. Oh, no.

Senator HALE. I do not understand you to say that?

Mr. FOLGER. I do not wish to be quoted as saying that when people brought in inventions we sought to have naval officers take out patents upon them.

Senator HALE. I should think that would be undue interference.

Mr. FOLGER. It would be.

Senator HALE. That would not be treating an inventor right.

Mr. FOLGER. It certainly would not. This Harvey matter, to my mind, was a revolution in armor.

Senator HALE. And a revelation, too?

Mr. FOLGER. And a revelation. It was something entirely different and new. It realized in a manner which had not been fully attained an ideal that I had dreamed of for ten or fifteen years.

Senator CHANDLER. You say he brought you hardened steel. In your first conferences with him did he describe his process or inform you what his patent was?

Mr. FOLGER. No.

Senator CHANDLER. Did you not know that the hardening was secured by carbonizing, by burning charcoal of bone against the surface?

Mr. FOLGER. No; I did not know how it was done, except in a very general way.

Senator CHANDLER. Did you not look at the patent in order to ascertain?

Mr. FOLGER. I never saw the patent.

Senator CHANDLER. You did not go to the Patent Office and look it up?

Mr. FOLGER. No.

Senator CHANDLER. At the time you made the arrangement with him to expedite his patent, you did not know that his original application had been rejected by the Patent Office?

Mr. FOLGER. I did not even know the terms of his second patent. I knew he had a patent, and I let it go at that.

Senator CHANDLER. You encouraged him to make an application, and procured the Secretary of the Navy to request an expedition of the issuance of that patent, without any knowledge on your part that a few weeks before the Patent Office had rejected the whole thing?

Mr. FOLGER. I did not know that at all.

Senator CHANDLER. What do you now understand the Harvey process to be?

Mr. FOLGER. I understand it to be the inclosing of a plate protected on one side with some inert matter like sand to prevent carburization, while on the other side it is packed in bone dust, powdered charcoal, and perhaps other substances—I do not know what—making a mixture which, when inclosed and kept from the heating flame of the furnace surrounding it, turns this carbonized mixture into gaseous carbon—carbonic oxide and carbonic acid. The outside of the furnace surrounding it is heated to a very high temperature, greater, it is claimed, than the melting point of cast iron. It is kept in this state for number of days in the case of a large mass, as an armor plate, and the gaseous carbon permeates the nonprotected side of the plate to a varying depth, dependent upon the time of exposure and the temperature as well as upon the quality of the carbonaceous mixture surrounding it. It is not a fixed science by any means. We had many failures at first, where the carbonaceous material was not thoroughly impregnated and thoroughly uniform. At Bethlehem and at the Carnegie Works they are now getting that down to such a point that they can nearly depend upon attaining a uniform result. While I was connected with the Harvey Company, there was suggested the use of an incorporating mill for mixing this carbonaceous material, and the later results showed an improvement.

Senator CHANDLER. Briefly, it is the burning of carbon against the surface of the plate to be hardened, is it not?

Mr. FOLGER. It is the result of heating highly charged carbonaceous gas under a certain amount of pressure (oxygen and other elements of the air being excluded from contact with the plate, as their presence produces a disadvantageous blistering effect) in contact with low steel.

Senator CHANDLER. When the plate is put into the Harvey furnace, below it a large quantity of charcoal of bone is placed, is it not?

Mr. FOLGER. Yes.

Senator CHANDLER. The gas is blown through that, and the heat kept up affects the surface of the plate?

Mr. FOLGER. The heat is kept up, turning the carbonaceous material into gas. The weight of the plate also assists in the impregnation.

Senator CHANDLER. And after being heated to the maximum and after handling, the surface is found to be chilled?

Mr. FOLGER. The addition of carbon renders it possible to harden it by chilling. Before that it would not harden, not having a sufficient quantity of carbon.

Senator CHANDLER. And the chilling is done later?

Mr. FOLGER. It was intended at first to do this with the carbonizing heat, but they later found it more expedient to place it in the chilling apparatus after heating it a second time.

Senator CHANDLER. To what extent does the harveyizing process extend into the plate?

Mr. FOLGER. We have chemically analyzed both sides of a plate, and on the harveyized surface we have found new carbon to a depth of an inch and a half, in a gradually decreasing amount.

Senator CHANDLER. When the plate is worked up to be put on a ship, this lower stratum has to be specially handled because it is so hard?

Mr. FOLGER. In order to produce holes for use in riveting on the structural parts of the ship it is necessary to apply a blowpipe or an electric light.

Senator CHANDLER. To soften or melt it?

Mr. FOLGER. An incandescent light to soften it. Holes can then be bored in it.

Senator CHANDLER. I give another illustration: Where a plate has been made by ordinary tools until it gets down to the edge, then the edge has to be ground off by the emery wheel.

Mr. FOLGER. If the plate has been tempered, it has to be ground off.

Senator CHANDLER. I will ask you whether it is a necessary part of the Harvey process to put charcoal under the plate through which the gas is blown?

Mr. FOLGER. Yes; but the furnace was at first so constructed that the plate was bedded in sand, and the carbon was applied to the upper side. Then Mr. Harvey suggested that the weight of the plate would produce an additional pressure and perhaps assist to convey the carbon to a greater depth, which is the object sought. I do not know personally, because I have not been for so long engaged upon it, whether they do not now in England, and perhaps in some cases in this country, apply the carbon upon the upper side. It depends upon how the furnace is constructed.

Senator CHANDLER. Can you say that at the Carnegie works they do not simply heat the lower surface by carbonized gas, without putting any bone charcoal under the plate?

Mr. FOLGER. Oh, no; I know they do that.

Senator CHANDLER. Are you sure they put charcoal under the plate?

Mr. FOLGER. Yes, sir.

Senator CHANDLER. Are you or are you not aware that it is claimed that this carbonizing process can be applied through gas alone, without any charcoal?

Mr. FOLGER. Yes, sir. Mr. Harvey used to discuss that method, and at one time was thinking of making that sort of an application. Krupp, I am told, has applied gas in plate manufacture. I do not know of my own knowledge whether Carnegie applied that feature or not, but I think not.

Senator CHANDLER. Is it not true, as a matter of fact, that in Europe, and also at the Carnegie works in this country, they do not carbonize the face of the plate the same way that it has been done at Bethlehem under the Harvey process?

Mr. FOLGER. You have thrown doubt upon it, but up to this time I have believed that the Carnegie works used the cabonaceous material in the same manner as at Bethlehem.

Senator CHANDLER. I do throw a doubt upon it as to whether the manufacturers in England or in this country harden their plates to-day by any use of the Harvey process, notwithstanding they have purchased the patent. I have reason to think they do not.

Senator SMITH. Are you familiar with the manufacture of armor plate?

Mr. FOLGER. In a general way. I have been connected with the development of armor plate in this country, but not with the manufacturing and producing details. I have been working in the interest of the Government as an official.

Senator SMITH. You know the present prices paid per ton by the Government for armor plate?

Mr. FOLGER. I know the average price; that is about $550 per ton.

Senator SMITH. Have you any opinion or knowledge that would be of any benefit to this committee to give them an idea of what the probable cost is of manufacturing armor plate?

Mr. FOLGER. I think the cost of production of armor plate is much less than the Government has been charged for it. I think, however, that the cost should not be taken alone as a measure of the price that we should pay. Although we have never thrown back upon their hands a lot of armor plate, yet there is a certain risk involved all the time that they may have armor plate thrown back upon their hands, through failure to pass contract tests, and no doubt that feature enters into the calculations and enhances the price somewhat. I must say, though, that the price is still large.

Senator SMITH. What, in your opinion, is the cost of manufacturing armor plate?

Mr. FOLGER. It is very difficult to state this, because the contracts for material are so large and there are so many elements entering into the question; but I should say that from $250 to $300 a ton would represent the cost.

Senator SMITH. Would it be practicable, and if so, what, in your judgment, would it cost the Government to erect a plant alongside the Cambria works and in connection with those works for the manufacture of armor plate?

Mr. FOLGER. It would be perfectly practicable. The question is, Could the Government employ its plant at times when there would be no demand for armor plates; and would there not be a deterioration, speaking economically, in allowing the plant to remain idle? There is no doubt in my mind that if the Government chose to go into the manufacture of steel of all varieties, other parties furnishing the raw material, it could be done.

Senator SMITH. Would it not be practicable for the Government to purchase its steel from the Cambria people ready to be treated for armor-plate work?

Mr. FOLGER. In ingots, you mean?

Senator SMITH. In ingots.

Mr. FOLGER. I see no manufacturing difficulty in the way.

Senator SMITH. Have you made any figures as to what the probable cost would be for putting in the additional necessary machinery for such work?

Mr. FOLGER. No, I have never made any such calculation; I have watched the discussions in Congress with a great deal of interest, but I think the outlay would be larger than the original statement of $2,000,000. I think that you would have to employ steadily high-class talent, and such talent as would be necessary could command higher salaries than are paid in the Navy. I think the success of such a venture would be problematical for that reason.

Senator SMITH. Have you heard it intimated, or do you know, that there is a combination, or agreement, or understanding among the manufacturers of armor plate on the other side of the water?

Mr. FOLGER. I have heard it intimated that they have on the other side endeavored to combine so as to control prices, and to allow only a certain amount of output from each one.

Senator SMITH. It is generally understood, is it not, that they have combined or agreed upon prices?

Mr. FOLGER. I think it is. I do not know that my information is authentic, but that has been talked up among armor-plate people.

Senator SMITH. Do you know that there is any understanding between the Carnegie people and the Bethlehem people as to the price?

Mr. FOLGER. I think, without knowing, that there has been an understanding in the bids that have been made.

Senator SMITH. Believing as you do, and as some of us do, that there is a combination of armor-plate manufacturers on the Continent, that there is a combination in this country, and that we are paying very high prices—at least a hundred per cent profit to these people—what, in your judgment, would be the best way for the Government to get its armor plate at a reasonably fair cost? If this matter were referred to you, what would you suggest as the best thing for the Government to do?

Mr. FOLGER. I would suggest developing other sources of production. I would endeavor to have contracts made stipulating that no combinations should be lawful. I do not know whether that is possible.

Senator SMITH. You would suggest the enactment of a law making combinations unlawful?

Mr. FOLGER. I do not know whether you can do that, but at any rate I would suggest the development of other sources of production.

Senator HALE. Are there other plants in the country that could be brought to a condition where they could make these plates?

Mr. FOLGER. I understand that the Carbon Iron Company of Pittsburg can manufacture plates up to 8 inches in thickness. I think the Government will have bids from that company the next time. The Cambria people would quickly become producers of at least a portion of this plate. The suggestion was made a while ago in regard to the production of ingots which might be applied to the manufacture of plates, and contracts might be offered to the Midvale and other works that could undertake such work.

Senator CHANDLER. I will now put into the record, in the order named, the following documents:

English patent No. 278 of 1888, to Claud Thornton Cayley and Reuben Samuel Courtman, for improvements relating to the manufacture of projectiles or shells and to apparatus therefor.

United States patent No. 447229, dated February 24, 1891, to Claud Thornton Cayley and Reuben Samuel Courtman, of London, England, for shells.

Part of record in the case of James B. M. Grosvenor, Lavinia Wilson, Edward H. Litchfield, and Samuel Seabury, appellees, *vs.* Robert B. Dashiell, appellant, in equity, on appeal from the circuit court of the United States for the district of Maryland to the United States circuit court of appeals for the fourth circuit.

No. 278. SPECIFICATION OF CLAUD THORNTON CAYLEY AND REUBEN SAMUEL COURTMAN.

Improvements relating to the manufacture of projectiles or shells and to apparatus therefor.

[Date of application, January 6, 1888. Complete left, May 18, 1888. Complete accepted, June 29, 1888.]

PROVISIONAL SPECIFICATION.

IMPROVEMENTS RELATING TO THE MANUFACTURE OF PROJECTILES OR SHELLS AND TO APPARATUS THEREFOR.

[Diagrams omitted.]

We, Claud Thornton Cayley, engineer, and Reuben Samuel Courtman, engineer, both of Acre street, New Road, Wandsworth Road, in the county of Surrey, do hereby declare the nature of this invention to be as follows:

Our invention relates to the manufacture of hollow projectiles or shells and to improved apparatus to be used in such manufacture.

In the specification of letters patent granted to us and dated December 24, A. D. 1886, No. 16943, we have described a method of manufacturing a hollow projectile from a solid projectile or from a solid block or piece of metal of the same or approximately the same diameter and shape or configuration as the finished projectile. This method comprises the formation of the central chamber or cavity by driving punches or mandrels into the said block or piece while confined in a die or mold fitting around the same so that the metal displaced from the center by the said punches is compelled to flow or expand endwise.

In making a hollow projectile or shell according to one part of our present invention, we take a solid block or piece of steel or iron of slightly greater weight than that which it is desired the projectile should have when finished, and of the shape or configuration hereinafter described, that is to say, the main portion of the said block or piece is slightly conical or taper, and is considerably larger in diameter than the finished projectile or shell; the smaller end of the said block or piece is tapered to the same or approximately the same diameter as the base of the finished projectile. We heat this block or piece and place it in a supporting die or mold, and we form a cavity in the said block or piece by driving one or more punches or mandrels into the larger end thereof and thereby causing the metal to flow or expand endwise around the mandrel. This part of the process, however, is not intended to cause endwise flow of the metal to such an extent as to make the walls of the projectile or shell of approximately the required length, thickness, and diameter, the cavity formed being simply designed to afford an entrance for a supporting mandrel hereinafter mentioned, the required thickness of metal being left at the lower end of the block or piece for the base of the projectile.

The walls of the hollow block thus formed are much shorter and thicker than those of the finished projectile.

To elongate the said walls and reduce their diameter and thickness, we place the said block upon a mandrel and force or draw it, by means of a hydraulic press or otherwise, through a ring or die, or successively through two or more rings or dies of different internal diameter, the said block being reheated as often as may be required.

We then close the open end of the partially made shell, leaving an aperture at the apex for introducing the bursting charge and the fuse.

According to a modification of our present invention we proceed as follows, that is to say: We first take a solid cylindrical block of metal of the required dimensions and place the said block in a die or mold which will prevent lateral expansion of the said block or enlargement of its diameter; we then form in the said block, by means of punches or mandrels, a chamber or cavity of the required size and shape or configuration; and we then impart the desired external form or configuration to the said block by rolling it in the manner described in the specification of letters patent granted to G. F. Simonds and dated December 12, A. D. 1885, No. 15290, by means of dies such as those described in the specifications of letters patent granted to said G. F. Simonds and dated June 9, A. D. 1885, No. 7028, and January 9, A. D. 1886, No. 300. We prefer to place the said block upon a mandrel before subjecting it to the rolling operation, to prevent deformation of the chamber or cavity within it.

In our said former specification we have described a method of drawing hollow projectiles or shells to reduce the thickness of their walls or to make them parallel or cylindrical. For this purpose, as stated in our said former specification, we sometimes force the base only of the projectile or shell through a die by means of a mandrel and then draw or force the said projectile or shell by other means completely through the die while the mandrel is held stationary therein, so that the walls of the projectile or shell are drawn between the said mandrel and the die.

Our present invention comprises improved apparatus whereby we are enabled very advantageously to draw projectiles or shells in this manner.

In our improved apparatus we employ a tubular mandrel and a ram or piston fitted to slide longitudinally therein. The partially made hollow projectile or shell is placed upon the said mandrel and ram, which are then moved by hydraulic or other power until the base of the said projectile or shell has passed through the die and an enlargement at or near the extremity of the mandrel arrives opposite or within the part of the die of smallest diameter; the mandrel is then held stationary, while the movement of the ram or piston is continued, so that the said ram forces the projectile or shell completely through the die. By these means we provide for stripping the projectile or shell off the mandrel while making the walls of the projectile or shell truly parallel or cylindrical, and, at the same time, insuring uniformity in the thickness of the said walls. We thus obviate the disadvantages arising from the use of a taper mandrel, as in some of the methods heretofore practiced, which necessitates the formation of a taper chamber or cavity within the projectile or shell. These means are, moreover, applicable for drawing partially made projectiles or shells for the purpose of reducing the thickness of their walls, whether the said projectiles or shells, previous to such reduction, are of conical or cylindrical form.

Dated this 6th day of January, 1888.

HASELTINE, LAKE & CO.,
45 Southampton Buildings, London, Agents for the Applicants.

COMPLETE SPECIFICATION.

IMPROVEMENTS RELATING TO THE MANUFACTURE OF PROJECTILES OR SHELLS AND TO APPARATUS THEREFOR.

We, Claud Thorton Cayley, engineer, and Reuben Samuel Courtman, engineer, both of Acre street, New Road, Wandsworth Road, in the County of Surrey, do hereby declare the nature of this invention, and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

Our invention relates to the manufacture of hollow projectiles or shells, and to apparatus for use in such manufacture.

In the specification of former letters patent granted to us and dated 24th December, A. D. 1886, No. 16943, we have described the manufacture of hollow projectiles or shells by driving punches or mandrels into a solid rock or piece of metal while it is confined in a die or mould which prevents enlargement of its diameter and compels the metal displaced from the centre by the punches to flow or expand endwise.

Our present invention comprises various improvements which are based upon the invention described in our said former specification.

According to one method of manufacture described in our said former specification, we take a block or piece of metal of approximately the form of a truncated cone, and we drive punches or mandrels into the said block or piece while it is held in a supporting die or mould, thereby displacing the metal from the centre of the said block and compelling it to flow endwise in the space around the punch or mandrel until the wall of the hollow block—that is to say, the metal around the cavity thus formed in the block—is of approximately the required length and thickness. We thus produce a hollow conical or cup-shaped body which we force or draw through a die or dies to make it parallel or cylindrical.

In making a hollow projectile or shell according to one part of our present invention, we commence operations as above described—that is to say, we take a solid block or piece of metal of slightly greater weight than that which it is desired the projectile should have when finished, and of the shape or configuration hereinafter described, and we heat this block or piece and place it in a supporting die or mould and form a cavity in the said block or

piece by driving punches or mandrels into the larger end thereof, and thus causing the metal to flow or expand endwise in the space around the mandrel. In this manner we provide an entrance for a supporting mandrel, as and for the purpose hereinafter specified, and we reduce the metal at the end of the cavity to the thickness required for the base of the projectile or shell. This part of our improved method or process, however, is not intended to cause endwise flow of the metal to such an extent as to make the wall of the projectile or shell of the required length and thickness as described in our said former specification.

The wall of the hollow block as formed by this part of our process is much shorter and thicker than in the finished projectile.

To elongate the said wall and reduce its diameter and thickness, we place the said block upon a mandrel and draw it, by means of a hydraulic press or otherwise, through an annular die or ring, or successively through two or more of such dies or rings of different internal diameter, the said block being reheated as often as may be required.

We then close the open end of the partially made shell, leaving an aperture at the apex for the introduction of the bursting charge and the fuse.

In the accompanying drawings—

Figures 1, 2, and 3 are sectional elevations illustrating different steps or stages in the manufacture of a hollow projectile or shell according to this part of our invention.

Figure 5 is a longitudinal central section illustrating improved apparatus for drawing the hollow blocks as hereinafter described, the ram hereinafter referred to being shown in side elevation.

Figure 5 is a longitudinal central section of a projectile or shell manufactured as hereinafter described.

Like letters indicate corresponding parts throughout the drawings.

A is a block or piece of metal which is to be converted into a hollow projectile or shell. The lower part of this block is taper or conical, the diameter of its lower end being the same as or slightly greater than that of the base of the projectile or shell when finished. The upper or main portion of the said block is of considerably larger diameter than the base of the projectile or shell when finished; it may be cylindrical if desired; we prefer, however, to make it slightly conical, its diameter being larger at its upper than at its lower end.

The supporting die or mould *a* consists of a solid piece of metal in which is bored a hole or cavity of the requisite size and shape or configuration to receive and support the block A, and a cylindrical hole is bored through the bottom of the die or mould, into which is accurately fitted a solid metal cylinder *b*. The said die or mould and the cylinder *b* are supported upon a bed or anvil *c*.

d is the punch or mandrel which is to be driven into the block A, by hammering or otherwise, to form the recess or cavity therein, and which is formed with a shoulder d^* for the purpose hereinafter explained.

The block A, when placed in the die or mould, rests upon the metal piece *b* as shown in Figures 1 and 2, its lower taper end fitting in a taper portion of the hole or cavity in the said die or mould, and its upper or main portion, which is, as above stated, preferably slightly conical, fitting in a correspondingly shaped portion of the said hole or cavity. The punch or mandrel *d* is made with a cylindrical portion which fits into the upper cylindrical portion of the hole or cavity in the die or mould, so that the said punch or mandrel will be guided in its downward movement when driven into the block A.

The block A and punch or mandrel *d* having been placed in the die or mould as shown in Figure 1, the said punch or mandrel is driven into the said block, the metal of which is thus displaced from the centre and caused to flow endwise into the annular space around the punch or mandrel until the shoulder d^* of the said punch or mandrel comes in contact with the upper surface of the said block, as shown in Figure 2. The punch or mandrel *d* is then withdrawn from the block A and from the die or mould.

The hollow body produced as above described is removed from the die or mould and is reheated and drawn to elongate its wall and reduce the thickness and diameter thereof. This operation is effected by forcing the said hollow body by means of a punch d^1 through an annular die or ring such as that shown at *e* in Figure 3, or successively through two or more of such dies or rings by means of punches, the annular space between each ring and punch being less in each successive operation, the internal diameter of the die or ring through which the partially made projectile or shell is to be finally forced or drawn being equal, or nearly equal, to the external diameter of the finished projectile or shell.

The open end of the partially made projectile or shell is then closed, or partially closed, as described in our said former specification, or in any other convenient manner.

A projectile or shell having the shape or configuration shown in Figure 5 is thus produced.

It is obvious that the supporting die or mould may, if desired, be made in two pieces, or otherwise suitably constructed. Also that one or any other suitable number of punches or mandrels may be used in the formation of the cavity in the metal block, as above described.

In drawing the hollow body produced by means of the punches or mandrels as above described through the annular dies or rings, we prefer that, as soon as the base of the projectile has entered or passed a short distance through a die or ring, the mandrel should be held stationary, whilst the said hollow body is drawn, by other suitable means, completely through the said die or ring, so that the wall of the said hollow body will be drawn through the annular space between the said mandrel and the die, substantially as described in our said former specification.

Our present invention comprises improved apparatus whereby we are enabled to accomplish this result in a very advantageous manner. For this purpose we employ a tubular mandrel and a ram fitted to slide longitudinally therein. The said ram is preferably made with an enlargement or head of approximately the same diameter as the mandrel; we prefer, moreover, to make the said mandrel with an enlargement at or near its extremity and to form the die with a contracted part as hereinafter described. The hollow body is placed upon the said mandrel and ram, which are then moved by hydraulic or other power until the base of the said hollow body has passed through the contracted part of the die and the enlargement of the mandrel has arrived opposite or within the said contracted part of the die. The mandrel is then held stationary while the movement of the ram is continued, so that the said ram forces the hollow body completely through the die. By these means we provide for stripping the partially made projectile or shell off the mandrel whilst reducing its diameter and thinning and elongating its wall and making it truly parallel or cylindrical, and at the same time ensuring uniformity in the thickness of the said wall. We thus obviate the disadvantages arising from the use of a taper mandrel, as in some of the methods heretofore practised—that is to say, we avoid the formation of a taper chamber or cavity within the projectile or shell. This apparatus is, moreover, applicable for drawing partially made projectiles or shells for the purpose of making the walls thereof parallel or cylindrical as described in our said former specification.

In figure 4 we have shown one form of our said apparatus; *f* is the ram, which is formed with a head f^1, and which is fitted to slide in a hollow mandrel *g* having an enlargement g^1. The said ram and mandrel are to be so connected with a hydraulic or other press that they may be moved simultaneously through a short distance and the movement of the mandrel may then be arrested while the ram continues to move. The die *e* is made with a contracted part e^1. In using this apparatus the hollow body is placed upon the mandrel *g* with its end or base against the enlarged end or head f^1 of the ram *f*, and is forced into the die or ring *e* by the simultaneous movement of the said ram and mandrel until the parts occupy the position shown; the movement of the mandrel is then arrested whilst the ram *f* continues to move, and thus draws the hollow body through the annular space between the enlargement g^1 of the mandrel *g* and the contracted part e^1 of the die *e*.

We sometimes prefer to subject the hollow body to one or more drawing operations while hot, and then to one or more drawing operations when cold—that is to say, we draw the said hollow body successively through several annular dies or rings, reheating it before the first, and, in some instances, before one or more succeeding drawing operations, the subsequent drawing operation or operations being effected while the metal is cold. The metal is thus more effectually compressed or condensed than when reheated before all the successive drawing operations to which it is subjected.

We have shown a solid block A of the form which we prefer to employ in the manufacture of projectiles or shells according to our present invention. It is obvious, however, that blocks of somewhat different shape or configuration may be converted into hollow projectiles or shells by our improved method or process.

According to another modification of our invention we proceed as follows—that is to say: We take a solid cylinder of metal of the required dimensions and place the said cylinder in a die or mould which will prevent lateral expansion of the same or enlargement of its diameter; we then form in the said cylinder, by means of punches or mandrels in the manner above described, a chamber or cavity of the required size and shape or configuration; and we then roll the hollow cylinder thus produced in the manner described in the specification of letters patent granted to G. F. Simonds and dated December 12, A. D. 1885, No. 15299, by means of dies such as those described in the specifications of other letters patent granted to the said G. F. Simonds, viz: No. 7028, dated June 9, A. D. 1885, and No. 396, dated January 9, A. D. 1886; we thus produce a hollow projectile or shell having any desired external shape or configuration. We prefer to place the hollow cylinder upon a mandrel before subjecting it to the rolling operation, to prevent deformation of the chamber or cavity within it.

It is obvious that we can adapt our invention to the manufacture of armour-piercing projectiles or shells in which the aperture for the fuse is at the base instead of at the apex.

Having now particularly described and ascertained the nature of our said invention and in what manner the same is to be performed, we wish it understood that we do not claim broadly or irrespectively of our improvements as herein set forth the manufacture of a hollow projectile or shell by driving punches or mandrels into a solid block, drawing the hollow body thus produced through one or more annular dies or rings, and then closing or partially closing the open end thereof, as we have in our said former specification, No. 16943, already described and claimed such method of manufacture. But in the method described in our said former specification the hollow body formed by means of the punches or mandrels has its wall of the required thickness and length, and it is drawn through a die or dies merely for the purpose of making it parallel or cylindrical, and not, as in our present invention, for the purpose of elongating, reducing the diameter of, and thinning its wall. Moreover, we are aware that in the specification of letters patent granted to J. Baldie and dated March 5, A. D. 1885, No. 2982, a method of manufacturing hollow projectiles or shells is described which consists in casting a hollow body the wall whereof is of much greater thickness than is required in the finished shell, then inserting a mandrel in the said hollow body and reducing the thickness of its wall and increasing its length by forging it between swages and drawing it through an annular die or ring; we therefore make no claim to such method of manufacture; our present invention, however, differs from that of Baldie inasmuch as the solid block or piece is by our method of manufacture converted into a hollow projectile or shell entirely by forging, and the metal is therefore compressed and condensed so that the projectile or shell has greater strength than when made by drawing a hollow casting as described in Baldie's specification; and we claim:

First. The above-described method of forging a hollow projectile or shell—that is to say, by first driving punches or mandrels successively into a solid block or piece while it is confined in a die or mould as described in our said former specification and for the purpose hereinabove specified, then lengthening, reducing the diameter of, and thinning the wall of the hollow body thus produced by drawing it through one or more annual dies or rings substantially as hereinbefore described, leaving the end of the said hollow body open or closing or partially closing the open end thereof, as may be required.

Second. The modification of our method of manufacture, wherein we subject the hollow body to the action of the annular dies or rings whilst hot and also when cold, substantially as and for the purpose above specified.

Third. The employment, in combination with an annular die, of a tubular mandrel having a ram fitted to slide longitudinally therein and suitable means for moving the said ram and mandrel simultaneously through a short distance and for then holding the mandrel stationary while the movement of the ram is continued, substantially as and for the purpose set forth.

Fourth. The manufacture, substantially as set forth, of a hollow projectile or shell by driving punches or mandrels into one end of a solid metal cylinder to form therein a central chamber or cavity and then rolling the said cylinder between suitable dies, as and for the purpose specified.

Fifth. A projectile or shell manufactured substantially as hereinfore described.

Dated this 16th day of April, 1888.

HASELTINE, LAKE & CO.,
45 Southampton Buildings, London, Agents for the Applicants.

UNITED STATES PATENT OFFICE.

Claud Thornton Cayley and Reuben Samuel Courtman, of London, England, assignors, by direct and mesne assignments, to the E. W. Bliss Company, Limited, of Brooklyn, N. Y.

SHELL.

SPECIFICATION FORMING PART OF LETTERS PATENT NO. 447229, DATED FEBRUARY 24, 1891.

Application filed November 10, 1887. Serial No. 254805. (No model.)

[Diagrams omitted.]

To all whom it may concern:

Be it known that we, Claud Thornton Cayley and Reuben Samuel Courtman, subjects of the Queen of Great Britain, residing at London, England, have invented new and useful improvements in projectiles and shells, of which the following is a specification.

The present invention relates to hollow projectiles and shells for ordnance which are forged from a solid piece of iron or steel in contradistinction to being hollowed out by means of boring tools.

The object of this invention is to provide a peculiar projectile or shell with

no joint or seam and possessing walls of substantially uniform thickness of great tenacity and strength; and to such ends the invention consists in a punch-forged hollow projectile or shell made of a single block of metal having a conoidal point and a longitudinally drawn and punched-out cylindrical portion formed with a lustrous external surface having parallel thread-like marks or lines extending longitudinally thereupon, whereby the article is distinguished from its kind now in the market.

We have in an application for patent filed February 12, 1887, serial No. 227419, fully described the process of manufacturing shells and projectiles from solid blocks of metal, and have also included or shown in said application the special forms of projectiles and shells claimed in the present application, which as articles of manufacture or products are not claimed therein.

In the accompanying drawings fig. 1 is a face view, partly in section, of a hollow armor-piercing projectile having a dense head. Fig. 2 is a longitudinal sectional view of a hollow shell having a fuse opening at the point and provided with a solid or closed base. Fig. 3 is a longitudinal sectional view showing a shrapnel shell charged with shot.

Referring to fig. 1, the reference numeral 1 designates the body portion of a projectile having a solid conoidal or conical point 2, which is made very dense or hard, so as to facilitate or insure the penetration of the projectile into solid armor plates. The base 3 of the projectile is shaped so as to leave a small central opening 4, that is closed by a screw plug or by any other suitable means. A chamber or cavity 4a is formed within the body of the projectile for the purpose of throwing the center of gravity nearer the forward end than it would be if the projectile were solid.

The entire projectile defined by the foregoing description is made of a solid piece of steel or iron, and has no seams or joints whatever.

The process of manufacture is fully set forth in the application filed February 12, 1887, and, briefly stated, it may be said to consist in subjecting a solid block of metal to the action of punches, mandrels, and dies, so as to cause the metal to flow endwise and form a chamber or cavity of any desired size or configuration. The open base of the projectile is then, by other dies, turned down so as to close it, with the exception of the small central opening 4. It should be observed that by the process of manufacture set forth we can manufacture very large and heavy shells or projectiles of one piece of steel or iron without the necessity of using boring tools. Furthermore, the successive action of punches and dies will improve the quality of the metal, produce walls of uniform thickness and great tenacity, and give great strength to the projectile, whether made with an open or closed bore. When the point or head is solid and closed, the metal will be very dense and hard, for the object already stated.

In fig. 2 we have shown a common shell which has a closed base 5, a body with parallel walls of uniform thickness, and a point formed by forcing the metal of said walls inward, so as to produce a conical or tapering head or apex, which has a central opening 8 for the reception of a closing plug. The shell shown in fig. 2 is made in the same manner as the armor-piercing projectile, only in this instance there is a fuse opening in the point. The shrapnel shell shown in fig. 3 is also forged from a single piece of steel, and before the open end or apex of the shell is closed we insert the diaphragm 10, which covers the chamber of the bursting charge. The aperture at the apex of the shell is made large enough to permit the introduction of the bullets or shot into the said shell after its end has been closed by the action of the dies, with the exception of said aperture. We prefer to fill the conical or conoidal part as well as the cylindrical part of the chamber or cavity in the shell. We then introduce the bursting charge and insert the fuse. In this manner we produce a forged shrapnel shell containing a larger number of bullets than a forged shrapnel shell of the same dimensions as heretofore manufactured, and we are enabled, if desired, to use steel instead of lead bullets, the larger number employed making up for the difference in the weight of the two metals. Moreover, we can by our improved method manufacture shrapnel shells more cheaply than is practicable by the well-known method of making them in two parts and uniting the said parts by riveting, screwing, or otherwise.

In addition to the projectile or shell having the characteristics of walls of substantially uniform thickness and great density, tenacity, and strength, our improved punch-forge projectile or shell possesses other characteristics by which it is distinguishable as an article of manufacture from prior projectiles or shells of its kind in that it possesses the characteristic features of a longitudinally drawn and punched out cylindrical portion formed with a lustrous external surface, having parallel thread-like marks or lines extending longitudinally thereupon, which are produced during the process of punching by the action of the die or mold and punches or mandrels and the lengthwise flowing of the metal.

We disclaim a hollow projectile rolled into shape with the metal condensed and hardened at one operation, as such is not our invention, and is disclosed by letters patent No. 348788 to G. F. Simonds, dated September 7, 1886.

What we claim as our invention is—

As a new article of manufacture, a punch-forged hollow projectile or shell having a conoidal point and a longitudinally drawn and punched-out cylindrical portion formed with a lustrous external surface having parallel thread-like marks or lines extending longitudinally thereupon, substantially as herein set forth.

In testimony whereof we affix our signatures in presence of two witnesses.

CLAUD THORNTON CAYLEY.
REUBEN SAMUEL COURTMAN.

Witnesses:
GEO. J. B. FRANKLIN,
WALTER J. SKERTEN,
Both of 17 Gracechurch Street, London, E. C.

In the United States circuit court of appeals for the fourth district.

JAMES B. M. GROSVENOR, LAVINIA WILSON, Edward H. Litchfield, and Samuel Seabury, appellees, vs. ROBERT B. DASHIELL, APPELLANT. } In equity.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MARYLAND.

16 EXCHANGE PLACE,
New York City, October 18, 1892—11 a. m.

Present, Samuel A. Blatchford, esq., the commissioner; also Mr. William G. Wilson, of counsel for complainants, and Mr. S. F. Phillips, of counsel for the defendant.

Counsel for complainants produces and files with the commissioner and offers in evidence notice of taking testimony on behalf of the complainants, with proof of due service thereof, on the solicitor for the defendant.

Said notice and proof of service annexed are marked "Complainants' Exhibit. Notice of taking testimony. S. A. B., commissioner."

It is hereby consented that the testimony in the above case, under the notice given by the solicitors for the complainants for the taking of testimony in New York before Samuel A. Blatchford, may be taken down in the presence of said Samuel A. Blatchford by a stenographer and afterwards typewritten and subscribed by the witness.

SAMUEL SEABURY, called on behalf of the complainants, and being duly sworn, testifies as follows:

Direct examination by Mr. WILSON:

1. Q. You are one of the complainants in this cause, I believe?
A. I am.
2. Q. What is your age?
A. Forty-two.
3. Q. What is your residence?
A. Bayonne, N. J.
4. Q. Your occupation is what?
A. Lieutenant, United States naval officer; at present on furlough.
5. Q. How long have you been an officer of the Navy?
A. I graduated at the United States Naval Academy in 1871.
6. Q. You have been continuously in service?
A. Ever since until the middle of April last, when I was granted a furlough.
7. Q. Have you given any special attention to ordnance matters in the course of your experience?
A. Yes; ordnance has always been an interesting study to me, and in an unofficial way—a disconnected way—I have followed it for many years. I first attacked the breech-loading mechanism for guns about 1876.
8. Q. Since that time have you given thought and study to the subject?
A. Yes; very much, disconnectedly.
9. Q. During considerable of that time you were engaged in duties at sea?
A. At sea and on shore both, dividing the duties between sea and shore.
10. Q. Did you finally devise a breech-loading mechanism yourself and apply for a patent thereon?
A. Yes; I devised a breech-loading mechanism involving an interrupted screw block.
11. Q. And for that invention did you apply to the United States Patent Office for a patent?
A. I applied for a patent about July, 1889; as I recollect, it was the 19th it was filed.
12. Q. Was a patent subsequently granted on that application?
A. A patent was allowed upon this application in October, 1889. It was allowed in October, 1889, and allowed to run its six months before issue, which occurred on the 15th of April, 1890.
13. Q. Is this the patent you refer to?
A. Yes; No. 425584.
(Counsel for complainants offers a certified copy of the patent in evidence. It is marked Complainants' Exhibit. Letters Patent No. 425584.)
14. Q. Did you subsequently assign any interest in this patent to another person?
A. I did.
15. Q. To whom?
A. I assigned one-half interest to Lavinia Wilson, of New York City.
16. Q. Did she assign any part of that?
A. She assigned, as I understood, one-half of her interest to Mr. J. B. M. Grosvenor. I also assigned one-sixth of my remaining interest, or one-twelfth of the whole, to Mr. Edward H. Litchfield, of Brooklyn.
17. Q. After obtaining this patent what steps, if any, did you take with the view to the working of the patent in this country?
A. After the patent was allowed a working model was constructed—a model made one-half scale of the Navy 4-inch gun—and with this model I went to Washington in the early part of May, 1890, after the issue of the patent, accompanied by Capt. J. Wall Wilson, of New York, and together we visited the Bureau of Ordnance of the Navy and placed the model, together with a set of the then unfinished drawings of a modification of the mechanism, before Commodore Folger, Chief of the Bureau of Ordnance.
18. Q. You have those drawings now with you?
A. I have; yes.
19. Q. Please state what conversation occurred between you and Commodore Folger on that occasion.
A. Commodore Folger expressed himself as much interested in the model, seated himself at a table before it, opened and closed it a great many times and said, as if speaking to himself: "Yes; this is a very good thing—in many respects superior to anything we have," and then, after still further examination, he arose abruptly from his chair and said, "Well, what will you charge us for this?" Captain Wilson asked him if he meant a lump sum. He replied, "No; the Government does not do business that way; I mean a royalty." We explained to him that his question was rather sudden—that we were not prepared to answer it. Whereupon, he told us to talk it over together and let him know what we would agree to take. Captain Wilson and I concluded that——
20. Q. State what you said.
A. We agreed to take the amount the Department had agreed to pay the Driggs-Schroeder Company for the use of their block or their system. Commodore Folger thought that this sum was about $250 per gun, and verified his belief by the books of the Bureau, which were brought by Ensign Alger, now professor.
21. Q. Did the $250 apply to all sizes or to one particular size?
A. No; we intended it to apply to the 4-inch gun, which was the understanding we had with him.
22. Q. Do you mean a larger sum for a larger size?
A. That was our understanding.
23. Q. Was that talked of?
A. We mentioned pro rata for larger guns, but nothing definite.
23½. Q. But $250 for the 4-inch was understood as the basis?
A. That was our understanding.
24. Q. What further took place?
A. Commodore Folger then said in his own words, "Our fences are all up and in good condition; we have a good mechanism now—the Driggs-Schroeder, which will be tried shortly. I will hold this mechanism as an alternate for trial in case of the failure of the Driggs-Schroeder."
25. Q. Did that refer to any particular size of the Driggs-Schroeder—was it mentioned in the conversation?
A. It referred to the 4-inch Driggs-Schroeder which was then being prepared at the Washington yard for trial.
26. Q. Was there further conversation?
A. Yes; the conversation afterwards turned upon a new gas check which I wished to submit, and in which Commodore Folger seemed to take a good deal of interest, saying that, in a measure, he considered himself the inventor of this check. Before we left the office we made another effort toward getting the mechanism for the 4-inch gun tried without waiting for the Driggs-Schroeder, and finally Commodore Folger said to us, "Well, I will tell you what I will do; I will try this mechanism, anyway," pointing to the drawing of the 4-inch gun. These are the very tracings that were unfinished at that time.
27. Q. These are the very tracings?
A. Yes; unfinished at the time. "Complete these drawings and send me blue prints of them," and then he turned to the drawing of the gas check

saying, "There is no reason why we should not try this at once; make me drawings embodying the 6-inch gun with your mechanism, etc., and send them on."

28. Q. Which of these are the drawings, or are they all the drawings which you presented to Commodore Folger at the time mentioned [showing the witness some papers]?

A. These sheets were unfinished, marked 1 and 2.

29. Q. To what extent were these sheets 1 and 2 then finished?

A. Their outlines were finished, but there was no shading and some of the minor points of firing gear and trigger were not located—this pawl was afterwards placed in.

30. Q. Were the essential features of the mechanism as you understood them clearly shown by the drawing?

A. The essential features were fully set forth in the drawing.

31. Q. That is, the method for rotating the screw block, the method of withdrawing the block from the breech into the tray, and the method for swinging the block so withdrawn on the tray out of the way of the breech of the gun?

A. That is correct.

(Counsel for complainants offers these drawings in evidence. They are marked Complainants' Exhibits Drawings 1 and 2, respectively.)

32. Q. After the interview which you have narrated, did you return to New York?

A. I did, at once.

33. Q. Were you then stationed at New York?

A. I was attached to the United States Naval Board of Inspection of Merchant Vessels, room 37, post-office, New York.

34. Q. After you returned to New York, did you take any steps in the direction suggested by your conversation with Commodore Folger?

A. Yes; at as early date as practicable I finished the drawing of the 4-inch gun.

35. Q. This drawing here?

A. Yes.

36. Q. The two marked in evidence and the third sheet, which is marked 3?

A. The same. And these drawings, or blue prints of these drawings, I submitted to Commodore Folger about June 3, 1890, and received his acknowledgment.

37. Q. A blue print is practically a full-sized photograph, is it not?

A. It is a production of about the same size; it shrinks somewhat—that is the only difference; it is printed from the drawing by the action of the sun on sensitive paper.

(Counsel for complainants offers sheet 3 also in evidence. It is marked Complainants' Exhibit Drawing, Sheet 3.)

38. Q. Did you, after that, make further drawings?

A. After submitting the 4-inch drawing, I immediately took up the design for the 6-inch gun, which included a gas check, and which drawing had been requested by Commodore Folger.

39. Q. Such drawings as were indicated by him in that conversation?

A. Yes.

40. Q. When did you complete these?

A. Those drawings were completed on the 3d of July, 1890.

41. Q. Did you finish those also?

A. Yes; and they were mailed to the Bureau on the 5th.

42. Q. Addressed to Commodore Folger?

A. Addressed to Commodore Folger. I received no acknowledgment of these drawings, and after ten days, about, I wrote to the chief clerk of the Bureau of Ordnance and asked him if the drawings had been received, as I was anxious about them. He replied that they had been received and were under consideration. I heard nothing further in regard to them, so on about September 28, 1890, I wrote to Commodore Folger concerning these drawings and received a reply——

43. Q. Is that the reply which you received [showing a letter to witness]?

A. That is it.

(Counsel for complainants offers the letter in evidence. It is marked Complainants' Letter No. 1.)

44. Q. This letter contains the expression, "The Bureau has other designs developed by its assistants, which it considers superior in some respects;" that is, superior to yours. Was there anything in your conversation with Commodore Folger which enabled you to understand what design that referred to?

A. Nothing. The only mechanism which he referred to was the Driggs-Schroeder.

45. Q. Then in that conversation he had mentioned no designs of the Bureau itself or designs developed by assistants of the Bureau?

A. Nothing at all.

46. Q. Were those blue prints of the 4-inch and 6-inch which you sent to Commodore Folger ever returned to you?

A. They were not. To the best of my knowledge they are on file at the Bureau of Ordnance.

47. Q. When first did you hear of any mechanism called by the name of the defendant, Dashiell?

A. I first heard the name in connection with the gun mechanism on reading Commodore Folger's Report of the Bureau of Ordnance for 1890—I think that is the date—for the current year, the year that had passed.

48. Q. When did you first see any of the defendant Dashiell's mechanism?

A. I first saw it—actually, or drawing?

49. Q. The mechanism itself.

A. The mechanism itself, in the early part of February, 1892.

50. Q. Where did you see it?

A. At the ordnance shops at the Washington Navy-Yard.

51. Q. Were you alone or accompanied by some one?

A. Accompanied by Captain Wilson, before referred to, of New York.

52. Q. Did you inquire for the Dashiell mechanism at that place?

A. Yes.

53. Q. Of whom?

A. Officers of the yard who were accompanying us about the shops.

54. Q. Having official connection with the yard?

A. Yes; having official connection with the yard.

55. Q. What did you see there—did you see the finished gun?

A. A number of guns of various stages of completion and mechanisms, the parts of which were stored in a room; these mechanisms were intended, apparently, for 4-inch and 5-inch guns. I afterwards, on the same day, saw the mechanism attached to the 6-inch gun; it was the mechanism; that is, the major part of it, as it had the De Bange check. The minor parts, such as the firing pin, trigger, etc., were omitted. I worked this mechanism several times, opening and closing.

56. Q. Did you examine it sufficiently to recognise it again?

A. I did.

57. Q. And was Captain Wilson present with you at that time?

A. He was.

58. Q. I show you four drawings, and ask you whether the Dashiell mechanism, which you saw on the occasion you last mentioned, was or was not substantially like that which these drawings portray?

A. Substantially like that? It was.

(Counsel for complainants asks to have these marked for identification. They are marked Drawings A, B, C, and D, for identification.)

59. Q. At the time you saw this Dashiell mechanism at the Washington Navy-Yard had you ever been able to procure drawings of the finished mechanism?

A. I had not been able to procure them.

60. Q. Had you made efforts to do so?

A. I had.

61. Q. Had you applied to Commodore Folger?

A. I applied to Commodore Folger in November, 1891.

(Counsel for the complainants offers a letter in evidence. It is marked Complainants' Exhibit, Letter 2.)

62. Q. This letter, which has now been marked Complainants' Exhibit, Letter 2, was in response to a request from you for blue prints of Dashiell's 4-inch mechanism, was it?

A. It was.

63. Q. Did you apply to Ensign Dashiell for a drawing or a description of his mechanism?

A. As I recollect it, I asked for a description or some idea of it; I could not ask for drawings.

64. Q. That was in December?

A. December, 1890.

65. Q. That was by letter?

A. By letter.

66. Q. You received a reply?

A. The reply was, it could not—the drawing could not—be given, because the patent had not been secured.

67. Q. And also that he had orders against letting others see the plans?

A. Yes.

68. Q. Is this the letter?

A. Yes.

(Counsel for complainants offers the letter in evidence. It is marked Complainants' Exhibit, Letter 3. Counsel for complainants offers in evidence a copy of the Scientific American, published in New York, bearing date of May 24, 1890—simply that part of it which contains a description entitled, "Seabury breech mechanism for rapid firing and other guns." It is marked Complainants' Exhibit, Scientific American.

No cross-examination.

SAMUEL SEABURY.

Subscribed and sworn to before me this 28th day of October, 1892.

SAM'L A. BLATCHFORD,
A Commissioner of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit.

* * * * * * *

In the circuit court of the United States for the District of Maryland.

JAMES B. M. GROSVENOR AND OTHERS, COMPLAINANTS,
against
ROBERT B. DASHIELL, DEFENDANT.

Testimony taken on behalf of the complainants before John H. Kitchen, one of the standing examiners of the United States circuit court for the southern district of New York, in accordance with the sixty-seventh rule in equity, as amended; testimony taken before said examiner by consent of the parties.

NEW YORK, *May 12, 1893*—10 o'clock a. m.

Parties met, pursuant to notice, at the office of the solicitor for the complainants, No. 48 Wall street, New York City.

Present, William G. Wilson, esq., solicitor for complainants; Samuel F. Phillips, esq., solicitor for defendant.

SAMUEL SEABURY, recalled on behalf of complainants, being duly sworn, testifies as follows:

Direct examination by Mr. WILSON:

Q. You have already been examined in this cause, Mr. Seabury, and are one of the complainants?

A. Yes.

Q. And in your former examination you stated that you graduated at the United States Naval Academy in 1871. That was the fact?

A. That is correct.

Q. How early in your naval career did you begin, or turn your attention to, inventions?

A. It has always been more or less of a hobby of mine—invention.

Q. I refer more particularly to those things that were especially connected with your profession as a naval officer?

A. I commenced as early as when I was a midshipman, in 1867.

Q. Was that your first essay in invention?

A. That is about the first I recollect.

Q. What was the character, in a general way, of the invention?

A. It was a midshipman's idea of a gun carriage, in which the gun was to furnish its means of returning to battery by the action of gravity.

Q. Did you work it out in the form of a drawing?

A. As well as I could then; yes.

Q. And show it to anyone?

A. I remember showing it to a classmate of mine, to whom I was quixotic enough to offer a half share for the use of his drawing instruments.

Q. Did you show it to anyone else?

A. I showed it to Lieutenant-Commander Luce—now rear-admiral—Commandant Luce.

Q. Was he commandant?

A. Not Superintendent of the Academy, but commandant of cadets. That was in the early days of my history.

Q. Was anything done with it?

A. No; it never came to anything. The present admiral expressed an appreciation of the effort, and didn't know "what I should do when I became rear-admiral," as he said.

Q. What year was that?

A. 1867.

Q. That was your first year at the Academy?

A. First year at the Academy. I went there from the training ship.

Q. After you graduated did you undertake anything further in the way of invention?

A. Yes; several things. That is, in the ordnance line, you mean?

Q. Yes.

A. The first one afterwards that I ever drew out was a gun carriage, a breech mechanism on the side-pull plan—like the Krupp; it was not the Krupp mechanism, but it was something on the same general plan.

Q. A square slot with a wedge block?

A. Yes; a wedge block. In those days the opinion was divided as to the value of slot mechanism and the slotted screw. A good many of the older officers were still in favor of the wedge.

Q. Did you work that out?
A. I worked that out. A model was made of it afterwards by Admiral Simpson's orders at the New York yard, where he was then captain of the yard.
Q. When did you complete that?
A. I completed drawings of that in 1870, and this model was made in 1878.
Q. Was that your own invention?
A. That was my own invention; yes. Admiral Simpson seemed at that time to rather favor the side system—expressed some favorable opinions of some conversions of guns—of old smoothbore guns which I had made.
Q. What did you do in the way of designing or inventing? I mean in this general direction—matters connected with your profession?
A. That was when I was at sea in 1880 and 1881—1879, 1880, and 1881—on the *Wachusett*, on the Pacific coast.
Q. What was it you did?
A. Then I worked out the designs of a vessel and her battery, including carriages and the application of this mechanism that I spoke of.
Q. To the guns for the battery?
A. To the guns for the battery.
Q. What was that; a complete plan?
A. I so considered.
Q. Of a full ship?
A. Of a full ship.
Q. Armored and——
A. Armored and all.
Q. Where did you prepare those plans?
A. They were prepared on board ship, in the after room—in the wardroom.
Q. What was your position on that ship?
A. Junior watch officer.
Q. With what rank?
A. Rank of master.
Q. What did you do with that design?
A. That design, after I had finished it, I sent to my old commander, Commodore Simpson he was then, and commander of League Island, and requested him to overhaul it and send it to the Navy Department, which he did.
Q. And, so far as you know, it is on file among the archives of the Navy Department?
A. It is on file still; yes.
Q. Did you receive any acknowledgment of that?
A. I received an acknowledgment from Admiral Simpson. I say "admiral" all the time because that was his last rank. He was Commodore Simpson at that time. But the Navy Department apparently paid no attention to it for about four months, and they finally acknowledged receipt, and said it had been submitted for criticism to various bureaus.
Q. You need not give the contents. You finally did receive acknowledgment?
A. Yes; acknowledgment.
Q. And notice from the Secretary of the Navy——
A. That it had been received.
Q. And you also received a letter in reference to it from the then Secretary of the Navy, did you not?
A. Secretary Hunt; yes.
Q. That letter you have?
A. I have, I believe.
(Complainants' counsel offers said letter of Secretary Hunt in evidence, and it is marked Complainants' Exhibit A¹.)
Q. What next did you do in the way of designing?
A. You want me to mention what I did about that work, or anything about that?
Q. No; not at present.
A. The next effort I made on guns was a design of a gun—a breech mechanism on the slotted screw plan.
Q. Prior to that did you make designs for a flagship?
A. Yes. I thought you meant ordnance particularly. That was a design for a flagship which I did under the orders of the Navy Department for Commodore Temple. They were not special orders from the Department; I was simply ordered to report for duty, and given that duty verbally.
Q. Did you work that out?
A. I worked that out and submitted it. I think it was submitted to the first advisory board—I am quite sure it was. Admiral Temple; he was then commodore.
Q. You know that is on file?
A. That is on file, as far as I know.
Q. Did you submit anything to the Getty Board in 1881?
A. I submitted the designs I had gotten up on the cruise before; one of them the breech mechanism I spoke of. That was a board convened in New York to examine guns and mechanism. It was called "The board of heavy ordnance and projectiles." That convened in July, 1881.
Q. What was the general character of the designs you submitted to them?
A. They were what I sent to Admiral Simpson before—to the Navy Department. That was a 9-inch rifle, and the breech mechanism of which I spoke—side-acting mechanism—and a gun carriage, and a projectile having a special system of centering bands, and a fuse.
Q. Were these designs referred to in the report of the Board—official report?
A. They were referred to in the report of the Board and its action upon them.
Q. That report was published?
A. Published; and a copy was furnished me by the War Department, by request. [Book shown witness.] It is referred to on page 51 and at other places of the official report printed in the Government Printing Office in 1882.
Q. Were there any other matters that you worked at before you took up the mechanism of the slotted screw?
A. You mean in regard to ordnance?
Q. Yes.
A. No. After that the report of the Getty Board rather settled my ideas in regard to side mechanism, and I dropped it and did as many an officer did, turned to the screw block, as he should have done long before.
Q. That is in the direct line of breech mechanism?
A. In the direct line of breech mechanism.
Q. But were there not other matters in ordnance that you devised before you got to that point?
A. No; I think they came afterwards. No, let me see; they were about the same time of the other matters—gun carriage and design of a gun.
Q. What time was that, what year?
A. It was in 1883, as near as I can fix it; it was about the summer of 1883, I should say.
Q. That is directly in the line of a mechanism for handling the screw block you are speaking now.
A. For opening and closing?
Q. Yes.
A. Yes.
Q. Had you previously worked at any features of the screw block?
A. Yes. That was included under the same head. I had some peculiar ideas about the screw threads which I wanted to put in; and from that—from that same block, about that time—I got the idea of wishing to simplify the mechanism, the motions.
Q. Was rapid fire known at that time as anything in use for large guns?
A. No. I was about to say this was not in the direction of rapid-fire guns, because they had not come into use for heavy calibers; but simply an idea of mine to simplify the movements for an ordinary breech-loading gun.
Q. Up to that time how were the screw blocks handled in opening and shutting the breech?
A. By the three motions. Generally by a lever to turn the block, then to pull out, and then to swing.
Q. At that time was there any device known which accomplished those motions by one movement?
A. Not to my knowledge.
Q. Either of a lever or of a crank?
A. Not to my knowledge.
Q. When did you first get the idea of a device which would accomplish this purpose?
A. As near as I can recollect, it was about that year—1883. I could not give any time, any special time, in the year.
Q. But do you remember as a fact that it was in that year?
A. I should say so.
Q. I mean when did some solution of the problem first present itself to your mind in the form of a device, however crude?
A. As I say, to the best of my recollection, I carry it back to that year, that I had the idea—an idea which haunted me afterwards a great deal—about being able to open that block by the action of a cam. That was the way in which I put it.
Q. What was that idea? Describe the device as it then presented itself to your mind.
A. Well, naturally, it was not very complete, or I should have worked it out afterwards. The idea was to carry the pin from the block, and by means of a cam on a lever, that is, a cam slot; for instance, when you open that lever to move the block over and then to pull out. But the getting the block out and the subsequent movements were at the time very indefinite to me.
Q. Did you make sketches at that time?
A. Yes; I made sketches then and afterwards; but I have none, to my recollection.
Q. What kind of sketches were they?
A. Just little pencil sketches on the edge of newspapers or anything else—something I never carried out to the extent of making a complete drawing of, because I never got the idea developed enough.
Q. You mean at that time?
A. At that time.
Q. Can you make a rough sketch now which will illustrate the idea that you did sketch out at that time?
A. (Witness makes a sketch and hands same to counsel.) About the action of the lever, of course, I have got to be indefinite, but the idea in my mind was the action of the cam in withdrawing—a sort of general scheme, general idea. I had to put the pivot off here somewhere [indicating]. "Somewhere" was an indefinite quantity, but, by turning that lever, the action of the slot on that pin was to turn the block first and then withdraw it. As I say, that was as far as I got in it for some time.
Q. In this rough sketch which you have made please add a little lettering, and then give a more full description of the idea.
A. I should call A the block, B the breech of the gun, C the lever, and D a pin extending from the block. Of course, I have not made that sketch to perform any work; I merely want to show what the idea was that I had by the opening of it.
Q. Where was the hinge?
A. It would be presumed to be here where that X is, to one side; and, as I recollect, my first idea was to have it over the top of the gun, and I presume this would be X down here [indicating]; still, that I wouldn't say. The general idea was to have the lever pivoted somewhere where the action of a cam could be made to work that pin.
Q. Describe a little more fully how this design was expected to work, in your idea.
A. In my idea—in mine, in mine only, and on the very rough sketches I ever had of it—by the first pull of the lever it was to act to rotate the block to unlock. As will be seen by this sketch, the rotation would have been to the right; but that was a mere——
Q. Incident?
A. Incident of the sketch.
Q. And having rotated, how was the action to be kept up?
A. The block was to be pulled out of the gun by the continued pull of the lever; but there came my trouble afterwards. I could get the block half way, and there I would stick; and there is where it hung fire for some time.
(Said sketch drawn by the witness is marked Complainant's Exhibit A².)
Q. Did you vary that idea by putting the pin in other directions?
A. I tried to work that as long as I could, until finally it developed afterwards into something else—not at that time—and that idea would go and come to me, but I never could get it out of my mind.
Q. What difficulty did you find with it?
A. The difficulties at that time of working the block after rotating it and getting it out. I had not put the tray on, because the tray was, of course, part of the gun, as I considered it. You have got to have something on the gun after you——
Q. The swinging tray?
A. The swinging tray. So I had not got as far as that to make a drawing of it.
Q. What were the difficulties that you encountered in working that idea out? I mean those difficulties which arose from the idea, or were connected with the idea, as distinct from the other difficulties you might have had in finding it?
A. At that time they seemed insurmountable to me at times, and then I would take it up again and work; but I could get the block out partially; sometimes, as I say, it would stick. If you ask me now why I didn't go ahead and perfect it, as I have afterwards, I answer simply I can not tell; but it was perfected afterwards.
Q. You finally reached a time when you could get the block out, did you?
A. Yes.
Q. But at that time were you enough of a mechanic to work the thing out in practical form?
A. Well, I think there are various opinions about my mechanical ability. I have a very modest one myself; some others think I am pretty well up in it, and then again that I am wanting in ordnance knowledge, or have been said to be so.
Q. Did you, at the time when this idea was possessing you more or less, have facilities for making models and experimenting with the contrivances?
A. No; I did not. In fact, I never had a model made except that breech mechanism which was made in the New York Navy-Yard; I never had a model made in my life until 1887.
Q. Where were you in the years 1885, 1886, and 1887?
A. I was then attached to the flagship of the North Atlantic Squadron.

Q. What was the ship?
A. First the *Tennessee*, afterwards the *Richmond*. The *Tennessee* went out of commission.
Q. At what time?
A. I think we were transferred in January, 1887, from her to the *Richmond;* I think that was the month.
Q. What position did you have on that ship?
A. Watch officer—watch and division officer.
Q. What rank?
A. Lieutenant.
Q. How engrossing were your official duties at that time?
A. They were the duties of a watch and division officer aboard any large ship, and, besides, the quality of the vessel is a flagship, and, also, besides the properties of the commander of the ship, the admiral, on different occasions, would keep us "whooped up," as the sailors say—very often a drill ashore and a drill aboard. The North Atlantic Squadron was not a pleasant seat at that time.
Q. What effect did that have upon your time?
A. Naturally rather diverting to any man's effort to work.
Q. In point of fact, did you have much opportunity during that cruise to work on this idea?
A. No; I had not. I had less than I ever had on board a ship before. The flagship is quite different from another vessel of the squadron.
Q. When did that cruise begin and end?
A. My cruise began in November, 1885; I was detached on the 1st of October, 1888.
Q. During that time did you work at all at this idea?
A. Oh, yes; at various times. I wouldn't swear whether it was the 1st or 2d, but it was the first part of October.
Q. Did you make any progress in developing the idea?
A. Not very great; no, for a long time; in fact, scarcely any, except that the idea would go and come to me; I worked at it.
Q. After that cruise ended, how was it then?
A. After that cruise ended and while I was on shore duty in New York, the way to work that principle came to me very easily by somewhat of a change of the cam, as is shown in that gun; the same general principle without—a reversing action, as it were; instead of having the pin on the block, to put the cam on the gun instead of on the lever.
Q. As shown by this model?
A. As shown by this model.
Q. After you completed that cruise, you had shore duty, had you?
A. I had shore duty in New York.
Q. Where were you stationed?
A. Stationed at the board of inspection of merchant vessels, with an office at the post-office.
Q. New York City?
A. New York City.
Q. And then you took residence——
A. At Bayonne, N. J. My family had been at Bergen Point all the time; I joined my family.
Q. Did you then devote more time to studying this problem?
A. Yes. I had more time off duty. At first I never had any time in the office there to do anything.
Q. What was the first result of that in the shape of a matured design?
A. This particular one, you mean?
Q. Of your study in that direction.
A. Oh, that I went into before I left the flagship *Richmond*. I got on another track before I left the *Richmond*.
Q. What was that other track?
A. The other track was the opening breech mechanism of a gun in one motion, which I did in another method—another way. I never wanted to use the stepped block of Armstrong, but I did make the mechanism on the Armstrong gun work in one motion; that was at first. That I did in the summer of 1888.
Q. From that did you go on to the cylindrical block?
A. From that I tried the cylindrical block, and succeeded in working that in the manner represented. Do you want me to refer to the model?
Q. Yes.
A. In a manner represented by this model [witness referring to a model present].
(Said model is marked Complainants' Exhibit L.)
Q. When did you get this design worked out completely?
A. That one was worked out completely in July, 1889. You mean that exact one?
Q. No; I mean that idea.
A. No; it was worked out before that. It was worked out in—the idea was worked out by May, 1889.
Q. And was that followed by your application for a patent?
A. That was followed by the application for a patent.
Q. The patent mentioned in the bill of complaint?
A. In the bill of complaint.
Q. Having worked out this idea, which is represented by Exhibit L, did you stop there, or what did you do in the direction of the same general subject?
A. No, I carried it further; and then, wishing to get rid of different parts, I devised this scheme for doing away with the rack, so as to leave the breech face clear, so that there should be no mechanism in the breech face, except a catch which I used then, and the trigger.
Q. This is represented by this exhibit? [Exhibit shown witness.]
A. Yes.
(Said model is marked Complainants' Exhibit M.)
(Witness continuing:) This was to do away with the rack, to get the rotary movement, and leaving nothing on the breech face when it was open [witness referring to Exhibit M].
Q. Go on and give the history of your progress on this general subject.
A. Afterwards I took up this [witness indicating]. They are so close together that I could not—I should say that this model [witness referring to the one to be marked Exhibit O] was fully designed before this one—Exhibit M—of which only working drawings for a model were made at first.
(Said model just referred to by the witness is marked Complainants' Exhibit O.)
Q. You mean that the working drawings of Exhibit M were made for a model, in your last answer, do you?
A. Yes; of Exhibit M.
Q. You say M and O came so near together in point of time——
A. In point of time that I confused them for a moment.
Q. That it is difficult to say precisely the order?
A. I know that O was designed before M.
Q. What date do you give O?
A. For O I should give the commencement of October, 1891.
Q. There is here another model, which we will mark Exhibit N. When did you complete this device?
A. N was the outcome of M, and was designed to still further reduce the complication of pieces in February, 1892, M being designed during the winter of 1891–92; I could not specify the month, probably January.
(Said model marked Complainant's Exhibit N.)
Q. Have you stated fully the history of your efforts now from the time when the first idea took shape in 1883 down to the present time?
A. Well, to the present I have carried it still further; I have put the mechanism attached to the model O; I have put it on a 5-inch gun recently, in a slightly different form, using a carrier ring with a tray to the rear; that is, the tray is made from what are now the guides for the lever on the carrier ring in model O, being placed at the bottom, so that the block must rest on the tray, and the lever standing vertically from the hinge here at the center of the carrier ring, vertically, and the hinge being on the side.
Q. That, then, is not one continuous movement of the lever?
A. The one I refer to is for a small space, and not necessarily one continuous movement; it is a straight pull for the unlocking, withdrawing, and a swing for the throwing aside of the block; it is not a continuous straight movement.
Q. Have you given the history of your efforts at solving the first problem which presented itself of opening the slotted screw cylindrical block with the continuous movement of a single lever?
A. I should say that covered the history.
Q. From 1883 down to the present time?
A. Down to the present time. I could state what work I was engaged upon which interrupted a great deal of that time, if you wish.
Q. Did you follow the thing up as diligently as your official duties permitted you to do?
A. I should say I did.
Q. And the first outcome was the mechanism shown by Exhibit L?
A. There the first one movement was the Armstrong—the double-slotted block, which, as I said, I didn't care for.
Q. That was the stepped block?
A. That was the stepped block, but not cylindrical block. The first one of the cylindrical block was shown in Exhibit L.
Q. The Armstrong conical?
A. It is conical and double stepped, too. There are two series.
Q. That conical form of block eliminated one of the three motions?
A. One of the three motions; left but two.
Q. But for the mechanism which should accomplish the three motions with the same continuous movement of the single lever, the first that you worked out into a practical form was L?
A. Was L.
Q. Having turned from the original idea to this?
A. To what seemed to me a more easily arrived-at result, although certainly much more complicated.
Q. And that was followed next by O?
A. By O, which was the outcome of my original thought.
Q. And then followed M?
A. M.
Q. And then N?
A. And then N.
Q. And all these models have been made from your own designs?
A. From my own designs and under my own superintendence.
Q. Now, at the time of your application for a patent upon the mechanism which L represents, did you have knowledge that there was any other device that had ever been made or patented for accomplishing those three motions with a continuous movement of a single lever on a cylindrical slotted block?
A. I did not.
Q. Did you at that time know of the invention of Canet in that direction?
A. I did not.
Q. Or of Nordenfelt's?
A. I did not.
Q. When did you first learn anything about Canet?
A. I first heard of Canet's invention when it appeared in a paper which I occasionally saw at that time, the London Engineering. I won't be positive whether it was Engineering or Engineer.
Q. I think it is Engineering.
A. I saw it in both papers, but at different times; but the first paper, I think, was the Engineer.
Q. When was that?
A. That was the summer of 1889.
Q. Was that before or after your patent was applied for?
A. The summer of 1889, did I say? No; it was a year later—the summer of 1890.
Q. It was after your first patent was issued?
A. It was after the first patent was issued; yes.
Q. That is, after the issue of the patent in suit?
A. Yes.
Q. And when did you first acquire knowledge of the existence of Nordenfelt's English patent 7195?
A. I first saw that patent, or first heard of it, in fact, when it was shown me by yourself in this office.
Q. During the pendency of this suit?
A. During the pendency of this suit.
Q. Were you ever offered a position in the Bureau of Ordnance of the Navy?
A. Never.
Q. Either directly or indirectly?
A. Either directly or indirectly. I have heard it said that I ought to be there; but that is all that I have ever heard in relation to it.
Q. Did Commodore Folger ever request you to unite yourself with that Bureau?
A. Never.
Q. What did he say to you on the subject?
A. When I showed him the model L, he remarked: "Seabury, you ought to have been in this Bureau." That is the only conversation I ever had with him in regard to it.
Q. Did Commodore Sicard ever request you to unite yourself with the Bureau?
A. Never.
Q. And you never had any orders to that effect?
A. Never had any orders to that effect.
Q. Is Exhibit L the model which you referred to in your former testimony as the model you showed Commodore Folger in Washington at the time you had the conversation with him?
A. It is.
Q. In regard to giving the mechanism a test?
A. It is.
Q. The identical model?
A. That model was shown at that time, but the drawings for the mechanism I suggested were somewhat modified from that—I wish to say that—simpler.
Q. Reference has been made in some of the proofs to a 5-inch gun which had mechanism of the general character shown by the Model L, and was in

the hands of the Army officers at Sandy Hook. You were familiar with that gun, were you?

A. I was.

Q. Did you make the drawings?

A. I made the drawings for the mechanism.

Q. For the mechanism?

A. For the mechanism.

Q. State whether or not there was any difficulty in the working of the breech mechanism in that gun.

A. No difficulty whatever, with the exception of the extractor, and a fault which I myself saw—the great swing of the lever. That would not constitute a difficulty in the working; it was merely a difficulty in the handling.

Q. What made the difficulty with the extractor?

A. The extractor was placed in too small a space—the extractor, or the lever which threw out—the main extractor in the gun—and my first design for the trip hook, which was caught by the tray in opening, was too light, and broke in extracting the empty case.

Q. What was the extractor intended to remove in that particular gun?

A. It was intended to remove a short metallic case or gas check, like a vessel ammunition case, except shorter, with which I had endeavored to show the principles of a rapid-fire gun on a gun which it was impossible to convert to that idea.

Q. What was the structure of this cartridge base?

A. The cartridge base was of drawn brass, and on its base was a steel cup carrying the flange by which the empty case was to be withdrawn from the gun by the extractor. This steel base was riveted to the brass cup. Unfortunately, in manufacture, the proper quality of steel was not used; it had no temper; and under every shock of discharge, every expansive action, the cases would be set out more and more into the bore of the gun until they stuck so that no extractor under a rammer from the muzzle would get them out.

Q. In other words, the effect of the discharge was to hammer them and spread——

A. Hammer them and spread them; and they never returned to anything like their original position.

Q. And they wedged?

A. And they subsequently wedged in entering the case after another cartridge. They were not intended to enter separately at first; the cartridge back was supposed to screw to the wood disk, and this was held within the brass cup, thereby making one cartridge of it with its own gas check.

Q. Have you read the testimony of the defendant in regard to the action of the gun as he saw it at Sandy Hook?

A. I have.

Q. What have you to say as to the gun ever acting in that way in your experience?

A. I have never seen the action which the defendant speaks of—the connecting pin here between the retractor and the lever pivot and crank—I have never seen that disconnected in forcing cartridges into place. I have been surprised myself because I expected to see it go. I have seen it working hard, but I have never seen it disconnected. That was the trouble that was witnessed at Sandy Hook. Those cases wouldn't be shoved into place except by a hard ram.

Q. Then you attribute that difficulty, as far as it occurred, to the expansion of these cases and the consequent difficulty of ramming them into the gun?

A. Of ramming them into the gun, I should call it.

Q. How many times did you handle that mechanism on the 5-inch gun?

A. I couldn't say; a great many times, naturally, being the inventor.

Q. A dozen or a hundred?

A. A hundred times, at least, is a very safe estimate.

Q. When did the idea of taking out a patent on any of your inventions first occur to you?

A. I never took out a patent—I don't say that the idea never occurred to me—but I never took out a patent until 1887, on a device for handling ammunition.

Q. Did anyone suggest to you to do that?

A. Yes; it was suggested to me by one person—I remember very distinctly—Commodore Folger.

Q. What did he say?

A. I was at the Bureau of Ordnance inspecting the shell lift with Commodore Sicard, who was then chief of Bureau, and Commodore Folger was then inspector of ordnance, and he was in the office at the same time; and after Commodore Sicard had expressed his opinion of it, which, as I recollect, was favorable, Commodore Folger followed me into the next office, and he said, "Seabury, that is a very good thing. Patent it all over." Or he may have said, "Patent it everywhere." I wouldn't say which.

Q. Had you patented any of the numerous previous devices which you have spoken of in your testimony?

A. I had not.

Q. What has become of the sketches and drawings, such as you made in the progress of your working at this original idea of breech mechanism?

A. I never made anything more than the small hand sketches on my lap, when I was taking a quiet smoke, sometimes on board ship; I mean I never went to the extent of a drawing other than those small sketches. But I presume they were destroyed, as you would take a piece of paper and when you would get disgusted with the idea for a moment, would drop it, and would take it up again, or would lose the paper, and never keep any memorandum of it.

Q. Have you looked among your papers to see if you have any of those left?

A. Very thoroughly. I can not find them. Anything in the way of finished drawings I have generally managed to keep, notwithstanding my movements. It is not an easy matter to keep your papers, moving around.

Q. I suppose at the time that you made those drawings you had no anticipation there would ever be such a question as is here presented?

A. Never the slightest.

Q. Of what State are you a native?

A. New York. Long Island, if you call Long Island part of New York State.

Q. (Certain blue-print drawings shown witness.) When was it that you got up the designs which you have spoken of for a flagship?

A. That was in 1881.

Q. Did you also get up designs for a gunboat?

A. I subsequently designed a gunboat for Admiral Porter, commencing in the early part of 1884 or the latter part of 1883, and being occupied upon it very continuously until the summer of 1885. That was by order, the Department ordering me to Admiral Porter's staff, and being under the Admiral's directions to do this work.

Q. It was official duty, then?

A. It was official duty.

Q. Did you complete the designs?

A. I completed the designs twice; the first time on one scale, and then enlarging them to another scale. This represents the second scale [witness indicating said blue prints].

Q. This drawing?

A. That is, this set of drawings; not this one.

Q. What labor did that involve; of what character?

A. It involved the laying down of the ship, the general planning of all her scantling, of all her arrangements—of the battery, of the decks, of quarters, of storerooms, magazines, shell rooms; everything, in fact, in relation to a ship; the calculation of the weights and the center of gravity in detail, of the hull, the equipment, and all the fittings of a ship; her lines (that came first, however), her displacement, her metacentric position, all her curves of buoyancy, etc.; the power of her engines necessary for a certain speed; about everything under the head of shipbuilding.

Q. Her armament?

A. Her armament. Of course I used the existing guns at that time (service guns); put them on the ship.

Q. Place for battery?

A. Certainly; everything in relation to a man-of-war.

Q. What was the idea of the boat?

A. She was built to carry out the Admiral's idea or design—to be built to carry out the Admiral's idea of an improved *Alarm*, that being his pet torpedo vessel. He wished to adhere to a good many points that I can not say that I, as a younger man, thought much of; but still I carried out the designs to the best of my ability, as I was on duty for his work and not mine.

Q. And that pretty continuously engrossed your time?

A. That was very continuously, night and day.

Q. Involved a great deal of computation?

A. A great deal of computation and a great deal of labor, as a glance at some of the plans, some of the general results, I think, will show.

Q. Have you the drawings here?

A. Those are the blue prints of some of the plans of the ship [witness indicating said blue prints]; but the calculations are not here, unfortunately.

(Said blue prints are marked Complainants' Exhibits B^1, B^2, B^3, B^4, B^5, B^6, B^7, B^8, and B^9, for identification.)

Q. To recur for a moment to the original idea of which you have made a rough sketch in Exhibit A^2, were there any other forms or particulars of that that you recall during your early study of the matter? And if so, please show them by a similar sketch.

A. It was very similar. I carried the pin below the gun. [Witness makes a sketch.] That was merely a variation in the idea—having the pin extend below the gun, to get more of a sweep; but it was discarded as being too weak mechanically.

Q. On account of the length of the pin?

A. Yes.

Q. And weight of the block?

A. And weight of the block; and as I considered at the time, and also in connection with anything that had to support the block when it was out, I didn't at the time see the way to support it.

Q. Now, while working at this idea on shipboard, you of course had nothing to work with but pencil and paper?

A. That is all. I had, of course——

Q. Or drawing tools?

A. I had drawing tools when I wanted them.

Q. You had no mechanical contrivances for experimenting with the different forms of the structure or shapes of parts?

A. No; not at all.

Q. Or lines of cams. It was purely a mental exercise, was it?

A. In fact, it wouldn't have done for me, if I had desired to keep it for myself, to get anybody else to do it aboard ship. Getting one of the men to do it would make it public property right off.

Q. How old were you when you went into the Navy?

A. I entered the training ship *Sabine* when I was 15 years and 10 months old.

Q. And your whole life has been spent in the Navy?

A. All except the years previous to that.

Q. And all the designing that you have done in the various directions mentioned has been, with the exception of the designs of the flagship and gunboat, voluntary work on your part, in addition to all your official duties?

A. Oh, yes; it was, all of it.

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In the circuit court of the United States for the district of Maryland.

JAMES B. M. GROSVENOR AND OTHERS, complainants, *against* ROBERT B. DASHIELL, DEFENDANT. | Before John H. Kitchen, esq., examiner.

NEW YORK, *June 10, 1893.*

Present, counsel as before.

SAMUEL SEABURY recalled as a witness on behalf of complainants.

Direct examination by Mr. JENNER:

Q. Lieutenant, I want to ask you a few questions with respect to your early ideas about breech-loading guns. What led you to the making of the invention which is described in your patent here in suit?

A. The idea was to simplify the movements necessary to open the breech.

Q. When did that idea occur to you?

A. I had first that idea prior to the cruise of 1885. As I stated before, the very first idea, as I recollect, was about 1883.

Q. What was your object in wanting to simplify the mechanism for opening the breech?

A. To gain time.

Q. To gain time in what?

A. In loading the gun, and charging also.

Q. Did you have any idea of how you wanted to simplify that movement?

A. Yes; the ideas were quite clear.

Q. What was the idea?

A. The construction of the gun made it so. In order to fire the gun it must be locked, and in the screw mechanism the block is in the gun and screwed up. This block and the gun have slots which allow the block to be withdrawn after a partial revolution. My idea was at first to rotate the block to the necessary amount, then to withdraw it from the gun upon the tray, which was an old idea already in use, and afterwards to swing the whole mechanism from the breech of the gun.

Q. Your mechanism, which you contemplated improving, did that have a breechblock which was rotatable in the breech on a screw?

A. Yes, sir; I have just described that.

Q. Did that have a tray on it from which the block was withdrawn?

A. Yes, sir; all guns have either a tray or a carrier ring.

Q. Then you contemplated using in these improvements of yours two elements of the old gun?

A. They were necessary parts in the mechanism in a gun of that kind.

Q. What were the first ideas that occurred to you of the means of doing this?

A. The very first idea I had, as I recollect it, for rotating the block was the natural means of a rack.

Q. By "rack" you mean the rack and pinion?

A. By a rack tangential to the surface of the block to work the thing over.
Q. Did you have any idea of the means of working the rack, and if so, what was the idea?
A. The means that I had, or thought of at first, were to turn that rack, to move it by some connection with a shaft which, when worked by a lever or handle, would slide the rack from side to side and so work the block.
Q. What means occurred to you of withdrawing the block from the breech?
A. I had a general idea of withdrawing the block by an arm onto the tray.
Q. How did you contemplate working that arm?
A. The idea was to move it in connection with the other parts of the mechanism—to take one movement after the other.
Q. The only parts of the mechanism that thus far you have mentioned, or mentioned before, is the arm which was to withdraw the breechblock. Is that the part which was to operate the rack?
A. Yes.
Q. You intended, then, to have the arm for withdrawing the breech operate after the mechanism which operated the rack?
A. It had its natural sequence, and that same idea I carried out in the form of a lever and an open-arm block which I have already described.
Q. Did you contemplate attaching the arm for withdrawing the breechblock to anything?
A. To the breech or the gun, as it seemed to me the most natural place to put it.
Q. To the breech of the gun directly?
A. What do you mean—through a bearing? There must be a bearing, of course.
Q. What did you contemplate using as the bearing?
A. I don't understand exactly your question. Of course there must be a shaft to work the mechanism.
Q. That is what I was endeavoring to get at.
A. There must be a shaft or pivot.
Q. Do you have in mind now that in your explanation of this matter a shaft and a pivot is the same thing in this connection?
A. Yes, sir; I have referred to it in my other work as the same thing.
Q. Now, what was the next thing in bringing about this simplicity that you contemplated doing?
A. How far did you get, to the withdrawing of the block?
Q. To the withdrawing of the block.
A. After the block was on the tray, to swing it to one side.
Q. What means did you contemplate of doing that?
A. The general idea that I had was that the movement would be followed up. The movement of the lever which did all these things would have to carry the tray in connection with the block to one side.
Q. By what means did you contemplate carrying the tray away with the block on it?
A. By a lever by the shaft.
Q. Did you contemplate attaching the lever to anything besides the tray?
A. The lever would have to be attached through various movements to everything. Its motion would have to be taken up one after another.
Q. What do you mean by "taken up one after another"?
A. The different movements; it would have to rotate, withdraw, and carry to one side—the lever must do all that.
Q. Did you mean that one lever would do the whole, or different levers do different parts?
A. If I had the idea of an arm to pull the block out, I would have to operate that arm by the lever at the same time and same way with the tray.
Q. Did you expect that the lever which should carry the tray away would be connected so as to get your continuous movement that you have told about?
A. To the shaft or above.
Q. Where did you expect to fulcrum your shaft?
A. On the breech of the gun.
Q. Then, as I understand it, your object was to simplify the operation of loading, and to do that you intended to rotate the breechblock, withdraw it, and carry it away by a consecutive movement of a lever?
A. That was my idea from the first.
Q. And the various arms which should govern the rack for rotating the breechblock, for withdrawing it, and for carrying it away were to be attached to a shaft, should be fulcrumed upon the breech of the gun, and should be operated by one lever?
A. That is the idea.
Q. Now, when did you have that conception of the means of accomplishing what you wanted to do?
A. Prior to the cruise that I went on from 1885 to 1888.
Q. Prior to that cruise?
A. Yes, sir.
Q. Now, when did you work on the details of those means in proportioning one part to the other?
A. Whenever I got an opportunity.
Q. During what period?
A. Probably from the period of my conception I was working at various times on it. The time was very irregular; I had a great many things to do.
Q. Did you work on it while you were on the cruise?
A. Yes, sir.
Q. But in the rough way that you have already mentioned?
A. But in the rough way that I have already mentioned in my former testimony.
Q. Did you have any facilities while you were on shipboard for making any working model?
A. No, sir.
Q. As a mechanic, do you think it was impossible, or with your knowledge of mechanics and the practical application of mechanical forces, do you think it would be possible or practicable to correctly proportion those various parts without either carefully drawing or the making of a model?
A. No, sir; I do not.
Q. I understand you to say there was no opportunity for either while you were on board?
A. There was hardly any opportunity for anything on board of ship.
Q. Did you work out the mechanical details of your arrangement of levers, which you had before thought of, and the proportion of one part to another, at the first opportunity that you had?
A. Yes, sir.
Q. When did that first opportunity occur?
A. The first real opportunity that I had for work was after that cruise expired—the latter part of it—when we were laid up.
Q. Were you not on shore from the 1885 to 1888 cruise?
A. In the latter part of the cruise, in 1888, I had some opportunity which I improved.
Q. Where were you then?
A. At the navy-yard, the last three months, and had more opportunity.
Q. What did you do then?
A. Then we tied up alongside the dock and the ship was preparing for a foreign cruise, and I expected to leave her, which I did shortly afterwards.
Q. What did you do there toward working out your idea?
A. Then I undertook to work it right down to form, to get a breech mechanism that would work. Then I got out two or three ideas after that, which resulted in this one thing.
Q. I would like you to give a clearer idea of your duties on shipboard for the purpose of showing to the court just how your time was occupied in the daily routine of the ship's work.
A. Well, some ships vary from others, but the flagship work—this was on a flagship—is always more than other work. The flagship that I was on was blessed on two occasions with admirals with very great exercising propensities, who kept us on the move quite continually.
Q. Well, is one day a specimen of the rest on shipboard?
A. Not altogether. In the first place, I was a watch officer. I was an intelligence officer. I had to write up intelligence of the various things, that is, fortifications and things of that kind.
Q. Were you an active officer?
A. Yes, sir; standing watch in my turn, night and day.
Q. We civilians don't understand precisely what that means. Won't you give us an idea of the daily routine of your work on shipboard while you were watch officer?
A. Taking my own case, for instance, there was a greater part of the time we were in what is called four watches; in other words, four officers to do the ship's work, taking charge of the deck. Taking charge of the deck involves temporary command of the ship, taking practical command of the ship, especially during night watches, as the watch officer is the representative of the captain. In men-of-war, especially in the ship that I was on, the duty was kept up by the regular watch officers as strictly in port as at sea.
Q. I want to know what you did; how your twenty-four hours were spent?
A. Well, for instance, a man would have at sea the middle watch, 12 to 4 a. m. Of course, he had to get his sleep after.
Q. You would sleep from 4 o'clock to when?
A. From 4 o'clock to 8.30, say; that is, for that man. Then at 9.30 there would be quarters for inspection.
Q. What do you mean by that?
A. An assembly for inspection, the same as on shore—quarters for inspection or assembly for inspection on shore.
Q. Explain what you mean?
A. The gathering of the crew at certain places at the guns for inspection.
Q. What did you do as watch officer—what did you have to do with that?
A. I was about to say at these functions the watch officers were the men most in demand, as they were in immediate charge of divisions of men corresponding to companies of men in land forces.
Q. In other words, the crew is divided into divisions, and a certain division is put under charge of each one of the watch officers?
A. Yes, sir.
Q. How long did that inspection take?
A. That inspection and the following exercises would take something over an hour.
Q. That would be supervised by you as watch officer when it was your watch?
A. This comes outside of the watch.
Q. At the end of the hour what did you do?
A. At the end of the hour—there were various duties—at the end of the hour I might have been on a summary court-martial. The court must meet. That court might be in session for two or three days, even, occupying the time when your are off duty, or you might get your rest. These are the things which are irregular. I might be on a board of survey to survey the ship's stores. I might be on a board to examine some particular part of the ship's equipment which was faulty, or such things as that the watch officer is called to do; his time is not his own.
Q. He was busy about something?
A. Busy about something all the time.
Q. That would bring you up to when?
A. To noon.
Q. What took place then?
A. Then came the midday meals.
Q. How much time for that?
A. An hour.
Q. Then, at the end of the midday meal?
A. At the end of the midday meal afternoon exercises.
Q. What were those?
A. Ship's routine, exercises of different kinds, drills.
Q. How long did that take?
A. Generally an hour.
Q. Well, then what?
A. Then it is quite possible the court sat again in the afternoon, if it was sitting in the forenoon, or the board. I don't say that is daily; there is always a possibility of it.
Q. That would bring you up to what hour?
A. To say about 4 o'clock.
Q. What would occur then?
A. On watch again.
Q. How long on watch?
A. At sea the watch would be short; that would be only two and a half hours to carry you over to the dinner relief.
Q. Then what?
A. Then came your evening quarters again; no exercises then.
Q. No drill then?
A. No.
Q. What did take place?
A. Sundown and dark.
Q. Were you busy?
A. After that, no.
Q. During what time were you not busy?
A. Well, the dinner hour would take you up to about 7 o'clock, and then after that we would be off, unless you went on watch again.
Q. How long would you be off?
A. Then you would go on next morning at 4 again—4 to half past 8.
Q. When did you go to bed?
A. If a man wanted to get any sleep he went to bed about half past 8. The routine is regular, but the things you have to do are very irregular.
Q. As you have described the day, is that a fair specimen of the daily routine of an officer of your rank on board of a man-of-war when the admiral is there?
A. Yes, sir; except there is more of it sometimes.
Q. There is not less?
A. There is not less. I don't mean that those courts and boards would meet every day; that is a possible thing, but you always have to stand the chances of that.
Q. Practically, when you are not eating and sleeping——
A. You are liable to be called upon to do something.
Q. There is some official duty to be performed connected with your officer's work?
A. Nearly always, or you can stand in momentary expectation of having

it. It is a case of constant stand-by on board ship. You don't know what you are going to do next.

Q. When you receive orders to do something, you have got to do it right away?

A. Yes, sir; besides the ship work, we have several land parties, where we have ten days and camp out and become soldiers—a camp regularly established—a camp for instruction. There, of course, anything like work is out of the question.

Q. In those hours which you have given, you have stated about the amount of time that is taken, but the portion of the day when your watches would come would vary?

A. Yes, sir; they are changed by what they call the dog watches. The four-hour watch is divided in two-hour watches, which alternates the watch of each man every day.

Q. You spoke of having a division under your charge?

A. Yes, sir.

Q. What were your duties in respect to that division independently of watches?

A. Entirely in charge of the division; and, where it was a gun division, you had charge of the guns, to see they were always properly in order—properly equipped. My division, for instance, consisted of four 9-inch guns at that time, and all the clothing and what are called small stores for the men of the division are required for regularly on requisitions which the officer of the division has to take charge of and generally has to make out. I always did, because I seldom had a sub in my division.

Q. Then, how about instruction?

A. Then instruction; there is also instruction of apprentices. There was on that ship a board appointed to examine apprentices. That, of course, was quarterly, which you always had to take your turn at.

Q. As to drill, did you have to instruct your division in drill?

A. Yes, sir.

Q. In what line of exercise did you have to drill them?

A. In great guns or ordnance, in infantry and artillery and sword practice, pistol drills, torpedo exercises and boat drill, and many things which were covered by oral instructions, without reference to any particular branch or arm, you might say.

Q. And for the purpose of giving that instruction did you have to keep yourself well posted all the while?

A. Naturally, because many questions would be asked which would be very unpleasant for an officer to be unable to answer.

Q. That involved study?

A. Yes, sir.

Q. Did you have duties to do in the way of writing at sea, writing up reports of watches, or any such duty?

A. You mean the log?

Q. Yes.

A. That is so small a time there is no need to count that. I would not like to be put down as referring to that as a piece of work.

Q. When you acted as intelligence officer, what is that?

A. That is an office which now on board ship is given to one of the watch officers as a rule, and he is supposed to make himself thoroughly acquainted with all the improvements that he meets abroad either in foreign ships or armaments, forts, or anything that is of interest to the Navy Department.

Q. Did you act as intelligence officer?

A. At a part of the time I was intelligence officer for over a year.

Q. On the admiral's ship is there also more or less time taken up by formal entertainments?

A. Yes, sir; and social functions; there is a great deal of social work going on which an officer has to take his share of.

Q. It is a duty, more or less?

A. It is more or less of his duty.

Q. Is it necessary to your departmental standing on a ship to go in the company of the officers?

A. Yes, sir; he has to take his share of such things as that.

Q. When did you work on the plans and drawings of this gunboat; what amount of your time daily was consumed in that?

A. Practically all my time except what I required for natural necessaries of life.

Q. Eating and sleeping?

A. Yes, sir. That was a work which required a great deal of constant labor, and labor in thought as well as labor mannally.

Q. And often when not actually engaged with your pencil in your hand——

A. I was studying up some improvement.

Q. That absorbed your mind?

A. That was constantly; I can say all my time was taken up with that work while I was working.

Q. How many hours would it be in the twenty-four?

A. I know many days I have been on my feet over ten hours.

Q. Drawing?

A. Yes, sir.

Q. That was official duty?

A. Yes, sir; because I was attached to Admiral Porter's staff to work that gunboat up.

Q. After you landed from your cruise, when did you begin to make actual working drawings for your invention; either before or after you landed?

A. I began before I landed; I began to work them up.

Q. How long before you landed—I am referring now to the working drawings?

A. I made a general plan before that; I didn't make any working drawings.

Q. You didn't make any working drawings before you landed?

A. I made drawings which led up to the minor details to get it down to actual working.

Q. That you made during the time the ship was in cruise?

A. The very last months of the cruise—after I went ashore.

Q. When did you begin to make working drawings?

A. I didn't do this until 1889.

Q. Do you remember the part of the year?

A. The early part of the year—the spring.

Q. When did you begin to make drawings, with reference to a patent—to get a patent?

A. I used those drawings for the patent; I used working drawings. When I say working drawings I don't mean shop drawings, but drawings which would allow the machinery to be constructed so it would work.

Q. Those drawings which you began before you landed from the cruise were utilized in making the Patent Office drawings?

A. They were utilized—the continuation of them; I went from one thing to another; I was working on the same idea, but they evolved from the one idea to the other until I got to the Patent Office drawing.

Q. When did you have the Patent Office drawing begun?

A. I began this about May, 1889, I think.

Q. When was the patent applied for?

A. Applied for, I think, in June or July.

Q. Were these drawings that were filed with the application for a patent made from a model?

A. No, sir; I didn't have a model.

Q. From what were they made—your own drawing?

A. Yes, sir.

Q. Made by you?

A. Yes, sir.

Q. Some of which were made before you landed from your cruise?

A. I don't mean to say they were actually made.

Q. I mean the drawings from which these Patent Office drawings were made were begun before you landed from your cruise?

A. Yes, sir.

Q. That arduous labor on the gunboat lasted how long?

A. About eighteen months.

Q. It began when?

A. It began in—I think it was—the early part of 1884.

Q. And terminated when?

A. In the summer of 1885; just before I went on that cruise.

Q. What was the interval between finishing that work and going on the cruise?

A. I think about three or four months.

Q. What were you doing during that time?

A. Taking a little rest.

Q. Were you used up?

A. Pretty nearly used up.

Q. The drawings which you began while you were on shipboard, that you worked on while the ship was here over at the navy-yard—on what scale were they?

A. I don't recollect.

Q. Do you know where they are now?

A. I do not.

Q. Where were they when you last saw them?

A. The last time I saw them I sent them to the lithographer; I have lost track of them.

Q. When was that?

A. In 1888—the first ones.

Cross-examination by Mr. PHILLIPS:

Q. I produce a letter purporting to be written by the witness, Seabury, and verified by the witness, addressed to Messrs. Wilson & Wallis, dated March 9, 1892, and filed by your counsel with the Secretary of the Navy at that time, and ask you if you wrote that letter?

A. Yes; I have no doubt but what I wrote the letter. I am assured that it is an accurate copy.

(Counsel for the defendant introduces in evidence two letters, one from Wilson & Wallis to the Secretary of the Navy, dated March 10, 1892, marked Defendant's Exhibit No. 1, of this date.

Also a letter of Lieut. Samuel Seabury to Wilson & Wallis, dated March 9, 1892, and inclosed in the letter of Wilson & Wallis addressed to the Secretary of the Navy, marked Defendant's Exhibit No. 2, of this date.)

Q. I understand that you have no drawings at all to indicate the progress of your devices?

A. No, sir; they have been lost through my various movements. I have moved my house——

Q. Have you inquired for them?

A. Yes, sir. I know that a number of rough sketches I have thrown away.

Q. You say you left some with the lithographer?

A. I mean the 1888 drawing I spoke of. That was a drawing for an automatic operation of a breech mechanism. It was in the same line as this was—followed it right up; not the actual thing.

Q. I understand you to say that the idea of unlocking, rotating, and withdrawing the block occurred to you first——

A. Prior to the cruise of 1885 to 1888.

Q. Did you make any drawings that conveyed that idea?

A. How do you mean conveyed?

Q. That conveyed it to anybody that saw it?

A. No drawing; such drawing as I spoke of and illustrated the other day; little sketches. I never got to the point of making a drawing which would show it clearly.

Q. You have no drawing at all?

A. No, sir.

Q. Did you ever reveal the idea to anybody?

A. No, sir; I did not do it for this reason; that it was a thing that I wanted to do, but I had not got it far enough along to show anyone until later, when I got it up in some sort of shape; I did not do that until later.

Q. When was that later?

A. Well, I can't say that I exhibited it to anybody until I got it so it would work.

Q. That was——

A. In the early part of 1889.

Q. The first time that you exhibited anything that would show the idea, I mean to say this very idea, to a third person was in May, 1889?

A. About that time; when I got it so that it actually worked.

Q. I believe you said in your last examination that was May, 1889?

A. I forget whether I did or not; I think that was about the time.

Q. The idea was worked out in May, 1889, is what you have said here in the testimony?

A. Worked out finally.

Q. You had no drawing of it before that?

A. No, sir; I mean to say that all I had before that was my own idea to get it to work, but not reduced to a drawing, not reduced to a practical drawing. I had little sketches and things of that kind that I kept to myself—many a thing I have done that way.

Q. Did you have a drawing of your own that exhibited the whole idea?

A. Not prior to that; no, sir.

Q. Not prior to May, 1889?

A. No, sir. Those little sketches which I showed you in the other evidence were such as I had.

Q. The idea of having a lever formed by means of cams, several changes of motion, is not a new one, is it?

A. You mean new in regard to guns?

Q. New in general, in mechanics. I am not talking about guns. That a lever by means of cams should make changes of motion is not new in mechanics?

A. I should say not.

Q. How old is it?

A. I would not dare say.

Q. Older than your school days?

A. I believe it must be older than I am.

Q. Your view was to apply that old principle to a gun?

A. Yes, sir; to bring the action of a lever, to make the lever do all the work, the three motions.

Q. An old idea of lever working, making several motions, changing its motions in several different directions by means of a cam, was an old principle in mechanics, an old idea, was it?

A. The adaptation of the old plan to a new thing.

Q. Adapted to that?
A. Yes, sir; adapted to that.
Q. That you worked out in the course of these years you speak of?
A. Yes, sir.
Q. And your first drawing of your idea was in May, 1890?
A. Yes, sir; that was the first drawing which shows the actual workings of the machine. Prior to that I had it in small sketches.

Redirect by Mr. JENNER:

Q. This letter of March 9, 1892, purporting to be addressed to you by Messrs. Wilson & Wallis, and which was forwarded to the Secretary of the Navy, was that letter your own composition?
A. Yes, sir; I recollect it was. I know that I submitted some such letter as that.
Q. Did you compose it or draft it?
A. Yes, sir.
Q. Did you compose it or somebody else for you?
A. No; I compose my own letters as a rule.
Q. At that time—at the time of composing this letter—did you know what the legal construction of the term invention was or in what the inventive act consisted?
A. No, sir; not as I have had it explained to me since. I imagined at that time that it must be a completed invention.
Q. That the invention was not made until it was completed?
A. That it was a completed thing; that it could not be a mere idea of principles or grouping of principles; it must be a complete thing.
Q. A practical working thing?
A. Yes, sir.
Q. A reduction to practice of the idea?
A. Yes, sir.
Q. And that the invention was not made until that was done?
A. That was the idea I had.

By Mr. PHILLIPS:

Q. Mrs. Lavinia Wilson is the wife of the complainant Capt. J. W. Wilson, who testified on a former hearing in this case?
A. Yes.

By Mr. JENNER:

Q. Where were you when you drafted this letter of March 9, 1892?
A. I wrote one letter at home; I don't know whether that is the one or not.
Q. Look that letter over and see if that is the one that you wrote at home.
A. Yes; I wrote that letter at home.

SAMUEL SEABURY.

After signing and swearing to his testimony, the witness desired to make the statement that he did not wish to be understood, in answer to the last question on page 27 of his deposition, that he had never taken out a patent. He meant to be understood as saying that he never took out a patent for ordnance. He had previously taken out one patent for a car ventilator, about 1877 or 1878. This statement is put upon the record by the examiner in the absence of counsel, at the request of the witness.

JUNE 15, 1893.

JOHN H. KITCHEN, *Examiner.*

* * * * * * *

WASHINGTON, D. C., *December 22, 1892*—10 o'clock a. m.

Met pursuant to adjournment, at the office of Phillips & McKenney, Sun Building, Washington, D. C.

Present on behalf of the complainants, Mr. Wilson; present on behalf of the defendant, Mr. Phillips.

Whereupon William Mayhew Folger (commodore, United States Navy), a witness of lawful age, called by and on behalf of the complainants, having been first duly sworn, is examined.

By Mr. WILSON:

Q. You are the Chief of the Bureau of Ordnance of the Navy Department?
A. Yes, sir.
Q. And have been stationed in this city how long?
A. This last time since October, 1888.
Q. Have you occupied that position since that time?
A. No; I have occupied that position since February, 1890. Previous to that I was inspector of ordnance at the navy-yard at Washington.
Q. When were you first informed that Ensign Dashiell had designed a breech mechanism for a slotted screw block, with the intention of giving more rapid fire to cannon?
A. I first directed his attention to our not having anything of the kind suitable for use while I was inspector of ordnance in the Washington yard in the latter part of 1888 or early in 1889. It was, at any rate, in the winter time.
Q. What was his position at that time?
A. He was stationed at the proving ground at Annapolis.
Q. When did you first learn that he had accomplished anything in that direction?
A. I heard from him perhaps from time to time. I recollect certainly of one occasion, while I was still at the yard, when I had a conversation with him as to the progress he was making in the subject, urging him to push along; but the first definite evidence I had that a conclusion might be reached was, I think, in the year 1890, after I came to the Bureau of Ordnance, late in the spring or early in the summer. He then brought me a model, composed of metal and wood, which I took to the Secretary of the Navy.
Q. Can you fix the date any more closely than that?
A. No, I can not; but it was in the spring, as I recollect it. It was a month or two or three months after I came into the Bureau.
Q. How large was that model?
A. Four or 6 inches in exterior dimensions.
Q. How large a bore did it show?
A. As I recollect, it was an inch and a half.
Q. Had you seen that model before it was finished?
A. No, sir; it was a completed thing when I took it up to the Secretary on that day.
Q. Do you know where it was made?
A. I imagine it was made at Annapolis, as he was stationed there. He told me at the time that he made the most of it himself.
Q. Did he at the same time have drawings of the device?
A. No; he only presented the model.
Q. Was that before or after you first saw the Seabury model?
A. I do not know, to tell the truth. I think it was considerably before; but I am uncertain about that, because the Seabury matter did not occur to me as a very serious transaction at the time, and I did not fix it in my mind. I remember the Seabury matter distinctly, when he and his friend came there on one occasion, certainly; but I am uncertain now as to just when that was. I have had so much else to do that I do not pay much attention to details in these matters.
Q. Are you able to say whether the Seabury model or the Dashiell model was the first that you saw?
A. The Seabury matter came to me long after I first heard of the Dashiell matter, because the Seabury matter came to me when I was at the Bureau.
Q. I am speaking now only of the model.
A. As to that, my impression is that the model came to me before, although I am really very doubtful about it.

By Mr. PHILLIPS:

Q. What model?
A. The Dashiell model.

By Mr. WILSON:

Q. Had you previously to seeing either of these seen any model of a mechanism which unlocked, withdrew, and threw open the screw block by handling a single lever?
A. I have seen the Canet device, which does all of those things, and I have seen many drawings of the Canet device. I had heard a number of years before of the Vavasour device, of a conical breech plug.
Q. You mean that which is made by the Armstrong Company?
A. Yes; that is made by the Armstrong Company. There have been a number of devices of that kind, I think, prior to either of these, because it was by no means a new thought to me, to open it by one movement; but I wanted to do that with an American invention.
Q. I suppose a great many had been striving after the same end?
A. Yes.
Q. The art had reached that stage when the same idea would naturally occur to a great many? I do not mean the same mode of accomplishing it would occur to them, but the same purpose to be accomplished.
A. The desire to do it was universal all over the world. A great many people were trying to do that.
Q. Before the time when you saw either the Seabury or the Dashiell model, had you seen the model of the Canet device?
A. Not his model.
Q. Had you seen it in a gun?
A. I had seen both the Canet and Vavasour in Europe. I have seen a Canet gun in Canet's office in Paris. I was stationed abroad in 1887 and 1888, and I saw that gun in his own office in Paris.
Q. Which Canet device was that?
A. It was one which opened with one movement.
Q. Was it one that opened with a lever or one that opened with a gearing?
A. It was one that opened with a lever.
Q. You are quite sure of that?
A. Yes, sir.
Q. Was it patented as early as that?
A. I think so. At least I saw a Canet device in his office in Paris that opened with one movement. You see, these things happened a good time ago, and I do not pretend to recollect exactly about them.
Q. You are familiar with the two Canet devices?
A. I know that he has two; yes.
Q. They are quite different in their construction, are they not?
A. Yes. It is necessary that they should be, as one is intended for a very heavy weight and the other for a light weight.
Q. The one for heavy guns withdraws the breechblock by teeth interlocking with the threads of the interrupted screw, does it not?
A. Yes; I believe so.
Q. And the other one withdraws it by a pin at the rear of the center of the breechblock?
A. I would not attempt to describe it.
Q. Which of these devices do you think it is that is similar to the Seabury and Dashiell devices?
A. I should think it was the lever device that was more similar than the other.
Q. That was the later one of the two?
A. That was possibly the later, but the relative dates of the two devices I do not remember.
Q. Is it not probable that the one you saw in Paris was the earlier one—for heavy guns—first introduced?
A. No; I think not. Canet knew that I was very much interested in all of these things, and he wanted to get them adopted in America. He showed me all that he had. I saw a device there which opened with one movement; it was for a small gun, and naturally would be operated by a lever, and not by a gearing, as would be the case were it a heavy block.
Q. Did he not show you the heavy block mechanism?
A. Possibly; but I remember the other, however.
Q. Was not this heavy block mechanism made with a small gun, in order to show it with the effect of a model?
A. No; we would quickly know whether it was intended for a large gun or a small one, whether the model was large or small.
Q. Then, you think he showed you his small gun lever device, and did not show you his heavy gun and prior device?
A. I think that he showed me the lever device that combined these features of opening in one movement. As to whether he showed me two devices at that time, I do not know. I could not state positively about that.
Q. You can not recall now the precise mode in which it worked?
A. No; I can not. The subject of opening a breechblock with one movement was an old story to me, and I had heard of it in very many different directions before I supposed Seabury or Dashiell were going to do anything of the kind, so that I would not fix in my mind an occurrence of that sort. I may have heard of it fifty times in fifty different directions, as it was a thing I was after myself for—own service.
Q. I would rather you would state how many times you did see it than how many times you might have seen or heard of it.
A. I would be delighted to do it, but I am afraid I would not be able to fix it exactly.
Q. At the time you saw the Seabury model, it did not occur to you that you had already seen Dashiell's model for accomplishing the same thing?
A. It might have occurred to me.
Q. You can not recollect now whether it did or not?
A. I can not recollect whether it did or not. It seems to me, though, that I ought to have recollected it. Perhaps you can tell me the date that he brought the model there.
Q. The time of which I speak was some time in the month of May, 1890, as I am informed.
A. Mr. Dashiell's testimony will probably fix the date more definitely than mine.
Q. I am only asking for your recollection.
A. I did not bother myself much with the details. I work on a general principle, and some one else works out the questions of details. At that time I was very busy, and I do not think I fixed in my mind the date. I should like to know at the present moment, for my own edification, whether Dashiell or Seabury came first with his model, but I really do not know.
Q. You do recollect the fact, however, that you saw both models?
A. Yes; I saw Dashiell's model. I had forgotten about Seabury's model. I have not tried to refresh my mind on this matter, except this morning, when I read over a description of the sequence of events. I had forgotten,

until you spoke of it a moment ago, that Seabury did bring a model. I assure you I have not seen either Seabury's drawings or his model, although the drawings were filed—as I understand and know—in the Bureau of Ordnance, I have not looked at either of them since the time of his coming there. I have not seen them, and have not asked for them.

Q. Do you remember the fact that when Mr. Seabury presented the model for your notice he had with him also original drawings showing the same device for a 4-inch gun?

A. Yes; he had drawings with him, and I think very likely it was for a 4-inch gun.

Q. You did look at them at the time?

A. I looked at everything he had.

Q. Sufficient to observe the character and mode of operation of the mechanism?

A. In a general, cursory way.

Q. Do you know the fact that, subsequently, drawings were received by your Bureau from Seabury? When I say drawings, I should say blue prints from original drawings, showing a 4-inch gun.

A. Yes. I will not state as to the caliber; but I think I remember that there were other drawings received.

Q. I show you these drawings, and ask you if they came from the files of your office in the Bureau of Ordnance [handing witness the drawings].

A. Yes; these are our drawings. This is our method of stamping them. The date is June 4, 1890.

Q. That is, they were received and placed on file in your office on the 4th of June, 1890?

A. Yes, sir.

Q. These are the original receipt marks on the back of the drawings?

A. Yes.

(Counsel thereupon exhibits to the witness three sheets of blue-print drawings, entitled Four-inch B. L. Rifled Seabury Breech Mechanism, sheets Nos. 1, 2, and 3.)

Q. When did you first see these after their receipt in your office?

A. They are usually brought to me. The mail is laid on my desk, and I look at everything. I suppose I saw them that day, when they were received.

Q. Did you give any instructions in regard to them?

A. To be filed, that was all.

Q. Have you since that time given any directions in regard to them?

A. I have never thought of them from that day to the time the racket began about them.

Q. Do you know what use, if any, has been made of them from that time?

A. They can not be taken from the file without my permission. That is the order.

Q. They can be taken within the limits of the Bureau without your order?

A. Yes; by any of the assistants of the Bureau.

Q. I ask you, from the appearance of them, whether you would say they had been handled since they were received?

A. I don't know about that. Their condition might have arisen from the condition they were in before they were received. As to whether they have been handled since they were printed, I say yes.

Q. They have been handled a good deal, have they not?

A. Yes; but as to when they were handled, as to time and place, I should be very doubtful.

Q. In fact, they show signs of wear, do they not?

A. Yes; but they may have been worn before they were sent to us.

Q. If they were entirely fresh when they came to you, it would indicate that they had been used a good deal in your office?

A. They would indicate that they had been used, if they were fresh when they came to me, unless means were taken to crumple them up.

Q. They have remained since then in the files of your office?

A. No; you have just received them this morning.

Q. They were just handed to me by Mr. Stayton, accompanying Mr. Dashiell, who, I believe, brought them from the Bureau of Ordnance.

A. Yes; I think that is very likely true.

Q. I understood you to say that they had not been permitted to go out of the possession of your Bureau?

A. I have given no permission for them to go out, and I do not imagine that they have been taken out.

Q. Did you not say they could not go out without your permission?

A. They can not go out properly without my permission.

Q. Can you give any explanation of the pin holes that appear on sheet No. 1?

A. I can not. I have had nothing to do with them.

Q. You see such pin holes there?

A. I see there are holes there. There are more or less pin holes in all of the sheets.

Q. How are those ordinarily made in such drawings?

A. Pin holes are not supposed to be made in the drawings. If you are going to trace a drawing, it would not be done by means of making pin holes in them like children do in school. They put pin holes in the corners, and lay the tracing paper over it.

Q. How did the pin holes happen to be in these drawings?

A. They occur in taking dimensions, etc.

Q. That is, by the points of the dividers?

A. By the points of the dividers.

Q. When did you first see any drawings of the Dashiell device for handling the screw block?

A. I think in a drawing for the Secretary's report, in the fall of 1890. It is very likely that I saw and approved detailed drawings between the summer of 1890 and the fall of 1890. I must have done so, because they can not manufacture a mechanism at the Washington yard unless I have my signature on it. I recollect that there was a picture of the device put in the Secretary's report of 1890, or, at any rate, it was the intention to put it there. If it is not there, there was a change in the intention. I must have seen the drawings of the Dashiell mechanism during that summer, and approved of them, for their manufacture; but I do not remember specifically the date at which I had these drawings brought to me.

Q. Were those drawings entirely similar to the mechanism shown by the model you had already seen?

A. They were, in principle, undoubtedly.

Q. Were they in detail, or were the details modified?

A. I think that always grows——

Q. I am asking you about this particular one?

A. I do not know about that. I fancy they were changed.

Q. Were those drawings made in your Bureau?

A. The detail drawings are usually made at the yard. The general drawings are made at the Bureau.

Q. And by Bureau draftsmen at both places?

A. Yes, sir.

Q. The drawings of which you speak, then, were made by some of these draftsmen from original sketches furnished by Dashiell?

A. Yes; they are usually made from original sketches of the designer.

Q. Your report for the year 1890 speaks of the invention of Dashiell, does it not?

A. It probably does.

Q. And refers to the delineation of it, which will be figured in the appendix. Is not that the fact?

A. Possibly it is. I have not read it since 1890.

Q. Was it figured in the appendix?

A. If I said so I trust it was, because that was the intention.

Q. If it was not, what was the reason?

A. Probably because the Secretary would not approve of making any drawings, or something of that sort.

Q. If that is not the case, then, what would be the explanation?

A. I do not know whether there could be any explanation of it. It would not amount to anything deep or mysterious.

Q. How many times were Dashiell's drawings changed before that type was generally adopted which took form in the first breech mechanism actually applied to guns by your Bureau?

A. I have no idea. I did not pay any attention to these details.

Q. Did you not have something to say about it?

A. I authorized all changes; but as I have about 5,000 drawings going all the time, I can not follow them all. If I had known there was to be a controversy, probably it would have fixed it in my mind.

Q. Then no changes were made without your authority?

A. No changes are ever made without my authority.

Q. Were changes made upon your suggestion?

A. They may be made upon my suggestion. They frequently are.

Q. I am asking about this particular case.

A. I do not remember whether I made any changes or not. I may and may not have done so.

Q. Did you not, in point of fact, suggest various changes?

A. No; not in the Dashiell mechanism. That is a thing that I had confidence he would work out to my satisfaction better himself than he would by any advice from me.

Q. Was he an assistant in your Bureau?

A. No; he was stationed at the proving ground at Annapolis.

Q. Was he an assistant in your Bureau any part of the time while you were chief of Bureau?

A. No; never since I have been chief of Bureau.

Q. When was the application first made for the Dashiell patent?

A. I have no definite idea.

Q. Did you know anything about it at the time?

A. I advised him to take out a patent.

Q. When did you do that?

A. In 1890 I counseled him to take out a patent. I thought it was a good thing for him to do, and it was, in my opinion, an original departure.

Q. A departure from what?

A. An original idea, we will say.

Q. What did you regard as the feature of originality in it?

A. It was different from anything I had seen before, in general.

Q. Different from the Canet?

A. It was prompter in its action than the Canet. It was somewhat more powerful than the Canet, and its extraction was, as I thought, better than the Canet.

Q. You considered it to be considerably different from the Canet?

A. I considered it substantially an original idea, and I thought it would be advantageous to us to have an American idea.

Q. If you considered it an original idea, you considered it substantially different from the Canet. Is not that the fact?

A. Yes; if the Patent Office should decide that it was sufficiently original to award a patent on it, I would be satisfied to go on with it.

Q. You were aware at that time that Seabury's invention had already been patented?

A. I was aware that there was a similarity between them, but I did not know any more about the Seabury patent than about the other.

Q. You knew the Seabury invention had been patented at the time you first saw the model of the Seabury invention?

A. I suppose I knew it.

Q. Do you not make it your business, as Chief of the Bureau of Ordnance, to keep yourself informed as to the issuance of patents in the matter of guns?

A. We receive notice of patents, and of all patents that are filed in the American office. That is to say, there are instructions at the Patent Office to furnish us with them in a general way, and specifically with regard to certain things, and they keep us pretty well posted as to what is being done. I probably knew at the time Seabury presented his model that he had a patent.

Q. Then, if his patent had been issued some time prior to that, you must have known it in the course of business?

A. That is probably true; yes, sir.

Q. Did it strike you that the Dashiell design was original, in that it was substantially different from the Seabury design?

A. I did not bother much about the two. As I told you a moment ago, I never looked at the Seabury drawings or model after Mr. Seabury presented himself there. I made no study of them whatever. I went largely on this principle, that if the Patent Office, which was paid for making validity searches and things of that sort, had satisfied itself of the originality of the idea, I had nothing further to do with it, and did not care.

Q. You said a few moments ago that it was your desire to have an American device that would perform this function of rapidly opening the breech?

A. Yes; in the best manner possible.

Q. And was it not present to your mind that the Seabury device, already patented, accomplished that, and was an American device?

A. Yes; but not so well. The impression in my mind at the time was that it did not accomplish it so well. I remember of this expression being used at the Bureau at the time with reference to Seabury's device. The term applied to a complicated mechanism is a "clock;" and I remember somebody said at the time of the presentation of the Seabury device that it was a sort of clock; in other words, that it was somewhat complicated. I remember that the impression produced upon me by the Dashiell device was that it was less complicated. That, together with the issuance of the Dashiell patent, or the prospective issuance of it, was probably the cause of any action in taking it.

Q. You did consider the question, to some extent, as to whether the Dashiell device was an infringement on the Seabury device?

A. It possibly may have occurred to me.

Q. Did it not occur to you?

A. I think it is very possible it did.

Q. Is it not more than possible? Is it not your present recollection that you did think of it?

A. Not as a definite and specific fact. The decision of the Patent Office, I thought, rather cleared the atmosphere, so far as I was concerned.

Q. What was there in the atmosphere to clear up?

A. There was the Canet device, and all that had been done before, and the desire that the Bureau should not have a fight on its hands.

Q. Did you request any opinion or decision from any of the Patent Office officials upon that point?

A. Not at that time. I never did on Dashiell's matter. I did on another matter, however.

Q. Did you see Dashiell's drawings and application as presented for a patent?

A. No; I did not see it at all. In fact, in order to preserve to himself the right to receive a royalty from the United States, if it was decided to give him a royalty, he showed me nothing about his patent claims or his patent drawings prior to his application for a patent. He very wisely did that without consultation with me in regard to it, and I was subsequently very glad that he had done it. He took what measures he could leading to the issuance of the patent without consultation with me and without advice from me as to modifications or details, and secured his own patent in his own way, in order that his claim for a royalty subsequently might be perfectly clear, because the rule, as I understand it, as decided by the Attorney-General and by the Supreme Court, is that if he receives assistance or pay, or the Government develops his idea for him prior to the main principle being established, he can not receive a royalty. He did not do anything that would invalidate his possible subsequent claim for a royalty.

Q. That is, he did not in your judgment?

A. So far as I am able to judge.

Q. Were any obstacles developed in the way of his obtaining a patent as originally applied for?

A. I have no knowledge of any of the proceedings in the Patent Office.

Q. There was no conference with you at any time between the application for a patent and the issuance of it?

A. None whatever, as I recollect.

Q. And in the meanwhile your Bureau proceeded to manufacture this device?

A. That is just what we did, because we were in a great hurry.

Q. How many of these devices have been completed or are in process of construction in your department?

A. I do not know that. We can find out if it is necessary.

Q. As many as fifty?

A. Yes.

Q. As many as a hundred?

A. I do not know whether we have gotten up to a hundred or not. My annual report states it, but I do not know now.

Q. You would say somewhere between fifty and a hundred?

A. Possibly more and possibly less.

Q. Was there a time when work was suspended at the navy-yard shop?

A. No, sir; not that I know of. I do not recollect that we ever held it up. Do you mean on account of this interference?

Q. I ask simply whether there was a time when work was stopped for a while?

A. I think not.

Q. Is it not a fact that for several weeks, and even months, that work was suspended?

A. On the Dashiell block?

Q. Yes.

A. I think not. I do not remember at this moment.

Q. You would not be positive that it was not?

A. I am rather positive that it was not. I have never cared enough about this thing as to have taken so serious an interest in it as to recollect all the details. I was away for a month during the summer, but I think I would have known it if it had been stopped. That would indicate that we were rattled, and we were not at all.

Q. This is your letter, I suppose [handing witness a letter]?

A. That is my signature and my letter.

MR. WILSON. I offer this letter in evidence.

(The above-mentioned letter is here offered in evidence on behalf of the complainant, and the same is filed herewith and marked Exhibit W. M. F., No. 1.)

Q. Is this also your letter? I show you a paper already marked Complainant's Exhibit, Letter No. 1, S. A. B., commissioner.

A. Yes; and that is my signature.

Q. At the time the Seabury model was shown to you first, did your Bureau have any rapid-fire device before it for consideration?

A. The Driggs and Hotchkiss device was adopted in Europe, and we did not know but what we might have to take that. I did not want a block that moved up and down, if I could help it, and I was looking for something else. Sicard had rather believed that the Driggs block might be applied to a 4-inch gun.

Q. Sicard was your predecessor as chief of Bureau?

A. Yes, sir.

Q. At that time the question of adopting the Driggs device was more or less undecided?

A. Entirely undecided; it was never decided to adopt it, and it has not yet been adopted.

Q. And with the exception of that there was no device that was actually under formal consideration, was there?

A. Admitting that I had not seen the Dashiell block, which I am not quite certain about, there was none other.

Q. Then if you had not already seen the Dashiell model there was nothing before your Bureau except the Driggs-Schroeder device?

A. Nothing except the Canet, the Hotchkiss, and the Driggs-Schroeder. I had only been in the Bureau a little while, and was, of course, looking around very interestedly and seriously as to where I was going to settle. It was a matter involving a good deal of money, and I was taking up for consideration anything that came along in that line, and to that extent I did take up the Seabury, but never with a view to committing myself to any extent.

Q. If you had already seen the Dashiell device, you did not mention that fact to Seabury?

A. I would not have been apt to mention it. I will tell you one thing which may be of interest to you. Mr. Seabury has taken out a great many patents, and has been several times offered duty in the Bureau of Ordnance. He has always declined it. If some other device had come before me as Chief of Bureau my sympathetic consideration would be with the other naturally, if the merits of the other device at all made such a decision justifiable, on account of Mr. Seabury never having been willing to work in the Bureau of Ordnance.

Q. When was he ever offered an assignment to that Bureau?

A. He was offered it in Sicard's time, and he was offered it in my time. It seems to me that I offered him a position before I became Chief of Bureau. I think I suggested his going into the Ordnance Bureau. I remember suggesting a great many times, when he was aid to Admiral Porter here, that he should do so, but he never did. He is always inventing, and is a man of a good many ideas.

Q. Do you mean to say that you ever actually offered Lieutenant Seabury a position in your Bureau?

A. I suggested it.

Q. Did you ever offer it?

A. No; I made no particular offer, but I suggested to him it was a great pity he was not in the Bureau of Ordnance, because he could make his talents of greater value.

Q. Is that the suggestion you refer to?

A. That is, possibly, the suggestion I referred to.

Q. With that exception, did you ever offer or suggest to him that he should be detailed to your department?

A. Several times when I was on duty in the Ordnance Department I can remember of speaking to him, and I can remember of having heard that Captain Sicard had offered him duty there.

Q. Do you know of your own knowledge of Captain Sicard's having made such an offer?

A. No; except that the matter was Bureau talk.

Q. I am asking you for your personal knowledge. Bureau talk is not evidence.

A. I am giving you, however, my general impressions of this young man.

Q. I will limit you for a moment to your own knowledge. You have no personal knowledge of Captain Sicard's ever having offered Seabury duty in the Ordnance Bureau?

A. Not beyond hearsay; no.

Q. You do not consider that personal knowledge, do you?

A. No.

Q. Limiting you in the same way to your personal knowledge, did you ever offer Lieutenant Seabury duty there, or suggest to him that he should be attached to your Bureau, with the exception of the suggestion you made when he showed you his model of the breech mechanism?

A. No; probably not.

Q. And on that occasion did you not simply say, "You ought to have been attached to this Bureau?"

A. Possibly. The suggestion was that it was a pity he was not on duty in the Bureau.

Q. And for the reason that he was not, you would receive the device of anyone else with more favor than his?

A. For the reason that, to my own knowledge, he has had a long history of making inventions of war materials away from the Bureau of Ordnance, and in the matter of patents, which we deprecate as a rule.

Q. You did not deprecate it in Dashiell's case?

A. No, sir; because the services of Mr. Dashiell should be paid for.

Q. You advised it in Mr. Dashiell's case?

A. No; I gave no advice whatever.

Q. You recommended him to do it?

A. I told him I hoped he would take out a patent.

Q. You think he was wise and right in taking such a course?

A. Yes, sir; I say that certain officers have served the Government of the United States to such an extent that the Government should pay them in one way or another. Their pay is not sufficient, and they can not make any money in the service. When this officer, without order or instruction from me as to the evolution and development of a device, produces a thing which the Patent Office states is original in idea, and which is, in my opinion, different from and better than anything that has been presented to me, I say to that officer, "Take out a patent, because your services have been so good that you should receive some remuneration for them." That is the case here, and that is why this officer had my sympathetic consideration all through; but he has had only that, however.

Q. On principle, you are ordinarily prejudiced against an officer who takes out a patent for his invention?

A. On general principle, in the case of an officer who has not given services to the United States, I am opposed to their taking out a patent. I myself have never taken out a patent of any description, and I have probably been connected with the Ordnance Department more intimately than any other person in the Navy at the present time, not excluding my predecessor. When an officer is not on duty, it is quite another matter. When an officer is on duty, I deprecate his taking out a patent; but there are certain cases where an officer's services have been of such a nature that the Government can not reward him. When his services have been very great and of a meritorious character, then I want to see him receive some remuneration, on general principles of equity. I tell you frankly, and it is only human, that I look upon the production of that officer with more sympathetic consideration than I do upon the production of an outsider and free lance, who comes in for the pelf alone, for mere money-making business, without having given any previous service, remembering all the time that the interests of the Government are guarded by the adoption of the better device. I am thoroughly convinced Dashiell's is a better device. The Patent Office tells me it is an original one——

Q. In what way do they tell you that?

A. They grant him a patent on the mechanism.

Q. That is your construction of the patent?

A. That is my construction of the patent.

Q. This letter of yours, under date of September 29, 1890, which was shown you a few moments ago (marked Complainant's Exhibit Letter No. 1, S. A. B.) and addressed to Lieutenant Seabury, contains this language: "While recognizing the merits of your design, the Bureau has other designs developed by its assistants which it considers superior in some respects." What other designs did you refer to in that expression?

A. To Mr. Dashiell's.

Q. To how many designs of Dashiell's did you refer?

A. That is merely a form of expression.

Q. Although you used the plural, you meant it in the singular?

A. I may have done so.

Q. What is the fact?

A. I do not know. People write letters for all sorts of purposes. I may have had knowledge of other designs than Dashiell's. I do not know whether I did or not, but I probably had Dashiell's design in my mind at the time.

Q. You did not design to convey an erroneous impression?

A. I did not design to convey an erroneous impression.

Q. You used this expression in regard to the Seabury device, "your design," and in regard to the Dashiell device you used the words "other designs." Why did you use the singular in one place and the plural in the other?

A. I do not remember.

Q. Can you give any explanation of it now?

A. No. I may have had something else in my mind besides the Dashiell device; but I particularly, however, referred to Dashiell.

Q. Were there any other designs under consideration which you considered superior to Seabury's except Dashiell's?

A. I do not remember now whether there were or not.

Q. Did you have any other device before you for handling a slotted screw with rapid-fire mechanism?

A. Canet's was before us in a general way, and I believe there is one design in the Army that opens with one movement, which had been gotten out at that time.

Q. Whose invention is that?

A. I do not know whose it is.

Q. I am speaking now as to the date of September 29, 1890.

A. I will tell you now specifically that I may have had in my mind the intention of producing on that young man's mind the idea that I had more than one string to my bow. You understand that in writing letters as people write letters it is very probable that I may have used the plural designedly at that time, but I specifically had in my mind the Dashiell mechanism.

Q. You thought you might produce that impression upon Seabury's mind—that you had two strings to your bow when you only had one?
A. Possibly.
Q. Let me call your attention to this letter. The words are "other designs" developed by its assistants. Does that refer to Dashiell?
A. Specifically, as I recollect now, it meant Mr. Dashiell more than any other. I may have directed, and possibly I had at that time directed, Mr. Fletcher to look up the subject of rapid-fire mechanism.
Q. Would the word "developed" apply to such a case as that?
A. Yes; perfectly so.
Q. Do you not understand the word "developed" to be in the past tense?
A. If you will give me the sense in which it is used there, I will tell you.
Q. I ask you if the word "developed" is not a word in the past tense?
A. I believe it is.
Q. Where it stands alone?
A. Yes.
Q. Then, when it stands alone, it speaks of something which has already been done, does it not?
A. I suppose so.
Q. Were there any other designs than Dashiell's that had at that time been developed by the assistants of your Bureau?
A. It is possible that I might have had my assistants working at that time on some other design besides Dashiell's. The difficulty, however, as I remarked before, is that I meant Mr. Dashiell's design more than any other.
Q. You have no present recollection of the fact that there was any other design intended to be referred to in that except the Dashiell design?
A. No; probably not.
Q. In what way was the Dashiell design developed by the assistants of your Bureau on September 29, 1890?
A. He is an assistant in the Bureau, in that he is under the control of the Bureau, although not actually detailed for duty in the Bureau.
Q. Who is?
A. Dashiell.
Q. How many people do you count Dashiell?
A. He is but one.
Q. What do you mean by the word "assistants" in the plural?
A. That is used in the same way. I will repeat to you a remark I made to you a moment ago. Desiring to produce the impression on this young man that I possibly might have more strings to my bow, and in order to close off the communication with him more definitely than I would by simply stating it in the singular, I may have worded my letter in that way. As to my actual intention at that time, five years ago, I am not now quite certain.
Q. By "this young man" in the last answer, you mean Lieutenant Seabury?
A. Yes, sir.
Q. Do you know his age?
A. No; but he is pretty nearly as old as I am, I fancy. He is young in the sense of the naval expression.
Q. Did any of the assistants in your Bureau have anything to do with developing Dashiell's device?
A. None of my assistants specifically stationed in the Bureau or elsewhere had anything to do with the development of Dashiell's device. But I consider that my assistants in Hartford, and my assistants in Wilmington, Del., and my assistants in fifty other places are all, for general purposes, and for labor of a general character, assistants of the Bureau.
Q. Did they have anything to do with the developments of Dashiell's device?
A. I do not know of anybody but Dashiell working on it at all.
Q. At the time of this letter, September 29, 1890, had you decided to adopt the Dashiell device?
A. I had decided to adopt it for trial, probably, at that time. It was sufficiently advantageous for me to adopt it for trial; but such a thing as that is rarely adopted until after it has had a year of test.
Q. At the date of this letter had the Dashiell device been completely matured and developed?
A. Nothing is completely matured and developed of that description. It will probably go on improving for three years from the time of its original inception.
Q. Was it so far matured and developed as to leave it in a condition for you to begin the work of constructing such a breechblock and applying it to one of the guns?
A. Yes.
Q. Had it reached that stage of development?
A. It must have reached that stage when I wrote that letter, or I should not have written it.
Q. There is always a possibility of improvement in any device as to the practical working of it?
A. Yes; there is rarely one that does not continue to improve.
Q. Between the time of this letter, September 29, 1890, and the present time, there have been further developments in the Dashiell device?
A. Yes; in minor improvements. The principle is the same, but minor improvements are constantly going on.
Q. I show you a copy of the Dashiell patent, with the drawings attached, and ask if you can point out any difference between those drawings and the structure of the Dashiell model as you first saw it?
A. No; I could not do so, to save my life.
Q. Can you say whether there is a difference or not?
A. I can not, because I do not remember. I do not pay much attention to details.
Q. How do you ascertain the merits of such things without paying attention to details?
A. I look into the general principle, and I know enough about mechanism to decide promptly, on a cursory glance, as to the general principles, and as to whether there is promise in the device or not. As to studying out the intricacies of every mechanism that comes to me, I would have to have a great many more hours in the day than there are to do it.
Q. In other words, your mind is so trained on that subject that you can take in the principles and salient features in a very short time, can you not?
A. I think I can say, without vanity, that I can decide quickly, having seen a great many mechanisms before. If there is any novel, advantageous, or meritorious feature about a mechanism, I can decide quickly with reference to it; but as to my going into exactly the details as to every screw, or nut, or worm gear, or something of that kind, and working it out as the man who makes it would, I do not do that. I could not tell now by looking at the present Dashiell device what improvements have been made over the original, because I do not care for those things. I have too much to do.
Q. Without going into details, I ask you if the original model was substantially in the same form shown by figures 1 and 2 upon this copy of the Dashiell patent No. 468331?
A. Substantially, in principle, I should say that it was.
Q. Did it have the handle and lever marked 15 and 14 in the same position, or substantially the same position, as applied to the gun?
A. Yes; I fancy it did, so far as I recollect. I have not looked at the drawings for a long time. It was substantially in the same position.
Q. I am not asking as to the correspondence between the patent and the guns that it was applied to, but the correspondence between the patent drawings and his model which you saw?
A. I do not remember about that with any certainty.
Q. Is that model in existence?
A. I do not know that. I have not seen it for years.
Q. Did you handle the model?
A. Yes; I took it up and showed it to the Secretary the first time I ever saw it.
Q. You opened it, closed it, and saw how it worked?
A. Yes; and the Secretary opened it and closed it.
Q. You saw how it worked?
A. Yes, sir.
Q. That was Secretary Tracy?
A. Secretary Tracy. We were both very much pleased and delighted with the simplicity of it. The simplicity and novelty of the device was as marked at that time over the Seabury mechanism as anything in the world. I do not remember any of the details about the Seabury mechanism; but there was a general impression given of complication, number of parts, and clockiness about it.
Q. At the time you wrote this letter of September 29, 1890, you had seen the Dashiell model?
A. Yes; at that time I had seen it. I think that letter indicates it.
Q. And I presume you have seen the Dashiell drawing and designs?
A. Yes.
Q. With the view to the application of the mechanism to an actual gun?
A. With a view to the manufacture of the actual mechanism at the yard.
Q. What reason did you have for not stating that the Dashiell device was the one you referred to?
A. Because it was not material. I want to tell you another reason which affected me at that time. There was a general talk about price with Mr. Seabury. His price was $250 for each mechanism. Mr. Dashiell's royalty, if one could be allowed, was to be $125 each, just one-half of that amount. That was another reason, probably, that made me act in this way.
Q. How did Dashiell's price come to be fixed at that sum?
A. I suppose he heard the other price and said that he would do it for half the money.
Q. How did he hear of the other?
A. There is a contract on file, probably at the Interior Department, with the Driggs folks for $250 each, made by Captain Sicard, and Mr. Dashiell had probably found out what that was. It was in the line of that amount that Mr. Seabury proposed $250 each. He probably learned of it in the same way. He may have learned of it from me.
Q. Is it not a fact that he did learn of it from you?
A. Very possibly.
Q. Did you not send out and get the contract while Seabury was at your office to see whether that was the sum?
A. Very possibly. I do not remember about that.
Q. At that time you did not make any objection to the figure in your talk with Seabury?
A. Our talk was of a general character.
Q. Did you make any objection to that figure as being unreasonable?
A. I may have and I may not have made any objection. I do not remember.
Q. You do not remember that you did?
A. No.
Q. When was the contract made between your Bureau or the Navy Department and Dashiell for a royalty to him?
A. That was probably made in the latter part of the year 1890. I do not remember the date.
Q. Was it brought about through your interposition?
A. Yes.
Q. Did you propose it to the Secretary?
A. Yes; I have to propose these things before they can be approved.
Q. Did you propose it to Dashiell?
A. I think probably he proposed that price to me.
Q. Did you not propose the matter of a contract to him?
A. He has to have a contract, or he never could get any royalty.
Q. In fact, did you not propose it to him?
A. Possibly I did. I suppose so.
Q. You suppose he did?
A. I think it is likely.
Q. When was that?
A. It may have been 1890, before we actually began the mechanism. It would probably have been at that time. You must recollect that you are talking about something the details of which are all present to your mind, and you are recalling something to me which did not produce any serious impression on my mind, because I did not expect any row in regard to the matter. It was in the natural and ordinary course of business that we did these things. We are doing them all the time. Our memory is somewhat defective, because we have so many of these things to do. I have no doubt a great many people could bring me up and say: Did you not do so and so, and I would be unable to tell exactly about it. I have to depend on our correspondence and files to tell, so far as may be, exactly what occurred. This is but one thing in five hundred that I am doing in the way of appropriating mechanisms in various directions.
Q. What do you mean by the word "appropriate?"
A. Acquiring for the benefit of the United States as far as possible.
Q. And with as little pay as possible?
A. Just as little pay as possible every time.
Q. And you say this is one of five hundred such cases?
A. It is probably one of five hundred such cases in which I have had to consider the drawings, but I have not taken that many of them perhaps since I have been chief of the Bureau. I should say, however, that I have considered at least five hundred.
Q. If you have the disadvantage of having a great many transactions in your mind you certainly have the advantage of having been a party to them and thereby having an opportunity of acquiring personal knowledge of them, have you not?
A. Yes; but they come and go so rapidly that it is a very difficult matter to recall the details, dates, and features of each year's afterwards. I can not keep the details in my mind. I could not describe the Seabury mechanism if you asked me, to save my life. I never looked at it after these visits to me.
Q. Do you mean that your recollection is poor in regard to this transaction generally?
A. No; not as to this transaction. It is poor in regard to all transactions of that nature.
Q. How is it in regard to this particular transaction? If you recollect this clearly, it is entirely immaterial whether you recollect the other matters or not. Do you recollect this transaction clearly?
A. You must have observed that my recollection is quite cloudy about dates.
Q. You wish to be so understood now?
A. Perfectly so.

Q. Can you or can you not state whether it was in 1890 that the contract was made with Dashiell?

A. No; I can not state. I do not know that it was not 1891 before we made the contract.

Q. Was it made as early as 1891?

A. I had asked the Attorney-General whether I could give him a royalty.

Q. Was it as early as 1891?

A. I could not say.

Q. Did you apply first to the Judge-Advocate-General for an opinion?

A. I think the sequence of the events was to ask the Secretary of the Navy to have the Judge-Advocate-General ask the Attorney-General.

Q. Had the Judge-Advocate-General previously rendered an opinion?

A. I do not remember. I am not certain whether he did or not. I do not think he did, because he did not know anything about these things. We did not have much confidence in his opinion, and I probably asked to have the Attorney-General decide as to whether we could pay a royalty under the circumstances.

Q. Did you never make distinct inquiry of anyone as to whether the Dashiell device could be regarded as an infringement on the Seabury patent?

A. No; I do not remember of ever asking anyone for such an opinion.

Q. Did you not ask the question on one occasion in the room adjoining the room of the chief clerk of your Bureau when Lieutenant Fletcher was present?

A. I may or I may not. You know we talked casually about these things.

Q. Did you not then raise the question whether the Dashiell mechanism could be made safely without infringing the Seabury patent?

A. It is possible I thought of that a great many times.

Q. Did you not ask that question?

A. I do not know whether I did or not.

Q. In the presence of Lieutenant Fletcher and others?

A. I do not know whether I did or not. It is very possible that I did. It was naturally the subject of conversation.

Q. Were you not told, in response, that it would be such an infringement in the opinion of that particular person, whoever he was?

A. No; I do not remember of ever having heard that. I am perfectly ready to state that neither Mr. Fletcher nor anyone else has ever expressed a definite, positive opinion that the Dashiell mechanism was an infringement. I have never had such an opinion except from Mr. Seabury. I have never had a distinct, positive opinion that the Seabury mechanism was an infringement of the Dashiell, or vice versa.

Q. You mean you have never had that opinion expressed to you by anybody?

A. Yes.

Q. You are absolutely positive about that?

A. Yes; I am absolutely positive about that.

Q. Are you equally positive that you never said you would use the Dashiell, whether it was an infringement or not?

A. I am absolutely certain that I never have said any such thing.

Q. If I understand you aright, you took no advice as to whether the making of the Dashiell mechanism would be an infringement of the Seabury patent any further than as you have yourself interpreted the patent issued to Dashiell?

A. No; I never took any advice on that subject. I went right ahead and made it. If there is an infringement, there is a recourse to the Court of Claims to settle it.

Q. Then you did not trouble yourself particularly about questions of infringement?

A. I do not, as a matter of fact. I advised Dashiell, and advised the Secretary of the Navy, in our conversation, to let it go before the courts to be settled; that I did not care anything about it, and was not going to look into it myself; that I would rather have it go before the courts than not. I remember of Dashiell saying to me that he preferred that this thing should go to the courts and be settled in that way.

Q. What time are you now speaking of?

A. I am talking about the time that Seabury first made his objection to Dashiell getting the royalty. Dashiell has never received a penny of royalty on his invention yet, the Secretary having stopped it pending this case. That was when the Seabury people first began to write letters to the Secretary of the Navy.

Q. Then it is your policy to make whatever you please in your Department and leave anyone whose patent may be infringed to resort to the Court of Claims?

A. No; you are inventing a course of conduct which we do not pursue.

Q. That is the course you pursued in this case?

A. No; let me state it as I want to state it. My plan in this case was to urge the Secretary of the Navy to let us go on and make the mechanism, and let the law courts decide the question of infringement; that they would have recourse for their rights, if they had any, in the Court of Claims. That is a very fine thing for you to suggest to me to say, but that is not my principle.

Q. I understood you to say that you did not concern yourself about questions of infringement?

A. In this particular case I did not take time to look into it, because I was perfectly convinced that there was no infringement, so far as my own somewhat uninformed judgment was concerned.

Q. When were the first drawings made of the Dashiell mechanism in your Bureau?

A. They were probably made somewhere near the date of that letter. The general drawings would be made in the Bureau, and then they are sent to the yard for detailed drawings of the parts. They were probably made in the fall of 1890, although I do not remember anything very definitely about them. The letter fixes it somewhat in my mind, because after I came to a decision I wrote that letter. The decision was arrived at after a consideration of the drawings or of the designs.

Q. Do you remember the fact that the Dashiell patent was not issued until February, 1892?

A. I had no knowledge of the details as to what occurred with regard to the issuance of the Dashiell patent or anything that occurred during his efforts to obtain a patent. He confided nothing whatever to me on the subject. I counseled him nothing in regard to it, and knew nothing whatever about it, and cared less.

Q. When did you examine Dashiell's patent for the purpose of forming your judgment as to how far that protected his manufactured device?

A. I did not examine it particularly. I was delighted with the model. I saw that it had less parts; that it was more powerful and did the work better than anything that had been hitherto brought to my notice. His patent was probably put in the file on my desk, as sometimes there are a dozen of them laid there, but I, perhaps, did not read a line of it. The fact of his getting a patent was sufficient to clear the atmosphere for me and permit me to go ahead. The United States Patent Office stated that there was an original idea there, and I went ahead on that.

Q. You went ahead on that?

A. I went ahead largely on that fact.

Q. Relying on that?

A. I probably had gone ahead before, but I felt confirmed in the justice of my course by the arrival of the patent. Probably I had been going ahead for months before that, and no doubt I had, because I supposed that Dashiell held his patent back on account of foreign patents or something of that sort.

Q. That period is only for six months?

A. You mean as to holding back?

Q. Had you gone ahead prior to that six months?

A. I suppose so; I did not pay any attention to these dates.

Q. Then, in what you did before you were informed that a patent had been allowed you did not, of course, rely on the patent at all as protecting anybody against a claim of infringement?

A. No; I did not have time to wait. We are too hard pressed to get mechanism.

Q. Up to the allowance of the Dashiell patent you had no assurance whatever that the Dashiell mechanism might not be an infringment of Seabury's?

A. As to the question of infringment, it did not occur to me at all. It never came near me as a serious question.

Q. You have no recollection by which you can fix the date when you first knew of the allowance of the Dashiell patent?

A. No; I did not pay any attention to it and did not care anything about it.

Q. I think you said a few moments ago that you did not read a line of the Dashiell patent?

A. I probably did not. I may have, but I do not recollect whether I read it or not.

Q. You relied on the fact that there was a patent?

A. Yes; that confirmed me in the justice of whatever course I may have taken up to that time, and I felt that we were out of the woods so far as there was any trouble on that subject, if I thought of it at all. That cleared up the atmosphere.

Q. What was it that up to that time had clouded the atmosphere and made you feel that you were in the woods?

A. There were a lot of people working on the general subject of mechanism of the general type of the Dashiell.

Q. Who else besides Dashiell?

A. I mean Dashiell and Seabury.

Cross-examination by Mr. PHILLIPS:

Q. Since you have been Chief of Ordnance an unusual call has been made upon you to supply the service with rapid-fire guns of the breech-loading pattern?

A. There has been more than that. There has been a necessity that the batteries of these new vessels should be tested and that a sufficient number should be manufactured to arm the ships as fast as they were completed. There was no time for delay. Decisions had to be made with the greatest rapidity, and we frequently ran some risks as to the ultimate outcome as regards the efficiency of the design.

Q. Since you have been Chief of Ordnance an unusual call has been made upon you to supply the service with rapid-fire breech-loading guns?

A. Yes; on account of the construction of a great many new naval vessels.

Q. As between the Seabury and Dashiell improvements, you regarded the latter as superior in regard to strength, simplicity, and ease of operation?

A. That was my opinion at the time I decided to take the Dashiell mechanism instead of the Seabury.

Q. These qualities of strength, simplicity, and ease of operation are first-rate qualities under the circumstances?

A. They are first-rate qualities for such a device.

Q. Any question of law as to the respective mechanisms you left to the decision of the Patent Office?

A. I left that to the decision of the law officers of the Patent Office.

Q. The element of preference for the invention of an officer who was an assistant to your office and one who was not, was limited to cases where two inventions were otherwise of equal merit, and would not have influenced you to prefer an inferior mechanism?

A. No; the public service is guarded, and these mechanisms are adopted as the result of the action of a board of officers, and not by the fiat of the Chief of Bureau. They are invariably adopted as the result of a report of the board.

Q. Such preference by you would be limited to a case in which the interests of the public were not concerned in any decision that you might make thereupon?

A. I would be guided by the public interest more than by anything else.

Q. You said in your examination in chief that, because Seabury had occupied certain relations to the office, you preferred, as between him and somebody else, the other person?

A. Yes; if the mechanisms were equal I should prefer somebody else, and if the other were superior I certainly should prefer that.

Q. You would not exercise that preference in a case where the interests of the public were concerned?

A. No, sir; the interest of the public is the first thing we have to guard, because we are checked by public opinion and by the subsequent performance of the mechanisms. If it is a good thing, it will work its way to the front in spite of decisions by the Bureau.

Q. You regard the superiority of the Dashiell device over the Seabury clock, for the purposes of the service, as clearly appearing on the face of the drawings?

A. At the time of my decision I certainly so regarded it. I do not know how the Seabury device may look at this time.

Q. As between the two patents you regarded the Ordnance Bureau as entitled ordinarily to decide freely, without being liable to any charge of neglect of duty, and that the parties concerned have recourse to the law courts in order to establish their claims, if there be any?

A. As between two patents I consider that the Bureau of Ordnance has a perfect right to choose to suit itself. Of course, every man has recourse to the courts.

Q. You had some assurance, at the time you commenced the manufacture of the Dashiell gun, that the patent was to be issued?

A. I do not remember that I had any assurance of it. I supposed that it was a new thing, and that he would secure a patent upon it. I had no assurance that it was to be issued from any source whatever. I had paid very little attention to that. I wanted him to have a clear field, so that he could state that he had no assistance from the Bureau in any manner in the development of the device.

Q. Were any Dashiell guns completed before his patent was issued?

A. I really do not know, but possibly there were.

Q. Had any been used?

A. No; not in service. There have been none used yet in the Navy.

Q. Had any been proved?

A. They may have been fired down at the Proving Grounds.

Q. Before the patent was issued?

A. Before the issue of the patent. But I do not remember as to the relative dates at all.

Q. In regard to the letter in which you used the plural word "assistants," do you recollect that Lieutenant Fletcher and Mr. Alger, both draftsmen attached to your office, were, at the time of the date of that letter, developing breech-block mechanisms of this character.

A. It is very possible that they were. I used the word in the plural there, as I told you, to refer to the work being done in the Bureau.
Q. You do not recollect of Mr. Alger working on that?
A. He has always had a great deal of work to do on breech mechanisms. He may have been working on it at that time and he may not.
Q. You do not recollect about that?
A. No.
Q. The word "assistants" is used in regard to your office in two senses, one general and the other specific?
A. Yes.
Q. In the former sense Dashiell was an assistant and in the latter he was not?
A. He was not employed in the Bureau; but they are all my assistants. I give them work to do and they assist me in carrying out my work, whether they are in the Bureau itself or stationed all over the country.
Q. Do you recollect saying anything on your examination in chief that as between the Seabury patent and the Dashiell mechanism you regarded yourself at ease in your selection because the Patent Office had passed upon the law?
A. I regarded that as prima facie evidence that it was a novel idea.
Q. As a matter of fact, you had made use of the Dashiell mechanism before it was patented?
A. Before the patent was issued. I took the chances on that. I could not wait to see whether he got a patent or not. We do not do business in that way. I trusted that he would get a patent, and I felt, of course, that the way was cleared up after he had the patent. A precisely similar case occurred recently, if you will allow me to state it.
Mr. WILSON. I object to the witness stating anything about a similar case.
The WITNESS. This is a very pertinent case. Mr. Maxim, a great inventor, came to me and stated that we were using an invention of his, and he would make us pay $500 apiece for every one of them we used. I was quite convinced that he was wrong. I had suggested to one of my assistants, previous to this statement of Mr. Maxim's, that he take out a patent to protect the United States. This is a case where the patentee gives the United States the use of his device. By a curious set of circumstances Mr. Maxim arrived at the Department and made claim on the Secretary of the Navy that we were using his device; and I was enabled, by the arrival that morning from the Patent Office of a notice to Mr. Fletcher, to meet his statement to the Secretary of the Navy, and to present the paper, which cleared the atmosphere entirely. Mr. Maxim was knocked out of court, and never made any claim whatever after that time. We are making, and have made, hundreds of the Fletcher mechanisms precisely in the same way.
Q. I understand you to say that all the time Mr. Seabury's blue prints were in your office you never gave permission to anybody to take them out of the office?
A. I never dreamed of their being out of the office until I saw in the newspapers that we had furnished this information. It had never been presented to my mind that such a thing was possible.
Q. Did you ever give anyone leave to use them in the office?
A. I do not need to give my own assistants leave to use them. They can go to the Bureau file and take anything out they want. I gave nobody permission to take them, and, in fact, I do not recollect of ever having given any permission about them.
Q. According to your present recollection you have given no person permission to use them?
A. None whatever.
Q. You had me furnished with a wooden model of the Seabury device?
A. Yes; I ordered one made, but I never saw it.
Q. Do you know how that was constructed, and whether it was constructed from blue prints or otherwise?
A. I do not know anything about it. I ordered the thing made, and this is the first time that I have ever seen it.
Q. You do not know anything about the construction of it?
A. No; I got a request from you and gave the order to make it.

Redirect examination by Mr. WILSON:

Q. Did any board of the Navy Department pass upon the Dashiell device before it was applied to guns?
A. No.
Q. Had any board ever passed upon it?
A. Yes; since then.
Q. At what time?
A. I think two or three times, if I recollect right, they passed upon it—certainly in the 6-inch size.
Q. Can you tell me about when the first board approved it?
A. If I recollect aright, it was about eighteen months ago. I do not remember the date exactly.
Q. Who was on the board?
A. Captain Howell was the president of the board and Commander J. E. Newell and Ensign Edward Simpson were members of it.
Q. What was the first work done by your Bureau in the direction of constructing the breech mechanism of Dashiell?
A. Probably the first work done was the general drawings at the Bureau of Ordnance, which are the drawings made before the detail drawings are made at the yard. After the detail drawings are made at the yard there are certain patterns to be made. That is the sequence of events.
Q. After the patterns are made, then, the work upon the actual mechanism is begun in the shops?
A. Yes, sir; from the detail drawings.
Q. When was that work first begun?
A. I do not know. I suppose it was probably begun just before I came to the conclusion stated in the letter. It was in the latter part of September, 1890.
Q. You mean that the actual work in the metal and in the shop of getting out the first mechanism was in the fall of 1890?
A. Yes; I think so.
Q. Were alterations found necessary in that work as it progressed, or did it work exactly according to the drawings, without change?
A. I never knew drawings to be exactly accurate in my mechanism. There are always alterations. That is the universal experience.
Q. And such alterations as there were in this case were made in the shop at the navy-yard?
A. They were made in the shop at the navy-yard, if there were any minor alterations. There were no alterations involving the principle that were referred to me, that I recollect of now.
Q. When was that first mechanism completed?
A. I have not the slightest idea. I suppose it was early in 1891.
Q. Was it put upon a gun that was already otherwise finished?
A. Sometimes we put these things into a cast-iron model and work it back and forth. It may have been done in that way at first.
Q. I mean after it was found to work satisfactorily?
A. It would be put on a 4-inch gun and sent down to be fired.
Q. Upon a 4-inch gun that was already otherwise completed?
A. Yes, sir.
Q. And only waited for the breech mechanism to complete the gun?
A. Yes, sir.
Q. And as soon as it was finished, therefore, it was sent to Indian Head for trial?
A. Yes. We had to wait a long time in order to get a case. We had nothing to test it with: no brass cases.
Q. You mean cartridge cases?
A. I mean cartridge cases. I think there was a long delay before we were able to do any work.
Q. This mechanism, then, was designed to be employed with metallic cartridge cases, or cartridge base?
A. Yes; a metallic cartridge case.
Q. As soon as that was obtained the gun was fired at Annapolis?
A. The gun was fired at Annapolis.
Q. Was that some time during the year 1891?
A. I imagine it was; yes, sir.
Q. You would fix it as some time in the spring of 1891, at Annapolis, Md.?
A. Yes.
Q. By whom was it proved?
A. By Lieutenant-Commander Dayton, the officer in charge of the proving ground at Annapolis at that time. Dashiell had already gone to Indian Head, a new station.
Q. And after proving the gun did you proceed to manufacture other similar breech mechanisms for additional guns?
A. There were long delays and long trials for that one gun. At that time we anticipated the rivalry of the Driggs mechanism, and that rivalry yet exists. There were questions, I recollect now, of preference between the Driggs and the Dashiell mechanism. Seabury was not in it at all. We never thought of him at that time. We thought he was out of the race. I remember that both these mechanisms were tried by Mr. Dayton. Mr. Dashiell knew nothing about it, being stationed at the other proving ground. That was probably in the spring of 1891.
Q. Did you ever report to Lieutenant Seabury that his device was objected to because you regarded it as too complicated?
A. Not except in the terms of that letter.
Q. You advised him nothing beyond what is contained in the letter of September 29, 1890?
A. Nothing that I remember of now.
Q. And never, otherwise than by that letter, did you point out to him any objections that you saw in his mechanism?
A. I do not remember anything of the kind.

WM. M. FOLGER.

At 2 o'clock p. m. the committee adjourned.

COST AND PRICE OF ARMOR.

TUESDAY, *February 2, 1897.*

The committee met at 10 o'clock a. m.

Present: Senators CAMERON (chairman), HALE, PERKINS, MCMILLAN, CHANDLER, BLACKBURN, GIBSON, SMITH, BACON, and TILLMAN.

Hon. Hilary A. Herbert, Secretary of the Navy; Capt. W. T. Sampson, Chief of the Bureau of Ordnance, Navy Department; Robert P. Linderman, president of the Bethlehem Iron Company; C. A. Stone, a representative of the Bethlehem Iron Company; and C. M. Schwab, vice-president and general manager of the Carnegie Steel Company, appeared.

STATEMENT OF C. M. SCHWAB.

Mr. SCHWAB. Mr. Chairman and gentlemen, I am sorry the president of our company, Mr. Leischman, was so ill to-day as to be unable to attend this meeting, as he fully intended to be present. He asked me to appear and make a statement.

I will first submit to the committee a letter that has been written by the chairman of the board of managers of our company to the chairman of the Committee on Naval Affairs. I will read the letter. It is as follows:

THE CARNEGIE STEEL COMPANY, LIMITED,
New York, February 1, 1897.

MR. CHAIRMAN: The Secretary of the Navy has reported to you upon the cost of armor. He gives you the report of the board of officers of the United States Navy which he appointed to investigate the subject.

We desire to say that as far as we know it would be difficult to find three officers as capable as those selected for the purpose, because they have had more experience than any other in regard to the manufacture of armor.

We find that they estimate the total cost of 1 ton of armor at $423.41. We should be willing to accept their report, except their shop cost is proved to be too low by omission of certain parts of processes noted by Mr. Schwab, and which he will explain when he appears for us before you. Lieutenant Rodgers's report we should accept upon this point.

Two items we ask to be left to arbitration; the Government appointing one arbitrator, we another, these two a third, a decision of the majority to be final. All these men, of course, to be impartial, and acquainted with steel manufacture.

The items we think unfair to us and ask to be arbitrated are, first, annual dividend on the capital stock at 6 per cent. The average manufacturer pays 6 per cent for capital that he borrows; when commissions and balances expected to remain on deposit are included, 6 per cent is a low average cost.

It is an axiom that if capital in business can not make 6 per cent interest, and in addition thereto 6 per cent profits, no man is justified in incurring the risks of business; but we do not think that even this would be a fair allowance in the manufacture of armor. We make, say, 1,500,000 tons of steel per annum; the 2,500 tons of armor we make requires at least as much attention, demands as great a proportion of the time of our most valuable men, and gives more trouble and anxiety than all the 1,500,000 tons of steel made for the general market.

We are confident arbitrators would decide that we are entitled to a very different return than the board suggests.

Second. The sinking fund provided to cover depreciation is only about 4 per cent of the cost of the plant. This would mean that we should calculate upon twenty-five years' work building the Navy. We have ourselves estimated the period as ten years, allowing two battle ships per year. We believe that Senator CHANDLER, who began the building of the Navy, has stated that 20 battle ships would probably be the number required; that Secretary Tracy held the same view. Secretary Herbert, if we remember,

put the number somewhat higher. We believe that arbitrators would allow us much more than the board has for this item.

Lieutenant McVay estimates the cost of plant at $3,000,000, and he also allows only 6 per cent dividend on this. He does not include working capital, however, nor allow anything upon it; neither does he allow for cost of reforging. Nevertheless, he makes the cost of single-forged armor $398.39, including the two items named. His cost would substantially agree with that of the board.

We beg to call your attention to the remarkable fact that this board estimated the cost of an armor plant at $3,537,000. This estimate has since been confirmed by the details of cost which we have given; but these did not include $650,000, cost of rolling mill required to make light armor and protective deck plates, which we did not charge to armor department, because the mill is also used for other purposes. This makes our total cost over $4,000,000. It is not claimed that we made any grave mistakes, but perhaps such mistakes as are usually made in the building of a great new plant. On the other hand, our advantages over the Government in building a plant are obvious; we had our staff ready, and able and experienced men in construction, machinery, and in steel making. Adding stock on hand ($750,000), as stated by the Secretary, and necessary expenses for starting a new plant, over $5,000,000 will be required before armor is successfully made.

These reports referred to are the only reports made to the Secretary by his officers which aim to give the cost of armor. We accept them both, in the main, and only ask that we have the two points named decided by impartial arbitration.

Very respectfully,

THE CARNEGIE STEEL COMPANY, LIMITED,
By H. C. FRICK,
Chairman Board of Managers.

Hon. J. D. CAMERON,
Chairman Senate Naval Committee, Washington, D. C.

I should like to make a few remarks with reference to our armor-making industry. About 1890 we were approached by the Secretary of the Navy and requested to go into armor manufacture. The matter was placed before our people. We considered it very carefully from every point of view, the great risks incurred and the liability of having no work for long periods, and we decided against it. We were approached again and again. We were notified that it was our duty to help the Government in this matter, whose ships were waiting on the stocks for their armor. Mr. Carnegie and our associates finally consented to go into armor making. As soon as we had so decided, we had our engineers, our draftsmen, and our experts put to work without delay. Our agents were sent to all parts of Europe. We collected all the information we could, and we started to build a plant.

Our first estimate on the cost of this plant, and the amount of money which our board appropriated for the plant, was $1,000,000. We likewise estimated low when we started, as subsequent events have shown, for when the plant was completed its cost was about $3,500,000—$3,700,000, I think, was about the amount shown as taken from our books by the Secretary's commission. So the estimates with reference to the construction of the plant, of which so little was known, were indeed very delusive. And there is not now an armor plant to be found quite as efficient as ours, I think, in every respect, and a similar one could not be built for anything less than that amount. So many unexpected expenses are incurred when actual constructive operations are started that are never thought of when estimate is made. I cite this to show that while the Secretary's experts may estimate $500,000 as the cost of a plant, the final cost would be much in excess of this amount.

When we started armor making we made a contract with the Navy Department. Certain qualities were specified, but it was also specified that we should do the best we could. Quality was the very first consideration that we had in view in armor making. Strange, but true, two or three months after we started the manufacture of armor we were able to turn out a plate quite equal in quality to anything that had ever been made in any part of the world, and in a very short time we took the lead in this matter.

Our plates were far superior to anything that had ever been fired at, to anything that had been tested, and the records will so show. The result of this has been that every month we have increased our quality; we have gone on adding new processes, devising new mixtures, improving our methods of casting, our methods of forging, and our methods of tempering, until to-day we are supplying the Government with an armor plate of exactly one-half, or approximately one-half, the thickness and the weight of eight or ten years ago, with the same resisting qualities. In other words, a plate that we would have given, 10 inches thick, and weighing 20 tons, to cover a certain position on a ship ten years ago is now half that thickness and half that weight. One of the reasons why we were able to make this high quality of armor was because of the invention of reforging. Now, for all these things we have not charged the Government one penny. So much confidence has the Department in the quality of our armor that the last lot was accepted by them without any test. The Russian Government did likewise.

It has been charged that we have not reduced our price of armor. Could there be a greater possible reduction than that it has enabled the Government to build ships with one-half the weight had they been so inclined? And it was more than that. It enabled them to use that extra weight for other purposes on the ship, a greater burden, greater coal supplies, and a greater space for machinery, and gave all those advantages.

Senator HALE. Right there let me ask you what is the fact connected with the improvement which you speak of as to the thickness that the Government requires in the plates. Do they reduce the thickness and thereby you furnish better armor and less of it, or do they keep up the thickness and thereby you furnish more armor; which is it?

Mr. SCHWAB. They have done both, as I understand it. They have reduced the thickness for the same resistance and spread the armor over a greater portion of the ship, affording greater protection to the ship. Am I not right, Captain?

Captain SAMPSON. Yes.

Senator HALE. Is the general armoring of the great ships to-day less thick than it was five years ago?

Mr. SCHWAB. Yes, sir; not only less thick, but covering a very much greater space on the sides of a ship. So this vast increase of the quality has been one of the greatest reductions in price that any firm could make. We have given them all these things. Every contract that we have ever made with the Government has been made with the full knowledge of the Secretary and his consent as to the price. The only time we have been asked to reduce our price, after a good deal of argument and talk to the Secretary (Secretary Herbert), who insisted that he ought to have a reduction of $50 a ton, we agreed to it.

In addition to that, we have furnished, as I say, armor of such excellent quality as puts our Navy far ahead of anything in the world. To show you the appreciation our armor has in foreign countries, I might state that but a very short time ago we were in business negotiation with a foreign firm who asked us to install a plant in a foreign country, and on the plans we have at Homestead, and guarantee that we would produce in that plant armor equal to that which we are producing at our Homestead plant, and for this they agreed to pay us the sum of $1,000,000, and pay for the whole plant besides. I only quote that as an illustration of how highly the Homestead product in armor has been regarded. We are placed first by the Russian Government in their orders, and I think there are gentlemen here who will fully confirm all I have said.

Now, I come to the Secretary's report, on which I should like to say a few words. I wish to say that the officers of the Rohrer board, whom he appointed to make that report, are able—all of them. I know that they are most competent people—perhaps the most competent that could possibly have been selected—and I have no hesitancy in congratulating the Secretary on the selection. In the very first part of their report they say:

> As a preliminary to the following analysis of the cost of armor, it is but just and proper to state that it has been impossible to form, in many instances, more than an approximation of the actual cost of the items, as their components are so numerous, varied, and connected with other operations and changes as to be indistinguishable.

The surprise to me is that these officers were able to get as close to the cost of armor as they did. We have refused, as you are well aware, to open our books to show the cost of armor for many and good reasons, which were given the Secretary and others. There are innumerable reasons why we should refuse. There are secrets and processes and methods, all of which we would have to disclose if we opened our books to the inspection of anybody, and we can not afford to do that after the years of experimenting we have done in armor-plate making.

I shall not attempt to criticise this report from any facts that I might draw from our books. The only criticisms that I will make are those of omission on the part of the people who made the report, I mean those things which they have overlooked, as it were, exhibiting those which they have not, and showing you that with those omissions added we would be perfectly satisfied with their report on armor. I will just point to some of the largest omissions as briefly as possible.

First we will take the material in the ingots. If they will examine their own records they give a certain weight for a certain plate and calculate that the weight of material to be changed from that is $30 per ton. If they had taken their own records in the Navy Department as showing the total weight of ingots made for the total contract furnished, they would have found that we have used 22½ per cent more material than they have charged up for material in ingots. They do not need to refer to our own books for that; they can get that from their own reports. So every item that comes under the head of material in ingots is 22½ per cent on the average short of the total material furnished in the contract. Do I make myself clear on that point?

Senator BACON. You mean material other than steel?

Mr. SCHWAB. I speak of the material that goes to make the steel, the pig iron, the scrap, and all that sort of thing.

Senator HALE. The original material?

Mr. SCHWAB. The original material undeveloped.

Senator BACON. You are not referring to nickel?

Mr. SCHWAB. No, sir; the Government supplies that. It has been shown in all our contracts that we have made three and five one-hundredths times the weight of the ingot for the weight of the plate. That can be quite easily confirmed, and you will find that the estimate does not take such a high standard of losses.

I come next to the basis of fuel. In the manufacture of armor fuel is really one of the most important things and one of our most expensive things. They estimate, for example, that it will take a plate in the furnace eighty-four hours for bending and for forging; it ought to be there twenty-four hours for the subsequent forging, and there is a total of about one hundred and eight hours. They estimate our output at 3,000 tons. Take a 27-ton plate, and nine plates a month would be our average output. Nine plates manufactured at one hundred and eight hours in the furnace, on which the cost of fuel is based, would be equivalent to nine hundred and seventy-two hours heating per month. Now, we actually have a furnace capacity of five thousand and forty heating hours per month.

If their estimate of fuel and the time of heating, which concerns fuel, is correct, then we have six times as many furnaces as we need. If they are correct, we would only need two heating furnaces. That is a matter that they can easily confirm themselves. I do not refer to our books as to the question of cost. Let them look at the works. They have based their estimate on plates weighing 27 tons. The actual facts in the case are that of all the armor we have ever made and delivered to this Government, the whole 12,000 tons, the average weight of the plates manufactured is less than one-third of 27 tons. Take their own books for it, and you will find the average weight of plate we furnish the Government is only 8½ tons, and yet they based their calculation on fuel, forging, and bending, and work on a plate over three times that heavy. Now, that is unfair.

Then I might state that in their charge of material for ingots there are a great many items which they did not include. There is the dolomite and sand, the silica speigel, the recarbonizing; and there is the electric power for handling the ladles, the hydraulic crane, and all that must be required in the open hearth that has been entirely overlooked.

Now, I will come to the question of labor, and then I will leave the criticism of the report as far as shop practice is concerned. It seems to me it would have been an exceedingly easy matter for this board to have gone right into our shops and counted the number of men employed there when we were running the shops.

Senator CHANDLER. It would have been an easy matter to have done that?

Mr. SCHWAB. Yes, sir; a very easy matter.

Senator CHANDLER. You took the attitude that you would not show them anything?

Mr. SCHWAB. I beg pardon. That is a different thing. We would not show them our books.

Senator CHANDLER. When you say it would have been an easy matter for them to have done so, it would have been an easy matter for you to have corrected them?

Mr. SCHWAB. It was just as easy for them to count the men at work as to count the number of hours they worked. They could have counted the men in the shops, and at what wages per day, and by dividing it by the tonnage of armor they would have the labor cost without our showing them anything. Yet they have not done that. If they had done it they would have found that the labor would have been about three times as much as they have given it.

Senator HALE. How do you think they got at the amount of labor?

Mr. SCHWAB. They made an estimate of the number of hours it required a man working on any plate of a given size and divided that by the tonnage on each individual plate. But they forgot to note the fact that men are not like a lot of chessmen that you can put two hours at this and an hour at that and send them home, but you must keep men steadily employed. Now, the rates of wages per day, as named in that report, are such as we have never paid. The poorest pensioner in our shop, who sweeps up the floor and is not able to do any work, receives 20 per cent more wages than the lowest wages named in that report.

Senator CHANDLER. That is from your books?

Mr. SCHWAB. No, sir; you will find that we have no hesitancy in giving our rates of wages to the board. Besides, they have asked the men what wages they were paid.

Senator HALE. How much below do you think they have that estimate?

Mr. SCHWAB. The total?

Senator HALE. What percentage?

Mr. SCHWAB. I think it is two and a half times too low.

Senator CHANDLER. You take the figure and increase it two and a half times?

Mr. SCHWAB. I take it and multiply it by two and a half.

Senator HALE. Then they have given only about 40 per cent?

Mr. SCHWAB. Yes, sir; I will tell you what I am willing to do; I am willing that the foreman of our shops shall to-day make a list of the men employed and the rates and you can send it to the officers and let them check it. We do not ask you to take our word for it.

Senator HALE. Of the men employed in this work?

Mr. SCHWAB. Yes, sir.

Senator HALE. Exclusively in this work?

Mr. SCHWAB. Exclusively in this work. There is the list, there is the wages per day, and you can send up there and your officers can go over it and check them up; and if they do that and divide by their basis you would find that what I say is correct.

Now, there is one question more. The whole fabric on which they have made this cost has been based on an output of 3,000 tons per year. We have run our shop for six years and we have not averaged over 2,000 tons per year—just about 2,000 tons per year. They themselves said in their report on page 71—I happen to remember the page, because I expected to refer to it—that—

> Should less than 3,000 tons be demanded for any year from either firm the profit would be diminished far more than proportionately to the lesser tonnage of output, on account of the preponderance of fixed charges independent of the output.

Let us understand that. All of these general charges go on just the same. If we make 1 ton a month, or 100 tons a month, or 500 tons a month, the general charges are the same.

Senator HALE. The nearer you come to the ultimate capacity the more profitable it is for you?

Mr. SCHWAB. Yes, sir; and I am prepared to-day, gentlemen, to say to you, if you will give us a contract for armor in proportion to the output of which we are capable—I am willing to state for our firm that we will give you a rebate on every ton over the average figured upon in that report.

Senator BACON. You speak of the general average for six years. What has been the average for the last three years?

Mr. SCHWAB. I can not tell you. I have not figured it.

Senator BACON. It has not been much larger than the first?

Mr. SCHWAB. No, sir; I think not. I will ask Mr. Stone if he can state.

Mr. STONE. I can not say, exactly. I think it can all be figured.

Mr. SCHWAB. It seems to me a very difficult thing to fix the price of any article in which quantity and quality do not enter. Quantity and quality are the two essential things in fixing the price of any article. Quantity is, as I have pointed out to you, especially important. We have only made 2,000 tons per year, at the bare cost on 50 per cent higher tonnage. I am prepared to say that if you will give us 3,000 tons of armor per year, as estimated, we will give you a rebate of $50 per ton upon every ton over that quantity. If you will give us 3,500 tons of armor per year, we will give you a rebate of $100 per ton for every ton over that quantity.

Senator BACON. Over that quantity?

Mr. SCHWAB. For all over that.

Senator BACON. Why?

Mr. SCHWAB. Because, as stated before, with this increased quantity we could manufacture cheaper. Quantity is most important.

Senator HALE. For 3,000 tons a year you would take $50 a ton off of the 3,000?

Mr. SCHWAB. No, sir; off of the excess over 3,000, because 3,000 is what we can produce at the given price which you have figured on.

Senator MCMILLAN. It would not, of course, cost you near as much over that?

Mr. SCHWAB. No, sir; it would not.

With reference to the Secretary's method of charging off profits as against our capital stock, I do not think I need say much. I do not think any man engaged in business would think of charging off his profits by dividends against his capital stock. I have never before heard of such a business proposition. Let me illustrate. If you built houses for rent and you received 8 or 10 per cent on them, would you, in the course of five years, or ten, or twenty years, if the rent remained the same in that district or vicinity, reduce the rent per month because you had made a part of that money and credited it to the cost of your houses? I think not. Would you, in any manufacturing enterprise, charge up your dividends or take from your capital stock the dividends which you had declared, made by your profits on the whole capital invested? It is a new thing to me. It is something strange for a business man to do. Dividends should be large in such a precarious and troublesome business as armor making. It is not ordinary manufacture nor ordinary risk. If, as the Secretary intimates, we should be satisfied to get our money only, why did we go into this business or run such a risk? Surely this is worth something out of the ordinary. When one sees a quarter million dollars' worth of plate being accepted or rejected by one shot at a specimen plate, he is sure to feel the risk is not ordinary, but extraordinary.

Senator BACON. I do not understand that to be the Secretary's idea. That was suggested in response to the contention made by the armor manufacturers that they invested this very large amount of money at the instance of the Government. If it can be shown that, over and above a legitimate profit, you have made such a profit as will really replace your capital, that is a legitimate reply to the contention.

Senator MCMILLAN. Is it true that the profits paid by the Government have practically paid for all of this plant?

Mr. SCHWAB. No, sir; it is not true, because the profits have been calculated on a false basis.

Senator MCMILLAN. That statement has been made a number of times.

Mr. SCHWAB. It is positively not true. We can not show you that without showing you our books. We have refused to show them, for a good many reasons. We can not show them to anybody, but it is absolutely not true. In no branch of our business do we consider our money as poorly invested as in armor. There is no branch of the business that has given us so much trouble, so much worry, and in which we think we have such a poor outlook as we have in armor. So strongly do we feel on this point that there is nothing which would please us better, and we are thoroughly in earnest when we say that we would like for the Government to take our plant. We have undoubtedly the best plant in the world.

Senator SMITH. At what cost, do you suppose?

Mr. SCHWAB. We will fix the value by arbitration—the value of the plant, and the processes, and everything. They are all subjects of arbitration and valuation.

Senator SMITH. Let me ask whether your plant is so separated from your other works that it could be sold to the Government?

Mr. SCHWAB. It could be. It is divided; it is so situated. We have, perhaps, the best situation in the United States for armor making. We are in the natural-gas district where we have natural gas for fuel. We have $3,000,000 invested in natural gas, and we would supply you with gas at fixed prices to be determined by arbitration.

Senator SMITH. The reason why I ask this is because, in case the Government should determine to purchase a plant, I desired to know for general information whether that plant could be sold and not be any part of the rest of your business.

Mr. SCHWAB. Our steel-making plant is not separated from the other, but you could erect a steel-making plant there, or we are willing to sell you the steel to make your ingots and charge you a price to be fixed upon by fair arbitration. Pittsburg is in a district where the best men in the world are obtained, and, as above stated, where natural gas, the purest of all fuels for metallurgical operations, abounds.

Senator HALE. Let me ask you to summarize a little. Taking your division of all that makes up the product, I understand you to say that on the original material the estimate is about 22½ per cent too low?

Mr. SCHWAB. Yes, sir; too low.

Senator HALE. That is the first. Now, next, upon fuel. About how much too low do you think that is?

Mr. SCHWAB. I could only give you my estimate. I can not confirm it by any figures nor ask the officers to confirm it in figures; therefore I did not give it; but my own estimate shows that the cost of fuel in heating, forging, bending, and harveyizing is three and a half times too low.

Senator HALE. That, then, is only about 30 per cent?

Mr. SCHWAB. Thirty per cent of what it ought to be. I will say 30 per cent of what it ought to be.

Senator HALE. And when you come to the labor, that is only 40 per cent?

Mr. SCHWAB. Yes, sir. There are a great many facts to which I did not call attention, such as experimental work. They have allowed us $5,000 a year for experimental work. The last experiment we made at Indian Head cost $18,000, and it was a failure. That was just within the last few months. But I did not call attention to any of these smaller items at all—just to the larger items.

I should like to impress further upon the committee our real and earnest desire, if you are dissatisfied with our prices and our material and think we ought to do the work at such figure as we feel we can not do it at, that you take our plant off of our hands. We have invested this money in good faith. It is good money and we need it, and the business is a troublesome one. We make, as we have stated in our letter, 1,500,000 tons of steel a year. We make 2,000 tons of armor a year, a mere trifle compared with what we do in other lines, and yet this armor has been a more troublesome thing to us than all the other business put together.

Senator CHANDLER. Let me ask you a question there. You have spoken of the improved quality of the armor, the improved strength compared with the weight. Tell us something about the difficulties that have been met with in making armor that would meet the requirements of the specifications.

Mr. SCHWAB. Difficulties in what direction?

Senator CHANDLER. There have been criticisms, and there have been investigations. I have not shared the condemnation that has been visited upon some of the plates, because I know the difficulty in making perfect plate armor, but there was a long House investigation recently, and I see from the newspapers the Secretary has had to investigate complaints about defects in plates. Now, what have they done in a general way? What is the trouble? What is the difficulty you have met with that has caused this, when, as you say, you have made constant improvement in the plates?

Mr. SCHWAB. That is very true. I will state those things. The difficulties we have met have not been difficulties in which the resistance qualities of the plates was ever questioned, but they were charges against us for mechanical defects in the plates, such as blowholes, seams, and things of that description. The charge was best met at the time by our broad statement that we were perfectly willing to risk our reputation as a firm on any plate we had made, and we begged of the Secretary of the Navy and Captain Sampson to take them off the ships and fire at them.

Senator CHANDLER. I understand you, then, on that point, that as to almost any one of the plates of which there has been complaint you would have been willing to have submitted it to the test of firing projectiles at it?

Mr. SCHWAB. Yes, sir; decidedly yes. That was our statement at that time. I think Captain Sampson can confirm that. Is that not right, Captain?

Captain SAMPSON. That is right. We had good reason for declining to accept such a proposition.

Mr. SCHWAB. With reference to the recent inquiry in regard to the hull plates, the board the Secretary has appointed has completely exonerated us, and stated that we have furnished steel quite within the specifications. We could have no better proof of the quality of our material.

Senator HALE. Mr. Secretary, do you want to ask any questions?

Secretary HERBERT. No, sir.

Mr. SCHWAB. I would be very glad to answer any question.

Senator BACON. I should like to ask one question. I understood you to specify certain omissions on the part of these officers?

Mr. SCHWAB. Yes, sir.

Senator BACON. Of course, you obtained that information from your books?

Mr. SCHWAB. I cited no omissions that could not have been obtained without our books.

Senator BACON. I want to know how you are prepared to state, as to all of their estimates, whether they erred on the other side as to any of them, and to specify each one of them with some particularity.

Mr. SCHWAB. I could not do so, except in a general way and without giving you my reasons, and I could not give you my books. Nor did I criticise any but the principal items of cost. The three items criticised, namely, materials, labor, and fuel, constitute the principal items of cost.

Senator BACON. In other words, then, your statements as to the accuracy of their estimates are partial and not complete?

Mr. SCHWAB. They are accurate on the chief items. The other items I refer to without going into matters of minor importance. I would be very glad to answer any one point.

Senator HALE. These three items are the chief?

Mr. SCHWAB. They are the chief items, although the question of interest on the plant and depreciation of the plant we have asked to leave to any fair arbitration. When I stated they were the chief items, it was with reference to shop cost.

Senator BACON. You were speaking about inaccuracies in the estimate of what was necessary in the composition of the steel. What is your estimate of the cost of a steel ingot, complete, per ton?

Mr. SCHWAB. It depends entirely on the ingot. You mean for armor?

Senator BACON. Yes, sir.

Mr. SCHWAB. I have not that figured out. I could not tell you. They do not figure it in that way, Senator.

Senator BACON. We have had testimony on that subject by other officers of your company or of other companies to the effect that it was $17 a ton.

Mr. SCHWAB. You will find that the charges that go to make up the ingot are more than that.

Senator HALE. You think that the cost of $17 a ton is very much below?

Mr. SCHWAB. You will find the board gives the material in the ingots as $30.

The CHAIRMAN. If no one else desires to ask Mr. Schwab any further questions, we will hear Mr. Linderman.

Mr. SCHWAB. I thank you, Mr. Chairman and gentlemen.

STATEMENT OF R. P. LINDERMAN.

Mr. LINDERMAN. Mr. Chairman and gentlemen of the committee, it seems almost unnecessary for me to add anything to what has been just said; but in regard to the charge that the profits from Government work are more than was paid for the plant, I think I can answer that in a very few words.

In the report of the Secretary of the Navy, on page 33, he submits a statement which he claims shows that the profits of the Bethlehem Company for the eight years from 1889 to 1896, inclusive, allows dividends annually on $3,000,000 of stock at the rate

of 10 per cent per annum for eight years, repays the new capital paid in during that period, with 10 per cent from the dates when the capital was subscribed, pays off the $1,351,000 of bonds issued during the construction of the foregoing plant, and leaves a profit from 1889 to 1896, inclusive, of $672,728.95 to put to the credit of the gun and armor plants.

He then goes on to state that the Bethlehem Company is now engaged in executing a contract for one-half of the armor intended for the *Kearsarge* and *Kentucky*, all of which is to be delivered before the 1st of January, 1898, and concludes that "after paying 22 per cent on all new money put into new plant from date of issue of stock and till its cancellation (we) can repay (our) its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000."

He adds: "Only net earnings have been considered, and the results show that the company's investments in plants to make armor and gun steel for the Government have been returned with 29 per cent thereon."

In order to show how erroneous and misleading the Secretary's statements and conclusions are, we beg to submit the following:

In 1887, when we undertook the erection of a plant for Government work, our capital stock was $2,000,000, on which we were paying cash dividends at the rate of 12 per cent per annum. We had no floating indebtedness, a bonded indebtedness of only $149,000, and we had a surplus of about $2,000,000.

Since that year (1887), in order to provide the means with which to build this new plant, we have issued $3,000,000 new stock, for $2,000,000 of which the stockholders paid $2,819,700 in cash, the $819,700 premium so paid by them and $180,300 partial interest thereon being afterwards represented by a stock dividend of the other $1,000,000; $1,351,000 of bonds, and about $2,200,000 of bills payable. So that our investment on account of new plant, instead of being $3,351,000 ($2,000,000 stocks, $1,351,000 bonds), the basis on which the Secretary's statements appear to have been prepared, was $6,551,000 ($3,000,000 stocks, $1,351,000 bonds, and $2,200,000 bills payable). That premium was $819,000, and the stockholders paid that premium and a portion of the interest on the premium until the new stock was issued, it being repaid to them in the shape of a stock dividend of $1,000,000; but they paid in actual cash $2,819,000, and received no interest on the $819,000 premium until the new stock was issued, nearly three years afterwards.

Secretary HERBERT. Do you mean to include in that the $1,000,000 of new stock that was added to make the $5,000,000 in 1889, or along there?

Mr. LINDERMAN. I include that $1,000,000 of dividend stock.

Secretary HERBERT. Do you mean to say that the stockholders paid for that?

Mr. LINDERMAN. No, sir; they paid for that in premiums on earlier issues of stock. They paid for the first $2,000,000 issued $2,819,000.

Secretary HERBERT. I gave you credit for having paid one million and eight hundred and odd thousand dollars, and then the $1,000,000 that your returns showed would have been stock dividends I counted as not having been paid for by the stockholders with money out of their pockets. Was it so paid or not?

Mr. LINDERMAN. It was so paid.

Secretary HERBERT. You paid it in money?

Mr. LINDERMAN. In money, to every one.

Secretary HERBERT. Why did you report it as stock dividends?

Mr. LINDERMAN. It was the only way we could get to it. They had only paid for it in premiums on prior issues. They give the stock at par when they pay out new stock.

Secretary HERBERT. Do you mean to say that the stock dividend of $1,000,000 was paid for by subscribers?

Mr. LINDERMAN. Yes, sir.

Secretary HERBERT. And not paid for at all out of the profits of the company?

Mr. LINDERMAN. It was paid for by the premiums that had theretofore been paid on that stock.

Senator CHANDLER. Do you mean that when prior issues of stock had been made, instead of paying $100 a share the stockholder actually paid in cash more than $100?

Mr. LINDERMAN. Yes, sir.

Senator CHANDLER. Can you give the figures?

Mr. LINDERMAN. Eight hundred and nineteen thousand dollars.

Senator HALE. On an issue of $2,000,000?

Mr. LINDERMAN. Yes, sir; a premium of $819,000.

Senator CHANDLER. Actually paid?

Mr. LINDERMAN. Actually paid.

Senator CHANDLER. That stock actually cost the stockholders in money paid in $2,819,000?

Mr. LINDERMAN. Yes, sir.

Senator CHANDLER. But when you made your stock dividend of $1,000,000 you undertook to offset that?

Mr. LINDERMAN. Yes, sir; but that did not repay them for the interest.

Senator CHANDLER. Did you know that, Mr. Secretary, at the time you made your report?

Secretary HERBERT. I took that as having been paid as a dividend. The statement that they make in their returns to the auditor-general of Pennsylvania is that that was a stock dividend.

Senator CHANDLER. But you assumed that they had only paid in the $2,000,000 of stock?

Secretary HERBERT. Yes; and only now do I understand the transaction to have been otherwise.

Senator HALE. You assumed that stock to be par?

Secretary HERBERT. I assumed it to be par.

Senator HALE. Mr. Linderman, have you ever made to the Secretary before this communication touching that issue of stock showing the premium that was actually paid to the stockholders?

Mr. LINDERMAN. No, sir.

Senator HALE. Why did you not give him this information before he made up his report?

Mr. LINDERMAN. We were not asked for it.

Secretary HERBERT. Mr. Linderman, you are mistaken.

Senator CHANDLER (to Secretary Herbert). Read the letter.

Secretary HERBERT. After you had responded to my telegram by giving me the returns for two years, which had been omitted at Harrisburg, I then wrote you a letter and asked you to explain the surplus and to give me any other and further information from your books that would enable me to do justice to you. That letter is here in the report. You said you would not give me any further information.

Mr. LINDERMAN. We gave you our net profits, our gross profits, and our surplus for each of the years.

Senator HALE. Did you make the statement which you are now making here in any way to the Secretary when he sought information from you?

Mr. LINDERMAN. No, sir.

Senator CHANDLER. But you consider the stock for which the $1,000,000 of stock which was issued as dividend stock as an offset to the premiums that had previously been paid on the $2,000,000 of stock?

Mr. LINDERMAN. Yes, sir.

Senator CHANDLER. You state that now for the first time?

Mr. LINDERMAN. Yes, sir.

Secretary HERBERT. In one of the returns that you made to Bethlehem, and which I got from the Red Book of Pennsylvania, there was a statement that the dividend for that year was to be paid in money on any stock at $80 per share. How much of those dividends were paid in money and how much in stock at $80 per share?

Mr. LINDERMAN. I could not state exactly, not having the figures here; but I should say that at least one-half of it was paid in stock.

Secretary HERBERT. Was any portion of this additional $1,000,000 of stock paid in that way, that the parties instead of taking 12 per cent dividend in money would take it in stock at $80 per share?

Mr. LINDERMAN. On the last million?

Secretary HERBERT. Yes; any part of it?

Mr. LINDERMAN. That was all taken in stock, each stockholder one share for every four shares that he then held.

Secretary HERBERT. And by the stockholder paying in money for that at the rate of $80 per share?

Mr. LINDERMAN. Not the last million; that was a stock dividend.

Secretary HERBERT. What did they pay? They paid nothing for that?

Mr. LINDERMAN. No, sir.

Secretary HERBERT. Then I was right if they paid nothing for that?

Mr. LINDERMAN. At that time they had paid for it by premiums. They had paid on the other $2,000,000. They had paid $2,819,000 for the representative value of $2,000,000.

Senator HALE. For every $100 of stock they paid $145?

Mr. LINDERMAN. Yes, sir.

Senator HALE. And paid it in money?

Mr. LINDERMAN. Yes, sir.

Senator HALE. Then in making up your accounts you offset that premium, which amounted in round numbers to eight hundred and odd thousand dollars, by stock dividends?

Mr. LINDERMAN. Yes, sir.

Senator BACON. I heard you state something about an original $2,000,000 of surplus.

Mr. LINDERMAN. That went into the whole construction of the plant. I will come to that later, Senator.

As I stated, our investment on account of new plant, instead of being $3,351,000, as stated by the Secretary ($2,000,000 of stocks and $1,351,000 of bonds), was $6,551,000; that is, $3,000,000 of stocks, $1,351,000 of bonds, and $2,200,000 of bills payable. During the construction of the new plant no income therefrom was received, while interest upon——

Secretary HERBERT. Let me call your attention to the fact that in the calculation I made about your company and what its

profits have been I made no estimate at all of what your plant was. I especially stated in the report that the figures furnished by your reports, which I got from the auditor-general, saved me the necessity of making any calculation at all as to what your plant was. It was in a preliminary part of the report where I spoke of your plant as having been estimated at $4,800,000 by this board, and made another estimate myself, and stated that you had estimated it at $4,000,000. But the calculation that was made showing that you had been paid 22 per cent did not take into consideration any plant at all, nor the value of the plant, because I stated that that plant had evidently been paid for, whatever the cost was, whether it was $6,000,000, $5,000,000, $4,000,000, or $3,000,000.

Mr. LINDERMAN. That is what I am trying to show is not the case; that the plant has not been paid for.

Secretary HERBERT. You have just stated that the plant really cost very much more than I estimated it. I am calling your attention to the fact that in my estimate of your profits I said that your books showed—the transcript from them that I got from the auditor-general showed—that this plant had been paid for, whatever it cost, be it much or little. So that calculation is not based at all upon any estimate whatever of the value of your plant.

Mr. LINDERMAN. This money all went into the plant.

Secretary HERBERT. It all went into the plant, but the calculation was based on the idea that your indebtedness was all paid, your profits had been declared, and so much money had been made; and when the account was made out and stated it showed that there was money enough there to pay your indebtedness, and, including the plant, to pay you 22 per cent upon your capital stock.

Mr. LINDERMAN. That is exactly what I am trying to show.

Secretary HERBERT. But you are basing your argument upon the assumption that I stated that the plant cost a certain amount and that that entered into my calculation, whereas it did not at all.

Mr. LINDERMAN. There was the cost of the plant. I stated here that our investment on account of the new plant instead of being $3,351,000, as stated by the Secretary——

Secretary HERBERT. You are basing your argument upon the assumption that when I state that it was not a question at all in the case, because your plant had been paid for according to your own figures, be it much or little, and it did not matter what the estimate was of its cost.

Senator HALE. In other words, Mr. Linderman's statement of what you have stated was not your statement?

Secretary HERBERT. No, sir; that is to say, it had nothing to do with the calculation I had made.

Senator HALE. It was all an assumption on your part, dependent on those figures?

Secretary HERBERT. It was not an assumption that entered into my estimate of the profits at all.

Senator CHANDLER. Your assumption was that the cost of the plant was paid for from either stock or bonds, and when you found the stock and bonds wiped out by the profits it did not make any difference what the value of the plant was?

Secretary HERBERT. In other words, I took what they had in the beginning. I took the capital stock. Then I added to that the additions of stock. Then I showed that the profits had eliminated all the debt, whatever it was, including the plant, and it left so much to divide among the stockholders, making such a per cent.

Senator MCMILLAN. Mr. Linderman, I take it, is trying to show that that is not the case, that the profits did not pay for the capital stock.

Mr. LINDERMAN. Yes, sir.

Senator HALE. That the figures are very much larger.

Senator MCMILLAN. That the figures are very much larger than the Secretary gives.

The CHAIRMAN. I suggest that Mr. Linderman be allowed to proceed.

Secretary HERBERT. I will not interrupt you further, Mr. Linderman.

Mr. LINDERMAN. As I was proceeding to say, during the construction of the new plant no income therefrom was received, while interest upon obligations given therefor was met out of profits from the existing commercial business, making necessary reductions in the dividends paid our stockholders from 12 to 10, 9, and 8 per cent during the years of 1888, 1889, 1890, 1891, 1892, and 1893.

To refute the statement of the Secretary of the Navy, "that there is no error whatever in the conclusions reached: that the Bethlehem Company, after paying 22 per cent on all money put into new plant from date of issue of stock and till its cancellation, can repay its stockholders in full and accumulate a surplus of $1,434,222, sufficient to more than pay off its bonded debt of $1,351,000," it is sufficient to state that in addition to the $2,000,000 original stock, the $3,000,000 of new stock, $5,000,000 in all, together with the $1,351,000 of bonds is still outstanding, and during the whole period under consideration (the eight years from 1889 to 1896) the average dividends paid to our stockholders were less than they were during the years immediately preceding. All the increase of surplus stated by the Secretary in the tables, on page 29 of his report, has also gone into the plant, material, and necessary working capital.

During the eight years from 1889 to 1896, both inclusive, the gross receipts of the Bethlehem Iron Company amounted to over $46,000,000, while during the same period the receipts from armor amounted to only $6,780,000, or about 14.7 per cent of the total.

The CHAIRMAN. That includes all your business?

Mr. LINDERMAN. Yes, sir.

Senator HALE. For those years?

Mr. LINDERMAN. For those years.

Senator HALE. You do not bring it down to the present time?

Mr. LINDERMAN. Yes, sir; I bring it down to 1896.

The CHAIRMAN. What proportion of your business receipts do you receive from armor?

Mr. LINDERMAN. In those eight years there were but $6,000,000 out of $46,000,000.

Senator BLACKBURN. Fourteen and seven-tenths per cent for those eight years?

Mr. LINDERMAN. Yes, sir.

The CHAIRMAN. What were your dividends?

Mr. LINDERMAN. They never exceeded 12 per cent; and during the period of construction they were 10, 8, and 9 per cent.

The CHAIRMAN. That includes the whole business?

Mr. LINDERMAN. Yes, sir.

Senator CHANDLER. How much for the gun steel? The Secretary takes in all the Government work.

Mr. LINDERMAN. He gives them separately there. It is very easy to figure it up. I did not figure it up.

Senator CHANDLER. When you speak of armor alone and the proportion of that to the gross business, you bear in mind, of course, that the Secretary takes all Government work, which includes gun steel. I do not know how many millions were paid for gun steel.

Senator MCMILLAN. Including gun steel and armor?

Mr. LINDERMAN. Yes, sir; and the regular business in rails and pig iron.

Senator CHANDLER. The sum is $15,000,000 in all for Government work.

Secretary HERBERT. I have the figures. I think Mr. Linderman must misunderstand, or I do, one or the other, because his statements are not borne out by these figures, which I got from the company or from Harrisburg. For 1896 the gross earnings were $5,000,000, and that I take to represent the volume of business—all the business. Including what is called the extra plant—an armor and gun-steel plant—the gross earnings were $5,826,000. The amount received from the Government was $1,430,000. For the year before the gross earnings were $5,358,000. The amount received from the Government was $2,008,000, pretty nearly half. This year before the gross earnings, representing the volume of business, were $5,359,000. The amount received from the Government was $2,822,000, making over half.

The CHAIRMAN. That includes armor?

Secretary HERBERT. It includes armor and gun steel. For 1893 the amount received from the gross earnings was $6,476,000, and the amount received from the Government was $3,482,000—over half. Then, again, in 1892 the gross volume of business, representing all the plants, was $6,731,000, and the amount received from the Government was $1,335,000, making about 25 per cent that year. In previous years there was not so large a proportion of it—that is, in 1889, 1890, and 1891.

The CHAIRMAN. Can you give us separately that which they received from armor plate alone, leaving out the gun steel?

Secretary HERBERT. Yes, sir; that is here.

The CHAIRMAN. Be kind enough to read that, too.

Secretary HERBERT. The amount received by them from the Government for armor in 1896 was $1,089,000.

The CHAIRMAN. What proportion was that of their gross receipts?

Secretary HERBERT. That was about one-fifth. The amount received by them for armor the year before was $1,334,000. That is a little over one-fifth of $5,358,000. The amount received the year before for armor was $1,610,000, the gross receipts being $5,359,000, and that being about 25 per cent. The year before that the amount for armor was $1,963,000, which was pretty nearly a third of the $6,476,000 of gross earnings.

Senator TILLMAN. Do I understand, Mr. Secretary, that you got those figures at Harrisburg?

Secretary HERBERT. Yes, sir; all except those for 1889 and 1890.

Senator TILLMAN. You got them from the comptroller-general, or the taxing department?

The CHAIRMAN. From the auditor-general.

Secretary HERBERT. I sent to Harrisburg to find what information I could get there, and I got from these returns which had been made the gross earnings and net earnings. But there were three years—1889, 1890, and 1891—for which the returns did not appear

giving the gross earnings and net earnings. I wrote to the company, and they furnished me those gross earnings and net earnings. So all of these figures, so far as they represent the gross earnings and net earnings of that company, come from the company itself.

Mr. LINDERMAN. I can only repeat that our gross earnings for those eight years were $46,000,000, and our armor receipts were $6,700,000.

Secretary HERBERT. You have taken in the years at first——

Mr. LINDERMAN. I took the years you considered in stating your account.

Senator HALE. Your figures must amount to rather more than what you have given there for the six years.

The CHAIRMAN. He has the armor and the gun steel mixed.

Senator HALE. I mean for armor alone.

The CHAIRMAN. I think not.

Senator HALE. You think, then, upon the whole, that your earnings were $45,000,000 in eight years, and that about 15 per cent was Government work, including armor and gun steel?

Mr. LINDERMAN. Yes, sir; I should think so.

Senator HALE. How much of this has been foreign work?

Mr. LINDERMAN. I included the foreign work. It was not very much. I have forgotten the exact figures; three or four hundred thousand dollars.

Secretary HERBERT. You made 1,400 tons of armor for Russia under the first contract, and then 1,000 tons under the second, making 2,400 tons in all.

Mr. LINDERMAN. But there are no receipts from the second contract up to the period we are considering.

Secretary HERBERT. Within the period here there were receipts.

Senator GIBSON. I should like to make an inquiry. I understand that your business during the eight years from 1889 to 1896 amounted to some fifty-odd million dollars.

Mr. LINDERMAN. Forty-six million dollars.

Senator GIBSON. Forty-six million dollars. The contracts with the Government for armor plate amounted to $6,000,000.

Mr. LINDERMAN. Six million seven hundred thousand dollars.

Senator GIBSON. And the $6,700,000 of the $46,000,000 amounted to 14.7 of your entire business?

Mr. LINDERMAN. About that.

Senator GIBSON. I wish to inquire whether, if it were not for the large contracts which you had outside of the Government contracts for armor plate, you would have been able to manufacture armor plate at the price you charged the Government?

Mr. LINDERMAN. I do not think I fully comprehend the question.

Senator GIBSON. In other words, could you have manufactured armor plate for the Government as cheaply as you did if your business outside of Government contracts had not been so large as it was?

Mr. LINDERMAN. No, sir; I do not think we could.

The CHAIRMAN. As cheaply?

Mr. LINDERMAN. No, sir.

Senator HALE. You could not have run the Government part of your establishment so cheaply?

Mr. LINDERMAN. No, sir.

Senator SMITH. You would not have made as much profit?

Mr. LINDERMAN. No, sir.

Senator SMITH. You do not mean to say that you could not have made a profit at the price at which you sold the armor to the Government?

Mr. LINDERMAN. No, sir; I did not say that. But it was cheaper to do it in connection with our other work.

Senator GIBSON. That is what I wished to inquire about.

STATEMENT OF HON. HILARY A. HERBERT.

The CHAIRMAN. Secretary Herbert, do you wish to say anything?

Secretary HERBERT. I desire to say a few words.

Mr. Chairman and gentlemen, I have no interest whatever in sustaining this report unless the conclusions which have been reached are just. There has been but one statement made that has at all affected my opinions as to the justice of the conclusions which I attained after a very careful and laborious investigation of the whole matter, and that is the statement of Mr. Linderman, in the latter part of his remarks, that the $1,000,000, which on the face of the returns is declared to have been a stock dividend in 1889, really was not what it purports to be. It purports on the face of the returns to have been a stock dividend, but it is said that it has been paid for, in part at least—I do not understand him to say that it has paid for it in full—by the premiums which were paid for the additional stock subscribed for by the stockholders.

If that statement of Mr. Linderman be correct, and I have no reason to doubt it, then it would render necessary the recasting of these calculations. Such a recalculation, however, in my opinion would still show this is a mere guess, and of course it may be wrong that the stockholders have been repaid their investments in full with at least 10 per cent instead of 22 per cent dividends up to the time of the repayment. But I will have that calculation made and we will see how it results.

As to the contention which Mr. Linderman and Mr. Schwab both urge here that the method of making the account is incorrect, I think very little need be said. Mr. Schwab contends, and Mr. Linderman sustains him, that a manufacturing company must be allowed, first, 6 per cent interest upon its capital, and secondly, that dividends are to be calculated after that; and if it does not make 6 per cent dividends in addition to 6 per cent interest on its capital, the company is not doing well. Whatever returns from his investment in such a company a stockholder gets are dividends. The company that in these days declares 6 per cent dividends is doing well; if it declares and pays 10 per cent it is highly prosperous.

I thought a great deal on this question and consulted quite a number of people as to the proper method of making out the account, and finally I hit upon this method myself. The Rohrer board, to which the question was first submitted, a board of three officers who are all justly praised by Mr. Schwab as being able, conscientious, industrious men, undertook to make out a full account between the company and the Government in order to arrive at the cost of armor. They proceeded upon these hypotheses, first, that a certain number of tons were made each year; second, that the plant cost so much; third, that a sinking fund was set aside upon which interest was paid; and upon these hypotheses the cost of armor, after allowing for the extinguishment of the plant in a given time, would be some $433, which Mr. Schwab quotes with semi-indorsement.

Reflection convinced me that it would not do to make the calculation upon any such basis. So I proceeded upon what I conceived to be the common-sense plan of first supposing that people who invest in an armor plant or in any other manufacturing enterprise have the money upon which to operate; ascertaining, secondly, the price paid for their plant, and, thirdly, the cost of manufacturing each ton of armor. When that cost of manufacturing a ton of armor is reached, then the Government books furnish the information as to how many tons of armor have been made, and how much money had been paid each year.

The CHAIRMAN. In your calculation did you put down any percentage for deterioration in the plant?

Secretary HERBERT. Yes, sir. I will come to that point in a moment; I will explain it. I took their own figures just exactly in each case on that point.

Now, I have said the plant is so much. I took the Carnegie Company's plant at exactly the figures they gave. Then, I said, the cost of manufacturing a ton of armor is so much, and I reached that from the calculations of these officers, who not only had been there, but who, after the investigation of this question was begun by this committee last winter, were instructed to observe and follow plates through from the beginning to the end of their construction, and to report how much material, how much labor, how much fuel entered into a plate, and in that way, calculating also the weight of the plate, I got the cost.

Then the company was entitled to a working capital. Seven hundred and fifty thousand dollars a year was allowed as working capital—the interest on that sum each year. Then 5 per cent of its cost was allowed for the deterioration of the plant, the precise amount claimed in the letter to me from the Carnegie Company. Three million dollars for their plant, the amount they claimed; 5 per cent for deterioration and keeping in repair, the amount the company claimed; $750,000 for working capital was not so much as was contended for, but was, I think, more than ample for the reasons elaborated in the report.

Then when the receipts for any year were more than enough to pay 10 per cent of dividend I applied the surplus profits over and above 10 per cent dividend allowed to the extinction of the capital invested. I assumed that 10 per cent would be a fair dividend, looking at the question from this standpoint, looking back to see whether the plant had been paid for. The conclusion that 10 per cent was a fair profit was reached by taking not the average, but the very highest percentage of earnings by similar industries in Pennsylvania during the period in question. When higher than 10 per cent dividends were being earned by some companies—from 1885 to 1890—business was very much more prosperous than it is now. From 1890 up to the present time the country has not been prosperous. Iron and steel industries have not been prosperous. No Pennsylvania company of any importance, outside of these two which have been doing Government business, has, according to the Pennsylvania Red Book, been averaging in the steel business as much as 10 per cent from 1890 to the present, and yet I allowed both these companies 10 per cent dividends. When at the end of a period of six months there were profits more than enough to pay the 10 per cent dividends, which it had been decided to allow them, the overplus of profits was credited to the extinction of plant.

Senator BACON. Ten per cent each year?

Secretary HERBERT. Yes; 10 per cent on the full amount. First I gave the Carnegie Company 10 per cent upon $3,000,000, the capital it claimed, and when profits were more than enough to pay that 10 per cent, the balance, say it was $500,000, went to the extinction of capital, it appearing that the stockholders were then repaid, or that they might have been repaid had they chosen to so apply the moneys standing to their credit in that amount. The next year I gave the company 10 per cent on, say, two millions and a half; and if there was another half million—stating it in round figures for easy reference—over and above the 10 per cent dividends, I applied that again to the extinction of the capital, bringing the capital down to $2,000,000. They got this money. It was paid to the company, and stood to the credit of the stockholders.

Senator HALE. Each year you reduced the amount by what they had received?

Secretary HERBERT. Each year the amount was reduced upon which the 10 per cent dividends were allowed—that is, provided the profits were more than sufficient to pay the regular 10 per cent dividend.

Senator TILLMAN. In other words, you did not allow them dividends and interest on capital which had already been extinguished?

Secretary HERBERT. I did not.

Senator TILLMAN. You did not compound dividends, so to speak?

Secretary HERBERT. I did not. When the money had been paid to them which extinguished a part of their capital, I counted that capital as pro tanto extinguished. It was so obvious to me that when it occurred to me finally, after having thought it over, it seemed like a revelation that I had not thought of it before.

Senator CHANDLER. When you speak of capital, you mean that part of the capital invested in this plant?

Secretary HERBERT. Yes, sir. All the time I was allowing them the interest every year on $750,000 of working capital.

The CHAIRMAN. How did you get at the actual profits on the armor plate?

Secretary HERBERT. Please indulge me a moment. In order to find out whether my method of making the calculation was correct, I employed the most expert bookkeeper whom I could find, Mr. Dunham, who is a professional expert, now engaged in auditing the affairs of the Baltimore and Ohio Railroad Company incident to its rehabilitation. He said the method was exactly right. I submitted it to nobody who said it was not exactly the proper method.

The only point about which there can be any doubt is as to the 10 per cent, whether it is fair to allow them only 10 per cent upon their capital. I arrived at that, as I tell you, by comparison; the figures are set forth here fully in my report, and 10 per cent is very liberal. It is much above the amount earned by any similar company from 1889 to 1896. No company like this in Pennsylvania, of all I found who made returns, except one, has been making as much as 10 per cent, and that was the Cambria Iron Company, and my recollection is that the Cambria fell below 10 per cent part of the time.

Take the Bethlehem Company itself. Its returns from 1885 to 1889, when it began the manufacture of armor—it made the contract in 1887, but it did not begin the manufacture until 1889—its returns for the four years previous to 1889 averaged 11 per cent, for two years 12 per cent, for two years 10, making 11 per cent for the four prosperous years of its business before it had begun to do Government work. Then I allowed it during the unprosperous period 10 per cent.

Senator GIBSON. Did you allow for the deterioration of the plant?

Senator BLACKBURN. He allowed 5 per cent.

Secretary HERBERT. I allowed the amount of 5 per cent for deterioration of plant.

Senator HALE. Which you received from the company?

Secretary HERBERT. Which was the rate claimed in the letter received from the company.

Senator GIBSON. Did you take into consideration in that statement the life of the plant?

Secretary HERBERT. Yes; it took into consideration the life of the plant. That is what maintenance is intended to be—an allowance for the life of the plant.

Senator TILLMAN. That is, the life of the plant itself?

Secretary HERBERT. That is intended to represent it.

The CHAIRMAN. I think myself that is a little low.

Secretary HERBERT. Those are their own figures.

The CHAIRMAN. I think it is a little low.

Mr. LINDERMAN. Those are not our figures. We said 10 per cent for depreciation——

Secretary HERBERT. You said 10 per cent, and I gave you 10 per cent.

Mr. SCHWAB. The Secretary is wrong. We allowed 5 per cent for deterioration, and then allowed for a life of plant of only 10 per cent. He is getting the two items mixed.

Secretary HERBERT. You did not.

Mr. SCHWAB. We will refer to the letter.

Secretary HERBERT. Where is the letter?

Senator BLACKBURN. What do you mean by 5 per cent for deterioration, and then 10 per cent for life of plant? It is doubling up for the same thing.

Senator TILLMAN. It is double credit.

Mr. SCHWAB. I should like to explain that, if I am not out of order. In the first place, no manufacturing plant with which I have ever been connected (and I built all the Carnegie works; I built this armor plant and operated it) has not been changed completely over in less than ten years. Now, I will cite an instance in our commercial mill. Our converting mill at Braddock in twenty years has been built four times over.

The CHAIRMAN. Renewed absolutely?

Mr. SCHWAB. Renewed absolutely; torn out to the foundations.

Senator SMITH. For what reason?

Mr. SCHWAB. New methods and new business and new machinery.

Senator BACON. Not wear and tear?

Mr. SCHWAB. No, sir; that is maintenance of plant.

Senator HALE. The plant has been improved each time?

Mr. SCHWAB. It is a different plant.

Senator HALE. You had a better plant the second time than the first, and a better plant the third time than the second?

Mr. SCHWAB. We had to wipe out that capital altogether.

The CHAIRMAN. You could not compete with your first plant?

Mr. SCHWAB. No, sir.

Senator HALE. That is not exactly depreciation; it is substitution.

Mr. SCHWAB. I will refer to our letter. We requested "interest on plant."

Secretary HERBERT. Of course you did.

Mr. SCHWAB. "Maintenance of plant, per ton of armor."

Secretary HERBERT. What did you quote it at?

Mr. SCHWAB. Five per cent.

Secretary HERBERT. That is what I gave you.

Mr. SCHWAB. "Loss by abandonment of plant when Navy shall have been completed." When we started to take these contracts, it was the understanding that there were going to be twenty battle ships. If you will stop and think a moment, even the most sanguine, in fact Secretary Herbert himself, does not put it higher than that. If the highest estimates were realized, we should finish the Government work in less than six years. If that is true, you can not allow twenty years for depreciation of the value of the plant.

Secretary HERBERT. Is that all you allude to—the abandonment of the plant?

Mr. SCHWAB. No. We ask 10 per cent for the abandonment of the plant in addition to 5 per cent for maintenance of plant. That is what I want to make clear.

Secretary HERBERT. The letter did speak of the abandonment of the plant upon the hypothesis, in a paragraph which I recollect very well because it was very striking, that within the ten years during which we would probably continue the construction of a navy possibly, the letter said, some $500,000 would be saved out of it, and that then there would be left $2,500,000 of the cost of the plant to be reckoned for. But there was no statement from any source that maintenance was anything more than the maintenance they claimed—5 per cent—and I gave 5 per cent, which, in cases of this kind, is sufficient, it seems to me. I should judge that the company would certainly claim for maintenance what is sufficient. This plant has not been replaced by any new plant.

Mr. SCHWAB. I beg your pardon, Mr. Secretary, and if you will permit me, Mr. Chairman——

The CHAIRMAN. You may proceed, with the Secretary's permission.

Secretary HERBERT. Certainly. If it has been replaced, I should like to know it.

Mr. SCHWAB. I can point you to no end of machinery in our present plant that is now obsolete and of no use, by reason of the very things the Secretary has spoken of. Let me point out some of them.

When we first started to make the circular turrets, we spent $50,000 for one single-boring mill. The design on your new ships is elliptical, and that machine is of no use.

When we first started the manufacture of soft-faced armor—homogeneous armor—we purchased saws for sawing it. Now we make hard-faced armor, and those saws are not used.

Secretary HERBERT. How much did they cost?

Mr. SCHWAB. On a guess, I should say $25,000 apiece.

Secretary HERBERT. How much would that be?

Mr. SCHWAB. I know of one that we bought from Krupp which cost $66,000.

Secretary HERBERT. How much would that be in all?

Mr. SCHWAB. That is $66,000, and twice $25,000.

The CHAIRMAN. It is $116,000.

Mr. SCHWAB. So with our appliances for tempering armor.

Then we tempered with oil. We had tremendous tanks for fish oil, appliances, etc. Since harveyizing has come in, we temper with water. All that is absolute. I am only citing these things as I remember them. If I were to take time and go over the whole plant, I could tell you very many more. It is the infallible rule in manufacturing, especially in armor, where changes are so frequent, that the machinery becomes obsolete very quickly, as new methods come in vogue.

Senator TILLMAN. You make the Government pay for the changes?

Mr. SCHWAB. I do not think so.

Senator BACON. The present cost of tempering is less than it was, if, as you say, you now temper with water, whereas then you tempered with oil?

Mr. SCHWAB. It makes no difference. We did not waste the oil in the operation.

Secretary HERBERT. The statement of Mr. Schwab as to what has been renewed there within six years amounts to $116,000, as counted by the chairman; perhaps it is $150,000.

Mr. SCHWAB. That is simply from memory.

Secretary HERBERT. From memory. That is a statement of the renewals in the plant during the last six years, and this calculation allows him $150,000 every year for that purpose, making $900,000, whereas he has given us a list which amounts to only $116,000.

Senator BACON. Is that in addition to the 5 per cent?

Secretary HERBERT. That is the 5 per cent itself. It amounts to $150,000 a year. That was intended to cover these things, and altogether it amounts to $900,000, whereas Mr. Schwab has named machinery in value less than $150,000.

Mr. SCHWAB. Mr. Chairman——

The CHAIRMAN. Wait a moment. I hope the Secretary will be allowed to go on and conclude his statement.

Mr. SCHWAB. I wish to make a single statement, and then I will not interrupt the Secretary further.

The CHAIRMAN. I prefer that the Secretary should make his statement, and then you may proceed.

Mr. SCHWAB. Very well.

Secretary HERBERT. It is just things of that kind happening to plants that allowances for maintenance are intended to cover. I know that manufacturers very generally claim 10 per cent, the amount claimed by Mr. Linderman, and when I saw that this letter from the Carnegie Company claimed only 5 per cent, I came to the conclusion in the first place that the company had not done itself any injustice, and that the reason why 5 per cent was sufficient there was because of the character of the machinery. If you will look at it you will notice that the machinery with which armor is manufactured is large and ponderous, and there are very few portions of it which will wear out; a little here and there where there is friction, the pulleys, etc. I would not undertake to mention the parts. The machinery is of such a class that unless it goes into disuse because superseded by something better it will last almost indefinitely. I therefore had no doubt but that the company had done justice to itself, and therefore used its own figures.

I come now to the general question. Mr. Schwab criticises this report, as has been noticed by Senator BACON in his question, only in part, and he reiterates here the objections which have been made all the time to an exhibition of the books. I stated in the conclusion of the report, and I state again, that my anxiety has been not only to do justice to these parties, but to be liberal with them. I have never seen anything at all in the objection they make to exhibiting their books. The only point they make is that it would expose the secrets of their manufacture. Now, I ask Mr. Schwab if he puts down on the books the secrets of the manufacture, the processes? The books show the accounts; they show the expenditures and the receipts, and that is all they show. And if this report is wrong, if the conclusions reached are erroneous, an exhibition of those books would show just exactly what the facts are, and that is what I have been trying to ascertain.

It is an easy matter to attack certain parts of the report, and say that in this respect or in that respect the estimate is an underestimate, but there is nowhere here in this attack on certain portions of the report any effort to show where its estimates are overestimates. If we had the books, they would show precisely what is the cost of manufacturing a ton of armor. I estimated that cost according to the reports made by officers who were specially charged with observing, so that they might accurately report the price of labor, the price of materials, the amount of materials, and all that.

Senator GIBSON. Did you require the companies to do that in the contracts which you made with them?

Secretary HERBERT. Require what?

Senator GIBSON. Did you, in the contracts with the Carnegie Company and the contracts with the Bethlehem Company, require that they should itemize everything in their contracts?

Secretary HERBERT. No, sir; I did not. Questions of this kind had not then arisen. But naval officers were charged to observe those things, and they did talk with the laborers, and they did get the wages, as they say and believe, very accurately. At any rate, I took what appeared to be the average of the report of those officers; first, the Rohrer board, composed of three men; second, of Mr. Rodgers, who was afterwards and is up to the present time at the Bethlehem Company; and third, of Mr. McVay, at the Carnegie works.

All those officers got information, and it was known by the company that they were searching for it. It was certainly surmised. They got the best information they could, and they made their reports. Having the figures furnished by them and averaging the conclusions at which they arrived, counting the Rohrer board as 3, Rodgers as 1, and McVay as 1, I reached the conclusion set forth here, that a ton of armor would cost a little less than $200. The precise figures I can not remember. Then I added to that 50 per cent profit. Fifty per cent profit is very liberal. The reasons for adding such a liberal profit were these: I wished to be careful not to do any injustice to the manufacturers. I desired, in the second place, that they should continue to manufacture armor. Last year, at the request of this committee, I sent a report to it, in which I opposed, for reasons which then seemed and now seem good, the construction of a plant by the Government to manufacture its own armor, and rather than that the Government should engage in this business I think it would be better to pay the manufacturers a very liberal price. So, after having estimated that their plant was fully paid for, I gave 50 per cent upon the estimated cost of a ton of armor for profit.

Senator TILLMAN. Pardon me. Do you think the Government could not make its own armor on that basis and save money?

Secretary HERBERT. I doubt whether it would save much money, because you will remember that we have an eight-hour law. The manufacturers can work ten hours.

Senator TILLMAN. That is only 20 per cent difference.

Secretary HERBERT. That is 20 per cent, but the experience of this and all other governments shows that government work is more expensive than when it is let out privately.

Senator TILLMAN. You would get rid of any danger of spongy armor being put off on the Government, as was proved before the House committee year before last was done, if the Navy Department had charge of it.

Secretary HERBERT. I do not think we could have our system of espionage—inspection—any more thorough than it is now; and whenever in any respect I have found that it was deficient I have always attempted to improve the system. Recently I have added inspectors.

Senator HALE. We can not build a ship in a Government yard so cheaply as outside?

Secretary HERBERT. We can not build a ship in a Government yard so cheaply as it can be built outside. I thought, in order to induce them to continue the manufacture of armor, we ought to give them 50 per cent on the estimated cost. There are also other reasons which are fully set forth in the report.

I also ask Congress, in order that it might hold this matter in its own hands, to give to the incoming Secretary of the Navy the power to buy or lease a plant or to erect its own plant, to manufacture its gun steel. I believed that that was necessary; that there would always come up questions as between the contractors and the Government, and the Secretary ought to have full power to compel obedience to whatever Congress may decide in the premises.

Senator TILLMAN. You were speaking a moment ago about the reluctance of the Carnegies to allow their books to be seen, and arguing against the justice of their claim that it would exhibit the secrets of their business. Do you not imagine that the reason why they are unwilling to let us see their books is because they are unwilling to let us see at what enormous profit they are making the armor?

Secretary HERBERT. I think so myself.

Senator TILLMAN. Is not that a natural deduction or corollary to the situation?

Secretary HERBERT. I think that if they did exhibit their books it would show that they are making at least the profit I have indicated here. That has been my impression all along.

Now, I desire to say one or two words in relation to the account with the Bethlehem Company. In that case Mr. Linderman was speaking of my estimate of the plant. It was not necessary at all that the cost of the plant should be taken into consideration in this table if these figures are correct, and they are admitted by him in his statement here this morning to be correct, except in one particular; that is to say, he does not attack them in any other respect, but he does say that something like $800,000 more ought to be credited to the amount they have invested than I have credited here. I do not remember all his statement, but will examine it when printed. I can explain how, if an error has been made, I fell into it.

The company itself reported to the auditor-general of Pennsylvania that in 1889 it paid a cash dividend of 10 per cent and a stock

dividend of 25 per cent. This table shows that dividends were paid during 1889, 1890, and up to 1896, of 8, 9, 10, 10, 10, 12, and 12 per cent—dividends upon the additional capital that was put in, and upon what I thought and what they returned as a stock dividend.

Then, the manner in which I made up this table was to take, in the first place, the figures that showed how much their original plant was. That was $2,000,000. Then, the figures showed that they have sold $2,000,000 more of stock. That made $4,000,000. I did not allow them anything more than an investment of $4,000,000, because it appeared from their returns that the other million was a stock dividend.

Now, Mr. Linderman says that a portion of that million ought to have been taken into consideration.

Mr. LINDERMAN. The whole of it.

The CHAIRMAN. $819,000?

Mr. LINDERMAN. Whatever the balance is up to one million, to pay interest to stockholders for advance payments.

Secretary HERBERT. You are taking interest on advance payments in addition to dividends. Does interest enter into this amount of which you are speaking?

Mr. LINDERMAN. The $819,000?

Secretary HERBERT. Yes.

Mr. LINDERMAN. No, sir; but what I claim is that they should be allowed current interest on the advance payments.

Senator HALE. That one million was intended to cover $819,000 and interest?

Mr. LINDERMAN. Yes, sir; up to the time the stock was issued.

Secretary HERBERT. The method by which I arrived at this result was as follows: This table shows the gross earnings and the net earnings. I got from the Navy and War Departments what the Government paid the company for gun steel and for armor. Those amounts showed, when compared with the amount of gross receipts, which represented the volume of all their business from all their plants, the relative sums that were paid by the Government and received from their commercial plant.

I allowed the stockholders, in the first place, 10 per cent on their original investment of $2,000,000, and 10 per cent on their new stock from the dates when investments were severally made, not taking into account the other million, which appeared as a stock dividend, and then took the balance of net receipts, and these eliminated all the new stock. It paid them 10 per cent upon the original stock of the company as it was before it had Government work, eliminated their new stock after having paid till its extinguishment 22 per cent upon it, and then the remainder was more than enough to pay their indebtedness.

Senator TILLMAN. Enough for the Government to pay for the plant and give it to them?

Secretary HERBERT. The Government has, according to my estimates, paid for the plant, and they have the plant now, if these calculations are correct, and there is a large balance over.

Senator SMITH. Excuse me for interrupting you right there. Practically was it not generally understood when the contracts were originally given that the Government, in the price that it paid for the armor, would pay for the plant?

Secretary HERBERT. I further state that I do not think the amounts which have been paid heretofore have been unreasonable. I think the companies ought to be paid for the plant which each of them erected at the instance of the Government.

Senator TILLMAN. The only question we are discussing is how to get them to give us armor at a reduced price.

Secretary HERBERT. Yes.

Senator TILLMAN. They demand that we shall pay for the plants again, although we have paid for them once.

Secretary HERBERT. The first question is, Am I right in the supposition——

Senator TILLMAN. It is not a question of discussing the past, but what we shall do now to get armor at a reasonable price.

Secretary HERBERT. That is precisely why I set out, in the first place, to ascertain whether, from the prices which have been previously paid, profits enough have accrued to pay them a reasonable interest on their investment and to pay them for the investment. Then, if there have, and if the investments have been paid for and a reasonable percentage upon the investment has been paid to them at the same time, they are in the position of people whose plant has been paid for.

There was a sort of special obligation on the part of the Government that the contracts should pay for the plants in the end. I think they have paid for them. I do not think we have paid too much heretofore, but we have now come to a point when, if the plant is paid for, there ought to be a readjustment of prices. Then, in readjusting the prices, I think the company ought to be allowed for maintenance 10 per cent per annum of what it would cost now on a liberal estimate to put up a plant. They are not entitled to 10 per cent for maintenance upon what the plant cost them. They are entitled for maintenance to 10 per cent upon the value of the plant.

The CHAIRMAN. What it would cost now?

Secretary HERBERT. What it would cost now. I estimated, from information which I have obtained in Europe and elsewhere, that either one of those plants could now be reproduced for about $1,500,000, but in order to be on the safe side I have allowed them maintenance upon $2,000,000 ($500,000 margin), and 10 per cent instead of 5 per cent. Then, allowing them maintenance at that rate, I have allowed them also a profit of 50 per cent, and for that sum it does seem to me they ought to be able to manufacture the armor the Government needs.

Senator BACON. Fifty per cent on the cost of labor and material?

Secretary HERBERT. Fifty per cent on the cost of labor and material.

Senator GIBSON. Let me ask you a question at this point. Is there any guaranty from the Government of the United States to the manufacturers of armor that the manufacture shall continue for one year, or three years, or five years.

Secretary HERBERT. No, sir; there is not.

Senator GIBSON. Ought not that fact to be considered in the estimate?

Secretary HERBERT. If the plant has been paid for, it does not become so material. It is not so material as if the plant had not been paid for. If it had not been paid for, we ought to pay them large profits, so as to be sure that they are paid for the plant.

Senator PERKINS. We have read, Mr. Secretary, your very elaborate and interesting report, which reflects great credit upon yourself, and is a monument to the care and labor you have bestowed upon the subject, giving estimates of the cost of armor in England, France, and other countries, and your own figures as given here. Have these gentlemen (of course, this is one company so far as the Government is concerned) indicated any disposition to accede to the prices at which you estimate they can manufacture the armor at a profit, to wit, $400 a ton?

Secretary HERBERT. No, sir.

Senator PERKINS. If they do not, we, of course, can not compel them to do so. It is a question, then, it seems to me, Mr. Chairman, for the committee to determine, if these gentlemen will not indicate their willingness to do that, whether we shall give to the Secretary the authority he asks to build a plant, and shall appropriate the sum of $3,000,000 for a plant and the stock necessary to be kept on hand, if it would cost that sum. Do you not estimate that sum for a Government plant?

Secretary HERBERT. I think that would be a very liberal estimate.

Senator PERKINS. That is simply a question for us to determine. These gentlemen should be asked to indicate, if they feel at liberty to do so, whether they are disposed to meet the views of the Secretary of the Navy upon this estimate, and if so, let them furnish the armor. If not, then the question I have stated is for us to determine.

Senator HALE. Before the Secretary sits down I wish to ask a question. Aside from adapting your figures to the $1,000,000 of stock which you counted as dividend stock which appears to have been paid stock, do you now, from what has been said and advanced to-day, think you ought to recast your figures or change them?

Secretary HERBERT. I do not see anything in what has been said by either of these gentlemen which indicates that there should be any recasting of the figures, except as to the $1,000,000. I think we must accept Mr. Linderman's statement that that is a fact.

The CHAIRMAN. Very positive statements were made both by Mr. Schwab and Mr. Linderman that your cost of labor was only about 40 per cent of the actual cost.

Senator BLACKBURN. Before you undertake to answer that question——

The CHAIRMAN. Do you not think that is too wide a difference to exist actually? Do you think you could have been so widely mistaken?

Secretary HERBERT. I do not think so.

Senator BLACKBURN. Let me supplement the chairman's question. Is it true or not that in making the estimate as to the cost of labor your officers, including the members of your board, took into account the fact that those men were employed a part of the time at work other than the manufacture of armor?

Secretary HERBERT. Yes, sir; I think they have undertaken to account for all that.

I wish to say a word on this question. It is a very important matter.

The CHAIRMAN. Of course it is.

Secretary HERBERT. And perhaps the committee ought to give more time than they have been able to give to it this morning.

As to that particular portion of the report which relates especially to the cost, as estimated by these officers, I have relied very largely upon Captain Sampson, whose study of that special part

of the matter has been more thorough than mine. That is technical. For all the remainder of the report, the manner of making estimates, and all that sort of thing, I have relied upon myself. I should like to have Captain Sampson make a statement on that question, if you have time now, and if not, at some other time.

The CHAIRMAN. It is nearly 12 o'clock. This is very interesting and very important, and I think we ought to have another meeting.

Senator CHANDLER. If the hearing is concluded, there may be a meeting of the committee to consider the subject, and I shall have something to say. We are under obligations to make a report to the Senate at this session.

Senator BLACKBURN. Why can we not go on right now?

Senator CHANDLER. If the matter goes over again, we shall not make any report to the Senate at the present session.

Secretary HERBERT. If you gentlemen can spare twenty or thirty minutes, Captain Sampson can make a statement as to the methods of inspection and the manner in which the estimates of the cost of labor and material were reached that will throw more light upon the subject than anything I can say.

Senator HALE. Let Captain Sampson make his statement now.

Senator BLACKBURN. Mr. Secretary, is it your opinion that the committee should recommend the passage of a bill appropriating a sum of money, say, $2,000,000 or $2,500,000, to be used by the Government in the establishment of a plant for the manufacture of armor unless contracts at the figures you indicate in your report can be made with these gentlemen; or is it your judgment that in order to protect itself and for its own best interests, the Government should have this amount of money appropriated and set aside to be used in the event of any failure in the future to get contracts at these rates?

Secretary HERBERT. I have thought over that matter a great deal. After elaborating this report and coming to the conclusion that I had about reached the truth, I then asked myself, How is the Government to enforce this price or any other it may decide upon? There was but one answer, and that was that the Government should have within its own hands the power to compel compliance with whatever seemed to the Secretary of the Navy and the Congress to be just. Of course, the great power that I ask for will not come to me; it will come to my successor. But I think the Secretary of the Navy ought at all events to have the power to build, buy, or lease a plant—a gun plant and an armor plant—for the reason that although these gentlemen may agree to this rate as it is, you will remember that a contract for armor contains a great many details. It is full of perplexing details, and the figures that are recommended to you now are simply the average basis. Some of the armor would be higher and some lower. Improvements may be made, and the Secretary of the Navy, representing the Government, ought to have it in his power at all times to say, "Well, if in this new exigency"——

The CHAIRMAN. Just as we have our navy-yards?

Secretary HERBERT. Yes. He should have it in his power to say: "If in this new exigency you will not do what I think is proper, I have the power—Congress has armed me with it—to build or to buy a plant;" and he may either buy the plant from one of these gentlemen—the Carnegie plant or the Bethlehem plant—or buy some other plant. But at all events the Government ought to have the power to protect itself in any circumstances that may arise. We are at present in this position: We have three ships building; they will need their armor, and need it soon; some of it ought to be furnished during the present year.

Senator TILLMAN. Did you not find when you came to contract for the armor for the two ships, aside from the three ordered last year, that you were at the mercy of these companies, and had to give them whatever they demanded?

Secretary HERBERT. I might as well state here, in the presence of these gentlemen, what did happen.

I was contemplating a new method of advertising—advertising for the contractors to furnish the armor and the hull and everything else—to build the ships complete. These gentlemen objected. In the first place, the Chief of the Bureau of Ordnance objected, and asked me if I would be willing to hear from these gentlemen. I consented, and they made many objections. I answered them. We had a long controversy on the subject. Finally they asked me why it was that I wanted to adopt that plan. "To tell you the truth," I said, "I want to get you gentlemen to compete with each other, and you must bid lower." One of them, who is not here now, said that his company would not bid under certain circumstances. I said, "I do not care whether or not you bid; the other company can manufacture all this armor; but unless you come down on this article I tell you I will not make any contract with you. I will simply refuse to make any contract with you, and will report the matter to Congress, and ask it for a remedy."

Then they asked me how much reduction I would require. I said, "As much as you can afford." They then agreed to submit a proposition. After a few days, probably a week, they did make a proposition which was substantially the same from both of them, that they would lower rates at least $50 a ton. It ought to be said to their credit that when the bids were made they did come down $59 a ton, so that the contracts for the present ships are at a rate that much lower than previous contracts.

Senator PERKINS. It is now $550?

Secretary HERBERT. It is now about $580, including nickel. For the new ships it is $59 off the old prices.

Senator BLACKBURN. What sum of money, in your judgment, would it be necessary to put at the disposal of the Government for the buying or the building of a plant?

Senator HALE. For the first year?

Senator BLACKBURN. Yes.

Secretary HERBERT. For the first year, the Secretary might wish to buy—he might be able to buy the plant entire——

Senator BLACKBURN. In answering that question——

Secretary HERBERT. If these gentlemen should refuse to make the armor——

Senator TILLMAN. They ought to give us the plant, as we gave it to them.

Secretary HERBERT. They would probably sell it at a good deal less than cost, because they would have no use for it. We might be able to get a plant from one of these companies.

Senator BLACKBURN. What is the whole amount, in your judgment?

Secretary HERBERT. I think a plant of that kind can be erected for about $1,500,000, but if the Government undertook to do it, it would probably be——

The CHAIRMAN. $2,000,000.

Secretary HERBERT. $2,000,000.

Senator GIBSON. Will you not finish your statement? You said that, to the credit of these gentlemen, they came down $59 a ton. Will you resume from that point and conclude what you were going to say?

Secretary HERBERT. I was about to state in addition—I have already stated it—that I think the prices which have been paid heretofore, when we come to consider the amount of the investment, have not been exorbitant. We have paid them, I think, for their plants, and paid them fair dividends; but we were bound to do it. When we made contracts with them, I think the Government was bound to pay them large prices, so that they could within a reasonable time recoup the moneys they had invested.

The CHAIRMAN. That was practically the understanding.

Secretary HERBERT. I think that was really the understanding.

Senator HALE. Does not your whole statement depend upon the proposition that, having paid large sums properly and fittingly under the understanding, and the plant having been paid for, the time has come for recasting the prices on an entirely new basis?

The CHAIRMAN. That is what the Secretary says.

Senator HALE. And that upon that basis you now do not consider what the plant cost, because that has been wiped out, but what a new plant would cost?

Secretary HERBERT. Yes, sir. I should like very much to have an opportunity to make a calculation upon the basis of Mr. Linderman's figures.

The CHAIRMAN. Mr. Secretary, if you are through we will hear Captain Sampson.

STATEMENT OF CAPT. WILLIAM T. SAMPSON.

Captain SAMPSON. I do not think there is much to add. As to the cost of labor, the gentlemen who made the estimate did it in the most careful manner possible. They revised it many times. They knew exactly the prices paid for labor in every department, both at Carnegie's and at Bethlehem. The different method which they pursued from that suggested by Mr. Schwab might have led to a different result, but not materially. If the men in the shop had been counted and their total wages charged to cost of manufacture, but a single charge could have been made, whereas the total labor is distributed to each item of manufacture. These gentlemen in making their estimate of the time required and the number of men were cautioned, and I am sure they followed that caution, and were inclined to do it of their own will, to be on the safe side, because we all realized——

The CHAIRMAN. You mean by that, to be liberal?

Captain SAMPSON. To be liberal. We all realized that even with a liberal estimate in every direction the cost of armor would be considerably below what we have been paying heretofore.

As to the cost of the material which enters into the open-hearth furnace to make the ingot, they had the prices quoted in the market. They had the advice and opinion of outside experts, and I think in that way the estimate is most reliable.

One point made by Mr. Schwab, which should receive attention, is that, comparing the total amount of armor delivered with the total amount cast, the result will show that they have actually cast or made an amount of armor 22 per cent greater than would follow from the estimates made by these officers. That difference, which is otherwise accounted for, is not due to an error in the

computation made by those gentlemen, but it is due to the fact that the Carnegie Company have at various times been unfortunate in making their armor, in that they have lost many valuable pieces, and the board added 10 per cent to the total quantity of armor delivered to cover those losses.

Senator TILLMAN. What authority did they have for that? Was there any authority at all for doing that?

The CHAIRMAN. This was in their estimates.

Senator BLACKBURN. It was when they were making their calculation.

Senator HALE. The contractors were not paid for it.

Senator TILLMAN. I understood the Captain to say they were paid for that.

The CHAIRMAN. No.

Secretary HERBERT. The losses were estimated at 10 per cent.

Senator TILLMAN. I understand it now.

The CHAIRMAN. They added that much to the cost.

Captain SAMPSON. The loss of a single plate is a very material matter to one of these companies. It may vary in value from fifteen to twenty-odd thousand dollars, and of course an estimate, to be properly made, must not be based upon a single case, or two or three isolated cases, but their whole output must enter into consideration.

Senator HALE. They call it 10 per cent?

Captain SAMPSON. They call it 10 per cent.

Now, that may not be liberal for the Carnegie Company, and it may be quite liberal for the Bethlehem Company. But these things seem to run in streaks. They are unforeseen. It is impossible to say when one of these accidents will occur. They are not so likely to occur in the future as in the past.

The CHAIRMAN. Because of better skill?

Captain SAMPSON. Experience has enabled them to avoid sources of difficulty. I think that is all I have to say.

ADDITIONAL STATEMENT OF C. M. SCHWAB.

Senator HALE. I wish to ask Mr. Schwab one question. Do you consider the process of manufacturing these plates, interesting as it is, a very intricate and expensive process?

Mr. SCHWAB. Indeed, sir, I must say it is the most intricate of all metallurgical processes, and I am pretty familiar with all.

Senator CHANDLER. How as compared with modern cannon?

Mr. SCHWAB. The Senator referred to armor.

Senator HALE. I referred to armor.

Mr. SCHWAB. I should say it is quite as intricate as gun forging and infinitely more intricate than any other metallurgical process.

Senator CHANDLER. Is it as delicate a matter to make these armor plates as it is to make a modern finished gun?

Mr. SCHWAB. I consider it more so.

The CHAIRMAN. Mr. CHANDLER, do you refer to the material?

Senator CHANDLER. I mean the process.

Mr. SCHWAB. Taking into consideration the tempering and forging, I consider it more so.

Senator BACON. We have a record made of previous examinations, and an answer you made this morning may seem to conflict with it. I am satisfied you misunderstood me as to the cost of steel. We have here the testimony of both Commander Elmer and Commander Rodgers, and I think we have the statements of some of the officers of the Carnegie or the Bethlehem Company that plain steel is worth $17 a ton. Is that correct?

Mr. SCHWAB. Plain, ordinary steel——

Senator BACON. That is what I referred to.

Mr. SCHWAB. In a commercial sense, is worth about $17 a ton. That is, roughly speaking.

Senator BACON. Of course.

Mr. SCHWAB. You will remember that it takes 3 tons of steel to make 1 ton of plate.

Senator BACON. I understand that. I want the original basis.

In referring to the Rohrer board, Captain Sampson says 10 per cent was allowed for losses. They say:

> Add 6 per cent of working capital—
>
> That is only $500,000—
>
> as a charge to cover losses, etc.

I can not understand very well how that applies as 10 per cent.

Captain SAMPSON. I do not remember that item especially, from which Mr. Schwab quotes, as the allowances made by different officers were in different forms and differently divided—some allowing a smaller allowance for losses and a larger one for insurance, etc.; but the total allowances embody 10 per cent for losses or its equivalent.

Mr. SCHWAB. I have only one word more to say, in closing, and that is in reference to the Secretary's estimate for renewals. We have under way one single cylinder for our forging press costing $70,000. That is one little item. In his remarks he took the few items I happen to mention as his basis. That is unfair. This seventy-thousand-dollar cylinder has only occurred to me since he addressed you.

I am very familiar with the works abroad. When I say that, I mean Vickers, Krupps, Cammell, and all of them. I personally know them all very well. I have been there several times. I know none of them have works anything like the works at Bethlehem or Homestead, and I know that the Vickers works turn out between five and six thousand tons of armor per year, and they are and have been turning it out, and that the English works have 30,000 tons ahead of them. In other words, the Government works them to the full capacity, and yet they are paying practically the same price for armor that we are getting to-day.

The CHAIRMAN. What do you mean by "practically"?

Mr. SCHWAB. I can not say exactly $540, but within a few dollars.

The CHAIRMAN. Within $20?

Mr. SCHWAB. Yes, sir.

Senator HALE. Approximately?

Mr. SCHWAB. Approximately, and the approximate price paid us to-day by our Government is about the same that is paid in all parts of Europe by their Governments.

Senator CHANDLER. Is there a combination of armor manufacturers of Europe the same as there is in this country?

Mr. SCHWAB. I do not know anything about it.

Senator CHANDLER. What is your belief?

Mr. SCHWAB. I don't think it likely.

Senator CHANDLER. You say you do not think there is?

Mr. SCHWAB. No, sir; I do not know there is.

Senator CHANDLER. Are you not aware that there is no competition there in the price of armor?

Mr. SCHWAB. I am not aware of that.

Senator CHANDLER. Do not all the manufacturers get about the same price?

Mr. SCHWAB. The price varies somewhat. Look at the Secretary's statement and you will find the price varies considerably.

Senator BLACKBURN. Is there any competition in the price of armor in this country as between yourselves and the Bethlehem Company?

Mr. SCHWAB. No, sir; assuredly not. We have always had an understanding in that matter. We never take a contract that we do not consult with Bethlehem about it.

Senator BLACKBURN. I asked if there is competition.

Mr. SCHWAB. No, sir; there is no competition. I want to be quite fair on that point.

Senator BLACKBURN. I wanted to know if there is competition.

Senator TILLMAN. In other words, you are a trust.

Mr. SCHWAB. I should not call it a trust. It was clearly understood between the Government, ourselves, and the Bethlehem Company that we were to work together and divide the orders.

Senator BLACKBURN. I should like to have the question answered without interruption from others.

The CHAIRMAN. The committee will come to order.

Senator BLACKBURN. Please answer one more question. There is no competition between the only plants in this country—your own and that at Bethlehem?

Mr. SCHWAB. No, sir; it is always understood that any order for armor is divided between us.

Senator BLACKBURN. That is it. How long has that understanding existed between the two companies?

Mr. SCHWAB. I think since the second contract. The first contract was made with the Bethlehem Company independently of us, I think. We had no plant at that time.

The CHAIRMAN. Your company, I understand, was induced or asked by the then Secretary of the Navy to put up a plant so that he might have a competitor as against Bethlehem?

Senator HALE. Secretary Tracy asked you?

Mr. SCHWAB. No, sir; it was because the Bethlehem Company could not furnish sufficient armor at that time.

Senator TILLMAN. The Secretary said so.

Mr. SCHWAB. At any rate, that was the basis upon which we put up the plant.

The CHAIRMAN. Let me ask you another question. You spoke about the price of armor plate in Europe.

Mr. SCHWAB. Yes, sir.

The CHAIRMAN. Can you not manufacture armor plate considerably cheaper in this country than they can in Europe?

Mr. SCHWAB. Why should we?

The CHAIRMAN. Not on the question of labor, of course. But can you not manufacture it cheaper in this country than in Europe?

Mr. SCHWAB. No, sir.

Senator HALE. At Pittsburg or Homestead?

Mr. SCHWAB. No, sir.

Senator HALE. Can you not manufacture cheaper at Homestead than they can in a European plant?

Mr. SCHWAB. No, sir; I do not think so. First we buy our machinery from England. They have the same machines there.

The CHAIRMAN. I do not refer to the cost of the plant.

Mr. SCHWAB. I am speaking of that to show that our methods, so far as the costs of manufacture are concerned, are very similar.

That is the reason why I referred to the machinery. Secondly, they have very much cheaper labor than we have.

The CHAIRMAN. You have cheaper fuel and very much cheaper steel?

Mr. SCHWAB. It is a great mistake to suppose that we have cheaper fuel because we have natural gas.

The CHAIRMAN. It costs you a great deal?

Mr. SCHWAB. We have $3,000,000 invested in natural gas wells and lines to supply our works. It does very excellent work.

Senator HALE. You referred to your works as the best in the world? Do you mean in magnitude?

Mr. SCHWAB. Yes, sir; and character of production.

Senator HALE. How about capacity?

Mr. SCHWAB. I think we would have the greatest capacity of any plant in the world.

Senator HALE. The greatest capacity of any one plant in the world?

Senator CHANDLER. Do you mean the two works in this country?

Mr. SCHWAB. I mean each.

Mr. LINDERMAN. We have double the capacity of any other one plant.

Senator HALE. Together?

Mr. LINDERMAN. Together.

Mr. SCHWAB. Together. The materials that enter into armor are cheaper in Europe than here. I made a comparison of the wages paid in Belgium and the wages paid in our plant, by mutual arrangement with the managers. I found we were paying two and one-quarter times as much per man as they are paying.

Senator SMITH. Your men are doing much more work?

Mr. SCHWAB. They are working the same number of hours.

Senator BLACKBURN. They are doing more work in the product of labor. Does it not appear that each man produces twice as much as the Belgian laborer?

Mr. SCHWAB. I have not the data to give you that information.

Senator HALE. It is a good deal more?

Mr. SCHWAB. I do not know; I do not think so. If it is, it is because of increased investments in machinery.

Senator CHANDLER. I move that the hearing be closed.

The motion was agreed to; and (at 12 o'clock and 20 minutes p. m.) the committee went into executive session.

Secretary Herbert subsequently submitted the following letter:

NAVY DEPARTMENT, *Washington, February 3, 1897.*

SIR: When I appeared before you on yesterday, after listening to the statement made by Mr. Linderman, president of the Bethlehem Iron Company, I said that his statement would require a recasting of the account in the report on armor and the cost thereof, which I had the honor heretofore to submit to Congress in obedience to law.

In the statements relating to the affairs of the Bethlehem Company, as they appeared upon the books of the auditor-general of the State of Pennsylvania for the year 1893, the company had declared at the end of that year a cash dividend of 10 per cent upon $4,000,000 of capital, and at the same time a stock dividend of 25 per cent upon the same amount, thereby adding $1,000,000 to its capital. I had no reason at the time to doubt that this dividend was what it purported to be—a stock dividend, pure and simple—but it appeared from Mr. Linderman's statement on yesterday that it represented $819,700 premium paid by the stockholders for their additional $2,000,000 stock and $180,300 partial interest thereon, making altogether $1,000,000 in cash. I have therefore recast the table which appears on page 34 of the aforesaid report, and allowing the company to have issued $3,000,000 instead of $2,000,000 of new stock, all represented by money, the result is as follows:

The table is constructed upon the basis of allowing the Bethlehem Iron Company 10 per cent annual interest on its original capital stock of $2,000,000, and applying the remainder of its net earings (taken from its reports to the auditor-general of Pennsylvania) to paying 10 per cent on all additional outstanding stock from date of its issue until its retirement, using the surplus earnings remaining after the above interest payments for retiring stock in excess of the original capital of $2,000,000. The table differs from that given on page 34 of the Report on Cost of Armor, in allowing an additional $1,000,000 of stock issued at the end of the year 1893, it having been stated by Mr. Linderman, at his appearance before the Senate Naval Committee on February 2, 1897, that said stock was paid for by the stockholders, whereas in the former table the said stock was assumed to have been a bonus to the stockholders.

Year ending December 31—	Net earnings less 10 per cent on $2,000,000.	Stock issued (assumed to be at beginning of year).	10 per cent dividend on outstanding stock from issue.	Surplus to reduce stock.	Outstanding stock in addition to original $2,000,000.	Accumulated surplus.
1889	−$190,006	$613,200			$845,050	
1890	+290,847	231,850			2,000,000	
	+100,844					
1891	457,403	1,154,950	$345,825	$212,422	1,787,578	
1892	587,187		178,758	408,429	1,379,149	
1893	1,003,730		137,915	955,815	1,423,334	
1894	1,361,402	1,000,000	142,333	1,219,069	204,265	
1895	900,277		20,427	204,265		$684,585
1896	659,711					659,711
Total	5,169,544	3,000,000	825,258	3,000,000		1,344,296

The foregoing table shows that the Bethlehem Iron Company has been able to pay 10 per cent on all money put into new plant from the date of issue of the corresponding stock until its cancellation; to repay the holders of said stock in full; and to accumulate a surplus sufficient to pay off its bonded debt.

Moreover, even at the reduced prices now being paid for armor and gun steel, it is estimated that a further net profit of $1,200,000 will be made on outstanding Government contracts to be completed by the end of 1897.

It thus appears that by the end of 1897 the company will have, allowing it to have made during its present fiscal year $1,200,000, a surplus of $2,544,296, after having paid 10 per cent upon its original stock of $2,000,000 and eliminating its new stock ($3,000,000), besides paying 10 per cent interest on its new stock up to the time of its cancellation, which is calculated to have occurred from time to time as there was surplus to apply to it.

This calculation allows for 10 per cent also upon the original $2,000,000 of stock during the present year, and the surplus then, after paying the $1,351,000 bonded indebtedness, will be ——. This accounts for an investment in plant, if the bonded debt and the amount paid for new stock was all applied to the new plant (armor and gun steel), of $4,351,000. Inviting attention to the figures given in the report as to the cost of erecting such a plant, and the reasoning thereon, this allowance for plant seems to be ample. Even if the hammer erected at great cost by the Bethlehem Company and subsequently thrown aside as useless be counted as having cost $1,000,000, it would certainly seem that a plant which the proof shows could now be erected for $1,500,000 could not have cost, exclusive of the hammer, at the time when the Bethlehem Company erected its plant, more than $3,500,000. I do not mean to cast any doubt, however, upon the figures as to new stock—that is to say, I am quite convinced that this plant may have cost altogether the sum of $4,351,000, and it is also possible that it may have cost more than that sum, the excess of cost being represented by earnings paid out toward the erection of the plant prior to the deduction of net earnings from gross, as the comparison of the returns furnished by the company seem to indicate something of this character, especially in the year 1889. However, having made the calculation herewith submitted, I have since referred to the written memorandum introduced on yesterday by Mr. Linderman and read as a part of his remarks before the committee, and I have that now before me. In it he states that—

"In 1887, when we undertook the erection of a plant for Government work, our capital stock was $2,000,000, on which we were paying cash dividends at the rate of 12 per cent per annum. We had no floating indebtedness, a bonded indebtedness of only $149,000, and we had a surplus of about $2,000,000.

"Since that year (1887), in order to provide the means with which to build this new plant, we have issued $3,000,000 new stock, for $2,000,000 of which the stockholders paid $2,819,700 in cash, the $819,700 premium so paid by them and $180,300 partial interest thereon being afterwards represented by a stock dividend of the other $1,000,000; $1,351,000 of bonds, and about $2,200,000 of bills payable. So that our investment on account of new plant, instead of being $3,351,000 ($2,000,000 stocks and $1,351,000 bonds), was $6,551,000 ($3,000,000 stocks, $1,351,000 bonds, and $2,250,000 bills payable)."

I am quite unable to understand how the armor and gun plant of the Bethlehem Company could have cost $6,551,000. In answer to an inquiry made, there has never been a rumor heard in this Department that any person connected with the Bethlehem Company claimed that the plant had cost any such sum. Two officers connected with the Bureau of Ordnance, and familiar with armor manufacturing are present as I dictate this, and neither of them has ever heard of any statement fixing the cost of this plant beyond $5,000,000. In the letter on page 11 of report, Mr. Linderman himself says: "Our plant for the manufacture of armor has cost us not less than $4,000,000," etc. It would be absurd that that gun plant cost $2,500,000. No one has estimated it higher than $500,000. It is possible that President Linderman may be adding in all the charges that are shown by the company's books to have been made against the plant for repairs and maintenance as part of the cost of the plant, and his statement may possibly be reconciled by supposing that he thinks this is fairly chargeable as cost of plant—that is, the plant may have cost this much in the aggregate in the way of repairs and maintenance since its establishment.

This would tally to some extent with his claim that the cost of maintenance for his plant is 10 per cent. Ten per cent per annum on $4,351,000 for five years, which is about the length of time during which this plant has been running, would amount to about this sum of $2,200,000; and if the $2,200,000 which he claims in this statement to have expended on account of this plant be really charges shown on the books of the company for maintenance, then it has nothing whatever to do with the account as made out in the report which I have had the honor to submit heretofore, or with the table herein above submitted, for the reason that all such charges as maintenance are necessarily paid year by year out of the gross earnings, before the balance is struck resulting in the net earnings. It will be observed that both in the report and the table herewith submitted the figures given are the figures of the company itself, and they show for the several years the gross earnings and the net earnings.

If this be not the true solution of these figures, I beg to suggest that the Bethlehem Company be requested by the committee to exhibit its books to show the cost of its plant, as did the Carnegie Company. In my opinion, as stated in the original report on this question, and as reiterated yesterday, there can be no good reason why, if these companies desire to aid your committee in arriving at the true cost of their plants and of the manufacture of armor, they should not exhibit their books. They are neither of them believed to have any manufacturing secrets that are not already known to the officers of the Navy Department; but if such secrets they have, it is very unreasonable to suppose that they are spread upon their books and open to the inspection of every bookkeeper. Such secrets, in the opinion of the Carnegie Company, did not apply to the cost of their plant. That company exhibited its books and showed to the satisfaction of the Department that its plant cost rather more than its estimate given in to the Department. I suggest that the Bethlehem Company be requested in like manner to exhibit its books, if it means to contend that its plant cost $6,551,000. In case this is not done, it seems to me that the $2,200,000 of "bills payable" referred to must be taken as expenditures for the maintenance of plant, or at least counted as other expenditures which are paid for out of gross earnings before arriving at the net earnings, which alone have been used as the basis of calculations submitted to Congress.

If the $2,200,000 had not been paid, it would have appeared on the statements made by the company to the auditor-general under the law of Pennsylvania, which required a full statement of the affairs of each manufacturing company, including its bonded and other indebtedness. The last figures obtained by me from the auditor-general were the returns of 1885, in which the bonded indebtedness appeared as above given, and the "bills payable" represented a sum of a little over $800,000. In that return there was no account of "bills receivable," which are usually, in the books of a prosperous company, equal to the "bills payable."

Mr. Linderman states that the company in 1887 had a surplus of about $2,000,000. By reference to the table on page 29 of my report it will appear that the company also had this surplus at the beginning of 1889, to wit, $1,976,614.66, or about $2,000,000. Mr. Linderman speaks of this surplus then on hand, but he fails to allude to the fact that it has never been less, and has now grown to $4,051,982.80 on hand in the year 1896. See the table on page 29, no figures of which Mr. Linderman has disputed.

The attention of the committee is especially called to this table, and it is asked to consider first the gradual, and I may say rapid, increase, not in the percentage of dividends, but in the actual amounts paid out in cash to the stockholders. Beginning with $182,000 in 1889, these amounts run up to $240,000 in 1890—fractions are omitted—$308,000 in 1891, $400,000 in the years 1892 and 1893, and $600,000 in each of the years 1894, 1895, and 1896.

A comparison of this table, on page 29, with the table I have made out and submit herewith shows that the Bethlehem Company has not kept its books according to the account as it is herein stated. The account I submit to-day, and that submitted on page 34 of the report, are both based upon the idea of extinguishing the stock which represented the investment in armor and gun plant.

As the stock is gradually extinguished by the repayment of money to stockholders, dividends, of course, dwindle until in the year 1896 there is no new plant stock to which to apply the earnings, whereas the company, on its books, has preferred to keep the stock outstanding and pay these large dividends upon it as well as also to greatly increase their surplus, that running up from $2,000,000 in 1889 to $4,651,000 in 1896. The plan upon which I have made these calculations is certainly fair to the company, and it shows that it has been already repaid money enough to extinguish, if it had been so applied, its $3,000,000 new stock, together with 10 per cent upon it until extinguished, and that it would have on hand, if, according to this plan, it had used its receipts to extinguish investments, now $1,344,000, to which must be added $1,200,000 estimated profit upon their Government contracts for the present year. The estimate of these profits, it will be seen, is made upon the basis of allowing the company 10 per cent per annum upon the $2,000,000 of original stock in the Bethlehem Company and the same rate of dividends upon new stock.

The concluding statement of President Linderman is that during the eight years from 1889 to 1896, inclusive, the gross receipts of the Bethlehem Company amounted to over $46,000,000, while for the same period the receipts for armor amounted to $6,780,000, or about 14 per cent of the total. The purpose of this statement is to create the impression that a much larger proportion of the net earnings than I have estimated should be credited to what I have called in the report "the commercial plant" of the company—that is, this original plant—represented by the original $2,000,000.

Mr. Linderman's statement should be corrected by calling attention to the fact that the amount his company will have received for armor from 1889 to 1897, inclusive, will be $8,163,804.48, and with gun steel added thereto, $15,597,746.65, as appears by the grand totals on page 29; so that allowing for the year 1897 the gross receipts to be $6,000,000, a little more than for 1896 according to the figures as stated on page 29, the amount received by his company from the Government will have been about 30 per cent of its total receipts. This percentage, however, gives no accurate idea of the percentage of profit derived from Government and other work.

Inspecting the table on page 29, it appears that in 1890, when there was but little Government work, the gross earnings were $6,334,000, and the net earnings were $490,000. In 1892, when the amount of Government work was about one-fourth of the total, the net receipts ran up to $787,000. In 1893, when the Government work was a little more than half, the net profits ran up to $1,293,000. In 1894, when the gross earnings were $5,359,000 and the Government work $2,822,000, the net earnings were $1,561,000.

An inspection of the table and comparison of these figures all along from the beginning to the end of the report, shows an extraordinary increase of net earnings whenever there was an increase of Government work; and referring again to the reasoning in the report and the figures therein cited, on page 31, it will clearly appear that the allowance of 10 per cent per annum as dividends to the Bethlehem Company during the unprosperous period from 1889 to 1896, inclusive, is most liberal. It is far more than any other company, except one, in the State of Pennsylvania made during that period. The Cambria Company, which made a larger dividend in 1886 than the Bethlehem Company, and as large dividends in 1887 and 1888 as the Bethlehem Company, only made 10 per cent during the years 1889, 1890, 1891, and 1892, and then began to fall off. No other company made 10 per cent during any of those years, and yet I have allowed the Bethlehem Company 10 per cent during all that period on the full amount of its stock, when the testimony cited by me in the report shows that during much of the time a part of its commercial plant was idle.

As to the statement of Mr. Schwab about the cost of labor, I beg leave to refer the committee to the statement by Captain Sampson. Mr. Schwab's remarkable statement that all the men who were engaged in the different parts of the works ought to be counted in estimating the cost of the manufacture of a plate of armor would, in the first place, include the cost of all the hands engaged in maintaining and keeping the plant in repair, for which in the account, as stated by the company, an allowance of $150,000 has been made, and it would lose sight of the fact that the officers who were stationed at the works did take account of all the hands who were in any manner engaged in the manufacture of armor as they appeared in each of the particular processes. Aggregating all these processes, these officers accounted, or certainly attempted to account, for all the hands engaged in the manufacture of armor, and I am satisfied that they knew, from inquiries made on the spot, the prices that were being paid for the labor of these hands, and that they conscientiously included them all.

In conclusion, I respectfully call attention again to the fact that neither the Bethlehem Company nor the Carnegie Company have produced their books; that they have made statements that contained only a part of the facts, and that even these facts as stated are unexplained by any statement of the items composing them. It is for the committee to say how much such evidence as this would be worth in a court of justice and how much its value is before a committee of Congress seeking to arrive at the truth and desiring to know the whole truth.

Very respectfully,

H. A. HERBERT,
Secretary of the Navy.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the conference report on the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

Mr. MANTLE. Mr. President, I wish to say a few words in relation to the amendment offered by the Senator from Wyoming [Mr. CLARK] to the sundry civil appropriation bill which proposed to revoke the late Executive order setting aside certain timber reservations in several of the Rocky Mountain States. That amendment was put on by the Senate and has been left out by the conference committee and a substitute inserted which in effect authorizes the President of the United States, in his discretion, to revoke any such order or to vacate any portion of the same.

The objections to the Executive order in question have been so forcibly presented here that I shall not attempt now to go over the ground again. I wish to say that it has been with a good deal of reluctance that I have brought myself to the point of declining to exert every possible effort permissible under the rules of this body to prevent even the passage, if it were necessary, of the sundry civil appropriation bill rather than to yield this point, because I know full well the great loss, annoyance, and hardship, the gross injustice, which will be done to the people of the States in which these timber reservations are located if this order is permitted to remain long in effect and force. But in common with other Senators from the States in question, I have received assurances from sources so high and of such influence that I believe those assurances will in a very short time be crystallized into action revoking the order under the authority embraced in the amendment now substituted by the conference committee, and I have concluded, because of the character of this bill, because of the other great interests involved, to withdraw any further objection. I sincerely hope the assurances of which I have spoken will result in a very speedy revocation of the unjust and obnoxious order.

But, Mr. President, I want to say here and now that if these assurances should fail of realization, if the people of those States should be subjected to the loss and the hardship and the privation which must necessarily follow the continuation of that order, whenever Congress meets in extra session, so far as I am personally concerned, so far as under the rules, the very liberal rules of this body, I am able to prevent it, I shall do my utmost to prevent any important legislation from being crystallized into law until this gross injustice to the people of these States has been remedied and righted.

Mr. CLARK. Mr. President, I desire, more especially before the final vote is taken upon this report, to make known, if I can, the exact position of this matter of forest reserves, and to remove, if possible, from the minds of those who have not heard the discussion in the Senate, all doubts as to the motive of the original amendment as offered and passed by the Senate.

It has been charged in the public print and in the Halls of Congress that the object of the amendment was to steal the timber upon the public lands, and that the amendment was aimed at the policy of forest protection. Nothing was farther from the mover of the amendment than that thought. No people in all this land are so much concerned in the preservation of the Western forests, both for timber and water, as the people of the States represented by the supporters of the amendment. We have protested by this amendment against a most grievous wrong that I am convinced was perpetrated in ignorance and since that time has been continued by obstinacy, because, the facts and circumstances being once known as to these reservations, nothing but pure obstinacy would persist in a course that threatens so much disaster to a large portion of this Republic.

It is with the deepest humiliation that, as a member of the Senate of the United States, I see the will of this body as expressed by its vote, and, as I believe, the will of the other body, overridden by that power or by the threat of that power which, for the last four years, has failed to protect anything American and has never failed to cater to anything foreign. I can not now recall one instance in the last four years where an American citizen at home or abroad has received consideration at the hands of the present Executive; and it is not strange that this amendment, which seeks to preserve the rights of settlers upon the public domain, which seeks to preserve the rights of the American citizens in the great West in all their hardships, should be throttled, should be strangled, should be killed in the face of the knowledge of its righteousness, by the implied threat, at least, that its adoption by the Congress of the United States meant the failure of the great sundry civil appropriation bill.

Mr. President, the advocates of the original amendment as to the forest reserves have no desire to impede the progress of this bill. We believe, as has been stated by the Senator from Montana [Mr. MANTLE], that a different time is soon to dawn for American interests. I believe that when the clock shall round the hour of 12 to-morrow we shall have an American Administration in this country that will protect American interests abroad and at home, and by that Administration power will be wisely and honestly exercised under the amendment proposed by the committee; and, with that belief, we submit to the report of the conference committee.

The PRESIDING OFFICER. The question is on concurring in the conference report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. ALDRICH (at 3 o'clock and 25 minutes a. m., Thursday, March 4). It seems to me the convenience of Senators would be subserved if we took a recess from now until 8 o'clock, or some hour near that time, when the other bill—I think there is but one appropriation bill left—can be taken up and considered. I hope the Senator from Iowa will, if possible, suggest such a recess.

Mr. ALLISON. I will say to the Senator that the only appropriation bill remaining now is the deficiency bill, which is in conference. In a few moments I think we can inform the Senate whether or not we can take a recess now or whether it would be wiser to remain in session for a half hour longer.

Mr. FRYE. What is the Senate waiting for?

Mr. ALLISON. We are waiting for the deficiency appropriation bill. It would not, I think, be wise to take a recess at all, but rather to have an understanding that no business shall be done except the business of signing enrolled bills, and continue in session for two or three hours at least for that purpose, and that purpose alone.

Mr. ALDRICH. I hope the Senator from Iowa will make that request.

Mr. ALLISON. I make that request. It will not be possible for any other or further business to be considered at the present session except that relating to the appropriation bills, and conference reports upon those and other bills. I ask unanimous consent that that be agreed to.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that an agreement be made that during the remainder of the session no business shall be transacted prior to a recess save and except the regular appropriation bills.

Mr. CANNON. Is my motion for an executive session still pending?

The PRESIDING OFFICER. The request of the Senator from Iowa has not yet been disposed of.

Mr. CANNON. It is quite apparent that a longer insistence upon my motion for an executive session would result in an annoyance to the chairman of the Appropriations Committee, who already has his hands full of work, and it might retard the proper conduct of the business of the Senate. Therefore, having put the matter to a fair test and demonstrated that there is a quorum present, but that a vote can not be had of an entire quorum, I withdraw the motion.

CLOSING OF DOORS.

Mr. QUAY. It seems to me that the object of the Senator from Iowa may be accomplished by a motion to go into secret legislative session, and unless the Senator from Iowa objects, I will make that motion.

Mr. FAULKNER. There is no objection to that motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of legislative business in secret session.

Mr. QUAY. I suppose the Senator from Iowa does not object?

Mr. TELLER. I second the motion of the Senator from Pennsylvania.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors of the Senate were closed for two hours and ten minutes, during which time, on motion of Mr. ALDRICH, it was

Ordered, That the Senate take a recess from 6 o'clock a. m. to 8 o'clock a. m.

The doors were reopened at 5 o'clock and 45 minutes a. m.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory;

A bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes;

A bill (H. R. 10167) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10331) to authorize reassessment of water-main taxes in the District of Columbia.

RECESS.

The PRESIDING OFFICER (Mr. CARTER in the chair, at 6 o'clock a. m.). Under the order heretofore made, the Senate will now take a recess until 8 o'clock a. m.

The Senate reassembled at 8 o'clock a. m., Thursday, March 4, when, on motion of Mr. COCKRELL, the recess was continued until half past 8 o'clock a. m.

At the expiration of the recess (at 8 o'clock and 30 minutes a. m.) the Senate reassembled, when, on motion of Mr. STEWART, the recess was extended until 9 o'clock a. m., at which hour the Senate reassembled.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in same cases and manner that it may do in respect of the circuit court of appeals; and

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10339) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 24, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 6, 7, 10, 11, 18, 26, 30, 32, 33, 34, 35, 38, 40, 41, 42, 43, 46, 47, 51, 62, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 161, 162, 163, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

The committee of conference has been unable to agree upon amendments numbered 2, 4, 5, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25, 27, 28, 29, 37, 38, 39, 45, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 90, 91, 93, 105, 112, 113, 114, 158, 159, 160, and 164.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. A. NORTHWAY,
J. D. SAYERS,
Managers on the part of the House.

Mr. HALE. I ask for the adoption of the report.

The report was concurred in.

Mr. HALE. I move that the Senate insist upon its amendments still in disagreement.

The motion was agreed to.

SENATOR FROM IDAHO.

Mr. SHOUP presented a memorial of sundry members of the legislature of Idaho, remonstrating against certain alleged charges of bribery in the election of Henry Heitfeld to a seat in the United States Senate; which was referred to the Committee on Privileges and Elections.

THANKS TO THE VICE-PRESIDENT.

Mr. MORRILL. Mr. President, I submit a resolution for which I ask present consideration.

The PRESIDING OFFICER (Mr. HOAR in the chair). The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. ADLAI E. STEVENSON, Vice-President, for the dignified, impartial, and courteous manner with which he has presided over its deliberations during the present session.

The resolution was considered by unanimous consent, and unanimously agreed to.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. FAULKNER. I offer a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM P. FRYE, President pro tempore of the Senate, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

The resolution was considered by unanimous consent, and unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR. I offer a resolution for which I ask immediate consideration.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That a committee of two Senators be appointed, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless he may have some further communication to make.

The resolution was considered by unanimous consent, and agreed to.

The VICE-PRESIDENT appointed Mr. HOAR and Mr. BRICE as the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a resolution appointing three members on the part of the House to join such committee as may be appointed by the Senate to wait on the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn sine die, unless he may have some further communication to make to them.

The message also announced that the Speaker of the House had appointed Mr. DALZELL, Mr. GROSVENOR, and Mr. SAYERS members of the committee on the part of the House to wait upon the President.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and it was thereupon signed by the Vice-President.

CLOSE OF THE SESSION.

Mr. HOAR. Mr. President, the committee of the two Houses appointed to wait upon the President and inform him that the Senate and the House of Representatives have transacted all the business before them and are ready to adjourn unless he has some further communication to make have performed that duty. They were requested by the President to extend his congratulations to the two Houses of Congress and to state that he has no further communication to make.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President-elect (Hon. GARRET A. HOBART, of New Jersey) entered the Chamber, accompanied by Mr. ELKINS, a member of the committee of arrangements for the inauguration, and was conducted to a seat at the right of the retiring Vice-President, Hon. ADLAI E. STEVENSON.

Vice-President STEVENSON administered the oath of office to Mr. HOBART.

FAREWELL ADDRESS OF VICE-PRESIDENT STEVENSON.

Thereupon Vice-President STEVENSON said:

SENATORS: The hour has arrived which marks the close of the Fifty-fourth Congress and terminates my official relation to this body.

Before laying down the gavel for the last time, I may be pardoned for detaining you for a moment in the attempt to give expression to my gratitude for the uniform courtesy extended me, for the many kindnesses shown me, during the time it has been my good fortune to preside over your deliberations. My appreciation of the resolution of the Senate personal to myself can find no adequate expression in words. Intentionally I have at no time given offense, and I carry from this presence no shadow of feeling of unkindness toward any Senator, no memory of a grievance.

Chief among the favors political fortune has bestowed upon me, I count that of having been the associate—and of having known something of the friendship—of the men with whom I have so long held official relation in this Chamber. To have been the presiding officer of this august body is an honor of which even the most illustrious citizen might be proud. I am persuaded that no occupant of this chair, during the one hundred and eight years of our constitutional history, ever entered upon the discharge of the duties pertaining to this office more deeply impressed with a sense of the responsibilities imposed or with a higher appreciation of the character and dignity of the great Legislative Assembly.

During the term just closing, questions of deep import to political parties and to the country have here found earnest and at times passionate discussion. This Chamber has indeed been the arena of great debate. The record of four years of parliamentary struggles, of masterful debates, of important legislation, is closed, and passes now to the domain of history.

I think I can truly say, in the words of a distinguished predecessor: "In the discharge of my official duties, I have known no cause, no party, no friend." It has been my earnest endeavor justly to interpret and faithfully to execute the rules of the Senate. At times the temptation may be strong to compass partisan ends by a disregard or a perversion of the rules. Yet I think it safe to say the result, however salutary, will be dearly purchased by a departure from the methods prescribed by the Senate for its own guidance. A single instance, as indicated, might prove the forerunner of untold evils—

> 'Twill be recorded for a precedent,
> And many an error, by the same example,
> Will rush into the state.

It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which can not be measured by words.

The Senate is a perpetual body. In the terse words of an eminent Senator now present: "The men who framed the Constitution had studied thoroughly all former attempts at republican government. History was strewn with the wrecks of unsuccessful democracies. Sometimes the usurpation of the executive power, sometimes the fickleness and unbridled license of the people, had brought popular governments to destruction. To guard against these dangers, they placed their chief hope in the Senate. * * * The Senate which was organized in 1789, at the inauguration of the Government, abides and will continue to abide, one and the same body, until the Republic itself shall be overthrown, or time shall be no more."

Twenty-four Senators who have occupied seats in this Chamber during my term of office are no longer members of this body. Five of that number—Stanford, Colquitt, Vance, Stockbridge, and Wilson—"shattered with the contentions of the Great Hall," full of years and of honors, have passed from earthly scenes. The fall of the gavel will conclude the long and honorable terms of service of other Senators, who will be borne in kind remembrance by their associates who remain.

I would do violence to my feelings if I failed to express my thanks to the officers of this body for the fidelity with which they have discharged their important duties, and for the timely assistance and unfailing courtesy of which I have been the recipient.

For the able and distinguished gentleman who succeeds me as your presiding officer I earnestly invoke the same cooperation and courtesy you have so generously accorded me.

Senators, my parting words have been spoken, and I now discharge my last official duty, that of declaring the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

[*Continuation of the proceedings of the legislative day of Tuesday, March 2, 1897.*]

The recess having expired, the House (at 10.30 a. m., Wednesday, March 3) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, with amendments in which the concurrence of the House was requested.

LIEUT. ROBERT PLATT, UNITED STATES NAVY.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read.

Mr. BLUE. Reserving the right to object, I should like to hear the report or some explanation of the bill.

Mr. FISCHER. I send to the Clerk's desk a copy of the House report, which is very similar to the Senate report.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. I object.

Mr. FISCHER. Mr. Speaker, may I ask for a suspension of the rules to pass this bill?

The SPEAKER. The Chair thinks it would be impossible at this time to have a suspension of the rules on matters of this kind.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I desire to present the report of the committee of conference on the Indian appropriation bill.

The Clerk proceeded to read the conference report as already published in the Senate proceedings, page 2630 of the RECORD.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON (before the reading of the conference report was concluded). Mr. Speaker, I desire to correct an error in regard to the sundry civil bill. Upon the ninety-ninth amendment of the Senate, the Journal does not show that the House further insisted on its disagreement. That is one of the river and harbor items. I ask unanimous consent that the order may be entered that the House further insist on its disagreement to Senate amendment 99.

There being no objection, it was ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Before the reading of the conference report is resumed, I should like, by unanimous consent or otherwise, to dispose of the Senate amendments to the deficiency bill, so as to get them into conference. The time now remaining for the final disposition of this bill is exceedingly short, and if I may be permitted, I will move to suspend the rules, so as to nonconcur in the Senate amendments to the deficiency bill and ask a conference with the Senate.

Mr. RICHARDSON. I think the gentleman will save time if he will not take that course, for he will have to have a quorum to pass that motion.

Mr. CANNON. Well, we will get it.

Mr. RICHARDSON. I think we can agree, if the gentleman will give us a vote on one amendment.

Mr. SHERMAN. There is a conference report pending. Let us go on with that.

Mr. CANNON. I withdraw my motion for the present.

INDIAN APPROPRIATION BILL.

The Clerk resumed and completed the reading of the conference report on the Indian appropriation bill.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report, and on that I ask the previous question.

Mr. DOCKERY. The statement has not been read yet.

Mr. SHERMAN. Then I will ask the Clerk to read the statement.

The statement of the House conferees was read, as follows:

This report does not cover amendments numbered 9,30, 59, 60, 61, 62, 83, 87, 88, 90, 92, 93, and 95, which are:

No. 9, which provides for the payment of the Creek Nation from their trust funds.

No. 30, relating to school, which is a general provision covering the question of the so-called sectarian schools.

Nos. 59, 60, 61, and 62, which cover all the provisions relating to the Indian Territory.

No. 83, relating to the Uncompahgre Reservation in Utah.

No. 87, proposing to reimburse Ormsbee County, Nev., for certain expenses.

Nos. 88 and 90, relating to the Colville Reservation in Washington.

Nos. 92 and 93, which cover the matter of the so-called "Old Settlers" or Western Cherokee Indians attorneys' claims.

No. 95, relating to the Sisseton and Wahpeton Indians.

The Senate recedes from the following amendments, leaving the bill in that respect as it left the House:

Amendments 20, 21, 28, 40, 41, 43, 70, 74, 84, 96, and 97.

The House recedes from amendments numbered 1, 3, and 3.

No. 3 provides for a new agency, to be called "The Fort Apache Agency," Ariz., and No. 1 makes an appropriation of $1,500 for the salary of the agent, which is provided for, and No. 2 is a formal amendment, amending the total sum appropriated for the agency.

This proposition divides the present San Carlos Reservation and is made necessary by reason of the fact that Fort Apache is now a subagency, distant 80 miles over the mountains from the main agency and with the shortest mail route between the two places 500 miles. The erection of a new agency is considered essential and is strongly recommended by the Interior Department.

The House recedes from amendment numbered 4, with an amendment. This provides no appropriation, but it does provide that the farmers and stockmen to be employed shall be chosen within the State or Territory where the agency is located. This provision was carried in former bills, but was stricken out in the present bill, and to the Senate amendment the House agreed, with an amendment which provides that these appointments should be made from the State or Territories or the adjacent State or Territory where the agency is located.

Nos. 5, 6, and 7 do not change the amount appropriated or the object of the provision, but simply change the phraseology, stating more distinctly the object desired.

No. 8 does not make an appropriation, but it does make the provision which is contained in H. R. 10248 heretofore favorably reported by the House Committee on Indian Affairs.

The House recedes from amendment numbered 10, which provided that merchants, having dealt with the Indians, might go upon reservations to collect their debts.

The House accepted Senate amendment numbered 11, with an amendment. This provided for the payment to the Pawnee Indians out of their trust funds $50,000; the amendment changes this sum to $22,418.25, so that the amount remaining in the Treasury belonging to this tribe of Indians would be an even $400,000.

The House accepted Senate amendment numbered 12, the same being a phraseological amendment in accordance with the terms of the treaty.

To Senate amendment numbered 13 the House receded, with an amendment making the same read as follows:

"That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased in the discretion of the Secretary upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed."

The House accepted Senate amendment numbered 14, which took from the Territory of Oklahoma the Osage Reservation and placed it within the Indian Territory.

The House accepted Senate amendment numbered 15, with an amendment the effect of which is to permit the Peoria and Miami Indians at the Quapaw Agency to sell a portion of their lands, it being apparent that these Indians had more land than they could properly cultivate, such sales to be regulated by the Secretary of the Interior.

The House accepted Senate amendment numbered 16, which permits the Secretary of the Treasury to pay in money, rather than kind, under certain provisions of the treaty, and compels him to deliver blankets and clothing, under the terms of the treaty, prior to the 1st day in November of each year.

The House accepted Senate amendment numbered 17, which does not increase the appropriation, but which gives the Secretary certain directions in the matter of the expenditure thereof.

The House accepts Senate amendment numbered 18, which does not increase the appropriation, but provides that a portion thereof shall be expended for the construction of day schools on the Lower Brule Reservation.

The House accepted Senate amendment numbered 19, which does not make an appropriation, but permits the Wahpetons to lease farming lands.

The House accepts Senate amendment numbered 22, which is simply clerical.

The House accepts Senate amendments numbered 23, 24, 25, 26, 27, 28, 29, 32, 33, 36, 37, 38, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 76, 78, 80, 81, 82, 85, 86, 89, 91, 98, 100, 101, 104, and 105. Those numbered 23, 27, 32, 38, 39, 42, 48, 49, 50, 51, 53, 54, 56, 57, 58, 63, 66, 67, 68, 69, 71, 72, 85, 86, 98, 101, and 104 do not increase appropriations, and some of them are merely corrections of clerical errors or changes of phraseology.

The following amendments are accepted, amended in the manner they appear in the report accompanying this statement: Numbered 31, 34, 35, 52, 55, 75, 77 79, 94, 99, and 102.

Mr. SHERMAN. Now, Mr. Speaker, I move the previous question.

Mr. MORSE. I should like to ask the gentleman from New York a question, for the information of the House.

Mr. SHERMAN. What is the question?

The SPEAKER. The Chair will suggest that if debate is participated in before the previous question is ordered, there can be no further debate after it is ordered.

Mr. SHERMAN. I will answer the gentleman after we have voted on the previous question.

The previous question was ordered.

Mr. SHERMAN. I now yield to my friend from Massachusetts [Mr. MORSE].

Mr. MORSE. The question which I desire to ask for the information of the House is this: What is the present status of the conference with reference to the disagreeing votes of the two Houses in relation to the contract or sectarian Indian schools?

Mr. SHERMAN. The report which the Clerk has just read, Mr. Speaker, states explicitly that the so-called sectarian school item is not covered by this conference report, but will come in at a later time.

Mr. MORSE. I hope the backbone of our conferees will be stiff on that subject.

Mr. SHERMAN. Well, that is the kind of conferees you have, I will say to the gentleman.

Mr. BAILEY. I desire to know what disposition the conference committee have made of the Senate proposition to create additional judges in the Indian Territory?

Mr. SHERMAN. That is not covered by this report, and still remains in conference.

Mr. FLYNN. I should like to have an understanding with the chairman of the Committee on Indian Affairs with reference to time. As I understand, we are entitled to twenty minutes in opposition to the report.

Mr. SHERMAN. I understand, Mr. Speaker, that the gentleman from Oklahoma [Mr. FLYNN] desires to oppose certain provisions of the report, and as nobody else seems to desire to oppose it, I suppose he will be recognized in his own right in the time granted to the opponents of the proposition.

The SPEAKER. The gentleman will be recognized.

Mr. FLYNN. Mr. Speaker, the House in this conference report is confronted for the first time in the history of the Government with an amendment dismembering a political subdivision of the United States, which amendment has never been considered, never even read in this House until now, and yet it is submitted in the conference report. The amendment which I allude to is Senate amendment numbered 14, which the House conferees have agreed to. Mind what I say; for the first time in the history of the Government an amendment is agreed to dismembering one of the political subdivisions of the United States.

The amendment provides that the territory comprising the Osage and Kansas Indian Reservation be, and it is hereby, detached from the Territory of Oklahoma and attached to the Indian Territory. I hold here in my hand, Mr. Speaker, a map of the Territory of Oklahoma. This amendment undertakes to take this part in yellow, bounded by the Arkansas River, out of a duly organized and existing Territory, where a government is in existence, and to attach it to a Territory in name, but which is without any organization or jurisdiction whatever, as far as executive offices are concerned.

When this amendment was discussed last night in the other

branch, and I now refer to the RECORD, the Senator from Connecticut [Mr. PLATT], in discussing it, used language to which I desire to call the careful attention of the House, which proves that the Senate itself had no desire to dismember the Territory of Oklahoma, but that the House conferees agreed to an amendment, added at midnight in the Senate, despoiling my district of between 3,000 and 4,000 square miles of territory. I say the Senate itself did not even mean to do that, though the House conferees have agreed to the proposition. This was one of the objections to agreeing to the conference report, and it was once rejected in the Senate, but now it is brought back here with the identical amendment still in the report. Senator PLATT, last night, in discussing this bill, on page 2792 of the RECORD, used the following language:

Mr. PLATT. Mr. President, it has been very difficult to understand what has been done by the conferees in this conference report. The first thing to which I wish to call the attention of the Senate is this: In the amendment numbered 14, which relates to transferring court jurisdiction over the Osage and Kansas Indian reservations from Oklahoma to the Indian Territory, it will be remembered that I suggested, when the amendment was proposed in the Senate, that the amendment altered the boundaries of the Territory of Oklahoma, and the Senator from Nebraska [Mr. ALLEN] thought not. He said that it was not intended to take the Osage Reservation out of the Territory of Oklahoma and put it into the Indian Territory, but simply to transfer the jurisdiction of the court. It was a matter which we had not heard of until it was proposed by the amendment, and it was suggested that it was not the intention to lessen the area of the Territory of Oklahoma, and that it could be fixed in conference; but now in conference it stands as it was passed in the Senate.

The original intention when it was offered there was not to take it out of Oklahoma. There is an acknowledgment on the part of the Senate of that fact; but we have this conference report brought in, agreed to by the House conferees, doing something I say the like of which was never heard of before in the history of this Government.

Mr. CANNON. Let me ask the gentleman a question. Does this conference report take 4,000 square miles from the Territory of Oklahoma and transfer it elsewhere?

Mr. FLYNN. Yes, sir, about that, into the Indian Territory.

Mr. CANNON. Into the Indian Territory?

Mr. FLYNN. Yes; they take all that land.

Mr. CANNON. It seems to me that is an unheard-of proposition.

Mr. FLYNN. I agree with the gentleman, and that is what I want the attention of the House for. The people in Oklahoma, I want to say, Mr. Speaker, feel that they are being outraged by this measure. This Congress has been kind to me, and this is probably the last time I will have occasion to address this House. You have all been my friends. I have spent four years in this House endeavoring to enact into law one bill that was of more vital importance to my people than any other on earth—that is the "free-home bill." You gentlemen know how earnest I have been in that matter, and yet it is charged out there that I do not want it to pass; and because my people saw fit to return somebody else at the recent election, it is also charged that I have no particular interest in the Territory I represent, and that this amendment is one that I want to see passed in order to punish the people of Oklahoma. If this House ever felt as if it desired to be kind and fair in my parting hours to-day, I ask you, in the name of fairness, to vote down this amendment. After you have redeemed a million acres of land from the blanket Indians and opened it to homes, do not turn around and dismember that Territory and add it to the Indian Territory, a country that you are appropriating for annually, appropriating for in this bill, in the sum of $50,000, in order to dismember it and to change the existing conditions.

Mr. SHERMAN. Will the gentleman permit me to ask him a question?

Mr. FLYNN. Certainly.

Mr. SHERMAN. Does any of this land pay tax in Oklahoma?

Mr. FLYNN. Yes, sir; it pays a Territorial tax.

Mr. CURTIS of Kansas. Not on the land.

Mr. SHERMAN. That is what I asked—if the land was taxed.

Mr. FLYNN. You can not tax Indian lands in any of the States or Territories. In this connection, I want to say now that a great deal of complaint has been made about the injustice of the courts in Oklahoma, in robbing the people who live there.

Mr. ROBINSON of Pennsylvania. What reason is given for this?

Mr. FLYNN. I am going to give the other side an opportunity to explain the alleged reason. There is no court that has jurisdiction over this piece of territory except the United States courts. Now it is intended by this amendment to take this territory from the jurisdiction of one United States judge, who is able and honest, and put it in the territory of the United States judge in the Indian Territory.

Mr. Speaker, I want to have read the following telegram, which I have received, showing the sense and feeling of the Oklahoma legislature on this.

The Clerk read as follows:

GUTHRIE, OKLA., *March 1, 1907.*

DENNIS T. FLYNN, *M. C., Washington, D. C.:*

Both houses of legislature this afternoon passed the following resolution introduced by Rose: "*Resolved by the house of representatives of Oklahoma Territory (the council concurring),* That we urgently protest against the cutting off of any part of this Territory for attachment to the Indian Territory, as outlined in the Senate amendment to the Indian appropriation bill. Such detachment would deplete the population and taxable wealth of this Territory and leave it in a weakened and permanently crippled condition."

F. H. GREER.

Mr. FLYNN. I desire to reserve the balance of my time.

Mr. HULICK. About what is the population of this Territory?

Mr. FLYNN. I would like the other side to give their arguments.

Mr. SHERMAN. I would like to ask, Mr. Speaker, what time the gentleman has consumed.

The SPEAKER. The gentleman has consumed eight minutes.

Mr. SHERMAN. And I have the full twenty minutes?

The SPEAKER. The gentleman has twenty minutes.

Mr. SHERMAN. I yield to the gentleman from Kansas [Mr. CURTIS] such time as he desires.

Mr. CURTIS of Kansas. Mr. Speaker, I want to say very briefly to this House and the Delegate from Oklahoma that the House conferees have always been ready and willing to assist him in securing legislation for Oklahoma Territory. But, gentlemen of the House, there was such a showing presented to us as to the treatment of the Osage Indians by the citizens of Oklahoma that we felt justified in concurring in the Senate amendment. I ask the attention of the House to the following appeal, signed by all of the principal chiefs and delegates in the Osage Indian tribe, in which they set out in part how they have been treated by the citizens of Oklahoma.

AN APPEAL OF THE OSAGE NATION.

To the Senate of the United States:

We, the undersigned, principal chief, councilmen, and delegates of the Osage Nation of Indians, authorized by the national council, would respectfully represent that, without our knowledge or consent, the Osage Reservation was attached to the Territory of Oklahoma, and in consequence thereof the Osage people are at the mercy of the courts and officials therein. Almost daily some of our people are sued on pretended claims or debt, which they do not owe, and summoned to appear before the courts of Oklahoma, many miles from the Osage Reservation, where they have no chance whatever of securing a fair and impartial trial. Justice, in such cases, is ignored and judgment rendered for the plaintiff, while the unlettered Indian sits helpless, or is absent, without the slightest conception of what is going on. When judgment is thus obtained the property of the Indian is seized and sold for what it will bring, often for less than a tenth of its real value. For instance, under the decisions of the said courts, the dwelling houses and other improvements on an Indian reservation are personal property, and one of our people, Heh Seah Moie, an honest, industrious Osage Indian farmer, had constructed on his farm two good, comfortable houses, one for himself that cost $1,200, and one for his tenant that cost $700. This Indian was sued on an unjust claim for $560 in one of the counties of Oklahoma bordering on the Osage Reservation. Judgment was taken in his absence for the full amount, $560 and costs, notwithstanding that the Indian had paid $200, for which he was not given credit prior to the bringing of the suit, and was willing to pay the balance. In due time the two houses mentioned were levied upon and sold. The one which cost $1,200 sold for $30, and the other, which cost $700, sold for $20. His corn in the crib, the wire on about 4 miles of fence, and two horses were also sold under said execution.

In another case an Indian (Tse moh heh) contracted with a white man for a well to be driven 60 feet or to water. It was drilled 20 feet, then on 4 feet in dry rock. The man poured a barrel or two of water in the hole. When the Indian, who was absent when this was done, returned, he soon exhausted the water and refused to pay the bill. Judgment was obtained by default, and the Indian's horses and wagon sold to satisfy the claim.

These are but a few of many similar outrages which have been and are now being perpetrated on the Osage people under the pretended forms of law and justice as administered by the Oklahoma courts. Such proceedings are outrageous, and ought not to be possible under a civilized government.

In addition to these high-handed outrages, the legislature of Oklahoma has attempted to attach the Osage Reservation to organized counties for judicial purposes, and in consequence thereof taxes in the Osage Nation are levied to the point of confiscation, with no resulting benefit whatever to the Osage people.

We would therefore most earnestly ask and beg your honorable body and Congress to detach the Osage Reservation from the Territory of Oklahoma and attach it to the Indian Territory, where the laws and courts are shaped and established for the protection of the rights of the Indian the same as for other people.

As already stated, the Osage Indians and other citizens of the Osage Nation have no protection whatever under the laws or before the courts of Oklahoma, and we appeal to you for relief.

Grant us this simple request and our people will ever be grateful.

Respectfully submitted.

In the first place, you should remember this fact—that Oklahoma, instead of running to the Arkansas River and thence south and making a square corner, runs off to the east into what used to be the Cherokee country, taking in the Osage country, making a corner of land that is not taxed, a territory in which there are no voters; yet the people of Oklahoma have passed laws, and by those laws have declared that the houses built upon the Indian land are personal property. They take advantage of that fact, and come over into the Osage country along the border and trade with the Indians, enter into contracts with them, or contract with them when off their reservation, and then bring suits in some justice court along the border. This takes the Indians off their reservation for trial. They are taken miles from their agency, have no

interpreter, and more, they are forced to cross the Arkansas River, over which there are no bridges along the west line of this reservation.

Mr. FLYNN. Will the gentleman permit a question?

Mr. CURTIS of Kansas. Yes; with pleasure.

Mr. FLYNN. Is it not a fact that no Indian in the Osage Nation, whether having a house or anything else, can be taxed?

Mr. CURTIS of Kansas. I say they are not taxed on their real estate; but your laws declare their houses to be "personal property," and the citizens of Oklahoma get these Indians away from their reservation, make fictitious contracts with them, sue them in the justices' courts, serve papers on them which drag them many miles from their agency to points where they must go to have interpreters to tell them what they are sued for, and by the time an Indian has been informed of the nature of the suit against him, judgment has been rendered by default. In the appeal read you have the record of a case where one Indian was sued on an account before a justice's court and judgment was rendered. They went over and levied on his house, which cost $1,200, and sold it for $80; they levied on another house which cost him $700 and sold it for $20, and they levied on 4 miles of barb-wire fence and sold that.

Mr. FLYNN. I do not wish to interrupt the gentleman, but I would like to ask him if those Indians have not an agent in charge of them?

Mr. CURTIS of Kansas. They have an agent in charge of them, but the agent can not interfere with suits that are brought in the courts of Oklahoma; and under the laws of Oklahoma he is powerless to defend the Indians or to recover their property. Mr. Speaker, the citizens of Oklahoma say they want this reservation. If they do, they should treat the Indians fairly and honestly, instead of wronging them, as they have done upon every occasion. Let me add, Mr. Speaker, that the Osage and the Kansas Indians were attached to Oklahoma without their consent, and if we now attach them to the Indian Territory, where they belong, and give them a court, as the Senate amendment does, at their capital, their rights can be protected. More than that, the Arkansas River will be the boundary for the east side of Oklahoma, along the Osage and Kansas reservations; and by looking at the map you can see that it is the natural boundary. That would take from Oklahoma the untaxable property east of the Arkansas River, a tract of country where the people can not vote. More that that, Mr. Speaker, in the act of 1890 Congress reserved the right to change this boundary at any time. I want to call attention to that act.

The SPEAKER. The House will be in order.

Mr. MORSE. Mr. Speaker, I desire to make a suggestion with reference to order in the Hall. I think that most of the disturbance comes from conversation among the 1,500 people in the galleries.

Several MEMBERS. Oh, no.

A MEMBER. They are very still in the galleries.

The SPEAKER. The Chair thinks that the House itself is not entirely blameless in the matter of disorder, but he desires to instruct the doorkeepers to see that order is preserved in the galleries. If order is not preserved there, the galleries will be closed. The gentleman from Kansas will proceed.

Mr. CURTIS of Kansas. I was saying, Mr. Speaker, that in the act of 1890 Congress reserved this right. I read from the act:

> Congress may at any time change the boundaries of said Territory, or attach any portion of said Territory to any other State or Territory of the United States, without the consent of the inhabitants of the Territory hereby created.

I wish now to call attention to another case of outrage, the case of an Indian who contracted with a white man for a well to be driven "60 feet, or to water." The well was drilled 20 feet, and then 4 feet into dry rock, and the man then poured a barrel or two of water into it. The Indian was absent when this was done, and after he returned he soon exhausted the water in the well. When he discovered the fraud that had been perpetrated upon him, he refused to pay the bill. The man sued, and judgment was taken by default, and the Indian's horses and wagon were sold to satisfy the claim. The gentleman [Mr. FLYNN] can not deny and will not deny that the Osage Indians are being wronged by citizens of Oklahoma along that border.

Mr. FLYNN. Let me ask the gentleman if he has read the report made by Senator ALLEN, in which he states that the licensed traders are the people who rob them, and not the citizens of Oklahoma?

Mr. CURTIS of Kansas. The licensed traders are not bringing suits in the courts of Oklahoma against these Indians.

Mr. FLYNN. I do not want to be discourteous to my friend, for he has always been my friend; but does he not know, as an absolute matter of fact, that no justice of the peace on earth has any jurisdiction over these Indians?

Mr. CURTIS of Kansas. No; in the first place, jurisdiction was given to the district courts of Oklahoma. Then the legislature of the Territory conferred jurisdiction on the justices' courts. This act, as I am informed, was, very unwisely, approved by Congress, and this is what is causing the trouble.

Mr. FLYNN. Then what is the good of an agent to take care of the Indians?

Mr. CURTIS of Kansas. The justice acts under authority and the agent can not interfere in these matters. But you know that if these justices of the peace have no authority their acts are void, as has been suggested by gentlemen sitting near me, and that steps should be taken to set aside the judgment. But that no such steps have been taken is conclusive evidence that the justice courts have the jurisdiction.

Now, the agent has no money to employ attorneys to defend the Indians. Under all the circumstances, the House conferees believe that these reservations should be taken from Oklahoma and attached to the Indian Territory. This would put the various Indian tribes of that section, who have not taken their allotments, whose lands are not takable, whose members do not vote together in the Indian Territory, where they belong, and when Congress reorganizes the Indian Territory, proper provision can be made for all of the tribes.

Mr. FLYNN. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, if there is any place on this continent where there is "organized hell," it is in the so-called "Five Civilized Tribes" territory, [Laughter and applause.] Here is a provision in a conference report on the Indian appropriation bill which proposes, on twenty minutes of debate, after performing a sort of Cæsarean operation on the Territory of Oklahoma, to give this "unnatural born" to the Indian Territory, 4,000 square miles. For what? Because it is alleged that the laws are not in force there, when there is an agent of the United States to protect these indians.

Why, to me this is the most preposterous proposition upon the Indian appropriation bill I have ever known—a surprise; for under the rules of the House and the Senate no such legislative provision can get on without violating the rules of both bodies. And for one, in the presence of such a provision, I feel it to be a duty of the House to reject the report as an entirety and send the whole matter back to the conference, and thereby let the House conferees insist that this extraordinary Cæsarean operation upon Oklahoma, if performed at all, shall not be, by legislative enactment, a success. [Applause.]

Mr. FLYNN. I now yield five minutes to the gentleman from Kansas.

Mr. BRODERICK. Mr. Speaker, knowing nothing of the particular instances of hardships which have been referred to by my colleague [Mr. CURTIS] as having occurred upon the Osage Indian Reservation, I shall not undertake to answer them. But it seems to me that if these cases have occurred and abuses have grown up under the present system, it should be remedied by providing a place of holding court on the reservation, and giving the United States courts jurisdiction over the entire subject. If these wrongs can not be righted in this way, it seems to me that they can not be remedied or cured by transferring them to the Indian Territory, where it is claimed that the Indian courts are more corrupt and inefficient than anywhere else in this country.

Mr. CURTIS of Kansas. If my colleague will pardon me, we are proposing to create a court at Pawhuska.

Mr. BRODERICK. Where is that?

Mr. CURTIS of Kansas. In the middle of the Osage Reservation.

Mr. BRODERICK. This can be accomplished without detaching the territory from Oklahoma. But however that may be, Mr. Speaker, it is somewhat difficult to understand the motive underlying the Senate proposition. The Senate says in this paragraph that it is deemed best to detach this reservation from Oklahoma and attach it to the Indian Territory. The reason given for this on the floor of the Senate is that the courts in Oklahoma have protected the property of these Indians. But it says in another proposition, not yet reached in the conference report, that because of the inefficiency and corruption of the Indian courts the treaties between the Indians and the Government which allow the Indians to maintain their courts should be overthrown without the consent of the Indians and their courts abolished, and that two extra judges for the Indian Territory should be appointed, so as to place the Indians absolutely under the jurisdiction of the United States courts.

Now, these provisions are absolutely inconsistent. They say that the Oklahoma courts are not satisfactory or safe, and will not protect the Osage Indians. They say again, in this other provision, that the Indian courts are inefficient and they will abolish them and provide for the appointment of two other judges, so that all of the differences and controversies between men in the Indian Territory, without reference to race or color, may be determined in the Federal courts.

Mr. CURTIS of Kansas. If my colleague will permit me, we

propose to provide that the United States courts shall have jurisdiction only.

Mr. BRODERICK. I am speaking now of the courts referred to in the Senate proposition.

Mr. CURTIS of Kansas. That is in the Osage country.

Mr. BRODERICK. That can be done without this transfer of this country to the Indian Territory.

Mr. FLYNN. They are the only courts that have jurisdiction.

Mr. BRODERICK. These courts in the Indian Territory have precisely the same jurisdiction over controversies arising between white people there as the courts in Oklahoma. The only difference is that in the Indian Territory controversies between Indians are adjusted and settled in the Indian courts—courts which have all along been recognized by the Government. If this country is now to be transferred to the Indian Territory, it will not better the condition of the Indians in any sense. They will still be within reach of the aggressions of the white settlers.

True, as the gentleman says, it will be provided that the United States court shall have jurisdiction; but this provision can and will be made if we establish a court in this territory which they seek to detach from Oklahoma, giving the United States jurisdiction and control over the inferior courts of that district, so that these inferior courts will be kept within their jurisdiction.

These two propositions (if gentlemen will look at them) can not be reconciled. The proposition to detach this territory is wrong; the other proposition, to abrogate the treaty between the United States and the Five Civilized Tribes, without their consent, is also wrong. It is more—it is revolutionary. Each of these provisions is wrong, and I trust the conference report will not be agreed to.

Mr. SHERMAN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eleven minutes.

Mr. SHERMAN. I yield five minutes to the gentleman from Texas [Mr. PENDLETON].

Mr. PENDLETON. Mr. Speaker, the gentleman from Illinois has said that if the reports be true, there is "organized hell" in the Indian Territory. I think the reports are largely true; but if the reports that come to this committee are true, there is a hotter hell in the Osage Nation, produced by the operation of the laws of Oklahoma. The people of Oklahoma are themselves to blame for the desire of these Indians to be detached from Oklahoma and returned to the Indian Territory, where they formerly belonged. If we are correctly informed, they have not found in their connection with Oklahoma kind parents or indulgent masters; they have simply experienced a repetition of the story of Pharaoh and the Israelites.

The north line of Oklahoma and the north line of the Five Tribes is the same. Under the treaty of 1835 it was provided that these Five Tribes should never be placed in any State or Territory without their consent. They sold this portion of their land now belonging to Oklahoma. In the meantime, by treaty with the Cherokees, the Osages were placed in a corner of the Cherokee Nation, on the east side of the Arkansas River. The Territory of Oklahoma was formed by the organic act of 1891. If the east line of Oklahoma between Oklahoma and the Indian Nation had been prolonged, it would have put nearly all the Osage Nation into the Indian Territory. But, on the contrary, instead of following that line, they turned east about 50 miles, taking in the entire Osage Nation and attaching it by an elbow to Oklahoma. The Osages, whether right or wrong, have always believed that they inherited and were subrogated to the rights of the Cherokees when it was agreed that they should not be placed in a State or Territory without their consent.

Now, there is a natural boundary between Oklahoma and the Osage country; that is the Arkansas River on the south and west. Every acre of the Osage country is on the east of that line. It is a natural boundary. The Osages have not had their allotment. No white man is on that territory by right. They have no session of the United States court or of the Oklahoma district court, and no justices of the peace. The justices of the peace of the Territory of Oklahoma on the west side of the Arkansas River attempt to enforce jurisdiction in that court. Under the organic law creating the Territory of Oklahoma it was provided, as I understand, that the cases of the Indians should be tried in the district court of Oklahoma. But the Oklahoma legislature passed an act extending the jurisdiction of the justices of the peace over this country; and by some means, without investigation, and I think through inadvertence, Congress ratified that proposition, thereby giving these justices of the peace jurisdiction. They exercise their power oppressively.

Mr. LINNEY. Is there not a right of appeal from these justices' courts?

Mr. PENDLETON. I presume there is. I do not know that there is.

It is asked, Why does not the Indian agent protect the Indians? The agent has no money to expend in vindicating the rights of the Indians. The Indians are ignorant. They do not know how to assert their rights. As has been stated by my friend from Kansas, dwelling houses, barbed-wire fences, cribs with corn in them, and various things of that sort are regarded there as personal property. The people get the Indians in debt to them, and then they sell them out under the judgment of a justice of the peace, taking the Indian's home from under him and turning him with his wife and children out upon the prairies. That is a condition to which we are opposed. Now, when the time arrives——

[Here the hammer fell.]

Mr. SHERMAN. I yield the gentleman two minutes more.

Mr. PENDLETON. The boundary line of a Territory is not sacred. It is not like the boundary of a State. When we propose to convert Oklahoma and the Indian Territory into States, we can draw these lines wherever may seem best for the people of the respective Territories. Congress is not concluded in this matter. The question is, What is just to the Indians; what is best for their interests; and what is just to the people of Oklahoma? Justice to the Indians demands that they should be removed; and it is not injustice to the people of Oklahoma. These Indians unanimously desire to be removed, because they have been wronged.

Mr. FLYNN. Mr. Speaker, as the House has heard a great deal about these poor Indians who have no money, let me make this statement, which will not be denied: The Osage tribe of Indians is the wealthiest nation of people on God's footstool. They have to their credit in the Treasury of the United States over $8,000 to every man, woman, and child in the tribe. You are told that they do not know how to conduct their affairs. Let me quote from Senator ALLEN, the author of this amendment, language used by him in a report to the Senate upon an investigation had in January last. I read from Senate Report No. 1336:

> The Osage full-blooded Indians are as a rule improvident. They have no adequate conception of value. They of the mixed blood are civilized and educated, having adopted civilized habits, and they can not be distinguished in appearance from the white man.

That is a sample of this Indian that you are talking about. But they say that people in my Territory rob them. Let us see what Senator ALLEN said when he was on the ground, in making this report to the Senate:

> The acting agent of the Osage Indians is Lieut. Col. H. B. Freeman, a regular army officer of over thirty years' continuous service. The agency is located at Pawhuska, the capital of the Osage Nation, and Colonel Freeman has been the acting agent since January 1, 1894. Much friction has grown up and exists between him and certain border traders in Kansas and Oklahoma Territory, principally through restrictions placed on the latter which operate against them and in the interest of the licensed traders.

Let me say to you, Mr. Speaker, and members of this House, that that is the milk in this cocoanut—the licensed trader. What did Senator ALLEN say about the licensed trader when he presented this report after the investigation which he made?

> The Indians are fleeced by the licensed traders; the charges for articles sold them are exorbitant in the extreme. An Indian once getting in debt to a licensed trader is never able to pay his indebtedness. An examination of the evidence will show that the Indians are at the mercy of the licensed traders and that no steps are, or have been, taken to protect their interests.
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> The agent seems to think that it is his duty to protect the licensed traders from competition with border traders, and encourage the Indians to trade with the former rather than where they can obtain the best bargains. It is apparent that the Indians can usually buy of the border traders the same goods fully one-half less than they can of the licensed traders; but the former have been restrained from coming on the reservation to collect their debts, and this has had a natural tendency to drive the Indians to the licensed traders.

You see the report says that it is apparent that the Indians can easily buy of the border traders—that is, the Oklahoma traders—the same goods 50 per cent cheaper than they can buy of the licensed traders; but the former have been restrained from going on the reservations to collect their debts. What is all this talk about dragging them across the country before a justice of the peace? Here is the report of a Senator of the United States on the situation there.

Mr. BRODERICK. I will ask the gentleman if the Indian agents do not generally deem it their special duty to protect the licensed trader?

Mr. FLYNN. I have just been reading an explanation of that from this report.

Then this report goes on further and says:

> This restriction should be removed, and I know of no better way of doing so than by opening the entire Osage Nation to competitive trade, permitting all persons who are law-abiding and who will comply with the requirements of the just regulations of the Interior Department to trade with the Indians or settlers. An excessive license should not be charged for the privilege, and in any event traders who sell to the Indians at reasonable prices on the borders should have equal access to the reservation in the collection of their debts at all times as the licensed traders possess.

Then he goes on further and says that, once an Osage Indian is in debt to the trader, he is always in debt to the trader. But you are told now that the people of Oklahoma are the ones who are trying to rob him, when Senator ALLEN in his report says they can buy their goods from the Oklahoma trader 50 per cent less than they can buy them of the licensed trader.

This agent appeared here before the committee. He may have been invited or may not have been. I do not know; but if the

state of facts alleged here exists, the best place for that agent is there, protecting the Indians, instead of coming here to Congress to lobby and dismember my Territory. What did Senator ALLEN think of this agent when he made this report? He says:

There is no doubt of much bitter feeling existing between many of the Indians and the agent and the border settlers and the agent, and I am not prepared to say that it would be unwise for this agent to be removed to another field of operations.

Now, Mr. Speaker, I have said about all that I can. You know the situation, and I ask you, in fairness to me, if for no other reason, as I am about to step down and out, not to dismember the Territory of Oklahoma. If it is a question of judicial construction or judicial consideration, then the Committee on the Judiciary is the committee that ought to settle that. What difference would there be in the treatment of the Indians if you added them to the Indian Territory? The judge in Oklahoma and the judge in the Indian Territory both have United States jurisdiction and are both appointed by the same President.

I move that the conference report be disagreed to, and that the conferees be instructed with reference to this matter.

Mr. SHERMAN. Mr. Speaker, my valued friend from Oklahoma [Mr. FLYNN] in his opening remarks called attention to the fact that the Senate of the United States, in adopting this amendment, did what they did not intend to do. The amendment was offered, as I understand my friend, by the Senator from Nebraska [Mr. ALLEN]; and yet my friend, having made the allegation here that a Senator of the United States offered and carried through the Senate an amendment which does what he did not think it did, did not mean to have it do, closes his eloquent appeal to this House by referring to a former report made by the same Senator. Does it not occur to my friend from Oklahoma [Mr. FLYNN] that a Senator who does not know what an amendment means, and forces it through the Senate when it does just what he did not want it to do, may possibly be mistaken in some other report that he has made?

Mr. Speaker, this is not a personal matter. My friend from Oklahoma [Mr. FLYNN] has appealed to the House, because this is the last opportunity that he will have to appeal to the House, and he says that the people out in Oklahoma believe that he has not been diligent in asserting their rights here. Why, Mr. Speaker, that very assertion, it seems to me, is a plea of guilty on the part of the people of Oklahoma to the charge of being non compos mentis, because if any man, in season and out of season, has been ardently defending the rights, and sometimes the wrongs, of his people, it is my valued friend from Oklahoma [Mr. FLYNN], who never knows when he is defeated, so far as his people are concerned.

This is not a personal question, Mr. Speaker. It is a matter of doing what it seems best to us to do in this instance. This particular section of country never should have been included in Oklahoma. Geographically it is detached from it. It should have remained in the Indian Territory, and this amendment simply puts it where it ought to have been in the first place. It puts matters in such shape that the Indians can not be further wronged by claimants, whether their claims be just or otherwise. It does not make any difference whether these people have $8,000 apiece or $8,000,000 apiece, or nothing apiece. It is an absurdity, and everybody knows it, when any court will permit its officers to come in and levy on a house as personal property and move it off from the ground. We are taking them to where we believe they can receive justice; where the law will be properly administered as far as they are concerned.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. SHERMAN. Certainly.

Mr. TAWNEY. Is there any other reason than the alleged abuse of the courts for the detachment of this 4,000 square miles from Oklahoma Territory?

Mr. SHERMAN. That is one reason. Another is——

Mr. TAWNEY. That is the only one I have heard alleged yet.

Mr. SHERMAN. Another reason is that it is geographically detached; that it really does not belong to that Territory.

Mr. TAWNEY. But as a matter of fact it does.

Mr. CURTIS of Kansas. Another thing. The people in that Territory were attached to Oklahoma without their knowledge or consent.

Mr. FLYNN. Is it not a fact that in all the States and Territories Indians have been attached without their knowledge or consent?

Mr. TAWNEY. In every instance.

Mr. SHERMAN. No; the gentleman is mistaken; it has been done; but that it has been done in every instance is altogether too broad a statement, and my friend from Minnesota must know that. There are other reasons—that they are constantly being unjustly treated; and further than that, because of the present inexpediency. It is now within twenty-four hours of the close of this Congress, and if we do not agree to these conference reports and hurry ahead with the business of this House and expedite it with all possible speed, Mr. Speaker, it will be impossible to present this and other appropriation bills to the President in time for him to act thereon. I trust the report of the conferees will be sustained.

The SPEAKER. The question is on agreeing to the adoption of the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. FLYNN. Division!

The House divided; and there were—ayes 67, noes 75.

Mr. SHERMAN. I demand tellers.

Tellers were ordered.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] and the gentleman from Oklahoma [Mr. FLYNN] will take their places as tellers.

The House again divided; and the tellers reported—ayes 57, noes 100.

So the conference report was rejected.

Mr. FLYNN. Mr. Speaker, I now move for another conference, and to instruct the conferees on the part of the House to insist on striking out amendment numbered 14 of the Senate.

Mr. SHERMAN. I think we will take that vote as an instruction without a special instruction of that kind.

Mr. CANNON. That is the strongest kind of an instruction.

Mr. FLYNN. I withdraw that motion.

Mr. SHERMAN. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and ask for a further conference.

The motion was agreed to.

The SPEAKER announced as conferees Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; had further insisted upon its amendments numbered 2, 3, 6, 7, 53, 55, 58, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 131; had asked a further conference with the House, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move that the House suspend the rules and nonconcur in the Senate amendments to the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

Mr. MAHON. A parliamentary inquiry.

The SPEAKER. The Chair will put the question. The gentleman from Illinois moves that the rules be suspended and that the House nonconcur in the Senate amendments to the general deficiency bill. The gentleman will state his parliamentary inquiry.

Mr. MAHON. I want to make a parliamentary inquiry. Will this cut off a motion to concur in any of the amendments?

The SPEAKER. Of course it does.

Mr. CANNON. At this stage it will. A motion to concur can come on the conference report.

Mr. MAHON. I know that is provided; but I will ask for a second.

Mr. RICHARDSON. If the gentleman will agree——

The SPEAKER. The gentleman from Pennsylvania demands a second.

Mr. CANNON. I ask unanimous consent that a second be considered as ordered.

Mr. MAHON. I object, unless the gentleman lets me have a moment.

Mr. CANNON. My friend will have twenty minutes.

The SPEAKER. Is there objection to a second being considered as ordered?

Mr. RICHARDSON. I object, unless the gentleman will agree that the House may vote, after we get into conference, on the Bowman Act claims, simply and alone. Will he agree to that and let the House express its views, and then, if they do not want to pass them, they can vote them down?

Mr. CANNON. Not to be taken as debate, Mr. Speaker, the conference committee, if appointed, is the mere agent of the House. The House is entirely competent to deal with conference reports and with Senate amendments from time to time. The House has just rejected a conference report, and it has always the privilege.

Mr. RICHARDSON. But we have to vote it down as a whole or to vote it up as a whole.

The SPEAKER. A second is demanded, and the gentleman

from Illinois [Mr. CANNON] and the gentleman from Pennsylvania [Mr. MAHON] will take their places as tellers.

The House divided; and the tellers reported—ayes 89, noes 41.

So a second was ordered.

The SPEAKER recognized Mr. CANNON to control the time in favor of the motion and Mr. MAHON to control the time in opposition.

Mr. CANNON. Mr. Speaker, if the gentleman desires debate, I hope he will occupy some of his time now.

Mr. MAHON. Mr. Speaker, I hope this House will not suspend the rules and send this bill back to conference with a nonconcurrence in all the Senate amendments, and, to be frank with the gentleman from Illinois in charge of the bill and with the House, I will state my reasons. If this motion prevails, no motion to concur in any Senate amendment can be made in this House. The bill goes back to conference, and if the Senate agree to recede from any one of their amendments, that subject will have passed away altogether from the power of the House. Yesterday in the Senate, on motion of Senator VEST, an amendment was put upon the provision in the deficiency bill for what are known as the Bowman Act cases, in which amendment are two items, amounting to more than $255,000, that are not in the Bowman Act cases. I intend to oppose those items upon the floor of this House, and I believe I can satisfy the House that they should not be passed, and if they are rejected the amount in the Bowman Act appropriation will be reduced over $255,000.

Mr. BRUMM. Will the gentleman be kind enough to name those cases?

Mr. MAHON. I will later. If those items are stricken out, Mr. Speaker, this House will then be brought face to face with the one separate, solitary question of concurring in the Senate amendment appropriating money to pay findings of the Court of Claims for stores and supplies, and for nothing else. Now, members of this House who are in favor of paying the findings of that court and who represent constituencies that are interested in that Bowman Act amendment should remember that the chances are nine out of ten that a vote in favor of the motion of the gentleman in charge of this bill to suspend the rules and nonconcur in the Senate amendments will take away from them during the remainder of this session of Congress any opportunity to secure payment of any of those claims.

I need not repeat the old story that has been told here so often of the justice of these claims. I desire, however, in my argument in opposition to the motion of the gentleman from Illinois, to read a brief extract from the speech made in the Senate yesterday by Senator HOAR, which puts the whole case in a nutshell much better than I could. I read from page 2617 of the RECORD:

> Mr. President, we enacted the Bowman Act, which was an act drawn by a very industrious and useful colleague of my own, whose legislative career was cut short too soon for the interests of the Commonwealth and of the country he so faithfully served. It was regarded as a great measure of legislation. We said: "We are going to do what few governments on earth do. We are going to let the citizen who has got a good claim against his country come into court as an equal and have his fair trial before a court of our own selection, before learned judges appointed by the President and approved by the Senate." And now, when those judgments come in, where all the care and safety of a judicial inquiry exists, where the Attorney-General was present, and where the court, if it erred at all, errs by the common judgment of everybody who knows about it in an overscruple, I think we are bound to see that justice is done the people who have these just claims. If we can do it in accordance with our ordinary rule, very well; but by the rules, through the rules, or over the rules, I think this justice ought to be done to these citizens.

Now, Mr. Speaker, I know that the point will be raised here that this is new legislation and that it changes existing law. I controvert that statement. This amendment changes no law upon the statute books of this nation. This amendment enacts no new legislation. It is simply and purely a provision to pay the findings of a court of this Government. In this very same bill we find reported by the Committee on Appropriations an appropriation to pay for Indian depredations, for property taken by the Indians in their raids upon settlers on the frontiers. The only distinction that will be drawn is that one is a judgment and the other a finding of fact. Pray will any gentleman of this House tell me what is the judgment found in any court? The judge from the bench gives the law to the jury and the jury find the facts. These cases were tried by a court that was created without a jury. We empowered that court not only to find the law, but also to find the facts, and when they have recorded their finding of law and their finding of fact in these cases, the finding of law is that this Government is legally bound, under the laws, the customs, the usages of civilized countries, to indemnify these citizens, and the finding of fact is that the claim in each of these cases in which judgment is rendered is well founded, that the property was furnished, that the price is a proper one, and that the amount due is as stated. That is the nature of a finding of this court. It may be said that a judgment may always be executed by legal process, by writ, or otherwise. That is true, Mr. Speaker, in your State courts in the case of a citizen against a citizen, but no judgment that ever was found against this Government has been collected or ever will be collected by that process or by any process of that kind. Every finding of a court against this Government, whether it is a judgment entered formally or a finding entered in another form, depends for payment upon an appeal being made to Congress for an appropriation to pay that finding.

Now, Mr. Speaker, I know that there is no necessity for this amendment going to a conference committee. The only reason the gentleman at the head of the Committee on Appropriations will urge in favor of that course is based on expediency, the question whether the Treasury is in a proper condition to pay these judgments. I know the burdens the gentleman has had placed upon him, I know his fairness and his consideration and courtesy to members of this House, but up to the Fifty-second Congress the payment of these claims was never questioned. The gentleman from Indiana, Mr. Holman, and the gentleman from Illinois himself [Mr. CANNON] made speeches in favor of paying them. We stopped paying them in the Fifty-second and Fifty-third Congresses, and now I ask this Congress to come up and pay these people what this Government justly owes them. Why should we turn this burden over to the incoming Administration? These claims will be paid in the future just as certainly as the sun rises in the east and sets in the west, if we have an intelligent and honest people behind us. There is no reason why they should not be paid. The Senate have put this item into the appropriation bill, as they had a right to do, and I ask the House now to vote down the motion to suspend the rules and let us have a vote on this one item, and then, as to the balance of the amendments, if the gentleman desires it and the House sees fit, they can go to a conference. I reserve the balance of my time.

Mr. BRUMM. Will the gentleman state which of these claims he is opposed to?

Mr. MAHON. I shall move, if I have opportunity, to strike out the Chouteau claim, amounting to $174,445.75.

Mr. CROWTHER. That has been paid.

Mr. MAHON. Yes; I understand it has been paid; and it is not a proper case to be brought in upon this bill. If I have the opportunity, I shall, as I have said, move to strike it out. Another claim to which I object is the McDougall case, the amount of which is $81,250. That is not a Bowman Act case.

Mr. BRUMM. In what does it differ from the Bowman Act cases? It was passed upon by the court in just the same way as the Bowman Act cases were; and the judgment is just as much binding as the judgment in any of the claims which the gentleman is urging.

Mr. MAHON. I have not time to discuss that question.

Mr. BRUMM. Is not that a fact?

Mr. MAHON. I should be glad to give my reasons why the House should not pay that claim, but I have not the time now.

Mr. BRUMM. I am willing that the case should stand on its merits upon fair discussion; and, as the gentleman attacks that claim, I hope I may have an opportunity to reply.

Mr. MAHON. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. MAHON. Does the gentleman from Tennessee [Mr. RICHARDSON] desire to go on now?

Mr. RICHARDSON. Yes, sir; I will take the floor now, with the gentleman's consent.

Mr. MAHON. I yield to the gentleman five minutes.

Mr. RICHARDSON. Mr. Speaker, I know it is a rather ungracious thing to oppose the request of the Appropriations Committee at this late stage of the session; and I should not do so in this case except for the fact that unless we insist upon and secure now our right in this matter, the chances are, as stated by the gentleman from Pennsylvania, nine out of ten that we shall not get it at all; and I will state why.

I will not charge any unfairness on the part of the gentleman from Illinois [Mr. CANNON]; but I do say that this conference report on this bill can be held back until to-morrow morning at 3, 4, 5, or 6 o'clock; and then the gentleman can come in here and say, "You must take this report as we offer it—as a whole—or you lose the deficiency bill." We shall then be put to the disadvantage of asking for a separate vote upon this proposition at that late hour of the session. Mr. Speaker, that has been done in former Congresses; it will be done in this case—mark my words. Unless we get a separate vote upon this proposition now, we shall not get it during this Congress. We are entitled to it.

The Fifty-first Congress voted unanimously to pay these claims. They are claims for supplies and stores furnished by the loyal men of the South to the Union Army during the war. As I have just said, the Fifty-first Congress voted unanimously to pay these claims; the Fifty-second Congress paid only a few. I urged that Congress, as I did the Fifty-first, and as I have urged the present Congress, to pay these claims. So, too, in the Fifty-third Congress. But numbers of these claims remain unpaid. At the first session of this Congress the Senate put these claims upon the deficiency bill and the House passed them upon a vote here. We have indorsed and approved the sums that are provided for in this deficiency bill. We have—this Congress has—indorsed them. The

Senate and the House both passed them in June last. Mr. Cleveland, President of the United States, vetoed that bill, not, however, because these claims were in it, but because of two other claims, which are not included in the motion of the gentleman from Pennsylvania.

It seems to me, Mr. Speaker, that with this experience and in view of the fact that this Congress has indorsed these claims, the gentleman from Illinois ought not to refuse us a separate vote upon these claims to-day. The House ought to be allowed to exercise its right to say whether it will pay these claims now or not. If we permit this motion now to pass—if the amendment covering these claims be nonconcurred in and sent to conference—we shall not have the opportunity for a separate vote upon them unless the gentleman is exceedingly fair to us. I do not believe he wants to have these claims paid at this session; and if he does not, he can prevent us from getting a separate vote on them. All that we need to do—those of us who favor the payment of these claims—is to stand by the motion of the gentleman from Pennsylvania. Let us vote down this proposition to suspend the rules, and in five minutes the House can dispose of this question, and there will be no further opposition so far as I am concerned to the deficiency bill. But I do insist, Mr. Speaker, that this is the only way in which those of us who favor the payment of these just claims can enforce our rights. The only course for those of us who favor this proposition is to vote down the motion to suspend the rules. The result will be that we shall get a separate vote on the proposition which we believe to be so highly meritorious.

In conclusion, let me say I regret to be obliged to make this speech so often. I regret to be compelled to urge this appeal so frequently. But it seems to me that this class of claims is not treated fairly by the Appropriations Committee. I have no complaint to make so far as I am personally concerned. But here is a class of claims in which the Court of Claims of the United States has found every essential fact that is required by the act of Congress to be found—first, that the claimants are loyal; second, that they furnished these supplies for the use of the Army during the war. Now, why should we not pay these claims? We have resolved heretofore to pay them. I hope, Mr. Speaker, we shall vote down this motion.

[Here the hammer fell.]

Mr. MAHON. I yield five minutes to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, I hope the House will be kind enough to listen for one moment to an appeal in favor of a debt due by the Government of the United States—a debt which is as just as any which the Government was ever asked to pay. I appeal for the payment of war claims that have been passed by the Court of Claims, and which should now go into an appropriation bill by the action of this Congress. It has been said on the floor of Congress that the people of the South, and the Southern Republicans, want to be "coddled." I want to say to this House, Mr. Speaker, that neither the people of the South nor the Republicans of the South ask to be coddled, either by this Congress or the country. [Applause.] All we demand is fair play and simple justice. I am a Southern Republican. I come from the State of Maryland. I ask no favors of Congress or the Republican party. I am entitled, however, to justice, and that is all that I claim. I belong to the victorious and triumphant Republicanism of my State. [Applause.] But before and beyond that, I belong to the people of the South; and I say that the Union men in the South have as much right to be paid for what they contributed to that great war struggle that saved the nation as the Union men of the North. [Applause.]

How did the people of Massachusetts fare when they furnished provisions, blankets, and clothing and whatever was necessary to carry on the war? Were they not paid? Does anyone dispute that they were not paid? Did not the Northern contractor who furnished army supplies see that he was paid, and paid in good, honest money? Then, if that be true, Mr. Speaker, should not our people who contributed also when the armies of the country—one day the blue and one day the gray—were amongst them; and when the blue came they greeted them with open arms and furnished them of their own subsistence all they had—should not they be paid? The people of the South during that war gave all they could in aid of the Union cause; and now, when, after a period of thirty years, they come and ask compensation, when a tribunal created by the Government has passed upon the justice of their claims and ascertained their loyalty, you tell us that the request that justice and equity shall be rendered to them is an unjust demand, and should not be considered by the Government. You say that we are "asking favors," that we want to be "coddled," when we only ask to be placed upon the same footing as the Union men of the North. We come to you and ask not to be coddled; but we appeal to your sense of justice as Americans whether we are not entitled, after all of these years, to payment. [Applause.]

Mr. Speaker, I desire to say that each and every one of these claims has been proven to the entire satisfaction of the Court of Claims. Every man who presented a claim was required to make out a good case before the court would render a finding. Each case has been passed upon by the court; and all that Congress has to do now is to declare whether or not it is willing that the nation should pay these people, after waiting over a generation for their pay, the just and honest and equitable claims that they have established before your own tribunal.

I submit it to the House. I submit it upon this evidence, and I say to you that if you refuse this request to our people you will be doing us an injustice and an injury, and you will be doing that which after a while will recoil upon you. [Applause.]

Mr. CANNON. I now yield five minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, at this late hour in the session, with several important appropriation bills, which are absolutely necessary to support the Government, still pending between the two Houses, we are asked by the gentleman from Tennessee [Mr. RICHARDSON], the gentleman from Pennsylvania [Mr. MAHON], and the gentleman from Maryland [Mr. WELLINGTON] to depart from the usual course of procedure in such matters, a course which has been pursued not only during the present but in previous sessions of Congress, by one vote to throw the bill into a committee of conference of the two Houses for the adjustment of the differences.

Now, I want to say to the members present that there are 171 amendments put on this bill by the Senate; and if the request of the gentleman from Pennsylvania and the gentleman from Tennessee be acceded to, then every gentleman who may be interested in these other amendments has a perfect right and it is his duty to make the same request.

What is the character of these claims? Again and again has the House, not only in the present, but in the past, refused to give to them the dignity of a final judgment against the Government. Under the rules of the House, the Committee on Appropriations of the House, and the House itself, are not permitted to put the same on the general appropriation bill. But the Senate, operating under different rules, have placed the amendment on the bill, and now the gentleman asks us to pause in our deliberations at this late hour in the session and give him a chance to discuss them on the floor.

I regret very much that the gentleman from Maryland [Mr. WELLINGTON] has thought fit to speak of the locality of these claims. It is no sectional question, nor is it a political question. Neither will the House, Mr. Speaker, deal with it as a political or a sectional question. But the House will deal with it according to the merits of the amendment, and with respect to the condition of the House with reference to its business. Speaking for myself, and only for myself, I have no hesitancy in saying that this House will be exceedingly unwise to permit the motion of the gentleman from Pennsylvania to prevail.

But, I repeat, what is the character of these claims? Can any man in this House say that he has examined the claims one by one, amounting in their sum total to several hundred thousand dollars?

Mr. WELLINGTON. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. Did not the Court of Claims specially find and pass upon the claims after an examination of them one by one, just as we would pass upon a claim presented in any other suit pending before the court?

Mr. SAYERS. I will answer the gentleman by a question to him: Does the gentleman contend that these claims are judgments which may be permitted under the rules of the House and can be put on a general appropriation bill?

Mr. WELLINGTON. I do contend, if the gentleman will permit me, that each one of the claims has been before the Court of Claims just like any other claim pending before any other court; and in each case the court has found it to be a just and good claim against the Government. Is that not true?

Mr. MEREDITH. And the loyalty of the claimant is necessarily determined as a jurisdictional fact.

Mr. SAYERS. Now, I myself have no confidence in these claims; none whatever.

Mr. WELLINGTON. Why not abolish the court, then?

Mr. SAYERS. Not at all.

Mr. WHEELER. Has the gentleman no confidence in the courts of his country?

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman from Texas [Mr. SAYERS] one minute more.

Mr. SAYERS. Now, I want to say to the gentleman that if this general deficiency bill should fail, the Committee on Appropriations must not be blamed for the failure. If the time of this House is to be taken up in going into Committee of the Whole, and in the discussion of all these items put on this bill by the Senate, then, in my judgment, there is no possibility whatever of the passage of this bill at this session.

Mr. RICHARDSON. Could not the Committee on Appropriations have reported this bill just a little bit earlier?

Mr. SAYERS. Not at all. If the gentleman had ever served upon the Committee on Appropriations, remembering the fact that this is a short session of Congress, he would know that this deficiency bill has been reported as early at the present session as at any other short session in previous Congresses.

Mr. RICHARDSON. I think that is so, but it is always reported very late.

The SPEAKER. The time of the gentleman has expired.

Mr. WELLINGTON. Will the gentleman permit one more question?

Mr. CANNON. I yield one minute more to the gentleman from Texas.

Mr. WELLINGTON. I know the gentleman wants to be fair in reference to these claims.

Mr. SAYERS. Certainly.

Mr. WELLINGTON. Does the gentleman think that the Court of Claims would adjudicate any one of these claims unless it was a proper claim? Does the gentleman wish to impugn the Court of Claims or any of these cases?

Mr. SAYERS. We are not called to pass upon the personnel of that court. I do not know any of these gentlemen. But I say this, taking the French spoliation claims and these claims one by one and considering them——

Mr. WELLINGTON. But we are merely talking about war claims now.

Mr. SAYERS. Considering these claims, which I refer to one by one, it demonstrates the necessity of going very slowly, if we want to do justice by the Government.

Mr. WELLINGTON. We are not considering the French spoliation claims.

Mr. MILLIKEN. The French spoliation claims are good claims.

Mr. WELLINGTON. That may be; but I say the war claims are good claims. They have been passed upon by a good court, and it is the duty of Congress to pay them.

Mr. CANNON. Mr. Speaker, I crave the attention of the House for a very few minutes. In less than twenty-four hours this Congress will expire. The Indian appropriation bill, the District of Columbia appropriation bill, the naval appropriation bill, the Post-Office appropriation bill, the fortifications appropriation bill, the sundry civil appropriation bill, and the deficiency appropriation bill are yet to be enacted. We must sit every moment of time, in conference and in the House, with every member of the House expediting this business, if these bills are to be enacted into law. So much for that.

Mr. MEREDITH. We have heard of the thief of time; but we do not want the shortness of the time to make the Government a thief in this case.

Mr. CANNON. I do not yield just now. If the motion to suspend the rules which I have made is agreed to, all these hundred pages of Senate amendments, nearly all of them claims, will go to the committee of conference for consideration, and a report can later come into the House. Now, suppose that is not done, what happens next? A point of order made by any one man in the House sends these Senate amendments to the Committee of the Whole House, and you can not dispose of them, to save your lives, in the next twenty-four hours. So much for that.

Now, one further matter. I do not want to discuss the merits of these claims, but just let me call your attention to one fact. Take this bill and turn to page 12 and you will see that Senate amendment numbered 23 provides—

> That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, and of claims where the amount or amounts were found by said Court of Claims in its finding of facts in cases under the general jurisdiction of said court, namely.

Then follow 38 pages of these claims. The gentleman from Pennsylvania [Mr. MAHON] confesses that in what purport to be claims under the Bowman Act there are $255,000 of claims that are not Bowman-Act claims.

Mr. RICHARDSON. Oh, no; the gentleman never confessed that.

Mr. MAHON. I know you do not want to misrepresent me. I want to correct that statement. I say there are two claims which are not for forage supplies.

Mr. CANNON. Well, I say there are nearly $270,000 of these claims which the Senate designate as Bowman-Act claims which are not Bowman-Act claims at all, and amongst them is the Chouteau claim, put in the middle of this amendment.

Mr. RICHARDSON. That amendment we propose to strike out.

Mr. CANNON. I do not yield. Now, then, Mr. Speaker, it is not parliamentary for me to arraign the Senate before the bar of this House; but I do say that in the Senate amendment, in black and white, purporting to set out this claim, we have an amendment that fraudulently, with the intent to deceive, in these dying hours of the session, purports to be something, to the extent of almost $300,000, that it is not. Now, then, let me go back to first principles. Under the rules of the House and Senate these claims do not belong to this bill. That is not all. There is $800,000 of these. There is $650,000 more of claims dating back, some of them before the war. Old soldiers, that have lived through two generations! Men have been born, have lived, have come into this House, have died, and these claims, turned down by the Supreme Court, spring eternal, like hope; and by the action of the Senate, against the rules of the Senate and the rules of the House, come here in the dying hours of the session to steal their way through this House. Now, then, let me say, from every standpoint, these claims and these amendments should go to a committee of conference. That committee of conference should consider, agree, if possible, and report to the House, and then the House can adopt the report or turn it down. I need two-thirds of the House to pursue that course.

Mr. RICHARDSON. Will you give us a right to vote upon it?

Mr. CANNON. But, Mr. Speaker, if the House does not pursue that course, then one point of order will send this bill to the Committee of the Whole, and it is lost more certainly than the vilest sinner on earth will be lost on the judgment day.

Mr. WELLINGTON. I am sure the gentleman wants to be fair.

Mr. CANNON. I yield three minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. WELLINGTON. I understand the gentleman will not yield to a question?

The SPEAKER. The gentleman declines to yield.

Mr. DINGLEY. Mr. Speaker, I desire to say that in order to secure the passage of this appropriation bill, as well as of each remaining appropriation bill, it is absolutely essential that the course should be taken by the House which has been indicated by the motion of the chairman of the committee [Mr. CANNON] and approved by the gentleman from Texas [Mr. SAYERS]. Gentlemen who have had experience in the closing hours of a short session must certainly know that this bill can not pass in any other way.

Then a single word in addition, though not necessarily involved in this motion, as to the particular amendment—the payment of a large number of claims—which it is endeavored to foist upon this bill by the action of the Senate. They are claims under the Bowman Act, we have been told. But they are findings of facts, not judgments, of the court. If they had been judgments of the court, where the court had adjudicated those matters, they would have gone into the bill in the House, as a matter of course. They are not judgments; they are as yet simply claims, and under the Bowman Act, so far as inserting them in this bill, can not rise higher than other claims. Under the Bowman Act no suit can be brought by any individual. Simply the House, the Senate, or any committee of the House or Senate, may refer any claim to the Court of Claims simply to investigate the facts, to be submitted to the House and Senate, and then the claim to be determined by Congress itself. This is an attempt to set aside the rules of the House, and to set aside, in fact, the rules of the Senate, and to give one particular class of claims a preference, an advantage that no other claim has under the rules of the House.

It must be remembered, too, that precisely this attempt was made at the first session of this Congress, and this House, on a yea-and-nay vote, practically determined that these claims should not then be put into the general deficiency bill.

Mr. RICHARDSON. I beg the gentleman's pardon.

Mr. DINGLEY. I decline to yield, but will correct my statement in that particular. But it must be remembered that this bill was vetoed by the President on account of claims inserted by the Senate, and the House sustained the veto.

Mr. RICHARDSON. Not on this ground.

Mr. DINGLEY. So far as my vote went to sustain the veto, it was on this ground.

Furthermore, I have to say I think it is not appropriate that claims under the Bowman Act, which have been referred to the Court of Claims simply for a finding of fact that will enable Congress to better determine their merit, should, on a report of such facts by the court, be treated as judgments and inserted in a general appropriation bill in violation of the rules of the House. Each case in which the facts have been reported by the court ought to come up and be decided upon its merits, and not be inserted in an appropriation bill in this way.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman from Pennsylvania. How much time have I remaining?

The SPEAKER. The gentleman has two minutes left.

Mr. CANNON. I yield them to the gentleman from Pennsylvania.

Mr. WILLIAM A. STONE. Mr. Speaker, the State of Illinois, the State of Ohio, the State of Pennsylvania, the State of Kansas, and other States, as well as those States represented by gentlemen upon the other side of the Chamber, have claims in this bill put on by the Senate. Those gentlemen will vote to suspend the rules and nonconcur in the Senate amendments for this reason; unless we do that, this bill can not become a law.

Mr. MAHON. Will the gentleman yield for a question?

Mr. WILLIAM A. STONE. I can not yield now. The gentleman from Pennsylvania, representing the great committee which he does, has discharged his full duty in opposing this motion, but it ought to stop there. The business of the House and the business of the country demands that this bill be passed, and the Appropriations Committee will be held responsible if it is not passed. Gentlemen representing these claims brought them forward when this bill was in the House and the question was fully discussed, and the House voted down an amendment to put them upon the bill. We have already considered that question, we have already passed upon it, and this House has gone far in its courtesy to the gentlemen urging these claims, in listening attentively to the able arguments which they have offered; but now, gentlemen, you ought to vote to suspend the rules and nonconcur in the Senate amendments, because if you do not, you will get no deficiency bill at this session of Congress.

Mr. WELLINGTON. We can do without one, then.

Mr. WILLIAM A. STONE. You can, but the country can not.

Mr. WELLINGTON. The country can not afford to be dishonest in these matters.

Mr. WILLIAM A. STONE. The country and the House can afford to be just.

Mr. WELLINGTON. The House can afford to be honest, too.

Mr. WILLIAM A. STONE. It is not a question of honesty.

Mr. WELLINGTON. Yes, it is a question of honesty. I repeat, it is a question of honesty.

The question was taken on the motion of Mr. CANNON to suspend the rules, nonconcur in the Senate amendments, and ask for a conference; and the Speaker declared that the ayes seemed to have it.

Mr. MAHON. I ask for a division.

The House divided; and there were—ayes 148, noes 46.

Mr. WELLINGTON. I call for the yeas and nays.

Mr. CANNON. I hope the gentleman will not insist on taking up the time of the House in that way.

The SPEAKER. The gentleman from Maryland asks for the yeas and nays.

The question being taken on ordering the yeas and nays, 39 gentlemen voted in the affirmative.

Mr. WILLIAM A. STONE. The other side, Mr. Speaker.

The other side was counted, and 154 members voted in the negative.

Mr. STEELE. Mr. Speaker, I was counted in the negative, although I had already voted in the affirmative.

Mr. RICHARDSON. Well, we would like to know about that. How does the gentleman know that fact?

The count having been completed, the Speaker declared that a sufficient number had voted in the affirmative, and the yeas and nays were ordered.

The question was taken on the motion of Mr. CANNON, to suspend the rules, nonconcur in the Senate amendments, and ask for a conference; and there were—yeas 184, nays 75, not voting 96; as follows:

YEAS—184.

Acheson,	Calderhead,	Foss,	Hopkins, Ill.
Adams,	Cannon,	Fowler,	Howe,
Aitken,	Chickering,	Gamble,	Hubbard,
Aldrich, Ill.	Clark, Iowa	Gardner,	Hulick,
Andrews,	Cockrell,	Gillet, N. Y.	Hull,
Arnold, Pa.	Codding,	Griffin,	Hurley,
Arnold, R. I.	Cooke, Ill.	Griswold,	Jenkins,
Bailey,	Corliss,	Grosvenor,	Johnson, Ind.
Barham,	Cousins,	Grout,	Johnson, N. Dak.
Barney,	Crowther,	Grow,	Kleberg,
Barrett,	Crump,	Hager,	Knox,
Bartlett, N. Y.	Curtis, Iowa	Hall,	Lacey,
Beach,	Dalzell,	Halterman,	Leighty,
Bell, Tex.	Danford,	Harris,	Leisenring,
Bennett,	De Witt,	Harrison,	Linton,
Berry,	Dingley,	Hart,	Long,
Bingham,	Dockery,	Hatch,	Lorimer,
Black,	Dolliver,	Heatwole,	Loud,
Blue,	Draper,	Heiner, Pa.	Loudenslager,
Brewster,	Eddy,	Hemenway	Low,
Broderick,	Ellis,	Henderson,	Maddox,
Bromwell,	Erdman,	Henry, Conn.	Mahony,
Brosius,	Fairchild,	Henry, Ind.	Marsh,
Brumm,	Faris,	Hepburn,	Martin,
Bull,	Fenton,	Hicks,	McCleary, Minn.
Burrell,	Fischer,	Hill,	McClellan,
Burton, Mo.	Fletcher,	Hitt,	McClure,
Burton, Ohio	Foote,	Hooker,	McCreary, Ky.
McEwan,	Payne,	Snover,	Tracewell,
McLachlan,	Pearson,	Sorg,	Turner, Ga.
McLaurin,	Perkins,	Southard,	Updegraff,
McRae,	Pitney,	Spalding,	Van Voorhis,
Meiklejohn,	Poole,	Sperry,	Wadsworth,
Mercer,	Raney,	Stallings,	Wanger,
Miller, Kans.	Reeves,	Steele,	Watson, Ind.
Miller, W. Va.	Reyburn,	Stephenson,	White,
Milliken,	Rinaker,	Stewart, N. J.	Williams,
Minor, Wis.	Royse,	Stone, C. W.	Wilson, Idaho
Mitchell,	Sauerhering,	Stone, W. A.	Wilson, N. Y.
Mondell,	Sayers,	Strode, Nebr.	Wilson, Ohio
Moody,	Scranton,	Strong,	Wilson, S. C.
Morse,	Settle,	Taft,	Wood,
Murphy,	Shafroth,	Tawney,	Woodard,
Northway,	Shannon,	Terry,	Woomer,
Overstreet,	Simpkins,	Thomas,	Wright,
Parker,	Smith, Ill.	Towne,	Yoakum.

NAYS—75.

Abbott,	Dinsmore,	Little,	Skinner,
Aldrich, T. H.	Doolittle,	Livingston,	Spencer,
Aldrich, W. F.	Elliott,	Mahon,	Stahle,
Allen, Miss.	Evans,	McCall, Tenn.	Stokes,
Anderson,	Fitzgerald,	McCulloch,	Sulloway,
Baker, Kans.	Gibson,	McDearmon,	Sulzer,
Baker, Md.	Harmer,	McMillin,	Swanson,
Baker, N. H.	Hartman,	Meredith,	Thorp,
Bartholdt,	Hendrick,	Meyer,	Treloar,
Bell, Colo.	Hermann,	Milnes,	Tucker,
Buck,	Hilborn,	Money,	Turner, Va.
Catchings,	Howard,	Noonan,	Tyler,
Clardy,	Hunter,	Ogden,	Walker, Mass.
Clark, Mo.	Johnson, Cal.	Owens,	Walker, Va.
Coffin,	Jones,	Powers,	Washington,
Colson,	Latimer,	Pugh,	Wellington,
Cooper, Tex.	Leonard,	Richardson,	Wheeler,
Cox,	Lewis,	Shaw,	Willis.
De Armond,	Linney,	Shuford,	

NOT VOTING—96.

Allen, Utah	Curtis, Kans.	Kulp,	Prince,
Apsley,	Curtis, N. Y.	Kyle,	Quigg,
Atwood,	Daniels,	Lawson,	Ray,
Avery,	Dayton,	Layton,	Robertson, La.
Babcock,	Denny,	Lefever,	Robinson, Pa.
Bankhead,	Dovener,	Lester,	Rusk,
Bartlett, Ga.	Gillett, Mass.	Maguire,	Russell, Conn.
Belknap,	Goodwyn,	McCall, Mass.	Russell, Ga.
Bishop,	Graff,	McCormick,	Sherman,
Boatner,	Hadley,	Miles,	Smith, Mich.
Boutelle,	Hainer, Nebr.	Miner, N. Y.	Southwick,
Bowers,	Hanly,	Moses,	Sparkman.
Brown,	Hardy,	Mozley,	Stewart, Wis.
Clarke, Ala.	Hopkins, Ky.	Murray,	Strait,
Cobb,	Howell,	Neill,	Strowd, N. C.
Connolly.	Huff,	Newlands,	Talbert,
Cook, Wis.	Huling,	Odell,	Tate,
Cooper, Fla.	Hutcheson,	Otey,	Tayler,
Cooper, Wis.	Hyde,	Otjen,	Tracey,
Cowen,	Joy,	Patterson,	Van Horn,
Crisp,	Kem,	Pendleton,	Warner,
Crowley,	Kerr,	Phillips,	Watson, Ohio
Culberson,	Kiefer,	Pickler,	Wilber,
Cummings,	Kirkpatrick,	Price,	Woodman.

So (two-thirds voting in favor thereof) the motion to suspend the rules and nonconcur in the amendments of the Senate was agreed to.

The following pairs were announced:

For this day:

Mr. PICKLER with Mr. PRICE.

Mr. BABCOCK with Mr. STRAIT.

Mr. BOWERS with Mr. ROBERTSON of Louisiana.

Mr. MOZLEY with Mr. MAGUIRE.

Mr. RUSSELL of Connecticut with Mr. MOSES.

Mr. SMITH of Michigan with Mr. HUTCHESON.

Mr. BELKNAP with Mr. CRISP.

Mr. SOUTHWICK with Mr. BANKHEAD.

Mr. HAINER of Nebraska with Mr. COWEN.

Mr. MCCORMICK with Mr. NEILL.

Mr. COOK of Wisconsin with Mr. MINER of New York.

Mr. JOY with Mr. BOATNER.

Mr. KULP with Mr. CULBERSON.

Mr. GILLETT of Massachusetts with Mr. MILES.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. OTJEN with Mr. COBB.

Mr. WILBER with Mr. CROWLEY.

On this vote:

Mr. BARTLETT of Georgia with Mr. MCCALL of Massachusetts.

The result of the vote was announced as above stated.

The SPEAKER announced the appointment of Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS as conferees on the part of the House at the further conference with the Senate on the deficiency appropriation bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. I send to the desk a conference report.

The report of the committee of conference on the District of Columbia appropriation bill (already published in the Senate proceedings) was, in part, read.

Mr. GROUT. I ask that the further reading of the report be dispensed with, and that the statement of the House conferees be read.

Mr. RICHARDSON. I will agree to that if the statement covers all the amendments, so that we can understand the matter thoroughly.

Mr. GROUT. I think it does, and will be entirely satisfactory.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report, namely:

The Senate made 135 amendments to the bill, of which number 105 have been disposed of by the conference committee, leaving 30 undisposed of, upon which there is disagreement.

The Senate added $1,658,916.38 to the House bill, of which sum, by the conference agreement, the Senate recedes from $726,670 and the House agrees to $379,780, leaving $552,466.38 involved in the amendments upon which the conference committee have been unable to agree.

The following are the amendments upon which the conference committee have failed to agree, namely:

On amendment numbered 2, appropriating $6,720 for the free public library;

On amendment numbered 3, remitting penalties on taxes due and payable on or before July 1, 1895;

On amendment numbered 6, appropriating $210,000 for payment of judgments for land condemned for the extension of Sixteenth street;

On amendment numbered 7, appropriating $65,000 to pay for lands condemned for the extension of Rhode Island avenue;

On amendment numbered 53, striking out authority for necessary extensions of electric arc lighting;

On amendment numbered 55, prohibiting the laying of conduits or erection of overhead wires for electric-lighting purposes;

On amendment numbered 58, reappropriating unexpended balance and appropriating $266,746.38 to resume work on the Washington Aqueduct Tunnel;

On amendments numbered 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, and 123, striking out the general appropriation proposed by the House for charities, and appropriating specifically for charitable institutions in the District of Columbia; and

On amendment numbered 131, repeating the provision contained in the last District of Columbia appropriation act defining the policy of the Government with reference to appropriations for charitable institutions.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 4193) to correct the military record of William F. Songer.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed with amendments the bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and correct alignments;" in which the concurrence of the House was requested.

A further message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

A further message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House to the amendments of the Senate numbered 6, 72, and 139 to the bill (H. R. 10293) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation.

Mr. GROUT. I move the adoption of the conference report.

Mr. MORSE. I should like to know what is the attitude of this conference report touching appropriations for sectarian charities in the District.

Mr. GROUT. No agreement has been reached by the conferees.

Mr. MORSE. Then that matter still hangs fire. I hope the House conferees will have a good, stiff backbone on that.

Mr. RICHARDSON. What do the conferees report in regard to the amendment pending between the two Houses with regard to a free library in this District?

Mr. GROUT. There has been no agreement on that amendment.

Mr. PITNEY. I propose, when the conference report has been acted on, to make a motion in regard to that amendment.

Mr. RICHARDSON. One other question: What does the report recommend in regard to the electric-light question?

Mr. GROUT. That is one of the things on which we report a disagreement. Mr. Speaker, I now ask for a vote on the adoption of the report.

The question being taken, the report was agreed to.

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order. Last night the veto message of the President upon the immigration bill was made a special order for to-day at 1 o'clock. That time having now arrived, I submit that nothing is in order but the consideration of that veto message.

The SPEAKER pro tempore (Mr. PAYNE in the chair). The Chair will state to the gentleman from Missouri [Mr. BARTHOLDT] that conference reports take precedence of the order to which the gentleman refers. The Chair will further state that it is his intention as soon as this report is disposed of (unless some other conference report should be pressed) to recognize the gentleman from Ohio [Mr. DANFORD] to call up the bill vetoed by the President.

Mr. GROUT. Mr. Speaker, I now move that the House insist on its amendments (recited seriatim in the statement just read), on which the conferees have not agreed; and that the House ask a further conference with the Senate on those amendments. Pending that motion, I yield to the gentleman from New Jersey [Mr. PITNEY] to make a motion with reference to the first amendment, on which we have been unable to agree, appropriating $6,720 for a free public library.

Mr. PITNEY. I should like to be recognized in my own right for the purpose of making that motion. There may be some little discussion, and I should like to control my own time.

Mr. GROUT. I think there will be no trouble about that. I prefer to hold the floor. I think we shall manage to give the gentleman from New Jersey all the time he wants.

The SPEAKER pro tempore. The Clerk will read the motion of the gentleman from New Jersey [Mr. PITNEY].

The Clerk read as follows:

Mr. PITNEY moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and agree thereto with an amendment as follows, namely:

Strike out the whole of the paragraph included in said amendment numbered 2, and insert in lieu thereof the following:

"Free public library: For librarian, $2,000; first assistant librarian, $900; second assistant librarian, $720; and for rent, fuel, light, fitting up rooms, and other contingent expenses, $3,100; in all, $6,720.

"*Provided*, That whenever said library shall be opened for public use such books, periodicals, and papers in the existing libraries of the several Executive Departments and offices of the Government in the city of Washington as in the judgment of the head of the Department, bureau, or office affected are not required for the special official use of said Department, bureau, or office shall be transferred as a loan to the free public library and reading room for its use, and it is hereby made the duty of the head of each Department, bureau, or office in which a circulating library is maintained for the use of employees of the Government to deliver all such books, periodicals, and papers, without delay, as a loan to the free public library and reading room, and thereafter no general circulating library, but only such library as is required for its special official use, shall be established or maintained by any Department, bureau, or office of the Government in the District of Columbia; but the books, periodicals, and papers so loaned shall be and remain the property of the United States and shall be labeled in such manner as to show such ownership."

Mr. GROUT. Mr. Speaker, I have concluded to allow the gentleman from New Jersey to be recognized in his own right if he desires it.

The SPEAKER pro tempore. The gentleman from New Jersey.

Mr. PITNEY. Mr. Speaker——

Mr. HOPKINS of Illinois. Mr. Speaker, I want to reserve the point of order, if it will lie against the proposition, until I hear what it is.

Mr. PITNEY. Mr. Speaker, the amendment I have offered is a substitute for a Senate amendment to the bill, and because it will constitute, if adopted, a departure, to some extent, from the action of the House on a yea-and-nay vote a year ago, on the passage of the free-library bill, I want it to be fully and fairly understood. The Senate amendment makes an appropriation of $6,720 in the aggregate for the support of the free public library in the District of Columbia. My amendment first makes a trifling change in the distribution of the funds, there being no objection to that. It increases the salary of the librarian $400, and diminishes the contingent expenses $400, in accordance with the wishes of the friends of the library.

The principal purpose of the amendment is to provide that the books in the several Department libraries of the Government, which are now kept as circulating libraries for the Government employees—for instance, in the Interior Department, the Treasury Department, the War Department, and in fact all of the Departments—shall be placed in this new library as a loan from the National Government to the trustees of the library; that they shall be labeled as loaned books, remaining the property of the United States, but to be used in the circulating library.

The object is this: There were two objections raised a year ago

in the House on the passage of the proposed free-library bill. Nobody, I think, objected to the passage of a bill of that character, but the objection was to dividing the expense of the maintenance of the library half and half, between the District revenues and the National Treasury. One ground of objection was that the National Government was already maintaining a number of small libraries here, as well as a great Congressional Library, and it was considered by the House that we ought not to contribute, therefore, to the maintenance of an additional library.

Now, in the hearings before the subcommittee on Appropriations, in making up the District appropriation bill, it appeared that all the new library could reasonably expect this year in the way of voluntary contributions was about 7,000 volumes of books, about two to five thousand dollars of money, of which the interest is to be devoted to the purchase of periodicals, and three or four thousand dollars of money in addition, of which the principal is to be devoted to the purchase of books. They hope to begin the library with from twelve to twenty-five thousand volumes. I am free to say that we think these hopes are a little too sanguine and that they will not be fulfilled.

But in the Department libraries to which I have referred there are some twenty to thirty thousand volumes of books for popular reading, now maintained at a considerable annual expense to the Government, each library solely for the use of the employees of the Department in which the library is located. We thought it practicable to bring all of these libraries into "hotchpotch," to lend them to the new library and make it one worth maintaining, and thus save expense, as it would undoubtedly do; and it would be no hardship to the clerks of the Departments, for they would have access to the new library, and indeed might have the privilege of employing a messenger to go from the Department to the library for the purpose of getting out books.

Mr. DINGLEY. This is to be a free library?

Mr. PITNEY. Yes; a free library.

Now, Mr. Speaker, I do not want to spend any time upon this matter; and I do not wish to yield the floor at present, or the control of the time. But the gentleman from Vermont [Mr. POWERS], who antagonized the "half and half" proposition a year ago—and to be candid I will state that I did the same at that time—wishes to move an amendment, and I am willing to have it moved now, and let him have any reasonable time to make a statement with reference to it.

Mr. GROUT. One moment before the proposition is taken up or submitted to the House. I wish to say to the House that the Senate conferees would accept the provision which the gentleman from New Jersey [Mr. PITNEY] has presented in his substitute. But whether they will be content with that of my colleague, the gentleman from Vermont, I will not undertake to say. Of course I do not wish to cut the gentleman off from offering an amendment. He could do it, however, in another form, by offering it in the shape of an instruction to the conferees.

Mr. POWERS. Mr. Speaker, I offer the amendment I send to the desk as an addition to the amendment of the gentleman from New Jersey.

The Clerk read as follows:

Add to the amendment proposed by Mr. PITNEY:

"*Provided, further*, That the sum herein appropriated for the free public library shall be paid wholly from the revenues of the District of Columbia."

Mr. PITNEY. I will yield to the gentleman from Vermont ten minutes in which to explain the amendment.

Mr. POWERS. Mr. Speaker, it is a well-known fact to every member of the House that the act of union, so called, passed in 1878, for the joint government of the District of Columbia, provided that each party should pay one-half of certain expenses incident to the administration of affairs within the District. The theory upon which that act was passed was that the Government, being the owner of a very large amount of property in the District, rightfully and properly should share in the public expenses necessary to conducting the affairs of the District—those necessary expenses such as the maintenance of streets, the maintenance of light, the police department, the fire department, and so on.

If any member of the House would take the pains to examine the provisions in question, and the debate that took place on the floor when the act was passed, he will observe this single fact: It was contended, in the most vigorous manner, by the friends of the proposition for the union, that nothing except those necessary expenses with which the Government had an equal and joint interest in the District would be chargeable upon the National Treasury.

But, as in all such matters, as time went on, the disposition was displayed to load onto the Government everything else, until now, Mr. Speaker, an old debt of $20,000,000, that was the debt of the District of Columbia long before this union, has been landed, one-half of it, upon the people of the United States. And many other things have gradually crept in, until the Government to-day is paying one-half of almost every expense that is incurred here in the District of Columbia. This is contrary to the original act. It is contrary to right that your constituents and my constituents should be taxed to support the institutions in this District that they never expected to be taxed for, and that the friends of this union could never have intended they should be taxed for.

Now, Mr. Speaker, the people of the United States are paying one-half of all the police expenses in the city of Washington. Your constituents and mine are being taxed for that purpose. And what has the Government got to do with the matter? Why, the Government owns a large amount of property. It is entitled to the protection of the law. It was urged that it would have that protection, but the fact is that the Government pays for its own protection. The police who take care of this Capitol building, who take care of all the public buildings in the District, are paid out of the United States Treasury, and the people of the District do not contribute a cent to that expense; while, on the other hand, the United States Treasury is chargeable with one-half of the expense of all this police duty in respect to municipal matters and municipal buildings in this District. The whole purpose and theory of the law has been changed by the constant encroachment that has been made on the Federal Treasury.

Now, it may be said that this is a small matter; that it is unwise to save at the spigot when there is a big leak at the bung; but the point of the amendment is to prevent a big leak at the bung. If you save this expense, the people of this District will understand that they must maintain this public library, and if you do not do it, then a gradual encroachment will be made, until by and by an appropriation of a million dollars will be called for to erect some magnificent library building in this city. Why, sir, we have, as is stated by the gentleman from New Jersey [Mr. PITNEY], a great many Department libraries in this District that are maintained by the Government. He proposes to turn them into this new library that is to be created. Nobody can object to that. That is all well enough. That supplies just so much toward the purchase of books that will soon be called for, if this scheme is successful.

But, Mr. Speaker, we have this large Congressional Library, containing eight or nine hundred thousand volumes. We have erected the building at an expense of $6,000,000 to house these books and to accommodate the people that have occasion to use them. What on earth is that good for if it is not to accommodate the people of the United States whose money has built it? And the people of the District of Columbia will have the right to share in the use of that library.

Now, is there any call upon us, managing the affairs of the country at large, to go to any greater expense in the way of a public library for the people of this city? Do our constituents at home desire us to expend their money in this manner? I think not. It seems to me that it is no more than right, if the people of this District are not content with the library facilities which they now have, that they should, out of their own pockets, provide any extra accommodations that they think they may need.

But, sir, the people of this city have been petitioning Congress to open the doors of the Congressional Library, and no doubt some resolution will be passed providing that that shall be done. But be that as it may, it is evident that it is in our power to supply to these people the grandest library facilities that are to be found anywhere in the known world.

There are more books per capita in this city to-day than in any other city on the face of the earth. They are locked up in this building. Members of Congress can not use them to any great extent. What are the books to be kept for, if not for the people of the United States, including the people of this District. It seems to me, Mr. Speaker, that there are no grounds whatever that will justify us in making an appropriation of money for the purposes of this library if we turn over to them, as proposed by the gentleman from New Jersey, 20,000 or 25,000 volumes for their use.

Mr. GROW. I should like two or three minutes.

Mr. PITNEY. I yield three minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, this is the legislative body of the District of Columbia. It has been the settled policy for some years to divide the expense of the government of the District between the people of the United States and the people of the District, but every time we have an appropriation for the District of Columbia somebody brings in an amendment to put the expense of something on the people of the District, and so we are bothered with amendments of this sort.

The Congressional Library is not established for the people of the District of Columbia. Citizens of the United States from all parts of the country are gathered in this city. Why should we not let the appropriation for this circulating library take the same course as any other appropriation if it is useful to the people of the District? If it is not, we ought not to vote anything; but if it is, when we are acting as the legislative body for this city, why should we not vote for what we think is useful and right without the constant attempt to take some little thing out of the operation of the general rule which is well established for the expenses of the District? [Applause.]

Mr. SHAFROTH. I should like five minutes.

Mr. PITNEY. I yield the gentleman five minutes.

Mr. SHAFROTH. Mr. Speaker, I am opposed to the amendment which has been offered by the gentleman from New Jersey [Mr. PITNEY]. The reason I am opposed to it is because it is the foundation for another library building, and another library in this District within a stone's throw of the Library of Congress, the most magnificent on this continent. The gentleman may say that it is not proper to open that Library to the public; but we find upon examination that it is a complete library of duplicates, and under regulations that could be prescribed there could be no danger of the loss of valuable books therefrom. I have found upon examination that as to many popular books there are as many as twenty to thirty sets of the same. Take the popular works that are read, and we find that the numbers that are given to that Library by reason of the provisions of law authorizing the copyrighting of each edition and requiring the filing of two copies of each edition are enormous, and that now there are in some instances twenty or thirty sets of the same works in that Library. Now, what hardship——

Mr. QUIGG. Those cases are very exceptional, are they not?

Mr. SHAFROTH. No, sir.

Mr. QUIGG. Oh, yes.

Mr. SHAFROTH. Not as to the popular works. Take the works of Dickens, Scott, Hawthorne, or any popular works, and you will find that there are twenty or thirty copies of the same.

Now, what are the objections to letting the people go in and take these books and read them? I do not see why we should pile up a lot of books here for no one to read. If you ascertain the number of books read by the members of Congress and the Senate, you will find that each does not read more than one a year on an average. Are we going to lock all of these books up in the four walls of the Library and let no one get at them?

Mr. Speaker, I submit that it is not fair to the people of the District of Columbia, it is not fair to the people of the United States, that the books of the Library should be excluded from use, and I can see no danger from allowing the Library to be used. Why, Mr. Speaker, there are times when Congress adjourns for nine months. There you have a large force in that Library ready to attend to all the duties there, and yet Congress is not in session for a period of nine months. This bill proposes to create three or four offices and provide rooms for a new library, and after awhile you will find an appropriation will come in for the erection of an elegant building, and then you will have two library buildings within the limits of this city.

Mr. PITNEY. If the gentleman will allow me, the fact is that my amendment, while it will create officers of the free public library, will do away with the employment of a considerable number of clerks and the room and space for each one of these libraries now in the several departments necessary for the care of those libraries.

Mr. SHAFROTH. I am willing to admit that the amendment of the gentleman is a better amendment than that which was placed upon this bill by the Senate; but I submit we have no necessity for another library in the District of Columbia.

Mr. NORTHWAY. The gentleman knows it has already been established by law.

Mr. SHAFROTH. Yes; but there was no appropriation made for it.

Mr. NORTHWAY. If the city pays for the expense of the library, can they not have this library?

Mr. SHAFROTH. I am perfectly willing that they should do that. If that is required, they will never do it.

Mr. NORTHWAY. But that will answer the objection to that library here and the employees will not be employed.

Mr. SHAFROTH. If the District wants to maintain a dozen libraries, I have no objection to it; but that is not what they are asking. They want the United States to pay half of the expense; and I submit we ought not to run two different libraries in the District of Columbia.

Mr. QUIGG. Is not only the large Library being used, but the library in almost every one of these Departments?

Mr. PITNEY. My amendment will consolidate them.

Mr. QUIGG. They are open to the public.

Mr. SHAFROTH. Mr. Speaker, when we take into consideration the fact that we have a Library here with 740,000 volumes, in a building with enormous library space, and that in all the works of a popular character we have numbers of sets of the same, I submit that the amendment ought not to pass.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITNEY. I yield such time to the gentleman from Missouri as he desires.

Mr. DOCKERY. Mr. Speaker, this bill, so far as agreed upon, involves a larger liability than it should for the support of the government of the District of Columbia, but the House conferees have made the best settlement of the items in controversy that was possible to be made; and I congratulate them on having been able to secure from the Senate the large number of concessions that are shown by this conference report.

Mr. Speaker, at the risk of imperiling my already widespread popularity (?) in this District——

Mr. RICHARDSON. What kind was that?

Mr. DOCKERY. Widespread. I say, at the risk of jeopardizing my growing popularity (?), I desire to indorse the amendment offered by the gentleman from Vermont. I know that I incur some risk in so doing, but still——

Mr. RICHARDSON. No personal risk.

Mr. DOCKERY. Oh, no; only as to popularity. But still I am willing to take it.

Mr. Speaker, the expected has come to pass. I anticipated last session, when the gentleman from Vermont [Mr. POWERS], in the affluence of his generosity, yielded to the Senate and consented to the passage of the Library bill, omitting any reference to the manner in which it should be maintained, that this estimate would follow. I thought then, as I know now, that the bill was but the entering wedge for propositions soon to follow, first for a limited clerical force, accompanied with a provision for renting a building, to be followed later on by a great pressure for the erection of a magnificent library building in this District which, with its appointments, furniture, and fixtures, would probably cost the Government a million dollars or more. These demands will follow, of course, in logical sequence.

Mr. Speaker, if the people of the District, notwithstanding that under the shadow of the Dome of this Capitol there are thousands of laboring men without employment, despite the fact that almost within the sound of my voice there are merchants and business men who are and have been for months doing an unsatisfactory and unremunerative business because of the prevailing depression—if, I say, the people of this District, notwithstanding the gravity of this situation, desire to tax themselves for a free library, I am content. I will yield my opposition provided it is paid for solely out of the revenues of the District of Columbia. I say this, Mr. Speaker, being fully advised as to the provisions of the organic act of 1878. I do not at this time seek to change the compact made then between the Government and the people of the District of Columbia, but, in my view, the establishment and maintenance of a free public library is not that character of government function which in equity would entail one-half of its cost and maintenance upon the people whom I have the honor to represent and the people whom other gentlemen here have the honor to represent—in other words, upon the people of the United States who are not residents of the District of Columbia.

But, Mr. Speaker, let me suggest another view of this question: Even though every Representative on this floor conceded the propriety of providing for a free library as a proper and legitimate function or government—I say, even though every gentleman here favored the measure, this is not an opportune moment to press the question upon the attention of Congress. For about a century this city has existed without the library which is now proposed, yet I know of no more intelligent citizens in the Union than those who live in Washington. The taxpayers and residents here already have advantages in this respect which my people do not enjoy and the constituents of the gentleman from New Jersey [Mr. PITNEY] have not. The United States has just completed the most gorgeous Library building in the world, to which more than 700,000 books will soon be transferred.

That Library should be open to the people of the District of Columbia under proper regulations, and I had hoped that this proposition would not be pressed until the Library was organized in its new quarters. When that is done, I shall favor the opening of the Library to the people of this District under suitable limitations.

But this is not all, Mr. Speaker. There are libraries in several of the great Departments here, as stated by the gentleman from New York [Mr. QUIGG], that are now open to the public, or, if not in every instance open to the general public, they are open to the employees of the Government——

Mr. QUIGG. Open to the public.

Mr. DOCKERY. I think that statement is accurate, and certainly they are open to the employees of the Government, who constitute a large part of the population of this city.

Mr. Speaker, with the untoward business conditions prevailing, I submit to the candid judgment of the House whether the present is an opportune time to inaugurate this enterprise. Let us pause, gentlemen, until, in the language of that distinguished citizen of Ohio who is to be inaugurated President of the United States to-morrow, the "mills of the United States are open." They have not yet been opened; indeed, many of them are now closed, or, if not closed, are running on half time. Manufactures are not prosperous; agriculture is absolutely helpless; the army of the unemployed is growing day by day. I do not propose now to inquire as to the causes of these grave conditions, or to enter in any way upon political debate; but until they have been dissipated by the return of prosperity, I urge this House, with its 180

majority opposed to me politically, to stay its hand and not invade the Treasury to begin an enterprise which contemplates an expenditure of at least a million dollars. [Loud applause.]

Mr. NORTHWAY. Are we to understand that the gentleman from Missouri proposes to follow the lead of the distinguished gentleman from Ohio, to whom he has referred, upon business and fiscal matters, as he does in this matter?

Mr. DOCKERY. Oh, no; I made no statement of that kind. During the last campaign it was suggested by that eminent citizen of Ohio that the mills should be "opened;" and my suggestion was that we should wait until the mills are fully "opened" before we undertake to open this library. [Applause.]

Mr. Speaker, I have a theory, an old-fashioned Democratic theory, that the way to open and keep open the mills is to give them profitable employment, so that what they manufacture can be sold to the consumers of this and other countries at a reasonable profit, and that such conditions should obtain as will enable consumers to accumulate a satisfactory surplus with which to purchase the output of the mills. In other words, my idea is that if you wish to start the mills we must begin at the base of our industrial fabric; money must find its way into the pockets of the people who consume; and then when the individual consumer has a surplus he will be better able——

Mr. PITNEY. I hope my friend will confine himself to the question of a library.

Mr. GROUT. The gentleman from Missouri is talking politics.

Mr. BRUMM. He is making a protection speech.

Mr. PITNEY. Yes; a very good protection speech; but really we must get on with this bill.

Mr. JOHNSON of Indiana. The gentleman from Missouri must retain himfelf.

Mr. DOCKERY. I regret that my friends on the other side are so sensitive on the question of "opening the mills." I will close my remarks with a single observation.

Mr. JOHNSON of Indiana. I hope the gentleman will not inflict a political discussion on us.

Mr. DOCKERY. Oh, no; I will not do that.

Mr. JOHNSON of Indiana. But the gentleman is getting there unconsciously.

Mr. DOCKERY. If so, then I withdraw anything that touches upon the domain of politics, because I desire the amendment offered by the gentleman from Vermont to prevail.

Mr. PITNEY. The gentleman will remember that I have only an hour.

Mr. DOCKERY. I am a member of the conference committee, and I think entitled to occupy some little time on this bill.

Mr. JOHNSON of Indiana. The gentleman is instructive on every subject except politics.

Mr. DOCKERY. I do not know whether I am instructive on that subject or not, but I have been trying to instruct the gentleman from Indiana and enlighten my friend from New Jersey as to the way in which our mills should be opened. I insist that prosperity must begin with the consumer. The man who consumes the products of the mills must be prosperous, else the mill owner can not permanently prosper. I want to add but a single word. I desire simply to put this query to the House: Even though members earnestly favor a free library, is it not wise to postpone the inauguration of the enterprise until prosperity returns to our people? I hope the House will do this; but if it is insisted that the library be inaugurated now, I trust the amendment of the gentleman from Vermont [Mr. POWERS] will prevail.

Mr. PITNEY. I yield three minutes to the gentleman from New York [Mr. QUIGG], and after that I shall have to bring this debate to a close.

Mr. QUIGG. Mr. Speaker, I regret that the gentleman from Missouri [Mr. DOCKERY] has drifted into political observations with regard to this paragraph, for I am afraid that thereby some of the force of what he has said in regard to these libraries has been lost. If I can have for two or three minutes the attention of the House, I should like to tell what the Government has done and is doing with regard to libraries for the use of the people of the District of Columbia.

We maintain not only the Congressional Library, to which the people resort for the purpose of reading in the library, but there are maintained no fewer than seven departmental libraries, all of which I believe, and three of which I know, are circulating libraries. The Bureau of Education has a library of more than 200,000 volumes. Only about one-fourth of those volumes have any relation whatever to the business of that Bureau. The rest of them are story books, histories, travels, poetry, biography, all sorts of works for general circulation; and they are taken out of the library by the people of this District to their homes, to be read and returned.

The State Department contains a similar library. I say it is entirely against public policy for the Government to spend one dollar for the maintenance of another circulating library. The thing that the Government ought to do is to admit the public of the District of Columbia to the use (in the fullest sense of the term) of the books that are now in the Congressional Library. The Government ought to cut off the support that it now gives to the libraries of these various bureaus and Departments; it should cut off the appropriations by which those libraries are now enabled to purchase story books and histories, books of travel, biography, etc. The libraries of the Departments and bureaus ought to be confined entirely to those works that are needed for consultation by officers of those Departments and bureaus in the line of their business. The books for circulation among the people ought to be the books contained in the Congressional Library. But so long as we do maintain these bureau libraries and build them up, spending thousands of dollars a year for that purpose—very nearly $60,000, I believe, is the sum—although we give only $12,000 a year to the Congressional Library——

The SPEAKER. The time of the gentleman from New York [Mr. QUIGG] has expired.

Mr. QUIGG. Just one minute more. And of the present $12,000 appropriated annually for purchase of books, etc., for the Congressional Library, a considerable portion is spent for law books, periodicals, newspapers, etc., so that practically the Congressional Library has not one dollar, and has not had in thirty years, with which to replenish its supply of books. It obtains its increase almost entirely from the operations of the copyright law. Although that is the case with the Congressional Library, we spend annually $60,000 to build up the bureau libraries and supply them with works to circulate among the people of the District of Columbia. In view of that fact, Mr. Speaker, it must be obvious to the House that the amendment of the gentleman from Vermont [Mr. POWERS] ought to carry; and having carried that, we ought to disagree entirely, and send the item back to conference and have it stricken out.

Mr. PITNEY. Mr. Speaker, it is not very often that the gentleman from New York [Mr. QUIGG] who has just taken his seat hurts the cause he advocates by any remarks he may make in such advocacy. In this case, however, it seems that he has succeeded in doing so. He says that the Government ought not to be put to the expense of $60,000 a year for the maintenance of circulating libraries in the District of Columbia. I agree with him most heartily, and my amendment provides for the cutting off of just that expense. He says the Department libraries ought to be confined to the technical books necessary for the official business of the Departments. I agree with him; and my amendment provides that hereafter there will be no general circulating libraries kept in the Departments, but only such libraries as are required for the official use of the Department.

Mr. QUIGG. That is good as far as it goes.

Mr. PITNEY. Now, Mr. Speaker, I do not want to debate this matter further, and, in fact, the condition of my voice will not permit me to do so. The first question will be, of course, on the amendment of the gentleman from Vermont [Mr. POWERS] to relieve the Government of one-half of the expense. I say to the House: Do not vote for the amendment unless you mean in that manner to dispose of this question finally upon this appropriation bill. The amendment of the gentleman from Vermont is to place the whole cost of this circulating library on the local taxation of the District. Let us have a fair understanding and let the action of the House be deliberately taken, and be such as it intends to adhere to. For I want the House to understand that it is not likely we shall have another conference report upon this bill submitted here until the final report is submitted. We can not be sending the bill back and forth between the two Houses at this late hour in the session; and if the House desires a public library for the use of the people of the District, let them support the proposition which I have submitted, which saves expense in the Departments and puts one-half of the expense of maintaining the new library upon the District. It is a saving in many ways. It will save the expense of clerk hire in the various departmental libraries, and will save the further duplication of books and also the room space now occupied by the libraries in the Department buildings.

Mr. PICKLER. Before the gentleman proceeds, I would like to ask a question, as I am trying to arrive at a conclusion with regard to my vote on this matter. I would like to hear either from the gentleman from New Jersey [Mr. PITNEY] or the gentleman from New York [Mr. QUIGG] upon what terms the general public will be admitted to the books of the Library, when they get into the new Library building?

Mr. QUIGG. Nobody knows anything of that yet.

Mr. PITNEY. Does the gentleman from South Dakota [Mr. PICKLER] mean the new Congressional Library building, or the new public circulating library, which is proposed to be established?

Mr. PICKLER. Well, either or both. I am trying to get at the facilities that would be offered to the public. I suppose that there will be some new regulations with reference to the methods of obtaining books from the Library.

Mr. PITNEY. Very well. I do not understand that the general collection of books in the Congressional Library is to be permitted to be taken out for the use of the public. It is not to be used, in other words, as a circulating library.

Mr. QUIGG. That is a matter of legislation.

Mr. PITNEY. Undoubtedly; a matter of legislation. I understand, however, that there are a number of duplicate books in the Congressional Library which may be put into the circulating library; but I presume they will not attempt to use them in the new Congressional Library building for purposes of circulation. If the duplicates are loaned to this new circulating library, they can be maintained cheaper there than in the present building, and they will be available then to the public.

Mr. DOCKERY. If the gentleman will permit me a moment.

Mr. PITNEY. Certainly.

Mr. DOCKERY. The legislative, executive, and judicial appropriation bill, which has just become a law, specifically gives power to the Librarian to make regulations for the conduct and control of the Library.

Mr. PITNEY. The provisions of my amendment, if adopted, would turn in the various popular books from the Department libraries to the free library, and that provision is taken from a bill introduced in the Fifty-third Congress and favorably reported by the Committee on the District of Columbia. That bill contains a further section providing that the duplicates, so far as they could be spared, from the Library of Congress should be turned in likewise. I did not insert that in my amendment now, for the reason that the Library of Congress is "moving house," and I thought it better not to interfere with it, at least at present, in that regard. If hereafter these books can be spared, it can be arranged at some subsequent time.

Mr. HENDERSON. Does the amendment of the gentleman from Vermont [Mr. POWERS] provide that this expense shall be paid half and half?

Mr. PITNEY. No; it provides that the people of the District shall bear the whole expense.

Mr. HENDERSON. And your amendment provides that it shall be divided half and half?

Mr. PITNEY. It does.

Mr. HENDERSON. Then the amendment of the gentleman from Vermont ought to be beaten.

Mr. BRUMM. The whole thing ought to be beaten at present, and acted upon separately at some future time.

Mr. PITNEY. My amendment provides that this expense shall be divided equally; but it will be remembered that there will be a great saving of expense to the Government in doing away with these various libraries in the Departments.

Now, Mr. Speaker——

Mr. POWERS. The gentleman, I think, misapprehends the purpose of my amendment. It goes with his. Both go together. There is no inconsistency between them.

Mr. PITNEY. I understand that; but the gentleman proposes that the books shall be turned in from the Departments to the circulating library, and the cost of subsequent maintenance be borne wholly by the revenues of the District of Columbia.

Mr. HENDERSON. That is the proposition exactly.

Mr. PITNEY. I should like to move the previous question.

Mr. GROUT. I propose to take charge of this matter myself, and get a vote if I can.

Mr. PITNEY. I move the previous question. That will bring a vote.

The SPEAKER pro tempore (Mr. PAYNE). The Chair will recognize the gentleman from Vermont [Mr. GROUT] in charge of the bill.

Mr. GROUT. Mr. Speaker, I believe there has been enough said with reference to this library question, and I do not propose to detain the House more than a moment. It was supposed that if these departmental libraries were taken from the Departments, and the Government relieved of that expense, that there was every reason then why the Government should be willing to bear one-half of the expense of this circulating library. We supposed that that would be an ample equivalent in the judgment of all; but still there seems to be opposition, and there is a motion to place the expense, notwithstanding that, wholly on the District. This has been fully discussed by me heretofore on two different occasions, and I am not going to detain the House on the matter now. Let us have a vote.

The SPEAKER pro tempore. The motion is on agreeing to the amendment offered by the gentleman from Vermont [Mr. POWERS].

The question being taken, on a division (demanded by Mr. POWERS) there were—ayes 44, noes 53.

Mr. POWERS. I call for tellers.

Tellers were refused, not a sufficient number rising in support of the demand.

Accordingly, the amendment of Mr. POWERS was disagreed to.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from New Jersey [Mr. PITNEY], that the House recede from its disagreement and concur in the amendment of the Senate with an amendment which the Clerk will report.

The Clerk read the motion of Mr. PITNEY as above quoted.

The question being taken, on a division (demanded by Mr. PITNEY) there were—ayes 36, noes 57.

Mr. PITNEY. Tellers.

Tellers were refused.

Accordingly, the motion of Mr. PITNEY was rejected.

Mr. GROUT. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments and agree to the further conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GROUT, Mr. PITNEY and Mr. DOCKERY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 9014) revising and amending the statutes relating to patents in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tram roads, canals, and reservoirs, and for other purposes.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I desire to call up the special order, which is the message of the President returning the bill (H. R. 7864) for the restriction of immigration without his approval. I move that the bill do pass, the objections of the President to the contrary notwithstanding; and upon that I ask the previous question.

Mr. MAHANY. I call for the reading of the veto message.

The SPEAKER. The veto message has been read. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding. Under the Constitution this vote must be by yeas and nays.

Mr. KIEFER. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KIEFER. Would it be in order to move to postpone the consideration of this bill until Friday next, after the reading of the Journal? [Laughter.]

The SPEAKER. It would not. The Clerk will call the roll. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 195, nays 37, not voting 123; as follows:

YEAS—195.

Abbott,	Danford,	Henry, Conn.	McLaurin,
Acheson,	Dayton,	Henry, Ind.	McRae,
Adams,	De Armond,	Hepburn,	Meiklejohn,
Allen, Miss.	De Witt,	Hermann,	Miller, W. Va.
Anderson,	Dingley,	Hicks,	Milliken,
Andrews,	Dinsmore,	Hilborn,	Minor, Wis.
Arnold, Pa.	Dolliver,	Hill,	Mitchell,
Arnold, R. I.	Doolittle,	Hooker,	Mondell,
Avery,	Dovener,	Hopkins, Ill.	Moody,
Babcock,	Draper,	Hopkins, Ky.	Morse,
Bailey,	Eddy,	Howard,	Moxley,
Baker, Kans.	Ellis,	Howe,	Northway,
Baker, Md.	Evans,	Howell,	Otjen,
Baker, N. H.	Fairchild,	Hubbard,	Overstreet,
Barham,	Faris,	Huff,	Payne,
Bell, Colo.	Fenton,	Hulick,	Pearson,
Bennett,	Fischer,	Hull,	Perkins,
Blue,	Fletcher,	Hyde,	Pickler,
Bowers,	Foote,	Johnson, Cal.	Pitney,
Brewster,	Fox,	Johnson, Ind.	Poole,
Broderick,	Fowler,	Johnson, N. Dak.	Powers,
Brosius,	Gamble,	Jones,	Prince,
Brumm,	Gardner,	Kerr,	Pugh,
Bull,	Gibson,	Kirkpatrick,	Quigg,
Burton, Mo.	Gillet, N. Y.	Knox,	Raney,
Burton, Ohio	Goodwyn,	Lacey,	Reeves,
Chickering,	Graff,	Latimer,	Reyburn,
Clardy,	Griffin,	Lefever,	Robinson, Pa.
Clark, Mo.	Griswold,	Leisenring,	Royse,
Codding,	Grosvenor,	Leonard,	Russell, Conn.
Coffin,	Grow,	Lewis,	Scranton,
Cooke, Ill.	Hager,	Little,	Shafroth,
Corliss,	Hanly,	Loudenslager,	Shannon,
Cousins,	Hardy,	Low,	Sherman,
Crisp,	Harris,	McCall, Mass.	Shuford,
Crowther,	Hatch,	McCall, Tenn.	Simpkins,
Curtis, Iowa	Heatwole,	McClure,	Skinner,
Curtis, Kans.	Heiner, Pa.	McCulloch,	Smith, Ill.
Dalzell,	Henderson,	McEwan,	Smith, Mich.

Snover,	Stokes,	Towne,	Watson, Ind.
Sorg,	Stone, W. A.	Tracewell,	Watson, Ohio
Southard,	Strowd, N. C.	Tracey,	Wilson, Ohio.
Southwick,	Sulloway,	Updegraff,	Wilson, S. C.
Sperry,	Taft,	Van Voorhis,	Wood.
Stahle,	Tate,	Wadsworth,	Woodman,
Steele,	Tawney,	Walker, Va.	Woomer,
Stephenson,	Tayler,	Wanger,	Wright,
Stewart, N. J.	Terry,	Warner,	Yoakum.
Stewart, Wis.	Thorp,	Washington,	

NAYS—37.

Bankhead,	Hall,	McClellan,	Sauerhering,
Bartholdt,	Harrison,	McMillin,	Sparkman,
Bartlett, Ga.	Hart,	Meredith,	Spencer,
Bell, Tex.	Hurley,	Meyer,	Stallings,
Buck.	Kiefer,	Owens,	Turner, Ga.
Catchings,	Kleberg,	Parker,	Walker, Mass.
Cockrell,	Kyle,	Patterson,	Woodard.
Cummings,	Livingston,	Price,	
Erdman,	Loud,	Richardson,	
Fitzgerald,	Mahany,	Robertson, La.	

NOT VOTING—123.

Aitken,	Cooper, Wis.	Lester,	Phillips,
Aldrich, Ill.	Cowen,	Linney,	Ray,
Aldrich, T. H.	Cox,	Linton,	Rinaker,
Aldrich, W. P.	Crowley,	Long,	Rusk,
Allen, Utah	Crump,	Lorimer,	Russell, Ga.
Apsley,	Culberson,	Maddox,	Sayers,
Atwood,	Curtis, N. Y.	Maguire,	Settle,
Barney,	Daniels,	Mahon,	Shaw,
Barrett,	Denny,	Marsh,	Spalding,
Bartlett, N. Y.	Dockery,	Martin,	Stone, C. W.
Beach,	Elliott,	McCleary, Minn.	Strait,
Belknap,	Gillett, Mass.	McCormick,	Strode, Nebr.
Berry,	Grout.	McCreary, Ky.	Strong,
Bingham,	Hadley,	McDearmon,	Sulzer.
Bishop,	Hainer, Nebr.	McLachlan,	Swanson,
Black,	Halterman,	Mercer,	Talbert,
Boatner,	Harmer,	Miles,	Thomas,
Boutelle,	Hartman,	Miller, Kans.	Trelcar,
Bromwell,	Hemenway,	Milnes,	Tucker,
Brown,	Hendrick,	Miner, N. Y.	Turner, Va.
Burrell,	Hitt,	Money,	Tyler,
Calderhead,	Huling,	Moses,	Van Horn,
Cannon,	Hunter,	Murphy,	Wellington,
Clark, Iowa	Hutcheson,	Murray,	Wheeler,
Clarke, Ala.	Jenkins,	Neill,	White,
Cobb,	Joy,	Newlands,	Wilber,
Colson,	Kem,	Noonan,	Williams,
Connolly,	Kulp,	Odell,	Willis,
Cook, Wis.	Lawson,	Ogden,	Wilson, Idaho
Cooper, Fla.	Layton,	Otey,	Wilson, N. Y.
Cooper, Tex.	Leighty,	Pendleton,	

The following pairs were announced:

Until further notice:

Mr. HARMER with Mr. HUTCHESON.

Mr. MAHON with Mr. OTEY.

Mr. BINGHAM with Mr. DOCKERY.

For this day:

Mr. BARNEY with Mr. HENDRICK.

Mr. PITNEY with Mr. PENDLETON.

Mr. MERCER with Mr. MONEY.

Mr. HULING with Mr. LESTER.

Mr. BROMWELL with Mr. TALBERT.

On this vote:

Mr. TRUMAN H. ALDRICH with Mr. SULZER.

Mr. JENKINS with Mr. TUCKER.

Mr. AITKEN with Mr. SWANSON (on this bill).

Mr. BISHOP. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. BENNETT). Was the gentleman in the Hall and failed to hear his name when called?

Mr. BISHOP. I was not. Had I been present, I would have voted "yea."

Mr. McRAE. Mr. Speaker, I ask that the gentleman from Texas [Mr. SAYERS] be excused. He is engaged in a conference committee.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. McCREARY of Kentucky. I desire to vote "nay," if it is permissible.

The SPEAKER pro tempore. Was the gentleman from Kentucky in the Hall and failed to hear his name when called?

Mr. McCREARY of Kentucky. No, sir; I was not in the Hall. I came in too late to vote; but I desire to state that I would have voted "nay" if present.

The SPEAKER pro tempore. The Chair can not entertain the request of the gentleman.

Mr. HARRISON. I ask for a verification of the vote.

Mr. COLSON. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in the Hall and listening to the roll when his name should have been called?

Mr. COLSON. I was not.

The SPEAKER pro tempore. The Chair can not entertain the request of the gentleman.

Mr. COLSON. I did not happen to be in the Hall, but I desire to say that if I had been present, I would have voted "nay."

Mr. MONEY. Mr. Speaker, I want to say that I was not in the Hall, but if present, I should have voted "nay."

The SPEAKER pro tempore. On this question the yeas are 193, the noes are 37. So the House, upon reconsideration, two-thirds having voted in the affirmative, decides to pass the bill, the objections of the President to the contrary notwithstanding. [Applause.]

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to call up the conference report on the Indian appropriation bill. I desire in that connection to ask unanimous consent to dispense with the reading of the report, because it is the identical report that was read at an earlier hour to-day, except the provision relating to the Oklahoma land, and that the Senate has receded from.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the conference report. Is there objection?

Mr. RICHARDSON. I want to ask the gentleman if there is any statement accompanying this report?

Mr. SHERMAN. There was a full statement read at the time the other conference report was submitted, and there is another statement presented now.

Mr. RICHARDSON. That is what I asked the gentleman. That covers the point of my inquiry.

Mr. MOODY. Pending the statement of the question, I would like to ask the gentleman form New York as to what disposition was made of the appropriation for the Indian schools.

Mr. SHERMAN. That is not in this conference report, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will read the statement.

The statement was read, as follows:

Statement to accompany conference report No. 2 on Indian appropriation bill.

This report is identical with report No. 1, except that the Senate recedes from the disagreement to amendment numbered 14, whereas in the report No. 1 the House receded.

This is the amendment relating to the Osage lands, and by this report said lands remain in Oklahoma.

Mr. SHERMAN. Mr. Speaker, I ask for a vote.

Mr. BAILEY. I desire to inquire of the gentleman from New York what became of the judiciary amendment, as it relates to this conference report.

Mr. SHERMAN. It is not in this conference report. That is still in conference.

The question was taken; and the conference report was agreed to.

Mr. SHERMAN. Mr. Speaker, I move now that the House further insist upon its disagreement to the amendments of the Senate, and ask for a further conference.

The motion was agreed to.

Mr. SHERMAN. Mr. Speaker, I neglected to move to reconsider the former vote, and I now make the motion to reconsider the vote by which the conference report was agreed to, and to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER pro tempore announced the appointment of the following conferees: Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to present a conference report on the Post-Office appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 16, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 13, 15, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000;" and the Senate agree to the same.

That the House recede from its disageement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"*Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service; and the Postmaster-General shall report to Congress at its next regular session the prices paid for such service."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said Senate amendment insert the following: "Four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 17, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment, amended as follows: Strike out in line 9, page 11, of the bill the word "four" and insert in lieu thereof the word "five;" and the Senate agree to the same.

E. F. LOUD,
J. C. KYLE,
Managers on the part of the House.

W. B. ALLISON,
R. F. PETTIGREW,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made twenty amendments to the bill, involving a net increase of $250,000.

By the action of the conferees submitted in the accompanying conference report, the Senate recedes from amendments involving $162,000.

The Senate also receded upon one amendment involving increase of $42,000.

The effect of the action of the committee on amendments 1, 2, and 3 is to restore the words "at Detroit," and reducing the amount of the appropriation from $90,000 to $60,000.

No. 4 increases the appropriation for stationery and incidental expenses for money-order service $5,000, as per subsequent estimate of the Post-Office Department.

Amendments Nos. 6, 7, and 8: The House agreed to increase the appropriation for pneumatic tube or other similar device service from $50,000 to $150,000, as per revised estimate of the Post-Office Department, and strikes out so much of Senate amendment as makes said amount immediately available; also provides for purchase if thought advisable by the Department. This increase does not, however, increase the amount appropriated in the bill as passed the House, only increasing the amount for this special service out of mail-messenger service fund.

Amendment No. 9 increases the amount now paid to St. Louis Bridge Company from $25,000 to $50,000 per annum. No. 10 reduces the amount as carried in Senate amendment for pay of railway post-office clerks from $8,182,000 to $8,100,000.

Amendment No. 11: The Senate recedes from its amendment providing $300,000 for transportation of mail by electric and cable cars, and agrees to an amount of $250,000, the House acceding to an increase of $25,000, the Senate acceding $50,000.

Amendment No. 12 requires the Postmaster-General to report to Congress at its next session prices paid for street-car service. Senate recedes from its amendment requiring the Postmaster-General to pay to said companies such amounts as were agreed upon by committee appointed to investigate the subject, and allows the bill to stand as it passed the House, requiring said companies to perform the service for the same amount as is now received by them.

Amendment No. 13 is to allow the Postmaster-General, in his discretion, to apply any unexpended balance of amount appropriated for necessary and special facilities on trunk lines to be used for other fast-mail service.

Amendment No. 14: The House receded upon the provision reducing the per diem of post-office inspectors from four to three dollars per day, and the Senate receded from its reduction of total amount of $42,000 and agreed to the amount of $400,000.

On amendment No. 15 the House receded, which provided for the regulation of salaries of post-office inspectors, namely, at $1,200 first year, $1,400 second year, and $1,600 for third year's service.

Amendment No. 16: The Senate receded. This provides that hereafter the Postmaster-General shall not be required to make reports to Congress relating to certain mail contracts, etc.

Amendment No. 17: The Senate recedes. The provision permits the Department to pay post-office inspectors out of the amount provided in this bill instead of requiring him to pay it out of the money-order fund. The House agrees to that portion fixing the per diem of assistant superintendents, etc., at $5 per day.

Amendment No. 18: The Senate recedes. The provision allows the Department to pay for blank books, incidentals, etc., out of the amount appropriated by this bill instead of out of money-order funds, as heretofore required.

Amendments Nos. 19 and 20: The House agrees to amendment of Senate, which changes the words relating to requirement of segregation of items of the free-delivery service from "as provided in this act" to "as far as practicable."

The bill as it passed the House carried $95,535,338.75.
The bill as it passed the Senate carried $95,785,338.75.
The bill as agreed to by the conferees carries $95,623,338.75.

E. F. LOUD,
J. C. KYLE,
Conferees on the part of the House.

Mr. LOUD. Mr. Speaker, I ask for the adoption of the report.

The conference report was adopted.

On motion of Mr. LOUD, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

FORFEITED DOMESTIC OPIUM.

Mr. PAYNE. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Managers on the part of the House.

JUSTIN S. MORRILL,
STEPHEN M. WHITE,
O. H. PLATT,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House present the following statement, to accompany their report on the amendment of the Senate to the bill H. R. 10203:

The House bill authorizes the Secretary of the Treasury to sell forfeited domestic smoking opium to the highest bidder. The Senate amendment struck out the provision for a sale of such opium and substituted a provision for its destruction. The Senate conferees recede from the amendment, which leaves the House bill as it originally passed the House, to which the House conferees agree.

March 2, 1897.

S. E. PAYNE,
WALTER EVANS,
BENTON McMILLIN,
Conferees on the part of the House.

Mr. PAYNE. Mr. Speaker, I ask for a vote on the adoption of the report.

The conference report was adopted.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

NAVIGATION LAWS.

Mr. PAYNE. Mr. Speaker, I desire to present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2263) to amend the laws relating to navigation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same, with amendments as follows:

In the language proposed to be inserted by the Senate, section 2, line 2, strike out the word "nine" and insert in lieu thereof the word "eight."

Section 2, line 4: Strike out the word "one" and insert in lieu thereof the word "two."

Section 2, line 6: Strike out the word "superficial" and insert in lieu thereof the word "square."

Section 2, line 8, after the word "therein," insert the following: "*Provided*, That any such seagoing sailing vessel built or rebuilt after June 30, 1898, shall have a space of not less than 100 cubic feet and not less than 16 square feet measured on the deck or floor of that space for each seaman or apprentice lodged therein."

In line 9, after the word "drained," insert the word "heated."

Section 3, line 31: Strike out the words "be then," and after the word "also" insert the word "be."

Section 4: In lieu of the language proposed by the Senate insert that proposed by the House as follows:

"SEC. 4. That section 4541 of the Revised Statutes be, and is hereby, amended by striking out the words 'district judge for the district,' in the seventh line of said section, and substituting in place thereof the words 'circuit court of the circuit;' and that said section be, and is hereby, further amended by striking out the words 'district judge,' where they occur in the eleventh and twelfth lines of said section, and substituting in place thereof the words 'circuit court.'"

Section 8, line 6, strike out the word "twelfth" and insert in lieu thereof the word "eighteenth," and in line 7 strike out the word "twenty-eighth" and insert in lieu thereof the word "thirty-fourth."

Section 12, line 1, strike out the word "and;" also in line 2, strike out the word "and," and in line 3, after the letter "(C)," insert the words "rule 16 and rule 17;" and in line 14, after the word "fifteen," insert the following: "Whenever there is a fog or thick weather, whether by day or night, fog signals shall be used as follows:"

Section 12, after line 22, insert the following:

"RULE 16. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass-bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

"RULE 17. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

"(*a*) A vessel which is running free shall keep out of the way of a vessel which is closehauled.

"(*b*) A vessel which is closehauled on the port tack shall keep out of the way of a vessel which is closehauled on the starboard tack.

"(*c*) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

"(*d*) When both vessels are running free with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

"(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel."

Section 18: Strike out lines 12 and 13 and insert in lieu thereof the following: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes."

Section 20: Strike out all of the section after the word "effect," in line 1, and insert in lieu thereof the words "July 1, 1897."

And the Senate agree to the same.

SERENO E. PAYNE,
JOHN SIMPKINS,
A. S. BERRY,
Managers on the part of the House.

WILLIAM P. FRYE,
KNUTE NELSON,
STEPHEN M. WHITE,
Managers on the part of the Senate.

The statement on the part of the House conferees was read, as follows:

The conferees on the part of the House present the following statement to accompany the conference report on H. R. 2263:

The Senate presented a single amendment, striking out all after the enacting clause, and substituting new sections in lieu thereof, which presented very few material amendments to the House bill.

The House bill provided in section 3 that on all vessels constructed after 1898 there should be allotted to each member of the crew not less than 108 cubic feet of space in the forecastle. The Senate amendment struck off this provision, leaving the present law, which requires only 72 cubic feet. The report of the conferees restores the House provisions as to sailing vessels of over 200 tons burden, requiring a minimum of 100 cubic feet of space and not less than 16 square feet on the deck to each person of the crew and extended

as far as applicable the requirements of this section to Mississippi steamboats. The report of the conferees restores section 4 as originally passed by the House, the amendment of the Senate being verbal only.

Section 12 of the House bill amends rule 14 of the "Rules of the road." The Senate, in addition, recommended as an addition to rule 15, rules 16 and 17 as recommended by the American representatives of the International Marine Conference. To this amendment the House conferees recommend that the House recede from its disagreements.

Section 18 of the House bill amends section 5347 of the Revised Statutes. The object of this amendment is to authorize the punishment of any master who willfully beats or wounds any of his crew, without obliging the sailor to prove malice, hatred, or revenge, as is at present required by law by said section. The Senate amendment strikes out the word "willfully" and authorizes the punishment of any master who beats or wounds any of his crew without justifiable cause.

The House conferees agree with the Senate amendments adding the following words: "Nothing herein contained shall be construed to repeal or modify section 4611 of the Revised Statutes." Section 4611 was enacted in 1850 and abolished flogging in the American merchant marine.

Section 20 is amended by providing that the act shall take effect on the 1st day of July, 1897.

The other amendments are simply verbal, and do not affect the original intention of the House bill.

S. E. PAYNE,
JOHN SIMPKINS,
Conferees on the part of the House.

The conference report was adopted.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

WRITS OF CERTIORARI.

Mr. BAKER of New Hampshire. I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the House amendment, and agree to the same amended as follows:

Strike out, in line 3, section 1, the following: "That in all cases hereafter arising," and insert in lieu thereof the following words: "That in all criminal cases, and in such civil cases as may hereafter arise."

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on Senate bill No. 3538, to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, report that the Senate has receded from its disagreement to the House amendment and agree to the same with an amendment providing that the writ of certiorari may issue in all criminal cases and in civil cases arising after the passage of this act. They agreed that the personal rights of the citizen on trial in the District of Columbia ought to be preserved and sustained the same as in the several circuits of the United States, and to that end should be subject to review by the Supreme Court, whenever in its opinion the public interests or individual rights so require. Not to interfere in any determined property rights, the act applies in civil matters in cases arising hereafter only.

HENRY M. BAKER.
D. B. HENDERSON.

Mr. BAKER of New Hampshire. I move the adoption of this report.

Mr. BAILEY. Before that motion is submitted——

The SPEAKER. Does the gentleman from New Hampshire yield to the gentleman from Texas?

Mr. BAKER of New Hampshire. I do.

Mr. BAILEY. I understand that the conferees have agreed upon one rule as to civil cases and another rule as to criminal cases. I understand that, according to the bill as now agreed upon, the privilege of this writ applies in civil cases only to those hereafter arising; but as to criminal cases it applies to all cases, including those which have heretofore been adjudged. I ask the gentleman from New Hampshire whether my understanding on that point is correct?

Mr. BAKER of New Hampshire. It is true that the managers, in the bill reported by them, have made the distinction which the gentleman states, and it has been done for this reason: In their opinion a man's personal right to his freedom is of higher moment than his property rights.

Mr. BAILEY. That would be a very sufficient answer if the man had not already had ample protection for his personal rights. He has had his trial; he has had his appeal, the same as citizens of the State are now permitted to have. His case has been heard, first, in the trial court, and then in the court of appeals. I am not of the opinion that any man in the District of Columbia is entitled to any further or higher right than a citizen of New Hampshire. Yet the purpose of this bill as now reported is to give a citizen of the District of Columbia a double appeal as against the single appeal existing in behalf of a citizen of New Hampshire.

Mr. BAKER of New Hampshire. This does not grant an appeal to any individual whatever.

Mr. BAILEY. Of course the bill, strictly and technically speaking, grants nobody an appeal; but the citizen of New Hampshire can only go from the nisi prius court to the appellate court, while in this bill you permit the citizen of the District of Columbia to go from the nisi prius court to the appellate court of the District, and then go still further—into the Supreme Court of the United States. The original bill, or the bill as amended by the Judiciary Committee, was of doubtful propriety. The Committee on the Judiciary, however, out of abundant regard for the rights of the citizen, did finally consent to report the bill favorably with an amendment. I desire to say to the House in all candor that I am of the opinion there is some particular case to be affected by this measure. If not—if there is no existing judgment of a court to be disturbed—then a simple insertion of the word "hereafter" will relieve the measure of any such suspicion. But I am absolutely certain that there is some particular sentence which it is sought to suspend by the passage of this bill; and for that reason I shall vote against the adoption of this conference report.

Mr. BAKER of New Hampshire. Mr. Speaker, the contention of the gentleman from Texas [Mr. BAILEY] would be correct if the courts in the District of Columbia were on a par with the State courts. But such is not the case. This bill, if passed as reported by the managers on the part of the Senate and the House, will give to the Supreme Court of the United States exactly the same right and authority that it now exercises over the nine circuit courts of appeals of the United States—no more and no less. The bill grants no appeal whatever. It simply permits the Supreme Court of the United States, when in its judgment it is necessary to preserve the rights of the Government, or upon any question involving the constitutionality of a law or any question in relation to the Constitution, to order by this writ the record in the court below to be brought before it for its revision. That is all there is in the bill. I now call the previous question.

Mr. BAILEY. Will the gentleman allow me a question?

Mr. BAKER of New Hampshire. Certainly.

Mr. BAILEY. I am sure the gentleman will be entirely frank with the House. I understand that there is one Chapman, who has been sentenced to imprisonment under the law for conduct in connection with the investigation of speculations in sugar stock during the last session of Congress; and I understand the purpose of this bill in applying the word "hereafter" only to civil cases is to permit him to take his case by writ of certiorari to the Supreme Court of the United States. Will the gentleman say whether that is so or not—whether he knows anything as to the truth of that matter?

Mr. BAKER of New Hampshire. In reply to that inquiry, I will say that the only information I have on that topic I have derived from the gentleman from Texas himself. I know nothing more about it. But whatever the condition of the matter may be, I am willing to leave to the discretion of the Supreme Court of the United States the advisability of retrying any cause which is within its jurisdiction.

Mr. BAILEY. Mr. Speaker, if the gentleman from New Hampshire will indulge me a moment, simply to remind him, when he says that the District of Columbia courts can not be assimilated to the State courts, because as he says under the law they have the right of appeal, that is to say in the States they have a right to appeal to the circuit court of appeals, but he must know that that is only in the Federal jurisdiction. With reference to almost every State in the Union any person accused of crime has a right, after trial and conviction in a nisi prius court, to a single appeal to the appellate tribunal of the State. And I again submit to the gentleman that this bill is surrounding the citizens of this District with an additional appeal, which does not exist and has not existed in any State of the Union.

Mr. ARNOLD of Pennsylvania. Does the gentleman mean to say that a defendant in a criminal case has no right to appeal from the highest State court to the Supreme Court of the United States where a constitutional question is involved?

Mr. TERRY. I would like to ask the gentleman from New Hampshire a question. Does the gentleman mean to say that this bill would have been reported in the first place by the Judiciary Committee of the House unless that word "hereafter" that the Senate has stricken out had been retained?

Mr. BAKER of New Hampshire. I believe it would.

I call for the previous question.

Mr. TERRY. The gentleman, I think, knows that the House Judiciary Committee would not have recommended that bill otherwise.

The SPEAKER. The gentleman asks the previous question.

The previous question was ordered, under the operation of which the question was taken; and on a division (demanded by Mr. BAKER of New Hampshire) there were—ayes 43, noes 57.

So the House refused to adopt the conference report.

Mr. BAKER of New Hampshire. I demand tellers.

Tellers were refused.

Mr. BAKER of New Hampshire. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate, and that a further conference be asked for.

The motion was agreed to.

PATENTS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 3014) revising and amending the statutes relating to patents.

The Senate amendments were read at length.

Mr. DRAPER. Mr. Speaker, I am authorized by the House Committee on Patents to move that the House concur in the Senate amendments.

Mr. HEPBURN. I would like to ask the gentleman from Massachusetts a question. Is it not possible, under the amendments just read, that a person not the inventor of some foreign discovery might patent it here, provided that it had not been patented abroad or had not been in public use for two years?

Mr. DRAPER. It is not.

The question being taken on the motion of Mr. DRAPER, to concur in the Senate amendment, the motion was agreed to.

WASHINGTON AND GLEN ECHO RAILROAD COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks in the District of Columbia 600 feet.

The amendments of the Senate were read at length.

Mr. RICHARDSON. Mr. Speaker, this is a House bill with Senate amendments, and the amendments are only two in number, one providing that no fare shall be charged inside of the District of Columbia, and the other that the road within the District shall be completed inside of six months. It runs only 600 feet in the District. By direction of the Committee on the District, I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. GALLINGER, Mr. FAULKNER, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley; and

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased; and

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

CONTAGIOUS DISEASES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The Senate amendments were read at length.

Mr. CURTIS of Iowa. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

WILLIAM LOCK AND JAMES H. TINSLEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2815) for the relief of William Lock and James H. Tinsley.

The Senate amendments were read at length.

Mr. COLSON. I ask that the House concur——

Mr. MILNES. I would like some explanation of this bill, Mr. Speaker.

Mr. COLSON. That is a bill that passed the House several months ago without objection; it passed by unanimous consent——

Mr. MILNES. That may have been; but it involves the expenditure of considerable money, and we ought to know something about it.

Mr. COLSON. I will say to the gentleman that the amendments of the Senate reduce the amount of money that is taken from the Treasury by reason of the bill.

Mr. MILNES. Why should the bill pass at all?

Mr. COLSON. Simply because the Government has the money of this individual, and we want a settlement between the Government and the individual.

Mr. MILNES. Did not the Government get a judgment in court against this party?

Mr. COLSON. There was a judgment in court against one of the sureties on a mail contract. The fees of that surety, who was a United States commissioner, were withheld to settle this judgment. The contract entered into by the mail contractor was at $135 a year, when it was intended to be $1,350. There was a clerical error.

Mr. MILNES. I will ask the gentleman if this bill does not reverse the judgment of a court?

Mr. COLSON. It does not. It is simply to correct a clerical error.

Mr. MILNES. Then I do not understand the bill.

Mr. COLSON. That mail route had never been let for less than $1,300; but owing to a clerical error it was let at $135, when it was intended to be $1,350. This corrects that mistake. The Government loses nothing.

Mr. HUNTER. What is the amount involved?

Mr. COLSON. I suppose $200.

Mr. MCCREARY of Kentucky. It is impossible for me to hear the explanation of my colleague. I ask for order.

The SPEAKER. The House will please be in order.

Mr. COLSON. Mr. Speaker, I must confess in all sincerity that I am surprised that there should be any opposition or question raised concerning this bill. I am sure that if the gentleman who raises the question understood the bill he would not object.

Mr. MILNES. What I want to get is an understanding of it.

Mr. COLSON. This bill passed the House several months ago, I believe, at the last session of this Congress. The facts were stated to the House when the bill was passed. Certain individuals entered into a contract with the Government to carry the mail over a certain star route. Sureties were required upon the bond for the faithful performance of the contract. The mail had never been carried over this route for less, I believe, than $1,300, but in putting in the bid, owing to a clerical error, it was put in at $135 instead of $1,350. One of the sureties on the bond happened to be a United States commissioner. Suit was brought, and judgment secured against the surety and the contractor, and the fees of this surety, who was a United States commissioner, were withheld to settle the judgment. This bill provides for a settlement on the basis of allowing the Government what it lost by reletting the contract.

Mr. HULICK. What was the cause of action upon which that judgment was rendered?

Mr. COLSON. Why, the contractor would not carry the mail for $135. It had never been carried for less than $1,300.

Mr. HULICK. What was the amount of the bond? Was it double the sum of $135, or double the sum of $1,350.

Mr. COLSON. The contract was afterwards re-let.

Mr. HULICK. For how much?

Mr. COLSON. About $1,300 or $1,400. What the Government lost by re-letting the contract is credited to the Government in this settlement.

Mr. PAYNE. In the suit which was brought upon the bond, did the defendant set up this mistake?

Mr. COLSON. I think not.

Mr. PAYNE. What other defense could there have been than the fact that it was a mistake?

Mr. COLSON. None.

Mr. PAYNE. Then, if there was any trial and any defense, the mistake must have been set up.

Mr. COLSON. No; it was not set up, I am quite sure.

Mr. PAYNE. There must have been some defense, if there was a trial.

Mr. COLSON. These parties lived in the country, and I do not suppose they made much of a defense.

Mr. PAYNE. I suppose they have United States courts in the country.

Mr. COLSON. These people lived over 200 miles from the place where the court was held. I will say to the gentleman that the Government is protected and its interests are cared for in every

way by this bill. This amendment was drafted by Senator BUTLER, and gentlemen know very well that he looked after the interests of the Government.

Mr. PAYNE. Of course I do not comment on any Senator, one way or the other.

Mr. COLSON. I will say to the gentleman from New York [Mr. PAYNE] in all candor that the Government does not lose a cent in the settlement provided by this bill and the amendment.

Mr. PAYNE. I understand the contractor agreed to carry this mail for $135.

Mr. COLSON. By a mistake. It was intended to be $1,350.

Mr. PAYNE. That was on a written contract submitted with the bid.

Mr. COLSON. Oh, yes.

Mr. PAYNE. After the bid had been made, the contract was made for compensation at $135. It must have been.

Mr. COLSON. The bid was put in, and the bond must accompany the bid.

Mr. PAYNE. Was the same mistake made in the bond as in the bid?

Mr. COLSON. The bonds were general. I presume the same mistake was made in the bond.

Mr. PAYNE. While the bond was general, the contract was there, and that stated the amount of the contract.

Mr. COLSON. I presume that is true.

Mr. PAYNE. The Government, of course, accepted the bid and required these people to fulfill their contract.

Mr. COLSON. They did not fulfill the contract.

Mr. PAYNE. No; it seems they did not.

Mr. COLSON. The contract was re-let.

Mr. PAYNE. And the Government obtained judgment upon the bond. Now, how long ago was that?

Mr. COLSON. The report will show.

Mr. LOUD. About ten years ago.

Mr. PAYNE. About how many years ago?

Mr. LOUD. It was in 1886, I think.

Mr. PAYNE. When did these fees accrue to the credit of the bondsman which the Government seeks to offset?

Mr. COLSON. The surety was a commissioner, and he held office about the same time.

Mr. PAYNE. Now, the whole matter has lain about ten years?

Mr. COLSON. It is hardly that long.

Mr. PAYNE. Mr. Speaker, I think this matter ought to go to a committee.

Mr. COLSON. Mr. Speaker, I have already made a motion to concur.

Mr. PAYNE. That motion does not conflict with mine.

The SPEAKER. The Chair will state to the gentleman from Kentucky that a motion to refer has precedence over a motion to concur; for this reason, that a vote on a motion to concur, if decided in the negative, would also be nonconcurrence, and a vote referring to a committee must be taken first, in order that that vote should be possible.

Mr. COLSON. A motion to refer is not debatable, is it?

Mr. PAYNE. If the gentleman wishes to debate further, I will withdraw the motion to refer for the present.

The SPEAKER. A motion to refer would be debatable.

Mr. PAYNE. Then I will leave that motion pending.

Mr. COLSON. Mr. Speaker, I regret very much to have to consume even five minutes' time of this House in explaining a measure of this kind.

Mr. STEELE. I would like to interrogate the gentleman. I am told that this involves an expense to the Government of about $150.

Mr. COLSON. Possibly that much.

Mr. STEELE. And we ought to be very careful about it.

Mr. LOUD. Two hundred and thirty-six dollars.

Mr. COLSON. I do not know how much, but a very small amount.

Mr. PAYNE. The gentleman does not mean to say that to the House.

Mr. COLSON. The amount was possibly $200 or $260.

Mr. PAYNE. How much was the judgment for?

Mr. COLSON. Oh, the judgment against the surety was for possibly——

Mr. MILNES. About $1,600.

Mr. COLSON. I think not that much. But you understand the judgment has been settled. This settlement provided by the Senate amendment takes care of the judgment. It does not refund the amount collected on the judgment at all, but it makes an equitable settlement, based upon a credit to the Government of what it lost by reason of the re-letting of the contract. It credits the Government with the difference between what it was let at subsequently and what it had been let at, or was intended to be let at, under the contract that was entered into with this unfortunate gentleman, the mail contractor.

Mr. LOUD. Will the gentleman submit to an interruption?

Mr. COLSON. Certainly.

Mr. LOUD. I would like to suggest to the gentleman that perhaps he has not scrutinized the Senate amendment closely. The Senate amendment proposes to reimburse this gentleman a stipulated amount of money, which shall be refunded to him.

Mr. COLSON. What is the amount?

Mr. LOUD. Two hundred and thirty-six dollars.

Mr. COLSON. Well, the judgment against the surety was $1,200 or $1,300.

Mr. LOUD. I just wanted to correct the gentleman's statement as to what was involved.

Mr. COLSON. Mr. Speaker, I have seen bills passed here carrying millions and millions of dollars when there was not as much anxiety manifested by certain gentlemen on this floor as to the care for the Treasury of the United States as is exhibited by some gentlemen when it is proposed to reimburse some citizen of the Republic for some money unjustly taken from him; and if the members of this House who constitute themselves the watchdogs of the Treasury would be conscientious at all times, the annual expenses of the Government of the United States would not be as great in amount as they are. [Applause.]

Mr. Speaker, if an humble individual is not entitled to his rights, who is? I stand here to say that the rights of one man in this country, I care not where he may reside or what may be his position, are equal to the rights of any other man in this Republic, I care not how high or how exalted his position may be.

Mr. LOUD. We agree upon that.

Mr. COLSON. And, Mr. Speaker, I think the settlement provided by the Senate committee was an equitable settlement. Under that settlement, if this bill should become a law, not one-fourth the amount of money would be taken out of the Treasury that would be taken out if the bill had passed the Senate in the form in which it passed the House, and yet these gentlemen let it pass the House by unanimous consent.

Mr. PAYNE. If the gentleman will yield me a few minutes——

Mr. COLSON. I decline. The gentleman from New York [Mr. PAYNE] did not object to this measure at that time, nor would he object to it now if he understood it.

Mr. PAYNE. I do understand it, and I wanted to withdraw my objection.

Mr. COLSON. I yield the gentleman two minutes for that purpose. [Laughter.]

Mr. STEELE. You ought to apologize to him. [Laughter.]

Mr. COLSON. I do.

Mr. PAYNE. Mr. Speaker, this bill as amended by the Senate reads as follows:

Be it enacted, etc., That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, authorized and directed to settle and adjust the judgment of the United States obtained March 4, 1886, in the United States district court at Louisville, Ky., against William Lock and James H. Tinsley, for $1,238.40, as the sureties of Glass & Gevelin, failing mail contractors on mail route No. 12121, upon the payment of $1,102.20, the amount of actual loss sustained by the Government on account of the failure of said contract; and upon payment of amount as aforesaid, they, the said Lock and Tinsley, shall be forever released and discharged from the payment of said judgment; and all pay that may have been heretofore withheld from J. H. Tinsley, of Barboursville, Ky., by the United States on account of services rendered by him as United States commissioner, to be applied by the United States in payment of said judgment, in excess of the actual loss sustained by the Government, the said excess being $236.66, is hereby released and directed to be paid to said Tinsley upon payment of amount of actual loss to the Government as aforesaid.

If the gentleman had read the bill, or had had it read to the House I should not have made any objection, and I now withdraw the motion to refer.

The amendments of the Senate were concurred in.

On motion of Mr. COLSON, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

HEALTH RECORDS OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for issuing transcripts of the records of the health department, with amendments of the Senate thereto.

The Senate amendments were read.

Mr. CURTIS of Iowa. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

REGULATION OF CEMETERIES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, with amendments of the Senate thereto.

The amendments were read.

Mr. MILNES. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to, and the amendments were concurred in.

COMMODORE LOUIS C. SARTORI.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to

be a rear-admiral on said list, in accordance with his original position on the Navy Register.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, reserving the right to object, I will ask for the reading of the report in this case.

Mr. BINGHAM. I can submit the whole case in a very few words.

Mr. BARTLETT of New York. Why should we make an exception of this officer? Why should we make him a rear-admiral?

Mr. BINGHAM. I will give the gentleman, in three minutes, a statement of the facts which I am sure will satisfy him. Mr. Speaker, Commodore Sartori is to-day either the third or the fourth oldest officer in the United States Navy. He is upward of 86 years of age. He is now a resident of my district, and at the present time is seriously ill. Commodore Sartori was retired——

Mr. BAILEY. I rise to a parliamentary inquiry. I should like to know how this matter comes before the House?

The SPEAKER. It is a request for unanimous consent.

Mr. BAILEY. Very well, I will save time by objecting.

Mr. BINGHAM. Will not the gentleman permit a statement?

Mr. BAILEY. I understand it is a bill to retire an officer, and I object.

RECESS.

Mr. PAYNE. I move that the House take a recess until 5 o'clock.

The motion was agreed to.

The recess having expired, the House reassembled at 5 o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893;

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent;

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; and

A bill (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

A bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes; and

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes.

A further message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10228) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4930) granting a pension to Mary Forward; and

A bill (H. R. 6634) granting a pension to Sarah M. Spyker.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. BAKER of New Hampshire, Mr. HENDERSON, and Mr. WASHINGTON as conferees on the part of the House upon the Senate bill No. 3538.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE presented a conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$216,785;" and the Senate agree to the same.

On the amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, the committee of conference has been unable to agree.

C. A. BOUTELLE,
J. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

By the action of the conferees submitted in the accompanying conference report, fourteen of the amendments have been disposed of, the House agreeing to amendments numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, and 14, the Senate receding from its amendment numbered 13.

The House recedes from its disagreement to Senate amendment numbered 7, and agrees to the same with an amendment reducing the amount appropriated for dredging the channel in Mare Island Navy-Yard from $250,000 to $150,000. The House recedes from its disagreement to the amendment numbered 8, and agrees to the same with an amendment correcting the figures of the total amount in the paragraph to conform to the amendment.

On the amendments of the Senate numbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, which embrace all the provisions of the bill under the heading of "Increase of the Navy," which include the Senate's proposed authorization of three torpedo boats, to cost not exceeding $800,000; a corresponding increase of the appropriation under the head of "Construction and machinery" of $800,000; the House provision modifying the test for steel used in construction of naval vessels, and the entire provision for the armor and armament of vessels heretofore authorized, including the three battle ships authorized at the last session of Congress; the appropriation for equipment of new vessels, and the Senate provision for one composite vessel propelled by steam and sail for the use of the Naval Academy.

The amendments of the Senate agreed to by the House carry an increased appropriation over the House bill of $3,000 for the Bureau of Equipment; $50,000 for machinery for the machine shop at the naval station at Port Royal; $150,000 for dredging at Mare Island Navy-Yard; $6,000 for repairs at the United States Naval Hospital at Chelsea, Mass., and $4,000 for hospital at naval station at Port Royal, making a total increase of $213,000.

The amendments disagreed to embrace proposed appropriation of $500,000 toward the construction of torpedo boats, and $250,000 for composite vessel for the Naval Academy, making $750,000 decrease from the bill as passed by the Senate.

The changes in regard to armor plate, as proposed in the Senate amendments, decrease the total amount authorized for the entire armor for the three battle ships authorized by the act of June 10, 1896, from $3,210,000 to $2,407,500 and provide that no contract shall be made for armor plate at an average rate to exceed $300 per ton of 2,240 pounds.

The bill as originally passed by the House carried $32,165,234.19; as passed by the Senate, $33,228,234.29—an increase of $1,063,000. From this the conference has taken $100,000 from the Mare Island appropriation, leaving the Senate bill, if its amendments in regard to vessels and armor were adopted, carrying $33,128,234. If the Senate amendments under the head of "Increase of the Navy," embracing $800,000 toward torpedo boats and $250,000 for composite vessel, are stricken out, the bill will carry a total of $32,377,875.

C. A. BOUTELLE.
JNO. B. ROBINSON.
AMOS J. CUMMINGS.

Mr. BOUTELLE. I move the adoption of the conference report.

Mr. HOPKINS of Illinois. Pending that, I move the following instructions to the conferees——

Mr. BOUTELLE. I think that is hardly in order at this time.

Mr. HOPKINS of Illinois. I think it is, pending the consideration of the report.

The SPEAKER. The gentleman proposes to instruct the conferees on what, on the subject of the conference?

Mr. HOPKINS of Illinois. On the subject of the conference.

The SPEAKER. On something that they have not agreed upon?

Mr. HOPKINS of Illinois. Something that they have not agreed upon.

Mr. BOUTELLE. We had better first dispose of the questions on which we have agreed.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] is correct. The first thing in order is to act on the points upon which the conferees report an agreement.

Mr. BOUTELLE. I supposed that was the object usually of a conference.

Mr. HOPKINS of Illinois. It is; but at the same time is it not proper for me at this stage to offer instructions as to one of the amendments upon which there is a disagreement, as shown by the report.

The SPEAKER. It would not be proper to move instructions upon a matter on which the House is to decide.

Mr. HOPKINS of Illinois. Well, I will ask a parliamentary question: When will be the proper time to offer instructions?

The SPEAKER. When the matter to which the instructions relate is up for the decision of the House. The usual course, when there is a partial agreement, is that the conferees report what has been agreed upon, and that the remainder is still in a state of disagreement; and when the points agreed upon are disposed of by the House, then the other matter comes up for consideration.

Mr. HOPKINS of Illinois. At this stage would it be in order to move to recede from the disagreement of the House to Senate amendment numbered 22?

The SPEAKER. That is one of the amendments not agreed upon between the House and the Senate?

Mr. HOPKINS of Illinois. Yes, sir.

The SPEAKER. That would not be in order now. The first question is on agreeing to the conference report embracing those points which the conferees have agreed upon.

The question being taken, the report of the committee of conference was agreed to.

Mr. BOUTELLE. I move that the House further insist upon its disagreement on the remaining amendments and ask a further conference with the Senate thereon.

Mr. HOPKINS of Illinois. Is it in order now to move that the House recede from its disagreement to Senate amendment numbered 22, and concur in that amendment?

The SPEAKER. The gentleman demands a separate vote upon that?

Mr. HOPKINS of Illinois. Yes, sir.

The SPEAKER. That will be in order, but the Chair will first put the question whether a separate vote is demanded on any other amendment.

Mr. BOUTELLE. I do not wish to lose the floor. I have a motion pending.

Mr. HOPKINS of Illinois. So as not to interfere with the gentleman in charge of the bill, I will simply ask for a separate vote on the amendment.

The SPEAKER. What is the number?

Mr. HOPKINS of Illinois. Amendment numbered 22, relating to armor plate.

The SPEAKER. Is a separate vote asked upon any of the other amendments?

Mr. HOPKINS of Illinois. One moment. The gentleman in charge of this bill says there are several amendments relating to armor plate. What I have in mind is the one fixing the rate of compensation for the construction of armor plate at $300 per ton as against $400, the amount originally reported by the House committee. That is the amendment on which I desire a separate vote.

The SPEAKER. Then, if there be no other separate vote demanded, the question will be on the motion of the gentleman from Maine as to the other amendments.

The question was taken; and the motion of Mr. BOUTELLE that the House insist upon its disagreement, and ask a further conference, was agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is asked.

Mr. ADAMS. Do I understand this is by unanimous consent?

The SPEAKER. It is not.

The Clerk will read the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 48, line 1, after the word "tests," insert:

"That no contracts for armor plate shall be made at an average rate to exceed $300 per ton of 2,240 pounds."

The SPEAKER. The gentleman from Maine having charge of the bill is recognized.

Mr. HOPKINS of Illinois. One moment, Mr. Speaker; I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS of Illinois. I think my motion gives me the title to the floor. Is that not correct?

The SPEAKER. The gentleman is not correct.

Mr. BOUTELLE. Now, Mr. Speaker——

Mr. HOPKINS of Illinois. Mr. Speaker, but my motion has preference——

The SPEAKER. The gentleman will see on reflection that the business of the House could not be transacted in any other way than by giving the gentleman in charge of the measure control of the floor. While the motion of the gentleman from Illinois takes precedence for the moment, still the gentleman from Maine is in charge of the bill.

Mr. BOUTELLE. Now, if the gentleman from Illinois can be persuaded to let me proceed in an orderly manner, he will oblige me very much, and I have a suspicion that he will oblige others as well. [Laughter.]

Mr. HOPKINS of Illinois. I do not want the gentleman to proceed in any other way, Mr. Speaker.

Mr. BOUTELLE. I was about to state, Mr. Speaker, that in order to have a clear understanding of the proposed amendment there are one, two, or three other amendments changing the phraseology of the House bill in regard to the matter of armor that go together. There is an amendment, for instance, which changes the total amount authorized for the purchase of armor. As I was stating a moment ago, the Senate strikes out the figures in the House provision for the total cost of the armor for the three battle ships authorized last year, which was computed on a basis of $400 per ton, as recommended by the Secretary of the Navy in a report made to Congress, under the authority of Congress, for the cost and actual price for the armor, and the Senate inserts a similar sum, based upon a computation of an average price not to exceed $300 per ton—the sum inserted now as an amendment by the Senate.

In another portion of the provision the Senate has also inserted a proviso that no armor shall be purchased at a price to exceed an average of $300 per ton. But the whole subject-matter goes together, and for the purpose of the consideration of the House it is best to state that the question is as to whether the provision made by the House for the purchase of this armor for the three ships shall be not to exceed the lump sum, computed on the basis of the Secretary's report, at $400 per ton, but not specifying $400 per ton, as the House committee thought it inexpedient for Congress to put a price per yard or ton or bushel on a commodity to be purchased, or that the Senate provision shall be adopted, which provides for the purchase of the armor at an average price of $300 per ton, and also inserts a special proviso that none shall be purchased at less than $300 per ton.

Mr. HARRISON. Do I understand the gentleman to say that the amendment prohibits the purchase of any armor at less than $300 per ton?

Mr. BOUTELLE. It does.

Mr. HARRISON. Is it not true that part of the armor costs very much more than some other?

Mr. BOUTELLE. That is correct; but the amendment specifies an average cost.

Now, to facilitate the business of the House and to develop what my friend from Illinois has on his mind, I will yield him five minutes to explain.

Mr. HOPKINS of Illinois. Oh, that will not do. Give me fifteen minutes.

Mr. BOUTELLE. Well, try with five minutes first.

Mr. HOPKINS of Illinois. Let me have ten minutes, and if I do not use it I will return the time.

Mr. BOUTELLE. If the gentleman will agree to sit down at the end of ten minutes, I will yield him that time. [Laughter.]

Mr. HOPKINS of Illinois. I will try to state to the House my views of the matter, and do not think I shall occupy that number of minutes.

I am not making the motion, Mr. Speaker, simply for the purpose of making a speech, but because I think the interest of the Government will be subserved by the adoption of the Senate amendment. Now, in order that there may be no misunderstanding, I desire to read to the House the amendment proposed by the Senate, which is covered by my motion. Amendment numbered 22 reads as follows:

No contract for armor plate shall be made at an average rate to exceed $300 per ton (2,240 pounds).

Members of the House will see from the reading of this amendment that it does not interfere with the subject-matter treated of by the gentleman from Maine [Mr. BOUTELLE] in his opening remarks. It simply relates to the question whether the average rate shall be $400 per ton, as originally proposed by the House committee, or $300 per ton, as proposed by the Senate.

Another thing. This does not limit every ton of armor plate to $300. It leaves a discretion to the Secretary of the Navy in making contracts with these armor-plate manufacturers, so that if the armor in some portions of the ship is worth more than $300 per ton, the Secretary has the right to make a contract of that kind; but the evidence, as I will show later, proves that much of this armor plate can be produced for less than $200 per ton. So the amendment fixes it so that the armor plate that shall be used in the construction and equipment of one of these vessels shall not cost to exceed an average of $300 per ton.

If I have made myself clear on that proposition, I desire to state to the members of the House some of the reasons why I make this motion.

I find that on June 10, 1896, a resolution was adopted by Congress directing the Secretary of the Navy to make inquiry into the cost of armor plate used by the Government in these great war vessels, and to make a report to Congress of the cost of this armor plate. In pursuance of that direction passed by this legislative body, the present Secretary of the Navy directed a letter to the two great manufacturing concerns in America engaged in the manufacture of armor plate, namely, the Bethlehem Manufacturing Company and the Carnegie Company, calling their attention to this resolution and asking the privilege of learning from their books the cost per ton. Both these concerns refused to permit

the Secretary, under this direction of Congress, to inspect their books, and they refused also to give any accurate information to the Secretary of what it did cost either of them to manufacture a ton of this armor plate.

The gentleman who is at the head of this great Department of the Government, in order to carry out the instructions which were given to him, made a trip to Europe, and in France, England, and other countries inquired into this matter. He also had the Government inspectors at Bethlehem and at the Carnegie Works make the best reports they could as to the cost of armor plate per ton. Their report to the Secretary shows that it costs about $190, taking it on an average, to manufacture a ton of armor plate. These companies made their reports, not based upon the actual figures in their possession, but based upon the capitalization of their stock, which is three or four times what is required to establish a plant for the manufacture of this armor plate, and then fixing their figures to show that it costs much more than that; but they absolutely refused to give the accurate information asked for by Congress.

The Secretary of the Navy also stated that in his investigation he had found that in all the bids that have been made for armor plate by these institutions there has been a combination existing between them, and that when there was a contract for armor plate for the *Kearsarge*, for example, one company would bid a little under the other by agreement, so that that company got the contract. When a contract was up for the *Kentucky*, the other company would bid a little under, so as to get that contract. I may not be accurate as to the two vessels, but the report of the Secretary is that for all of the work of this character that has been furnished to the Government of the United States the contracts have been about equally divided between these two companies, and he finds, on inspection of the reports, that one is always just a little under the other, so as to equally divide the work, and thus keep up the price at the enormous figure that I mentioned to the House the other day.

Mr. CUMMINGS. If the gentleman will allow me, the companies acknowledge that there is an understanding.

Mr. HOPKINS of Illinois. Very well, then, that eliminates that question, and it is admitted that there is a combination between the two great concerns that furnish these armor plates in America.

Now, I want to go a step further. The Secretary of the Navy says that when he went to Europe he found that the armor-plate manufacturers there had formed a combination, as a combination exists on this side of the water between these two in America. In order to get a foothold in Europe, the American companies, when they were charging over $500 per ton to the American Government, took a contract to furnish this armor plate, identical in all particulars in quality with that furnished to the American Government, for a little over $240 per ton.

Mr. CUMMINGS. Will the gentleman allow me again?

Mr. HOPKINS of Illinois. Yes.

Mr. CUMMINGS. This contract with the foreign government was taken when they had no work to do for this Government.

Mr. HOPKINS of Illinois. Very well.

Mr. MILNES. That does not lessen the force of the fact at all.

Mr. HOPKINS of Illinois. They took this contract at $249 per ton and delivered this armor plate to the Russian Government at the figures here stated and paid the cost of transportation, the insurance, and all the incidental expenses which occur in transporting the armor plate from this country to Europe. Well, now, when the question came up of an additional contract with the Russian Government the American manufacturers charged the same price that was charged by the Europeans, and the Secretary of the Navy, in a report that he has made to Congress, says that before the second contract was taken by the American manufacturers, that representatives from these manufactories in Europe met representatives from the two manufacturing establishments in America in Paris and practically agreed upon the price that they would charge foreign countries, and they have practically agreed upon the price they would charge to the American Government also.

Now, Mr. Speaker, under existing conditions our hands are tied. If we desire any armor plate for any new war vessel that is to be constructed, we are compelled to take the price that is offered by these manufacturers, unless Congress steps in and determines the maximum figure that shall be offered. The Senate of the United States, composed of men who have investigated this subject, have deliberately said in their amendment to this bill that they believe $300 per ton as an average rate is sufficient.

The SPEAKER pro tempore (Mr. HOOKER in the chair). The time of the gentleman has expired.

Mr. HOPKINS of Illinois. I ask for five minutes more.

The SPEAKER pro tempore. The gentleman asks for five minutes' further time. Is there objection? [After a pause.] The Chair hears none.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. BOUTELLE. As the gentleman has not been able to say very much, I think he ought to have five minutes.

Mr. HOPKINS of Illinois. We have but one Daniel Webster, and that is the chairman of the Committee on Naval Affairs.

Mr. Speaker, what I am endeavoring to elucidate on this point is that under existing conditions there is a trust that exists in America and in Europe by which the value of this product is controlled—that there is no competition whatever.

Mr. LIVINGSTON. Will the gentleman allow me just one question?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. LIVINGSTON. If the manufacturers at home and abroad have combined and fixed the price, and if this bill fixes it below that price, have you any assurance that the Government will be able to get the armor plate?

Mr. HOPKINS of Illinois. That is what I am going to direct my remarks to.

Mr. DALZELL. That is the main point.

Mr. HOPKINS of Illinois. Mr. Speaker, there are two remedies under these existing conditions. I stated upon the floor of the House yesterday that the Illinois Steel Company to-day has in its employ the leading men who manufactured plate for the Carnegie Company, and had offered to make a contract to furnish the armor plate at $240 a ton. From information I have from experts upon this subject, at $240 per ton it leaves a net profit of $75 per ton to the manufacturer. But it is not necessary that we accept the proposition of the Illinois Steel Company. The Secretary of the Navy has said that a plant can be established by the Government in the United States for $1,500,000.

Mr. BOUTELLE. Does the gentleman believe that?

Mr. HOPKINS of Illinois. Well, if you will give me more time, I will submit to interruptions.

Mr. BOUTELLE. I certainly will. Does the gentleman believe that?

Mr. HOPKINS of Illinois. I believe it.

Mr. BOUTELLE. Does the Illinois Steel Company believe it?

Mr. HOPKINS of Illinois. I am not talking for the Illinois Steel Company.

Mr. BOUTELLE. Oh, I thought you were.

Mr. HOPKINS of Illinois. That shows you are mistaken.

Mr. BOUTELLE. I desire to inform the gentleman that I have seen a written statement of an officer of the Illinois Steel Company, within the past three days, in which he states it would cost $3,500,000 to put down a plant that would perform this benevolence for the Government.

Mr. HOPKINS of Illinois. Mr. Speaker, this should not be taken out of my five minutes.

My answer to that is that a plant costing $3,500,000 is one of those enormous plants that would exceed in size and proportion and equipment anything in America or in Europe; one of those great industries that would monopolize the world. The Secretary of the Navy, the man who has made this investigation, in a report that I hold in my hand, says that a plant of this kind can be constructed by the Government of the United States for $1,500,000; and the figures upon which he predicates that statement are given in this report.

Now, I undertake to say, Mr. Speaker, that, with this report coming to us from the Secretary of the Navy, the Senate amendment should be adopted. Any man who will read that report will come to the conclusion that at $300 per ton a larger profit is given to these American industries than any industries engaged in any other steel or textile industry in America. The Secretary of the Navy, at the same time he said that $400 per ton would be a fair allowance, stated in his report that that would give 50 per cent profit after allowing for all incidental losses.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Speaker, I yield the gentleman three or four minutes more on account of my interruptions.

Mr. HOPKINS of Illinois. Mr. Speaker, I do not desire to take up the time of this House. I am not speaking for the Illinois Steel Company. I simply used the name of that company as an illustration to show that the Government of the United States has paid much more for its armor plate in the past than it ought to have paid or than it ought to pay hereafter. I have shown from the investigations made that this armor plate can be produced for one-half what is contended for, and I am here to say, further, that if the Carnegie Company and the Bethlehem Company were not making enormous profits on these Government contracts they would have thrown open their books to the Secretary, and would have shown him that the profits they have made in the past were only reasonable profits on the amount of money they had invested in their industries. But they stand before the Government saying that they refuse to disclose how much it costs to manufacture a ton of this armor plate, and yet that the Government shall look only to them for its supply of armor plate.

Now, I say that if we adopt the Senate amendment and limit

the amount to be paid to them to an average of $300 per ton, the Government in the future will get as good armor plate as it has got in the past, and millions of dollars will be saved to the Treasury if we are to go on to construct a navy, as I trust we shall do under the leadership of my able friend the gentleman from Maine. [Applause.]

Mr. BOUTELLE. Mr. Speaker, it may as well be stated that so far as the two Naval Committees of Congress are concerned, the interests of the Carnegie Company, the interests of the Bethlehem Company, or the interests of the Illinois Steel Company have not been under consideration. I am not attorney for either of them——

Mr. HOPKINS of Illinois. Nor am I.

Mr. BOUTELLE. I do not represent either of them. I am occupying a responsible position in the House of Representatives of the United States, and am anxious, as far as in my power lies, to promote what seems to me to be the public interest of the United States. I do not believe that the public interests are to be subserved by undertaking to deal in sensational debate or by attempting to becloud public questions. I do not believe the public interests are to be advanced by appealing to the prejudice against capital or to the prejudice against wealth or to the prejudice against corporations. The plain, practical question before the Congress to-day, for the solution of which a part of the responsibility rests upon me, is how we can best proceed to finish the three great ships that we have begun as a part of the provision for our national defense, and it is no reasonable discussion of that or any other question for people to get up here and say that some commodity has cost so much per ton and that that is an enormous price, and to ring the changes upon it, without offering any argument.

Five hundred dollars a ton for steel or for iron or for any other commodity is a large price. The question is whether it is too large a price, and that is the whole question. And, in determining whether it is too large a price or not, it is absolutely unnecessary, it is absolutely undesirable, it is absolutely mischievous, to undertake to becloud the calm consideration of the question by indulging in assaults upon people who have had to do with this business in the past.

Mr. Speaker, I have had something to do with naval affairs during the whole evolution of our new Navy, yet I have never for a moment had any suspicion, I have no suspicion to-day, that any one of the great Secretaries of the Navy who have had to do with this business has sacrificed the interests of the United States to any cormorant corporation, or has endeavored to fill the pockets of wealthy manufacturers with ill-gotten gains at the expense of the United States. Whether the Government has paid more or less than it ought to have paid for some of these materials, I am one of the few men so ignorant that I do not pretend to know, and yet if I were talking to some of my colleagues in the privacy of my committee room, I should hint to them that I probably knew as much about it as the average man. [Laughter.]

Mr. Speaker, this is a technical question. It is not the mere question of going out into the market and buying so many tons of this or that material. At the time this proposition first came before Congress it assumed enormous interest and importance to the people of this country, and for ten years now I have not failed, when I have been on the stump, to express my gratification at the establishment of our ability to produce the great forgings that are necessary for our war vessels upon our own soil, and by the well-paid labor of American workmen.

I made the first motion that was ever made in Congress to emancipate ourselves from dependence upon foreign countries for these great war materials. I remember it well. We had a provision in the appropriation act of 1886 that, before purchasing any iron for the double-turreted gunboats and some other vessels, the Department should inquire whether it could be procured from domestic manufacturers and that it should be bought from them if it could be obtained at a reasonable price and within a reasonable time. I took the position then—and no act of my public life has given me more gratification—that the question of price was not one of prime importance when the question of our independence of foreign factories and foreign forges for a prime article of national defense was at issue. The result of that agitation or debate in 1885 and 1886 was the establishment of these great armor plants in this country.

I remember well the skepticism which was manifested and expressed on this floor as to our ability to domesticate here these gigantic plants that could weld these great masses of steel required for the gun forgings for our ships. I said then, in 1886, that I would be willing we should wait twenty years if necessary without a single war ship afloat, in order that at the end of that time we should have on our own soil, under our own control, the ability to produce everything that entered into the construction of a ship of war.

Now, there is no conspiracy about this business. The whole history of the establishment of these armor plants is an open book. The result of the debate we had in Congress, which demonstrated the absurdity of a great nation like ours going on and building up a great navy to be composed largely of armored ships, with the recognition all the time that Great Britain was our naval rival and prospective naval foe, and at the same time remaining in dependence upon the forges of Great Britain for the armor that was to protect our own ships, impressed itself not only upon Congress, but upon the American people. What a delightful diplomatic attitude we would have been in, with some grave dispute pending with Great Britain, if we had been obliged to cable to our minister at St. James to ask the British Government if they would not kindly consent to permit us to come over there and contract for a few thousand tons of armor in order to fix our ships up for the war we intended to declare upon them!

Enough about that. The situation was absurd. Mr. Whitney, under the spur and impulse of what had taken place in this House and the action of the steel board of the two branches of Congress that had been discussing this question and looking into the possibilities of the future—Mr. Whitney, with a rare prevision for which I gave him credit at the time and for which I render him my meed of approbation now, massed together the authorizations that were made by Congress for armor for the ironclads and for the new ships of war and for steel forgings for the manufacture of our guns, and finding that he had a large aggregate which, as he believed, would offer a fair basis for American capital to embark upon this great enterprise, he conferred—with whom? Why, with the great steel-producing plants already existing in the country.

The result was that the Bethlehem Iron Works of Pennsylvania, one of the great steel plants of the country, undertook what was then a gigantic experiment, in which they had no competition that I ever heard of from the Illinois Steel Company. They were required to go abroad and purchase the most ponderous machinery and tools known to the mechanical world. As a simple illustration of the magnitude of the enterprise, let me say that one of the great tools which they were required to furnish was a steel hammer exceeding by enormous proportions the largest hammer in use upon European soil—a great trip-hammer carrying a blow of 125 tons—a hammer that became obsolete and useless years ago, notwithstanding it cost from half a million to $650,000.

That company took that contract with Mr. Whitney. The contract was based upon—what? It was based upon European experience. We had no precedents in this country; we had no competition in this country. What did they have to go upon? Secretary Chandler, in 1884, had made a contract with Brown & Campbell, great contractors for English armor, in Sheffield, England, for 600 tons of armor. What do you suppose he paid for that armor in Great Britain with its cheap labor? What do you suppose Secretary Chandler contracted for at that time side by side with the prices paid in England? He contracted for some of the turret armor for the *Miantonomoh*. And mind you, this was not nickel armor; this was not harveyized armor; it was not reforged armor. It lacked the elements of cost which have enormously increased since we improved the quality of our armor plate so as to have an article superior to that of any other nation of the world. Secretary Chandler contracted for that armor in England in 1884 for $525 per ton.

Mr. HOPKINS of Illinois. The Secretary Chandler to whom the gentleman refers is now a Senator of the United States from the State of New Hampshire?

Mr. BOUTELLE. That is the identical gentleman, if I may be permitted to refer to a Senator of the United States. I have referred to him as Secretary of the Navy, not as Senator.

Mr. HOPKINS of Illinois. Does not Mr. CHANDLER to-day insist that $300 per ton on an average is all that ought to be allowed for this armor plate—that that ought to be the maximum figure?

Mr. BOUTELLE. If the gentleman desires to state that for Senator CHANDLER, he may do so. I would not feel authorized to do so.

Mr. HOPKINS of Illinois. I will state that on this question Senator CHANDLER believes as I believe; his position on this subject is identical with mine.

Mr. BOUTELLE. Mr. Speaker, I am simply trying to inform this House of some of the basic facts in this matter. I do not know that $525 was not an exorbitant price. I did not inquire at the time. I did not regard it as part of my business to inquire. After we had debated the proposition in this House about buying armor in this country if we could get it within a reasonable time and at a reasonable price, it never occurred to me to criticise the purchase of armor made in Europe, at European prices.

When Secretary Whitney grappled the problem, after the precedent of Secretary Chandler, and with the prices prevailing in the European markets at that time, there was only one course then for him to pursue. Would any gentleman have thought at that time that the Secretary of the Navy would have been subjected to severe animadversion for undertaking to make a contract with

the people of the United States, to create a domestic plant here—a great armor plant—to furnish the material at prices not exceeding, and probably less, than those prevailing in Great Britain and France?

Mr. FOOTE. Will the gentleman state what is the relative price of steele now, as compared to 1884?

Mr. BOUTELLE. The price is enormously less. But the question of the relative price of steel is an insignificant question in the manufacture of armor. That, I will state, is a minor question. It is a mere question of the gross material that enters into the armor. But I am not arguing that the price is too small; I am simply stating the facts as they appear of record. I wish to relieve the minds of any gentleman present, if any of them have an idea that there has been "scullduggery" in the Navy Department or elsewhere, with reference to this armor-plate question.

Mr. FOWLER. Will the gentleman allow me a question for information?

Mr. BOUTELLE. Certainly.

Mr. FOWLER. The gentleman has stated that the Bethlehem Company purchased a very expensive plant of machinery, and amongst the rest a large drop hammer costing some $500,000 and over?

Mr. BOUTELLE. That is correct.

Mr. FOWLER. Has that been successful in cheapening the price of the product?

Mr. BOUTELLE. I can not say as to that, but it has greatly improved the product.

Mr. FOWLER. But has it cheapened it also? Is that the reason that it has gone out of use?

Mr. BOUTELLE. Not at all——

Mr. FOWLER (continuing). And not because of the effect on the product?

Mr. BOUTELLE. Secretary Whitney in 1887, and from thence forward to 1890, made contracts with the Bethlehem Company for the armor plate, the first being based on the prevailing European prices, and the conditions surrounding the transaction were $528.70 for simple steel; $549.90 for nickel steel when it was introduced, and when it became Harveyized, $600.30 per ton. The Government furnished the nickel, costing $29.68 per ton; and paid the Harvey royalty, amounting to $11.20 per ton, making a total cost, under the contract, running from 1887 to 1890, of $641.10 per ton.

In 1893 he made an additional contract; and why? Because the Bethlehem Company, after sending men abroad to procure the patents and purchase expensive tools to perfect the plant, found it took a very much longer time than they expected to get ready for work. They were delayed for years in getting to work, and of course they lost the use of the machinery for years at a time—which Secretary Herbert has taken into consideration—and the armor deliveries became very far in arrears. Then Secretary Tracey called in the great Carnegie Company and asked them to take up a part of the business of the Bethlehem Company not executed and carry it on; and he made a contract with them identical with that made with the Bethlehem Company. After they had gotten to work the two concerns went on working together in harmony, and the Carnegie Company took a part of the matter.

Now, I have been told that Mr. Carnegie was induced to go into this business and was informed in European countries that a great plant could be inaugurated to meet the requirements of the Government for an expenditure not exceeding $1,000,000; and that while the Bethlehem Company had made a larger expenditure for their plant, he could do it for less. But it did not come within the limits of their expectations. I understand that the plant cost him some $3,000,000; that is his own statement. But he went on and manufactured the armor.

Now, the contract was made in 1893 at the rate of, for steel armor, $560.32, for nickel steel, $610.72, and for the harveyized steel, $652.14. Secretary Herbert, in dealing with the matter, secured a reduction of about $59 per ton, bringing it down for steel to $501.32, and for harveyized steel, $551.72, $19.20 being the price of the nickel, that having been reduced in the meantime, and $11.20 the royalty on the harveyized plate, making the total price $582.12 per ton.

Now, in regard to an average price, Mr. Speaker, it will be understood—and I have all the contracts that have been here made—the House will observe the manner in which they were made. They were made upon the specific features of the armor required, indicating the size, shape, and weight; and the price per ton varies, naturally and necessarily, with the shape, size, and weight of the armor required.

Mr. HOPKINS of Illinois. Will the gentleman allow me, right there?

Mr. BOUTELLE. Yes.

Mr. HOPKINS of Illinois. If we adopt the Senate amendment, the same variation can be had, can it not? A contract may be made for one piece of armor for $500 per ton, can it not?

Mr. BOUTELLE. Yes, provided the average does not exceed $300 per ton.

Mr. DALZELL. I should like to ask the gentleman a question for information. Wholly irrespective of what Congress may say as to the amount to be paid for armor plate, will it not be competent for anybody to make an offer to the Secretary of the Navy to make armor plate at a given price?

Mr. BOUTELLE. Why, Mr. Speaker, of course. The Illinois Steel Company, or any other corporation that can offer a guaranty, can make a contract for this armor for $240 per ton, as soon as the Secretary of the Navy may be installed in his office, without any trouble; and I will give any guaranty that I am able to give that they can have the contract, if they will agree to meet the specifications, at $240 per ton; but I do not believe they want it.

Mr. HOPKINS of Illinois. The object of my limiting this to $300 per ton is to provide against the Illinois Steel Company entering into a combination with these other companies and keeping the price up to four or five hundred dollars.

Mr. BOUTELLE. I can not yield.

Mr. HOPKINS of Illinois. Just one moment. I do not claim that the Illinois Steel Company is any better than any other company; and if we keep the price up to $400 per ton, and that company builds a plant, the chances are that it might enter into a combination with those plants which already exist; but if we limit it to $300, then we have got them where they are compelled to furnish the armor plate at our price.

Mr. BOUTELLE. I must resume the floor.

Mr. MITCHELL. I want to ask the gentleman a question.

Mr. BOUTELLE. I must complete the statement of these facts. I know the House is getting impatient.

I have given you the inception of these armor contracts. There is not a man on this floor who will dream of arising in his place and suggesting that either Secretary Chandler, or Secretary Whitney, or Secretary Tracy, or Secretary Herbert made a contract knowingly, or concerning which they had reasonable suspicion, that they were paying exhorbitant prices to cormorant contractors.

The fact is that the prices range along, very closely approximating to those paid on the other side of the water, and to-day we have reached the gratifying position where we are not only able to produce our own armor, but the American Congress, instead of putting in a provision in an appropriation bill, as it did in 1886, that we could make the armor of American manufacture if we could get it at a reasonable price, is now demanding that our manufacturers, who are paying the liberal wages that prevail in this country—and nowhere more liberal I believe than in Pennsylvania—shall furnish us armor, not only as cheaply as it can be built abroad, but my friend from Illinois [Mr. HOPKINS] would have us produce these great forgings in our American plants at $240 a ton, when $500 to $600 per ton is the prevailing price in England and other parts of Europe to-day.

Now, that is a gratifying condition if we can bring it about. If we can do it and pay American workingmen the wages they ought to receive, if we can do it and give such a guaranty of fair profit to the manufacturer as will carry out in this country the policy of Great Britain to-day, of fostering and keeping up the great private establishments on which their naval force absolutely depends for supplies, I want to do it. I want to get this armor plate as cheaply as I can. The gentleman can not outbid me for cheap armor. I want the cheapest that can be got reasonably. Now, where am I to go to find it? I admit my responsibility. I recognize that this House has intrusted me with some care in regard to this question, and I have never discharged a duty imposed on me in my life with a more conscientious desire to reach a right conclusion than I have in this case.

Now, I should like to know where I am to go? Am I to go for information as to what we shall appropriate to armor three great battle ships now waiting for the plate—am I to go to a great steel concern, somewhere in the country, that has just dropped out of a bursted steel trust, and may be suspected naturally of having some desire for vengeance upon somebody with whom it has hitherto been associated? Am I to go to a corporation that has had the amplest opportunity all these years, and has absolutely the opportunity to-day, to bid for all the armor that is likely to be required, but which has never suggested the idea of desiring to enter into this competition till now, just when we have this question before Congress?

Mr. Speaker, I do not so conceive my duty.

Mr. HOPKINS of Illinois. Does the——

Mr. BOUTELLE. I can not yield just now. You will break the continuity of my argument.

Mr. HOPKINS of Illinois. I do not want to do that.

Mr. BOUTELLE. I have been perfectly fair with the gentleman, and I do not think he ought to do that.

Mr. HOPKINS of Illinois. Well, I will not, then; I will not disturb you.

Mr. BOUTELLE. Mr. Speaker, the Committee on Naval Affairs of this House have sat in our rooms day after day and week after week seeking information. It ought to be unnecessary for me to say that I have no prejudice against this company. I have

no prejudice against the locality where it is situated. I have no partiality for either of the other companies. I care nothing for them save as they are great American interests and build up the general prosperity of the country.

I want to say that no suggestion of any kind has come to my committee or, so far as I have been able to learn, has reached the Navy Department of a desire on the part of any responsible company in the United States to furnish armor at $240 or $300 a ton; and if any gentleman on this floor, and there is a representative gathering here, knows of any corporation in the United States that has proposed anywhere to anybody, in a responsible manner, to furnish armor to the United States at $300 or $240 a ton, I pause for him to announce the name of the company. Now, we can not do business in that way.

Mr. HOPKINS of Illinois. One moment. I have said on this floor that the president of the Illinois Steel Company has said to me individually, what is understood as common property, that that company will furnish it at $240 per ton.

Mr. BOUTELLE. For what?

Mr. HOPKINS of Illinois. And that there was a clear profit of $75 per ton at that.

Mr. BOUTELLE. That is not a proper thing for you to put in here. I decline to yield any further.

Mr. HOPKINS of Illinois. You challenged me.

Mr. BOUTELLE. I made no such challenge to the gentleman.

Mr. HOPKINS of Illinois. I understood that you did.

Mr. BOUTELLE. I said in any business way. It is not a business proposition for a great steel company to come to the gentleman from the Aurora district of Illinois and make a contract.

Mr. HOPKINS of Illinois. Will you allow me?

Mr. BOUTELLE. No; I can not allow you.

Mr. HOPKINS of Illinois. All right.

Mr. BOUTELLE. Now, Mr. Speaker, we sought information where we thought it was natural for us to go; and I can not conceive any more natural or any more proper place for us to seek information than from the Secretary of the Navy, upon whom at the very last session of Congress we had placed the duty and responsibility of investigating this whole subject, with the benefit of all the technical skill that he has at his command in the Department and the ability to visit Europe, as he did, and go to the bottom of this subject, and give us the best thought and the final conclusion of that Department of the Government which is charged with the full oversight of all this business. Mr. Herbert made his report in December. It is an elaborate report. It bears evidence that he took great pains with it. I do not say that his conclusions are right. I do not know. Judgment has to be used, discretion has to be exercised; but he did report to Congress, as the result of an elaborate and careful investigation, his conclusion, after taking every fact that should be weighed into consideration, that $400 a ton, on the average, was a fair and legitimate price—just to the Government and equitable to the contractor. The Committee on Naval Affairs of the House regarded that in the nature of an estimate from the Department, just as we do any other things, and we based our report upon it.

Now, the Senate of the United States has seen fit to strike out that provision, and provided that the armor shall be purchased for $300 a ton. I do not know but that the Senate is right. I am not prepared to prove that they are not right; but I have not seen any man with whom I am familiar who is engaged in the development of our naval forces, or who is connected with the construction of these great masses of metal, who has said to me that he believes $300 a ton would induce investments of this kind. And, to repeat what I said some little time ago, I say that the Secretary was careful. He estimated that if there was care in regard to the outlay that we could put a plant here for $1,500,000. I saw a letter only a few days ago from somebody who purports to represent the Illinois Steel Company, in which they argued that a plant to carry on this work would cost $3,500,000.

Mr. HOPKINS of Illinois. The Secretary says $1,500,000.

Mr. BOUTELLE. I understand that in England he got information which led him to believe that he could build it for $1,500,000, and on that as a basis of the cost of the plant he reports to Congress that $400 a ton is a good and equitable price.

Mr. HOPKINS of Illinois. Oh, no.

Mr. BOUTELLE. Certainly he does.

Mr. HOPKINS of Illinois. He says in this estimate it costs at the extreme $190 per ton for the material and the labor.

Mr. BOUTELLE. Mr. Speaker, the gentleman must not contradict me when I am stating a fact about which I am thoroughly advised.

Mr. HOPKINS of Illinois. Let me state another proposition.

Mr. BOUTELLE. I can not allow you to state any other proposition.

The SPEAKER. The gentleman declines to be interrupted.

Mr. BOUTELLE. Now, Mr. Speaker, if gentlemen are going to dispute so well-known a fact as that the Secretary of the Navy recommended $400 as the basis, why argument ceases. I have already consumed more time than I desired. I have consumed more time than I intended. I have endeavored and my committee have endeavored in the most careful and painstaking manner to consider this subject and to so deal with it as best to subserve the public interests. None of the inflammatory debate in another branch of Congress which I have heard or read has deflected my mind one iota. I believe that we should not be swayed or governed by trashy harangues devoted to prejudice against certain institutions of the country because they are of great magnitude, or because people of great wealth may be connected with them.

My friend from Illinois [Mr. HOPKINS] himself stated as one of the recommendations of this Illinois Steel Company that it was even more colossal in its command of capital than either the Carnegie Company or the Bethlehem Company. There is no dispute between those companies. There is nothing in the bill as it passed the House that puts a feather or a straw in the way of any corporation in any State in the Union competing freely for the furnishing of this material. I believe that the proposition of the House is nearer to a businesslike proposition than that of the Senate, and I believe that there are a good many gentlemen in the Senate who have the same idea.

Now, Mr. Speaker, if no one on the other side desires to take the floor, I will yield ten minutes to my colleague on the committee, the gentleman from New York [Mr. CUMMINGS.]

The SPEAKER. The gentleman has but three minutes remaining.

Mr. BOUTELLE. Well, I will ask the House to allow my colleague ten minutes, as he is an expert in this matter, having visited the Carnegie works and examined into them. I ask the House to hear my colleague, the gentleman from New York, for ten minutes.

Mr. OGDEN. Mr. Speaker, before the gentleman from Maine yields the floor, I would like to ask him a question. At what time were these estimates made by the Secretary of the Navy and by the Committee on Naval Affairs? Was it before or since the fall in the price of steel rails? I understand that recently the Carnegie Company has reduced the price of steel rails from $29 a ton to $17 a ton.

Mr. BOUTELLE. Yes; we have heard intimations of that kind in connection with legislation, and outside.

Mr. OGDEN. Well, when were the estimates made—before or since that fall?

Mr. BOUTELLE. What is the fall?

Mr. OGDEN. I understand the fall is from $28 or $29 a ton to $17 a ton.

Mr. DALZELL. No; from about $22 a ton to $17. They can not make them at $17 a ton. They are selling them now at a loss.

Mr. BOUTELLE. The Secretary's estimate was made in December, and ours was made a few weeks ago.

Several MEMBERS. Vote! Vote!

Mr. CUMMINGS rose.

The SPEAKER. The gentleman from Maine, who has yielded to the gentleman from New York, has but three minutes left.

Mr. BOUTELLE. Mr. Speaker, I yield to my colleague in his own right.

[Cries of "Vote!" "Vote!"]

Mr. CUMMINGS. Mr. Speaker, gentlemen may cry "Vote!" "Vote!" but they ought to understand the question before they vote, and then they will be more apt to vote right. [Laughter.] Mr. Speaker, I have worked faithfully in the Committee on Naval Affairs in an effort to get at the facts in relation to the cost of manufacturing armor plate. I have done so because I believe in the American Navy, and because I know that the vitality of the American Navy is temporarily at stake to-day with the fate of this appropriation bill.

You authorized last year the building of three battle ships. Your conferees at the last session joined issue with the conferees of the Senate on four ships. The number was reduced to three, with this proposition added: "We have held an investigation here by a Senate committee. We are not satisfied with the price the Government is paying for armor; we want to know more about it; we have had the Carnegie and the Bethlehem people before us, but we can not get the light that we want; we understand that the Secretary of the Navy has had before him people representing these two companies; that they have agreed to lower the price of armor $58 per ton, and that the contracts for the *Kearsarge* and the *Kentucky* are made upon that basis. Still we do not believe that that is reduction enough, and we will agree to authorize three new battle ships with a proviso that the Secretary of the Navy shall examine carefully into the question of the prices of armor plate and report to Congress on the subject before he enters into any contract for the armor for these three new ships."

The Secretary of the Navy sent for the manufacturers of armor plate. They came before him. He asked them to give him access

to their books, so that he could ascertain what it cost to make a ton of this armor. They refused to do so, upon the ground that it would disclose important secrets in the manufacture of armor plate, and that he had no right to inquire into those secrets, or to publish them to the world.

Mr. HOPKINS of Illinois. Did not the Secretary tell them that the examination of the books would disclose no secrets whatever, but would simply show the cost of making this armor plate?

Mr. CUMMINGS. I can not see how the Secretary could know whether an examination of the books would disclose secrets or not.

Mr. HOPKINS of Illinois. Oh, anybody would know that.

Mr. CUMMINGS. The Secretary then went to work to ascertain for himself. All this armor has been made under the inspection of naval officers. There was an officer named Rohrer, who had been four years watching the manufacture of armor at Homestead and at Bethlehem.

He was placed at the head of the board. He made an investigation of the cost of this armor, furnished with all the information that his experience could give him. He estimated that the cost of the armor, allowing a reasonable interest, 6 per cent on the cost of the plant and the working capital, insurance, etc., was $420 a ton. This was the estimate of the Rohrer board.

Mr. HOPKINS of Illinois. Will the gentleman allow me to read from the report of the Secretary of the Navy?

The estimate thus made by Lieutenant-Commander Rodgers, now and then the inspector at Bethlehem, though formed independently and with slight variations in the methods followed, was for single-forged harveyized nickel-steel armor, $178.59; with 10 per cent added for losses due to reductions, $196.45; for double-forged nickel-steel harveyized armor, including the 10 per cent, $308.85.

Mr. CUMMINGS. That was not the estimate of the Rohrer board. It was $420, as I have stated. It was the Secretary's own board; and to reduce the price to $400 a ton he had to repudiate the figures of his own board. There is no doubt about that whatever.

Now, I do not know what it costs to manufacture a ton of armor; I have been laboring industriously to ascertain for the last five months.

Mr. HOPKINS of Illinois. And those companies refuse to give you information, do they not?

Mr. CUMMINGS. The president of the Carnegie Company said that they offered the figures to the Secretary of the Navy with the proviso that they should not be made public, and he refused to accept them.

Mr. HOPKINS of Illinois. He states in his report——

Mr. CUMMINGS. That is what Mr. Schwab, of the Carnegie Company, said before the committee. It appears on record.

Mr. HOPKINS of Illinois rose.

Mr. CUMMINGS. I hope the gentleman will not interrupt me, because I want to get through. I want the House to vote understandingly on this matter.

When the Secretary went to Europe, he visited five armor-plate establishments in France and three in England. He endeavored to ascertain all he could about the manufacture of armor plate. On coming back, he took the reports of these different boards of officers and compared them. He went into the auditor's office of the State of Pennsylvania, where, under the laws of the State, the business of the Bethlehem Company was laid bare. He gleaned all the information possible there, and after all this investigation came to the conclusion that the cost of this armor plate was $400 per ton, allowing, as he says, 50 per cent profit, which he thought reasonable. Whether it is or not, I will not undertake to decide. But here is the action of a man whom you have selected to ascertain the facts. He reports $400 per ton as a fair price.

Something has been said with regard to the Bethlehem Company in making armor plate for Russia at $249 per ton when it was costing this Government $570 per ton. That statement is not strictly correct. There was little work at the time in the Bethlehem establishment. Its Government contracts were completed. They sought a foreign market. They went to Russia and asked permission to bid for armor plate. While the Bethlehem Company and the Carnegie Company made no bones in regard to an understanding so far as the furnishing of armor for this Government was concerned, they say they did not have an understanding with foreign companies. When the Bethlehem Company put in its bid in Russia, the Carnegie Company wanted to be allowed to also bid for this armor.

The Russian system is simply bidding by auction. The contract is never settled until men refuse to bid at all. So the Carnegie people and the Bethlehem people went into this auction business, and the Bethlehem people finally secured the contract at $249 per ton, the armor to be delivered in Russia. Now, there is no doubt in the world that the Bethlehem Company lost money on this transaction. Their representative said to us that they would have taken the contract for nothing rather than not to have had it, for they wanted to introduce their armor into Russia. If satisfactory, it would give them a new market.

Mr. Speaker, not long afterwards the Bethlehem Company made a bid for the same kind of armor they had been furnishing. The contract was awarded to them by the Russian Government at $527 per ton. At that same time they were making armor for American ships at less than $527 per ton. So if the case works one way against the Government, it must work the other way in its favor. The English company who bid on that contract would not go below $540 per ton. In the former contract they had gone down to $500 per ton. I suppose that is one reason why the Secretary of the Navy expresses the opinion that there is an understanding between the manufacturers of armor plate in this country and those in Europe. But, at the same time, while these two companies acknowledge an understanding here in this country, they both absolutely deny that they have any understanding whatever with the European manufacturers.

Now, Mr. Speaker, I have no further interest in this matter except this——

Mr. PAYNE. Will not the gentleman yield for a motion to take a recess?

Mr. BOUTELLE. I think we had better have the previous question and dispose of this matter at once.

Mr. CUMMINGS. I think I am making a clear statement as to this matter, but if the House is impatient I will yield. These three battle ships will not be built, in my opinion, if the price of armor is fixed at $300 per ton. I think that if that price be fixed, they will lie upon the stocks and rot for two years to come.

[Here the hammer fell.]

Mr. BOUTELLE. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House recede from its disagreement to amendment numbered 22 and concur in the same.

The question being taken, there were—ayes 66, noes 42.

Mr. ROBINSON of Pennsylvania. I make the point of no quorum.

The SPEAKER. There is evidently no quorum present, and under the rules a call of the House is ordered, and at the same time the yeas and nays will be taken.

Mr. HOPKINS of Illinois. I hope the gentleman from Pennsylvania will withdraw the point of no quorum.

Mr. STEELE. I ask unanimous consent that the House take a recess until 8 o'clock and 30 minutes.

Mr. MCMILLIN. Mr. Speaker——

The SPEAKER. The Chair will state to the House that the gentleman from Indiana [Mr. HEMENWAY] has a conference report on the fortifications bill which can not be acted upon in the absence of a quorum.

Mr. DOCKERY. It can be, if the gentleman withdraws the point of no quorum, I suppose.

The SPEAKER. If it is withdrawn, then the motion to concur in the Senate amendment is carried.

Mr. PAYNE. I ask the gentleman from Illinois to withdraw the point of no quorum, and let the House rescind the vote just taken, leaving the question open, and then take a recess until half past 8 o'clock.

Mr. HOPKINS of Illinois. Mr. Speaker, I shall object to rescinding the vote——

Mr. STEELE. It is evident that we will not do any business for the next hour or two, and I ask unanimous consent that we take a recess until half past 8.

The SPEAKER. The Chair desires to suggest to the House that there is rather a long session in front of us, and it is quite desirable that the House should not be exhausted before we get to the heavy part of it. The Chair hopes that some arrangement may be made in reference to this matter.

Mr. MCMILLIN. Mr. Speaker, I addressed the Chair with a view to expressing what the Chair has expressed so very much better than I could, for the purpose of asking the gentleman who makes the point not to insist on it now, for the reason that we have a vast amount of important work before us and nothing can be accomplished now or within the next hour if he sees fit to insist upon the point. If he does not insist, he will stand in the same situation, and get a final vote on the proposition just as he would if we should remain here now and insist upon securing the presence of a quorum.

Mr. BOUTELLE. How would he do that?

Mr. DOCKERY. By unanimous consent.

Mr. BOUTELLE. Oh, by unanimous consent!

I desire to state, Mr. Speaker, in behalf of my colleague from Pennsylvania [Mr. ROBINSON] who makes the point of no quorum, that I think he has strong justification, under the circumstances, in declining to permit a question of such vast magnitude to be determined by such a slim vote as that just taken. If the gentleman from Illinois can afford to jeopardize the passage of this bill by insisting upon his motion, then I think that the gentleman from Pennsylvania may feel justified in preventing the consideration and adoption of such an important measure by such a scanty vote as that just taken.

Mr. SHAFROTH. But if the recess is taken, then we will have a full House and it can be acted upon.

Mr. HOPKINS of Illinois. Mr. Speaker, I will make a suggestion that may remove the difficulty.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I believe I have the floor, and I have not yielded it.

Mr. PAYNE. I hope the gentleman will allow the gentleman from Illinois to make a suggestion. Let us hear what it is.

Mr. ROBINSON of Pennsylvania. I will yield for that purpose.

Mr. HOPKINS of Illinois. I ask unanimous consent that the vote just taken be rescinded, that the point of order of no quorum be withdrawn, and that we take a recess until half past 8 o'clock, and that after reassembling there be fifteen minutes on a side allowed for the discussion of the question, and then take a vote.

Several MEMBERS. All right.

Mr. PAYNE. Let us agree to that.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I yielded to the gentleman to make a statement. I will not withdraw the point of order unless with the understanding, I say now to the gentleman from New York who makes the motion, that I shall insist upon the point after the debate of fifteen minutes.

Mr. PAYNE. But the proposition of the gentleman from Illinois is to rescind the vote and take another vote after the recess.

Mr. ROBINSON of Pennsylvania. Then I am willing to withdraw the point of order and let a recess be taken now, but I will make the point as soon as we come together, if this vote is announced.

The SPEAKER. But the proposition of the gentleman from Illinois preserves all the rights of the gentleman from Pennsylvania. Is there objection to the proposition?

There was no objection.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to submit a conference report on the fortifications appropriation bill before the recess is taken.

The SPEAKER. If there be no objection, the gentleman will present the conference report.

There was no objection.

The conference report on the bill (H. R. 10288) making appropriations for fortifications and other works of defense was submitted.

Mr. HEMENWAY. I ask unanimous consent that the reading of the conference report be dispensed with, and that the statement of the House managers be read instead.

There was no objection.

[The conference report is printed in the Senate proceedings of this day.]

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill H. R. 10288, making appropriations for fortifications and other works of defense, submit the following written statement in explanation as the effect of the action agreed upon by the conference committee on the amendments of the Senate, namely:

On amendments numbered 1 and 2: Makes a verbal correction in the text of the bill, as proposed by the Senate.

On amendment numbered 3: Appropriates $446,000, as proposed by the Senate, instead of $456,000, as proposed by the House, for purchase or manufacture of carriages for coast-defense guns.

On amendment numbered 4: Limits the price for steel forgings to 23 cents per pound, instead of 22 cents per pound, as proposed by the Senate.

On amendment numbered 5: Appropriates $169,868, as proposed by the House, instead of $269,868, as proposed by the Senate, for powders and projectiles for reserve supply.

On amendment numbered 6: Appropriates $400,000, instead of $800,000, as proposed by the Senate, and $156,184, as proposed by the House, for manufacture of coast-defense guns by contract.

On amendment numbered 7: Appropriates $20,000, as proposed by the Senate, for purchase of machine guns; and

On amendment numbered 8: Appropriates $16,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for necessary expenses of officers and compensation of draftsmen in the Army Ordnance Bureau.

The bill as finally agreed upon appropriates $9,517,141, being $300,000 less than as it passed the Senate, $263,816 more than as it passed the House, and $2,139,253 more than the last fortification appropriation act.

J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, I move that the report of the conference committee be agreed to.

The conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. I move that the House take a recess until 8.30 o'clock.

Mr. HOPKINS of Illinois. Was my proposition agreed to?

The SPEAKER. The gentleman's proposition was agreed to. The gentleman from Iowa [Mr. HENDERSON] moves that the House take a recess until 8.30 o'clock.

The motion was agreed to.

Accordingly (at 6 o'clock and 35 minutes p. m.), the House took a recess until 8 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House resumed its session.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is upon receding and concurring in the amendment to the naval appropriation bill which has been reported to the House.

Mr. BOUTELLE. Mr. Speaker, I think it would be well to have the amendment reported.

The SPEAKER. If there be no objection, the amendment will be again reported.

The amendment was again read, as follows:

On page 50, in line 17, insert the following:

"And no contract for armor plate shall be made at an average rate to exceed $300 per ton of 2,240 pounds."

Mr. HOPKINS of Illinois. Mr. Speaker, under the arrangement there was to be fifteen minutes' debate on a side.

The SPEAKER. The Chair so remembers. Does the gentleman from Pennsylvania [Mr. ROBINSON] desire to be recognized?

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I understand that the arrangement was that we were to have fifteen minutes on a side. Now, I do not think we are any nearer to a settlement of the proposition than we were when we took the recess, because evidently there is no quorum present here, and I intend to raise the point of no quorum upon this.

After the very dispassionate and able statement made by the chairman of the committee [Mr. BOUTELLE], I was somewhat astonished to see the proposition voted upon as it was; but evidently there was a very small proportion of the membership of the House present. As was stated by our chairman, this matter was considered in the full Committee on Naval Affairs, and very carefully traversed by every member of it. There was considerable opposition and contention over this armor-plate matter.

As stated by the gentleman from Illinois [Mr. HOPKINS], there is no member here who represents anything more than the desire to state the exact truth and the facts regarding this subject. We do not want it surrounded with any demagogy, nor do we want it asserted on the one hand that these armor-plate manufacturers are making enormous profits, when the Secretary of the Navy, after his examination, which was an exhaustive one, reports that $400 a ton seems to him to be a fair price.

It is said by the gentleman from Illinois [Mr. HOPKINS], who seems to be the sponsor of some company here, that a proposition to furnish the Government with this armor at $240 a ton is feasible. The proposition as made by the committee, and as submitted to the House and carried to the Senate, does not prevent any reliable company in the United States, the Illinois Steel Company or any other company which chooses, at an expense of millions of dollars, to erect an armor-plate plant, to submit a fair proposition to the Secretary.

Mr. CUMMINGS. If the gentleman will allow me, right there he misstates the proposition.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. ROBINSON] yield?

Mr. CUMMINGS. Just one minute.

Mr. ROBINSON of Pennsylvania. I think I will state what the gentleman alludes to, further on.

Mr. CUMMINGS. It is upon the proviso that they get a twenty-year contract.

Mr. ROBINSON of Pennsylvania. Yes; there is no authentic proposition to-day. It is simply declamation by the gentleman from Illinois [Mr. HOPKINS], that this company will furnish armor at this price; but, as I understand the assertion as it appears in fugitive newspapers, it is that this company will furnish armor at the price of $240 per ton provided they get a twenty-year contract. There is not one of these companies, nor is there any company—and the two companies which have been referred to, which are now in existence, are the only ones in this country—there is no company but what, if they were guaranteed a twenty-year contract, carrying with it 2,000 or more tons a year, could reduce the price of armor. The difficulty lies in the unreliable character of these contracts. When the first contract was given by Mr. Secretary Whitney to the Bethlehem Company——

Mr. PAYNE. I should like to ask the gentleman a question. Suppose the House should accept this amendment of the Senate. Is there anything in the bill which will authorize the Secretary of the Navy to contract for twenty years? Is there anything else in the bill which would authorize him to submit a proposition for a twenty-year contract?

Mr. BOUTELLE. No.

Mr. ROBINSON of Pennsylvania. No; there is not, or in the proposition in the bill that the committee has sent to this House; and I am sure the good judgment of the House will sustain the three months' consideration of this subject by the committee. Any company can go before the Secretary and make a reliable bid, and in the manner in which we have put the subject into the bill, fixing the sum of $3,100,000, all the armor may be contracted

for, that amount being based upon $400 a ton without specifying the price. As high, possibly, as $500 may be paid for some armor, and other armor may be purchased at the price of $250 or $300 a ton. Gentlemen who understand this question well know that there is armor that can not possibly be made by any mill in the United States of America to-day or by any mill in the world—armor designed which will go into the new battle ships under the new designs that can not possibly be made by any mill whatever in America or in the world at the price of $300 per ton.

Mr. LOW. Do I understand this $300 per ton carries with it a twenty years' contract?

Mr. HOPKINS of Illinois. Oh, no.

Mr. ROBINSON of Pennsylvania. No; the proposition of the Senate amendment is this: It is proposed that they shall get $300 a ton and no more for this amount specified in the amendment of the Senate.

Mr. BOUTELLE. For these three ships?

Mr. ROBINSON of Pennsylvania. For these three ships. In the form and manner in which the House bill was reported to the House the committee considered this subject, but did not fix any price for the armor. Some armor may be priced under that bill at $400 or $450 a ton or higher, and some lesser, according as the designs of these battle ships may allow.

As I was stating a few minutes ago, there are certain designs, spherical in construction, and not solid plates, in the turrets, that every single one of them is a unit, you may say, different in shape, and requiring the finest character of forging, and the most skillful and highest scientific knowledge on that subject in the world in fashioning and forming these plates; and, consequently, they require a much higher price. Is it fair, I submit, to those manufacturing establishments, when the gentleman threw out the suggestion that Pennsylvanians were quick to rush to the defense of these two estalishments. We would rush to the defense of an establishment in Illinois quite as fiercely and strenuously as to the defense of an establishment in Pennsylvania which was furnishing armor for the Government. It is not many years ago, as our able chairman said, that we had to go abroad and purchase of alien corporations and outside of the United States every piece of armor that was put upon our battle ships. At the suggestion and on the advice of a guaranteed contract carrying 8,000 tons of armor these Bethlehem people entered into the erection of a great mill costing millions of dollars to construct armor, American armor, for American battle ships.

Having a guarantee of this number of tons to make for us there; they did set up their mill and made a fair profit on the money invested. They did not go into this voluntarily, but at the suggestion of the officers of the Government of the United States. So did the Carnegie Company go into this business at the suggestion of a Republican Secretary of the Navy, as the Bethlehem Company did at the suggestion of a Democratic Secretary. The Navy of the United States, the new Navy, belongs to no party. It belongs to the United States of America, and we glory in it to-day [loud applause]; and we glory in the fact that American mills, with the capital of American industry, and the wage earners and the bread-winners behind them, can construct the armor plate to protect these vessels against 97 per cent of all the missiles that can be hurled against them by all the navies of the world. [Renewed applause.]

I say it is unfair to this committee, that has labored days and nights in the study of this question. After contention and adverse judgment in the committee upon this thing, we finally brought in a bill agreed to unanimously upon this question, and agreed that we would not go to such an extreme as to specify a certain amount or a fixed price for armor, as many of the committee were opposed to fixing a specific price for any material. Coal has been purchased, and without coal you can not carry out battle ships and navigate them any more than you can fight them without armor. Coal has been purchased, often at an exorbitant sum; but is that any reason why you should go down to a coal yard and specify that coal should be purchased from nobody except at a price of $4 or $5 a ton?

Fix it as we did in the committee after a dispassionate review of the whole subject. Fix it at a lump sum, and say to the Secretary of the Navy he can contract; he can accept contracts of the Illinois Steel Company if properly put before him; he can accept contracts of any company in the United States making a domestic material and that can make this armor for these battle ships, paying for a part of it, for a superior material $400 or $500 a ton, and for the lesser quality $250, or even as low as $300, a ton, although I believe from my examination of the subject, and I think the committee will bear me out in this, that upon a basis of $300 a ton there is no armor plate to be had of such quality as to pass the tests of the United States officers and be pronounced fit to go upon our battle ships to properly protect them. The gentleman alluded to the $249-a-ton contract with Russia.

Mr. Speaker, that was a mere episode in the commercial career of that company. They were doing no business; they were anxious to get their product into the foreign market, and, above all, they were anxious to keep their mills going. It is said that many of the men who were employed in fashioning those armor plates are now employed by the Illinois Steel Company, and that fact goes to show how important it is for these great manufacturers to retain their skilled workmen. Therefore, in order to keep their mills going, to enable them to pay wages to their wage earners and keep them in their employ, they took that Russian contract at a loss. But there is another point. The inspecting officer or any officer of the Navy Department will tell you that the Russian inspection for battle-ship armor was much less exacting than ours, and that that armor could not have run the gauntlet of the inspection of our officers. No battle plates are put upon any armored vessel upon any fighting platform in the world that has to pass so severe, so critical, so exact, an examination as that to which are subjected the plates that are tested at Indian Head to be put upon our war vessels.

Mr. HULICK. While the gentleman is speaking of that Russian $249-a-ton contract, I will ask him if it is not true that after that the Russian Government gave contracts to these same two companies, the Carnegie Company and the Bethlehem Company, at $520 a ton, and that those companies furnished the armor at that price?

Mr. ROBINSON of Pennsylvania. The gentleman from Ohio states the matter fairly and truthfully. The Russians afterwards paid a higher price for armor to these very same people from whom they had previously purchased it at $249 a ton, showing that they had faith in the armor that was made in the mills of Pennsylvania, just as we would have faith in the armor made in the mills of Illinois or of any other State in this country. We have no grudge against the State of the gentleman from Illinois [Mr. HOPKINS], although he seems to think there is something abnormal in the fact that two great companies like the Bethlehem Company and the Carnegie Steel Company have been able to grow up in this country through the fostering care of the Government and the encouragement of two Secretaries of the Navy.

[Here the hammer fell.]

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

A bill (H. R. 3014) revising and amending the laws relating to patents;

A bill (H. R. 10367) to renew and reenact a law authorizing the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River;

A bill (H. R. 6634) granting a pension to Sarah M. Spyker;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 459) for the relief of Thomas Rosbrugh;

A bill (H. R. 10178) for the relief of Francisco Perna;

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for infringement of patents; and

A joint resolution (H. Res. 211), providing for a comprehensive index to Government publications from 1881 to 1893.

Mr. HOPKINS of Illinois. Mr. Speaker——

The SPEAKER. The gentleman from Illinois is recognized for fifteen minutes.

Mr. HOPKINS of Illinois. I yield two minutes to my colleague, Mr. LORIMER.

Mr. LORIMER. Mr. Speaker, the chairman of the Committee on Naval Affairs, replying to the argument of my colleague this afternoon as to why the Senate amendment providing that $300 a ton should be the price for this armor plate should remain in this bill, made no argument at all against the proposition, but simply recited to the House a history of the organization of armor-making plants in this country. I think every member of this House will agree with the chairman of the Naval Committee that the Secretary of the Navy was right when he said that he would encourage the Bethlehem and the Carnegie companies to organize armor plants.

I believe that we all agree that he was right when he said that

the Government would pay as much to them as it was paying for armor plate made in foreign countries. I believe we all agree that he was right in encouraging and establishing in this country an American industry. It was providing for manufacturing here at home the armor plate for our war vessels, and I believe we all agree that that ought to be done. Therefore there is no controversy on that proposition.

But, Mr. Speaker, on the 15th day of last month I introduced into this House a bill which if enacted into law will authorize the Secretary of the Navy to let a contract for twenty years to any American company to supply armor plate at $240 per ton or less, the maximum, however, not to exceed $240 per ton. We have paid, up to date, four or five hundred dollars a ton for every ton of armor plate that has been made for this Government. The chairman of the Naval Committee established in my mind the fact that the armor-plate manufacturers of this country had not only made a good profit——

[Here the hammer fell.]

Mr. HOPKINS of Illinois. I yield my colleague two minutes more.

Mr. LORIMER. The chairman of the committee, I say, not only established the fact in my mind that the manufacturers of this country had made a good profit, but that, over and above a good profit, they had made money enough to pay for the plants that they had established. Now, if the Government has already paid for the plants which these manufacturers are using to make their armor plate, then surely they can come down in price to the point at which any other corporation in this country offers to make armor plate, and the Illinois Steel Company will take a contract for twenty years to make armor plate at $240 per ton.

Mr. HULICK. If that company should get a contract, when would they begin their work?

Mr. LORIMER. Within twelve months from the time you give them the contract they will begin work, and that will be plenty soon enough to furnish this armor.

Mr. HULICK. The evidence before the committee shows that no company could organize and prepare for this work within that time.

Mr. LORIMER. I do not yield further to the gentleman. I want simply to make this point: If the Illinois Steel Company is prepared to make a contract to furnish armor plate for $240 per ton, this company that has its plant already built ought to be able to furnish this armor plate for $300 per ton. I say that this amendment ought to remain in the bill, and if this company refuses to accept $300 per ton, let us pass the bill for $240 a ton at the next session of Congress.

Mr. HOPKINS of Illinois. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, of course there are questions connected with this subject upon which no opinion of mine would have any value in comparison with that of the gentleman from Pennsylvania [Mr. ROBINSON] or the gentleman from Maine [Mr. BOUTELLE]. They both are, or have been, naval officers, and in some degree at least have experience upon matters of this sort.

But there are some other matters bearing on this question upon which perhaps my opinion would be of equal value with theirs. I remember being at Indian Head during the last summer; and what I saw there may perhaps be pertinent because of a statement made by the gentleman from Pennsylvania, that the armor which is now being manufactured in this country would resist 97 per cent of the shots that would be fired against our vessels. I saw there three shots fired at a facsimile of the turret of the battle ship *Massachusetts*. As I understood, that part of the turret exposed to these shots was precisely the duplicate of the turret of the *Massachusetts*.

One of those shots, fired from a 10-inch gun, with an initial velocity of 1,600 feet to the second, imbedded itself in the turret and moved the turret an inch and a half. The second, fired from a 12-inch gun, with an initial velocity of 1,600 feet, also imbedded itself and was fused in the armor plate; but it moved that turret, with its immense weight, 7 inches. The third shot, fired from the same gun with an initial velocity of 2,000 feet, and fired at an angle of 22 degrees from normal, went through that harveyized plate as though it had been paper; and not only that, it so shattered the interior and all the supports of the turret that it was the opinion of every gentleman who saw it that no human being could have lived in that compartment of the turret.

Now, when it is known that we have 15-inch guns from which a shot can be fired with an initial velocity of twenty-three or twenty-four hundred feet to the second, giving the shot a momentum nearly double or quite double that of the shot the effect of which I witnessed, I doubt whether this harveyized armor or any other kind of armor is of value.

But, Mr. Speaker, there is another matter that, perhaps, I can speak upon as well as these other gentlemen. When these contracts were first made, the extraordinary price (perhaps not too much at that time) of five hundred and odd dollars was paid for a ton of this armor. The reason urged at that time, the justification of the Secretary who made the contract, was that it was but right that we should speedily reimburse the gentlemen who undertook these contracts for the amount of money they must necessarily put in their extraordinary plant.

The Secretary says now that we have already done that; that they have been fully paid for their plant. There is no one here who is authorized to deny that fact, for the reason that those persons who know—the Carnegies and the Bethlehem Company, who have the proof—have refused to allow access to their books. They refuse to allow the Secretary——

[Here the hammer fell.]

Mr. HOPKINS of Illinois. Mr. Speaker, in the few minutes which I have to address the House, I desire to challenge the attention of members to the fact that my motion does not contemplate a contest between the Illinois Steel Company and the Carnegie and Bethlehem companies. This is not a contest between those companies; it is a question whether the Representatives of the American people will take advantage of the information that has been furnished to them by the Illinois Company which shows that this armor plate can be manafactured at a profit for $240 per ton, and whether the Bethlehem Company and the Carnegie Company shall be compelled in the future to make contracts with the Government of the United States at figures which will be reasonable.

This is not a new question. For ten years the attention of the people of the United States has been attracted to the construction of armor plate. And for a number of years intelligent, well-informed men have believed that the Government of the United States was paying twice as much per ton for armor plate as it was worth. One year ago the Senate of the United States, through the Naval Committee of that body started an investigation to find out how much it cost to manufacture a ton of armor plate. The Carnegie Company and the Bethlehem Company refused to give the Secretary of the Navy this information. He made investigations through Government employees who reported to him that armor plate of one character could be produced at an average of $185 per ton and of another character at $197.78 per ton. That is the cost of the production of armor plate of the kind and character these two companies are furnishing to the Government.

The amendment which I offer simply limits the average rate to $300 per ton. I recognize the fact that some kinds of armor plate cost more than others, but under the amendment I am proposing that the House shall accept, which fixes a limit on the price of this plate, the Government can pay for the higher priced at the rate of $500 per ton, and for the rest the lower rate, say $100 or $200 or $300 a ton, as the case may be, the amendment being to the effect that the price of the armor plate that is to be placed on the war vessels shall not exceed an average of $300 a ton.

I wish to know under these facts, when it is presented to the House by a great company like the Illinois Steel Company that the plates can be produced at a profit for $240 per ton, how any member on this floor can justify his vote against the proposition I make that the House concur in an amendment limiting the price to $300 a ton?

The gentleman from Ohio [Mr. HULICK] says that awhile ago the Carnegie Company furnished the Russian Government with armor plate at the rate of $249 per ton, and that the next order they received was at $520 per ton. I explained that to the members of the House this afternoon. This company made the proposition to furnish the plate for that price, it is true; but the moment it got that contract the manufacturing companies of Europe, that up to that time had controlled the price of armor plate, and the entire business of its manufacture in Europe, entered into an arrangement with the American industry, and formed, in substance, a trust, so that any government which had occasion to purchase armor plate from any establishment engaged in this industry, either in Europe or America, must pay the trust price.

Now we have it in our power, by adopting the Senate amendment, to fix the price and say to these companies that they must furnish the armor plate at an average rate of not exceeding $300 per ton, and if they refuse, then the Government can establish its own plant at an expenditure of about $1,500,000. As my colleague [Mr. LORIMER] said, the Bethlehem Company has made profit enough up to this time to pay for its entire plant out of contracts made with the Government of the United States. And the same is equally true of the Carnegie Company.

Mr. ROBINSON of Pennsylvania. I deny that.

Mr. HOPKINS of Illinois. Well, you may deny it, but the records will prove it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. Mr. Speaker, as debate upon this question has degenerated into an assault on the capacity and utility of our Navy itself——

Mr. HOPKINS of Illinois. One moment, Mr. Speaker. I believe the debate on this subject is closed?

The SPEAKER. The debate is closed, under the agreement.

Mr. BOUTELLE. Mr. Speaker, I presume I can have the privilege of rising to present a parliamentary inquiry to the Chair? [Laughter.]

The SPEAKER. The gentleman has the right, and his rights will be preserved in that regard.

Mr. BOUTELLE. If it is possible for the Chair to protect so simple a right for a member, I would like the privilege for a moment of addressing the Chair for that purpose. I am addressing myself to the courtesy of the House——

Mr. HOPKINS of Illinois. I insist, Mr. Speaker, that the rules of the House be observed.

Mr. BOUTELLE. I desire to ask unanimous consent of the House, as chairman of the Committee on Naval Affairs, to state here in a very few moments, at the conclusion of this Congress, some facts that ought to be in the minds of American legislators in regard to this great branch of our service, concerning which the statements of the gentleman may have produced doubt.

Mr. HOPKINS of Illinois. Let us have the regular order.

The SPEAKER. How much time does the gentleman from Maine ask?

Mr. BOUTELLE. I am not so desirous, Mr. Speaker, of it as to press myself upon this body. I want it as a courtesy on the part of the House.

Mr. ROBINSON of Pennsylvania. I move that the gentleman have time.

Mr. BOUTELLE. No; do not make a motion. I ask unanimous consent, and if anybody in the House desires that I shall not be accorded the courtesy, I shall submit with good grace. I ask permission to address the House. After fourteen years of service in this body, having devoted myself during that time to assisting in building up the American Navy, I ask now for just five minutes' time to address the House.

The SPEAKER. The gentleman asks unanimous consent that he may be permitted to address the House for five minutes. Is there objection?

Mr. MADDOX. I object.

Mr. ROBINSON of Pennsylvania. I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON of Pennsylvania. As I understand the parliamentary status, when we took a recess to-day it was understood that there should be fifteen minutes on a side for discussion on this question, after which a vote was to be taken.

The SPEAKER. That is correct. The vote will now be taken on the motion of the gentleman from Illinois to recede from the disagreement to the Senate amendment, which has been stated, and concur in the same.

The question was taken; and on a division there were—ayes 131, noes 52.

So the motion was agreed to.

On motion of Mr. HOPKINS of Illinois, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had further insisted upon its disagreement to the amendment of the House of Representatives to the bill (S. 3588) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had reconsidered, in pursuance of the Constitution, the bill (H. R. 1185) granting a pension to Rachel Patton, returned to the House of Representatives by the President of the United States with his objection, and sent by the House of Representatives to the Senate; and that two-thirds voting in favor thereof, the Senate had decided to pass the bill, the objection of the President notwithstanding.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1897:

An act (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892;

An act (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories;

An act (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;

An act (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church;

An act (H. R. 610) for the relief of John F. McRae;

An act (H. R. 8623) to amend section 4 of an act entitled an act to define the jurisdiction of the police court of the District of Columbia;

An act (H. R. 8942) granting a pension to Ann Maria Meinhofer;

An act (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal;

An act (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

An act (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; and

An act (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

The following bill was presented to the President on the 18th day of February, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, it has become a law without his approval:

An act (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon.

The President, on March 3, 1897, approved the following bills:

An act (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

An act (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River, near the city of Montgomery, Ala.," approved March 1, 1893;

An act (H. R. 8583) to allow the bottling of distilled spirits in bond;

An act (H. R. 5597) for the relief of Charles Deal;

An act (H. R. 8443) to amend section 4878 of the Revised Statutes relating to burials in national cemeteries;

An act (H. R. 9703) to provide for light-houses and other aids to navigation;

An act (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi; and

An act (H. R. 5732) to amend section 5459 of the Revised Statutes prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins.

Mr. BOUTELLE. Mr. Speaker, what is the parliamentary situation of the other amendments?

The SPEAKER. The House further insisted on its disagreement to the other amendments, and asked for a further conference.

Mr. BOUTELLE. By what method can the House be brought to a motion to concur in the other amendments?

The SPEAKER. A motion to reconsider was not entered, and the gentleman can move to reconsider the vote by which the House insisted on its disagreement.

Mr. BOUTELLE. Mr. Speaker, in view of the lateness of the hour, and in view of the fact that I am advised that four or five of the other great appropriation bills are yet to run the gantlet which the naval appropriation bill has partially run, and as the amendments that have been disagreed to are simply to provide for three torpedo boats and a small practice vessel at Annapolis, I do not feel justified, so far as I am concerned, as chairman of the committee, in delaying the House any further by insisting on a conference on these amendments, and I will move that the House reconsider the motion by which it disagreed and insisted.

The SPEAKER. The gentleman from Maine moves that the House reconsider the vote whereby it insisted on its disagreement to the remaining Senate amendments and asked for a conference.

The motion was agreed to.

Mr. BOUTELLE. Mr. Speaker, I now move that the House concur in the remaining Senate amendments.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry. I desire to ask the gentleman from Maine——

The SPEAKER. The Chair will first state the question. The gentleman from Maine [Mr. BOUTELLE] withdraws the motion that the House further insist, and substitutes therefor a motion that the House recede and concur in the remaining amendments of the Senate.

Mr. BAILEY. I desire to ask if that would remove all matters of difference on this bill?

Mr. BOUTELLE. I make the motion with that understanding. I am advised that it will remove all the matters of disagreement between the two branches on this bill.

Mr. MCMILLIN. Mr. Speaker, this bill has taken so sudden a turn, and we are called upon to vote upon so many and so important amendments, that I ask that the amendments which now remain to be acted upon by the House be read.

The SPEAKER. The Chair thinks that should be so, and without objection, the amendments to which the motion of the gentleman from Maine is applicable will be read to the House.

The Clerk read as follows:

Page 45, line 14, amendment numbered 15, insert the following:

INCREASE OF THE NAVY.

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract not more than three torpedo boats, to have a speed of not less than 30 knots, to cost in all not exceeding $800,000. And not more than two of said torpedo boats shall be built in one yard or by one contracting party, and in each case the contract shall be awarded by the Secretary of the Navy to the lowest best responsible bidder. And in the construction of said torpedo boats all the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture."

Mr. McMILLIN. Mr. Speaker, I do not desire to make any suggestions to the gentleman from Maine [Mr. BOUTELLE] who is in charge of the bill, but it strikes me that, as there are numerous amendments, it would be well to vote on them separately.

Mr. BOUTELLE. I hope they will be voted on in any way that anybody wants to vote on them, if any gentleman will only make the motion.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] has a right to ask for a separate vote if he desires.

Mr. McMILLIN. I make that request. When any amendment is reached which is merely formal, I shall not ask for a separate vote on that. I am willing to take any number of votes, so that there may be separate consideration of amendments which involve important and possibly contradictory matters. I ask for a separate vote on this.

The SPEAKER. The gentleman asks for a separate vote on the amendment which has been reported. The question is on receding and concurring.

Mr. SWANSON. I should like to ask the gentleman from Maine [Mr. BOUTELLE] how much all these amendments aggregate? What is the aggregate increase carried by the Senate amendments?

Mr. BOUTELLE. My understanding is that the only difference now between the two Houses arises from the construction of three torpedo boats, which are not to exceed $800,000 in cost, and for which the sum of $500,000 is appropriated in this bill, and a practice vessel for the Naval Academy at Annapolis, to cost $250,000. That is my recollection of the amendments that now remain.

Mr. SWANSON. That makes a difference of a million dollars in the appropriation.

Mr. BOUTELLE. My recollection is that it amounts to $750,000, so far as this bill is concerned. I presume the Clerk has a record of the remaining amendments.

Mr. CUMMINGS. But I want to say to my friend from Virginia [Mr. SWANSON] that the Senate amendment in relation to armor plate, which the House has concurred in, reduces the bill by the difference between $400 a ton and $300 a ton; so it is a stand off.

Mr. BOUTELLE. I will state to the gentleman that these were two amendments of the Senate to this bill.

Mr. SWANSON. Did the Department or the Secretary of the Navy ask for this increase in the appropriation?

Mr. CUMMINGS. Yes.

Mr. BOUTELLE. The Secretary of the Navy has recommended them, and more.

Mr. CUMMINGS. And three battle ships, too.

The SPEAKER. The question is on the motion of the gentleman from Maine.

The question was taken; and the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Amendment numbered 16: Insert the words "and authorized under this act;" so as to read: "On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized and authorized under this act."

Mr. McMILLIN. No separate vote is demanded on that, Mr. Speaker.

So the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 17: Strike out "five million nine" and insert "six million four;" so as to read "$6,425,351."

Mr. McMILLIN. That is only changing the amount, as the gentleman in charge of the bill has suggested. It changes the aggregate on account of the increase in the provisions for the torpedo boats and training ship.

Mr. BOUTELLE. On account of the three torpedo boats, not exceeding $800,000, and a practice ship for the Naval Academy, $250,000. I will state to the gentleman that the House, as he will remember, recommended no construction. The Senate, and in view of the very strong support which the House has given to the Senate on the other amendment, the Naval Committee, did not think it worth while to enter into a futile contest over the authorization of these vessels.

Mr. McMILLIN. I do not desire a separate vote.

So the House receded from its disagreement and concurred in the Senate amendment.

The SPEAKER. The question will be taken on the other amendments.

The question was taken, and the House receded from it disagreement and concurred in the other amendments of the Senate.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill.

The SPEAKER. Does the gentleman desire the conference report read, or the statement?

Mr. SHERMAN. I ask unanimous consent that the statement may be read, and that the conference report may not be read.

The SPEAKER. The gentleman asks unanimous consent that the House may dispense with the reading of the conference report and that the statement of the House managers may be read instead. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The Senate recedes from amendment 88 and the House from amendment 90, both of these amendments relating to the Colville Reservation in Washington; 90 was inserted by the House, 88 by the Senate. Both being receded from, there is no legislation in reference to that reservation.

The House recedes from amendment 87. This amendment provided for reimbursing the county of Ormsbee, Nev., $6,375 for money expended in improving the site of an Indian school. This county donated the ground for the erection of this school to the United States, but it afterwards being ascertained that water was not present in sufficient quantities, the county expended considerably above, as is alleged, this amount to provide the same, and this amendment is to reimburse them for that expenditure.

Amendment 59 the House recedes from with an amendment. This amendment provides for the jurisdiction of the United States court in the Indian Territory, and the amendment to the amendment is a provision that it becomes operative on the 1st of January, 1898, instead of upon the passage of the act.

To amendment numbered 60, which provided for two additional judges in Indian Territory, the Senate receded.

To amendment numbered 61, which provided that the so-called Dawes Commission should continue to negotiate with the Five Civilized Tribes, the House receded.

To amendment numbered 62, which provides that the acts of the councils of the several Five Civilized Tribes shall be submitted to the President of the United States for his approval, the House receded from its disagreement with an amendment, which is fully stated in the report accompanying this statement.

The House receded from amendment 95, which carries no appropriation, but which does provide that there be furnished by the Secretary of the Interior a full statement in reference to the treaty obligations between the United States and the Sisseton and Wahpeton Indians, and also to make a like report in reference to the Medawakton and Wapakoota Indians.

The House recedes from amendment 92 and the Senate from amendment 93, the two recessions being within an amendment which provides that one-half of the sum remaining, to wit, $7,876.15, be apportioned among the various claimants, as they are set forth in the report, and the other half paid to the Indians. This is the much mooted, so-called "Old Settler, Western Cherokee claims" matter. The Senate last year, by an amendment, proposed to pay out this entire sum to the various claimants. The House resisted this proposition, and the conclusion then reached was an amendment which provided that the funds should remain in the hands of the Secretary until some subsequent legislation. No. 92, the House proposition, provided for the payment of the entire sum to the Indians. No. 93, which was the Senate amendment, provided for the submission of the entire matter to the Court of Claims, subject to certain provisions and limitations therein stated. It was believed by the House conferees that the agreement reached, as above referred to, was really for the best interest of the Indians. It would end all further litigation and contention in reference to this matter, and if the whole subject went into the Court of Claims no one could tell when it would be finally adjudicated and how much thereof the Indians would eventually receive.

To amendment numbered 85 the House recedes with an amendment, making the section read:

"That the mineral lands of the Uncompahgre Indian Reservation in the State of Utah are hereby declared open to public entry under the mineral-land laws of the United States, and no one person shall be allowed to make more than five claims on lands containing gilsonite; and on and after January 1, 1898, all of said reservation unallotted to Indians shall be open to public entry under the land laws of the United States."

To No. 9 the House recedes with an amendment making the amount $333,000, instead of $300,000.

This is not an appropriation, but a payment out of Indian funds.

The House conferees resisted this amendment during each conference to the present time, and, when finally accepting the same, did so with an amendment providing the fund withdrawn be sufficient to pay all the debts of the of the tribe. Upon amendment 30 (schools) and 103 the conferees have been unable to agree.

Mr. SHERMAN. Mr. Speaker, this report covers every proposition in the bill except the so-called sectarian school proposition and a single proposition which proposes to repeal certain provisions in last year's appropriation bill with reference to certain mineral lands. Unless some gentleman desires information specifically on some certain amendment, I will move the adoption of the report.

Mr. LACEY. I desire to hear an explanation from the chairman of the committee in regard to the gilsonite mineral lands on the Uncompahgre Reservation. As I understand from the report, it is agreed that these lands shall be open under the mineral laws. Is that under the placer law or under the other mineral laws?

Mr. SHERMAN. Under all the existing mineral laws of the United States.

Mr. LACEY. Which particular method will be adopted, the placer law or the ordinary law as applicable to gold and silver mines?

Mr. SHERMAN. All the laws of the United States which apply to such subjects will be applicable here. That is all I can say.

Mr. LACEY. There are two methods by which this can be done.

Mr. SHERMAN. It is simply a method of administration, and the Department will use such method as it sees fit.

Mr. LACEY. It is provided each man may take five claims.

Mr. SHERMAN. Four claims.

Mr. LACEY. Is that four claims of 20 acres each?

Mr. SHERMAN. Four claims of 5 acres; that is the understanding.

Mr. LACEY. I would like to ask the chairman of the committee if this matter was carefully investigated and the various mineral laws examined with reference to this gilsonite, so as to see that you do not go to work in a way that will result in great litigation and trouble?

Mr. SHERMAN. I will say to the gentleman from Iowa that the matter has been contested very seriously in the conference committee, the House conferees strenuously opposing the adoption of any provision of this kind, the Senate being equally insistent upon the provision as they had originally inserted it in the bill. We asked the Commissioner of Indian Affairs to come before us this morning, and thereafter I had a conversation over the telephone with the Secretary of the Interior, and my understanding from both of them was that if the House conferees could not do any better, it would be well to accept this proposition.

Mr. LACEY. Then, as I understand it, the House conferees were contending for the arrangement proposed by the President.

Mr. SHERMAN. The House conferees were attempting to strike out everything with reference to this matter, but in that they could not succeed.

Mr. HERMANN. Can the gentleman recall whether an item which was put on by the Senate in regard to the Indian training school at Salem, Oreg., is retained in the bill?

Mr. SHERMAN. Yes; we accepted the Senate proposition to increase the number of students to 300 in the Indian school at Salem, Oreg.

Mr. HERMANN. So that there is no further difference with regard to that?

Mr. SHERMAN. There is no further difference with regard to that.

The conference report was adopted.

Mr. SHERMAN. Now, Mr. Speaker, I ask attention to amendment numbered 30, known as the sectarian school amendment. The first paragraph of that amendment relates only to applying $5,000 of the fund for the support of Indian schools for education in Alaska. It has been customary to authorize such use of a portion of the fund, and by some inadvertence the provision has crept into this paragraph. Beyond that this amendment numbered 30 contains a provision that 40 per cent of the appropriation for the year 1895 may be used, if the Department deems it necessary, for the education of Indians in contract schools, the money to be apportioned as evenly as practicable among the schools of the various denominations.

In order that the conferees may understand just what is the sentiment of the House in regard to this question—and I think every gentleman understands the proposition, so that it needs no argument, and I shall make none—in order that the conferees may understand the sentiment of the House in regard to the provision in the bill, I simply move that the House recede from its disagreement and concur in the Senate amendment. Gentlemen who desire to recede from the disagreement and to agree that 40 per cent of the appropriation for 1895 may be expended for the education of Indian children in contract schools will vote "aye," and gentlemen who desire to retain simply and absolutely the provision of last year's bill will vote "no." I should like to get the sentiment of the House on that motion, and I ask for the previous question.

Mr. MORSE. I would like to make an inquiry of the gentleman.

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. I do not. I ask for the previous question.

The SPEAKER. The gentleman from New York moves that the House recede and concur with the Senate on amendment numbered 30.

The Clerk will read the amendment.

The Clerk read as follows:

In the paragraph providing for the support of Indian schools, insert the following after the word "dollars:" "Of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska. And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year 1896, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 40 per cent of the amount so used for the fiscal year 1895: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for."

The previous question was ordered.

The SPEAKER. The question is upon the motion that the House recede and concur.

The question being taken, the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 87, noes 60.

Mr. LINTON. I demand tellers, Mr. Speaker.

Mr. COOPER of Wisconsin. Let us have the yeas and nays.

The question was taken on ordering the yeas and nays, and 33 members voted in favor thereof.

Mr. SHERMAN. Count the other side.

The other side was counted, and 143 members voted in the negative.

The SPEAKER. On this question the ayes are 33 and the noes are 143, not a sufficient number, and the yeas and nays are refused.

Mr. LINTON. I demand tellers.

The question was taken on ordering tellers, and 22 members voted in favor thereof.

The SPEAKER. Upon this question 22 members have voted in the affirmative—not a sufficient number. Tellers are refused, the yeas and nays are refused; the ayes have it, and the motion to concur is agreed to.

Mr. SHERMAN. Now, Mr. Speaker, I move that the House concur in Senate amendment numbered 103, and that will end the bill.

The SPEAKER. The Clerk will report the amendment.

Amendment 103 was read, as follows:

SEC. 9. That section 8 of an act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, be amended by striking out from the last paragraph of said section the following proviso, to wit: "*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

That section 9 of said act be amended by striking out from the last paragraph therefrom the following proviso, to wit:

"*Provided, however*, That any person who, in good faith, prior to the passage of this act, had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

The SPEAKER. The gentleman from New York [Mr. SHERMAN] moves that the House recede from its disagreement to this amendment and concur in it.

Mr. LACEY. I should like to have some explanation of this item from the chairman of the committee [Mr. SHERMAN].

Mr. SHERMAN. This provision was inserted in last year's bill. It gave to certain parties who had certain so-called claims a privilege which the Senate in its wisdom has seen fit this year to cut off. I doubt whether it was wise to put the provision in the bill in the first place; perhaps it is not the wisest thing in the world to strike it out now. But if anybody has a vested right, this action of ours certainly can not interfere with it. I can not see that the amendment will injure anybody.

Mr. LACEY. What class of minerals does the provision cover?

Mr. SHERMAN. Coal, and minerals of like character—not gold or silver, or anything of that kind, as I understand.

The question being taken on the motion of Mr. SHERMAN, that the House recede from its disagreement and concur in the amendment, it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the votes on the several amendments of the Senate was laid on the table.

SALES IN THE SUBSISTENCE DEPARTMENT.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men.

The amendments were read.

Mr. GRIFFIN. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. I present a conference report on the District of Columbia appropriation bill. I ask unanimous consent that the reading of the report be omitted and that the accompanying statement be read instead.

There was no objection.

The following statement of the House conferees was read:

The managers on the part of the House report as follows:

The Senate recedes from amendment numbered 2, relating to the Public Library.

Amendments numbered 6 and 7, relating to condemnation under the highway extension act.

Amendment numbered 58, relating to the Washington Aqueduct tunnel.

The House recedes from amendment numbered 8, relating to payment of back taxes.

Amendments numbered 53 and 55, relating to electric lights.

Amendments numbered 102 to 123, inclusive, and amendment numbered 131, relating to charities.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. GROUT. I move that the report of the committee of conference be adopted. The House will notice from the statement that upon the proposition for the establishment of a free library the Senate conferees receded. They receded, also, on the proposition relative to the Washington Aqueduct tunnel, known as the Lydecker tunnel; also on the fifth and sixth amendments relating to the appropriation for the payment of judgments that have arisen out of the highway extension act, amounting to one or two hundred thousand dollars, more or less, the exact amount I do not recall. The House conferees, in order to reach an agreement, have receded from an amendment relative to the collection of taxes, which we only disagreed to in the former conference for the purpose of learning something more about it. We are now satisfied that it is all right.

We have reluctantly receded from our disagreement upon the Senate amendments with reference to charities, which placed them, as the House will recall, upon the precise basis upon which they were placed by the Senate amendment of one year ago.

Mr. NORTHWAY. That permits the Commissioners of the District to make contracts, does it not?

Mr. GROUT. No; that was the way the House sent the bill to the Senate. The Senate has restored these different charities, appropriating for them seriatim, as heretofore. They reenact the law of last year in such a form that after the 1st of January, 1898, no more sectarian appropriations shall be made; whereas in the last bill this provision was limited to the 1st day of July, 1897. In other words, they have put off for one year the time when the provision shall take effect.

Individually, I consented to this with great reluctance. But it was perfectly apparent that at this late stage of the session we must, in order to reach an agreement upon the bill, concede that proposition; also, another amendment which I forgot to name, that with reference to the electric lighting, which I will ask my colleague on the conference committee, the gentleman from New Jersey [Mr. PITNEY], to explain.

Mr. NORTHWAY. I presume that next year we shall be called upon by the Senate to postpone the operation of this provision for another year.

Mr. GROUT. I will say to the House that if I am on the conference committee again, I shall never agree to another postponement; the House can do so if it wishes. I felt this time like bringing the question before the House. But the session is so far spent and Senators are engaged upon two or three conferences, so that it became apparent to your conferees that they must agree to this amendment for the time being or the bill would be very likely to fail. The conferees on the part of the Senate profess to think that the bill may fail in the Senate because we insisted that these large money payments should go out—some five or six hundred thousand dollars for the Washington Aqueduct tunnel, two or three hundred thousand dollars for the claims on account of the highway extension. But that is a matter for the Senate.

Mr. RICHARDSON. Will the gentleman now please make a statement which will give the House a proper understanding of the status in which the condemnation matter is left by this report?

Mr. GROUT. Mr. Speaker, there are certain judgments rendered, from some of which appeals have been taken; but the whole matter is in abeyance, because a question concerning the constitutionality of the highway act is now pending in the Supreme Court of the United States, and a decision was looked for on Monday last, but it was not handed down. The House conferees felt that until that question was settled they were justified in refusing to go forward in the payment of the claims.

Mr. LACEY. I would like to ask the gentleman what status this leaves the Lydecker tunnel in?

Mr. GROUT. Nothing is undertaken as to that work. The Lydecker tunnel, concerning which the gentleman inquires, I will say is left out by the conference report. Nothing is to be undertaken for the present year as to this work. The House will remember that an amendment was put on in the last bill by the Senate and rejected by the House—or rather was taken off by the conference committee—on the ground that the subject had not been submitted to the House committee, no estimate having been presented for that work. I stated then on the floor of the House, in explanation of the delay, that we wanted to examine the engineer officers who claimed that it was a feasible undertaking.

You will remember that some $3,000,000 have been expended already on the work. It extends from the Washington Aqueduct to the Howard University Aqueduct, near the Soldiers' Home, something like a mile and a half or two miles, and some portions of it are 170 feet under ground. It was given up years ago after an expenditure of $2,000,000 and upward, some contending that it was an impracticable scheme; but fraud was discovered in the work, and that was probably the principal reason for the suspension of the work.

It was stated on the floor of the House a year ago when this matter was under consideration that when this question was submitted to the House Committee on Appropriations, and they had an opportunity to investigate, they would go into it carefully and would furnish the House with their opinion as to the feasibility of the work, and would then determine whether it was proper to recommend the expenditure of the additional million of dollars required to complete it. But in the absence of the opportunity to make this investigation, we do not see that we are in a position to advise the House. The matter has not been submitted to the Committee on Appropriations, no estimate has been sent in. After it came up incidentally before the committee, and the Commissioners learned that we were unwilling to consider it because there was no estimate, an estimate was then sent to Congress, on which the Senate acted, but this was after the bill passed the House.

For one I want to ask the board who recommends the resumption of the work, and who say it is practicable and that we may safely expend a million of dollars and be reasonably certain of a supply of water—I say I want to ask certain questions of that board, to settle in my own mind whether the scheme is altogether practicable. So we stood out against this amendment; but when this matter is submitted to the Committee on Appropriations through the regular channels we will give it consideration and come to some definite conclusion upon it. I for one do not feel as if I knew enough about the matter to consent to any further considerable expenditure upon it, certainly not the expenditure of a million of dollars; and so, as I have said, we stood out against it, and the Senate finally receded.

I now yield to my colleague on the committee [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I only desire to detain the House for a very few moments with a word of explanation in addition to that of the gentleman from Vermont in charge of the bill. The Senate added about $1,700,000 to the bill after it left the House. We are able to report, upon this final agreement, that the House has only conceded of that amount to the Senate, in round numbers, about $359,000. It seems, therefore, Mr. Speaker, that we have effected a very fair settlement for the House.

Now, a word as to some of the legislative propositions involved in the controversy. The conference report does not reflect my views on all of the questions considered, but it is the very best compromise we could secure.

I may say, in this connection, that the Senate conferees have expressed some fear that the Senate would disagree to this report, because the House conferees have insisted that they do not desire to undertake the great work of completing the Lydecker tunnel, involving, perhaps, the expenditure of $1,000,000, without having the opportunity to examine the question more fully. The District bill, as I remember, passed the House on the 8th day of February last. The estimates for the Lydecker tunnel were sent to Congress on the 11th day of February, three days after the bill passed the House; so that the House Committee on Appropriations had no opportunity whatever to investigate the proposition.

The House conferees therefore insisted that they could not agree to this amendment until an opportunity was afforded for investigation. I desire, in conclusion, to say to the House that we have secured the very best result possible in respect to the controverted points, and I appeal to the House to stand by the conferees. The only fear that I have, I may say, is that the Senate will not agree to the report, for the reason that the Lydecker tunnel was not recognized.

Mr. BARRETT. I desire to ask the gentleman a question, if I may be allowed to do so. Will the gentleman allow a question?

Mr. DOCKERY. Certainly.

Mr. BARRETT. Mr. Speaker, a year ago this House expressed its opinion, by a very emphatic vote, on these sectarian appropriations. The chairman of this committee [Mr. GROUT], in making this report, states that while he is willing to give way this year, he promises the House that next year, if he is on the conference committee, he does not propose to give way at all. Now, I should like to ask the gentleman from Missouri [Mr. DOCKERY] whether or not the statement made by the gentleman from Vermont [Mr. GROUT], that in another year he thinks the views of the House may have some standing, possibly, is based upon any facts, or simply upon his desire to postpone this matter for a twelvemonth?

Mr. DOCKERY. I think I can explain that matter to the satisfaction of my friend from Massachusetts [Mr. BARRETT]. The gentleman from Vermont [Mr. GROUT] in charge of the bill has made his own statement.

Mr. GROUT. I will say something more, however.

Mr. DOCKERY. One reason why the conferees consented to

accept the Senate proposition was this: The gentleman from Massachusetts [Mr. BARRETT] will remember that at the last session a joint commission was appointed to investigate the question of charities, and instructed to report to Congress; but for reasons relating to the body at the other end of the Capitol, the joint committee was unable to organize until a very late hour of this session. That commission is continued in this bill.

The gentleman from Vermont [Mr. GROUT] can speak for himself; and I suppose that when he made his statement in reference to charities he only assumed to speak for himself. I assume that statement was made because the joint commission is required by the provision continuing it to make a report at the next session of Congress. I suppose, therefore, the gentleman in charge of the bill declared his position in view of that fact. I yield back the time to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, I made the statement in answer to a question. I should not have volunteered the statement, as the remark of the gentleman from Massachusetts [Mr. BARRETT] would seem to imply. The gentleman from Missouri [Mr. DOCKERY] has given somewhat fully an additional reason why I agreed to do it. I want to say further that I agreed to do it on a sort of compulsion. The gentleman knows and the House knows how I have stood on this question, but when the gentleman has been on a conference committee on an appropriation bill, with 135 amendments in dispute, he will learn that he can not have everything his own way about them all——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. GROUT. Certainly.

Mr. COOPER of Wisconsin. What great harm would be done if this appropriation should not be made at all at this session?

Mr. GROUT. Oh, I do not think it would kill anyone. I do not think the wheels of government would stop, because we are to have an extra session. But no principle is surrendered by the agreement. Had there been a principle surrendered, I will say to the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Massachusetts [Mr. BARRETT] that I should not have agreed to it. It is simply a postponement of the date, a reenactment of the law, with a new limitation as to time. That is all.

Now, I want to say to gentlemen that I do not blame them for expressing disappointment at the result. I could not myself help the feeling that the proposition made to extend the time was suggestive of suspicion that it was not made in good faith, and I said to the honorable Senators, "Gentlemen, it will be an unpleasant task for me to go before the House and explain my position as consenting to this arrangement. I feel like going before the House and saying that they had a right to expect you would keep your word of a year ago. This was your proposition, and why not stand by it now?"

Mr. Speaker, we did the best we could to have the provisions of the bill as it passed the House restored, but we could not accomplish that, and in order not to have a disagreement, in order to save coming back and presenting the matter in piecemeal to the House, we reluctantly agreed to the report. In fact, we could have agreed to nothing if the whole had not been included; as I say, I agreed on compulsion.

Mr. MOODY. Will the gentleman permit a single question?

Mr. GROUT. Certainly.

Mr. MOODY. I should like to ask the gentleman, who is experienced in these matters, how long this kind of compulsion is going on, by which the House is compelled to appropriate money against its deliberately declared will?

Mr. GROUT. Oh, well, the gentleman's question, with his right arm extended high in the air, seems to appeal to the morality of the upper air so theatrically that I will let the upper air answer it. [Laughter.]

Mr. WHEELER. I wish to ask the gentleman one question.

Mr. MOODY. Let me say that if the upper air does not answer any better than the gentleman does I shall not get any answer. [Renewed laughter.]

Mr. WHEELER. I would ask the gentleman if it would not make a great deal of suffering in this District should it not obtain this appropriation?

Mr. GROUT. I do not think it would. I think, since the gentleman has referred to it, that the Commissioners can contract for the care of every infant, and every child who is now enjoying the charity of this District in families either within the city or the adjoining country, so that no suffering would take place. No, I will not admit the gentleman's proposition. I think all could have been well cared for by the Commissioners of the District without longer employing these sectarian institutions.

Mr. WALKER of Massachusetts. Nobody seems to be right. What is the gentleman trying to do with his bill—to beat it? [Laughter.]

Mr. GROUT. Well, I have wasted some time in answering the silly questions that are being asked. [Laughter.] Now I move the previous question.

Mr. BARRETT. Will the gentleman permit me a question?

Mr. PITNEY. Regular order.

Mr. BARRETT. I wish to ask the gentleman a question.

The SPEAKER. The gentleman from Vermont has demanded the previous question.

Mr. GROUT. I will yield to the gentleman for a question.

Mr. BARRETT. Now, I wish to ask the gentleman a question. The gentleman has stated that these questions are "silly." The question asked by my colleague [Mr. MOODY] and the question asked by my friend——

Mr. GROUT. I ought to have said "airy" questions. [Cries of "Regular order!"] I take it back and call them "airy" questions.

The SPEAKER. The gentleman from Massachusetts is recognized, for how long?

Mr. GROUT. I yielded for a question.

Mr. BARRETT. Will you allow me a moment?

Mr. GROUT. Unless the gentleman proceeds to ask his question, I shall move the previous question.

Mr. BARRETT. I wish to ask the gentleman a question. I wish to have a moment to discuss this question. May I ask the gentleman to yield for a moment?

Mr. GROUT. I do not want to seem to be ungracious. I have yielded for a question, and have waited for the question. I shall ask the previous question if the gentleman does not want to ask it. There was time for debate, and if the gentleman had put a request for time I should gladly have given an opportunity for debate, and if I thought the gentleman really wanted to debate this subject I would yield him time now. But as it is, I call for the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. BARRETT. Division!

The House divided; and there were—ayes 111, noes 9.

Mr. BARRETT. I raise the point of order that no quorum voted. [Cries of "Oh!"]

The SPEAKER. The Chair overrules that point of order.

Mr. BARRETT. One moment. Does the Chair hold that a quorum voted?

The SPEAKER. The Chair did not say that a quorum had voted, but overrules it as a point of order. It is the presence of a quorum on which the point of order can be made. [Laughter.]

So the previous question was ordered.

The question was taken on agreeing to the conference report; and the report of the committee of conference was agreed to.

On motion of Mr. GROUT, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

JERUSHA STURGIS.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE and others. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HENDERSON. I would like to say to the House that we have now disposed of all the appropriation bills except the sundry civil and the general deficiency bill. The conferees will probably finish their work on the sundry civil bill by 11 o'clock; but as most of the conferees on that subcommittee are also on the general deficiency bill, the latter can not be taken up until the conference is completed in respect to the sundry civil. I therefore move, Mr. Speaker, that we take a recess until 11 o'clock.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins;

A bill (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia;

A bill (S. 824) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842;

A bill (H. R. 1359) for the relief of the administrator of George McAlpin;

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of certain transcripts from the records of the health department;

A bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park;

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; and

A bill (H. R. 2815) for the relief of William Lock and James H. Tinsley.

LEAVE TO PRINT.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask leave to print in the RECORD some remarks on rules of the House that I have offered to the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print some remarks upon rules which the gentleman has introduced.

Mr. RICHARDSON. It has been impossible for us to hear the request of the gentleman. I could not hear the statement of the Chair.

Mr. WALKER of Massachusetts. My request is for leave to print in the RECORD some remarks on rules.

The SPEAKER. The Chair will state the request of the gentleman from Massachusetts. He desires to print some remarks upon rules which he has submitted to the House.

Mr. HARDY. I understand that the gentleman has withdrawn the objection to the consideration of the bill for the pension of the widow of General Sturgis.

The SPEAKER. There were several objections.

Is there objection to the request of the gentleman from Massachusetts?

Mr. COX. I object.

Mr. BAILEY. I want to know to what committee these rules have been referred?

Mr. WALKER of Massachusetts. To the Committee on Rules.

Mr. BAILEY. I would like to know when they were introduced?

Mr. WALKER of Massachusetts. They have been regularly introduced, but have not yet been printed, and will not be for two days, because the Printing Office is so full of work

Mr. RICHARDSON. I understand they are to be printed as a document, and the gentleman desires to submit remarks upon those rules?

Mr. WALKER of Massachusetts. That is all.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I desire consent to extend my remarks in the RECORD. I intended to make that request when I had the floor.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLEARY of Minnesota. Would it be in order to move to suspend the rules and pass the bill for which I have just asked consideration?

The SPEAKER. The Chair thinks not.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. A bill to pension Anna G. Valk was passed by the House for a certain amount, went to the Senate, where it was amended, was returned to the House and referred to the Committee on Invalid Pensions, and that committee has reported the bill back to the House—is that a privileged report?

The SPEAKER. The Chair does not think it is.

The motion of Mr. HENDERSON was then agreed to; and the House accordingly (at 23 minutes past 10 o'clock), took a recess until 11 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House, at 11 o'clock p. m., was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had passed the bill (S. 588) for the relief of William H. Hugo; in which the concurrence of the House was requested.

The message also announced that the Senate had reconsidered, in pursuance of the Constitution, the bill entitled "An act granting a pension to Caroline D. Mowatt," returned to the House by the President with his objection and sent by the House of Representatives to the Senate; and that two-thirds voting in favor thereof, the Senate had decided to pass the bill, the objection of the President notwithstanding.

The message also announced that the Senate had passed with amendments the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

A further message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals.

TITLE LX, CHAPTER 3, REVISED STATUTES.

The SPEAKER laid before the House a bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyright, with amendments of the Senate thereto.

The Senate amendments were read.

Mr. FAIRCHILD. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. PAYNE. Mr. Speaker, I hope the gentleman will explain the amendments.

Mr. FAIRCHILD. The only amendment of any moment is the last one, which reads:

Provided, That this act shall not apply to any importation or sale of such goods or articles brought into the United States prior to the passage hereof.

That amendment simply provides that operation of the bill shall not be in any way retroactive.

The amendments of the Senate were concurred in.

On motion of Mr. FAIRCHILD, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

REASSESSMENT OF WATER-MAIN TAXES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with amendments of the Senate thereto.

The amendments were read.

Mr. BABCOCK. Mr. Speaker, I move that the House concur in the amendments of the Senate. They are merely formal, correcting some slight errors that occurred in printing the bill.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted as follows:

To Mr. LEIGHTY, to withdraw all papers connected with H. R. 8095 to pension Mary M. Cartwright, no adverse report having been made thereon.

To Mr. BLUE, to withdraw papers in the case of Howard M. Parker, Fifty-fourth Congress, no adverse report having been made thereon.

To Mr. BLUE, to withdraw papers in the case of Hiram Hopson, Fifty-fourth Congress, no adverse report having been made thereon.

To Mr. CONNOLLY, to withdraw papers accompanying the following bills, no adverse report having been made against any of them, viz: H. R. 9175, 8867, 8423, 8036, 7626, 6515, 6516, 6497, 5931, 5746, 4561, 4184, 4183, 3756, 3225, 2275, 2216, 1274, and 422.

GALVESTON AND NORTHERN RAILWAY.

The SPEAKER also laid before the House a bill (S. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, with an amendment of the Senate thereto.

The amendment (in the nature of a substitute) was read at length.

Mr. SHERMAN. I move that the House concur in the Senate amendment.

Mr. BLUE. I wish to ask the chairman of the Committee on Indian Affairs [Mr. SHERMAN] whether this bill is in the ordinary form of the charters that have been granted for roads crossing Oklahoma and the Indian Territory?

Mr. SHERMAN. Precisely the same form. This amendment of the Senate, as I understand, simply changes the jurisdiction of certain courts from Kansas to the Indian Territory, as a matter

of convenience. Otherwise the bill is in the ordinary form of bills of like character heretofore passed.

Mr. BLUE. I notice there are some amendments in regard to the width of the right of way.

Mr. SHERMAN. If so, I think the gentleman will find that they are restrictions. Recently we have been in the habit of making rights of way more restricted than heretofore.

Mr. BLUE. The gentleman and his committee have examined this measure?

Mr. SHERMAN. Yes, sir.

Mr. BLUE. And it has received the approval of his committee?

Mr. SHERMAN. Yes, sir.

Mr. SULZER. What is the object of this transfer of the jurisdiction of the courts?

Mr. SHERMAN. It is a matter of convenience merely.

The question being taken on the motion of Mr. SHERMAN to concur in the amendment of the Senate, it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

WRITS OF CERTIORARI, ETC.

Mr. BAKER of New Hampshire. I submit a conference report.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with an amendment as follows: Strike out, in lines 3, 4, and 5, the words "that in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final," and insert in lieu thereof the words "that in any case heretofore made final in the court of appeals of the District of Columbia."

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on Senate bill No. 3538, to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals, report that the amendment reported to the House and agreed to by the Senate applies, so far as the same is applicable, the exact language of the act establishing circuit courts of appeals which now regulates the power of the Supreme Court to issue writs of certiorari to the courts of appeals in the nine circuits of the United States to the court of appeals in the District of Columbia.

They believe that the same enactment should apply to every part of the country, and that the power vested in the Supreme Court by the said bill is proper and necessary to secure uniformity of decision throughout the whole country.

HENRY M. BAKER,
D. B. HENDERSON,
J. E. WASHINGTON,
Managers on the part of the House.

Mr. BAKER of New Hampshire. I move the adoption of the conference report.

Mr. BAILEY. I make a point of order upon this report. It seems to me that the conferees have agreed upon a matter that has not been in dispute between the two Houses. They have adopted neither the House amendment nor the Senate amendment; they have gone outside of both. I submit that it is not competent for them to do so.

Mr. BAKER of New Hampshire. In reply to the gentleman from Texas, I will say that the conferees have not gone outside the purpose of the act in any respect whatever. They have carried out the intent of the Senate bill by providing that the same law shall apply to this case as applies to the several circuit courts of the United States.

Mr. BAILEY. I have no doubt in the world that the report as finally agreed to does deal in effect with what was in dispute between the two Houses; but the point of order I make is that the conferees have not reported that either the House or the Senate should recede; they have introduced an entirely new proposition in words, however similar it may be in effect.

Now, if the conferees would come to either House and ask that the House or the Senate on its part should agree to the amendment with an amendment, it would be competent to attain the result in that way. But it is not competent for the conferees on the part of the two Houses to go beyond the matters in dispute between them and to submit a new proposition. I submit, therefore, that the report is not in order.

Mr. HENDERSON. The conferees have done in this case exactly what is done in a majority of cases where differences arise between the two Houses. We have, as the gentleman says, substantially treated this subject. Sometimes an agreement is reached by amending an amendment—as, for instance, by reducing an amount of money where the sum to be appropriated is in controversy. Frequently, however, and the gentleman from Texas must have had experience in conference committees to verify what I say, the committee substitutes entirely new words for the matter in controversy.

Now, what is the real matter in controversy between the two Houses upon this bill? Under the act of March 3, 1891, establishing certain courts of appeals, power is given to the Supreme Court of the United States, in the exercise of its discretion, to issue its writ of certiorari and bring before it certain cases when it thinks it ought to be done. When this matter was before the Committee on Judiciary, members thought it might be well to frame the bill in such a way that it would apply only to cases in futuro—not to any case that might be already in existence. That, therefore, is the question at issue between the two Houses. We have tried different phraseology to bring the two Houses together; and have finally adopted in conference the amendment which is now before the House. It proposes in substance to make applicable in this case the same law which now applies to the several courts of appeal throughout the United States.

The technical point raised by my friend from Texas is in effect that a conference committee can not adopt a substitute. That is what the point amounts to. But, sir, the largest latitude is given under the rules to committees of conference. That latitude has been exercised again and again and the action confirmed by the House. Sometimes the words originally contained in an amendment are dropped entirely and new words substituted.

It will be seen that the effect of this amendment is—and I want the House to understand it—to apply absolutely to cases in existence, those which may be commenced or pending, just the same provisions, so far as applicable, as apply to cases which may be instituted to-morrow.

Mr. TURNER of Georgia. The gentleman from Iowa has about explained what I wished to know with reference to this matter, but I would thank him to state exactly what the proposition is that the conferees now report to the House.

The SPEAKER. The Chair would like to ask the gentleman from Iowa where the lines are that are amended? Are they lines in the House amendment or in the bill as it comes from the Senate?

Mr. HENDERSON. The House amendment consists of two words only, added in line 3, after the word "cases," being the words "hereafter arising." That was the only amendment made by the House. The effect of the amendment was of course to make the bill apply only to cases that might be instituted after the passage of the act. I think my friend from Texas [Mr. BAILEY] will sustain me in the construction of the contention that existed between them. The effect of it, I repeat, is practically a yielding on the part of the House.

Mr. MILES. Is it not an entire yielding on the part of the House?

Mr. HENDERSON. Well, I say it is a practical yielding on the part of the House. The House recedes from the amendment; and it will apply to all cases. It provides now according to the proposed amendment that it will affect all cases, those that are pending and those that may be hereafter instituted. I want every member, of course, to understand exactly what this question is.

The SPEAKER. The Chair does not see that the conference committee have transcended their powers in the amendment, and will therefore have to overrule the point of order.

Mr. BAILEY. I have no desire, Mr. Speaker, to say more than that, according to the admission of the conferees themselves, they have submitted exactly the same proposition that we voted down this afternoon. But I am ready to take a vote upon it.

Mr. BURTON of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURTON of Missouri. I rise for the purpose of opposing this conference report.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HENDERSON. I will in a few moments, Mr. Speaker, if my friend will allow me a minute, so that the House may fairly understand this proposition.

The feeling that some of us on the Judiciary Committee had (and I suggested the amendment to the committee) was that possibly we should not frame it so as to apply to cases that might be pending. But we have conferred with the Senate conferees on the subject, and, as well suggested while it was under consideration, why should it not apply to anyone entitled to its benefits where the Supreme Court, in the exercise of its discretion, thought it ought to be done? That is the whole question in a nutshell. If to-morrow a suit is commenced that the Supreme Court thinks ought to be reviewed and issues a writ of certiorari for that purpose involving a constitutional question, there is no reason why it should not be done. It is done in all the courts of appeals. The writ issues to all of them, and why should it not apply to a case now pending? Is there any good reason why it should not? That is the real issue.

Mr. RAY. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. Certainly.

Mr. RAY. As this conference report is now agreed to by the conferees, would it not permit the Supreme Court of the United States to bring up for review, on certiorari, any decision in any case that has been made by the court of appeals of the District of Columbia?

Mr. HENDERSON. I do not know anything of what cases are pending, but I will say to my colleague that it will grant that same privilege to the final court of the District of Columbia as it will to the courts of appeals in the nine circuits of the United States to any cases that were pending when the bill became a law on the 3d day of March, 1891. No reservations were made under the act. Any suits then pending came within the folds of the garment of that act; and so under this bill any suits now pending will come within its provisions, and I do not want any juggling or misunderstanding upon the subject. I bring no bill before the House as a conferee, or as chairman of my committee, that I do not thoroughly believe in, and am satisfied to have fully explained to the House.

Mr. MILES. Let me ask the gentleman if this would not affect a case where a judgment is already rendered, and where the time has not run out within which certiorari may be taken out?

Mr. HENDERSON. I suppose, of course, it would give the right of review. If it will in your circuit, no doubt it will also in mine. It is uniform in its operation. There is no distinction or discrimination. But, of course, it is in the exercise of the sound discretion of the highest court of the country.

Now I yield the time back to the gentleman from New Hampshire [Mr. BAKER], who yielded to me.

Mr. BURTON of Missouri. Mr. Speaker, under the law there are certain judgments and decrees that have been or may be rendered by the court of appeals of the District of Columbia which are final.

This bill as it was originally introduced, and, in fact, as it passed the Senate, gave to the Supreme Court of the United States the right to issue a writ of certiorari, upon which the judgment and decree rendered in a cause in which there could be no appeal should be certified to the Supreme Court for review. The Judiciary Committee of the House were of the opinion that we ought not to apply it to any case wherein a judgment had already been rendered, upon the theory that a party who had gone into a court, either in a civil cause or at the foot of an indictment in a criminal prosecution, knew at the time what the law was, what his rights of appeal were, and what courts he might call upon to review the judgment or decree rendered in his particular case.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BURTON of Missouri. Not now, but in a moment. The committee on the part of the House were of the opinion that judgments heretofore rendered ought not to be disturbed, but that as to any causes which might arise in the future it would be meet and proper that the Supreme Court, in its discretion, might cause a writ of certiorari to issue. Our committee were substantially unanimous on that proposition. I believe there was but one member who voted in the negative, and that was my friend the gentleman from New Hampshire [Mr. BAKER].

Mr. RAY. Oh, no. My colleague will remember that I offered an amendment, and tried to get it through the committee, which permitted the bringing up by certiorari of the proceedings in all cases now commenced, whether determined or not.

Mr. BURTON of Missouri. Yes; I concede that.

Mr. RAY. Every litigation now pending.

Mr. BURTON of Missouri. Yes; instead of the word "arising," your amendment was "decided." Now, the committee reported that amendment to this House and it was adopted. It went over to the Senate, and in conference it came halfway. It was willing that our amendment should apply to civil cases, but not to criminal cases, for the reason given by the gentleman from New Hampshire [Mr. BAKER], that the rights of life or liberty were paramount to the right of property; but after the discussion this afternoon we voted it down, which was tantamount to instructing our conferees to insist on the amendment of the House. Now, the conferees come back here and not only do not stand upon our instructions, but they even give the other half away, and say that not only in criminal cases, but in civil cases——

Mr. MILES. In all cases?

Mr. BURTON of Missouri. In all kinds of cases, civil or criminal. We say, Mr. Speaker, as to the future, well and good, but as to any case which has been heard and determined, wherein a judgment or decree has been rendered, that it ought not to be disturbed, for reasons which must be apparent to every lawyer on the floor of this House, if he will but reflect for a moment.

Now, I repeat that the managers on the part of the House have given away what we demanded and conceded what the Senate first insisted upon.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BURTON of Missouri. Now, I will yield to my friend from New Hampshire [Mr. BAKER].

Mr. BAKER of New Hampshire. Will you please inform us if there is any reason why the same law should not apply to the courts of the District of Columbia that applies to every other court in the United States?

Mr. BURTON of Missouri. Yes.

Mr. BAKER of New Hampshire. I should like to know why?

Mr. UPDEGRAFF. The courts of the District of Columbia have a general jurisdiction.

Mr. BURTON of Missouri. The courts of the District have a general jurisdiction. The United States courts in the various States have a limited jurisdiction, which only applies to a certain class of cases; but in this District there is a general jurisdiction. A citizen residing in the State of Missouri or in the State of Massachusetts, or any one of the other Commonwealths of this country, can not go into the Supreme Court of the United States. He must rest his case when he gets into the supreme court of his State, but under this proposition you would give to every man in the District of Columbia against whom a judgment has been rendered, either in a criminal or a civil proceeding, the right to have that case reviewed by the Supreme Court of the United States.

Mr. MILES. Although his case may have been tried and judgment rendered.

Mr. BURTON of Missouri. Although his case may have been tried and judgment rendered before the enactment of this law, I say that a citizen of the District of Columbia ought not to have any higher rights than a citizen of any one of the forty-five States of the Union.

Mr. BAKER of New Hampshire. The gentleman from Missouri entirely misapprehends the scope of this bill and this conference report. It is not in any sense a bill to give to anybody the right of appeal. It is simply to give the right, in those cases involving constitutional questions, those questions which the Supreme Court itself shall regard as proper for it to review, the issuing of a writ of certiorari. No member of this House can for one moment believe that the Supreme Court of the United States is ever going to busy itself in bringing up, by writ or certiorari, the petty cases referred to by the gentleman from Missouri [Mr. BURTON].

Mr. BURTON of Missouri. I will ask my friend——

Mr. BAKER of New Hampshire. One moment. One would suppose from the gentleman's argument that the Supreme Court of the United States was as anxious to find business as a country justice of the peace. The purpose of this bill is to make uniformity of law throughout the whole United States, and if the gentleman is at all familiar with the jurisdiction of the courts of the District of Columbia, he knows that by statute they are assimilated to the circuit courts of the United States. And consequently, being practically a circuit court of the United States, they should be under the same jurisdiction and the same provisions.

Mr. DOOLITTLE. And the same remedy should be applied.

Mr. BAKER of New Hampshire. And the same remedy should be applied.

Mr. TERRY. I desire to ask you this question: Is not the main purpose and object of this bill to affect a case that has already been tried?

Mr. BAKER of New Hampshire. Not that I am aware of.

Mr. TERRY. If not, why, by circumlocution, come back to this House and make it apply in the interest of a case already tried?

Mr. BAKER of New Hampshire. There is no circumlocution in this whole matter. It is a square statement, and does not cover anything.

Mr. TERRY. I undertake to say that the honorable chairman of this committee has truthfully told this House that it will apply to a case in which a judgment has already been rendered; and that being true, and this House this afternoon having refused to consent to a purpose of that kind, why have you come back by indirection and renewed the same purpose?

Mr. HENDERSON. I want to say to my colleague from Arkansas, I said that in any case where an appeal or a writ of certiorari would issue in any of the nine circuits, it would in the District of Columbia. That far and no further. This report which we bring in makes this law absolutely the same as the law applied to your circuit court of appeals and to mine and to the rest of the nine in the Union. No greater advantage and no less.

Mr. TERRY. That is right.

Mr. HENDERSON. Here in this circuit court, with these great concentrated interests, political interests, those of vast importance—should they not have the same right as your citizen and mine when the Supreme Court is asked to review by writ of certiorari if, in its opinion, it ought to be done? Supposing that matters affecting treaties between governments, involving constitutional questions in our country, are presented, and the Supreme Court thinks that a writ should issue to bring before that tribunal some case you would not have the right to have them issue a writ to the final court here, while in your circuit and mine, where less important questions arise, you would have it. I

want fair play between my countrymen, and this absolutely gives only that and nothing more. [Loud applause.]

Mr. BURTON of Missouri. I will ask the chairman if, when the statute creating the courts of appeal was enacted, it did not give to everyone this right of writ of certiorari in cases thereafter to originate?

Mr. HENDERSON. No, sir; it is not in the law, and I will give it to you to find it.

Mr. BURTON of Missouri. I will ask you if, under this amendment, you can not go into court and disturb a judgment that was rendered long before this amendment was offered?

Mr. HENDERSON. Not if the right of review has expired under the law, according to the circuit court of appeals.

Mr. BURTON of Missouri. Did it ever exist in the District of Columbia?

Mr. HENDERSON. I do not know how that may be. I do not pretend to say. But I do say that there is no enlargement of the powers and the rights of the citizens of the District of Columbia that is not enjoyed by your citizens and mine.

Mr. UPDEGRAFF. Will my colleague allow me to ask him a question?

Mr. HENDERSON. With great pleasure.

Mr. UPDEGRAFF. Does not this legislation affect the rights of parties in existing cases, pending cases?

Mr. HENDERSON. I will answer my good colleague from Iowa by stating when the act of March 3, 1891, was made law, if that law then enacted affected rights pending, this does. Does anyone take exception to that law? Have you introduced a bill to repeal it? Certainly not.

Mr. UPDEGRAFF. I fail to get an answer.

Mr. HENDERSON. I have answered you.

Mr. UPDEGRAFF. I fail to get an answer to that question; now, let me ask another?

Mr. HENDERSON. I say it treats them exactly as the general law treats them.

Mr. UPDEGRAFF. Will not this act, if it becomes a law, permit a rehearing in the Chapman case, or rather permit a revision of the action of the supreme court of the District of Columbia in the Chapman sugar-trust case?

A MEMBER. What if it does?

Mr. HENDERSON (to Mr. UPDEGRAFF). Wait a moment now; do not get on your coos and run, my boy. [Laughter.]

Mr. UPDEGRAFF. Oh, not at all.

Mr. HENDERSON. If you know Chapman, you know more than I do.

Mr. UPDEGRAFF. I do not.

Mr. HENDERSON. And if you know what his litigation is, you know more than I do. But whether it be Chapman or UPDEGRAFF, Tom, Dick, or Harry, a citizen of this District is entitled to the same right of review that DAVE HENDERSON or TOM UPDEGRAFF is entitled to in his district. [Applause.]

Mr. UPDEGRAFF. This bill enlarges the rights of Chapman for the benefit of the sugar trust.

Mr. HENDERSON. No, sir; it is not for any such purpose.

Mr. MAGUIRE. If there is no right of appeal or certiorari now——

Mr. BAKER of New Hampshire. Mr. Speaker, I call for the previous question on the adoption of the conference report.

Several MEMBERS. No, no.

The previous question was ordered.

The question being taken on the adoption of the conference report, the Speaker declared that the ayes seemed to have it.

Mr. BURTON of Missouri. I ask for a division.

The House divided; and there were—ayes 95, noes 46.

Mr. MILES. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Maryland makes the point that there is no quorum present. [After a count.] There are 183 members present—a quorum.

Mr. BURTON of Missouri. Mr. Speaker, I demand the yeas and nays on the adoption of the conference report.

The yeas and nays were refused, only 23 members voting in favor thereof; and the conference report was adopted.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. WANGER, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies the papers in the case of Samuel T. Morris (H. R. 7037), first session, Fifty-fourth Congress, no adverse report having been made thereon.

Mr. FENTON, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of Theodore W. Tallmadge, Fifty-fourth Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army; and

A bill (H. R. 10228) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The House then, on motion of Mr. PAYNE, took a recess until 12.30 a. m.

The recess having expired, the House reassembled at 12.30 a. m. (Thursday, March 4).

Mr. HENDERSON. Mr. Speaker, it will probably be thirty minutes before the conference report on the sundry civil bill is ready. I move, therefore, that the House take a recess until 1 o'clock.

The motion was agreed to.

The recess having expired, the House, on motion of Mr. HOPKINS of Illinois, took a further recess until 1 o'clock and 15 minutes a. m.

The recess having expired, the House resumed its session.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 3663) to amend the laws relating to navigation.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I think it will be thirty minutes before we shall be able to report the sundry civil bill. The report is now being written up. I move that the House take a recess until quarter before 2 o'clock.

The motion was agreed to.

The recess having expired, the House resumed its session.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I present the report of the committee of conference on the disagreeing votes of the two Houses on the sundry civil appropriation bill. I ask consent that the reading of the report be dispensed with and that the statement of the House conferees be read.

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the sundry civil bill submit the following written statement in explanation of the accompanying conference report:

On amendments numbered 1, 2, 4, 6, 9, 10, and 12, relating to public buildings: Appropriates, as proposed by the Senate, for the public buildings at Bridgeport, Conn., Charleston, S. C., and Norfolk, Va.; appropriates for the public building at Topeka, Kans., as proposed in the amendment adopted by the House; strikes out the appropriation proposed by the Senate for the purchase of the Corcoran Art Gallery property and the appropriation for a public building at Butte, Mont., and strikes out the provision proposed by the Senate, appointing a committee to examine sites on lots for a memorial building for the National Society of the Daughters of the Revolution.

On amendment numbered 24, appropriates $175,000, as proposed by the Senate, for a revenue cutter on the Atlantic coast.

On amendments numbered 48, 49, and 50, provides for the return of the Government exhibit from the Omaha Exposition, and strikes out the increase proposed by the Senate of $75,000 in the appropriation for said exposition.

On amendment numbered 58: Provides for an additional collection district in Vermont, as proposed by the Senate.

On amendments numbered 62 and 63: Strikes out the appropriation proposed by the Senate for payment to A. T. Kimball and to the heirs of certain persons who were killed by the explosion of the gun-cotton factory near Newport, R. I.

On amendment numbered 72: Inserts in lieu of the provision proposed by the House for the Senate amendment, the following:

"The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary line of such reserve, or may vacate altogether any order creating such reserve."

On amendments numbered 73, 74, and 78: Appropriates $20,000, as proposed by the House, instead of $45,000, as proposed by the Senate, for the report on mineral resources.

On amendments numbered 89, 90, and 91: Inserts the provisions proposed by the Senate with reference to electric lighting in parks.

On amendment numbered 96: Appropriates $18,000 for a road to the Chickamauga National Park.

On the amendments of the Senate relating to rivers and harbors, reducing the appropriations proposed by the House 25 per cent, the reduction is made 12½ per cent in lieu.

On amendment numbered 144: Strikes out the appropriation proposed by the Senate for a building for the Garfield Hospital.

On amendment numbered 148: Strikes out the appropriation proposed by the Senate for the improvement of Pearl Harbor.

On amendment numbered 169: Strikes out the appropriation of $100,000 for a branch soldiers' home in South Dakota.

On amendment numbered 180: Appropriates $150,000, as proposed by the Senate, for the Nicaragua Canal survey; and

On amendment numbered 190: Inserts the provision proposed by the Senate authorizing the Joint Committee on Printing to have prepared plans for additions to the Government Printing Office.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I desire to yield, as I agreed to do, five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I hesitate at this late hour in the session, when several appropriation bills are to be disposed of, about taking up the time of the House. The subject, however, to which I wish briefly to call the attention of the members of the House is one of such importance to Western interests that a sense of my duty to the people of that region compels me to make a brief statement of my position, and in doing so I think I shall voice the sentiments of most of the people of the great Northwest. I have reference, Mr. Speaker, to the provisions in this bill relative to forest reservations. The probability that this subject will be discussed both here and elsewhere at an early date warrants me in making a statement of my position in regard to the recent action of the President relative to forest reservations and the provisions relating thereto in this bill. The sundry civil bill as it came from the Senate contained the following provision:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States the same as if said Executive orders and proclamations had not been made.

This amendment after discussion in the Senate was unanimously adopted by that body. The reasons for the adoption of the amendment were clearly stated by various members of the Senate from the region affected when the amendment was under discussion in that body, and I will not trespass on the time of the House at this late hour to any considerable length with a general discussion of the action which called forth the amendment referred to. Suffice it to say that in the closing hours of the Fifty-first Congress a bill which, when it went into conference between the House and Senate, simply provided for the repeal of the timber-culture laws, when it came out of conference contained among other legislation the following provision:

That the President of the United States may, from time to time, set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

This provision, giving the President great powers, was adopted without discussion in either House, except that in the Senate Senator CALL, of Florida, stated that there were a number of provisions in the bill which seemed to have to do with the disposition of the public domain, and that while he did not feel justified in antagonizing the measure he wished to have it understood that he was not in favor of any measure that would have a tendency to withhold large bodies of land from settlement. The Senator from Kansas, Mr. Plumb, assured him that no provision in the bill would have this effect. Thus it will be seen from this discussion that it was not intended by the provision I have referred to that sweeping proclamations should be made withdrawing vast bodies of land from the public domain suddenly and without notice. Soon after the passage of the law the Commissioner of the General Land Office issued a circular of instructions as to the manner of examination of the lands which it was proposed to recommend to the President for segregation from the public domain as forest reservations, a copy of which I wish to have inserted in the RECORD:

[Circular of instructions relating to timber reservations.]

P.] DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1891.

TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE:

GENTLEMEN: Your attention is hereby called to section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

To carry into effect said provisions, it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residents of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in the immediate vicinity of the particular lands in question.

In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the head waters of rivers and along the banks of streams, creeks, and ravines, where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snows and the resultant inundation of the valleys below, which destroy the agricultural and pasturage interests of communities and settlements in the low portions of the country.

For the purpose of securing the necessary data upon which to base recommendations for such forest reservations the following instructions are issued:

Special agents, upon being detailed to secure the data in question, will proceed, without undue delay, to make in the districts assigned to them a thorough and careful personal examination of the public lands bearing forests or covered with timber or undergrowth, and ascertain by personal observation and by interviews with Government and State officials in the vicinity of such lands, and with citizens who have an interest in the public welfare, all facts pertaining to the value of said forests or timber lands for all uses, purposes, and requirements. The result of such investigations should be duly made the subject of report to this office.

In submitting such reports a recommendation should be made in each case as to whether the lands described should be set apart as a public reservation, setting forth in full the reasons for arriving at the conclusions stated. The agent should also in every instance, so far as practicable, procure and submit with his report the expression of opinion in writing of the officials and citizens interviewed by him relative to the special value of each tract or area of land reported upon.

In recommending reservations of timber lands, special agents should describe such lands by natural drainage basins; and whenever it is in the interests of the industries carried on in the district to except any lands within said basins from reservation by permitting the timber to be cut to meet the wants of the people, such excepted tracts should be described in Land Office terms, as sections, townships, ranges, etc.; but when surveys have not been extended over the lands thus excepted, the lands should be described by natural boundaries in such a manner that they may be readily distinguished from other lands, and that proper provision for their survey by Land Office methods may be made.

After making an examination of the timber lands of any drainage basin and having decided to recommend the same for reservation under the provisions of this circular, before submitting report in the matter a notice should be prepared by the agent stating that such recommendation will be made to the General Land Office, and setting forth a description of the basin, together with a description of any public lands embraced therein which it may be proposed to have excepted therefrom. It should also be stated therein that the object of such publication is to give timely notice of the proposed reservation in order that all parties interested, who either favor or oppose its establishment, may be afforded due opportunity to submit their views to this office, by petition or otherwise, for the purpose of having the same considered prior to the final establishment of such reservation.

This notice should be posted in the land office or offices of the district wherein such lands are situated, and a copy of the same should be published at least once a week for three successive weeks in some newspaper published in the county, or each of the other counties, wherein such lands are situated, and also in at least one other newspaper of general circulation in the State or Territory. If no newspaper be published in the county or counties in which the lands are situated, then the publication should be made in a newspaper published in the county nearest to such lands.

A printed copy of the notice of publication should be submitted with the agent's report, together with the affidavit of the publisher or foreman of each newspaper attached thereto, showing that the same was successively inserted the requisite number of times, and the dates thereof.

Should knowledge be acquired by the agent that any particular tract or tracts of public timber land are being, or are likely at an early date to be, despoiled of the timber which should be preserved for climatic, economic, or other public reasons, and that the early reservation thereof is necessary, the agent should report the matter at once to this office, describing in general the location of said lands, and stating reasons for believing that necessity exists for early action. Should the services of a surveyor be required to locate and define by proper exterior bounds and lines any tract or tracts therein which should be excepted from reservation, he should submit an estimate as to the total cost of such survey and the time required to complete same. Upon receipt of such report proper measures will be promptly taken by this office in the premises.

Very respectfully,

T. H. CARTER,
Commissioner.

Approved.

GEO. CHANDLER,
Acting Secretary.

It will be noted that the Land Office Department appreciated the importance of careful selections under the law and provided that before any recommendations were made by the Land Department that the region proposed to be set up as a forest reserve should be carefully explored, and that the people in the vicinity and the officers of the State in which the lands were located should be notified and given an opportunity to be heard for or against the setting up of the reservation.

There is no question but what the setting aside of tracts of land in the arid region containing forests near the head waters of streams would be beneficial in tending to conserve the water supply by retaining the winter snows and preventing the early parching of the ground by the summer suns. But the power vested in the President to set up such reservations must be carefully and intelligently exercised, or great injury is done and the growth and development of vast communities prevented or retarded. Unfortunately, there is no legislation at this time in regard to forest reservations other than the provision quoted above, empowering the President to establish them. The result of this is that the setting up of the forest reserve does not to any considerable extent prevent the destruction of the forests by fires and it absolutely prevents the use of the timber, thus causing much loss to the settlers in their vicinity and retarding development. In the Rocky Mountain region, including the Dakotas, most of the forests are evergreen, and where such forests are cut trees of the same variety succeed them. Thus the cutting and removing of large trees of pine and spruce results in the springing up and rapid growth of young trees of the same kind. These trees in a few years shade

the ground quite as much as the older ones, and, in fact, in a period of ten years the young growth produced in this way reaches a height from 8 to 10 feet, and in most instances standing very thickly, shade the ground much more effectively than the larger trees do, thereby protecting the winter snows from melting, and retaining the moisture in the ground even to a greater extent than does the larger growth. The cutting of timber in this region is, therefore, not an injury. No doubt in a few localities in the extreme Northwest, and certainly in some on the Pacific Coast, it is good policy to preserve the large trees for future use, and where there is a sufficient amount of lumber supply outside of the reservation established for the development of the region, such a policy is to be commended. Ordinarily, however, forest reservations should be set up not for the purpose of preserving the forest from use, but to provide for their legitimate use as needed.

As I stated before, at the present time there is no law under which any of the forests in a forest reservation can be utilized. A settler can not cut a stick of firewood, a house log, or a fence post without being a trespasser. Further, a considerable portion of the lands in the West contains minerals, and it is certainly not wise to close up any portion of our country against the efforts of the prospector to develop its mineral resources.

Now, as to the forest reservations set aside by the President in his proclamation of February 22, 1897, it is a fact that no careful examination was made of them by anyone, and they were set aside seemingly with an utter disregard of the wishes of the people most interested. It is true that a forestry commission, appointed by the American Academy of Sciences, claimed to have made an examination of these reservations, but Prof. Wolcott Gibbs, who made the report to the Secretary of the Interior, did not accompany the commission at all, and therefore had no knowledge whatever of the regions set aside except such as he may have gained in the past, and as he did not visit any of the reservations proposed to be set up with the commission, I presume it is quite likely that he never has visited any of them.

A member of the commission informed me as to the Big Horn Reservation that no member of the commission was nearer it than the city of Sheridan, 25 miles east of its eastern boundary. As to the Teton Reservation, no member of the commission was nearer it than 100 miles, except one, and he informed me that he had not been in favor of setting up that reservation. It will be thus seen that the only member of the commission who had any means of knowing anything about this particular reservation was opposed to its establishment, and the other members, who knew absolutely nothing about it, declared that it should be set up. Of course these learned and highly cultured gentlemen thought it should be done because they knew nothing about it, and lo, it was done. It is a fact, which was admitted by one of the commission, that except in instances where railroads crossed the proposed reservation no member of the commission visited such reservation. When they did cross them on the railroads, they evidently took great pains not to investigate the conditions surrounding them. For instance, the country in the Black Hills Reservation is composed of a rolling region of small open parks, separated by sharp dikes and mineral-bearing ridges, the parks being grassed and the ridges timbered. Only in one part of the region composing the reservation does it develop into anything like a range, and that is in the vicinity of Harney Peak. A great many of these parks, and, in fact, a very considerable portion of them, have been farmed for a number of years, and many comfortable farmhouses are scattered all over the region. The ridges are generally wooded and contain mineral, and much mineral development has taken place in the region for years past, and it is now producing a considerable amount of the precious metals. Several towns of from 500 to 1,000 people are located within the boundaries of the reservation, and I am credibly informed that there are no less than 8,000 or 10,000 people within the boundaries of this reservation. The Secretary of the Interior states in regard to this reservation that there are only fifteen filings of record in the local land offices. While this is undoubtedly true, it is also true that a great portion of the land is not surveyed, and, being in a mineral country, if it were surveyed, the ordinary agricultural filings could not be made. It is a fact that many thousands of acres are being farmed and have been farmed for many years, being held under the mineral laws, and tens of thousands of acres are being held and developed for mining purposes all over the reservation. These entries are entirely legitimate, but are never of record in the land office until the locator takes steps to make final proof on the claims.

Within the Big Horn Reservation in Wyoming, containing, as it does, 1,198,080 acres, are many thousands of acres of mineral and grazing lands. In fact, it would be an exceedingly liberal estimate to place the amount of land within this reservation bearing forests of any kind or description at 200,000 acres.

There has been something said in this Chamber, Mr. Speaker, about lumber syndicates and about the unlawful and unwarranted destruction of the forests on the public domain by people interested in large mining and lumber operations. In this connection let me call the attention of the House to the report of Professor Gibbs, president of the National Academy of Sciences, to the Secretary of the Interior in regard to one of these reservations which he never saw:

> The forests which cover the Big Horn Mountains are composed of pines and spruces of small size. They contain sufficient material, nevertheless, to supply the demands of local agricultural settlers and of possible mining operations, but are not commercially valuable.

This is a true statement. The gentleman must have met some one who had traversed the Big Horn Mountains. The remainder of the report in regard to that region is not so trustworthy. The gentleman refers to the Big Horn Mountains as "a high, isolated, and exceedingly broken range." It is true that they are high and isolated, but it is not true that they are "exceedingly broken." In fact, it is a comparatively unbroken range of mountains, consisting of a vast rolling grass plateau thrown high above the surrounding region, partly broken only at the rib or backbone of the range near its western edge. Again, quoting from the report of Professor Gibbs, he says in regard to the Teton Forest Reservation:

> They are capable of supplying all the local demands that will probably ever be made on them, but have little commercial value.

According to the report on which these reservations were established, it appears there are no forests commercially valuable, and to my certain knowledge no part of the forests within these two reserves have ever been used except to furnish material for the improvement of the settlements adjacent thereto, which must depend on these forests for the means to develop the agricultural resources of the region.

One member of the commission visited the Teton Reserve region years ago, but, as he informed me, he was not in favor of this region being set up as a forest reservation because he "did not appreciate the necessity for it." But, as some people always presume to know the most about those things of which they know the least, the other gentlemen of the party favored the setting up of this reservation. When it is taken into consideration that these gentlemen probably traveled over the Northern Pacific Railroad, and quite likely went into the national park north of the proposed reservation, and made the acquaintance, no doubt, of the gentlemen who are connected with transportation in the park and on the aforesaid railroad, it was not necessary for them to have any personal knowledge, because these gentlemen probably volunteered to give all the information necessary in regard to the proposed reservation. Now, if the gentlemen will take the trouble to glance at the maps of Wyoming and Montana they will discover that the only railroad reaching the national park is a branch of the Northern Pacific, and it will certainly occur to them that any barrier placed about the national park which would retard the construction of railroads to the southern and eastern boundaries of the park would not be disadvantageous to the Northern Pacific and its auxiliaries. It is possible it may occur to them that there may have been arguments used with the commissioners in regard to the Teton Reservation that were not altogether disinterested. While, no doubt, the learned gentlemen of the National Academy of Sciences were guided by the highest motives, they had no means of ascertaining, that I am aware of, that those they met on their travels and to whom they saw fit to divulge the secret of their mission were guided by the same lofty, pure, and disinterested sentiments that they were.

While it is true that the setting up of forest reservations about the National Park does not absolutely prevent railroad construction, it is also true that as a general thing railroads do not construct lines through countries that can never be settled and developed. Further, it is my opinion, firmly established by experience and a knowledge of the workings of some railroads, that the setting up of forest reservations around the park has been entirely in the interest of the Northern Pacific Railroad and for the purpose of placing a buffer around the national pleasure grounds which shall prevent, as far as possible, the entry to the park from any direction except by the Northern Pacific; and in pursuance of this policy the same influences will be found in the near future advocating in Congress the extension of the park itself to lines coincident to those of the forest reserves about it, thereby forevermore making it impossible for any other railroad to get near enough to the park to compete for park travel with said Northern Pacific Railway. I have no hesitancy in saying that it is my opinion that all the reservations about the National Park have been set up through influences having this object in view; and I wish to make the statement that the people of Wyoming will not submit without a desperate struggle to the addition to the National Park of a single mile, especially to the south; and I wish to call upon the friends of the park everywhere to aid in preventing the final consummation of any scheme of park enlargment, as a menace to the rights and interests of all the American people, for the reason that it would forevermore make the park an adjunct of one line of railway.

We have heard something said about the lumber interests being

interested in having these reservations restored to the public domain. I am inclined to think that there are lumber companies interested in this matter, but they are interested on the other side. They are very much interested in having the lumber of the Western States tied up in reservations and withheld from use, for if all the Western forests which are of any commercial value are withheld from use, Eastern and Southern lumber becomes more valuable and in greater demand. We all understand this, and we all understand the gentleman from Flagstaff, Ariz., who recently wrote a letter on this subject, and who says he must be disinterested, because, forsooth, he is a lumberman, and he cuts from fifteen to twenty million feet of lumber a year. Did it ever occur to anyone who read the gentleman's circular that it makes a good deal of difference whose ox is gored, and that this is a case in which the gentleman's bovine is in no danger? The idea of a man who cuts from fifteen to twenty million feet of lumber a year arguing against the depletion of the Western forests. Why that is more than all the lumber that is cut by all the people combined in several of the Western States. I am satisfied that in my State the combined lumber output is not 5,000,000 feet a year, and here is a man who cuts fifteen to twenty million feet of lumber from Western forests annually who is afraid we will rob the West of its timber. I presume that the gentleman has bought some forest land, and he wishes to have the rest of the forests in the West reserved from use so that he may raise the price of lumber and rob the poor settlers who locate in the region in which he dwells.

I have endeavored to discover, but without success, why the commissioners who recommended these reservations did not let some one in the States most interested know that this action was to be taken. The circular of the General Land Office, which I have referred to, provides that the people interested shall be notified; still there was not a single member of Congress in either House, or, as far as I know, not a single citizen of any of the States in which the reservations were located, who was informed as to the proposed reservations. The amendment made in the sundry civil bill last year was not made with the expectation that forest reserves should be set up without the knowledge of the people most vitally interested. The gentlemen of the forestry commission have laid themselves open to the severest censure by fair-minded men everywhere in that they conducted by a sneaking still-hunt a so-called investigation of the regions they proposed to have set up as forest reservations. There is no hypothesis upon which they can explain their conduct except that they were endeavoring to exploit a theory and were afraid that the men who had practical knowledge would not take the same view as they did of the matter. So we of the West are to suffer as we have suffered before from the actions of men who sit in their studies and formulate pretty theories based on the action of European nations in densely populated regions.

These reservations were established evidently without any investigation of the mineral character of the regions, although such reservation prevents entry under the public-land laws and utterly paralyzes mineral development by preventing prospecting and locating of mineral claims. Even the ranchman may be prevented from grazing his herds and flocks on the hundreds of thousands of acres of grazing lands embraced within the boundaries of the reserves.

The report of Professor Gibbs itself admits that there was no adequate legislation relative to forest reservations, and he states as follows:

> The commission is now engaged in perfecting a scheme of forest management which it believes will make the administration of the reserves possible and which in due time will be submitted to you. It believes that the solution of this difficult problem will, however, be made easier if the reserved areas are now increased, as the greater the number of people interested in drawing supplies from the reserved territory or in mining in them, the greater will be the pressure on Congress to enact laws permitting their proper administration.

The gentleman admits that it is not altogether the proper thing to segregate these great areas at this time, but says that he thinks the only way to get proper legislation is to so involve great numbers of people under surroundings of such an oppressive character that they will be willing and anxious to accept any sort of conditions in order to secure an adequate forest supply and to continue, even under unsatisfactory conditions, agricultural and mineral development. What a shameful admission this is!—an admission that the commission has far exceeded all reasonable action, and that it was done in order to force the Western people to accept their theories of forestry under pain of being excluded from the use of vast tracts of mineral and grazing land.

Mr. Speaker, when the Senate amendment opening these reservations to settlement came to the House, we attempted to get a little time to discuss the question, but we were able to secure but a few moments. Without full discussion and under a threat that if we adopted the Senate amendment the bill would not become a law, the House adopted an amendment as follows:

> The Secretary of the Interior may, in his discretion, use any portion of the foregoing amount in protecting and utilizing the forest reserves heretofore proclaimed by the President of the United States. And he is hereby authorized, in his discretion, to make sales of timber on any forest reservation, now or hereafter proclaimed, for mining and domestic purposes, under such regulations as he may prescribe, and to make all needful rules and regulations in furtherance of the purposes of said reserves, for the management and protection of the same. And the provisions of section 1 of the act of February 20, 1896, entitled "An act to open forest reservations in the State of Colorado for the location of mining claims," are hereby made applicable to all forest reservations set apart by proclamation of the President, except the Yellowstone Forest Reserve; that all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for agricultural purposes than for forest uses shall be duly restored to entry under the general settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication or proclamation of restoration by the President, based upon recommendation of the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie: *Provided further*, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof, and that title to mineral claims therein may be acquired in the same manner as upon other mineral lands of the United States.
>
> The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change to boundary line of such reserve, or may vacate altogether any order creating such reserve.

All of the members from the States in which these recently established reservations are located protested against this amendment, at least all of it but the last clause, and we protested against it for many reasons. We felt that the action of the President in setting aside these reservations was so outrageous and its disastrous effects so far-reaching that to attempt to remedy the conditions by the provisions of this amendment was really to leave us, perhaps, in worse condition than we now are, for so iniquitous and contrary to good public policy were the late proclamations we felt that an investigation would result in opening most of these reservations and restoring them to the public domain. After we had been cruelly assaulted and deeply wounded with a poisoned thrust the House suggested the pouring of a little oil on our wounds. We wanted the wounds cauterized. We have no desire to accept any action which would transfer the wounds into running sores.

If these reservations are again opened, the citizens of the Western States will be pleased to cooperate with the National Government in the selection of forest reserves in proper locations and of the proper size after Congress shall have enacted suitable laws for their control. Then will be time enough to enlarge the forest reserve acreage.

The Senate in conference have now compromised by accepting only the last clause of the House amendment, as follows:

> The President is hereby authorized at any time to modify any Executive order that has been made or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary line of such reserve, or may vacate altogether any order creating such reserve.

It seems to be an open question whether the President has the power after he has once established one of these reservations to restore it to the public domain or change its boundaries. Under the provisions of this amendment the President is clearly given that power.

Mr. Speaker, the order of the President of February 22, withdrawing from entry and including as forest reserves over 21,000,000 acres of land, without proper investigation or knowledge of those vitally interested, was in line with the contemptuous disregard of the interests of the people and the wishes of their Representatives which has been so characteristic of the present Administration, which, in the providence of God and the act of an intelligent electorate, in a little more than twelve hours shall pass beyond the power to harass and annoy the American people, and another day will usher in another Administration, which the people fondly believe will take no action without carefully considering the interests of all of our citizens. In the hands of the incoming Administration, with the assurance of the justness of our contentions, with a thorough knowledge and understanding of the wanton disregard of our interests evidenced by the late Executive, we leave our case, confident that the arbitrary, iniquitous proclamations of February 22, 1897, will be defeated of their purpose by early Executive action opening these reservations.

Mr. CANNON. Mr. Speaker, I yield ten minutes to the gentleman from South Dakota [Mr. GAMBLE].

Mr. GAMBLE. Mr. Speaker, not to detain the House at this time, I will ask leave, with the courtesy of the House, to extend my remarks.

The SPEAKER. The gentleman from South Dakota [Mr. GAMBLE] asks leave to extend his remarks.

Mr. BARTLETT of New York. Mr. Speaker, what remarks are to be extended?

The SPEAKER. The gentleman asks leave to extend his remarks in the RECORD.

Mr. BARTLETT of New York. Some remarks which he intended to make?

[Mr. GAMBLE addressed the House. See Appendix.]

Mr. BARTLETT of New York. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. CANNON] yield?

Mr. CANNON. My friend is responsible for the extension of the remarks of the gentleman from South Dakota.

Mr. BARTLETT of New York. I want to say one word.

Mr. CANNON. I yield to the gentleman for one word.

Mr. BARTLETT of New York. Mr. Speaker, I made the inquiry for the reason that I apprehend the gentleman, if he extended his remarks, would make some attack upon me. I desire to say that I repeat and reiterate every statement that I made yesterday upon this question.

Mr. GAMBLE. No; I wished to state the position of my constituents in regard to that proclamation, that particularly affected our people, with no intention of further alluding to the statements made by the gentleman from New York, because I believed that they were such rank, misguided statements that they are not worthy of reply.

Mr. BARTLETT of New York. I object to any extension.

The SPEAKER. Objection is made. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. GAMBLE. I will ask the right to revise.

Mr. BARTLETT of New York. You can have that, sir.

Mr. CANNON. Now, Mr. Speaker, this report, if adopted, must go to the Senate; and it is not, in my opinion, safe for the House to take a recess until daylight, until the Senate disposes of the report. The debate on this report will take us just so much longer to get the bill to the Senate. The gentleman from Pennsylvania [Mr. HICKS] asks for two minutes, and I yield it to him.

Mr. HICKS. Mr. Speaker, I believe I have a right to ask for a separate vote on these public-building items, have I not?

Several MEMBERS. Oh, no.

Mr. HICKS. If I have not got that right, I deem it but fair to the House, and on behalf of the Committee on Public Buildings and Grounds, to say that we desire to enter our protest here against the weakness exhibited by the conferees on the part of the House. Let us look this business squarely in the face.

Mr. CANNON. I yielded two minutes to the gentleman, and I hope he will have it without interruption.

The SPEAKER. The gentleman from Pennsylvania is recognized for two minutes.

Mr. HICKS. Mr. Speaker, we have in the conference report, as I stated last night in my remarks, appropriations as follows: $100,000 for Bridgeport, Conn.; $14,000 for Charleston, S. C.; $20,000 for Helena, Mont.; $100,000 for Norfolk, Va.; $9,486 for Racine, Wis.; $3,000 for Worcester, Mass.; $75,000 for Salt Lake City; $325,000 for the Court of Claims, and $50,000 for Butte, Mont.

Mr. LOUDENSLAGER. Will the gentleman permit a question?

Mr. HICKS. Certainly.

Mr. LOUDENSLAGER. I would like to ask the gentleman from Pennsylvania if he did not oppose appropriations in the last sundry civil bill in regard to public buildings?

Mr. HICKS. I certainly did; because I presented a petition to the Committee on Rules, asking for the consideration of public-building bills in this House, and we were denied that privilege by the Committee on Rules.

Now, you are undertaking to let the Senate authorize the erection of public buildings by inserting provisions on an appropriation bill. If you want to be true to yourselves and stand by your committee and stand by yourselves, you want to vote down this conference report and insist upon a further conference on these items authorizing public buildings. If you want to show the white feather in the last hours of this Congress and run, as you nearly always do, vote for the conference report.

Mr. RICHARDSON. I desire to ask the gentleman from Illinois a question for information. What became of amendment 190?

That the Joint Committee on Printing shall cause to be prepared requisite plans for the necessary additions and improvements to the Government Printing Office, which shall be fully adequate to meet all the present and future requirements of the Government?

Mr. CANNON. The House receded.

Mr. RICHARDSON. That goes out, as I understand?

Mr. CANNON. No; it goes in.

Mr. RICHARDSON. I want to hear what the gentleman said.

Mr. CANNON. The House recede.

Mr. RICHARDSON. I thought you said "refused."

Mr. CANNON. The gentleman from Iowa [Mr. LACEY] desires to ask leave to print.

Mr. LACEY. Mr. Speaker, I want a minute to call attention to a document that I want to have leave to print in the RECORD. Under the existing law the mining companies can take timber off mineral lands without leave of any kind. On other lands, non-mineral, it requires a permit. I want to print in connection with my remarks a sample copy of one of the permits, showing the amount of timber taken under that permit by the Anaconda Mining Company, on a single permit, simply as an illustration of the necessity for these forest reservations.

Mr. CANNON. Now I yield to my colleague on the committee [Mr. SAYERS].

The SPEAKER. Without objection, the gentleman from Iowa will have leave to print. The Chair hears no objection.

The statement and permit are as follows:

Under this permit the Anaconda Mining Company, of Hamilton, Mont., was permitted to cut, free of charge, 14,250,000 feet of timber from nonmineral public lands named therein.

The statements of the company to the Commissioner of the General Land Office show that they cut 15,245,000 feet.

[April 3, 1895. To R. & R., Missoula, Mont., to deliver permit.]

PERMIT TO CUT PUBLIC TIMBER.

UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE.

Whereas in conformity with the provisions of an act of Congress, approved March 3, 1891, entitled "An act to amend section 8 of an act approved March 3, 1891, entitled 'An act to repeal timber-culture laws, and for other purposes,'" and rules and regulations promulgated by the Secretary of the Interior for the execution of said act, the Anaconda Mining Company of Hamilton, Ravalle County, Mont., has made application to cut and remove timber from a portion of the public lands, fully and specifically in said application described, for necessary agricultural and mining purposes and for manufacturing lumber for domestic uses;

And whereas it is deemed necessary for the public interest that permission be granted unto the said Anaconda Mining Company to cut timber on the lands hereinafter described;

Therefore, under and by virtue of the authority vested by law in the Secretary of the Interior, and subject to all the conditions, restrictions, obligations, and limitations herein contained, permission is hereby granted unto the said Anaconda Mining Company to cut timber on the public lands for immediate use in the State of Montana, which said timber may be cut on public lands in the county of Ravalli, in said State of Montana, within limits particularly described as follows, to wit: Certain tracts of unsurveyed land which, when surveyed, will be sections 28, 29, and 33, in township 1, north of range 22 west, and section 17, in township 1 south, of range 22 west, principal meridian.

By authority of the Secretary of the Interior of January 3, 1896, the rights and privileges granted herein to the Anaconda Mining Company were, on January 10, 1896, continued in the Anaconda Copper Mining Company, subject, however, to the same conditions, restrictions, and limitations.

J. S. P.

Provided, however, It is expressly stipulated and agreed that the permit hereby granted shall be, and the same is hereby, made subject to the following conditions, restrictions, and limitations, to wit:

1. That this permit and all rights and privileges hereunder shall expire on the 31st of March, 1896.

2. That no trees shall be cut or removed that are less than 12 inches in diameter, except such as may be absolutely necessary for making needed roadways through the timber.

3. That in the cutting of timber in the manner and for the purpose set out in the application of said Anaconda Mining Company there may be cut only 14,250,000 feet, and not to exceed 50 per cent of the timber of each class now growing thereon, and taken as nearly as may be from each acre of the tracts above described, shall be taken from the lands embraced in this permit.

4. That the said Anaconda Mining Company shall submit monthly, through the register and receiver at Missoula, Mont., a statement under oath, showing the amount of each kind or kinds of timber cut or removed during each month, giving a description of the particular tract or tracts from which such timber was cut, and stating how such timber was disposed of and to whom.

5. That no timber cut or removed under this permit shall be so cut or removed for transportation out of the State of Montana.

6. That in acting under this permit, no timber is to be cut or removed from any tract or tracts covered by the settlement or occupation of any bona fide settler, intending to perfect title to such tract or tracts under any of the laws of the United States, nor from any tract or tracts embraced in any reservation of whatsoever kind, created by operation of law or proclamation of the President.

7. That all of each tree cut that can be profitably utilized shall be used, and that the said Anaconda Mining Company shall cut, remove, burn, or otherwise safely dispose of the tops and brush of trees, and the tails, slabs, sawdust, and other refuse from their sawmills, with a view to preventing the same remaining food for flames, and that the said Anaconda Mining Company stand liable in damages for the starting or the spread of any fires attributable to their neglect or that of their employees in any manner to comply strictly with this provision.

8. That during the continuance of this permit the said Anaconda Mining Company agree not to purchase timber cut on public land of the United States of any person or persons not having a permit from this Department to cut timber from said public lands, except as provided in section 4 of the circular of May 5, 1891, and they further agree to ascertain affirmatively that persons offering timber for sale have the necessary permit to cut the same if taken from the public lands.

9. That nothing in this permit shall be construed to give to the said Anaconda Mining Company the exclusive right to cut or remove timber from the lands described herein, nor shall the granting of this permit in any way be held to withdraw the lands embraced therein from settlement or occupation and entry by any qualified bona fide claimant.

10. That the right is hereby reserved to modify or revoke at any time the permission hereby granted.

11. That the said Anaconda Mining Company shall be subject to all the rules and regulations under the said act of March 3, 1891, as well as the conditions, restrictions, and limitations herein set forth and such additional rules and regulations as may hereafter be promulgated.

12. In consideration of the granting of this permit, it is expressly stipulated and agreed that the said Anaconda Mining Company will use all available means to prevent forest fires, and, should such fires be started, to endeavor to extinguish the same within the limits herein described.

13. That this permit is not transferable, and any attempt to transfer the same will render it void.

(Witness) S. W. LAMOREUX,
Commissioner of the General Land Office.

HOKE SMITH,
Secretary of the Interior.
Approved March 27, 1895.

Mr. SAYERS. Mr. Speaker, the appropriations made at this session and sent to the President for his approval, including $9,488,365.82 as the sum total of the general deficiency bill so far as it has been agreed upon by the two Houses, amount to $527,591,823.96, being an increase of $11,746,629.30 over the aggregate of appropriations made at the last session of Congress.

The following comparative statement exhibits in detail the increase or reduction of appropriations made at this session in comparison with the appropriations made during the first session of the Congress:

Comparative statement.

Title of bill.	Increase over first session.	Reduction under first session.
Agriculture		$72,630.00
Army		149,058.43
Diplomatic and consular	$52,750.00	
District of Columbia	287,271.58	
Fortifications	2,139,253.00	
Indian	279,724.10	
Legislative, executive, and judicial	171,442.19	
Military Academy	30,047.22	
Navy	2,565,573.34	
Pension		$84,700.00
Post-Office	3,006,774.53	
River and harbor		12,660,550.00
Sundry civil	19,903,341.30	
Deficiencies		4,998,650.47
Miscellaneous	83,989.94	
Permanent appropriations	1,024,000.00	
Total	29,661,227.29	17,914,597.90

Net increase, $11,746,629.30.

I submit the following statement showing, by respective titles of bills, the appropriations made by the Fifty-first to the Fifty-fourth Congresses, inclusive, with the amounts granted by each Congress consolidated.

Comparative statement of appropriations, Fifty-first to Fifty-fourth Congress, inclusive.

Title.	Fifty-first Congress.	Fifty-second Congress.	Fifty-third Congress.	Fifty-fourth Congress.
Agricultural	$4,827,253.50	$3,556,495.50	$6,527,373.06	$3,438,434.00
Army	48,820,000.98	48,534,139.60	46,845,402.77	46,407,747.03
Diplomatic and consular	3,307,740.00	3,161,490.00	3,138,377.52	3,337,867.52
District of Columbia	11,366,660.32	10,731,197.18	11,291,121.82	12,067,910.54
Fortification	8,007,736.00	4,944,531.00	4,831,561.50	16,895,029.00
Indian	23,648,300.88	15,518,288.22	19,422,316.40	15,060,717.68
Legislative, etc	43,058,427.50	43,765,995.78	43,197,301.37	43,210,091.61
Military Academy	837,360.75	861,473.45	870,796.74	929,098.44
Navy	55,677,690.31	45,647,446.38	54,743,372.03	63,690,895.24
Pensions, including deficiencies a	288,329,751.60	336,092,756.85	292,963,140.00	282,592,460.00
Post-Office	150,133,921.60	164,335,590.95	176,782,597.41	188,236,902.97
River and harbor	25,136,295.00	21,154,218.00	11,643,180.00	c 12,659,550.00
Sundry civil	b 69,488,894.11	69,381,388.06	80,821,995.95	86,126,701.77
Deficiencies (except pensions)	22,659,690.23	16,395,271.01	21,636,378.88	d 25,715,162.67
Totals	755,359,733.37	736,042,972.00	774,214,945.45	803,388,628.47
Miscellaneous	e 26,509,436.37	3,729,422.00	875,623.92	916,010.06
Totals, regular appropriations by Congress	781,869,170.24	739,772,394.00	775,090,569.37	804,304,638.53
Permanent appropriations	f 253,810,939.70	f 237,332,153.92	f 214,148,636.32	f 239,132,380.00
Grand totals, appropriations	1,035,680,109.94	1,027,104,547.92	989,239,205.69	1,043,437,018.53

a Deficiencies included as follows: 1891, on account of 1890, $25,821,907.25; 1892, on account of 1891, $29,335,598.34; 1893, on account of 1892, $7,674,332; 1894, on account of 1893, $14,149,724.85.

b This amount includes $2,340,245.90 actual expenditures under indefinite appropriations for pay and bounty claims.

c This amount does not include $3,000,000 estimated to be required under indefinite appropriation to purchase Monongahela Improvement Company's property.

d This amount includes $9,488,365.82, the sum total of the items agreed upon by the two Houses in the general deficiency bill which failed of final enactment at the second session of the Fifty-fourth Congress.

e This amount includes $15,227,000 for refund of direct taxes in addition to the specific sum of $500,000 appropriated for that purpose.

f This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and permanent indefinite appropriations, except that to the amount thus submitted for 1891, $101,828,453, there are added expenditures under permanent appropriations made by the Fifty-first Congress subsequent to said estimate, as follows: Salaries diplomatic and consular service, $27,756.79; redemption national-bank notes, $23,563,298.50; expenses of Treasury notes, $218,362.60; coinage of silver bullion, $210,893.14; rebate tobacco tax, $770,082.39, and repayments to importers and for debentures and drawbacks, customs service, $4,915,285.28; in all, $29,605,678.70.

From this statement it will be observed that the present Congress, organized in both branches by the Republicans, has made, or sent to the President for approval, including the general deficiency bill as agreed upon, appropriations in excess of those made by the Fifty-third Congress, which was controlled by the Democrats, to the extent of $54,197,812.84. The principal elements of this increase, it will be seen, are on account of fortifications, river and harbor works, the postal service, and the naval establishment.

In addition to this enormous increase in direct appropriations, this Congress at its first session authorized contract liabilities for river and harbor works, fortifications, increase of the Navy, and other public works amounting to $75,816,480.91. At least two-thirds or one-half of this large sum remains to be provided for by future appropriations, and to that extent constitutes a fixed charge against the revenues of the country, which, by reason of extravagant appropriations, now fall short $5,000,000 a month of meeting the expenditures of the Government.

I believe in the continuing-contract system as applied to river and harbor improvements and other necessary public works, but not to the extent to which it has been entered upon by this Congress. In the river and harbor act passed at the last session under a suspension of the rules, without the opportunity of discussion or amendment, thirty-seven works were authorized to be placed under contracts, involving a total expenditure of $59,616,404.91. After critical examination of these contract authorizations by the Committee on Appropriations at this session it was developed that one of these works authorized to be prosecuted under contract for $1,000,000 was so absolutely destitute of merit that the War Department had refused to take any steps whatever looking toward the prosecution of the work.

In another case authority was given to enter into contract for an important work on the Atlantic coast to the extent of more than $4,500,000, for whose prosecution a proposal has been made and accepted involving less than one-half that sum. As to three other important works, the estimated cost on which authority to enter into contracts for their completion was based proved to be erroneous and insufficient by about 33 per cent in each case. These illustrations prove that the practice of authorizing contracts for public works should not only be carefully considered in the light of the condition of the Treasury, but also only after the fullest investigation as to the real merits of and necessities for the improvements contemplated, and on the most carefully prepared and absolutely accurate estimates of probable cost.

One of the causes for the enormous growth in appropriations of late years has been the increase of our Navy. Since that work was inaugurated in 1883, seventy-seven ships of all classes have been constructed, or authorized to be constructed, at a cost of more than $130,000,000. Already the number of ships authorized would require, it is said, twice the present number of authorized officers and men in the Navy to keep them all in commission. The cost of their daily maintenance alone is a severe draft upon our diminishing revenues. Some of the most expensive of these great ships are already classed by naval experts as obsolete. It would have been wiser if we had heeded the advice urged by many in the beginning of the construction of our new Navy—to confine appropriations within lines simply sufficient to keep pace with the progress of modern naval architecture.

The appropriations made for the support of the Federal Government have grown to such startling proportions within the last dozen years as to render it well-nigh impossible to devise means of raising revenue wherewith to meet the expenditures. If the

new Administration just about to cross the threshold of power carries out its pledges by giving to the country a protective tariff, it will utterly fail to produce the means of meeting expenditures, if they are to be maintained on the existing high plane, unless, peradventure, the protective-tariff measure should be supplemented with a tax on coffee and tea and perhaps other taxes of an equally onerous nature.

The extravagance of our appropriations is well illustrated by the present administration of the Agricultural Department in turning back $2,066,000 of its appropriations during the past four years, or more than 18 per cent of the whole. The Secretary of Agriculture states in his last annual report that this reduction of expenditures under appropriations has been effected without marring in any way the efficiency of the Department work or unduly limiting its scope. With similar cooperation from the heads of the other Executive Departments, and a thorough overhauling of all the general appropriation bills in a systematic and business-like manner, the appropriations for the support of the Government can be, and undoubtedly should be, reduced so as to bring them within the revenues. The divided responsibility incident to many committees having charge of the preparation of appropriation bills has, I believe, much to do with the abnormal growth of the Federal appropriations during the past few years.

The following shows the excess of appropriations made by the present or Fifty-fourth Congress over prior Congresses, to and including the Fifty-first Congress, namely:

Excess over Fifty-third Congress	$54,197,812.84
Excess over Fifty-second Congress	16,332,470.61
Excess over Fifty-first Congress	7,756,908.59

By charging the appropriations made by the Fifty-fourth Congress, with $3,000,000 estimated to be necessary under the indefinite appropriation in the last river and harbor appropriation act to purchase the Monongahela Improvement Company's property, the excess of appropriations by this Congress over the Fifty-third Congress is $57,197,812.84.

Mr. PAYNE. I hope that permission will be granted, Mr. Speaker. That is a safe place to put it. [Laughter.]

The SPEAKER. Without objection, the permission will be granted. [A pause.] The Chair hears none. The question is on agreeing to the conference report.

Mr. CANNON. Just half a minute, Mr. Speaker. I have sat quietly here time and again and listened to gentlemen who in their discretion and wisdom have seen proper to criticise this thing and that thing and the other thing that is recommended by the Committee on Appropriations. The gentleman from Pennsylvania [Mr. HICKS] criticises us because he says we have agreed to two public buildings——

Mr. HICKS. You admit that you yielded to the Senate despite the instructions of the House.

Mr. CANNON. Yes, we did; and when the gentleman comes, at the closing hours of a session, to settle differences between the House and the Senate on a bill carrying over fifty millions of dollars, he will find that if he is as fortunate as the Committee on Appropriations has been in keeping down the bill and keeping out improper items he will be entitled to congratulate himself. [Applause.] I move the adoption of the conference report.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. I hope my friend will let the report be adopted.

Mr. DE ARMOND. I desire to ask the gentleman from Illinois a question before the vote is taken. Will he yield?

Mr. CANNON. Certainly.

Mr. DE ARMOND. What has become of the amendment numbered 167?

Mr. CANNON. I do not know. What is it about?

Mr. DE ARMOND. It is about a branch Soldiers' Home at Danville, Ill. [Laughter.]

Mr. CANNON. I will say to my friend that there is no disagreement upon that item in this conference report.

A MEMBER. Nor in the other, either.

Mr. DE ARMOND. Then that is fixed, is it?

Mr. CANNON. Yes, sir.

Mr. SAYERS. By a vote of both Houses.

Mr. CANNON. I will say to my friend from Missouri, Mr. Speaker, that if this bill passes there will be a branch soldiers' home in the town of Danville, in the State of Illinois, and an appropriation of $150,000 therefor.

Mr. DE ARMOND. In the county of Vermilion?

Mr. CANNON. In the county of Vermilion—that is correct.

Mr. DE ARMOND. And an appropriation of $150,000?

Mr. CANNON. Yes, sir.

Mr. PEARSON. Let me ask the gentleman from Illinois a question.

Mr. CANNON. I am yielding now to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Speaker, there are not very many of us here just now, and I think the gentleman will not want to force a vote until there can be a word or two said upon that item. I hope not.

Mr. CANNON. I will yield to the gentleman if he wants to criticise that provision in the bill.

Mr. DE ARMOND. Oh, just a little time. I do not want to criticise it particularly.

Mr. CANNON. I will say to the gentleman, however, as I have said to others who have pressed me for time, and whom I promised time, that the longer we delay the adoption of this report the longer it will take to get it to the Senate, and the longer we shall have to ask members to stay here. But, as the gentleman desires to speak on this item, and as this branch home, should this bill become a law, is to be erected in my own county, if he desires to talk I will yield to him—how much time?

Mr. DE ARMOND. Not very much.

Mr. PAYNE (to Mr. CANNON). Is that item involved in this report?

Mr. CANNON. No, sir.

Mr. PAYNE. Then why spend time upon it now?

Mr. CANNON. Oh, I am willing to yield to the gentleman.

Mr. DE ARMOND. Mr. Speaker, I only want to submit an observation or two about this matter.

Mr. CANNON. About how much time does the gentleman wish to occupy?

Mr. DE ARMOND. Say ten minutes. Probably, however, I may occupy considerably less.

Mr. CANNON. I prefer not to yield ten minutes.

Mr. DE ARMOND. I am satisfied of that.

Mr. CANNON. Well, I will yield ten minutes to the gentleman; and then, if that is not enough, if he will confine himself to a criticism of this item, I will yield him more.

Mr. DE ARMOND. That is very generous, and is thoroughly satisfactory.

Mr. Speaker, we have been frequently reminded that the session is drawing to a close. It is nearer to a close now than at any time when these warnings were sounded in our ears. This bill, we have all reason to believe, from the various assurances given us, is one of the most excellent bills ever presented to this House; and it has now reached that stage of perfection which leaves nothing to be desired. It is true, it seems, that it carries a larger amount of money than any other appropriation bill that ever passed through Congress; but if you exclude a lot of the very largest items in it, it will be reduced considerably. [Laughter.]

It is true that it embraces a large number of items which no gentleman assumes to defend. It is true that it embraces a large number of items upon which this House has never had an opportunity to pass judgment. It is true that the bill came into the House late in the session, under the pretext, often repeated and never based upon good foundation, that these appropriation bills can not be prepared early, but must come in straggling, late—toward the close of the session. So that we have repeated warnings and calls—warnings that the session is near its close, and calls for prompt action. And now at the close of the session, with hundreds of bills upon the Calendar, we are appealed to again to pass blindly this and similar bills through the House.

Now, why ought not these bills to be presented promptly? There is no reason why they ought not to be. There is no reason why they are not, except that by presenting them late there may be passed through in the bills things which could not get through if they were presented in time to be considered.

Now, here is this little item providing for a soldiers' home at Danville, Ill. Fifty thousand dollars are already lost to the good people of Danville—$50,000 already lost to that interesting village which is the home of the chairman of this committee. By a Senate amendment already concurred in an appropriation of $200,000 for this purpose has been cut down to $150,000.

Mr. Speaker, in the dark hours of the civil war, when dangers pressed upon all sides, and when relief was only to be found in looking into the future and endeavoring there to gather rays of light and hope which were wanting in the then present, how many knew, how many ever realized, that what stimulated the soldier, what nerved him to action, what enabled him to endure privations and overcome great difficulties, was the hope, dimly outlined at that time, but yet the hope that in the future there would be provided for him a substantial abiding place in the town of Danville. [Laughter.]

The recommendation of the Managers of the National Soldiers' Home was, I believe, that there ought to be an enlargement of the Home already established in Indiana, or another home established somewhere in the Mississippi Valley. Somewhere! That is very indefinite—somewhere in that mighty territory, in that great seat of empire known as the Mississippi Valley However, legislative genius, long devoted to the consideration of this interesting problem, finally determined the locus, finally found where this soldiers' home should be, in order to be in the Mississippi Valley and at the proper spot in the Mississippi Valley.

So, lo and behold, Danville was selected. [Laughter.] And by

a strange coincidence, Danville turns out to be the home of the chairman of the Committee on Appropriations. Strangely, too, it turns out that after these arduous labors upon this bill—after the midnight oil had been consumed until midnight oil was scarce—the bill came in; and the exigencies were so great, the pressure for time and other things was so immense, that the bill had to be rushed through without a reading in the ordinary and regular way, of this interesting item, among other things, for this Soldiers' Home at the town of Danville.

Why, it gives a new meaning to a great many things which we did not previously understand. It casts a new light upon many things which long have been obscured to some extent in temporary and partial darkness. We understand a good deal better now, Mr. Speaker, what was meant in that beautiful poem, from which, if permitted, I will quote a stanza right now:

The shades of night were falling fast,
As through an obscure village passed
A youth, who bore, 'mid snow and ice,
A banner with the strange device,
Danville!

[Laughter.]

Mr. DALZELL. That is not a bit funny.

Mr. DE ARMOND. No; of course that is not funny. I am very much obliged to the gentleman. I really was not aware that he knew what is funny and what is not. [Laughter.] I did not suppose it to be funny.

Mr. Speaker, this process is hardly funny. It is hardly funny, when the whole Mississippi Valley is designated, for the chairman of the Committee on Appropriations, by virtue of his great power, by delaying this bill in an unseemly way, to locate that institution in his own town. Do you suppose if this House had had a chance at the matter, if the many magnificent points in that most magnificent Mississippi Valley had received fair consideration in this House, do you suppose that if the gentleman, by virtue of his position at the head of this committee, had not placed and kept this appropriation in the bill, as it is, that the new Soldier's Home would be confined and circumscribed within the limits, more or less extensive, of Danville?

Now, this is merely a sample. I do not care about commenting on this on account of any great importance of it in itself and of itself. This is only a sample. How many things are here which are interesting to gentlemen on this same committee? How many things are here vastly interesting to people on the Committee on Rivers and Harbors? How many members here have vainly endeavored to get an opportunity to have considered—not merely to put into a bill, not to have passed, without the judgment of the House, but to have the opportunity of submitting to the judgment of the House—the question whether other localities, other projects, other things were worthy of consideration, and worthy of appropriation?

They would have had the opportunity if this bill had come in in a timely way. The gentleman from North Carolina asks whether this process is going to be criticised. He asks the gentleman from Texas to give some sort of a pledge, or to make some sort of a statement, as to whether the party to which the gentleman from Texas belongs will criticise this performance. Now, I do not propose to speak for the Democratic party. I am not authorized to do it; but I venture the prediction that there will be a good deal of criticism, and I have not a particle of doubt but that abundant ground may be found for that criticism.

Now, I am not going to detain the House long upon this question at this late hour. I presume the House would have been very glad if I had not addressed you at all upon this occasion. The fact is, I will venture the further remark, that it has grown to be a general practice, a general course of proceeding, to delay appropriation bills, upon the mysterious theory that there has to be a large amount of investigation, a large amount of study, and a large amount of hearing and consideration of things, until so late in the session that the Appropriations Committee virtually have the House by the throat, and then the threat is made, "Why, you must pass these bills quickly or they will fail to go through."

Now, how idle that threat is at this time! How idle it is. There is every reason to suppose, and I think no man here doubts, that within ten or eleven days after the close of this session of Congress a new Congress will be convened in extraordinary session. This bill provides for expenditures to occur after the 1st day of next July. If this bill passed——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman desire further time?

Mr. DE ARMOND. Why, yes; this cut-off seems to be in the middle of a sentence. I should like just a little bit more time.

Mr. CANNON. How much time would the gentleman like?

Mr. DE ARMOND. I think two minutes will do. I do not want to trespass at all. I am very much obliged to the gentleman for his kindness. I desired to say when my first installment of time expired that there could not be a very great injury done to the public service if some of these bills were to fail.

Now, I suppose that when Congress is convened in extraordinary session, the tariff bill will be passed promptly through this House. Would it not be handy to have some of these bills to operate upon then? Would it not be interesting to go through them, line by line and letter by letter? Would it not be a convenient thing now, for instance, to give people generally the opportunity to determine where this soldiers' home should be located? You know the old lines, to the effect that—

Satan finds some mischief still
For idle hands to do.

There will be a lot of "idle hands" around here after the tariff bill is passed. Why could they not be operating upon one of these appropriation bills?

However, Mr. Speaker, I do not know but there would be an element of cruelty, though the act might be commended upon some other grounds, if the location of this soldiers' home should be changed from Danville. What is a man at the head of the Committee on Appropriations for, if it is not to get something in this line? How could those old soldiers be so happy, so contented anywhere else, as in that village of Danville, with its blessed associations, and with our distinguished friend from Illinois careering gallantly around the confines of that soldiers' home on his two-wheeled horse? What could be more inspiring?

Cannon to the right of them,
Cannon to the left of them,
Cannon in front of them.

[Laughter.]

All that I suggest about it is that if, through some mysterious dispensation of Providence not controlled exclusively by the Committee on Appropriations, this bill were to fail, and some of these other bills were to fail, in about ten or eleven days the whole subject could be taken up again, and all the reasons for the location of this soldiers' home at Danville might be given. [Applause on the Democratic side.]

Mr. STEELE. Let us have a vote.

Mr. CANNON. Mr. Speaker, the gentleman from Indiana desires to vote. He will get an opportunity in a moment. I have yielded to the gentleman from Missouri. He says it is funny. I suppose it is. So far as he grew serious, as he did grow serious, and say that this bill or that any appropriation bill had ever been purposely retained by the Committee on Appropriations for one moment after it could be reported, after it was prepared, with due diligence in its preparation, I would say to the gentleman that he speaks in ignorance or speaks that which is not true.

Mr. DE ARMOND. Now, Mr. Speaker, will the gentleman allow me one question?

Mr. CANNON. With pleasure.

Mr. DE ARMOND. Now, in order that we may determine whether it is ignorance or lack of truth, I ask the gentleman from Illinois to explain why an appropriation bill at the short session can be reported in February, while the same kind of an appropriation bill at a long session is not reported until May or June. Why this appropriation bill was reported in February and the appropriation bill last session was not reported until May.

Mr. CANNON. The gentleman understands the difference between the short and long sessions?

Mr. DE ARMOND. Yes; I do.

Mr. CANNON. I did not yield except for a question, and I will answer the question first. The gentleman understands the difference between a short and a long session?

Mr. DE ARMOND. Yes.

Mr. CANNON (continuing). Between a House that is new and one that has had experience. I would rather have the testimony of a man who is careful of his words, a man of character and reputation and knowledge of this House and of the country, like the gentleman from Texas [Mr. SAYERS], or the gentleman's colleague from Missouri [Mr. DOCKERY], and many others that I might mention, than to have the testimony of the gentleman. I do not deprecate his attack.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. I did not rise to answer his attack, except to say again that it was conceived in malice or in ignorance.

Mr. DE ARMOND. Mr. Speaker, I would like——

The SPEAKER. Does the gentleman yield?

Mr. CANNON. For what purpose?

Mr. DE ARMOND. I ask the gentleman to yield for the same question which I put to him before and which he has not answered. I will repeat the question if he has forgotten it.

Mr. CANNON. Very well.

Mr. DE ARMOND. If he has not forgotten it, I will not take time to repeat it.

Mr. CANNON. What is the question?

Mr. DE ARMOND. The question is, Why the same kind of an appropriation bill can be reported in February during the short session and is delayed until May in the long session?

Mr. CANNON. Oh, every man in the House understands the reason why.

Mr. DE ARMOND. Give it; state it, then.

Mr. CANNON. Every man understands the reason why. In every long session Congress is new. Gentlemen are engaged in more matters of legislation in the long session than in the short session; and if the gentleman does not understand, after his considerable service in the House, I can not make him understand it, nor can anybody, nor will I further try.

Mr. DE ARMOND. I desire to ask the gentleman a further question.

Mr. CANNON. I will be entirely courteous with the gentleman. What is the question?

Mr. DE ARMOND. The question is the same one. Now, Mr. Speaker——

Mr. CANNON. Oh, Mr. Speaker, I have treated the gentleman, I think both sides of the House will see, with great courtesy.

Mr. DE ARMOND. Mr. Speaker——

Mr. CANNON. His remarks, in my judgment, do not need reply. After my service in this House, if I have not made a reputation as a truthful and honorable man, no statement of mine will give me that reputation; and if I have it, no malice of the gentleman can take it from me. [Applause on the Republican side.]

Mr. DE ARMOND. The gentleman has no right, Mr. Speaker——

Mr. CANNON. Now, Mr. Speaker, I want to get this vote.

Mr. DE ARMOND. You will not get it without a quorum until I answer that kind of an ungentlemanly fling, my friend. [Applause on the Democratic side.] I just mention that to you for your information right now. I say you will not get that vote without a quorum until I have an opportunity to answer.

Mr. CANNON. I do not want to do that.

Several MEMBERS. We will get a quorum.

Mr. CANNON. I do not want to drag my fellow-members from their beds for the purpose of getting a quorum.

Mr. DE ARMOND. I do not, either.

Mr. CANNON. And now, not on account of the threat the gentleman makes, but perhaps in fairness, if he thinks he is aggrieved, I ought to——

Mr. DE ARMOND. He is not aggrieved.

Mr. CANNON. If in fairness he feels he ought to answer, how much time does the gentleman want?

Mr. DE ARMOND. Just as much time as he may think necessary to repel the very ungentlemanly and gratuitous insinuation that what he said was said in malice. [Applause on the Democratic side.] [Cries of "Vote!" "Vote!"]

The SPEAKER. The House will be in order.

Mr. CANNON. I trust that the House will be in order, Mr. Speaker. I yield to the gentleman from Missouri.

Mr. DE ARMOND. Since the gentleman from Illinois proposes to wind up upon the theory that I have been speaking in malice, I would rather that he would make at this time all the insinuations he has in mind, and then I will reply.

Mr. CANNON. I yield to the gentleman if he desires time. If not, I will ask for a vote.

Mr. DE ARMOND. If there are any more insinuations of that kind to come from the gentleman, I would rather have them in a bunch.

Mr. CANNON. I will yield to the gentleman now if he desires time.

Mr. DE ARMOND. Perhaps it will answer the purpose if the gentleman will yield for a question. We shall see. What does the gentleman mean when he says that my remarks were conceived in malice?

Mr. CANNON. I said that your remarks, it seemed to me, were conceived either in malice or in ignorance.

Mr. DE ARMOND. I put a question to you and you do not answer it. Will you answer it or not? Then we will see whether it is a case of ignorance.

Mr. CANNON. Oh, Mr. Speaker, I do not think the gentleman is going to take much of credit, and I do not know that I shall take much of credit, by prolonging this controversy. I trust the gentleman will proceed now, if he desires any time.

Mr. DE ARMOND. I will risk myself on that.

Mr. CANNON. Mr. Speaker, I hope we can now have a vote upon this report.

Mr. DE ARMOND. Mr. Speaker, I would like to say a word on the question of malice.

Mr. CANNON. I yield the gentleman a minute.

Mr. DE ARMOND. A minute would hardly be enough.

Mr. CANNON. I yield the gentleman two minutes.

Mr. DE ARMOND. I do not want to prolong this business at all, but—— [Cries of "Vote!" "Vote!" on the Republican side.]

Mr. CANNON. No, no. If gentlemen will let the gentleman from Missouri and myself deal with this matter, I think we can soon reach a vote.

Mr. LACEY. He is through, only he does not know it.

Mr. CANNON. I will yield the gentleman from Missouri three minutes, if he desires.

Mr. DE ARMOND. I do not wish to consume time, Mr. Speaker, but merely to reply——

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. CANNON. I yield the gentleman three minutes, and I shall be glad to have a vote at the end of that time.

Mr. DE ARMOND. Mr. Speaker, it will be observed by those who are at all observant that I asked the gentleman from Illinois, the chairman of the Committee on Appropriations, why it is that the same kind of an appropriation bill in one session of Congress can be reported in February and in another not until May. The answer the gentleman makes imputes ignorance or malice. I have nothing to say about that at present. The answer that he makes, as far as he makes any answer—and he hardly ever makes an answer to any question, but evades it—is that we are "new."

How new is the Appropriations Committee? We are delayed, it seems, on account of the newness of the Appropriations Committee! Does the gentleman gain three months of time by seasoning the members of that committee? Another thing is the fact. These bills are made, so far as there is any making of them, by the expert employees who serve the Appropriations Committee and humbly and unostentatiously do the work for which these gentlemen take the credit.

Mr. CANNON. If the gentleman will allow me, I wish he would get an expert. [Laughter.]

Mr. DE ARMOND. Well, Mr. Speaker, I hate to refuse a request for employment, but if I desired to get an expert, I should have to decline to accept the gentleman's services. [Laughter.] The gentleman suggests that there may be something of malice in this business. Of course, that is simply a matter of opinion. I might, if I chose, say a good many things about him.

I could say that there is something of cunning and furtiveness, something of underhandedness, something of unfairness to his colleagues when a man takes advantage of being at the head of a great committee to locate a public institution in his own town and to deny to his fellow-associates here, members of his own party and others, an opportunity to say what they think about it or to say that they think some other place ought to have it. I might suggest all that, but I do not care to do so. The gentleman's suggestion of malice on my part is simply a cover.

The gentleman knows there is no malice about it. The gentleman knows very well that the course pursued with reference to this bill deserves criticism and condemnation. The gentleman knows that there was no excuse for "railroading" this bill through the House. He knows that it would not have been done but for the fact that if the bill had been subjected to the ordinary processes in this House a good many pet schemes of pet members would have failed of passage. If he does not know that, why did he not do the contrary? Why did he not take the other course? [Cries of "Vote!" "Vote!" on the Republican side.]

There is somebody over there who has more lungs than manners, but he is not disturbing me as much as he probably thinks he is. [Laughter and applause on the Democratic side.]

The SPEAKER. The three minutes have expired.

Mr. DE ARMOND. Well, Mr. Speaker, I presume the gentleman is impatient and wants to get on with his bill, and I am through, unless he has some further insinuations.

Mr. CANNON. Mr. Speaker, let us have a vote.

Mr. PICKLER. Mr. Speaker——

Mr. CANNON. I ask for a vote.

Mr. PICKLER. I want to ask the gentleman a question.

Mr. CANNON. I hope the gentleman will allow us to get a vote.

Mr. PICKLER. I wish to ask the gentleman in regard to the final disposition of an item in which my State is immensely interested. Will the gentleman state what was the conclusion finally reached in regard to the forestry reservation?

Mr. CANNON. The latter clause of the amendment prepared by the gentleman from Iowa is in the bill.

Mr. PICKLER. What is that?

Mr. CANNON. It is a provision giving the President the right to vacate the reservation at any time or modify his order respecting it. I ask for a vote.

The question being taken, the report of the committee of conference was agreed to, there being on a division (called for by Mr. HICKS)—ayes 102; noes 2.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I now move a recess for one hour.

COMMITTEE APPOINTMENTS, ETC.

Pending the motion for a recess,

The SPEAKER announced the following appointments:

Committee on Accounts.—Messrs. ODELL, BULL, and BARTLETT of Georgia.

Visitors to Military Academy.—Messrs. MILLIKEN, BELKNAP, and WASHINGTON.

Visitors to the Naval Academy.—Messrs. WILSON of New York, FOSS, and HART.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion for a recess.

Mr. RICHARDSON. I should like to ask the chairman of the Committee on Appropriations [Mr. CANNON] at what time he thinks we can have the deficiency bill reported?

Mr. CANNON. I am going into conference in a few minutes with the gentleman from Texas [Mr. SAYERS] and the gentleman from Ohio [Mr. NORTHWAY]. In the meantime, however, it will take a few minutes for the report on the sundry civil bill to be sent to the Senate. It seems to me the House ought to be in session until the Senate disposes of this report.

Mr. RICHARDSON. The gentleman does not make any reply as to the time when he thinks he can report the deficiency bill.

Mr. CANNON. I do not know. It has been impossible for us to get into conference.

Mr. McMILLIN. I am informed by the gentleman from Kentucky that the Senate is now in executive session.

Mr. CANNON. Well, it will only be for a short time.

Mr. RICHARDSON. The object of my inquiry is that members may get time for a little rest. We have sat here now for two nights. If we can have a rest now for two hours, we shall be ready to stay here till 12 o'clock to-morrow.

Mr. CANNON. I have just moved a recess for one hour.

Mr. RICHARDSON. Yes; but we have to be back here so soon.

Mr. CANNON. I am very sorry; but the gentleman knows what the condition of business necessarily is on the night before the expiration of Congress.

Mr. RICHARDSON. I know that; and I do not want to interpose any objection. I only hoped that the gentleman might be able to fix an hour when we can consider the deficiency bill.

Mr. WILLIAM A. STONE. I do not see how that can be done.

The SPEAKER. The gentleman from Illinois moves that the House take a recess for one hour.

The motion was agreed to; and accordingly (at 2 o'clock and 25 minutes a. m.) the House took a recess until 3 o'clock and 25 minutes a. m.

The recess having expired, the House (at 3 o'clock and 25 minutes a. m.), on motion of Mr. DALZELL, took a further recess until 4 o'clock a. m.

The House reassembled at 4 o'clock a. m., and was called to order by Mr. PAYNE as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had passed the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, with amendments in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10331) to authorize reassessment of water-main taxes in the District of Columbia;

A bill (H. R. 9571) authorizing the Galveston and Northern Railway Company to construct and operate a railway through the Indian Territory; and

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia, etc.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, it seems to be, under existing conditions, necessary that the House should not take any prolonged recess. I move, therefore, that the House take a recess until half past 4 o'clock.

Mr. McMILLIN. I will ask the gentleman from Pennsylvania what exigency there is that keeps us here, whether we can not go away in recess and take up business in the morning?

Mr. DALZELL. It seems to be necessary that bills now in the hands of the engrossing clerks should be signed by the Speaker.

A MEMBER. What bills?

Mr. DALZELL. The sundry civil bill, for instance, and the Indian bill. The deficiency bill can not get here till morning; but there are other bills that ought to be signed, in justice to the President and the Senate. We ought not to take any prolonged recess until we have disposed of those bills.

Mr. McMILLIN. I have no desire to obstruct business; on the contrary, I wish very much to facilitate it. But it strikes me we would not be able to accomplish, at this hour, any results that anybody would cooperate in.

The SPEAKER pro tempore. The Chair will say, for the information of the gentleman from Tennessee, that we shall probably know soon at what time the deficiency bill will be reported.

Mr. DALZELL. Mr. Speaker, I wish to inquire whether it would be in order to ask unanimous consent that the House continue in session until 6 o'clock simply for the purpose of signing bills, and that at 6 o'clock the House be considered as in recess until 8 o'clock. If it is in order, I will ask unanimous consent that that be done.

Mr. BARTLETT of Georgia. Let us understand what is to be done.

The SPEAKER pro tempore (Mr. PAYNE). The Chair would suggest to the gentleman from Pennsylvania [Mr. DALZELL] that perhaps it would be better to take a recess for half an hour. We may get into some parliamentary tangle if we do anything else.

Mr. DALZELL. Very well; I renew my motion. At that time we can determine what is best to be done.

Mr. GIBSON. Why not take up this labor-commission bill?

The SPEAKER pro tempore. The gentleman moves that the House take a recess for half an hour.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes a. m.), the House took a recess until 4 o'clock and 35 minutes a. m.

The recess having expired, the House (at 4 o'clock and 35 minutes a. m.) resumed its session, with Mr. PAYNE in the chair as Speaker pro tempore.

Mr. DALZELL. Mr. Speaker, I understand that the Indian appropriation bill is likely to come in within a few minutes, and I suggest, therefore, that the House wait until we see whether it arrives or not.

Mr. McMILLIN. I think that will be entirely satisfactory to everyone here.

ENROLLED BILL SIGNED.

The SPEAKER pro tempore (at 4 o'clock and 40 minutes a. m.). The Chair lays before the House a report from the Committee on Enrolled Bills.

Mr. HAGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1898, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I understand that there is a possibility of the sundry civil bill coming to the House some time before 6 o'clock, and that the Senate has agreed to take a recess from 6 o'clock until 8. It is desirable, of course, that the sundry civil bill be signed before the Senate takes that recess, if possible; and in view of that fact, I move that the House take a recess until a quarter before 6 o'clock.

Mr. McMILLIN. Mr. Speaker, will the gentleman and those present agree that, on the assembling of the House at a quarter to 6, there shall be no business transacted except matters in connection with the bill the gentleman has mentioned?

Mr. DALZELL. Certainly.

Mr. McMILLIN. With that understanding, other gentlemen could go away.

Mr. DALZELL. And then the House could take a recess.

Mr. McMILLIN. Until when?

Mr. DALZELL. Until such hour as other business could be presented. I should hope for three hours, but possibly not more than two hours.

Mr. PEARSON. Until 8 or 9 o'clock.

Mr. McMILLIN. But whatever the time of the recess, that nothing shall be done except in connection with the bill that the gentleman has mentioned. I make that suggestion.

Mr. STEELE. Except in connection with bills that have passed both Houses.

Mr. McMILLIN. The sundry civil bill is the only one which has reached the stage where it can be enrolled.

Mr. PHILLIPS. I will say that there is another bill which has passed the Senate——

The SPEAKER pro tempore. The gentleman does not desire to make that limitation on the rest of to-day's session?

Mr. DALZELL. Not on the rest of the session.

Mr. McMILLIN. Not at all; only on the two or three hours that will intervene between 6 o'clock and the time when the House shall reassemble after the recess. I only suggest that, in order that those gentlemen who have been here now, until nearly 5 o'clock, can have an opportunity for a little rest.

The SPEAKER pro tempore. Perhaps it will cover the purpose of the gentleman from Tennessee [Mr. McMILLIN] to say that nothing else be done before 8 o'clock, except in connection with appropriation bills.

Mr. DALZELL. That is right.

Mr. DOCKERY. The question is this: I desire to understand

whether it is contemplated to consider the conference report on the deficiency bill prior to 8 o'clock.

Mr. RICHARDSON. Let us agree not to do that.

Mr. DOCKERY. If not, it seems to me that by unanimous consent we can agree to the other proposition.

The SPEAKER pro tempore. The Chair is informed that there is a possibility of the conference report on the deficiency bill being here by a quarter before 6.

Mr. BLUE. Well; but, Mr. Speaker, can we not consent that that shall not be considered before 8 o'clock?

The SPEAKER pro tempore. The gentleman will allow the Chair to suggest that if a partial agreement should be reached, it would be necessary to get the bill into conference again.

Mr. DALZELL. As I understand, all that the gentleman wants to accomplish is an agreement that no business shall be done except in connection with appropriation bills.

Mr. DOCKERY. The point is this: There will be no trouble in making any sort of an arrangement that does not involve the consideration of the report on the deficiency bill before 8 o'clock; but some gentlemen here desire to have an understanding with regard to that bill. Of course the enrollment of the other appropriation bills will proceed by consent. But there are gentlemen here who want to know whether or not the deficiency bill is to be considered prior to 8 o'clock.

Mr. HOWE. It seems to me an hour would be a very short time to consider that very important bill, and if it is to be considered only from 8 to 9 o'clock, the time is hardly sufficient to give that great bill the consideration which it should have.

Mr. DALZELL. Mr. Speaker, I am going to modify my motion, so as to move to take a recess until twenty minutes to 6 o'clock. I think we had better leave what shall be done thereafter to be disposed of at that time.

Mr. McMILLIN. I only made my suggestion because it is evident that in any controverted matter here there could be no quorum for the next three hours. It is five minutes to 5 o'clock now, and I do not think anything can be done.

The SPEAKER pro tempore. If the matter is left entirely open and free for the House to act, with representatives of each side here, if there is anything to be done that can not be done by unanimous consent, the point of no quorum can be raised and the situation will easily take care of itself.

Mr. DALZELL. I was going to make that suggestion. There is no possibility of anything being done unless by unanimous consent, because it is perfectly apparent there will be no quorum here at that time.

Mr. McMILLIN. My only reason for making the suggestion was that there are not thirty members here, and I thought that, for the benefit of those who had been faithful, there might be some arrangement made so that they could get an hour or two of sleep. I shall stay, if necessary, and I will not press my suggestion.

Mr. BLUE. It is apparent now, Mr. Speaker, that there are some gentlemen here who do not wish this deficiency bill disposed of without their presence, even if it might be done by unanimous consent. I apprehend, from what I have heard here, there are at least one or two gentlemen who would not be willing to leave here if that bill is liable to be brought in before 6 o'clock. That being the case, I think that the suggestion of the gentleman from Pennsylvania to take a recess until twenty minutes to 6 had better be pursued.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to take a recess until 40 minutes past 5 o'clock.

The question was taken, and the motion was agreed to; and, accordingly (at 4 o'clock and 47 minutes a. m.), the House was declared in recess until 5.40 a. m.

The recess having expired, the House was called to order by Mr. PAYNE as Speaker pro tempore at 5 o'clock and 40 minutes a. m.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 8.30 o'clock.

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes a. m.) the House was declared in recess until 8.30 a. m.

The recess having expired, the House was called to order at 8.30 a. m. by Mr. PAYNE as Speaker pro tempore.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reporter that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3538) to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals; and

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCEWAN, its Chief Clerk, announced that the Senate further insists upon its amendments to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, disagreed to by the House of Representatives.

LABOR COMMISSION.

Mr. PHILLIPS. Mr. Speaker, I move that the House concur in the Senate amendment to the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The SPEAKER. The bill will be read.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. I would ask what is the status of the bill?

The SPEAKER. The Chair invites the attention of the House to the matter. It is a House bill with a Senate amendment. Whether it is subject to the point of order or not the Chair does not know, as he is not familiar with it, and must leave that matter to the House; and the bill will be read, at any rate.

The bill was read.

The amendment of the Senate was read.

Mr. PHILLIPS. Mr. Speaker, I now move that the House concur in the Senate amendment to the bill just read.

The SPEAKER. The gentleman from Pennsylvania moves that the House concur in the Senate amendment.

Mr. DINGLEY. I desire to ask the gentleman from Pennsylvania if there is any substantial change in the bill as passed by the Senate from what it was when passed by the House except simply a substitution of five Senators and five Members of the House for a part of the members of the commission, and that all the details are substantially the same?

Mr. DALZELL. And there is a large reduction in the cost.

Mr. PHILLIPS. There is a large reduction of expense in the amended form of the bill. This substitute, or amended bill, was very carefully examined by Senators and by representatives of labor, and it seemed to be satisfactory, and it passed the Senate practically unanimously last night.

Mr. WILLIAM A. STONE. Is it not true that nearly all the laboring men of the country want this bill passed?

Mr. PHILLIPS. This request has been made by practically all the labor organizations of the United States. There is not a dissenting voice known to me among the industrial classes.

Mr. DOCKERY. Do I understand that the nonpartisan features of the commission are retained?

Mr. PHILLIPS. It is a nonpartisan commission.

Mr. HENDERSON. Time is precious. Let us have a vote.

The amendment of the Senate was concurred in.

On motion of Mr. PHILLIPS, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I present the conference report on the general deficiency bill. I ask unanimous consent to dispense with the reading of the report, and to have read the report of the House conferees.

The SPEAKER. If there be no objection, the reading of the conference report will be omitted, and the Clerk will read the statement of the managers on the part of the House.

Mr. RICHARDSON. Do I understand from the chairman of the committee that the statement covers all the differences?

Mr. CANNON. More clearly than the report.

Mr. SAYERS. I suggest that the report be read.

The SPEAKER. The Clerk will read the conference report.

[For conference report see Senate proceedings.]

The conferees on the part of the House submitted the following statement:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year 1897, and for prior years, submit the following written statement in explanation of the accompanying conference report, namely:

The Senate made 171 amendments and added $2,951,912.30 to the bill as it was passed by the House.

Of the whole number of amendments the committee of conference have been able to reach an agreement on 102, providing for deficiencies in the appropriations for ordinary expenses of the Government for the fiscal year 1897 and prior years, to pay judgments of the courts, and to pay audited accounts certified by the accounting officers of the Treasury.

The 69 amendments of the Senate upon which the committee of conference were unable to agree made appropriations in the main for the payment of claims against the Government, many of which are now pending on the claims calendars of one or both Houses.

J. G. CANNON,
S. A. NORTHWAY,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I desire to speak very briefly of this conference report. The urgent deficiency bill was the last bill from the committee over which I have the honor to preside to pass the House. It passed some time ago and went to the Senate. It came back from that body with between eighty and ninety pages of amendments. Most of those amendments were for what are

known as claims, pure and simple. We were not able to secure a conference with the Senate conferees until after 3 o'clock to-day. The House conferees met the Senate conferees, and they remained in session considering the differences between the House and the Senate until 6 o'clock this morning, or later. An agreement was reached about an hour and a half ago, and the report was first presented in the Senate and is now here for the consideration of the House.

As the bill passed the House it was a deficiency bill to care for the service of the current fiscal year. It included also what are known as audited accounts, legal demands against the Government that had passed the auditing officers of the Treasury. It included also provisions for the House and the Senate and judgments of the United States courts such as usually and properly, under the law and under the rules, go upon a deficiency bill. When it came back from the Senate, so far as I recollect there were but few amendments to the House provisions, but the Senate amendments, in the form of additions, covered, as I said a moment ago, almost ninety pages, and carried in round numbers, say $3,000,000, the great bulk of which was not for the service of the current fiscal year, and was not made up of legally audited claims that had passed the Treasury. In the main they consisted of eighty or ninety pages of items known as claims, a part of them under the Bowman Act; a part of the claims that had been rejected by the Treasury Department, that had been turned down time and time again in the courts of the United States, commencing with the Court of Claims and ending with the Supreme Court; some of them, after enjoying this experience, passing both Houses of Congress as private bills and meeting with repeated vetoes at the hands of more than one Executive.

Some of these amendments were reported by the Senate Committee on Appropriations. A large number of them were placed on the bill, on motion, in the Senate. When your conferees met the Senate conferees, we found that we could not get an agreement to report a deficiency bill—a bill to care for the current service of this year, to pay judgments of the courts, to pay audited claims. While we endeavored as best we could to agree upon such a bill, we were unable to get an agreement out of the Senate that would divest this bill of the eighty or ninety pages of claims of which I have spoken. It is proper for me to state that we entered upon the consideration of these hundreds of items of claims pure and simple, giving them the best consideration that we hurriedly could, and we found that in one amendment, covering forty pages of what purported to be claims under the Bowman Act, there were claims amounting to $250,000 that were not claims under the Bowman Act, although they purported so to be. How many more of the Senate amendments were in like condition your conferees could not tell, because there was no time to make the proper investigation.

NOTIFICATION TO THE PRESIDENT.

Mr. DINGLEY. Mr. Speaker, I will ask the gentleman to suspend for a moment in order that I may offer a resolution which ought to be adopted at this time.

Mr. CANNON. Certainly.

Mr. DINGLEY. Mr. Speaker, I ask for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn sine die unless he may have some further communication to make to them.

The resolution was adopted; and the Speaker pro tempore stated that the committee would be appointed later.

Some time subsequently,

The SPEAKER pro tempore said: The Chair will announce the committee to wait upon the President. The gentleman from Maine [Mr. DINGLEY] having asked to be excused from service on the committee, the Chair will appoint Mr. DALZELL, Mr. GROSVENOR, and Mr. SAYERS.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON (resuming). We tried to save the deficiency bill by arriving at an agreement which would eliminate the $2,000,000 of private claims, some good, but most of them bad. We sought in vain to get a complete agreement. We found that if we were to get the money, by way of deficiency, to carry on the Government for the balance of this fiscal year, we must concede in the conference report, as the price therefor, these eighty or ninety pages of claims put on by the Senate, and, in the main, not proper, not well founded.

Your committee could not intelligently go to the bottom of all these claims. I am not now speaking of claims under the Bowman Act; I am speaking of claims not under the Bowman Act. Your committee, I say, could not go to the bottom of them. It would not be in the power of human industry or human skill to make a thorough investigation of those claims in two weeks' time, let alone in three or four hours, by conferees who had necessarily been engaged daily in the business of the House, with night sessions, and were weary and worn. We did the next best thing. We agreed in this conference report upon a deficiency bill, and we disagreed upon the items of claims that I have been describing. [Applause.]

Let me say that these items of claims are on here in defiance of the rules of both House and Senate; and we felt that the time had come when it was the duty of your conferees, acting for the House, to make the issue and refuse to agree to these matters that we could not properly consider, many of which we knew to be without justice, and some of which we believed to be without justice; and we determined that, if need be, pursuing this course and understanding the situation, we would submit the matter to the House, and ask the House, so far as it has power to do so in the closing hours of this session, to adopt the conference report and proceed with the best intelligence that it can, item by item and amendment by amendment, to agree or disagree upon the matters which are thus thrust in against all rules of good legislation; and if, perchance, in the next hour and a half, that can not be done and a proper result reached, to take the consequences [applause], and—speaking respectfully—let the coordinate branch of Congress understand that in the preparation of these great supply bills they shall be kept as supply bills for the current service of the Goverrment and the payment of legal claims, and that, when we come to other matters of legislation, they shall stand upon their own merit, and if having merit, be enacted, and if without merit, fail, and shall not buy their way through by fastening themselves upon the skirts of provisions for the ordinary conduct of the Government.

Mr. LACEY. The gentleman will allow me to ask whether it is not true that a portion of these claims put upon this bill are claims which were debated in the House and defeated after full and thorough discussion before the House?

Mr. CANNON. Oh, yes. Now, Mr. Speaker, I have, as briefly as I could, tried, confining myself within parliamentary usages and rules, to give you the situation touching this bill.

Does the gentleman from Texas [Mr. SAYERS] desire any time?

Mr. SAYERS. I do not wish to say anything this morning. I am quite tired, and I think the gentleman from Illinois has fully stated all the circumstances and conditions connected with the conference. I am quite sure it would have been impossible for any conferees to reach an agreement upon the bill.

Mr. RICHARDSON. I should like to occupy two or three minutes.

Mr. CANNON. I will yield the gentleman five minutes—more, if he desires it.

Mr. RICHARDSON. I think I can say what I wish to say in five minutes.

Mr. CANNON. If the gentleman will excuse me, before I yield to him I wish to yield to my colleague on the conference committee, the gentleman from Ohio [Mr. NORTHWAY], such time as he may desire, and then I will yield.

Mr. RICHARDSON. That is satisfactory.

Mr. NORTHWAY. Mr. Speaker, the House, from what has been said by the gentleman from Illinois [Mr. CANNON] and the gentleman from Texas [Mr. SAYERS], will understand that the conferees are a unit in presenting this matter to the House, and there would be little use in sending the three conferees back with the expectation that they might surrender what they regard as the rights of the House.

We have reached this point under our rules: We can not attach any of these claims to an appropriation bill because they will go out upon a point of order; but they can be attached in the Senate. The question, not as a subject for bitterness, not as a matter of unkind remark, presents itself in this way: Shall one branch of this legislative body be permitted to put on such claims as it pleases and force us to accept them, when we can get on none of the claims from our body? It simply presents itself in that form. Your conferees thought that they ought not to submit to that. We said so plainly; and we say so to the House. We simply report a disagreement. This House can, if it pleases, concur in the Senate amendments, and say, so far as this House is concerned, that the bill shall pass.

Mr. McCREARY of Kentucky. Will the gentleman state, for the benefit of the large number of members who have recently come in, the points that can not be agreed upon?

Mr. NORTHWAY. The points are these: Many amendments which have been tacked on in the Senate are in the form of claims. They have been introduced into both bodies. They have not been considered here, but have been referred to the Committees on Claims, while in the Senate they have been acted upon and passed. Those are attached as amendments to the appropriation bill. They come here in such a way that the House can not discuss the propriety of them in Committee of the Whole or legislate upon them. We must accept them or defeat the bill. We have taken the alternative of defeating the bill, if the House backs us up in our position, rather than submit to that style of legislation.

Mr. McCREARY of Kentucky. Are those principally what you call war claims?

Mr. NORTHWAY. They are claims of various classes; some under the Bowman Act—all sorts of claims. I can not enumerate them here, nor had we time to investigate them.

Mr. McCREARY of Kentucky. What is the whole amount of such claims?

Mr. NORTHWAY. They amount, probably, to more than $2,000,000. The whole amount that the Senate put on was over three millions; and we are called upon in this way, upon an appropriation bill, to accept those claims or defeat the bill. Your conferees come back to the House and say, "We will not ask you to legislate in that way. The matter is in your hands; we are united on the matter and submit it to the House for its consideration and action."

Mr. HULICK. If my colleague will allow me an interruption, is it not a fact that many, if not most, of these claims have already been presented under like circumstances and been rejected?

Mr. NORTHWAY. I will say to my colleague that very likely some of these claims now attached to the appropriation bill by the Senate, if brought up as independent measures, might be voted for; but we feel that this is not the proper way to procure their consideration. It is not the right way to bring them before the House. In our judgment and under our rules they are matters to be legislated upon where they can be considered in the House or in the Committee of the Whole, where every member can be heard upon them who desires to be heard.

Now, some of these claims would possibly go through the courts; but the committee could not, within a week, if they had that time, investigate and report upon them in detail, as to whether they ought to be or ought not to be adopted, and therefore we had no alternative except either to impose upon the House and recommend their adoption as a whole, or to report as we do report, that it is utterly impossible for the House Committee to give that examination to which they were entitled, and that would authorize us to report favorably upon them and recommend their adoption. We did not believe it was proper that the House should go blindly upon the question.

Mr. HULICK. If my colleague will permit me further, was not the same condition presented by the House conferees to the Senate, that if the Senate insisted upon these amendments the House could not possibly agree to them, and the bill would fail on that account?

Mr. NORTHWAY. Of course the conferees on the part of the House did what was in their power to bring about an agreement in reference to the matter, but you will understand that we were obliged to report the disagreement because we could not consent to the enactment of this character of legislation, and the easiest thing to do, and the only thing to do, was to report the disagreement. There was no use in talking of anything else. We could not ask them to strike them off, for if we could have secured their omission from the bill we would certainly have done so. But the question was presented simply either to accept the bill as it came from the Senate, or to defeat it; and in my opinion the conferees adopted the only course that was open to them.

Mr. CANNON. I now yield five minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I do not take the floor now at this late hour—a little over sixty minutes of the final adjournment—for the purpose of undertaking to make any appeal to the House to consider the claims upon this deficiency bill. I have given my opinion of them heretofore. It would be useless to do so again. I do not take the floor either to scold or complain of the treatment the claims have received. On yesterday morning, when this bill was put in conference, I submitted some remarks on it to the House. I regretted, as I then stated, to take the radical course which I felt I ought to take in regard to it, and which the friends of these claims felt we ought to pursue in order to secure some consideration of the claims embraced in it at the hands of the House. I stated that the only reason I ventured then to oppose the motion to suspend the rules submitted by the gentleman from Illinois, and to nonconcur in the Senate amendments, was because it was the only way that this House and the friends of these claims could get for them consideration by the House.

Gentlemen will bear me out in the statement I made. What is shown, Mr. Speaker, by the result? The House did suspend the rules and put the bill in conference. And now, while I ventured then to say that it would be 4 or 5 or 6 o'clock this morning before the bill would come back for consideration, we find that it comes back at 10 o'clock, instead of 6, within possibly less than sixty minutes of the time the Chief Executive will leave the White House to attend to his duties here to-day. It is wholly, as we all know, unreasonable to expect the bill, even if it passes now, to receive any consideration at his hands.

Now, I say that the Bowman Act claims have not been fairly treated by the Committee on Appropriations. The gentleman from Illinois, the chairman of the committee, says it is unreasonable to ask that they be considered at this late day. He says we have not time to consider any of them. The language of the gentleman from Illinois was, a few moments ago, that we did not have time "to consider these claims." Now, sir, whose fault is it that the Committee on Appropriations does not have time to consider such matters?

Mr. CANNON. Will the gentleman allow me?

Mr. RICHARDSON. Certainly.

Mr. CANNON. Under the rules of the House, the Committee on Appropriations can not deal with claims. It does not consider them, and was only compelled to perform this duty, that is unnatural to it, under the rules of the House, by reason of the amendments placed upon the general appropriation bill by the Senate, and this, too, with a bill reported to the House but yesterday.

Mr. RICHARDSON. The gentleman has made great opposition here to the action of the Senate in putting the claims on this bill in the Senate. If I am not mistaken, the gentleman transgressed the rules of parliamentary law yesterday and denounced the manner in which the claims were put on in the Senate. He reflected upon members of the Senate who had been instrumental in putting the claims on, as he said, by a fraudulent amendment with intent to deceive, as in violation of the rules of the Senate, as well as the rules of the two Houses.

Mr. CANNON. If my friend will allow me, I think I know the rules in the matter.

Mr. RICHARDSON. And you said that they were put on in violation of the rules.

Mr. CANNON. If my friend will look at what I said—I have not seen it since I said it—I took care to make my denunciation upon the amendment itself, which, professing one thing while being in large part another, came with a falsehood upon its face. I did not denounce the Senate.

Mr. RICHARDSON. The gentleman denounced the amendment as a fraud, etc. He denounced the manner in which it had been put on this bill, and why? Because he said the amendment had been put on in violation of the rules. The gentleman from Illinois [Mr. CANNON] talks as if it were unheard of for the Committee on Appropriations in either body or for either body to put an amendment on an appropriation bill contrary to the rules of the House or Senate. Now, I say, Mr. Speaker, that it is within the experience of this body that the gentleman himself has loaded up the appropriation bills of his own committee with measures which were put on in violation of the rules of the House. Does the gentleman deny it?

Mr. CANNON. Does the gentleman plead in set-off?

Mr. RICHARDSON. No; but I say you have no right to condemn the Senate and condemn us for doing that which you yourself have deliberately done in this House. [Applause.]

Mr. CANNON. The gentleman is as good a parliamentarian, I think, as there is in the House; and the gentleman knows, if he will be candid, as I know he will, that the appropriation bills, as they have been presented to the House, have been substantially clean appropriation bills, and more so in this Congress perhaps than in any other.

If my friend will allow me (and I will yield him time to answer), I will say that he is the compiler of one of the most valuable public documents that has been prepared for many years—I mean the Messages of the Presidents—and perhaps the most flagrant breach of the rules that the Committee on Appropriations committed was in placing a provision for an extra edition of that book upon an appropriation bill, with the gentleman's consent, and I think I might go further and say by the gentleman's suggestion.

Mr. RICHARDSON. Well, the latter part of the statement is not true. It was done, but not at my suggestion.

Mr. CANNON. How did it get on the bill?

Mr. RICHARDSON. The gentleman from Texas [Mr. SAYERS] is a manly man——

Mr. CANNON. Yes.

Mr. RICHARDSON. And the gentleman from Texas will bear me out in the statement that he asked me to prepare the amendment to print the extra copies of that compilation, which I thank the gentleman from Illinois for saying is a valuable one.

Several MEMBERS. We all wanted it.

Mr. RICHARDSON. That is all right. I did not suggest that that amendment be put on that bill. But, Mr. Speaker, if I had, it would not affect the issue here. I have not complained because there has been some transgression of the rules of the House; and therefore if I had made the suggestion myself to put something on these bills that was not done in a parliamentary way, I should not be open to the criticism which the gentleman is liable to when he comes and complains because somebody else has done that which he has flagrantly done in this House. That is the difference between us.

I ask him if his committee has not loaded the appropriation bill with matters that were not parliamentary, that under the rules could not be put upon these appropriation bills? Why, Mr. Speaker, the gentleman stood here when this very bill was under

consideration, and when amendment after amendment was read, he called the attention of gentlemen on the floor to the fact that here were propositions that could not go on the bill under the rules; and yet the gentleman had reported the bill with these matters attached. Now, I am not complaining——

Mr. CANNON. Did the gentleman exercise his right to make the point of order?

Mr. RICHARDSON. Oh, I am not complaining of the gentleman for it, but I complain of him for complaining of others for doing that which he himself has done. That is all. [Applause.]

I am not going to refer to another matter which was put on the appropriation bill, possibly in violation of the rules. I am not going to refer to a matter which might be personal, and possibly objectionable, to my friend from Illinois. I have said enough for us to know what it is. I am not going to mention it.

Mr. CANNON. I say to my friend do not suppress anything; and let me say that, as the public-building rules are construed, the amendment to which I apprehend the gentleman refers was not in violation of the rules of this House.

Mr. RICHARDSON. The gentleman has paid me the compliment to say that I know something of the rules. Now, I think that in that sort of a debate the gentleman would lose ground if he should undertake to say that the amendment referred to could be put on here under the rules. If I am not mistaken, there was a soldier's home provided for by the Senate in one of the Dakotas, and I believe that has been stricken from the bill. But I do not want to make any issue with the gentleman, and I am not going to do it. I only want to say that those who live in "glass houses ought not to throw stones."

Mr. CANNON. I am yielding to my friend liberally in time. I will say to him that my action as a Representative in this House is at all times subject to proper criticism. I resent the insinuation, which is like unto the gentleman's method of attack——

Mr. RICHARDSON. Oh!

Mr. CANNON. When the gentleman speaks of glass houses, if he has anything to say against me in my representative capacity, let him say it like a man—yea, yea, and nay, nay. [Applause.]

Mr. RICHARDSON. Well, I have this to say——

The SPEAKER pro tempore. The gentleman will suspend. The Chair lays before the House the following report of the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McEWAN, its Chief Clerk, announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless he may have some further communication to make.

The message further announced that in pursuance of the foregoing resolution, the Presiding Officer had appointed Mr. HOAR and Mr. BRICE as said committee.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On March 3, 1897:

An act (H. R. 9319) granting a pension to Malachi Salters;

An act (H. R. 6730) granting a pension to Edward C. Spofford;

An act (H. R. 4903) for the relief of Hattie A. Beach, dependent and helpless child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;

An act (H. R. 2689) granting a pension to Charlotte Weiser;

An act (H. R. 7422) granting a pension to Lydia W. Holliday;

An act (H. R. 6757) granting a pension to Andrew J. Molder;

An act (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

An act (H. R. 4076) for the relief of Abner Abercrombie;

An act (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick;

An act (H. R. 6038) to increase the pension of Joseph M. Donohue;

An act (H. R. 10108) regulating fraternal beneficial associations in the District of Columbia;

An act (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringment of letters patent;

An act (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes;

An act (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes;

An act (H. R. 10336) making appropriations for the naval service for the fiscal year ending June 30, 1898;

An act (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898;

An act (H. R. 2663) to amend the laws relating to navigation;

An act (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

An act (H. R. 3014) revising and amending the statutes relating to patents;

Joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893;

An act (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county;

An act (H. R. 10367) to revive and reenact a law to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River;

An act (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder;

An act (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department; and

An act (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The following bills were presented to the President on the 19th day of February, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, they have become laws without his approval:

An act (H. R. 1474) granting a pension to John J. Copley;

An act (H. R. 4519) granting a pension to John Zellers;

An act (H. R. 5986) granting pension to Francis M. Ross;

An act (H. R. 1104) granting an increase of pension to Isaac N. Williams;

An act (H. R. 1311) granting an increase of pension to Charles W. Sentman;

An act (H. R. 3108) granting an increase of pension to Jesse Durnell;

An act (H. R. 5880) granting an increase of pension to Greenville Puckett;

An act (H. R. 5981) granting an increase of pension to Elihu Jones;

An act (H. R. 2317) to increase the pension of Levi T. E. Johnson;

An act (H. R. 5852) to increase the pension of Josiah P. Bradbury;

An act (H. R. 6789) for the relief of Harrison Wagner;

An act (H. R. 8388) for the relief of William G. Buck; and

An act (H. R. 3715) for the relief of Capt. W. J. Kountz.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Foss to withdraw the files in H. R. 3000, no adverse report having been made thereon.

By unanimous consent, leave was granted to Mr. GRISWOLD to withdraw from the files of the House, without leaving copies, the papers in the case of Ida Wiederhold, applicant for pension, no adverse report having been made thereon.

CHARITIES OF THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore. The Chair desires to announce the following appointment, which the Clerk will read.

The Clerk read as follows:

Joint Committee to Investigate the Charities of the District of Columbia, under the District of Columbia appropriation act, Mr. NORTHWAY, of Ohio, vice Mr. BLUE, of Kansas, resigned.

GENERAL DEFICIENCY BILL.

Mr. CANNON. I will say to the gentleman that I do not desire to abridge his time, but there are one or two others I have promised an opportunity for debate.

Mr. RICHARDSON. Mr. Speaker, I want to say that the gentleman wholly misconceives my idea and purpose if he thinks I

meant to reflect on him in any indirect way. I said that gentlemen who live in glass houses ought not to throw stones. I repeat it, not in an offensive way, unless it be offensive for me to tell him that he ought not to condemn us or other gentlemen if in our zeal we put measures on an appropriation bill in violation of the rules of the House, when he himself has done the same thing, when he stood up here, in the presence of 150 or 200 members, in this House and invited points of order against propositions which he himself had put upon this appropriation bill. That is what I said. I should not have referred to the other personal matter if the gentleman had not arraigned me personally about a matter with which he said I was connected. But I did it, Mr. Speaker, without the slightest feeling in the matter.

I now want to say a word upon the merits of the question. The gentleman has condemned claims in a general way put upon this deficiency bill by the Senate. I join with him in condemnation of many of those claims. Mr. Speaker, the true course would be to give us a little more time for the consideration of these general appropriation bills; to go into the Committee of the Whole, as the rules of this House provide you shall do when you consider appropriation bills; eliminate from the bills improper items and permit those that are proper and right to remain upon the appropriation bill. It is a scuffle and a scramble with us to get just measures put upon these appropriation bills, and the gentleman from Illinois knows it.

He complained a few days ago, when we were discussing these Bowman claims, because he said we were attempting, in violation of the rules, to thrust upon an appropriation bill such claims. He says, "Why, you have every Friday to consider these claims." I thought the gentleman ought not to have made that charge against us, because it was on a Friday that this very deficiency bill was being considered, the very day, under the rules, dedicated and set apart for the consideration of private claims; and yet, because this deficiency bill was a bill of high privilege in the House, he came in on that Friday, displaced our Private Calendar, and refused us the right to have an hour for the consideration of bills, such as the Bowman Act cases, and then rebuked us, after having taken the day from us with this appropriation bill of high privilege, and denied us the poor privilege of attaching to it these just and meritorious claims.

Now, I do not think that the gentleman ought to have reflected upon us. I do not think it was good taste to insist that we ought not to have asked and endeavored as best we could to put these just and meritorious claims upon his deficiency appropriation bill on that Friday. The gentleman makes a distinction—and I will close in a minute—between these Bowman Act claims and other judgments of the Court of Claims, which, he says, legitimately find a place upon the deficiency bill.

Mr. Speaker, there may be, and there is, a technical difference in the judgments in the Court of Claims in these cases. Those in the Bowman Act cases and these other cases that he admits to the deficiency bill are exactly alike. They are tried in the same way; they are tried in the same forum, tried by the same five judges of the Court of Claims, and a judgment solemnly rendered in each case. In one case, the case where he admits them to the deficiency bill, it is a judgment for money; in the other case under the Bowman Act, which he says can not find a place upon the deficiency bill, is a judgment upon the facts which the court is asked to render a judgment upon. Now, they come in one class of cases and say they are proper; they come with the other class of cases and say that they are not proper to be put upon the deficiency bill.

The ground of complaint, Mr. Speaker, that I make is that these appropriation bills are held back until the last days of the session, and then, in the closing hours, we are told, "Unless you take these bills as we reported them, you bring about by their failure the necessity for an extra session." Now, I think, Mr. Speaker, we ought to enforce the old rule that this House had requiring these bills to be reported within a given time after Congress assembled, in order that they might meet with fair and proper debate and amendment in the Committee of the Whole House on the state of the Union. I hope in the next Congress, if the gentleman has the honor to be chairman of the Committee on Appropriations, he will give us those bills at such time and under such circumstances that they may meet with full and fair debate in Committee of the Whole.

Mr. Speaker, that is all I desire to say.

Mr. CANNON. I yield five minutes to the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, this is but the culmination of a long series of errors. The two Houses of Congress can render no service to the country that exceeds in importance the jealous guarding of their own rights and privileges and a strict insistence that their rules, respectively, shall be observed, and I think we are doing well if we let an appropriation bill fail because of a violation by each House of the rules which each has adopted for its guidance. It is our duty to stand on the rules of each House and of the joint rules of both Houses in order that legislation may go on safely and in an orderly manner, and that we may have careful and just legislation. This is necessary in order that jobs shall not get into the appropriation bills, and that the money taken from the people by taxation shall not be squandered.

But, Mr. Speaker, it is well for us to ask how these bad practices have grown up. I submit, Mr. Speaker, that the difficulty has been that each House has, in moments of annoyance at the failure of the other, gone beyond its own rules and entered upon a violation of the rules of the other branch of Congress, the result being that each House has not acted honorably and honestly and properly under its own rules in discharging the duty which it assumes and which the Constitution places upon it, and in this matter the House is the chief offender. The only solution of this difficulty is to give full and fair consideration in both Houses to the private claims and to all claims of our own citizens. For my part, I am not only willing to see the pending bill defeated, but I am willing that every bill shall be defeated in this House, so that session after session must be called, until we can have the decency and the honor and the integrity to treat the private citizens of this country with the same fairness and justice that we accord to the citizens of other countries. [Applause.]

When this country will call upon its Army and its Navy to go to the ends of the earth to protect the persons and the property of its private citizens, it ill becomes it to deny to our own citizens their rights in this House of Representatives and in the Senate; and while under the circumstances I stand by the committee in defeating this bill, I want to say to the House that we ourselves are verily guilty and most guilty in this matter, because we have not adjusted these claims, not even considered them, and sent them over to the Senate in a proper way, as our rules prescribe we should do, and as our obligations to our constituents under our oath of office require us to do.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

The conference report was adopted.

Mr. CANNON. I move that the House further insist upon its disagreement to the Senate amendments.

Mr. BINGHAM. I demand a separate vote on the several amendments, Mr. Speaker.

The SPEAKER pro tempore. A separate vote is demanded. The Clerk will report the first amendment.

The Clerk read as follows:

International Exhibition at Brussels: For additional amount to enable the Government to take official part in the International Exhibition to be held at Brussels, Belgium, during the year 1897, $50,000.

Mr. CANNON. Mr. Speaker, with this great mass of amendments, upon each of which a separate vote is asked (and which might fitly be considered in that way), it is perfectly evident that in the remaining fifty minutes of this Congress we can not adequately consider even one-fiftieth part of these amendments, and could not do so even if there was no prospect of any yea-and-nay votes being called for. Therefore I will not further insist upon the consideration of the bill or the conference report. [A pause.] On second thought, however, I will ask consent that we pass over this paragraph for the present, to return to it later, and that the next amendment be now read.

There was no objection.

The next amendment was read, as follows:

Payment to Samuel C. Reid: The Secretary of State be, and he is hereby, authorized and directed to pay over to Samuel C. Reid, his heirs, executors, administrators, and assigns, the full amount of the unexpended balance ($16,194.53) yet remaining of the $70,730 appropriated by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the U. S. brig *General Armstrong*.

Mr. RAY. Mr. Speaker, I rise to oppose the adoption of this amendment proposed by the Senate. A bill providing for an appropriation of some $16,000, to be paid to Samuel C. Reid on account of a supposed claim that he had against this Government, was referred to the Judiciary Committee, and after due examination and consideration, that committee, of which I am a member, made an adverse report. That committee carefully examined the claim. Its members or some of them went to the Departments of this Government and looked up thoroughly the history of the case and the documentary evidence relating to it, and the committee with substantial unanimity reported adversely to the claim. On examination of the records we find that our adverse report is sustained by six several adverse reports or opinions coming from four different Attorneys-General of the United States.

Six several times the alleged equity of Mr. Reid has been denied by the Law Department of the Government. (See Ops. B. H. Brewster, Atty. Gen., July 7, 1883, and July 31, 1883, vol. 17, pp. 590, 600, 626, Op. of Atty. Gen.; Op. A. H. Garland, Atty. Gen., January 9, 1887, vol. 19, p. 32, Op. of Atty. Gen.; Op. C. H. Aldrich, Sol. Gen., vol. 20, Op. Atty. Gen., p. 372; and Op. Holmes Conrad, Sol. Gen., April 9, 1895, vol. 21 (part 1), p. 155, Op. Atty. Gen.)

We reported that the claim was unfounded, without equity. In order that this House, which has never considered the matter at all, may have some idea of what the Senate asks us to do, I propose to call attention very briefly to the facts in the case.

In 1882 the Congress of the United States voted that the Secretary of State should inquire into the merits of this claim, and Congress passed a bill which authorized the Secretary of State to examine as to the losses suffered by the owners, the captain, and the crew of the U. S. brig *General Armstrong*, which was destroyed in the neutral port of Fayal in the year 1814, just at the close of the war of 1812. That act of Congress made it lawful for the Secretary of the Treasury, on adjudication of the Secretary of State, to pay to the claimants entitled, if he found there were any, sums aggregating $70,739—not to exceed that sum; and authorized the Secretary of State to apportion that sum, adjust the claims, and pay them on principles of equity and justice—in other words, to do what was just and equitable in view of all the circumstances of the case.

The Court of Claims had examined into the matter, and reported that there were certain sums of money justly due to the captain of that brig, certain sums justly due to the crew, certain sums justly due to the officers, and certain sums to the owners. The Secretary of State, under the authority conferred upon him by that act of 1882, proceeded to perform his duty; and upon the evidence produced before the Court of Claims and such additional evidence as was presented to him, he adjusted the rights and the equities of the parties. That claim had been brought again and again to this House. It had been presented again and again to the various Departments of the Government. Years had been spent in the prosecution of the claim. At times it had slept and seemed to be abandoned, but was from time to time renewed.

Mr. Speaker, the captain of that brig, destroyed, as I have stated, in the neutral port of Fayal, was Samuel C. Reid, sr., now dead. He left a son, Samuel C. Reid, to whom this amendment proposes to pay the sum of $16,000 from the Treasury of the United States. The son, after the death of the father, prosecuted this claim, and of course incurred expense in so doing. He spent a great deal of time necessarily in the prosecution of the claim, which amounted to $70,739. The bill authorized the payment of this claim and the apportionment of this money upon principles of equity and justice, as the rights of all parties might appear. Under the evidence adduced before the Court of Claims and before the State Department it was found that Samuel C. Reid, the captain of that vessel and the father of the present claimant, was entitled to the sum of $1,037; and that is the only interest the father of the present claimant ever had in that $70,739—all that he ever pretended to have, except by way of assignment.

The present claimant was one of the six heirs of S. C. Reid, sr., and was entitled to one-sixth of $1,037 (that is all) as an original claimant. However, when he commenced the prosecution of this claim against the Government, he took from the owners of the vessel an assignment of their claims, which contained an express provision that he would prosecute this claim to a final determination, and that he would receive and accept in full payment for all services and all expenditures in the prosecution of the claim 50 per cent of the amount that might be found due to the owners of the vessel.

Remember that the owners had an interest, the captain and crew had an interest; and this man entered into a written contract and agreement to prosecute the claim for 50 per cent of the amount which might be found due to the owners alone. Still, in prosecuting the claim in behalf of the owners of the vessel, without any power of attorney from the officers or crew of the vessel, without representing them at all, he, of course, incidentally and necessarily prosecuted it in their behalf, as well as in behalf of the owners, from whom he had an assignment and a power of attorney. Therefore, when the Secretary of State came to adjust this case under the evidence, he took into consideration the equities in the case. He recognized that assignment and that contract, by which S. C. Reid, the present claimant, had agreed to receive 50 per cent of the interest of the owners in full payment for his services and expenditures; and the Secretary of State took into consideration the further fact that Mr. Reid had incidentally represented the crew and the officers of the vessel.

When he made the allowance to the present claimant, Samuel C. Reid, for compensation for services and disbursements in prosecuting the claim, the Secretary of State did not confine himself at all to the contract which Mr. Reid had made as to his compensation out of the interest of the owners of the vessel, but gave him not only 50 per cent of that interest, but 40 per cent of the interest of the captain and the crew of the vessel. I will give you the figures. Here was $70,739 appropriated; and the Secretary of State adjudged upon principles of equity that Samuel C. Reid, as attorney for the claimants under the circumstances I have mentioned, should have, on principles of equity and justice, the following sums. So he awarded (and in the report of the Committee on the Judiciary we have quoted at length his decision) to this claimant, Samuel C. Reid, as attorney for the claimant owners, $21,500, and as representing the officers and crew $11,095.60, 40 per cent of their interest, making a total of $32,595 given to the attorney for prosecuting a claim of $70,739—almost one-half.

Mr. MEREDITH. The gentleman, I believe, will be a member of the next House?

Mr. RAY. Yes, sir.

Mr. MEREDITH. Does not the gentleman think, then, that in fairness he ought to give those members who are going out an opportunity, in the dying hours of this Fifty-fourth Congress, to deliver their funeral orations? [Laughter.]

Mr. RAY. Mr. Speaker, if I could be assured that gentlemen on the other side of this Chamber would occupy the time from now until 12 o'clock in pronouncing their funeral orations and the funeral oration of the Democratic party (which would be a very appropriate proceeding), I would readily give way. As my friend from Virginia is going out, and as I think a great deal of him, he may, in the form of a question, proceed now, if he so desires, to pronounce his own funeral oration. [Laughter.]

Mr. MEREDITH. The gentleman——

Mr. RAY. I do not yield the floor.

Mr. MEREDITH. "The gentleman from Virginia" would prefer to come back two years from now and pronounce the funeral oration of the Republican party, when this House will be Democratic. [Laughter.]

Mr. RAY. That day, Mr. Speaker, will never come. [Applause on the Republican side.] Four years ago you gentlemen on the other side came into power in this House; you made a great display; you blew your trumpets, and you proclaimed that that was the funeral of the Republican party. You had not been in power six months before your star began to wane, and in two years we had a Republican House by an overwhelming majority. Two years further on, which is to-day, you find yourselves going out of power and the Republican party coming into full control of every department of this great Government, with a Republican Senate, a Republican House, and, thank God, what is better than all, a Republican Executive. [Applause.] We have come to stay and you have gone, or are about to go, never to return.

Now, in order to clearly understand what the Senate is at, I will proceed to enlighten you upon the subject now under consideration. This is a business proposition, not a political question.

Mr. LACEY. Did the owners get anything out of this?

Mr. RAY. Some of them. I will come to that later on.

Now, remember the present claimant has already received almost one-half of the $70,000. He has already received $12,000 in excess of what he agreed, in writing, to accept in full of all demands. The State Department, remember, adjudicated the matter on principles of equity and justice. Samuel C. Reid, the present claimant, accepted the adjudication and the payments made under it, and gave his receipt for $32,595.60 in full of all claims in, against, and to that fund, and these vouchers are on file with the Secretary of State and in the Department of Justice to-day.

Mr. Speaker, most of the owners of this vessel—those who had an interest in it, or the heirs of those who were interested in it—appeared and made their claim and got their 50 per cent of what they were entitled to receive. Samuel C. Reid, the present claimant, in addition to the sum that he had received and receipted for in full as compensation, applied for a share as one of the heirs of his father, and that was paid and receipted for by him in full. The other heirs of Samuel C. Reid, sr., applied for their share, and they received it, and were paid in full. Some of the seamen and some of the officers presented their claims, and they received what was left for them—what Samuel C. Reid, the attorney, had not taken—they received that.

Now, then, there is left of this $70,739, after paying the attorney in full, after having his receipts on file for all claims in full, $16,000, about. Some of the officers and crew have not yet received their money, but several of them have filed their claims—or the heirs of some of them—in the office of the Secretary of State, and these claims are still on file with the evidence sustaining them to a certain extent. But the Secretary of State found the evidence insufficient to establish the heirship, and for that reason many of them have not yet been recognized.

Now, after Samuel C. Reid had received about one-half of the fund and expended it, it seems that his necessities became so great that he thought it would be a good thing for him to go in and take the remaining 60 per cent of the fund which has not been paid to the officers and crew. So he appears with various forms of claims, and at different times, knocking at the doors of the office of the Secretary of State and asking for this balance. But the Secretary of State said, "You have received your pay for your services; you have had your disbursements returned to you; you have accepted them under the decree of the State Department, and you have given your receipt in full."

Mr. Speaker, this matter was then referred to the Attorney-General of the United States. Mr. Brewster at that time was the Attorney-General, who reported against the case. He said that

Samuel C. Reid had received all he was entitled to. He said that, knowing the decision of the Secretary of State, which amounted to a judgment under the act of Congress, he had accepted the amount awarded to him, and he said it had become res adjudicata, and the action had was binding and conclusive upon him, and he said that the rest of this money belonged to the officers and crew of this vessel; it had been so adjudicated, and that Mr. Reid could not deny it. No lawyer, no just-minded man here, will presume to deny that question or that proposition. But Mr. Reid was not satisfied, and when Mr. A. H. Garland became the Attorney-General of the United States, he again, under the Administration of Mr. Cleveland when he was first President, applied at the office of the Secretary of State for a readjustment and a readjudication of the matter, and the then Secretary of State denied his right, denied the justice of the claim, and denied the pretended equity he then set up.

The matter was referred to Mr. Garland, and he gave an opinion sustaining the Secretary of State. Then it ran along until the next Administration, and Mr. C. H. Aldrich, the Solicitor-General, wrote an opinion denying the justice and alleged equity of the alleged claim of Samuel C. Reid. Again it came up under the present Administration, when Mr. Holmes Conrad had become the Solicitor-General of the United States. He denied the claim.

These opinions in all these instances say that the balance of this money belongs to the officers and crew, or to the heirs of the officers and crew, of this vessel. They say that Mr. Reid has already had 40 per cent of it, has accepted it, received it, receipted for it in full of all claims, and we know of no rule of law that will give to the attorney who has receipted in full for services and disbursements the money that belongs to the client, simply because that client is dead, and the heirs have not yet appeared to claim the money due them. So all of these reports say. I ask this House to sustain the opinions of the law officers of the Government, which have been unanimous under all Administrations, and to vote down this amendment.

The act of 1882 was as follows:

That the Secretary of State be, and he is hereby, authorized and directed to examine and adjust the claims of the captain, owners, officers, and crew of the late private armed brig *General Armstrong*, growing out of the destruction of said brig by a British force in the neutral port of Fayal, in September, 1814, upon the evidence established before the Court of Claims, and to settle the same on principles of justice and equity; and that he be, and is hereby, further authorized and directed to draw his requisition in favor of said claimants, their heirs, executors, administrators, agents, or assigns, for the amount which may be by him found due to said claimants, on the Secretary of the Treasury, not exceeding $70,730, the amount proved before the Court of Claims, who is authorized to pay the same out of any money in the Treasury not otherwise appropriated.

The order of the Secretary of State was as follows:

Upon these facts I decide that Samuel C. Reid, jr., under the assignments named and in virtue of his services, is entitled to one-half the amount awarded to owners, viz, $21,500; to 40 per cent of award to officers and crew as compensation for services, $11,066.60, making a total of $32,566.60, to be paid to said Samuel C. Reid, jr. The amount of the assignments already made by the said Samuel C. Reid, and which are on file in the Department and have been recognized by him, will be paid to the several assignees directly.

The share of each owner, dividing $43,000 into fifteen shares, is $2,866.66, one-half to be paid to each, respectively, as the claims are proved; that is, each $1,433.33.

Sixty per cent, or three-fifths, of the sum awarded to officers and crew, viz, $27,739, will be distributed among claimants of that character as classified by the evidence before the Court of Claims. No assignments made by persons in the character of owners, or representatives of owners, will be recognized by the Department in the distribution. Owing to the lapse of time, the death of most of the original parties to the transaction, and the unavoidable loss and destruction of private papers of these parties, the Department has found it very difficult to obtain evidence in regard to the several points involved in this distribution. In making the foregoing decision I have consequently been guided by the discretion given to the Secretary of State to make the distribution on principles of justice and equity, and by a consideration of the efficient services rendered for so many years by Samuel C. Reid, jr.

This decision will be carried out under the direction of the First Assistant Secretary.

FREDK. T. FRELINGHUYSEN,
Secretary.

June 9, 1886, Mr. Bayard, then Secretary of State, sent a communication to the President on this subject, in which he says:

Several claims have been made against this balance. * * * An allowance was made to Mr. Reid as attorney of 50 per cent of that part of the fund which was shown, etc., to belong to the owners of the vessel, and of 40 per cent of that part which was shown to belong to the officers and crew. The remaining percentages of the claims adjusted were held to belong to the claimants.

In 1892 this matter came before the Department of Justice, and Charles H. Aldrich, then Solicitor-General, wrote an opinion addressed to the Secretary of State (volume 20, page 376, Opinions of Attorney-General), in which he says:

Again the facts show that Mr. Reid has been fully paid. * * * He is also, in my opinion, precluded from recovery, irrespective of the former reason suggested, by reason of the decisions of your Department. * * * The Government has such an interest in the fund as to entitle it to be heard in its disposition. As a trustee holding the fund for the true owner, it is its duty to defend and protect the trust estate.

This was approved by the Hon. W. H. H. Miller, Attorney-General of the United States.

In his opinion of April 9, 1895 (volume 21, page 158, Opinions of Attorney-General), the Hon. Holmes Conrad, Solicitor-General, says:

It appears, however, that Samuel C. Reid, jr., now insists that the unexpended balance shall be applied to reimbursing him the amounts which have been paid to his assignees, on the ground that such amounts were so expended by him in the expenses necessarily incurred in securing the appropriation. But the objection to this is obvious and twofold.

First. The assignment of 12th of September, 1835, from the owners of the vessel to Capt. Samuel C. Reid is subject to the express condition that he shall "bear all the expenses and charges and perform all necessary services for the collection of the demands hereafter mentioned."

Second. That the act of Congress approved March 2, 1895, under which alone the Secretary of State has authority to disburse the unexpended balance, expressly provides that it "shall be applied for the liquidation and settlement of the claims of Samuel C. Reid, according to the vouchers now on file in said Department."

And, further, the claims of all the officers and crew of the brig, as well as those of the owners, have been recognized by the Court of Claims and by Congress. And should the Secretary of State now, without further authority than that conferred upon him by the act of March 2, 1895, apply any part of this unexpended balance to the payment of the "expenses and charges" incurred in the recovery of the amount appropriated, the Government would still remain liable to the officers and crew and the owners of the brig, whose recognized claims have not yet been paid out of the amount appropriated.

I am therefore of opinion that you have not the authority to apply any part of the unexpended balance to the payment of such "expenses and charges," or to the reimbursement of Mr. Samuel C. Reid, jr., or anyone else who may have paid them, but that the account should be stated as above indicated, and any balance left remaining should be reserved for the yet unascertained claimants or for future disposition by Congress.

This was approved by Richard Olney, now Secretary of State, then Attorney-General of the United States.

Mr. BINGHAM. I desire to withdraw my demand for a separate vote.

Mr. CANNON. Then I ask for a vote on my motion.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House insist on its disagreement to the amendments of the Senate.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now I move that we assent to the request for a conference.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] moves that the House assent to the request for a further conference.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. RICHARDSON. I ask unanimous consent of the House to make a statement which I think is of public interest.

Quite a number of gentlemen who are not reelected to the next House have asked me in regard to the distribution of a compilation known as Messages and Papers of the Presidents. I have told all of them who applied to me that the sundry civil bill gave them till next December to withdraw their quotas from the office of the Superintendent of Documents. We have all been informed by that officer that unless the retiring members, and, indeed, members who are reelected, take their quotas from his office they will forfeit them. In order to prevent the forfeiture there has been inserted in the sundry civil bill a provision allowing outgoing members until next December to withdraw their quotas, and allowing to members who are reelected the entire term of the Fifty-fifth Congress in which to withdraw them.

Now, inasmuch as there is a suspicion that the sundry civil bill will not become a law, I want to correct the impression which gentlemen may have that they will have until December to withdraw their quotas, and to say to them that it would be better for them to see Mr. Crandall at once, and secure their quotas of that compilation.

Mr. PERKINS. I simply want to add, Mr. Speaker, to what the gentleman from Tennessee [Mr. RICHARDSON] has said, that some days ago I consulted the Superintendent of Documents on this matter, and he informed me that if members would file with him a request to have their quotas retained, he would do so.

Mr. WHEELER. In what time?

Mr. PERKINS. Well, the time was the 4th of March; but in this situation there is no doubt that the request will be complied with.

REPORT OF THE COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. DALZELL (from the committee appointed to wait upon the President). Mr. Speaker, your committee appointed to join a like committee of the Senate to advise the President of the United States that Congress had completed its business, and to ask if he had any further communication to make, beg leave to report that they were unable to fulfill their mission, for the reason that the President had left the White House for the Capitol before the arrival of the committee.

THANKS TO THE SPEAKER.

The SPEAKER pro tempore (Mr. PAYNE). Will the gentleman from Missouri [Mr. DOCKERY] please take the chair?

Mr. DOCKERY took the chair as Speaker pro tempore.

Mr. McMILLIN. Mr. Speaker, with the close of this hour the Fifty-fourth Congress will have passed into history. We have now been together through two entire sessions, attempting to serve as best we could the interests of our people. Political feeling has often run high and party spirit has often asserted itself.

In this country, where we fortunately have no rulers born to us, the American people select the men who, in the various offices recognized by our Constitution and laws, are to have custody of their important affairs. The necessary result of this is not only a government by the people, but a government by parties. As the sentiments of the American people change, one party and then another takes control of this Government. For one, I like the citizen who is intelligent enough to form opinions and then manly enough and bold enough to avow them. Fortunately for the American people, while there is much partisanship in all our people, there is more patriotism in all our people. [Loud applause.]

Fortunately for the American people and our free institutions, and the prospect of their perpetuity, political antagonisms do not result in this country, as they do in many others, in social ostracism and personal antagonism. Each party and each individual, striving to serve his country best, lauds at the close all efforts of all parties and of all individuals who have sought to accomplish the same end.

If, Mr. Speaker, we were at the close of this session, as we did at its beginning, proposing to Congress a code of rules for its government, there would not, I am sure, be that unanimity in our action that I feel equally sure will characterize us in a matter, now that we come to deal with the manner in which a distinguished public servant has discharged the duties of the position committed to his keeping. The parties in this House differ materially as to the rules that are best for its government. We differed widely in the beginning of this session; so widely that the minority party presented the old code of rules as adopted by them in the last Congress for the government of the House. But the majority in the beginning of the Congress, I believe from the first day, adopted its code of rules. It elected its presiding officer to preside over the deliberations of this body. I for one believe that, whilst the distinguished presiding officer has had that strong personal feeling of anxiety concerning his party and its success that characterizes me and every other member concerning the party to which he belongs, it can be truly said that the Hon. THOMAS B. REED has tried to discharge his duty with courtesy, fidelity, and impartiality toward all parties and all members. [Loud cheers.] I therefore with pleasure send up to the desk the following resolution, and ask unanimous consent for its present consideration.

The SPEAKER pro tempore. The Clerk will report the resolution offered by the gentleman from Tennessee.

The Clerk read as follows:

Resolved, That the thanks of this House are presented to the Hon. THOMAS B. REED, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair during the present term of Congress.

[Loud applause.]

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. LIVINGSTON. I ask for a rising vote.

The SPEAKER pro tempore. The question is on agreeing to the resolution. As many as are in favor of the resolution will rise. [After a pause.] The ayes have it; the House of Representatives by unanimous vote agrees to the resolution. [Loud applause.]

The SPEAKER resumed the chair amid loud cheers.

The SPEAKER pro tempore (Mr. DOCKERY). Mr. Speaker, the House of Representatives unanimously tenders to you its sincere thanks for the able, impartial, and dignified manner in which you have presided over its deliberations. [Loud applause.]

The SPEAKER. GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: Two years ago you were summoned to your share of a legislative work which could not be otherwise than disagreeable, disappointing, and unsatisfactory, for it involved a dismal struggle to adapt a narrowing income to the growing wants of a great nation growing to be still greater. You were most of you untried in your new vocation. How others have performed their share of the task, it is not for us to say. But it is proper for me to say that your share of the divided duty has been performed with so much readiness and good sense that even among the asperities of a heated campaign there was no room for any attack upon the House of Representatives. [Loud applause.]

I am sincerely grateful for the kind expression of your confidence and esteem, but I am still more grateful for the daily kindness and good will on the part of every member on both sides of the House. [Loud applause.]

To all of you, then, gentlemen of all parties, I offer the sincere expression of the highest personal regard. [Loud applause.]

I now declare this House adjourned without day.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department from January 1 to December 31, 1896—to the Committee on Printing.

A letter from the Secretary of War, transmitting the report of the officer in charge of the War Department library, of Government publications printed for or received by the Department—to the Committee on Printing.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report in relation to the survey of the channel between the Battery and Governors Island, New York Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the excise board of the District for the year ending October 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of a preliminary examination of the upper Illinois River and lower Des Plaines River, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1896—to the Committee on Patents, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. McCLEARY of Minnesota, from the Committee on Labor, to which was referred the bill of the House (H. R. 7989) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," reported the same without amendment, accompanied by a report (No. 3078); which said bill and report were referred to the House Calendar.

Mr. ALLEN of Mississippi, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10372) providing for the enrollment of the Mississippi Choctaws, and for other purposes, reported the same without amendment, accompanied by a report (No. 3080); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. PICKLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7055) entitled "An act increasing the pension of Anna G. Valk," with Senate amendments thereto, reported the same; and said bill and report (No. 3079) were referred to the Committee of the Whole.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII Mr. ADAMS presented a memorial of the legislature of the State of Pennsylvania, in favor of the bill (H. R. 1) to reclassify and prescribe the salaries of the railway postal clerks; which was referred to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: A memorial of the legislature of Pennsylvania, in favor of the bill (H. R. 1) to reclassify railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the legislature of Illinois, urging the passage of the Southwick bill, providing for the proper identification of prison-made goods, etc.—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. ANDREWS introduced a bill (H. R. 10378) to correct the military record of James H. Foland; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Ohio: Petition of William H. Guy, of Cleveland, Ohio, indorsing House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Adelaine Kirwan Miller, of New York City, praying that the war claim of A. C. Kirwan, deceased, be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. EVANS: Petition of the common council of Louisville, Ky., asking the United States to intercede for the release of Sylvester Scovel—to the Committee on Foreign Affairs.

By Mr. FAIRCHILD: Resolutions adopted at a mass meeting of citizens of Mount Vernon, N. Y., held in the First Presbyterian Church, favoring the passage of the McMillan bill (S. 2485) to further protect Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of William Smith, of Trenton, N. J., for relief on account of a patent claim—to the Committee on Claims.

By Mr. HURLEY: Petition of Frederick Richartz and other citizens of Brooklyn, N. Y., favoring the enactment of the McMillan-Linton bills (S. 3589 and H. R. 10108) to regulate fraternal orders and societies—to the Committee on the District of Columbia.

By Mr. LAYTON: Petition of Henry Holterman, of Wapakoneta, Ohio, praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fidelity Lodge No. 185 of the Brotherhood of Locomotive Firemen, of Delphos, Ohio, for the passage of the Phillips bill for the appointment of an impartial nonpartisan commission—to the Committee on Labor.

Also, petition of A. M. Richardson and 28 other citizens of Sumner, Mo., praying for the passage of House bill No. 6851, to donate certain funds in the United States Treasury to Wilberforce University for the education of colored youth—to the Committee on Education.

By Mr. PICKLER: Sundry petitions and resolutions of Grand Army of the Republic posts and others urging the passage of House bill No. 9209, for a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: Petition of Fabian Rechtiene and 18 other citizens of Ashland, Wis., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Charles G. Bacon Post, No. 48, Grand Army of the Republic, of Neillsville, Wis., relative to the desecration of the American flag—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: Petition of citizens of Franklin, Pa., against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. F. Wentworth Post, No. 327, Grand Army of the Republic, of Garland, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

